

A GUIDE TO BASIC CONNECTICUT LAW

HASSETT | DONNELLY

INTRODUCTION

Hassett | Donnelly's *A Guide to Basic Connecticut Law* is designed to be a concise reference source for issues of Connecticut law arising in insurance defense cases and business litigation.

The summaries provided for each of the topics covered in this material are meant to provide a beginning point and should be utilized with other reference materials to ensure a complete and accurate analysis with respect to a particular case. The summaries are not meant to set forth a complete legal analysis of the topics addressed in the *Guide*. Given the varying complexity of cases and the ever-changing interpretation of the law, Hassett | Donnelly's *A Guide to Basic Connecticut Law* should not be interpreted as definitive legal advice.

In the event that you require additional information or assistance with respect to any issue, whether or not it is addressed in Hassett | Donnelly's *A Guide to Basic Connecticut Law*, please feel free to contact any of our attorneys.

HASSETT | DONNELLY

BOSTON | HARTFORD | MANCHESTER
NEW YORK | PORTLAND | PROVIDENCE | WORCESTER

www.hassettdonnelly.com

*This publication, *A Guide to Basic Connecticut Law*, is intended as a service to Hassett & Donnelly, P.C.'s clients, but may be considered advertising under the Connecticut Rules of Professional Conduct. Copies of court decisions may be obtained by calling Attorney David Hassett at (860) 247-0644.

A Guide to Basic Connecticut Law, 2nd Edition
2021
Hassett & Donnelly, P.C.

Connecticut Law

- A. CIVIL PROCEDURE 1**
 - 1. State Court System..... 1
 - 2. Commencement of an Action. 1
 - 3. Service of Process. 2
 - 4. Order of Pleadings, Waiver, and Timing. 2
 - 5. Motion to Dismiss..... 2
 - 6. Request to Revise..... 3
 - 7. Motion to Strike. 3
 - 8. Answer to Complaint and Special Defenses. 3
 - 9. Jury Trials. 4
 - 10. Prejudgment Remedies. 4
 - 11. Motion for Default for Failure to Appear or Plead/Judgment. 4
 - 12. Third-Party Practice 4
 - a. Joinder and Impleader. 4
 - b. Apportionment Complaints..... 4
 - 13. Counterclaims and Crossclaims..... 5
 - 14. Amendments to Pleadings..... 5
 - 15. Limitations of Actions. 5
 - a. Common Statutes of Limitation and Statutes of Repose. 5
 - b. Limitations Doctrines and Provisions..... 8
 - 16. Discovery..... 9
 - a. Depositions..... 9
 - b. Interrogatories 10
 - c. Requests for Production, Inspection and Examination 10
 - d. Physical and Mental Examination of Persons..... 11
 - e. Requests for Admissions..... 11
 - f. Failure to Make Discovery..... 11
 - g. Expert Discovery/Discoverability of Communications with Disclosed Experts 12
 - 17. Motion Practice..... 12
 - 18. Jury Selection..... 13

19. Interest on Judgments	13
20. Costs and Attorney’s Fees	13
21. Offer of Compromise.....	13
22. Appellate Practice.	14
a. Filing Appeals	14
b. Appeals Permitted	14
B. TORT ACTIONS: GENERAL PRINCIPLES	16
1. Comparative Negligence Statute.....	16
a. Comparative Negligence.....	16
b. Joint and Several Liability.....	16
c. Contribution.	17
d. Assumption of the Risk / Last Clear Chance	17
e. Indemnification.	17
2. Recreational Use Statute.	18
3. Liability of Employer for Tort of Employee.....	18
4. Imputed Negligence: Generally.	19
5. Imputed Negligence: Parent and Child	19
6. Interspousal Immunity.	19
7. Immunity of Child and Parent.....	20
8. Immunity between Siblings.	20
9. Exclusivity of Workers’ Compensation Remedy.	20
10. Workers’ Compensation Liens.	20
11. Attorney’s Liens.....	21
12. Charitable Immunity.	21
13. Good Samaritan Acts.	21
14. Damages recoverable for personal injury.	21
15. Pre-existing injuries.	21
16. Emotional Distress.....	22
17. Punitive Damages.	22
18. Loss of Consortium.....	23
19. Advance Payments.....	23
20. Medical Records.	23

- 21. Releases..... 24
- 22. Settlement of Claims by Minor Plaintiffs 24
- 23. Waiver of Liability and Indemnity Clauses 24
- 24. Subsequent Remedial Measures. 25
- C. PARTICULAR TORT ACTIONS..... 26**
 - 1. Liquor Liability..... 26
 - a. Dram Shop Act..... 26
 - b. Social Host Liability..... 26
 - 2. Domestic Animals—Dogs. 26
 - 3. Other Domestic Animals..... 27
 - 4. Wrongful Death. 27
 - 5. Wrongful Birth..... 27
 - 6. Negligent Misrepresentation..... 27
 - 7. Landlord’s Tort Liability—To Tenant or Occupant. 28
 - 8. Landlord’s Tort Liability—To Tenant’s Guest..... 29
 - 9. Premises Liability Claims..... 29
 - a. In General..... 29
 - b. Snow and Ice..... 30
 - c. Mode of Operation Rule..... 30
 - d. Negligent Security..... 31
 - e. Nondelegable Duty. 31
 - 10. Sovereign Immunity..... 31
 - 11. Governmental Immunity..... 32
 - 12. Highway Defect Statutes..... 32
 - 13. Trespass to Real Property. 33
 - 14. Nuisance..... 33
 - 15. Product Liability. 33
 - 16. Medical Malpractice. 34
 - 17. Legal Malpractice. 35
- D. MOTOR VEHICLE LAWS 36**
 - 1. Licenses and Permits..... 36
 - a. Operator’s License. 36

- b. Youth Instruction Permit..... 36
- 2. Financial Responsibility..... 36
- 3. Vicarious Liability and Automobiles..... 36
 - a. Family Car Doctrine..... 36
 - b. Agency of Non-Family Members 37
 - c. Renters of Vehicles and Graves Amendment 37
 - d. Damages Analysis in Cases involving Vicarious Liability..... 37
- 4. Negligent Entrustment. 37
- 5. Operator’s Negligence Imputed to Passenger..... 38
- 6. Operating under the Influence; Excessive Blood Alcohol..... 38
- 7. Accident Reports..... 38
- 8. Seat Belts and Child Restraints..... 38
- 9. Motorcycle Helmets..... 38
- 10. Rules of..... 39
 - a. Left Turn. 39
 - b. Speed. 39
 - c. Skidding 39
 - d. Emergency..... 39
 - e. Mutual Forbearance..... 39
- E. UNINSURED AND UNDERINSURED MOTORIST COVERAGE 40**
 - 1. Uninsured and Underinsured Motorist Coverage, Generally. 40
 - a. The Insured..... 40
 - b. The Uninsured Motorist. 41
 - c. The Underinsured Motorist. 41
 - 2. Prompt Notice to Insurer..... 41
 - 3. Cooperation with Insurer’s Investigation..... 42
 - 4. Arbitration..... 42
 - 5. Stacking..... 42
 - 6. Calculating Uninsured-Underinsured Motorist Benefits. 42
 - 7. Subrogation. 43
 - 8. Statute of Limitations..... 43
 - 9. Additional Exclusions and Limitations..... 43

- F. INSURANCE COVERAGE 44**
 - 1. Misrepresentation in Application..... 44
 - 2. Duty to Defend..... 44
 - 3. Failure to Defend. 45
 - 4. Duty to Indemnify..... 45
 - 5. Late Notice..... 45
 - 6. Insured’s Duty to Cooperate. 45
 - 7. Policy Language Interpretation..... 46
 - 8. Waiver..... 46
 - 9. Estoppel..... 47
 - 10. Insurance Company’s Options for Responding to Claims..... 47
 - 11. Declaratory Judgment Actions..... 47
 - 12. Liability of Insurer under Liability Policy..... 48
 - 13. Burdens of Proof in Coverage Disputes..... 48
 - 14. “Other Insurance” Provisions. 48
 - 15. Equitable Contribution..... 48
 - 16. The Right to Indemnity and Additional Insured Status. 49
- G. COLLATERAL SOURCE OFFSETS..... 50**
 - 1. History of Collateral Source Rule..... 50
 - 2. Definition of Collateral Sources 50
 - 3. Subrogation of Collateral Sources. 50
 - 4. Amendment in 2012..... 50
 - 5. Economic and Non-economic Damages..... 51
 - 6. A Note on Premiums..... 51
- H. PARTICULAR INSURANCE ISSUES..... 52**
 - 1. Punitive Damages. 52
 - 2. Bodily Injury and Emotional Distress..... 52
 - 3. Property Damage. 52
 - 4. Occurrence. 52

I. UNFAIR PRACTICES..... 53

- 1. Unfair Trade Practices, Generally..... 53
- 2. Unfair Insurance Practices Generally. 54

A. CIVIL PROCEDURE

1. State Court System. The Connecticut Court System is divided into three separate levels: the Superior Court, the Appellate Court, and the Supreme Court. The Superior Court is the court of general jurisdiction; General Statutes § 51-164s; and is divided into thirteen (13) judicial districts: Ansonia-Milford, Danbury, Fairfield, Hartford, Litchfield, Middlesex, New Britain, New Haven, New London, Stamford-Norwalk, Tolland, Waterbury and Windham. General Statutes § 51-344. The Superior Court hears all legal controversies except those over which the Probate Court has exclusive jurisdiction. General Statutes § 51-164s. Probate Court matters, however, may be appealed to the Superior Court. General Statutes § 45a-186 (b). The Superior Court is divided into four divisions: civil, criminal, family, and juvenile. Practice Book § 1-3.

The Appellate Court is the state's intermediate appellate court and reviews decisions made in the Superior Court to determine if errors of law have been made. There are nine Judges of the Appellate Court that generally sit in panels of three. General Statutes § 51-197c (a). The Supreme Court is the state's highest court. There are seven Justices of the Supreme Court that typically sit *en banc*, but also may sit in panels of five or six. General Statutes §§ 51-198 (a) and 51-207 (a). The Appellate Court also occasionally sits *en banc*. Practice Book § 70-7. Appeals are first brought to the Appellate Court, although certain appeals are brought directly to the Supreme Court, including appeals from decisions of the Superior Court finding a state statute unconstitutional or convictions for capital felonies. General Statutes §§ 51-197a (a) and 51-199 (b). The Supreme Court may transfer any appeal in the Appellate Court to itself or transfer any matter from itself to the Appellate Court, except for any matter brought under its original jurisdiction. General Statutes § 51-199 (c).

The Small Claims Court has jurisdiction to hear cases in which the damages cannot exceed five thousand dollars (\$5,000) including attorney's fees but exclusive of court fees and costs. General Statutes § 51-15 and Practice Book § 24-2. Judgments and decisions in Small Claims Court are final, meaning that they cannot be appealed. Practice Book § 24-28. However, the Court can, upon motion, open any judgment that was entered due to lack of notice or on default within four (4) months from when judgment entered. Practice Book § 24-31. A party can file a motion to transfer a case to the regular docket (Superior Court) prior to the answer date. The motion to transfer will be granted if it contains an affidavit stating that a good defense exists to the claim and setting forth with specificity the nature of the defense or stating that the case has been properly claimed for a trial by jury. Practice Book § 24-21. Whenever a plaintiff prevails in a Small Claims matter which was transferred to the regular docket in the Superior Court on the motion of the defendant, the Court may allow the plaintiff his costs, together with reasonable attorney's fees to be taxed by the Court. General Statutes § 52-251a.

2. Commencement of an Action. A civil action is considered commenced by service of process of the writ of summons or attachment describing the parties, the court to which it is returnable with the return date, and the date and place for filing an appearance. General Statutes § 52-45a. The writ shall be accompanied by the plaintiff's complaint. *Id.* Process in civil actions may be made returnable on any Tuesday in any month not

later than two (2) months after the date of process. General Statutes § 52-48. Process in civil actions returnable to the Superior Court shall be returned to the clerk of such court at least six (6) days before the return date. General Statutes § 52-46a. An appearance for a party in a civil case should be filed on or before the second day following the return day. Practice Book § 3-2.

3. Service of Process. Service of process is governed by General Statutes § 52-57. Thereunder, process shall be served by leaving a true and attested copy, including the declaration or complaint, with the defendant or at his usual place of abode in the state. General Statutes § 52-57 (a). In actions against a private corporation, service of process shall be made upon any one of enumerated officers or employees set forth under § 52-57 (c), including the president, vice president or secretary, or upon any director resident in the state, or the person in charge of the business of the corporation, or upon any person who is at the time of service in charge of the office of the corporation in the town in which its principal office or place of business is located. In actions against a private corporation established under the laws of any other state, any foreign country or the United States, service of process may be made upon any of the aforesaid officers or agents, or upon the agent of the corporation appointed pursuant to General Statutes § 33-922. *Id.* For certain causes of action involving a non-resident individual, or foreign partnership or voluntary association service of process may be made upon the Secretary of the State by leaving with or at the office of the Secretary of the State, at least twelve (12) days before the return day of such process, a true and attested copy thereof, and by sending to the defendant at the defendant's last-known address, by registered or certified mail, postage prepaid, return receipt requested, a like true and attested copy with an endorsement thereon of the service upon the Secretary of the State. General Statutes § 52-59b.

4. Order of Pleadings, Waiver, and Timing. Pleadings shall be filed in the following order: (1) plaintiff's complaint; (2) defendant's motion to dismiss the plaintiff's complaint; (3) defendant's request to revise the plaintiff's complaint; (4) defendant's motion to strike the plaintiff's complaint; (5) defendant's answer (including any special defenses) to the plaintiff's complaint; (6) plaintiff's request to revise the defendant's answer; (7) plaintiff's motion to strike the defendant's answer; and (8) plaintiff's reply to defendant's special defenses. Practice Book § 10-6. Generally, unless otherwise provided, the filing of any pleading out of order waives the right to file any pleading that precedes it. Practice Book § 10-7. Pleadings shall advance within thirty (30) days of the return date set forth in the plaintiff's complaint and within consecutive thirty (30) day periods thereafter. Practice Book § 10-8.

5. Motion to Dismiss. The first responsive pleading to the plaintiff's complaint may be a motion to dismiss used to assert (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) insufficiency of process, and (4) insufficiency of serviced of process. Practice Book § 10-30 (a). A motion to dismiss shall be filed within thirty (30) days of filing an appearance. Practice Book § 10-30 (b). A motion to dismiss shall be filed with a supporting memorandum of law and, where appropriate, with

- supporting affidavits as to facts not apparent on the record. Practice Book § 10-30 (c). Any claim that may be set forth in a motion to dismiss, except lack of jurisdiction over the subject matter, is waived if not filed in the order provided in Practice Book § 10-6 and within thirty (30) days of filing an appearance. Practice Book §§ 10-32 and 10-33. Whenever it is found that the court lacks jurisdiction over the subject matter, the judicial authority *shall* dismiss the action. Practice Book § 10-33.
6. Request to Revise. A subsequent responsive pleading may be used by either the plaintiff or the defendant to obtain (1) a more complete or particular statement of the allegations of an adverse party's pleadings, (2) the deletion of any immaterial or otherwise improper information, (3) the separation of two or more causes of action improperly combined into one count or two or more grounds of defense improperly combined into one defense into separate counts or defenses, respectively, or (4) any other appropriate correction. Practice Book § 10-35. Any such request shall set forth the portion of the pleading sought to be revised, the requested revision, and the reason for such request. Practice Book § 10-36. Any request shall be filed with the clerk of the court in which the action is pending and deemed to have been automatically granted unless an objection is filed by the opposing party within thirty (30) days. Practice Book § 10-37.
 7. Motion to Strike. A motion to strike shall be used whenever any party wishes to contest: (1) the legal sufficiency of the allegations of any complaint, counterclaim, or cross claim, or of any one or more counts thereof, (2) the legal sufficiency of any prayer for relief, (3) the legal sufficiency because of the absence of any necessary party, or, pursuant to Practice Book § 17-56 (b), failure to join or give notice to any interested party, (4) the joining of two or more causes of action that cannot be joined in one complaint, and (5) the legal sufficiency of any answer. Practice Book § 10-39 (a). An adverse party shall have thirty (30) days to file an opposition to the motion to strike. Practice Book § 10-40 (a). If the motion to strike is granted, the adverse party shall have fifteen (15) days to re-plead and remedy any legal insufficiencies, provided that if the granting of a motion to strike is as to an entire complaint, counterclaim or cross claim and the adverse party does not re-plead, the judicial authority may, upon motion, enter judgment against said adverse party. Practice Book § 10-44.
 8. Answer to Complaint and Special Defenses. The defendant shall specifically deny any allegations of the complaint as the defendant intends to controvert except that if the defendant intends to deny all allegations, the defendant may deny the allegations generally. Practice Book § 10-46. Facts consistent with the plaintiff's allegations that demonstrate that the plaintiff has no cause of action must be specially alleged as defenses. Practice Book § 10-50. Such special defenses include accord and satisfaction, arbitration and award, coverture, duress, fraud, illegality not apparent on the face of the pleadings, infancy, that the defendant was *non compos mentis*, payment (even though nonpayment may be alleged), release, the statute of limitations, and *res judicata*, while a simple denial may be made for statute of frauds, or title in a third person to what the plaintiff sues upon or alleges to be the plaintiff's own. Practice Book § 10-50.

9. Jury Trials. A party seeking a trial by jury must pay the statutory jury claim fee. General Statutes § 52-258. Claims seeking equitable relief are not eligible for a trial by jury. General Statutes § 52-215.

10. Prejudgment Remedies. Consideration of prejudgment remedies is controlled by General Statutes § 52-278a, et seq. A prejudgment remedy shall be granted upon a showing of probable cause that judgment in the amount requested will be rendered. General Statutes § 52-278d. Generally, a defendant shall have the right to appear and be heard before any prejudgment remedy is rendered. *Id.* Under certain circumstances, namely with proof of fraud or deceit by the defendant, a hearing is not required. *See* General Statutes § 52-278e.

11. Motion for Default for Failure to Appear or Plead/Judgment. A motion for default may be filed if a party fails to file an appearance within the second day following the return day or has failed to plead pursuant to Practice Book § 10-8. Practice Book §§ 17-20 and 17-32. The motion shall be acted upon by the clerk not less than seven (7) days from the filing of the motion. Practice Book §§ 17-20 and 17-32. If the party defaulted for failure to appear files the requisite appearance before judgment has been rendered, then the default shall be set aside. Practice Book § 17-20 (d). If the a party defaulted for failure to plead files the requisite pleading before judgment, the default shall be set aside unless a claim for a hearing in damages or a motion for judgment has been filed, then the default may only be set aside by the judicial authority. Practice Book § 17-32 (b). In order for judgment to be rendered upon a default for failure to appear, the plaintiff must comply with Practice Book § 9-1, regarding continuances for absent or nonresident defendants, and Practice Book § 17-21, regarding affidavits attesting that such defendant is not in military service within the meaning of the Servicemembers Civil Relief Act, 50 U.S.C. § 3901, et seq.

12. Third Party Practice.
 - a. Joinder and Impleader. Interested parties may join as party plaintiffs. General Statutes § 52-101. Likewise, interested parties may join as parties with interests adverse to the plaintiff or as necessary parties. General Statutes § 52-102. Complaints for impleading a third-party defendant are governed by General Statutes § 52-102a. A defendant in any civil action may file a motion to serve a writ, summons and complaint upon a person not a party to the action who is or may be liable to him for all or part of a plaintiff's claim against him. General Statutes § 52-102a (a). The plaintiff may, within twenty (20) days of the third-party defendant's appearance, assert any claims against such third-party defendant arising out of the transaction or occurrence that is the subject of the original complaint. General Statutes § 52-102a (c).

 - b. Apportionment Complaints. Complaints for apportionment of liability are governed exclusively by General Statutes § 52-102b. A defendant in any negligence action

may serve a writ, summons and complaint upon a person not a party to the action who is or may be liable for a proportionate share of the plaintiff's damages seeking an apportionment of liability. General Statutes § 52-102b (a). Any such writ, summons and complaint, shall be served within one hundred twenty (120) days of the return date specified in the plaintiff's original complaint and be served on all parties to the original action before the return date specified in the apportionment complaint. *Id.* The plaintiff in the original action may, within sixty (60) days of the return date set forth in the apportionment complaint, assert any claim against the apportionment defendant arising out of the transaction or occurrence that is the subject matter of the original complaint. General Statutes § 52-102b (d). The same rules would apply to a plaintiff seeking an apportionment of liability on a counterclaim. General Statutes § 52-102b (e).

13. Counterclaims and Crossclaims. Any defendant may file counterclaims against any plaintiff and cross claims against any codefendant provided that such claim or claims arise out of the transaction or one of the transactions that is the subject of the plaintiff's complaint. Practice Book § 10-10. Such counterclaims or cross claims may be used by any defendant for the purpose of establishing liability to such defendant for the plaintiff's claims thereto. *Id.*

14. Amendments to Pleadings. 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 (30) days after the return day. Practice Book § 10-59. A party may otherwise amend his or her pleadings (1) by order of the judicial authority, (2) by written consent of the adverse party, or (3) by filing request for leave to file such amendment, without objection from any adverse party within fifteen (15) days from the filing of the request. Practice Book § 10-60.

15. Limitations of Actions. Statutes of limitation bar rights of action unless commenced within a specified period of time after the cause of action accrues, which is considered from the time of injury or discovery of injury, while statutes of repose terminate any right of action after a specific time has elapsed regardless of injury. *Baxter v. Sturm Ruger & Co.*, 230 Conn. 335, 341 (1994).
 - a. Common Statutes of Limitation and Statutes of Repose.
 - i. Tort: In general, no action founded upon a tort shall be brought but within three (3) years from the act or omission complained of by the plaintiff. General Statutes § 52-577. Nevertheless, this limitations period is subject to more specific provisions, namely, the following provisions considering negligence actions. *See generally Rosato v. Mascardo*, 82 Conn. App. 396, 407 (2004).

- ii. Negligence: No action for negligence shall be brought but within two (2) years from the date that the injury is first sustained or discovered except that no action shall be brought but within three (3) years of the act or omission causing such injuries. General Statutes § 52-584. Section 52-584 “imposes two specific time requirements on plaintiffs. The first requirement, referred to as the discovery portion . . . requires a plaintiff to bring an action within two years from the date when the injury is first sustained *or discovered* or in the exercise of reasonable care should have been discovered. . . . The second provides that in no event shall a plaintiff bring an action more than three years from the date of the act or omission complained of.” *Rosato*, 82 Conn. App. at 401–402 (emphasis in original, internal quotation marks omitted). Under the continuous course of conduct doctrine, however, the statute is tolled if a breach of a duty continues after the initial or original wrongful conduct. *See generally Watts v. Chittenden*, 301 Conn. 575, 583–85 (2011). “The continuous course of conduct doctrine generally requires proof that defendant: (1) committed an initial wrong upon a plaintiff; (2) owed a continuing duty to the plaintiff that was related to the alleged original wrong; and (3) continually breached that duty.” *Bouchard v. State Emples. Retirement Commission*, 328 Conn. 345, 374 (2018); *see also Grey v. Stamford Health System, Inc.*, 282 Conn. 745 (2007) (continuous *treatment* doctrine not applicable unless plaintiff reasonably expected continuous treatment for a particular condition). The continuous course of conduct doctrine applies only to the statute of repose only and does not implicate the requirement to abide by the two (2) year statute of limitation. *Rosato*, 82 Conn. App. at 405–406.

- iii. Improvements to Real Property: No action to recover damages for any deficiency in the design, planning, contract administration, supervision, observation of construction, construction of, or land surveying in connection with, an improvement to real property shall be brought against any architect, professional engineer or land surveyor but within seven (7) years from the date after substantial completion of the project. General Statutes § 52-584a (a). Section 52-584a (a) operates as a statute of limitations as opposed to a statute of repose for actions described therein, and controls over other limitations periods such as the shorter period prescribed for negligence. *See Grigerik v. Sharpe*, 247 Conn. 293, 304–305 (1998). Any action for an injury or wrongful death occurring during the seventh year may be brought within one (1) year from the date of the injury provided no action shall be brought more than eight (8) years after substantial completion of the project. General Statutes § 52-584a (b).

- iv. Wrongful Death: A wrongful death action must be brought within two (2) years from the date of death except that no action shall be brought more than five (5) years from the date of the act or omission leading to such cause of action. General Statutes § 52-555.

- v. Decedent's Estate: In general, no action shall be brought against such decedent's estate but within two (2) years from the date of death or within the applicable statute of limitations controlling such claim, whichever occurs earlier. General Statutes § 45a-375 (c). If any person against whom a claim exists dies within thirty (30) days from the running of the statute of limitation controlling the claim, a period of thirty (30) days from the appointment of a fiduciary for the estate shall be allowed in which to present the claim. General Statutes § 45a-375 (a). Furthermore, any statute of limitation period shall be suspended during which time a claim is being presented to the estate, provided that a claim is timely filed under General Statutes § 45a-363. General Statutes § 45a-375 (b). If the claim arose after the death of the decedent, no action shall be brought against such decedent's estate but within two (2) years from the date the claim arose or within the applicable statute of limitations controlling such claim, whichever occurs earlier. General Statutes § 45a-375 (d).
- vi. Medical Malpractice: The statute of limitation for negligence causes of action considered under subsection (ii) above likewise controls actions for medical malpractice. *Rosato*, 82 Conn. App. at 401–402. Under the continuous course of treatment doctrine, however, the statute does not begin to run until the course of treatment giving rise to the injuries is terminated. *See generally Blanchette v. Barrett*, 229 Conn. 256, 274 (1994), *but see Grey*, 282 Conn. at 752.
- vii. Legal Malpractice: In general, the three (3) year statute of limitation founded upon a tort under General Statutes § 52-577 controls actions for legal malpractice. *Sanborn v. Greenwald*, 39 Conn. App. 289, 301-302 (1995). Under the continuous representation doctrine, the statute of limitations is tolled in a legal malpractice action during the course of an attorney's representation of his or her client. *Rosenfield v. Rogin, Nassau, Caplan, Lassman & Hirtle, LLC*, 69 Conn. App. 151, 165–166 (2002). "For the continuous representation doctrine to apply to a legal malpractice action and to operate to toll the statute of limitations, the client must show that (1) the attorney continued to represent him and (2) the representation related to the same transaction or subject matter as the allegedly negligent acts." *Id.* at 166.
- viii. Contract Actions: No action to recover on a contract shall be brought but within six (6) years from the date the action accrues. General Statutes § 52-576 (a). Any person legally incapable of bringing such action when it accrues shall otherwise have three (3) years to bring the action after becoming legally capable to do so. General Statutes § 52-576 (b). An action for a breach of a contract for sale shall not be brought but within four (4) years from the date the action accrues. General Statutes § 42a-2-725.

- ix. Connecticut Unfair Trade Practices Act (CUTPA): An action under CUTPA must be brought within three years from the occurrence of a violation thereunder. General Statutes § 42-110g (f).
- x. Claims against the State: Generally, the statute of limitations for claims against the state is controlled by the specific statutory provisions abrogating the state’s sovereign immunity, such as the highway defect statute, which dictates that no such action shall be brought against the state for a highway defect except within two (2) years. General Statutes § 13a-144. To the extent that authorization to sue the state is granted by the claims commissioner under General Statutes § 4-160, no such action shall be brought but within one (1) year from the date such authorization to sue is granted. General Statutes § 4-160 (d). Certain statutory provisions which abrogate the common law immunity also require that a notice of claim be filed within a certain time soon after the incident. For example, the highway defect statute requires that a notice of claim be filed within ninety (90) days of the occurrence. General Statutes § 13a-144.

b. Limitations Doctrines and Provisions.

- i. Mental Incompetency Tolling. There is a tolling of the statute of limitations in contract actions due to mental incompetency under General Statutes § 52-576 (b), but there is no tolling of the statute of limitations in negligence actions due to such mental incompetency because of the omission of such a provision in General Statutes § 52-584. *Kirwan v. State*, 168 Conn. 498, 501–502 (1975).
- ii. The Savings Statute. If any action that is timely filed but nevertheless failed to be tried on its merits due to, among other things, insufficient service or want of jurisdiction, then the plaintiff may commence a suit within one (1) year “after the determination of the original action or after the reversal of the judgment.” General Statutes § 52-592 (a). Any action commenced against an executor or administrator must be commenced within six (6) months after the determination of the original action. General Statutes § 52-592 (b). The time in which a case is on appeal shall be excluded from the determination of either the one (1) year or six (6) month time periods set forth under subsections (a) and (b), respectively. General Statutes § 52-592 (c).
- iii. Relation Back Doctrine. Under the relation back doctrine, an amendment to a complaint may relate back to defeat any statute of limitation defense under certain circumstances. *Sherman v. Ronco*, 294 Conn. 548, 555 (2010). Generally, “[a] party properly may 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. . . . If a new cause of action is alleged in an amended complaint, however, it will [speak] as of the date when it was