

To date, Plaintiff has provided no responses to any of the discovery requests but, in relation to the two sets of Requests for Admission, filed on July 10, 2023, a Motion for Extension of Time to Respond. We will grant Defendants' motions to compel, though we now provide a brief discussion concerning disposition of the motions of each party concerning the Requests for Admission.

In light of Plaintiff's failure to respond to the Requests for Admission, we consider both Defendants' Motion to Deem Admitted and Plaintiff's Motion for Extension of Time in the context of Section (b) of Rule 4014 which reads, in pertinent part, as follows:

The matter is admitted unless, within thirty days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission an answer verified by the party or an objection, signed by the party or by the party's attorney.... Pa. R.C.P. 4014(b).

Further, a party on which a request for admission is served runs the risk the facts as set forth in the request will be conclusively binding on the party if the party chooses not to file an answer or file objections to the request. *Innovate, Inc. v. United Parcel Service, Inc.*, 418 A. 2d 720 (Pa. Super. 1980). Moreover, the mere failure to respond within 30 days to a request for admission is sufficient in and of itself for a matter in a request to be deemed admitted. *Joers v. City of Philadelphia*, 190 A. 3d 797 (Pa. Cmwlth. 2018).

In seeking an extension of time to answer the requests, Plaintiff correctly notes this Court has discretion to permit late responses to requests, see *Thomas v. Elash*, 781 A. 2d 170 (Pa. Super 2001), and that Defendants would suffer no apparent prejudice by allowing Plaintiff to respond now to the requests. However, Plaintiff has not provided an

explanation or excuse for having failed to respond. Additionally, the requests at issue do not appear to have a significant bearing on the ultimate outcome of this action as the requests seem to be in furtherance of the intended purpose of Rule 4014 to expedite the litigation process, see *Brinkley v. Woodland Village Restaurant, Inc.*, 652 A. 2d 865 (Pa. Super. 1995), rather than to ensnare Plaintiff in an admission dispositive of the case. For these reasons, we will deny Plaintiff's request for additional time to answer the requests and instead will grant Defendants' motion to deem the subject requests admitted. An Order incorporating this determination, along with the granting summarily of Defendant's other motions, now follows.

cc: *Written notice of the entry of the foregoing Order has been provided to each party pursuant to Pa. R.Civ.P. 236 (a)(2) by mailing time-stamped copies to:*

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