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U.S. District Court
United States District Court - District of New Mexico (Las Cruces)
CIVIL DOCKET FOR CASE #: 2:21-cv-00223-MV-GJF

Escano v. Concord Auto Protect, Inc. et al
Assigned to: District Judge Martha Vazquez
Referred to: Magistrate Judge Gregory J. Fouratt
Case in other court: Sixth Judicial District Court, 21cv38
Tenth Circuit court of Appeals, USCA 22-02096

Date Filed: 03/12/2021
Date Terminated: 08/30/2023
Jury Demand: Plaintiff
Nature of Suit: 110 Insurance
Jurisdiction: Diversity

Cause: 28:1441 Petition for Removal

Plaintiff

Ruben Escano

represented by **Ruben Escano**
PRO SE
2311 Ranch Club Road
Suite 2-180
Silver City, NM 88061
201-527-8938
Email: rubenescano@gmail.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Concord Auto Protect, Inc.
TERMINATED: 07/07/2023

Defendant

Forevercar, LLC

represented by **Andrew L Van Houter**
FAEGRE DRINKER BIDDLE & REATH
LLP
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Florham Park, NJ 07932
973-549-7018
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LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kevin D Pierce

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Defendant**Liberty Mutual Group, Inc.**

represented by **Meena H Allen**
 Allen Law Firm, LLC
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ATTORNEY TO BE NOTICED

Defendant**Liberty Mutual Auto and Home Services, LLC**

represented by **Daniel P. Tighe**
 Donnelly, Conroy, and Gelhaar, LLP
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Meena H Allen

(See above for address)
ATTORNEY TO BE NOTICED

Defendant**Alon Salman***TERMINATED: 07/07/2023***Defendant****Does 1-10***Inclusive and All of Them*

Date Filed	#	Docket Text
03/12/2021	1	NOTICE OF REMOVAL by Liberty Mutual Group, Inc., Liberty Mutual Auto and Home Services, Inc from Sixth Judicial District Court, case number D-608-CV-2021-00038. (

		Filing Fee - Online Payment), filed by Liberty Mutual Group, Inc., Liberty Mutual Auto and Home Services, Inc. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Civil Cover Sheet)(Allen, Meena) (Entered: 03/12/2021)
03/12/2021		Filing and Administrative Fees Received: \$ 402 receipt number ANMDC-7587268 re 1 Notice of Removal, filed by Liberty Mutual Group, Inc., Liberty Mutual Auto and Home Services, Inc (Payment made via Pay.gov)(Allen, Meena) (Entered: 03/12/2021)
03/12/2021		United States Magistrate Judge Gregory B. Wormuth and United States Magistrate Judge Carmen E. Garza assigned. (jg) (Entered: 03/12/2021)
03/12/2021	2	PLEASE TAKE NOTICE that this case has been randomly assigned to United States Magistrate Judge Gregory B. Wormuth to conduct dispositive proceedings in this matter, including motions and trial. Appeal from a judgment entered by a Magistrate Judge will be to the United States Court of Appeals for the Tenth Circuit. It is the responsibility of the case filer to serve a copy of this Notice upon all parties with the summons and complaint. <i>Consent is strictly voluntary, and a party is free to withhold consent without adverse consequences. Should a party choose to consent, notice should be made no later than 21 days after entry of the Order setting the Rule 16 Initial Scheduling Conference.</i> For e-filers, visit our Web site at www.nmd.uscourts.gov for more information and instructions. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (jg) (Entered: 03/12/2021)
03/12/2021	3	CERTIFICATE OF SERVICE by Liberty Mutual Auto and Home Services, LLC of <i>Mailing Notice of Removal to Plaintiff</i> (Allen, Meena) (Entered: 03/12/2021)
03/12/2021	4	NOTICE of Appearance by Kevin D Pierce on behalf of Forevercar, LLC (Pierce, Kevin) (Entered: 03/12/2021)
03/12/2021	5	NOTICE by Forevercar, LLC re 1 Notice of Removal, <i>Defendant ForeverCar, LLC's Notice of Consent and Joinder in Removal</i> (Pierce, Kevin) (Entered: 03/12/2021)
03/15/2021	6	NOTICE by Forevercar, LLC of <i>Agreed Extension to Respond to Plaintiff's Complaint</i> (Pierce, Kevin) (Entered: 03/15/2021)
03/16/2021	7	NOTICE by Forevercar, LLC <i>Pro Hac Vice Certification of Andrew L. Van Houter of Faegre Drinker Biddle & Reath, LLP</i> (Pierce, Kevin) (Entered: 03/16/2021)
03/16/2021	8	ASSOCIATION of Attorney Licensed Outside the District for Defendant Forevercar, LLC by Kevin D Pierce on behalf of: Andrew L. Van Houter FAEGRE DRINKER BIDDLE & REATH LLP 600 Campus Drive Florham Park, New Jersey 07932 (973) 549-7018 Fax (973) 360-9831 andrew.vanhouter@faegredrinker.com (Association Dues - Online Payment) (Pierce, Kevin) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 03/16/2021)
03/16/2021		Association Dues Received: \$ 100 receipt number ANMDC-7592943 re: # 8 Association of Attorney Licensed Outside the District, filed by Forevercar, LLC (Payment made via Pay.gov)(Pierce, Kevin) (Entered: 03/16/2021)

03/17/2021	9	NOTICE by Liberty Mutual Group, Inc. <i>and Liberty Mutual Auto and Home Services, LLC's Notice of Extension of Time to Answer Complaint</i> (Allen, Meena) (Entered: 03/17/2021)
03/26/2021	10	NOTICE by Liberty Mutual Auto and Home Services, LLC re 1 Notice of Removal, <i>Amended/Corrected Civil Cover Sheet</i> (Allen, Meena) (Entered: 03/26/2021)
04/07/2021	11	MOTION to Remand to State Court by Ruben Escano. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C) (vh) Modified filed date on 4/9/2021 (cer). (Entered: 04/08/2021)
04/07/2021	12	CERTIFICATE OF SERVICE re 11 MOTION to Remand to State Court (vh) Modified filed date on 4/9/2021 (cer). (Entered: 04/08/2021)
04/09/2021	13	NOTICE OF CONSENT SUBMISSION DEADLINE: Pursuant to Fed. R. Civ. P. 73(b) (2), the parties are reminded that a magistrate judge was assigned as the trial judge in this matter under 28 U.S.C. 636(c). The parties are advised that the Clerk will reassign this matter to a district judge as the trial judge no later than 21 days from the entry of this notice unless consents from all parties have been filed. The parties are free to withhold consent. <i>If you have already entered your consent, you need not resubmit.</i> (kls) (Entered: 04/09/2021)
04/13/2021	14	NOTICE by Concord Auto Protect, Inc. <i>and Alon Salman of Consent to Removal</i> (Attachments: # 1 Exhibit A) (Allen, Meena) (Entered: 04/13/2021)
04/13/2021	15	MOTION for Leave to e-file via the Court's Electronic Filing System (CM/ECF) by Ruben Escano. (vh) (Entered: 04/13/2021)
04/14/2021	16	ORDER by Chief Magistrate Judge Carmen E. Garza granting 15 Motion for Leave to E-File. Plaintiff may electronically file documents in this matter via CM/ECF. (crc) (Entered: 04/14/2021)
04/20/2021	17	ANSWER to Complaint (Notice of Removal) by Forevercar, LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D) (Pierce, Kevin) (Entered: 04/20/2021)
04/20/2021	18	Corporate Disclosure Statement by Forevercar, LLC (Pierce, Kevin) (Entered: 04/20/2021)
04/20/2021	19	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Liberty Mutual Auto and Home Services, LLC, Liberty Mutual Group, Inc.. (Allen, Meena) (Entered: 04/20/2021)
04/22/2021	20	RESPONSE in Opposition re 11 MOTION to Remand to State Court filed by Liberty Mutual Auto and Home Services, LLC. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2) (Allen, Meena) (Entered: 04/22/2021)
04/22/2021	21	INITIAL SCHEDULING ORDER by Chief Magistrate Judge Carmen E. Garza. Joint Status Report is due by 6/22/21. A Telephonic Rule 16 Scheduling Conference is set for 6/29/21 at 2:30 PM before Chief Magistrate Judge Carmen E. Garza. [Parties shall call Judge Garza's AT&T Teleconference line at (877) 810-9415, follow the prompts, and enter access code 7467959, to be connected to the proceedings.] Unless otherwise notified by the Clerk or the Court a notice of consent or non-consent for this case to proceed before the trial Magistrate Judge should be submitted by each party no later than 21 days from 4/9/21, per 13 . (crc) (Entered: 04/22/2021)
04/22/2021	22	RESPONSE in Opposition re 11 MOTION to Remand to State Court filed by Forevercar, LLC. (Pierce, Kevin) (Entered: 04/22/2021)

05/03/2021	23	NOTICE by Ruben Escano <i>NOTICE OF AGREED EXTENSION TO FILE PLAINTIFFS OPPOSITION TO MOTION TO DISMISS</i> (Escano, Ruben) (Entered: 05/03/2021)
05/03/2021	24	NOTICE by Ruben Escano <i>NOTICE OF AGREED EXTENSION TO FILE PLAINTIFFS REPLY TO LIBERTY DEFENDANTS OPPOSITION TO PLAINTIFFS MOTION TO REMAND</i> (Escano, Ruben) (Entered: 05/03/2021)
05/03/2021	25	NOTICE by Ruben Escano <i>NOTICE OF AGREED EXTENSION TO FILE PLAINTIFFS REPLY TO DEFENDANT FOREVERCAR, LLCS OPPOSITION TO PLAINTIFFS MOTION TO REMAND</i> (Escano, Ruben) (Entered: 05/03/2021)
05/18/2021	26	RESPONSE in Opposition re 19 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Ruben Escano. (Attachments: # 1 Exhibit WalletHub, # 2 Exhibit VSC From Liberty Mutual, # 3 Exhibit ForeverCar Blog Post, # 4 Exhibit Liberty Mutual and CUNA Mutual, # 5 Exhibit ForeverCar ATDS, # 6 Affidavit Affidavit of Ruben Escano, # 7 Exhibit ForeverCar Plans, # 8 ForeverCar Second Deleted Webpage) (Escano, Ruben) (Entered: 05/18/2021)
05/19/2021	27	PLEASE TAKE NOTICE that this case has been reassigned to United States District Judge Martha Vazquez as the trial judge. Under D.N.M.LR-Civ. 10.1, the first page of each document must have the case file number and initials of the assigned judges. <i>Accordingly, further documents filed in this matter must bear the case number and the judges' initials shown in the case caption and the NEF for this document. Kindly reflect this change in your filings.</i> United States Magistrate Judge Gregory B. Wormuth no longer assigned to this case. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (jg) (Entered: 05/19/2021)
05/20/2021	28	NOTICE by Ruben Escano <i>NOTICE OF SECOND AGREED EXTENSION TO FILE PLAINTIFFS REPLY TO DEFENDANT FOREVERCAR, LLCS OPPOSITION TO PLAINTIFFS MOTION TO REMAND</i> (Escano, Ruben) (Entered: 05/20/2021)
05/20/2021	29	NOTICE by Ruben Escano <i>NOTICE OF SECOND AGREED EXTENSION TO FILE PLAINTIFFS REPLY TO LIBERTY DEFENDANTS OPPOSITION TO PLAINTIFFS MOTION TO REMAND</i> (Escano, Ruben) (Entered: 05/20/2021)
05/21/2021	30	MOTION for Judgment on the Pleadings by Forevercar, LLC. (Pierce, Kevin) (Entered: 05/21/2021)
05/21/2021	31	DECLARATION re 30 MOTION for Judgment on the Pleadings by Forevercar, LLC (Pierce, Kevin) (Entered: 05/21/2021)
05/27/2021	32	REPLY to Response to Motion re 11 MOTION to Remand to State Court filed by Ruben Escano. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H) (Escano, Ruben) (Entered: 05/27/2021)
05/27/2021	33	CERTIFICATE OF SERVICE by Ruben Escano re 32 Reply to Response to Motion, (Escano, Ruben) (Entered: 05/27/2021)
06/01/2021	34	REPLY to Response to Motion re 19 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Liberty Mutual Auto and Home Services, LLC. (Allen, Meena) (Entered: 06/01/2021)

06/01/2021	35	NOTICE of Briefing Complete by Liberty Mutual Auto and Home Services, LLC re 19 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Liberty Mutual Group, Inc., Liberty Mutual Auto and Home Services, LLC (Allen, Meena) (Entered: 06/01/2021)
06/01/2021	36	NOTICE by Ruben Escano <i>Notice of Completion of Briefing</i> (Escano, Ruben) (Entered: 06/01/2021)
06/04/2021	37	RESPONSE in Opposition re 30 MOTION for Judgment on the Pleadings filed by Ruben Escano. (Escano, Ruben) (Entered: 06/04/2021)
06/15/2021	38	ORDER Setting Telephonic Status Conference for 6/21/2021, at 2:30 PM before Chief Magistrate Judge Carmen E. Garza. [Parties shall call Judge Garza's AT&T Teleconference line at (877) 810-9415, follow the prompts, and enter access code 7467959, to be connected to the proceedings.] (crc) (Entered: 06/15/2021)
06/15/2021	39	Joint MOTION to Extend (other) <i>Meet and Confer and Joint Status Report Deadlines</i> by Forevercar, LLC. (Pierce, Kevin) (Entered: 06/15/2021)
06/16/2021	40	ORDER by Chief Magistrate Judge Carmen E. Garza granting in part 39 <i>Motion to Extend Meet and Confer and Joint Status Report Deadlines</i> . The meet and confer deadline of 6/15/21, the Joint Status Report deadline of 6/22/21, and the Rule 16 Scheduling Conference currently set for 6/29/21, are VACATED . The Telephonic Status Conference REMAINS set for 6/21/21, at 2:30 p.m. (crc) (Entered: 06/16/2021)
06/18/2021	41	REPLY to Response to Motion re 30 MOTION for Judgment on the Pleadings filed by Forevercar, LLC. (Pierce, Kevin) (Entered: 06/18/2021)
06/18/2021	42	NOTICE of Briefing Complete by Forevercar, LLC re 30 MOTION for Judgment on the Pleadings filed by Forevercar, LLC (Pierce, Kevin) (Entered: 06/18/2021)
06/21/2021	43	MOTION for Leave to File <i>Motion to Strike</i> by Ruben Escano. (Escano, Ruben) (Entered: 06/21/2021)
06/21/2021	44	Clerk's Minute for proceedings held before Chief Magistrate Judge Carmen E. Garza: Status Conference held on 6/21/2021. (crc) (Entered: 06/21/2021)
06/21/2021	45	ORDER by Chief Magistrate Judge Carmen E. Garza finding good cause to delay conducting a scheduling conference and entering a scheduling order. (crc) (Entered: 06/21/2021)
06/21/2021	46	ORDER REFERRING 11 MOTION to Remand to State Court filed by Ruben Escano by District Judge Martha Vazquez. (gr) (Entered: 06/21/2021)
06/22/2021	47	NOTICE by Forevercar, LLC re 43 MOTION for Leave to File <i>Motion to Strike Notice of Agreed Extension to Respond to Motion for Leave</i> (Pierce, Kevin) (Entered: 06/22/2021)
07/09/2021	48	NOTICE of Appearance by Meena H Allen on behalf of Liberty Mutual Auto and Home Services, LLC (Allen, Meena) (Entered: 07/09/2021)
07/09/2021	49	NOTICE by Liberty Mutual Auto and Home Services, LLC re 48 Notice of Appearance <i>Certificate of Good Standing</i> (Allen, Meena) (Entered: 07/09/2021)
07/09/2021	50	NOTICE of Appearance by Meena H Allen on behalf of Liberty Mutual Auto and Home Services, LLC (Allen, Meena) (Entered: 07/09/2021)
07/09/2021	51	NOTICE by Liberty Mutual Auto and Home Services, LLC re 50 Notice of Appearance <i>Certificate of Good Standing</i> (Allen, Meena) (Entered: 07/09/2021)

07/09/2021	52	ASSOCIATION of Attorney Licensed Outside the District for Defendant Liberty Mutual Auto and Home Services, LLC by Meena H Allen on behalf of: Timothy H. Madden Donnelly, Conroy & Gelhaar, LLP 260 Franklin Street, Suite 1600 Boston, MA 02110 (617) 720-2880 Fax (617) 720-3554 thm@dcglaw.com (Association Dues - Online Payment) (Allen, Meena) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 07/09/2021)
07/09/2021	53	ASSOCIATION of Attorney Licensed Outside the District for Defendant Liberty Mutual Auto and Home Services, LLC by Meena H Allen on behalf of: Daniel P. Tighe Donnelly, Conroy & Gelhaar, LLP 260 Franklin Street, Suite 1600 Boston, MA 02110 (617) 720-8220 Fax (617) 720-3554 dpt@dcglaw.com (Association Dues - Online Payment) (Allen, Meena) [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (Entered: 07/09/2021)
07/09/2021		Association Dues Received: \$ 100 receipt number ANMDC-7779119 re: # 52 Association of Attorney Licensed Outside the District, filed by Liberty Mutual Auto and Home Services, LLC (Payment made via Pay.gov)(Allen, Meena) (Entered: 07/09/2021)
07/09/2021		Association Dues Received: \$ 100 receipt number ANMDC-7779123 re: # 53 Association of Attorney Licensed Outside the District, filed by Liberty Mutual Auto and Home Services, LLC (Payment made via Pay.gov)(Allen, Meena) (Entered: 07/09/2021)
07/13/2021	54	RESPONSE in Opposition re 43 MOTION for Leave to File <i>Motion to Strike ForeverCar's Third Affirmative Defense</i> filed by Forevercar, LLC. (Pierce, Kevin) (Entered: 07/13/2021)
07/13/2021	55	PROPOSED FINDINGS AND RECOMMENDED DISPOSITION by Chief Magistrate Judge Carmen E. Garza, recommending that 11 Plaintiff's <i>Motion to Remand to State Court</i> be DENIED. Objections to the PF&RD due by 7/27/2021 . (crc) (Entered: 07/13/2021)
07/27/2021	56	REPLY to Response to Motion re 43 MOTION for Leave to File <i>Motion to Strike ForeverCar's Third Affirmative Defense</i> filed by Ruben Escano. (Escano, Ruben) (Entered: 07/27/2021)
07/28/2021	57	NOTICE of Briefing Complete by Ruben Escano re 43 MOTION for Leave to File <i>Motion to Strike</i> filed by Ruben Escano (Escano, Ruben) (Entered: 07/28/2021)
08/04/2021	58	ORDER ADOPTING 55 REPORT AND RECOMMENDATIONS by District Judge Martha Vazquez; DENYING 11 Motion to Remand to State Court filed by Ruben Escano.

		IT IS THEREFORE ORDERED that Plaintiff's Motion to Remand to State Court, (Doc. 11), is DENIED. (gr) (Entered: 08/04/2021)
08/05/2021	59	AFFIDAVIT of Service for Summons served on Alon Salman on February 20, 2021, filed by Ruben Escano. (Escano, Ruben) (Entered: 08/05/2021)
08/05/2021	60	AFFIDAVIT of Service for Summons served on Defendant Concord Auto Protect, Inc. on February 20, 2021, filed by Ruben Escano. (Escano, Ruben) (Entered: 08/05/2021)
08/05/2021	61	PRAECIPE For Clerk's Entry of Default Against Defendant Concord Auto Protect, Inc. and Defendant Alon Salman by Ruben Escano (Attachments: # 1 Affidavit Affidavit of Nonmilitary Service) (Escano, Ruben) (Entered: 08/05/2021)
08/06/2021	62	Clerk's ENTRY OF DEFAULT as to Concord Auto Protect, Inc. and Alon Salman. (gr) (Entered: 08/06/2021)
08/11/2021	63	MOTION for Default Judgment as to <i>Defendant Concord Auto Protect, Inc. and Defendant Alon Salman</i> by Ruben Escano. (Escano, Ruben) (Entered: 08/11/2021)
08/16/2021	64	ORDER REFERRING 63 MOTION for Default Judgment as to <i>Defendant Concord Auto Protect, Inc. and Defendant Alon Salman</i> filed by Ruben Escano by District Judge Martha Vazquez. (gr) (Entered: 08/16/2021)
09/03/2021	65	ORDER by Chief Magistrate Judge Carmen E. Garza directing Plaintiff Ruben Escano to supplement 63 his Motion for Default Judgment consistent with this Order by no later than 9/15/2021 . (crc) (Entered: 09/03/2021)
09/14/2021	66	Unopposed MOTION for Extension of Time to File <i>Supplemental Evidence Pertaining to Service Requirements</i> by Ruben Escano. (Escano, Ruben) (Entered: 09/14/2021)
09/17/2021	67	Proposed Findings and Recommended Disposition (PF&RD) by Chief Magistrate Judge Carmen E. Garza. The Court RECOMMENDS that 63 Plaintiff's <i>Motion for Default Judgment as to Defendants Concord Auto Protect, Inc. and Alon Salman</i> be DENIED WITHOUT PREJUDICE, and that Plaintiff be permitted until 10/31/21 to perfect service on these defendants. Objections to the PF&RD due by 10/1/2021 . (crc) (Entered: 09/17/2021)
09/17/2021	68	ORDER by Chief Magistrate Judge Carmen E. Garza denying 66 <i>Motion for Extension of Time to File Supplemental Briefing</i> . (crc) (Entered: 09/17/2021)
09/22/2021	69	SUMMONS Returned Executed by Ruben Escano. Alon Salman served on 9/10/2021, answer due 10/1/2021. (Escano, Ruben) (Entered: 09/22/2021)
09/22/2021	70	SUMMONS Returned Executed by Ruben Escano. Concord Auto Protect, Inc. served on 9/10/2021, answer due 10/1/2021. (Escano, Ruben) (Entered: 09/22/2021)
10/05/2021	71	ORDER ADOPTING 67 REPORT AND RECOMMENDATIONS by District Judge Martha Vazquez; DENYING WITHOUT PREJUDICE 63 Motion for Default Judgment filed by Ruben Escano. IT IS THEREFORE ORDERED that Plaintiff's Motion for Default Judgment as to Defendant Concord Auto Protect, Inc. and Defendant Alon Salman, (Doc. 63), is DENIED WITHOUT PREJUDICE. (gr) (Entered: 10/05/2021)
11/09/2021	72	ORDER REFERRING CASE to Magistrate Judge Carmen Garza by District Judge Martha Vazquez. (gr) (Entered: 11/09/2021)
11/19/2021	73	AFFIDAVIT of <i>Defendant Alon Salman</i> by Ruben Escano (Escano, Ruben) (Entered: 11/19/2021)
12/07/2021	74	***WITHDRAWN pursuant to 75 Notice of Withdrawal*** MOTION for Issuance of Letters Rogatory Pursuant to the Hague Convention of 18 March 1970 on the Taking of

		<i>Evidence Abroad in Civil Matters to Obtain Evidence From AirVPN</i> by Ruben Escano. (Attachments: # 1 Exhibit A) (Escano, Ruben) Modified text on 12/22/2021 add withdrawn language (gr). (Entered: 12/07/2021)
12/21/2021	75	NOTICE OF WITHDRAWAL OF DOCUMENT by Ruben Escano (Escano, Ruben) (Entered: 12/21/2021)
12/27/2021	76	MOTION for Discovery <i>Prior to the Rule 26(f) Conference to Obtain Perishable Evidence From Defendant ForeverCar, LLC and Non-Parties</i> by Ruben Escano. (Attachments: # 1 Exhibit A, # 2 Exhibit B) (Escano, Ruben) (Entered: 12/27/2021)
01/10/2022	77	RESPONSE in Opposition re 76 MOTION for Discovery <i>Prior to the Rule 26(f) Conference to Obtain Perishable Evidence From Defendant ForeverCar, LLC and Non-Parties</i> filed by Forevercar, LLC. (Pierce, Kevin) (Entered: 01/10/2022)
01/10/2022	78	RESPONSE in Opposition re 76 MOTION for Discovery <i>Prior to the Rule 26(f) Conference to Obtain Perishable Evidence From Defendant ForeverCar, LLC and Non-Parties</i> filed by Liberty Mutual Auto and Home Services, LLC, Liberty Mutual Group, Inc.. (Allen, Meena) (Entered: 01/10/2022)
01/10/2022	79	DECLARATION re 76 MOTION for Discovery <i>Prior to the Rule 26(f) Conference to Obtain Perishable Evidence From Defendant ForeverCar, LLC and Non-Parties</i> , 77 Response in Opposition to Motion of Andrew L. Van Houter In Support of 77 by Forevercar, LLC (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I) (Pierce, Kevin) (Entered: 01/10/2022)
01/19/2022	80	Proposed Findings and Recommended Disposition (PF&RD) by Chief Magistrate Judge Carmen E. Garza. The Court RECOMMENDS that Defendant Liberty Mutual's 19 Motion to Dismiss be GRANTED WITHOUT PREJUDICE; that Defendant ForeverCar LLC's 30 Motion for Judgment on the Pleadings be GRANTED WITH PREJUDICE; and that Plaintiff Ruben Escano's 43 Motion for Leave to File a Motion to Strike be DENIED AS MOOT. Objections to the PF&RD due by 2/2/2022. (crc) (Entered: 01/19/2022)
01/19/2022	81	REPLY to Response to Motion re 76 MOTION for Discovery <i>Prior to the Rule 26(f) Conference to Obtain Perishable Evidence From Defendant ForeverCar, LLC and Non-Parties</i> filed by Ruben Escano. (Escano, Ruben) (Entered: 01/19/2022)
01/19/2022	82	NOTICE of Briefing Complete by Ruben Escano re 76 MOTION for Discovery <i>Prior to the Rule 26(f) Conference to Obtain Perishable Evidence From Defendant ForeverCar, LLC and Non-Parties</i> filed by Ruben Escano (Escano, Ruben) (Entered: 01/19/2022)
01/20/2022	83	ORDER by Chief Magistrate Judge Carmen E. Garza holding in abeyance 76 Plaintiff Ruben Escano's <i>Motion for Expedited Discovery</i> . (crc) (Entered: 01/20/2022)
02/03/2022	84	OBJECTIONS re 80 REPORT AND RECOMMENDATIONS by Ruben Escano (Escano, Ruben) (Entered: 02/03/2022)
02/16/2022	85	RESPONSE re 84 Objections filed by Liberty Mutual Auto and Home Services, LLC, Liberty Mutual Group, Inc.. (Allen, Meena) (Entered: 02/16/2022)
02/17/2022	86	RESPONSE <i>Defendant Forevercar, LLC's Opposition to Plaintiff's Objections to the Proposed Findings and Recommended Disposition</i> re 84 Objections filed by Forevercar, LLC. (Pierce, Kevin) (Entered: 02/17/2022)
02/18/2022	87	Unopposed MOTION to Extend (other) <i>Time to File Objections to Proposed Findings and Recommended Disposition</i> by Ruben Escano. (Attachments: # 1 Exhibit A) (Escano, Ruben) (Entered: 02/18/2022)

02/22/2022	88	NOTICE of Briefing Complete by Ruben Escano re 87 Unopposed MOTION to Extend (other) <i>Time to File Objections to Proposed Findings and Recommended Disposition</i> filed by Ruben Escano (Escano, Ruben) (Entered: 02/22/2022)
02/24/2022	89	MOTION to Amend/Correct <i>Original Complaint</i> by Ruben Escano. (Attachments: # 1 Exhibit A) (Escano, Ruben) (Entered: 02/24/2022)
02/28/2022	90	ORDER Setting Telephonic Status Conference for 3/8/2022, at 10:00 AM before Chief Magistrate Judge Carmen E. Garza. [Parties shall call Judge Garza's AT&T Teleconference line at (877) 810-9415, follow the prompts, and enter access code 7467959, to be connected to the proceedings.] Pending the Status Conference, the parties are relieved from briefing 89 Plaintiff's <i>Motion to Amend the Complaint</i> .(crc) (Entered: 02/28/2022)
03/03/2022	91	ORDER ADOPTING IN PART 80 REPORT AND RECOMMENDATIONS by District Judge Martha Vazquez; FINDING AS MOOT 43 Motion for Leave to File filed by Ruben Escano; GRANTING 19 Motion to Dismiss for Failure to State a Claim filed by Liberty Mutual Group, Inc. and Liberty Mutual Auto and Home Services, LLC.; GRANTING 30 Motion for Judgment on the Pleadings filed by Forevercar, LLC.; and GRANTING 84 Objections filed by Ruben Escano. See order for specifics. (gr) (Entered: 03/03/2022)
03/04/2022	92	Joint MOTION to Vacate 90 Order,, Set Hearings, <i>And Set Deadline for Defendants to Oppose Plaintiff's Motion to Amend</i> by Liberty Mutual Auto and Home Services, LLC, Liberty Mutual Group, Inc.. (Allen, Meena) (Entered: 03/04/2022)
03/07/2022	93	ORDER by Chief Magistrate Judge Carmen E. Garza granting 92 Motion to Vacate Status Conference and Set Deadline for Defendants to Oppose Plaintiff's Motion to Amend. The Telephonic Status Conference set for 3/8/2022 is hereby VACATED. Defendants shall file a response to Plaintiff's 89 Motion to Amend by 4/4/2022. (ke) (Entered: 03/07/2022)
04/04/2022	94	RESPONSE to Motion re 89 MOTION to Amend/Correct <i>Original Complaint</i> filed by Liberty Mutual Auto and Home Services, LLC, Liberty Mutual Group, Inc.. (Allen, Meena) (Entered: 04/04/2022)
04/04/2022	95	RESPONSE in Opposition re 89 MOTION to Amend/Correct <i>Original Complaint</i> filed by Forevercar, LLC. (Pierce, Kevin) (Entered: 04/04/2022)
04/14/2022	96	Unopposed MOTION to Extend (other) <i>Page Limit for Reply to Motion to Amend</i> by Ruben Escano. (Escano, Ruben) (Entered: 04/14/2022)
04/15/2022	97	ORDER by Chief Magistrate Judge Carmen E. Garza granting 96 <i>Motion to Exceed Page Limit for Plaintiff's Reply</i> . (crc) (Entered: 04/15/2022)
04/18/2022	98	REPLY to Response to Motion re 89 MOTION to Amend/Correct <i>Original Complaint</i> filed by Ruben Escano. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F) (Escano, Ruben) (Entered: 04/18/2022)
04/18/2022	99	NOTICE of Briefing Complete by Ruben Escano re 89 MOTION to Amend/Correct <i>Original Complaint</i> filed by Ruben Escano (Escano, Ruben) (Entered: 04/18/2022)
04/27/2022	100	Proposed Findings and Recommended Disposition (PF&RD) by Chief Magistrate Judge Carmen E. Garza. The Court RECOMMENDS that 89 Plaintiff Ruben Escano's <i>Motion to Amend Original Complaint</i> be DENIED , and that the case be DISMISSED WITH PREJUDICE . Objections to the PF&RD due by 5/11/2022. (crc) (Entered: 04/27/2022)
05/11/2022	101	OBJECTIONS re 100 REPORT AND RECOMMENDATIONS re 89 MOTION to Amend/Correct <i>Original Complaint</i> filed by Ruben Escano by Ruben Escano (Attachments: # 1 Exhibit A) (Escano, Ruben) (Entered: 05/11/2022)

05/25/2022	102	RESPONSE re 101 Objections filed by Liberty Mutual Auto and Home Services, LLC, Liberty Mutual Group, Inc.. (Allen, Meena) (Entered: 05/25/2022)
05/25/2022	103	RESPONSE <i>Defendant ForeverCar's Objection to Plaintiff's Objections to the Proposed Findings and Recommended Disposition</i> re 101 Objections filed by Forevercar, LLC. (Pierce, Kevin) (Entered: 05/25/2022)
06/21/2022	104	NOTICE by Ruben Escano <i>of Non-Availability</i> (Escano, Ruben) (Entered: 06/21/2022)
07/14/2022	105	ORDER ADOPTING 100 REPORT AND RECOMMENDATIONS by District Judge Martha Vazquez; DENYING 89 Motion to Amend/Correct filed by Ruben Escano. IT IS THEREFORE ORDERED that Mr. Escano's Motion to Amend Original Complaint, (Doc. 89), is DENIED and this case is DISMISSED WITH PREJUDICE. (gr) (Entered: 07/14/2022)
07/14/2022	106	FINAL JUDGMENT by District Judge Martha Vazquez. IT IS ORDERED, ADJUDGED, AND DECREED that Mr. Escano's Motion to Amend Original Complaint, (Doc. 89), is DENIED and this case is DISMISSED WITH PREJUDICE. (gr) (Entered: 07/14/2022)
08/12/2022	107	NOTICE OF APPEAL by Ruben Escano. (Filing Fee - Online Payment) (Escano, Ruben) (Entered: 08/12/2022)
08/12/2022		Filing Fee Received: \$ 505 receipt number ANMDC-8411558 re 107 Notice of Appeal filed by Ruben Escano (Payment made via Pay.gov)(Escano, Ruben) (Entered: 08/12/2022)
08/15/2022	108	Transmission of Preliminary Record to US Court of Appeals re 107 Notice of Appeal. (Attachments: # 1 Preliminary Record on Appeal) (gr) (Entered: 08/15/2022)
08/15/2022	109	USCA Information Letter with Case Number USCA 22-2096 for 107 Notice of Appeal filed by Ruben Escano. (gr) (Entered: 08/15/2022)
08/24/2022	110	NOTICE of Docketing Record on Appeal from USCA re 107 Notice of Appeal filed by Ruben Escano. USCA Case Number USCA 22-2096. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (gr) (Entered: 08/24/2022)
12/01/2022	111	ORDER OF USCA as to 107 Notice of Appeal filed by Ruben Escano. Upon consideration, the motion is granted. The record will be supplemented with Doc. Nos. 17 and 73 . (gr) (Entered: 12/01/2022)
12/01/2022	112	NOTICE of Docketing Supplemental Record on Appeal from USCA re 107 Notice of Appeal filed by Ruben Escano. USCA Case Number USCA 22-2096. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (gr) (Entered: 12/01/2022)
06/29/2023	113	ORDER OF USCA as to 107 Notice of Appeal filed by Ruben Escano. Directs the Clerk of Court to supplement record. (gr) (Entered: 06/29/2023)
06/29/2023	114	NOTICE of Docketing Supplemental Record on Appeal from USCA re 107 Notice of Appeal filed by Ruben Escano. USCA Case Number USCA 22-2096. (gr) (Entered: 06/29/2023)
07/07/2023	115	NOTICE of Voluntary Dismissal as to Concord Auto Protect, Inc. and Alon Salman by Ruben Escano (Escano, Ruben) (Entered: 07/07/2023)
07/21/2023	116	MANDATE of USCA AFFIRMING IN PART AND REVERSING IN PART as to 107 Notice of Appeal filed by Ruben Escano. We affirm the district court's dismissal of the claims against ForeverCar and Liberty Mutual, but we reverse the dismissal of the claims against Concord and remand for the district court to conduct further proceedings on those

		claims. (Attachments: # 1 Order and Judgment affirming in part and reversing in part) (bap) Modified text on 8/1/2023 add more information (gr). (Entered: 07/21/2023)
07/31/2023	118	PLEASE TAKE NOTICE that this case has been randomly reassigned to Magistrate Judge Gregory J. Fouratt as the pretrial judge. Under D.N.M.LR-Civ. 10.1, the first page of each document must have the case file number and initials of the assigned judges. <i>Accordingly, further documents filed in this matter must bear the case number and the judges' initials shown in the case caption and the NEF for this document. Kindly reflect this change in your filings.</i> Magistrate Judge Carmen E Garza no longer assigned to this case. [THIS IS A TEXT-ONLY ENTRY. THERE ARE NO DOCUMENTS ATTACHED.] (bc) (Entered: 07/31/2023)
08/30/2023	119	ORDER ON REMAND re 116 USCA Mandate, by District Judge Martha Vazquez. Consistent with the Tenth Circuit Order and the Notice, this Court will enter a separate judgment reflecting that Mr. Escano's claims against Concord are dismissed from this action without prejudice. (gr) (Entered: 08/30/2023)
08/30/2023	120	AMENDED JUDGMENT by District Judge Martha Vazquez. IT IS ORDERED, ADJUDGED, AND DECREED as follows: Mr. Escano's Motion to Amend Original Complaint (Doc. 89) is DENIED; Mr. Escano's claims against ForeverCar, LLC, Liberty Mutual Group, Inc., and Liberty Mutual Auto and Home Services, LLC are DISMISSED WITH PREJUDICE; and Mr. Escano's claims against Concord Auto Protect, Inc. and Alon Salman are DISMISSED WITHOUT PREJUDICE. (gr) (Entered: 08/30/2023)
04/15/2025	121	MOTION to Reopen Case <i>and for Relief From Judgment (Doc. 105)</i> by Ruben Escano. (Escano, Ruben) (Entered: 04/15/2025)
04/28/2025	122	ORDER REFERRING CASE to Magistrate Judge Gregory J. Fouratt by District Judge Martha Vazquez. (fs) (Entered: 04/28/2025)
04/29/2025	123	RESPONSE in Opposition re 121 MOTION to Reopen Case <i>and for Relief From Judgment (Doc. 105)</i> filed by Liberty Mutual Auto and Home Services, LLC, Liberty Mutual Group, Inc.. (Allen, Meena) (Entered: 04/29/2025)
05/06/2025	124	REPLY to Response to Motion re 121 MOTION to Reopen Case <i>and for Relief From Judgment (Doc. 105)</i> filed by Ruben Escano. (Escano, Ruben) (Entered: 05/06/2025)
05/06/2025	125	NOTICE of Briefing Complete by Ruben Escano re 121 MOTION to Reopen Case <i>and for Relief From Judgment (Doc. 105)</i> filed by Ruben Escano (Escano, Ruben) (Entered: 05/06/2025)
08/19/2025	126	PROPOSED FINDINGS AND RECOMMENDED DISPOSITION (PFRD) ON 121 PLAINTIFF'S MOTION TO REOPEN CASE AND FOR RELIEF FROM JUDGMENT by Magistrate Judge Gregory J. Fouratt. Objections to PFRD due September 2, 2025. Add 3 days to the deadline if service is by mailing it to the person's last known address (or means described in Fed. R. Civ. P. 5(b)(2)(D) and (F)); if service is by electronic means, no additional days are added. (Fed. R. Civ. P. 6(d); Fed. R. Crim. P. 45(c).) (vvv) (Entered: 08/19/2025)

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