

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

Civil Action No. 2:17-cv-00809-REB-KLM

CITY OF LAS CRUCES,
DONA ANA COUNTY,

Plaintiffs,

v.

UNITED STATES OF AMERICA,
UNITED STATES DEPARTMENT OF DEFENSE,
NATIONAL GUARD BUREAU,
THE LOFTS AT ALAMEDA, LLC,
AMERICAN LINEN SUPPLY OF NEW MEXICO, INC.,
RAWSON LEASING LIMITED LIABILITY CO.,
JOSE AND YVONNE CORONADO,
CHISHOLM'S-VILLAGE PLAZA LLC, and
DOES 1-5,

Defendants.

ORDER AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on the parties' **Joint Motion to Extend Case Management Deadlines** [#123]¹ (the "Motion"). The Motion has been referred to the undersigned for recommendation pursuant to 28 U.S.C. § 636(b). See [#128]. Having reviewed the entire case file and being sufficiently advised, the Motion [#123] is **GRANTED in part**, and the Court further respectfully **RECOMMENDS** that the Motion [#123] be **GRANTED in part**.

¹ "[#123]" is an example of the convention the Court uses to identify the docket number assigned to a specific paper by the Court's electronic case filing and management system (CM/ECF). This convention is used throughout this Order and Recommendation.

IT IS HEREBY **ORDERED** that the Motion [#123] is **GRANTED in part** as follows:

(1) Plaintiffs and Counterclaim-Plaintiff Environmental Protection Agency (“EPA”) shall provide all disclosures required pursuant to Fed. R. Civ. P. 26(a)(2)(B) & (C) **no later than February 21, 2019.**

(2) The United States Department of Defense, the National Guard Bureau, The Lofts at Alameda, LLC, American Linen Supply of New Mexico, Inc., Rawson Leasing Limited Liability Co., Jose and Yvonne Coronado, and Chisholm’s-Village Plaza, LLC shall provide all disclosures required pursuant to Fed. R. Civ. P. 26(a)(2)(B) & (C) **no later than March 27, 2019.**

(3) The United States Department of Defense, the National Guard Bureau, The Lofts at Alameda, LLC, American Linen Supply of New Mexico, Inc., Rawson Leasing Limited Liability Co., Jose and Yvonne Coronado, and Chisholm’s-Village Plaza, LLC shall serve any rebuttal reports to those reports submitted by Plaintiffs **no later than March 27, 2019.**

(4) Plaintiffs shall serve any rebuttal reports to those reports submitted by Counterclaim-Plaintiff EPA **no later than March 27, 2019.**

(5) Counterclaim-Plaintiff EPA shall serve any rebuttal reports to those submitted by Plaintiffs **no later than March 27, 2019.**

(6) Plaintiffs shall serve any rebuttal reports to the United States Department of Defense, the National Guard Bureau, The Lofts at Alameda, LLC, American Linen Supply of New Mexico, Inc., Rawson Leasing Limited Liability Co., Jose and Yvonne Coronado, and Chisholm’s-Village Plaza, LLC **no later than April 24, 2019.**

(7) All parties shall serve any Supplemental Expert Reports **no later than May 16, 2019.**

(8) The close of discovery is extended to **June 26, 2019.**

(9) The deadline to bring motions relating to discovery to the attention of the Magistrate Judge is extended to **July 12, 2019**.²

(10) The deadline to file dispositive motions is extended to **August 26, 2019**.

(11) A proposed consolidated final pretrial order shall be submitted by Plaintiffs to Defendants **no later than November 11, 2019**.

(12) A proposed consolidated final pretrial order shall be submitted by Defendants to the Court **no later than November 25, 2019**.

In addition, the Court notes sua sponte that the Initial Pretrial Conference set for November 15, 2019, the Final Pretrial Conference set for December 13, 2019, and the 16-day Bench Trial set to begin on January 27, 2020, were all set before this case was transferred to Senior Judge Blackburn and the undersigned. Consequently, these dates are not technically on Judge Blackburn's calendar. Accordingly, after consultation with Judge Blackburn's Chambers,

IT IS FURTHER **ORDERED** sua sponte that the Initial Pretrial Conference set for November 15, 2019, at 8:30 a.m. is **VACATED**.

IT IS FURTHER **ORDERED** sua sponte that the Final Pretrial Conference set for December 13, 2019, at 8:30 a.m. is **VACATED**.

IT IS FURTHER **ORDERED** sua sponte that the 16-day Bench Trial set to begin on January 27, 2020, at 9:00 a.m. is **VACATED**.

Accordingly,

IT IS FURTHER **RECOMMENDED** that the Motion [#123] be **GRANTED in part**, as

² As a reminder, the parties are directed to review the practice standards of the Magistrate Judge, which can be found at www.cod.uscourts.gov. In short, the Magistrate Judge handles discovery disputes by hearing and *does not permit the filing of written discovery motions*.

follows:

IT IS FURTHER **RECOMMENDED** that an Initial Pretrial Conference be **SET** on the Senior Judge's calendar.

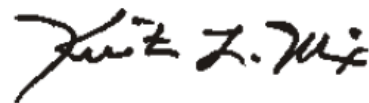
IT IS FURTHER **RECOMMENDED** that a Final Pretrial Conference be **SET** on the Senior Judge's calendar.

IT IS FURTHER **RECOMMENDED** that a 16-day Bench Trial be **SET** on the Senior Judge's calendar.

IT IS FURTHER **ORDERED** that pursuant to Fed. R. Civ. P. 72, the parties shall have fourteen (14) days after service of this Recommendation to serve and file any written objections in order to obtain reconsideration by the District Judge to whom this case is assigned. A party's failure to serve and file specific, written objections waives de novo review of the Recommendation by the District Judge, Fed. R. Civ. P. 72(b); *Thomas v. Arn*, 474 U.S. 140, 147-48 (1985), and also waives appellate review of both factual and legal questions. *Makin v. Colo. Dep't of Corr.*, 183 F.3d 1205, 1210 (10th Cir. 1999); *Talley v. Hesse*, 91 F.3d 1411, 1412-13 (10th Cir. 1996). A party's objections to this Recommendation must be both timely and specific to preserve an issue for de novo review by the District Court or for appellate review. *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996).

Dated: December 6, 2018

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kristen L. Mix".

Kristen L. Mix
United States Magistrate Judge