

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

PUEBLO OF ZUNI,

Plaintiff,

vs.

CIVIL NO. 01-1046 LH/LFG

UNITED STATES OF AMERICA 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 in 2000, as well as the local rules of the Court shall apply to this lawsuit. Civility and professionalism will be required of counsel. Counsel should read the "Creed of Professionalism of the New Mexico Bench and Bar."

The parties, appearing through counsel or *pro se*, shall "meet and confer" no later than APRIL 1, 2005 to formulate a provisional discovery plan. Fed. R. Civil P. 26(f). The time allowed for discovery is generally 120 to 150 days. The provisional discovery plan shall be filed with the Court no later than APRIL 15, 2005.

The parties will cooperate in preparing an Initial Pre-Trial Report (IPTR) which follows the revised sample IPTR available on the Internet at the Federal District Court web site ("Court Forms") or on disk and hard copy format at the Clerk's Office. The blanks for dates should not be filled in. The city or town of residence of each witness listed shall be included in order for the trial judge to consider in determining the trial location.

Plaintiff, or Defendant in removed cases, is responsible for submitting the IPTR to my chambers by APRIL 15, 2005.

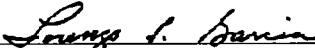
Good cause must be shown and the Court's express and written approval obtained for any modification of the IPTR schedules.

Initial disclosures under Fed. R. Civ. P. 26(a)(1) shall be made within ten days of the meet-and-confer session.

A Rule 16 scheduling conference will be conducted in my chambers, Suite 680, 333 Lomas Blvd., N.W., Albuquerque, New Mexico on **WEDNESDAY, APRIL 20, 2005, at 10:00.**

At the Rule 16 scheduling conference, counsel shall be prepared to discuss discovery needs and scheduling, all claims and defenses, the use of scientific evidence and whether a Daubert¹ hearing is needed, initial disclosures, and the timing of expert disclosures and reports under Fed. R. Civ. P. 26(a)(2). We shall also discuss settlement prospects and alternative dispute resolution possibilities. Client participation is not required.

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



LORENZO F. GARCIA
Chief United States Magistrate Judge
333 Lomas Blvd., Suite 680
Albuquerque, NM 87102
505-348-2320 (FAX 348-2324)

A true copy of this Order was served on the date of entry--via mail or electronic means--to counsel of record and any *pro se* party as they are shown on the Court's docket.

¹ Daubert v. Merrell Dow Pharmaceuticals, 113 S. Ct. 2786 (1993).