

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

**CECILIA VALDEZ, et al.,**

Plaintiffs,

vs.

**Civil. No. 09-668 LAM/DJS**

**MARY HERRERA, et al.,**

Defendants.

**INITIAL SCHEDULING ORDER**

This cause is assigned to me for scheduling, case management, discovery and other non-dispositive motions. The Federal Rules of Civil Procedure, as amended, as well as the Local Rules of the Court will apply to this lawsuit.

The parties, appearing through counsel or *pro se*, will “meet and confer” no later than September 2, 2009, to formulate a provisional discovery plan. FED. R. CIV. P. 26(f). The time allowed for discovery is generally 120 to 150 days. The parties will cooperate in preparing a *Joint Status Report and Provisional Discovery Plan* (“*JSR*”) which follows the sample JSR available at the Court’s web site.<sup>1</sup> The blanks for suggested/proposed dates are to be filled in by the parties. Actual dates will be promulgated by order of the court shortly after entry of the JSR. Plaintiff, or Defendant in removed cases, is responsible for filing the JSR by September 8, 2009.

Good cause must be shown and the Court’s express and written approval obtained for any modification of the dates in the scheduling order that issue from the JSR.

---

<sup>1</sup> Please visit the Court’s web site, [www.nmcourt.fed.us](http://www.nmcourt.fed.us), to download the standardized *Joint Status Report and Provisional Discovery Plan* form.

Initial disclosures under FED. R. CIV. P. 26(a)(1) shall be made within fourteen (14) days of the meet-and-confer session.

A Rule 16 scheduling conference will be conducted in my chambers on the second floor of the Federal Courthouse at 421 Gold Ave., SW on **Wednesday, September 16, 2009, at 3:00 p.m.**<sup>2</sup>

At the Rule 16 scheduling conference, counsel will be prepared to discuss discovery needs and scheduling, all claims and defenses, the use of scientific evidence and whether a *Daubert*<sup>3</sup> hearing is needed, initial disclosures, and the time of expert disclosures and reports under FED. R. CIV. P. 26(a)(2). We will also discuss settlement prospects and alternative dispute resolution possibilities and consideration of consent pursuant to 28 U.S.C. § 636(c). Client attendance is not required. If service on all parties is not complete, plaintiff(s) appearing through counsel or *pro se*, is (are) responsible for notifying all parties of the content of this order.

Pre-trial practice in this cause shall be in accordance with the foregoing.

  
\_\_\_\_\_  
Don J. Svet  
United States Magistrate Judge

---

<sup>2</sup> If any party is represented by out of town counsel the conference may be held telephonically with Court permission. Check with my chambers at least 24 hours prior to the scheduling conference if counsel wishes to appear by telephone. Out of town counsel are responsible for placing the telephone conference call and all counsel will appear telephonically.

<sup>3</sup> *Daubert v. Merrell Dow Pharmaceuticals*, 509 U. S. 579 (1993).