

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

**MELVIN SMITH and STAN FOWLER,**

**Plaintiffs,<sup>1</sup>**

**v.**

**No. 15-cv-1153 SMV/GBW**

**AUTO-OWNERS INSURANCE COMPANY,**

**Defendant.**

**ORDER SETTING AGENDA FOR PRETRIAL CONFERENCE**

THIS MATTER is before the Court in anticipation of the Pretrial Conference set for February 7, 2018. The following agenda is set:

1. Objections to the exhibit lists
2. Objections to the witness lists
3. Objections to the deposition designations
4. Daily trial scheduling and management (e.g., start times, end times, break times, courtroom technology, etc.)
5. Defendant's pending request to exclude any "theories of liability not pleaded in Plaintiff's Complaint and outside the Scope of Phase 1." [Docs. 146, 139].
6. Parties' Proposed Pretrial Order [Doc. 144]
  - a. Plaintiff contests personal jurisdiction (p. 2)
  - b. "Plaintiff seeks discovery as to Motion for Remand and supplementation of treating doctors." (p. 15)
  - c. Exceptions section (p. 25–26)

**IT IS SO ORDERED.**

  
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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**  
**Presiding by Consent**

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<sup>1</sup> Judgment was entered in favor of Plaintiff Stan Fowler on November 2, 2016, after he accepted Defendant's offer of judgment. [Doc. 84]. Melvin Smith is the sole remaining Plaintiff in this case.