

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
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CLERK-ALBUQUERQUE

LINDA BERGEY and JAMES R. BERGEY, SR.,

Plaintiffs,

vs.

NO.: CIV-05-0536MCA/WPL

BOY SCOUTS OF AMERICA
d/b/a PHILMONT SCOUT RANCH BSA,

Defendant.

PROVISIONAL DISCOVERY PLAN

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on July 25, 2005, at 10:00 a.m., at the offices of Patrick A. Casey, P.A., and was attended by:
 - Patrick A. Casey, Esq., of Patrick A. Casey, P.A., for Plaintiffs.
 - Alfred L. Green, Esq., of Butt, Thornton & Baehr, P.C., Defendant.
2. **Discovery Plan:** The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects:

 - A. Plaintiffs' claims, Plaintiffs' damages, Defendant's defenses. Discovery will be needed as to all issues of liability and damages.
 - B. All discovery commenced in time to be completed by January 15, 2006.
 - C. Maximum of 50 Interrogatories by each party to any other party.
(Responses due 30 days after service.)

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- D. Maximum of 50 Requests for Production of Documents by each party to any other party. (Responses due thirty 30 days after service.)
- E. Maximum of 50 Requests for Admissions by each party to any other party. (Responses due 30 days after service.)
- F. Maximum of 25 depositions by Plaintiffs and 25 by Defendant.
- G. Each deposition (other than of parties and experts) limited to a maximum of 4 hours unless extended by agreement of parties. The depositions of the parties and experts shall be limited to a maximum of 7 hours unless extended by agreement of parties.
- H. Reports from retained experts under Rule 26(a)(2) are due from Plaintiffs by November 18, 2005. Reports from retained experts of Defendant will be due December 16, 2005.
- I. Supplementation under Rule 26(e) due 15 days after receipt of discoverable information unless extended by the parties.

3. **Other Items.**

- A. The parties request a Settlement Conference in January, 2006.
- B. The parties request a Pre-Trial Conference in March, 2006.
- C. Plaintiffs shall be allowed until September 16, 2005, to join additional parties and until October 14, 2005, to amend the pleadings.
- D. Defendant shall be allowed until October 14, 2005, to join additional parties and until November 18, 2005, to amend the pleadings.
- E. All potentially dispositive motions should be filed by February 15, 2006.

All Discovery Motions shall be filed by January 15, 2006.


- F. Plaintiffs shall provide the Pre-Trial Order to Defendant by 60 days before trial, and Defendant shall submit the final Pre-Trial Order to the Court by 45 days before trial.
- G. Settlement may be enhanced by use of the following dispute resolution procedure:

The parties will select a private mediator.

Respectfully submitted,

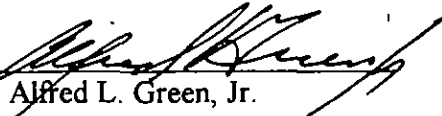
PATRICK A. CASEY, P.A.
Attorneys for Plaintiffs

By: _____


Patrick A. Casey
Post Office Box 2436
Santa Fe, New Mexico 87504
(505) 982-3639

BUTT, THORNTON & BAEHR, P.C.
Attorneys for Defendant, Boy Scouts of America
d/b/a Philmont Scout Ranch BSA

By: _____


Alfred L. Green, Jr.
P.O. Box 3170
Albuquerque, NM 87190
(505) 884-0777