

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

ROBERT COWAN and
STACY MONHEIT,

Plaintiffs,

vs.

No. CIV 09-483 JCH/LFG

FRANK D'ANGELICO, et al.,

Defendants.

**ORDER GRANTING LIMITED EXTENSION OF DISCOVERY
AND WAIVING APPLICATION OF THE 14-DAY NOTICE PROVISION**

THIS MATTER comes before the Court on the Expedited Motion to Extend Discovery Deadline to Take the Deposition of Newly Identified Witnesses [Doc. 171], filed by Plaintiffs on June 25, 2010. The Court held a telephonic conference with counsel on July 7, 2010 with respect to this Motion.

After lifting a temporary stay of discovery, the Court set the deadline for completion of discovery for April 26, 2010. [Doc. 73]. This deadline was later extended to May 31, 2010 by stipulation of counsel, confirmed by Court order. [Doc. 121]. The parties proceeded to private mediation on June 3, 2010. Plaintiffs state in their Expedited Motion that they learned for the first time at this mediation session that the remaining Defendants in this case intend to raise an insurance coverage issue. The private mediation was continued to July 20, 2010, to permit further investigation of the insurance matter.

Plaintiffs assert that their investigation into the insurance coverage issue revealed that insurance agent Patrick Esquibel has information relevant to this issue. They state further that Mr. Esquibel has been uncooperative in talking to them, and they now need to take his deposition. Plaintiffs request that discovery be re-opened for the limited purpose of taking Mr. Esquibel's deposition. Give the imminent re-convening of the settlement mediation, Plaintiffs also ask the

Court to waive application of Local Rule D.N.M.LR-Civ. 30.1, which requires 14 days' notice to a deponent. The parties expect to take Mr. Esquibel's deposition on July 14, 2010.

Defendants do not oppose the Motion.

This district's Local Rules give the Court authority to change limitations on discovery and to fashion discovery to meet special circumstances. D.N.M.LR-Civ. 26.5(a). The Court finding good cause for Plaintiffs' request and the Defendants being unopposed,

IT IS THEREFORE ORDERED that Plaintiffs' Expedited Motion to Extend Discovery Deadline [Doc. 171] is granted, and discovery is reopened for the limited purpose of permitting Plaintiff to take the deposition of Patrick Esquibel on or about July 14, 2010.

IT IS FURTHER ORDERED that the 14-day notice provision of D.N.M.LR-Civ. 30.1 will not apply to the deposition of Patrick Esquibel.



Lorenzo F. Garcia
United States Magistrate Judge