

## **Rule 36. Requests for Admission**

### **(a) SCOPE AND PROCEDURE.**

(1) *Scope.* A party may serve on any other party a written request to admit, for purposes of the pending action only, the truth of any matters within the scope of Rule 26(b)(1) relating to:

- (A) facts, the application of law to fact, or opinions about either; and
- (B) the genuineness of any described documents.

(2) *Form; Copy of a Document.* Each matter must be separately stated. A request to admit the genuineness of a document must be accompanied by a copy of the document unless it is or has been, otherwise furnished or made available for inspection and copying. The request may, without leave of court, be served on the plaintiff after commencement of the action and on any other party with or after service of the summons and complaint on that party.

(3) *Time to Respond; Effect of Not Responding.* A matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney. A shorter or longer time for responding may be stipulated to under Rule 29 or be ordered by the court. However, unless the court shortens the time, a defendant is not required to serve answers or objections before the expiration of 45 days after service of the summons and complaint upon that defendant or before the expiration of 75 days after service of the summons and complaint upon the District of Columbia or its officer or agency or the United States or its officer or agency.

(4) *Answer.* If a matter is not admitted, the answer must specifically deny it or state in detail why the answering party cannot truthfully admit or deny it. A denial must fairly respond to the substance of the matter, and when good faith requires that a party qualify an answer or deny only a part of a matter, the answer must specify the part admitted and qualify or deny the rest. The answering party may assert lack of knowledge or information as a reason for failing to admit or deny only if the party states that it has made reasonable inquiry and that the information it knows or can readily obtain is insufficient to enable it to admit or deny.

(5) *Objections.* The grounds for objecting to a request must be stated. A party must not object solely on the ground that the request presents a genuine issue for trial.

(6) *Motion Regarding the Sufficiency of an Answer or Objection.* The requesting party may move to determine the sufficiency of an answer or objection. Unless the court finds an objection justified, it must order that an answer be served. On finding that an answer does not comply with this rule, the court may order either that the matter is admitted or that an amended answer be served. The court may defer its final decision until a pretrial conference or a specified time before trial. Rule 37(a)(5) applies to an award of expenses.

(b) **EFFECT OF AN ADMISSION; WITHDRAWING OR AMENDING IT.** A matter admitted under this rule is conclusively established unless the court, on motion, permits the admission to be withdrawn or amended. Subject to Rule 16(e), the court may permit withdrawal or amendment if it would promote the presentation of the merits of the action and if the court is not persuaded that it would prejudice the requesting party in maintaining or defending the action on the merits. An admission under this rule is not an

admission for any other purpose and cannot be used against the party in any other proceeding.

(c) QUOTING EACH REQUEST IN FULL. Answers and objections to requests for admissions must identify and quote each request in full immediately preceding the answer or objection.

(d) ELECTRONIC FORMAT. A party, represented by counsel, serving requests for admission must, upon request of any other party, promptly transmit to the other party an electronic version of the requests for admission in a format that will enable the receiving party to copy the language of the requests for admission electronically. A self-represented party may participate in electronic discovery pursuant to this rule, provided that the party files a completed Civil Action Form 115, which includes the party's email address and confirms the party's capacity to file documents and receive the filings of other parties electronically and on a regular basis.

## COMMENT

Identical to *Federal Rule of Civil Procedure 36*, as amended in 2007, except for: (1) the addition of language in subsection (a)(3), clarifying the extended 75-day response period to interrogatories for the United States, the District of Columbia, or officers or agents of either, and the extended 45-day response period to interrogatories for all other defendants; (2) the addition of section (c), which requires that the responses and objections to requests for production must quote each request in full preceding the response or objection; and (3) the addition of section (d), requiring that represented parties, and self-represented parties electing to participate in electronic discovery, upon request, transmit electronic copies of requests for admission to any other party..

The language in section (c) comes from Local Rule 26.2(d) of the United States District Court for the District of Columbia.