

# Connecticut Judicial Branch Self-Represented Parties Information Series

## Request to Revise the Complaint

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#### **Welcome to the Connecticut Judicial Branch Law Libraries Self-Represented Parties Information Series**

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#### **Connecticut Civil Lawsuit: Request to Revise a Complaint**

In this overview, we will discuss the grounds and general procedures for filing a Request to Revise the Complaint in a Connecticut civil lawsuit. Getting in touch with a lawyer to help you is a good idea. But, if you decide to act as your own lawyer, the following is information to think about regarding this motion.

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#### **Some words to know**

A Request is a pleading or paper where one party asks another party or the Court to provide something or to take some action. A Request can be filed by any party. Revise means to correct or clarify. A party can be asked to correct an error or to clarify something, such as making a statement clearer or easier to understand. Although a party may request another party to revise any type of pleading, in this video we will only be discussing a Request to Revise the Complaint.

An Allegation is a statement or fact in the Complaint that is claimed to be true or provable by the Plaintiff. A Cause of Action is the events or series of facts that gives the Plaintiff a legal reason to sue. Adverse Party is any party in the lawsuit whose interests are the opposite of yours. For example; if you are the Defendant, then the Plaintiff would be the adverse party.

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#### **Connecticut Practice Book**

Before starting to plan your response to a civil complaint, you should read the Court rules in the Connecticut Practice Book. The court rules tell you what you and the other parties must do to move a case through the Court. If you do not follow the Court rules you may hurt, or even lose, your case. The Connecticut Practice Book can be found on the Judicial Branch website or at any Judicial Branch Law Library.

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#### **Order of Pleadings**

Connecticut Practice Book section 10-6 talks about the responsive pleadings, motions, or papers, a defendant may file, and the order in which the pleadings must be

filed. For more information on the responsive pleadings and their order, please view our video First Steps as a Defendant.

A Request to Revise the Complaint (from here on referred to in this video as just Request to Revise) is listed as the second responsive pleading a defendant can file. According to Connecticut Practice Book section 10-7, if you file any responsive pleading that appears later in the list in section 10-6, you will waive, or give up, your right to file any responsive pleading that appears earlier in the list. If you file a Request to Revise before you file a Motion to Dismiss, you may give up your option to file a Motion to Dismiss. Please see our video Motion to Dismiss since there is an exception to this rule.

If you file a Motion to Strike or an Answer first, you give up your right to file a Request to Revise. You will want to carefully consider if you want to file a Request to Revise before you file any of the responsive pleading further down on the list in section 10-6.

Connecticut Practice Book section 10-8 talks about the time in which the first responsive pleading, and most later pleadings, must be filed.

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### **Plaintiff's right to amend pleadings**

According to Connecticut Practice Book section 10-59, the Plaintiff has the right to amend any defect, mistake, informality, or error in the writ of summons and complaint that he or she feels is necessary within the first thirty days after the return day. The Plaintiff does not need the consent of any other party or the court to make an amendment during this time.

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### **Reasons to file a Request to Revise**

Connecticut Practice Book section 10-35 discusses the reasons for which a Defendant might file a Request to Revise. Generally, a Request to Revise is filed to ask for more complete information to clear up any confusion or to ask for more specific information so the Defendant can properly reply to the claims or allegations made in the Complaint. It is used to make sure that you have the necessary information to fully understand what the Plaintiff is claiming in the Complaint. The reasons allowed are:

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To obtain a more complete or particular statement of the allegations of an adverse party's pleading.

According to Connecticut Practice Book section 10-35(1), you may want to file a Request to Revise if you feel that you cannot understand an allegation in a Complaint because it is not clear what the Plaintiff means or there is not enough information to fully understand what the Plaintiff is claiming. You are asking the Plaintiff to either provide more information or restate a claim.

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The deletion of any unnecessary, repetitious, scandalous, impertinent, immaterial or otherwise improper allegations.

A Complaint should be factual and direct in its allegations and claims. Connecticut Practice Book section 10-35(2) allows a Defendant to file a Request to Revise to ask that certain statements or information be removed from the Complaint. This includes statements or information that are not relevant or necessary to the facts, and statements and information that is repeated. The Defendant may also ask that information that is meant to insult or is an obvious attempt to smear his or her reputation be removed.

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Separation of causes of action which may be united in one complaint when they are improperly combined in one count.

A Complaint may improperly, or wrongly, combine more than one cause of action into a single count. A Defendant may file a Request to Revise to ask that the Plaintiff amend the Complaint to separate out each cause of action into its own count. Also, a Complaint could list one cause of action but indicate that this cause is against two different Defendants. A Defendant may file a Request to Revise to ask that the Plaintiff separate the cause of action against one Defendant from the cause of action against the other Defendant.

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Any other appropriate correction.

A Request to Revise may ask for any other appropriate revision or correction to the Complaint that will make clearer to the Defendant what the Plaintiff is claiming so that the Defendant can reply to the complaint. The Request to Revise can ask for more information to understand what the Complaint is claiming or saying. The Request to Revise cannot ask for evidence or proof that supports the claims of the Complaint. Evidence, or proof, is part of Discovery which is a separate and different part of civil procedure.

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According to Connecticut Practice Book section 10-36, when writing the Request to Revise, for each revision or correction you are asking the Plaintiff to make to the Complaint, you need to state very specifically where in the Complaint the item you want changed is located, what you want to be changed in the Complaint, and why you are asking for this change to be made. In your document, below each request, leave some space for the Plaintiff to object to the request and state his or her reason for objecting to the request.

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Here is an example of how a Request to Revise might look. Following the proper heading and motion title, you can see the Request to Revise written as directed in Connecticut Practice Book section 10-36. Notice that space is left after the word Response for the Plaintiff to object, should the Plaintiff wish to do so.

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Connecticut Practice Book section 10-37(a) instructs that the Request to Revise be properly served on all parties in accordance with Connecticut Practice Book sections 10-12 to 10-17. The rules provide information on how service is made, including the circumstances when mail and email can be used. The Request to Revise should include a Certification page telling the Court that proper service was made on the other party or parties. After service is made, the Request to Revise is filed with the Clerk's Office.

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According to Connecticut Practice Book section 10-37(a), the Request to Revise shall be considered granted by the Clerk on the date it is filed. The Plaintiff has 30 days to make the requested revisions to the Complaint, unless the Plaintiff files an Objection.

Following the revision, the Complaint is referred to as the Amended Complaint. Once the Amended Complaint is filed, the Defendant then has 30 days to file his or her next responsive pleading or Answer to the Amended Complaint in compliance with Connecticut Practice Book section 10-6, Pleadings Allowed and their Order, and section 10-8, Time to Plead.

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Connecticut Practice Book section 10-37(b) says that the Plaintiff may file an Objection to the Request to Revise within 30 days. That Objection shall be filed with the Clerk's Office and properly served on all parties. The Plaintiff will write his or her Objection on the Request to Revise in the space provided for a response, or, if more space is needed, he or she may write it on another sheet of paper and attach it to the Request to Revise.

The Objection will be scheduled by the Clerk's Office for the next nonarguable short calendar. The Plaintiff will need to follow the procedures for marking the Objection in order for the judge to "take the papers," which is when the judge makes a decision based solely on the written documents filed by the parties. Both the Defendant and the Plaintiff will need to follow the procedures for short calendar if a party wants to place the Objection on the arguable short calendar.

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If the Objection is overruled, and the Request to Revise is granted, the Plaintiff shall make the requested revisions to the Complaint and file it as an Amended Complaint. The Plaintiff shall certify that all parties have been served with the Amended Complaint.

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According to Connecticut Practice Book sections 10-6 to 10-8, after the Objection is overruled, and the Amended Complaint is filed, the Defendant who filed the Request to Revise to the Complaint has 30 days to file his or her next responsive pleading or Answer to the Amended Complaint. Connecticut Practice Book section 10-6 lists the responsive pleadings and their order.

Any other Defendant who has already responded to the original Complaint may alter, or change, that response or Answer within 10 day to respond to the changes made in the Amended Complaint.

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If the Objection is granted, the original Complaint remains the Complaint and the Defendant must respond to that Complaint. The Defendant can choose to file any of the remaining pleadings available in Connecticut Practice Book section 10-6, Pleadings Allowed and Their Order, following the Defendant's Request to Revise. According to the Connecticut Practice Book section 10-8, the next responsive pleading must be filed by the Defendant within 30 day of the granting of the Objection. According to Connecticut Practice Book section 10-38, the Defendant cannot file another Request to Revise. The only exception to this is if the Plaintiff were to file any new allegations.

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According to Connecticut General Statutes section 52-119 and Connecticut Practice Book section 10-18, any Defendant who does not follow the court rules for pleading can have a ruling entered against him or her for not following the specified rules. This is called being "defaulted."

According to the same statute and court rule, a Plaintiff who does not follow the court rules for pleading can have the case ended because he or she did not follow the specified rules. This is called being "nonsuited," and the case is treated as if it never happened.

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For more information regarding the Request to Revise, please review the Law Libraries Request to Revise Research Guide. From the Law Libraries' home page at [jud.ct.gov/lawlib](http://jud.ct.gov/lawlib), click on the blue button on the right labeled Research Guides. Under Civil Research Guides, click on Request to Revise. Here you will find references to statutes, court rules, cases, and publications with sample language for drafting a Request to Revise.

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This is the end of our overview. For more information please visit a Judicial Branch Law Library, a Court Service Center, or the Judicial Branch website. Steps as a Defendant. The Defendant keeps the right to challenge the court's jurisdiction if new information or evidence makes the court's jurisdiction once again questionable.