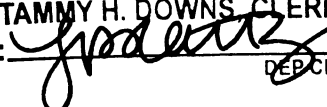


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FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

MAR 16 2026

TAMMY H. DOWNS, CLERK
By:  DEP. CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

Jason Matthew Lynch
Reg. No. 07405-510
Plaintiff

4:24-cv-00740-LPR-BBM

v.

Does et al.
Defendants

PLAINTIFF'S MOTION TO COMPEL DEFENDANTS TO FULLY ANSWER THE THIRD AMENDED COMPLAINT AND TO
PERMIT EXPEDITED DISCOVERY

Plaintiff Jason Matthew Lynch, appearing pro se, respectfully moves this Honorable Court for an order compelling Defendants to fully and faithfully answer the allegations contained in Plaintiff's Third Amended Complaint ("TAC") and to permit the commencement of discovery. In support of this motion, Plaintiff states the following:

I. INTRODUCTION

Plaintiff filed the Third Amended Complaint asserting claims pursuant to 42 U.S.C. §§ 1981, 1983, and 1985, along with violations of the First, Eighth, and Fourteenth Amendments, arising from events occurring while Plaintiff was confined at White County Jail in Searcy, Arkansas:

Rather than meaningfully respond to the detailed allegations contained in the TAC, Defendants have responded with blanket denials and boilerplate responses, refusing to engage the substance of the claims. Such responses frustrate the purposes of the Federal Rules of Civil Procedure and obstruct the orderly development of the case.

The Federal Rules require defendants to fairly respond to each allegation, admit what is true, deny what is false, and state when information is insufficient. The current responses fail to meet those obligations.

Plaintiff therefore respectfully requests the Court order Defendants to properly answer the allegations and permit the case to proceed into discovery without further delay.

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II. LEGAL STANDARD

Under Federal Rule of Civil Procedure 8(b), a party responding to a pleading must:

1. State in short and plain terms its defenses to each claim, and
2. Admit or deny the allegations asserted against it.

Rule 8(b)(2) specifically requires that a denial fairly respond to the substance of the allegation.

Furthermore, Rule 8(b)(4) provides that a party who intends to deny only part of an allegation must admit the part that is true and deny the remainder.

Federal courts consistently hold that general denials and boilerplate responses are insufficient where detailed factual allegations have been pled.

See:

Fed. R. Civ. P. 8(b)

Ashcroft v. Iqbal, 556 U.S. 662 (2009) (requiring meaningful engagement with factual allegations)

Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007)

Zielinski v. Philadelphia Piers, Inc., 139 F. Supp. 408 (E.D. Pa. 1956) (denials that evade the substance of the allegation are improper)

Additionally, courts possess broad authority to compel proper pleadings and enforce compliance with the Federal Rules.

See:

Fed. R. Civ. P. 12(f)

Fed. R. Civ. P. 16

Fed. R. Civ. P. 37

III. DEFENDANTS' BOILERPLATE DENIALS FRUSTRATE THE PURPOSE OF RULE 8

Plaintiff's Third Amended Complaint contains detailed allegations regarding:

- denial of access to medical care,
- denial of legally protected religious practices,
- interference with legal mail,
- retaliation,

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unconstitutional jail policies,
conspiracy to violate civil rights,
and deliberate indifference to serious medical needs.

Despite the specificity of these allegations, Defendants have responded with blanket denials and generalized boilerplate responses that do not fairly respond to the substance of the claims.

Such responses prevent Plaintiff from identifying what facts are actually disputed and unnecessarily delay the progress of the litigation.

The Federal Rules are designed to narrow the issues and promote efficient adjudication, not to obscure them.

IV. PLAINTIFF REQUESTS ALTERNATIVE RELIEF: ADMISSIONS

If Defendants intend to persist in issuing blanket denials, Plaintiff respectfully requests that the Court allow him to submit a limited set of Requests for Admission to clarify the issues.

Pursuant to Federal Rule of Civil Procedure 36, Plaintiff requests permission to serve:

Ten (10) Requests for Admission per claim asserted in the Third Amended Complaint.

Rule 36 is specifically designed to:

narrow disputed issues,
establish uncontested facts,
and streamline litigation.

See:

Fed. R. Civ. P. 36(a)

Asea, Inc. v. Southern Pacific Transportation Co., 669 F.2d 1242 (9th Cir. 1981).

V. REQUEST TO PROCEED TO DISCOVERY

Plaintiff further respectfully requests permission to proceed with discovery without further delay.

Under Federal Rule of Civil Procedure 26(d), discovery generally begins after the parties conduct a Rule 26(f) conference.

However, Plaintiff is presently incarcerated and faces significant logistical barriers. Therefore:

Plaintiff waives the requirement for a formal Rule 26(f) conference if the Court finds such waiver appropriate and respectfully requests permission to proceed directly to discovery.

Alternatively, Plaintiff requests that the Court permit the conference to occur via video conference or teleconference, consistent with Rule 16 and Rule 26(f).

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Allowing discovery to proceed is particularly important here because critical evidence remains solely in Defendants' possession, including:

surveillance recordings,
jail logs,
medical records,
incident reports,
grievance records,
communications among jail officials.

VI. RISK OF EVIDENCE SPOILATION

Plaintiff also brings to the Court's attention statements allegedly made by Defendants indicating that no evidence will ever reach a courtroom or the public record.

These statements raise serious concerns regarding potential spoliation of evidence.

Importantly, Defendants were placed on formal notice of litigation in September 2024, when Plaintiff first initiated legal proceedings regarding the events described in the complaint.

Under federal law, once a party is on notice of potential litigation, it has a clear and mandatory duty to preserve evidence.

See:

Fed. R. Civ. P. 37(e)

Silvestri v. General Motors Corp., 271 F.3d 583 (4th Cir. 2001)

Zubulake v. UBS Warburg LLC, 220 F.R.D. 212 (S.D.N.Y. 2003)

Courts have repeatedly held that the duty to preserve evidence arises when litigation is reasonably anticipated.

Thus, because Defendants were placed on notice in September 2024, any destruction, loss, or disappearance of evidence after that date may constitute spoliation and warrant sanctions.

VII. INTERESTS OF JUSTICE FAVOR PROMPT DISCOVERY

Allowing discovery to proceed now will:

preserve critical evidence,
clarify disputed facts,
promote judicial efficiency,

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and ensure that this case is decided on its merits.

Federal courts consistently emphasize that the Federal Rules should be construed to secure the just, speedy, and inexpensive determination of every action.

See:

Fed. R. Civ. P. 1

Delays caused by inadequate pleadings or obstruction of discovery undermine that fundamental principle.

VIII. REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

1. Order Defendants to fully and faithfully answer the allegations in the Third Amended Complaint, in compliance with Federal Rule of Civil Procedure 8(b);
2. In the alternative, permit Plaintiff to serve ten (10) Requests for Admission per claim pursuant to Rule 36;
3. Permit the parties to proceed to discovery without further delay;
4. Allow a Rule 26(f) conference via video conference or teleconference, or waive the conference requirement in light of Plaintiff's incarceration;
5. Permit Plaintiff to begin serving interrogatories, requests for production, and requests for admission pursuant to Rules 33, 34, and 36;
6. Issue any additional orders necessary to ensure preservation of all evidence related to this litigation.

Respectfully submitted,

Jason Matthew Lynch



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This is written so it can function as a section of a motion or notice to the court.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

Jason Matthew Lynch
Reg. No. 07405-510
Plaintiff, Pro Se

v.

DOES et al.
White County Jail Officials
Defendants

Civil Action No. 4:24-cv-00740-LPR-BBM

RULE 55 DEFAULT FRAMEWORK,
EVIDENCE PRESERVATION DOCTRINE ARGUMENT,
AND SPOILIATION WARNING

Plaintiff Jason Matthew Lynch, proceeding pro se, respectfully submits the following framework regarding default procedures under Federal Rule of Civil Procedure 55, together with a notice concerning the Defendants' duty to preserve evidence and the legal consequences of spoliation.

This submission is made in order to ensure that the litigation proceeds in a lawful and orderly manner and that evidence critical to the adjudication of Plaintiff's constitutional claims is preserved.

I. RULE 55 DEFAULT JUDGMENT FRAMEWORK

Federal Rule of Civil Procedure 55(a) provides that when a party against whom a judgment is sought fails to plead or otherwise defend, the clerk must enter the party's default.

The rule states:

> "When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend the clerk must

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enter the party's default."
Fed. R. Civ. P. 55(a)

Following entry of default, Rule 55(b) authorizes the Court to enter default judgment.

Federal courts consistently recognize that default procedures exist to ensure that defendants cannot avoid liability by refusing to meaningfully participate in litigation.

See:

Ackra Direct Marketing Corp. v. Fingerhut Corp., 86 F.3d 852 (8th Cir. 1996)

Johnson v. Dayton Electric Mfg. Co., 140 F.3d 781 (8th Cir. 1998)

The Eighth Circuit recognizes that default is appropriate when defendants engage in:

- 1.. Failure to respond to pleadings
2. Failure to comply with court rules
3. Dilatory litigation tactics
4. Bad faith delay

See:

Forsythe v. Hales, 255 F.3d 487 (8th Cir. 2001)

II. DEFENDANTS' OBLIGATION TO PROVIDE MEANINGFUL ANSWERS

Under Federal Rule of Civil Procedure 8(b), defendants must:

- admit the allegations,
- deny the allegations in good faith, or
- state lack of knowledge.

However, blanket denials or evasive responses are improper.

Rule 8(b)(2) requires defendants to:

- > "fairly respond to the substance of the allegation."

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Courts routinely reject boilerplate denials that fail to address allegations with specificity.

See:

SEC v. Sands, 902 F. Supp. 1149 (C.D. Cal. 1995)

Lane v. Page, 272 F.R.D. 581 (D.N.M. 2011)

A defendant may not simply deny all allegations without factual inquiry where the facts are within the defendant's control.

See:

David v. Crompton & Knowles Corp., 58 F.R.D. 444 (E.D. Pa. 1973)

Where government officials possess the records necessary to admit or deny allegations but refuse to do so, courts have found such conduct improper and sanctionable.

III. DUTY TO PRESERVE EVIDENCE

Once litigation is reasonably anticipated, parties have a duty to preserve evidence.

This duty arises from the common law doctrine of evidence preservation and is enforced under Federal Rule of Civil Procedure 37(e).

The Supreme Court recognized the duty to preserve evidence in:

Silvestri v. General Motors Corp.

The court held:

> "The duty to preserve material evidence arises not only during litigation but also extends to the period before litigation when a party reasonably should know that the evidence may be relevant to anticipated litigation."

Similarly:

Zubulake v. UBS Warburg LLC

held that:

> "Once a party reasonably anticipates litigation, it must suspend routine document destruction policies and put in place a litigation hold."

IV. DEFENDANTS WERE ON NOTICE OF LITIGATION

In this case, Defendants were placed on clear notice of litigation no later than September 2024.

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Plaintiff alleges that:

Defendants were informed of impending litigation.

Federal civil rights claims were being prepared.

Evidence would be necessary to adjudicate those claims.

At that point, Defendants were required to preserve:

surveillance video

medical records

incident reports

grievance records

electronic communications

jail logs

classification records

disciplinary records

medical medication administration records

internal investigations

staff emails and digital records

The duty to preserve extends to all relevant electronically stored information (ESI).

See:

Fed. R. Civ. P. 37(e)

Residential Funding Corp. v. DeGeorge Financial Corp., 306 F.3d 99 (2d Cir. 2002)

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IV. SCOPE OF PRESERVATION OBLIGATION

The duty to preserve evidence includes not only materials in the physical possession of Defendants but also evidence within the possession, custody, or control of:

White County Jail administration

White County Sheriff's Office

jail medical contractors

county information technology departments

third-party surveillance vendors

Courts have repeatedly held that parties must preserve evidence within their control, even if maintained by third-party contractors.

See:

Residential Funding Corp. v. DeGeorge Financial Corp.

V. SPOILIATION WARNING

Plaintiff respectfully provides notice that destruction or alteration of relevant evidence after notice of litigation constitutes spoliation of evidence.

Spoliation is defined as:

> "The destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation."

See:

West v. Goodyear Tire & Rubber Co.

Federal courts possess inherent authority to sanction spoliation.

See:

Chambers v. NASCO, Inc.

Sanctions for spoliation may include:

adverse inference instructions

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exclusion of evidence

monetary sanctions

striking defenses

entry of default judgment

See:

Stevenson v. Union Pacific Railroad Co.

The Eighth Circuit, which governs this Court, has specifically held that courts may impose severe sanctions when evidence is destroyed in bad faith.

VI. IMPORTANCE OF EARLY PRESERVATION IN CORRECTIONAL FACILITY CASES

Correctional facilities frequently maintain surveillance recordings and digital records that are routinely overwritten after a short period of time.

Without immediate preservation orders, critical evidence may be lost.

Courts recognize the importance of preserving evidence in civil rights cases involving prisons and jails.

See:

Haines v. Kerner

which instructs courts to liberally construe pleadings of pro se prisoners seeking to vindicate constitutional rights.

VII: REQUEST FOR COURT ORDER

Plaintiff respectfully requests that the Court issue an order directing Defendants to:

1. Immediately implement a litigation hold on all relevant evidence.
2. Preserve all documents and electronically stored information related to the claims in this case.
3. Preserve all surveillance footage and digital recordings related to Plaintiff's incarceration.
4. Preserve all medical records and medication logs relating to Plaintiff.
5. Preserve all internal communications relating to Plaintiff.

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SPOLIATION OF EVIDENCE

Spoliation is defined as:

> "The destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation."

See:

West v.. Goodyear Tire & Rubber Co., 167 F.3d 776 (2d Cir. 1999)

Federal courts have inherent authority to sanction parties for spoliation.

See:

Chambers v. NASCO, Inc., 501 U.S. 32 (1991)

Sanctions may include:

1. adverse inference instructions
2. exclusion of testimony
3. monetary sanctions
4. striking pleadings
5. default judgment

See:

Stevenson v. Union Pacific Railroad Co., 354 F.3d 739 (8th Cir. 2004)

The Eighth Circuit specifically recognizes adverse inference sanctions when evidence is destroyed in bad faith.

VI. SPECIAL DUTY OF GOVERNMENT OFFICIALS

Because Defendants are government officials operating a correctional facility, courts apply a heightened expectation that records and evidence will be maintained.

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Correctional facilities are required to maintain:

inmate medical records

incident reports

surveillance recordings

grievance documentation

Failure to preserve such records after notice of litigation raises a presumption of bad faith.

See:

Daniels v. Correctional Medical Services, 380 F.3d 869 (6th Cir. 2004)

VII. WARNING REGARDING POTENTIAL SPOILIATION

Plaintiff therefore provides notice that:

Any destruction, deletion, loss, alteration, or failure to preserve relevant evidence after the Defendants were placed on notice of litigation may constitute spoliation.

If spoliation occurs, Plaintiff will seek appropriate sanctions including:

adverse inference jury instructions

evidentiary sanctions

striking of defenses

entry of default judgment

...

pursuant to:

Fed. R. Civ. P. 37

the Court's inherent authority

the spoliation doctrine recognized in federal common law.

VIII. IMPORTANCE OF PROMPT DISCOVERY

The majority of evidence in this case remains exclusively within the possession and control of the Defendants.

Delay increases the risk that evidence may:

be lost

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be destroyed

be overwritten

or become unavailable.

Courts recognize the importance of timely discovery in civil rights cases involving correctional facilities.

See:

Haines v. Kerner, 404 U.S. 519 (1972)

which also requires courts to construe pro se pleadings liberally.

IX. CONCLUSION

For the reasons stated above, Plaintiff respectfully provides this framework and notice to ensure that:

1. Defendants comply with their obligations under Federal Rule of Civil Procedure 8 to provide meaningful answers.
2. All evidence relevant to Plaintiff's claims is preserved.
3. Defendants are placed on clear notice that spoliation of evidence will result in appropriate sanctions under federal law.
4. The case proceeds without improper delay or obstruction.

Respectfully submitted,

Jason Matthew Lynch
Reg. No. 07405-510
Plaintiff, Pro Se

