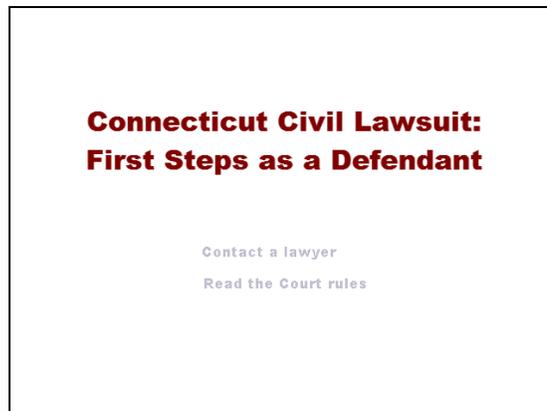


Slide 1

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



Slide 2

Connecticut Civil Lawsuit: First Steps as a Defendant.

In this overview, we will show the most common responses for a person who is being sued in a civil case. Getting in touch with a lawyer to help you in the case is a good idea. But, if you decide to act as your own lawyer, the following is information to think about as you begin this process.

Some Words to Know

Defendant = Person being sued

Plaintiff = Person who is suing

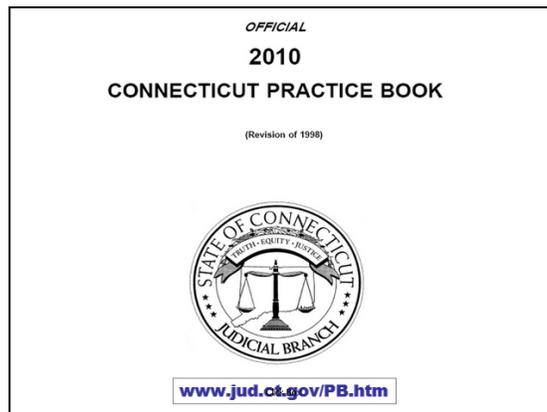
Party = Anyone who is involved in the lawsuit as either a Defendant or Plaintiff

Lawsuit = A person or business making a legal claim against another person or business (also called case, action or proceeding)

Slide 3

Some Words to Know

Throughout this overview, the word Defendant is the person who is being sued. The word Plaintiff is the person who is doing the suing. Party is a word for anyone who is involved in a lawsuit as either a Defendant or Plaintiff. A lawsuit is when a person or a business files a legal claim against another person or business. A lawsuit may also be called a case, action or proceeding.



Slide 4

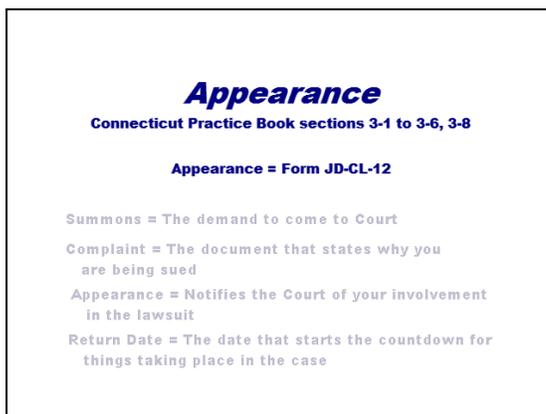
As a self-represented party, you must follow the Court's rules of procedure even if you don't know them. The Court rules are in the Connecticut Practice Book. There are copies in all Judicial Branch Law Libraries and on the Judicial Branch website.

It is also important to think about how you will respond. This overview will not suggest any specific plan. You need to think about your plan from the very beginning of this case. In all of the things that you might do, there is a special order and time limit in which you have to do them.



Slide 5

Not all responses are shown and you will want to look at the Connecticut Practice Book for more information. Other information about lawsuits can be found at the Judicial Branch Law Libraries, the Court Service Centers, and on the Judicial Branch website.



Slide 6

After being given a summons and complaint in a civil case, the Defendant can let the court know that he or she got the complaint by filing an official form called an Appearance with the Clerk of the Court where the case is. You can get the Appearance form (JD-CL-12) at any Superior Court Clerk's Office or Court Service Center, or on the Connecticut Judicial Branch website.

A summons is the demand that you come to Court. The Complaint is the document that tells you why you are being sued. An Appearance is the document that notifies the Court that you are involved in the lawsuit. The Return Date is the date that begins the countdown for things taking place in the case.



Slide 7

From the Judicial Branch home page, click on the quick link for Forms. Click on the link for General Forms. Click on the link for form JD-CL-12. Read the instructions and fill in all the required lines on the form.

The Appearance must be signed by the Defendant, if the Defendant does not have a lawyer and is representing himself or herself; in other words, if the Defendant is appearing as a *self-represented party*. An Appearance for a party must be filed on or before the second day after the return date except in certain circumstances.

The screenshot shows a web browser window displaying the Connecticut Appearance form (JD-CL-12). The form is titled "Please fill out the following form." and includes a "Highlight Fields" button. The form contains several sections: "Individual attorney" with fields for name, address, phone, and fax; "Plaintiff" and "Defendant" information; a section for "In the case named above for:" with checkboxes for "All Plaintiffs", "The following Plaintiff(s) only:", "The Defendant includes the defendant being sued (with a crime)", "All Defendants", "The following Defendant(s) only:", and "Other (Specify)"; a "Note" section with checkboxes for "This appearance is in place of the appearance of the attorney or firm or self-represented party on file (P.B. Sec. 3-3) OR" and "This appearance is in addition to an appearance already on file"; and a "Certification" section with checkboxes for "All counsel and self-represented parties of record as listed below and on any additional sheets." and "Counsel or the party whose appearance is to be replaced as listed below and on".

Slide 8

A Return Date is the date that starts the countdown for things taking place in the case, including the deadlines for filing certain papers.

All Court notices will be mailed to you after you have filed your Appearance. It is important to note that once a Defendant files an Appearance, the Defendant agrees to follow the rules of the Court.

Connecticut Practice Book sections 3-1 to 3-6, and 3-8 talk about the Appearance.

Responding to a Lawsuit

Responsive Pleading = A document that replies in some way to the complaint

Slide 9

Responding to a Lawsuit.

Once an Appearance is filed, the Defendant must decide whether or not to file a response to the Plaintiff's lawsuit. This is called a responsive pleading.

***Responsive Pleadings:
Motions, Requests and
Answer Options***

Connecticut Practice Book sections 10-6 to 10-7

Motion to Dismiss the Complaint

Request to Revise the Complaint

Motion to Strike the Complaint

Defendant's Answer

Slide 10

In most civil cases the Defendant has up to 30 days after the Return Date to file an answer. The papers allowed in response to a lawsuit must be filed in a particular order. The papers and the order are as follows: Motion to Dismiss the complaint; Request to Revise the complaint; Motion to Strike the complaint; Defendant's Answer.

The Court rules say that the filing of any paper on the list gives up (or waives) the right to file any other paper which comes before it on the list. The following is a description of each of these papers (or pleadings) and the order in which these papers must be filed.

Connecticut Practice Book sections 10-6 and 10-7 talk about the papers and their order.

***Motion to Dismiss the
Complaint***

Motion = Asking the Court to make a decision on something

Dismiss = To end the lawsuit

Slide 11

Motion to Dismiss the Complaint

A Motion asks the Court to make a decision on something. Dismiss means to end the lawsuit.

***Grounds for Motion to
Dismiss the Complaint***

Connecticut Practice Book section 10-31

*Lack of subject matter jurisdiction = Court does not
have legal power to decide the case*

*Lack of personal jurisdiction = Court does not
have power over you*

Improper venue = Case was filed in the wrong Court

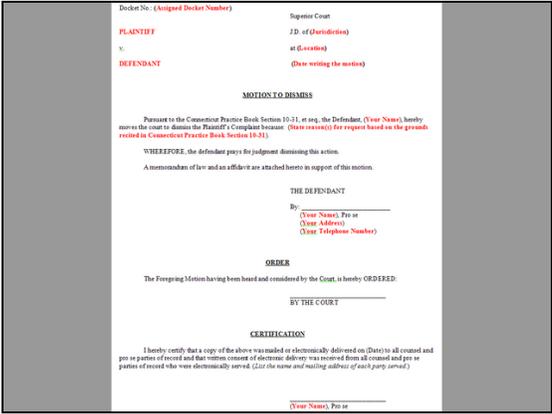
Insufficient process = Case was not correctly filed

*Insufficient service of process = You were not informed
of the case in the correct way*

Slide 12

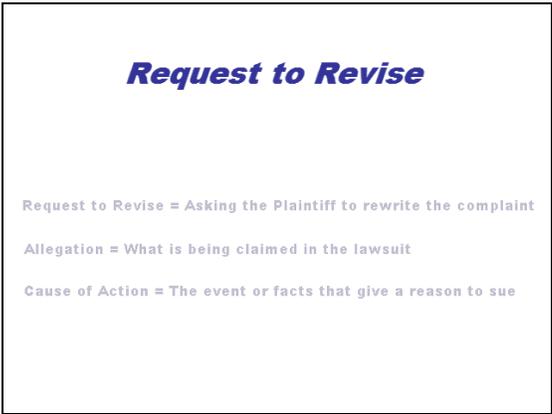
The bases for a Motion to Dismiss the Complaint include: the Court does not have the power to hear the type of case; the Court does not have power over the Defendant; the case was filed in the wrong Court; the papers were not filed correctly; or the papers were not delivered correctly by a marshal or other person.

Connecticut Practice Book sections 10-31 to 10-34 talk about the Motion to Dismiss. It is important to read the Connecticut Practice Book sections on the Motion to Dismiss because there is an exception to the standard Order of Pleadings found in Connecticut Practice Book section 10-6.



Slide 13

This motion must include a written paper (called a Memorandum of Law) telling the Court the legal reason or reasons why the case should be dismissed and any appropriate affidavits.



Slide 14

Request to Revise

Revise means asking for a rewrite of the Complaint. An Allegation is what is being claimed in the lawsuit. A Cause of Action is the event or facts that give a reason to sue.

**Reasons for a Request to
Revise include:**
Connecticut Practice Book sections 10-35, 10-36

Make the claims in the complaint more complete
Remove unnecessary claims
Split up reasons to sue, causes of actions, into separate cases
Make other needed changes to the complaint so defendant can respond to the claims

Slide 15

A Request to Revise is a request to the Plaintiff to make the claims, or allegations, in the lawsuit more complete, take out unnecessary claims or allegations, split up the case into separate cases, or causes of actions, or to make any other proper changes to the lawsuit so the Defendant can respond to the claims or allegations.

Docket No. (Assigned Docket Number) _____ Superior Court
PLAINTIFF J.D. of (jurisdiction)
vs. as (resident)
DEFENDANT (One Filing the Motion vs)

REQUEST TO REVISE

Pursuant to the Connecticut Practice Book Section 10-36, et seq, the Defendant in the above captioned case hereby requests the Plaintiff's Complaint filed (date of initial complaint) be revised as follows:

1. A. *Reason for the Plaintiff's Request to Revise (i.e., "Violation number")* The Defendant acted negligently and is responsible for the Plaintiff's injuries in that he:
B. *How or should have known that the ramp was not constructed in accordance with building codes and caused a hazard to those attempting to use it.*
C. *Requested Revisions:* The Defendant requests Plaintiff to specify what building code provision was allegedly not complied with.
D. *Reason for Request:* It is unknown if the Plaintiff is referring to the local or state building code. Both codes are voluminous and would be extremely burdensome on the Defendant to try to figure out which provisions of which code the Plaintiff claims were violated. It is up to the Plaintiff to plead facts sufficient to place the Defendant on notice as to the facts claimed, but Connecticut Practice Book Section 10-3. Further, absent specificity as to the facts of which building code sections were allegedly violated, it will be difficult for the Defendant to investigate and respond to this allegation.

THE DEFENDANT
By: _____
(Your Name), Pro se
(Your Address)
(Your Telephone Number)

CERTIFICATION

I hereby certify that a copy of the above was mailed or electronically delivered on (Date) to all counsel and pro se parties of record and that written consent of electronic delivery was received from all counsel and pro se parties of record who were electronically served. (List the name and mailing address of each party served.)

(Your Name), Pro se

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Connecticut Practice Book sections 10-35 and 10-36 talk about the Request to Revise.

Motion to Strike

Motion = Asking the Court to make a decision on something

Strike = To remove words from the complaint

Slide 17

Motion to Strike

A Motion asks the Court to make a decision on something. Strike means to remove words from the Complaint.

Purpose of a Motion to Strike

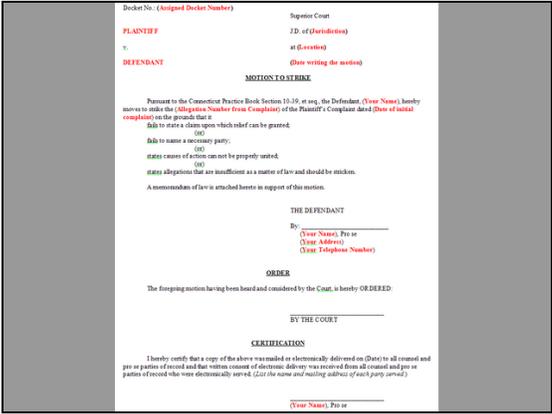
Connecticut Practice Book section 10-39

To question whether or not a Plaintiff's claim is legally allowed, especially if a claim does not give a reason to sue

Slide 18

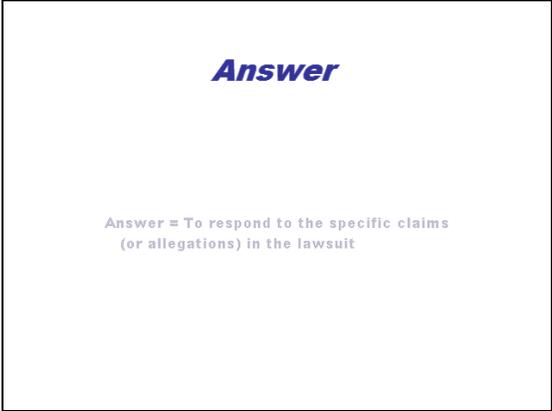
A Motion to Strike is used to question whether or not one or more of the Plaintiff's claims is legally allowed, especially if a claim does not give the Court a reason to do anything.

Connecticut Practice Book section 10-39 talks about this motion.



Slide 19

The filing of this motion must include a written paper telling the court the legal basis for the motion, called a Memorandum of Law.



Slide 20

Answer
An Answer responds to the specific claims or allegations in the lawsuit.

Answer - purpose and options:

Connecticut Practice Book sections 10-46 to 10-55

To respond to each of the Plaintiff's claims. Responses must be specific and direct.

Defendant responds using one of the following:

Admission

Denial

Not enough knowledge to either admit or deny

Slide 21

An Answer specifically answers each of the Plaintiff's claims. The answers must be specific and direct. The Defendant must answer each claim in the lawsuit with one of the following: admit the claims are true (admission), say the claims are not true (denial), or say that the Defendant does not have enough information to either admit that the claims are true or say that the claims are not true.

Connecticut Practice Book sections 10-46 to 10-55 talk about the Answer.

Doclet No.: (Assigned Doclet Number) Superior Court

PLAINTIFF ID: of (Jurisdiction)

N: at (Location)

DEFENDANT (Date writing the motion.)

ANSWER

- Paragraphs 1 through 3, inclusive, of the Plaintiff's Complaint, are hereby admitted.
- With respect to Paragraphs 4 and 5, the Defendant has insufficient knowledge or information upon which to form a belief and therefore leaves the Plaintiff to his proof.
- Paragraph 6 is denied.
- The Defendant admits that portion of Paragraph 7 which states "Defendant was traveling in an easterly direction on Main Street." The remainder of Paragraph 7 is denied.

THE DEFENDANT

By: _____
(Your Name), Pro se
(Care Address)
(Care Telephone Number)

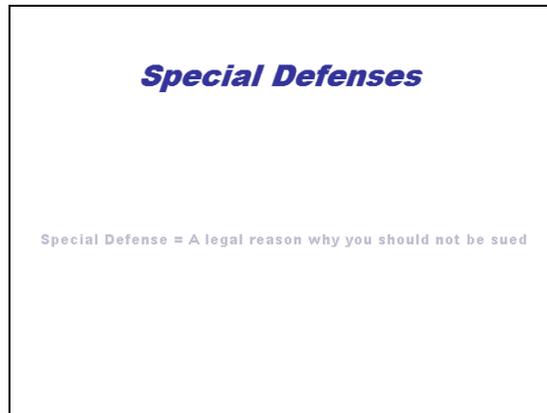
CERTIFICATION

I hereby certify that a copy of the above was mailed or electronically delivered on (Date) to all counsel and pro se parties of record and that written consent of electronic delivery was received from all counsel and pro se parties of record who were electronically served. (List the name and mailing address of each party served.)

(Your Name), Pro se

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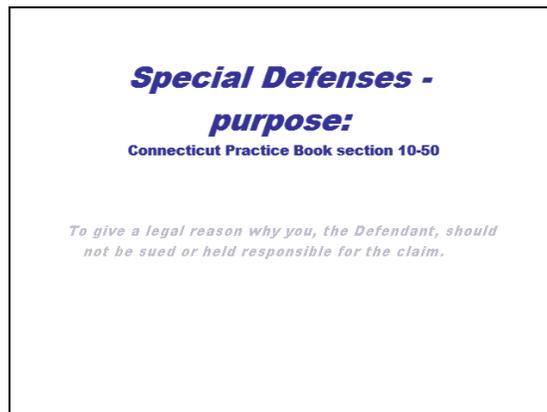
When you admit to a claim, the Court treats the claim as true and it cannot be denied or questioned later on at trial. Be sure that you know what you are admitting when you answer by saying the claim is true.



Slide 23

Special Defenses

A Special Defense is a legal reason why you should not be sued.



Slide 24

When writing your Answer you may want to include a Special Defense if there is a reason to do so. A Special Defense is a legal reason why you, the Defendant, should not be responsible for the claim or allegation. A list of the Special Defenses or reasons that can be made is in the Connecticut Practice Book section 10-50.

Docket No. (Assigned Docket Number) _____ Superior Court

PLAINTIFF J.D. of (Jurisdiction)

v. _____ at (Location)

DEFENDANT (One writing the motion)

ANSWER

1. Paragraphs 1 through 3, inclusive, of the Plaintiff's Complaint are hereby admitted.

2. With respect to Paragraphs 4 and 5, the Defendant has insufficient knowledge or information upon which to issue a Verdict and therefore leaves the Plaintiff to his proof.

3. Paragraph 6 is denied.

4. The Defendant admits the portion of Paragraph 7 which states "Defendant was traveling in an easterly direction on Main Street." The remainder of Paragraph 7 is denied.

DEFENDANT'S SPECIAL DEFENSES

1. Any injuries, losses or damages sustained by the Plaintiff were caused by his own negligence and/or carelessness.

2. He neglected to use reasonable care in backing up his vehicle.

3. He voluntarily consumed alcoholic beverages to the extent that his sense of vision and judgment was impaired.

THE DEFENDANT

By _____
 (Your Name), Pro se
 (Your Address)
 (Your Telephone Number)

CERTIFICATION

I hereby certify that a copy of the above was mailed or electronically delivered on (Date) to all counsel and pro se parties of record and that written consent of electronic delivery was received from all counsel and pro se parties of record who were electronically served. (List the name and mailing address of each party served.)

 (Your Name), Pro se

Slide 25

All Special Defenses must be included in the Answer. If a Special Defense is not included in the Answer, it cannot be brought up during the trial.

Counterclaim

Counterclaim = Suing the Plaintiff in the same case

Slide 26

Counterclaim
A Counterclaim is the Defendant suing the Plaintiff in the same case.

Counterclaim - purpose:

Connecticut Practice Book section 10-54

To allow a Defendant to bring a lawsuit against the Plaintiff, if there is a reason to do so. The Counterclaim must have something to do with the events in the Plaintiff's complaint. A Counterclaim is filed along with the Answer.

Slide 27

A Defendant can decide to bring a case against the Plaintiff if there is a reason to do so. This is called a Counterclaim. The Counterclaim must have something to do with the events that are in the Plaintiff's lawsuit. A Counterclaim must be filed with the Answer.

When the Defendant files a Counterclaim, it is as if the Defendant is now the Plaintiff and the Plaintiff is the Defendant for the claims made in the Counterclaim. The Counterclaim Defendant, in other words the Plaintiff who first started the case, may use any or all of the responses we have talked about before filing an Answer to the Counterclaim.

Connecticut Practice Book section 10-54 talks about the Counterclaim.

Memorandum of Law

Memorandum of Law = A document that gives a legal reason for what you are asking the Court to do

Slide 28

Memorandum of Law

A Memorandum of Law is a document that gives the legal reason or reasons for what you are asking the Court to do.

**Memorandum of Law -
content:**

Connecticut Practice Book section 11-10

A Memorandum of Law includes:

Facts of the case

Legal reason or argument for the motion

The supporting laws, legal rules or court cases

Slide 29

A Memorandum of Law is a written paper that must be filed with some motions. It explains to the Court the legal reason or reasons why the Court should do what you are asking the Court to do.

A Memorandum of Law must include the facts of the case, the legal reason or argument for the motion, and include the laws, legal rules or other Court cases that explain why the motion is correct.

Connecticut Practice Book section 11-10 talks about the Memorandum of Law.

Order of Pleadings

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Order of Pleadings

***Pleadings allowed and
their order:***

Connecticut Practice Book section 10-6

- 1. Plaintiff's Complaint*
- 2. Defendant's Motion to Dismiss the Complaint*
- 3. Defendant's Request to Revise the Complaint*
- 4. Defendant's Motion to Strike the Complaint*
- 5. Defendant's Answer, including Special Defenses*
- 6. Plaintiff's Request to Revise the Defendant's Answer*
- 7. Plaintiff's Motion to Strike the Defendant's Answer*
- 8. Plaintiff's Reply to any Special Defenses*

Slide 31

The Pleadings must be filed in a certain order. You should take some time to think about which papers you will be filing and plan out the timing of filing them. You need to think about what might happen if you do or do not file a paper. To review: Connecticut Practice Book section 10-6 lists the order in which a Defendant must file the motions or requests. You do not have to file all of these responses but you must file them in the right order. The order is a Motion to Dismiss, Request to Revise, Motion to Strike, and Answer. If a Defendant files one of the last motions first, he or she has given up (or waived) his or her right to file any of the ones that come before it in the list.

As mentioned before in this overview, it is important to read the Connecticut Practice Book rules for the Motion to Dismiss because there can be a situation where this Order of Pleadings rule does not apply.

***First example of order of
pleadings:***

Connecticut Practice Book section 10-6

- 1. Plaintiff's Complaint*
- 2. Defendant's Motion to Dismiss the Complaint (option given up)*
- 3. Defendant's Request to Revise the Complaint (option given up)*
- 4. Defendant's Motion to Strike the Complaint (chosen first response)***
- 5. Defendant's Answer, including Special Defenses*
- 6. Plaintiff's Request to Revise the Defendant's Answer*
- 7. Plaintiff's Motion to Strike the Defendant's Answer*
- 8. Plaintiff's Reply to any Special Defenses*

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An example of the general Order of Pleadings is – if a Defendant decides to file a Motion to Strike, the Defendant cannot later file a Request to Revise or a Motion to Dismiss except as found in Connecticut Practice Book sections 10-31 to 10-34.

***Second example of order
of pleadings:***

Connecticut Practice Book section 10-6

- 1. Plaintiff's Complaint*
- 2. Defendant's Motion to Dismiss the Complaint (option given up)*
- 3. Defendant's Request to Revise the Complaint (option given up)*
- 4. Defendant's Motion to Strike the Complaint (option given up)*
- 5. Defendant's Answer, including Special Defenses (chosen first response)***
- 6. Plaintiff's Request to Revise the Defendant's Answer*
- 7. Plaintiff's Motion to Strike the Defendant's Answer*
- 8. Plaintiff's Reply to any Special Defenses*

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In another example - if the Defendant decides to respond to the lawsuit with an Answer first, the Defendant cannot later file a Request to Revise, or a Motion to Strike, or a Motion to Dismiss except as found in Connecticut Practice Book sections 10-31 to 10-34. Therefore, it is very important for you to think about which responses you want to use and to file them in the correct order.

***Connecticut Practice
Book***

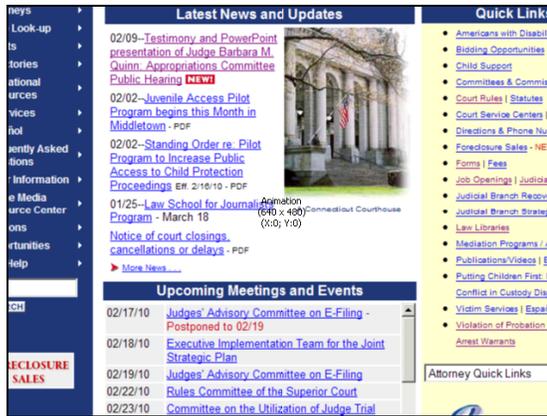
Court Rules = Tells how a case must move through the Court.
The rules must be followed. You may hurt your case by not following them.

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Connecticut Practice Book

Before starting to plan your answer to a civil complaint, you should read the Court rules in the Connecticut Practice Book. 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.

Connecticut Civil Lawsuit: First Steps as a Defendant



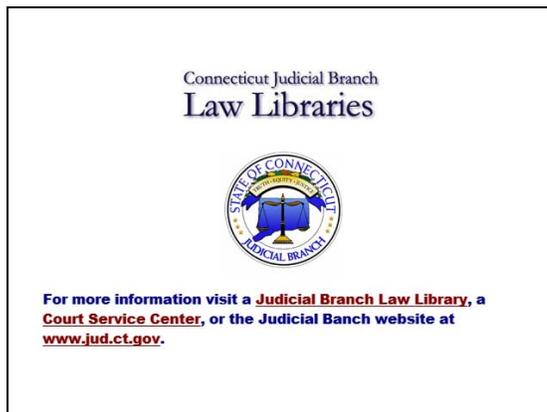
The screenshot shows the Connecticut Judicial Branch website. On the left is a navigation menu with categories like 'Keys', 'Look-up', 'ts', 'ories', 'ational', 'urces', 'vices', 'iol', 'ently Asked', 'ions', 'Information', 'e Media', 'urce Center', 'ons', 'rtunities', and 'help'. The main content area is divided into three sections: 'Latest News and Updates' with several news items including '02/09-Testimony and PowerPoint presentation of Judge Barbara M. Quinn', '02/02-Juvenile Access Pilot Program begins this Month in Middletown', and '02/02-Standing Order re. Pilot Program to Increase Public Access to Child Protection Proceedings'; 'Upcoming Meetings and Events' with a list of dates and topics such as 'Judges' Advisory Committee on E-Filing' and 'Executive Implementation Team for the Joint Strategic Plan'; and 'Quick Links' with a list of services like 'Americans with Disabilities', 'Bidding Opportunities', 'Child Support', and 'Court Rules | Statutes'. A 'RECLUSURE SALES' button is visible in the bottom left corner of the screenshot.

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From the Judicial Branch home page, click on the quick link for Court Rules.

Click on the link for the current year Connecticut Practice Book.

The Connecticut Practice Book is in PDF format with a linked table of contents on the left hand side.



The image shows the logo for Connecticut Judicial Branch Law Libraries. The logo features the text 'Connecticut Judicial Branch Law Libraries' at the top, followed by the official seal of the State of Connecticut. Below the seal, the text reads: 'For more information visit a **Judicial Branch Law Library**, a **Court Service Center**, or the **Judicial Branch website at www.jud.ct.gov**.'

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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.