

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

**C.H.,**

**Plaintiff,**

**v.**

**PATRICK HOWARD, DANA CRITCHLOW,  
GREGORY A. EWING, and  
LAS CRUCES PUBLIC SCHOOLS,**

**Defendants,**

**and**

**TEACHERS INSURANCE COMPANY,**

**Plaintiff-in-Intervention,**

**v.**

**C.H. and PATRICK HOWARD,**

**Defendants-in-Intervention.**

**No. 21-cv-0574 MV/SMV  
consolidated with  
20-cv-0190 SMV/GBW  
20-cv-0276 GBW/SMV  
20-cv-0549 SMV/GBW**

**ORDER DENYING PLAINTIFFS' MOTION TO COMPEL  
DEFENDANT LAS CRUCES PUBLIC SCHOOLS' RESPONSE TO RFP 10  
AND GRANTING PLAINTIFFS' ORAL MOTION TO COMPEL  
PRODUCTION OF THE CRITCHLOW MEMO**

THIS MATTER is before me on Plaintiffs' Motion to Compel Defendant Las Cruces Public Schools' ("LCPS's") Answers and Responses to Plaintiffs' First Sets of Interrogatories, Requests for Production, Requests for Admission, and Requests for Inspection (the "Motion to Compel") [Doc. 104].<sup>1</sup> I heard oral argument on June 30, 2022, and granted the Motion to Compel in part and denied it in part on July 1, 2022. [Doc. 144]. I reserved ruling on (1) Plaintiffs' motion

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<sup>1</sup> See LCPS's Response [Doc. 117] and Plaintiff's Reply [Doc. 124].

to compel production of completed evaluation forms from 2015 to present for the LCPS employees listed in Request for Production (“RFP”) 10 and (2) Plaintiffs’ oral motion, during the oral argument, to compel production of a memo related to Defendant Critchlow (the “Critchlow Memo”) pending in camera review of those documents. *Id.*

Having reviewed the documents, I find the contents of the evaluation forms are not relevant to any claims or defenses in this matter. *See* Fed. R. Civ. P. 26(b)(1) (discovery encompasses “any nonprivileged matter that is relevant to any party’s claim or defense . . .”). In contrast, I find that the contents of the Critchlow Memo are relevant and discoverable. I will, therefore, deny Plaintiffs’ Motion to Compel as it relates to RFP 10 and grant Plaintiffs’ oral motion to compel production of the Critchlow Memo.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that Plaintiffs’ Motion to Compel as it relates to RFP 10 is **DENIED**.

**IT IS FURTHER ORDERED** that Plaintiffs’ oral motion to compel production of the Critchlow Memo is **GRANTED**.

**IT IS FURTHER ORDERED** that LCPS must produce a copy of the Critchlow Memo to Plaintiffs within five days of entry of this Order.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**UNITED STATES MAGISTRATE JUDGE**