

Sec. 10-44. --Substitute Pleading; Judgment

Within fifteen days after the granting of any motion to strike, the party whose pleading has been stricken may file a new pleading; provided that in those instances where an entire complaint, counterclaim or cross complaint, or any count in a complaint, counterclaim or cross complaint has been stricken, and the party whose pleading or a count thereof has been so stricken fails to file a new pleading within that fifteen day period, the judicial authority may, upon motion, enter judgment against said party on said stricken complaint, counterclaim or cross complaint, or count thereof.

Any new pleading filed pursuant to this section shall be accompanied by a separate document which shows the differences between the previous pleading and the new pleading by using underlining to indicate new language and by using either brackets or strikethrough to indicate deleted language.

Nothing in this section shall dispense with the requirements of Sections 61-3 or 61-4 of the appellate rules.

Commentary: This revision would require that substitute pleadings be accompanied by a document that shows the additions and deletions made to the original filing, mirroring the requirements of section 10-60 (a) (3).

Sec. 10-59. Amendments; Amendment as of Right by Plaintiff

The plaintiff may amend any defect, mistake or informality in the writ, complaint or petition and insert new counts in the complaint, which might have been originally inserted therein, without costs, during the first thirty days after the return day. (See General Statutes § 52-128 and annotations.)

Any writ, complaint or petition amended pursuant to this section shall be accompanied by a separate document showing the portion or portions of the original writ, complaint or petition so amended by using underlining to indicate new language and by using either brackets or strikethrough to indicate deleted language.

Commentary: This revision would require that writs, complaints or petitions amended pursuant to this section be accompanied by a document that shows the additions and deletions made to the original filing, mirroring the requirements of section 10-60 (a) (3).

Sec. 10-60. --Amendment by Consent, Order of Judicial Authority, or Failure To Object

(a) Except as provided in Section 10-66, a party may amend his or her pleadings or other parts of the record or proceedings at any time subsequent to that stated in the preceding section in the following manner:

- (1) By order of judicial authority; or
- (2) By written consent of the adverse party; or
- (3) By filing a request for leave to file an amendment together with[: (A)] the amended pleading or other parts of the record or proceedings[, and (B) an additional document showing the portion or portions of the original pleading or other parts of the record or proceedings with the added language underlined and the deleted language stricken through or bracketed]. The party shall file the request and accompanying documents after service upon each party as provided by Sections 10-12 through 10-17, and with proof of service endorsed thereon. If no party files an objection to the request within fifteen days from the date it is filed, the amendment shall be deemed to have been filed by consent of the adverse party. If an opposing party shall have objection to any part of such request or the amendment appended thereto, such objection in writing specifying the particular paragraph or paragraphs to which there is objection and the reasons therefor, shall, after service upon each party as provided by Sections 10-12 through 10-17 and with proof of service endorsed thereon, be filed with the clerk within the time specified above and placed upon the next short calendar list.

(b) Any amended pleading or other part of the record or proceedings filed pursuant to this section or accompanying a request for leave to file an amendment pursuant to this section shall be accompanied by a separate document showing the amendments to the original pleading or other parts of the record or proceedings being amended by using underlining to indicate new language and by using either brackets or strikethrough to indicate deleted language.

~~(b)~~ (c) The judicial authority may restrain such amendments so far as may be necessary to compel the parties to join issue in a reasonable time for trial. If the amendment occasions delay in the trial or inconvenience to the other party, the judicial authority may award costs in its discretion in favor of the other party. For the purposes of this rule, a substituted pleading shall be considered an amendment. (See General Statutes § 52-130 and annotations.)

***Commentary:** This revision would require that amended pleadings be accompanied by a document that shows the additions and deletions made to the original filing, expanding the requirements of section 10-60 (a) (3) to apply to all such amended pleadings.*

Sec. 25-8. --Amendment; New Ground for Dissolution of Marriage or Civil Union

While it was mentioned at the last meeting that this section may need to be amended as well, I believe the reference to the other sections in section 25-8 (b) is sufficient as is.

(a) In any action for a dissolution of marriage or civil union an amendment to the complaint which states a ground for dissolution of marriage or civil union alleged to have arisen since the commencement of the action may be filed with permission of the judicial authority.

(b) The provisions of Sections 10-59, 10-60 and 10-61 of the rules of practice shall apply to family matters as defined in Section 25-1.