

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

JAMES TYLER (#372199)

VERSUS

CIVIL ACTION

JIMMY SMITH, ET AL

NUMBER 12-222-SDD-SCR

**RULING ON MOTION TO STRIKE PLAINTIFF'S SECOND  
SET OF REQUEST FOR ADMISSIONS**

Before the court is the defendant's Motion to Strike Plaintiff's Second Set of Request for Admissions. Record document number 71.

On March 8, 2013, the plaintiff propounded Plaintiff's Second Request for Admissions.<sup>1</sup> Defendant moved to strike the requests on grounds that the discovery is untimely, irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence regarding the remaining issue in the case.

Defendant argued that the requests for admissions were propounded after discovery was closed. Defendant argued that in its June 13, 2012 order<sup>2</sup> extending the time to file cross motions for summary judgment, the court also tacitly closed discovery beyond the date to file cross motions for summary judgment.

Contrary to the defendant's assertion, the order issued on

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<sup>1</sup> Record document number 63.

<sup>2</sup> Record document number 14.

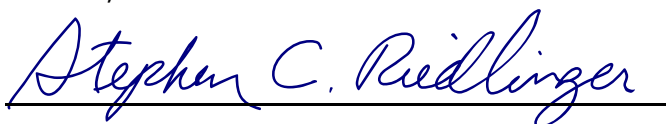
June 13, 2012, did not close discovery or restrict discovery after a certain date. Moreover, it is apparent that the purpose of the requested admissions is not discovery. Rather they are focused on establishing the authenticity of various documents, thereby facilitating the presentation of evidence at the trial, and determining what factual issues are actually disputed, again facilitating the presentation of evidence at the trial.

Consequently, insofar as the defendant generally argued that the admissions are irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence regarding the plaintiff's excessive use of force claim, the argument is without merit.

Accordingly, the defendant's Motion to Strike Plaintiff's Second Set of Request for Admissions is denied.

Defendant shall have 14 days from the date of this ruling to respond to the Plaintiff's Second Request for Admissions. Failure to do so will result in the requests being deemed admitted.

Baton Rouge, Louisiana, June 5, 2013.



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STEPHEN C. RIEDLINGER  
UNITED STATES MAGISTRATE JUDGE