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**2021**

**CONNECTICUT PRACTICE BOOK**

**(Revision of 1998)**

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CONTAINING

**RULES OF PROFESSIONAL CONDUCT**

**CODE OF JUDICIAL CONDUCT**

**RULES FOR THE SUPERIOR COURT**

**RULES OF APPELLATE PROCEDURE**

**APPENDIX OF FORMS**

**NOTICE REGARDING OFFICIAL JUDICIAL BRANCH FORMS**

**APPENDIX OF SECTION 1-9B CHANGES**

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*For previous Histories and Commentaries see the editions of the Practice Book corresponding to the years of the previous amendments.*

### Sec. 10-1. Fact Pleading

Each pleading shall contain a plain and concise statement of the material facts on which the pleader relies, but not of the evidence by which they are to be proved, such statement to be divided into paragraphs numbered consecutively,

each containing as nearly as may be a separate allegation. If any such pleading does not fully disclose the ground of claim or defense, the judicial authority may order a fuller and more particular statement; and, if in the opinion of the judicial authority the pleadings do not sufficiently define

for copying such document or documents referred to as exhibits.

(b) The provisions of subsection (a) shall apply to a plaintiff in the housing division, as defined in Section 1-7, desiring to make a copy of any document a part of the complaint, except that the plaintiff shall serve on each party who has appeared a copy of such exhibit or exhibits at the first court session of the matter or no later than seven days after receipt of notice of the appearance of such party, whichever is earlier.

(c) When either the plaintiff or the defendant in any pleading subsequent to the complaint desires to make a copy of any document a part of his or her pleading, such party may, without reciting it therein, either annex it thereto, or refer to it therein, and shall serve it and file it in court with proof of service in the manner provided in Sections 10-12 through 10-17.

(P.B. 1978-1997, Sec. 141.) (Amended June 15, 2012, to take effect Jan. 1, 2013.)

#### **Sec. 10-30. Motion To Dismiss; Grounds**

(Amended June 30, 2003, to take effect Jan. 1, 2004; amended June 14, 2013, to take effect Jan. 1, 2014.)

(a) A motion to dismiss shall be used to assert: (1) lack of jurisdiction over the subject matter; (2) lack of jurisdiction over the person; (3) insufficiency of process; and (4) insufficiency of service of process.

(b) Any defendant, wishing to contest the court's jurisdiction, shall do so by filing a motion to dismiss within thirty days of the filing of an appearance.

(c) This motion shall always be filed with a supporting memorandum of law and, where appropriate, with supporting affidavits as to facts not apparent on the record.

(P.B. 1978-1997, Sec. 142.) (Amended June 30, 2003, to take effect Jan. 1, 2004; amended June 21, 2004, to take effect Jan. 1, 2005; amended June 14, 2013, to take effect Jan. 1, 2014; amended June 13, 2014, to take effect Jan. 1, 2015.)

#### **Sec. 10-31. —Opposition; Date for Hearing Motion To Dismiss**

(Amended June 14, 2013, to take effect Jan. 1, 2014.)

(a) Any adverse party shall have thirty days from the filing of the motion to dismiss to respond to the motion to dismiss by filing and serving in accordance with Sections 10-12 through 10-17 a memorandum of law in opposition and, where appropriate, supporting affidavits as to facts not apparent on the record.

(b) Except in summary process matters, the motion shall be placed on the short calendar to be held not less than forty-five days following the filing of the motion, unless the judicial authority otherwise orders. If an evidentiary hearing is required, any party shall file a request for such hearing with the court.

(P.B. 1978-1997, Sec. 143.) (Amended June 14, 2013, to take effect Jan. 1, 2014.)

#### **Sec. 10-32. —Waiver Based on Certain Grounds**

Any claim of lack of jurisdiction over the person or insufficiency of process or insufficiency of service of process is waived if not raised by a motion to dismiss filed in the sequence provided in Sections 10-6 and 10-7 and within the time provided by Section 10-30.

(P.B. 1978-1997, Sec. 144.) (Amended June 24, 2016, to take effect Jan. 1, 2017.)

#### **Sec. 10-33. —Waiver and Subject Matter Jurisdiction**

Any claim of lack of jurisdiction over the subject matter cannot be waived; and whenever it is found after suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the judicial authority shall dismiss the action.

(P.B. 1978-1997, Sec. 145.)

#### **Sec. 10-34. —Further Pleading by Defendant**

If any motion to dismiss is denied with respect to any jurisdictional issue, the defendant may plead further without waiving the right to contest jurisdiction further.

(P.B. 1978-1997, Sec. 146.)

#### **Sec. 10-35. Request To Revise**

Whenever any party desires to obtain (1) a more complete or particular statement of the allegations of an adverse party's pleading, or (2) the deletion of any unnecessary, repetitious, scandalous, impertinent, immaterial or otherwise improper allegations in an adverse party's pleading, or (3) separation of causes of action which may be united in one complaint when they are improperly combined in one count, or the separation of two or more grounds of defense improperly combined in one defense, or (4) any other appropriate correction in an adverse party's pleading, the party desiring any such amendment in an adverse party's pleading may file a timely request to revise that pleading.

(P.B. 1978-1997, Sec. 147.)

#### **Sec. 10-36. —Reasons in Request To Revise**

The request to revise shall set forth, for each requested revision, the portion of the pleading sought to be revised, the requested revision, and the reasons therefor, and, except where the request is served electronically in accordance with Section 10-13, in a format that allows the recipient to insert electronically the objection and reasons therefor, provide sufficient space in which the party to whom the request is directed can insert an objection and reasons therefor.

(P.B. 1978-1997, Sec. 148.) (Amended June 20, 2011, to take effect Jan. 1, 2012.)