

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

BRANDON WAGNER,

Plaintiff,

v.

No. CV 20-1337 KWR/CG

NEW MEXICO CORRECTIONS  
DEPARTMENT, WARDEN DANIEL SALAZAR,  
And WEXFORD HEALTH SOURCES, Inc.,

Defendant.

**SECOND ORDER EXTENDING EXPERT DISCLOSURE DEADLINE**

**THIS MATTER** is before the Court on the Defendants' *Motion for Extension of Time to Complete Defendants' Federal Rule of Civil Procedure 26(a)(2) Disclosures* (the "Motion"), (Doc. 22), filed August 23, 2021. The Court previously extended Defendants' expert disclosure deadline for one week, to August 23, 2021. *See* (Doc. 21). In the Motion, Defendants explain that, "[o]n the morning of August 23, 2021, Counsel for defendant Wexford Health Sources, Inc. learned that Defendants' expert had inadvertently mis-calendared the deadline for this report for August 30, 2021." (Doc. 22 at 2). Thus, Defendants request a further one-week extension of the expert disclosure deadline. Defendants indicate they attempted to obtain concurrence from Plaintiff via phone and email but received no response other than an automated "out of office" email. *Id.*

Plaintiff has filed no response to the Motion, and the time for doing so has now passed. *See* D.N.M. LR-Civ. 7.4 ("A response must be served and filed within fourteen (14) calendar days after service of the motion."); *see also* D.N.M. LR-Civ. 7.1 ("The failure of a party to file and serve a response in opposition to a motion within the time

prescribed for doing so constitutes consent to grant the motion.”). Therefore, the Court, having reviewed the Motion and noting it is unopposed, finds the Motion is well-taken and shall be **GRANTED**.

**IT IS THEREFORE ORDERED** that the Court’s *Scheduling Order*, (Doc. 10), shall be modified to extend the date by which Defendants shall provide their expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) to **August 30, 2021**. All other deadlines contained in the Court’s *Scheduling Order*, (Doc. 10), remain in effect unless amended by further order of the Court.

**IT IS SO ORDERED.**



THE HONORABLE CARMEN E. GARZA  
CHIEF UNITED STATES MAGISTRATE JUDGE