

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

19 ~~(a)(2) Each matter of which an admission is requested shall be separately set forth.~~
20 ~~The matter~~ (b) Answer or objection.

21 (b)(1) The matter is admitted unless, within ~~thirty~~28 days after service of the request,
22 ~~or within such shorter or longer time as the court may allow, the party to whom the~~
23 ~~request is directed the responding party~~ serves upon the ~~party~~ requesting the admission
24 a written answer or objection addressed to the matter, signed by the party or by his
25 attorney, but, unless the court shortens the time, a defendant shall not be required to
26 serve answers or objections before the expiration of 45 days after service of the
27 summons and complaint upon him. If objection is made, the reasons therefor shall be
28 stated. The answer shall specifically deny the matter or set forth in detail the reasons
29 ~~why the party a written response.~~

30 (b)(2) The answering party shall restate each request before responding to it. Unless
31 the answering party objects to a matter, the party must admit or deny the matter or state

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

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 may not, on
48 that ground alone, object to the request; he may, subject to the provisions of Rule 37,

49 ~~(c), deny the matter or set forth reasons why he cannot admit or deny it.~~

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

58 ~~(b) Effect of admission. Any matter admitted under this rule is conclusively~~
59 ~~established unless the court on motion permits withdrawal or amendment of the~~
60 ~~admission. Subject to the provisions of Rule 16 governing amendment of a pretrial~~
61 ~~order, the~~ The court may permit withdrawal or amendment whenif the presentation of the
62 merits of the action will be subservd thereby promoted and ~~the party who obtained the~~

63 ~~admission fails to satisfy the court that~~ withdrawal or amendment will not prejudice ~~him~~
64 ~~in maintaining his action or defense on the merits~~the requesting party. Any admission
65 ~~made by a party~~ under this rule is for the purpose of the pending action only ~~and. It~~ is
66 not an admission ~~by him~~ for any other purpose, nor may it be used ~~against him~~ in any
67 other proceeding ~~action~~.

68 Advisory Committee Notes

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