

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

ROSITA LOPEZ,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 11-1101-CV-SJ-ODS
)	
DLORAH, INC. d/b/a NATIONAL)	
AMERICAN UNIVERSITY,)	
)	
Defendant.)	

ORDER (1) ADDRESSING DISCOVERY DISPUTES AND (2) GRANTING
PLAINTIFF’S MOTION FOR EXTENSION OF TIME

The Court participated in a telephone conference with the parties regarding various discovery disputes and Plaintiff’s Motion for Extension of Time. At the Court’s direction, Plaintiff submitted copies of the Requests for Admission she served on Defendant, and the Court has reviewed them. The Court now orders as follows:

1. Practically all of Plaintiff’s Requests for Admissions ask Defendant to confirm or deny abstract legal propositions and for that reason they are improper. It makes no difference that Plaintiffs couch their requests in terms of whether certain abstract conduct is “proper.” The Court sustains Defendant’s objections with respect to requests 4-38, 43-45, and 47-48.

The Court does not agree with Defendant that requests 1 and 2 ask for legal conclusions. The Court is also not persuaded that an answer need not be given because certain written documents speak for themselves. These two questions ask Defendant to confirm or deny that it engaged in specific conduct. Defendant’s objections are overruled.

2. Defendant’s objections to Request for Production No. 52 are overruled. In making this ruling, the Court is not holding that the information sought is admissible at trial; however, the Court believes the information sought is discoverable.

3. Plaintiff’s request to extend the temporal scope of discovery is denied.

4. Plaintiff's Motion for Extension of Time (Doc. # 54) is granted. All pretrial discovery will be completed, and all discovery disputes presented to the Court, on or before June 11, 2012. All dispositive and Daubert-based motions shall be filed on or before July 11, 2012. The pretrial conference will take place at 1:30 p.m. on November 2, 2012, along with the pretrial conference in Case No. 11-1102.

5. The Court takes this opportunity to remind the parties of the Tenets of Professional Courtesy supplied to them as part of the Court's November 3, 2011, order. This step seems necessary in light of Defendant's position regarding accepting subpoenas for witnesses; while the witnesses may be former employees, Defendant's counsel indicated he represented them. Accordingly, the Court would expect that courtesy be extended and that counsel agree to accept service of subpoenas on behalf of those individuals. Counsel is correct in stating that he did nothing more than insist that Plaintiff's comply with the rules – but courtesy demands more. The Court expects courtesy to be shown.

IT IS SO ORDERED.

DATE: April 4, 2012

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT