

UNITED STATES DISTRICT COURT

DISTRICT OF NEW MEXICO

Clerk's MinutesBefore the Honorable Lorenzo F. Garcia

CASE NO. CIV 08cv1041 MCA/LFG **DATE:** March 19, 2009

TITLE: *John Doe v. City of Albuquerque*

COURTROOM CLERK: M. Woodward

COURT IN SESSION: 2 p.m. **COURT ADJOURNS:** 2:15 PM **TOTAL TIME:** 15 min.

TYPE OF PROCEEDING: Telephonic Status Conference

ATTORNEYS PRESENT FOR PLAINTIFF(S): **ATTORNEYS PRESENT FOR DEFENDANT(S):**

Brendan Egan

Gregory S. Wheeler

George L. Bach, Jr.

Peter H. Pierotti

PROCEEDINGS:

Court in Session: 2 p.m.

Court: Describes purpose of conference and acknowledges that City has a pending motion to dismiss ready for resolution. Court wishes to check status of discovery because discovery closes in about 27 days.

Egan: Plaintiff served City with three different sets of interrogatories, one set of document requests and two requests for admission. The first set of interrogatories and document requests were answered without the need for a motion to compel. Answers to the second set of interrogatories and requests for admission are due in 1-2 weeks. Answers to the third set of interrogatories are due near the close of discovery. Plaintiff took the deposition of the head of the library and does not intend to take additional depositions. Will not engage in additional discovery unless a motion to compel is necessary.

Wheeler: City sent Plaintiff interrogatories last week. The answers are due April 13, 2009. The deposition of John Doe had not been set. The deposition is tentatively set for April 14, 2009 at 9 a.m. at the City Attorney's office unless the parties agree to another location. The deposition date is dependent upon

John Doe's availability. Defendant will not engage in additional discovery unless a motion to compel is necessary.

Court: Confirms that neither side will be using an expert.

Wheeler: In Plaintiff's initial disclosures, the name of a psychologist was provided.

Court: Believed neither side would need expert based on earlier representations.

Bach: States that the counsel was named as a fact witness only, and may not be called. There is no expert witness for Plaintiff.

Court: Clarifies that if the psychologist testifies, he will not be offering opinion testimony.

Bach: Agrees this is true.

Court: If the motion to dismiss is denied, does the City plan to file any other motions.

Wheeler: No.

Egan: Plaintiff contemplates filing a motion for summary judgment.

Court: Assumes this case is not amenable to a settlement conference.

Wheeler: Confirms this is true.

Parties: Nothing further.

Court: Adjourns, 2:15 pm.