



**2016 Edition**

# Motion for Clarification

A Guide to Resources in the Law Library

---

## **Table of Contents**

Introduction .....	3
Section 1: Motion for Clarification.....	4
Figure 1: Motion for Clarification.....	11
Table 1: Selected Superior Court Cases on Motions for Clarification.....	12

*Prepared by Connecticut Judicial Branch, Superior Court Operations,  
Judge Support Services, Law Library Services Unit*

[lawlibrarians@jud.ct.gov](mailto:lawlibrarians@jud.ct.gov)

These guides are provided with the understanding that they represent only a beginning to research. It is the responsibility of the person doing legal research to come to his or her own conclusions about the authoritativeness, reliability, validity, and currency of any resource cited in this research guide.

View our other research guides at  
<http://jud.ct.gov/lawlib/selfguides.htm>

This guide links to advance release slip opinions on the Connecticut Judicial Branch website and to case law hosted on Google Scholar.  
The online versions are for informational purposes only.

Connecticut Judicial Branch Website Policies and Disclaimers  
<http://www.jud.ct.gov/policies.htm>

# Introduction

## A Guide to Resources in the Law Library

- “Motions for interpretation or clarification, although not specifically described in the rules of practice, are commonly considered by trial courts and are procedurally proper.” [Holcombe v. Holcombe](#), 22 Conn. App. 363, 366, 576 A.2d 1317 (1990).
- “[T]he purpose of a clarification is to take a prior statement, decision or order and make it easier to understand. Motions for clarification, therefore, may be appropriate where there is an ambiguous term in a judgment or decision . . . but, not where the movant's request would cause a substantive change in the existing decision. Moreover, motions for clarification may be made at any time and are grounded in the trial court's equitable authority to protect the integrity of its judgments. A motion for clarification is a postjudgment motion which does not modify or alter the substantive terms of a prior judgment.” [Light v. Grimes](#), 136 Conn. App. 161, 166, 43 A. 3d 808, cert. denied, 305 Conn. 926 (2012). (Internal quotation marks omitted.)
- **Compared to modification:** “[A] modification is defined as ‘[a] change; an alteration or amendment which introduces new elements into the details, or cancels some of them, but leaves the general purpose and effect of the subject-matter intact.’ Black’s Law Dictionary (6th Ed. 1990).

Conversely, to clarify something means to ‘free it from confusion.’ Webster’s New World Dictionary of the American Language (2d Ed. 1972). Thus, the purpose of a clarification is to take a prior statement, decision or order and make it easier to understand. Motions for clarification, therefore, may be appropriate where there is an ambiguous term in a judgment or decision . . . but, not where the movant's request would cause a substantive change in the existing decision.” [In Re Haley B.](#), 262 Conn. 406, 413, 815 A.2d 113 (2003).

- **Time restrictions on filing:** “There is no time restriction imposed on the filing of a motion for clarification. See [Barnard v. Barnard](#), supra [214 Conn. 99, 100, 570 A.2d 690 (1990); ] (motion for clarification filed sixteen months after judgment); [Cattaneo v. Cattaneo](#), [19 Conn. App. 161, 163, 561 A.2d 967 (1989)]; supra (motion for clarification filed six and one-half years after judgment). Although a judgment may not be opened or set aside after four months; Practice Book 326; [Blake v. Blake](#), 211 Conn. 485, 495, 560 A.2d 396 (1989); under the common law, judgments may be ‘corrected’ at any time.” [Holcombe v. Holcombe](#), 22 Conn. App. 363, 366, 576 A.2d 1317 (1990).
- “The trial court has jurisdiction to clarify an ambiguous judgment at any time.” [Sosin v. Sosin](#), 300 Conn. 205, 218, 14 A. 3d 307 (2011).

# Section 1: Motion for Clarification

A Guide to Resources in the Law Library

**SCOPE:** Bibliographic resources relating to the postjudgment motion for clarification.

**SEE ALSO:**

- [Motion for Articulation](#) (Research Guide)
- [Motion to Reargue](#) (Research Guide)

**DEFINITIONS:**

- **Motion for Clarification:** “[M]otions for interpretation or clarification, although not specifically described in the rules of practice, are commonly considered by trial courts and are procedurally proper.” [State v. Denya](#), 294 Conn. 516, 528, 986 A.2d 260 (2010).
- **Jurisdiction of the Courts:** “Even beyond the four month time frame set forth in Practice Book § 17-4, however, courts have ‘continuing jurisdiction to fashion a remedy appropriate to the vindication of a prior ... judgment... pursuant to [their] inherent powers....’ (Citation omitted; internal quotation marks omitted.) [Avalon Bay Communities, Inc. v. Plan & Zoning Commission](#), 260 Conn. 232, 239, 796 A.2d 1164 (2002).” [Mickey v. Mickey](#), 292 Conn. 597, 604, 974 A. 2d 641 (2009).
- **When Appropriate:** “In cases in which execution of the original judgment occurs over a period of years, a motion for clarification is an appropriate procedural vehicle to ensure that the original judgment is properly effectuated.... Motions for clarification may not, however, be used to modify or to alter the substantive terms of a prior judgment... and we look to the substance of the relief sought by the motion rather than the form to determine whether a motion is properly characterized as one seeking a clarification or a modification.” (Citations omitted; internal quotation marks omitted.) [State v. Denya](#), 294 Conn. 516, 528, 986 A.2d 260 (2010).
- **Time Restrictions:** “There is no time restriction imposed on the filing of a motion for clarification. See [Barnard v. Barnard](#), supra [214 Conn. 99, 100, 570 A.2d 690 (1990);] (motion for clarification filed sixteen months after judgment); [Cattaneo v. Cattaneo](#), [19 Conn. App. 161, 163, 561 A.2d 967 (1989)]; supra (motion for clarification filed six and one-half years after judgment). Although a judgment may not be opened or set aside after four months; Practice Book 326; [Blake v. Blake](#), 211 Conn. 485, 495, 560 A.2d 396 (1989); under the common law, judgments may be ‘corrected’ at any time.” [Holcombe v. Holcombe](#), 22 Conn. App. 363, 363, 576 A.2d 1317 (1990).
- “There is no requirement that the same judge rule on all matters arising after a dissolution judgment. See, e.g., [Barnard v. Barnard](#), 214 Conn. 99, 100, 570 A.2d 690

(1990); [Kolkmeier v. Kolkmeier](#), 18 Conn. App. 336, 337, 558 A.2d 253 (1989).” [Holcombe v. Holcombe](#), 22 Conn. App. 363, 365, 576 A.2d 1317 (1990).

- **Contrasted with Motion for Articulation:** “The petitioner’s appeal form also states that the he appeals from the denial of his motion for clarification. A motion seeking an articulation or further articulation of a trial court’s decision is called a motion for articulation. See Practice Book § 66-5. **‘The sole remedy of any party desiring the court having appellate jurisdiction to review the trial court’s decision on the motion filed pursuant to this section . . . shall be by motion for review under Section 66-7.’** Practice Book § 66-5. **We therefore decline to review this claim.”** [Footnote 2] [Woolcock v. Commr. of Correction](#), 62 Conn. App. 821, 824, 772 A2d 684 (2001).

## **RECORDS & BRIEFS:**

- [Figure 1 - Motion For Clarification](#), Connecticut Supreme Court Records and Briefs (September 2000). [Rosato v. Rosato](#), 255 Conn. 412, 766 A.2d 429 (2001).

## **CASES:**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Stewart v. Stewart](#), 157 Conn. App. 601, 610, 117 A.3d 958, (2015). **“We begin with our standard of review. ‘In order to determine whether the trial court properly clarified ambiguity in the judgment or impermissibly modified or altered the substantive terms of the judgment, we must first construe the trial court’s judgment. It is well established that the construction of a judgment presents a question of law over which we exercise plenary review.... In construing a trial court’s judgment, [t]he determinative factor is the intention of the court as gathered from all parts of the judgment.... The interpretation of a judgment may involve the circumstances surrounding the making of the judgment.... Effect must be given to that which is clearly implied as well as to that which is expressed.... The judgment should admit of a consistent construction as a whole.... In addition ... because the trial judge who issues the order that is the subject of subsequent clarification is familiar with the entire record and, of course, with the order itself, that judge is in the best position to clarify any ambiguity in the order. For that reason, substantial deference is accorded to a court’s interpretation of its own order.... Accordingly, we will not disturb a trial court’s clarification of an ambiguity in its own order unless the court’s interpretation of that order is manifestly unreasonable. (Citations omitted; internal quotation marks omitted.) [Bauer v. Bauer](#), 308 Conn. 124, 131–32, 60 A.3d 950 (2013).’ ”**

“ [T]he purpose of a clarification is to take a prior statement, decision or order and make it easier to understand. Motions for clarification, therefore, may be appropriate where there is an ambiguous term in a judgment or decision ... but, not where the movant’s request would cause a substantive change in the existing decision. Moreover, motions for clarification may be made at any time

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

and are grounded in the trial court's equitable authority to **protect the integrity of its judgments.'** (Internal quotation marks omitted.) [Light v. Grimes](#), 136 Conn. App. 161, 169, 43 A.3d 808, cert. denied, 305 Conn. 926, 47 A.3d 885 (2012).' "

- [Bauer v. Bauer](#), 308 Conn. 124, 134, 60 A. 3d 950 (2013). **"The trial court, which was in the best** position to resolve the discrepancy between the factual findings and the orders, clarified that the defendant was, in fact, required to split his pension accounts equally with the plaintiff. Not only was this interpretation reasonable, but any other interpretation would have rendered the trial court's factual finding superfluous and inconsistent with its orders. Moreover, the clarification merely reiterated the factual finding as originally stated and, thus, did not change or modify the judgment. Because the trial court's clarification was not manifestly unreasonable, we conclude that the Appellate Court improperly reversed the trial court's judgment on the **motion for clarification."**
- [Light v. Grimes](#), 136 Conn. App. 161, 166, 43 A. 3d 808, cert. denied, 305 Conn. 926 (2012). **"The court explained that: 'The date of judgment is May 9, 2008. The date of the court's ruling on the plaintiff's motion for clarification cannot as a matter of law be the basis for the date of judgment. A motion for clarification is a postjudgment motion which does not modify or alter the substantive terms of a prior judgment.'"**
- [Sosin v. Sosin](#), 300 Conn. 205, 220, 14 A. 3d 307 (2011). **"Finally, the trial court effectively clarified its intent with** respect to the asset distribution when it denied the defendant's amended motion for reargument. The fact that the trial court declined to correct the judgment to reflect the actual dollar amounts in the bank and brokerage accounts indicates that those specific dollar amounts had not been a critical component of the trial court's judgment. Cf. [State v. Denya](#), 294 Conn. 516, 531, 986 A.2d 260 (2010) (**'[B]ecause the trial judge who issues the order that is the subject of subsequent clarification is familiar with the entire record and, of course, with the order itself, that judge is in the best position to clarify any ambiguity in the order. For that reason, substantial deference is accorded to a court's interpretation of its own order.'**)"
- [Von Kohorn v. Von Kohorn](#), 132 Conn. App. 709, 716, 33 A. 3d 809 (2011). **"The court, by granting the plaintiff's request** for clarification, lacked the authority to alter the substantive terms of the prior judgment beyond those terms that it determined were omitted from the original order. See [Mickey v. Mickey](#), supra, 292 Conn. at 604-605, 974 A.2d 641. It also lacked any authority to make substantive changes pursuant to General Statutes § 52-212a or Practice Book §§17-4 and 11-11 because the court did not grant

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

reargument of the terms of the alimony orders, and the court reasonably could not have treated the plaintiff's post-judgment motion as a motion to open the judgment and modify the alimony award because such relief was neither directly nor implicitly requested in the postjudgment motion. We conclude that the court's sua sponte alteration of the alimony order from a lifetime award to a term of eight years was an abuse of discretion. Accordingly, we reverse that **portion of the court's July 13, 2010 order.**"

- [Bauer v. Bauer](#), 130 Conn. App. 185, 190, 21 A.3d 964 (2011). **"When ruling on the plaintiff's motion for clarification, the court acknowledged that, although it had made the finding that the parties had agreed that the pension funds would be split equally, it did not address the distribution of these funds in its orders. The court stated that the fact that it had mentioned that agreement in its findings, but did not issue an order dividing those assets, created an 'ambiguity or incompleteness' in its earlier decision and then issued an order dividing those assets. We disagree."**
- [Fuller v. Fuller](#), 119 Conn. App. 105, 112, 987 A. 2d 1040 (2010). **"[T]he trial court's continuing jurisdiction to effectuate its prior judgments, either by summarily ordering compliance with a clear judgment or by interpreting an ambiguous judgment and entering orders to effectuate the judgment as interpreted, is grounded in its inherent powers, and is not limited to cases wherein the noncompliant party is in contempt, family cases, cases involving injunctions, or cases wherein the parties have agreed to continuing jurisdiction.'** [Avalon Bay Communities, Inc. v. Plan & Zoning Commission](#), 260 Conn. 232, 246, 796 A.2d 1164 (2002)."
- [Mickey v. Mickey](#), 292 Conn. 597, 605, 974 A. 2d 641 (2009). **"In the present case, the defendant filed a motion for clarification, asserting that postdissolution events revealed a latent ambiguity in the dissolution judgment as to whether the trial court intended to distribute the defendant's disability benefits in connection with its distribution of the parties' marital property."**
- [Packer v. Board of Education](#), 246 Conn. 89, 96-97, 717 A.2d 117 (1998). **"The plaintiff subsequently filed a motion for clarification as to whether the trial court's order enjoining the defendant from expelling him also enjoined the defendant from excluding him from extracurricular activities for the remainder of the school year."**
- [Bower v. D'Onfro](#), 45 Conn. App. 543, 547-48, 696 A.2d 1285 (1997). **"On January 11, 1996, seven weeks after the trial court rendered its judgment in accordance with our remand, the plaintiffs filed their 'motion for clarification.'** The plaintiffs sought a ruling on their entitlement to postjudgment interest. Even though the plaintiffs' motion was captioned 'motion for clarification,' **'we look to the**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

**substance of the claim rather than the form' . . . and determine that it was a motion for postjudgment interest under General Statutes § 37-3b."**

- [Coscina v. Coscina](#), 24 Conn. App. 190, 192, 587 A.2d 159 (1991). **"In prior cases where a plaintiff was seeking to clarify a marital dissolution agreement, a motion for clarification of judgment was employed with approval. See [Holcombe v. Holcombe](#), 22 Conn. App. 363, 366, 576 A.2d 1317 (1990), and cases cited therein. The trial court here accepted the plaintiff's complaint for a declaratory judgment coupled with a request for monetary damages. Although an alternative form of action was available, namely the motion for clarification of judgment, we do not disapprove of the trial court's proceeding as it did."**
- [Holcombe v. Holcombe](#), 22 Conn. App. 363, 366, 576 A.2d 1317 (1990). "Motions for interpretation or clarification, although not specifically described in the rules of practice, are commonly considered by trial courts and are procedurally proper."
- [Barnard v. Barnard](#), 214 Conn. 99, 100, 570 A.2d 690 (1990). **"On December 1, 1988, the defendant husband filed a motion for interpretation or clarification of that agreement maintaining that the parties were unable to agree upon the interpretation of Article III of that agreement. That article is captioned 'Alimony and Support and Education.' The trial court, Nigro, J., held a hearing on this motion. The defendant has appealed from the trial court's interpretation of Article III. Pursuant to Practice Book 4023, we transferred the case to this court."**
- [Cattaneo v. Cattaneo](#), 19 Conn. App. 161, 163, 561 A.2d 967 (1989). **"On June 24, 1987, the plaintiff filed a motion for clarification and for further order of the court, requesting that the original order of dissolution be clarified to state the specific extent to which the defendant was required to contribute to the children's college education and sought an order as to that specific sum or percentage. The motion alleged that the older of the two children residing with the plaintiff had been accepted at a four year college and that the defendant had refused to pay for any portion of that child's college education."**
- [Schott v. Schott](#), 18 Conn. App. 333, 334, 557 A.2d 936 (1989). **"The court accepted the report and the defendant filed a motion, to clarify the portion of the report concerning the CNB debt as it related to the dissolution judgment."**
- [Miller v. Miller](#), 16 Conn. App. 412, 413, 547 A.2d 922 (1988). **"The defendant appeals from a postjudgment ruling of the trial court in this dissolution action on a motion for clarification filed by the plaintiff."**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Juvenile Appeal \(85-BC\)](#), 195 Conn. 344, 367, 488 A.2d 790 (1985). “In the ‘motion for clarification of orders,’ the grandmother ‘respectfully represents that orders of custody were entered by Judge DeMayo on May 4, 1982 placing custody and guardianship of the two minor children [names omitted] with her, the paternal grandmother of said children. [She] respectfully requests that the Court clarify said orders and any other orders affecting this matter given the amount of time that has passed since the entry of the orders of custody.’”
- **Contrasted with Motion to Modify** “Although the defendant characterizes the court’s orders as a modification and, in discussing the orders at issue, the court used the word “modify” several times, “neither of these factors influences the actual nature of the motion or the court’s responsive ruling. It has been recognized by both this court and our Supreme Court that despite the movant’s or the trial court’s characterization of a motion, a reviewing court examines the practical effect of the responsive ruling in determining the nature of the pleading. . . . On review, we look to the substance of the relief sought by the motion and the practical effect of the trial court’s responsive ruling.” (Citations omitted.) [Fewtrell v. Fewtrell](#), 87 Conn. App. 526, 532, 865 A.2d 1240 (2005)... **The court’s clarification order** merely determined that the original judgment and any subsequent court orders had never prohibited the plaintiff from exercising the statutorily mandated right to access afforded to him by § 46b-56 (g). The court’s orders did not alter the judgment of dissolution or result in a modification of the original judgment or any prior order. We find that the court did not abuse its discretion or act unreasonably in clarifying and enforcing the plaintiff’s right....” [Clark v. Clark](#), 150 Conn. App. 551, 571-572, 91 A.3d 944 (2014).
- **Latent ambiguity explained** “The difficulty with the defendant’s argument is that it assumes that the court’s initial allocation of the parties’ pension rights was unambiguous. Like the pension administrator, the court found, to the contrary, that its description of the event that would trigger the defendant’s eligibility for a pension **contained a latent ambiguity.** ‘[L]atent ambiguities are those which appear only as the result of extrinsic or collateral evidence showing that a word, thought to have but one meaning, actually has two or more meanings. . . . Latent ambiguities [can] be shown and explained by pleading and **parol proof.**’ 11 S. Williston, *Contracts* (4th Ed. Lord 1999) §33:40, pp. 816-17; [Heyman Associates No. 1 v. Ins. Co. of Pennsylvania](#), 231 Conn. 756, 782, 653 A.2d 122 (1995); [In re Marriage of Holloway](#), 299 Mont. 291, 295-96, 999 P.2d 980 (2000).

Applying the law stated in these authorities, we hold that the court reasonably found that a latent ambiguity in its original pension order authorized it to restate its order to clarify its original intention for the division of the defendant’s

pension rights between the parties. We, therefore, disagree with the defendant's characterization of the court's order as an impermissible **modification of its terms.**" [Ranfone v. Ranfone](#), 119 Conn. App. 341, 345-346, 987 A2d 1088 (2010).

### **TEXTS & TREATISES:**

You can click on the links provided to see which law libraries own the title you are interested in, or visit our [catalog](#) directly to search for more treatises.

- Barry Armata and Campbell Barrett, eds., [A Practical Guide to Divorce in Connecticut](#) (2014).  
Chapter 16 Appellate Procedure and Posttrial Motions  
§16.2(c). Posttrial Motions-Motion for Clarification
- 8A Arnold H. Rutkin et al., [Connecticut Practice Series, Family Law And Practice with Forms](#) (3rd ed. 2010).  
Chapter 52. Post-Judgment Motions  
§ 52.3. Motion for articulation or clarification
- [Family Law Practice in Connecticut](#) (1996).  
Chapter 15. Post-Judgment Proceedings  
Motion for clarification/ Motion for Articulation  
§ 15.1. General  
§ 15.2. Where necessary  
§ 15.3. Timing and filing  
§ 15.4. Miscellaneous
- Louise Truax, Editor, [Connecticut Family Law](#), LexisNexis Practice Guide (2016).  
Chapter 16. Appellate Procedure  
§ 16.07. Checklist: Filing Motions in Anticipation or While the Appeal is Pending  
§ 16.08. Filing Motions After the Decision but Before Filing an Appeal  
§ 16.13. Filing a Motion for Clarification
- Gaetano Ferro, 1995 and 1996 Developments in Connecticut Family Law, 71 Connecticut Bar Journal 133, (April 1997).
- Arthur E. Balbirer and John R. Shaughnessy, *Survey Of 1990 Developments In Connecticut Family Law*, 65 Connecticut Bar Journal 103, 121 (April 1991).

### **LAW REVIEWS:**

Public access to law review databases is available on-site at each of our [law libraries](#).

Figure 1: Motion for Clarification

No. \_\_\_\_\_ Superior Court  
\_\_\_\_\_  
(First Named Plaintiff)  
v. \_\_\_\_\_  
\_\_\_\_\_ Judicial District of \_\_\_\_\_  
\_\_\_\_\_ at \_\_\_\_\_  
(First Named Defendant) \_\_\_\_\_  
(Date)

MOTION FOR CLARIFICATION

The defendant, \_\_\_\_\_, in the above referenced action hereby respectfully represents as follows:

1. On July 11, 1998 a judgment of dissolution of marriage entered by this Court (\_\_\_\_\_, J.)
2. **This Court’s oral memorandum of decision and the party’s judgment file set forth, in relevant part, as follows: “The wife is to retain any benefits in the husband’s pension which she currently has, as his spouse...”**
3. **As of the date of this motion the defendant has received none of the plaintiff’s pension benefits.**
4. **The United States Office of Personnel Management has refused to convey the plaintiff’s pension interest to the defendant pursuant to the submitted domestic relations order.**

WHEREFORE, the defendant respectfully requests that this Court clarify its decision and **set forth the exact percentage interest of plaintiff’s pension which is due to the defendant.**

THE DEFENDANT

BY \_\_\_\_\_

ORAL ARGUMENT REQUESTED  
TESTIMONY REQUIRED

[*Heading*, Form 105.1, 2 Conn. Practice Book (1997).]

[*Motion For Clarification*, Connecticut Supreme Court Records and Briefs (September 2000). [Rosato v. Rosato](#), 255 Conn. 412, 766 A.2d 429 (2001).]

Table 1: Selected Superior Court Cases on Motions for Clarification

<b>Selected Superior Court Cases: Motion for Clarification</b>	
<p><u>Jones v. Jones</u>, Superior Court, Judicial District of Stamford-Norwalk, No. FA 95-0143869S (March 4, 2015) (2015 WL 1427354).</p>	<p>"A motion for clarification is an appropriate procedural vehicle to ensure that the original judgment is properly effectuated ... Motions for clarification may not, however, be used to modify or to alter the substantive terms of a prior judgment." <u>Von Kohorn v. Von Kohorn</u>, 132 Conn. App. 709, 714 (2011). A motion for clarification although not specifically described in the rules of practice, is commonly considered by trial courts and is procedurally proper. <u>Holcombe v. Holcombe</u>, 22 Conn. App. 363, 366 (1990). "There is no time restriction for filing a motion for clarification." <u>Barnard v. Barnard</u>, 214 Conn. 99, 100 (1990).</p> <p>This trial court has jurisdiction to clarify an ambiguous judgment at any time." <u>Avalon Bay Communities, Inc. v. Plan &amp; Zoning Commission</u>, 260 Conn. 232, 246 (2002); <u>State v. Denya</u>, 294 Conn. 516, 533, fn.10 (2010). Indeed, "courts have continuing jurisdiction to fashion a remedy appropriate to the vindication of a prior ... judgment ... pursuant to [their] inherent powers ... [Thus] [w]hen an ambiguity in the language of a prior judgment has arisen as a result of postjudgment events ... a trial court may, at any time, CT Page 886-C exercise its continuing jurisdiction to effectuate its prior [judgment] ... by interpreting [the] ambiguous judgment and entering orders to effectuate the judgment as interpreted ... In cases in which execution of the original judgment occurs over a period of years, a motion for clarification is an appropriate procedural vehicle to ensure that the original judgment is properly effectuated ... Motions for clarification may not, however, be used to modify or to alter the substantive terms of a prior judgment ... and we look to the substance of the relief sought by the motion rather than the form to determine whether a motion is properly characterized as one seeking a clarification or a modification." (Citations omitted; internal quotation marks omitted.) <u>Mickey v. Mickey, supra</u>, 292 Conn. 64-05; cf. <u>Rome v. Album</u>, 73 Conn. App. 103, 109, 807 A.2d 1017 (2002) ("[when] the movant's request would cause a substantive modification of an existing judgment, a motion to open or set aside the judgment would normally be necessary"). <u>State v. Denya, supra</u>, 294 Conn. 528-29."</p>
<p><u>Cohen v. Tziolis</u>, Superior Court Judicial District of Fairfield, No. CV 11-6020149S, (February 27, 2013) (2013 WL 1189328).</p>	<p>"The plaintiffs agree with the statement of law in the defendants' Response to plaintiffs' Motion for Clarification and Contempt dated December 13, 2012, where the defendants stated that the Court lacks authority to modify its decision because such an action may only be done pursuant to a</p>

	<p>motion to open or set aside the decision which must be filed within four months of the decision itself. Thus, any such attempt to modify the Court's February 8, 2012 Decision would be untimely and not be allowed. <i>See Perry v. Perry</i>, 130 Conn. App. 720, 733-34 (2011) (reversing trial court decision granting plaintiff's motion for clarification because motion was actually a motion to modify the judgment that was not filed within four months as required by General Statutes §52-212a)."</p>
<p><u>Edlam v. Beeks</u>, Superior Court, Judicial District of New London, No. FA 09-4110621S (March 4, 2014) (2014 WL 1283926).</p>	<p>"<b>Motions for articulation or clarification, although not specifically described in the rules of practice, are commonly considered by trial courts and are procedurally proper.</b>" <i>Holcombe v. Holcombe</i>, 22 Conn. App. 363, 366 (1990). Clarifications are appropriate when the trial court failed to rule on a matter. <i>Schoonmaker v. Lawrence Brunoli, Inc.</i>, 265 Conn. 210, 232 (2003). It is the proper procedural vehicle to ask the trial judge to rule on an overlooked matter. <i>Wallenta v. Moscowitz</i>, 81 Conn. App. 213, 230, <i>cert. denied</i>, 268 Conn. 909 (2004). Clarifications are not to be used by the trial court to 'substitute a new decision [or] to change the reasoning or basis of a prior decision.' <i>Walshon v. Walshon</i>, 42 Conn. App. 651, 655-56 (1996)."</p>
<p><u>R.T. Vanderbilt Co., Inc. v. Hartford Accident &amp; Indem. Co.</u>, Superior Court, Judicial District of Waterbury, No. X02UWYCV075016321 (April 22, 2013) (2013 WL 1943943).</p>	<p>"<b>Lastly, the plaintiff asks the court to clarify its decision. As to a motion for clarification, 'where the movant's request would cause a substantive modification of an existing judgment, a motion to open or set aside the judgment would normally be necessary.'</b> <i>Rome v. Album</i>, 73 Conn. App. 103, 109 (2002). While the court's findings from the first phase of the trial were purposely narrow and limited, the plaintiff's request for clarification would effectively require the court to modify its order to make determinations that have been left for the second phase of the trial. Such actions, if taken by the court, would be improper and inconsistent with the prior actions of the court bifurcating the trial for the purpose of considering <b>certain issues or claims in a scheduled sequence.</b>"</p>
<p><u>O'Brien v. Davis</u>, 49 Conn. Supp. 474, 482, 894 A.2d 1072 (2005).</p>	<p>"<b>No motion for articulation has been filed. No appeal has been filed. There is no provision in the Practice Book for a motion for articulation to be filed in a case that has not been appealed. Practice Book §§ 60-5, 63-1, 66-5 and 66-7.</b> <i>Brycki v. Brycki</i>, 91 Conn. App. 579, 594, 881 A.2d 1056 (2005)."</p>