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2024 Edition

Transfer of Action

A Guide to Resources in the Law Library

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Judge Support Services, Law Library Services Unit*

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<https://jud.ct.gov/lawlib/selfguides.htm>

This guide links to advance release opinions on the Connecticut Judicial Branch website **and to case law hosted on Google Scholar and Harvard's Case Law Access Project.** The online versions are for informational purposes only.

References to online legal research databases refer to in-library use of these databases. Remote access is not available.

[Connecticut Judicial Branch Website Policies and Disclaimers](https://www.jud.ct.gov/policies.htm)

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Introduction

A Guide to Resources in the Law Library

- **Transfer of action:** "Any action or the trial of any issue or issues therein may be transferred, by order of the court on its own motion or on the granting of a motion of any of the parties, or by agreement of the parties, from the superior court for one judicial district to the superior court in another court location within the same district or to a superior court location for any other judicial district, upon notice by the clerk to the parties after the order of the court, or upon the filing by the parties of a stipulation signed by them or their attorneys to that effect." Conn. Gen. Stat. § [51-347b](#)(a) (2023).
- **Transfer of cases to the regular docket:** "**A case duly entered on the small claims docket** of a small claims area or housing session court location shall be transferred to the regular docket of the Superior Court or to the regular housing docket, respectively, if the following conditions are met: . . ." Conn. Practice Book § [24-21](#)(a) (2024).
- **Transfer of Supreme and Appellate cases:** "The Supreme Court may transfer to itself a cause in the Appellate Court. Except for any matter brought pursuant to its original jurisdiction under section 2 of article sixteen of the amendments to the Constitution, the Supreme Court may transfer a cause or class of causes from itself, including any cause or class of causes pending on July 1, 1983, to the Appellate Court. The court to which a cause is transferred has jurisdiction." Conn. Gen. Stat. § [51-199](#)(c) (2023).

Section 1: Transfer, Motion to

A Guide to Resources in the Law Library

SCOPE:

Bibliographic references relating to the action of a motion to transfer in Connecticut.

DEFINITIONS:

- Transfer of action: "Any action or the trial of any issue or issues therein may be transferred, by order of the court on its own motion or on the granting of a motion of any of the parties, or by agreement of the parties, from the superior court for one judicial district to the superior court in another court location within the same district or to a superior court location for any other judicial district, upon notice by the clerk to the parties after the order of the court, or upon the filing by the parties of a stipulation signed by them or their attorneys to that effect." Conn. Gen. Stat. § [51-347b](#)(a) (2023).
- Procedure for transfer: "Any cause, or the trial of any issue therein, may be transferred from a judicial district court location to any other judicial district court location or to any geographical area court location, or from a geographical area court location to any other geographical area court location or to any judicial district court location, by order of a judicial authority (1) upon its own motion or upon the granting of a motion of any of the parties, or (2) upon written agreement of the parties filed with the court. (See General Statutes § 51-347b and annotations.)" Conn. Practice Book § [12-1](#) (2024).
- For Issues only: "If only the trial of an issue or issues in the action has been transferred, the files, after the issues have been disposed of, shall be returned to the clerk of the court for the original judicial district or location, and judgment may be entered in such court." Conn. Gen. Stat. § [51-347b](#)(c) (2023).
- Court fees: "An entry fee shall not be required to be paid to the court to which any transfer pursuant to this section was made." Conn. Gen. Stat. § [51-347b](#)(d) (2023).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023).
[Chapter 890](#). Judicial Districts, Geographical Areas, Civil and Criminal Venue, Filing and Designation of Court Location
§ [51-347b](#). Transfer of causes by court, motion or agreement. Transfer by Chief Court Administrator.

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

FORMS:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

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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.

- Conn. Practice Book (2024).
 - [Chapter 12](#). Transfer of Actions
 - § 12-1. Procedure for transfer
 - § 12-2. Transfer of action filed in wrong location of correct court
 - § 12-3. Transmission of files and papers
- [Figure 1: Motion for Change of Venue](#)
- [Figure 2: Transfer of Actions](#)
- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Joel M. Kaye et al., Thomson West, 2023-2024 (also available on Westlaw).
 - 18: 7. Motion to change venue
 - 18: 8. Motion to transfer case to different location in Judicial Court
 - 18: 9. Stipulation to transfer entire cause of action
 - 18: 10. Stipulation for transfer of issues
- *Handbook of Forms for the Connecticut Family Lawyer*, by Mary Ellen Wynn & Ellen B. Lubell, Connecticut Law Tribune, 1991.
 - Form No. XX-A-3, Motion to Transfer, p. 272
- *LexisNexis Practice Guide: Connecticut Civil Pretrial Practice*, Margaret Penny Mason, editor, 2022 ed., LexisNexis.
 - Chapter 5. Forum and Venue
 - § 5.18 FORM: Motion to Transfer for Improper Venue
- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2016.
 - 9-012. Motion to change venue
- *Ito v. Coulter*, Superior Court, Judicial District of New London at New London, No. CV156023264S (March 22, 2018) (66 Conn. L. Rptr. 155) (2018 Conn. Super. LEXIS 584) (2018 WL 1885102). **"As a general rule, a trial judge has the right to transfer, sua sponte, a case if it is in the interests of justice and judicial efficiency."** *Sanford v. Gorton*, Superior Court, judicial district of Fairfield, Docket No. CV-09-4028647-S, 2009 Conn. Super. LEXIS 2530 (September 16, 2009, Bellis, J.). **"The evident purpose of the statutes and rules relating to the divisions of the Superior Court was ... to achieve greater efficiency in the administration of the judicial department."** [Savage v. Aronson](#), 214 Conn. 256, 262, 571 A.2d 696 (1990)."
- [Godaire v. Dep't of Soc. Servs.](#), 174 Conn. App. 385, 397, 165 A.3d 1257, 1263 (2017). "Even though we are

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reversing the judgment on another ground, we address **the plaintiff's** first claim that he was denied access to the courts, because his appeal was transferred from New London to New Britain, for the reason that it is likely to arise in any subsequent proceedings. See [State v. A. M.](#), 156 Conn. App. 138, 156-57, **111 A.3d 974 (2015)**, *aff'd*, 324 Conn. 190, 152 A.3d 49 (2016). **The plaintiff's** argument merits little discussion. We agree with the trial court that there is statutory authority for the transfer; General Statutes § 51-347b (a); and that the plaintiff was afforded his due process rights by being allowed to participate in the hearing via closed-circuit television. The plaintiff was not denied access to the courts, and he cannot demonstrate any prejudice to his rights as a result of the transfer of his **administrative appeal.**"

- [Heyward v. Judicial Department](#), 159 Conn. App. 794, 805, 124 A.3d 920, 927-928 (2015). "The court's transfer order did not dispose of the underlying action, and, therefore, was interlocutory in nature. As previously explained, interlocutory orders are immediately appealable only if the order or ruling (1) terminates a separate and distinct proceeding, or (2) so concludes the rights of the parties that further proceedings cannot affect them. [State v. Curcio](#), *supra*, 191 Conn. 31. The court's order was rendered in the course of the continuing civil litigation and, accordingly, did not terminate a separate and distinct proceeding. Further, as this court recognized in [In re Justin E.](#), *supra*, 116 Conn. App. 105, an order transferring a case from one court to another does not, in and of itself, conclude any recognized right of the parties. The plaintiffs, who did not file a reply brief responding to **the defendants'** final judgment argument, have failed to identify any right irretrievably lost by the change of **venue. Because the court's** transfer order fails to satisfy either prong of the *Curcio* test, the order is not immediately appealable, and we lack jurisdiction to consider the merits of the plaintiffs' claim challenging the **change of venue.**"
- [Adams v. Adams](#), 93 Conn. App. 423, 426, 890 A.2d 575, 577-578 (2006). "Any cause, or the trial of any issue therein, may be transferred from a judicial district court location to any other judicial district court location ... by order of a judicial authority ... upon its own motion or upon the granting of a motion of any of **the parties'** Practice Book § 12-1; see also General Statutes § 51-347a (a) (transfer of civil jury causes). In the context of criminal actions, a defendant requesting a change of venue bears the burden of showing that, absent a change in venue, he could not receive a fair and impartial trial. [State v. Reynolds](#), 264 Conn. 1, 222, 836 A.2d 224 (2003), cert. denied, 541 U.S. 908, 124 S. Ct. 1614, 158

L. Ed. 2d 254 (2004). A trial court exercises broad discretion in considering such a motion, but appellate review of the denial of a motion for a change of venue requires an independent review of all of the circumstances on which the motion was based. [State v. Vitale](#), 190 Conn. 219, 227, 460 A.2d 961 (1983). Those principles apply, with at least equal force, to the defendant's request for a change of venue in his divorce proceeding."

WEST KEY NUMBERS:

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- *Courts*
483-488. Transfer of Causes.
- 77 *Am Jur 2d* Venue, Thomson West, 2016 (also available on Westlaw).
IV. Change of Venue
§ 54. Statutory grounds
§ 55. Action brought in wrong county
§ 60. Convenience of witnesses and ends of justice; forum non conveniens—Factors determining interest of justice
§ 61. Convenience of witnesses and ends of justice; forum non conveniens—Factors determining convenience
§§ 62-68. Application and Determination.
- 21 *CJS Courts*, Thomson West, 2016 (also available on Westlaw).
§§ 260-270. Transfer of Cases.
- 1 Connecticut Practice Series, *Connecticut Superior Court Civil Rules*, by Wesley W. Horton et al., 2022-2023 ed., Thomson West (also available on Westlaw).
Authors' comments following §§ 12-1 and 12-2
- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Joel M. Kaye et al., Thomson West, 2023-2024 (also available on Westlaw).
Commentary following Forms 18:7, 18:8, 18.9, 18:10
- 1 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2023-2024 ed., LexisNexis.
Chapter 12. Transfer of Actions [to Another Judicial District]
§ 12-1. Procedure for transfer
§ 12-1.1. Return to improper locations
§ 12-1.2. Venue improper; Transfer to proper district
§ 12-2. Transfer of action filed in wrong location of correct court
§ 12-2.1. Clerk not to accept process; When
§ 12-2.2. Dismissal for improper venue; When
§ 12-3. Transmission of files and papers
§ 12-3.1. Ministerial duties of clerk on transfer

§ 12-3.2. Trial list; Transferred case place on

- *LexisNexis Practice Guide: Connecticut Civil Pretrial Practice*, Margaret Penny Mason, editor, 2022 ed., LexisNexis.
 - Chapter 5. Forum and Venue
 - § 5.07. Grounds for change of venue by motion
- *Pleadings and Pretrial Practice: A Deskbook for Connecticut Litigators*, by Jeanine M. Dumont, Connecticut Law Tribune, 1998.
 - II. Basic Pleading and Practice Rules
 - 8. Venue
 - a. Procedure for effectuating transfer
 - b. Multiple plaintiffs
 - c. Timely motion to transfer/dismiss
 - d. Deference to plaintiff's selection of venue**
 - e. Transfers to a more crowded docket
 - f. Transfers for the convenience of lawyers not favored
 - g. Effect of improper venue
- 1 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 1997, with 2014 supplement.
 - Section 79. Motions for Transfer

Figure 1: Motion for Change of Venue (Form)

Form 105.1, Heading and Form 106.13, Motion for Change of Venue, 2 Conn. Practice Book (1997)

No. _____ Superior Court

(First Named Plaintiff)
v. _____
_____ Judicial District of _____
_____ at _____
(First Named Defendant) _____
(Date)

Motion for Change of Venue

The defendant represents

1. This action has been claimed for trial by a jury.
2. The matters involved in the action have been given such wide publicity in this area in a manner so derogatory to the defendant and so prejudicial to his interests, that a fair trial by an impartial and unprejudiced jury cannot be had in this court.

Wherefore the defendant moves that the action be transferred to the Superior Court for the judicial district of _____ at _____ or to the Superior Court for some other judicial district (or geographical area) at such location as the court may direct.

Figure 2: Transfer of Actions (Form)

Form 106.17, Motion for Change of Venue, 2 Conn. Practice Book (1997)

Transfer of Actions

(Caption of Case)

Stipulation

The parties in the above entitled action hereby stipulate that this matter be transferred to the superior court within and for the judicial district of _____ at _____

Plaintiff
By _____
Attorney

Defendant
By _____
Attorney

If transfer is by stipulation, an order is required. Rules § 12-1; Gen. Stat., § 52-31

Motion

The _____ in the above entitled action moves that this matter be transferred to the superior court within and for the judicial district of _____ at _____ for the reason that (*state reason, such as pendency of a case in that court arising out of the same transaction or in which a common question of law or fact will arise*)

Order

The foregoing motion for transfer having been heard and it appearing that it should be granted, it is hereby
Ordered that the above entitled action be transferred to the superior court for the judicial district of _____ at _____
Dated at (*place and date*)

By the Court (_____, J.)

Assistant Clerk

Transfer for Trial of Issues Only

If transfer is for the trial of a particular issue, add to each of the preceding forms: for the determination of (state specific issues to be tried, such as issues raised by motion or otherwise).

Table 1: Unreported Cases on Transfer of Actions

Unreported Cases	
<p><u>Walsh v. City of Torrington</u>, Superior Court, Judicial District of Hartford at Hartford, No. HDD-CV-16-6067494S (August 10, 2016) (62 Conn. L. Rptr. 812) (2016 Conn. Super. LEXIS 2174) (2016 WL 4745218).</p>	<p>"In the absence of a statute expressly requiring a fiduciary to bring an action in the judicial district where the decedent resided or where the probate court appointing him is located, the court concludes that executors and administrators may choose the venue for a wrongful death action pursuant to the general venue statute applicable to civil actions—that is, they may choose to bring the action in any judicial district where any plaintiff or any defendant resides. Because plaintiff Edward Walsh resides in the Hartford judicial district, venue is proper here."</p>
<p><u>State of Connecticut v. McCarroll</u>, Superior Court, Judicial District of Litchfield, Geographic Area 18 At Bantam, No. L18W-CR-11-0137936 (March 8, 2012) (2012 Conn. Super. LEXIS 653) (2012 WL 1004337).</p>	<p>"In criminal cases, defendants do not have an inherent right to a change in venue. In requesting a change of venue, a defendant bears the burden of showing that he could not otherwise receive a fair and impartial trial. The trial court exercises its discretion in deciding whether to grant such a change of venue . . . The trial court's discretion is governed by Practice Book [§41-23] . . .' (Citations omitted; internal quotation marks omitted.) <u>State v. Reynolds</u>, 264 Conn. 1, 222, 836 A.2d 224 (2003), cert. denied, 541 U.S. 908, 124 S. Ct. 1614, 158 L. Ed. 2d 254 (2004)."</p>
<p><u>Chief Disciplinary Counsel v. Zbigniew S. Rozbicki</u>, Superior Court, Judicial District of Litchfield at Litchfield, No. LLI-CV-11-6004519S (August 11, 2011) (52 Conn. L. Rptr. 434) (2011 Conn. Super. LEXIS 2040) (2011 WL 3891671).</p>	<p>"The respondent has expressed concerns that having the presentment heard in the judicial district where he practices will cause him embarrassment with his present and future clients and it will cause a negative effect on his relationship with opposing counsel who practice in the area. The respondent's presentment is a matter of public record. How the news and possible gossip attendant to the respondent's presentment is disseminated through the judicial district is a matter beyond the scope of the court's dominion and control. Although this issue may cause the respondent great concern, the respondent has been unable to demonstrate how any gossip and/or dissemination of news regarding his presentment has caused him any identifiable harm. Moreover the respondent has failed to demonstrate the existence of any prejudice that would warrant the transfers of his presentment to another jurisdiction."</p>

<p><u>Ashcraft v. Ashcraft</u>, Superior Court, Judicial District of Fairfield at Bridgeport, No. FA10-403-17-79 (June 30, 2010) (2010 Conn. Super. LEXIS 1600) (2010 WL 2927416).</p>	<p>"In the present matter, the defendant supports her motion to transfer by arguing that the judicial district of Fairfield is the incorrect venue. Issues regarding the venue of a family law case are governed by § 51-345(a)(3)(E), which provides that the plaintiff had the option of filing this action either in the judicial district of Stamford-Norwalk or in the judicial district of Fairfield. The court has the discretion to transfer this case, sua sponte, if it deems that a transfer would be necessary in the interest of justice or judicial efficiency. The defendant does not argue, and there is no evidence indicating, that transferring the case to the judicial district of Stamford-Norwalk is necessary to promote justice or judicial efficiency. Therefore, the court sees no reason why this case should be transferred."</p>
<p><u>Lasky v. Pivnick</u>, Superior Court, Judicial District of Hartford at Hartford, No. FA 00-0724898-S (November 1, 2000) (2000 Conn. Super. LEXIS 3060) (2000 WL 1819365).</p>	<p>"While the convenience of the parties is of central importance, the court can also take the convenience of witnesses into consideration when deciding whether to grant a motion to transfer venue based on forum inconviens. However, when the witnesses are family members of a particular party, the court is not required to consider their convenience. See, 77 Am.Jur.2d., Venue, Sections 68-70. In addition, the court must consider the convenience of witnesses for both sides."</p>
<p><u>Greater New York Mutual Ins. v. Schnabel</u>, Superior Court, Judicial District of Hartford-New Britain at New Britain, No. CV94-461174S (January 29, 1996) (16 Conn. L. Rptr. 138) (1996 Conn. Super. LEXIS 317) (1996 WL 66255).</p>	<p>"The defendant's motion to transfer alleges that both cases raise the same issues of fact and that the determinations made in the personal injury action, in Hartford, will resolve the issues in the action before this court. Further, defendant alleges that judicial economy is served by consolidating these actions. However, the defendant does concede that the speed in which this case is resolved will be greatly lengthened if it is consolidated with the Hartford action, due to the backlog of cases in Hartford."</p>

Section 2: Motion to Transfer to the Regular Docket from Small Claims

A Guide to Resources in the Law Library

SCOPE:

Bibliographic references relating to the motion to transfer to the regular docket from small claims in Connecticut.

DEFINITIONS:

- Transfer of cases to the regular docket: **"A case** duly entered on the small claims docket of a small claims area or housing session court location shall be transferred to the regular docket of the Superior Court or to the regular housing docket, respectively, if the following conditions are met: . . ." Conn. Practice Book § [24-21](#)(a) (2024).
- Counterclaim: **"The motion to transfer must be** accompanied by (A) a counterclaim in an amount greater than the jurisdiction of the small claims court; or . . ." Conn. Practice Book § [24-21](#)(a)(2) (2024).
- Affidavit: **"The motion to transfer must be accompanied** by . . . (B) an affidavit stating that a good defense exists to the claim and setting forth with specificity the nature of the defense, or stating that the case has been properly **claimed for trial by jury."** Conn. Practice Book § [24-21](#)(a)(2) (2024).
- Without need for a hearing: **"When a defendant or** plaintiff on a counterclaim has satisfied one of the conditions of subsection (a) (2) herein, the motion to transfer to the regular docket shall be granted by the **judicial authority, without the need for a hearing."** Conn. Practice Book § [24-21](#)(a)(3)(b) (2024).
- Time: ". . .This motion must be filed on or before the answer date with certification of service pursuant to Section 10-12 et seq. If a motion to open claiming lack of actual notice is granted, the motion to transfer with accompanying documents and fees must be filed within fifteen days after the notice granting the motion to open **was sent."** Conn. Practice Book § [24-21](#)(a)(1) (2024).
- Writ of Error: **"[W]e conclude that General Statutes 51-197a as amended by Public Acts, Spec. Sess., June, 1983, No. 83-29, 3 does not preclude us from entertaining a writ of error pursuant to General Statutes 52-272 from the Small Claims division of the Superior Court and that we therefore have jurisdiction."** [Cannavo Enterprises v. Burns](#), 194 Conn. 43, 48, 478 A.2d 601, 604 (1984).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2023).
[Chapter 870](#). Judicial Department
§ [51-15](#). Rules of procedure in certain civil actions.
Small claims.
[Chapter 901](#). Damages, Costs and Fees
§ [52-251a](#). Costs, **attorney's** fees on small claims matter transferred to regular docket.
§ [52-259](#). Court fees.

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2024).
[Chapter 24](#). Small Claims
§ 24-21. Transfer to regular docket

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each **report's** publication. Current law may be different from what is discussed in the reports.

- *Small Claims Jurisdiction and Transfers*, James Orlando, Connecticut General Assembly, Office of Legislative Research Report, [2022-R-0109](#) (June 1, 2022).

PAMPHLETS:

- State of Connecticut Judicial Branch, Superior Court, [How Small Claims Court Works](#) (JDP-CV-45) (rev. 6/20)
Transfer of Cases to the Regular Docket of the Superior Court, p. 12

FORMS:

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References to online databases refer to in-library use of these databases. Remote access is not available.

- [JD-CV-158](#). Small Claims - Motion to Transfer to the Regular Docket (rev. 12/17)
- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Joel M. Kaye et al., Thomson West, 2023-2024, (also available on Westlaw).
Forms 19:13 and 19:14
- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2016.
2-000. Commentary – Small Claims
2-002. Motion to transfer

- Conn. Supreme Court Records and Briefs, Burns v. Bennet (Term of May 1991), Motion to Transfer. ([Figure 3](#))
[Section number updated, and attorney name and firm omitted]
- Conn. Supreme Court Records and Briefs, Burns v. Bennet (Term of May 1991), Affidavit. ([Figure 4](#))
[Attorney name omitted]

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.

- [Computer Reporting Serv., LLC v. Lovejoy & Associates, LLC](#), 167 Conn. App. 36, 59–60, 145 A.3d 266, 281-282 (2016). “The docket of the small claims session of the Superior Court is barred from hearing claims seeking money damages of more than \$5000 or any action alleging libel and slander. General Statutes § 51-15 (d). Accordingly, as correctly instructed by the clerk, the defendants could not file their counterclaims, which alleged slander and sought damages in excess of \$5000, with the small claims court. This left the defendants with a choice: leave the matter in the small claims session and forgo raising their counterclaims, which, on the basis of their lack of success at trial were, if not frivolous, dubious at best, or move to transfer the case to the regular docket and be subject to § 52-251a. The defendants chose the **latter. Because this matter was ‘transferred to the regular docket in the Superior Court on the motion of the defendant[s],’ the court had the discretionary authority to award the prevailing plaintiff both costs and attorney’s fees. General Statutes § 52-251a. There is simply no merit to the defendants’ argument that § 52-251a was inapplicable on the facts presented.**”
- [Lee v. Stanziale](#), 161 Conn. App. 525, 534–35, 128 A.3d 579, 585 (2015). “Distilled to its essence, the defendant’s claim asks this court to expand the statutory requirements of § 52-251a to require ‘a finding . . . [of] **some identifiable misconduct’ warranting application** thereof. The defendant maintains that because he presented good faith claims and defenses—on which he prevailed in part when the court awarded him a setoff of \$1320.78—rather than frivolous ones, the court could not justifiably render an award under § 52-251a. He further claims that the court failed to consider the purposes underlying that statute. For multiple reasons, we disagree.”
- [Newtown Pool Service, LLC v. Pond](#), 140 Conn. App. 514, 520-521, 59 A.3d 378, 382 (2013). “Here, once the plaintiff was confronted with the possibility of an award of more than \$5000, it raised its jurisdictional claim with the trial court—the only thing it could do given the time limit for filing a motion to transfer. As in [Veterans Memorial](#) and [Safe Home Security](#), the plaintiff here was denied an

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opportunity to transfer because the deadline to move for transfer had passed before the error became clear. The **trial court's** action outside the jurisdiction of the small claims session after the deadline to seek a transfer had passed is an extraordinary and limited circumstance that meets the requirements of Practice Book § 60-1."

- [Mastrianni v. Giangrande](#), Superior Court, Judicial District of Ansonia-Milford at Derby, No. CV08-4009932-S (August 20, 2010) (50 Conn. L. Rptr. 540) (2010 Conn. Super. LEXIS 2109) (2010 WL 3585411). "Section 52-251a of the General Statutes is permissive, and says that **a court 'may' allow reasonable attorneys fees. It must be presumed that the legislative decision to utilize 'may' rather than 'shall' was purposeful, and reflected a belief** that attorneys fees would not automatically be awarded, in every situation in which a Plaintiff prevailed, following a transfer to the regular docket.

If an award of attorneys fees is appropriate, based upon these facts and findings, where both liabilities and damages were disputed, and unliquidated damages were sought, it is difficult to imagine a situation in which a Plaintiff would not be entitled to recover attorneys fees, after prevailing on any portion of a claim."

- [Krack v. Action Motors Corp](#), 87 Conn. App. 687, 697, 867 A.2d 86, 92 (2005). "The applicability of § 52-251a distinguishes this case from others in which the particular award of attorney's fees at issue might be questionable. The very purpose of § 52-251a is to deter similarly situated defendants from transferring a case from the small claims session and turning a relatively clear-cut case into a pitched legal battle. The defendant claims that **the court's** award was punitive, and that is not entirely untrue. **As stated by our Supreme Court: 'Section 52-251a thus creates a substantial and effective disincentive for a defendant who might otherwise raise defenses bordering on the frivolous in an effort to gain a tactical advantage over a plaintiff by obtaining a transfer of a case from the Small Claims division.'** [Burns v. Bennett](#), 220 Conn. 162, 169, 595 A.2d 877 (1991)."
- [Burns v. Bennet](#), 220 Conn. 162, 167-168, 595 A.2d 877, 880 (1991). "We find no deficiency in these documents that would render them insufficient to satisfy the demands of § 572 (2) (b). By its terms, the subsection requires only that a motion to transfer be accompanied by an affidavit that first, states that a good defense exists, and second, sets forth with specificity the nature of that defense. In passing on a motion made pursuant to this subsection, a court is not required to review the legal sufficiency of any defenses asserted, but, rather, is

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limited to determining whether those defenses have been raised in good faith, not frivolously.

Furthermore, because § 572 (2) (b) directs a defendant to state with specificity the nature of a defense, not the defense itself, compliance does not necessitate a detailed statement of the legal theory underlying the defense, including its **underlying facts**. **Instead, a defendant’s motion to transfer need only specify generally the particular defenses upon which he intends to rely.”**

- [Cannavo Enterprises v. Burns](#), 194 Conn. 43, 51, 478 A.2d 601, 606 (1984). “Moreover, Practice Book § 572 [now 24-21] serves as a means for defendants to avoid the informal procedure of Small Claims Court and to opt for the more structured procedure of the regular docket, including the right of jury trial and appeal

We hold, therefore, that where a defendant satisfies one of the conditions for a transfer set out in Practice Book § 572 [now 24-21], his motion to transfer must be granted. In the present case the defendant alleged by affidavit that a good defense existed and requested a transfer. We find no deficiency in that affidavit which would render it insufficient to satisfy the requirement of Practice Book § 572 (2) (b) [now 24-21(a)(2)(B)] that the affidavit accompanying **a motion to transfer state** ‘that a good defense exists to the claim and [set] forth with specificity **the nature of the defense....**’ Under these circumstances, the trial court had no discretion to deny the request.”

WEST KEY NUMBERS:

- *Courts*
483-488. Transfer of Causes.

ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 20 *Am Jur 2d Courts*, Thomson West, 2015 (also available on Westlaw).
§ 13. Small claims courts
- 21 *CJS Courts*, Thomson West, 2016 (also available on Westlaw).
§ 265. Time for request of transfer of case

TEXTS & TREATISES:

- 1 Connecticut Practice Series, *Connecticut Superior Court Civil Rules*, by Wesley W. Horton et al., 2022-2023 ed., Thomson West (also available on Westlaw).
Authors’ comments following § 24-21

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Joel M. Kaye et al., Thomson West, 2023-2024, (also available on Westlaw).
 Commentary following Forms 19:13 and 19:14
- 2 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2023-2024 ed., LexisNexis.
 Chapter 24. Small Claims
 § 24-21. Transfer to regular docket
 § 24-21.1. Transfer mandatory upon proper motion
 § 24-21.2. Avoiding small claims procedure
- 1 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 1997, with 2014 supplement.
 Section 79. Motions for Transfer
 g. Transfer from small claims

Figure 3: Motion to Transfer

NO. SC 91383

SUPERIOR COURT

KIRK A. BENNETT

JUDICIAL DISTRICT OF STAMFORD

NORWALK

VS.

AT GA 20, AT NORWALK

J. WILLIAM BURNS

OCTOBER 25, 1990

MOTION TO TRANSFER

Pursuant to § 24-21 of the Conn. Rules of Practice the defendant hereby moves to transfer the above referenced matter to the regular docket of the Superior Court. The defendant claims that good defenses exist in this matter. Said defenses include but are not limited to:

- a) sovereign immunity
- b) sole proximate cause
- c) contributory negligence
- d) lack of timely notice

The defendant wishes to utilize the discovery process. The defendant wishes to be able to exercise his right to a trial by jury. And the defendant wishes to preserve his right to the appellate process, all of which may be had by the granting of this motion.

For the above listed reasons the defendant requests that this motion be granted.

ORAL ARGUMENT REQUESTED
NO TESTIMONY REQUIRED
P.B. § 24-21

THIS IS TO CERTIFY THAT A COPY OF THE ABOVE WAS MAILED ON 10-25-90
TO COUNSEL OF RECORD AND PRO SE PARTIES.

THE DEFENDANT

ORDER

The foregoing motion having been heard by this Court is hereby ordered
GRANTED/DENIED.

BY THE COURT

Judge/Clerk

Figure 4: Affidavit

NO. SC 91383

SUPERIOR COURT

KIRK A. BENNETT

JUDICIAL DISTRICT OF STAMFORD

NORWALK

VS.

AT GA 20, AT NORWALK

J. WILLIAM BURNS

OCTOBER 25, 1990

AFFIDAVIT

I, _____ being duly sworn, depose and say:

1. That I am over the age of 18 years and believe in the obligation of an oath
2. That I am an attorney with the law firm of _____, which represents the defendant in this matter.
3. That I am familiar with the facts and legal issues of this case.
4. That good legal defenses exist to this action. Said defenses include, but are not limited to:
 - a) sovereign immunity
 - b) sole proximate cause
 - c) contributory negligence
 - d) lack of timely notice

SUBSCRIBED AND SWORN TO before me this _____ day of _____,

Commissioner of the Superior Court/Notary Public

Section 3: Transfer of Matters (Supreme and Appellate Courts)

A Guide to Resources in the Law Library

SCOPE:

Bibliographic references relating to the motion to transfer from Appellate Court to Supreme Court, transfer of cases by Supreme Court and transfer of matters brought to wrong court (Supreme or Appellate Court) in Connecticut.

DEFINITIONS:

- “The Supreme Court may transfer to itself a cause in the Appellate Court. Except for any matter brought pursuant to its original jurisdiction under section 2 of article sixteen of the amendments to the Constitution, the Supreme Court may transfer a cause or class of causes from itself, including any cause or class of causes pending on July 1, 1983, to the Appellate Court. The court to which a cause is transferred has jurisdiction.” **Conn. Gen. Stat. § [51-199\(c\)](#)** (2023).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023).
[Chapter 883](#). Supreme Court
§ [51-199\(c\)](#). Jurisdiction.

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2024).
[Chapter 65](#). Transfer of Matters
§ 65-1. Transfer of cases by Supreme Court
§ 65-1A. Transfer of matter on recommendation of Appellate Court
§ 65-2. Party motion to transfer appeal, writ of error or reservation
§ 65-3. Transfer of petition for review of bail order from Appellate Court to Supreme Court
§ 65-4. Transfer of matters brought to wrong court
§ 65-5. Proceedings after transfer

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each **report's** publication.

- *Appeals to the State Supreme Court*, Christopher Reinhart, Connecticut General Assembly, Office of Legislative Research Report, [2004-R-0761](#) (September 17, 2004).

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.

- [Markatos v. Zoning Board of Appeals of Town of New Canaan](#), 346 Conn. 247, 288 A.3d 1024, (2023). “The issue presented by this appeal is whether the trial court abused its discretion in concluding that a motion to intervene was untimely. The plaintiffs, David Markatos and Jennifer Holme, appealed to the trial court from a decision of the named defendant, the Zoning Board of Appeals of the Town of New Canaan (board), upholding the issuance of a zoning permit to the intervening defendant, Grace Farms Foundation, Inc. (Grace Farms).” (p. 280)

“More than one week after the board’s meeting, the proposed intervenors filed a second motion to intervene with the trial court. After hearing argument on the motion, the trial court denied it, concluding among other things, that it was untimely. The Appellate Court subsequently granted the proposed intervenors’ petition for certification to appeal from the trial court’s denial of their motion, and we transferred the appeal that followed to this court. See General Statutes § 51-199 (c); Practice Book § 65-1.” (p. 283)

- [Fay v. Merrill](#), 336 Conn. 432, 450-451, 246 A.3d 970, 983 (2020). “The plaintiffs contend, however, that, should this court determine that jurisdiction over this case lies under § 9-329a rather than § 9-323, it should have transferred the case to the Superior Court pursuant to Practice Book § 65-4 and then decided the case ‘as a matter of judicial economy’ while sitting in its capacity as a Superior Court judge. See General Statutes § 51-198 (a) (Supreme Court justices are also Superior Court judges). The court declines to do so because Practice Book § 65-4 is a ministerial rule that, by its plain language, is applicable only to matters within the jurisdiction of the Supreme and Appellate Courts; it says nothing about cases that belong in the Superior Court in the first instance. See E. Prescott, Connecticut Appellate Practice & Procedure (6th Ed. 2019) § 4-5:1, p. 296. Accordingly, this court concludes that not only jurisdiction, but assignment to the proper judicial authority, lies in the Superior Court in the **judicial district of Hartford.**”
- [J.E. Robert Company, Inc. v. Signature Properties, LLC](#), 309 Conn. 307, 316, 71 A.3d 492, 497 (2013). “Thereafter, in two separate appeals, later consolidated by the Appellate Court, Signature and, jointly, Julian and Murray, **appealed from the trial court’s** judgment of strict foreclosure. After hearing oral argument on both matters, the Appellate Court filed a statement with this court pursuant to Practice Book § 65-2 requesting that we transfer the appeals to this court. We granted the

Appellate Court's request, and now address issues stemming from the appeals."

- [Crawford v. Commissioner of Correction](#), 285 Conn. 585, 592, 940 A.2d 789, 794 (2008). "Following oral argument on January 16, 2007, the Appellate Court filed a request to transfer the appeal to this court pursuant to Practice Book § 65-2. The court explained that the claim of procedural default required review by this court because there were two conflicting lines of cases dealing with procedural default, and, therefore, a decision by this court was necessary to resolve the conflict."
- [State v. McCahill](#), 261 Conn. 492, 503, 811 A.2d 667, 674-675 (2002). "The petition for review, authorized by § 54-63g, is not an appeal by which we appropriately could exercise jurisdiction via the certification authority conferred upon us by General Statutes § 51-197f. See [State v. Ayala](#), 222 Conn. 331, 340-41, 610 A.2d 1162 (1992). Section 51-199 (c) provides, however, that we **may transfer a 'cause' in the Appellate Court. In other words, our transfer authority by way of § 51-199 (c) is not limited to a formal appeal, but encompasses causes. The petition for review, once filed in the Appellate Court, is a cause that we appropriately may transfer to this court.**"

WEST KEY
NUMBERS:

ENCYCLOPEDIAS:

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- *Courts*
483-488. Transfer of Causes.
- 77 *Am Jur 2d Venue*, Thomson West, 2016 (also available on Westlaw).
IV. Change of Venue
§ 69. Appellate review
- 21 *CJS Courts*, Thomson West, 2016 (also available on Westlaw).
§ 263. Transfer between appellate courts

TEXTS &
TREATISES:

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- Connecticut Practice Series, *Rules of Appellate Procedure*, by Wesley W. Horton and Kenneth J. Bartschi, 2023-2024 ed., Thomson West (also available on Westlaw).
Authors' comments following §§ 65-1 to 65-5
- *Connecticut Appellate Practice and Procedure*, 8th ed., by Hon. Eliot D. Prescott, Connecticut Law Tribune, 2023.
 - § 1-3: 6. Transfer of jurisdiction
 - § 4-5. Transfer
 - § 4-5: 1. Transfer of appeal brought to wrong court
 - § 4.5: 2. Discretionary transfer by the Supreme Court
 - § 6-3: 2. Request for transfer or consolidation