

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

BRISTOL HEIGHTS ASSOCIATES,
LLC,

Plaintiff,

v.

CHICAGO TITLE INSURANCE
COMPANY,

Defendant.

CIVIL ACTION NO.
3:12-CV-1658 (JCH)

MAY 2, 2013

**RULING RE: DEFENDANT'S MOTION TO DETERMINE SUFFICIENCY OF
ANSWERS TO REQUESTS TO ADMIT (DOC. NO. 45)**

Defendant Chicago Title Insurance Company's ("Chicago Title") Motion to Determine Sufficiency of Answers to Requests to Admit (Doc. No. 45) is **granted**. The five requests for admission are deemed admitted by the plaintiff, Bristol Heights Associates, LLC ("Bristol Heights"). Request for admission numbers 1 and 3 were "admitted" by Bristol Heights' counsel in an email.

Bristol Heights' "responses" to request for admission numbers 2, 4, and 5 are improper as not recognized under the Federal Rules of Civil Procedure. Bristol Heights could have denied the requests (if there was a basis to do so), but it cannot "admit with conditions," which effectively is not an admission. Plaintiff has not stated, as required by the Federal Rules of Civil Procedure, that it has made a "reasonable inquiry" as to the information sought by the requests for admission, nor has it stated that the information it knows, or can readily obtain, is insufficient to enable it to admit or deny the requests. Fed. R. Civ. P. 36(a)(4). One example should suffice. The "Stipulation" at issue in the fifth request for admission was drafted by an attorney for Bristol Heights, and, after being signed by Lew Volpicella, was delivered to Bristol Heights. Clearly,

Bristol Heights relied on the Stipulation to withdraw a prior action. The Stipulation was sufficiently genuine for Bristol Heights to rely on it then. Unless Bristol Heights now has a basis to believe that the Stipulation is not what it purports to be, which Bristol Heights has not stated or provided, it is admitted.

Accordingly, all five requests for admission are deemed admitted.

SO ORDERED.

Dated at New Haven, Connecticut this 2nd day of May, 2013.

/s/Janet C. Hall

Janet C. Hall

United States District Judge