

Guide to Discovery:

▣ **Requests for Admission** ▣

**What is a Request for Admission?**

A Request for Admission (RFA) is a written request to admit the truth of facts that one party in a lawsuit sends to another party in the lawsuit. Each request is written as a statement. The responding party must either admit the truth of the statement, deny the truth of the statement, or explain in detail why the party can neither admit nor deny it. RFAs are governed by Federal Rule of Civil Procedure 36 and the corresponding Local Rules of the Central District of California.

One purpose of an RFA is to narrow the issues that are in dispute in your case and make it easier to present those issues to the Court at trial or in a motion for summary judgment. RFAs are thus commonly used to find out what facts are disputed in a case.

Prepare to write your RFAs by carefully reading the entire complaint and the answer. Make a discovery plan by creating a chart. List the legal elements of your claim or defense in the first column. List the facts that you think prove the element in the second column. The facts listed in the second column will help you decide what to include in your RFAs. A template of this chart is included with this guide.

**Content of Requests for Admission**

- 1) State that you are making requests for admission under Federal Rule of Civil Procedure 36.
- 2) Define the terms you will use in your requests. Title this section "Definitions." Terms like "document" or "contract" should be defined as they relate to your case. For example, if you are asking for an admission related to an incident, make sure to define the "incident":

*"Incident" includes the circumstances and events surrounding the alleged wrongful conduct, injury, or other occurrences giving rise to this lawsuit, as alleged in the complaint filed on January 19, 2012.*

- 3) Next, state your requests for admission. Title this section "Requests for Admission." Each request should be in a separate paragraph and numbered sequentially. (Note: if you send more than one set of RFAs to a party, number each request sequentially without repeating the numbers you used on any prior set of RFAs.)

1 John Doe  
2 jdoe@mail.com  
3 453 X Street  
4 Los Angeles, CA 90049  
5 (213) 000-0000  
6 Plaintiff in Pro Per  
7  
8  
9  
10  
11  
12 John Doe, Case No: CV11-0000  
13 Plaintiff, vs. **REQUESTS FOR**  
14 Jane Smith, Defendant. **ADMISSION**  
15 (F.R.C.P. 36)  
16  
17  
18  
19  
20 PROPOUNDING PARTY: PLAINTIFF JOHN DOE  
21 RESPONDING PARTY: DEFENDANT JANE SMITH  
22 SET NO.: ONE (1)  
23  
24 Plaintiff John Doe requests, pursuant to  
25 Federal Rule of Civil Procedure 36, that  
26 Defendant Jane Smith admit to the following  
27 within 30 days after service of these Requests  
28 for Admission:  
  
REQUESTS FOR ADMISSION  
1

4) Although there are no limits on how many requests you can include in an RFA they must pertain to the claims or defenses in your lawsuit. Consider limiting the content of your RFAs to:

- Whether a fact is true or false.
- How a law or legal principle applies to the facts of your case.
- The genuineness of any documents you describe in your request. (Note: include a copy of the document as an exhibit if you are using the RFA for this purpose, unless it has already been made available to the responding party.)

5) Last, sign and date the last page of your RFAs.



**RFA TIP:**

RFAs can be used to establish a variety of facts that will be useful to your case. However, they are not very helpful for discovering new facts, obtaining documents, or examining the credibility of a witness. Consider using Requests for Production and Interrogatories instead to achieve these goals.

**Serving the Requests for Admission**

**Do not** file the RFAs with the Court; send a copy to opposing counsel (or your unrepresented opponent) with a certificate of service and keep the original for yourself. Remember to send the RFAs long before your discovery cut-off date to give the other party the full 30 days to respond. In fact, consider sending your RFAs at least 60 days before your discovery deadline in case the other side fails to respond adequately to your discovery request and you need additional time to file a motion to compel.

**Responding to Requests for Admission**

The other party in your case is also entitled to send you Requests for Admission. Within 30 days after being served with the RFAs, you must admit or deny the facts requested and/or object to them. The time to respond can be increased or decreased by agreement of the parties or if your judge orders a different deadline for responding.

1. The opening paragraph below the title caption should include the identity of the party who requested the discovery, the identity of the responding party, and the set number of the discovery.
2. Format your response by copying the request exactly as it is written in the RFAs, immediately above your response.
3. If you object to a specific RFA, identify and state your grounds for an objection to that request. The following (if applicable) are some grounds for objecting to a request for admission:
  - The request is vague or overbroad.
  - Attorney-client privilege.
  - The request is not relevant to this case.

	8.5"		1"
<p>1 John Doe 2 jdoe@mail.com 3 6453 Sycamore Street 4 Los Angeles, CA 90048 5 (213) 000-0000 6 Plaintiff in Pro Per 7 8 9 10 11 12 John Doe, 13 Plaintiff, 14 vs. 15 Jane Smith, 16 Defendant. 17 18 19 20 21 22 23 24 25 26 27 28</p>	<p><b>United States District Court Central District of California</b></p> <p>Case No: CV11-0000</p> <p><b>RESPONSES AND OBJECTIONS TO REQUESTS FOR ADMISSION (F.R.C.P. 36)</b></p> <p>PROPOUNDING PARTY: PLAINTIFF JOHN DOE RESPONDING PARTY: DEFENDANT JANE SMITH SET NO: ONE (1)</p> <p>Pursuant to Federal Rule of Civil Procedure 36, Defendant Jane Smith responds or objects to the following Requests for Admission: // //</p> <p style="text-align: center;">RESPONSE TO REQUESTS FOR ADMISSION 1</p>	11"	1"

- The request is not proportional to the needs of this case. (If you use this objection, specify why the request is not proportional. Address the importance of the issues at stake in the case, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.)
  - The request seeks confidential information regarding individuals not named as parties to the action, which, if disclosed, may constitute an unwarranted invasion of privacy.
  - The request is improperly worded as an interrogatory.
4. You may admit to part of the request and explain or deny the rest of the request.
  5. Sign and date the last page of your response to the RFAs. **Do not** file your response to the RFAs with the Court; send a copy to opposing counsel (or your unrepresented opponent) with a certificate of service and keep a copy for yourself.
  6. If you admit to a fact, but later want to withdraw or change the admission, you must file a motion with the Court. Refer to Federal Rule of Civil Procedure 36(b) for more information.

### **Do you need more time to answer RFAs?**

If you need more time to answer or object to an RFA, first contact the opposing counsel (or your unrepresented opponent(s)) and ask him or her to agree to an extension of time. Make sure you receive some form of written confirmation of the extension, even if it is just in an email. If the other side refuses, you may file a "Request for Extension of Time to File a Response to the Requests for Admission" with the Court.

### **What can happen if you fail to respond to the RFAs?**

**RFAs are automatically considered admitted if you do not timely respond or object to them.**

The Court may also consider RFAs admitted if you respond in an evasive, incomplete, or non-responsive manner. In addition, the requesting party may file a "motion to compel" the answers to the RFAs and the Court may impose sanctions on you, which may include having to pay the requesting party's attorney's fees and costs incurred in bringing the motion. It is therefore important that you properly respond to RFAs in a timely manner.



## Guide to Discovery: Discovery Worksheet

**Claim or Defense:**

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State each <u>element</u> of your claim or defense	State each of the <u>facts</u> that will prove this element	List the <u>evidence</u> you will need to support the facts that prove this element	Formulate your discovery request (RFP, RFA, or Interrogatory)