

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

RAYMOND NAGY,)

Plaintiff,)

vs.)

Case No. 4:16 CV 1719 RWS

AMERICAN STANDARD INS. CO.)
OF WISCONSIN,)

Defendant.)

MEMORANDUM AND ORDER

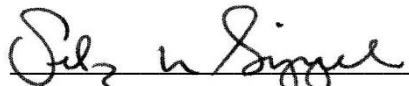
This insurance dispute is before me on plaintiff's motion to compel defendant insurer to produce discovery relating to his insurance policies. Plaintiff's motion is well taken as plaintiff is entitled to the insurance policies issued to plaintiff. If defendant is taking the position that no insurance policy exists for the period December 19, 2014 to December 19, 2015, then defendant is required to unequivocally so state, without objection, that it has no documents responsive to this request because no such policy exists. However, producing a declarations page purporting to issue insurance coverage from December 19, 2014 to December 19, 2014 is not responsive to this request, unless defendant is conceding that there is a typographical error on this page and that coverage really was in effect from December 19, 2014 to December 19, 2015. If that is the case, then defendant is required to unequivocally so state, without objection. Plaintiff

should not be left to guess as to defendant's position about the existence of the insurance policy during the relevant time period. Defendant is required to provide this basic information and should have done so without the need for a motion to compel or Court intervention.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to compel [15] is granted, and defendant shall provide written responses and produce all requested documents without objection to Request Numbers 1, 2, and 3 of Plaintiff's Request for Production of Documents within 10 days of the date of this Order.

Failure to comply with this Memorandum and Order may result in the entry of sanctions against defendant.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 25th day of July, 2017.