

NOTICE OF MOTION TO DEEM MATTERS ADMITTED

Sample Only
Use At Your Own Risk



To _____ [name of responding party], _____ [responding party's attorney], attorney of record for _____ [responding party], and to _____ [names of other parties or attorneys appearing in action]:

PLEASE TAKE NOTICE that at _____ [time], on _____ [date], or as soon after as the matter can be heard, in _____ [Department _____ or as the case may be] of the _____ County Superior Court, _____ [court address], _____ [moving party] will move the court for an order that the truth of matters requested in _____ [moving party's] _____ [number] Set of Requests for Admission be deemed admitted. This motion is made on the grounds that _____ [specify, for example: _____ (responding party) has failed to serve a response to _____ (moving party's) Request within the time prescribed by section 2033(h) of the Code of Civil Procedure. Copies of the _____ (number) Set of Requests for Admission with proof of service are attached as Exhibit _____ and incorporated by reference]. Pursuant to sections 2033(k) and 2023(b)(1) of the Code of Civil Procedure, _____ [moving party] will also seek monetary sanctions of \$_____ against _____ [responding party and his or her attorney or as the case may be] for reasonable attorney fees and costs incurred in bringing this motion. Such sanctions are sought on the ground that there is not substantial justification for _____ [responding party's] conduct in _____ [specify, for instance: failing to serve a response to _____ (moving party's) request within the time prescribed by section 2033(h) of the Code of Civil Procedure].

This motion will be based on the notice of motion, the attached memorandum of points and authorities, the declaration of _____ [name of witness or attorney or as the case may be], the record and files of this case, and any further oral or documentary evidence introduced at the hearing of this motion.

Date: _____
_____ [Plaintiff's name]
Plaintiff *In Pro Per*

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