Connecticut Judicial Branch
Law Libraries

2024 Edition

Motion to Reargue

A Guide to Resources in the Law Library

Table of Contents

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

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
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

- Purpose of a reargument: "'[T]he purpose of a reargument is . . . to demonstrate to the court that there is some decision or some principle of law which would have a controlling effect, and which has been overlooked, or that there has been a misapprehension of facts.' (Internal quotation marks omitted.) *Jaser v. Jaser*, 37 Conn. App. 194, 202, 655 A.2d 790 (1995). It also may be used 'to address alleged inconsistencies in the trial court's memorandum of decision as well as claims of law that the [movant] claimed were not addressed by the court.' *K. A. Thompson Electric Co. v. Wesco, Inc.*, 24 Conn. App. 758, 760, 591 A.2d 822 (1991). '[A] motion to reargue [however] is not to be used as an opportunity to have a second bite of the apple or to present additional cases or briefs which could have been presented at the time of the original argument.' (Internal quotation marks omitted.) *Northwestern Mutual Life Ins. Co. v. Greathouse*, [Superior Court, judicial district of Stamford-Norwalk], supra, Superior Court, Docket No. 164835 [(June 27, 2000)]." Opoku v. Grant, 63 Conn. App. 686, 692-93, 778 A.2d 981 (2001).

- When to use: "'While such a motion should not be readily granted nor without strong reasons, it ought to be when there appears cause for which the court acting reasonable would feel bound in duty so to do.' *McCulloch v. Pittsburgh Plate Glass Co.*, 107 Conn. 164, 167, 140 Atl. 114; *Wildman v. Wildman*, 72 Conn. 262, 270, 44 Atl. 224." Ideal Financing Association v. LaBonte, 120 Conn. 190, 195, 180 A. 300 (1935).

- Modification vs. Reargument: "While a modification hearing entails the presentation of evidence of a substantial change in circumstances, a reconsideration hearing involves consideration of the trial evidence in light of outside factors such as new law, a miscalculation or a misapplication of the law." Jaser v. Jaser, 37 Conn. App. 194, 203, 655 A.2d 790 (1995).

- Standard of Appellate Review: "The standard of review for a court's denial of a motion to reargue is abuse of discretion.... When reviewing a decision for an abuse of discretion, every reasonable presumption should be given in favor of its correctness.... As with any discretionary action of the trial court ... the ultimate [question for appellate review] is whether the trial court could have reasonably concluded as it did...." (Citations omitted; internal quotation marks omitted.) Mengwall v. Rutkowski, 152 Conn. App. 459, 465-66, 102 A.3d 710 (2014).

Section 1: Motion to Reargue (Final Judgments)

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the motion to reargue final judgments under Conn. Practice Book § 11-11 (2024).

SEE ALSO:

Section 2: Motion to Reargue (Non-Final Judgments)

DEFINITION:

- Final judgments: "Any motions which would, pursuant to Section 63-1, delay the commencement of the appeal period, and any motions which, pursuant to Section 63-1, would toll the appeal period and cause it to begin again, shall be filed simultaneously insofar as such filing is possible, and shall be considered by the judge who rendered the underlying judgment or decision." Conn. Practice Book § 11-11 (2024).

- Motion: "The party filing any such motion shall set forth the judgment or decision which is the subject of the motion, the name of the judge who rendered it, the specific grounds upon which the party relies, and shall indicate on the bottom of the first page of the motion that such motion is a Section 11-11 motion." Conn. Practice Book § 11-11 (2024).

- Application: "The foregoing applies to motions to reargue decisions that are final judgments for purposes of appeal, but shall not apply to motions under Sections 16-35, 17-2A and 11-12." Conn. Practice Book § 11-11 (2024).

- § 11-11 was the former § 204A in P.B. 1978-1997.

COURT RULES:

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

- Connecticut Practice Book (2024)

  § 11-11. Motions which delay the commencement of the appeal period or cause the appeal period to start again

  § 63-1. Time to appeal

OFFICIAL COMMENTARY ON COURT RULES:

- "[This rule] is proposed to take care of the situation in which a motion to open, or a similar motion that would delay the commencement of the appeal period, is filed, is placed on the short calendar, and is repeatedly marked 'off,' thereby extending the appeal period for weeks or months. It is contemplated that the clerk will forward the motion directly to the judge who rendered the decision, by-passing the short calendar procedure.

  In that certain motions which would fall within the purview of this rule such as motions to set aside a verdict under section 320 [now 16-35], have specific procedures currently attendant to them which may be inconsistent with this proposed rule, those motions are

excepted from the operation of this rule."
56 *Conn. Law J.* no. 56, p. 26c (May 9, 1995).

- "This proposed revision is suggested in part in light of Section 4009 [currently § 63-1], which provides that if a motion that might render the judgment ineffective is filed within the appeal period, the appeal period is tolled and a new appeal period commences when the motion is ruled upon. The reference to simultaneous filing is to prevent parties from filing one motion after another and thereby delaying the appeal. If the motions were ruled upon simultaneously, delay in the appeal would be reduced." 57 *Conn. Law J.* no. 45, p. 8E (May 7, 1996).

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 901 – Damages, Costs and Fees

  - § 52-259c. Fee to open, set aside, modify, extend or reargue judgment.

RECORDS & BRIEFS:

- Conn. Supreme Court Records & Briefs, Young v. Young (Term of April 1999), Motion to Reargue. (Figure 1)

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.

- Prioleau v. Agosta, 220 Conn. App. 248, 260, 297 A.3d 1012 (2023). "Thus, under the rules of practice, courts have 'continuing authority to adjudicate any properly filed motions to reargue, reconsider or open the judgment that is the subject of the appeal; see Practice Book § 11-11; irrespective of the possibility that the trial court's action on such a motion potentially could render [an] appeal moot.' *307 White Street Realty, LLC v. Beaver Brook Group, LLC*, 216 Conn. App. 750, 762 n.8, 286 A.3d 467 (2022); see also *Mangiante v. Niemiec*, 98 Conn. App. 567, 578, 910 A.2d 235 (2006) ('[w]hether denominated as a motion for reargument or reconsideration, the motion filed by the plaintiff was a proper vehicle for the court to exercise its equitable discretion to reexamine its decision'). The court's authority in this regard 'is consistent with the rule that the filing of a motion that seeks an *alteration*, rather than a clarification, of the judgment suspends the appeal period.' (Emphasis added.) *Weinstein v. Weinstein*, 275 Conn. 671, 699, 882 A.2d 53 (2005)."

- Paniccia v. Success Vill. Apartments, Inc., 215 Conn. App. 705, 715, n.11, 284 A.3d 341 (2022). "Practice Book § 11-12 (c) provides in relevant part that, '[i]f the judge grants the motion [to reargue], the judge shall schedule the matter for hearing on the relief requested.' Practice Book § 11-12 (c). Of course, a court is not required to hold a hearing upon granting a motion to

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.

reargue a decision that is a final judgment because such motions are governed by Practice Book § 11-11. See *Disturco v. Gates in New Canaan, LLC*, 204 Conn. App. 526, 536, 253 A.3d 1033 (2021) ('provisions of Practice Book § 11-11 do not require the court to schedule a hearing upon granting a movant's motion to reargue'). Nevertheless, after granting reargument, a court still must determine whether to grant the relief sought, i.e., to alter the judgment. In other words, although the granting of reargument establishes that the judgment may change, the judgment is neither vacated nor modified unless the court grants additional relief upon reargument. For this reason, a court's decision to allow reargument does not affect the finality of the judgment."

- Doe v. Bemer, 215 Conn. App. 504, 516, n.6, 283 A.3d 1074 (2022). "Inasmuch as the plaintiffs raised the issue distinctly in the motion for reargument and reconsideration, we observe that the purpose of such a motion is not to assert newly raised claims. 'Motions for reargument and motions for reconsideration are nearly identical in purpose. [T]he purpose of a reargument is ... to demonstrate to the court that there is some decision or some principle of law which would have a controlling effect, and which has been overlooked, or that there has been a misapprehension of facts. ... A reconsideration implies reexamination and possibly a different decision by the [court] which initially decided it. ... [A] reconsideration hearing involves consideration of the trial evidence in light of outside factors such as new law, a miscalculation or a misapplication of the law. ... [Reargument] also may be used to address alleged inconsistencies in the trial court's memorandum of decision as well as claims of law that the [movant] claimed were not addressed by the court. ... [A] motion to reargue [however] is not to be used as an opportunity to have a second bite of the apple or to present additional cases or briefs which could have been presented at the time of the original argument.'"

- Commission on Human Rights and Opportunities ex rel. Cortes v. Valentin, 213 Conn. App. 635, 661, 278 A.3d 607 (2022). "The defendant failed to establish that the court overlooked a controlling principle of law, misapprehended relevant facts or otherwise abused its discretion in denying her application for a writ of audita querela. The defendant's attempt to relitigate the issues raised at trial by introducing evidence postjudgment when she had an opportunity to present such evidence at trial amounts to an attempted impermissible second bite of the apple. Accordingly, we conclude that the defendant has not demonstrated that the court abused its discretion in denying her motion for reargument and reconsideration."

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.

- Disturco v. Gates in New Canaan, LLC, 204 Conn. App. 526, 536, 253 A. 3d 1033 (2021). "Practice Book § 11-12 does not apply to the present matter because '[t]he denial of a motion to open is an appealable final judgment'; *Gibbs* v. *Spinner*, 103 Conn. App. 502, 506 n.4, 930 A.2d 53 (2007); and, as noted, Practice Book § 11-12 (d) plainly provides that Practice Book § 11-12 does not apply to motions to reargue decisions that are final judgments for purposes of appeal. Thus, Practice Book § 11-11 governs the defendant's motion to reargue. The provisions of Practice Book § 11-11 do not require the court to schedule a hearing upon granting a movant's motion to reargue. The defendant, therefore, was not entitled to a hearing on its motion to reargue."

- Atlantic St. Heritage Associates, LLC v. Bologna, 204 Conn. App. 163, 167-168, 252 A. 3d 881 (2021). "...in *Young* v. *Young*, supra, 249 Conn. 482, 733 A.2d 835, our Supreme Court considered the effect, if any, of a motion to reargue pursuant to Practice Book § 11-11 filed within the five day appeal period of § 47a-35. It held that the motion to reargue was unlike the motion for an extension of time to appeal that was at issue in *HUD/ Barbour-Waverly*. Id., at 489, 733 A.2d 835 n.15. Rather, the timely filing of the 'motion to reargue suspended the five day appeal period in § 47a-35 until the ... denial of that motion.' Id., at 496, 733 A.2d 835."

- U.S. Bank, National Association, Trustee v. Mamudi et al., 197 Conn. App. 31, 231 A. 3d 297 (2020). "In the present case, because title to the property absolutely had vested in the plaintiff after the passing of the law days, the motions to reargue were moot when they were filed approximately eight months after the vesting of title, as there was no practical relief that the court could have afforded the defendants via their motions to reargue at that time. See *Deutsche Bank National Trust Co.* v. *Fritzell*, 185 Conn. App. 777, 786, 198 A.3d 642 (2018), cert. denied, 330 Conn. 963, 199 A.3d 1080 (2019). The court, therefore, should have dismissed as moot, rather than denied, the motions to reargue." (p. 46)

  "Although a trial court has discretion to grant an untimely motion to reargue; see *Torres* v. *Carrese*, 149 Conn. App. 596, 616, 90 A.3d 256, cert. denied, 312 Conn. 912, 93 A.3d 595 (2014); if a defendant could file a motion to reargue at *any* time after a judgment is rendered to correct a claimed error of law, there would be no finality of judgments. 'Generally, courts recognize a compelling interest in the finality of judgments which should not lightly be disregarded...'" (p. 48)

- Priore v. Haig, 196 Conn. App. 675, 686-687, 230 A. 3d 714 (2020). "The plaintiff did not request that the court

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.

conduct an evidentiary hearing until he filed his motion to reargue, which was after the court had decided the motion to dismiss. This court has held that a motion to reargue is generally an inappropriate vehicle for a party to request that a court conduct an evidentiary hearing when that party had a prior opportunity to present evidence. See *Gibbs v. Spinner*, 103 Conn. App. 502, 507, 930 A.2d 53 (2007); see also *Opoku v. Grant*, 63 Conn. App. 686, 692–93, 778 A.2d 981 (2001) (motion to reargue should not be used to correct deficiencies in prior motion)." [*Reversed on other grounds by Priore v. Haig, 344 Conn. 636 (2022).*]

- Beeman v. Town of Stratford, 157 Conn. App. 528, 540, (2015). "The defendant argues that no law was overlooked at the oral argument on the first motion to dismiss, nor was there any misapprehension of the facts. In her motion to reargue, the plaintiff asserted that in its memorandum of decision granting the first motion to dismiss, the court did not address the savings clause of § 13a–149. We do not find that the court abused its discretion in reexamining the law and vacating its decision. If a court believes that it has made a mistake, there is little reason, in the absence of compelling circumstances to the contrary, to stick slavishly to a mistake."

- Nelson v. Dettmer, 305 Conn. 654, 676, 46 A.3d 916, 930 (2012). "[A]lthough the statutory time period for filing an appeal commences with the notice of a judgment; Practice Book § 63–1(a); '[i]f a motion is filed within the appeal period that, if granted, would render the judgment ... ineffective, either a new twenty day period or applicable statutory time period for filing the appeal shall begin on the day that notice of the ruling is given on the last such outstanding motion....' Practice Book § 63–1(c)(1). Furthermore, our rules of practice expressly characterize 'reargument of the judgment or decision' as a '[motion] that, if granted, would render a judgment ... ineffective....' Practice Book § 63–1(c); see also Practice Book § 11–11 (motion to reargue may extend appeal period). Thus, a new appeal period commences when the trial court issues a decision on a motion to reargue."

- Hudson Valley Bank v. Kissel, 303 Conn. 614, 624-625, 35 A. 3d 260 (2012). "We reject the notion that a trial judge who determines that a legal error has occurred must allow the error to be memorialized until it can be corrected by appellate review."

- Von Kohorn v. Von Kohorn, 132 Conn. App. 709, 714-15, 33 A.2d 809, 812 (2011). "A court has broad discretion to treat a motion for clarification of a judgment or a motion to reargue a judgment as a

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.

motion to open and modify the judgment provided that the motion is filed within the four month period and the substance of the motion and the relief requested therein is sufficient to apprise the nonmovant of the purpose of the motion. See *Fitzsimons* v. *Fitzsimons*, 116 Conn. App. 449, 455 n. 5, 975 A.2d 729 (2009); *Rome* v. *Album*, 73 Conn. App. 103, 111–12, 807 A.2d 1017 (2002)."

- Marquand v. Administrator, 124 Conn. App. 75, 80, 3 A. 3d 172 (2010). "In the motion to reargue, the defendant 'argued that the court's prior ruling failed to give the appropriate weight to the strict statutory standards for appeals, and the long line of case law in support of that view.' Because this is a proper basis for a motion to reargue, the court did not abuse its discretion in granting the defendant's motion to reargue."

- Durkin Village Plainville, LLC v. Cunningham, 97 Conn. App. 640, 656, 905 A.2d 1256 (2006). "Newly discovered evidence may warrant reconsideration of a court's decision."

- Mangiante v. Niemiec, 98 Conn. App. 567, 577, 910 A. 2d 235 (2006). "The defendant relies on cases in which appellate courts have held that the trier, in the exercise of its discretion, need not entertain reargument with respect to issues for which the proponent of a motion to reargue presents no new authority or facts. See, e.g., *Doyle* v. *Abbenante*, 89 Conn. App. 658, 665, 875 A.2d 558, cert. denied, 276 Conn. 911, 886 A.2d 425 (2005); *Opoku* v. *Grant*, 63 Conn. App. 686, 692-93, 778 A.2d 981 (2001); *Jaser v. Jaser*, supra, 37 Conn. App. 194, 655 A.2d 790. None of these authorities purports to deprive the trier of the power to undertake reconsideration that the trier believes to be warranted on equitable grounds."

- Young v. Young, 249 Conn. 482, 493, 733 A.2d 835 (1999). "Therefore, we agree with the defendants that, despite the interest in providing expedient summary process proceedings, there is nothing in the statutory scheme governing summary process actions that authoritatively precludes this court from deciding that a motion to reargue tolls the appeal period until a decision on that motion has been rendered."

- Bartley v. Bartley, 27 Conn. App. 195, 197, 604 A.2d 1343 (1992). "The plaintiff appeals from the trial court's decision granting the defendant's motion to modify the support order. Neither party has contested the trial court's reconsideration and modification of that order without a hearing. Nonetheless, the trial court's failure to afford a hearing on the motion to reargue and for reconsideration deprived the parties of their due process

rights to be heard. As such, the interests of justice require that we review, under the plain error doctrine, the trial court's failure to hold a hearing. See Practice Book 4185 [now Practice Book § 60-5]; *Stoni v. Wasicki*, 179 Conn. 372, 377, 426 A.2d 774 (1979)."

- K. A. Thompson Electric Co. v. Wesco, Inc., 24 Conn. App. 758, 760-61, 591 A.2d 822 (1991). "The plaintiff's motion to reargue sought to address alleged inconsistencies in the trial court's memorandum of decision as well as claims of law that the plaintiff claimed were not addressed by the court. We note that it is not relevant, for purposes of extending the appeal period under 4009 [now Practice Book § 63-1], whether the claim raised by the motion to reargue had merit in the eyes of the trial court because that motion, if granted, would have required that the trial court render a new judgment, taking additional claims of law into account. See *Whitney Frocks, Inc. v. Jaffe*, 138 Conn. 428, 429 n. 1, 85 A.2d 242 (1951); *Crozier v. Zaboori*, 14 Conn. App. 457, 461, 541 A.2d 531 (1988). Because the plaintiff's motion to reargue was timely filed within the original appeal period and the appeal was filed within twenty days of the denial of that motion, we conclude that the plaintiff's appeal was timely filed."

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.

- 8A Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin et al., Thomson West, 2010, with 2022-2023 supplement (also available on Westlaw).
  Chapter 52. Post-Judgment Motions
  § 52.2 Motion for rehearing or reargument

- *LexisNexis Practice Guide: Connecticut Civil Pretrial Practice*, Margaret Penny Mason, editor, 2023 ed., LexisNexis.
  § 11.15 Motion to Reargue

- 1 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2023-2024 ed., LexisNexis.
  § 11-11.1. Motions after verdict, distinguished

- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2023-2024 ed., Thomson West (also available on Westlaw).
  Author's Comments following § 24:26

- *Pleadings and Pretrial Practice: A Deskbook for Connecticut Litigators*, by Jeanine M. Dumont, Connecticut Law Tribune, 1998.
  § XIV. Motions to set aside or open, reargue, correct, etc.
  6. Motions to reargue
  a. When reargument is proper
  b. When reargument is improper

c. Presenting new evidence
d. Oral argument

Figure 1: Sample § 11-11 Motion from Connecticut Records & Briefs

DOCKET NO: 34276	SUPERIOR COURT
FIRST NAMED PLAINTIFF	HOUSING SESSION
V.	AT BRIDGEPORT
FIRST NAMED DEFENDANT	APRIL 20, 1998

MOTION TO REARGUE

Pursuant to Connecticut Practice Book § 11-11, the defendants, _____ and _____ , respectfully move this Court for an order permitting reargument on the decision rendered by the Court, (____, J.), in the above-captioned case on April 17, 1998, wherein the Court granted a judgment of eviction in favor of the plaintiff, _____, on the second count of plaintiff's complaint, and granted judgment in favor of plaintiff and against the defendants on the defendants' principal defense and counterclaim. The specific ground upon which this motion is predicated is that the Court's decision of April 17, 1998 appears to be in direct contravention of a very recent decision issued by the Connecticut Appellate Court, and appearing in the March 31, 1998 Connecticut Law Journal, entitled Kallas v. Harnen, 48 Conn.App. 253 (March 31, 1998).

In support of this motion the defense more specifically represents as follows:

THIS MOTION IS FILED PURSUANT TO P.B. § 11-11

1. This was essentially an eviction action in which the plaintiff, _____, sought possession of certain residential premises located at _____in Fairfield, Connecticut and occupied by her son and daughter-in-law, the defendants, _____.

2. The defendants defended the action by asserting that plaintiff was not, in fact, the legal owner of the premises because the property had been transferred by plaintiff to her son, ____, by way of quitclaim deed in October of 1994. The plaintiff, in response to defendants' claims, never denied that she had in fact executed the quitclaim deed and delivered it to the defendants' attorney, _____. Rather, it was plaintiff's position at all times that the delivery was only "conditional" in nature and that _____ had acted as an "escrow agent" holding the deed in escrow until _____made a $12,000.00 gift tax payment to Attorney _____. Plaintiff's position, therefore, was that, no payment of the gift tax had ever been made by her son under the terms of _____ escrow agreement, and, therefore, the property transfer never occurred.

3. After trial, the court denied the defendants' counterclaim in this case, and granted the plaintiff's request for judgment of eviction. The Court issued a bench-decision wherein the Court found:

(a) That, while the quitclaim deed for _____ had in fact been executed by plaintiff in October of 1994 in favor of her son, there had been no actual "delivery" of that deed to _____ because the entire property transfer had been "conditioned" upon _____ paying to Attorney _____ the sum of $12,000, which represented the gift tax which _____ would be required to pay as a result of the property transfer;

(b) That, while Attorney _____ was, in fact, only representing _____ in the "quitclaim" transaction, by accepting the deed from _____ with actual

"delivery" conditioned upon _____' receipt of the $12,000 gift tax from ____, Attorney _____ was acting as an "escrow agent" for the benefit of *both* _____*and* _____; and

(c) That _____ had failed to sustain his burden of proving that he had met Attorney ____' escrow condition, i.e., that _____ had paid the $12,000 gift tax to Attorney _____ or to _____ .

4. In Kallas v. Harnen, 48 Conn. App. 253 (March 31, 1998). the Appellate Court had occasion" to closely examine the legal relationships and obligations existing between parties to a real estate transaction when, as in the present case, a particular attorney who, during the course of that real estate transaction, claimed that he had acted simultaneously as both the attorney for one of the two parties to the transaction, and as an "escrow agent" for the benefit of *both* of the parties.

5. Particularly noteworthy in Kallas was certain language contained in a written escrow agreement which had been drafted by the attorney and executed by both parties to the property transaction in which it was expressly agreed by both parties and the attorney that the attorney's role in accepting the escrowed property would be as "as an escrow agent for the benefit of both the plaintiff and the defendant." Kallas, 48 Conn. App. at 258.

6. When the lawyer/escrow agent in Kallas subsequently absconded with the escrow money, the buyer, who had delivered the money to the lawyer pursuant to the escrow agreement, sued the seller on the ground that, because the attorney was the seller's in the transaction, the attorney was in fact the seller's agent, and the seller was therefore equally as liable as the attorney. The seller defended the buyer's charge by claiming that, even though the lawyer had represented only the seller in the deal, under the terms of the separate escrow agreement, the attorney, as "escrow agent", had acted on behalf of *both* parties. The seller then argued that:

> a loss occasioned by the wrong of an escrow holder must, as between the parties to the escrow transaction, be borne by the one who owned the property or money at the time of the loss; i.e., if the escrow agent embezzles money before the time when the vendor is entitled to it, the loss falls on the vendee; if the escrow agent embezzles the money after the vendor is entitled to it, the loss falls on the vendor.

Kallas, 48 Conn. App. at 253.

7. In rejecting the foregoing argument of the seller, the Appellate Court held:

> As a matter of law, because [the lawyer] was the defendant's attorney and agent, no escrow was established...
>
> In Connecticut, where, pursuant to an agreement, money [or other property] is left in the hands of the attorney or agent of one of the parties, the money [or other property] is *not delivered in escrow.*

Kallas, 48 Conn. App. at 258 (emphasis added)(citations omitted). Again, the Appellate Court reached this conclusion *despite* the existence in writing of an executed agreement between the parties in which the lawyer and the parties all expressly agreed together that the lawyer would act as an "escrow agent". In this respect, therefore, if one accepts as true Attorney ____' testimony in his deposition that he was, in fact, an "escrow agent", Kallas is exactly on all fours with the instant case.

8. This Court's decision in the instant case rested upon three legs:

(a) That Attorney _____, _____'s lawyer, was at all relevant times an "escrow agent" who accepted conditional delivery of a quitclaim deed and thus acted on behalf of *both* Douglas and Rosemary Young;

(b) That Attorney ____' receipt of the executed deed (which, quite significantly, expressly recited that it was for "no consideration") did not, as a matter of law, constitute an actual "delivery" because the deed had been provided to _____ conditioned upon _____'s payment of the $12,000 gift tax; and

(c) That _____ failed to establish that he ever paid that gift tax.

9. In light of the Appellate Court's decision in Kallas, it is now clear that, as a matter of law, Attorney _____ could not have occupied the legal status of

"escrow agent" in this transaction due to his legal relationship with _____ in the transaction. Therefore, under the rationale of Kallas, Attorney _____' receipt of the quitclaim deed from _____ in October of 1994, as a matter of law, constituted a legally binding "delivery" of that instrument to _____, and he alone, as between _____ and his mother, is the sole legal owner of the property.

10. Moreover, if a legally binding delivery of that deed occurred in October of 1994, any *subsequent* beliefs or intentions of _____, or his wife, or his lawyer, Attorney _____, expressed to anyone in the years after 1994, about the nature of _____'s interest in the property, are entirely irrelevant and immaterial. A person need not *know* or believe that he is the legal owner of property in order to *be* the legal owner. Particularly when, as here, the question of ownership becomes solely a legal determination. In light of the holding in Kallas, _____'s only remedy in this case, it appears, would be an action for breach of contract against her son to recover the $12,000 which she claims she never received.

11. Because it appears that the Appellate Court's very recent decision in Kallas changes the entire complexion of this Court's decision in this case, and wholly supports the trial position of the defense that Attorney _____ acted solely for the benefit of his client, _____ , in accepting "delivery" of the deed, and was not, in fact, an "escrow agent", reargument is appropriate pursuant to Connecticut Practice Book § 11-11, and the defendants respectfully request that the Court grant reargument, reverse its bench decision, and enter judgment in favor of the defendants on their defense and counterclaim.

THE DEFENDANTS,

By _____
Name
Address
Phone number
Juris Number

Their Attorney

Section 2: Motion to Reargue (Non-Final Judgments)

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the motion to reargue non-final judgments under Conn. Practice Book § 11-12 (2024).

SEE ALSO:

- Section 1: Motion to Reargue (Final Judgments)

DEFINITION:

- "A party who wishes to reargue a decision or order rendered by the court shall, within twenty days from the issuance of notice of the rendition of the decision or order, file a motion to reargue setting forth the decision or order which is the subject of the motion, the name of the judge who rendered it, and the specific grounds for reargument upon which the party relies." Conn. Practice Book § 11-12(a) (2024).

- "The judge who rendered the decision or order may, upon motion of a party and a showing of good cause, extend the time for filing a motion to reargue. Such motion for extension must be filed before the expiration of the twenty day time period in subsection (a)." Conn. Practice Book § 11-12(b) (2024).

- "The motion to reargue shall be considered by the judge who rendered the decision or order. Such judge shall decide, without a hearing, whether the motion to reargue should be granted. If the judge grants the motion, the judge shall schedule the matter for hearing on the relief requested." Conn. Practice Book § 11-12(c) (2024).

- "This section shall not apply to motions to reargue decisions which are final judgments for purposes of appeal. Such motions shall be filed pursuant to Section 11-11." Conn. Practice Book § 11-12(d) (2024).

- § 11-12 was the former § 204B in P.B. 1978-1997.

COURT RULES:

- Connecticut Practice Book (2024).
  § 11-12. Motion to reargue

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

FORMS:

- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2023-2024 ed., Thomson West (also available on Westlaw).

§ 24:26. Motion for re-argument after decision or order is issued—Vacating erroneous decision

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.

- Klass v. Liberty Mutual Insurance Company, 341 Conn. 735, 741-742, 267 A.3d 847 (2022). "The trial court did not abuse its discretion in granting the plaintiff's motion to reargue and reconsider. In its initial decision denying the plaintiff's application to compel appraisal, the trial court cited the Second Circuit's decision in *Milligan* for the proposition that coverage determinations must precede appraisal; *Milligan v. CCC Information Services, Inc.*, supra, 920 F.3d at 152; without responding to the plaintiff's contention that this court stated a different rule in *Giulietti* and that *Milligan* should not be interpreted to conflict with *Giulietti*. The trial court's decision to grant reconsideration implies that it agreed with the plaintiff that it had overlooked *Giulietti* and that its prior order was in error. 'If a court believes that it has made a mistake, there is little reason, in the absence of compelling circumstances to the contrary, to stick slavishly to a mistake.' *Beeman v. Stratford*, 157 Conn. App. 528, 540, 116 A.3d 855 (2015)."

- Kissel v. Ctr. for Women's Health, P.C., 205 Conn. App. 394, 429, 258 A.3d 677, cert. denied, 339 Conn. 917, 262 A.3d 137 (2021). "*'Thus, it was reasonable for the [obstetricians] to file what amounts to a late motion to reargue before a second judge in light of the Supreme Court's decision in Bennett, issued almost four years after [the trial court] issued [its] ruling on the [obstetricians'] 2006 motions to dismiss.'* (Emphasis added; internal quotation marks omitted.) *Torres v. Carrese*, supra, 149 Conn. App. at 616–17, 90 A.3d 256. We further noted the particular circumstances of *Torres* with respect the trial court's consideration of the obstetricians' motions to reconsider after an extended time period."

- Barnes v. Connecticut Podiatry Group, P.C., 195 Conn. App. 212, 232, 224 A. 3d 916 (2020). "...the crux of Judge Lager's decision declining to hear reargument on the January 13, 2016 order was that Judge Robinson was the proper judicial authority from whom Barnes had to seek adjudication of his pending motion for reargument and reconsideration of that order. See Practice Book § 11-12 (c) ('The motion to reargue shall be considered *by the judge who rendered the decision or order*. Such judge shall decide, without a hearing, whether the motion to reargue should be granted. If the judge grants the motion, the judge shall schedule the matter for hearing on the relief requested.')"

- Benedetto v. Dietze and Associates, LLC, 159 Conn. App. 874, 879-880, 125 A.3d 536 (2015). "A motion to

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.

reargue is proper either when its purpose is to direct the court's attention to a case or legal principle that the court has overlooked or when the movant seeks to correct a misapprehension of facts. Id. In the present case, the defendants' motion fell squarely within the first of these two categories. It specifically directed the court's attention to two cases that were relevant to court's ruling sustaining the plaintiffs' objection to the request to revise and that the defendants could reasonably have believed were overlooked by the court. Moreover, because the defendants' motion to reargue did not address the underlying merits of their request to revise, but only the plaintiffs' objection thereto, the defendants cannot reasonably be said to have sought a 'second bite at the apple.' We therefore conclude that the court did not abuse its discretion in granting the defendants' motion for reargument."

- Annan v. Bridgeport Hospital, Superior Court, Judicial District of Fairfield at Bridgeport, CV 04-0409311 S (Aug. 18, 2009) (48 Conn. L. Rptr. 240, 242) (2009 Conn. Super. LEXIS 2334) (2009 WL 3084889). "The use of the word 'shall' in § 11-12 suggests that the twenty-day timing requirement is mandatory. Moreover, our Supreme Court has stated that '[a] party only has twenty-days from the date of judgment in which to file a motion for reconsideration . . . .After the twenty-days has passed, no such motions can be filed and the judgment becomes final.' (Citation omitted.) Weinstein v. Weinstein, supra, [275 Conn. 671], 699-700, n. 21. As the court issued its ruling on May 18, 2009, and the motion for reconsideration was not filed until July 14, 2009, the plaintiff's motion is clearly beyond the twenty-day time frame contemplated by §11-12(a). Nevertheless, pursuant to Practice Book §1-8, '[t]he design of [our rules of practice] being to facilitate business and advance justice, they will be interpreted liberally in any case where it shall be manifest that a strict adherence to them will work surprise or injustice.... The court specifically invited the parties to come before it should a problem arise with the May 18, 2009 ruling....For all of these reasons, the court will rule on the merits of this motion. See, e.g., *Rose v. Tomaso*, Superior Court, judicial district of New Haven, Docket No. CV 97 0404577 (May 2, 2000, Devlin, J.) (27 Conn. L. Rptr. 265) (2000 Conn. Super. LEXIS 1658) (waiving twenty-day filing requirement under Practice Book § 11-12(a) for fairness considerations pursuant to Practice Book §1-8)."

- Gallo v. Parke, Superior Court, Judicial District of Hartford, CV 03 0826885 S (Nov. 17, 2003) (35 Conn. L. Rptr. 697, 697) (2003 Conn. Super. LEXIS 2722) (2003 WL 22853725). "As noted in the defendants' objections, the motion seeks to reargue, pursuant to

Practice Book § 11-12, a decision which is a final judgment. Subsection (d) of Practice Book § 11-12 provides, 'This section shall not apply to motions to reargue decisions which are final judgments for purposes of appeal. Such motions shall be filed pursuant to Section 11-11.' The court's memorandum of decision was a final judgment, in favor of the defendants. Accordingly, the motion to reargue is incorrectly brought under Practice Book § 11-12."

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.

- *LexisNexis Practice Guide: Connecticut Civil Pretrial Practice*, Margaret Penny Mason, editor, 2023 ed., LexisNexis.
  - § 11.15 Motion to Reargue

- 1 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2023-2024 ed., LexisNexis.
  - § 11-12. Motion to Reargue [Interlocutory Decisions]
  - § 11-12.1. Time within which to file motion to reargue.
  - § 11-12.2. Reargue, Motion for; No hearing.
  - § 11-12.3. Reargument, motion for; Procedure on.

- *Pleadings and Pretrial Practice: A Deskbook for Connecticut Litigators*, by Jeanine M. Dumont, Connecticut Law Tribune, 1998.
  - § XIV. Motions to set aside or open, reargue, correct, etc.
    - 6. Motions to reargue
      - a. When reargument is proper
      - b. When reargument is improper
      - c. Presenting new evidence
      - d. Oral argument

- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris et al., 2023-2024 ed., Thomson West (also available on Westlaw).
  - Author's Comments following § 24:26

Table 1: Unreported Connecticut Cases on Reargument

Unreported Connecticut Cases on Reargument	
Iadanza v. Toor, et al., Superior Court, Judicial District of Stamford at Stamford, No. FST-CV21-6053235-S (March 2, 2023) (2023 WL 2385934).	"A motion to reargue and reconsider is governed by Practice Book §§ 11-11 and 11-12. The standard of review for both sections is the same. Reargument, whether under this section or Practice Book § 11-11, should focus on an aspect of the law which has been overlooked or misapplied, factual mistakes, or inconsistencies within the decision. *Chartouni v. DeJesus*, 107 Conn. App. 127, 944 A.2d 393, cert. denied, 288 Conn. 902, 952 A.2d 809 (2008); *C.R. Klewin Northeast, LLC v. Bridgeport*, 282 Conn. 54, 101 n.39, 919 A.2d 1002 (2007). It should not be used to reargue claims or arguments already made or to raise law or claims which could have been raised in the original motion. *Chapman Lumber, Inc. v. Tager*, 288 Conn. 69, 94 n.28, 952 A.2d 1 (2008); *Jaser v. Jaser*, 37 Conn. App. 194, 202, 655 A.2d 790 (1995)."
Schlosser v. Fischer, Superior Court, Judicial District of New Haven at New Haven, No. NNH-CV21-5050945-S (July 20, 2022) (2022 WL 2827548).	"Our courts have held that a motion for reconsideration constitutes the same motion as a motion to reargue. See, e.g., *Pizzoni* v. *Essent Healthcare of Connecticut, Inc.*, Superior Court, judicial district of Litchfield, Docket No. CV-16-6014136-S (May 13, 2019, *Bentivegna, J.*)."
Wilson v. Miss Porter's School, Inc., Superior Court, Judicial District of Hartford at Hartford, No. HHD-CV20-6123888-S (June 23, 2022) (2022 WL 2297873).	"In opposition to the defendant's motions for summary judgment, the plaintiffs failed to produce evidence to support the assertions of the existence of questions of material fact they now seek to introduce. Instead, in support of their motion to reargue, they seek to admit, for the first time, a plethora of documents in the form of twelve exhibits in an effort to persuade the court to revisit and reassess its rulings on the motions for summary judgment. This effort, in effect, seeks a classic 'second bite of the apple.'"
Matyas v. Comm'r of Transportation, Superior Court, Judicial District of Litchfield at Torrington, No. LLI-CV-196023093-S (April 1, 2022) (2022 WL 1051318).	"'As a general matter, in the absence of the discovery of some new facts or new legal authorities that could not have been presented earlier, the denial of a motion for reargument is not an abuse of the discretion of the trial court.' *Doyle* v. *Abbenante*, 89 Conn. App. 658, 665, 875 A.2d 558, cert. denied, 276 Conn. 911, 886 A.2d 425 (2005). '[F]or evidence to be newly discovered, it must be of such a nature that

	[it] could not have been earlier discovered by the exercise of due diligence.' *Durkin Village Plainville, LLC* v. *Cunningham*, 97 Conn. App. 640, 656, 905 A.2d 1256 (2006)."
Guimares v. New Conception Contractors, Inc., Superior Court, Judicial District of Danbury at Danbury, No. DBD-CV21-6039830-S (March 10, 2022) (2022 WL 1051255).	"'The granting of a motion for reconsideration ... is within the sound discretion of the court.' (Internal quotation marks omitted.) *Mangiante* v. *Niemiec,* 98 Conn. App. 567, 575-577, 910 A.2d 235 (2006). 'A reconsideration implies reexamination and possibly a different decision by the [court] which initially decided it.' (Internal quotation marks omitted.) Id. 577. 'If a court is not convinced that its' initial ruling is correct then in the interests of justice it should reconsider the order provided it retains jurisdiction over the subject matter and the parties.' (Internal quotation marks omitted) *Tiber Holding Corp.* v. *Greenberg,* 36 Conn. App. 670, 671 n.1 (1995). Our Supreme Court has held that, 'A judge should hesitate to change his own ruling in a case...' *Lewis* v. *Gaming Policy Board,* 224 Conn. 693, 697, 620 A.2d 780 (1993). The plaintiff argues that the court decision was a 'misapprehension of facts and a mistake of law.' The plaintiff further argues that the focus of the court on admissibility of the exhibits and the lack of authentication was improper. They then attempt to correct the unauthenticated documents by submitting further unauthenticated documents regarding the SEC filings. Additionally, the plaintiff submits an argument that there should be a piercing of the corporate veil in this instance to find a genuine issue of material fact. This argument although available at the time of the original filing of the summary judgment was not included in or referred to in the memorandum in support of the summary judgment motion. Given, these facts the defendants motion to reargue and reconsider is a second bite at the apple. There is nothing new provided to the court that was not available to argue when the parties submitted extensive memoranda. The new legal argument could certainly have been a part of the original summary judgment argument and was ignored. The addition of another unauthenticated document to support prior unauthenticated documents does not create a new basis to reargue or reconsider. Lastly, the argument does not influence the court's prior findings and decision. Thus, the motion to reargue and reconsider is denied."

Elizabeth Fry v. Barbara Murray, Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FST-CV21-6051704-S (Dec. 6, 2021) (2021 WL 6100491).	"In his motion to reargue (and as emphasized by the plaintiffs in their objection), defendant Labbruzzo seemingly relies upon the acknowledged inadequacy of his initial presentation (admitting that previously 'he did not clearly and fully articulate his position'), as a basis for asking the court to reconsider its decision. As pointed out by the plaintiffs, that is not an appropriate reason to request that the court reconsider an earlier decision and/or allow re-argument . . . (*Internal quotation omitted*) . . . Somewhat simplistically, a motion for reconsideration and/or motion to reargue focuses on errors and omissions of the court—facts or legal principles it overlooked or mis-applied, etc. It is not intended to allow a supplementation of initial facts and law as presented to the court, nor is it intended as a rebuttal to the court's decision."
Sachem Cap. Corp. v. High Ridge Devs., LLC, Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FST-CV19-6044136-S (August 11, 2021) (2021 WL 3832367).	"The court declines to treat this Motion for Articulation as a Motion to Reargue since the June 1, 2021 Memorandum of Decision (#130.03) was in response to a Motion to Reargue. There is no provision in Connecticut practice for a Motion to Reargue being filed as to a Motion to Reargue. *Opoku v. Grant,* 63 Conn.App. 686, 692-93 (2001); *Kolb v. Liquori,* Superior Court, judicial district of New Haven at New Haven, Docket Number CV06-4022202 S (April 13, 2007, Silbert, J.)."
State v. B&G Restorations, LLC, Superior Court, Judicial District of Hartford at Hartford, No. HHD-CV14-6055022-S (April 20, 2021) (2021 WL 1832153) (2021 Conn. Super. LEXIS 500).	"The Supreme Court, in *Hudson Valley Bank v. Kissel*, 303 Conn. 614, 624, 35 A.3d 260 (2012), reiterated the standards which govern reargument or reconsideration: 'The purpose of a reargument is . . . to demonstrate to the court that there is some decision or some principle of law which would have a controlling effect, and which has been overlooked, or that there has been a misapprehension of facts . . . It also may be used to address . . . claims of law that the [movant] claimed were not addressed by the court . . . [A] motion to reargue [however] is not to be used as an opportunity to have a second bite of the apple . . .' (Internal quotation marks omitted.) '[A] motion to reargue cannot be used to correct the deficiencies in a prior motion . . .' *Opoku v. Grant*, 63 Conn.App. 686, 692, 778 A.2d 981 (2001). '[A]s a general matter, in the absence of the discovery of some new facts or new legal authorities that could not have been presented earlier, the denial of a motion for reargument is not an abuse of the discretion of the trial court.' (Emphasis omitted; internal quotation marks omitted.) *Weinstein v.*

	Weinstein, 275 Conn. 671, 705, 882 A.2d 53 (2005)."
Crosby v. Bridgeport Radiology, Superior Court, Judicial District of Fairfield, No. CV93 306998 (Feb. 21, 1997) (1997 WL 112753) (1997 Conn. Super. LEXIS 465).	"A motion to reargue is governed by Practice Book § 204B [now § 11-12]. Practice Book § 204B requires that such a motion be filed 'within twenty days from the issuance of notice of the rendition of the decision or order' sought to be reargued. The present motion is filed far beyond that time period. The motion to reargue is denied."
Matos v. B-Right Trucking Co., Superior Court, Judicial District at Bridgeport, No. CV94 31 00 65 S (Jan. 4, 1996) (15 Conn. L. Rptr. 650, 650) (1996 WL 38247) (1996 Conn. Super. LEXIS 86).	"The motion to reargue is denied. Under Practice Book § 211(A) [currently § 11-18(a)], as amended effective October 1, 1995, oral argument on such motions is within the discretion of the court. When the defendant filed its Notice of Intent to Argue, it did not explain why oral argument was necessary nor did it explain why the defendant should prevail. Section 211 was amended to facilitate the resolution of short calendar motions. Clearly, the two motions decided by the court were ones which could be decided without oral argument. Whenever a litigant files a motion of the class for which oral argument does not exist as of right, the opposing party must do something more than merely file a notice of intent to argue. Otherwise, the amendment to § 211 will have had no effect whatsoever."
Kimchuk Inc. v. Dataswitch Corp., Superior Court, Judicial District of Danbury, No. 30 42 96 (Dec. 7, 1995) (1995 WL 774466) (1995 Conn. Super. LEXIS 3379).	"Further, Kimchuk's motion to reargue is also denied as it was untimely filed."
Forsell v. Conservation Comm'n of Redding, Superior Court, Judicial District of Danbury, No. 31 67 98 (June 15, 1995) (14 Conn. L. Rptr. 391, 391-392) (1995 WL 374016) (1995 Conn. Super. LEXIS 1815).	"On March 31, 1995, this court filed its memorandum of decision. On April 20, 1995, the defendant, Conservation Commission of the Town of Redding, filed its notice of appeal to the Appellate Court. On the same date, the plaintiff filed a motion for reargument asking the court to clarify its remand order. The plaintiff's subject motion was filed pursuant to Practice Book, Sec. 204a [now § 11-11] which is entitled 'Motions Which Delay the Commencement of the Appeal Period.' Since the appeal had already been filed, the appropriate motion to correct alleged improprieties in the memorandum of decision would be a motion to articulate, pursuant to Practice Book, Sec. 4051 [now § 66-5]. This motion is filed with the Appellate Court and procedurally would be in accord

	with the view expressed in *Leverty & Hurley Co. v. Commissioner of Transportation*, 192 Conn. 377, 379, 471 A.2d 958 (1984) where the court indicated that a section 4051 motion is the appropriate vehicle to obtain a clarification of the trial court's ruling."
Judelson v. Christopher O'Connor, Inc., Superior Court, Judicial District of New Haven, No. CV 950371181 (Jun. 7, 1995) (14 Conn. L. Rptr. 321, 322) (1995 WL 360752) (1995 Conn. Super. LEXIS 1762).	"The court has not adverted to the evidentiary material attached to the defendants' motion to reargue because it was not presented at the evidentiary hearing and no motion was filed to open the evidence in order to present it."
Dimitriou v. State Dept. of Public Safety, Superior Court, Judicial District of Hartford, No. CV890357000 (August 20, 1993) (9 Conn. L. Rptr. 631, 631) (1993 WL 328547) (1993 Conn. Super. LEXIS 2096).	"The undersigned believes that a motion to reargue should be granted if the parties bring to the court's attention some important precedent that is contrary to the ruling of the court or if the court's ruling is based on erroneous facts. The motion to reargue is not to be used as an opportunity to have a 'second bite of the apple' or to present additional cases or briefs which could have been presented at the time of the original argument."
Heyman Associates v. Insurance Co. of Pennsylvania, Superior Court, Judicial District of Hartford, No. CV91-0397087 (May 17, 1993) (9 Conn. L. Rptr. 121, 122) (1993 WL 182402) (1993 Conn. Super. LEXIS 1370).	"The plaintiff discusses the filing and approval requirements of General Statutes § 38a-676 for the first time in its motion to reargue, dated March 12, 1993. (The plaintiff's motion for summary judgment was filed on October 1, 1991, and the court rendered its decision on the parties' motions on February 25, 1993.) Section 38a-676 is not a newly enacted statute, and therefore, the plaintiff could have raised the filing and approval issues on its original motion for summary judgment. Thus, by failing to raise the legal issues of filing and approval (pursuant to General Statutes § 38a-676) which existed at the time that the plaintiff filed its motion for summary judgment, the plaintiff has waived these issues for consideration by the court."
Timber Trail Associates v. Town of Sherman, Superior Court, Judicial District of Danbury, No. 307212 (December 28, 1992) (8 Conn. L. Rptr. 147, 147) (1992 WL 393183) (1992 Conn. Super. LEXIS 3662).	"[J]udicial efficiency dictates that the party should not be allowed except in rare and exceptional cases to reargue factual and legal issues which were considered and ruled upon."

Sampiere v. Zaretsky, Superior Court, Judicial District of Milford, No. CV86 02 03 89S (Dec. 3, 1992) (1992 WL 369531) (1992 Conn. Super. LEXIS 3320).	"The Court grants reargument on the Motion to File Late Disclosure of Expert Witness because it regards that newly disclosed fact as important."