

Minutes
Civil Commission
Work Group on Civil Rules and Statutes
225 Spring Street, Room 204
Wethersfield, CT
Monday, February 23, 2015
1:30 p.m.

Those attending: Hon. Barbara Bellis; Hon. Marshall Berger;
Those attending by conference call: Atty. Catherine Nietzel; Atty. Jonathan Orleans; and Atty. William Sweeney.

1. Welcome – The meeting was called to order at 1:35 p.m.
2. Approval of Minutes of January 16, 2015 – No action taken. The group did discuss briefly a matter on the agenda from the last meeting regarding an offer of compromise. The group at the last meeting had discussed amending Section 13-14 of the Practice Book to add a provision permitting the judicial authority to strike an offer of compromise in accordance with the appellate decision in the Yeager v. Alvarez case. When the workgroup talked about this with the full commission in December, it was suggested that the rule should include an option for the judicial authority to issue an order striking an offer of compromise and also to issue an order allowing the plaintiff or the defendant to amend an offer of compromise because of intentional deprivation by the opposing party of information sought through the discovery process. The group discussed whether it was possible to file more than one offer of compromise. Section 52-192a refers to an offer in the singular, but it does not explicitly limit the number of offers. Also, an offer expires after thirty days. A major question is when does the interest start to run when a party files a second or an amended offer of compromise. That question could be answered in the court's order. The group briefly discussed the difference between the defendant's offer of compromise, which is pending for sixty days, and the plaintiff's offer, which is available for only thirty days. The statute was amended in 2005 to shorten the time for the plaintiff's offer. This will be discussed at the next meeting.
3. Discuss proposal on obtaining documents from a third-party witness without a deposition – The group discussed this proposal general, including whether the rule should be applicable to parties or non-parties only, preventing the rule from being used as a means of shortening the response time permitted for the production of documents by a party and whether the entire subpoena rules/statutes should be rewritten and simplified. The group will look at Federal Rule 45 in connection with drafting the subpoena for documents rule.
4. Discuss Extension of Time (Motions and Requests) – The group discussed the proposal to extend the time within which a party must respond to interrogatories and requests for production to sixty days and remove the provision regarding the request for a thirty day extension. The consensus was that people almost routinely request the additional thirty

days, and making the original deadline sixty days could help. The group also briefly discussed the section of the rule requiring an affidavit that the parties have attempted to resolve any objection, and the consensus was that the conferral requirement can be helpful and should remain in the rule.

The group then discussed the portion of the proposal that extended the time for the motion for summary judgment to be placed on the calendar to forty-five days after the filing of the motion. After discussion, the group decided that sixty days was a more realistic time frame. The group also discussed separating the rule into two sections: one, for the filing of the motion and supporting documents; and a second section for the filing of the response.

5. Discuss Out-of-State Deposition process – This proposal will be discussed at a subsequent meeting.
6. The group briefly discussed the provision on demands for disclosure of defense, the impact of mediation on such demands, and whether an answer serves the same purpose. The workgroup decided not to propose any revision to the existing process.

Meeting adjourned at 3:20 p.m.