

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

RICHARD CRADDOCK,
PAMELA CRADDOCK

Plaintiffs,

v.

CIV. No. 14-463 LH/SCY

BRENT WOODARD, *et al.*,

Defendants.

**ORDER ADOPTING IN PART AND MODIFYING IN PART
JOINT STATUS REPORT AND PROVISIONAL DISCOVERY PLAN AND
SETTING CASE MANAGEMENT DEADLINES**

THIS MATTER came before the Court on a Rule 16 scheduling conference held on August 7, 2014. Following a review of the attorneys' Joint Status Report and Provisional Discovery Plan, and after conferring with counsel, the Court adopts the Joint Status Report and Provisional Discovery Plan modified as follows:

- a) Maximum of twenty-five (25) Interrogatories between Plaintiff and Defendants;
- b) Maximum of twenty-five (25) Requests for Production between Plaintiff and Defendants;
- c) Maximum of twenty-five (25) Requests for Admission between Plaintiff and Defendants;
- d) Maximum of ten (10) depositions by Plaintiff and ten (10) depositions by Defendants; and
- e) Depositions of parties, Rule 30(b)(6) designees and experts are limited to seven (7) hours, and depositions of all other witnesses are limited to four (4) hours, unless extended by agreement of the parties.

- f) Supplementation under Rule 26(e) to take place no more than 30 days after the information becomes known and in any case no later than 30 days prior to the close of discovery.

The following case management deadlines have been set:

- a) Deadline for Plaintiff to amend pleadings
or add additional parties: October 2, 2014
- b) Deadline for Defendants to amend pleadings
or add additional parties: November 1, 2014
- c) Plaintiff's Rule 26(a)(2) expert disclosure¹: October 30, 2014
- d) Defendants' Rule 26(a)(2) expert disclosure¹: December 15, 2014
- e) Termination date for discovery: January 22, 2015
- f) Motions relating to discovery to be filed by: February 12, 2015
- g) Pretrial motions other than discovery motions (including
motions which may require a *Daubert* hearing) filed by: February 19, 2015
- h) Pretrial Order: Plaintiff to Defendants by: April 20, 2015
Defendants to Court by: May 4, 2015

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.

¹ All expert witnesses must be disclosed by this date, but only those who are retained or specifically employed to provide expert testimony must submit an expert report. See Fed. R. Civ. P. 26(a)(2)(B); *Musser v. Gentiva Health Servs.*, 356 F.3d 751 (7th Cir. 2004); *Farris v. Intel Corp.*, 493 F.Supp.2d 1174 (D.N.M. 2007), and *Blodgett v. United States*, 2008 WL 1944011 (D. Utah). Treating physicians testifying as to causation and diagnosis may provide expert testimony under Rule 702 of the Federal Rules of Evidence without providing a report and the other disclosures required under Rule 26, providing they limit "the scope of their opinion testimony to conclusions drawn from their own examination and treatment of the patient." *Jacks v. Regis Corp.*, Civ. No. 99-1391, Memorandum Opinion and Order at 2 (D.N.M. April 2001)(Smith, M.J.); *Sturgeon v. ABF Freight Systems, Inc.*, Civ. No. 02-1317, Memorandum Opinion and Order at 2-4(D.N.M., Jan. 2004)(Browning, J.O.). The parties must have their expert(s) ready to be deposed at the time they identify them and provide their reports.

IT IS SO ORDERED.


STEVEN C. YARBROUGH
United States Magistrate Judge