

Minutes of the Meeting
Rules Committee
December 19, 2016

On Monday, December 19, 2016, the Rules Committee met in the Supreme Court courtroom from 2:00 p.m. to 3:04 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. SHEILA A. OZALIS
HON. DAVID M. SHERIDAN
HON. MARY E. SOMMER

Also in attendance were Joseph J. Del Ciampo, Counsel to the Rules Committee, and Attorney Lori A. Petruzzelli of the Judicial Branch's Legal Services Unit.

1. The Committee unanimously approved the minutes of the meeting held on October 24, 2016, as amended.

2. The Committee considered proposals by Judge Bernadette Conway, Chief Administrative Judge, Juvenile Division, to revise various juvenile rules to be consistent with Public Act 16-147, *An Act Concerning the Recommendations of the Juvenile Justice Policy Oversight Committee*.

After discussion, the Committee unanimously voted to submit to public hearing the proposed revisions to Sections 30-5, 30-6, 30-7, 30-8, 30-10, 30-11, 31a-13 and 32a-3, as amended by the Committee, set forth in Appendix A, attached to these minutes.

3. The Committee considered a proposal by Judge Bright on behalf of the Civil Commission to amend Section 13-19, concerning disclosure of defense, and written comments

from the Connecticut Bankers Association, the Connecticut Mortgage Bankers Association and the Connecticut Fair Housing Center, regarding the proposal. Judges Alander and Genuario arrived during the discussion of this item.

After discussion, the Committee unanimously voted to table the matter until such time as it is resubmitted by Judge Bright.

4. The Committee considered proposals by Judge Bright on behalf of the Civil Commission to revise Section 11-20A, concerning sealing files or limiting disclosure of documents in civil cases, to add language regarding pseudonyms, to revise Sections 13-6 through 13-10, concerning discovery, and to add to the Practice Book standard discovery for uninsured/underinsured motorist cases.

After discussion, the Committee unanimously voted to table Section 11-20A and to refer the matter to Counsel for review and comment with Judge Bright. Thereafter, the Committee unanimously voted to submit to public hearing the proposed revisions to Sections 13-6 through 13-10, as amended by the Committee, as set forth in Appendix B, attached to these minutes, and proposed Forms 213 through 216, as set forth in Appendix C, attached to these minutes.

5. The Committee considered a proposal submitted by Attorney Lauren Weisfeld, on behalf of Public Defender Services, to amend Section 43-33 to require trial counsel to provide an electronic copy of their file to the Public Defender when appointed as appellate counsel, and considered written comments from Judge Devlin, Chief Administrative Judge, Criminal Division, and the Connecticut Bar Association, Criminal Justice Section.

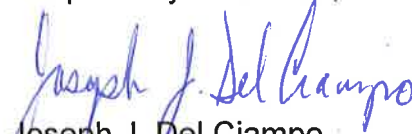
Attorney Vicki Hutchinson was present and addressed the Committee on behalf of the Connecticut Criminal Defense Lawyers Association, regarding the proposal to amend Section 43-33.

After discussion, the Committee unanimously voted to table the matter for further consideration and to invite Attorney Weisfeld to the next meeting to discuss the proposal.

6. The Committee considered a suggestion submitted by Attorney Susan Reeve on behalf of Paul Hartan, Chief Clerk, Appellate, to revise Section 43-34, regarding requests to withdraw based on an attorney's finding that an appeal is wholly frivolous, so that Section 43-34 would follow the provisions of Section 23-41, regarding motions for leave to withdraw the appearance of appointed counsel in habeas corpus matters. The Committee also considered written comments on the suggestion from Judge Devlin, Chief Administrative Judge, Criminal Division, and from the Connecticut Bar Association, Criminal Justice Section.

After discussion, the Committee unanimously voted to submit to public hearing the proposed revisions to Sections 43-34 through 43-36, as amended, as set forth in Appendix D, attached to these minutes. Counsel advised the Committee that the numbering of these sections would be adjusted to conform to the style conventions of the Practice Book.

Respectfully submitted,



Joseph J. Del Ciampo
Counsel to the Rules Committee

Appendix A (121916)

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.

Appendix B (121916)

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 interrogatories 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 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 objections; and (3) state whether any responsive information is being withheld on the basis of the 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) 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) 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 statement 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.

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 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 Section 13-2 through 13-5; (2) signed by the attorney or self-represented party making them; and (3) filed with the court.

(g) 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) 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) 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) 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.

Appendix C (121916)

(NEW) Form 213

No. CV-

:SUPERIOR COURT

(Plaintiff)

:JUDICIAL DISTRICT OF

VS.

:AT

(Defendant)

:(Date)

Plaintiff's Interrogatories – Uninsured/Underinsured Motorist Cases

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 or 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;
 - (e) The limits of uninsured and 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 or 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 or 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 and/or 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.

NOTE: 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 of the General Statutes (regarding collateral sources, as defined by General Statutes § 52-225b).

- (7) Are you aware of any other insurance policy affording uninsured or 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 and 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 the Practice Book Sections 13-1 and 13-3 (b) concerning the subject matter of the complaint in this lawsuit. 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
- (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 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.

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 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: 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

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

Defendant's Interrogatories – Uninsured/Underinsured Motorist Cases

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;
- (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 underinsured or uninsured 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;
 - (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 of 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;
 - (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;
 - (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 lawsuit. 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;
- (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 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: 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

No. CV-

:SUPERIOR COURT

(Plaintiff)

:JUDICIAL DISTRICT OF

VS.

:AT

(Defendant)

:(Date)

Plaintiff's Requests for Production – Uninsured/Underinsured Motorist Coverage

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 and 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 and/or 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 Section 13-1 and 13-3 (b) of any party in this lawsuit 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 lawsuit 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 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: 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

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

Defendant's Requests for Production – Uninsured/Underinsured Motorist Cases

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 lawsuit 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 lawsuit concerning this lawsuit 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 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: 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.

Appendix D (121916)

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.