

**2012 Edition**

# Discovery (Financial) in Family Matters

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A Guide to Resources in the Law Library

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- **Discovery in Family Matters:** The provisions of Sections 13-1 through 13-10 inclusive, 13-13 through 13-16 inclusive, and 13-17 through 13-32 of the rules of practice inclusive, shall apply to family matters as defined in Section 25-1. CONN. PRACTICE BOOK [§ 25-31](#) (2012)
- **Definitions:** For purposes of this chapter, (1) “statement” means (A) a written statement in the handwriting of the person making it, or signed, or initialed, or otherwise in writing adopted or approved by the person making it; or (B) a stenographic, mechanical, electrical or other recording or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and which is contemporaneously recorded; (2) “party” means (A) a person named as a party in the action, or (B) an agent, employee, officer, or director of a public or private corporation, partnership, association, or governmental agency, named as a party in the action; (3) “representative” includes agent, attorney, consultant, indemnitor, insurer, and surety; (4) “electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities; (5) “electronically stored information” means information that is stored in an electronic medium and is retrievable in perceivable form. CONN. PRACTICE BOOK [§ 13-1](#) (2012)
- **Scope of Discovery:** “In any civil action, in any probate appeal, or in any administrative appeal where the judicial authority finds it reasonably probable that evidence outside the record will be required, a party may obtain in accordance with the provisions of this chapter discovery of information or disclosure, production and inspection of papers, books, documents and electronically stored information material to the subject matter involved in the pending action, which are not privileged, whether the discovery or disclosure relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, and which are within the knowledge, possession or power of the party or person to whom the discovery is addressed.” CONN. PRACTICE BOOK [§ 13-2](#) (2012)
- **When Permitted:** “Discovery shall be permitted if the disclosure sought would be of assistance in the prosecution or defense of the action and if it can be provided by the disclosing party or person with substantially greater facility than it could otherwise be obtained by the party seeking disclosure. It shall not be ground for objection that the information sought will be inadmissible at trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence. Written opinions of health care providers concerning evidence of medical negligence, as provided by General Statutes § 52-190a, shall not be subject to discovery except as provided in that section.” CONN. PRACTICE BOOK [§ 13-2](#) (2012).
- **Appeals:** An order issued upon a motion for discovery is ordinarily not appealable because it does not constitute a final judgment, at least in civil actions.” (Internal quotation marks omitted.) *Ingels v. Saldana*, 103 Conn. App. 724, 731, 930 A.2d 774 (2007); see *Chrysler Credit Corp. v. Fairfield Chrysler-Plymouth, Inc.*, 180 Conn. 223, 226, 429 A.2d 478 (1980). As an interlocutory order, this discovery order would be immediately appealable only if it met the two part test articulated in *State v. Curcio*, 191 Conn. 27, 31, 463 A.2d 566 (1983). See *Cruz v. Gonzalez*, 40 Conn. App. 33, 35, 668 A.2d 739 (1995). [Nowacki v. Nowacki](#), 20 A. 3d 702, 129 Conn. App. 157 (2011).

## Table of Contents

<b>SECTION 1: MANDATORY DISCLOSURE AND DISCOVERY IN GENERAL.....</b>	<b>3</b>
TABLE 1: MANDATORY DISCLOSURE AND PRODUCTION .....	8
TABLE 2: PROTECTIVE AND RELATED ORDERS – DISCOVERY IN FAMILY MATTERS .....	9
<b>SECTION 2: POSTJUDGMENT DISCOVERY — MOTION TO OPEN BASED ON FRAUD .....</b>	<b>10</b>

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- [Alimony in Connecticut](#)
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- [Dissolution of Marriages in Connecticut](#)
- [Post-Judgment Proceedings in Connecticut Family Matters](#)

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# Section 1: Mandatory Disclosure and Discovery in General

*A Guide to Resources in the Law Library*

**SCOPE:** Bibliographic resources relating to the purpose and scope of discovery in general.

**DEFINITIONS:**

- **Discovery:** A formal request by one party in a lawsuit to disclose information or facts known by other parties or witnesses. [Common Legal Words](#), compiled by the Connecticut Judicial Branch.
- **Family Matters — Mandatory Disclosure and Production:** “Unless otherwise ordered by the judicial authority for good cause shown, upon request by a party involved in an action for dissolution of marriage or civil union, legal separation, annulment or support, or a postjudgment motion for modification of alimony or support, opposing parties shall exchange the following documents within thirty days of such request . . .” PRACTICE BOOK [§ 25-32\(a\)](#) (2012).
- **Family Support Magistrate Matters — Standard Disclosure and Production:** “Upon request by a party or as ordered by the judicial authority, opposing parties shall exchange the following documents within thirty days of such request or such order . . .” PRACTICE BOOK [§ 25a-19\(a\)](#) (2012).
- **Purpose of discovery in general:** “The various instruments of discovery now serve (1) as a device . . . to narrow and clarify the basic issues between the parties, and (2) as a device for ascertaining the facts, or information as to the existence or whereabouts of facts, relative to those issues. Thus civil trials . . . no longer need be carried on in the dark. The way is now clear, consistent with recognized privileges, for the parties to obtain the fullest possible knowledge of the issues and facts before trial.” [Hickman v. Taylor](#), 329 U.S. 495, 501 (1947).
- **Interrogatories:** “are written questions propounded by one party and served on adversary, who must serve written answers thereto under oath.” [Neske v. Burns](#), 8 NJ Misc. 1601, 49 A. 761 (1930).
- **Deposition:** “is the written testimony of a witness given in the course of a judicial proceeding and may be used at trial to test the credibility of the deponent as he testifies...It may also be used in order to refresh the recollection of a witness...A deposition is testimony which remains in the custody of the clerk of the court and is not an exhibit unless offered into evidence.” [Rybinski v. Supermarkets General Corp](#), 2 Conn.App. 494, 495-496, 479 A.2d 1242, 1243 (1984). (Citations omitted; internal quotation marks omitted.)

**COURT RULES:**

- CONN. PRACTICE BOOK. (2012).
  - [Chapter 13](#). Discovery and Depositions
    - § 13-1. Definitions
    - § 13-2. Scope of discovery; In general
  - [Chapter 25](#). Procedure in Family Matters
    - § 25-31. Discovery and Depositions
    - § 25-32. Mandatory disclosure and production
      - § 25-32A. Discovery Noncompliance
      - § 25-32B. Discovery – Special Master
    - § 25-56. Production of Documents at Hearing or Trial
  - [Chapter 25a](#). Family Support Magistrate Matters
    - § 25a-1. Family Support Magistrate Matter; Procedure

- § 25a-19. Standard Disclosure and Production
- § 25a-22. Interrogatories; In General
- § 25a-23. Answers to Interrogatories
- § 25a-24. Requests for Production, Inspection and Examination; In General
- § 25a-25. Order for Compliance; Failure to Answer or Comply with Order
- § 25a-26. Continuing Duty to Disclose
- § 25a-27. Depositions; In General
- § 25a-28. Depositions; In General — Place of Deposition

**COURT CASES:**

- [Weinstein v. Weinstein](#), 275 Conn 671, 882 A.2d 53 (2005). “‘Finally, the principle of full and frank disclosure . . . is essential to our strong policy that the private settlement of the financial affairs of estranged marital partners is a goal that courts should support rather than undermine. . . . That goal requires, in turn, that reasonable settlements have been knowingly agreed upon. . . . Our support of that goal will be effective only if we instill confidence in marital litigants that we require, as a concomitant of the settlement process, such full and frank disclosure from both sides, for then they will be more willing to [forgo] their combat and to settle their dispute privately, secure in the knowledge that they have all the essential information. . . . This principle will, in turn, decrease the need for extensive discovery, and will thereby help to preserve a greater measure of the often sorely tried marital assets for the support of all of the family members.’ (Citations omitted; internal quotation marks omitted.) *Billington v. Billington*, 220 Conn. 212, 219-22, 595 A.2d 1377 (1991).”

- [Weinstein v. Weinstein](#), 275 Conn 671, 882 A.2d 53 (2005). “Thus, as our case law for the last fifteen years makes clear, the duty to disclose continued until the judgment of dissolution was final.

In the present case, however, because the defendant filed a motion for reconsideration, the judgment ultimately did not become final until the dissolution court acted on his motion.”

- [Ramin v. Ramin](#), 281 Conn. 324, 915 A.2d. 790 (2007). “First, it would be grossly unfair to the plaintiff to require her to establish precisely how she was harmed in proving her case by not having access to the extensive list of already ordered discovery materials to which she never gained access solely as a result of the court's refusal to consider her motion. . . . Second, placing the burden in this respect on the defendant who failed to comply fully with the court's orders is consistent with our decision in *Billington v. Billington*, supra, 220 Conn. 221, in which we articulated the requirement of full and frank mutual disclosure in marital cases.”
- [Zoll v. Zoll](#), 112 Conn.App. 290, 962 A. 2d 871 (2009). Our Supreme Court has ‘long recognized that the granting or denial of a discovery request rests in the sound discretion of the [trial] court, and is subject to reversal only if such an order constitutes an abuse of that discretion. . . . [I]t is only in rare instances that the trial court's decision will be disturbed.’ (Internal quotation marks omitted.) *Blumenthal v. Kimber Manufacturing, Inc.*, 265 Conn. 1, 7, 826 A.2d 1088 (2003).

**FORMS:**

- [LIBRARY OF CONNECTICUT FAMILY LAW FORMS](#), Thomas D. Colin, Editor. (2008).  
Form #
  - 003-001 Notice of Deposition
  - 003-002 Subpoena Duces Tecum for a Deposition
  - 003-003 Subpoena Duces Tecum for a Hearing/Trial
  - 003-004 Subpoena Ad Testificandum
  - 003-005 Request for Interrogatories
  - 003-006 Request for the Production and Inspection of Records
  - 003-007 Request for Mandatory Disclosure and Production
  - 003-008 Response to Request for Production of Documents
  - 003-009 Coversheet Re: Response to Request for Production of Documents
  - 003-010 Supplemental Response to Request for Production of Documents
  - 003-011 Request to Produce at Hearing
  - 003-012 Motion to Compel Response to Interrogatories and Requests for the Production of Documents
  - 003-013 Motion for Appointment of Commission to Take the Deposition of a Nonresident
  - 003-014 Motion for Issuance of a Capias
  - 003-015 Motion to Quash Subpoena and for Protective Order
  - 003-016 Motion for Protective Order Re: Deposition
  - 003-017 Motion to Preclude Expert Witness
  - 003-018 Request to Admit
  - 003-019 Coversheet Re: Request to Admit
  - 003-020 Request for Extension of Time
  - 003-021 Confidentiality Agreement
  - 003-022 Letter to Client Re: Returning Client's Documents
  - 003-023 Letter to Client Re: Deposition Transcript and Errata Sheet
  - 003-024 Letter to Witness Re: Postponed Deposition
  - 003-025 Motion to Appoint Discovery Special Master
  - 003-026 Motion for Order of Compliance
  
- 7 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).
  - Chapter 21. Disclosures and Discovery
    - § 21.3. Interrogatories
    - § 21.4 —Form
    - § 21.5 Requests for Production, Inspection and Examination
    - § 21.6. Request for Production—Form
    - § 21.12. Notice of Deposition—Form
    - § 21.13. Client notification letter and instruction sheet regarding deposition—Form
    - § 21.14. Request for Production at Deposition
    - § 21.15. Motion to Quash Request for Production at Deposition—Form
    - § 21.16. Motion for Videotape Deposition—Form
    - § 21.17. Motion to Take Out of State Deposition—Form
    - § 21.23. Motion for Protective Order—Form
    - § 21-25. Notice of Supplemental Compliance—Form
  
- 2 ARNOLD H. RUTKIN, GEN. EDITOR, [FAMILY LAW AND PRACTICE](#) (2009).
  - Chapter 13. Financial discovery
    - § 13.10. Sample discovery forms
      - [1] FORM: Sample Discovery Letter
      - [2] FORM: Sample Notice to Produce
      - [3] FORM: Sample Motion for Discovery

- 1 [FAMILY LAW PRACTICE IN CONNECTICUT](#) (1996)
  - Chapter 4. Motion Practice in Matrimonial Action
    - § 4.30. Interrogatories and Requests for Production
    - § 4.31. Motion for Compliance
    - § 4.32. Sanctions
    - § 4.33. Protective Orders
    - § 4.34. Notice of Deposition
    - § 4.35. Motion to Quash
    - § 4.36. Deposition by Videotape
    - § 4.37. Commission to Take Out-of-State Deposition
- LIBRARY OF CONNECTICUT CIVIL DISCOVERY FORMS (2011).

**CHECKLISTS:**

- 2 ARNOLD H. RUTKIN, GEN. EDITOR, [FAMILY LAW AND PRACTICE](#) (2009).
  - Chapter 13. Financial discovery
    - § 13.02[2]. Requests for Production Checklist
- [FAMILY LAW CHECKLISTS](#), by Richard E. Crouch (2003).
  - Chapter 5. Discovery

**TEXTS & TREATISES:**

- 7 ARNOLD H. RUTKIN ET AL., [CONNECTICUT PRACTICE SERIES, FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).
  - Chapter 21. Disclosures and discovery
    - § 21:1. In general
    - § 21:2. **Mandatory disclosure and production**
    - § 21:3. Interrogatories
    - § 21:5. Requests for production, inspection and examination
    - § 21:7. Disclosure relating to experts
    - § 21:8. Time limits on disclosure of experts
    - § 21:9. Judicially appointed experts
    - § 21:10. Depositions, generally
    - § 21:11. Depositions of experts
    - § 21:13. Client notification letter and instruction sheet regarding deposition--Form
    - § 21:18. Physical and mental examinations
    - § 21:19. Discovery of statements, photographs, video and audio recordings and other recordings
    - § 21:20. Admissions of fact and execution of writings
    - § 21:21. Sanctions relating to discovery
    - § 21:22. Protective orders
    - § 21:24. Continuing duty to disclose
    - § 21:26. Stipulations regarding discovery procedure
- [CIVIL DISCOVERY PRACTICE IN CONNECTICUT](#) (1995)
  - Chapter 1. The Practical Applications of Connecticut Discovery Rules
  - Chapter 2. Limitations on Discovery
- 1 [FAMILY LAW PRACTICE IN CONNECTICUT](#) (1996)
  - Chapter 4. Motion Practice in Matrimonial Action
    - § 4.29. Discovery Techniques
    - § 4.30. Interrogatories and Requests for Production
    - § 4.31. Motion for Compliance
    - § 4.32. Sanctions
    - § 4.33. Protective Orders
    - § 4.34. Notice of Deposition
    - § 4.35. Motion to Quash
    - § 4.36. Deposition by Videotape
    - § 4.37. Commission to Take Out-of-State Deposition
- 2 ARNOLD H. RUTKIN, GEN. EDITOR, [FAMILY LAW AND PRACTICE](#) (2009).

Chapter 13. Financial Discovery

- § 13.01. Introduction to financial discovery
- § 13.02. Obtaining basic information
- § 13.03. Barriers to obtaining information
- § 13.04. Analysis of data
- § 13.05. Discovery of business interests
- § 13.06. Financial statements
- § 13.07. Federal tax returns
- § 13.08. Stockbroker statements
- § 13.09. Bank records
- § 13.10. Sample discovery forms

- [A PRACTICAL GUIDE TO DISCOVERY AND DEPOSITIONS IN CONNECTICUT](#), by Susan Kim, et al. (2011).
- [STEPHENSON'S CONNECTICUT CIVIL PROCEDURE](#), 3D, by Renee Bevacqua Bollier, et al. (2002).
  - Chapter 20: Family Law Procedures
  - § 254 — Discovery

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**Table 1: Mandatory Disclosure and Production**

<b>Mandatory Disclosure and Production</b> CONN. PRACTICE BOOK <a href="#">§ 25-32</a> (2012) [Emphasis added.]	
(a)	Unless otherwise ordered by the judicial authority for good cause shown, upon request by a party involved in an action for dissolution of marriage or civil union, legal separation, annulment or support, or a postjudgment motion for modification of alimony or support, opposing parties shall exchange the following documents <b>within thirty days</b> of such request:
(1)	all <b>federal and state income tax returns</b> filed within the last three years, including personal returns and returns filed on behalf of any partnership or closely-held corporation of which a party is a partner or shareholder;
(2)	<b>IRS forms W-2, 1099 and K-1</b> within the last three years including those for the past year if the income tax returns for that year have not been prepared;
(3)	copies of all <b>pay stubs</b> or other evidence of income for the current year and the last pay stub from the past year;
(4)	<b>statements for all accounts</b> maintained with any financial institution, including banks, brokers and financial managers, for the past 24 months;
(5)	the most recent statement showing any interest in any <b>Keogh, IRA, profit sharing plan, deferred compensation plan, pension plan, or retirement account</b> ;
(6)	the most recent statement regarding any <b>insurance</b> on the life of any party;
(7)	a summary furnished by the employer of the party's <b>medical insurance policy</b> , coverage, cost of coverage, spousal benefits, and COBRA costs following dissolution;
(8)	any written <b>appraisal</b> concerning any asset owned by either party
(b)	<b>Such duty to disclose shall continue during the pendency of the action should a party appear. This section shall not preclude discovery under any other provisions of these rules.</b>

See Also: CONN. PRACTICE BOOK [§ 25a-19](#) (2012). Standard Disclosure and Production (Family Support Magistrate Matters)

**Table 2: Protective and Related Orders – Discovery in Family Matters**

<p><b>Protective and Related Orders – Discovery in Family Matters</b></p> <p>“Connecticut’s rules of practice provide that depositions, after transcription, are to be sealed and not to be delivered to court until the time of trial. Practice Book § 13-30(e). A deposition is not an ‘open’ proceeding. <i>Lupone v. Lupone</i>, Superior Court, judicial district of New Haven, Docket No. 446200 (July 3, 2001) (Pittman, J.) citing <i>Seattle Times Co. v. Rhinehart</i>, supra, 467 U.S. 20. Similarly, neither interrogatories and answers to interrogatories; Practice Book §§ 13-6 and 13-7; nor requests for or notices of requests for production and responses are filed with the court. Practice Book §§ 13-9 and 13-10.” <i>Welch v. Welch</i>, 48 Conn. Sup. 19, 828 A.2d 707 (2003).</p>	
<p>CONN. PRACTICE BOOK <a href="#">§ 13-5</a> (2012). <b>Protective Order</b></p>	<p>Upon motion by a party from whom discovery is sought, and for good cause shown, the judicial authority may make any order which justice requires to protect a party from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following: (1) that the discovery not be had; (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place; (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery; (4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters; (5) that discovery be conducted with no one present except persons designated by the judicial authority; (6) that a deposition after being sealed be opened only by order of the judicial authority; (7) that a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way; (8) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the judicial authority; (9) specified terms and conditions relating to the discovery of electronically stored information including the allocation of expense of the discovery of electronically stored information, taking into account the amount in controversy, the resources of the parties, the importance of the issues, and the importance of the requested discovery in resolving the issues.</p>
<p>CONN. PRACTICE BOOK <a href="#">§ 25-59A(c)</a> (2012) <b>Sealing Files or Limiting Disclosure of Documents in Family Matters</b></p>	<p>Upon written motion of any party, or upon its own motion, the judicial authority may order that files, affidavits, documents, or other materials on file or lodged with the court or in connection with a court proceeding be sealed or their disclosure limited only if the judicial authority concludes that such order is necessary to preserve an interest which is determined to override the public’s interest in viewing such materials. The judicial authority shall first consider reasonable alternatives to any such order and any such order shall be no broader than necessary to protect such overriding interest. An agreement of the parties to seal or limit the disclosure of documents on file with the court or filed in connection with a court proceeding shall not constitute a sufficient basis for the issuance of such an order.</p>
<p>CONN. GEN. STAT. <a href="#">§ 46b-11</a> <b>Closed Hearings and Records.</b></p>	<p>Any case which is a family relations matter may be heard in chambers or, if a jury case, in a courtroom from which the public and press have been excluded, if the judge hearing the case determines that the welfare of any children involved or the nature of the case so requires. <i>The records and other papers in any family relations matter may be ordered by the court to be kept confidential and not to be open to inspection except upon order of the court or judge thereof for cause shown.</i> (Emphasis added.)</p>
<p>CONN. GEN. STAT. <a href="#">§ 46b-49</a> <b>Private Hearing.</b></p>	<p>When it considers it necessary in the interests of justice and the persons involved, the court shall, upon the motion of either party or of counsel for any minor children, direct the hearing of any matter under this chapter and sections 17b-743, 17b-744, 45a-257, 46b-1, 46b-6, 47-14g, 51-348a and 52-362 to be private. The court may exclude all persons except the officers of the court, a court reporter, the parties, their witnesses and their counsel.</p>

# Section 2: Postjudgment Discovery — Motion to Open Based on Fraud

*A Guide to Resources in the Law Library*

- SCOPE:** Bibliographic resources relating to opening a judgment in family matters for the limited purpose of discovery.
- DEFINITIONS:**
- **Scope of Discovery:** “In any civil action, in any probate appeal, or in any administrative appeal where the judicial authority finds it reasonably probable that evidence outside the record will be required, a party may obtain in accordance with the provisions of this chapter discovery of information or disclosure, production and inspection of papers, books, documents and electronically stored information material to the subject matter involved **in the pending action**, which are not privileged, whether the discovery or disclosure relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, and which are within the knowledge, possession or power of the party or person to whom the discovery is addressed.” CONN. PRACTICE BOOK [§ 13-2](#) (2012)
  - **Discovery in Family Matters:** “The provisions of Sections 13-1 through 13-10 inclusive, 13-13 through 13-16 inclusive, and 13-17 through 13-32 of the rules of practice inclusive, shall apply to family matters as defined in Section 25-1.” CONN. PRACTICE BOOK [§ 25-31](#) (2012).
- SEE ALSO:**
- Post-Judgment Proceedings in Connecticut Family Matters (Research Guide)
    - [Section 1: Request for New Trial](#)
    - [Section 2: Motion to Open Or Set Aside Judgment](#)
- <http://www.jud.ct.gov/lawlib/Notebooks/Pathfinders/PostJudgment.pdf>
- COURT RULES:**
- CONN. PRACTICE BOOK (2012).
    - [Chapter 13](#). Discovery and Depositions
      - § 13-1. Definitions
      - § 13-2. Scope of discovery; In general
      - § 13-15. Continuing Duty to Disclose
    - [Chapter 25](#). Superior Court — Procedure in Family Matters
      - § 25-31. Discovery and Depositions
- COURT CASES:**
- [Oneglia v. Oneglia](#), 14 Conn. App. 267, 540 A.2d 713 (1988). “In family matters, the court exercises its equitable powers. The balancing of equities is a matter which falls within the discretion of the trial court. . . . For that reason, equitable remedies are not bound by formula but are molded to the needs of justice.” (Citations omitted.)
  - [Mattson v. Mattson](#), 74 Conn. App. 242, 811 A.2d 256 (2002). “We note, however, that we previously have rejected a claim identical to the defendant’s, i.e., that a party seeking to open a judgment of dissolution on the basis of allegations of fraud has a right to conduct discovery based only on its filing of a motion to open. *Oneglia v. Oneglia*, 14 Conn. App. 267, 269, 540 A.2d 713 (1988). As we explained, ‘[t]his is clearly an incorrect premise; until the court acts on a motion to open, the earlier judgment is still intact and neither our rules of practice nor our statutes provide for such a thing as postjudgment discovery.’ Id. ‘If the [defendant] was able to substantiate [his] allegations of fraud beyond mere suspicion, then the court

would open the judgment for the limited purpose of discovery, and would later issue an ultimate decision on the motion to open after discovery had been completed and another hearing held.’ Id., 270. Because the defendant in this case was unable to meet that minimal evidentiary threshold, the court’s ruling was proper.”

- [Nolan v. Nolan](#), 76 Conn. App. 583, 821 A.2d 772 (2003). “The court conducted a postjudgment probable cause hearing to determine whether any discovery, beyond the testimony of the parties, should be allowed in the future to substantiate the plaintiff’s allegations of fraud. As a matter preliminary to such discovery, a plaintiff has the burden to substantiate allegations of fraud that are sufficient to open the judgment. *Oneglia v. Oneglia*, 14 Conn. App. 267, 269, 540 A.2d 713 (1988).”
- [Port v. Port](#), Superior Court, Judicial District of Fairfield at Bridgeport, No. FA04-4002839-S (Jun. 2, 2006). “To prevail in an *Oneglia* hearing, the movant must substantiate his claim of fraud on the part of the defendant, beyond a mere suspicion. *Oneglia v. Oneglia*, 14 Conn.App. 26, 540 A.2d 713 (1988). If the moving party prevails the judgment is opened for the limited purpose of discovery. A second hearing is then conducted to determine whether there was fraud, based on the clear and convincing evidence standard.”
- [Spilke v. Spilke](#), 119 Conn. App. 590, 976 A. 2d 69 (2007). “We conclude that, because the plaintiff was unable to meet the minimal evidentiary threshold of establishing her allegations of fraud beyond a mere suspicion, the court’s ruling was proper. See *Mattson v. Mattson*, supra 74 Conn.App. at 248, 811 A.2d 256; *Oneglia v. Oneglia*, supra, 14 Conn. App. at 269, 540 A.2d 713.”

**TEXTS &  
TREATISES:**

- 8A ARNOLD H. RUTKIN AND KATHLEEN A. HOGAN, [CONNECTICUT PRACTICE SERIES. FAMILY LAW AND PRACTICE WITH FORMS](#) (3d ed. 2010).  
Chapter 52.  
§ 52.7. Motion to Reopen or Set Aside Judgment on the Basis of Fraud  
§ 52.9. Request for New Trial

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