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2022 Edition

Request to Revise

A Guide to Resources in the Law Library

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Treated Elsewhere:

- [Answer, Special Defense, Counterclaim and Setoff to a Civil Complaint](#)
- [Default Motions and Judgments](#)
- [Motion to Dismiss](#)
- [Motion to Strike](#)
- [Motion for Summary Judgment](#)

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

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References to online legal research databases refer to in-library use of these databases. Remote access is not available.

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Introduction

A Guide to Resources in the Law Library

- Request to Revise: “Whenever any party desires to obtain (1) a more complete **or particular statement of the allegations of an adverse party’s** pleading, or (2) the deletion of any unnecessary, repetitious, scandalous, impertinent, immaterial **or otherwise improper allegations in an adverse party’s pleading, or (3)** separation of causes of action which may be united in one complaint when they are improperly combined in one count, or the separation of two or more grounds of defense improperly combined in one defense, or (4) any other appropriate **correction in an adverse party’s pleading, the party desiring any such amendment in an adverse party’s pleading** may file a timely request to revise that pleading.” Conn. Practice Book [§ 10-35](#) (2022).
- Granting of Request to Revise: “Any such request, after service upon each party as provided by Sections 10-12 through 10-17 and with proof of service endorsed thereon, shall be filed with the clerk of the court in which the action is pending, and such request shall be deemed to have been automatically granted by the judicial authority on the date of filing and shall be complied with by the party to whom it is directed within thirty days of the date of filing the same, unless within thirty days of such filing the party to whom it is directed shall file objection thereto.” Conn. Practice Book [§ 10-37\(a\)](#) (2022).
- “The purpose of the complaint is to limit the issues to be decided at the trial of a **case and is calculated to prevent surprise....**” [Criscuolo v. Mauro Motors, Inc.](#), 58 Conn. App. 537, 544, 754 A.2d 810 (2000).
- “**In the event that a party believes it is called upon to respond to a pleading that improperly combines two or more claims in a single count, our rules permit the filing of a timely request to revise that pleading.**” [Fuessenich v. DiNardo](#), 195 Conn. 144, 148, 487 A.2d 514 (1985).
- “A request to revise is permissible to obtain information so that a defendant may intelligently plead and prepare his case for trial but it is never appropriate where the information sought is merely evidential. *Tishkevich v. Connecticut Light & Power Co.*, 9 Conn. Sup. 6. The defendant is not entitled to know the plaintiff’s proof but only what he claims as his cause of action. *Sebastianello v. Hamden*, 10 Conn. Sup. 283.” [Kileen v. Gen. Motors Corp.](#), 36 Conn. Supp. 347, 349, 421 A.2d 874 (1980).

Section 1: Reasons for a Request to Revise

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to reasons for a Request to Revise.

DEFINITIONS:

- Request to Revise: **"Whenever any party desires to obtain (1) a more complete or particular statement of the allegations of an adverse party's pleading, or (2) the deletion of any unnecessary, repetitious, scandalous, impertinent, immaterial or otherwise improper allegations in an adverse party's pleading, or (3) separation of causes of action which may be united in one complaint when they are improperly combined in one count, or the separation of two or more grounds of defense improperly combined in one defense, or (4) any other appropriate correction in an adverse party's pleading, the party desiring any such amendment in an adverse party's pleading may file a timely request to revise that pleading."** Conn. Practice Book [§ 10-35](#) (2022).
- Reasons in Request to Revise: **"The request to revise shall set forth, for each requested revision, the portion of the pleading sought to be revised, the requested revision, and the reasons therefor, and, except where the request is served electronically in accordance with Section 10-13, in a format that allows the recipient to insert electronically the objection and reasons therefore, provide sufficient space in which the party to whom the request is directed can insert an objection and reasons therefor."** Conn. Practice Book [§ 10-36](#) (2022).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2021)
[Chapter 898](#) – Pleading
§ [52-119](#). Pleading to be according to rules and orders of court.

COURT RULES:

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

- Connecticut Practice Book (2022).
[Chapter 10](#). Pleadings.
§ 10-1. Fact Pleading.
§ 10-6. Pleadings Allowed and Their Order.
§ 10-7. Waiving Right to Plead
§ 10-26. Separate Counts
§ 10-35. Request to Revise.
§ 10-36. –Reasons in Request to Revise.
§ 10-37. –Granting of and Objection to Request to Revise.

§ 10-38. –Waiver of Pleading Revisions.

FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- *LexisNexis Practice Guide: Connecticut Civil Pretrial Practice*, Margaret Penny Mason, editor, 2021 ed., LexisNexis.
§ 7.28. Form: Request to Revise
- 2, 3A Connecticut Practice Series, *Connecticut Civil Practice Forms*, 4th ed., by Joel M. Kaye et al., Thomson West, 2004, with 2021 supplement (also available on Westlaw).
Form 106.3. Request to Revise
Form S-35. Request to Revise Request for Admission
- 1 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2021-2022 ed., LexisNexis.
F.10-35. Request to Revise (106.3).
F.10-37. Objection to Request to Revise.
- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2015.
9-003. Request to Revise. [Special Defense]

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.

- [Northeast Builders Supply & Home Centers, LLC v. RMM Consulting, LLC](#), 202 Conn. App. 315, 323, 245 A.3d 804 (2021). "In response to the second amended counterclaim, the plaintiff filed an extensive request to revise, to which the defendants objected. On May 17, 2016, the court, *Hon. George N. Thim*, judge trial referee, issued an order overruling the defendants' objections with respect to the requested revisions except for a couple of objections with respect to which the court agreed with the defendants that the plaintiff improperly sought the disclosure of evidentiary materials."
- [Desmond v. Yale-New Haven Hosp., Inc.](#), 181 Conn. App. 201, 207, 185 A.3d 665 (2018). "On May 7, 2015, the defendants filed a request to revise the plaintiff's substitute complaint, which she had filed on December 11, 2014. The defendants sought to have the plaintiff's entire substitute complaint deleted because the allegations of the substitute complaint were substantially similar to those contained in the plaintiff's previously stricken complaint and the allegations added to the substitute complaint failed to cure the deficiencies of the earlier complaint."
- [Altama, LLC v. Napoli Motors, Inc.](#), 181 Conn. App. 151, 157, n. 3, 186 A.3d 78 (2018). "To the extent that there was any confusion about the theory upon which the plaintiff asserted that it was entitled to possession, the defendant could have filed a request to revise. See Practice Book § 10-35 (^[w]henver any party desires to obtain (1) a more complete or particular statement of the allegations of an adverse party's pleading ... the party desiring any such

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amendment in an adverse party's pleading may file a timely request to revise that pleading')."

- [Brady v. Bickford](#), 179 Conn. App. 776, 783–84, 183 A.3d 27 (2018). "The defendants filed an answer in which they denied the material allegations of the amended complaint and alleged generally that the plaintiffs' claims were barred by the statutes of limitations set forth in General Statutes §§ 52–577 and 52–584. In response to the plaintiffs' request to revise, on May 23, 2012, the defendants filed revised special defenses alleging in relevant part that 'all tortious acts alleged in counts 1, 3, 4, 5, 6 and 7 to have been committed by the defendants prior to January 14, 2008, are barred by the three year statute of limitations set forth in [§ 52–577] ... [and] all negligent acts alleged in count 2 to have been committed by the defendants prior to January 14, 2009, are barred by the two year statute of limitations set forth in [§ 52–584].'"
- [Lane v. Cashman](#), 179 Conn. App. 394, 417–418, 180 A.3d 13 (2018). "In his request to revise the answer to the amended complaint, the plaintiff requested that the first and second special defenses be deleted in their entirety as having been 'previously alleged' by the defendants in their response to his original complaint and having been 'already stricken by Judge Domnarski' on the ground that the defendants failed to exhaust their administrative remedies. Although they had a right to object to any or all of the requested revisions; see Practice Book § 10–37 (b); the defendants did not do so. Instead, they deleted the special defenses, thereby removing those special defenses from the trial court's consideration in adjudicating the merits of the case."
- [Pellet v. Keller Williams Realty Corp.](#), 177 Conn. App. 42, 55, n. 10, 172 A.3d 283 (2017). "To the extent that count one raised both contractual claims and claims of professional negligence, the defendants could have filed a request to revise in an effort to separate the improperly combined causes of action. See Practice Book § 10–35"
- [Benedetto v. Dietze & Associates, LLC](#), 159 Conn. App. 874, 880, fn. 5, 125 A.3d 536 (2015). "In particular, the defendants cited in their motion to *Royce v. Westport*, 183 Conn. 177, 179, 439 A.2d 298 (1981), in which our **Supreme Court stated: 'When a [motion to strike] is [granted] and the pleading to which it was directed is amended, that amendment acts to remove the original pleading and the [motion to strike] thereto from the case. The filing of the amended pleading is a withdrawal of the original pleading.'** The defendants also cited *P & L Properties, Inc. v. Schnip Development Corp.*, 35 Conn. App. 46, 50, 643 A.2d 1302, cert. denied, 231 Conn. 913,

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648 A.2d 155 (1994), in which this court stated: 'When the allegations of an amended complaint appear to be the same in substance as those of an earlier complaint that was stricken, the defendant may challenge the amended complaint by filing a request to revise ... or a second motion to strike.'"

- [Stone v. Pattis](#), 144 Conn. App. 79, 93-94, 72 A.3d 1138 (2013). "Practice Book § 10-35 states in relevant part: 'Whenever a party desires to obtain ... (2) the deletion of any unnecessary, repetitious, scandalous, impertinent, immaterial or otherwise improper allegations in an adverse party's pleading ... or (4) any other appropriate correction in an adverse party's pleading, the party desiring any such amendment in an adverse party's pleading may file a timely request to revise that pleading.' The plaintiffs argue that 'there is nothing in Practice Book Rule § 10-35 regarding Request to Revise that allows for the deletion of entire counts of a complaint.' This claim is contrary to the language of Practice Book § 10-35, as the section specifically states that a request to revise is the appropriate method for the 'deletion of any unnecessary, repetitious, scandalous, impertinent, immaterial or otherwise improper allegations.'"
- [Thames River Recycling, Inc. v. Gallo](#), 50 Conn. App. 767, 782-83, 720 A.2d 242 (1998). "Our rules of practice contain provisions for the framing of issues for trial. Pleadings have an essential purpose in the judicial process. See *Rummel v. Rummel*, 33 Conn.App. 214, 217, 635 A.2d 295 (1993). 'The purpose of pleading is to apprise the court and opposing counsel of the issues to be tried, not to conceal basic issues until the trial is under way....' *DuBose v. Carabetta*, 161 Conn. 254, 261, 287 A.2d 357 (1971). The defendant is not excused from following our established rules of practice. If Gallo was aware of the two separate factual bases on which count four was pleaded, he could have corrected the problem by filing a request to revise or a motion to strike or any other procedural remedy provided by the rules of practice."
- [P & L Properties, Inc. v. Schnip Dev. Corp.](#), 35 Conn. App. 46, 50, 643 A.2d 1302 (1994). "When the allegations of an amended complaint appear to be the same in substance as those of an earlier complaint that was stricken, the defendant may challenge the amended complaint by filing a request to revise; *Royce v. Westport*, supra, 183 Conn. at 180-81, 439 A.2d 298;"
- [Rowe v. Godou](#), 209 Conn. 273, 279, 550 A.2d 1073 (1988). "It is true that the plaintiff's complaint is confusing because it combines, in a single count, separate causes of action against the individual defendant and the

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municipality. Since there was nothing to prevent those two possible causes of action from being joined in the same complaint, however, the proper way to cure any confusion in that regard is to file a motion to revise, not a motion to **strike the entire complaint.**"

- [Fuessenich v. DiNardo](#), 195 Conn. 144, 148, 487 A.2d 514 (1985). "In the event that a party believes it is called upon to respond to a pleading that improperly combines two or more claims in a single count, our rules permit the filing of a timely request to revise that pleading."
- [Kileen v. General Motors Corp.](#), 36 Conn. Supp. 347, 349, 421 A.2d 874, 875 (1980). "A request to revise is permissible to obtain information so that a defendant may intelligently plead and prepare his case for trial but it is never appropriate where the information sought is merely evidential. *Tishkevich v. Connecticut Light & Power Co.*, 9 Conn. Sup. 6. The defendant is not entitled to know the plaintiff's proof but only what he claims as his cause of action. *Sebastianello v. Hamden*, 10 Conn. Sup. 283."

Trial Court Cases

- [Buchman v. Kitts Island](#), Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FSTCV205023358S, n. 4 (Mar. 28, 2022) (2022 WL 1060733) (2022 Conn. Super. LEXIS 357). "By way of request to revise (*Practice Book* § 10-35), the defendants could have requested that the contract be filed as an exhibit to the third-party complaint (*Practice Book* § 10-29). (A request to revise was filed (#127.00) but it did not request filing of the contract, nor did it ask for specificity as to the provisions of the contract alleged to create duties for the individuals.)"
- [Bryant v. Cooper Group](#), Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FSTCV196041262S (Feb. 2, 2022) (2022 WL 620381) (2022 Conn. Super. LEXIS 162). "While the concept of 'a cause of action' and 'a count' may often be used interchangeably, they are not necessarily the same. For example, a request to revise may be used in order to ask that a single count encompassing multiple causes of action be separated into separate counts for each cause of action (*Practice Book* § 10-35(3)). Such separation may be appropriate for different theories or for multiple parties."
- [Mendez v. State Farm Mut. Auto. Ins. Co.](#), Superior Court, Judicial District of New Haven at New Haven, No. NNH CV216112146S (Jan. 11, 2022) (2022 WL 294095) (2022 Conn. Super. LEXIS 48). "The defendant argues that counts three and five are duplicative. However, under the

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Connecticut rules of practice, the proper instrument for a party to use to contest duplicative counts in a complaint is a request to revise. See Practice Book §10-35;”

- Russo v. 2061 West Main, LLC, Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FSTCV186036046S (Aug. 30, 2021) (2021 WL 4394408) (2021 Conn. Super. LEXIS 1458). “The first sentence of Practice Book §10-1 states that facts are to be alleged, not evidence. The special defense appears to allege all of the requisite facts for the defense such that it is not clear what possibly might have been sought by request to revise, consistent with the mandate that a pleading is not supposed to allege evidence (and therefore a request to revise is not intended to obtain evidence). Simplistically: a request to revise addresses allegations of fact whereas discovery seeks evidence. The plaintiff appears to be seeking evidence; she does not appear to profess ignorance or uncertainty as to the nature of the defendant’s claims.”
- City of Meriden v. Flanagan, Superior Court, Judicial District of New Haven at Meriden, No. NNICV196018174S (Dec. 10, 2021) (2021 WL 6335047) (2021 Conn. Super. LEXIS 2028). “Generally, a trial court’s consideration of a request to revise and objections to it, which involves consideration of the factual allegations and the extent to which they are properly framed and sufficiently precise or specific, is within the court’s discretionary judgment. *Fort Trumbull Conservancy, LLC v. Alves*, 286 Conn. 264, 276, 943 A.2d 420 (2008); Connecticut Practice Book §10-35 et seq.”
- Jimmie v. Kohl’s Dep’t Stores, Inc., Superior Court, Judicial District of Ansonia-Milford at Milford, No. AANCV196031870S (Jul. 1, 2021) (2021 WL 6100519) (2021 Conn. Super. LEXIS 1142). “To begin, the plaintiff’s reliance on Practice Book §10-35 is simply incorrect. By its terms, Practice Book §10-35 applies to a party’s request to revise ‘an adverse party’s pleading,’ and may not be used to revise a party’s own pleading. However, and despite the plaintiff’s citation of §10-35, the court will treat the plaintiff’s request as one for leave to amend the complaint pursuant to §10-60(a)(3).”
- Bass v. Fed. Ins. Co., Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FSTCV206045685S (Jun. 14, 2021) (2021 WL 2594924) (2021 Conn. Super. LEXIS 1015). “The purpose of the right to replead under Practice Book §10-44 is to afford a party an opportunity to cure the defects leading to the striking of a prior version of a pleading. The failure to cure a defect gives rise to a heightened concern about finality—a failure to cure can warrant a motion to strike, but also can justify a request to revise seeking deletion of the new pleading

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given its flawed status. In *Royce v. Town of Westport*, 183 Conn. 177, 439 A.2d 298 (1981), the Supreme Court held that a request to revise could also be used to challenge the sufficiency of a corrective pleading, 'where the allegations of such complaint appear to be the same, in substance, as (those of) the one which was stricken' (*id.* at 180). (This is one of the rare situations in which a request to revise can serve a somewhat substantive function.)"

- *Am. Express Cent. Bank v. Roosendahl*, Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FSTCV176033724S (Jun. 7, 2021) (2021 WL 2774852) (2021 Conn. Super. LEXIS 1043). "The court is compelled to start with the basics. A plaintiff must be given latitude in how a complaint is presented, both in terms of form and substance, so long as it meets minimum requirements. Thus, great latitude is given to a party in formulating a pleading when it comes to addressing an adverse party's efforts to seek revision via request to revise. An incorporate-everything-into-everything approach, as noted above, can lead to unnecessary duplication, imprecision, and inherently contradictory/inconsistent allegations."
- *Aron v. Shesler*, Superior Court, Judicial District of New London at New London, No. KNLCV186036675S (Nov. 4, 2020) (2020 WL 9601514) (2020 Conn. Super. LEXIS 1386). ". . . a request to revise is the proper vehicle to deal with the deletion of repetitious pleadings. See Practice Book §10-35; *A.C. Nielsen Co. v. Wang Laboratories, Inc.*, Superior Court, judicial district of Fairfield, Docket No. CV-94-0312400-S, 1995 Conn. Super. LEXIS 380 (February 3, 1995, Maiocco, J.) ('Although [a] party cannot state the same cause of action twice against the same defendants in the same complaint . . . [a] motion to strike . . . is not the proper vehicle for the deletion of repetitious pleadings . . . Rather, [a] request to revise is the proper vehicle for the deletion of repetitious pleadings'."
- *Spooner v. Zamfino*, Superior Court, Judicial District of Ansonia-Milford at Milford, No. CV176024552S, (Apr. 25, 2018) (66 Conn. L. Rptr. 295, 298, n. 3) (2018 WL 2138574) (2018 Conn. Super. LEXIS 787). "The court agrees with the plaintiff that if the defendants believed that they needed greater clarification or specification in order to plead then they should have filed a request to revise, rather than a motion to strike. See *Rowe v. Godou*, 209 Conn. 273, 279, 550 A.2d 1073 (1988) ('the proper way to cure any confusion [regarding the complaint] is to file a [request] to revise, not a motion to strike'."
- *Gerald Metals, LLC v. Certain Underwriters at Int'l Underwriting*, Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FSTCV176031032S, (Dec. 28,

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2017) (65 Conn. L. Rptr. 733, 734) (2017 WL 7053736) (2017 Conn. Super. LEXIS 5194). **“Notwithstanding** suggestions in the plaintiffs’ objection, the fact that the court sustained almost all of the objections to the defendant’s request to revise has no bearing on the issues before the court at this time. Although perhaps overly informal, a request to revise addresses editorial-type issues, arguably format issues, focusing on how the complaint is worded, e.g., whether greater specificity is required, whether there should be fewer conclusory or inflammatory allegations, whether multiple causes of action in a single count should be set forth in separate counts, etc. A motion to strike focuses on legal sufficiency, assuming that the facts alleged are true. That most of the requests to revise were not needed in order to ensure a proper understanding and framing of the issues being claimed does not equate to legal sufficiency. ‘Adequately pled’ for purposes of a request to revise cannot consider the legal sufficiency, which is the focus of a motion to strike. Certainly the onus is not on the defendant to ensure that the allegations of a complaint are sufficient to survive a **motion to strike.”**

- River Bank Constr., LLC v. Renaissance City Dev. Ass’n, Inc., Superior Court, Judicial District of New Haven at New Haven, No. CV166061820 (June 27, 2017) (2017 WL 3247793) (2017 Conn. Super. LEXIS 3835). **“The motion to strike cannot be used to clean up the complaint, such as by eliminating irrelevant or immaterial allegations ... The proper tool for a party to seek the deletion of irrelevant and immaterial pleadings by his opponent is a request to revise not a motion to strike.”** 1 Wesley W. Horton & Kimberly A. Knox, Connecticut Practice Series 517 (2016).”
- RAMS II, LLC. v. Massachusetts Bay Ins. Co., Superior Court, Judicial District of New Haven at New Haven, No. NNHCV136043177S (May 23, 2016) (62 Conn. L. Rptr. 385, 386) (2016 WL 3266084) (2016 Conn. Super. LEXIS 1151). **“The primary test with regard to the propriety of a request to revise is whether the pleadings disclose the material facts that constitute the cause of action. *Kileen v. General Motors Corp.*, 36 Conn.Sup. 347, 348, 421 A.2d 874 (1980). The complaint, however, need only contain a ‘plain and concise statement of the material facts on which the pleader relies, *but not of the evidence by which they are to be proved ...*’ Practice Book § 10-1. A request to revise is also appropriate to cure any confusion about what is being pleaded. (Emphasis added.) *Rowe v. Godou*, 209 Conn. 273, 279, 550 A.2d 1073 (1988).”**

- *Pleading* - Key Numbers 351-368

WEST KEY
NUMBERS:

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, 2021 ed., LexisNexis.
 - Chapter 7. Pleadings
 - § 7.17. Request to Revise
 - [1] Purpose of Request to Revise
 - [2] Difference Between Request to Revise and Motion to Strike
 - [3] Format of Request to Revise
 - [4] Request to Revise Deemed Granted Unless a Party Objects
 - [5] Objecting to Request to Revise
 - [6] Failure to Comply with Request to Revise May Result in Nonsuit or Judgment for Default
 - [7] Waiver of Pleading Revisions
- 1 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2021-2022 ed., LexisNexis.
 - Chapter 10. Pleadings
 - § 10-35.1. Function of the Request to Revise
 - § 10-36.1. Format and Style of Request
 - § 10-37.1. Revision Automatically Granted; Written Objection Required
 - § 10-38.1. Pleading Revisions; Limitations on Requests
- 1 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 1997, with 2014 supplement.
 - Chapter 7. Motions Prior to Trial
 - Sec. 69. Request to Revise
 - a. History
 - b. Function
 - c. Practice Book Restrictions
- *Civil Litigation in Connecticut: Anatomy of a Lawsuit*, by Kimberly A. Peterson, Prentice Hall, 1998.
 - Chapter 11. Pleadings: **Defendant's Request to Revise, Plaintiff's Response and Amending Pleadings**
- 18 Connecticut Practice Series, *Summary Judgment and Related Termination Motions*, by Erin Carlson, Thomson West, 2021 (also available on Westlaw).
 - § 1:20. Improper allegation
 - § 1:21. Improper allegation—Immaterial allegation
 - § 1:36. Irrelevant, false or improper matter
- *Pleadings and Pretrial Practice: A Deskbook for Connecticut Litigators*, by Jeanine M. Dumont, Connecticut Law Tribune, 1998.
 - Chapter IX. Request to Revise.

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- James E. Wildes, *Tort Developments in 2011*, 86 Connecticut Bar Journal 28 (2012).
- Corey M. Dennis, *Roadmap to Connecticut Procedure*, 83 Connecticut Bar Journal 271 (2009).

Section 2: Granting of and Objection to a Request to Revise

A Guide to Resources in the Law Library

SCOPE:

Bibliographic resources relating to the objection to and granting of a Request to Revise.

DEFINITIONS:

- Granting of Request to Revise: "Any such request, after service upon each party as provided by Sections 10-12 through 10-17 and with proof of service endorsed thereon, shall be filed with the clerk of the court in which the action is pending, and such request shall be deemed to have been automatically granted by the judicial authority on the date of filing and shall be complied with by the party to whom it is directed within thirty days of the date of filing the same, unless within thirty days of such filing the party to whom it is directed shall file objection thereto." Conn. Practice Book [§ 10-37](#)(a) (2022).
- Objection to Request to Revise: "The objection and the reasons therefor shall be inserted on the request to revise in the space provided under the appropriate requested revision. In the event that a reason for objection requires more space than that provided on the request to revise, it shall be continued on a separate sheet of paper which shall be attached to that document, except where the request is served electronically as provided in Section 10-13 and in a format that allows the recipient to electronically insert the objection and reasons therefor. The request to revise on which objections have been inserted shall be appended to a cover sheet which shall comply with Sections 4-1 and 4-2 and the objecting party shall specify thereon to which of the requested revisions objection is raised. The cover sheet with the appended objections shall be filed with the clerk within thirty days from the date of the filing of the request for the next short calendar list. If the judicial authority overrules the objection, a substitute pleading in compliance with the order of the judicial authority shall be filed within fifteen days of such order." Conn. Practice Book [§ 10-37](#)(b) (2022).

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

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[Chapter 898](#) – Pleading
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 - § 10-38. –Waiver of Pleading Revisions.
 - [Chapter 17](#). Judgments.
 - § 17-19. Procedure Where Party Fails to Comply with Order of Judicial Authority...
 - § 17-43. Opening Judgment Upon Default or Nonsuit

FORMS:

- 1 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2021-2022 ed., LexisNexis.
 - F.10-35. Request to Revise (106.3).
 - F.10-37. Objection to Request to Revise.

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.

- [Northeast Builders Supply & Home Centers, LLC v. RMM Consulting, LLC](#), 202 Conn. App. 315, 323, 245 A.3d 804 (2021). "In response to the second amended counterclaim, the plaintiff filed an extensive request to revise, to which the defendants objected. On May 17, 2016, the court, *Hon. George N. Thim*, judge trial referee, issued an order overruling the defendants' objections with respect to the requested revisions except for a couple of objections with respect to which the court agreed with the defendants that the plaintiff improperly sought the disclosure of evidentiary materials."
- [Pedrini v. Kiltonic](#), 170 Conn. App. 343, 346, 154 A.3d 1037 (2017). "On October 4, 2012, the plaintiff filed a request to revise the defendant's special defenses. In it, the plaintiff requested that the defendant amend her special defenses to comply with Practice Book §§ 10-51 and 10-1. The defendant neither filed an objection to this request, nor amended her special defenses. On December 3, 2012, the plaintiff filed a motion for default for failure to plead, which the court, *Abrams, J.*, granted on January 11, 2013."
- [Benedetto v. Dietze & Associates, LLC](#), 159 Conn. App. 874, 878-879, 125 A.3d 536 (2015). "In particular, they argued that by filing an amended complaint after the court had granted in part the defendants' motion to strike, the plaintiffs had essentially reset the order of the pleadings such that a request to revise could be filed properly. In support of their argument, the defendants cited two cases from our Supreme Court and this court. The trial court agreed with the defendants' argument, and overruled the

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plaintiffs' objection to the request to revise.”

- [Pellecchia v. Connecticut Light & Power Co.](#), 52 Conn. Supp. 435, 451, 54 A.3d 1080 (2011). “The plaintiff’s reference to *Burgess v. Vanguard Ins. Co.*, 192 Conn. 124, 125-27, 470 A.2d 244 (1984), is unavailing. There, in contrast to the plaintiff’s conduct in the 2008 action, the plaintiffs filed an objection to a request to revise, which the court overruled, but then declined to file a substitute pleading. See *id.* at 124-25, 470 A.2d 244. The claimed error which was the **subject of appeal was ‘the decision overruling the plaintiffs’ objection to the defendant’s request to revise.’** *Id.* at 125, 470 A.2d 244. As explained above, in the 2008 action, the plaintiff did not timely object to the CL & P defendants’ requests to revise, which were automatically granted by operation of Practice Book § 10-37. While such a request is procedural in nature and not substantive, since the sufficiency of the allegations is not involved; see *id.*; here, the plaintiff’s failure to respond resulted in the granting of the requests by operation of law. The court was not required to consider untimely objections. No acceptable excuse for the plaintiff’s conduct has been offered. The plaintiff’s own conduct resulted in the automatic granting of the requests to **revise.**”
- [Dauti v. Stop & Shop Supermarket Co.](#), 90 Conn. App. 626, 634-35, 879 A.2d 507 (2005), cert. denied, 276 Conn. 902 (2005). “**After reviewing the original complaint, the orders of the court and the revised complaint, we fully agree that the plaintiffs failed to comply with the court’s order to revise their complaint in accordance with the requests to revise....** In view of the plaintiffs’ failure to comply with the court’s order, we can only conclude that the court did not abuse its discretion in granting the motions for a judgment of nonsuit **filed by those defendants.**”
- [Connecticut Light & Power Co. v. St. John](#), 80 Conn. App. 767, 774, 837 A.2d 841 (2004). “**In the present case, it is undisputed that the plaintiff’s request to revise was directed only to the defendants’ counterclaims and not their answers.** It further is undisputed that the basis of the plaintiff’s **‘motion for default’** for failure to plead was that the defendants failed to object to or to comply with its request to revise. General Statutes § 52-119 **provides that ‘[p]arties failing to plead according to the rules and orders of the court may be nonsuited or defaulted, as the case may be.’** (Emphasis added.) See also Practice Book § 10-18. The proper court action in this case was to nonsuit the defendants on their counterclaims rather than to default them on the plaintiff’s complaint and on their **counterclaims.**”

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- [Burgess v. Vanguard Ins. Co.](#), 192 Conn. 124, 125-126, 470 A.2d 244 (1984). "Although the appeal is from the judgment of nonsuit the assigned error is the decision overruling the plaintiffs' objection to the defendant's request to revise. That request was for the plaintiffs to separate the 'causes of action' alleged in the fourth count. The narrow issue presented in such a request is procedural not substantive. The sufficiency of the allegations is not involved. The question is whether the fourth count states two separate and distinct causes of action, in which case they should be contained in separate counts...Unless the causes of action are both separable from each other and separable by some distinct line of demarcation a single count is appropriate. *Veits v. Hartford*, 134 Conn. 428, 438, 58 A.2d 389 (1948).

'A cause of action is that single group of facts which is claimed to have brought about an unlawful injury to the plaintiff and which entitles the plaintiff to relief.' *Bridgeport Hydraulic Co. v. Pearson*, 139 Conn. 186, 197, 91 A.2d 778 (1952). 'A right of action at law arises from the existence of a primary right in the plaintiff, and an invasion of that right by some delict on the part of the defendant. The facts which establish the existence of that right and that delict constitute the cause of action.' *Pavelka v. St. Albert Society*, 82 Conn. 146, 147, 72 A. 725 (1909). 'It is proper to amplify or expand what has already been alleged in support of a cause of action, provided the identity of the cause of action remains substantially the same, but where an entirely new and different factual situation is presented, a new and different cause of action is stated.' *Gallo v. G. Fox & Co.*, 148 Conn. 327, 330, 170 A.2d 724 (1961). If, however, the plaintiff's claims for relief grow out of a single occurrence or transaction or closely related occurrences or transactions they may be set forth in a single count and it does not matter that the claims for relief do not have the same legal basis. *Veits v. Hartford*, supra, 438-39."

- [Royce v. Town of Westport](#), 183 Conn. 177, 182, 439 A.2d 298 (1981). "The trial court's judgment, after correctly reciting the sustaining of the defendant's demurrer to the plaintiffs' complaint, granted judgment for the defendant on its demurrer to that complaint, 'the plaintiffs having failed and neglected to plead further.' The judgment should have been predicated not on the plaintiffs' failure to plead further but rather on the plaintiffs' failure to plead differently. That is the import of the removal of the plaintiffs' September complaint by virtue of the order granting the request to revise. Our holding in *Good Humor Corporation v. Ricciuti*, supra, see also *Hillyer v. Winsted*, supra, makes it clear that judgment should be rendered on the request to revise, in the special circumstance in which it is granted for the reason

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that the substitute pleading does not differ substantially from the demurrable pleading.”

Trial Court Cases

- City of Meriden v. Flanagin, Superior Court, Judicial District of New Haven at Meriden, No. NNICV196018174S (Dec. 10, 2021) (2021 WL 6335047) (2021 Conn. Super. LEXIS 2028). “Second, the court is also denying any requested movement or re-numbering of these defenses as requested in the City of Meriden’s request to revise; as such is unnecessary to understanding the nature of the defenses being proffered by Defendant Flanagin. And, if the City had plead these matters in separate counts initially, defenses would have been plead to each count. It chose not to do that so now asking the defendant to clean up its mess is not proper.”
- McLain v. City of Bridgeport, Superior Court, Judicial District of Fairfield at Bridgeport, No. FBTCV216103594S (Oct. 1, 2021) (2021 WL 4896924) (2021 Conn. Super. LEXIS 1568). “**Preliminarily, this court concludes that the request to revise is a proper vehicle to seek deletion of the entire substitute complaint. Our Supreme Court has long held that a request to revise, and its predecessor, the motion to expunge, may be used to delete an entire substitute complaint when it did not cure the defect after the original complaint was stricken for failure to state a claim.**”
- Gerald Metals, LLC v. Certain Underwriters at Int’l Underwriting, Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FSTCV176031032S (Dec. 28, 2017) (65 Conn. L. Rptr. 733, 738, n. 3) (2017 WL 7053736) (2017 Conn. Super. LEXIS 5194). “**In the objection to the request to revise, the plaintiffs explicitly recognized the distinction. Thus, in the objection to the 11th request, the plaintiffs stated: ‘The requested revision is improper because it makes a legal argument about the merits of Gerald’s claim. This is clearly not appropriate in a request to revise, which is used primarily to set up a motion to strike.’ (The court does not necessarily agree that a request to revise ‘is used primarily to set up a motion to strike,’ although the court recognizes that it often is used for that purpose.)**”
- Hanes v. Solgar, Inc., Superior Court, Judicial District of New Haven at New Haven, No. NNHCV156054626S (Jan. 13, 2017) (63 Conn. L. Rptr. 728, 729) (2017 WL 1238417) (2017 Conn. Super. LEXIS 117). “**Although** a motion to strike ordinarily will be used to attack an entire count (or counts) of a complaint, there will be times when it is the best (or only) available tool to excise a legally defective legal theory that has been combined, in the same count, with an

otherwise proper cause of action. A request to revise under Practice Book § 13–35 is of limited use in this context because the resolution of such a request may require a substantive analysis of the legal sufficiency of the claim(s) at issue, which is not proper in the context of a request to revise. See, e.g., *Vossbrinck v. Accredited Home Lenders, Inc.*, No CV–125016343, 2015 WL 3518228, at *3 (Superior Court, May 8, 2015) (‘A request to revise is not the proper vehicle for analysis of the legal sufficiency of a pleading.’)”

WEST KEY NUMBERS:

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.

- *Pleading* - Key Numbers 351-368
- *LexisNexis Practice Guide: Connecticut Civil Pretrial Practice*, Margaret Penny Mason, editor, 2021 ed., LexisNexis.
 - Chapter 7. Pleadings
 - § 7.17. Request to Revise
 - [1] Purpose of Request to Revise
 - [2] Difference Between Request to Revise and Motion to Strike
 - [3] Format of Request to Revise
 - [4] Request to Revise Deemed Granted Unless a Party Objects
 - [5] Objecting to Request to Revise
 - [6] Failure to Comply with Request to Revise May Result in Nonsuit or Judgment for Default
 - [7] Waiver of Pleading Revisions
- 1 *Dupont on Connecticut Civil Practice*, by Ralph Dupont, 2021-2022 ed., LexisNexis.
 - Chapter 10. Pleadings
 - § 10-35.1. Function of the Request to Revise
 - § 10-36.1. Format and Style of Request
 - § 10-37.1. Revision Automatically Granted; Written Objection Required
 - § 10-38.1. Pleading Revisions; Limitations on Requests
- 1 *Stephenson’s Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 1997, with 2014 supplement.
 - Chapter 7. Motions Prior to Trial
 - Sec. 69. Request to Revise
 - a. History
 - b. Function
 - c. Practice Book Restrictions
- *Civil Litigation in Connecticut: Anatomy of a Lawsuit*, by Kimberly A. Peterson, Prentice Hall, 1998.
 - **Chapter 11. Pleadings: Defendant’s Request to Revise, Plaintiff’s Response and Amending Pleadings**

- Chapter 16. Pleadings: Motions Against Defendants Who Do Not Comply with the Rules of Court
 - I. Nonsuits Versus Defaults
 - II. When a Nonsuit is Granted
 - III. Failure to Plead: Request to Revise
- 18 Connecticut Practice Series, *Summary Judgment and Related Termination Motions*, by Erin Carlson, Thomson West, 2021 (also available on Westlaw).
 - Chapter 1
 - § 1:20. Improper allegation
 - § 1:21. Improper allegation—Immaterial allegation
 - § 1:36. Irrelevant, false or improper matter
- *Pleadings and Pretrial Practice: A Deskbook for Connecticut Litigators*, by Jeanine M. Dumont, Connecticut Law Tribune, 1998.
 - Chapter IX. Request to Revise.

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- James E. Wildes, *Tort Developments in 2011*, 86 Connecticut Bar Journal 28 (2012).
- Corey M. Dennis, *Roadmap to Connecticut Procedure*, 83 Connecticut Bar Journal 271 (2009).

Figure 1: Request to Revise (Form)

Form 105.1, Heading and Form 106.3, Request to Revise, 2 Conn. Practice Book (1997).

No. _____	Superior Court
_____	Judicial District of _____
(First Named Plaintiff)	
v.	at _____
_____	_____
(First Named Defendant)	(Date)

Request to Revise

Pursuant to Practice Book Section 10-36, the defendant, _____, hereby requests that the Plaintiff's Complaint dated _____, 20__ be revised as follows:

1. A. Portion of complaint to be revised: Third through Sixth Counts. "8. The defendant, _____, held the property known as 1234 Fairview Avenue, Orange, Connecticut, in his name for the benefit of, _____, but transferred said property to the defendant on or about, _____, 20__ after notice of plaintiff's claim, and which said the defendant, _____, was aware of the plaintiff's claims."

B. Requested Revision: Set forth whether the defendant, _____, was aware of the plaintiff's claims at the time of the alleged transfer.

C. Reason for Request: The defendant, _____, requires this information so that she can articulate an answer to plaintiff's pleading.

2. A. Portion of pleading to be revised: [State portion.]

B. Requested Revision: [State requested revision.]

C. Reason for Request: [State reason.]

Etc.

State any other appropriate correction requested in the adverse party's pleading with the reasons therefor.

(See P.B. § 10-35.)