

DISCOVERY

Requests for Admission

This Guide includes instructions and sample forms. Links to download the fillable forms are at the end of this Guide. Additional copies of this Guide can be accessed at saclaw.org/request-admissions

BACKGROUND

Requests for admission are used to ask another party to admit that certain facts are true, or that certain documents are authentic. If admitted as true or authentic, these facts and documents do not need to be proven or authenticated at trial. This helps narrow the scope of controversy in the case, making trials quicker and less expensive.

Ideally, the facts you need to win your case are undisputed, and the other side will admit that these facts are true. If all the key facts are admitted or deemed true, you may be able to file a motion asking the judge to issue a judgment in your favor, because there are no factual issues to be tried.

Jury instructions are a good way to know what facts you will need to prove in order for you to win your case. The California Civil Jury Instructions (CACI) are available for free online at www.courts.ca.gov/partners/juryinstructions.htm. If you find the jury instructions appropriate to your case, you will have a list of the facts each side must establish to win the case. For more information, see the Legal Research Guide on Jury Instructions on our website at saclaw.org/jury-instructions.

If the responding party fails to respond to your Request for Admission, your remedy is to ask the court to deem each of the facts true, so be sure to phrase your requests so that, if a fact is deemed true, it helps your case. You don't want to ask the court to deem facts true that are detrimental to your case!

California law places strict limits on the number of discovery requests a party can make. In a limited civil case (cases less than \$25,000) you may ask each party only 35 questions total, whether they are form interrogatories, special interrogatories, requests for admission, or requests for production of documents. Keep this limit in mind when writing your requests, to ensure that you are able to obtain all the information you'll need for your case. If you

You may also need...

Step-by-Step Guides on Responding to Discovery

- [Responding to Interrogatories](#)
- [Responding to Requests for Admission](#)
- [Responding to Requests for Production](#)

Step-by-Step Guides on Making Discovery Requests

- [Form Interrogatories](#)
- [Request for Production of Documents and Things](#)
- [Special Interrogatories](#)

Other Guides on Discovery

- [Depositions](#)
- [Exchange of Expert Witness Information](#)
- [Gather Information for your Case](#)

Related Videos

- [Introduction to Discovery](#)

Disclaimer: This Guide is intended as general information only. Your case may have factors requiring different procedures or forms. The information and instructions are provided for use in the Sacramento County Superior Court. Please keep in mind that each court may have different requirements. If you need further assistance consult a lawyer.

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ask the other party to admit 35 facts, you will not be able to serve any interrogatories or request any documents. If you determine that you cannot obtain all the necessary information in 35 requests, the parties must either agree to additional discovery, or the party requiring the additional discovery must file a motion with the court asking for permission to propound more discovery requests. See the sources listed at the end of this Guide for more information.

In an unlimited civil case (cases over \$25,000), each party may make 35 requests for admission. Any number over 35 may be asked if the request contains a declaration of necessity, a sworn statement in which the party or attorney declares under penalty of perjury that additional discovery is required. The form of this declaration can be found in [California Code of Civil Procedure \(CCP\) § 2033.050](#).

To keep within these limits, you may be tempted to try to squeeze as much as you can into each fact you wish admitted. Be careful in doing this; [CCP § 2033.060](#) prohibits parties from writing requests that include multiple facts, compound questions, or subparts.

STEP-BY-STEP INSTRUCTIONS

Step 1: Complete the Necessary Forms

The Judicial Council form commonly used in this procedure is:

- [Requests for Admission \(DISC-020\)](#)

The *Requests for Admission* (DISC-020) serves as a coversheet, and includes legally required language and important instructions for the responding party. You must also attach your requests for admission, listing the facts you wish the responding party to admit are true. Your requests must be written on pleading paper; you may download blank pleading paper from this link:

- [Blank Pleading Paper](#)

Each request must be numbered sequentially. Requests must be clear and concise, and request that the party admit a single fact. Do not include multiple facts in a single request, and do not use compound questions or subparts. Instructions for completing the *Requests for Admission* (DISC-020) and a sample attached pleading are at the end of this Guide.

Step 2: Make Copies

Make one photocopy for each party (other than you) in the case. Create a packet for each party, with *Requests for Admission* (DISC-020) and all attachments stapled together.

Step 3: Have Your Requests Served

A photocopy of your request must be served on the attorney for the responding party or directly to the responding party if he or she is self-represented (*in pro per*). Courtesy copies should be served on all other attorneys or self-represented parties in the case. Service may be completed by mail, by a person over the age of 18 who is not a party to the case. The person serving your requests must complete a [Proof of Service by First Class Mail \(POS-030\)](#). For more information, see the Step-by-Step guide on Proof of Service by Mail on our website at saclaw.org/mail-service.

Step 4: Retain Your Originals

The original *Requests for Admission* (DISC-020), attached pleading(s), and signed *Proof of Service* (POS-030) should be retained for your records. If the other party does not respond to your requests,

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you may use these documents to support a motion to have the court deem the facts true. For more information, see the Step-by-Step guide on Motions to Deem Facts Admitted on our website at saclaw.org/motion-deem-admitted.

FOR HELP

The Sacramento County Public Law Library's Civil Self Help Center offers assistance with the discovery process.

Eligibility: Must be a Sacramento County resident or have a [qualifying case](#) in the Sacramento County Superior Court.

Introduction to Written Discovery Class

1:30 p.m. to 3:30 p.m., 1st Thursdays of the Month.

Come to understand what discovery is, how to answer questions you received by mail, and how you can use discovery yourself. Bring a USB flash drive to download sample forms. The Law Library sells USB drives at the Circulation Desk. Arrive by 1:20 p.m.

Discovery Lab

1:30 p.m. to 3:30 p.m., 2nd & 4th Thursdays of the Month.

Work on your discovery requests or responses in this computer lab. Bring your USB flash drive with your requests or responses. No entrance after 3:15 p.m. Lab closes promptly at 3:30 p.m. The Introduction to Written Discovery Class is a prerequisite for the Discovery Lab.

FOR MORE INFORMATION

On the Web

Introduction to Discovery – Part 2: Propounding Requests for Admission

<https://saclaw.org/law-101/discovery-video-series/>

Part 2 of this video series from the Sacramento County Public Law Library's Civil Self Help Center will help you understand what Requests for Admission are, and how to propound these types of requests.

At the Law Library

California Civil Discovery [KFC 1020 .H64](#)

Electronic Access: On the Law Library's computers, using *Lexis Advance*.

California Civil Discovery Practice [KFC 1020 .C35](#)

Electronic Access: On the Law Library's computers, using *OnLaw*.

California Civil Litigation and Discovery [KFC 995 .G674](#)

California Deposition and Discovery Practice [KFC 1020 .D44](#)

Electronic Access: On the Law Library's computers, using *Lexis Advance*.

California Discovery Citations [KFC 1020 .F56](#)

Electronic Access: On the Law Library's computers, using *WestlawNext*.

California Forms of Pleading and Practice [KFC 1010 .A65 C3](#) (Ready Reference)

Electronic Access: On the Law Library's computers, using *Lexis Advance*.

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California Practice Guide: Civil Procedure Before Trial [KFC 995 .W45](#)

Electronic Access: On the Law Library's computers, using *WestlawNext*.

IF YOU HAVE QUESTIONS ABOUT THIS GUIDE, OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, DON'T HESITATE TO ASK A REFERENCE LIBRARIAN.

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ATTACHMENTS: FORMS AND INSTRUCTIONS

The Judicial Council form commonly used in this procedure is:

- [Requests for Admission \(DISC-020\)](#)

In addition, your requests must be typed on 28-line pleading paper. Blank pleading paper may be downloaded from this link:

- [Pleading Paper](#)

Sample filled-in forms with instructions are available at the end of this Guide.

If you checked "Truth of Facts" and the box for paragraph 1 on the DISC-020 form, label a page "Attachment 1."

ATTACHMENT 1

Each request must be consecutively numbered. If you will be asking about the genuineness of documents in a separate attachment, you may want to label these requests more descriptively, (e.g., "Request for Admission No. 1"), to avoid confusion in the responses.

1. Admit that you were involved in a vehicle collision with the Plaintiff on June 20, 2008.
2. Admit that on June 20, 2008, you were driving a red 2008 Toyota Prius automobile, California license 6ABC123.
3. Admit that you are the owner of the 2008 Toyota Prius automobile California license 6ABC123.
4. Admit that the accident on June 20, 2008 was caused when your vehicle collided with the rear bumper of a 2005 Ford Taurus, California license 5XYZ987.
5. Admit that the Plaintiff was the driver of the 2005 Ford Taurus.
6. Admit that the collision on June 20, 2008, was caused by your negligence.
7. Admit that as a result of the collision June 20, 2008, the Plaintiff's 2005 Ford Taurus experienced damages in the amount of \$4,500.00
8. Admit that as a result of the collision June 20, 2008, the Plaintiff experienced personal injuries resulting in \$18,532.28 in medical expenses.

Write out each fact you wish the other party to admit is true. When writing these facts, be as clear and concise as possible. Each request must be for a single fact; do not include multiple facts, compound questions, or subparts. If you find that you are using "and," "or," or lots of commas or semi-colons, your request probably includes more than one fact.

It is often easiest to phrase each request as "Admit that..." This can help ensure that you are asking the other party to admit or deny a fact, rather than to provide new information.

Use your Requests for Admission to establish the elements of your cause of action or affirmative defense, or to disprove the other party's causes of action or affirmative defenses.

To determine what facts you will need to prove in your case, consult: **Judicial Council of California Civil Jury Instructions (CACI) KFC 1047 .A65 W48**
Electronic Access: www.courts.ca.gov/partners/juryinstructions.htm.
For more information, see the Legal Research Guide on Jury Instructions on our website at www.saclaw.org/jury-instructions.

If you checked "Genuineness of Documents" and the box for paragraph 2 on the DISC-020 form, label a page "Attachment 2."

ATTACHMENT 2

Each request must be consecutively numbered. Do not duplicate any numbers used in another attachment. If you asked for admissions in a separate attachment, you may want to label these requests more descriptively, (e.g., "Request for Genuineness of Documents No. 1"), to avoid confusion in the responses.

- 9. Admit that the photograph attached as Exhibit A is a true depiction of the intersection of 9th and F Street in Sacramento California as it existed on June 20, 2008.
- 10. Admit that the document attached as Exhibit B is a true copy of the handwritten note that you provided to the plaintiff on June 20, 2008.
- 11. Admit that the photograph attached as Exhibit C is a true depiction of the front of your 2008 Toyota Prius California license 6ABC123, as it looked on June 20, 2008, immediately after the vehicle collision that is the subject of this lawsuit.

Identify each document you wish the other side to admit is genuine. Each request must be for a single document; do not include compound requests or subparts. If you find that you are using "and," "or," or lots of commas or semi-colons, your request probably needs to be re-phrased. Each document must be attached as an Exhibit.

It is often easiest to phrase each request as "Admit that..." This can help ensure that you are asking the other party to admit or deny a fact, rather than to provide new information.

If a party admits that a document is genuine, the genuineness of that document does not need to be proven at trial, but the facts stated in the document are not established. For example, admitting a contract is genuine does not admit that the clauses of the contract are enforceable, or admitting that a written statement by a person is a genuine copy of that statement does not admit that the facts in the statement are true.

When attaching exhibits, place a sheet of pleading paper with "Exhibit A" (or "B," or however the Exhibit is identified) typed near the bottom in front of each exhibit.

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