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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
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7 NEWMARK REALTY CAPITAL, INC.,

8 Plaintiff,

9 v.

10 BGC PARTNERS, INC., et al.,

11 Defendants.

Case No. 16-cv-01702-BLF (SVK)

**ORDER ON DEFENDANTS' MOTION  
TO COMPEL RESPONSES TO  
DEFENDANTS' FIRST SET OF  
REQUESTS FOR ADMISSIONS**

Re: Dkt. No. 275

12 Before the Court are Defendants' Statement Regarding Motion to Compel Responses to  
13 Defendants' First Set of Requests for Admission (ECF 275) and Plaintiff's Response to  
14 Defendants' Statement (ECF 288). Defendants argue that Plaintiff's responses to a number of  
15 Requests for Admissions ("RFAs") are deficient. ECF 275 at 2-4. Plaintiff responds that it has  
16 agreed to supplement its responses to many of those RFAs by April 20, 2018, but that it will not  
17 provide a supplemental response to RFA Nos. 19, 20, 22, 24, 25, 44, 75, 96-100, 122, 132-135,  
18 142, and 163 (the "Disputed RFAs"). ECF 288 at 1.

19 Having reviewed the parties' submissions, the Court ORDERS as follows with respect to  
20 the Disputed RFAs:

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RFA	Order
19	Plaintiff's objection as to vague and ambiguous is overruled. Plaintiff must supplement its response to admit or deny this RFA, in line with Court's direction in re RFA 20.
20	Plaintiff's response is an admission: Plaintiff does business as Newmark, and Plaintiff has conducted the specified activity in its business. No further response required.
22	Plaintiff's response is an admission: Plaintiff does business as Newmark, and Plaintiff has conducted the specified activity in its business. No further response required.

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<b>RFA</b>	<b>Order</b>
24	Plaintiff's response is an admission: Plaintiff does business as Newmark, and Plaintiff has conducted the specified activity in its business. No further response required.
25	Plaintiff's response is an admission: Plaintiff does business as Newmark, and Plaintiff has conducted the specified activity in its business. No further response required.
44	Plaintiff's response is a denial: Defendant was not known as "Newmark" in the commercial real estate industry in connection with certain, specified commercial real estate services. No further response required.
75	Defendants' request for a supplemental response is denied.
96	Plaintiff's objections overruled, without prejudice to Plaintiff seeking to exclude at trial.  Plaintiff must supplement its response to admit or deny this RFA.
97	Plaintiff's objections overruled, without prejudice to Plaintiff seeking to exclude at trial.  Plaintiff must supplement its response to admit or deny this RFA.
98	Plaintiff's objections overruled, without prejudice to Plaintiff seeking to exclude at trial.  Plaintiff must supplement its response to admit or deny this RFA.
99	Plaintiff's objections overruled, without prejudice to Plaintiff seeking to exclude at trial.  Plaintiff must supplement its response to admit or deny this RFA.
100	Plaintiff's objections overruled, without prejudice to Plaintiff seeking to exclude at trial.  Plaintiff must supplement its response to admit or deny this RFA.
122	Plaintiff's response is a denial: Defendant did not use "Newmark" before Plaintiff used "Newmark" in connection with certain, specified commercial real estate services. No further response is required.
132	Plaintiff's objections sustained.

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<b>RFA</b>	<b>Order</b>
133	Plaintiff's objections sustained.
134	Plaintiff's objections sustained.
135	Plaintiff's objections sustained.
142	Plaintiff's response is a denial: Defendant did not provide certain, specified commercial real estate services before 2010. No further response is required.
163	Plaintiff's objections sustained.

Where the Court has ordered Plaintiff to supplement its responses to the Disputed RFAs, those supplemental responses are due no later than April 25, 2018.

The Court will not rule at this time on those RFAs that Plaintiff has indicated it will supplement by April 20, 2018. Plaintiff should consider the guidance provided by this Order in preparing those supplemental responses, and the parties must continue their rigorous meet and confer efforts. Should any issues remain with respect to those supplemental responses, the parties must file a joint discovery letter brief that sets forth in a chart the disputed RFA, Plaintiff's response, Defendant's grounds for compelling a further response, and provides a column for this Court's ruling, no later than April 27, 2018.

**SO ORDERED.**

Dated: April 19, 2018



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SUSAN VAN KEULEN  
United States Magistrate Judge