

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

REACT PRESENTS, INC.,

Plaintiff,

CASE NO. 16-13288  
HON. DENISE PAGE HOOD

v.

EAGLE THEATER ENTERTAINMENT,  
LLC,  
BLAIR MCGOWAN,  
AMIR DAIZA,  
MATTHEW FARRIS,

Defendants.

\_\_\_\_\_ /  
SFX REACT-OPERATING LLC,

Plaintiff,

CASE NO. 16-13311  
HON. DENISE PAGE HOOD

v.

EAGLE THEATER ENTERTAINMENT,  
LLC,  
BLAIR MCGOWAN,  
AMIR DAIZA,  
MATTHEW FARRIS,

Defendants.

\_\_\_\_\_ /

**ORDER GRANTING PLAINTIFF’S MOTION TO COMPEL DEFENDANT  
TO ANSWER PLAINTIFF’S FIRST SET OF REQUESTS FOR  
ADMISSION [#37]**

Now before the Court is Plaintiff React Presents, Inc.’s (“React”) Motion to Compel Defendant Eagle Theater Entertainment, LLC (“ETE”) to Answer Plaintiff’s First Set of Requests for Admission. (Doc # 37) React filed this Rule 36 motion to admit its first set of information requests or, in the alternative, to compel ETE to answer the requests within fourteen days. *See* Fed. R. Civ. P. 36; Doc # 37, Ex. A. ETE objected, claiming that the admissions should be stayed while its Motions for Sanctions (Doc # 26; Doc # 29) were pending, for the alleged use of stolen information by React in developing their Complaint and subsequent motions. (Doc # 48) This Court has since denied ETE’s Motions for Sanctions with prejudice (see Doc # 50, filed on March 29, 2018), and React filed a Reply insisting its motion be granted, since ETE’s only grounds for objection were dismissed by the Court. (Doc # 51) The Court agrees and **GRANTS** React’s Motion to Compel Defendant Eagle Theater Entertainment, LLC to respond to the Requests for Admission within fourteen days of this filing.

## **I. STANDARD OF REVIEW**

Any party may use a Rule 36 Motion to request the admission of any relevant matters, including facts and applications of law to facts. Fed. R. Civ. P. 36; *see United States v. Petroff-Kline*, 557 F.3d 285, 293 (6th Cir. 2009). The responding party has thirty days to address or object to the request. Fed. R. Civ. P. 36(a)(3). Failure to file a timely response or objection results in an admission. *Id.*; *Goodson*

*v. Brennan*, 688 F. App'x 372, 375 (6th Cir. 2017). At any time, the requesting party may move to determine whether an objection or answer is sufficient. Fed. R. Civ. P. 36(a)(6). If deemed insufficient, the court has discretion to “order either that the matter is admitted or that an amended answer be served.” *Id.* When compelling a response from the requested party, the district court has discretion in setting a date for compliance. *See Akins v. State Farm Mut. Auto. Ins.*, No. 10-CV-12755, 2011 U.S. Dist. LEXIS 82806, at \*8–12 ( E.D. Mich. July 28, 2011) (granting fourteen day period for party to respond to requests for admission after finding objections to motions were insufficient).

## **II. ANALYSIS**

React requests that either the nine requested admissions be deemed admitted by the Court, or that ETE be compelled to respond within fourteen days. ETE’s objections to the requests for admission are based solely on their claim that React committed sanctionable violations while preparing for the litigation. (Doc # 48) ETE conceded they would be required to respond to the requests if their sanctions motions were denied, and requested twenty-one days to prepare its responses. (*Id.* at 2) Since this Court denied ETE’s sanctions motions with prejudice over two months ago (Doc # 50), ETE’s objections to React’s motion are insufficient. The Court now compels ETE to respond to React’s requests within fourteen-days from the filing of this order. A fourteen-day window is justified since there are only

nine requests. There is a high likelihood that ETE already possesses this information, and ETE has had several months of notice that its objections were not sufficient to deny Plaintiff's requests.

### **III. CONCLUSION**

For the reasons set forth above,

**IT IS HEREBY ORDERED** that Plaintiff React Presents, Inc.'s Motion to Compel Defendant to Answer the First Set of Requested Admissions (Doc # 37) is **GRANTED**, and Defendant Eagle Theater Entertainment, LLC is compelled to respond to the requests within fourteen days from the filing of this order.

S/Denise Page Hood

Denise Page Hood

Chief Judge, United States District Court

Dated: August 10, 2018

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 10, 2018, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry

Case Manager