

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

NICKIE McCARTY,

Plaintiff,

v.

1:22-cv-00519-DHU-JHR

SPIRE RECOVERY SOLUTIONS, LLC,

Defendant.

**ORDER SETTING CASE MANAGEMENT DEADLINES
AND DISCOVERY PARAMETERS**

THIS MATTER came before the Court on a Rule 16 scheduling conference held on November 17, 2022. Following a review of the attorneys' Joint Status Report and Provisional Discovery Plan, and after conferring with counsel, the Court will permit the following discovery:

- a) Maximum of twenty-five (25) Interrogatories per party;
- b) Maximum of twenty-five (25) Requests for Production per party;
- c) Maximum of twenty-five (25) Requests for Admission per party;
- d) Maximum of three (3) depositions by Plaintiff and two (2) depositions by Defendant.
- e) Depositions of all witnesses limited to seven (7) hours duration unless otherwise agreed by the parties.

Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline.

The Court has set the following management deadlines:

- a) Deadline for Plaintiffs to move to amend pleadings/add additional parties¹: November 30, 2022
- b) Deadline for Defendant to move to amend pleadings/add additional parties¹: December 30, 2022
- c) Termination date for discovery: June 30, 2023
- d) Motions relating to discovery to be filed by: July 7, 2023
- e) Pretrial motions other than discovery motions (including motions which may require a *Daubert* hearing) filed by:² August 11, 2023

Pursuant to Federal Rule of Civil Procedure 16(b)(3)(B)(v), “before moving for an order relating to discovery, the movant must request a conference with the court” to attempt to informally resolve the dispute. Discovery motions that fail to conform to this requirement may be summarily denied. Any extension of the case management deadlines must be approved by the Court. Any requests for additional discovery must be submitted to the Court by motion prior to the expiration of the discovery.



HON. JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE

¹Federal Rule of Civil Procedure 16 requires that the Court set a deadline for amendment of pleadings and joinder of parties. A party seeking to amend the pleadings after the above dates must both demonstrate good cause to amend the scheduling order as required by Federal Rule of Civil Procedure 16(b) and satisfy the requirements for amendment under Federal Rule of Civil Procedure 15(a). See, e.g., *Gorsuch Ltd., B.C. v. Wells Fargo Nat. Bank Ass'n*, 771 F.3d 1230, 1242 (10th Cir. 2014).

² This deadline applies to motions related to the admissibility of experts or expert testimony that may require *Daubert* hearing, but otherwise does not apply to motions in limine. The presiding judge will set a deadline for the submission of motions in limine and other trial-related deadlines in a separate order.