

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Fredrick Torrez v. Midland Credit Management Incorporated

No. CV-25-00206-TUC-RM (D. Ariz. Apr. 8, 2026) · No. No. CV-25-00206-TUC-RM · Decided April 8, 2026

SUMMARY

The United States District Court for the District of Arizona denied Plaintiff Fredrick Torrez’s motion to deem Requests for Admission Nos. 1, 2, and 5 admitted. The court held that Midland Credit Management’s amended responses complied with Federal Rule of Civil Procedure 36. The court also denied Torrez’s Rule 11 motion for sanctions, while declining to award Defendant fees and costs and warning that future frivolous sanctions motions could result in such an award.

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF
ARIZONA 8 9 Fredrick Torrez, No. CV-25-00206-TUC-RM 10 Plaintiff, ORDER 11 v. 12
Midland Credit Management Incorporated, 13 Defendant. 14 15 Pending before the Court are
Plaintiff’s Motion to Deem Requests for Admission 16 Nos. 1, 2, and 5 Admitted (Doc. 31) and
Plaintiff’s Motion for Sanctions (Doc.

34). For 17 the following reasons, both Motions will be denied. 18 I. Motion to Deem Requests
for Admission Nos. 1, 2, and 5 Admitted 19 Plaintiff previously filed a Motion to Determine
Sufficiency of Responses to 20 Requests for Admission (Doc. 20), which this Court partially
granted and partially denied 21 (Doc. 27).

The Court ordered Defendant to serve amended responses to Plaintiff’s 22 Requests for Admission
(“RFAs”) Nos. 1, 2, and 5. (Doc. 27 at 3-5, 10.) In the currently 23 pending Motion, Plaintiff
argues that Defendant’s amended responses to RFAs Nos. 1, 2, 24 and 5 remain deficient, and that
the Court should accordingly deem RFAs Nos. 1, 2, and 5 25 admitted. (Doc.

31.) Defendant argues in response that its amended responses to RFAs 26 Nos. 1, 2, and 5 are
appropriate and sufficient, and that Plaintiff’s Motion seeks to compel 27 admissions on disputed
statutory elements central to the merits of Plaintiff’s claims, which 28 Federal Rule of Civil
Procedure 36 does not require. (Doc. 33.) 1 “The purpose of Rule 36(a) is to expedite trial by
establishing certain material facts 2 as true and thus narrowing the range of issues for trial.” Asea,
Inc. v. S. Pac.

Transp. Co., 3 669 F.2d 1242, 1245 (9th Cir. 1981). Under Rule 36(a), a party may serve a written
request 4 to admit, for purposes of the pending action, the truth of any matters within the scope of

5 discovery relating to “facts, the application of law to fact, or opinions about either.” Fed. 6 R. Civ. P. 36(a)(1)(A).

Although a party may request the admission of the application of 7 law to fact, *id.*, requests for the admission of pure legal conclusions are impermissible, 8 *Daniels v. G4S Secure Solutions USA, Inc.*, No. 8:20-cv-00283-JGB (JDEx), 2021 WL 9 3742039, at *10 (C.D. Cal. Jan. 4, 2021).

The answering party must specifically deny any 10 matter not admitted “or state in detail why the answering party cannot truthfully admit or 11 deny” the matter. Fed. R. Civ. P. 36(a)(4). “[A] party may not refuse to admit or deny a 12 request for admission based upon a lack of personal knowledge if the information relevant 13 to the request is reasonably available to him.” *Asea, Inc.*, 669 F.2d at 1245.

The requesting 14 party “may move to determine the sufficiency of an answer or objection.” Fed. R. Civ. P. 15 36(a)(6). If the Court finds that an answer does not comply with Rule 36, it “may order 16 either that the matter is admitted or that an amended answer be served.” *Id.* 17 Plaintiff’s RFA No. 1 asks Defendant to admit that it is a debt collector as defined 18 by 15 U.S.C. § 1692a(6).

(Doc. 31-1 at 3.) Defendant’s amended response admits that the 19 principal purpose of its business is to collect debts, that it uses the mail to collect debts, 20 and that “at times and in certain circumstances it is a ‘debt collector’ as defined” in § 21 1692a(6). (*Id.*)

However, Defendant states that it cannot admit or deny that it was a “debt 22 collector” as defined in § 1692a(6) with respect to this case, because it lacks sufficient 23 information to admit or deny that “the obligation it attempted to collect from Plaintiff in 24 this matter was a ‘debt’ as defined in 15 U.S.C. § 1692a(5).” (*Id.* at 3-4.) Defendant 25 explains that it lacks sufficient information to admit or deny that Plaintiff incurred the 26 obligation at issue “primarily for a personal, family, or household purpose.” (*Id.* at 4.)

27 Section 1692a(5) defines the term “debt” to mean “any obligation or alleged 28 obligation of a consumer to pay money arising out of a transaction in which the money, 1 property, insurance, or services which are the subject of the transaction are primarily for 2 personal, family, or household purposes, whether or not such obligation has been reduced 3 to judgment.” That definition of “debt” is incorporated into Section 1692a(6)’s definition 4 of “debt collector.” Defendant’s amended response to RFA No. 1 includes a partial 5 admission and a detailed explanation as to why Defendant cannot admit or deny that it is a 6 debt collector as defined in Section 1692(a)(6) for purposes of this specific case, namely 7 that Defendant lacks reasonable access to information regarding the purposes for which 8 Plaintiff assumed the obligation at issue.

Defendant’s amended response complies with 9 Rule 36, and the Court will deny Plaintiff’s request to deem RFA No. 1 admitted. 10 Plaintiff’s RFA No. 2 asks Defendant to admit that it

communicated with Plaintiff 11 regarding an alleged debt. (Id. at 4.) Defendant's amended response admits that Defendant 12 communicated with Plaintiff regarding an outstanding debt owed by Plaintiff, but 13 Defendant states that it lacks sufficient information to determine whether the obligation it 14 attempted to collect was a "debt" as defined in 15 U.S.C. § 1692a(5).

(Id.) Defendant's 15 explanation for failing to fully admit or deny RFA No. 2 is sufficient, as Defendant lacks 16 reasonable access to information regarding the purposes for which Plaintiff assumed the 17 obligation at issue. Defendant's amended response complies with Rule 36, and the Court 18 will deny Plaintiff's request to deem RFA No. 2 admitted. 19 Plaintiff's RFA No. 5 asks Defendant to admit that it is not in possession of any debt 20 instrument signed by Plaintiff that evidences the alleged obligation.

(Id. at 5.) Defendant's 21 amended response admits that Defendant does not have an agreement bearing Plaintiff's 22 handwritten signature but avers that Defendant possesses documents sufficient to 23 substantiate the debt, Defendant's ownership of the same, and Plaintiff's obligation to pay. 24 (Id.) Defendant objects to and denies any implication that a signed "debt instrument" was 25 required.

(Id.) To the extent Plaintiff is seeking Defendant to admit that a signed "debt 26 instrument" is required under the Fair Debt Collection Practices Act, the request calls for 27 the admission of a pure legal conclusion, which is impermissible under Rule 36. 28 Defendant's amended response to RFA No. 5 complies with Rule 36, and the Court will 1 deny Plaintiff's request to deem RFA No. 5 admitted.

2 II. Motion for Sanctions 3 On January 21, 2026, Defendant filed a Motion for Extension of Deadlines, seeking 4 a 30-day extension of the pending deadlines in the Court's Scheduling Order. (Doc. 28.) 5 Defendant noted in the Motion that it had expended substantial time and resources 6 responding to Plaintiff's extensive discovery requests and motions. (Id. at 2.)

Defendant 7 further averred that defense counsel underwent surgery in December 2025, with 2.5 weeks 8 recovery time, and that the holiday season further impacted defense counsel's availability 9 to advance discovery. (Id.)

Finally, Defendant averred that it required additional time to 10 complete discovery in light of the Court's Order requiring amended responses to Plaintiff's 11 RFPs Nos. 1, 2, and 5. (Id. at 3.) The Court granted Defendant's Motion for Extension of 12 Deadlines, finding good cause for the 30-day time extension requested. (Doc. 32.) 13 In his Motion for Sanctions, Plaintiff seeks sanctions against Defendant under 14 Federal Rule of Civil Procedure 11, arguing that Defendant's Motion for Extension of 15 Deadlines was frivolous and misleading, and that it was presented for the improper purpose 16 of delay.

(Doc. 34.) Plaintiff argues that the Motion for Extension of Deadlines failed to 17 acknowledge that Defendant controlled the timing and substance of its discovery 18 responses, that Plaintiff's Motions were necessitated by Defendant's deficient discovery 19 responses, and that the Court had ruled on the cited Motions before the original discovery 20 cut-off.

(Id. at 3.) Plaintiff also complains that Defendant waited until two weeks before 21 the original discovery cut-off to seek a stipulation to extend time, and Plaintiff argues that 22 neither defense counsel's surgery nor the holiday season necessitated any delay in this case. 23 (Id. at 3-5.) 24 Defendant argues that Plaintiff's Motion for Sanctions is procedurally improper 25 because Federal Rule of Civil Procedure 11 expressly excludes discovery-related conduct 26 from its scope; that the Motion for Sanctions is legally unsupported; and that the Motion is 27 directly contradicted by the Court's prior ruling granting Defendant's Motion for Extension 28 of Deadlines upon a finding of good cause.

(Doc. 35.) Defendant asks the Court to deny 1 Plaintiff's Motion for Sanctions and award Defendant its reasonable attorneys' fees and 2 costs incurred in responding to the Motion. (Id. at 5.) 3 Rule 11(b) provides that, by presenting a written motion to the Court, "an attorney 4 or unrepresented party certifies that to the best of the person's knowledge, information, and 5 belief, formed after an inquiry reasonable under the circumstances," the motion is not being 6 presented for any improper purpose, the legal contentions in the motion are nonfrivolous, 7 the factual contentions have (or, if specifically so identified, likely will have) evidentiary 8 support, and the denials of factual contentions are warranted.

See Fed. R. Civ. P. 11(b). 9 The Court may impose appropriate sanctions for a violation of Rule 11(b). Fed. R. Civ. P. 10 11(c). However, Rule 11 "does not apply to disclosures and discovery requests, responses, 11 objections, and motions under Rules 26 through 37." Fed. R. Civ. P. 11(d). 12 The Court finds that Defendant's Motion for Extension of Deadlines was brought 13 under Rule 16(b)(4), which states that a scheduling order "may be modified only for good 14 cause and with the judge's consent." Accordingly, the Court is not convinced by 15 Defendant's argument that Plaintiff's Motion for Sanctions is procedurally improper based 16 on the exclusion in Rule 11(d) of discovery requests, responses, and objections, and 17 motions under Rules 26 through 37.

18 However, the Court agrees with Defendant that Plaintiff's Motion for Sanctions is 19 meritless. This Court already found that Defendant established good cause for the modest 20 30-day time extension sought in its Motion for Extension of Deadlines. (Doc. 32.) Plaintiff 21 has not shown that the Motion for Extension of Deadlines included any frivolous legal 22 contentions or any factual contentions that lacked evidentiary support, and although the 23 motion resulted in a modest extension of deadlines, Plaintiff has not shown that Defendant 24 brought the Motion for the improper purpose of causing needless delay.

25 In light of Plaintiff's pro se status, the Court declines at this time to grant 26 Defendant's request for an award of the fees and costs that Defendant incurred in 27 responding to Plaintiff's Motion for Sanctions.

However, the Court warns Plaintiff that if 28 he files another frivolous motion for sanctions in the future, the Court may require him to 1 || reimburse Defendant for the fees and costs incurred in responding. 2 IT IS ORDERED that Plaintiff's Motion to Deem Requests for Admission Nos. 1, || 2, and 5 Admitted (Doc. 31) and Plaintiff's Motion for Sanctions (Doc.

34) are denied. 4 Dated this 8th day of April, 2026. 5 6 ff 8 UGUELL Honorable Rosthiary
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