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6 IN THE UNITED STATES DISTRICT COURT
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 JAMES TALADA, III, and MELODY
11 LABELLA,

No. C 08-02771 WHA

12 Plaintiffs,

13 v.

**ORDER RE REQUESTS
FOR ADMISSION**

14 CITY OF MARTINEZ, et al.,

15 Defendants.
16 _____/

17 The requests for admissions will be disregarded and plaintiff will be relieved from the late
18 denial for the following combination of reasons:

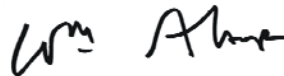
- 19 1. Good cause has been shown for counsel's neglect in responding.
20 2. The requests themselves were nothing but argument, each saying things
21 like "you have no facts to support" some allegation in the complaint.
22 These were not a sincere attempt by the propounder to establish facts but
23 merely a lawyer gimmick.
24 3. The requests themselves were festooned with complicated "definitions."
25 For example, the first request used four defined terms, all of which would
26 have to be read to the jury along with the admission, rendering it virtually
27 incomprehensible.
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4. Even if plaintiff “had no facts” back then, she had enough facts by the time of summary judgment to require a trial, subject to Rule 50.

IT IS SO ORDERED.

Dated: October 20, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE