

News & Insights

Oklahoma City Attorney Allie Crawley for the Journal Record - Beware: Miscalculation of Response Deadlines is Not A Defense to the Consequences of an Untimely Response.

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https://journalrecord.com/2025/11/12/gavel-to-gavel-oklahoma-rfa-deadlines/

Missing a deadline in Oklahoma state court typically comes with consequences. One of the most severe is the admission of a request for admission ("RFA") in discovery. Oklahoma law provides that once an RFA is served on a party, "[t]he matter is admitted unless, within thirty (30) 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 a written answer or objection addressed to the matter …" 12 O.S. § 3236(A).

The 30-day response deadline is common knowledge to Oklahoma attorneys. The trigger for calculating the 30-day period, however, may not be. Under Oklahoma law, except for service of the summons and the original petition, service by mail of pleadings and other papers is complete upon mailing. See 12 O.S. § 2005(B)(4). Attorneys must consider this initiating event when calculating deadlines.

The consequences of such miscalculation are evident in a recent Court of Civil Appeals ("COCA") ruling. In *Hughbanks v. BancCentral, National Association*, the RFAs at issue were mailed to Plaintiff on June 18, 2024, but were not received by Plaintiff's attorney until June 26, 2024. *See Hughbanks v. BancCentral, National Association*, No. 122,864, slip op. (COCA Div. III July 24, 2025) (unpublished). Plaintiff claimed his responses, hand-delivered on July 26, 2024, were timely, as they were delivered 30 days from receipt of the RFAs. The COCA disagreed, emphasizing that the date Plaintiff received the RFAs does not trigger the calculation of the deadline to respond. The COCA affirmed the trial court's order, admitting the untimely responses, and confirmed the trial court's order was "predicated on a strict interpretation of the law and is supported by the fact that [Plaintiff] failed to seek additional time in which to respond or to provide persuasive facts excusing his failure to timely respond." *Id.*, at ¶ 6.

The consequences of admission through an untimely response can be fatal, as any matter admitted, "is conclusively established unless the court on motion permits withdrawal or amendment of the admission." 12 O.S. § 3236(B). *Hughbanks* serves as a reminder that Oklahoma courts strictly interpret the law

regarding service and response deadlines, and miscalculation of response deadlines is not a defense to an untimely response.

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