

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

ROKEDRICK WILLIBY

CIVIL ACTION

VERSUS

NO: 19-13357

NATIONAL CASUALTY COMPANY, ET AL.

SECTION: "L" (4)

**ORDER**

Before the Court is Defendants, National Casualty Company, Daniel Mendoza, and D & JJJ Transport, LLC (collectively, the "Defendants")'s **Motion to Deem Admissions Admitted (R. Doc. 29)** seeking an order declaring their Request for Admissions served upon Plaintiff pursuant to Federal Rules of Civil Procedure Rule 36 deemed admitted. Defendants contend on July 7, 2020, they propounded two Requests for Admissions, that, as of the date of motion, had not been answered by Plaintiff. *See* R. Doc. 29-3. This motion is not opposed. This motion was submitted on September 16, 2020 and heard on the briefs.

Federal Rule of Civil Procedure 36 provides "[a] matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney." Fed. R. Civ. P. 36 (a)(3).

As Defendants propounded the Requests for Admission on July 7, 2020, Plaintiff's answers were due no later than August 6, 2020. Not receiving a written answer or objection indicating anything contrary on or before August 6, 2020, Defendants' Request for Production were admitted by Plaintiff as a matter of law. An order declaring such, is simply unnecessary. *See Landry v. Lafourche Par. Det. Ctr.*, No. CIV.A. 12-2092, 2014 WL 198160, at \*5 (Roby, M.J.) (E.D. La. Jan. 16, 2014) ("if a party fails to respond to a request within the time allowed, the law deems the matter admitted and conclusively established unless the 'admitting' party moves the

Court, on motion of the “admitting” party, allows the withdrawal or amendment thereof” (citing *In re Carney*, 258 F.3d 415, 419 (5th Cir. 2001))).

Accordingly,

**IT IS ORDERED** that the Defendants' **Motion to Deem Admissions Admitted (R. Doc. 29)** is **DENIED**.

New Orleans, Louisiana, this 19<sup>th</sup> day of October 2020.

  
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**KAREN WELLS ROBY**  
**CHIEF UNITED STATES MAGISTRATE JUDGE**