

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN, SOUTHERN DIVISION

Christopher Scott Merrill v. Mark King, Mark Cooks, Stacy Lindahl,
and John Doe

Merrill · No. 22-cv-10541 · Decided February 2, 2026

SUMMARY

The United States District Court for the Eastern District of Michigan reviewed the parties’ objections to a magistrate judge’s discovery order in a prisoner civil-rights action concerning alleged deliberate indifference to medical and dental needs. The court affirmed the requirement that defendants consult relevant experts when responding to requests for admission and affirmed the resolution concerning production of medical records. The court otherwise held that defendants must conduct reasonable inquiries regarding information and documents within their control and supplement their discovery responses as appropriate.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan, Southern Division
WRITING FOR THE COURT	Linda V. Parker
JURISDICTION	United States District Court for the Eastern District of Michigan, Southern Division
DECIDED	February 2, 2026
DOCKET	22-cv-10541
DISPOSITION	other
PROCEDURAL POSTURE	The parties objected under Federal Rule of Civil Procedure 72(a) to a magistrate judge's nondispositive discovery order. Plaintiff sought further answers to requests for admission and interrogatories and production of documents; Defendants objected to the ruling that they must consult their experts when responding to requests for admission.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 72(a) and 28 U.S.C. § 636(b) (1)(A), a nondispositive magistrate-judge ruling must be affirmed unless it is clearly erroneous or contrary to law. Clear error exists when, after reviewing the entire record, the court is left with the

	definite and firm conviction that a mistake has been made; legal conclusions are reviewed independently.
PRECEDENTIAL VALUE	Unknown
PARTIES	Christopher Scott Merrill v. Mark King, Mark Cooks, D.D.S., Stacy Lindahl, John Doe

TOPICS

discovery dispute civil procedure section 1983 prisoners rights

PRACTICE AREAS

civil procedure civil rights prisoner litigation discovery

QUESTIONS PRESENTED

1. Whether a party responding to requests for admission must include consultation with the party's relevant experts as part of the reasonable inquiry required by Federal Rule of Civil Procedure 36.
2. Whether an individual responding to interrogatories may simply state that he does not know or does not recall, without making a reasonable inquiry into information within his control or otherwise obtainable.
3. Whether a responding party must make a reasonable inquiry and produce documents within its possession, custody, or control even when the documents are not physically on hand.
4. Whether the magistrate judge properly treated production of Merrill's remaining medical records as resolved by Defendants' agreement to produce them upon receipt of subpoenas.

HOLDINGS

1. A party responding to a request for admission must make a reasonable inquiry, including conferring with relevant experts when the expert is a readily obtainable source of information within the party's control.
2. A party responding to interrogatories must make a reasonable effort to obtain information within the party's control or otherwise obtainable; the party may not rely solely on an unexplained assertion of ignorance.
3. A party must inquire about and produce responsive documents within its possession, custody, or control; physical possession or having the documents 'on hand' is not required.
4. The magistrate judge properly treated Merrill's request for his remaining medical records as resolved by Defendants' agreement to produce them upon receipt of the necessary subpoenas.

KEY QUOTATIONS

"A party's expert is a "readily obtainable" source of information to answer a request for admission for which the party otherwise has no personal knowledge of the facts. A party's expert is someone within the party's control." (at 5)

“A party may not be compelled to produce information that she does not know, but she may not claim ignorance as an excuse to the requirements of discovery.” (at 7)

“While King, in fact, may still not have been able to answer the subject interrogatories even after engaging in such efforts—which his responses and arguments in response to Merrill’s objections suggest would have been the case—it was error to not require him to supplement his answers to confirm that reasonable efforts were made to respond.” (at 9)

“To the extent Magistrate Judge Altman held that Defendants do not need to engage in a reasonable inquiry and seek information or documents within their control before responding to Merrill’s interrogatories or requests for production of documents, such a conclusion was incorrect.” (at 14)

FACTUAL BACKGROUND

Merrill sought discovery concerning his dental and medical treatment in his § 1983 deliberate-indifference action. The disputed discovery included requests for admission, interrogatories, medical records, indemnification agreements and related documents, docket sheets, job descriptions, and transfer or ride-out sheets. Defendants' responses and objections were at issue, including whether they had made reasonable inquiries and whether responsive materials were within their possession, custody, or control.

PROCEDURAL HISTORY

Merrill, an MDOC prisoner, brought a 42 U.S.C. § 1983 action alleging deliberate indifference to serious medical needs. Magistrate Judge Kimberly G. Altman granted in part and denied in part Merrill's motion concerning the sufficiency of Defendants' discovery responses and denied his motion to compel. Both sides timely objected, and the district court reviewed the objections under the clearly erroneous or contrary-to-law standard.

DISPOSITION

other

REMAND INSTRUCTIONS

Defendants must supplement King’s interrogatory responses after making a reasonable inquiry into information within his control. Defendants must produce responsive indemnification agreements and documents within their possession, custody, or control, including materials within counsel's control, subject to legitimate grounds for nondisclosure; if none exist, they must provide an amended signed response. Defendants must also inquire whether documents responsive to the remaining disputed requests for production are within their control and produce them if they are. The court affirmed the rulings concerning consultation with experts for requests for admission and production of remaining medical records.

CASES CITED

- Anderson v. Bessemer City, N.C., 470 U.S. 564, 573-74 (1985)
- United States v. U.S. Gypsum Co., 333 U.S. 364, 395 (1948)

- *Gandee v. Glaser*, 785 F. Supp. 684, 686 (S.D. Ohio 1992)
- *Drutis v. Rand McNally & Co.*, 236 F.R.D. 325, 330 (E.D. Ky. 2006)
- *McHugh v. Olympic Ent., Inc.*, 37 F. App'x 730, 742-43 (6th Cir. 2002), amended on denial of reh'g, 41 F. App'x 758 (6th Cir. 2002)
- *T. Rowe Price Small-Cap Fund, Inc. v. Oppenheimer & Co.*, 174 F.R.D. 38, 43 (S.D.N.Y. 1997)
- *Al-Jundi v. Rockefeller*, 91 F.R.D. 590, 593-94 (W.D.N.Y. 1981)
- *Maurer v. Jones*, No. 518CV00003, 2019 WL 3890924, at *4-5 (W.D. Ky. Aug. 19, 2019)
- *National Fire Insurance Co. of Hartford v. Jose Trucking Corp.*, 264 F.R.D. 233, 239 (W.D.N.C. 2010)
- *U.S. ex rel. Martino-Fleming v. S. Bay Mental Health Ctr., Inc.*, 332 F.R.D. 1, 7 (D. Mass. 2019)
- *Kaneka Corp. v. Zhejiang Med. Co.*, No. CV 11-2389, 2016 WL 11266869, at *8 (C.D. Cal. Oct. 18, 2016)
- *Advanced Cable Ties, Inc. v. Am. Elite Molding, LLC*, No. 3:18-cv-2035, 2019 WL 13280288, at *3 (N.D. Fla. Feb. 7, 2019)
- *In re Auction Houses Antitrust Litig.*, 196 F.R.D. 444, 445 (S.D.N.Y. 2000)
- *Allen v. Lickman*, No. 13-cv-13401, 2014 WL 12768335, at *1 n.2 (E.D. Mich. Oct. 31, 2014)
- *Flagg v. City of Detroit*, 252 F.R.D. 346, 353-54 (E.D. Mich. 2008)
- *Roby v. Bloom Roofing Sys., Inc.*, No. 22-cv-10622, 2023 WL 373603, at *1 (E.D. Mich. Jan. 24, 2023)
- *Wesley Corp. v. Zoom T.V. Prods., LLC*, No. 17-10021, 2018 WL 372700, at *4 (E.D. Mich. Jan. 11, 2018)
- *Michigan Bricklayers & Allied Craftworkers Health Care Fund v. DiPonio Constr. Co.*, No. 09-cv-14007, 2010 WL 11703427, at *4 (E.D. Mich. June 7, 2010)
- *Scott v. AREX, Inc.*, 124 F.R.D. 39, 41 (D. Conn. 1989)
- *Chicago Ins. Co. v. Wiggins*, No. 02-cv-73801, 2005 WL 8154397, at *2 (E.D. Mich. 2005)
- *Prokosch v. Catalina Lighting, Inc.*, 193 F.R.D. 633, 636 (D. Minn. 2000)
- *Bank of N.Y. v. Meridien BIAO Bank Tanzania Ltd.*, 171 F.R.D. 135, 146 (S.D.N.Y. 1997)
- *Gross v. Lunduski*, 304 F.R.D. 136, 142-43 (W.D.N.Y. 2014)
- *Alexander Interactive, Inc. v. Adorama, Inc.*, No. 12 Civ. 6608, 2014 WL 61472, at *1 (S.D.N.Y. Jan. 6, 2014)
- *Dreger v. KLS Martin LP*, No. 2:20-cv-3814, 2023 WL 532012, at *9 (S.D. Ohio Jan. 27, 2023)

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