

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

ROBERT G. MOYA,

Plaintiff,

No. 2:18-cv-00494-GBW-KRS

v.

CITY OF CLOVIS; and  
OFFICER BRENT AGUILAR  
and SARGENT JAMES GURULE,  
in their individual capacities and  
as employees of the City of Clovis,

Defendants.

**SCHEDULING ORDER**

THIS MATTER comes before the Court following a telephonic Rule 16 scheduling conference held on September 6, 2018. At the hearing, the Court adopted the parties proposed Joint Status Report and Provisional Discovery Plan, with slight modifications, as reflected in the dates below.

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

- (a) Maximum of thirty-five (25) interrogatories by each party to any other party with responses due thirty (30) days after service.
- (b) Maximum of thirty-five (25) requests for admission by each party to any other party with responses due thirty (30) days after service.
- (c) Maximum of five (5) depositions by Plaintiff and five (5) by Defendants. Each deposition shall not exceed five (5) 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 Plaintiff to join additional parties or amend pleadings pursuant to Federal Rule of Civil Procedure 15: **October 1, 2018;**
- (b) Deadline for Defendants to join additional parties or amend pleading pursuant to Federal Rule of Civil Procedure 15: **October 30, 2018;**
- (c) Plaintiff's expert-disclosure deadline: **October 30, 2018;**
- (d) Defendants' expert-disclosure deadline: **December 3, 2018;**
- (e) Deadline for supplementing discovery/disclosures: **in accordance with the Federal Rules of Civil Procedure;**
- (f) Termination of discovery: **April 30, 2019;**
- (g) Motions relating to discovery: **May 1, 2019;**
- (h) All other motions: **May 15, 2019;**
- (i) Pretrial order: Plaintiff to Defendant by: **June 15, 2019;**  
Defendant to Court by: **June 21, 2019.**

**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.



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KEVIN R. SWEAZEA

UNITED STATES MAGISTRATE JUDGE