

Standing Order

Temporary Postponements (Stays) of Motor Vehicle license suspensions in Department of Motor Vehicle license suspension appeals, without the State (Attorney General) being present (*Ex Parte*).

A motion to postpone (stay) the start of a motor vehicle license suspension order under Connecticut General Statutes section 14-227b without the State (Attorney General) being present (*Ex Parte*) shall include:

1. An affidavit, signed by the plaintiff, saying:
 - a) if the plaintiff has had a previous suspension for operating under the influence or for not submitting to a blood alcohol content test; and,
 - b) if the incident leading to the plaintiff's arrest involved a motor vehicle accident or an injury to any person or both;
2. An *ex parte* motion to postpone (stay);
3. An *ex parte* order;
4. An order to show cause; and
5. A postponement order for the period of time the matter is pending in Superior Court (filed as a separate document).

When requesting an *ex parte* stay, the plaintiff must follow Connecticut Practice Book section 4-5 about notifying the defendant. A postponement (stay) ordered on the basis of the application will only last until a show cause hearing. A postponement ordered after a show cause hearing will last until the Superior Court decides the administrative appeal.

A plaintiff's attorney seeking an *ex parte* stay shall first e-file the complaint with the New Britain Superior Court. Upon completion of filing, a docket number is assigned. The attorney must then immediately e-file the motion to postpone (stay). (It is recommended that the attorney then telephone the Administrative Appeals Office in New Britain at (860) 515-5145 to alert the office of the *ex parte* motion.) The judge will act on the *ex parte* motion and set a date for the show cause hearing. If granted, the *ex parte* stay document will be provided to the attorney for service. Service is to be made on the defendant at least six (6) days before the show cause hearing.

A plaintiff asking to have a motor vehicle license suspension postponed (stay) must personally come to court for the show cause hearing.

Honorable Henry S. Cohn
Presiding Judge, Administrative Appeals Session