

6 Grounds for Objecting to Requests for Admission

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A party may respond to an individual request for admission (RFA) by objecting to all or part of it. (Code Civ. Proc., § 2033.230.) The right to object is waived if not stated in a timely response, so it's important to consider objections carefully. Here are the most common objections to RFAs.

1. **Privilege.** An objection based on privilege must clearly state the particular privilege invoked and may indicate the basis for its applicability. (Code Civ. Proc., § 2033.230(b).) "Privilege" in section 2033.230(b) appears to refer to the same evidentiary privileges that can be raised to block disclosure at trial. For example:

Objection: Lawyer-client privilege. Admitting or denying this request would require me to disclose the content of a conversation with my former attorney.

or

Objection: Request No. 9 calls for disclosure of a confidential marital communication.

2. **Work Product.** An objection to an individual RFA may expressly assert that the matter on which the admission is requested is protected work product under Code of Civil Procedure sections 2018.010–2018.080. (Code Civ. Proc., § 2033.230(b).) For example:

Objection: This request calls for the disclosure of the protected work product of my attorney.

3. **Request exceeds numerical limit.** Unless the requesting party has attached the declaration described in Code of Civil Procedure section 2033.050, a responding party may object to all but the first 35 requests that don't relate to the genuineness of documents by simply stating that the requesting party has exceeded the numerical limit. (Code Civ. Proc., § 2033.030(b).) It's unnecessary to repeat this line for all subsequent requests, although it may be useful to indicate the numbers of the requests covered by the objection. For example:

36 through 45. Objection: The requesting party has exceeded the numerical limit imposed by Code of Civil Procedure section 2033.030(b).

4. **Burdensome and oppressive.** Unrelated to the number of requests, a request or some number of requests in a set may be objectionable on the ground that to respond fully and completely would impose an unfair and unreasonable burden on the responding party. For example, a request that asks the responding party to admit the genuineness of a large number of documents may be burdensome if the responding party would have to perform a large amount of work to do so. To increase the chances of having the objection sustained, explain the reasons why it would be unduly burdensome to respond.

5. **Relevance.** A responding party may object to a request on the ground that it (i.e., the admission it seeks) is irrelevant. But relevance objections to RFAs are rarely upheld and will only be successful if there's no reasonable way in which the sought information relates to the issues in the case, or if the request is of extremely marginal relevancy and is an attempt to harass the opposing party. If you use a relevance objection, support it with a brief explanation of why the requests are irrelevant. For example:

Request No. 7 is irrelevant because I have __[admitted/denied]__ the statement in Request No. 2.

or

The admission sought by Request D-7 is irrelevant in that the document described in it has no relation to the subject of this lawsuit.

6. **Other objections.** Nothing in Code of Civil Procedure section 2033.210(a) forbids the responding party from responding to individual RFAs with other objections directed to pleadings or testimony. For example:

12. Objection: Request No. 12 is unintelligible.

An objection may also be directed to a request that

- Attempts to cover a variety of matters in a single subdivided question;
- Requires the party to refer back to other requests to learn its meaning or impact; or
- Is repetitive of other requests.

Whatever objection you use, make sure it's a fair one. If a court finds that unmeritorious objections are merely attempts to avoid answering the request, it may grant a motion to compel further responses and impose sanctions.

For everything you need to know about drafting and responding to RFAs, turn to CEB's California Civil Discovery Practice, chapter 9.