UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

TOMMIE RICE AND PHYLLIS RICE ON BEHALF OF THE MINORS, CIR AND GMR * **CIVIL ACTION NO. 13-0362**

VERSUS

* JUDGE ROBERT G. JAMES

CORNERSTONE HOSPITAL OF WEST MONROE

* MAG. JUDGE KAREN L. HAYES

ORDER

Before the court is a motion to deem certain facts admitted [doc. # 71] filed by defendant, Cornerstone Hospital of West Monroe, L.L.C. (improperly sued as "Cornerstone Hospital of West Monroe") (hereinafter, "Cornerstone"). The motion is unopposed. For reasons stated below, the motion is DENIED as redundant.¹

Background

On November 13, 2013, Cornerstone propounded 21 requests for admission to the minors, CIR and GMR, through their Next Friend Tommie Rice. (Requests for Admission to CIR and GMR; M/Deem Facts Admitted, Exhs. 14 & 15). After one year passed without any response(s) from plaintiff(s), defense counsel reached out to opposing counsel on multiple occasions in an unsuccessful attempt to obtain the delinquent responses. *See* E-mails from Paul Preston to Richard Fewell; M/Deem Admitted, Exh. 18. Cornerstone subsequently filed the

¹ As this matter is not excepted within 28 U.S.C. § 636(b)(1)(A), nor dispositive of any claim on the merits within the meaning of Rule 72 of the Federal Rules of Civil Procedure, this order is issued under the authority thereof, and in accordance with, the standing order of this Court. Any appeal must be made to the district judge in accordance with Rule 72(a) and L.R. 74.1(W).

instant motion on July 22, 2015. Plaintiff did not file a response, and the time to do so has lapsed. (Notice of Motion Setting [doc. # 72]. Thus, the motion is unopposed. *Id*.

Discussion

Federal Rule of Civil Procedure 36 provides that,

[a] matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney. A shorter or longer time for responding may be . . . ordered by the court.

FED. R. CIV. P. 36(a)(3).

Rule 36's mandate is self-executing; in other words, a failure to answer or object to a request for admission within thirty days—or within the time ordered by the court—constitutes an automatic admission and a court order deeming the request admitted is unnecessary. *See Giovanni v. Cain*, 2014 WL 2084895, at *2 (M.D. La. May 19, 2014) (citing cases).

Here, as noted above, plaintiff did not meet the December 13, 2013, deadline for responding to the requests. At that point, defendant's requests were deemed admitted as a matter of law. Accordingly,

IT IS ORDERED that Cornerstone's motion to deem certain facts admitted [doc. # 71] is DENIED as redundant.

In Chambers, Monroe, Louisiana, this 17th day of August 2015.

KAREN L. HAYES

UNITED STATES MAGISTRATE JUDG