

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

MAR - 5 2001

UNITED STATES OF AMERICA,

Plaintiff,

v.

NEW MEXICO DEPARTMENT OF
PUBLIC SAFETY,

Defendant.

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CIVIL NO. 00-1656 JP/RLP

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PROVISIONAL DISCOVERY PLAN

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on February 14 at 9:30 a.m. and was attended by:

Larry G. Ward, Esq. and Claire L. Gregory, Esq.,
Department of Justice, Civil Rights Division for Plaintiff, and
Hinkle, Hensley, Shanor & Martin, L.L.P., Ellen S.
Casey, Esq. for Defendant New Mexico Department of Public Safety
("DPS").

2. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects:

- a. The basis for the claims in Plaintiff's complaint.
- b. The details of the sexual harassment to which Lt. Menefee has allegedly been subjected during her employment with Defendant DPS.

- c. The identification of all DPS civilian and police personnel Lt. Menefee claims witnessed or engaged in the alleged sexual harassment.
- d. Knowledge of the alleged sexual harassment by the Defendant DPS.
- e. The alleged failure by the Defendant DPS to prevent and correct the alleged sexual harassment.
- f. Lt. Menefee's alleged conduct and participation in sexual harassment of co-workers and supervisees.
- g. The extent of Lt. Menefee's claimed injuries and damages.
- h. Lt. Menefee's current ability to work.
- i. The investigation conducted by the EEOC and the Department of Justice of Lt. Menefee's claimed sexual harassment.
- j. The investigation conducted by the Defendant DPS in response to Ms. Menefee's EEOC charge no. 390-97-1118 and the Department of Justice's notice of investigation.
- k. All defenses asserted by the Defendant DPS.

All discovery commenced in time to be completed by September 14, 2001. Discovery on (issue for early discovery) to be completed by not applicable.

Maximum of 50 interrogatories by each party to any other party. (Responses due 30 days after service.)

Maximum of 30 requests for admission by each party to any other party. (Responses due 30 days after service.)

Maximum of 30 depositions by Plaintiff and 30 by Defendant DPS.

Each deposition, other than of experts and parties, (which shall include Lt. Crystel Menefee and DPS' designated representative) limited to 4 hours unless extended by agreement of the parties. Depositions of parties, to include Lt. Crystel Menefee, DPS' designated representative and experts limited to 8 hours unless extended by agreement of parties.

Reports from retained experts under Rule 26(a)(2) due:

from Plaintiff by June 14, 2001.

from Defendant by July 16, 2001.

Supplementation under Rule 26(e) due as required by Fed. R.Civ. P. 26.

3. Other Items.

The parties request a settlement conference at the close of discovery.

The parties request a pretrial conference thirty days before the case is set for trial.

Plaintiff should be allowed until March 14, 2001 to join additional parties and until March 14, 2001 to amend the pleadings.

Defendant should be allowed until April 14, 2001 to join additional parties and until April 14, 2001 to amend the pleadings.

All potentially dispositive motions should be filed 75 days after the close of discovery.

Plaintiff shall provide the Pretrial Order to Defendant 60 days before trial and Defendant shall submit to the Court by 30 days before trial.

Settlement may be enhanced by use of mediation. The parties believe that the possibility of settling this case is fair and request that this case be referred to Judge DeGiacomo for mediation to be scheduled within the next 30 days and at the convenience of the court.


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