

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MELVIN HALE, PH.D.,)
)
 Plaintiff,)
)
v.)
)
JACKIE VIETTI, PH.D., *et al.*,)
 Defendants.)

Case No. 16-4183-DDC-KGG

**ORDER DENYING MOTION TO DETERMINE
THE SUFFICIENCY OF RESPONSES TO REQUESTS TO ADMIT**

Plaintiff has filed a motion (Doc. 53) asking the Court to deem admitted numerous requests for admission (536) submitted to Defendants. The number is somewhat misleading because requests were sent to all seven defendants, and include some duplicate requests, although some are unique to each Defendant. Each defendant received more than 70 requests. The Plaintiff's complaint regarding the responses is that the Defendants denied every request. The Plaintiff argues that these responses could not possibly be in good faith. Defendant responds that it has provided individual and good-faith responses to each request.

The Plaintiff has not established that the Defendants failed to provide compliant responses. If at trial, or in dispositive motion practice, it becomes apparent the Plaintiff is forced to expend time and funds proving a fact which should have been admitted, the Plaintiff may request sanctions at that time. *See generally Schufler v. General Host Corporation*, 915 F. Supp. 236 (D. Kan. 1995).

The Motion is **DENIED**.

Dated: May 30, 2018.

S/ KENNETH G. GALE
Kenneth G. Gale
United States Magistrate Judge