



General Assembly

February Session, 2010

**Raised Bill No. 483**

LCO No. 2508

\*02508\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING THE POSTING OF A BOND BY THE STATE IN  
PREJUDGMENT REMEDY APPLICATIONS AND APPEALS.**

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

1 Section 1. Subsection (d) of section 52-278d of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2010*):

4 (d) At any hearing on an application for a prejudgment remedy held  
5 pursuant to this section or upon motion of the defendant at any time  
6 after the granting of such application, the defendant may request that  
7 the plaintiff post a bond, with surety, in an amount determined by the  
8 court to be sufficient to reasonably protect the defendant's interest in  
9 the property that is subject to the prejudgment remedy against  
10 damages that may be caused by the prejudgment remedy. If the court  
11 grants the defendant's request, the bond shall provide that if judgment  
12 in the matter is rendered for the defendant or if the prejudgment  
13 remedy is dismissed or dissolved, the plaintiff will pay to the  
14 defendant damages directly caused by the prejudgment remedy. The  
15 posting of a bond by the plaintiff shall not be required under this  
16 subsection if the plaintiff is the state or any public officer thereof with

17 respect to any matter of a public nature.

18 Sec. 2. Subsection (d) of section 52-278e of the general statutes is  
19 repealed and the following is substituted in lieu thereof (*Effective July*  
20 *1, 2010*):

21 (d) A defendant may move to dissolve or modify a prejudgment  
22 remedy allowed pursuant to this section by any proper motion or by  
23 return to the Superior Court of a signed claim form that indicates, by  
24 the checking of a box on the claim form, whether the claim is an  
25 assertion of a defense, counterclaim, set-off or exemption, an assertion  
26 that any judgment that may be rendered is adequately secured by  
27 insurance, an assertion that the amount of the prejudgment remedy is  
28 unreasonably high, a request that the plaintiff be required to post a  
29 bond to secure the defendant against any damages that may result  
30 from the prejudgment remedy, or a request that the defendant be  
31 allowed to substitute a bond for the prejudgment remedy. The posting  
32 of a bond by the plaintiff shall not be required under this subsection if  
33 the plaintiff is the state or any public officer thereof with respect to any  
34 matter of a public nature.

35 Sec. 3. Subsection (c) of section 52-278l of the general statutes is  
36 repealed and the following is substituted in lieu thereof (*Effective July*  
37 *1, 2010*):

38 (c) No such order shall be stayed by the taking of an appeal except  
39 upon the order of the judge who made such order, and any such stay  
40 shall be granted only if the party taking the appeal posts a bond, with  
41 surety, in a sum determined by such judge to be sufficient to  
42 indemnify the adverse party for any damages which may accrue as a  
43 result of such stay. The posting of a bond by the party taking the  
44 appeal shall not be required under this subsection if the party taking  
45 the appeal is the state or any public officer thereof with respect to any  
46 matter of a public nature.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2010</i>	52-278d(d)
Sec. 2	<i>July 1, 2010</i>	52-278e(d)
Sec. 3	<i>July 1, 2010</i>	52-278l(c)

**Statement of Purpose:**

To provide that the state or any public officer shall not be required to post a bond when applying for a prejudgment remedy or appealing from a court order concerning a prejudgment remedy.

*[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.]*