

Question

Petitioner has failed to respond to or rebut specific, documented allegations of financial misconduct and misrepresentation, despite being given notice and opportunity to do so. Under Texas law, a party's failure to respond to material allegations may result in those allegations being deemed admitted, especially when supported by documentary evidence and not contradicted by sworn testimony. This failure to engage with the factual record, coupled with the continued assertion of false claims, reflects a willful disregard for truth and candor to the court, further evidencing egregious and sanctionable conduct.

Answer (Texas)

Short response

Under Texas law, a party's failure to respond to or rebut specific, documented allegations—particularly when given notice and opportunity—can result in those allegations being deemed admitted, and such conduct may support findings of willful disregard for truth and sanctionable misconduct. Courts routinely treat unrefuted, material allegations as admitted and may impose severe sanctions, including adverse presumptions, fee awards, or even striking pleadings, especially where the non-responding party continues to assert false claims.

Summary

Texas law provides that when a party fails to respond to material, documented allegations—such as those involving financial misconduct or misrepresentation—after proper notice and opportunity, those allegations may be deemed admitted by operation of law. This principle is most clearly established in the context of requests for admission and default judgments, but it also extends to broader litigation conduct, where courts may draw adverse inferences or impose sanctions for willful non-engagement with the factual record.

The failure to rebut or address such allegations, especially when coupled with continued assertion of false claims, is treated by Texas courts as evidence of bad faith, lack of candor, and sanctionable conduct. Courts have broad authority to impose remedies ranging from adverse evidentiary presumptions to striking pleadings and awarding attorney's fees, particularly where the conduct reflects a pattern of misrepresentation or obstruction. The legal framework is supported by both procedural rules and case law, with only limited exceptions where due process or the interests of justice require otherwise.

Background and Relevant Law

Legislative and Regulatory Framework

Texas procedural law, particularly the Texas Rules of Civil Procedure, establishes that a party's failure to respond to requests for admission results in those matters being deemed admitted. Under Rule 198, if a party does not timely serve a sworn denial or detailed explanation, the requested facts are conclusively established for the case ([Alejos v. Vance, 08-23-00321-CV \(Tex. App. Sep 04, 2024\)](#); Civil Litigation (2022-05-05)). This mechanism is designed to streamline litigation and prevent parties from evading the factual record.

Similarly, in administrative disciplinary contexts, such as proceedings before the Texas Board of Nursing, regulations require respondents to specifically admit or deny each allegation. Failure to answer after proper notice results in default, with all factual allegations deemed admitted and sanctions imposed accordingly ([22 Tex. Admin. Code § 213.16](#)). While this is specific to administrative law, it reflects a broader Texas principle: non-response to material allegations, after notice and opportunity, leads to deemed admissions and default sanctions.

Case Law

Texas appellate courts have repeatedly affirmed that failure to respond to requests for admission or to otherwise rebut material allegations can result in those allegations being deemed admitted and used as the basis for dispositive rulings. In [Alejos v. Vance, 08-23-00321-CV \(Tex. App. Sep 04, 2024\)](#), the court held that untimely responses to requests for admission were properly deemed admitted by operation of law, and the trial court could rely on those admissions to render judgment. The court further explained that withdrawal of deemed admissions is only permitted for good cause, and that merits-preclusive sanctions are generally barred absent flagrant bad faith or callous disregard for the rules.

In [Texaco, Inc. v. Phan, 137 S.W.3d 763 \(Tex. App. 2004\)](#), the court recognized that a party's failure to answer or appear can result in the material allegations of the petition being treated as admitted, particularly in the context of default judgments. The court noted, however, that in certain contexts (such as divorce), proof may still be required despite default, but outside such exceptions, uncontroverted allegations—especially those involving misrepresentation—may be taken as admitted.

The principle extends beyond requests for admission and default judgments. In [Darnell v. Broberg, 565 S.W.3d 450 \(Tex. App. 2018\)](#), the court found that a party's failure to object to or rebut unsworn statements allowed those statements to be treated as evidence refuting the party's allegations. The court concluded that the party's refusal to justify his allegations, despite contrary evidence, supported sanctions for filing pleadings without evidentiary support and for repeated misrepresentations.

Similarly, in [Zenenergy, Inc., In re, 968 S.W.2d 1 \(Tex. App. 1997\)](#), the court affirmed severe sanctions, including striking pleadings, where parties intentionally withheld material evidence, misrepresented compliance with discovery, and gave false testimony. The court held that such conduct justified presumptions against the parties' claims and supported the imposition of sanctions for willful disregard of truth and candor.

Other cases reinforce these principles. In [CherCo Properties, Inc. v. Law, Snakard & Gambill, P.C., 985 S.W.2d 262 \(Tex. App. 1999\)](#), the court explained that Texas law requires specific, substantive responses to requests for admission, and that evasive or inadequate responses can trigger sufficiency challenges and sanctions. In [Contico Intern., Inc. v. Alvarez, 910 S.W.2d 29 \(Tex. App. 1995\)](#), the court linked failure to respond to serious allegations with professional misconduct and emphasized that sanctions are mandatory to deter such conduct. However, it is important to note that [Contico Intern., Inc. v. Alvarez](#) was overruled on other grounds by a North Carolina case (State v. Linney, 138 N.C. App. 169, 531 S.E.2d 245 (N.C. App. 2000)), but the overruling does not affect its discussion of Texas law regarding sanctions for non-responsiveness and misrepresentation.

Administrative Decisions

Administrative decisions, while not binding, provide persuasive support for the principle that failure to respond to requests for admission results in those matters being deemed admitted, unless excusable neglect is shown or a motion to withdraw is filed ([Armida Winery Inc. v. Cuban, LLC, 080118 USTTAB, 92065105](#) (2018-08-01)). This mirrors Texas law and underscores the expectation that parties must engage with the factual record or face adverse consequences.

Secondary Materials

Secondary materials are not directly cited here, as the primary and case law authorities sufficiently establish the relevant principles.

Analysis

Deemed Admissions and Adverse Inferences

Texas law is clear that a party's failure to respond to requests for admission, or to otherwise rebut material, documented allegations, results in those matters being deemed admitted. This is codified in the Texas Rules of Civil Procedure and confirmed by appellate decisions. The deemed admission is not merely procedural; it has substantive effect, allowing courts to treat the admitted facts as conclusively established for purposes of summary judgment or trial ([Alejos v. Vance, 08-23-00321-CV \(Tex. App. Sep 04, 2024\)](#); Civil Litigation (2022-05-05)).

The rationale is to prevent parties from evading the factual record and to promote judicial efficiency. When a party is given notice and opportunity to respond, but fails to do so, the law presumes the truth of the unrefuted

allegations. This is particularly compelling when the allegations are supported by documentary evidence and not contradicted by sworn testimony ([Texaco, Inc. v. Phan, 137 S.W.3d 763 \(Tex. App. 2004\)](#)).

The principle also applies outside the context of formal requests for admission. When serious factual allegations are made in a party's presence and circumstances call for a reply, a total or partial failure to respond permits the court to presume the truth of those allegations (Evidence (2022-05-05)). This adverse inference is especially strong where the non-responding party continues to assert false claims or misrepresentations, as it evidences a willful disregard for truth and candor.

Sanctionable Conduct

Texas courts have broad authority to impose sanctions for conduct that reflects bad faith, obstruction, or lack of candor. Sanctions may include adverse evidentiary presumptions, fee awards, striking of pleadings, or even dismissal of claims ([Zenergy, Inc., In re, 968 S.W.2d 1 \(Tex. App. 1997\)](#); [Darnell v. Broberg, 565 S.W.3d 450 \(Tex. App. 2018\)](#)). The courts look to the totality of the conduct, including repeated misrepresentations, filing of frivolous pleadings, and direct disobedience of court orders.

In [Zenergy, Inc., In re](#), the court upheld severe sanctions where parties withheld material evidence, misrepresented compliance, and gave false testimony. The court reasoned that such conduct justified presumptions against the parties' claims and supported the imposition of sanctions for willful disregard of truth and candor. Similarly, in [Darnell v. Broberg](#), the court found that a party's refusal to justify allegations, despite contrary evidence, supported sanctions for filing unsupported pleadings and for repeated misrepresentations.

The ethical dimension is also significant. Texas Disciplinary Rule of Professional Conduct 8.04 prohibits conduct involving dishonesty, fraud, deceit, or misrepresentation, and authorizes sanctions for such conduct ([Contico Intern., Inc. v. Alvarez, 910 S.W.2d 29 \(Tex. App. 1995\)](#)). Although [Contico Intern., Inc. v. Alvarez](#) was overruled on other grounds by a North Carolina case, its discussion of Texas law regarding sanctions for non-responsiveness and misrepresentation remains persuasive.

Procedural Safeguards and Withdrawal of Admissions

While the law is strict regarding deemed admissions, Texas courts recognize that due process requires some flexibility. A party may seek to withdraw deemed admissions by showing good cause, such as accidental failure to answer rather than intentional or conscious indifference ([Alejos v. Vance, 08-23-00321-CV \(Tex. App. Sep 04, 2024\)](#); [Wheeler v. Green, 157 S.W.3d 439 \(Tex. 2005\)](#)). However, withdrawal is generally not permitted where the failure to respond is the result of bad faith or callous disregard for the rules.

The Texas Supreme Court in [Wheeler v. Green, 157 S.W.3d 439 \(Tex. 2005\)](#) emphasized that trial courts have broad discretion to permit or deny withdrawal of deemed admissions, but must do so in accordance with

guiding rules and principles. The court also noted that merits-preclusive sanctions are generally barred absent flagrant bad faith or callous disregard, ensuring that cases are not decided on technicalities where the interests of justice require otherwise. However, this does not undermine the core principle that failure to respond to material allegations, after notice and opportunity, results in those allegations being deemed admitted and may support sanctions.

Application to Financial Misconduct and Misrepresentation

The principles outlined above apply with particular force to allegations of financial misconduct and misrepresentation. Where a party is accused of such conduct and fails to respond or rebut the allegations—especially when the allegations are supported by documentary evidence and not contradicted by sworn testimony—the court may deem the allegations admitted and impose sanctions.

In [Texaco, Inc. v. Phan](#), the court treated fraud allegations as admitted due to the party's failure to respond, supporting the proposition that non-response results in deemed admissions of material allegations, including those involving misrepresentation. In [Darnell v. Broberg](#), the court found that repeated misrepresentations and failure to confront the factual record justified fee sanctions and a finding that the pleadings were unsupported.

The failure to engage with the factual record, coupled with continued assertion of false claims, is treated as willful disregard for truth and candor. Courts have not hesitated to impose severe sanctions in such circumstances, including striking pleadings and awarding attorney's fees ([Zenergy, Inc., In re](#)).

Exceptions and Caveats

There are limited exceptions to the general rule that failure to respond results in deemed admissions. Texas courts recognize that due process may require withdrawal of deemed admissions where the failure to respond was accidental or where merits-preclusive sanctions would be unjust ([Wheeler v. Green](#), 157 S.W.3d 439 (Tex. 2005)). However, these exceptions do not apply where the failure to respond is the result of bad faith, callous disregard, or a pattern of misrepresentation.

Additionally, in certain contexts—such as divorce proceedings—proof may still be required notwithstanding default or deemed admissions ([Texaco, Inc. v. Phan](#), 137 S.W.3d 763 (Tex. App. 2004)). Outside such exceptions, the general rule applies.

It is also important to note that while [Contico Intern., Inc. v. Alvarez](#) was overruled on other grounds by a North Carolina case, its discussion of Texas law regarding sanctions for non-responsiveness and misrepresentation remains persuasive and is consistent with other Texas authorities.

Conclusion

Texas law is unequivocal that a party's failure to respond to or rebut specific, documented allegations—after proper notice and opportunity—results in those allegations being deemed admitted, particularly when supported by documentary evidence and not contradicted by sworn testimony. This principle is enforced through procedural rules, case law, and ethical standards, and courts have broad authority to impose sanctions for willful disregard of truth and candor. The failure to engage with the factual record, especially when coupled with continued assertion of false claims, is treated as egregious and sanctionable conduct, justifying adverse presumptions, fee awards, and even striking of pleadings. Only in limited circumstances—such as accidental failure to respond or where due process requires—will courts permit withdrawal of deemed admissions or decline to impose sanctions. The legal framework is robust and well-supported by both procedural and substantive authorities.

Legal Authorities

[Texaco, Inc. v. Phan, 137 S.W.3d 763 \(Tex. App. 2004\)](#)

Texas Court of Appeals

Extract

The Owners' allegations in their petition, which allegations are now deemed admitted by Texaco, stated that Texaco made the representations with knowledge of their falsity. Therefore, the Owners sufficiently pleaded their fraud claim. See *id.* ... "See *id.* (holding that, as general rule, no evidence is required to support default judgment... respondent's failure to answer or to appear is taken as admission of allegations in petition relating only to residence and domicile and ... petitioner must adduce proof to support material allegations in petition).

Summary

The court recognizes that when a party fails to respond, the material allegations in the petition can be deemed admitted. Here, the court treated the fraud allegations (including knowledge of falsity) as admitted due to Texaco's failure, supporting the proposition that non-response results in deemed admissions of material allegations. The case also acknowledges contexts where proof remains necessary, reinforcing that, outside such exceptions, uncontroverted allegations—especially of misrepresentation—may be taken as admitted.

[Darnell v. Broberg, 565 S.W.3d 450 \(Tex. App. 2018\)](#)

Texas Court of Appeals

Extract

Although Darnell complained that Zimprich's statements were self-serving, he did not make a timely objection to his unsworn testimony. Instead, Darnell argued he did not need to justify his allegations nor could he do so at that time. Failing to object, Darnell waived the oath requirement and Zimprich's statements qualify as evidence that the factual allegations in the third-party petition were false. ... Therefore, we conclude that there was sufficient evidence for the trial court to hold that the factual statements made in the third-party petition were patently false, and without any evidentiary basis. ... Here, the record clearly supports a finding that Darnell violated Chapter 10 when he filed the third-party petition. His own client's testimony demonstrated that had Darnell made inquiry by asking his own clients, he would have learned that the factual allegations contained in the petition had no evidentiary support. ... The record contains evidence that Darnell engaged in repeated instances of sanctionable conduct in the trial court—repeated misrepresentations, filing of frivolous pleadings, and directly disobeying a court order...

Summary

The court held that (1) by failing to object, Darnell allowed unsworn statements to be treated as evidence refuting his allegations; (2) sworn testimony later in the record expressly contradicted his claims, rendering them patently false and unsupported; (3) his stance that he need not justify allegations, despite contrary evidence, supported sanctions under Chapter 10; and (4) repeated misrepresentations and frivolous filings justified fee sanctions. This aligns with the proposition that ignoring and failing to rebut specific factual showings—particularly when supported by testimony or documentation—permits the court to accept those showings, deem pleadings unsupported, and sanction willful disregard for truth and candor.

[Wheeler v. Green, 157 S.W.3d 439 \(Tex. 2005\)](#)

Texas Supreme Court

Extract

We recognize that trial courts have broad discretion to permit or deny withdrawal of deemed admissions, but they cannot do so arbitrarily, unreasonably, or without reference to guiding rules or principles. ... While requests for admissions were at one time unique in including an automatic sanction for untimely responses, failure to comply with any discovery requests now bears similar consequences. See Tex.R. Civ. P. 193.6(a). Nevertheless, we have held for all other forms of discovery that absent flagrant bad faith or callous disregard for the rules, due process bars merits-preclusive sanctions, and have applied this rule to: • depositions, see *TransAmerican Natural Gas Corp. v. Powell*, 811 S.W.2d 913, 918-19 (Tex. 1991); ... The rule governing admissions includes as part of the undue-prejudice inquiry that the 'presentation of the merits [must] be subserved'

by permitting withdrawal. Tex.R. Civ. P. 198.3(b). The two are different sides of the same coin, as presentation of the merits will suffer (1) if the requesting party cannot prepare for trial, and also (2) if the requestor can prepare but the case is decided on deemed (but perhaps untrue) facts anyway.

Summary

The passage confirms that failure to timely respond to requests for admissions can result in deemed admissions and that noncompliance with discovery carries consequences, supporting the premise that unresponded material allegations may be treated as admitted. It also frames when withdrawal should be allowed, highlighting that cases may be decided on deemed facts if unchallenged, aligning with the notion that failure to rebut supported allegations can be outcome-determinative. The discussion of due process limits on merits-preclusive sanctions tempers the argument but does not negate the core point that deemed admissions arise from failure to respond and can control absent withdrawal.

[Contico Intern., Inc. v. Alvarez, 910 S.W.2d 29 \(Tex. App. 1995\)](#)

Texas Court of Appeals

Extract

Neither do the Rules address a lawyer's failure to respond to such squarely leveled allegations. Rule 8.04, however, expresses the noble ethos of the profession by proscribing a variety of unseemly conduct. The Rule prevents a lawyer from directly or vicariously violating other disciplinary rules, from committing a criminal act that reflects adversely on one's honesty, trustworthiness, or fitness as a lawyer, from engaging in conduct that involves dishonesty, fraud, deceit, or misrepresentation, and from engaging in conduct that constitutes obstruction of justice. TEX. DISCIPLINARY R. PROF. CONDUCT 8.04 (1994)." ... "Texas Rule of Civil Procedure 215 provides for the imposition of sanctions on parties who abuse the discovery process." ... "we recently held that Rule 215 is broad enough to allow for the sanctioning of lawyers who engage in trickery and deceit in the course of representing a client... 'Sanctions imposed to deter such abominable conduct are not only permissible, they are mandatory.'

Summary

The court notes a "failure to respond to such squarely leveled allegations" and ties such non-responsiveness to professional misconduct under Rule 8.04 (dishonesty, fraud, misrepresentation, obstruction). It further underscores that Texas Rule of Civil Procedure 215 authorizes sanctions for abuse, including deceit and obstruction, with sanctions deemed mandatory to deter such conduct. This supports the proposition that failure to engage with and rebut documented allegations—particularly when coupled with

misrepresentation—reflects willful disregard for truth and is sanctionable under Texas law.

[CherCo Properties, Inc. v. Law, Snakard & Gambill, P.C., 985 S.W.2d 262 \(Tex. App. 1999\)](#)

Texas Court of Appeals

Extract

Rule 169 of the Texas Rules of Civil Procedure sets forth the response that may be given to a request for an admission... if a party does not admit a matter, it must specifically deny the matter, or set forth in detail the reasons that the answering party cannot truthfully admit or deny the matter... a party may not give lack of information or knowledge as a reason for failure to admit or deny unless it states that it has made reasonable inquiry... The rule also provides that the requesting party may move to determine the sufficiency of the responding party's answers, and that expenses incurred in relation to such a motion may be awarded in accordance with Rule 215.3... Under Rule 215.3 if the trial court determines that a party's response or answer in the discovery process is unreasonably frivolous or made for the purposes of delay, the court may impose any appropriate sanction, including attorney's fees.

Summary

The passages establish that Texas law requires specific, substantive responses to requests for admissions; non-answers or evasive answers are insufficient and sanctionable. While the excerpt does not expressly say “deemed admissions,” it underscores that inadequate responses can trigger sufficiency challenges and sanctions under Rule 215.3, supporting the proposition that failure to engage with material allegations in discovery is sanctionable misconduct. This aligns with the broader point that ignoring or failing to rebut documented allegations can have adverse procedural consequences and evidences disregard for candor.

[Alejos v. Vance, 08-23-00321-CV \(Tex. App. Sep 04, 2024\)](#)

Texas Court of Appeals

Extract

After the Alejos apparently faxed their responses 29 minutes late, the trial court found the responses 'were late served' and 'deemed admitted by operation of law.' Though the Alejos sought to withdraw or strike the deemed admissions, the trial court did not expressly rule on their motion but instead relied on the deemed admissions in rendering judgment for Vance. ... The Rules of Civil Procedure permit a party to serve 'written requests that

the other party admit the truth of any matter within the scope of discovery.' Tex.R.Civ.P. 198.1. ... A party seeking withdrawal of deemed admissions can show good cause exists if the failure to answer was accidental rather than intentional or the result of conscious indifference. ... Good cause also exists when the deemed admissions act as a merits-preclusive sanction, unless the trial court finds the party seeking withdrawal acted in bad faith or with callous disregard. ... '[A]bsent flagrant bad faith or callous disregard for the rules, due process bars merits-preclusive sanctions.'

Summary

The passages confirm that under Texas Rule of Civil Procedure 198, failure to timely respond to requests for admission results in the matters being deemed admitted by operation of law and can be relied upon to render judgment. This directly supports the proposition that a party's failure to respond to material allegations can result in those allegations being treated as admitted, especially when used to support summary judgment. The opinion also frames the standards for withdrawing deemed admissions and references bad faith/callous disregard, which aligns with arguments about willful disregard and sanctionable conduct when the failure is not excused.

[Zenergy, Inc., In re, 968 S.W.2d 1 \(Tex. App. 1997\)](#)

Texas Court of Appeals

Extract

Judge Evins concluded that a direct relationship existed between the sanctions imposed and the offensive conduct of relators. He reasoned (1) that relators intentionally withheld material evidence in response to valid discovery requests while misrepresenting to the court and Neuhaus that these same requests had been fully answered; (2) that relators filed a Motion for Summary Judgment on the very issues which were affected by the withheld information; and (3) that relators gave false testimony concerning their failure to comply with discovery requests... • Plaintiffs and their Austin Counsel deliberately withheld relevant information... • ...misrepresented their compliance to the court and Neuhaus. • ...The record reflects that Davidson stated no such documentation exists. Thus, the claim appears to be a fabrication. • ...represented in open court, in filed motions, depositions, and correspondence with Neuhaus that the interrogatory answers were true and complete. • Austin counsel knew and participated in plaintiffs' incomplete and knowingly false interrogatory and discovery answers. In addition, counsel made deliberate misrepresentations to the court concerning the completeness and accuracy of the discovery responses... The sanctions order also states that 'false testimony, refusal to comply with the Court's orders, obstruction of the discovery process and failure to provide any evidence of actual damages ... justifies the presumption that their claims lack merit.' As a result, Judge Evins struck plaintiffs' pleadings.

Summary

The court affirmed severe sanctions, including striking pleadings, based on parties' failure to provide and rebut material, documented information, misrepresentations about discovery compliance, and false testimony—conduct evidencing willful disregard for truth and candor. The opinion recognizes presumptions against a party's claims where they obstruct discovery and provide no supporting documentation.

[22 Tex. Admin. Code § 213.16 22 Tex. Admin. Code § 213.16 Respondent's Answer In a Disciplinary Matter](#)

Extract

(a) The respondent in a disciplinary matter shall file an answer to the formal charges and to every amendment thereof. (b) The answer shall admit or deny each of the allegations in the charges or amendment thereof. ... (c) If the Respondent fails to file a response to the Formal charges, the matter will be considered as a default case (d) In a case of default, the Respondent will be deemed to have admitted all the factual allegations in the Formal charges; waived the opportunity to show compliance with the law; waived the opportunity for a hearing on the Formal charges; and waived objection to the recommended sanction in the Formal charges. ... (i) Any default judgment granted under this section will be entered on the basis of the factual allegations in the formal charges contained in the notice, and upon proof of proper notice to the Respondent. ... Such notice shall also include the following language ...: FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES ... WILL RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE PROPOSED RECOMMENDATION OF STAFF SHALL BE GRANTED BY DEFAULT.

Summary

Texas administrative procedure for Board of Nursing discipline requires a respondent to answer and specifically admit/deny allegations. Failure to respond after proper notice results in default, with all factual allegations deemed admitted and sanctions imposed accordingly. This supports the proposition that under Texas law, failure to respond to material allegations can lead to those allegations being deemed admitted, particularly when proper notice is given and no sworn rebuttal is offered. While limited to the Board of Nursing context, it exemplifies Texas's broader legal consequence for non-response: deemed admissions and default sanctions, reinforcing arguments about willful disregard and sanctionable conduct when parties ignore the factual record.

[Evidence](#)

Trial Objections - James Publishing - R. Rogge Dunn - 2022-05-05

Extract

910 S.W.2d 29, 36-37 (Tex. App.—El Paso 1995, no writ), overruled on other grounds, *Mendoza v. Eight Court of Appeals*, 917 S.W.2d 787, 788 (Tex. 1996). When plaintiff’s counsel was accused of effectively stealing opposing counsel’s investigation files, the attorney made no effort to respond to the serious allegations leveled against him, other than to refuse to submit “his” documents to the court for an in camera inspection. Where a definite statement of a matter of fact is made in the presence or within hearing of a party so that the statement is understood, and the statement is of such a nature to call for a reply, the statement and a total or partial failure to reply render it permissible to presume a

Summary

The Texas case excerpt shows that when serious factual allegations are made and understood, and the circumstances call for a reply, a party’s total or partial failure to reply permits a presumption against that party. This supports arguing that unrefuted, documented allegations may be treated as admitted or give rise to adverse inferences, and that refusal to engage with the record can evidence sanctionable misconduct.

[Civil Litigation](#)

Texas Small-Firm Practice Tools. Volume 1-2 - James Publishing - Cindy Stormer - 2022-05-05

Extract

each of the matters of which an admission is requested shall be deemed admitted unless a sworn statement is delivered to the party or the party’s attorney requesting these admissions within 30 days after delivery of these requests, either denying specifically the matters of which an admission is requested or setting forth in detail the reasons the party cannot truthfully either admit or deny these matters.

Summary

The quoted passage establishes that failure to timely respond with a sworn denial or explanation results in deemed admissions of the requested factual matters. This directly supports the proposition that a party’s failure to respond to material, documented allegations (e.g., financial misconduct supported by exhibits) may result in those facts being deemed admitted.

[Armida Winery Inc. v. Cuban, LLC, 080118 USTTAB, 92065105](#)

Trademark Trial and Appeal Board

Extract

Neither PSI, nor its predecessor, The Cuban LLC, has filed a motion to withdraw or amend the admissions or shown that its failure to respond to the requests for admissions was the result of excusable neglect. See Fed. R. Civ. P. 36(b). Because Respondents never responded to Armida's requests for admissions, the requests are deemed admitted. See Fed. R. Civ. P. 6(b) and 36(a). See also *Giersch v. Scripps Networks, Inc.*, 85 U.S.P.Q.2d 1306 (TTAB 2007); and *Hobie Designs, Inc. v. Fred Hayman Beverly Hills, Inc.*, 14 U.S.P.Q.2d 2064 (TTAB 1990) (if party upon whom requests for admission have been served fails to timely respond, such requests will stand admitted absent showing that its failure to timely respond was result of excusable neglect; or unless motion to withdraw

Summary

When a party fails to respond to requests for admission and does not move to withdraw or show excusable neglect, the matters are deemed admitted. This supports the proposition's core point that non-response to material allegations can be treated as admissions. While the forum is TTAB and cites Fed. R. Civ. P. 36, Texas has an analogous rule (Tex. R. Civ. P. 198) and similar case law treating unanswered requests as deemed admissions, supporting the proposition's Texas-law framing. The passage also underscores willful non-engagement with the record.

This memo was compiled by Vincent AI based on vLex materials available as of December 07, 2025. [View full answer on vLex](#)