

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PENSION FUND FOR HOSPITAL & HEALTH : CIVIL ACTION
CARE EMPLOYEES-PHILADELPHIA AND :
VICINITY DISTRICT 1199C TRAINING :
AND UPGRADING FUND, AND DISTRICT :
1199C NATIONAL UNION OF HOSPITAL :
AND HEALTH CARE EMPLOYEES AND :
PARTICIPATING HEALTH EMPLOYERS JOB :
SECURITY FUND :
v. :
NORTH PHILADELPHIA HEALTH SYSTEM : NO. 98-2415

MEMORANDUM AND ORDER

HUTTON, J.

April 21, 1999

Presently before this Court is Defendant North Philadelphia Health System's Motion to Compel Complete Answers to Defendant's Requests for Admissions (Docket No. 10) and Plaintiffs Pension Fund for Hospital and Health Care Employees-Philadelphia and Vicinity, District 1199C Training and Upgrading Fund and District 1199C National Union of Hospital and Health Care Employees and Participating Health Employers Job Security Fund's response thereto (Docket No. 14). For the reasons stated below, the Defendant's Motion is **GRANTED**.

I. BACKGROUND

This is an action brought against North Philadelphia Health System (NPHS" or "Defendant") to recover delinquent contributions to employee benefit and pension funds pursuant to § 15 of the

Employee Retirement Income Security Act ("ERISA"), 42 U.S.C. § 1145. Pension Fund for Hospital and Health Care Employees-Philadelphia and Vicinity ("Pension Fund), District 1199C Training and Upgrading Fund and District 1199C National Union of Hospital and Health Care Employees and participating Health Employers Job Security Fund (collectively, the "Plaintiffs") filed their original complaint in this action on May 18, 1998 and amended the complaint on July 14, 1998. The Defendant filed its answer on August 24, 1998.

On November 13, 1998, the Defendant served seven numbered Requests for Admissions on Pension Fund. Plaintiff Pension Fund submitted responses to the Defendant on December 14, 1998, admitting requests for admissions one (1) through five (5), and objected to requests for admissions six (6) and seven (7). Now, the Defendant moves the Court for an Order compelling the Plaintiff to provide full and complete responses to Requests for Admission Numbers 6 and 7 of its Requests for Admissions.

II. DISCUSSION

A. Standard for Request for Admission

Under Rule 36(a) of the Federal Rules of Civil Procedure, "[a] party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of Rule 26(b)(1) set forth in the request that relate to statements or opinions of fact or of the

application of law to fact, including the genuineness of any documents described in the request." Fed. R. Civ. P. 36(a). If the party upon whom the request for admission is served objects, "[t]he answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter." Id. "Unless the court determines that an objection is justified, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served." Id.

B. Defendant's Requests for Admission

The Requests for Admission at issue are as follows:

6. The Pension fund has not accepted North Philadelphia Health System (NPHS) as a contributing employer into the Pension Fund for purposes of making contributions for pension coverage of employees in the bargaining unit described in the attached collective-bargaining agreement (exhibit B) between NPHS and United Nurses of Pennsylvania National Union of Hospital and Health Care Employees, AFSCME, AFL-CIO, (UNOP).

7. The Pension Fund's Board of Trustees has never adopted a resolution setting forth the terms and conditions of acceptance of NPHS as a contributing employer for purposes of making contributions for pension coverage of employees in the bargaining unit described in the attached collective-bargaining agreement (exhibit B) between NPHS and (UNOP).

Pension Fund objects to requests numbers 6 and 7 on the grounds that these admissions are not relevant to the subject matter involved in this case and not reasonably calculated to lead to the

discovery of admissible evidence. The Defendant contends that requests for admissions numbers 6 and 7 are relevant to the defenses raised by the Defendant.

Under the Federal Rules of Civil Procedure and in the United States Court of Appeals for the Third Circuit, district courts have broad discretion to manage discovery. See Sempier v. Johnson, 45 F.3d 724, 734 (3d Cir. 1995). Pursuant to Rule 26(b)(1), a party is entitled to discovery of "any matter, not privileged, which is relevant to the subject matter in the pending action." Fed. R. Civ. P. 26(b)(1). "The information sought need not be admissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence." Id. As this Court has noted, "[r]elevance is broadly construed and determined in relation to the facts and circumstances of each case." Hall v. Harleysville Ins. Co., 164 F.R.D. 406, 407 (E.D. Pa. 1996). Once the party opposing discovery raises its objection, the party seeking discovery must demonstrate the relevancy of the requested information. See Momah v. Albert Einstein Med. Ctr., 164 F.R.D. 412, 417 (E.D. Pa. 1996). The burden then shifts back to the objecting party, once this showing is made, to show why the discovery should not be permitted. See id.

This Court finds that the requests numbered 6 and 7 are relevant to the case before the Court. The Defendant has carried

its burden in demonstrating that the information is relevant to the defenses that it has proffered. The Plaintiff, on the other hand, has failed to show how such an admission constitutes irrelevant evidence. Thus, this Court grants the Defendant's request to compel an answer with respect to requests numbered 6 and 7.

An appropriate Order follows.

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O R D E R

AND NOW, this 21st day of April, 1999, upon consideration of the Defendant North Philadelphia Health System's Motion to Compel Complete Answers to Defendant's Requests for Admissions (Docket No. 10) and Plaintiffs Pension Fund for Hospital and Health Care Employees-Philadelphia and Vicinity, District 1199C Training and Upgrading Fund and District 1199C National Union of Hospital and Health Care Employees and Participating Health Employers Job Security Fund's response thereto (Docket No. 14), IT IS HEREBY ORDERED that the Defendant's Motion is **GRANTED**.

IT IS FURTHER ORDERED THAT the Plaintiff Pension Fund **SHALL** provide answers to Defendant's Requests for Admissions 6 and 7 within five (5) days from the date of this Order.

BY THE COURT:

HERBERT J. HUTTON, J.