

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

COACH, INC. and COACH SERVICES, )  
INC., )  
 )  
Plaintiffs, )  
 )  
vs. ) No. 4:13-CV-909 (CEJ)  
 )  
SELECT RECRUITING, L.L.C., individually )  
and d/b/a Just For Her, and ROBERT )  
BRIN, individually and d/b/a Just For )  
Her, )  
 )  
Defendants. )

**MEMORANDUM & ORDER**

Before the Court is plaintiffs' motion to strike defendant Robert Brin's responses to its first requests for admission and for an order deeming these requests admitted by defendants Brin and Select Recruiting, L.L.C. Defendants have not filed a response in opposition, and the time for doing so has expired.

On November 20, 2013, plaintiffs served its first requests for production, interrogatories and requests for admission on defendants. [Doc. #20-1]. Responses were due 30 days later on December 20, 2013. See Fed.R.Civ.P. 33(b)(2), 34(b)(2), and 36(a)(3). On January 10, 2013, Brin served his responses to all written discovery, while Select Recruiting only served its responses to plaintiffs' requests for production and interrogatories.

In the instant motion, plaintiffs assert that the parties have reached an agreement regarding the untimely interrogatories and requests for production, but have been unable to agree on whether the untimely responses to plaintiffs' requests for admission should be deemed admitted. Plaintiffs request the Court to strike Brin's untimely responses and deem these requests admitted by both Brin and Select Recruiting.

Rule 36 of the Federal Rule of Civil Procedure governs requests for admission.

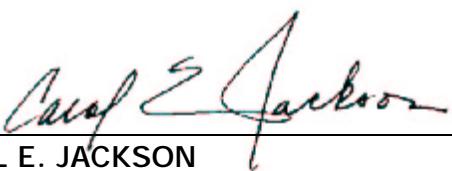
Pursuant to Rule 36(a)(3), “[a] matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney.” Defendants did not serve a written answer or objection on plaintiffs within thirty days of being served with the first set of requests for admission. Further, defendants could have requested additional time to respond, but failed to do so. Additionally, defendants have not responded to the instant motion. Consequently, the late responses of Brin will be stricken and plaintiffs’ first set of requests for admission are deemed admitted by Brin and Select Recruiting, pursuant to Rule 36(a)(3).

Accordingly,

**IT IS HEREBY ORDERED** that plaintiffs’ motion to strike responses and deem admitted plaintiffs’ first set of requests for admission [Doc. #19] is granted.

**IT IS FURTHER ORDERED** that defendant Robert Brin’s responses to plaintiffs’ first set of requests for admission are stricken.

**IT IS FURTHER ORDERED** that plaintiffs’ first set of requests for admission directed at defendants Robert Brin and Select Recruiting, L.L.C. are deemed admitted under Rule 36(a)(3).



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CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE

Dated this 5th day of February, 2014.