

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

AUNHK RA AUNHKHOTEV,)
)
 Plaintiff,)
)
 v.)
)
 OFFICER JOSEPH KOPFENSTEINER,)
 et al.,)
)
 Defendants.)

Case No. 4:23 CV 540 RWS

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff’s “Motion for Court Order to Deem Facts Admitted and for Additional Order Compelling Disclosure of Interrogatories” [39] and “Motion to Substitute Federal Civil Procedure Rule.” [40]. These motions will be denied without prejudice. In the motion to compel, plaintiff does not indicate whether an order is sought because no responses have been provided, or whether plaintiff believes the responses which were provided were insufficient. In future discovery motions, plaintiff shall set out the nature of dispute in the motion itself, as well as the efforts that have been made to resolve the dispute prior to filing the motion. The Court is denying the “motion to deem facts admitted” without prejudice at well. If plaintiff later (for example, in a dispositive motion) seeks to rely on a fact that was admitted, plaintiff shall so state in the motion, provide the appropriate admission, and at that point the Court will

determine whether a fact is deemed admitted. Because the Court is denying this motion, it is likewise denying as moot the motion to substitute Rule 36 for Rule 34 in the motion.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to compel and for an order to deem facts admitted [39] is denied without prejudice, and the motion to substitute [40] is denied as moot.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 5th day of February, 2024.