

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

WALTER STEPHEN JACKSON, et al.,

Plaintiffs,

v.

Civ. No. 87-0839 JP/KBM

LOS LUNAS HOSPITAL AND TRAINING SCHOOL,
et al.,

Defendants,

and

THE ARC OF NEW MEXICO,

Intervenor,

and

MARY TERRAZAS, et al.,

Intervenors *pro se*.

ORDER

On July 15, 2010, Plaintiffs filed Plaintiffs' Motion for Further Remedial Relief to Remedy Noncompliance (Doc. No. 1731) (Motion for Relief), which is fully briefed. Having reviewed the Motion for Relief, I decided that an evidentiary hearing on the Motion for Relief would be necessary to decide the issues raised by Plaintiffs. That evidentiary hearing is currently set for July 11, 2011. The parties are now preparing for the evidentiary hearing by engaging in discovery, obtaining expert witnesses, and compiling facts that can be used at the evidentiary hearing. Considering that the factual record will not be complete until after the evidentiary hearing is concluded, it appears to the Court that the Motion for Relief, as originally filed, will need to be rewritten to reflect that factual record. Consequently, for administrative

purposes, I will deny the Motion for Relief without prejudice to the filing of a second motion for remedial relief which is supported by and cites to the evidence admitted at the evidentiary hearing. Also, the parties must in the Pretrial Order specify exactly what issues will be addressed at the evidentiary hearing.

IT IS ORDERED that:

1. Plaintiffs' Motion for Further Remedial Relief to Remedy Noncompliance (Doc. No. 1731) is denied without prejudice to the filing of a second motion for remedial relief that incorporates the factual record established at the evidentiary hearing; and

2. the parties must specify in the Pretrial Order the exact issues which will be addressed at the evidentiary hearing.


SENIOR UNITED STATES DISTRICT JUDGE