

# Appendix A

**Practice Book Revisions**  
**Proposed by the**  
**Rules Committee of the Superior Court**

---

**PROPOSED AMENDMENTS TO THE GENERAL PROVISIONS  
OF THE SUPERIOR COURT RULES**

**(NEW) Sec. 2-13A. Military Spouse Temporary Licensing**

**(a) Qualifications.** An applicant who meets all of the following requirements listed in (1) through (11) may be temporarily licensed and admitted to the practice of law in Connecticut, upon approval of the bar examining committee. The applicant:

(1) is the spouse of an active duty service member of the United States Army, Navy, Air Force, Marine Corps or Coast Guard and that service member is or will be stationed in Connecticut due to military orders;

(2) is licensed to practice law before the highest court in at least one state or territory of the United States or in the District of Columbia;

(3) is currently an active member in good standing in every jurisdiction to which the applicant has been admitted to practice, or has resigned or become inactive or had a license administratively suspended or revoked while in good standing from every jurisdiction without any pending disciplinary actions;

(4) is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;

(5) meets the educational qualifications required to take the examination in Connecticut;

(6) possesses the good moral character and fitness to practice law required of all applicants for admission in Connecticut;

(7) has passed an examination in professional responsibility administered under the auspices of the bar examining committee or has

completed a course in professional responsibility in accordance with the regulation of the bar examining committee;

(8) is or will be physically residing in Connecticut due to the service member's military orders;

(9) has not failed the Connecticut bar examination within the past five years;

(10) has not had an application for admission to the Connecticut bar or the bar of any state, the District of Columbia or United States territory denied on character and fitness grounds; and

(11) has not failed to achieve the Connecticut scaled score on the Uniform Bar Examination administered within any jurisdiction within the past five years.

**(b) Application Requirements.** Any applicant seeking a temporary license to practice law in Connecticut under this section shall file a written application and payment of such fee as the bar examining committee shall from time to time determine. Such application, duly verified, shall be filed with the administrative director of the bar examining committee and shall set forth his or her qualifications as hereinbefore provided. In addition, the applicant shall file with the bar examining committee the following:

(1) a copy of the applicant's Military Spouse Dependent Identification and documentation evidencing a spousal relationship with the service member;

(2) a copy of the service member's military orders to a military installation in Connecticut or a letter from the service member's com-

mand verifying that the requirement in subsection (a) (8) of this section is met;

(3) certificate(s) of good standing from the highest court of each state, the District of Columbia or United States territory to which the applicant has been admitted, or proof that the applicant has resigned, or become inactive or had a license administratively suspended or revoked while in good standing;

(4) an affidavit from the applicant, certifying whether such applicant has a grievance pending against him or her, has ever been reprimanded, suspended, placed on inactive status, disbarred, or has ever resigned from the practice of law, and, if so setting forth the circumstances concerning such action; and

(5) affidavits from two attorneys who personally know the applicant certifying to his or her good moral character and fitness to practice law.

**(c) Duration and Renewal.**

(1) A temporary license to practice law issued under this rule will be valid for three years provided that the temporary attorney remains a spouse of the service member and resides in Connecticut due to military orders or continues to reside in Connecticut due to the service member's immediately subsequent assignment specifying that dependents are not authorized to accompany the service member. The temporary license may be renewed for one additional two year period.

(2) A renewal application must be submitted with the appropriate fee as established by the bar examining committee and all other documentation required by the bar examining committee, including a copy of the service member's military orders. Such renewal application shall

be filed not less than thirty (30) days before the expiration of the original three year period.

(3) A temporarily licensed attorney who wishes to become a permanent member of the bar of Connecticut may apply for admission by examination or for admission without examination for the standard application fee minus the application fee paid to the committee for the application for temporary license, not including any fees for renewal.

**(d) Termination.**

(1) Termination of Temporary License. A temporary license shall terminate, and an attorney shall cease the practice of law in Connecticut pursuant to that admission, unless otherwise authorized by these rules, thirty days after any of the following events:

(A) the service member's separation or retirement from military service;

(B) the service member's permanent relocation to another jurisdiction, unless the service member's immediately subsequent assignment specifies that the dependents are not authorized to accompany the service member, in which case the temporary attorney may continue to practice law in Connecticut as provided in this rule until the service member departs Connecticut for a permanent change of station where the presence of dependents is authorized;

(C) the attorney's permanent relocation outside of the state of Connecticut for reasons other than the service member's relocation;

(D) upon the termination of the temporary attorney's spousal relationship to the service member;

(E) the attorney's failure to meet the annual licensing requirements for an active member of the bar of Connecticut;

(F) the attorney's request;

(G) the attorney's admission to practice law in Connecticut by examination or without examination;

(H) the attorney's denial of admission to the practice of law in Connecticut; or

(I) the death of the service member.

Notice of one of the events set forth in subsection (d) (1) must be filed with the bar examining committee by the temporarily admitted attorney within thirty (30) days of such event. Notice of the event set forth in subsection (d) (1) (I) must be filed with the bar examining committee by the temporarily admitted attorney within thirty (30) days of the event, and the attorney shall cease the practice of law within one year of the event. Failure to provide such notice by the temporarily admitted attorney shall be a basis for discipline pursuant to the Rules of Professional Conduct for attorneys.

(2) Notice of Termination of Temporary License. Upon receipt of the notice required by subsection (d) (1), the bar examining committee shall forward a request to the statewide bar counsel that the license under this chapter be revoked. Notice of the revocation shall be mailed by the statewide bar counsel to the temporarily admitted attorney.

(3) Notices Required. At least sixty (60) days before termination of the temporary admission, or as soon as possible under the circumstances, the attorney shall:

(A) file in each matter pending before any court, tribunal, agency or commission a notice that the attorney will no longer be involved in the case; and

(B) provide written notice to all clients receiving representation from the attorney that the attorney will no longer represent them.

**(e) Responsibilities and Obligations.** An attorney temporarily admitted under this section shall be subject to all responsibilities and obligations of active members of the Connecticut bar, and shall be subject to the jurisdiction of the courts and agencies of Connecticut, and shall be subject to the laws and rules of Connecticut governing the conduct and discipline of attorneys to the same extent as an active member of the Connecticut bar. The attorney shall maintain participation in a mentoring program provided by a state or local bar association in the state of Connecticut.

COMMENTARY: This rule permits an attorney licensed in another jurisdiction, who is the spouse of an active military member, to be temporarily licensed and admitted to practice law in Connecticut.

#### **Sec. 2-68. Client Security Fund Established**

(a) A client security fund is hereby established to promote public confidence in the judicial system and the integrity of the legal profession by reimbursing clients, to the extent provided for by these rules, for losses resulting from the dishonest conduct of attorneys practicing law in this state in the course of the attorney-client relationship [and], by providing crisis intervention and referral assistance to attorneys admitted to the practice of law in this state who suffer from alcohol or other substance abuse problems or gambling problems, or who have



behavioral health problems and by making grants-in-aid to the organization administering the program for the use of interest earned on lawyers' clients' funds accounts pursuant to General Statute § 51-81c, for the purpose of funding the delivery of legal services to the poor.

(b) It is the obligation of all attorneys admitted to the practice of law in this state to participate in the collective effort to reimburse clients who have lost money or property as the result of the unethical and dishonest conduct of other attorneys [and], to provide crisis intervention and referral assistance to attorneys admitted to the practice of law in this state who suffer from alcohol or other substance abuse problems or gambling problems, or who have behavioral health problems and to fund the delivery of legal services to the poor.

(c) The client security fund is provided as a public service to persons using the legal services of attorneys practicing in this state and as a means of providing crisis intervention and referral assistance to impaired attorneys, and grants-in-aid for the purpose of funding the delivery of legal services to the poor. All moneys and assets of the fund shall constitute a trust.

(d) The establishment, administration and operation of the fund shall not impose or create any obligation, expectation of recovery from or liability of the fund to any claimant [or], attorney or organization, and all reimbursements therefrom shall be a matter of grace and not of right.

COMMENTARY: The changes to this section implement the provisions of Public Act 16-26 which authorized the Client Security Fund to be used to make grants-in-aid to the organization administering the program for the use of interest on lawyers' clients' funds accounts

pursuant to General Statutes § 51-81c, for the purpose of funding the delivery of legal services to the poor, in addition to its other purposes of reimbursing claims for losses caused by the dishonest conduct of attorneys and for crisis intervention and referral assistance to attorneys admitted in Connecticut who suffer from alcohol or other substance abuse or gambling problems or who have behavioral health problems.

**Sec. 2-70. —Client Security Fund Fee**

(a) The judges of the superior court shall assess an annual fee in an amount adequate for the proper payment of claims, ~~[and] the provision of crisis intervention and referral assistance, and for making grants-in-aid for the purpose of funding the delivery of legal services to the poor~~ under these rules and the costs of administering the client security fund. Such fee, which shall be \$75, shall be paid by each attorney admitted to the practice of law in this state and each judge, judge trial referee, state referee, family support magistrate, family support referee and workers' compensation commissioner in this state. Notwithstanding the above, an attorney who is disbarred, retired, resigned, or serving on active duty with the armed forces of the United States for more than six months in such year shall be exempt from payment of the fee, and an attorney who does not engage in the practice of law as an occupation and receives less than ~~[\$450]~~ \$1000 in legal fees or other compensation for services involving the practice of law during the calendar year shall be obligated to pay one-half of such fee. No attorney who is disbarred, retired or resigned shall be reinstated pursuant to Sections 2-53 or 2-55 until such time as the

attorney has paid the fee due for the year in which the attorney retired, resigned or was disbarred.

(b) An attorney or family support referee who fails to pay the client security fund fee in accordance with this section shall be administratively suspended from the practice of law in this state pursuant to Section 2-79 of these rules until such payment, along with a reinstatement fee of \$75, has been made. An attorney or family support referee who is under suspension for another reason at the time he or she fails to pay the fee, shall be the subject of an additional suspension which shall continue until the fee and reinstatement fee are paid.

(c) A judge, judge trial referee, state referee, family support magistrate or workers' compensation commissioner who fails to pay the client security fund fee in accordance with this section shall be referred to the judicial review council.

COMMENTARY: The changes to this section implement the provisions of Public Act 16-26 which authorized the Client Security Fund to be used to make grants-in-aid to the organization administering the program for the use of interest on lawyers' clients' funds accounts pursuant to General Statutes § 51-81c, for the purpose of funding the delivery of legal services to the poor, in addition to its other purposes of reimbursing claims for losses caused by the dishonest conduct of attorneys and for crisis intervention and referral assistance to attorneys admitted in Connecticut who suffer from alcohol or other substance abuse or gambling problems or who have behavioral health problems.

**Sec. 2-73. —Powers and Duties of Client Security Fund Committee**

In addition to any other powers and duties set forth in Sections 2-68 through 2-81, the client security fund committee shall:

(a) Publicize its activities to the public and bar, including filing with the chief justice and the executive committee of the superior court an annual report on the claims made and processed and the amounts disbursed.

(b) Receive, investigate and evaluate claims for reimbursement.

(c) Determine in its judgment whether reimbursement should be made and the amount of such reimbursement.

(d) Prosecute claims for restitution against attorneys whose conduct has resulted in disbursements.

(e) Employ such persons and contract with any public or private entity as may be reasonably necessary to provide for its efficient and effective operations, which shall include, but not be limited to, the investigation of claims and the prosecution of claims for restitution against attorneys.

(f) Pay to the chief court administrator for the provision of crisis intervention and referral assistance to attorneys admitted to the practice of law in this state who suffer from alcohol or other substance abuse problems or gambling problems, or who have behavioral health problems, any amounts required pursuant to Section 2-77.

(g) Pay to the chief court administrator for making grants-in-aid to the organization administering the program for the use of interest earned on lawyers' clients' funds accounts pursuant to General Stat-

utes § 51-81c, for the purpose of funding the delivery of legal services to the poor, any amounts required pursuant to Section 2-77.

[(g)](h) Perform all other acts necessary or proper for the fulfillment of the purposes and effective administration of the fund.

COMMENTARY: The changes to this section implement the provisions of Public Act 16-26 which authorized the Client Security Fund to be used to make grants-in-aid to the organization administering the program for the use of interest on lawyers' clients' funds accounts pursuant to General Statutes § 51-81c, for the purpose of funding the delivery of legal services to the poor, in addition to its other purposes of reimbursing claims for losses caused by the dishonest conduct of attorneys and for crisis intervention and referral assistance to attorneys admitted in Connecticut who suffer from alcohol or other substance abuse or gambling problems or who have behavioral health problems.

**Sec. 2-77. —Review of Status of Fund**

The client security fund committee shall periodically analyze the status of the fund, the approved claims and the pending claims, [and] the cost to the fund of providing crisis intervention and referral assistance to attorneys, and the cost to the fund of funding the delivery of legal services to the poor, to ensure the integrity of the fund for its intended purposes. Based upon the analysis and recommendation of the client security fund committee, the judges of the superior court may increase or decrease the amount of the client security fund fee and the superior court executive committee may fix a maximum amount on reimbursements payable from the fund.

The amount paid from the fund in any calendar year to the chief court administrator for the provision of crisis intervention and referral assistance to attorneys shall not exceed 15.9 percent of the amount received by the fund from payments of the client security fund fee in the prior calendar year. If less than the 15.9 percent maximum amount is paid from the fund in any calendar year for the provision of crisis intervention and referral assistance to attorneys, the remaining amount may not be carried over and added to the amount that may be paid from the fund for that purpose in any other year.

By April 1 of each year, the client security fund committee shall recommend to the chief court administrator the amount of funds available to be paid for making grants-in-aid for the purpose of funding the delivery of legal services to the poor. The chief court administrator shall review the recommendation of the client security fund committee and any other relevant information and determine and advise the client security fund committee of the amount of funds to be used for making grants-in-aid for the purpose of funding the delivery of legal services to the poor.

COMMENTARY: The changes to this section implement the provisions of Public Act 16-26 which authorized the Client Security Fund to be used to make grants-in-aid to the organization administering the program for the use of interest on lawyers' clients' funds accounts pursuant to General Statutes § 51-81c, for the purpose of funding the delivery of legal services to the poor, in addition to its other purposes of reimbursing claims for losses caused by the dishonest conduct of attorneys and for crisis intervention and referral assistance to attorneys

admitted in Connecticut who suffer from alcohol or other substance abuse or gambling problems or who have behavioral health problems.

**Sec. 7-11. –Judgments on the Merits-Stripping and Retention**

(a) With the exception of actions which affect the title to land and actions which have been disposed of pursuant to Section 7-10, the files in civil, family and juvenile actions in which judgment has been rendered may be stripped and destroyed pursuant to the schedule set forth in subsection (d) below, except that requests relating to discovery, responses and objections thereto may be stripped after the expiration of the appeal period.

(b) When a file is to be stripped, all papers in the file shall be destroyed except:

- (1) The complaint, including any amendment thereto, substituted complaint or amended complaint;
- (2) All orders of notice, appearances and officers' returns;
- (3) All military or other affidavits;
- (4) Any cross complaint, third-party complaint, or amendment thereto;
- (5) All responsive pleadings;
- (6) Any memorandum of decision;
- (7) The judgment file or notation of the entry of judgment, and all modifications of judgment;
- (8) All executions issued and returned.

(c) Upon the expiration of the stripping date, or at any time if facilities are not available for local retention, the file in any action set forth in subsection (d) may be transferred to the records center or other proper

designated storage area, where it shall be retained for the balance of the retention period. Files in actions concerning dissolution of marriage or civil union, legal separation, or annulment may, upon agreement with officials of the state library, be transferred to the state library at the expiration of their retention period.

(d) The following is a schedule which sets forth when a file may be stripped and the length of time the file shall be retained. The time periods indicated below shall run from the date judgment is rendered, except receivership actions or actions for injunctive relief, which shall run from the date of the termination of the receivership or injunction.

<i>Type of Case</i>	<i>Stripping Date</i>	<i>Retention Date</i>
(1) Administrative appeals		3 years
(2) Contracts (where money damages are not awarded)	1 year	20 years
(3) Eminent domain (except as provided in Section 7-12)		10 years
(4) Family		
-Dissolution of marriage or civil union, legal separation, annulment and change of name	5 years	75 years
-Delinquency		Until subject is 25 years of age
-Family with service needs		Until subject is 25 years of age
-Termination of parental rights		Permanent
-Neglect and uncared for		75 years
-Emancipation of minor		5 years
-Orders in relief from physical abuse (General Statutes § 46b-15)		5 years
-Other		75 years



(5)	Family support magistrate matters	75 years
	-Uniform reciprocal enforcement of support	[6 years after youngest child reaches majority age or after activity ceases, whichever is shorter, subject to federal law on filing an amended tax return] <u>75 years</u>
	-Uniform interstate Family Support Act	[6 years after youngest child reaches majority age or after activity ceases, whichever is shorter, subject to federal law on filing an amended tax return] <u>75 years</u>
(6)	Landlord/Tenant	
	-Summary process	3 years
	-Housing code enforcement (General Statutes § 47a-14h)	5 years
	-Contracts/Leases (where money damages are not awarded)	1 year 20 years
	-Money damages (except where a satisfaction of judgment has been filed)	1 year 26 years
(7)	Miscellaneous	
	-Bar discipline	50 years
	-Money damages (except where a satisfaction of judgment has been filed)	1 year 26 years
	-Mandamus, habeas corpus, arbitration, petition for new trial, action for an accounting, interpleader	10 years
	-Injunctive relief (where no other relief is requested)	5 years

(8) Property (except as provided in Section 7-12)	5 years	26 years
(9) Receivership		10 years
(10) Small Claims		15 years
(11) Torts (except as noted below)	1 year	26 years
-Money damages if the judgment was rendered in an action to recover damages for personal injury caused by sexual assault where the party at fault was convicted under General Statutes § 53a-70 or § 53a-70a (except where a satisfaction of judgment has been filed)		Permanent
(12) Wills and estates		10 years
(13) Asset forfeiture (General Statutes § 54-36h)		10 years
(14) Alcohol and drug commitment (General Statutes § 17a-685)		10 years
(15) All other civil actions (except as provided in Section 7-12)		75 years

COMMENTARY: The changes to this section make the retention period for UIFSA and URESA cases 75 years to conform the retention of those case types with the retention of other Family Support Magistrate matters.

#### **Sec. 7-18. Hospital, Psychiatric and Medical Records**

Hospital, psychiatric and medical records shall not be filed with the clerk unless such records are submitted in a sealed envelope clearly identified with the case caption, the subject's name and [the health care provider, institution or facility from which said records were issued] the name of the attorney or self-represented party pursuant to Section

7-19 subpoenaing the same. Such records shall be opened only pursuant to court order.

COMMENTARY: The changes to this section make it consistent with General Statutes § 4-104.

### **PROPOSED AMENDMENTS TO THE CIVIL RULES**

#### **Sec. 10-50. —Denials; Special Defenses**

No facts may be proved under either a general or special denial except such as show that the plaintiff's statements of fact are untrue. Facts which are consistent with such statements but show, notwithstanding, that the plaintiff has no cause of action, must be specially alleged. Thus, accord and satisfaction, arbitration and award, [coverture,] duress, fraud, illegality not apparent on the face of the pleadings, infancy, that the defendant was non compos mentis, payment (even though nonpayment is alleged by the plaintiff), release, the statute of limitations and res judicata must be specially pleaded, while advantage may be taken, under a simple denial, of such matters as the statute of frauds, or title in a third person to what the plaintiff sues upon or alleges to be the plaintiff's own.

COMMENTARY: The change to this section removes "coverture" as a special defense as it is an obsolete vestige of the past.

#### **Sec. 11-20A. Sealing Files or Limiting Disclosure of Documents in Civil Cases**

(a) Except as otherwise provided by law, there shall be a presumption that documents filed with the court shall be available to the public.

(b) Except as provided in this section and except as otherwise provided by law, including Section 13-5, the judicial authority shall not order that any files, affidavits, documents, or other materials on file with the court or filed in connection with a court proceeding be sealed or their disclosure limited.

(c) Upon written motion of any party, or upon its own motion, the judicial authority may order that files, affidavits, documents, or other materials on file or lodged with the court or in connection with a court proceeding be sealed or their disclosure limited only if the judicial authority concludes that such order is necessary to preserve an interest which is determined to override the public's interest in viewing such materials. The judicial authority shall first consider reasonable alternatives to any such order and any such order shall be no broader than necessary to protect such overriding interest. An agreement of the parties to seal or limit the disclosure of documents on file with the court or filed in connection with a court proceeding shall not constitute a sufficient basis for the issuance of such an order.

(d) In connection with any order issued pursuant to subsection (c) of this section, the judicial authority shall articulate the overriding interest being protected and shall specify its findings underlying such order and the duration of such order. If any findings would reveal information entitled to remain confidential, those findings may be set forth in a sealed portion of the record. The time, date, scope and duration of any such order shall be set forth in a writing signed by the judicial authority which upon issuance the court clerk shall immediately enter in the court file and publish by posting both on the Judicial Branch

website and on a bulletin board adjacent to the clerk's office and accessible to the public. The judicial authority shall order that a transcript of its decision be included in the file or prepare a memorandum setting forth the reasons for its order.

(e) Except as otherwise ordered by the judicial authority, a motion to seal or limit the disclosure of affidavits, documents, or other materials on file or lodged with the court or in connection with a court proceeding shall be calendared so that notice to the public is given of the time and place of the hearing on the motion and to afford the public an opportunity to be heard on the motion under consideration. The procedures set forth in Sections 7-4B and 7-4C shall be followed in connection with a motion to file affidavits, documents or other materials under seal or to limit their disclosure.

(f) (1) A motion to seal the contents of an entire court file shall be placed on the short calendar to be held not less than fifteen days following the filing of the motion, unless the judicial authority otherwise directs, so that notice to the public is given of the time and place of the hearing on the motion and to afford the public an opportunity to be heard on the motion under consideration. The procedures set forth in Sections 7-4B and 7-4C shall be followed in connection with such motion. (2) The judicial authority may issue an order sealing the contents of an entire court file only upon a finding that there is not available a more narrowly tailored method of protecting the overriding interest, such as redaction, sealing a portion of the file or authorizing the use of pseudonyms. The judicial authority shall state in its decision or

order each of the more narrowly tailored methods that was considered and the reason each such method was unavailable or inadequate.

(g) With the exception of any provision of the General Statutes under which the court is authorized to seal or limit the disclosure of files, affidavits, documents, or other materials, whether at a pretrial or trial stage, any person affected by a court order that seals or limits the disclosure of any files, documents or other materials on file with the court or filed in connection with a court proceeding, shall have the right to the review of such order by the filing of a petition for review with the appellate court within seventy-two hours from the issuance of such order. Nothing under this subsection shall operate as a stay of such sealing order. Any party requesting the use of a pseudonym pursuant to this section shall lodge the original documents with the true identity of the party or parties with the clerk of the court in accordance with Sections 7-4B and 7-4C.

(h) (1) Pseudonyms may be used in place of the name of a party or parties only with the prior approval of the judicial authority and only if the judicial authority concludes that such order is necessary to preserve an interest which is determined to override the public's interest in knowing the name of the party or parties. The judicial authority shall first consider reasonable alternatives to any such order and any such order shall be no broader than necessary to protect such overriding interest. The judicial authority shall articulate the overriding interest being protected and shall specify its findings underlying such order and the duration of such order. If any findings would reveal information entitled to remain confidential, those findings may be set forth in a

sealed portion of the record. The time, date, scope and duration of any such order shall forthwith be reduced to writing and be signed by the judicial authority and be entered by the court clerk in the court file. The judicial authority shall order that a transcript of its decision be included in the file or prepare a memorandum setting forth the reasons for its order. An agreement of the parties that pseudonyms be used shall not constitute a sufficient basis for the issuance of such an order. The authorization of pseudonyms pursuant to this section shall be in place of the names of the parties required by Section 7-4A.

(2) The judicial authority may grant prior to the commencement of the action a temporary ex parte application for permission to use pseudonyms pending a hearing on continuing the use of such pseudonyms to be held not less than fifteen days after the return date of the complaint.

(3) After commencement of the action, a motion for permission to use pseudonyms shall be placed on the short calendar to be held not less than fifteen days following the filing of the motion, unless the judicial authority otherwise directs, so that notice to the public is given of the time and place of the hearing on the motion and to afford the public an opportunity to be heard on the motion under consideration. Leave of the court may be sought to file the motion under seal pending a disposition of the motion by the judicial authority.

(4) Any order allowing the use of a pseudonym in place of the name of a party shall also require the parties to use such pseudonym in all documents filed with the court.

(i) The provisions of this section shall not apply to settlement conferences or negotiations or to documents submitted to the court in connection with such conferences or negotiations. The provisions of this section shall apply to settlement agreements which have been filed with the court or have been incorporated into a judgment of the court.

(j) When placed on a short calendar, motions filed under this rule shall be listed in a separate section titled "Motions to Seal or Close" and shall also be listed with the time, date and place of the hearing on the Judicial Branch website. A notice of such motion being placed on the short calendar shall, upon issuance of the short calendar, be posted on a bulletin board adjacent to the clerk's office and accessible to the public.

COMMENTARY: The change to this section clarifies that a party requesting the approval of the judicial authority to use a pseudonym must lodge the original documents identifying the party or parties by name with the clerk of the court.

**Sec. 13-3. —Materials Prepared in Anticipation of Litigation;  
Statements of Parties; Privilege Log**

(a) Subject to the provisions of Section 13-4, a party may obtain discovery of documents and tangible things otherwise discoverable under Section 13-2 and prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of the case and is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials



when the required showing has been made, the judicial authority shall not order disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

(b) A party may obtain, without the showing required under this section, discovery of the party's own statement and of any nonprivileged statement of any other party concerning the action or its subject matter.

(c) A party may obtain, without the showing required under this section, discovery of any recording, by film, photograph, video, audio or any other digital or electronic means, of the requesting party and of any recording of any other party concerning the action or the subject matter, thereof, including any transcript of such recording, prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative. A party may obtain information identifying any such recording and transcript, if one was created, prior to the deposition of the party who is the subject of the recording; but the person from whom discovery is sought shall not be required to produce the recording or transcript until thirty days after the completion of the deposition of the party who is the subject of the recording or sixty days prior to the date the case is assigned to commence trial, whichever is earlier; except that if a deposition of the party who is the subject of the recording was not taken, the recording and transcript shall be produced sixty days prior to the date the case is assigned to commence trial. If a recording was created within such sixty day period, the recording and transcript must be produced immediately. No such

recording or transcript is required to be identified or produced if neither it nor any part thereof will be introduced into evidence at trial. However, if any such recording or part or transcript thereof is required to be identified or produced, all recordings and transcripts thereof of the subject of the recording party shall be identified and produced, rather than only those recordings, or transcripts or parts thereof that the producing party intends to use or introduce at trial.

(d) When a claim of privilege or work product protection has been asserted pursuant to Sections 13-5, 13-8 or 13-10 in response to a discovery request for documents or electronically stored information, the party asserting the privilege or protection shall provide, within forty-five days from the request of the party serving the discovery, the following information in the form of a privilege log:

- (1) The type of document or electronically stored information;
- (2) The general subject matter of the document or electronically stored information;
- (3) The date of the document or electronically stored information;
- (4) The author of the document or electronically stored information;
- (5) Each recipient of the document or electronically stored information; and
- (6) The nature of the privilege or protection asserted.

The privilege log shall initially be served upon all parties but not filed in court.

If the information called for by one or more of the foregoing categories is itself privileged, it need not be disclosed. However, the existence

of the document and any nonprivileged information called for by the other categories must be disclosed.

A privilege log must be prepared with respect to all documents and electronically stored information withheld on the basis of a claim of privilege or work product protection, except for the following: written or electronic communications after commencement of the action between a party and the firm or lawyer appearing for the party in the action or as otherwise ordered by the judicial authority.

COMMENTARY: The change to this section is consistent with the change to Section 13-8 regarding the withholding of information based upon an assertion of privilege or work product protection.

#### **Sec. 13-6. Interrogatories; In General**

(a) In any civil action, in any probate appeal, or in any administrative appeal where the judicial authority finds it reasonably probable that evidence outside the record will be required, any party may serve in accordance with Sections 10-12 through 10-17 written interrogatories, which may be in electronic format, upon any other party to be answered by the party served. Written interrogatories may be served upon any party without leave of the judicial authority at any time after the return day. Except as provided in subsection (d) or where the interrogatories are served electronically as provided in Section 10-13 and in a format that allows the recipient to electronically insert the answers in the transmitted document, the party serving interrogatories shall leave sufficient space following each interrogatory in which the party to whom the interrogatories are directed can insert the answer. In the event that an answer requires more space than that provided on interrogato-

ries that were not served electronically and in a format that allows the recipient to electronically insert the answers in the transmitted document, the answer shall be continued on a separate sheet of paper which shall be attached to the completed answers.

(b) Interrogatories may relate to any matters which can be inquired into under Sections 13-2 through 13-5 and the answers may be used at trial to the extent permitted by the rules of evidence. In all personal injury actions alleging liability based on the operation or ownership of a motor vehicle or alleging liability based on the ownership, maintenance or control of real property, or in actions claiming a loss of consortium or uninsured/underinsured motorist coverage benefits, the interrogatories shall be limited to those set forth in Forms 201, 202, 203, 208, 210, [and/or] 212, 213 and/or 214 of the rules of practice, unless upon motion, the judicial authority determines that such interrogatories are inappropriate or inadequate in the particular action. These forms are set forth in the Appendix of Forms in this volume. Unless the judicial authority orders otherwise, the frequency of use of interrogatories in all actions except those for which interrogatories have been set forth in Forms 201, 202, 203, 208, 210, [and/or] 212, 213 and/or 214 of the rules of practice is not limited.

(c) The standard interrogatories are intended to address discovery needs in most cases in which their use is mandated, but they do not preclude any party from moving for permission to serve such additional discovery as may be necessary in any particular case.

(d) In lieu of serving the interrogatories set forth in Forms 201, 202, 203, 208, 210, [and/or] 212, 213 and/or 214 of the rules of practice

on a party who is represented by counsel, the moving party may serve on such party a notice of interrogatories, which shall not include the actual interrogatories to be answered, but shall instead set forth the number of the Practice Book form containing such interrogatories and the name of the party to whom the interrogatories are directed. The party to whom such notice is directed shall in his or her response set forth each interrogatory immediately followed by that party's answer thereto.

(e) The party serving interrogatories or the notice of interrogatories shall not file them with the court.

(f) Unless leave of court is granted, the instructions to Forms 201 through 203 are to be used for all nonstandard interrogatories.

COMMENTARY: This section now includes references to standard interrogatories in cases claiming loss of consortium or uninsured/underinsured motorist coverage benefits. Standard interrogatories for loss of consortium were approved effective January 1, 2017.

#### **Sec. 13-8. —Objections to Interrogatories**

(a) The party objecting to any interrogatory shall: (1) set forth each interrogatory [immediately followed by reasons for the objection]; (2) specifically state the reasons for the objection; and (3) state whether any responsive information is being withheld on the basis of the stated objection. Objections shall be: (1) governed by the provisions of Sections 13-2 through 13-5; (2) signed by the attorney or self-represented party making them; and [(2)] (3) filed with the court pursuant to Section 13-7. No objection may be filed with respect to interrogatories which have been set forth in Forms 201, 202, 203, 208, 210, [and/or] 212.

213 and or 214 of the rules of practice for use in connection with Section 13-6.

(b) To the extent a party withholds responsive information based on an assertion of a claim of privilege or work product protection, the party must file an objection in compliance with the provisions of subsection (a) of this section and comply with the provisions set forth in subsection (d) of Section 13-3.

[(b)] (c) No objections to interrogatories shall be placed on the short calendar list until an affidavit by either counsel is filed certifying that bona fide attempts have been made to resolve the differences concerning the subject matter of the objection and that counsel have been unable to reach an agreement. The affidavit shall set forth the date of the objection, the name of the party who filed the objection and the name of the party to whom the objection was addressed. The affidavit shall also recite the date, time and place of any conference held to resolve the differences and the names of all persons participating therein or, if no conference has been held, the reasons for the failure to hold such a conference. If any objection to an interrogatory is overruled, the objecting party shall answer the interrogatory, and serve the answer within twenty days after the judicial authority ruling unless otherwise ordered by the judicial authority.

[(c)] (d) An interrogatory otherwise proper is not objectionable merely because it involves more than one fact or relates to the application of law to facts.

COMMENTARY: The revisions to this section on objections to interrogatories incorporate the language regarding a specific state-

ment of the reasons for an objection and a statement as to whether responsive information is being withheld on the basis of an objection that was added to Section 13-10 on objections to production. In addition, a statement that objections are governed by the provisions of Sections 13-2 through 13-5 has been added to this section. Finally, this section now includes references to standardized interrogatories in cases claiming a loss of consortium or uninsured/underinsured motorist coverage benefits and adds language to clarify that any party withholding information based on an assertion of privilege or work product protection must comply with subsection (a) of this section and Section 13-3 (d).

**Sec. 13-9. Requests for Production, Inspection and Examination; In General**

(a) In any civil action, in any probate appeal, or in any administrative appeal where the judicial authority finds it reasonably probable that evidence outside the record will be required, any party may serve in accordance with Sections 10-12 through 10-17 upon any other party a request to afford the party submitting the request the opportunity to inspect, copy, photograph or otherwise reproduce designated documents or to inspect and copy, test or sample any tangible things in the possession, custody or control of the party upon whom the request is served or to permit entry upon designated land or other property for the purpose of inspection, measuring, surveying, photographing, testing or sampling the property or any designated object or operation thereon. Such requests will be governed by the provisions of Sections 13-2 through 13-5. In all personal injury actions alleging liability based

on the operation or ownership of a motor vehicle or alleging liability based on the ownership, maintenance or control of real property, or in actions claiming a loss of consortium or uninsured/underinsured motorist coverage benefits, the requests for production shall be limited to those set forth in Forms 204, 205, 206, 209, [and/or] 211, 215 and/or 216 of the rules of practice, unless, upon motion, the judicial authority determines that such requests for production are inappropriate or inadequate in the particular action. These forms are set forth in the Appendix of Forms in this volume.

(b) The standard requests for production are intended to address discovery needs in most cases in which their use is mandated, but they do not preclude any party from moving for permission to serve such additional discovery as may be necessary in any particular case.

(c) Requests for production may be served upon any party without leave of court at any time after the return day. In lieu of serving the requests for production set forth in Forms 204, 205, 206, 209, [and/or] 211, 215 and/or 216 of the rules of practice on a party who is represented by counsel, the moving party may serve on such party a notice of requests for production, which shall not include the actual requests, but shall instead set forth the number of the Practice Book form containing such requests and the name of the party to whom the requests are directed.

(d) The request shall clearly designate the items to be inspected either individually or by category. The request or, if applicable, the notice of requests for production shall specify a reasonable time, place and manner of making the inspection. Unless the judicial authority



orders otherwise, the frequency of use of requests for production in all actions except those for which requests for production have been set forth in Forms 204, 205, 206, 209, [and/or] 211, 215 and/or 216 of the rules of practice is not limited.

(e) If information has been electronically stored, and if a request for production does not specify a form for producing a type of electronically stored information, the responding party shall produce the information in a form in which it is ordinarily maintained or in a form that is reasonably usable. A party need not produce the same electronically stored information in more than one form.

(f) The party serving such request or notice of requests for production shall not file it with the court.

(g) Unless leave of court is granted, the instructions to Forms 204 through 206 of the rules of practice are to be used for all nonstandard requests for production.

(h) A party seeking the production of a written authorization in compliance with the Health Insurance Portability and Accountability Act to inspect and make copies of protected health information, or a written authorization in compliance with the Public Health Service Act to inspect and make copies of alcohol and drug records that are protected by that act, shall file a motion pursuant to Section 13-11A. A motion need not be filed to obtain such authorization in actions to which Forms 204, [and] 205 and 216 of the rules of practice apply.

COMMENTARY: This section now includes references to standardized requests for production in cases claiming a loss of consortium or uninsured/underinsured motorist coverage benefits.

**Sec. 13-10. —Responses to Requests for Production;  
Objections**

(a) The party to whom the request is directed or such party's attorney shall serve a written response, which may be in electronic format, within sixty days after the date of certification of service, in accordance with Sections 10-12 through 10-17, of the request or, if applicable, the notice of requests for production on the responding party or within such shorter or longer time as the judicial authority may allow, unless:

(1) Counsel and/or self-represented parties file with the court a written stipulation extending the time within which responses may be served; or

(2) Upon motion, the court allows a longer time; or

(3) Objections to the requests for production and the reasons therefor are filed and served within the sixty day period.

(b) All responses: (1) shall repeat immediately before the response the request for production being responded to; and (2) shall state with respect to each item or category that inspection and related activities will be permitted as requested, unless the request or any part thereof is objected to.

(c) Where a request calling for submission of copies of documents is not objected to, the party responding to the request shall produce those copies with the response served upon all parties.

(d) Objection by a party to certain parts of a request shall not relieve that party of the obligation to respond to those portions to which that party has not objected within the sixty day period.

(e) A party objecting to one or more of the requests for production shall file an objection in accordance with Section 13-10 (f).

(f) A party who objects to any request or portion of a request shall: (1) set forth the request objected to; (2) specifically state the reasons for the objection; and (3) state whether any responsive materials are being withheld on the basis of the stated objection[; and (4) sign the objections and file them with the court]. Objections shall be: (1) governed by the provisions of Sections 13-2 through 13-5; (2) signed by the attorney or self-represented party making them; and (3) filed with the court.

(g) To the extent a party withholds any responsive material based on an assertion of a claim of privilege or work product protection, the party must file an objection in compliance with the provisions of subsection (f) of this section and comply with the provisions set forth in subsection (d) of Section 13-3.

[(g)] (h) No objection may be filed with respect to requests for production set forth in Forms 204, 205, 206, 209, [and/or] 211, 215 and/or 216 of the rules of practice for use in connection with Section 13-9.

[(h)] (i) No objection to any request for production shall be placed on the short calendar list until an affidavit by counsel or self-represented parties is filed certifying that they have made good faith attempts to resolve the objection and that counsel and/or self-represented parties have been unable to reach an agreement. The affidavit shall set forth: (1) the date of the objection; (2) the name of the party who filed the objection and to whom the objection was addressed; (3) the date,

time and place of any conference held to resolve the differences; and (4) the names of all conference participants. If no conference has been held, the affidavit shall also set forth the reasons for the failure to hold such a conference.

[(i)] (j) If an objection to any part of a request for production is overruled, the objecting party shall comply with the request at a time set by the judicial authority.

[(j)] (k) The party serving the request or the notice of request for production may move for an order under Section 13-14 with respect to any failure to respond by the party to whom the request or notice is addressed.

COMMENTARY: A statement that objections to requests for production are governed by the provisions of Sections 13-2 through 13-5 has been added to subsection (f) of this section. Other minor changes have been made to the existing provisions in the subsection to accommodate the additional language. Finally, this section now includes references to standardized requests for production in cases claiming a loss of consortium or uninsured/underinsured coverage benefits and adds language to clarify that any party withholding responsive material based on an assertion of privilege or work product protection must comply with subsection (f) of this section and Section 13-3 (d).

#### **Sec. 13-15. Continuing Duty to Disclose**

If, subsequent to compliance with any request or order for discovery, including partial compliance subject to an objection or made notwithstanding an objection, and prior to or during trial, a party discovers additional or new material or information previously requested and

ordered subject to discovery or inspection or discovers that the prior compliance was totally or partially incorrect or, though correct when made, is no longer true and the circumstances are such that a failure to amend the compliance is in substance a knowing concealment, that party shall promptly notify the other party, or the other party's attorney, and file and serve in accordance with Sections 10-12 through 10-17 a supplemental or corrected compliance.

COMMENTARY: The change to this section clarifies that parties have a continuing duty to disclose even if there has been only partial compliance subject to an objection or compliance notwithstanding an objection.

**Sec. 17-44. Summary Judgments; Scope of Remedy**

In any action, including administrative appeals which are enumerated in Section 14-7(c), any party may move for a summary judgment as to any claim or defense as a matter of right at any time if no scheduling order exists and the case has not been assigned for trial. If a scheduling order has been entered by the court, either party may move for summary judgment as to any claim or defense as a matter of right by the time specified in the scheduling order. If no scheduling order exists but the case has been assigned for trial, a party must move for permission of the judicial authority to file a motion for summary judgment. These rules shall be applicable to counterclaims and cross complaints, so that any party may move for summary judgment upon any counterclaim or cross complaint as if it were an independent action. The pendency of a motion for summary judgment shall delay trial only at the discretion of the trial judge.

COMMENTARY: The change to this section clarifies that the type of administrative appeals in which motions for summary judgment are appropriate are those in which parties are entitled to a trial de novo.

## **PROPOSED AMENDMENTS TO THE FAMILY RULES**

### **Sec. 25-12. Motion to Dismiss**

(a) Any defendant, wishing to assert grounds to dismiss the action under Section 25-13 (2), (3)[,] or (4) [or (5)] must do so by filing a motion to dismiss within thirty days of the filing of an appearance.

(b) Any claim based on Section 25-13 (2), (3)[,] or (4) [or (5)] is waived if not raised by a motion to dismiss filed in the sequence provided in Section 25-11, within the time provided in this section.

COMMENTARY: General Statutes § 51-351, which became effective July 1, 1978, provides that “[n]o cause shall fail on the ground that it has been made returnable to an improper location.” Since that statute became effective, the courts have found that the appropriate remedy for improper venue is the transfer of the case to the proper venue by the court upon its own motion, or upon motion or agreement of the parties. The revision to this section, therefore, makes it clear that improper venue is not waivable because it is not a ground for filing a motion to dismiss.

### **Sec. 25-13. —Grounds on Motion to Dismiss**

(a) The motion to dismiss shall be used to assert (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) [improper venue, (4)] insufficiency of process and [(5)] (4) insufficiency of service of process. This motion shall always be filed with a

supporting memorandum of law and, where appropriate, with supporting affidavits as to facts not apparent on the record.

(b) If an adverse party objects to this motion he or she shall, at least five days before the motion is to be considered on the short calendar, file and serve in accordance with Sections 10-12 through 10-17 a memorandum of law and, where appropriate, supporting affidavits as to facts not apparent on the record.

COMMENTARY: General Statutes § 51-351, which became effective July 1, 1978, provides that "[n]o cause shall fail on the ground that it has been made returnable to an improper location." Since that statute became effective, the courts have found that the appropriate remedy for improper venue is the transfer of the case to the proper venue by the court upon its own motion, or upon motion or agreement of the parties. The revision to this section, therefore, removes improper venue as grounds for filing a motion to dismiss.

**Sec. 25-60. Evaluations, Studies, Family Services Mediation  
Reports and Family Services Conflict Resolution Reports**

(a) Whenever, in any family matter, an evaluation or study has been ordered pursuant to Section 25-60A or Section 25-61, or the Court Support Services Division Family Services Unit has been ordered to conduct mediation or to hold a conflict resolution conference pursuant to Section 25-61, the case shall not be disposed of until the report has been filed as hereinafter provided, and counsel and the parties have had a reasonable opportunity to examine it prior to the time the case is to be heard, unless the judicial authority orders that the case be heard before the report is filed.

(b) Any report of an evaluation or study pursuant to Section 25-60A or Section 25-61, or any mediation report or conflict resolution conference report filed by the Family Services Unit as a result of a referral of the matter to such unit, shall be filed with the clerk, who will seal such report, and shall be provided by the filer to counsel of record, guardians ad litem and self-represented parties unless otherwise ordered by the judicial authority. Any such report shall be available for inspection to counsel of record, guardians ad litem, and the parties to the action, unless otherwise ordered by the judicial authority.

(c) Any report of an evaluation or study prepared pursuant to Section 25-60A or Section 25-61 shall be admissible in evidence provided the author of the report is available for cross-examination.

(d) The file compiled by the Family Services Unit in the course of preparing any mediation report or conflict resolution conference report shall not be available for inspection or copying unless otherwise ordered by the judicial authority. The file compiled by the Family Services Unit in the course of preparing an evaluation or study conducted pursuant to Section 25-61 that has been completed and filed with the clerk in accordance with subsection (b) shall be available for inspection only to counsel of record, guardians ad litem, and the parties to the action to the extent permitted by any applicable authorization for release of information; and further provided that copies of documents, notes, information or other material in the file shall only be provided to such individuals if they make the request in writing and certify that it is requested for legitimate purposes of trial preparation and/or trial proceedings in the case in which the evaluation or study was filed.



For purposes of this section, the word "file" shall include any documents, notes, information or other material retained by the Family Services Unit in any format.

(e) Any information or copies of the file disclosed pursuant to this section shall not be further disclosed unless otherwise ordered by the judicial authority or as otherwise authorized in this section or as otherwise required by law.

COMMENTARY: The changes to this section clarify what information from Family Services files compiled in connection with the reports, evaluations and studies under this section are subject to inspection and copying and by whom, to whom those copies can be provided, and for what purpose can they be requested. The changes also provide that any information or copies disclosed may not be further disclosed except as otherwise ordered, authorized or required.

### **PROPOSED AMENDMENT TO THE FAMILY SUPPORT MAGISTRATE RULES**

#### **Sec. 25a-1. Family Support Magistrate Matters; Procedure**

(a) In addition to the specific procedures set out in this chapter, the following provisions shall govern the practice and procedure in all family support magistrate matters, whether heard by a family support magistrate or any other judicial authority. The term "judicial authority" and the word "judge" as used in the rules referenced in this section shall include family support magistrates where applicable, unless specifically otherwise designated. The word "complaint" as used in the rules referenced in this section shall include petitions and applications filed in family support magistrate matters.

(1) General Provisions:

(A) Chapters 1, 2, 5 and 6, in their entirety;

(B) Chapter 3, in its entirety except subsection (b) of Section 3-2 and Section 3-9;

(C) Chapter 4, in its entirety except subsections (a) and (b) of Section 4-2;

(D) Chapter 7, [Section 7-19] in its entirety.

(2) Procedures in Civil Matters:

(A) Chapter 8, Sections 8-1 and 8-2;

(B) Chapter 9, Sections 9-1 and 9-18 through 9-20;

(C) Chapter 10, Sections 10-1, 10-3 through 10-5, 10-7, 10-10, 10-12 through 10-14, 10-17, 10-26, 10-28, subsections (a) and (c) of Section 10-30, 10-31 through 10-34, subsection (b) of Section 10-39, 10-40, 10-43 through 10-45 and 10-59 through 10-68;

(D) Chapter 11, Sections 11-1 through 11-8, 11-10 through 11-12 and 11-19;

(E) Chapter 12, in its entirety;

(F) Chapter 13, Sections 13-1 through 13-3, 13-5, 13-8, 13-10 except subsection (c), 13-11A, 13-21 except subdivision (13) of subsection (a), subsections (a), (e), (f), (g) and (h) of Sections 13-27, 13-28 and 13-30 through 13-32;

(G) Chapter 14, Sections 14-1 through 14-3, 14-9, 14-15, 14-17, 14-18, 14-24 and 14-25;

(H) Chapter 15, Sections 15-3, 15-5, 15-7 and 15-8;

(I) Chapter 17, Sections 17-1, 17-4, 17-5, 17-19, 17-21, subsection (a) of Sections 17-33 and 17-41;

- (J) Chapter 18, Section 18-19;
- (K) Chapter 19, Section 19-19;
- (L) Chapter 20, Sections 20-1 and 20-3;
- (M) Chapter 23, Sections 23-20, 23-67 and 23-68.

(3) Procedure in Family Matters:

Chapter 25, Sections 25-1, 25-9, 25-12 through 25-22, 25-27, 25-33, 25-48, 25-54, 25-59, 25-59A, 25-61, 25-62 through 25-64 and 25-68.

(b) Any pleading or motion filed in a family support magistrate matter shall indicate, in the lower right hand corner of the first page of the document, that it is a family support magistrate matter.

(c) Family support magistrate matters shall be placed on the family support magistrate matters list for hearing and determination.

(d) Family support magistrate list matters shall be assigned automatically by the clerk without the necessity of a written claim. No such matters shall be so assigned unless filed at least five days before the opening of court on the day the list is to be called.

(e) Family support magistrate list matters shall not be continued except by order of a judicial authority.

COMMENTARY: The change to this section makes Chapter 7 of the Practice Book, in its entirety, applicable to Family Support Magistrate matters.

**Sec. 25a-23. Answers to Interrogatories**

(a) Any such interrogatories shall be answered under oath by the party to whom directed and such answers shall not be filed with the court but shall be served within [thirty] sixty days after the date of

certification of service, in accordance with Sections 10-12, 10-14 and 10-17, of the interrogatories or, if applicable, the notice of interrogatories on the answering party, unless:

(1) Counsel file with the court a written stipulation extending the time within which answers or objections may be served; or

(2) The party to whom the interrogatories are directed, after service in accordance with Sections 10-12, 10-14 and 10-17, files a request for extension of time, for not more than thirty days, within the initial [thirty] sixty day period. Such request shall contain a certification by the requesting party that the case has not been assigned for trial. Such request shall be deemed to have been automatically granted by the judicial authority on the date of filing, unless within ten days of such filing the party who has served the interrogatories or the notice of interrogatories shall file objection thereto. A party shall be entitled to one such request for each set of interrogatories directed to that party; or

(3) Upon motion, the judicial authority allows a longer time.

(b) The party answering interrogatories shall attach a cover sheet to the answers. The cover sheet shall comply with Sections 4-1 and 4-2 and shall state that the party has answered all of the interrogatories or shall set forth those interrogatories to which the party objects and the reasons for objection. The cover sheet and the answers shall not be filed with the court unless the responding party objects to one or more interrogatories, in which case only the cover sheet shall be so filed.

(c) All answers to interrogatories shall repeat immediately before each answer the interrogatory being answered. Answers are to be signed by the person making them. The party serving the interrogatories or the notice of interrogatories may move for an order under Section 25a-25 with respect to any failure to answer.

COMMENTARY: The change to this section increases the time for responding to interrogatories from 30 to 60 days consistent with the rules applicable to civil and family matters and Practice Book Form 207.

## **PROPOSED AMENDMENTS TO THE JUVENILE RULES**

### **Sec. 30-5. Detention Time Limitations**

(a) No child shall be held in detention for more than twenty-four hours, excluding Saturdays, Sundays, and holidays, unless (1) a delinquency petition or information alleging a delinquent [conduct] act has been filed [or an affidavit is filed by a police officer, probation officer or prosecutor setting forth the facts upon which they believe that a child in detention is a delinquent or nondelinquent child whose return is sought by another jurisdiction in accordance with the Interstate Compact on Juveniles,] and (2) an order for such continued detention has been signed by the judicial authority following a hearing as provided by subsection (b) of this section or a waiver as provided by Section 30-8.

(b) A hearing to determine probable cause and the need for further detention shall be held no later than the next business day following the arrest. [However, a judicial finding of probable cause must be made within forty-eight hours of arrest, including Saturdays, Sundays

and holidays. If there is no such finding of said probable cause within forty-eight hours of the arrest, the child shall be released from detention subject to an information and subsequent arrest by warrant or take into custody order.]

(c) If a nondelinquent child is being held for another jurisdiction in accordance with the Interstate Compact on Juveniles, following the initial hearing as provided by subsection (b) of this section, that child shall be held not more than ninety days and shall be held in a secure facility, as defined by rules promulgated in accordance with the Compact, other than a locked, state operated detention facility.

COMMENTARY: The amendments to this section conform to General Statutes § 46b-133, as amended by Section 1 of Public Act 16-147.

#### **Sec. 30-6. Basis for Detention**

No child [shall] may be held in detention unless [it appears from] a judge of the superior court determines, based on the available facts that there is probable cause to believe that the child [is responsible for] has committed the delinquent acts alleged, that there is no less restrictive alternative available and that there is [(1) a strong probability that the child will run away prior to the court hearing or disposition, or (2) a strong probability that the child will commit or attempt to commit other offenses injurious to the child or the community prior to the court disposition, or (3) probable cause to believe that the child's continued residence in the child's home pending disposition poses a risk to the child or the community because of the serious and dangerous nature of the act or acts the child is alleged to have committed, (4) a need to hold the child for another jurisdiction, (5) a need to hold the child

to assure the child's appearance before the court, in view of the child's previous failure to respond to the court process, or (6) the child has violated one or more of the conditions of a suspended detention order.] (1) probable cause to believe that the child will pose a risk to public safety if released to the community prior to the court hearing or disposition, (2) a need to hold the child in order to ensure the child's appearance before the court, as demonstrated by the child's previous failure to respond to the court process, or (3) a need to hold the child for another jurisdiction. The court in exercising its discretion to detain under General Statutes § 46b-133 (e) may consider as an alternative to detention a suspended detention order with graduated sanctions [as an alternative to detention in accordance with graduated sanctions procedures established] based upon a detention risk assessment for such child developed by the judicial branch.

COMMENTARY: The amendments to this section conform to General Statutes § 46b-133, as amended by Section 1 of Public Act 16-147.

### **Sec. 30-7. Place of Detention Hearings**

The initial detention hearing [may be conducted] shall be in the superior court for juvenile matters [at the detention facility where the child is held] where the child resides if the residence of the child can be determined, and, thereafter, detention hearings shall be held at the superior court for juvenile matters of appropriate venue.

COMMENTARY: The amendments to this section conform to General Statutes § 46b-133, as amended by Section 1 of Public Act 16-147.

**Sec. 30-8. Initial Order for Detention; Waiver of Hearing**

Such initial order of detention may be signed without a hearing only if there is a written waiver of the detention hearing by the child and the child's attorney and there is a finding by the judicial authority that the circumstances outlined in Section 30-6 pertain to the child in question. An order of detention entered without a hearing shall authorize the detention of the child for a period not to exceed ~~[ten]~~ seven days, including the date of admission, or until the dispositional hearing is held, whichever is shorter, and may further authorize the detention superintendent or a designated representative to release the child to the custody of a parent, guardian or some other suitable person, with or without conditions of release, if detention is no longer necessary, except that no child shall be released from detention who is alleged to have committed a serious juvenile offense except by order of a judicial authority of the superior court. Such an ex parte order of detention shall ~~[not]~~ be renewable ~~[without]~~ only at a detention hearing before the judicial authority for a period that does not exceed seven days or until the dispositional hearing is held, whichever is shorter.

COMMENTARY: The amendments to this section conform to General Statutes § 46b-133, as amended by Section 1 of Public Act 16-147.

**Sec. 30-10. Orders of a Judicial Authority after Initial Detention Hearing**

(a) At the conclusion of the initial detention hearing, the judicial authority shall issue an order for detention on finding probable cause to believe that the child has committed a delinquent act and that at least one of the factors outlined in Section 30-6 applies to the child.



(b) If the child is placed in detention, such order for detention shall be for a period not to exceed [~~fifteen~~] seven days, including the date of admission, or until the dispositional hearing is held, whichever is the shorter period, unless, following a further detention review hearing, the order is renewed for a period that does not exceed seven days or until the dispositional hearing is held, whichever is shorter. Such detention review hearing may not be waived.

(c) If the child is not placed in detention but released on a suspended order of detention on conditions, such suspended order of detention shall continue to the dispositional hearing or until further order of the judicial authority. Said suspended order of detention may be reviewed by the judicial authority every [~~fifteen~~] seven days. Upon a finding of probable cause that the child has violated any condition, a judicial authority may issue a take into custody order or order such child to appear in court for a hearing on revocation of the suspended order of detention. Such an order to appear shall be served upon the child in accordance with General Statutes § 46b-128 (b), or, if the child is represented, by serving the order to appear upon the child's counsel, who shall notify the child of the order and the hearing date. After a hearing and upon a finding that the child has violated reasonable conditions imposed on release, the judicial authority may impose different or additional conditions of release or may remand the child to detention.

(d) In conjunction with any order of release from detention the judicial authority may, in accordance with General Statutes § 46b-133 (g), order the child to participate in a program of periodic alcohol or drug

testing and treatment as a condition of such release. The results of any such alcohol or drug test shall be admissible only for the purposes of enforcing the conditions of release from detention.

COMMENTARY: The amendments to this section conform to General Statutes § 46b-133, as amended by Section 1 of Public Act 16-147.

#### **Sec. 30-11. Detention after Dispositional Hearing**

While awaiting implementation of the judicial authority's order in a delinquency case, a child may be held in detention subsequent to the dispositional hearing, provided a hearing to review the circumstances and conditions of such detention order shall be conducted every [fifteen] seven days and such hearing may not be waived.

COMMENTARY: The amendments to this section conform to General Statutes § 46b-133, as amended by Section 1 of Public Act 16-147.

#### **Sec. 31a-13. Take into Custody Order**

(a) Upon written application in a delinquency proceeding, a take into custody order may be issued by the judicial authority:

(1) Upon a finding of probable cause to believe that the child is responsible for: (i) a delinquent act, including violation of court orders of probation or the failure of the child charged with a delinquent act, duly notified, to attend a pretrial, probation or evaluation appointment, or (ii) for failure to comply with any duly warned condition of a suspended order of detention. The judicial authority also must find at the time it issues a take into custody order that a ground for detention pursuant to Section 30-6 exists before issuing the order.

(2) For failure to appear in court in response to a delinquency petition or summons served in hand or to a direct notice previously provided in court.

(b) Any application for a take into custody order must be supported by a sworn statement alleging facts to substantiate probable cause, and where applicable, a petition or information charging a delinquent act.

(c) Any child detained under a take into custody order is subject to Sections 30-1A through 30-11.

COMMENTARY: The amendment to this section standardizes the manner in which a request should be made to detain a child.

### **Sec. 32a-3. Standards of Proof**

(a) The standard of proof applied in a neglect, uncared for or dependency proceeding is a fair preponderance of the evidence.

(b) The standard of proof applied in a decision to terminate parental rights, [or] a finding that efforts to reunify a parent with a child or youth are no longer appropriate, or permanent legal guardianship is clear and convincing evidence.

(c) Any Indian child or youth custody proceedings, except delinquency, involving removal of an Indian child or youth from a parent or Indian custodian for placement shall, in addition, comply with the Indian Child Welfare Act (ICWA), 25 U.S.C. § 1901 et seq.

COMMENTARY: The amendments to this section set forth the standard of proof as to permanent legal guardianship and conforms to General Statutes § 46b-129.

**Sec. 34a-10. Grounds of Motion to Dismiss**

(a) The motion to dismiss shall be used to assert: (1) lack of jurisdiction over the subject matter; (2) lack of jurisdiction over the person; (3) [improper venue; (4)] insufficiency of process; and [(5)] (4) insufficiency of service of process. A motion to dismiss shall always be filed with a supporting memorandum of law, and where appropriate, with supporting affidavits as to facts not apparent on the record.

(b) Any adverse party who objects to a motion to dismiss shall, at least five days before the motion is to be considered on the short calendar, file and serve in accordance with Sections 10-12 (a) and (c), 10-13, 10-14 and 10-17 a memorandum of law and, where appropriate, supporting affidavits as to facts not apparent on the record.

COMMENTARY: General Statutes § 51-351, which became effective July 1, 1978, provides that "[n]o cause shall fail on the ground that it has been made returnable to an improper location." Since that statute became effective, the courts have found that the appropriate remedy for improper venue is the transfer of the case to the proper venue by the court upon its own motion, or upon motion or agreement of the parties. The revision to this section, therefore, removes improper venue as grounds for filing a motion to dismiss.

**Sec. 34a-11. Waiver Based on Certain Grounds**

Any claim of lack of jurisdiction over the person, [improper venue,] insufficiency of process, or insufficiency of service of process is waived if not raised by a motion to dismiss filed in the sequence provided in Sections 34a-6 and 34a-7 and within the time provided by Section 34a-9.

COMMENTARY: General Statutes § 51-351, which became effective July 1, 1978, provides that “[n]o cause shall fail on the ground that it has been made returnable to an improper location.” Since that statute became effective, the courts have found that the appropriate remedy for improper venue is the transfer of the case to the proper venue by the court upon its own motion, or upon motion or agreement of the parties. The revision to this section, therefore, makes it clear that improper venue is not waivable because it is not a ground for filing a motion to dismiss.

#### **PROPOSED AMENDMENTS TO THE CRIMINAL RULES**

##### **Sec. 43-33. Appointment of Initial Counsel for Appeal by Indigent Defendant**

(a) An indigent defendant who wishes to prosecute his or her appeal may apply to the court from which the appeal is taken for the appointment of counsel to prosecute the defendant’s appeal and for a waiver of fees and costs, pursuant to Sections 63-7 and 44-1 through 44-5.

(b) The application for a waiver of costs and fees must be sent for investigation of the applicant’s indigence to the public defender’s office in the court from which the appeal is taken. The judicial authority shall assign the application for hearing within twenty days after filing unless otherwise ordered by the judicial authority for good cause shown. At least ten days before the hearing, the clerk’s office shall notify in writing trial counsel, the state’s attorney, the trial public defender’s office to which the application had been sent for investigation and the chief of legal services of the public defender’s office, of the date of such hearing. The lack of timely notification to any of the above parties

shall result in a continuance of the hearing until proper and timely notification has been completed.

(c) The application for the appointment of counsel to prosecute the defendant's appeal shall be assigned to the same date and hearing as the application for waiver of fees, costs and expenses, and the judicial authority shall decide both applications at the same time. If trial counsel is not to be the assigned appellate counsel, the judicial authority shall inform and order trial counsel to cooperate fully with appellate counsel. If the chief of legal services of the public defender's office is to be assigned as appellate counsel, unless otherwise ordered by the court, trial counsel shall be deemed to have "cooperated fully" if counsel has delivered to the chief of legal services: a complete appellate worksheet, which shall be provided by the chief of legal services; and an electronic copy of trial counsel's file [or a copy thereof]. Failure to fully cooperate with appellate counsel will result in a short continuance of the applications for appellate counsel and for the waiver of fees, costs and expenses until cooperation is completed, or, if full cooperation is not completed within a reasonable time, sanctions against trial counsel may be imposed.

(d) The judicial authority shall act promptly on the applications following the hearing. Upon determination by the judicial authority that a defendant in a criminal case is indigent, the court to which the fees required by statute or rule are to be paid may (1) waive payment by the defendant of fees specified by statute and of taxable costs, and waive the requirement of Sec. 61-6 concerning the furnishing of security for costs upon appeal, (2) order that the necessary expenses of

prosecuting the appeal be paid by the state, and (3) appoint appellate counsel and permit the withdrawal of the trial attorney's appearance provided the judicial authority is satisfied that that attorney has cooperated fully with appellate counsel in the preparation of the defendant's appeal.

COMMENTARY: The changes to this section require that unless otherwise ordered by the court, if Public Defender Services has been appointed as appellate counsel, trial counsel must provide to appellate counsel an electronic copy of trial counsel's file.

**Sec. 43-34. Attorney's Finding That Appeal is Wholly Frivolous;  
Request by Initial Counsel to Withdraw**

When the defendant is represented at trial by the public defender or has counsel appointed to prosecute the appeal under the provisions of Section 43-33 and such public defender or counsel, after a conscientious examination of the case, finds that such an appeal would be wholly frivolous, [he or she] counsel shall advise the presiding judge [and request permission] by filing a motion for leave to withdraw from the case.

COMMENTARY: Sections 43-34 through 43-36 prescribe the procedure to follow when a public defender or appointed counsel concludes that an appeal would be wholly frivolous and implement the holding in *Anders v. California*, 386 U.S. 738, 87 S. Ct. 2094 (1967) and *State v. Pascucci*, 161 Conn. 382, 288 A.2d 408 (1971). The changes to these sections standardize the language among the rules pertaining to motions to withdraw by appointed counsel and clarify the filing procedures to follow in criminal matters.

**Sec. 43-35. –Submission of [Brief] Memorandum of Law**

(a) At the time such [request is made] motion for leave to withdraw is filed, counsel shall submit to the presiding judge a [brief which refers to] memorandum of law outlining anything in the record that might arguably support the appeal and the factual and legal basis for the conclusion that an appeal would be wholly frivolous. [A copy of such brief shall be provided to the defendant, and the defendant shall be allowed a reasonable time to raise, in writing, additional points in support of the appeal.]

(b) Any motion for leave to withdraw and supporting memorandum of law shall be filed under seal and provided to the defendant. Counsel shall serve opposing counsel with notice that a motion for leave to withdraw has been filed but shall not serve opposing counsel with a copy of the motion or any supporting memorandum of law. The defendant shall have thirty days from the date the motion and supporting memorandum are filed to file a response with the court.

COMMENTARY: Sections 43-34 through 43-36 prescribe the procedure to follow when a public defender or appointed counsel concludes that an appeal would be wholly frivolous and implement the holding in *Anders v. California*, 386 U.S. 738, 87 S. Ct. 2094 (1967) and *State v. Pascucci*, 161 Conn. 382, 288 A.2d 408 (1971). The changes to these sections standardize the language among the rules pertaining to motions to withdraw by appointed counsel and clarify the filing procedures to follow in criminal matters.



**Sec. 43-36. –Finding That Appeal is Frivolous**

The presiding judge shall fully examine [briefs] memorandum of law of counsel and [of] the defendant, [and shall review the transcript of the trial] together with any relevant portions of the record and transcript of the trial. If, after such examination, the presiding judge concludes that the defendant's appeal is wholly frivolous, such judge may grant counsel's motion to withdraw and [refuse to appoint new counsel] permit the defendant to proceed as a self-represented party. [Before refusing to appoint new counsel, t]The presiding judge shall [make a finding] file a memorandum setting forth the basis for the finding that the appeal is wholly frivolous [and shall file a memorandum, setting forth the basis for this finding].

COMMENTARY: Sections 43-34 through 43-36 prescribe the procedure to follow when a public defender or appointed counsel concludes that an appeal would be wholly frivolous and implement the holding in *Anders v. California*, 386 U.S. 738, 87 S. Ct. 2094 (1967) and *State v. Pascucci*, 161 Conn. 382, 288 A.2d 408 (1971). The changes to these sections standardize the language among the rules pertaining to motions to withdraw by appointed counsel and clarify the filing procedures to follow in criminal matters.

**PROPOSED AMENDMENTS TO THE PRACTICE BOOK FORMS**

Form 201

**Plaintiff's Interrogatories**

No. CV- : SUPERIOR COURT  
(Plaintiff) : JUDICIAL DISTRICT OF  
VS. : AT  
(Defendant) : (Date)

The undersigned, on behalf of the Plaintiff, hereby propounds the following interrogatories to be answered by the Defendant, \_\_\_\_\_, under oath, within sixty (60) days of the filing hereof in compliance with Practice Book Section 13-2.

Definition: "You" shall mean the Defendant to whom these interrogatories are directed except that if that Defendant has been sued as the representative of the estate of a decedent, ward, or incapable person, "you" shall also refer to the Defendant's decedent, ward or incapable person unless the context of an interrogatory clearly indicates otherwise.

In answering these interrogatories, the Defendant(s) is (are) required to provide all information within their knowledge, possession or power. If an interrogatory has subparts, answer each subpart separately and in full and do not limit the answer to the interrogatory as a whole. If any interrogatories cannot be answered in full, answer to the extent possible.

(1) State the following:

(a) your full name and any other name(s) by which you have been known;

- (b) your date of birth;
- (c) your motor vehicle operator's license number;
- (d) your home address;
- (e) your business address;
- (f) if you were not the owner of the subject vehicle, the name and address of the owner or lessor of the subject vehicle on the date of the alleged occurrence.

(2) Have you made any statements, as defined in Practice Book Section 13-1, to any person regarding any of the incidents alleged in the Complaint?

COMMENT:

This interrogatory is intended to include party statements made to a representative of an insurance company prior to involvement of defense counsel.

(3) If the answer to Interrogatory #2 is affirmative, state:

- (a) the name and address of the person or persons to whom such statements were made;
- (b) the date on which such statements were made;
- (c) the form of the statement (i.e., whether written, made by recording device or recorded by a stenographer, etc.);
- (d) the name and address of each person having custody, or a copy or copies of each statement.

(4) State the names and addresses of all persons known to you who were present at the time of the incident alleged in the Complaint or who observed or witnessed all or part of the incident.

(5) As to each individual named in response to Interrogatory #4, state whether to your knowledge, or the knowledge of your attorney, such individual has given any statement or statements as defined

in Practice Book Section 13-1 concerning the subject matter of the Complaint in this lawsuit. If your answer to this interrogatory is affirmative, state also:

- (a) the date on which the statement or statements were taken;
- (b) the names and addresses of the person or persons who took such statement or statements;
- (c) the names and addresses of any person or persons present when such statement or statements were taken;
- (d) whether such statement or statements were written, made by recording device or taken by court reporter or stenographer;
- (e) the names and addresses of any person or persons having custody or a copy or copies of such statement or statements.
- (6) Are you aware of any photographs or any recordings by film, video, audio or any other digital or electronic means depicting the incident alleged in the Complaint, the scene of the incident, any vehicle involved in the incident alleged in the Complaint, or any condition or injury alleged to have been caused by the incident alleged in the Complaint? If so, for each set of photographs or each recording taken, obtained or prepared of each such subject [by each photographer], please state:
  - (a) the name and address of the [photographer]person who took, obtained or prepared such photograph or recording, other than an expert who will not testify at trial;
  - (b) the dates on which such photographs were taken or such recordings were obtained or prepared;

- (c) the subject (e.g., "Plaintiff's vehicle," "scene," etc.);
- (d) the number of photographs or recordings;
- (e) the nature of the recording (e.g., film, video, audio, etc.).

(7) If, at the time of the incident alleged in the Complaint, you were covered by an insurance policy under which an insurer may be liable to satisfy part or all of a judgment or reimburse you for payments to satisfy part or all of a judgment, state the following:

- (a) the name(s) and address(es) of the insured(s);
- (b) the amount of coverage under each insurance policy;
- (c) the name(s) and address(es) of said insurer(s).

(8) If at the time of the incident which is the subject of this lawsuit you were protected against the type of risk which is the subject of this lawsuit by excess umbrella insurance, or any other insurance, state:

- (a) the name(s) and address(es) of the named insured;
- (b) the amount of coverage effective at this time;
- (c) the name(s) and address(es) of said insurer(s).

(9) State whether any insurer, as described in Interrogatories #7 and #8 above, has disclaimed/reserved its duty to indemnify any insured or any other person protected by said policy.

(10) If applicable, describe in detail the damage to your vehicle.

(11) If applicable, please state the name and address of an appraiser or firm which appraised or repaired the damage to the vehicle owned or operated by you.

(12) If any of the Defendants are deceased, please state the date and place of death, whether an estate has been created, and the name and address of the legal representative thereof.

(13) If any of the Defendants is a business entity that has changed its name or status as a business entity (whether by dissolution, merger, acquisition, name change, or in any other manner) since the date of the incident alleged in the Complaint, please identify such Defendant, state the date of the change, and describe the change.

(14) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether, at the time of the incident, you were operating that vehicle in the course of your employment with any person or legal entity not named as a party to this lawsuit, and, if so, state the full name and address of that person or entity.

(15) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether you consumed or used any alcoholic beverages, drugs or medications within the eight (8) hours next preceding the time of the incident alleged in the Complaint and, if so, indicate what you consumed or used, how much you consumed, and when.

(16) Please state whether, within eight (8) hours after the incident alleged in the Complaint, any testing was performed to determine the presence of alcohol, drugs or other medications in your blood, and, if so, state:

(a) the name and address of the hospital, person or entity performing such test or screen;

(b) the date and time;

(c) the results.

(17) Please identify surveillance material discoverable under Practice Book Section 13-3 (c), by stating the name and address of any person who obtained or prepared any and all recordings by film, photograph, videotape, audiotape, or any other digital or electronic means, of any party concerning this lawsuit or its subject matter, including any transcript thereof which are in your possession or control or in the possession or control of your attorney, and state the date on which each such recordings were obtained and the person or persons of whom each such recording was made.

(18) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether you were using a cell phone for any activity including, but not limited to, calling, texting, e-mailing, posting, tweeting, or visiting sites on the Internet for any purpose, at or immediately prior to the time of the incident.

PLAINTIFF,

BY \_\_\_\_\_

I, \_\_\_\_\_, hereby certify that I have reviewed the above interrogatories and responses thereto and that they are true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
(Defendant)

Subscribed and sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public/  
Commissioner of the Superior  
Court

### **CERTIFICATION**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record [and to all parties who have not appeared in this matter] and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

\_\_\_\_\_  
Signed (Signature of filer)      Print or type name of person signing

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Mailing address (Number, street, town, state and zip code) or

\_\_\_\_\_  
E-mail address, if applicable

\_\_\_\_\_  
Telephone number

COMMENTARY: The changes to this form expand the language in Interrogatory # 6 to capture each type of recording identified in that interrogatory and make the certification consistent with Section 10-14.



Form 202

**Defendant's Interrogatories**

No. CV- : SUPERIOR COURT  
(Plaintiff) : JUDICIAL DISTRICT OF  
VS. : AT  
(Defendant) : (Date)

The undersigned, on behalf of the Defendant, hereby propounds the following interrogatories to be answered by the Plaintiff, \_\_\_\_\_, under oath, within sixty (60) days of the filing hereof in compliance with Practice Book Section 13-2.

Definition: "You" shall mean the Plaintiff to whom these interrogatories are directed except that if suit has been instituted by the representative of the estate of a decedent, ward, or incapable person, "you" shall also refer to the Plaintiff's decedent, ward or incapable person unless the context of an interrogatory clearly indicates otherwise.

In answering these interrogatories, the Plaintiff(s) is (are) required to provide all information within their knowledge, possession or power. If an interrogatory has subparts, answer each subpart separately and in full and do not limit the answer to the interrogatory as a whole. If any interrogatories cannot be answered in full, answer to the extent possible.

(1) State the following:

(a) your full name and any other name(s) by which you have been known;

(b) your date of birth;

(c) your motor vehicle operator's license number;

(d) your home address;

(e) your business address;

(f) if you were not the owner of the subject vehicle, the name and address of the owner or lessor of the subject vehicle on the date of the alleged occurrence.

(2) Identify and list each injury you claim to have sustained as a result of the incidents alleged in the Complaint.

(3) When, where and from whom did you first receive treatment for said injuries?

(4) If you were treated at a hospital for injuries sustained in the alleged incident, state the name and location of each hospital and the dates of such treatment and confinement therein.

(5) State the name and address of each physician, therapist or other source of treatment for the conditions or injuries you sustained as a result of the incident alleged in your Complaint.

(6) When and from whom did you last receive any medical attention for injuries alleged to have been sustained as a result of the incident alleged in your Complaint?

(7) On what date were you fully recovered from the injuries or conditions alleged in your Complaint?

(8) If you claim you are not fully recovered, state precisely from what injuries or conditions you are presently suffering?

(9) Are you presently under the care of any doctor or other health care provider for the treatment of injuries alleged to have been sustained as a result of the incident alleged in your Complaint?

(10) If the answer to Interrogatory #9 is in the affirmative, state the name and address of each physician or other health care provider who is treating you.

(11) Do you claim any present disability resulting from injuries or conditions allegedly sustained as a result of the incident alleged in your Complaint?

(12) If so, state the nature of the disability claimed.

(13) Do you claim any permanent disability resulting from said incident?

(14) If the answer to Interrogatory #13 is in the affirmative, please answer the following:

(a) list the parts of your body which are disabled;

(b) list the motions, activities or use of your body which you have lost or which you are unable to perform;

(c) state the percentage of loss of use claimed as to each part of your body;

(d) state the name and address of the person who made the prognosis for permanent disability and the percentage of loss of use;

(e) list the date for each such prognosis.

(15) If you were or are confined to your home or your bed as a result of injuries or conditions sustained as a result of the incident alleged in your Complaint, state the dates you were so confined.

(16) List each medical report received by you or your attorney relating to your alleged injuries or conditions by stating the name and address of the treating doctor or other health care provider, and of

any doctor or health care person you anticipate calling as a trial witness, who provided each such report and the date thereof.

(17) List each item of expense which you claim to have incurred as a result of the incident alleged in your Complaint, the amount thereof and state the name and address of the person or organization to whom each item has been paid or is payable.

(18) For each item of expense identified in response to Interrogatory #17, if any such expense, or portion thereof, has been paid or reimbursed or is reimbursable by an insurer, state, as to each such item of expense, the name of the insurer that made such payment or reimbursement or that is responsible for such reimbursement.

(19) If, during the ten year period prior to the date of the incident alleged in the Complaint, you were under a doctor's care for any conditions which were in any way similar or related to those identified and listed in your response to Interrogatory #2, state the nature of said conditions, the dates on which treatment was received, and the name of the doctor or health care provider.

(20) If, during the ten year period prior to the date of the incident alleged in your Complaint, you were involved in any incident in which you received personal injuries similar or related to those identified and listed in your response to Interrogatory #2, please answer the following with respect to each such earlier incident:

(a) on what date and in what manner did you sustain such injuries?

(b) did you make a claim against anyone as a result of said accident?

(c) if so, provide the name and address of the person or persons against whom a claim was made;

(d) if suit was brought, state the name and location of the Court, the return date of the suit, and the docket number;

(e) state the nature of the injuries received in said accident;

(f) state the name and address of each physician who treated you for said injuries;

(g) state the dates on which you were so treated;

(h) state the nature of the treatment received on each such date;

(i) if you are presently or permanently disabled as a result of said injuries, please state the nature of such disability, the name and address of each physician who diagnosed said disability and the date of each such diagnosis.

(21) If you were involved in any incident in which you received personal injuries since the date of the incident alleged in the Complaint, please answer the following:

(a) on what date and in what manner did you sustain said injuries?

(b) did you make a claim against anyone as a result of said accident?

(c) if so, provide the name and address of the person or persons against whom a claim was made;

(d) if suit was brought, state the name and location of the Court, the return date of the suit, and the docket number;

(e) state the nature of the injuries received in said accident;

(f) state the name and address of each physician who treated you for said injuries;

(g) state the dates on which you were so treated;

(h) state the nature of the treatment received on each such date;

(i) if you are presently or permanently disabled as a result of said injuries, please state the nature of such disability, the name and address of each physician who diagnosed said disability and the date of each such diagnosis.

(22) Please state the name and address of any medical service provider who has rendered an opinion in writing or through testimony that you have sustained a permanent disability to any body part other than those listed in response to Interrogatories #13, #14, #20 or #21, and:

(a) list each such part of your body that has been assessed a permanent disability;

(b) state the percentage of loss of use assessed as to each part of your body;

(c) state the date on which each such assessment was made.

(23) If you claim that as a result of the incident alleged in your Complaint you were prevented from following your usual occupation, or otherwise lost time from work, please provide the following information:

(a) the name and address of your employer on the date of the incident alleged in the Complaint;

(b) the nature of your occupation and a precise description of your job responsibilities with said employer on the date of the incident alleged in the Complaint;

(c) your average, weekly earnings, salary, or income received from said employment for the year preceding the date of the incident alleged in the Complaint;

(d) the date following the date of the incident alleged in the Complaint on which you resumed the duties of said employment;

(e) what loss of income do you claim as a result of the incident alleged in your Complaint and how is said loss computed?

(f) the dates on which you were unable to perform the duties of your occupation and lost time from work as a result of injuries or conditions claimed to have been sustained as a result of the incident alleged in your Complaint;

(g) the names and addresses of each employer for whom you worked for three years prior to the date of the incident alleged in your Complaint.

(24) Do you claim an impairment of earning capacity?

(25) List any other expenses or loss and the amount thereof not already set forth and which you claim to have incurred as a result of the incident alleged in your Complaint.

(26) If you have signed a covenant not to sue, a release or discharge of any claim you had, have or may have against any person, corporation or other entity as a result of the incident alleged in your Complaint, please state in whose favor it was given, the date thereof, and the consideration paid to you for giving it.

(27) If you or anyone on your behalf agreed or made an agreement with any person, corporation or other entity to limit in any way the liability of such person, corporation or other entity as a result of any claim you have or may have as a result of the incident alleged in your Complaint, please state in whose favor it was given, the date thereof, and the consideration paid to you for giving it.

(28) If since the date of the incident alleged in your Complaint, you have made any claims for workers' compensation benefits, state the nature of such claims and the dates on which they were made.

(29) Have you made any statements, as defined in Practice Book Section 13-1, to any person regarding any of the events or happenings alleged in your Complaint?

COMMENT:

This interrogatory is intended to include party statements made to a representative of an insurance company prior to involvement of defense counsel.

(30) State the names and addresses of all persons known to you who were present at the time of the incident alleged in your Complaint or who observed or witnessed all or part of the accident.

(31) As to each individual named in response to Interrogatory #30, state whether to your knowledge, or the knowledge of your attorney, such individual has given any statement or statements as defined in Practice Book Section 13-1 concerning the subject matter of your Complaint or alleged injuries. If your answer to this interrogatory is affirmative, state also:

- (a) the date on which such statement or statements were taken;
- (b) the names and addresses of the person or persons who took such statement or statements;
- (c) the names and addresses of any person or persons present when such statement or statements were taken;
- (d) whether such statement or statements were written, made by recording device or taken by court reporter or stenographer;
- (e) the names and addresses of any person or persons having custody or a copy or copies of such statement or statements.



(32) Are you aware of any photographs or any recordings by film, video, audio or any other digital or electronic means depicting the incident alleged in the Complaint, the scene of the incident, any vehicle involved in the incident alleged in the Complaint, or any condition or injury alleged to have been caused by the incident alleged in the Complaint? If so, for each set of photographs or each recording taken, obtained or prepared of each such subject [by each photographer], please state:

(a) the name and address of the [photographer] person who took, obtained or prepared such photograph or recording, other than an expert who will not testify at trial;

(b) the dates on which such photographs were taken or such recordings were obtained or prepared;

(c) the subject (e.g., "Plaintiff's vehicle," "scene," etc.);

(d) the number of photographs or recordings;

(e) the nature of the recording (e.g., film, video, audio, etc.).

(33) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether you consumed or used any alcoholic beverages, drugs or medications within the eight (8) hours next preceding the time of the incident alleged in the Complaint and, if so, indicate what you consumed or used, how much you consumed, and when.

(34) Please state whether, within eight (8) hours after the incident alleged in the Complaint, any testing was performed to determine the presence of alcohol, drugs or other medications in your blood, and, if so, state:

(a) the name and address of the hospital, person or entity performing such test or screen;

(b) the date and time;

(c) the results.

(35) Please identify surveillance material discoverable under Practice Book Section 13-3 (c), by stating the name and address of any person who obtained or prepared any and all recordings, by film, photograph, videotape, audiotape or any other digital or electronic means, of any party concerning this lawsuit or its subject matter, including any transcript thereof which are in your possession or control or in the possession or control of your attorney, and state the date on which each such recordings were obtained and the person or persons of whom each such recording was made.

COMMENT:

The following two interrogatories are intended to identify situations in which a Plaintiff has applied for and received workers' compensation benefits. If compensation benefits were paid, then the supplemental interrogatories and requests for production may be served on the Plaintiff without leave of the court if the compensation carrier does not intervene in the action.

(36) Did you make a claim for workers' compensation benefits as a result of the incident/occurrence alleged in the Complaint?

(37) Did you receive workers' compensation benefits as a result of the incident/occurrence alleged in the Complaint?

(38) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether you were using a cell phone for any activity including, but not limited to, calling, texting, e-mailing, posting, tweeting, or visiting sites on the Internet for any purpose, at or immediately prior to the time of the incident.

DEFENDANT,

BY \_\_\_\_\_

I, \_\_\_\_\_, hereby certify that I have reviewed the above interrogatories and responses thereto and that they are true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
(Plaintiff)

Subscribed and sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public/

Commissioner of the Superior  
Court

#### **CERTIFICATION**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record [and to all parties who have not appeared in this matter] and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

---

Signed (Signature of filer)      Print or type name of person signing

---

Date Signed

---

Mailing address (Number, street, town, state and zip code) or

---

E-mail address, if applicable

---

Telephone number

COMMENTARY: The changes to this form conform the language of Interrogatory #32 regarding recordings of an incident by film, photograph, videotape, audiotape or any other digital or electronic means to similar questions in other standard interrogatories in order to avoid any confusion, and make the certification consistent with Section 10-14.

Form 203

**Plaintiff's Interrogatories**  
**Premises Liability Cases**

No. CV- : SUPERIOR COURT  
(Plaintiff) : JUDICIAL DISTRICT OF  
VS. : AT  
(Defendant) : (Date)

The undersigned, on behalf of the Plaintiff, hereby propounds the following interrogatories to be answered by the Defendant, \_\_\_\_\_, under oath, within sixty (60) days of the filing hereof in compliance with Practice Book Section 13-2.

In answering these interrogatories, the Defendant(s) is (are) required to provide all information within their knowledge, possession or power. If an interrogatory has subparts, answer each subpart separately and in full and do not limit the answer to the interrogatory as a whole. If any interrogatories cannot be answered in full, answer to the extent possible.

(1) Identify the person(s) who, at the time of the Plaintiff's alleged injury, owned the premises where the Plaintiff claims to have been injured.

(a) If the owner is a natural person, please state:

- (i) your name and any other name by which you have been known;
- (ii) your date of birth;
- (iii) your home address;
- (iv) your business address.

(b) If the owner is not a natural person, please state:

- (i) your name and any other name by which you have been known;
  - (ii) your business address;
  - (iii) the nature of your business entity (corporation, partnership, etc.);
  - (iv) whether you are registered to do business in Connecticut;
  - (v) the name of the manager of the property, if applicable.
- (2) Identify the person(s) who, at the time of the Plaintiff's alleged injury, had a possessory interest (e.g., tenants) in the premises where the Plaintiff claims to have been injured.
- (3) Identify the person(s) responsible for the maintenance and inspection of the premises at the time and place where the Plaintiff claims to have been injured.
- (4) State whether you had in effect at the time of the Plaintiff's injuries any written policies or procedures that relate to the kind of conduct or condition the Plaintiff alleges caused the injury.
- (5) State whether it is your business practice to prepare, or to obtain from your employees, a written report of the circumstances surrounding injuries sustained by persons on the subject premises.
- (6) State whether any written report of the incident described in the Complaint was prepared by you or your employees in the regular course of business.
- (7) State whether any warnings or caution signs or barriers were erected at or near the scene of the incident at the time the Plaintiff claims to have been injured.
- (8) If the answer to the previous interrogatory is in the affirmative, please state:

(a) the name, address and employer of the person who erected the warning or caution signs or barriers;

(b) the name, address and employer who instructed the person to erect the warning or caution signs or barriers;

(c) the time and date a sign or barrier was erected;

(d) the size of the sign or barrier and wording that appeared thereon.

(9) State whether you received, at any time within twenty-four (24) months before the incident described by the Plaintiff, complaints from anyone about the defect or condition that the Plaintiff claims caused the Plaintiff's injury.

(10) If the answer to the previous interrogatory is in the affirmative, please state:

(a) the name and address of the person who made the complaint;

(b) the name, address and person to whom said complaint was made;

(c) whether the complaint was in writing;

(d) the nature of the complaint.

(11) Please identify surveillance material discoverable under Practice Book Section 13-3 (c), by stating the name and address of any person who obtained or prepared any and all recordings, by film, photograph, videotape, audiotape or any other digital or electronic means, of any party concerning this lawsuit or its subject matter, including any transcript thereof which are in your possession or control or in the possession or control of your attorney, and state the date on which each such recordings were obtained and the person or persons of whom each such recording was made.

(12) Are you aware of any photographs or any recordings by film, video, audio or any other digital or electronic means depicting the incident alleged in the Complaint, the scene of the incident, or any condition or injury alleged to have been caused by the incident alleged in the Complaint? If so, for each set of photographs or each recording taken, obtained or prepared of each such subject, please state:

(a) the name and address of the person who took, obtained or prepared such photograph or recording, other than an expert who will not testify at trial;

(b) the dates on which such photographs were taken or such recordings were obtained or prepared;

(c) the subject (e.g., "scene of incident," etc.);

(d) the number of photographs or recordings;

(e) the nature of the recording (e.g., film, video, audio, etc.).

(13)–(23) (Interrogatories #1 (a) through (e), #2 through #5, #7, #8, #9, #12, #13 and #16 of Form 201 may be used to complete this standard set of interrogatories.)

PLAINTIFF,

BY \_\_\_\_\_

#### **CERTIFICATION**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record [and to all parties who have not appeared in this matter] and that written consent for electronic delivery was received from all attorneys



and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

Signed (Signature of filer)      Print or type name of person signing

Date Signed

Mailing address (Number, street, town, state and zip code) or

E-mail address, if applicable

Telephone number

COMMENTARY: The change to the certification on this form is consistent with the provisions of Section 10-14.

Form 204

**Plaintiff's Requests for Production**

No. CV- : SUPERIOR COURT  
(Plaintiff) : JUDICIAL DISTRICT OF  
VS. : AT  
(Defendant) : (Date)

The Plaintiff(s) hereby request(s) that the Defendant provide counsel for the Plaintiff(s) with copies of the documents described in the following requests for production, or afford counsel for said Plaintiff(s) the opportunity or, if necessary, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents. The production of such documents, copies or written authorization shall take place at the offices of \_\_\_\_\_ on \_\_\_\_\_ (day), \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

In answering these production requests, the Defendant(s) are required to provide all information within their possession, custody or control. If any production request cannot be answered in full, answer to the extent possible.

Definition: "You" shall mean the Defendant to whom these interrogatories are directed except that if that Defendant has been sued as the representative of the estate of a decedent, ward, or incapable person, "you" shall also refer to the Defendant's decedent, ward or incapable person unless the context of an interrogatory clearly indicates otherwise.

(1) A copy of the appraisal or bill for repairs as identified in response to Interrogatory #11.

(2) A copy of declaration page(s) of each insurance policy identified in response to Interrogatory #7 and/or #8.

(3) If the answer to Interrogatory #9 is in the affirmative, a copy of the complete policy contents of each insurance policy identified in response to Interrogatory #7 and/or #8.

(4) A copy of any photographs or recordings identified in response to Interrogatory #6.

(5) A copy of any nonprivileged statement, as defined in Practice Book Section 13-1, of any party in this lawsuit concerning this action or its subject matter.

(6) A copy of all lease agreements pertaining to any motor vehicle involved in the incident which is the subject of this action, which was owned or operated by you or your employee, and all documents referenced or incorporated therein.

(7) A copy of all records of blood alcohol testing or drug screens referred to in answer to Interrogatory #16, or a signed authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountability Act (HIPAA) or those of the Public Health Service Act, whichever is applicable, to obtain the same for each hospital, person or entity that performed such test or screen. Information obtained pursuant to the provisions of HIPAA or the Public Health Service Act shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(8) A copy of each and every recording of surveillance material discoverable under Practice Book Section 13-3 (c), by film, photograph, videotape, audiotape or any other digital or electronic means, of any party to this lawsuit concerning this lawsuit or the subject matter thereof, including any transcript of such recording.

PLAINTIFF,

BY \_\_\_\_\_

#### **CERTIFICATION**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record [and to all parties who have not appeared in this matter] and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

\_\_\_\_\_  
Signed (Signature of filer)

\_\_\_\_\_  
Print or type name of person signing

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Mailing address (Number, street, town, state and zip code) or

---

E-mail address, if applicable

---

Telephone number

COMMENTARY: The change to the certification on this form is consistent with the provisions of Section 10-14.

Form 205

**Defendant's Requests for Production**

No. CV- : SUPERIOR COURT  
(Plaintiff) : JUDICIAL DISTRICT OF  
VS. : AT  
(Defendant) : (Date)

The Defendant(s) hereby request(s) that the Plaintiff provide counsel for the Defendant(s) with copies of the documents described in the following requests for production, or afford counsel for said Defendant(s) the opportunity or, where requested, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents. The production of such documents, copies or written authorizations shall take place at the offices of \_\_\_\_\_ not later than sixty (60) days after the service of the Requests for Production.

In answering these production requests, the Plaintiff(s) are required to provide all information within their possession, custody or control. If any production request cannot be answered in full, answer to the extent possible.

(1) All hospital records relating to treatment received as a result of the alleged incident, and to injuries, diseases or defects to which reference is made in the answers to Interrogatories #19, #20, #21 and #22, or written authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountability Act (HIPAA), to inspect and make copies of said hospital records. Information obtained

pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(2) All reports and records of all doctors and all other care providers relating to treatment allegedly received by the Plaintiff(s) as a result of the alleged incident, and to the injuries, diseases or defects to which reference is made in the answers to Interrogatories #19, #20, #21 and #22 (exclusive of any records prepared or maintained by a licensed psychiatrist or psychologist) or written authorization, sufficient to comply with provisions of the Health Insurance Portability and Accountability Act, to inspect and make copies of said reports. Information obtained pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(3) If a claim for lost wages or lost earning capacity is being made, copies of, or sufficient written authorization to inspect and make copies of, the wage and employment records of all employers of the Plaintiff(s) for three (3) years prior to the date of the incident and for all years subsequent to the date of the incident to and including the date hereof.

(4) If a claim of impaired earning capacity or lost wages is being alleged, provide copies of, or sufficient written authorization to obtain copies of, that part of all income tax returns relating to lost income filed by the Plaintiff(s) for a period of three (3) years prior to the date of the incident and for all years subsequent to the date of the incident through the time of trial.

(5) All property damage bills that are claimed to have been incurred as a result of this incident.

(6) All medical bills that are claimed to have been incurred as a result of this incident or written authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountability Act, to inspect and make copies of said medical bills. Information obtained pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(7) All bills for each item of expense that is claimed to have been incurred in the answer to Interrogatory #18, and not already provided in response ¶5 and ¶6 above.

(8) Copies of all documentation of claims of right to reimbursement provided to the Plaintiff by third party payors, and copies of, or written authorization, sufficient to comply with provisions of the Health Insurance Portability and Accountability Act, to obtain any and all documentation of payments made by a third party for medical services received or premiums paid to obtain such payment. Information obtained pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(9) All documents identified or referred to in the answers to Interrogatory #26.

(10) A copy of any nonprivileged statement, as defined in Practice Book Section 13-1, of any party in this lawsuit concerning this action or its subject matter.



(11) Any and all photographs or recordings identified in response to Interrogatory #32.

(12) A copy of all records of blood alcohol testing or drug screens referred to in answer to Interrogatory #34, or a signed authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountability Act or those of the Public Health Service Act, whichever is applicable, to obtain the same. Information obtained pursuant to the provisions of HIPAA or the Public Health Service Act shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(13) A copy of each and every recording of surveillance material discoverable under Practice Book Section 13-3 (c), by film, photograph, videotape, audiotape or any other digital or electronic means, of any party to this lawsuit concerning this lawsuit or the subject matter thereof, including any transcript of such recording.

DEFENDANT,

BY \_\_\_\_\_

#### **CERTIFICATION**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record [and to all parties who have not appeared in this matter] and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

---

Signed (Signature of filer)      Print or type name of person signing

---

Date Signed

---

Mailing address (Number, street, town, state and zip code) or

---

E-mail address, if applicable

---

Telephone number

COMMENTARY: The change to the certification on this form is consistent with the provisions of Section 10-14.

## Form 206

**Plaintiff's Requests for Production—Premises Liability**

No. CV- : SUPERIOR COURT  
(Plaintiff) : JUDICIAL DISTRICT OF  
VS. : AT  
(Defendant) : (Date)

The Plaintiff hereby requests that the Defendant provide counsel for the Plaintiff with copies of the documents described in the following requests for production, or afford counsel for said Plaintiff the opportunity or, if necessary, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents. The production of such documents, copies or written authorization shall take place at the offices of \_\_\_\_\_ on \_\_\_\_\_ (day), \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

In answering these production requests, the Defendant(s) are required to provide all information within their possession, custody or control. If any production request cannot be answered in full, answer to the extent possible.

(1) A copy of the policies or procedures identified in response to Interrogatory #4.

(2) A copy of the report identified in response to Interrogatory #6.

(3) A copy of any written complaints identified in Interrogatory #10.

(4) A copy of declaration page(s) evidencing the insurance policy or policies identified in response to Interrogatories numbered \_\_\_\_\_ and \_\_\_\_\_.

(5) A copy of any nonprivileged statement, as defined in Practice Book Section 13-1, of any party in this lawsuit concerning this action or its subject matter.

(6) A copy of each and every recording of surveillance material discoverable under Practice Book Section 13-3 (c), by film, photograph, videotape, audiotape or any other digital or electronic means, of any party to this lawsuit concerning this lawsuit or the subject matter thereof, including any transcript of such recording.

(7) A copy of any photographs or recordings, identified in response to Interrogatory #12.

(8) A copy of any written leases(s) and any amendments or extensions to such lease(s) for the premises where the plaintiff claims to have been injured in effect at the time of the plaintiff's injury between you and the person or entity identified in Interrogatory #2.

(9) A copy of any written contract or agreement regarding the maintenance and inspection of the premises where the plaintiff claims to have been injured in effect at the time of the plaintiff's injury between you and the person or entity identified in Interrogatory #3.

PLAINTIFF,

BY \_\_\_\_\_

#### **CERTIFICATION**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record [and to all parties who have not appeared in this matter] and that written consent for electronic delivery was received from all attorneys

and self-represented parties of record who received or will immediately  
be receiving electronic delivery.

Name and address of each party and attorney that copy was or will  
immediately be mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and  
address which the copy was or will immediately be mailed or deliv-  
ered to.

Signed (Signature of filer)      Print or type name of person signing

Date Signed

Mailing address (Number, street, town, state and zip code) or

E-mail address, if applicable

Telephone number

COMMENTARY: The change to this form adds requests for produc-  
tion of any written lease or lease extension for the premises and for  
the production of any contract or agreement regarding the mainte-  
nance and inspection of the premises in effect at the time of the alleged  
incident. Currently, a plaintiff is required to file a motion for permission  
to file supplemental requests for production in order to obtain the  
documents. This change will eliminate the need for such a motion.  
The change to the certification makes it consistent with Section 10-14.

Form 207

**Interrogatories—Actions to Establish, Enforce or Modify Child  
Support Orders**

No. CV- : SUPERIOR COURT  
(Plaintiff) : FAMILY SUPPORT  
VS. : MAGISTRATE DIVISION  
(Defendant) : JUDICIAL DISTRICT OF  
: AT  
: (Date)

The undersigned, on behalf of the Plaintiff/Defendant, propounds the following interrogatories to be answered by the Defendant/Plaintiff within sixty (60) days of the filing hereof.

- (1) For your present residence:
  - (a) What is the address?
  - (b) What type of property is it (apartment, condominium, single-family home)?
  - (c) Who is the owner of the property?
  - (d) What is your relationship to the owner (landlord, parents, spouse)?
  - (e) When did you start living at this residence?
- (2) List the names of all the adults that live with you.
  - (a) For each adult you live with, what is your relationship to them (spouse, sibling, roommate, parent, girlfriend or boyfriend)?

(b) For each adult you live with, what is their financial contribution to the household (who pays the rent, who pays the utilities, who buys the groceries)?

(3) Give the name and address of your employer.

(a) Are you employed full-time or part-time? Are you self-employed? If you are self-employed, do not answer (b) through (h) and go directly to Interrogatory #4.

(b) Are you paid a salary, on an hourly basis, or do you work on commission or tips?

(c) What is your income per week?

(d) How many hours per week do you usually work?

(e) Is overtime available, and if it is, how many hours per week do you work overtime and what are you paid?

(f) Do you, or have you, ever received bonus income from your employment and what is the basis for the bonus?

(g) Does your employer deduct federal and state taxes and Medicare from your wages or are you responsible for filing your own deductions? If you file, provide a copy of your most recent tax returns.

(h) Do you have a second source of employment? If so, please provide the same information as requested in (a) through (g).

(4) If you are self-employed:

(a) Are you part of a partnership, corporation or LLC, and if you are, give the name of the business and your role in it?

(b) Name the other people involved in your business and their roles.

(c) Does the business file taxes (if so, bring copies of the last two tax returns filed to your next court date)?

- (d) Describe the work you do.
- (e) How many hours per week do you work, on average?
- (f) How much do you typically earn per hour?
- (g) List your business expenses, and what they cost per week.
- (h) State how you are typically paid (check or cash).
- (i) Name the five people or companies you did most of your work for in the last year.
- (j) If you have a business account, what bank is it at (bring copies of the last six months of bank statements to your next court date)?
- (k) Do you work alone or do you employ anyone and pay them wages? If you employ anyone, please identify them, their relationship to you, if any, and the amount you pay them.
- (l) How do you keep your payment and expense records? Do you employ an accountant, and if so, please give the name and address of the accountant responsible for your records?
- (5) Except for your current job, list all the places you have worked for the last three years. For each place, list the address, the type of work you did, the dates you worked there and how much you were paid at each job.
- (6) If you cannot work because of a disability, what is the nature of your disability?
  - (a) What is the date you became disabled?
  - (b) Is this disability permanent or temporary?
  - (c) If a doctor has told you that you cannot work, what is the name of the doctor and his or her office (bring a note from this doctor stating that you cannot work to your next court date)?



(d) If a doctor has told you that you cannot work, did he or she say you cannot work full-time or part-time?

(e) If you have a partial or permanent disability, please provide the percentage rating.

(f) Is your disability the result of an automobile accident, an accident at work, an accident at home or otherwise? Please give the date and details of the incident and whether you have filed a lawsuit or workers' compensation claim as a result.

(g) Have you had any children since the incident? If so, list their dates of birth.

(7) Have you applied for Social Security Disability (SSD) or Supplemental Security Income (SSI)?

(a) If you did, when did you apply and where are you in the application process?

(b) Have you been told if or when you will receive benefits? If so, who told you and what is the date they gave you?

(c) If your application for SSD and/or SSI has been denied, did you appeal? If you appealed, what is the status of the appeal and what lawyer, if any, represents you?

(d) Have you applied for or are you receiving state assistance?

(e) Are you a recipient of the state supplement program, medical assistance program, temporary family assistance program, state-administered general assistance program (SAGA medical or cash)? If so, state the source of the benefit, the effective date of the benefit

and the date when your eligibility for benefits will be redetermined by the department of social services.

(8) Do you have any lawsuits pending?

(a) If you do, what type of case is it?

(b) Give the name, address, e-mail address and phone number of the lawyer handling the case for you.

(c) What amount do you expect to recover and when do you expect to receive it?

(d) If you have already settled the case, please provide a copy of the settlement statement.

(9) Do you expect to inherit any money or property in the next six months?

(a) If you do, who do you expect to inherit from and where do they or where did they live?

(b) What do you expect to inherit, what is its value and when do you expect to inherit it?

(c) What is the name and address of the person or lawyer handling the estate and where is the probate court in which the action is filed?

(10) Is anyone holding any money for you? If so, name the person, their relationship to you, their address and the amount of money they are holding.

(11) Do you own any rental properties, by yourself, with someone else or in trust? If the answer is yes:

(a) Is the property residential or commercial?

(b) Please identify the location of the property or properties, include the address and identify your ownership interest.

(c) Do you derive any income from the property? Do you calculate your net income from the property on a weekly, monthly or yearly basis?

(d) What are your expenses relating to the property or properties? Please state the amount of your mortgage payment, if any, and the amount of your taxes, insurance and utility payments, if any, and your method of payment of these expenses.

(e) Did you have to apply for a loan to finance any part of the real property or to finance the purchase of any personal property? If so, identify the item, state the amount of the loan and give a copy of the loan application.

(12) Are you the beneficiary or settlor of a trust?

(a) If so, please identify the trust, the type of trust, the date of the creation of the trust, the name and address of the trustee and how the trust is funded.

(b) How often do you receive a distribution from the trust and from whom and in what amounts are the distributions?

BY \_\_\_\_\_

I, \_\_\_\_\_, certify that I have reviewed the interrogatories set out above and the responses to those interrogatories and they are true and accurate to the best of my knowledge and belief.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public/  
Commissioner of the Superior  
Court

### **CERTIFICATION**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record [and to all parties who have not appeared in this matter] and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

---

Signed (Signature of filer)      Print or type name of person signing

---

Date Signed

---

Mailing address (Number, street, town, state and zip code) or

---

E-mail address, if applicable

---

Telephone number

COMMENTARY: The change to the certification on this form is consistent with the provisions of Section 10-14.

Form 208

**Defendant's Supplemental Interrogatories**

**Workers' Compensation Benefits—No Intervening Plaintiff**

No. CV- : SUPERIOR COURT  
(Plaintiff) : JUDICIAL DISTRICT OF  
VS. : AT  
(Defendant) : (Date)

The undersigned, on behalf of the Defendant, hereby propounds the following interrogatories to be answered by the Plaintiff, \_\_\_\_\_, under oath, within sixty (60) days of the filing hereof insofar as the disclosure sought will be of assistance in the defense of this action and can be provided by the Plaintiff with substantially greater facility than could otherwise be obtained.

Definition: "You" shall mean the Plaintiff to whom these interrogatories are directed except that if suit has been instituted by the representative of the estate of a decedent, ward, or incapable person, "you" shall also refer to the Plaintiff's decedent, ward or incapable person unless the context of an interrogatory clearly indicates otherwise.

In answering these interrogatories, the Plaintiff(s) is (are) required to provide all information within their knowledge, possession or power. If an interrogatory has subparts, answer each subpart separately and in full, and do not limit the answer to the interrogatory as a whole. If any interrogatories cannot be answered in full, answer to the extent possible.

(1) State your full name, home address, and business address.

(2) State the workers' compensation claim number and the date of injury of each workers' compensation claim that you have filed as a result of the incident/occurrence alleged in the complaint.

(3) State the total amount paid on your behalf on each of the claims filed as a result of the incident/ occurrence alleged in the complaint and referred to in Interrogatory #2, and if known, specify the amount of medical benefits, loss of income benefits, and specific award benefits, and if unknown, provide an authorization for the same.

(4) Identify any First Report of Injury, Notice of Claim for Compensation, Notice of Intention to Reduce or Discontinue Benefits, Notice to Compensation Commissioner and Employee of Intention to Contest Employee's Right to Compensation Benefits, and any reports of medical exams requested by the commissioner, respondent and/or employer arising out of the incident/occurrence alleged in the Complaint.

(5) Identify any voluntary agreements, approved stipulations to date, approved full and final stipulations and findings and awards, and findings and denials arising out of the incident/occurrence alleged in the Complaint and which formed the basis for your answer to Interrogatory #3.

(6) Which of your claims arising out of the incident/occurrence alleged in the Complaint and referenced in your answer to Interrogatory #2 are still open?

COMMENT:

These supplemental interrogatories are specifically directed at eliciting information about any workers' compensation claims, benefits and agreements. Unless the compensation carrier is a party to the action, it can be difficult to obtain this information. Often the Plaintiff's lawyers do not represent the client in the workers' compensation case, and although this information is

available in the workers' compensation file, providing these records to lawyers not involved in the compensation case could be time-consuming for the workers' compensation office staff. If compensation benefits were paid, these supplemental interrogatories may be served on the Plaintiff without leave of the court if there is no Intervening Plaintiff in the action.

DEFENDANT,

BY \_\_\_\_\_

I, \_\_\_\_\_, hereby certify that I have reviewed the above interrogatories and responses thereto and that they are true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
(Plaintiff)

Subscribed and sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public/  
Commissioner of the Superior  
Court

#### CERTIFICATION

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record [and to all parties who have not appeared in this matter] and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

---

Signed (Signature of filer)      Print or type name of person signing

---

Date Signed

---

Mailing address (Number, street, town, state and zip code) or

---

E-mail address, if applicable

---

Telephone number

COMMENTARY: The change to the certification on this form is  
consistent with the provisions of Section 10-14.



Form 209

**Defendant's Supplemental Requests for Production  
Workers' Compensation Benefits—No Intervening Plaintiff**

No. CV- : SUPERIOR COURT  
(Plaintiff) : JUDICIAL DISTRICT OF  
VS. : AT  
(Defendant) : (Date)

The Defendant(s) hereby request(s) that the Plaintiff provide counsel for the Defendant(s) with copies of the documents described in the following requests for production, or afford counsel for said Defendant(s) the opportunity or, where requested, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents. The production of such documents, copies or written authorizations shall take place at the offices of \_\_\_\_\_ not later than sixty (60) days after the service of the Requests for Production.

In answering these production requests, the Plaintiff(s) are required to provide all information within their possession, custody or control. If any production request cannot be answered in full, answer to the extent possible.

(1) Produce a copy of the First Report of Injury (Form FRI), Notice of Claim for Compensation (Form 30C), Notice of Intention to Reduce or Discontinue Benefits (Form 36), and Notice to Compensation Com-

missioner and Employee of Intention to Contest Employee's Right to Compensation Benefits (Form 43).

(2) Produce a copy of all of the approved voluntary agreements, approved stipulations to date, approved full and final stipulations, findings and awards, and findings and denials that relate to one or more of the claims referenced in your answer to Interrogatory #2 on Form 208.

(3) Produce a copy of all reports of medical exams requested by the commissioner, respondent and/or employer that were prepared concerning any of the claims referenced in your answer to Interrogatory #2 on Form 208.

(4) If you are unable to specify the amount of medical benefits, loss of income benefits, and specific award benefits paid on your behalf, provide an authorization for the same.

COMMENT:

These supplemental requests for production are specifically directed at eliciting information about any workers' compensation claims, benefits and agreements. Unless the compensation carrier is a party to the action, it can be difficult to obtain this information. Often the Plaintiff's lawyers do not represent the client in the workers' compensation case, and although this information is available in the workers' compensation file, providing these records to lawyers not involved in the compensation case could be time-consuming for the workers' compensation office staff. If compensation benefits were paid, these supplemental requests for production may be served on the Plaintiff without leave of the court if there is no Intervening Plaintiff in the action.

DEFENDANT,

BY \_\_\_\_\_

**CERTIFICATION**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record

[and to all parties who have not appeared in this matter] and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

Signed (Signature of filer)      Print or type name of person signing

Date Signed

Mailing address (*Number, street, town, state and zip code*) or

E-mail address, if applicable

Telephone number

COMMENTARY: The change to the certification on this form is consistent with the provisions of Section 10-14.

Form 210

**Defendant's Interrogatories**

**Workers' Compensation Benefits—Intervening Plaintiff**

No. CV-	: SUPERIOR COURT
(Plaintiff)	: JUDICIAL DISTRICT OF
VS.	: AT
(Defendant)	: (Date)

The undersigned, on behalf of the Defendant, hereby propounds the following interrogatories to be answered by the Intervening Plaintiff, \_\_\_\_\_, under oath, within sixty (60) days of the filing hereof insofar as the disclosure sought will be of assistance in the defense of this action and can be provided by the Intervening Plaintiff with substantially greater facility than could otherwise be obtained.

Definition: "You" shall mean the Intervening Plaintiff to whom these interrogatories are directed except that if suit has been instituted by the representative of the estate of a decedent, ward, or incapable person, "you" shall also refer to the Intervening Plaintiff's decedent, ward or incapable person unless the context of an interrogatory clearly indicates otherwise.

In answering these interrogatories, the Plaintiff(s) is (are) required to provide all information within their knowledge, possession or power. If an interrogatory has subparts, answer each subpart separately and in full, and do not limit the answer to the interrogatory as a whole. If any interrogatories cannot be answered in full, answer to the extent possible.

(1) State the name, business address, business telephone number, business e-mail address and relationship to the workers' compensation lien holder of the person answering these interrogatories.

(2) State the workers' compensation claim number and the date of injury of each workers' compensation claim that gave rise to the lien asserted by the workers' compensation lien holder.

(3) State the total amount paid on each claim referenced in the answer to Interrogatory #2, specifying the amount of medical benefits, loss of income benefits, and specific award benefits paid.

(4) Identify any First Report of Injury, Notice of Claim for Compensation, Notice of Intention to Reduce or Discontinue Benefits, Notice to Compensation Commissioner and Employee of Intention to Contest Employee's Right to Compensation Benefits, and any reports of medical exams requested by the commissioner, respondents and/or employer arising out of the incident/occurrence alleged in the Complaint.

(5) Identify any voluntary agreements, approved stipulations to date, approved full and final stipulations and findings and awards, and findings and denials.

(6) Identify the claims referenced in your answer to Interrogatory #2 that are still open.

COMMENT:

These standard interrogatories are intended to tailor the discovery from the intervening compensation carrier to the limited role and limited material information in the workers' compensation lien holder's file. The existing standard interrogatories directed to the Plaintiffs place an unnecessary burden on the parties, result in discovery disputes, and require the compensation carrier to produce information and documentation, in many instances, that is duplicative of the responses engendered by the same interrogatories served upon the Plaintiff in the case.

DEFENDANT,

BY \_\_\_\_\_

**CERTIFICATION**

I, \_\_\_\_\_, hereby certify that I have reviewed the above interrogatories and responses thereto and that they are true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
(Plaintiff)

Subscribed and sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public/  
Commissioner of the Superior  
Court

**CERTIFICATION**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record [and to all parties who have not appeared in this matter] and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

---

Signed (Signature of filer)      Print or type name of person signing

---

Date Signed

---

Mailing address (Number, street, town, state and zip code) or

---

E-mail address, if applicable

---

Telephone number

COMMENTARY: The change to the certification on this form is  
consistent with the provisions of Section 10-14.

Form 211

**Defendant's Requests for Production**  
**Workers' Compensation Benefits—Intervening Plaintiff**

No. CV- : SUPERIOR COURT  
(Plaintiff) : JUDICIAL DISTRICT OF  
VS. : AT  
(Defendant) : (Date)

The Defendant(s) hereby request(s) that the Intervening Plaintiff provide counsel for the Defendant(s) with copies of the documents described in the following requests for production, or afford counsel for said Defendant(s) the opportunity or, where requested, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents. The production of such documents, copies or written authorizations shall take place at the offices of \_\_\_\_\_ not later than sixty (60) days after the service of the Requests for Production.

In answering these production requests, the Plaintiff(s) are required to provide all information within their possession, custody or control. If any production request cannot be answered in full, answer to the extent possible.

(1) Produce a copy of the First Report of Injury (Form FRI), Notice of Claim for Compensation (Form 30C), Notice of Intention to Reduce or Discontinue Benefits (Form 36), and Notice to Compensation Com-



missioner and Employee of Intention to Contest Employee's Right to Compensation Benefits (Form 43).

(2) Produce a copy of all of the approved voluntary agreements, approved stipulations to date, approved full and final stipulations, findings and awards, and findings and denials that relate to one or more of the claims referenced in your answer to Interrogatory #2 on Form 210.

(3) Produce a copy of all reports of medical exams requested by the commissioner, respondent and/or employer that were prepared concerning any of the claims referenced in your answer to Interrogatory #2 on Form 210.

(4) Produce a copy of your workers' compensation lien calculations.

COMMENT:

These standard requests for production are intended to tailor the discovery from the intervening compensation carrier to the limited role and limited material information in the workers' compensation lien holder's file. The existing standard requests for production directed to the Plaintiffs place an unnecessary burden on the parties, result in discovery disputes, and require the compensation carrier to produce information and documentation, in many instances, that is duplicative of the responses engendered by the same requests for production served upon the Plaintiff in the case.

DEFENDANT,

BY \_\_\_\_\_

#### CERTIFICATION

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record [and to all parties who have not appeared in this matter] and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

---

Signed (Signature of filer)      Print or type name of person signing

---

Date Signed

---

Mailing address (Number, street, town, state and zip code) or

---

E-mail address, if applicable  
E-mail address, if applicable

---

Telephone number

COMMENTARY: The change to the certification on this form is consistent with the provisions of Section 10-14.

Form 212

**Defendant's Interrogatories — Loss of Consortium**

No. CV- : SUPERIOR COURT  
(Plaintiff) : JUDICIAL DISTRICT OF  
VS. : AT  
(Defendant) : (Date)

The undersigned, on behalf of the Defendant, hereby propounds the following interrogatories to be answered by the Plaintiff, \_\_\_\_\_, under oath, within sixty (60) days of the filing hereof in compliance with Practice Book Section 13-2.

Definition: "You" shall mean the Plaintiff to whom these interrogatories are directed except that if suit has been instituted by the representative of the estate of a decedent, ward, or incapable person, "you" shall also refer to the Plaintiff's decedent, ward or incapable person unless the context of an interrogatory clearly indicates otherwise.

In answering these interrogatories, the Plaintiff(s) is (are) required to provide all information within their knowledge, possession or power. If an interrogatory has subparts, answer each subpart separately and in full and do not limit the answer to the interrogatory as a whole. If any interrogatories cannot be answered in full, answer to the extent possible.

- (1) Please state your name, address and occupation.
- (2) Please state the date and place of your marriage.

(3) Do you have any children? If so, state their names and dates of birth.

(4) Describe the nature of your loss of consortium claim.

(5) During your marriage, please list your employers, the length of time employed by each, and the average number of hours worked per month.

(6) Prior to the incident which is the subject of this lawsuit ("the incident"), did your spouse regularly perform work, services and/or chores ("services") in or around the home?

(7) If the answer to the previous interrogatory is in the affirmative, please describe the nature and frequency of such services.

(8) Subsequent to the incident, did such services change? If so, state how, and describe the impact of this change on you.

(9) Subsequent to the incident, did anyone other than your spouse perform the services usually performed by your spouse in and around the home?

(10) If the answer to the previous interrogatory is in the affirmative, please state the name(s) and address(es) of each person(s), the amount paid, the period of time they were hired and what services they performed.

(11) Have you or your spouse ever instituted legal proceedings seeking a divorce or separation? If so, state when.

(12) Did you, at any time during your marriage live apart from or separate yourself from your spouse? If so, state when and for how long such separation occurred, and state the reason for such separation.

(13) Describe any change(s) in the affection your spouse expressed or displayed toward you following the incident.

(14) If claimed, describe any change(s) in the frequency and satisfaction of your sexual relations with your spouse following the incident.

(15) Describe any change(s) in the activities which you and your spouse enjoyed together before the incident that you claim were caused by the incident.

(16) Within two years prior to the year of the incident up to the present, have you and/or your spouse had any marriage counseling? If so, state the name of each person consulted and the dates consulted or treated.

DEFENDANT,

BY \_\_\_\_\_

I, \_\_\_\_\_, hereby certify that I have reviewed the above interrogatories and responses thereto and that they are true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
(Plaintiff)

Subscribed and sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public/  
Commissioner of the Superior  
Court

### **CERTIFICATION**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record [and to all parties who have not appeared in this matter] and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

\_\_\_\_\_  
Signed (Signature of filer)      Print or type name of person signing

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Mailing address (Number, street, town, state and zip code) or

\_\_\_\_\_  
E-mail address, if applicable

\_\_\_\_\_  
Telephone number

COMMENTARY: The change to the certification on this form is consistent with the provisions of Section 10-14.

(NEW) Form 213

**Plaintiff's Interrogatories – Uninsured/Underinsured  
Motorist Cases**

No. CV- : SUPERIOR COURT  
(Plaintiff) : JUDICIAL DISTRICT OF  
VS. : AT  
(Defendant) : (Date)

The undersigned, on behalf of the Plaintiff, hereby propounds the following interrogatories to be answered by the Defendant, \_\_\_\_\_, under oath, within sixty (60) days of the filing hereof in compliance with Practice Book Section 13-2.

In answering these interrogatories, the Defendant(s) is (are) required to provide all information within their knowledge, possession or power. If an interrogatory has subparts, answer each subpart separately and in full and do not limit the answer to the interrogatory as a whole. If any interrogatories cannot be answered in full, answer to the extent possible.

(1) State whether the plaintiff or plaintiffs were insured by you for purposes of uninsured/underinsured motorist coverage with regard to this incident under the policy.

(2) If the answer to the preceding interrogatory is other than "yes" please state each reason for which you contend that such plaintiff(s) were not so insured.

(3) Identify each policy of motor vehicle liability insurance, excess liability insurance, and/or umbrella liability insurance, of which you are aware, that provided coverage to the alleged tortfeasor(s) or the vehicle owned or operated by the alleged tortfeasor(s), his, her, its, or their agents, servants, and/or employees, with regard to this incident, stating:

(a) The name and address of each such insurer;

(b) The named insured(s);

(c) The policy number;

(d) The effective dates;

~~(a) The limits of uninsured/underinsured motorists coverage under~~  
(e) The limits of uninsured/underinsured motorists coverage under

such policy (including per person and per accident limits, if applicable); and

(f) The basis for contending that said alleged tortfeasor(s) are covered under said policy, including a brief description of any documents supporting that contention, and the names and addresses of any witnesses supporting that contention.

(4) State the limits of uninsured/underinsured motorist coverage available under the policy (including per person and per accident limits, if applicable), which you issued.

(5) State whether the policy affords uninsured/underinsured motorist conversion coverage, pursuant to General Statutes § 38a-336a.

(6) With regard to each credit, set-off, reduction, or deduction, which you contend lowers the maximum amount that you could be required to pay any plaintiff below the limits of the uninsured/underinsured



motorist coverage as stated on the declarations page of the policy, state:

- (a) The policy provision providing for said credit, set-off, reduction, or deduction;
- (b) The amount of the credit, set-off, reduction, or deduction; and
- (c) A brief description of the factual basis for the credit, set-off, reduction, or deduction.

COMMENT: Interrogatory #6 is not intended to address any reduction in the verdict that may arise from the application of General Statutes § 52-572h (regarding comparative negligence and apportionment) or General Statutes § 52-225a (regarding collateral sources, as defined by General Statutes § 52-225b).

(7) Are you aware of any other insurance policy affording uninsured/underinsured motorist coverage, to any plaintiff herein, that is primary to the coverage afforded by your policy?

(8) If so, for each such policy, state:

- (a) The name and address of the insurer;
- (b) The name and address of each named insured;
- (c) The policy number;
- (d) The limits of uninsured/underinsured motorist coverage under such policy; and
- (e) The basis for your contention that it is primary to your policy.

(9) State the names and addresses of all persons known to you who were present at the time of the incident alleged in the Complaint or who observed or witnessed all or part of the incident.

(10) As to each individual named in response to Interrogatory #9, state whether to your knowledge, or the knowledge of your attorney, such individual has given any statement or statements as defined in Practice Book Sections 13-1 and 13-3 (b) concerning the subject

matter of the Complaint in this action. If the answer to this interrogatory is affirmative, state also:

- (a) The name and address of the person giving the statement;
- (b) The date on which the statement or statements were taken;
- (c) The names and addresses of the person or people who took such statement(s);
- (d) The name and address of any person present when such statement(s) was taken;
- (e) Whether such statement(s) was written, made by recording device, or taken by court reporter or stenographer; and
- (f) The name and address of each person having custody or a copy or copies of such statement(s).

(11) Are you aware of any photographs or any recordings by film, video, audio or any other digital or electronic means depicting the incident alleged in the Complaint, the scene of the incident, any vehicle involved in the incident alleged in the Complaint, or any condition or injury alleged to have been caused by the incident alleged in the Complaint? If so, for each set of photographs or each recording taken, obtained or prepared of each such subject, state:

- (a) the name and address of the person who took, obtained or prepared such photograph or recording, other than an expert who will not testify at trial;
- (b) the dates on which such photographs were taken or such recordings were obtained or prepared;
- (c) the subject (e.g., "Plaintiff's vehicle," "scene," etc.);
- (d) the number of photographs or recordings; and

(e) the nature of the recording (e.g., film, video, audio, etc.).

(12) Identify surveillance material discoverable under Practice Book Section 13-3 (c), by stating the name and address of any person who obtained or prepared any and all recordings, by film, photograph, videotape, audiotape or any other digital or electronic means, of any party concerning this action or its subject matter, including any transcript thereof which are in your possession or control or in the possession or control of your attorney, and state the date on which each such recording was obtained and the person or persons of whom each such recording was made.

PLAINTIFF,

BY \_\_\_\_\_

I, \_\_\_\_\_, hereby certify that I have reviewed the above interrogatories and responses thereto and that they are true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
(Defendant)

Subscribed and sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public/  
Commissioner of the Superior  
Court

#### **CERTIFICATION**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on

(date) \_\_\_\_\_ to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

---

Signed (Signature of filer)      Print or type name of person signing

---

Date Signed

---

Mailing address (Number, street, town, state and zip code) or

---

Email address, if applicable

---

Telephone number

COMMENTARY: Standard interrogatories have been developed for use in cases claiming uninsured/underinsured motorist coverage benefits. The standard interrogatories can be used without the need to file a motion for permission to file nonstandard interrogatories in any case for which the use of standard discovery is mandated when the underlying claim is for uninsured/underinsured motorist coverage benefits.

(NEW) Form 214

**Defendant's Interrogatories – Uninsured/Underinsured  
Motorist Cases**

No. CV- : SUPERIOR COURT  
(Plaintiff) : JUDICIAL DISTRICT OF  
VS. : AT  
(Defendant) : (Date)

The undersigned, on behalf of the Defendant, hereby propounds the following interrogatories to be answered by the Plaintiff, \_\_\_\_\_, under oath, within sixty (60) days of the filing hereof in compliance with Practice Book Section 13-2.

In answering these interrogatories, the Plaintiff(s) is (are) required to provide all information within their knowledge, possession or power. If an interrogatory has subparts, answer each subpart separately and in full and do not limit the answer to the interrogatory as a whole. If any interrogatories cannot be answered in full, answer to the extent possible.

(1) State the following:

(a) Your full name and any other name(s) by which you have been known;

(b) Your date of birth;

(c) Your motor vehicle operator's license number;

(d) Your home address;

(e) Your business address; and

(f) If you were not the owner of the subject vehicle, the name and address of the owner or lessor of the subject vehicle on the date of the alleged occurrence.

(2) If, at the time of the incident alleged in the Complaint, you were covered by any uninsured/underinsured motorist policy, including any excess or umbrella policies, under which an insurer may be liable to satisfy part or all of a judgment after the underlying policy limits are exhausted or reimburse you for payments to satisfy part or all of a judgment after the underlying policy limits are exhausted, state the following:

- (a) the name(s) and address(es) of the insured(s);
- (b) the amount of coverage under each insurance policy;
- (c) the name(s) and address(es) of said insurer(s); and
- (d) whether a claim has been made for underinsured motorist benefits.

(3) State whether you resided with any relatives at the time of the incident, and, if so, identify any auto insurance policy they had that was in effect at the time of the accident.

(4) State whether any insurer, as described in Interrogatory #1 or #2 above, has disclaimed/reserved its duty to indemnify any insured or any other person protected by said policy.

(5) State the date on which your claim/lawsuit in the underlying matter settled, the sum(s) for which it settled and when you received the check.

(6) State all liability coverage that covered the person(s) against whom you brought suit in the underlying matter, including the policy limits.

(7) State whether the driver of the other vehicle in the underlying claim was working at the time of the incident and if so, state whether you made a claim against the other driver's employer.

(8) Identify and list each injury you claim to have sustained as a result of the incident alleged in the Complaint.

(9) When, where and from whom did you first receive treatment for said injuries?

(10) If you were treated at a hospital for injuries sustained in the alleged incident, state the name and location of each hospital and the dates of such treatment and confinement therein.

(11) State the name and address of each physician, therapist or other source of treatment for the conditions or injuries you sustained as a result of the incident alleged in your Complaint.

(12) When and from whom did you last receive any medical attention for injuries alleged to have been sustained as a result of the incident alleged in your Complaint?

(13) On what date were you fully recovered from the injuries or conditions alleged in your Complaint?

(14) If you claim you are not fully recovered, state precisely from what injuries or conditions you are presently suffering.

(15) Are you presently under the care of any doctor or other health care provider for the treatment of injuries alleged to have been sustained as a result of the incident alleged in your Complaint?

(16) If the answer to Interrogatory #15 is in the affirmative, state the name and address of each physician or other health care provider who is treating you.

(17) Do you claim any present disability resulting from injuries or conditions allegedly sustained as a result of the incident alleged in your Complaint?

(18) If so, state the nature of the disability claimed.

(19) Do you claim any permanent disability resulting from said incident?

(20) If the answer to Interrogatory # 19 is in the affirmative, please answer the following:

(a) List the parts of your body which are disabled;

(b) List the motions, activities or use of your body which you have lost or which you are unable to perform;

(c) State the percentage of loss of use or the loss of function claimed as to each part of your body as provided by a medical service provider, if any;

(d) State the name and address of the person who made the prognosis for permanent disability and the percentage of loss of use; and

(e) List the date for each such prognosis.

(21) If you were or are confined to your home or your bed as a result of injuries or conditions sustained as a result of the incident alleged in your Complaint, state the dates you were so confined.

(22) List each medical report received by you or your attorney relating to your alleged injuries or conditions by stating the name and address of the treating doctor or other health care provider, and of



any doctor or health care person you anticipate calling as a trial witness, who provided each such report and the date thereof.

(23) List each item of expense which you claim to have incurred as a result of the incident alleged in your Complaint, the amount thereof, and state the name and address of the person or organization to whom each item has been paid or is payable.

(24) For each item of expense identified in response to Interrogatory #23, if any such expense, or portion thereof, has been paid or reimbursed or is reimbursable by an insurer, state, as to each such item of expense, the name of the insurer that made such payment or reimbursement or that is responsible for such reimbursement.

(25) If, during the ten year period prior to the date of the incident alleged in the Complaint, you were under a doctor's care for any conditions which were in any way similar or related to those identified and listed in your response to Interrogatory #8, state the nature of said conditions, the dates on which treatment was received, and the name of the doctor or health care provider.

(26) If, during the ten year period prior to the date of the incident alleged in your Complaint, you were involved in any incident in which you received personal injuries similar or related to those identified and listed in your response to Interrogatory #8, please answer the following with respect to each such earlier incident:

- (a) On what date and in what manner did you sustain such injuries?
- (b) Did you make a claim against anyone as a result of said incident?
- (c) If so, provide the name and address of the person or persons against whom a claim was made;

(d) If suit was brought, state the name and location of the court, the return date of the suit, and the docket number;

(e) State the nature of the injuries received in said incident;

(f) State the name and address of each physician who treated you for said injuries;

(g) State the dates on which you were so treated;

(h) State the nature of the treatment received on each such date;

(i) If you are presently or permanently disabled as a result of said injuries, please state the nature of such disability, the name and address of each physician who diagnosed said disability and the date of each such diagnosis.

(27) If you were involved in any incident in which you received personal injuries since the date of the incident alleged in the Complaint, please answer the following:

(a) On what date and in what manner did you sustain such injuries?

(b) Did you make a claim against anyone as a result of said incident?

(c) If so, provide the name and address of the person or persons against whom a claim was made;

(d) If suit was brought, state the name and location of the court, the return date of the suit, and the docket number;

(e) State the nature of the injuries received in said incident;

(f) State the name and address of each physician who treated you for said injuries;

(g) State the dates on which you were so treated;

(h) State the nature of the treatment received on each such date;

(i) If you are presently or permanently disabled as a result of said injuries, please state the nature of such disability, the name and address of each physician who diagnosed said disability and the date of each such diagnosis.

(28) Please state the name and address of any medical service provider who has rendered an opinion in writing or through testimony that you have sustained a permanent disability to any body part other than those listed in response to Interrogatories #19, #20, #26, or #27, and:

(a) List each such part of your body that has been assessed a permanent disability;

(b) State the percentage of loss of use or function assessed as to each part of your body, if any; and

(c) State the date on which each such assessment was made.

(29) If you claim that as a result of the incident alleged in your Complaint you were prevented from following your usual occupation, or otherwise lost time from work, please provide the following information:

(a) The name and address of your employer on the date of the incident alleged in the Complaint;

(b) The nature of your occupation and a precise description of your job responsibilities with said employer on the date of the incident alleged in the Complaint;

(c) Your average weekly earnings, salary, or income received from said employment for the year preceding the date of the incident alleged in the Complaint;

(d) The date following the date of the incident alleged in the Complaint on which you resumed the duties of said employment;

(e) What loss of income do you claim as a result of the incident alleged in your Complaint and how is said loss computed?

(f) The dates on which you were unable to perform the duties of your occupation and lost time from work as a result of injuries or conditions claimed to have been sustained as a result of the incident alleged in your Complaint; and

(g) The names and addresses of each employer for whom you worked for three years prior to the date of the incident alleged in your Complaint.

(30) Do you claim an impairment of earning capacity?

(31) List any other expenses or loss and the amount thereof not already set forth and which you claim to have incurred as a result of the incident alleged in your Complaint.

(32) If you have signed a covenant not to sue, a release or discharge of any claim you had, have or may have against any person, corporation or other entity as a result of the incident alleged in your Complaint, please state in whose favor it was given, the date thereof, and the consideration paid to you for giving it.

(33) If you or anyone on your behalf agreed or made an agreement with any person, corporation or other entity to limit in any way the liability of such person, corporation or other entity as a result of any claim you have or may have as a result of the incident alleged in your Complaint, please state in whose favor it was given, the date thereof, and the consideration paid to you for giving it.

(34) If, since the date of the incident alleged in your Complaint, you have made any claims for workers' compensation benefits as a result of the incident alleged in your complaint:

(a) State the nature of such claims and the dates on which they were made.

(b) State the workers' compensation claim number and the date of injury of each workers' compensation claim that you have filed as a result of the incident/occurrence alleged in the Complaint.

(c) State the total amount paid on your behalf on each of the claims filed as a result of the incident/occurrence alleged in the Complaint and referred to in Interrogatory #34, and if known, specify the amount of medical benefits, loss of income benefits, and specific award benefits, and if unknown, provide an authorization for the same.

(d) Identify any First Report of Injury, Notice of Claim for Compensation, Notice of Intention to Reduce or Discontinue Benefits, Notice to Compensation Commissioner and Employee of Intention to Contest Employee's Right to Compensation Benefits, and any reports of medical exams requested by the commissioner, respondent and/or employer arising out of the incident/occurrence alleged in the Complaint.

(e) Identify any voluntary agreements, approved stipulations to date, approved full and final stipulations and findings and awards, and findings and denials arising out of the incident/occurrence alleged in the Complaint and which formed the basis for your answer to Interrogatory #34.

(f) Which of your claims arising out of the incident/occurrence alleged in the complaint and referenced in your answer to Interrogatory #34 are still open?

(35) Have you made any statements, as defined in Practice Book Section 13-1, to any person regarding any of the events or happenings alleged in your Complaint?

(36) State the names and addresses of all persons known to you who were present at the time of the incident alleged in your Complaint or who observed or witnessed all or part of the incident.

(37) As to each individual named in response to Interrogatory #36, state whether to your knowledge, or the knowledge of your attorney, such individual has given any statement or statements as defined in Practice Book Section 13-1 concerning the subject matter of the Complaint in this action. If the answer to this interrogatory is affirmative, state also:

(a) The date on which the statement or statements were taken;

(b) The names and addresses of the person or people who took such statement(s);

(c) The name and address of any person present when such statement(s) was taken;

(d) Whether such statement(s) was written, made by recording device, or taken by court reporter or stenographer; and

(e) The name and address of each person having custody or a copy or copies of such statement(s).

(38) Are you aware of any photographs or any recordings by film, video, audio or any other digital or electronic means depicting the

incident alleged in the Complaint, the scene of the incident, any vehicle involved in the incident alleged in the Complaint, or any condition or injury alleged to have been caused by the incident alleged in the Complaint? If so, for each set of photographs or each recording taken, obtained or prepared of each such subject state:

(a) The name and address of the person who took, obtained or prepared such photograph or recording, other than an expert who will not testify at trial;

(b) The dates on which such photographs were taken or such recordings were obtained or prepared;

(c) The subject (e.g., "Plaintiff's vehicle," "scene," etc.);

(d) The number of photographs or recordings; and

(e) The nature of the recording (e.g., film, videotape, audiotape, etc.).

(39) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether you consumed or used any alcoholic beverages, drugs or medications within the eight (8) hours next preceding the time of the incident alleged in the Complaint, and, if so, indicate what you consumed or used, how much you consumed, and when.

(40) Please state whether, within eight (8) hours after the incident alleged in the Complaint, any testing was performed to determine the presence of alcohol, drugs or other medications in your blood, and, if so, state:

(a) The name and address of the hospital, person or entity performing such test or screen;

(b) The date and time; and

(c) The results.

(41) Please identify surveillance material discoverable under Practice Book Section 13-3 (c), by stating the name and address of any person who obtained or prepared any and all recordings, by film, photograph, videotape, audiotape or any other digital or electronic means, of any party concerning this lawsuit or its subject matter, including any transcript thereof, which are in your possession or control or in the possession or control of your attorney, and state the date on which each such recording was obtained and the person or persons of whom each such recording was made.

(42) If you were the operator of any motor vehicle involved in the incident that is the subject of this action, please state whether you were using a cellular telephone for any activity including, but not limited to, calling, texting, emailing, posting, tweeting, or visiting sites on the internet for any purpose, at or immediately prior to the time of the incident.

DEFENDANT,

BY \_\_\_\_\_

I, \_\_\_\_\_, hereby certify that I have reviewed the above interrogatories and responses thereto and that they are true and accurate to the best of my knowledge and belief.

\_\_\_\_\_  
(Plaintiff)



Subscribed and sworn to before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public/  
Commissioner of the Superior  
Court

### **CERTIFICATION**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

\_\_\_\_\_  
Signed (Signature of filer)      Print or type name of person signing

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Mailing address (Number, street, town, state and zip code) or

\_\_\_\_\_  
Email address, if applicable

\_\_\_\_\_  
Telephone number

COMMENTARY: Standard interrogatories have been developed for use in cases claiming uninsured/underinsured motorist coverage benefits. The standard interrogatories can be used without the need to file a motion for permission to file nonstandard interrogatories in any case for which the use of standard discovery is mandated when the underlying claim is for uninsured/underinsured motorist coverage benefits.

(NEW) Form 215

**Plaintiff's Requests for Production – Uninsured/Underinsured  
Motorist Coverage**

No. CV- : SUPERIOR COURT  
(Plaintiff) : JUDICIAL DISTRICT OF  
VS. : AT  
(Defendant) : (Date)

The Plaintiff(s) hereby request(s) that the Defendant provide counsel for the Plaintiff(s) with copies of the documents described in the following requests for production, or afford counsel for said Plaintiff(s) the opportunity or, if necessary, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents. The production of such documents, copies or written authorizations shall take place at the offices of \_\_\_\_\_ not later than sixty (60) days after the service of the Requests for Production.

In answering these production requests, the Defendant is required to provide all information within its possession, custody or control. If any production request cannot be answered in full, answer to the extent possible.

(1) A copy of the declarations page and complete policy for each insurance policy referred to in the allegations against you in the Complaint and for any other policy of insurance in effect on the date of the incident, by which you provided uninsured/underinsured motorist

coverage with regard to any person or vehicle involved in the incident that is the subject of this action.

(2) Copies of all documents and records regarding the existence of or the lack of insurance on the alleged tortfeasor(s) or the motor vehicle operated by the alleged tortfeasor(s), his, her, its or their agent, servant and/or employee, at the time of this incident, including but not limited to reservations of rights letters and letters about declination of coverage.

(3) A copy of any written request by any insured for a lesser limit of uninsured/underinsured motorist coverage than the amount equal to their limits for liability imposed by law, under the policy or any earlier policy of which the policy was a renewal, extension, change, replacement, or superseding policy.

(4) Any copy of any nonprivileged statement, as defined in Practice Book Sections 13-1 and 13-3 (b) of any party in this action concerning this action or its subject matter.

(5) A copy of each and every recording of surveillance material discoverable under Practice Book Section 13-3 (c), by film, photograph, videotape, audiotape or any other digital or electronic means, of any party to this lawsuit concerning this action or the subject matter thereof, including any transcript of such recording.

(6) A copy of any photographs or recordings identified in response to Interrogatory #11.

PLAINTIFF,

BY \_\_\_\_\_

### **CERTIFICATION**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.

\_\_\_\_\_  
Signed (Signature of filer)      Print or type name of person signing

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Mailing address (Number, street, town, state and zip code) or

\_\_\_\_\_  
Email address, if applicable

\_\_\_\_\_  
Telephone number

COMMENTARY: Standard requests for production have been developed for use in cases claiming uninsured/underinsured motorist coverage benefits. The standard request for production can be used without the need to file a motion for permission to file nonstandard request for production in any case for which the use of standard discovery is

mandated when the underlying claim is for uninsured/underinsured motorist coverage benefits.

(NEW) Form 216

**Defendant's Requests for Production – Uninsured/Underinsured  
Motorist Cases**

No. CV- : SUPERIOR COURT  
(Plaintiff) : JUDICIAL DISTRICT OF  
VS. : AT  
(Defendant) : (Date)

The Defendant(s), hereby request(s) that the Plaintiff, \_\_\_\_\_, provide counsel for the Defendant(s) with copies of the documents described in the following requests for production, or afford counsel for said Defendant(s) the opportunity or, where requested, sufficient written authorization, to inspect, copy, photograph or otherwise reproduce said documents. The production of such documents, copies or written authorizations shall take place at the offices of \_\_\_\_\_ not later than sixty (60) days after the service of the Requests for Production.

In answering these production requests, the Plaintiff(s) are required to provide all information within their possession, custody or control. If any production request cannot be answered in full, answer to the extent possible.

(1) A copy of the declarations page and of the complete policy for each insurance policy in effect at the time of the incident alleged in your Complaint, including any excess or umbrella policies identified in response to Interrogatory #2.

(2) A copy of the declarations page and of the complete policy for each insurance policy in effect at the time of the incident alleged in your Complaint, including any excess or umbrella policies identified in response to Interrogatory #3.

(3) Copies of all documents and records regarding the existence or the lack of insurance on the alleged tortfeasor(s) or the motor vehicle operated by the alleged tortfeasor(s), his, her, its or their agent, servant and/or employee, at the time of this incident, including but not limited to reservations of rights letters and declination of coverage letters.

(4) A copy of any affidavit of "no other insurance" in the underlying matter.

(5) A copy of any notice to the defendant in writing of your claim in this action.

(6) All hospital records relating to treatment received as a result of the alleged incident, and to injuries, diseases or defects to which reference is made in the answers to Interrogatories #25, #26, #27 and #28, or written authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountability Act (HIPAA), to inspect and make copies of said hospital records. Information obtained pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(7) All reports and records of all doctors and all other care providers relating to treatment allegedly received by the Plaintiff(s) as a result of the alleged incident, and to the injuries, diseases or defects to which reference is made in the answers to Interrogatories #25, #26, #27 and



#28, or written authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountability Act (HIPAA), to inspect and make copies of said reports. Information obtained pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(8) If a claim for lost wages or lost earning capacity has been made as a result of the alleged incident, copies of, or sufficient written authorization to inspect and make copies of the wage and employment records of all employers of the Plaintiff(s) for three (3) years prior to the date of the incident and for all years subsequent to the date of the incident to and including the date hereof.

(9) If a claim of impaired earning capacity or lost wages has been made as a result of the alleged incident, copies of, or sufficient written authorization to obtain copies of, that part of all income tax returns relating to lost income filed by the Plaintiff(s) for a period of three (3) years prior to the date of the incident and for all years subsequent to the date of the incident through the time of trial.

(10) All property damage bills that are claimed to have been incurred as a result of the alleged incident.

(11) All medical bills that are claimed to have been incurred as a result of this incident or written authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountability Act (HIPAA), to inspect and make copies of said medical bills. Information obtained pursuant to the provisions of HIPAA shall not be used

or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(12) All bills for each item of expense that is claimed to have been incurred in the answer to Interrogatory #23, and not already provided in response to Production requests #10 and #11.

(13) Copies of all documentation of claims of right to reimbursement provided to the Plaintiff by third party payors, and copies of, or written authorization, sufficient to comply with provisions of the Health Insurance Portability and Accountability Act (HIPAA), to obtain any and all documentation of payments made by a third party for medical services received or premiums paid to obtain such payment. Information obtained pursuant to the provisions of HIPAA shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(14) All documents identified or referenced in your answer to Interrogatory #32 and #33.

(15) A copy of any nonprivileged statement, as defined in Practice Book Section 13-1, of any party in this action concerning this action or its subject matter.

(16) Any and all photographs or recordings identified in response to Interrogatory #38.

(17) A copy of all records of blood alcohol testing or drug screens referred to in answer to Interrogatory #39, or a signed authorization, sufficient to comply with the provisions of the Health Insurance Portability and Accountability Act (HIPAA) or those of the Public Health Service Act, whichever is applicable, to obtain the same. Information obtained

pursuant to the provisions of HIPAA or the Public Health Service Act shall not be used or disclosed by the parties for any purpose other than the litigation or proceeding for which such information is requested.

(18) A copy of each and every recording of surveillance material discoverable under Practice Book Section 13-3 (c), by film, photograph, videotape, audiotape or any other digital or electronic means, of any party to this action concerning this action or the subject matter thereof, including any transcript of such recording.

(19) A copy of the First Report of Injury (Form FRI), Notice of Claim for Compensation (Form 30C), Notice of Intention to Reduce or Discontinue Benefits (Form 36), and Notice to Compensation Commissioner and Employee of Intention to Contest Employee's Right to Compensation Benefits (Form 43) referenced in your answer to Interrogatory #34.

(20) A copy of all of the approved voluntary agreements, approved stipulations to date, approved full and final stipulations, findings and awards, and findings and denials that relate to one or more of the claims referenced in your answer to Interrogatory #34.

(21) A copy of all reports of medical exams requested by the commissioner, respondent and/or employer that were prepared concerning any of the claims referenced in your answer to Interrogatory #34.

(22) If you are unable to specify the amount of medical benefits, loss of income benefits, and specific award benefits paid on your behalf, provide an authorization for the same.

DEFENDANT,

BY \_\_\_\_\_

### **CERTIFICATION**

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on (date) \_\_\_\_\_ to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties of record who received or will immediately be receiving electronic delivery.

Name and address of each party and attorney that copy was or will immediately be mailed or delivered to\*

\*If necessary, attach additional sheet or sheets with the name and address which the copy was or will immediately be mailed or delivered to.  
ered to.  
ered to.

\_\_\_\_\_  
Signed (Signature of filer)      Print or type name of person signing

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Mailing address (Number, street, town, state and zip code) or

\_\_\_\_\_  
Email address, if applicable

\_\_\_\_\_  
Telephone number

COMMENTARY: Standard requests for production have been developed for use in cases claiming uninsured/underinsured motorist coverage benefits. The standard request for production can be used without the need to file a motion for permission to file nonstandard request for production in any case for which the use of standard discovery is mandated when the underlying claim is for uninsured/underinsured motorist coverage benefits.

\_\_\_\_\_