

I.R.C.P. 36. Requests for Admission

Idaho Rules of Civil Procedure Rule 36. Requests for Admission.

(a) Scope and Procedure.

(1) *Scope.* A party may serve on any other party a written request to admit, for purposes of the pending action only, the truth of any matters within the scope of Rule 26(b)(1) relating to:

(A) facts, the application of law to fact, or opinions about either; and

(B) the genuineness of any described documents.

(2) *Form; Copy of a Document.* Each matter must be separately stated. A request to admit the genuineness of a document must be accompanied by a copy of the document unless it is, or has been, otherwise furnished or made available for inspection and copying.

(3) *When May be Served.* Requests for admission may be served on the plaintiff after commencement of the suit and upon any other party with or after service of the summons and complaint.

(4) *Time to Respond; Effect of Not Responding.* A matter is admitted unless, within 30 days after being served, the party to whom the request is directed serves on the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney. A shorter or longer time for responding may be stipulated to under Rule 29 or be ordered by the court.

(5) *Answer.* If a matter is not admitted, the answer must specifically deny it or state in detail why the answering party cannot truthfully admit or deny it. A denial must fairly respond to the substance of the matter; and when good faith requires that a party qualify an answer or deny only a part of a matter, the answer must specify the part admitted and qualify or deny the rest. The answering party may assert lack of knowledge or information as a reason for failing to admit or deny only if the party states that it has made reasonable inquiry and that the information it knows or can readily obtain is insufficient to enable it to admit or deny. The answers must first set forth each request for admission made, followed by the answer, objection or other response of the party.

(6) *Objections.* The grounds for objecting to a request must be stated. A party must not object solely on the ground that the request presents a genuine issue for trial.

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(7) *Motion Regarding the Sufficiency of an Answer or Objection.* The requesting party may move to determine the sufficiency of an answer or objection. Unless the court finds an objection justified, it must order that an answer be served. On finding that an answer does not comply with this rule, the court may order either that the matter is admitted or that an amended answer be served. The court may defer its final decision until a pretrial conference or a specified time before trial. Rule 37(a)(5) applies to an award of expenses.

(b) Effect of an Admission; Withdrawing or Amending It. A matter admitted under this rule is conclusively established unless the court, on motion, permits the admission to be withdrawn or amended. The court may permit withdrawal or amendment if it would promote the presentation of the merits of the action and if the court is not persuaded that it would prejudice the requesting party in maintaining or defending the action on the merits. An admission under this rule is not an admission for any other purpose and cannot be used against the party in any other proceeding.

(c) Documents Attached to Pleadings. The genuineness, accuracy or truth of any document attached to a pleading must not be deemed as admitted by the other party because of a failure to make a verified denial of it in a responsive pleading or affidavit.

(d) Use of Admissions with the Court. If admissions are to be used at trial or in support or opposition to any motion, only the portion of the admissions relied should be submitted to the court. Unless a genuine issue of authenticity is raised, a party may submit excerpts from copies of the original admissions or answers and is not required to submit the originals to the court.

(e) Non-Filing; Notice of Serving.

(1) *Non-Filing.* Neither the requests nor the responses are to be filed with the court. The propounding party must maintain the original requests and the original responses, along with the original proof of service for 1 year following the final disposition of the action and expiration of any period for appeal, unless the court orders that they be retained for a longer period.

(2) *Notice of Serving.* The party serving requests and responses to them must file with the court a notice of when and upon whom it was served.

(Adopted March 1, 2016, effective July 1, 2016.)

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