

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

**Steven Harris v. Washington County, Purgatory Correctional Facility, Washington County Sheriff's Office, Kyle Bigelow, Garret McKean, Sgt. Lacie Crowther, Dep. Kevin M. Larson, Dep. Brice Lubitz, Dep. John Jacobs, Dep. Lacey Adams, Dep. Andrew Miller, Dep. Tyler Tait, Dep. Jay B. Chadwick, Dep. Courtney Cheeman, Dep. Bailee W. Mabe, Dep. Kaitlyn Johnson, Warden, and Officer J. Dickerson**

Case No. 4:25-cv-00018-AMA-PK · No. 4:25-cv-00018-AMA-PK · Decided March 24, 2026

SUMMARY

The United States District Court for the District of Utah denied Steven Harris’s motion for sanctions concerning Washington County Defendants’ responses to requests for admission about Utah’s DNA-collection statute and the classification of an offense. The court held that one request sought a pure legal conclusion and that the other was properly denied because the charges had not yet been filed when Harris’s DNA was collected. The court also denied the Defendants’ requests for attorney fees and sanctions because the cited procedural provisions and Rule 11 requirements were not satisfied.

CASE DETAILS

|                       |                                                                                                                                                                                                                  |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Utah                                                                                                                                                            |
| WRITING FOR THE COURT | Paul Kohler                                                                                                                                                                                                      |
| JURISDICTION          | United States District Court for the District of Utah                                                                                                                                                            |
| DECIDED               | March 24, 2026                                                                                                                                                                                                   |
| DOCKET                | 4:25-cv-00018-AMA-PK                                                                                                                                                                                             |
| DISPOSITION           | other                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Plaintiff moved for sanctions under Federal Rule of Civil Procedure 37(c)(2), challenging Defendants' responses to requests for admission. Defendants opposed the motion and sought attorney fees and sanctions. |
| PRECEDENTIAL VALUE    | unpublished district court memorandum decision; precedential status not stated                                                                                                                                   |
|                       |                                                                                                                                                                                                                  |

## PARTIES

Steven Harris v. Washington County, Purgatory Correctional Facility, Washington County Sheriff's Office, Kyle Bigelow, Garret McKean, Sgt. Lacie Crowther, Dep. Kevin M. Larson, Dep. Brice Lubitz, Dep. John Jacobs, Dep. Lacey Adams, Dep. Andrew Miller, Dep. Tyler Tait, Dep. Jay B. Chadwick, Dep. Cortney Cheeman, Dep. Bailee W. Mabe, Dep. Kaitlyn Johnson, Warden, Officer J. Dickerson

## TOPICS

sanctions

discovery dispute

civil procedure

statutory interpretation

## PRACTICE AREAS

civil procedure

discovery and sanctions

## QUESTIONS PRESENTED

1. Whether Defendants' objection and denial to Plaintiff's requests for admission warranted sanctions under Federal Rule of Civil Procedure 37(c)(2).
2. Whether Defendants' request for attorney fees or sanctions under Federal Rule of Civil Procedure 37 or Rule 11 could be granted.

## HOLDINGS

1. Federal Rule of Civil Procedure 36 does not require a party to admit or deny a pure matter of law, and a responding party may object when a request calls for a legal conclusion.
2. Sanctions were unwarranted because Defendants were not required to respond to the purely legal first request, and the denial of the second request was accurate on the facts presented.
3. Defendants were not entitled to attorney fees or sanctions because Rule 37(c)(3) does not exist, an award under Rule 37(a)(5)(B) would be unjust, and Defendants failed to comply with Rule 11's procedural requirements.

## KEY QUOTATIONS

*"Rule 36 does not permit a request for admission of a pure matter of law."*

*"Compliance with Rule 11 is mandatory and Defendants' failure to comply necessitates denial."*

*"It is therefore ORDERED that Plaintiff's Motion for Sanctions (Docket No. 114) is DENIED."*

## FACTUAL BACKGROUND

Defendants responded to Plaintiff's requests for admission concerning whether Utah Code section 76-10-2402(1) (a) was a misdemeanor and whether Washington County Sheriff's Office personnel collected Plaintiff's DNA while he was charged only with a misdemeanor. The court found that the first request sought a purely legal conclusion and that the second request was factually accurate because Plaintiff had not yet been charged when

the DNA sample was taken. The court also noted that the classification of the offense as a misdemeanor or felony remained disputed, with evidence supporting both characterizations.

#### PROCEDURAL HISTORY

Plaintiff served requests for admission concerning the classification of a Utah offense and the circumstances of DNA collection. Defendants objected to the first request and denied both requests. The magistrate judge denied Plaintiff's motion for sanctions on the merits and denied Defendants' requests for attorney fees and sanctions.

#### DISPOSITION

other

#### CASES CITED

- Hilgenberg v. Elggren & Peterson, No. 2:13-CV-1086, 2015 WL 4077765, at \*2 (D. Utah July 6, 2015)
- Roth v. Green, 466 F.3d 1179, 1191-92 (10th Cir. 2006)

#### OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH STEVEN HARRIS, Plaintiff, v. WASHINGTON COUNTY, PURGATORY MEMORANDUM DECISION AND CORRECTIONAL FACILITY, ORDER DENYING PLAINTIFF'S WASHINGTON COUNTY SHERIFF'S MOTION FOR SANCTIONS OFFICE, KYLE BIGELOW, GARRET MCKEAN, SGT. LACIE CROWTHER, Case No. 4:25-cv-00018-AMA-PK DEP. KEVIN M. LARSON, DEP. BRICE LUBITZ, DEP.

JOHN JACOBS, DEP. District Judge Ann Marie McIff Allen LACEY ADAMS, DEP. ANDREW MILLER, DEP. TYLER TAIT, DEP. JAY Magistrate Judge Paul Kohler B. CHADWICK, DEP. CORTNEY CHEEMAN, DEP. BAILEE W. MABE, DEP. KAITLYN JOHNSON, WARDEN, AND OFFICER J. DICKERSON, Defendants. This matter is before the Court on Plaintiff's Motion for Sanctions.<sup>1</sup> For the reasons discussed below, the Motion is denied.

On January 5, 2026, the Washington County Defendants responded to Plaintiff's request for admission ("ROA"). At issue in this Motion is Defendants' response to ROA Nos. 1 and 2. Plaintiff's requests and Defendants' responses are as follows: REQUEST FOR ADMISSION NO. 1: Admit that Utah Code § 76-10-2402(1)(a) is a misdemeanor offense. ANSWER: Objection. This is a legal statement that cannot be admitted or denied.

However, to the extent that a response is necessary this statement is denied. <sup>1</sup> Docket No. 114, filed January 12, 2026. REQUEST FOR ADMISSION NO. 2: Admit that WCSO deputies collected Plaintiff's DNA on October 5, 2024, while he was charged with only a misdemeanor. ANSWER: Deny. WCSO Corrections staff do not research the charges that arresting officers have selected.

This is reviewed by the on-call judge to establish probable cause for the arrest.<sup>2</sup> Plaintiff argues that Defendants' responses were improper because he was only charged with a misdemeanor, not a felony. Plaintiff seeks an order prohibiting Defendants from arguing or presenting evidence that Utah Code Ann. § 76-10-2402(1)(a) is not a misdemeanor offense and that mandatory DNA collection was unauthorized absent a felony charge.

Alternatively, he requests that ROA Nos. 1 and 2 be deemed admitted. Plaintiff brings his Motion pursuant to Federal Rule of Civil Procedure 37(c)(2), which provides: "If a party fails to admit what is requested under Rule 36 and if the requesting party later proves... the matter true, the requesting party may move that the party who failed to admit pay the reasonable expenses, including attorney's fees, incurred in making that proof." Federal Rule of Civil Procedure 36(a) allows a party to "serve on any other party a written request to admit... the truth of any matters... relating to... facts, the application of law to fact, or opinions about either." However, Rule 36 does not permit a request for admission of a pure matter of law.<sup>3</sup> As such, a responding party "may object when admissions call for the truth of a legal conclusion."<sup>4</sup> Defendants' objection to ROA No. 1 was well-founded.

ROA No. 1 asked Defendants to admit to a purely legal matter, which is beyond the scope of Rule 36. <sup>2</sup> Docket No. 114-1, at 1–2. <sup>3</sup> Fed. R. Civ. P. 36, advisory committee's note to 1970 amendment; 8B Charles Alan Wright & Arthur R. Miller, Fed. Prac. & Pro. § 2255. <sup>4</sup> Hilgenberg v. Elggren & Peterson, No. 2:13-CV-1086, 2015 WL 4077765, at \*2 (D. Utah July 6, 2015) Defendants' later denial of ROA No. 1, however, is somewhat troubling because it is manifestly incorrect.

At the time of Plaintiff's arrest, Utah Code Ann. § 76-10-2402(1)(a) was a class A misdemeanor.<sup>5</sup> Thus, Defendants' denial was unsupported. However, because Defendants were not required to respond at all, there is nothing sanctionable about this wrongful denial. Even if sanctions were appropriate, Plaintiff eschews any request for monetary relief,<sup>6</sup> which is the only relief permitted under Rule 37(c)(2).

As to ROA No. 2, Defendants' response was factually accurate. When Plaintiff's DNA sample was taken, he was not charged with any offense. The charges against him were not filed until two days later.<sup>7</sup> Thus, it was correct for Defendants to deny this ROA. Whether Plaintiff was arrested for a felony or a misdemeanor remains the subject of debate, with evidence supporting both a misdemeanor and felony offense.

But, based on the request as it was propounded, Defendants' response was accurate. Thus, Plaintiff has not proven Defendants' denial to be untrue and his request for sanctions must be denied. Because the Court denies Plaintiff's Motion on the merits, it need not address Defendants' procedural arguments. Defendants also request "attorney fees pursuant to Rule 37(c)(3) and or

Rule 11.”<sup>8</sup> As an initial matter, Rule 37(c)(3) does not exist so the Court cannot impose sanctions under that provision.

Presumably, counsel meant to cite Fed. R. Civ. P. 37(a)(5)(B), which authorizes the Court to award reasonable expenses if a sanctions motion is denied. However, for the reasons 5 Utah Code Ann. § 76-10-2042(1)(b) (2024) (“A violation of Subsection (1)(a) is a class A misdemeanor.”). 6 Docket No. 114, at 6. 7 Docket No. 114-2. 8 Docket No. 123, at 10. stated during the November 13, 2025 hearing, the Court finds that the award of expenses is unjust here.

Further, while Defendants repeatedly cite Rule 11, they have failed to comply with the procedural requirements of that rule.<sup>9</sup> Compliance with Rule 11 is mandatory and Defendants’ failure to comply necessitates denial.<sup>10</sup>

Therefore, even if the Court believed sanctions were warranted, which it does not, Defendants’ procedural defects preclude them. Moreover, to the extent Defendants seek to assert a motion for sanctions in their response, such action is precluded under the Court’s local rules<sup>11</sup> and runs counter to Rule 11.” It is therefore ORDERED that Plaintiff’s Motion for Sanctions (Docket No. 114) is DENIED.

DATED this 24th day of March, 2026. BY THE COURT: PAUL KOHLER nited States Magistrate Judge Fed. R. Civ. P. 11(c)(2). 0 Roth v. Green, 466 F.3d 1179, 1191-92 (10th Cir. 2006). 1! DUCivR 7-1(a)(3) (“A party may not make a motion... or a cross-motion in a response or reply. Any motion must be separately filed.”).! Fed. R. Civ. P. 11, advisory committee’s notes 1993 amendment (“The rule provides that requests for sanctions must be made as a separate motion, i.e., not simply included as an additional prayer for relief contained in another [filing].”).