

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

LOS LOBOS RENEWABLE
POWER, LLC and LIGHTNING DOCK
GEOHERMAL HI-01, LLC,

Plaintiffs,

v.

No. 2:15-cv-547-MV-KRS

AMERICULTURE, INC., a New Mexico
for profit corporation and DAMON
SEAWRIGHT, individually and as an officer
and director of Americulture, Inc.,

Defendants.

SCHEDULING ORDER

THIS MATTER comes before the Court following a telephonic Rule 16 scheduling conference held on May 13, 2019. At the hearing, the Court adopted the parties' proposed Joint Status Report and Provisional Discovery Plan, as reflected in the dates below.

Accordingly, **IT IS HEREBY ORDERED** that the parties shall adhere to the following discovery plan:

- (a) Maximum of twenty-five (25) interrogatories by each party to any other party with responses due thirty (30) days after service.
- (b) Maximum of twenty-five (25) requests for admission by each party to any other party with responses due thirty (30) days after service.
- (c) Maximum of thirty (30) requests for production by each party to any other party with responses due thirty (30) days after service.

(d) Maximum of ten (10) depositions by Plaintiffs and ten (10) by Defendants. The parties may seek leave of the Court should a greater number be required. Each deposition, other than of a party or experts, shall not exceed five (5) hours unless extended by the parties' agreement during the deposition. Each deposition of a party or an expert shall not exceed seven (7) hours unless extended by the parties' agreement during the deposition.

IT IS FURTHER ORDERED that the following case management deadlines shall govern:

- (a) Deadline for Plaintiffs to join parties or amend pleadings pursuant to Federal Rule of Civil Procedure 15: **May 30, 2019;**
- (b) Deadline for Defendants to join parties or amend pleadings pursuant to Federal Rule of Civil Procedure 15: **June 21, 2019;**
- (c) Plaintiffs' expert-disclosure deadline: **August 30, 2019;**
- (d) Defendants' expert-disclosure deadline: **September 30, 2019;**
- (e) Deadline for supplementing discovery/disclosures: **no later than thirty (30) days after receipt of the information requiring disclosure;**
- (f) Termination of discovery: **December 6, 2019;**
- (g) Motions relating to discovery: **February 13, 2020;**
- (h) All other motions: **February 20, 2020;**
- (i) Pretrial order: Plaintiffs to Defendants by: **March 16, 2020;**
Defendants to Court by: **March 23, 2020.**

IT IS FURTHER ORDERED that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition made

during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition, must be made by motion and before the termination of discovery or the expiration of any applicable deadline. Discovery must be completed on or before the termination of the discovery deadline. A written discovery request must be propounded by a date which ensures that the response to that request is due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the twenty-one (21) day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties are encouraged to review Federal Rule of Civil Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE