

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BETSY BATES,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:15-CV-00783-AGF
)	
DELMAR GARDENS NORTH,)	
INC., et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff’s Motion to Preclude Argument of Several Liability (ECF No. 107), in which Plaintiff seeks to preclude Defendants from arguing, by motion for directed verdict or otherwise, that Defendant Delmar Gardens North, Inc. cannot be held liable for conduct towards Plaintiff on the basis that this Defendant merely owns the land on which the facility at issue operates but does not employ any staff or provide care to patients such as Plaintiff.

In support of this motion, Plaintiff points to Defendants’ joint answer to the complaint, joint response to Plaintiff’s requests for admission, and joint discovery responses, in which Defendants repeatedly refer to the relevant employees and policies in the plural possessive form (e.g., “Defendants’ staff” and “Defendants’ policies and procedures”). Plaintiff argues that Defendants must be bound by these admissions. Defendants oppose Plaintiff’s motion.

Upon careful consideration of the parties’ arguments, and the pleadings and discovery responses submitted in connection therewith, the Court is not convinced that Defendants’ admissions in their joint answer to the complaint and joint discovery responses so clearly

establish joint liability as to preclude an argument to the contrary. However, Plaintiff will be free to seek to introduce at trial Defendants' judicial admissions and discovery responses in order to prove her claims.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Preclude Argument of Several Liability is **DENIED**. ECF No. 107.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 21st day of November, 2017.