



General Assembly

January Session, 2005

**Raised Bill No. 6811**

LCO No. 3791

\*03791\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING OFFERS OF JUDGMENT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-192a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2005, and*  
3 *applicable to offers of judgment filed on or after said date*):

4 (a) After commencement of any civil action based [upon] on  
5 contract or seeking the recovery of money damages, whether or not  
6 other relief is sought, the plaintiff may, not later than thirty days  
7 before trial, file with the clerk of the court a written "offer of judgment"  
8 signed by the plaintiff or the plaintiff's attorney, directed to the  
9 defendant or the defendant's attorney, offering to settle the claim  
10 underlying the action and [to stipulate] stipulating to a [judgment]  
11 withdrawal of the action for a sum certain, provided (1) the "offer of  
12 judgment" states with specificity all damages, then known to the  
13 plaintiff or the plaintiff's attorney, upon which the action is based and  
14 includes all related and supporting documentation, and (2) the  
15 plaintiff files with the court a certification that the plaintiff or the  
16 plaintiff's attorney has provided all such documentation to the

17 defendant or the defendant's attorney. The plaintiff or the plaintiff's  
18 attorney shall give notice of the [offer of settlement] "offer of  
19 judgment" and provide such documentation to the defendant's  
20 attorney or, if the defendant is not represented by an attorney, to the  
21 defendant himself or herself. Within sixty days after being notified of  
22 the filing of the "offer of judgment" and prior to the rendering of a  
23 verdict by the jury or an award by the court, the defendant or the  
24 defendant's attorney may file with the clerk of the court a written  
25 "acceptance of offer of judgment" agreeing to [a] the stipulation for  
26 [judgment] withdrawal of the action as contained in plaintiff's "offer of  
27 judgment". Upon such filing, the plaintiff or the plaintiff's attorney  
28 shall file with the clerk a motion to withdraw the action and the clerk  
29 shall [enter judgment] immediately record a withdrawal of the action  
30 based on the stipulation of the parties. If at any time prior to the  
31 rendering of a verdict by the jury or an award by the court the plaintiff  
32 discloses, introduces or attempts to rely on damages in an amount that  
33 exceeds the sum named in the "offer of judgment", the "offer of  
34 judgment" shall automatically become invalid and the plaintiff shall  
35 not be entitled to an award of interest or attorney's fees in any amount  
36 pursuant to subsection (b) of this section. If the "offer of judgment" is  
37 not accepted within sixty days and prior to the rendering of a verdict  
38 by the jury or an award by the court, the "offer of judgment" shall be  
39 considered rejected and not subject to acceptance unless refiled. Any  
40 [such] "offer of judgment" and any "acceptance of offer of judgment"  
41 shall be included by the clerk in the record of the case.

42 (b) After trial the court shall examine the record to determine  
43 whether the plaintiff made an "offer of judgment" which the defendant  
44 failed to accept. If the court ascertains from the record that the plaintiff  
45 has recovered an amount equal to or greater than the sum certain  
46 [stated] named in the plaintiff's "offer of judgment", the court [shall]  
47 may add to the amount so recovered [twelve] six per cent annual  
48 interest on said amount. [, computed from the date such offer was filed  
49 in actions commenced before October 1, 1981. In those actions

50 commenced on or after October 1, 1981, the] The interest shall be  
51 computed from the date the complaint in the civil action was filed with  
52 the court if the "offer of judgment" was filed not later than eighteen  
53 months from the filing of such complaint. If such offer was filed later  
54 than eighteen months from the date of filing of the complaint, the  
55 interest shall be computed from the date the "offer of judgment" was  
56 filed. The court may award reasonable attorney's fees in an amount not  
57 to exceed three hundred fifty dollars, and shall render judgment  
58 accordingly. This section shall not be interpreted to abrogate the  
59 contractual rights of any party concerning the recovery of attorney's  
60 fees in accordance with the provisions of any written contract between  
61 the parties to the action.

62 Sec. 2. Section 52-193 of the general statutes is repealed and the  
63 following is substituted in lieu thereof (*Effective October 1, 2005, and*  
64 *applicable to notices filed on or after said date*):

65 In any action on contract, or seeking the recovery of money  
66 damages, whether or not other relief is sought, the defendant or the  
67 defendant's attorney may, not later than thirty days before trial, file  
68 with the clerk of the court a written notice signed by the defendant or  
69 the defendant's attorney, directed to the plaintiff or the plaintiff's  
70 attorney, offering to allow the plaintiff to [take judgment] settle the  
71 claim underlying the action for the sum named in such notice.

72 Sec. 3. Section 52-194 of the general statutes is repealed and the  
73 following is substituted in lieu thereof (*Effective October 1, 2005, and*  
74 *applicable to offers of judgment filed on or after said date*):

75 In any action, the plaintiff or the plaintiff's attorney may, within ten  
76 days after being notified by the defendant of the filing of an offer of  
77 judgment, file with the clerk of the court a written acceptance of the  
78 offer signed by [himself or his] the plaintiff or the plaintiff's attorney.  
79 Upon the filing of the written acceptance, the court shall [render  
80 judgment against the defendant as upon default for the sum so named

81 and for the costs accrued at the time of the defendant's giving the  
82 plaintiff notice of the offer] record a withdrawal of the action as  
83 against the defendant. No trial may be postponed because the period  
84 within which the plaintiff may accept the offer has not expired, except  
85 at the discretion of the court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005, and applicable to offers of judgment filed on or after said date</i>	52-192a
Sec. 2	<i>October 1, 2005, and applicable to notices filed on or after said date</i>	52-193
Sec. 3	<i>October 1, 2005, and applicable to offers of judgment filed on or after said date</i>	52-194

**Statement of Purpose:**

To revise certain statutory provisions concerning offers of judgment in civil actions whereby a plaintiff or defendant offers to settle a civil action for a specified sum.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*