

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

YORK RISK SERVICES GROUP,
INC.

CIVIL ACTION NO. 6:16-cv-00063

VERSUS

UNASSIGNED DISTRICT JUDGE

PREFERRED REPORTS, LLC.,
ET AL.

MAGISTRATE JUDGE HANNA

ORDER

Currently pending before the court is the motion to substitute substantive responses in place of any deemed admissions (Rec. Doc. 102), which was filed by defendants Preferred Reports, LLC, Bart Sturgis, Brandon LaCaze, Russell Knight, Coby Breaux, and Linda Hebert (hereinafter collectively referred to as “the defendants.”) Considering the evidence, the law, and the arguments of the parties, and for the reasons fully explained below, the motion is GRANTED.

In an earlier ruling (Rec. Doc. 99), this Court found that the defendants did not respond in a timely fashion to the plaintiff’s discovery requests, that the defendants’ delay in complying with this Court’s order of June 12, 2017 was excusable under the circumstances explained in the defendants’ briefing, that the defendants did not waive their objections to the plaintiff’s discovery, and that the plaintiffs were not entitled to recover discovery sanctions. The defendants now seek to have their substantive discovery responses dated May 17, 2017 substituted in place of any inadvertently

deemed admissions with respect to the plaintiff's March 10, 2017 requests for admissions. The defendants' stated purpose for seeking the requested relief is "so that this matter can be resolved on the merits, and not on the basis of any inadvertent or technical defaults." (Rec. Doc. 102-1 at 1). This motion harkens back to the parties' dispute in earlier briefing concerning whether the plaintiffs' discovery requests – and the defendant's responses thereto – were timely. That dispute has already been resolved.

Fed. R. Civ. P. 36(b) permits the withdrawal or amendment of an admission if it would promote the presentation of the merits of the action and if doing so is not prejudicial to the party that obtained the admissions. Even when those two criteria are satisfied, a district court may exercise its discretion and deny a request for leave to withdraw or amend an admission.¹ Thus, the decision to grant or deny such a request is essentially grounded in equity.

In this case, the parties' acrimonious dispute concerning the defendants' response (or lack thereof) to the plaintiff's discovery requests has been litigated and resolved. Discovery is ongoing, the discovery cut-off date is still several months away, and the trial date is not until September of next year. Therefore, this Court finds that the plaintiff will not be prejudiced by the requested substitution of

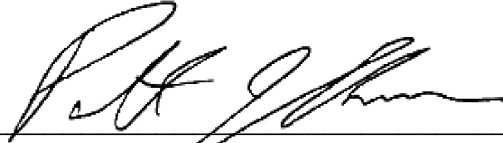
¹ *In re Carney*, 258 F.3d 415, 419 (5th Cir. 2001).

responses to discovery, especially since the plaintiffs have already had the defendants' responses to their requests for admission in their possession for over five months. This Court also finds that permitting the requested substitution will increase the likelihood that this litigation can progress to resolution of the parties' disputes on the merits of the claims and defenses without further inefficient use of judicial time and effort. Accordingly, this Court finds that both prongs of the requisite analysis under Rule 26(b) are satisfied in this case. Therefore, no recourse to this Court's discretion is necessary. The requested substitution will be permitted. For those reasons,

IT IS ORDERED that the defendants' motion (Rec. Doc. 102) is GRANTED, any admissions to the plaintiffs' March 10, 2017 requests for admissions that were previously deemed to have been made are withdrawn, and the defendants' May 17, 2017 responses to the plaintiff's March 10, 2017 requests for admissions are substituted for any previously deemed admissions.

IT IS FURTHER ORDERED that the oral argument that was previously scheduled for November 16, 2017 is CANCELED.

Signed at Lafayette, Louisiana, this 30th day of October 2017.

A handwritten signature in black ink, appearing to read "Patrick J. Hanna", written over a horizontal line.

PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE