

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

UNITED STATES OF AMERICA, and
STATE OF NEW MEXICO, ex rel. STATE
ENGINEER,

Plaintiffs,

and

CV 01-0072 MV/JHR
[Subfile ZRB-1-0148]

ZUNI INDIAN TRIBE, NAVAJO NATION,

Plaintiffs in Intervention,

v.

A&R PRODUCTIONS, et al.,

Defendants.

**ORDER SETTING CASE MANAGEMENT DEADLINES
AND DISCOVERY PARAMETERS**

This matter came before the Court on a Telephonic Rule 16 scheduling conference held on April 14, 2020. Following a review of Plaintiffs and Subfile Defendants' Joint Status Report and Provisional Discovery Plan [Doc. 3453], and after conferring with counsel at the scheduling conference, the Court will permit the following discovery:

- a) Initial Disclosures must be served by May 29, 2020.
- b) Maximum of fifteen (15) Interrogatories per Plaintiff to Subfile Defendants; Subfile Defendants may serve up to fifteen (15) Interrogatories on each Plaintiff.
- c) Maximum of fifteen (15) Requests for Production per Plaintiff to Subfile Defendants; Subfile Defendants may serve up to fifteen (15) Requests for Production on each Plaintiff.

- d) Maximum of fifteen (15) Requests for Admission per Plaintiff to Subfile Defendants; Subfile Defendants may serve up to fifteen (15) Requests for Admission on each Plaintiff.
- e) Maximum of five (5) depositions per Plaintiff; Subfile Defendants collectively permitted eight (8) depositions.
- f) Depositions of non-party/non-expert witnesses are limited to four (4) hours, except by agreement of the parties.

Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline.

The Court has set the following management deadlines:

- a) Deadline for Plaintiffs to move to amend pleadings/ add additional parties¹: N/A
- b) Deadline for Defendants to move to amend pleadings/add additional parties¹: N/A
- c) Affirmative Rule 26(a)(2) expert disclosures due²: July 14, 2020
- d) Rebuttal Rule 26(a)(2) expert disclosures due²: 30 days after Affirmative disclosure.
- e) Termination date for discovery: October 14, 2020
- f) Motions relating to discovery to be filed by: October 21, 2020

¹Federal Rule of Civil Procedure 16 requires that the Court set a deadline for amendment of pleadings and joinder of parties. A party seeking to amend the pleadings after the above dates must both demonstrate good cause to amend the scheduling order as required by Federal Rule of Civil Procedure 16(b) and satisfy the requirements for amendment under Federal Rule of Civil Procedure 15(a). *See, e.g., Gorsuch Ltd., B.C. v. Wells Fargo Nat. Bank Ass'n*, 771 F.3d 1230, 1242 (10th Cir. 2014).

² Parties must disclose the names of all expert witnesses, including treating physicians, the subject matter on which the experts will present evidence, and a summary of the facts and opinions to which the experts are expected to testify by this date. Experts who are retained or specifically employed to provide expert testimony must also submit an expert report by this date. *See Fed. R. Civ. P. 26(a)(2)*. The parties must have their retained expert(s) ready to be deposed at the time they identify them and provide their reports. Expert witnesses who are not required to provide a written report may be deposed before summary disclosure.

- g) Pretrial motions other than discovery motions (including motions which may require a *Daubert* hearing) filed by: November 23, 2020
- h) Pretrial Order from Plaintiff to Defendant by: January 25, 2021
- i) Pretrial Order to Court by: February 8, 2021

Pursuant to Federal Rule of Civil Procedure 16(b)(3)(B)(v), “before moving for an order relating to discovery, the movant must request a conference with the court” to attempt to informally resolve the dispute. Discovery motions that fail to conform to this requirement may be summarily denied. Any extension of the case management deadlines must be approved by the Court. Any requests for additional discovery must be submitted to the Court by motion prior to the expiration of the discovery.



UNITED STATES MAGISTRATE JUDGE