

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 827  
HOUSE BILL 1187

AN ACT TO AMEND RULE 37 OF THE RULES OF CIVIL PROCEDURE TO ALLOW THE IMPOSITION OF EXPENSES, UPON FAILURE TO ADMIT PURSUANT TO RULE 36, WITHOUT REQUIRING THE ESTABLISHMENT OF THE TRUTH OF THE MATTER IN QUESTION BY THE VERDICT OF A JURY.

The General Assembly of North Carolina enacts:

**Section 1.** Section 1A-1 of the General Statutes, Rule 37, is hereby amended by deleting paragraph (c) thereof, and substituting therefor the following:

"(c) Expenses on failure to admit. If a party fails to admit the genuineness of any document or the truth of any matter as requested under Rule 36, and if the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter, he may apply to the court for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees. The court shall make the order unless it finds that:

- (1) the request was held objectionable pursuant to Rule 36(a), or
- (2) the admission sought was of no substantial importance, or
- (3) the party failing to admit had reasonable ground to believe that he might prevail on the matter, or
- (4) there was other good reason for the failure to admit."

**Sec. 2.** This act shall be in full force and effect on and after January 1, 1975, and shall apply to actions and proceedings pending on that date as well as to actions and proceedings commenced on and after that date.

In the General Assembly read three times and ratified, this the 28th day of January, 1974.