



# Connecticut Judicial Branch Law Libraries

## Basic Information on Connecticut Pretrial Civil Procedure

- 1. Return Day of Process:** It must fall on a Tuesday (except for summary process actions) and can be no later than two months after the date of process. (Connecticut General Statutes § 52-48)
- 2. Time for Service:** Summons and complaint must be delivered to the Defendant at least twelve days before the Return Day. (Connecticut General Statutes § 52-46)
- 3. Return of Process:** Process (summons, complaint, and State Marshal's return of service) in a civil action shall be returned (except in summary process actions and petitions for paternity and support) to the Clerk's Office at least six days before the Return Day. (Connecticut General Statutes § 52-46a)
- 4. Appearance:** Defendant may file an Appearance, form JD-CL-12, on or before the second day following the Return Day in order to avoid default. (Connecticut Practice Book § 3-2)
- 5. Order of Pleadings:** (Connecticut Practice Book § 10-6)

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Plaintiff's complaint.	Examples of the importance of following the order of pleadings:
Defendant's motion to dismiss the complaint.	
Defendant's request to revise the complaint.	<ul style="list-style-type: none"> <li>• If the Defendant's first pleading is a Request to Revise, he or she has given up the right to file a Motion to Dismiss.*</li> <li>• If the Defendant's first pleading is a Motion to Strike, he or she has given up the right to file a Motion to Dismiss.*</li> <li>• If the Defendant's first pleading is an Answer, he or she has given up filing any of the above.</li> </ul>
Defendant's motion to strike the complaint.	
Defendant's answer (including special defenses).	
Plaintiff's request to revise the answer.	Along with an Answer, the Defendant can choose to file <i>Special Defenses</i> . With or without Special Defenses, the Defendant also can choose to file a <i>Counterclaim</i> .
Plaintiff's motion to strike the answer.	<i>SOURCE: Peterson, Kimberly A., Civil Litigation in Connecticut, p. 76, Prentice Hall, c1998.</i>
Plaintiff's reply to special defenses.	* Any claim of lack of jurisdiction over the subject matter cannot be waived. Connecticut Practice Book § 10-33.



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## 6. Time to Plead: (Connecticut Practice Book § 10-8)

Beginning on the return day of the summons and complaint in civil actions, the response papers (called pleadings, motions and requests) will be due within thirty days after the return day. Later pleadings, motions and requests filed in the case will be due within thirty days from the last pleading or the decision of the court on a pleading. Some exceptions are **summary process** cases where the time period for filing is three days and **foreclosures** of real estate mortgages where the time period shall be fifteen days. The filing of interrogatories or requests for discovery does not change the time requirements of this Connecticut Practice Book section unless a party files a motion asking for a time change and the court grants it.

## 7. Discovery: (Connecticut Practice Book Chapter 13 and Appendix of Forms)

Discovery takes place at the same time as the pretrial pleadings. Discovery includes Interrogatories, Requests for Production, Requests for Admissions, Requests for Examinations (mental and physical), Depositions, Disclosures of Experts, Motions to Compel, Nonsuits, and Defaults. All discovery is completed before the Certificate of Closed Pleadings is filed.

## 8. Certifying that Pleadings are Closed: (Connecticut Practice Book § 14-8)

(a) A case will not be scheduled for trial until a party certifies on a Certificate of Closed Pleadings form, JD-CV-11, that the pleadings for all parties are completed. After receiving the certification, the clerk will send the case to the presiding judge to schedule a trial. If the case is privileged (the types of privileged cases are listed in the Connecticut Practice Book § 14-9) the party will mark it as so on the form.

(b) This section shall not apply to summary process cases.

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