

Procedures for Civil Discovery, Settlement Matters, and Consent

1. For any opposed motion, counsel should indicate in their briefing whether they request a hearing on the motion and, if so, whether they request it be conducted telephonically or in person.
2. If materials must be sent to the Court for any reason, they should be sent electronically to fourattproposedtext@nmd.uscourts.gov or by mail to: Judge Gregory Fouratt, 100 N. Church Street, Suite 550, Las Cruces, NM 88001. Please do not send by facsimile. Opposing counsel must be copied on all written or email communications that counsel conduct with the Court with the exception of confidential letters (and associated materials) sent in anticipation of a settlement conference.
3. Unless otherwise requested and ordered, all settlement conferences with Judge Fouratt are held in the Doña Ana courtroom of the U.S. District Courthouse in Las Cruces.
4. The Court does not provide interpreters for settlement conferences. If a participant requires an interpreter, counsel must ensure one is present.
5. Even if stipulated, parties seeking an extension in excess of ten (10) days for any filing deadline must file a Motion to Extend with the Court by the day of the original deadline. If the parties agree to a filing extension of less than ten (10) days which does not interfere with other established case management deadlines, they must file a notice as required by Local Rule 7.4(a).
6. Proposed orders must be sent to fourattproposedtext@nmd.uscourts.gov after the filing of any unopposed motion. They should be submitted in Microsoft Word format (as .docx files), should have 1" margins, be justified, and use Times New Roman Font, size 12. In civil cases, the case number should be presented as follows: Case No. ###-cv-### [Presiding Judge initials] / [Referral Judge initials]. Further, they should indicate the approval of all parties by including the electronic signature of all parties at the end of the document.

7. Parties must clearly label all exhibits attached to a filing on CM/ECF. For example, rather than merely labeling an exhibit “Exhibit A,” parties must provide additional description, such as “Exhibit A: Deposition of Plaintiff Jones,” or “Exhibit A: Defendant Smith’s Responses to Interrogatories.”

8. For telephonic conferences or hearings, counsel must call into the conference line no later than three (3) minutes before the conference or hearing begins.

9. Judge Fouratt is available to resolve discovery disputes informally. If the meet-and-confer process does not resolve a dispute and counsel agree to attempt to resolve it informally, counsel may email chambers to coordinate a telephonic conference with the judge. Counsel should give a brief summary of the issue and the availability of all counsel. If counsel agree that it would be helpful, they may provide written materials that summarize or are relevant to the dispute. Obviously, any such material must be copied to opposing counsel. Keep in mind that the nature of such an informal process means that the issues should be relatively narrow and discrete.

10. **Counsel are reminded that when Judge Fouratt is assigned as the discovery/referral judge, the parties may consent to him presiding over the case pursuant to Local Rule 73.2.** Should the parties wish to do so, they must fill out **Form AO 85** – “Notice, Consent, and Reference of a Civil Action to a Magistrate Judge.” The form must be returned to the Clerk’s Office and should not be sent directly to either assigned judge. **Form AO 85** is provided on Judge Fouratt’s webpage within the “Resources” tab through the “Court Forms” link.