

**MINUTES  
BENCH-BAR FORECLOSURE COMMITTEE  
SUBCOMMITTEE RE MOTIONS TO OPEN JUDGMENT**

**September 19, 2012**

Members in attendance: Attorney Robert Frankel, Chair, Attorney Denis Caron, Attorney Geoffrey Milne, Hon. Douglas Mintz, Attorney Raphael Podolsky, Attorney Adam Bendett

Attorney Frankel called the meeting to order at 2:00 P.M.

**1. Practice Book § 17-4(c)(2) Referral to Foreclosure Mediation after Motion to Open Judgment has been entered.**

Members began discussing what issues arise when a motion to open judgment is filed and a case is referred to mediation upon the granting of the motion to open. Is there concern that the case could be dismissed while in mediation? Members discussed whether the rule only applies when a motion to open is filed by a plaintiff, not a defendant. Question whether all courts are applying the rule in the same way.

Motion made to recommend to the full committee that there be an amendment to subsection (c)(2) of the rule to change the first sentence to begin "When a motion to open judgment is filed by the plaintiff pursuant to this section . . ." and change the beginning of the second sentence to "Unless otherwise ordered by the court . . ." The motion was seconded and approved by all subcommittee members.

**2. C.G.S. §49-15 Referral to Mediation after Judgment automatically reopened because of filing of Bankruptcy Petition.**

The members began discussing C.G.S. §49-15. It was noted that even though the judgment is opened automatically, the provisions of the judgment are not set aside, just the law day. A new appraisal and an affidavit of debt would be necessary. The members decided they no longer had concerns about this statute.

Meeting adjourned at 2:33 PM