

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Clover v. Camp Pendleton & Quantico Housing LLC

Clover · No. 20-CV-567-LAB-WVG · Decided March 1, 2023

SUMMARY

The United States District Court for the Southern District of California grants Plaintiffs’ ex parte application under Federal Rule of Civil Procedure 36(b) to amend an inadvertently admitted response to Request for Admission No. 18. The Court concludes that amendment would promote presentation of the merits and that Defendants failed to demonstrate prejudice, while also finding Defendants’ opposition procedurally defective because it was filed late.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	William V. Gallo
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 1, 2023
DOCKET	20-CV-567-LAB-WVG
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs filed an ex parte application under Federal Rule of Civil Procedure 36(b) for leave to amend their response to Defendant's Request for Admission No. 18 after inadvertently admitting the request. Defendants opposed the application, but filed their opposition after the deadline established by the court's Civil Chambers Rule VI.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 36(b), withdrawal or amendment of an admission is permitted when it would promote presentation of the merits and would not prejudice the requesting party in maintaining or defending the action on the merits.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- discovery dispute
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiffs should be permitted under Federal Rule of Civil Procedure 36(b) to amend an allegedly inadvertent admission.
2. Whether Defendants' opposition should be considered despite being filed after the deadline under the court's Civil Chambers Rule VI.
3. Whether withdrawal or amendment of the admission would prejudice Defendants in maintaining or defending the action on the merits.

HOLDINGS

1. Defendants' opposition was procedurally defective because it was filed more than one day after the deadline and Defendants did not contact chambers to request additional time.
2. The court granted Plaintiffs leave under Federal Rule of Civil Procedure 36(b) to amend their response to Request for Admission No. 18.

KEY QUOTATIONS

“A matter admitted under this rule is conclusively established unless the court, on motion, permits the admission to be withdrawn or amended. Subject to Rule 16(e), 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.” (2)

“Accordingly, the Court GRANTS Plaintiffs’ Ex Parte Application and allows Plaintiff to submit an amended response to RFA No. 18 from Set One of Defendant’s Requests for Admission.” (3)

FACTUAL BACKGROUND

Plaintiffs inadvertently responded "ADMIT" to a request for admission concerning one of their medical conditions and represented that they intended to deny the request. The admission related to Plaintiffs' claims that they suffered damages from exposure to moisture, water intrusion, and mold while living at property maintained by Defendants. Plaintiffs repeatedly notified Defendants of the erroneous admission before filing the application, and Defendants did not articulate actual prejudice from its withdrawal.

PROCEDURAL HISTORY

Plaintiffs initially notified Defendants of the erroneous admission, later filed an initial motion for leave to correct it, and renewed the request through the present ex parte application. The court declined to consider Defendants' untimely opposition and granted Plaintiffs leave to serve an amended response to Request for Admission No. 18.

DISPOSITION

other

CASES CITED

- Conlon v. United States, 474 F.3d 616, 622 (9th Cir. 2007)
- Hadley v. United States, 45 F.3d 1345, 1348 (9th Cir. 1995)

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