

[CAPTION]

REQUEST FOR ADMISSION UNDER K.S.A. 60-236

_____ (Plaintiff) requests _____ (defendant) within _____ days after service of this request to make the following admissions for the purpose of this action only and subject to all pertinent objections to admissibility which may be interposed at the trial:

1. That each of the following documents, exhibited with this request, is genuine.

(Here list the documents and describe each document.)

2. That each of the following statements is true.

(Here list the statements.)

Failure to serve answers or objections within the required time may result in the above matters being deemed admitted.

(Signature of attorney)
(Name), Attorney for plaintiff
Bar Registration Number
Address
Telephone
[Facsimile number]
[Email address]

Authority

Notes on Use

A party may serve upon any other party a written request for admission of the truth of any matter within the scope of discovery pursuant to K.S.A. 60-226. The request may be served on the plaintiff any time after commencement of the action and upon any other party with or after service of process. A matter is deemed admitted if the party to whom the request is directed does not provide a written answer or objection to the matter within 30 days after service of the request. This time may be shortened or lengthened by order of the court. Further, unless otherwise ordered by the court, a defendant shall not be required to serve answers or objections before the expiration of 45 days after service of process upon the defendant. K.S.A. 60-236(a). The party serving the request should insert the appropriate number of days in the blank provided.

Neither this request for admission nor any response to it should be filed with the court except on order of the court or when used in a trial or hearing. K.S.A. 60-205(d)(1). However, the party serving the request must file with the court a certificate stating what document was served, when, and upon whom. K.S.A. 60-205(d)(2).

If a party fails to admit the genuineness of any document or truth of any matter contained in a request for admission, and the party requesting the admission thereafter proves the genuineness of the document or truth of the matter, that party may seek reasonable expenses incurred in making such proof including attorney fees. K.S.A. 60-237(c)(2).

Comment

K.S.A. 60-236 grants broad discretion to the trial court in determining the reasonableness of any response period longer than 30 days. Because the court can allow additional time for response even after the 30 days has expired, the court can, in its discretion, permit what would otherwise be an untimely response to a request for admissions. *Yunghans v. O'Toole*, 224 Kan. 553, 554, 581 P.2d 393 (1978).

Note that there are significant differences between a request for admissions under Chapter 60 and a request for admissions under Chapter 61. See K.S.A. 60-236 and 61-3101. For instance, under Chapter 61, a request for admissions may contain no more than 10 requests unless permission of the court is obtained. K.S.A. 61-3101(a)(2). Also, under Chapter 61, the form must permit the party answering to do so under oath. K.S.A. 61-3101(a)(2). Under Chapter 60, the answer need not be sworn; only the signature of the party or counsel is required. *Yunghans v. O'Toole*, 224 Kan. at 555. Also, a request for admissions under Chapter 61 is limited to admissions involving factual matters and genuineness of relevant documents and does not cover a request for a legal conclusion. *Via Christi Regional Medical Center v. Ayalla*, 25 Kan. App. 2d 443, 445-46, 962 P.2d 1143 (1998) (interpreting K.S.A. 61-1712, the predecessor of 61-3101).