

1 **NRCP 36 – Proposed**
2 **(Adopts FRCP 36, with amendments to preserve Nevada**
3 **practice as to number of requests stated in NRCP 36(c))**

4 **Rule 36. Requests for Admission**

5 (a) **Scope and Procedure.**

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

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

11 (B) the genuineness of any described documents.

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

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

21 (4) **Answer.** If a matter is not admitted, the answer must specifically
22 deny it or state in detail why the answering party cannot truthfully admit or deny it.
23 A denial must fairly respond to the substance of the matter; and when good faith
24 requires that a party qualify an answer or deny only a part of a matter, the answer

1 must specify the part admitted and qualify or deny the rest. The answering party
2 may assert lack of knowledge or information as a reason for failing to admit or deny
3 only if the party states that it has made reasonable inquiry and that the information
4 it knows or can readily obtain is insufficient to enable it to admit or deny.

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

8 **(6) Motion Regarding the Sufficiency of an Answer or**
9 **Objection.** The requesting party may move to determine the sufficiency of an
10 answer or objection. Unless the court finds an objection justified, it must order that
11 an answer be served. On finding that an answer does not comply with this rule, the
12 court may order either that the matter is admitted or that an amended answer be
13 served. The court may defer its final decision until a pretrial conference or a specified
14 time before trial. Rule 37(a)(54) applies to an award of expenses.

15 **(7) Limitations on Number of Requests.** No party shall serve upon
16 any other single party to an action more than 40 requests for admissions that do not
17 relate to the genuineness of documents, in which subparts of requests shall count as
18 separate requests, without first obtaining a written stipulation, subject to Rule 29,
19 of such party to additional requests or obtaining an order of the court upon a showing
20 of good cause granting leave to serve a specific number of additional requests.

21 **(b) Effect of an Admission; Withdrawing or Amending It.** A matter
22 admitted under this rule is conclusively established unless the court, on motion,
23 permits the admission to be withdrawn or amended. Subject to Rule 16(d)-(e), the
24 court may permit withdrawal or amendment if it would promote the presentation of

1 the merits of the action and if the court is not persuaded that it would prejudice the
2 requesting party in maintaining or defending the action on the merits. An admission
3 under this rule is not an admission for any other purpose and cannot be used against
4 the party in any other proceeding.

5
6
7 **ADVISORY COMMITTEE NOTE—2018 AMENDMENT**

8 Rule 36 is conformed to FRCP 36, while preserving the existing NRCP 36(c) as
9 Rule 36(a)(7).