

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

Garrett v. City of Carlsbad

Garrett · No. 2:25-cv-1066-GJF-KRS · Decided November 25, 2025

SUMMARY

This document is an Initial Scheduling Order issued in a civil case in the United States District Court for the District of New Mexico. It sets deadlines for the parties’ meet-and-confer session, joint status report and provisional discovery plan, initial disclosures, and a telephonic Rule 16 scheduling conference.

CASE DETAILS

COURT	United States District Court for the District of New Mexico
WRITING FOR THE COURT	Kevin R. Sweazea
DECIDED	November 25, 2025
DOCKET	2:25-cv-1066-GJF-KRS
DISPOSITION	other
PROCEDURAL POSTURE	Initial scheduling order governing case management, discovery, and other nondispositive matters in a pending civil action.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Danny Garrett, et al. v. City of Carlsbad, Jessie Rodriguez

TOPICS

- civil procedure
- discovery dispute

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. What case-management and discovery obligations should govern the action before the Rule 16 scheduling conference?
2. What deadlines and procedures should the parties follow for meeting and conferring, exchanging initial disclosures, filing the Joint Status Report and Provisional Discovery Plan, and addressing expert discovery?

HOLDINGS

1. The parties must comply with the Federal Rules of Civil Procedure and the District of New Mexico's Local Rules, meet and confer regarding a provisional discovery plan, address electronically stored information and its preservation, exchange initial disclosures, file the required Joint Status Report and Provisional Discovery Plan, and participate in the scheduled Rule 16 conference.

FACTUAL BACKGROUND

Plaintiffs Danny Garrett and others brought a civil action against the City of Carlsbad and Jessie Rodriguez. The court issued this order to establish procedures for discovery, initial disclosures, expert discovery, scheduling, settlement discussions, alternative dispute resolution, and possible consent to magistrate-judge jurisdiction.

PROCEDURAL HISTORY

The action was pending in the District of New Mexico and had reached the initial scheduling stage. The court issued an order requiring the parties to meet and confer, prepare and file a Joint Status Report and Provisional Discovery Plan, make initial disclosures, and participate in a Rule 16 scheduling conference.

DISPOSITION

other

CASES CITED

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

OPINION

Garrett

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

DANNY GARRETT, et al. Plaintiffs, v. No. 2:25-cv-1066-GJF-KRS

CITY OF CARLSBAD, and JESSIE

RODRIGUEZ,

Defendants.

INITIAL SCHEDULING ORDER

This case is before the Court for scheduling, case management, discovery, and other non-dispositive matters. 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, shall “meet and confer” no later than December 18, 2025 to formulate a provisional discovery plan. See Fed. R. Civ. P. 26(f). As part of this process, the parties are reminded that Federal Rule of Civil Procedure 26(f) requires them to exchange views on the “disclosure, discovery, or preservation of

electronically stored information, including the form or forms in which it should be produced.” The parties have an attendant duty to preserve all electronically stored information that may be discoverable in this case. The time allowed for discovery is generally 120 to 180 days. The parties will cooperate in preparing a Joint Status Report and Provisional Discovery Plan (“JSR”)¹ that follows the sample 1 If, due to a party’s pro se status, any party encounters an issue that prevents them from filing a joint report, the parties are directed to file separate reports by the deadline, which, in addition to the required contents as set forth above, explains why they were prevented from filing a joint report. available on the Court’s website.² The blanks for suggested/proposed dates in the JSR are to be filled in by the parties. If any party anticipates the use of one or more retained expert witness, the parties shall provide the following additional information in the JSR: (a) A specific date for the completion of fact discovery that precedes the deadline by which any party must serve an expert report. (b) Specific dates for the commencement and conclusion of expert discovery. (c) If sequential ordering of fact and expert discovery is opposed, the specific reason for the opposition. Actual dates will be promulgated by order of the Court to be entered after the Rule 16 conference scheduled pursuant to this order. Plaintiff, or Defendant in cases removed from state court, or the represented party in cases where the opposing party is pro se, is responsible for filing the JSR. The JSR should be filed by December 29, 2025. Initial disclosures by a party pursuant to Federal Rule of Civil Procedure 26(a)(1) shall be made within fourteen (14) days after the meet-and-confer session. A telephonic Rule 16 scheduling conference will be conducted on January 6, 2026 at 10:00 a.m. (Mountain Time). Counsel and any pro se party shall call the Court’s WebEx teleconference line at (855) 244-8681 and enter Meeting Number 2300 989 9447# to be connected to the telephonic Rule 16 scheduling conference. Parties represented by counsel may but are not required to attend the telephonic scheduling conference. At the Rule 16 scheduling conference, counsel and pro se parties should be prepared to discuss discovery needs and scheduling, all claims ² 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. The standardized Joint Status Report and Provisional Discovery Plan is available at www.nmd.uscourts.gov/forms from the drop-down menu. and defenses, the use of scientific evidence, whether a Daubert? hearing is necessary, initial disclosures, the time of expert disclosures and reports under Federal Rule of Civil Procedure 26(a)(2), and sequencing of fact and expert discovery. The Court, counsel, and pro se parties will also discuss settlement prospects and alternative dispute resolution possibilities. In addition, the scheduling conference participants will address consideration of consent by the parties to a United States Magistrate Judge presiding over dispositive proceedings, including motions and trial, pursuant to 28 U.S.C. § 636(c). If service on all parties is not complete, Plaintiffs, whether appearing through counsel or pro se, are responsible for notifying all parties of the contents of this order. Good cause must be shown, and the express written approval obtained from the Court, for any modifications of the dates in the scheduling order that issues from the JSR. Pretrial practice in this case shall be in accordance with the above.

IT IS SO ORDERED this 25th day of November, 2025.

KEVIN R. SWEAZEA, ts”

UNITED STATES MAGISTRATE JUDGE

> Daubert v. Merrell Dow Pharmaceuticals, 509 U.S. 579 (1993). Page 3 of 3