

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

DERRICK YAZZIE,

Plaintiff,

v.

No. CIV-16-0472 RJ/LAM

**SETH FEZATTE and
WERNER ENTERPRISES, Inc.,**

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART
SECOND JOINT MOTION TO EXTEND SCHEDULING ORDER DEADLINES**

THIS MATTER is before the Court on the parties' second joint motion to extend the scheduling order deadlines in this case [*Doc. 50*], filed on March 31, 2017. Having considered the motion and record of the case, the Court **FINDS** that the motion shall be **GRANTED in part** and **DENIED in part**.

In their motion, the parties ask the Court to extend their scheduling order deadlines by an additional thirty days. *See* [*Doc. 50* at 1]. The parties state that, since the Court's February 22, 2017 order extending the deadlines in this case by thirty days, the parties have completed the depositions of Defendant Fezatte and of Defendant Werner Enterprises' Rule 30(b)(6) witness. *See id.* at 2. However, the parties state that they are waiting for the certified transcripts of those depositions, and that Plaintiff's experts need those transcripts for their reports. *See id.* at 2-3. The parties also state they are working on setting the depositions of the investigating police officers, who are from Arizona and New Mexico, and that these

depositions are also necessary for the parties' expert reports. *See id.* at 3. Therefore, the parties ask the Court to extend all of the current deadlines in this case by an additional thirty days. *See id.* In the alternative, the parties ask the Court to certify this case as complex and to extend the case deadlines for that reason. *See id.* at 3-4. The parties state that this case is complex because it involves police officers from two states, there are newly discovered issues regarding Defendant Fezatte's vision, and Plaintiff has extensive injuries and numerous medical records. *See id.*

On February 22, 2017, the parties filed an unopposed motion asking for a ninety-day extension of the deadlines in this case. *See [Doc. 47]*. In considering that motion, the Court explained that this case was set on a 180-day track, which is the longest track available for a standard, non-complex, case. *See [Doc. 48 at 1]* (citing *Doc. 38*, Clerk's Minutes from the November 2, 2016 Rule 16 initial scheduling conference). The Court denied the parties' request for a ninety-day extension, and, instead, extended the deadlines by thirty days, and instructed the parties to "immediately set all necessary depositions and move the currently-scheduled Rule 30(b)(6) deposition to an earlier date" in order to be able to proceed with the parties' expert reports. *Id.* at 2. The Court is not persuaded that the parties have diligently followed the Court's instructions, and notes that the parties can order expedited transcripts of the depositions that are needed for their expert reports. In addition, the Court does not agree that this case is complex. All diversity cases involve parties from other states, and the parties have not shown that this case is any more complex than most cases on the Court's docket. For these reasons, the Court will grant the parties' motion for a thirty-day extension of time, ***but will not grant any further requests for extensions in this case.***

IT IS THEREFORE ORDERED that the parties' second joint motion to extend the scheduling order deadlines in this case [*Doc. 50*] is **GRANTED in part**, and the parties' deadlines are extended as follows:

1. Plaintiff's expert disclosures: **May 3, 2017**
2. Defendants' expert disclosures: **June 5, 2017**
3. Discovery deadline: **July 3, 2017**
4. Discovery motions deadline: **July 24, 2017**
5. Pretrial motions deadline: **August 14, 2017**
6. Pretrial order: Plaintiff to Defendants: **October 2, 2017**
7. Pretrial order: Defendants to Court: **October 16, 2017**

These deadlines shall not be extended again.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE