

1 **Rule 36. Request for admission.**

2 **(a) Request for admission.**

3 ~~(a)(1)~~ A party may serve upon any other party a written request to admit~~for the~~
4 ~~admission, for purpose of the pending action only, of the~~ truth of any discoverable
5 matter matters within the scope of Rule 26(b) set forth in the request, including the
6 genuineness of any document. The matter must that relate to statements or opinions of
7 fact or of the application of law to fact. Each matter shall be separately stated and
8 numbered. A copy of the document, including the genuineness of any documents
9 described in the request. The request for admission shall contain a notice advising the
10 party to whom the request is made that, pursuant to Rule 36, the matters shall be
11 deemed admitted unless said request is responded to within 30 days after service of the
12 request or within such shorter or longer time as the court may allow. Copies of
13 documents shall be served with the request unless it has already they have been or are
14 otherwise furnished or made available for inspection and copying. The request shall
15 notify the responding party that the matters will be deemed admitted unless the party
16 responds within 28 days after service of the request. Without leave of court or written
17 stipulation, requests for admission may not be served before the time specified in Rule
18 26(d).

19 **(b) Answer or objection.**

20 ~~(b)(1)a(2)~~ Each matter of which an admission is requested shall be separately set
21 ~~forth.~~ The matter is admitted unless, within 28thirty days after service of the request, the
22 responding party serves upon the requesting party a written response.

23 (b)(2) The answering party shall restate each request before responding to it. Unless
24 the answering party objects to a matter, the party must admit or or within such shorter or
25 longer time as the court may allow, the party to whom the request is directed serves
26 upon the party requesting the admission a written answer or objection addressed to the
27 matter, signed by the party or by his attorney, but, unless the court shortens the time, a
28 defendant shall not be required to serve answers or objections before the expiration of
29 45 days after service of the summons and complaint upon him. If objection is made, the
30 reasons therefor shall be stated. The answer shall specifically deny the matter or
31 stateset forth in detail the reasons why the answering party cannot truthfully admit or

32 deny. A party may identify the part of a matter which is true and deny the rest. A denial
33 shall fairly meet the substance of the request. ~~Lack requested admission, and when~~
34 ~~good faith requires that a party qualify his answer or deny only a part of the matter of~~
35 ~~which an admission is requested, he shall specify so much of it as is true and qualify or~~
36 ~~deny the remainder. An answering party may not give lack of information is not a~~
37 ~~knowledge as a reason for failure to admit or deny unless, after he states that he has~~
38 ~~made reasonable inquiry, and that the information known or reasonably available readily~~
39 ~~obtainable by him is insufficient to enable an admission him to admit or denial deny.~~ A
40 party who considers the subject that a matter of a request for which an admission to
41 be has been requested presents a genuine issue for trial may not object, on that ground
42 alone but, object to the request; he may, subject to ~~the provisions of~~ Rule 37 ~~(f)~~, deny
43 the matter or state these forth reasons for the failure to why he cannot admit or deny it.

44 (b)(3) If the party objects to a matter, the party shall state the reasons for the
45 objection. Any reason not stated is waived unless excused by the court for good cause.
46 The party shall admit or deny any part of a matter that is not objectionable. It is not
47 grounds for objection that the truth of a matter is a genuine issue for trial.

48 ~~(c)(a)(3) The party who has requested the admissions may move to determine the~~
49 ~~sufficiency of the answers or objections. Unless the court determines that an objection~~
50 ~~is justified, it shall order that an answer be served. If the court determines that an~~
51 ~~answer does not comply with the requirements of this rule, it may order either that the~~
52 ~~matter is admitted or that an amended answer be served. The court may, in lieu of~~
53 ~~these orders, determine that final disposition of the request be made at a pretrial~~
54 ~~conference or at a designated time prior to trial. The provisions of Rule 37(a)(4) apply to~~
55 ~~the award of expenses incurred in relation to the motion.~~

56 (b) Effect of admission. Any matter admitted under this rule is conclusively
57 established unless the court on motion permits withdrawal or amendment of the
58 admission. The Subject to the provisions of Rule 16 governing amendment of a pretrial
59 order, the court may permit withdrawal or amendment if when the presentation of the
60 merits of the action will be promoted ~~subservd thereby~~ and ~~the party who obtained the~~
61 ~~admission fails to satisfy the court that~~ withdrawal or amendment will not prejudice the
62 requesting party. ~~him in maintaining his action or defense on the merits.~~ Any admission

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Effective Date: November 1, 2011

63 ~~made by a party~~ under this rule is for the purpose of the pending action only. ~~It and~~ is
64 not an admission ~~by him~~ for any other purpose, nor may it be used ~~against him~~ in any
65 other ~~action proceeding~~.

66 Advisory Committee Notes

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