

IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF TEXAS
 BEAUMONT DIVISION

JAMIE LEIGH JONES and
 JOSEPH DAIGLE

Plaintiffs,

vs.

CIVIL ACTION NO. 1:07-CV-0295

HALLIBURTON COMPANY d/b/a
 KBR KELLOGG BROWN & ROOT
 (KBR); KELLOGG BROWN & ROOT,
 SERVICES, INC.; KELLOGG
 BROWN & ROOT INTERNATIONAL,
 INC.; KELLOGG BROWN & ROOT,
 LLC; KELLOGG BROWN & ROOT,
 INC.; KELLOGG BROWN & ROOT,
 S. de R.L.; KELLOGG BROWN &
 ROOT (KBR), INC.; KBR
 TECHNICAL SERVICES, INC.;
 OVERSEAS ADMINISTRATIVE
 SERVICES, LTD.; ERIC ILER,
 CHARLES BOARTZ; SEVERAL
 JOHN DOE RAPISTS, and THE
 UNITED STATES OF AMERICA

Defendants.

JURY TRIAL DEMANDED

DEFENDANTS’ RESPONSE TO PLAINTIFFS’ MOTION TO DEEM ADMISSIONS

Defendants Halliburton, KBR, and OAS (collectively, “Defendants”) respond to Plaintiffs’ motion to deem requested admissions admitted, Doc. 27, as follows:

This lawsuit was filed May 16, 2007. Doc. 1. The court has not yet set a date for the parties’ scheduling conference, nor a date by which a scheduling order is due under FED. R. CIV. P. 16(b).¹ Therefore, Plaintiffs and Defendants have yet to confer as required by FED. R. CIV. P. 26(f).

¹ Indeed, at this early stage in the litigation not all defendants have been served.

FED. R. CIV. P. 26(d) provides that “a party may not seek discovery from any source before the parties have conferred as required by Rule 26(f).” *See, e.g., Riley v. Walgreen Co.*, 233 F.R.D. 496, 499 (S.D. Tex. 2005) (noting that Rule 26(d)’s restriction “sweeps broadly,” and explaining that “the discovery bar facilitates the goal of orderly, efficient, and economical discovery by creating an incentive to meet and devise a joint discovery plan at an early stage of litigation”). Furthermore, FED. R. CIV. P. 36, which governs requests for admission, states that “[w]ithout leave of court or written stipulation, requests for admission may not be served before the time specified in Rule 26(d).” Plaintiffs’ requests clearly were premature, and under the applicable rules the time for Defendants’ responses cannot have even begun to run.²

For these reasons, Defendants respectfully request that Plaintiffs’ motion be dismissed.

Respectfully submitted,

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² Had Plaintiffs attempted to confer with Defendants, as they were required to do by Local Rule 7(h), Defendants could have explained the rules in an attempt to avoid involving the court in this.

/s/ Shadow Sloan

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CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2007 a true and correct copy of the foregoing document was filed electronically by using the CM/ECF and/or by first-class mail, return receipt requested, on Plaintiff's counsel:

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