

U.S. DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION**

AUG 09 2011
CHRIS H. JOHNSON, CLERK

DAVID STEBBINS

PLAINTIFF

vs.

Case No. 10-3086

WAL-MART STORES, INC.

DEFENDANTS

BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT

Comes now, *pro se* Plaintiff David Stebbins, who respectfully submits the following brief in support of my motion for summary judgment.

1. All of the facts listed in the Statement of Uncontroverted Facts were admitted by the Defendants when they refused to reply to the request for admissions (Exhibit A) containing these facts.
2. Are facts in a request for admissions are admitted unless they are denied within 30 days of receiving the request for admissions. See Fed. R. Civ. P. Rule 36(a)(3).
3. A fact that is admitted in a request for admissions is conclusively established for that proceeding. See Fed. R. Civ. P. Rule 36(b).
4. As the Defendants likely received the Request for Admissions on May 30, 2011, the thirty day time limit to file a response began on May 31, 2011. See Fed. R. Civ. P. Rule 6(a)(1)(A).
5. The Defendants where therefore required to submit their response to the request for admissions on July 1, 2011.
6. Even to this day, I have not received a response to the request for admissions. Therefore, all the facts contained in that request for admissions are admitted by default.

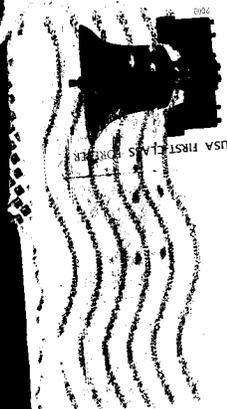
Wherefore, premises considered, I assert that, given the facts established, I am entitled to

judgment as a matter of law.

Wherefore, I respectfully pray that you summarily judge this case in my favor, award all costs incurred, and other relief that the court finds appropriate. It is so requested on this 8th day of August, 2011.



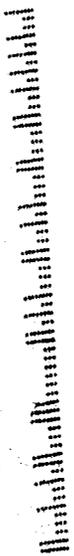
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