

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

2 **(a) Request for admission.** A party may serve upon any other party a written request to  
3 admit the truth of any discoverable matter set forth in the request, including the  
4 genuineness of any document. The matter must relate to statements or opinions of fact  
5 or of the application of law to fact. Each matter ~~shall~~must be separately stated and  
6 numbered. A copy of the document ~~shall~~must be served with the request unless it has  
7 already been furnished or made available for inspection and copying. ~~The request shall~~  
8 ~~notify the responding party that the matters will be deemed admitted unless the party~~  
9 ~~responds within 28 days after service of the request.~~

10 **(b) Required caution language on request for admission.**

11 (1) All requests for admission must include the following caution language at the  
12 top right corner of the first page of the document, in bold type: **You must respond to**  
13 **these requests for admissions within 28 days or the court will consider you to**  
14 **have admitted the truth of the matter as set forth in these requests.**

15 (2) Failure to include the caution language may provide the non-requesting party  
16 with a basis under Rule 60(b) for excusable neglect to set aside any resulting order or  
17 judgment.

18 **~~(b)~~ (c) Answer or objection.**

19 (1) The matter is admitted unless, within 28 days after service of the request, the  
20 responding party serves upon the requesting party a written response.

21 (2) The answering party ~~shall~~must restate each request before responding to it.  
22 Unless the answering party objects to a matter, the party must admit or deny the  
23 matter or state in detail the reasons why the party cannot truthfully admit or deny.  
24 A party may identify the part of a matter which is true and deny the rest. A denial  
25 ~~shall~~must fairly meet the substance of the request. Lack of information is not a  
26 reason for failure to admit or deny unless, after reasonable inquiry, the information  
27 known or reasonably available is insufficient to enable an admission or denial. A

28 party who considers the subject of a request for admission to be a genuine issue for  
29 trial may not object on that ground alone but may, subject to Rule 37(c), deny the  
30 matter or state the reasons for the failure to admit or deny.

31 | (3) If the party objects to a matter, the party ~~shall~~must state the reasons for the  
32 objection. Any reason not stated is waived unless excused by the court for good  
33 | cause. The party ~~shall~~must admit or deny any part of a matter that is not  
34 objectionable. It is not grounds for objection that the truth of a matter is a genuine  
35 issue for trial.

36 | **(ed) Effect of admission.** Any matter admitted under this rule is conclusively  
37 established unless the court on motion permits withdrawal or amendment of the  
38 admission. The court may permit withdrawal or amendment if the presentation of the  
39 merits of the action will be promoted and withdrawal or amendment will not prejudice  
40 the requesting party. Any admission under this rule is for the purpose of the pending  
41 action only. It is not an admission for any other purpose, nor may it be used in any  
42 other action.

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