



General Assembly

January Session, 2009

Raised Bill No. 1143

LCO No. 5023

05023_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

***AN ACT CONCERNING THE INTERLOCUTORY APPEAL OF A
DECISION REGARDING CLASS CERTIFICATION IN A CIVIL ACTION.***

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

1 Section 1. Section 52-105 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 When the persons who might be made parties are very numerous,
4 so that it would be impracticable or unreasonably expensive to make
5 them all parties, one or more may sue or be sued or may be authorized
6 by the court to defend for the benefit of all. Any person aggrieved by a
7 decision under this section may appeal therefrom pursuant to section
8 52-263, as amended by this act.

9 Sec. 2. Section 52-263 of the general statutes is repealed and the
10 following is substituted in lieu thereof (*Effective October 1, 2009*):

11 (a) Upon the trial of all matters of fact in any cause or action in the
12 Superior Court, whether to the court or jury, or before any judge
13 thereof when the jurisdiction of any action or proceeding is vested in
14 [him] the judge, if either party is aggrieved by the decision of the court

15 or judge upon any question or questions of law arising in the trial,
16 including a decision under section 52-105, as amended by this act, or
17 the denial of a motion to set aside a verdict, [he] the party may appeal
18 to the court having jurisdiction from a decision under section 52-105,
19 as amended by this act, in accordance with subsection (b) of this
20 section, or from the final judgment of the court or of such judge [,] or
21 from the decision of the court granting a motion to set aside a verdict,
22 except in small claims cases, which shall not be appealable, and
23 appeals as provided in sections 8-8 and 8-9.

24 (b) A court having jurisdiction to hear an appeal under subsection
25 (a) of this section shall hear an appeal from a decision under section
26 52-105, as amended by this act, if a motion for appeal is filed with such
27 court not more than ten days after a decision is rendered under section
28 52-105, as amended by this act. An appeal under this subsection shall
29 not stay proceedings in the superior court unless the court hearing the
30 appeal so orders.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	52-105
Sec. 2	<i>October 1, 2009</i>	52-263

Statement of Purpose:

To address a Supreme Court decision concerning the ability to appeal from a denial of class certification prior to a final decision on the merits by adopting a rule similar to rule 23(f) of the Federal Rules of Civil Procedure which permits a court of appeals to grant such appeals in its discretion.

[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.]