

**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,**

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

Defendants,

and

TEACHERS INSURANCE COMPANY,

Plaintiff-in-Intervention,

v.

C.H. and PATRICK HOWARD,

Defendants-in-Intervention.

**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].¹ 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

¹ 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.



STEPHAN M. VIDMAR
UNITED STATES MAGISTRATE JUDGE