



**STATE OF CONNECTICUT
JUDICIAL BRANCH
COURT OPERATIONS DIVISION**

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MEMO TO: Joseph Del Ciampo, Counsel, Rules Committee

FROM: Lori Petruzzelli, Assistant Counsel, Rules Committee

SUBJECT: Proposal for Amendment to Title of Sec. 17-45—Proceedings upon Motion for Summary Judgment; Request for Extension of Time to Respond

On June 24, 2016, the judges of the Superior Court adopted certain amendments to Sec. 17-45 —Proceedings upon Motion for Summary Judgment; Request for Extension of Time to Respond. A forty-five day time period to respond to a motion for summary judgment was added to Sec. 17-45, and, as a result, the provision for a motion for extension of time was eliminated. These changes took effect on January 1, 2017. The 2017 commentary to Sec. 17-45 explained in relevant part that: “By extending the time, it is expected that parties will not find it necessary to seek an extension of time. The rule, therefore, also eliminates the provision for filing a request for extension of time. . . .” Practice Book (2017) § 17-45.

While doing research on motions for extension of time, I discovered that the title of Sec. 17-45 is not consistent with the amendments described above. I therefore respectfully submit the attached proposed amendment for consideration. Please let me know if you need any further information on this issue.

Sec. 17-45 Proceedings upon Motion for Summary Judgment[; Request for Extension of Time To Respond]

(a) A motion for summary judgment shall be supported by appropriate documents, including but not limited to affidavits, certified transcripts of testimony under oath, disclosures, written admissions and other supporting documents.

(b) Unless otherwise ordered by the judicial authority, any adverse party shall file and serve a response to the motion for summary judgment within forty-five days of the filing of the motion, including opposing affidavits and other available documentary evidence.

(c) Unless otherwise ordered by the judicial authority, the moving party shall not claim the motion for summary judgment to the short calendar less than forty-five days after the filing of the motion for summary judgment.

COMMENTARY: The change to the title of this section is to make it consistent with the amendments of January 1, 2017, which, among other things, eliminated the provision for filing a request for extension of time to respond to a motion for summary judgment.