Discovery: Requests for Admission

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.

Templates and Forms

- Requests for Admission (DISC-020) (http://www.courts.ca.gov/documents/disc020.pdf)
- Pleading Paper (Blank 28-Line Template) – DOCX (https://saclaw.org/resource_library/pleading-paper-sacramento-format/form-pleading-paper-sacramento-county-2/)

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.

Related Discovery Guides

Visit our Discovery topic page (https://saclaw.org/legal_topic/discovery-process-to-get-evidence-from-other-side/#research_guides) for a complete list of our discovery guides and videos.

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 (http://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 our guide on Jury Instructions (https://www.saclaw.org/resource_library/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, or $35,000 if filed after Jan. 1, 2024) 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 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, or $35,000 if filed after Jan. 1, 2024), 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 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=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 (http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CCP&sectionNum=2033.060.) prohibits parties from writing requests that include multiple facts, compound questions, or subparts.

Step-by-Step Instructions

1 Complete the Necessary Forms

The Judicial Council form commonly used in this procedure is:

- Requests for Admission (DISC-020) (http://www.courts.ca.gov/documents/disc020.pdf)

The *Requests for Admission* (DISC-020) serves as a cover sheet, 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 (https://saclaw.org/resource_library/pleading-paper-sacramento-format/form-pleading-paper-sacramento-county-2/)

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.

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.

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) (http://www.courts.ca.gov/documents/pos030.pdf). For more information, see our guide on Proof of Service by Mail (https://www.saclaw.org/resource_library/serving-documents-by-mail/).

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, you may use these documents to support a motion to have the court deem the facts

true. For more information, see our guide on Motions to Deem Facts Admitted (https://www.saclaw.org/resource_library/motion-to-deem-facts-admitted/) .

For More Information

On the Web:

Video: **Introduction to Discovery – Part 2: Request for Admissions** (https://saclaw.org/video-library/discovery-2-request-for-admissions/)
Part 2 of this video series from SH@LL (Self Help At the Law Library) will help you understand what Requests for Admissions 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

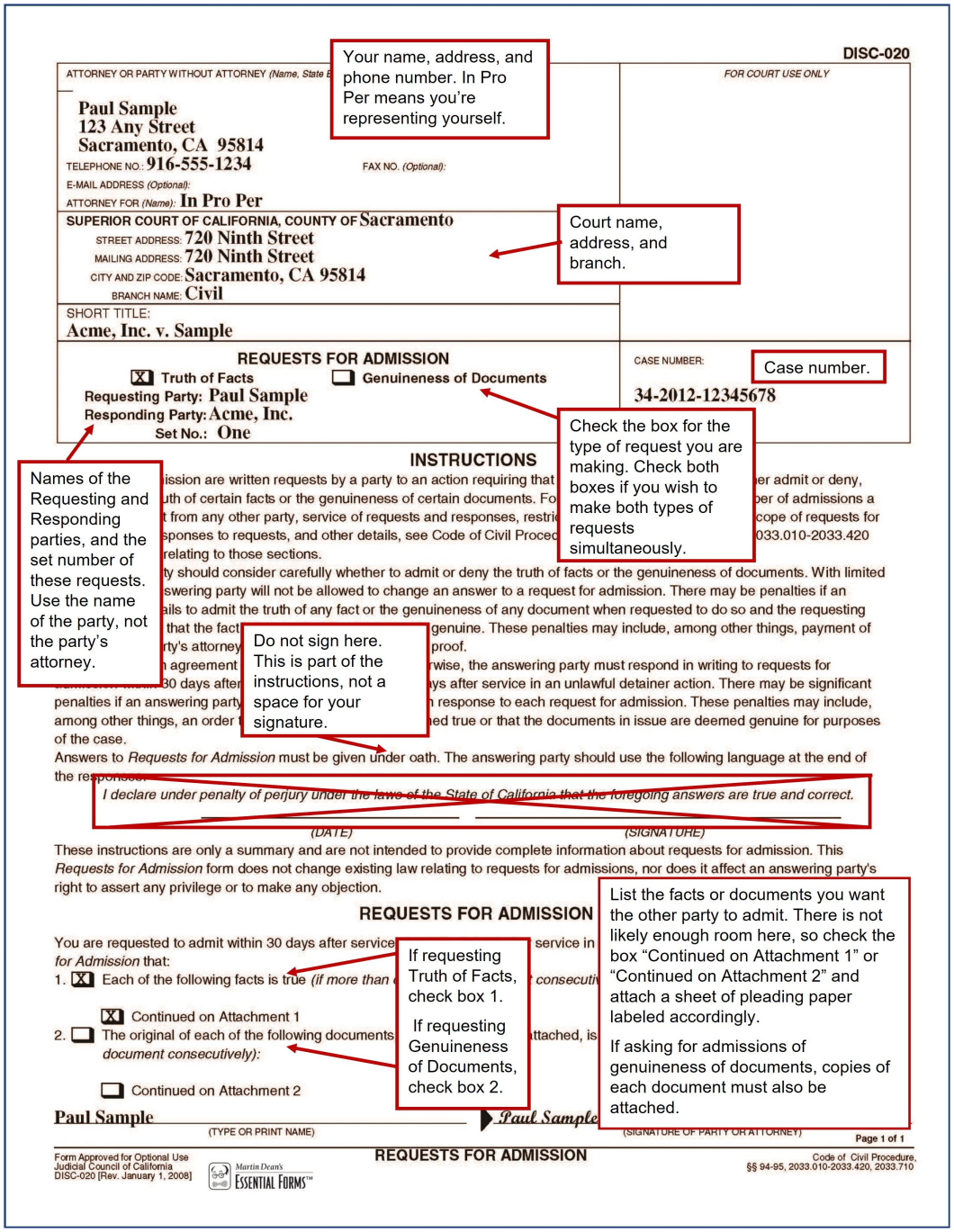
California Deposition and Discovery Practice KFC 1020 .D44
Electronic Access: On the Law Library's computers, using Lexis Advance.

California Discovery Citations KFC 1020 .F56

California Forms of Pleading and Practice KFC 1010 .A65 C3 (Ready Reference)
Electronic Access: On the Law Library's computers, using Lexis Advance.

California Practice Guide: Civil Procedure Before Trial KFC 995 .W45

Samples



DISC-020

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State B

Paul Sample
123 Any Street
Sacramento, CA 95814
TELEPHONE NO.: 916-555-1234 FAX NO. (Optional):
E-MAIL ADDRESS (Optional):
ATTORNEY FOR (Name): In Pro Per

FOR COURT USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento
STREET ADDRESS: 720 Ninth Street
MAILING ADDRESS: 720 Ninth Street
CITY AND ZIP CODE: Sacramento, CA 95814
BRANCH NAME: Civil

SHORT TITLE:
Acme, Inc. v. Sample

CASE NUMBER:
34-2012-12345678

REQUESTS FOR ADMISSION
☒ Truth of Facts ☐ Genuineness of Documents
Requesting Party: Paul Sample
Responding Party: Acme, Inc.
Set No.: One

INSTRUCTIONS

ission are written requests by a party to an action requiring that er admit or deny, uth of certain facts or the genuineness of certain documents. Fo ber of admissions a t from any other party, service of requests and responses, restri cope of requests for sponses to requests, and other details, see Code of Civil Proced 033.010-2033.420 relating to those sections.

ty should consider carefully whether to admit or deny the truth of facts or the genuineness of documents. With limited swering party will not be allowed to change an answer to a request for admission. There may be penalties if an ails to admit the truth of any fact or the genuineness of any document when requested to do so and the requesting that the fact genuine. These penalties may include, among other things, payment of rty's attorney proof.

agreement rwise, the answering party must respond in writing to requests for 30 days after ys after service in an unlawful detainer action. There may be significant penalties if an answering party response to each request for admission. These penalties may include, among other things, an order ed true or that the documents in issue are deemed genuine for purposes of the case.

Answers to *Requests for Admission* must be given under oath. The answering party should use the following language at the end of the responses:

I declare under penalty of perjury under the laws of the State of California that the foregoing answers are true and correct.

(DATE) (SIGNATURE)

These instructions are only a summary and are not intended to provide complete information about requests for admission. This *Requests for Admission* form does not change existing law relating to requests for admissions, nor does it affect an answering party's right to assert any privilege or to make any objection.

REQUESTS FOR ADMISSION

You are requested to admit within 30 days after service service in *for Admission* that:

1. ☒ Each of the following facts is true *(if more than consecuti*

☒ Continued on Attachment 1

2. ☐ The original of each of the following documents ttached, is *document consecutively):*

☐ Continued on Attachment 2

Paul Sample (TYPE OR PRINT NAME)

Paul Sample (SIGNATURE OF PARTY OR ATTORNEY)

Page 1 of 1

Form Approved for Optional Use
Judicial Council of California
DISC-020 [Rev. January 1, 2008]

Martin Dean's ESSENTIAL FORMS™

REQUESTS FOR ADMISSION

Code of Civil Procedure, §§ 94-95, 2033.010-2033.420, 2033.710

Your name, address, and phone number. In Pro Per means you're representing yourself.

Court name, address, and branch.

Case number.

Check the box for the type of request you are making. Check both boxes if you wish to make both types of requests simultaneously.

Names of the Requesting and Responding parties, and the set number of these requests. Use the name of the party, not the party's attorney.

Do not sign here. This is part of the instructions, not a space for your signature.

If requesting Truth of Facts, check box 1.

If requesting Genuineness of Documents, check box 2.

List the facts or documents you want the other party to admit. There is not likely enough room here, so check the box "Continued on Attachment 1" or "Continued on Attachment 2" and attach a sheet of pleading paper labeled accordingly.

If asking for admissions of genuineness of documents, copies of each document must also be attached.

Requests for Admission (DISC-020) (page 1)

ATTACHMENT 1

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
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 n
7. Admit that as a result of the collision June 20, 2008, the Plaintif
experienced damages in the amount of $4,500.00
8. Admit that as a result of the collision June 20, 2008, the Plaintif
injuries resulting in $18,532.28 in medical expenses.

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

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 saclaw.org/jury-instructions.

Attachment 1 (Truth of Facts)

ATTACHMENT 2

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

9. Admit that the photograph attached as Exhibit A is a true depiction of the intersection of 9th and F Street in Sacramento.

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 2008 Toyota Prius California license 6ABC123, as it looked on immediately after the vehicle collision that is the subject of this

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.

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.

Attachment 2

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