


1 3. Within twenty-one days of the May 18, 2018 hearing, plaintiff's attorney shall pay
2 defendant \$2,430 in sanctions.²

3 Dated: May 21, 2018

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7 DEBORAH BARNES
8 UNITED STATES MAGISTRATE JUDGE
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20 No motion to establish the admissions is needed because Federal Rule of Civil Procedure 36(a) is
21 self executing.” F.T.C. v. Medicor LLC., 217 F.Supp.2d 1048, 1053 (C.D. Cal. 2002) (citation
22 omitted); see also In re Pacific Thomas Corporation, 715 Fed. Appx. 778, 779 (9th Cir. 2018)
23 (“Rule 36 is self-executing, meaning that a party admits a matter by failing to serve a response to
24 the request within thirty days; the opposing party does not have to file a motion to deem the
25 matter admitted.”). “Once admitted, the matter ‘is conclusively established unless the court on
26 motion permits withdrawal or amendment of the admission’ pursuant to Rule 36(b).” Conlon v.
27 U.S., 474 F.3d 616, 621 (9th Cir. 2007) (quoting Fed. R. Civ. P. 36(b)). In this regard, plaintiff is
28 advised that the “proper procedural vehicle through which to attempt to withdraw admissions
made in these circumstances is a motion under Rule 36(b) to withdraw admissions.” Kalis v.
Colgate-Palmolive Co., 231 F.3d 1049, 1059 (7th Cir. 2000) (quotation omitted); see also In re
Carney, 258 F.3d 415, 419 (5th Cir. 2001) (“a deemed admission can only be withdrawn or
amended by motion in accordance with Rule 36(b)”).

² This cost is solely the responsibility of plaintiff's counsel and shall not be borne by the plaintiff.