

Sample Form 3

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

,
Plaintiff(s),

vs.

No. CIV _____

,
Defendant(s).

INITIAL SCHEDULING ORDER

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

The parties, appearing through counsel or *pro se*, will “meet and confer” no later than [insert date], 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.¹ The blanks for suggested/proposed dates are to be filled in by the parties. Actual case management dates will be determined by the court after consideration of the parties’ requests. Plaintiff, or Defendant in removed cases, is responsible for filing the JSR by [insert date].

¹ Pursuant to Administrative Order No. 06-173, the JSR replaces and supersedes the Provisional Discovery Plan and the Initial Pretrial Report, effective January 2, 2007. Please visit the Court’s web site, www.nmccourt.fed.us to download the standardized *Joint Status Report and Provisional Discovery Plan* form.

Parties may not modify case management deadlines on their own. 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.

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, [insert address] on the [insert day] day of [insert month], 20 __, at _____.² [*Scheduling conference optional*]

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*³ 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.

Pretrial practice in this cause shall be in accordance with the foregoing.

United States [Magistrate][District] Judge

² Out of town counsel may appear by telephone. Please advise my chambers at least 24 hours prior to the scheduling conference if any, or all counsel, will appear by telephone. Counsel appearing by telephone are responsible for placing the telephone conference call.

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