

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-01712-MSK-MEH

PETER GEORGACARAKOS,

Plaintiff,

v.

WILEY, *et al.*,

Defendants.

MINUTE ORDER

Entered by Michael E. Hegarty, United States Magistrate Judge, on March 17, 2009.

Plaintiff's Supplemental Motion to Compel Discovery [[filed February 9, 2009; docket #502](#)] is **denied**. Pursuant to Fed. R. Civ. P. 36 concerning Requests for Admissions, "[t]he answering party may assert lack of knowledge or information as a reason for failing to admit or deny only if the party states that it has made reasonable inquiry and that the information it knows or can readily obtain is insufficient to enable it to admit or deny." Defendants Herschberger's and Cruz' answers to Plaintiff's requests for admissions comply with Rule 36's requirement. Plaintiff's complaint that Defendants claim not to have access to certain documents is without merit in that documents, or information therefrom, may only be produced if in the party's "possession, custody or control." *See* Fed. R. Civ. P. 34.