

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

\_\_\_\_\_ ,

Plaintiff,

vs.

CIVIL NO. \_\_\_\_\_

\_\_\_\_\_ ,

Defendant.

**INITIAL PRETRIAL REPORT**

Counsel have conferred and submit herewith the parties' consolidated Initial Pretrial Report.

**APPEARANCES**

Counsel are:

\_\_\_\_\_ for the plaintiff

\_\_\_\_\_ for the defendant

\_\_\_\_\_ for other parties

**NATURE OF THE CASE**

**AMENDMENTS TO PLEADINGS**

Plaintiff intends to file:

Defendant intends to file:

**STIPULATIONS**

The parties hereto stipulate and agree that venue is properly laid in this District; that the United States District Court for the District of New Mexico has jurisdiction of the parties and the subject matter.

The parties are willing to further stipulate to the following facts:

The parties further stipulate and agree that the law governing this case is:

**PLAINTIFF'S CONTENTIONS:**

## DEFENDANT'S CONTENTIONS

### DISCOVERY

Plaintiff intends to obtain the following discovery:

Defendant intends to obtain the following discovery:

In accordance with the Civil Justice Expense and Delay Reduction Plan adopted in compliance with the Civil Justice Reform Act, and pursuant to Title 28 U.S.C. § 473(a)(1), this case is assigned to a " \_\_\_\_\_ " track classification. Accordingly, the termination date for discovery is \_\_\_\_\_, and discovery shall not be reopened, except by an order of the Court upon a showing of good cause. This deadline shall be construed to require that discovery be completed on or before the above date. 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 pendency of dispositive motions shall not stay discovery.

Motions relating to discovery (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing parties by \_\_\_\_\_; responses shall be filed with the Court and served on opposing parties by \_\_\_\_\_; the Notice of Completion and replies, if any, shall be filed with the

Court and served on opposing parties by \_\_\_\_\_. See D.N.M.LR-Civ. 7. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6.

Plaintiff shall identify to all parties in writing any expert witness to be used by Plaintiff at trial and to provide expert reports pursuant to FED. R. CIV. P. 26(a)(2)(B) no later than \_\_\_\_\_. All other parties shall identify in writing any expert witness to be used by such parties at trial and to provide expert reports pursuant to FED. R. CIV. P. 26(a)(2)(B) no later than \_\_\_\_\_.

List all witnesses who, at this time, you think will either testify or be deposed, giving their name, title, address and a brief summary of their testimony.

List all documents which you believe, at this time, will be exhibits at the trial.

List all experts who you believe, at this time, will testify at the trial, giving their name, address, area of expertise, and a brief summary of the anticipated testimony.

### **OTHER PRETRIAL MOTIONS**

Plaintiff intends to file:

Defendant intends to file:

Pretrial motions, other than discovery motions, shall be filed with the Court and served on opposing party by \_\_\_\_\_; the response shall be filed with the Court and served on opposing party by \_\_\_\_\_; the Notice of Completion and reply, if any, shall be filed with the Court and served on opposing party by \_\_\_\_\_.

\_\_\_\_\_. Any pretrial motions, other than discovery motions, filed after the above dates shall be considered untimely in the discretion of the Court.

**PRETRIAL ORDER**

Counsel are directed to file a consolidated final Pretrial Order as follows: Plaintiff to Defendant on or before \_\_\_\_\_; Defendant to Court on or before \_\_\_\_\_.

In jury cases, proposed jury instructions shall be filed no later than \_\_\_\_\_. In non-jury actions, requested findings of fact and conclusions of law shall be filed no later than \_\_\_\_\_. Refer to "Other Matters."

**PRETRIAL CONFERENCE AND TRIAL SETTING**

This matter is set for a PRETRIAL CONFERENCE on \_\_\_\_\_ at \_\_\_\_\_, \_\_\_\_\_.m.

This matter is set for a NON-JURY TRIAL on a trailing calendar beginning on \_\_\_\_\_, at \_\_\_\_\_.m.

This matter is set for a JURY TRIAL on a trailing calendar beginning on \_\_\_\_\_, at \_\_\_\_\_.m.

**ESTIMATED TRIAL TIME**

The parties estimate trial will require \_\_\_\_\_ days/weeks.

\_\_\_\_ This is a non-jury case.

\_\_\_\_ This is a jury case.

**SETTLEMENT**

The possibility of settlement in this case is considered: \_\_\_\_\_. The parties request a settlement conference \_\_\_\_\_.

**OTHER MATTERS**

Counsel are directed that the Pretrial Order will provide that no witnesses except rebuttal witnesses whose testimony cannot be anticipated, will be permitted to testify unless the name of the witness is furnished to the Court and opposing counsel no later than thirty (30) days prior to the time set for trial. Any exceptions thereto must be upon order of the Court for good cause shown.

If documents are attached as exhibits to motions, affidavits or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

**EXCEPTIONS**

(Where counsel cannot agree to any recitation herein, exceptions shall be listed.)

APPROVED WITH/WITHOUT EXCEPTIONS  
(note exceptions above)

\_\_\_\_\_  
For Plaintiff

\_\_\_\_\_  
For Defendant

\_\_\_\_\_  
Other Party

APPROVED:

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United States Magistrate Judge

APPROVED AND ADOPTED AS  
THE ORDER OF THE COURT:

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United States District Judge