

**Invitation to Comment**

Title	Civil Discovery: <i>Requests for Admissions</i> (revise form DISC-020)
Summary	<i>Requests for Admissions</i> (form DISC-020) would be revised, effective January 1, 2008, to include some basic instructive information, primarily for the benefit of self-represented litigants, regarding requests for admissions and the serious potential consequences of mishandling them.
Source	Civil and Small Claims Advisory Committee Hon. Lee Smalley Edmon, Chair
Staff	Patrick O'Donnell, Committee Counsel, 415-865-7665, Patrick.o'donnell@jud.ca.gov
Discussion	<p>Experience has shown that laypersons do not fully comprehend requests for admissions. It would be beneficial, especially for self-represented litigants but also for the courts, to make publicly available on the <i>Requests for Admissions</i> (form DISC-020) some basic information about how to propound and respond to requests for admissions and the serious consequences of mishandling them. Instructions are already included on the similar form interrogatories adopted by the Judicial Council.</p> <p>Chapter 16 of the Discovery Act, Code of Civil Procedure sections 2033.010–2033.420, sets out the rules governing requests for admissions relatively straightforwardly and in plain language. Hence, the instructions on the form <i>Requests for Admissions</i> need do little more than briefly explain the purpose of requests for admissions; alert litigants to the importance of carefully considering whether to admit or deny the truth of facts or the genuineness of documents; alert litigants to the generally applicable deadlines for responding; warn litigants that potential penalties exist for failing to admit the truth of a matter later proven; and direct litigants in need of additional information to the relevant sections of the Code of Civil Procedure and case law applying to those sections. The new Instructions on the form DISC-020 provide that information.</p>
	Attachment

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  <hr/> <p style="text-align: center;">TELEPHONE NO.: <span style="margin-left: 200px;">FAX NO. (Optional):</span></p> <p>E-MAIL ADDRESS (Optional):</p> <p>ATTORNEY FOR (Name):</p>	FOR COURT USE ONLY   <b>DRAFT - 4/26/07 NOT YET APPROVED BY THE JUDICIAL COUNCIL</b>
<p><b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b></p> STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
SHORT TITLE:	
<p style="text-align: center;"><b>REQUESTS FOR ADMISSIONS</b></p> <p style="text-align: center;"> <input type="checkbox"/> Truth of Facts      <input type="checkbox"/> Genuineness of Documents                 </p> Requesting Party: Answering Party: Set No.:	CASE NUMBER:

**INSTRUCTIONS**

Requests for admissions are written requests by a party to an action requiring that any other party to the action either admit or deny, under oath, the truth of certain facts or the genuineness of certain documents.

An answering party should consider carefully whether to admit or deny the truth of facts or the genuineness of documents. With limited exceptions, an answering party will not be allowed to change an answer to a request for admissions. There may be penalties if an answering party fails to admit the truth of any fact or the genuineness of any document when requested to do so and the requesting party later proves that the fact is true or that the document is genuine. These penalties may include, among other things, payment of the requesting party's attorney's fees incurred in making that proof.

Unless there is an agreement or a court order providing otherwise, the answering party must respond in writing to requests for admissions within 30 days after they are served, or within 5 days in an unlawful detainer action. There may be penalties if an answering party fails to provide a timely written response admitting or denying each request for admissions. These penalties may include, among other things, an order that the facts in issue are deemed true or that the documents in issue are deemed genuine for purposes of the case.

Responses to *Requests for Admissions* 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 detailed complete information about requests for admissions. This *Requests for Admissions* 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 make any objection. For information on timing, the number of admissions a party may request from any other party, restrictions on the style, format, scope of requests for admissions and responses to requests, and other details, see Code of Civil Procedure sections 94 and 95, and sections 2033.010–2033.420, and the case law relating to those sections.

**REQUESTS FOR ADMISSIONS**

You are requested to admit within 30 days after service of this *Requests for Admissions* that:

1.  each of the following facts is true (*number each fact consecutively*):

Continued on attachment 1

2.  the original of each of the following documents, copies of which are attached, is genuine (*number each document consecutively*):

Continued on attachment 2



\_\_\_\_\_  
(TYPE OR PRINT NAME)

\_\_\_\_\_  
(SIGNATURE OF PARTY OR ATTORNEY)

## Item SPR07-20 Response Form

**Title:** Civil Discovery: *Requests for Admissions* (revise form DISC-020)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

- Commenting on behalf of an organization**

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

Please **write** or **fax** or **respond using the Internet** to:

**Address:** Ms. Camilla Kieliger,  
Judicial Council, 455 Golden Gate Avenue,  
San Francisco, CA 94102  
**Fax:** (415) 865-7664      **Attention:** Camilla Kieliger  
**Internet:** [www.courtinfo.ca.gov/invitationstocomment](http://www.courtinfo.ca.gov/invitationstocomment)

<b>DEADLINE FOR COMMENT:</b> 5:00 p.m., Wednesday, June 20, 2007
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council,  
the Rules and Projects Committee, or the Policy Coordination and Liaison Committee.  
All comments will become part of the public record of the council's action.*