HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AETNA HEALTH, INC., a Washington Corporation; and AETNA LIFE INSURANCE COMPANY, a Connecticut Corporation, on behalf of itself and its self-insured plans,

Plaintiffs,

v.

SAMUEL ROSS FOX, M.D., an Individual; KATHERINE M. FOX, an Individual; COTTONWOOD FINANCIAL SERVICES, L.C., a Utah Limited Liability Company; WASHINGTON MUTUAL BANK, a Washington Corporation; DISTRICT DIRECTOR-INTERNAL REVENUE SERVICE; and all other person or parties unknown claiming any right, title, estate, lien or interest in the real estate described in the Complaint,

Defendants.

No. 3:09-cv-05647 RBL

ORDER ON DEFENDANT SAMUEL ROSS FOX, M.D.'S MOTION FOR ORDER DEEMING REQUESTS FOR ADMISSION PROPOUNDED TO PLAINTIFFS TO BE ADMITTED [Dkt. #16]

This matter is before the Court on Defendant Samuel Ross Fox, M.D.'s Motion for Order Deeming Requests for Admission Propounded to Plaintiffs to be Admitted [Dkt. #16]. Defendant requests that the court deem the requests for admissions to which Plaintiffs admitted be deemed admitted. Plaintiffs argue that Fed. R. Civ. P. 36 does not provide for, nor contemplate, a motion requesting the court deem admissions to be admissions.

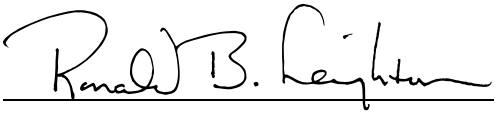
Fed. R. Civ. P. 36(b) states in part that "[a]ny matter admitted under this rule is conclusively established unless the court on motion permits withdrawal or amendment of the

admissions…." The rule does not state that an order from the court is permitted or required. A party may move for an order to determine the sufficiency of the response under Fed. R. Civ. P. 36(a), but Rule 36 does not provide for Defendant's request. The benefits of Rule 36 may be achieved without an order declaring that Plaintiffs' admissions are deemed admitted.

Defendant Samuel Ross Fox, M.D.'s Motion for Order Deeming Requests for Admission Propounded to Plaintiffs to be Admitted is DENIED.

IT IS SO ORDERED.

Dated this 30th day of June, 2010.



RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE