

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

KENDA FERGUSON,

Plaintiff,

v.

No. 2:22-cv-373 KWR/KRS

STATE OF NEW MEXICO CORRECTIONS
DEPARTMENT CENTRAL OFFICE
ADMINISTRATION, et al.,

Defendants.

SCHEDULING ORDER

THIS MATTER comes before the Court following a telephonic Rule 16 scheduling conference held on September 15, 2022. 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 group to any other party group, with responses due thirty (30) days after service.
- (b) Maximum of twenty-five (25) requests for admission by each party group to any other party group, with responses due thirty (30) days after service.
- (c) Maximum of twenty-five (25) requests for production by each party group to any other party group, with responses due thirty (30) days after service
- (d) Maximum of fifteen (15) depositions by Plaintiffs and fifteen (15) by each set of Defendants. Each deposition (other than of the parties or experts) limited to maximum of four (4) hours on the record unless extended by agreement of parties.

Scheduling Order
Page 1 of 3

Depositions of parties or experts limited to seven (7) hours on the record unless extended by agreement of the parties.

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

- (a) Deadline for Plaintiff to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15: **October 18, 2022**;
- (b) Deadline for Defendants to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15: **November 17, 2022**;
- (c) Deadline for Plaintiffs' expert reports: **December 1, 2022**;
- (d) Deadline for Defendants' expert reports: **January 17, 2023**;
- (e) Termination of discovery: **March 31, 2023**;
- (f) Deadline for supplementing discovery/disclosures: Due under Fed. R. Civ. P. 26(e) by the close of discovery;
- (g) Motions relating to discovery: **April 20, 2023**;
- (h) All other motions:¹ **May 1, 2023**;
- (i) Pretrial order: Plaintiffs to Defendants – **June 16, 2023**
Defendants to the Court – **June 30, 2023**.

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,

¹ This deadline applies to motions related to the admissibility of experts or expert testimony that may require a *Daubert* hearing, but otherwise does not apply to motions *in limine*. The Court will set a motions *in limine* deadline in a separate order.

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