

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

ELIZABETH MENDEZ, Individually and
on Behalf of Minor Children M.H. and M.H.,

Plaintiffs,

v.

No. 2:20-CV-780 GJF/KRS

MICHAEL E. ONEILL,

Defendant.

SCHEDULING ORDER

THIS MATTER comes before the Court following a telephonic Rule 16 scheduling conference held on October 13, 2020. 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 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 twenty-five (25) requests for production by each party to any other party with responses due thirty (30) days after service
- (d) Maximum of ten (10) depositions per side. Each deposition (other than of Plaintiff and experts) shall not exceed four (4) hours unless extended by agreement.

Depositions of Plaintiff and experts limited to seven (7) hours unless extended by agreement.

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

- (a) Deadline for Plaintiffs to amend pleadings pursuant to Federal Rule of Civil Procedure 15: **October 30, 2020;**
- (b) Deadline for Plaintiffs to join parties pursuant to Federal Rule of Civil Procedure 15: **October 30, 2020**
- (c) Deadline for Defendant to amend pleadings pursuant to Federal Rule of Civil Procedure 15: **November 20, 2020;**
- (d) Deadline for Defendant to join parties pursuant to Federal Rule of Civil Procedure 15: **November 20, 2020**
- (e) Plaintiffs' expert-disclosure deadline: **January 15, 2021;**
- (f) Defendant's expert-disclosure deadline: **February 26, 2021;**
- (g) Deadline for supplementing discovery/disclosures: **March 31, 2021;**
- (h) Termination of discovery: **March 31, 2021;**
- (i) Motions relating to discovery: **April 14, 2021;**
- (j) All other motions: **April 28, 2021;**
- (k) Pretrial order: Plaintiff to Defendant by: **May 28, 2021;**
Defendant to Court by: **June 11, 2021.**

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