1 of 25 DOCUMENTS



*** THIS DOCUMENT IS CURRENT THROUGH 2009-2010 EXTRAORDINARY SESSIONS 1-5, ***
7, AND 8, AND URGENCY LEGISLATION THROUGH CH 161 OF THE 2010 REGULAR SESSION

CODE OF CIVIL PROCEDURE
Part 4. Miscellaneous Provisions
Title 4. Civil Discovery Act
Chapter 16. Requests for Admission
Article 1. Requests For Admission

**GO TO CALIFORNIA CODES ARCHIVE DIRECTORY**

*Cal Code Civ Proc § 2033.010* (2009)

**§ 2033.010. Request for admissions; Scope and restrictions**

Any party may obtain discovery within the scope delimited by Chapters 2 (commencing with Section 2017.010) and 3 (commencing with Section 2017.710), and subject to the restrictions set forth in Chapter 5 (commencing with Section 2019.010), by a written request that any other party to the action admit the genuineness of specified documents, or the truth of specified matters of fact, opinion relating to fact, or application of law to fact. A request for admission may relate to a matter that is in controversy between the parties.

**HISTORY:**

Added Stats 2004 ch 182 § 23 (AB 3081), operative July 1, 2005.

**NOTES:**

**Historical Derivation:**

Former CCP § 2033(a), added Stats 1986 ch 1334 § 2, amended Stats 1987 ch 86 § 15, Stats 1988 ch 553 § 6, ch 575 § 3, Stats 1991 ch 1090 § 13.

**Law Revision Commission Comments:**

**2004**

Section 2033.010 continues former Section 2033(a) without change, except to conform the cross-references.

**Cross References:**

Service of summons: *CCP §§ 413.10-417.40*.

Service of notices: *CCP §§ 1010* et seq.

Disobedience of order of court as contempt: *CCP §§ 1209* et seq.

Stipulations modifying discovery procedures: *CCP § 2016.030*.

Scope of discovery: *CCP § 2017.010* et seq.

Attorney's work product: *CCP § 2018.010* et seq.

Methods and sequence of discovery: *CCP § 2019.010* et seq.

Sanctions for abuse of discovery process: *CCP § 2023.010* et seq.

Time for completion of discovery: *CCP § 2024.010* et seq.

Official forms of requests for admission: *CCP § 2033.5*.

Evidentiary privileges: *Ev C §§ 900* et seq.

Format of supplemental and further discovery: CRC Rule 331.

Format of discovery motions: CRC Rule 335.

**Collateral References:**

*Cal. Forms Pleading & Practice (Matthew Bender(R)) ch 2* "Procedural Guide For Civil Actions".

*Cal. Points & Authorities (Matthew Bender(R)) ch 80 "Discovery: Scope Regulation And Timing" § 80.24*.

*Cal. Points & Authorities (Matthew Bender(R)) ch 80 "Discovery: Scope Regulation And Timing" § 80.100*.

*Cal. Points & Authorities (Matthew Bender(R)) ch 86 "Discovery: Requests For Admissions" § 86.12*.

*Cal. Points & Authorities (Matthew Bender(R)) ch 86 "Discovery: Requests For Admissions" § 86.21*.

*Cal. Points & Authorities (Matthew Bender(R)) ch 86 "Discovery: Requests For Admissions" § 86.51*.

*Cal. Points & Authorities (Matthew Bender(R)) ch 86 "Discovery: Requests For Admissions" § 86.52*.

*Cal. Points & Authorities (Matthew Bender(R)) ch 89A "Discovery: Review Of Discovery Orders" § 89A.22*.

*Cal. Employment Law (Matthew Bender(R)), § 61.04.*

*Cal. Fam. Law Practice & Procedure (Matthew Bender(R)), § 110.14*.

*Cal. Fam. Law Practice & Procedure (Matthew Bender(R)), § 110.36*.

*Cal. Forms Pleading & Practice (Matthew Bender(R)) ch 190* "Depositions and Discovery" Vl.

*Cal. Forms Pleading & Practice (Matthew Bender(R)) ch 196* "Discovery: Request for Admission".

2 Witkin Summary (10th ed) Insurance § 210.

Judicial Council of California Civil Jury Instructions, *CACI No. 210* (Matthew Bender).

Matthew Bender(R) Practice Guide: *California Civil Discovery, ch. 12*.

*Matthew Bender(R) Practice Guide: California E-Discovery and Evidence, 6.11*.

*Matthew Bender(R) Practice Guide: California E-Discovery and Evidence, 15.06.*

Matthew Bender(R) Practice Guide: *California Landlord-Tenant Litigation, ch. 1*.

Cal Jur 3d (Rev) Discovery and Depositions §§ 314 et seq.

Am Jur 2d (Rev) Depositions and Discovery §§ 314 et seq.

Preparing for Discovery Under the New Act. (1986, CEB) pp 23-26, 163-169.

Laying a foundation to introduce evidence. CEB Action Guide, Summer 1989.

Obtaining discovery: Initiating and responding to discovery procedures. CEB Action Guide, Spring 1991.

Creating your discovery plan. CEB Action Guide, Summer 1991.

Moving to compel discovery and other discovery motions. CEB Action Guide, Winter 1991.

Moving to compel discovery and other discovery motions. CEB Action Guide, Winter 1993.

Obtaining Discovery: Initiating and Responding to Discovery Procedures. CEB Action Guide, Winter 1993.

Request for admissions: Clearing the decks for trial. CEB Civ Litig Rep (1985) Vol 7, No. 2, p 33.

Motion to compel further responses and revised request for admissions waived prior deemed admission; court urges legislative and judicial counsel action to develop new form for placement of warning language. CEB Civ Litig Rep (1985) Vol 7 No. 8, p 247.

Nonjudicial arbitrations of uninsured motorist's claims--Motion for relief from default untimely under *Code of Civil Procedure § 2033*. CEB Civ Litig Rep (1986) Vol 8 No. 2 p 65.

Request for admissions--nonrequesting party may use deemed admissions. CEB Civ Litig Rep (1986) Vol 8 No. 2 p 66.

"Deemed admitted" warning placed at end of request for admission held effective. CEB Civ Litig Rep (1986) Vol 8 No. 3, p 107.

Party, not attorney, must verify responses to request for admissions. Misplaced deemed admitted warning is not fatal unless misplacement is misleading. CEB Civ Litig Rep (1986) Vol 8 No. 5 p 180.

Discovery: New Barriers to Effective Use of Request for Admission [Discussion of *Code Civil Procedure § 2033*]. CEB Civ Litig Rep (1986) Vol 8 No. 6, p 209.

Requests for admission: USCS *FRCP Rule 36*.

Rutter Cal Prac Guide, Civil Procedure Before Trial §§ 8:1261 et seq., 8:1302 et seq.; Family Law §§ 11:257 et seq.; Personal Injury §§ 6:240 et seq., 8:231 et seq.

**Forms:**

Suggested forms are set out below, following notes of decisions.

**Law Review Articles:**

1988 legislative summary. 7 Cal Real Prop J No. 1 p 1.

Review of Selected 1987 Legislation. 19 Pacific LJ 514.

How long is six months (for statute of limitations purposes) in California? Enquiring minds want to know! 19 Southwestern U LR 205.

Requests for admission--A discovery trap: A review of California *Code of Civil Procedure 2033*. 18 UWLA LR 61.

Deemed admissions--How are they like (or not like) a trial. 8 Whittier LR 231.

Annotations:

Time for filing responses to request for admissions; allowance of additional time. *93 ALR2d 757.*

Admissibility of admissions made in connection with offers or discussions of compromise. *15 ALR3d 13.*

Party's duty, under *Federal Rule of Civil Procedure 36(a)* and similar state statutes and rules, to respond to requests for admission of facts not within his personal knowledge. *20 ALR3d 756.*

Formal sufficiency of response to request for admissions under state discovery rules. *8 ALR4th 728.*

Permissible scope, respecting nature of inquiry, of demand for admissions under modern state civil rules of procedure. *42 ALR4th 489.*

**Hierarchy Notes:**

Pt. 4, Tit. 4 Note

Pt. 4, Tit. 4, Ch. 16 Note

NOTES OF DECISIONS

**Decisions under Former CCP § 2033 (1986):**
1. Generally 2. Construction 3. Response 4. Sanctions

**Decisions under Former CCP § 2033 (1957):**
1. Generally 2. Construction 3. Application 4. Determination of Relevancy 5. Format 6. Response 7. Signature and Oath 8. Time for Service Response 9. Protective Orders 10. Failure to Serve Response 11. Statutory Admonition 12. Motion to Compel Further Response 13. Amendment of Response 14. Scope and Effect of Response 15. Sanctions

**Decisions under Former CCP § 2033 (1986):**

**1. Generally**

Former CCP § 2033 specifically set out the conditions under which a court could grant default relief from erroneous admissions resulting from a request for admissions; accordingly, this former statute controlled a motion for relief from deemed admissions rather than the general default statute, *CCP § 473*; section 2033 incorporated the language of § 473, regarding relief on the basis of mistake, inadvertence, or excusable neglect; thus, § 2033 supersedes § 473 as the avenue to obtain default relief in situations where a party failed to respond to requests for admissions. *St. Paul Fire & Marine Ins. Co. v. Superior Court (1992, Cal App 6th Dist) 2 Cal App 4th 843, 3 Cal Rptr 2d 412, 1992 Cal App LEXIS 47,* review denied (1992, Cal) *1992 Cal LEXIS 1973,* overruled in part *Wilcox v. Birtwhistle (1999) 21 Cal 4th 973, 90 Cal Rptr 2d 260, 987 P2d 727, 1999 Cal LEXIS 7785.*

The legislative history of the Civil Discovery Act of 1986 makes it clear that the provisions of *CCP § 2033,* not § 473, relating to relief from default, will be the means for obtaining any relief from default arising from a failure to respond to a request for admissions. *Tobin v. Oris (1992, Cal App 2d Dist) 3 Cal App 4th 814, 4 Cal Rptr 2d 736, 1992 Cal App LEXIS 197,* review denied (1992, Cal) *1992 Cal LEXIS 2921,* overruled in part *Wilcox v. Birtwhistle (1999) 21 Cal 4th 973, 90 Cal Rptr 2d 260, 987 P2d 727, 1999 Cal LEXIS 7785.*

Subcontractor acknowledged he knew before trial that his admissions were mistaken, but made no request to amend or withdraw them; the contractor was entitled to rely on those admissions in defending against the subcontractor's complaint and in pursuing its cross-complaint because the subcontractor, if he disagreed that a written contract existed, was required to deny the portion of the requested admission that he considered untrue, and did not. *Valerio v. Andrew Youngquist Construction (2002, Cal App 1st Dist) 103 Cal App 4th 1264, 127 Cal Rptr 2d 436, 2002 Cal App LEXIS 5056.*

**2. Construction**

In a personal injury action, following entry of judgment for plaintiff on a judicial arbitration award, the trial court erred in granting plaintiff's motion for attorney fees pursuant to *CCP § 2033(o),* which provides for an award of costs, including attorney fees, incurred by a party in proving any matter where the proof is necessitated by the opposing party's denial of a request for admissions; although defendants denied a request for admissions that they were negligent, they thereafter admitted, for purposes of arbitration only, that they were negligent, which obviated the necessity for proof on that issue; accordingly, attorney fees incurred by plaintiff in preparation for trial or arbitration were not the equivalent of proving the truth of a matter so as to authorize an award of attorney fees under the statute; "proof" is the establishment by evidence of a requisite degree of belief concerning a fact in the mind of the trier of fact or the court (*Ev C § 190*); expenses are thus recoverable only where the party requesting the admission "proves" the truth of that matter, not where that party merely prepares to do so. *Wagy v. Brown (1994, Cal App 3d Dist) 24 Cal App 4th 1, 29 Cal Rptr 2d 48, 1994 Cal App LEXIS 311.*

A party who fails to respond to a request for admissions under *CCP § 2033* and has a "deemed admitted order"

entered against him may withdraw or amend these deemed admissions pursuant to subsection (m) of that statute. Reading § 2033(m) in light of two other subsections enacted at the same time, (k) and (n), offers convincing evidence that subsection (m) covers deemed admissions. Subsection (k) provides that a propounding party who fails to receive a timely response may move for an order that matters specified in the requests are deemed admitted; the nonresponding party can avoid the deemed admitted order by serving a verified response before the hearing on the motion; the failure to do so, however, results in automatic entry of the order. Subsection (n) defines the effect of an admission and provides that any matter admitted in response to a request for admission is conclusively established against the party making the admission unless the court has permitted withdrawal or amendment of that admission under subsection (m); by enacting subsection (n), the Legislature codified the case law existing at the time, which held that matters admitted in an actual response or deemed admitted for failure to respond constitute binding judicial admissions; because subsection (n) covers matters deemed admitted pursuant to subsection (k), these subsections can be harmonized only by concluding that a deemed admitted order establishes, by judicial fiat, that a nonresponding party has responded to the requests by admitting the truth of all matters contained therein. This harmonization of the language of § 2033 compels the conclusion that subsection (m) provides relief from deemed admissions; like subsection (n), subsection (m) refers to admissions "made in response to a request for admission;" because words or phrases given a particular meaning in one part of a statute must be given the same meaning in other parts of the statute, this reference in subsection (m), like the analogous language in subsection (n), must encompass deemed admissions. *Wilcox v. Birtwhistle (1999) 21 Cal 4th 973, 90 Cal Rptr 2d 260, 987 P2d 727, 1999 Cal LEXIS 7785.*

Nothing in the text of the request for admissions (RFA) statute (former CCP § 2033) created any ongoing duty to update responses; accordingly, in a dispute over the use of a road to conduct logging operations in which the logging company was asked in the present tense to admit that it did not "have" the evidence in issue and it gave the answer that was true at the time, there was neither a need nor even an applicable mechanism for it to amend or withdraw its response to the RFA in question; the trial court properly found that the admission was limited to the company's knowledge as of the time the admission was made; it was not some sort of promise that it would not locate evidence in the future. *Burch v. Gombos (2000, Cal App 6th Dist) 82 Cal App 4th 352, 98 Cal Rptr 2d 119, 2000 Cal App LEXIS 565.*

**3. Response**

Where an insurer obtained the rights of another insurance carrier's insured, the insurer was in effect pursuing a cause of action against the other carrier and was in that respect not a party separate from the insured within the meaning of *CCP § 2033(n)*; because the insurer stood in the insured's shoes, it was bound by the insured's admissions. *Amex Assurance Co. v. Allstate Ins. Co. (2003, Cal App 2d Dist) 112 Cal App 4th 1246, 5 Cal Rptr 3d 744, 2003 Cal App LEXIS 1605,* review denied (2004, Cal) *2004 Cal LEXIS 59.*

**4. Sanctions**

In a personal injury action involving a defendant who could not be located, the trial court erred in deeming all plaintiff's requests for admissions to be admitted, thus establishing plaintiff's entire case, including $500,000 damages, for purposes of summary judgment, without exercising its discretion to determine whether a less drastic remedy was appropriate. Plaintiff had ascertained defendant had insurance, plaintiff served the complaint by publication, and defendant's insurer assigned counsel to represent defendant; when plaintiff served the requests for admissions, counsel's signature verified the responses; since *CCP § 2033*, requiring that responses be verified by the party, plaintiff moved to have all requests deemed admitted; in ruling on this motion, the court mistakenly believed it had no discretion other than to grant or deny the motion in toto; instead, the trial court was empowered to fashion a remedy that would do justice, such as deeming only some requests admitted or relieving the defense from admitting or denying requests upon a showing of efforts to locate defendant; since the trial court failed to exercise this discretion, remand was required for the court's reconsideration of the motion. *Brigante v. Huang (1993, Cal App 2d Dist) 20 Cal App 4th 1569, 25 Cal Rptr 2d 354, 1993 Cal App LEXIS 1246,* overruled in part *Wilcox v. Birtwhistle (1999) 21 Cal 4th 973, 90 Cal Rptr 2d 260,*

*987 P2d 727, 1999 Cal LEXIS 7785.*

In a personal injury action by a worker and his wife against the manufacturer of an "order picker" machine, the trial court, after granting defendant's motion for a nonsuit against an intervening insurer who paid workers' compensation benefits to the worker, had authority to order the insurer to pay attorney fees to defendant under *CCP § 2033(o)* for the insurer's denial of defendant's requests for admissions as to the employer's negligence; evidence showed the employer's personnel were inadequately trained and used the order pickers for an improper task; since this evidence was part of the insurer's case and formed a basis for nonsuit, the negligence was "proved" for purposes of § 2033(o), which vests in the trial judge the authority to determine if the propounding party thereafter proved the truth of the matter that was denied. The insurer could not justify its denial on the basis that the request called for opinion or conclusions of fact; a request for admissions may be used to establish opinions relating to fact, and may require application of law to fact; while the insurer asserted that even had it admitted negligence, defendant would have spent the same amount of time proving related issues, the insurer apparently waived this point by conceding its responses resulted in increased costs to defendant. *Garcia v. Hyster Co. (1994, 5th Dist) 28 Cal App 4th 724, 34 Cal Rptr 2d 283, 1994 Cal App LEXIS 957.*

In a personal injury action by a worker and his wife against the manufacturer of an "order picker" machine, the trial court, after granting defendant's motion for a nonsuit against an intervening insurer who paid workers' compensation benefits to the worker, abused its discretion in awarding defendant the full amount of attorney fees it requested under *CCP § 2033(o)* for the insurer's denial of defendant's requests for admissions; defendant admitted the amount it requested included fees and costs incurred between the propounding of the admissions request and service of the insurer's denial one month later; section 2033(o) however was not operative until after the denial was served; moreover, the statute authorizes only expenses for proving matters denied by the opposing party. However, defendant likely devoted some resources to proving it was not negligent, and toward a showing of operator negligence--issues outside the scope of the admissions request. Also, the award failed to allow for the fact that some expenses would have been generated had the case gone to arbitration instead of trial, and the award was based solely on conclusionary declarations of defendant's counsel, who failed to set out his hourly fee or any accounting of his hours. *Garcia v. Hyster Co. (1994, 5th Dist) 28 Cal App 4th 724, 34 Cal Rptr 2d 283, 1994 Cal App LEXIS 957.*

In a products liability action in which plaintiff prevailed based on a finding that his injuries were caused by a defective fork assembly on his bicycle that was produced and distributed by defendant, the trial court abused its discretion in denying plaintiff's motion to recover the costs he expended proving facts that defendant had failed to admit in plaintiff's requests for admissions (*CCP § 2033(o)*); defendant had denied that the fork assembly was defective and that the defect was the proximate cause of plaintiff's injuries; the court erred in finding these denials reasonable; defendant based its denials on the analysis of its expert metallurgist and on the deposition testimony of a codefendant's expert; however, defendant failed to present at trial any witnesses on the issues of defect or causation. Defendant's own expert could not testify at trial because of failure to designate the expert in a timely manner; as to the codefendant's expert, although the codefendant settled with plaintiff and was not involved in the trial, defendant could have called that expert; instead, defendant erroneously chose to rely on the expert's deposition testimony. The witness was required to testify at trial, since plaintiff's counsel had not cross-examined him at the deposition; defendant's misunderstanding of the law regarding the use of expert witness depositions in lieu of live testimony did not provide reasonable grounds for denying the requested admissions. *Wimberly v. Derby Cycle Corp. (1997, Cal App 4th Dist) 56 Cal App 4th 618, 65 Cal Rptr 2d 532, 1997 Cal App LEXIS 574*, review denied (1997, Cal) *1997 Cal LEXIS 6647.*

Although the principal aim of discovery procedures in general is to assist counsel to prepare for trial, requests for admissions are conceived for the purpose of setting to rest triable issues in the interest of expediting trial; therefore, a party may request from the opposing party the truth of any facts that are relevant to the subject matter of the action or reasonably calculated to lead to admissible evidence; furthermore, since requests for admissions are not limited to matters within the personal knowledge of the responding party, that party has a duty to make a reasonable investigation of the facts before answering items which do not fall within his or her personal knowledge. Where certain facts exist which the responding party does not intend to contest at trial, the proper time to admit and permit those facts to be established is during pretrial discovery; in the event, however, that the defendant denies a request for admission

submitted by the plaintiff, the defendant cannot be forced to admit the fact prior to trial despite its obvious truth; for this reason, *CCP § 2033(o)*, allows a party to recover costs incurred proving a fact that the opposing party failed to admit in requests for admissions. *Wimberly v. Derby Cycle Corp. (1997, Cal App 4th Dist) 56 Cal App 4th 618, 65 Cal Rptr 2d 532, 1997 Cal App LEXIS 574*, review denied (1997, Cal) *1997 Cal LEXIS 6647*.

Under *CCP § 2033(o)*, a court may award a party its costs incurred proving a fact that the opposing party failed to admit in requests for admissions; one factor for the court's consideration is whether the issue is of "substantial importance;" an issue is of substantial importance if it has at least some direct relationship to one of the central issues in the case, i.e. it is an issue which, if not proven, would have altered the result; if a party denies a request for admission in circumstances where the party lacked personal knowledge but had available sources of information and failed to make a reasonable investigation to ascertain the facts, such failure will justify an award of expenses. The degree to which the party making the denial has attempted in good faith to reach a reasonable resolution of the matters involved is also an appropriate factor to be weighed; if a party denied a request based on current information but later advises that the denial was in error or should be modified, a court should consider this factor in assessing whether there were no good reasons for the denial; on the other hand, if a party in such circumstance stands on the initial denial and then fails to contest the issue at trial, a court would be well justified in finding that there had been no good reasons for the denial, thus mandating the imposition of sanctions. *Wimberly v. Derby Cycle Corp. (1997, Cal App 4th Dist) 56 Cal App 4th 618, 65 Cal Rptr 2d 532, 1997 Cal App LEXIS 574*, review denied (1997, Cal) *1997 Cal LEXIS 6647*.

The determination of whether a party is entitled to the sanction of expenses under *CCP § 2033(o)* is within the sound discretion of the trial court; on appeal, the trial court's decision will not be reversed unless the appellant demonstrates that the lower court abused its discretion; one of the essential attributes of abuse of discretion is that it must clearly appear to effect injustice. *Wimberly v. Derby Cycle Corp. (1997, Cal App 4th Dist) 56 Cal App 4th 618, 65 Cal Rptr 2d 532, 1997 Cal App LEXIS 574*, review denied (1997, Cal) *1997 Cal LEXIS 6647*.

In an action for enforcement of equitable servitude, nuisance, enforcement of easement, and breach of contract brought by a homeowner against the owners of the property next door, the trial court erred in awarding attorney fees to plaintiff under *CC § 1354(f)* (Davis-Stirling Common Interest Development Act), which entitles any owner of a separate interest in a "common interest development" to an award of attorney fees if he or she should prevail in an action to enforce restrictive covenants. The tract in which plaintiff's property was located was not a common interest development under the act, since the property owners association charged with enforcement of the restrictive covenants in the area did not convey to plaintiff a "separate interest coupled with an interest in the common area or membership in the association" (*CC § 1352*). The evidence established that there was no mandatory membership in the association, and that it was a purely voluntary association of homeowners with no power to charge or collect assessments; furthermore, the restrictive covenants clearly excluded an award of attorney fees in actions brought by individual homeowners rather than the association; however, because the court did not rule on the issue of attorney fees awardable under *CCP § 2033(o)*, which allows recovery of attorney fees provided they can be linked to the other party's failure to admit facts proven at trial, remand was warranted for reconsideration of that issue. *Mount Olympus Property Owners Assn. v. Shpirt (1997, Cal App 2d Dist) 59 Cal App 4th 885, 69 Cal Rptr 2d 521, 1997 Cal App LEXIS 992*, rehearing denied (1997, Cal App 2d Dist) *60 Cal App 4th 792C, 1997 Cal App LEXIS 1082*, review denied (1998, Cal) *1998 Cal LEXIS 1338*.

In a product liability action brought against a successor corporation, the trial court did not abuse its discretion in awarding sanctions for defendant's refusal to admit to successor liability; *CCP § 2033(o)* allows the trial court to grant sanctions against a party who, pursuant to a request for admissions, fails to admit to the truth of any matter where that matter is proven to be true, and it requires sanctions unless, among other exceptions, the admission sought was of no substantial importance or the party failing to make the admission had reasonable grounds to believe that it would prevail on the matter; here, plaintiff made 136 requests for admissions that directly related to the issue of successor liability, and a number of defendant's responses were false, some obviously so. *Rosales v. Thermex-Thermatron, Inc. (1998, Cal App 2d Dist) 67 Cal App 4th 187, 78 Cal Rptr 2d 861, 1998 Cal App LEXIS 857*.

Sanctions pursuant to *CCP § 2033(o)* were available to a party that prevailed on summary judgment; while

subdivision (o) did not on its face require that an issue be proved at trial, it did require that the party requesting admissions have proved the issue, and a party who successfully moved for summary judgment proved the facts in issue by submitting papers that showed there was no triable issue of material fact and that the moving party was entitled to judgment as a matter of law; allowing sanctions in this situation was consistent with the statutory purpose of § 2033(o); a party that had successfully moved for summary judgment should not be penalized for avoiding trial by a denial of costs of proof. *Barnett v. Penske Truck Leasing Co. (2001, Cal App 2d Dist) 90 Cal App 4th 494, 108 Cal Rptr 2d 821, 2001 Cal App LEXIS 518,* review denied (2001, Cal) *2001 Cal LEXIS 6644.*

The plaintiff in a personal injury action was not entitled to recover costs and fees under *CCP § 2033(o)*, where, just prior to trial, the defendants admitted liability for the underlying accident, thus obviating the need for proof on that issue; the plaintiff merely prepared to offer proof of liability; the defendants' concession made such proof unnecessary. Since plaintiff did not put on any evidence, the question whether she would have been able to prove the point at issue could only be answered by resort to pure speculation; further, the purpose of the statute authorizing requests for admissions, to expedite trial, was served. Because proof was unnecessary and the purposes of § 2033 were served, the trial court did not abuse its discretion in determining that plaintiff was not entitled to an order of costs and fees under § 2033(o) on the ground that the issue had not been proved. *Stull v. Sparrow (2001, Cal App 6th Dist) 92 Cal App 4th 860, 112 Cal Rptr 2d 239, 2001 Cal App LEXIS 779.*

Trial court did not err in awarding cost-of-proof attorney fees and expenses to an employer pursuant to *CCP § 2033(o)* because a union had no reasonable grounds to deny requests for admission and the employer thereafter proved the truth of the matters. *American Federation of State, County & Municipal Employees v. Metropolitan Water Dist. (2005, Cal App 2d Dist) 126 Cal App 4th 247, 24 Cal Rptr 3d 285, 2005 Cal App LEXIS 129.*

Injured passenger was not entitled to attorney fees under *CCP § 2033(o)* in his action against a helicopter pilot, the pilot's employer, and the helicopter's owner because defendants' concessions obviated any need to prove the matters set forth in the passenger's request for admissions, and such proof was a prerequisite to recovery under the statute. *Arno v. Helinet Corp. (2005) 130 Cal App 4th 1019, 30 Cal Rptr 3d 669, 2005 Cal App Lexis 1033.*

Decisions under Former CCP § 2033 (1957): **1. Generally**

Though most of discovery procedures were aimed primarily at assisting counsel to prepare for trial, requests for admission were primarily aimed at setting at rest triable issues so that they would not have to be tried. *Cembrook v. Superior Court of San Francisco (1961) 56 Cal 2d 423, 15 Cal Rptr 127, 364 P2d 303, 1961 Cal LEXIS 305.*

Section was designed to enable litigant who was aware of certain facts relevant to issues to be tried to obtain admissions from his adversary and thus avoid necessity of proving facts at trial; when requests were couched in forms of questions to be answered rather than statements of facts to be admitted, requestor was actually employing written interrogatories rather than requests for admissions of fact. *Lieb v. Superior Court of Orange County (1962, 4th Dist) 199 Cal App 2d 364, 18 Cal Rptr 705, 1962 Cal App LEXIS 2840.*

Although included in former Discovery Act, procedure provided in this former section for obtaining admissions as to facts and genuineness of documents, was not discovery procedure. *Lieb v. Superior Court of Orange County (1962, 4th Dist) 199 Cal App 2d 364, 18 Cal Rptr 705, 1962 Cal App LEXIS 2840.*

Requests for admissions were primarily aimed at setting at rest triable issue so that it would not have to be tried, and such requests must be relevant to subject matter in pending action or reasonably calculated to lead to admissible evidence. *Cembrook v. Sterling Drug, Inc. (1964, Cal App 1st Dist) 231 Cal App 2d 52, 41 Cal Rptr 492, 1964 Cal App LEXIS 777.*

Sections of the Code of Civil Procedure relating to admissions were enacted to eliminate the necessity of putting on formal proof of essentially uncontroverted facts, not as a substitute for trial of genuinely disputed facts; they were not a discovery device; compliance avoids the necessity of proving what was assumed the requesting party will be able to

prove; and it was no objection that the requesting party already knew the truth of the matter. *Hillman v. Stults (1968, Cal App 2d Dist) 263 Cal App 2d 848, 70 Cal Rptr 295, 1968 Cal App LEXIS 2277.*

A request for admissions was not a discovery device. *International Harvester Co. v. Superior Court of Shasta County (1969, Cal App 3d Dist) 273 Cal App 2d 652, 78 Cal Rptr 515, 1969 Cal App LEXIS 2210.*

**2. Construction**

Former section did not incorporate provision of former CCP § 2016 regarding scope of admissions but limited requests to matters not privileged and relevant. *Greyhound Corp. v. Superior Court of Merced County (1961) 56 Cal 2d 355, 15 Cal Rptr 90, 364 P2d 266, 1961 Cal LEXIS 302,* superseded by statute as stated in questionable precedent *Magill v. Superior Court (2001, Cal App 5th Dist) 86 Cal App 4th 61, 103 Cal Rptr 2d 355, 2001 Cal App LEXIS 14,* superseded by statute as stated in *Platt v. Superior Court (1989, Cal App 4th Dist) 214 Cal App 3d 779, 263 Cal Rptr 32, 1989 Cal App LEXIS 1025.*

In determining whether objecting party had met burden of showing that requests for admission do not fall within purview of section, court adopted liberal construction in favor of discovery. *Cembrook v. Superior Court of San Francisco (1961) 56 Cal 2d 423, 15 Cal Rptr 127, 364 P2d 303, 1961 Cal LEXIS 305.*

**3. Application**

Requests for admission could be made under this former section without first obtaining order of court; they constituted vehicle of discovery to which litigant was entitled as matter of right, unless opposing party successfully bore burden of showing that they did not fall within purview of statute. *Cembrook v. Superior Court of San Francisco (1961) 56 Cal 2d 423, 15 Cal Rptr 127, 364 P2d 303, 1961 Cal LEXIS 305.*

Pretrial order, entered after pretrial conference in which defendant participated and stating that there were no further discovery proceedings to be had, precluded defendant from thereafter filing request for admission of facts under this former section in view of former Cal. Rules of Court, Rule 210, requiring that each party complete his request for admission of truth of relevant matters of fact under this section before pretrial conference. *Hardy v. Carmichael (1962, Cal App 2d Dist) 207 Cal App 2d 218, 24 Cal Rptr 475, 1962 Cal App LEXIS 1900.*

Litigant was entitled to request admissions as matter of right unless opposing party successfully bore burden of showing that they did not fall within purview of statute providing for such requests. *Cembrook v. Sterling Drug, Inc. (1964, Cal App 1st Dist) 231 Cal App 2d 52, 41 Cal Rptr 492, 1964 Cal App LEXIS 777.*

**4. Determination of Relevancy**

Acreage of land condemned, any similar relevant physical facts, names and addresses of condemnors, appraisers and other witnesses, and condemnor's contentions as to highest and best use of land were all discoverable either by interrogatories or by demands for admissions. *Mowry v. Superior Court of El Dorado County (1962, Cal App 3d Dist) 202 Cal App 2d 229, 20 Cal Rptr 698, 1962 Cal App LEXIS 2468,* overruled *San Diego Professional Asso. v. Superior Court of San Diego County (1962) 58 Cal 2d 194, 23 Cal Rptr 384, 373 P2d 448, 1962 Cal LEXIS 252, 97 ALR2d 761.*

In action for personal injuries based on alleged false representations by defendant manufacturer of aspirin as to safety of its use, court did not abuse its discretion in sustaining defendant's objections to plaintiff's request for admissions from defendant that public was entitled to be informed of ill effects resulting from ingestion of aspirin and that defendant entered into conspiracy with news media to suppress publication of any matters connected with case, since right to public trial did not carry mandate that trial must be publicized by or in news media and subject of trial publicity by means of such media was not triable issue in such case; subject of requested admissions was therefore not relevant to action and was not reasonably calculated to lead to admissible evidence. *Cembrook v. Sterling Drug, Inc.*

*(1964, Cal App 1st Dist) 231 Cal App 2d 52, 41 Cal Rptr 492, 1964 Cal App LEXIS 777.*

**5. Format**

Requests for admission are subject to criticism where they attempt to cover variety of matters in single, subdivided question, with result that answering party (and court) must refer back to previous question to obtain exact meaning and impact of following query; this type of question was confusing and ambiguous and imposes burden on answering party and on both trial and appellate courts, but neither ambiguity nor burden were of themselves sufficient grounds for denying right to discovery in toto, though either may, if present in sufficient degree, constitute abuse of discovery process which could and should have been limited or eliminated under court's discretionary power to make any order consistent with justice. *Cembrook v. Superior Court of San Francisco (1961) 56 Cal 2d 423, 15 Cal Rptr 127, 364 P2d 303, 1961 Cal LEXIS 305.*

Requests by claimant to interest in realty from tax deed, in action to quiet title to and partition such realty, for admissions of fact as to execution of such deed, interest conveyed thereby, recordation of deed, and ownership by designated defendant of interest in realty described in complaint, were statements to be admitted, not questions to be answered, and therefore were in form contemplated by this section, for obtaining admissions as to facts and genuineness of documents. *Lieb v. Superior Court of Orange County (1962, 4th Dist) 199 Cal App 2d 364, 18 Cal Rptr 705, 1962 Cal App LEXIS 2840.*

**6. Response**

Objection that because of certain reasons party on whom were served requests for admissions was unable "clearly" to answer requests was not ground for objection and did not constitute sound reason for sustaining objection. *Cembrook v. Superior Court of San Francisco (1961) 56 Cal 2d 423, 15 Cal Rptr 127, 364 P2d 303, 1961 Cal LEXIS 305.*

Fact that one party had unilaterally bound himself, via deposition, does not excuse other party from being required to make admission regarding same facts; issue was not disposed of until both parties are heard from. *Cembrook v. Superior Court of San Francisco (1961) 56 Cal 2d 423, 15 Cal Rptr 127, 364 P2d 303, 1961 Cal LEXIS 305.*

Fact that request was for admission of controversial matter or one involving complex facts was of no moment; if litigant was able to make admission, time for making it was during discovery procedures, not at trial. *Cembrook v. Superior Court of San Francisco (1961) 56 Cal 2d 423, 15 Cal Rptr 127, 364 P2d 303, 1961 Cal LEXIS 305.*

Where claimant to interest in realty involved in partition action served on plaintiff in that action request for admission of facts as to ownership being in certain defendant, but there was legal question as to ownership of land, plaintiff should have set forth in detail reasons why he could not have truthfully admited or denied request; should claimant then have felt that plaintiff's denials or reasons for refusing to answer were insufficient, he could have proceeded under former CCP § 2034(a) and seek to compel plaintiff to answer, but plaintiff could not, by having simply asserted that request put to him called for conclusion of law, successfully objected to it. *Lieb v. Superior Court of Orange County (1962, 4th Dist) 199 Cal App 2d 364, 18 Cal Rptr 705, 1962 Cal App LEXIS 2840.*

Neither alleged lack of "independent information" nor objection that request calls for opinion was tenable as ground for refusal to admit or deny requests for admission. *Chodos v. Superior Court of Los Angeles County (1963, Cal App 2d Dist) 215 Cal App 2d 318, 30 Cal Rptr 303, 1963 Cal App LEXIS 2502.*

On request for admission of fact, if party requested to make such admission did not intend to contest fact, he was required at that time to admit it. *Chodos v. Superior Court of Los Angeles County (1963, Cal App 2d Dist) 215 Cal App 2d 318, 30 Cal Rptr 303, 1963 Cal App LEXIS 2502.*

Party could not refuse to admit or deny request for admission of facts merely because he lacked personal knowledge of those facts if means of knowledge were reasonably within his power. *Lindgren v. Superior Court of Los*

*Angeles County (1965, 2nd Dist) 237 Cal App 2d 743, 47 Cal Rptr 298, 1965 Cal App LEXIS 1312, 20 ALR3d 748.*

Party was not required to employ investigators in foreign country to obtain information that would enable him to admit or deny request for admission of facts. *Lindgren v. Superior Court of Los Angeles County (1965, 2nd Dist) 237 Cal App 2d 743, 47 Cal Rptr 298, 1965 Cal App LEXIS 1312, 20 ALR3d 748.*

Since admission requests were made for the purpose of expediting the trial, the fact that the request was for the admission of a controversial matter, or one involving complex facts, or calls for an opinion, was of no moment. *Hillman v. Stults (1968, Cal App 2d Dist) 263 Cal App 2d 848, 70 Cal Rptr 295, 1968 Cal App LEXIS 2277.*

When a party was served with a request for admission concerning a legal question properly raised in the pleadings he could not object simply by asserting that the request called for a conclusion of law; he should have made the admission if he were able to do so and did not in good faith intend to contest the issue at trial, thereby setting at rest a triable issue, or he should have set forth in detail the reasons why he could not truthfully admit or deny the request. *Burke v. Superior Court of Sacramento County (1969) 71 Cal 2d 276, 78 Cal Rptr 481, 455 P2d 409, 1969 Cal LEXIS 253.*

Under former CCP § 2033(a) (provided that a party to an action may serve on the other party a request for admissions of the genuineness of specific documents or of the truth of specified facts, and that the genuineness and truth thereof shall be deemed admitted if the party served fails to respond in any of the four ways set out in that section), a late response, or an unsworn statement "denying specifically" the admission or setting forth "in detail" the reasons for not being able to admit or deny, was no response at all; in such cases, the trial court, viewing the circumstances of the particular case, could exercise its discretion in relieving the default. *Zorro Inv. Co. v. Great Pacific Securities Corp. (1977, Cal App 4th Dist) 69 Cal App 3d 907, 138 Cal Rptr 410, 1977 Cal App LEXIS 1475,* superseded by statute as stated in *Dolin Roofing & Insulation Co. v. Superior Court (1984, Cal App 1st Dist) 151 Cal App 3d 886, 199 Cal Rptr 37, 1984 Cal App LEXIS 1608.*

**7. Signature and Oath**

Requirement of either admission or "sworn statement denying specifically the matters of which an admission is requested" does not differ from requirement that allegations in sworn pleading had to be answered under oath; party requested to make such admission could "deny only a part or a qualification of a matter of which an admission is requested," as by answering on information and belief, and could verify his response in traditional form of verification of such allegations. *Chodos v. Superior Court of Los Angeles County (1963, Cal App 2d Dist) 215 Cal App 2d 318, 30 Cal Rptr 303, 1963 Cal App LEXIS 2502.*

The record in an action asserting defendant's liability on theories of products liability, breach of express warranty, breach of the implied warranties of fitness and merchantability, negligence, and negligence resting on application of the doctrine of res ipsa loquitur, in which action the trial court refused to relieve plaintiff of the consequences of its failure to verify its previous denial to defendant's request for admissions and refused to permit a late verification due to expiration of the time limit of *CCP § 473* established prejudice to plaintiff constituting reversible error, where defendant's request for admissions failed to state a date for response as required by former CCP § 2033, and where the parties to the litigation conducted themselves in discovery and motion practice as if the facts had not been admitted. *Kaiser Steel Corp. v. Westinghouse Elec. Corp. (1976, Cal App 2d Dist) 55 Cal App 3d 737, 127 Cal Rptr 838, 1976 Cal App LEXIS 1286,* superseded by statute as stated in *Barnett v. American-Cal Medical Services (1984, Cal App 4th Dist) 156 Cal App 3d 260, 202 Cal Rptr 735, 1984 Cal App LEXIS 2086,* superseded by statute as stated in *Dolin Roofing & Insulation Co. v. Superior Court (1984, Cal App 1st Dist) 151 Cal App 3d 886, 199 Cal Rptr 37, 1984 Cal App LEXIS 1608.*

In a personal injury action, the trial court abused its discretion in denying defendant's motion under *CCP § 473*, for relief from an order, under former CCP § 2034(a), directing that facts as to which plaintiff had requested admissions be

deemed admitted, and for attorney fees; though defendant, in denying the requests, had done so on information and belief, contrary to a local court rule, he had filed a declaration stating that his counsel was ignorant of the rule and had requested permission to answer the requests by denying certain requests and admitting others; while ignorance of the proper procedure could not be excused, the punishment imposed was too severe under the circumstances shown. *Cohen v. Superior Court (1976, 2nd Dist) 63 Cal App 3d 184, 133 Cal Rptr 575, 1976 Cal App LEXIS 1999.*

In an action brought by a tenant against her landlords based on breach of implied warranty of habitability and other theories, the trial court properly granted defendants' motion for summary judgment based on the fact that defendants had deemed the requests for admissions (former CCP § 2033) they had served upon plaintiff to be admitted in that the responses had been verified by plaintiff's attorney rather than by plaintiff herself; the plain statutory language of § 2033(a), permited responses to requests only through the sworn statement of "a party;" furthermore, although § 446 permits a pleading to be verified by the attorney when the party wass out of the county in which the attorney has his or her office, as was the case with plaintiff, it specifically states that such attorney-verified pleadings may not be considered as affidavits or declarations "establishing the facts therein alleged," and a central purpose of a sworn statement under § 2033 was to unequivocally establish the matters admitted in the response. *Steele v. Totah (1986, Cal App 1st Dist) 180 Cal App 3d 545, 225 Cal Rptr 635, 1986 Cal App LEXIS 1528.*

**8. Time for Service Response**

A party moving for relief from default for failure to make a timely response to requests for admissions pursuant to former CCP § 2033(a), had to submit its proposed response to the requests; such a response was included in the meaning of "answer or other pleading proposed," which, under *CCP § 473*, must accompany the application for relief; however, prior law was uncertain in this regard; hence, in a negligence action, the trial court reasonably allowed a defaulting party 10 days after granting relief from default to file its answers to the requests. *Dolin Roofing & Insulation Co. v. Superior Court (1984, Cal App 1st Dist) 151 Cal App 3d 886, 199 Cal Rptr 37, 1984 Cal App LEXIS 1608.*

Under former CCP § 2033(a), provided that matters of which an admission is requested shall be deemed admitted unless a sworn denial is served within 30 days after the request "but in no event later than 30 days prior to the date of trial," a response served more than a year after the request was untimely and the trial court lacked the power to consider it even though the case had not been set for trial; the quoted phrase limited the length of the extension which could be granted for service of response to a request for admissions, but did not authorize the court to grant such an extension at any time before commencement of the 60-day period; where a statute absolutely fixes the time within which an act was to be done it was peremptory and the act could not be done at any other time unless during the existence of the prescribed time the time had been extended by an order made for that purpose under authority of law. *Gribin Von Dyl & Associates, Inc. v. Kovalsky (1986, Cal App 2d Dist) 185 Cal App 3d 653, 230 Cal Rptr 50, 1986 Cal App LEXIS 2028.*

**9. Protective Orders**

Court possessed ample power under this former section and former CCP § 2019 to correct any abuses that may have existed in requests for admission without sustaining objections in toto; if court in its discretion found that any of requests imposed unfair burden on real party in interest because they were repetitious, it possessed statutory power to make its order sustaining objections to repetitive portions; if it found some requests too ambiguous to allow intelligent reply, it could sustain objection to them or, more consistently with justice, could order such questions to be rephrased. *Cembrook v. Superior Court of San Francisco (1961) 56 Cal 2d 423, 15 Cal Rptr 127, 364 P2d 303, 1961 Cal LEXIS 305.*

When objections to requests for admission were predicated on annoyance, expense, embarrassment, oppression or other ground based on justice and equity, trial court was vested with wide discretion, exercise of which would not be disturbed by appellate courts in absence of abuse. *Cembrook v. Superior Court of San Francisco (1961) 56 Cal 2d 423, 15 Cal Rptr 127, 364 P2d 303, 1961 Cal LEXIS 305.*

Discretion vested in trial court to act with respect to requests for admission did not authorize such court to act on grounds not contemplated by statute, nor to make blanket orders barring disclosure in toto when factual situation indicated that just and equitable order could be made that would authorize disclosure with limitations. *Cembrook v. Superior Court of San Francisco (1961) 56 Cal 2d 423, 15 Cal Rptr 127, 364 P2d 303, 1961 Cal LEXIS 305.*

During the pendency of an action by an employee against his employer for damages (including future loss of earnings) allegedly resulting from an injury suffered by the employee during the course of his employment, the superior court abused its discretion in sustaining the employee's objections (made pursuant to former CCP §§ 2019(d) and § 2033(a)(2)) to the employer's requests for admissions regarding the employee's citizenship and status as an illegal alien; the requests were relevant to the determination of the employee's future wage scale and availability of employment, and, because there had been no showing in the superior court that the requests were propounded in bad faith or constituted harassment, and because the privilege against self-incrimination (the only privilege that might have been applicable) was inapplicable, the superior court's order sustaining the objections and barring disclosure in toto constituted an improper blanket order. *Metalworking Machinery, Inc. v. Superior Court (1977, Cal App 2d Dist) 69 Cal App 3d 791, 138 Cal Rptr 369, 1977 Cal App LEXIS 1463.*

**10. Failure to Serve Response**

In a civil action, requests for admissions made under former CCP § 2033, were deemed admitted, where they were never answered. *Able v. Van Der Zee (1967, Cal App 2d Dist) 256 Cal App 2d 728, 64 Cal Rptr 481, 1967 Cal App LEXIS 1914.*

Failure to answer a request for admissions was deemed an admission of the matters contained in such request. *Jack v. Wood (1968, Cal App 4th Dist) 258 Cal App 2d 639, 65 Cal Rptr 856, 1968 Cal App LEXIS 2456.*

The power of a court to relieve a party served with a request for admissions from the consequences of a denial, defective for failure of the denial to be under oath, stemmed from former CCP §§ 2033 and 2034, and was not dependent on the general authority of the trial court to relieve a person from default pursuant to § 473, which imposed a six-month limitation for exercise of judicial discretion to relieve from default. *Kaiser Steel Corp. v. Westinghouse Elec. Corp. (1976, Cal App 2d Dist) 55 Cal App 3d 737, 127 Cal Rptr 838, 1976 Cal App LEXIS 1286,* superseded by statute as stated in *Barnett v. American-Cal Medical Services (1984, Cal App 4th Dist) 156 Cal App 3d 260, 202 Cal Rptr 735, 1984 Cal App LEXIS 2086,* superseded by statute as stated in *Dolin Roofing & Insulation Co. v. Superior Court (1984, Cal App 1st Dist) 151 Cal App 3d 886, 199 Cal Rptr 37, 1984 Cal App LEXIS 1608.*

Where a party had refused or failed to respond to a request for admissions under former CCP § 2033 during the discovery stage of a civil action, the court, in exercising its discretion whether to grant that party relief from his default, was not precluded from considering the fact that the proponent had not made an alternative motion under § 2034, for further answers or for an order that the relevant facts be deemed admitted; the court could also consider the relevance of the proponent's reliance on such admissions to the purpose of eliminating issues of fact during discovery, the conduct of the parties after the default, the prejudice to each party if relief was granted, the severity of the sanction under the circumstances, whether the inadequate response alerted the proponent to the responding party's intent to rely on the response, whether the responding party knew of its default; and the practicability of the responding party seeking relief from default prior to trial. *Zorro Inv. Co. v. Great Pacific Securities Corp. (1977, Cal App 4th Dist) 69 Cal App 3d 907, 138 Cal Rptr 410, 1977 Cal App LEXIS 1475,* superseded by statute as stated in *Dolin Roofing & Insulation Co. v. Superior Court (1984, Cal App 1st Dist) 151 Cal App 3d 886, 199 Cal Rptr 37, 1984 Cal App LEXIS 1608.*

In a civil action, it was reversible error to render judgment for defendants on facts "deemed admitted" because of plaintiff's failure to make timely or sworn responses to defendants' three sets of requests for admissions under former CCP § 2033 where such judgment was erroneously based on the court's determination that, regardless of defendants' decision not to move for further responses or answers, it had no discretion, under the 1974 amendments to former §§ 2033(a) and 2034(a), to grant plaintiff relief from its default; the court had the discretion to do so; though defendants

had sent plaintiff notice of default on expiration of the designated period for response to the first two sets of requests, no notice of default was sent after plaintiff's untimely answers were served, thus possibly leading plaintiff to believe it had cured its default, and, furthermore, the third set of requests and plaintiff's timely but defectively served and sworn response thereto were relatively close to the date set for trial. *Zorro Inv. Co. v. Great Pacific Securities Corp. (1977, Cal App 4th Dist) 69 Cal App 3d 907, 138 Cal Rptr 410, 1977 Cal App LEXIS 1475*, superseded by statute as stated in *Dolin Roofing & Insulation Co. v. Superior Court (1984, Cal App 1st Dist) 151 Cal App 3d 886, 199 Cal Rptr 37, 1984 Cal App LEXIS 1608.*

The provision of former CCP § 2033(a), that once a party was served with notice of default for failure to respond within 60 days to requests for admissions, he or she had only 30 days to file a motion for relief from default under § 473, was intended to restrict the trial court's power to relieve from default and to expedite forcefully a conclusion to that phase of pretrial discovery, thereby alleviating the problem of heavy case loads in state courts; the provision was not directed only against clearly obstreperous litigants. *Billings v. Edwards (1981, Cal App 2d Dist) 120 Cal App 3d 238, 174 Cal Rptr 722, 1981 Cal App LEXIS 1825.*

The language of former CCP § 2033(a), providing that once a party is served with notice of default for failure to respond within 60 days to requests for admissions, he or she had only 30 days to file a motion for relief under § 473, was clear and unambiguous and could not be "liberally construed" to give a party more time to seek relief than was mandated. *Billings v. Edwards (1981, Cal App 2d Dist) 120 Cal App 3d 238, 174 Cal Rptr 722, 1981 Cal App LEXIS 1825.*

Former CCP § 2033(a), providing that once a party is served with notice of default for failure to respond within 60 days to a request for admissions, he or she has only 30 days to file a motion for relief from default under § 473, did not constitute a denial of equal protection of law by singling out requests for admissions and arbitrarily limiting the procedure for relief from default to 30 days when six months is allowed for other procedural defaults; the statute was a rational answer by the Legislature to a legitimate problem, and the statute did not establish the kind of "class" that the Equal Protection Clause was concerned with; moreover, even if it did, everyone within the class was treated equally and in the same manner; the equality guaranteed under the Equal Protection Clause is equality under the same conditions and among persons similarly situated. The Legislature could make a reasonable classification of persons and activities as long as the classification was not arbitrary and had a substantial relation to the legitimate object to be accomplished. *Billings v. Edwards (1981, Cal App 2d Dist) 120 Cal App 3d 238, 174 Cal Rptr 722, 1981 Cal App LEXIS 1825.*

Even assuming that an envelope alleged by defendant in a personal injury action to have contained notice of default to plaintiff, pursuant to former CCP § 2033(a), for failure to respond to request for admissions, was in fact delivered without the notice being contained therein, as contended by plaintiff, it did not result in plaintiff being denied relief from default on mere technical grounds; the fact the evelope was delivered by certified mail with return receipt requested demanded action on plaintiff's part to inquire of defendant the nature of the missing document. *Billings v. Edwards (1981, Cal App 2d Dist) 120 Cal App 3d 238, 174 Cal Rptr 722, 1981 Cal App LEXIS 1825.*

Under former CCP § 2033(a), which provided, on the failure of a party served with requests for admissions to answer, the party making the request could serve on the other party a notice that the matters as to which admissions were requested have been deemed admitted, and giving the party on whom such notice is served 30 days within which to file a motion requesting relief, a motion by a party to a civil action to be relieved of his default in failing to answer requests for admissions was timely filed, where it was served on the court by mail 30 days, and filed 35 days, after the service of the notice the admissions were deemed to be admitted; former section 1013(a), which provided, in the case of service by mail, "any prescribed period of notice and any right or duty to do any act or make any response within any prescribed period. . . shall be extended for five days," was applicable, and the time for filing the motion was extended by five days. *Carli v. Superior Court (1984, Cal App 4th Dist) 152 Cal App 3d 1095, 199 Cal Rptr 583, 1984 Cal App LEXIS 1736.*

A failure to answer a request for admissions was deemed an admission of matters contained in the request; former

CCP § 2033, providing for a *CCP § 473* hearing within 30 days of a default provided adequate relief for a litigant who through mistake, inadvertence or excusable neglect failed to timely answer requests for admissions. *Miller v. Marina Mercy Hospital (1984, Cal App 2d Dist) 157 Cal App 3d 765, 204 Cal Rptr 62, 1984 Cal App LEXIS 2244.*

In a civil action in which defendants sent plaintiff their "notice of unanswered requests for admission" by regular mail, rather than by certified or registered mail as required by former CCP § 2033(a), plaintiff was not required to move for relief from the effect of his default (i.e. that the genuineness of the documents or the truth of the facts had been deemed admitted) within the 30-day period after service of the notice, as specified in § 2033(a); a party seeking to invoke the 30-day time limit could not do so without first complying with the technical service requirements; plaintiff was entitled to interpret the "actual notice" he received as an informal advisement and to await properly served notice for commencement of the 30-day period. *Enfantino v. Superior Court (1984, Cal App 1st Dist) 162 Cal App 3d 1110, 208 Cal Rptr 829, 1984 Cal App LEXIS 2853.*

In amending former CCP § 2033 to extend the minimum response period for a request for admissions from 20 to 30 days, to provide that a matter shall be deemed admitted only if the request notified the party served of the consequence of failing to respond, to provide that matters were deemed admitted automatically without requiring a court order, and to provide that the responding party had only 30 days to move for relief from deemed admissions under *CCP § 473* (which permits the trial court to relieve a party from a proceeding taken against the party through his or her mistake, inadvertence, surprise, or excusable neglect), the Legislature intended to address the courts' concern that the former deemed admissions provision was unduly harsh and to expedite a conclusion to the pretrial admissions process; the 30-day limit on § 473 relief served the legislative interest in speedy determination of the admissions question, and a liberal interpretation of § 473 did not subvert the Legislature's intent. Accordingly, where the interests of justice dictate relief from default, a trial court need not have denied a § 473 motion for relief from deemed admissions in order to effectuate the Legislature's goals in amending § 2033. *Elston v. City of Turlock (1985) 38 Cal 3d 227, 211 Cal Rptr 416, 695 P2d 713, 1985 Cal LEXIS 257,* superseded by statute as stated in *Tackett v. City of Huntington Beach (1994, Cal App 4th Dist) 22 Cal App 4th 60, 27 Cal Rptr 2d 133, 1994 Cal App LEXIS 70.*

In an action by an insured against its insurer, in which the insured failed to respond to the insurer's requests for admissions before the hearing on the insurer's motion for deemed admissions, the trial court had no power to grant the insured default relief from the deemed admissions; former CCP § 2033(k) controlled default relief when a party totally failed to respond to a request for admissions, while § 2033(m) controlled default relief for erroneous or mistaken responses that the responder wished to correct; section 2033(k) allowed default relief for excusable neglect only when the party seeking relief had served a response in substantial compliance with the statute before the hearing was held on the motion for deemed admissions; thus, the trial court erred by granting the insured's motion for reconsideration, since the court had no discretion to exercise due to the insured's failure to respond to the requests. *St. Paul Fire & Marine Ins. Co. v. Superior Court (1992, Cal App 6th Dist) 2 Cal App 4th 843, 3 Cal Rptr 2d 412, 1992 Cal App LEXIS 47,* review denied (1992, Cal) *1992 Cal LEXIS 1973,* overruled in part *Wilcox v. Birtwhistle (1999) 21 Cal 4th 973, 90 Cal Rptr 2d 260, 987 P2d 727, 1999 Cal LEXIS 7785.*

In a civil action, the trial court erred in granting plaintiff's motion to have admission requests deemed admitted, where proposed responses to the requests had been served prior to the hearing on the motion and such responses were in substantial compliance with the provisions of former CCP § 2033(f)(1); the trial court erred in relying on the service provisions of § 1013a(3), relating to proof of service by mail, when receipt of the responses had been admitted by plaintiff; § 2033(k), did not say, but obviously implied, that when a proposed response was served prior to the hearing (and there was no finding that the "substantial compliance" requirement had not been met), then the motion for deemed admissions could not be granted. *Tobin v. Oris (1992, Cal App 2d Dist) 3 Cal App 4th 814, 4 Cal Rptr 2d 736, 1992 Cal App LEXIS 197,* review denied (1992, Cal) *1992 Cal LEXIS 2921,* overruled in part *Wilcox v. Birtwhistle (1999) 21 Cal 4th 973, 90 Cal Rptr 2d 260, 987 P2d 727, 1999 Cal LEXIS 7785.*

In a company's action for fraud and conversion against another company and its president, in which defendants failed to respond to plaintiff's pretrial requests for admissions (RFA's), the trial court exceeded its authority under

former CCP § 2033(k) (consequences for failure to respond to requests for admissions), in denying plaintiff's motion to deem admitted the truth of the matters specified in the RFA's and for monetary sanctions under former § 2023, which were mandatory; defendants' response to the RFA's provided prior to the initial hearing on plaintiff's motion failed to conform to the statutory prescription of § 2033(g), since it was not signed by the individual defendant and was not under oath; such unsworn responses were tantamount to no responses at all; under § 2033(k), a court had to grant a motion to have admission requests deemed admitted where legally sufficient responses had not been served prior to the hearing on the motion; no reason appeared why defendant's asserted illness prevented him from filing a belated response after plaintiff moved to deem the RFA's admitted and before the hearing, as permitted under § 2033(k); his physician opined that defendant's health problems provided no genuine obstacle to participation in discovery; nor did defendants seek a protective order under § 2033(e); moreover, although a trial court could treat opposition to a motion to deem admitted matters specified in an RFA as a request for a protective order, such an order could not be granted in this case without subverting the mandatory provisions of § 2033(k), since defendants were aware of the RFA's long before plaintiff's motion were filed and never explained to the satisfaction of the trial court their failure to timely respond. *Allen-Pacific, Ltd. v. Superior Court (1997, Cal App 1st Dist) 57 Cal App 4th 1546, 67 Cal Rptr 2d 804, 1997 Cal App LEXIS 787,* overruled in part *Wilcox v. Birtwhistle (1999) 21 Cal 4th 973, 90 Cal Rptr 2d 260, 987 P2d 727, 1999 Cal LEXIS 7785.*

**11. Statutory Admonition**

Application of the provision of former CCP § 2033(a), that once a party was served with notice of default for failure to respond within 60 days to requests for admissions, he or she had only 30 days to file a motion for relief from default under § 473, to a plaintiff in a personal injury action against whom a summary judgment was entered on the basis of facts deemed admitted by default, did not violate plaintiff's right to due process of law; due process protection was written into the specified default procedure in the form of the requirements that a request for admissions must notify the party served that failure to comply with the statute will result in a requested admission being deemed admitted, and that notice of default must also notify the party served of the right to seek relief under § 473, and must be given by registered or certified mail, return receipt requested. *Billings v. Edwards (1981, Cal App 2d Dist) 120 Cal App 3d 238, 174 Cal Rptr 722, 1981 Cal App LEXIS 1825.*

Because failure to respond to a request for admissions under former CCP § 2033 would often result in judgment being entered against the party upon whom the request was served, § 2033, must be strictly construed; thus, in a personal injury action, the trial court erred in deeming as admitted the matters as to which defendants submitted a request for admissions, even though plaintiffs failed to respond to the request within the time prescribed by § 2033, where the warning of the consequence of such failure to respond included in the request was placed in the last sentence of the first paragraph of the original request but before its final paragraph; the warning thus did not comply with the requirement of § 2033 that the warning be placed at the end of the original request. *Hernandez v. Temple (1983, Cal App 2d Dist) 142 Cal App 3d 286, 190 Cal Rptr 853, 1983 Cal App LEXIS 1635.*

In a civil action, plaintiff's requests for admissions were not property deemed admitted under former CCP § 2033(a), which provided that requests for admissions will be deemed admitted if certain time limits are not met, provided that the original request contained substantially the following words at the end thereof: "If you fail to comply with the provisions of *Section 2033 of the Code of Civil Procedure* with respect to this request for admissions, each of the matters of which an admission is requested will be deemed admitted." Although defendants failed to make a timely response to plaintiff's requests for admissions, the caveat required by § 2033 did not appear "at the end" of the request but was instead placed in the middle of a two-and-one-half- page introduction to a seventy-one page document containing both interrogatories and requests for admissions; furthermore, plaintiff's commingling of requests for admissions with interrogatories was unnecessarily confusing and had an impermissible tendency to mislead the recipient. *Hansen v. Superior Court (1983, Cal App 1st Dist) 149 Cal App 3d 823, 197 Cal Rptr 175, 1983 Cal App LEXIS 2482.*

The failure to put the admonition required by former CCP § 2033 at the end of the introductory portion of a request

for admissions did not invalidate the request; the important consideration was whether the party served with the request could not have been misled, and was clearly warned in compliance with § 2033; thus, in a legal malpractice action in which plaintiff failed to respond to defendants' request for admissions, despite repeated warnings and deadline extensions, the trial court did not err in denying plaintiff's motion for relief and in granting defendants' motion for summary judgment, notwithstanding that the warning language appeared at the end of the entire document instead of at the end of the introductory portion. *Janetsky v. Avis (1986, 4th Dist) 176 Cal App 3d 799, 222 Cal Rptr 342, 1986 Cal App LEXIS 2480.*

The obvious purpose of the requirement of former CCP § 2033(a) that the statutory warning be given was to avoid the use of the section as a trap for the unwary; the important consideration was that the party served with the request could not have been misled and was clearly warned in compliance with the section; burying the statutory warning in the middle of introductory paragraphs did not meet that criterion, but placing it either at the end of introductory language of request or at the end of the factual enumerations, immediately preceding the signature line, did. *Lopez v. Superior Court (1986, Cal App 2d Dist) 178 Cal App 3d 925, 223 Cal Rptr 798, 1986 Cal App LEXIS 2712.*

The warning required to be given by former CCP § 2033 if placed in the middle of the introductory language, was insufficient to give notice under the statute; hence, in an action for personal injuries resulting from the use of an electrical grinder, the matters contained in defendant's request for admissions were not deemed admitted and thus the trial court erred in granting summary judgment for defendant, even though plaintiff's responses to the request were not verified as required under § 2033, where defendant placed the warning at the end of the introductory paragraph and before two definitions. *Thomas v. Makita, U.S.A., Inc. (1986, Cal App 2d Dist) 181 Cal App 3d 989, 226 Cal Rptr 413, 1986 Cal App LEXIS 1669.*

**12. Motion to Compel Further Response**

In mandamus proceeding to compel superior court to set aside its order sustaining, on motion of real party in interest, objections to requests for admissions made by petitioner, where record did not contain any explanation of grounds for such order, supreme court had to presume that order was based on objections set forth by real party in interest, and that trial court found those objections to be meritorious. *Cembrook v. Superior Court of San Francisco (1961) 56 Cal 2d 423, 15 Cal Rptr 127, 364 P2d 303, 1961 Cal LEXIS 305.*

Validity of party's refusal to admit or deny requests for admission and propriety of court order sustaining such refusal had to be judged solely by reasons assigned by such party in his response filed in court. *Chodos v. Superior Court of Los Angeles County (1963, Cal App 2d Dist) 215 Cal App 2d 318, 30 Cal Rptr 303, 1963 Cal App LEXIS 2502.*

Where declaration of plaintiffs' counsel, filed in hearing on their motion to compel admission or denial of certain matters, set forth facts from which it could be inferred that defendants had available to them sources of information as to matters involved, and defendants failed to deny either allegations or inference, it was neither unfair nor improper to require defendants to make such reasonable investigation as they might have deemed needed to determine whether or not they would dispute matters involved at trial. *Chodos v. Superior Court of Los Angeles County (1963, Cal App 2d Dist) 215 Cal App 2d 318, 30 Cal Rptr 303, 1963 Cal App LEXIS 2502.*

In an action against physicians for alleged wrongful death of a mother during childbirth, the trial court did not err in denying plaintiffs' motion to compel further answers to certain requests for admissions of genuineness of documents and of facts, where defendants had clearly denied the requests; even where matters denied were unquestionably true, a court cannot force a litigant to admit a particular fact if he was willing to risk a perjury prosecution or financial sanction that might later be imposed. *Holguin v. Superior Court (1972, Cal App 2d Dist) 22 Cal App 3d 812, 99 Cal Rptr 653, 1972 Cal App LEXIS 1298.*

Under the 1974 amendment to former CCP § 2033(a), a party to an action who was dissatisfied with the substantive adequacy of the other party's timely sworn response to his pretrial request for admissions must either move for an order

requiring further response or waive the right to compel any of the further responses set forth in that subdivision; nevertheless, subject to the trial court's discretion to relieve a person from default arising from a late or unsworn answer (former CCP §§ 473, 2033, 2034), a "refusal or failure" to admit or deny facts to which admissions are sought under § 2033, still resulted in "automatic deemed admissions" of the propounder's statements, and such admissions were not waived by failure of the propounding party to apply for a court order, as it was entitled to do under § 2034, requiring the party served to provide further answers. *Zorro Inv. Co. v. Great Pacific Securities Corp. (1977, Cal App 4th Dist) 69 Cal App 3d 907, 138 Cal Rptr 410, 1977 Cal App LEXIS 1475,* superseded by statute as stated in *Dolin Roofing & Insulation Co. v. Superior Court (1984, Cal App 1st Dist) 151 Cal App 3d 886, 199 Cal Rptr 37, 1984 Cal App LEXIS 1608.*

**13. Amendment of Response**

Admissions were more than a mere discovery device; they also served a function similar to the pleadings in a lawsuit in that they were aimed primarily at setting at rest a triable issue so it would not have to be tried; thus, a responding party had to obtain leave of the court before amending admissions made under former CCP § 2033. *Jahn v. Brickey (1985, Cal App 4th Dist) 168 Cal App 3d 399, 214 Cal Rptr 119, 1985 Cal App LEXIS 2103.*

The trial court did not abuse its discretion in allowing plaintiff in a civil action to amend admissions made under former CCP § 2033 that his signature appeared on certain documents, where he subsequently learned some of the signatures were forged, and where defendant failed to show legally cognizable prejudice. *Jahn v. Brickey (1985, Cal App 4th Dist) 168 Cal App 3d 399, 214 Cal Rptr 119, 1985 Cal App LEXIS 2103.*

**14. Scope and Effect of Response**

In action for claim and delivery of personal property, it was not abuse of discretion to grant plaintiff's motion for judgment where defendants failed to answer plaintiff's request for admissions pursuant to this section concerning only remaining issues of tender, refusal, and right to possession; thus, since effect of failure to answer request was to admit matters contained therein, all issues raised by pleadings were removed from case. Defendants' verified answer in response to complaint did not constitute response to request for admissions. *Bank of America Nat'l Trust & Sav. Asso. v. Baker (1965, Cal App 4th Dist) 238 Cal App 2d 778, 48 Cal Rptr 165, 1965 Cal App LEXIS 1198.*

A summary judgment could be based on admissions by failure to answer requests for admissions, and on the moving party's affidavit. *Jack v. Wood (1968, Cal App 4th Dist) 258 Cal App 2d 639, 65 Cal Rptr 856, 1968 Cal App LEXIS 2456.*

After a matter was deemed admitted pursuant to former CCP § 2033(a), for failure to answer a request for admissions, the scope and effect of the admission was to be determined by the trial court. *Milton v. Montgomery Ward & Co., Inc. (1973, Cal App 2d Dist) 33 Cal App 3d 133, 108 Cal Rptr 726, 1973 Cal App LEXIS 880.*

In an action by a carpenter employed by a subcontractor on a construction project who was injured when he fell while securing wooden ceiling joists against the general contractor, the trial court erred in ruling that the general contractor's answer to one of plaintiff's requests for admissions that it contended that the joists and joist hangers did not constitute a hazard for plaintiff was binding on the general contractor in its cross-complaint against the supplier of the joists and hangers; former CCP § 2033(c), provided that an admission may not be used against a party "in any other action," and a complaint and a cross-complaint are generally deemed separate actions; the response only admitted the general contractor's "contention" vis-a-vis plaintiff; it was entitled to reserve the option of seeking indemnity from the supplier on a theory it was primarily responsible for any hazard that might be found to exist; moreover, the admission could not have been used against the general contractor if it had filed a separate indemnity action and permitting its use in a cross-action would discourage the use of the more orderly and expeditious procedure. *Shepard & Morgan v. Lee & Daniel, Inc. (1982) 31 Cal 3d 256, 182 Cal Rptr 351, 643 P2d 968, 1982 Cal LEXIS 172.*

Where plaintiffs served with a request for admissions defaulted and all the issues in the case were deemed admitted in compliance with the requirements of former CCP § 2033, plaintiffs' right to dismiss without prejudice pursuant to § 581(1) was terminated on notification by defendants of the deemed admissions, and a voluntary dismissal filed thereafter by plaintiffs was ineffective; accordingly, the trial court retained jurisdiction over the matter and a summary judgment entered thereafter for defendants was not void and was an effective disposition of the case. *Miller v. Marina Mercy Hospital (1984, Cal App 2d Dist) 157 Cal App 3d 765, 204 Cal Rptr 62, 1984 Cal App LEXIS 2244.*

One party in a case may enjoy the benefits of discovery obtained by other parties in that same case, and hence one defendant was entitled to summary judgment on the deemed admissions of plaintiffs, notwithstanding that the two sets of requests for admissions at issue were propounded by another defendant; former CCP § 2033(c), limited the scope of an admission to a single action, but not limiting the use of the admission to the party requesting it, reflected a legislative intent that admissions could be used by all parties to a single action. *Swedberg v. Christiana Community Builders (1985, Cal App 4th Dist) 175 Cal App 3d 138, 220 Cal Rptr 544, 1985 Cal App LEXIS 2816.*

**15. Sanctions**

Under provision of former CCP § 2034(a) that on refusal of party to admit or deny truth of any matters of fact after service with request under former § 2033, party serving request may apply for order requiring further answers and, if motion was granted and court found that refusal was without substantial justification, court could require refusing attorney or attorney advising refusal to pay reasonable expenses incurred, including reasonable attorney's fees, but where there was no specific finding, in minute order requiring plaintiffs to answer certain interrogatory, that there was refusal without substantial justification on behalf of plaintiffs or their attorney to answer question, no foundation was laid for imposition of sanction for attorney's fees in named sum. *Farnham v. Superior Court of Orange County (1961, 4th Dist) 188 Cal App 2d 451, 10 Cal Rptr 615, 1961 Cal App LEXIS 2445.*

On request for admission of fact, party requested to make such admission may deny fact, if he wished, putting opposing party to his proof, but risking possible surcharge of costs involved in proof should his opponent ultimately prove such fact. *Chodos v. Superior Court of Los Angeles County (1963, Cal App 2d Dist) 215 Cal App 2d 318, 30 Cal Rptr 303, 1963 Cal App LEXIS 2502.*

In a convicted felon's action against his sister and her husband to impress a trust on real and personal property, for a reconveyance thereof, and for an accounting, during the course of which plaintiff made requests for admission of genuineness of documents and of facts, seeking admissions as to the trust status, income, expenses, and balances, all of substantial importance in the action, which were answered by defendants' denials, partial denials, and evasive or hedging answers, and the court found such answers were made without good reason whereby plaintiff was put to expense in making proof, under former CCP § 2034(c), the court could have required defendants to pay plaintiff the reasonable expenses incurred in making proof, including reasonable attorneys' fees, and the motion for such relief could properly be made after trial. *Hillman v. Stults (1968, Cal App 2d Dist) 263 Cal App 2d 848, 70 Cal Rptr 295, 1968 Cal App LEXIS 2277.*

In awarding judgment on an undertaking on a temporary restraining order issued in connection with an order to show cause why a preliminary injunction should not issue restraining an execution sale, the trial court properly added attorney's fees incurred by the judgment creditors in securing proof that the surety's agent had added a phrase to the undertaking by interlineation, and had done so within the scope of his authority, where the surety had, in responding to requests for admissions, denied the genuineness of the added phrase and the agent's authority to add it, upon lack of information and belief, where the facts denied were unquestionably of "substantial importance" and substantial evidence supported the court's conclusion that "there were no good reasons for the denial" within the meaning of former CCP § 2034(c), relating to sanctions in connection with requests for admissions. *Allen v. Pitchess (1973, Cal App 2d Dist) 36 Cal App 3d 321, 111 Cal Rptr 658, 1973 Cal App LEXIS 662.*

The primary purpose of a request for admission was to set at rest triable issues so that they would not have to be

tried; they were aimed at expediting trial; the basis for imposing sanctions under former CCP § 2034(c) was directly related to that purpose; unlike other discovery sanctions, an award of expenses pursuant to § 2034(c), was not a penalty; instead, it was designed to reimburse reasonable expenses incurred by a party in proving the truth of a requested admission, where the admission sought was of substantial importance such that a trial would have been expedited or shortened if the request had been admitted. *Brooks v. American Broadcasting Co. (1986, Cal App 1st Dist) 179 Cal App 3d 500, 224 Cal Rptr 838, 1986 Cal App LEXIS 1412.*

**SUGGESTED FORMS**

Requests for Admission

Response to Requests for Admission

Verification

Stipulation for Extension of Time to Respond to Requests for Admissions

Application for Order Extending Time to Respond to Requests for Admissions

Notice of Motion for Protective Order Regarding Requests for Admission

Notice of Motion for Order That Requests for Admissions and Genuineness of Documents be Deemed Admitted

Supporting Declaration of

Notice of Motion to Compel Further Response to Requests for Admission

Supporting Declaration of

Declaration Opposing Motion to Compel Further Reponses to Requests for Admission

Notice of Motion for Leave to Withdraw or Amend Responses to Requests for Admission

Supporting Declaration of

Notice of Motion for Order Requiring Payment of Expenses Incurred in Making Proof

Supporting Declaration