REQUESTS FOR ADMISSION.[1]

Under the law of our state, one party is permitted before trial to ask another party to admit the truth of facts relevant to the lawsuit. The [plaintiff *(name plaintiff)*] [defendant *(name defendant)*] has introduced into evidence certain "requests for admission" which have been identified as [plaintiff's] [defendant's] exhibit number ____. These were presented to the [defendant *(name defendant)*] [plaintiff *(name plaintiff)*] to give *him* an opportunity to deny or challenge them.

[*He* did not do so.[2]]

[*He* admitted them.]

As a result, you are to take the facts stated in [plaintiff's] [defendant's] exhibit number ____ as true for the purposes of this case.

[You are not to consider one party's [admission of facts] [failure to respond to a request] as evidence against any other party.][3]

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[1]N.C.G.S. § 1A-1, Rule 36.

[2]Any matter admitted under this rule is conclusively established, unless the court on motion allows an amendment or a withdrawal of an admission. That an admission may be withdrawn with the court's permission is clearly within the judge's discretion. Whitley v. Coltraine, 65 N.C. App. 679, 309 S.E.2d 712 (1983). An admission to a request, in form and substance, is comparable to an admission in pleadings or a stipulation drafted by counsel for use at trial. See Comment following N.C.G.S. § 1A-1, Rule 36.

[3]Facts admitted by one defendant are not binding on a co-defendant. Barclays Am. Fin., Inc. v. Haywood, 65 N.C. App. 387, 308 S.E.2d 921 (1983).