IN THE UNITED STATED DISTRICT COURT
FOR THE NORTHERN DISTRIT OF ILLINOIS
EASTERN DIVISION

STUDENTS AND PARENTS FOR PRIVACY, *et al.*,	)	
Plaintiffs,	)	
	)	**Case No. 16 C 4945**
v.	)	
UNITED STATES DEPARTMENT OF EDUCATION; JOHN B. KING, JR., in his official capacity as United States Secretary of Education; UNITED STATES DEPARTMENT OF JUSTICE; LORETTA E. LYNCH, in her official capacity as United States Attorney General; and SCHOOL DIRECTORS OF TOWNSHIP HIGH SCHOOL DISTRICT 211, COUNTY OF COOK AND STATE OF ILLINOIS.	)	**Jeffrey T. Gilbert** **United States Magistrate Judge**
Defendants.	)	

ORDER

Upon further reflection and after reviewing again Defendants' and Intervenor-Defendants' response briefs filed on 7/8/16, the Court has reconsidered its ruling entered earlier this week [86] denying Plaintiffs' Motion to Conduct Limited, Expedited Discovery of Intervenor-Defendants [81]. The Court now understands better why Plaintiffs want to serve the requests for admission attached to their Motion as Exhibit A [81-1] and concludes that the record on Plaintiffs' Motion for Preliminary Injunction [21] should include responses to those requests for admission. Although the Court continues to believe that Intervenor-Defendants' objection to responding to Plaintiffs' requests for admission, grounded in Rule 26(c) of the Federal Rules of Civil Procedure ("annoyance, embarrassment, oppression, or undue burden"), has merit, the Court now is of the opinion that Plaintiffs' reason for developing the record in support of their Motion for Preliminary Injunction with these limited requests for admission outweighs Intervenor- Defendants' interest in not being required to respond to them.

The Court, however, grants Plaintiffs' Motion to Conduct Limited, Expedited Discovery of Intervenor-Defendants [81] only in part. The only Intervenor-Defendant that must answer the requests for admission is Student A by and through Student A's parent or legal guardian. Further, it appears unnecessary for Student A to respond to Plaintiffs' Interrogatory No. 1, Exhibit B to Plaintiffs' Motion [81-2], at this time given the proviso in Rule 36(a)(4) of the Federal Rules of Civil Procedure that if a matter is not admitted, the answering party must "state in detail why the answering party cannot truthfully admit or deny it." Accordingly, the Court trusts that Rule 36 provides a sufficient vehicle for Plaintiffs to develop the record on the matters set forth in their requests for admission.

Accordingly, for these reasons, the Court, on its own motion, hereby vacates its Order entered on 7/13/16 [86] and, instead, grants in part and denies in part Plaintiffs' Motion to Conduct Limited, Expedited Discovery of Intervenor Defendants [81]. Intervenor-Defendant Student A by and through Student A's parent or legal guardian shall answer Plaintiffs' requests for admission by 7/21/16. Plaintiffs' time to file their reply brief is extended to 7/26/16.

It is so ordered.

Jeffrey T. Gilbert
United States Magistrate Judge

Dated: July 15, 2016