

Minutes of the Meeting
Rules Committee
March 27, 2017

On Monday, March 27, 2017, the Rules Committee met in the Supreme Court courtroom from 2:00 p.m. to 3:20 p.m.

Members in attendance were:

HON. DENNIS G. EVELEIGH, CHAIR
HON. JON M. ALANDER
HON. WILLIAM H. BRIGHT, JR.
HON. KEVIN G. DUBAY
HON. ROLAND D. FASANO
HON. ROBERT L. GENUARIO
HON. SHEILAA. OZALIS
HON. MARY E. SOMMER

Also in attendance were Joseph J. Del Ciampo, Counsel to the Rules Committee, and Attorneys Denise K. Poncini and Lori A. Petruzzelli of the Judicial Branch's Legal Services Unit. The Honorable David M. Sheridan was not in attendance. The Honorable Mary E. Sommer was in attendance beginning at 2:40 p.m., during the discussion of the proposal at number 9 of these minutes.

1. The Committee unanimously approved the minutes of the meeting held on February 27, 2017.

2. The Committee considered a proposal submitted by Judge Keller regarding the elimination of the exemption from MCLE for judges, a proposal by Attorney John Cook regarding an exemption from MCLE for attorneys admitted in CT but who do not practice in Connecticut, and comments on both proposals from Judge Solomon, Deputy

Chief Court Administrator. Judge Solomon attended the meeting and addressed the Committee concerning these proposals.

After discussion, the Committee decided to take no further action on these matters.

3. The Committee considered a proposal by Judge Huddleston to amend Section 17-44 regarding summary judgments and administrative appeals and a memorandum by Attorney James O'Connor regarding the issues involved.

After discussion, the Committee unanimously voted to submit to public hearing the amendment to Section 17-44, as set forth in Appendix A, attached to these minutes.

4. The Committee considered a proposal to amend Section 25a-23 to increase the time for responding to interrogatories from 30 to 60 days to conform to the general discovery rules and Form 207, *Interrogatories – Actions to Establish, Enforce or Modify Child Support Orders*, amended effective January 1, 2017.

After discussion, the Committee unanimously voted to submit to public hearing the amendments to Section 25a-23 and Form 207, as set forth in Appendix B, attached to these minutes.

5. The Committee considered a proposal by the Connecticut Bar Examining Committee (CBEC) to amend Section 2-3 to remove the requirement that members of the CBEC be residents of Connecticut.

Jessica Kallipolites, Administrative Director, Connecticut Bar Examining Committee, and Lisa Valko, Assistant Administrative Director, Connecticut Bar Examining Committee, were present and addressed the Committee concerning this proposal as did Attorney Martin Libbin.

After discussion, the Committee voted 6:1 in opposition to this proposal. The Honorable Roland D. Fasano voted in favor of the proposal. The Honorable Mary E. Sommer was not present for this vote.

6. The Committee considered a request from U. S. Representative Bob Goodlatte, VA, Chairman of the Committee on the Judiciary, United States House of Representatives, to amend the Rules of Professional Conduct regarding attorney advertising.

After discussion, the Committee decided to refer the matter to the Connecticut Bar Association, the Connecticut Trial Lawyers Association, the Connecticut Defense Lawyers Association, and the Connecticut Criminal Defense Lawyers Association for review and comment.

7. The Committee considered responses from the Civil Commission on proposals referred to it by Rules Committee (a., b. and c.), and resubmission of a Proposal from the Commission (d.):

a. The Committee considered a proposal by Attorney Robert S. Kolesnik regarding the filing and hearing of objections to expert opinions.

After discussion, the Committee decided to take no further action on this proposal.

b. The Committee considered a proposal by Attorney Viviana Livesay to remove "coverture" wherever it exists in the Practice Book.

After discussion, the Committee unanimously voted to remove "coverture" from Section 10-50, as set forth in Appendix C, attached to these minutes.

c. The Committee considered a proposal concerning discovery withheld based

on privilege or work product protection and whether in connection with such objection an explicit requirement should be added to Sections 13-8 and 13-10 that a party file an objection in compliance with the Practice Book.

After discussion, the Committee unanimously voted to submit to public hearing the amendments to Sections 13-3, 13-8 and 13-10, as set forth in Appendix D, attached to these minutes.

d. The Committee considered a proposal to amend Form 202, *Defendant's Interrogatories*, to add questions on Medicare to the standard interrogatories.

After discussion, the Committee unanimously voted to submit to public hearing the amendments to Form 202, as set forth in Appendix E, attached to these minutes.

8. The Committee considered a proposal to amend Section 7-18 regarding the manner in which hospital, psychiatric and medical records shall be filed with the clerk and a memorandum from Attorneys Viviana L. Livesay and Nancy A. Porter regarding the issues involved.

After discussion, the Committee unanimously voted to submit to public hearing the amendment to Section 7-18, as set forth in Appendix F, attached to these minutes.

9. The Committee considered a proposal by Judge Bozzuto, Chief Administrative Judge, Family Division, to amend Section 25-60 concerning evaluations, studies, Family Services mediation reports, and Family Services conflict resolution reports, to clarify what information from Family Services files compiled in connection with such reports, evaluations and studies are subject to inspection and copying. The Committee also considered comments from the Connecticut Bar Association, and from Mr. Hector Morera concerning this proposal.

Judge Bozzuto and Attorney Adam Mauriello were present and addressed the Committee concerning this proposal.

After discussion, the Committee unanimously voted to submit to public hearing the amendment to Section 25-60, as set forth in Appendix G, attached to these minutes. Judge Sommer, having joined the meeting during the discussion of this proposal, participated in this vote.

10. The Committee considered a proposal by Martin R. Libbin, Director of Legal Services, on behalf of Judge Carroll, Chief Court Administrator, to amend Rule 1.11 of the Rules of Professional Conduct regarding special conflicts of interest for former and current government officers and employees.

Attorney Libbin was present and addressed the Committee concerning this proposal.

After discussion, the Committee decided to table the proposal to its September, 2017, meeting.

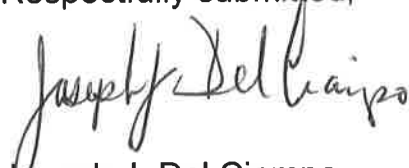
11. The Committee considered a proposal by Attorney Martin R. Libbin, Director of Legal Services, on behalf of Judge Carroll, Chief Court Administrator, to amend the Code of Judicial Conduct and to amend and add to the Practice Book concerning disqualification of judicial officials.

Attorney Libbin was present and addressed the Committee concerning this proposal.

After discussion, the Committee decided to refer the proposal to the Connecticut Bar Association, the Connecticut Trial Lawyers Association, the Connecticut Defense Lawyers Association, and the Connecticut Criminal Defense Lawyers Association for

review and comment.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Joseph J. Del Ciampo". The signature is fluid and cursive, with the first name "Joseph" and last name "Ciampo" being more prominent.

Joseph J. Del Ciampo
Counsel to the Rules Committee

Attachments

APPENDIX A (032717)

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.

Appendix B (032717)

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.

APPENDIX C (032717)

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.

APPENDIX D (032717)

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. 13-8. —Objections to Interrogatories

(a) The party objecting to any interrogatory shall set forth each interrogatory immediately followed by reasons for the objection. Objections shall be:

(1) signed by the attorney or self-represented party making them; and

(2) 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 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 change to this section 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. 13-10. —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; (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.

(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 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: The change to this section 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).

**Appendix
E
(032717)**

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.

(39) State whether you have ever been enrolled in Medicare Part A or Part B.

(a) If the response to the previous interrogatory is affirmative, provide:

- (i) The effective date(s);
- (ii) Your Medicare claim number(s);
- (iii) Your name exactly as it appears on your Medicare card; and
- (iv) Your date of birth.

(b) State whether Medicare Part A or Part B has paid any bills for treatment of any injuries allegedly sustained as a result of the incident alleged in the complaints.

(c) If the response to the previous interrogatory is affirmative, state the amount Medicare Part A or Part B has paid.

(d) If you are not presently enrolled in Medicare Part A or Part B, state whether you are eligible to enroll in Medicare Part A or Part B.

(e) State whether you plan to apply for Medicare Part A or Part B within the next thirty-six (36) months.

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 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 add a single, six-part question regarding Medicare to the existing standard interrogatories and are intended to allow defendant providers of liability insurance, including self-insurance, no fault insurance and worker's compensation insurance, to capture the information necessary to satisfy the federal reporting requirements on the Medicare enrollment status of claimants. In the absence of that question, defendants seek permission to file non-standard interrogatories to obtain the required Medicare reporting information.

The changes also 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.

APPENDIX F (032717)

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.

APPENDIX G (032717)

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.

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 or authorized.