

Judiciary Committee

JOINT FAVORABLE REPORT

Bill No.: SB-1330

Title: AN ACT CONCERNING AN ACCIDENTAL FAILURE TO FILE AN ACTION.

Vote Date: 4/4/2025

Vote Action: Joint Favorable Substitute

PH Date: 3/3/2025

File No.:

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SPONSORS OF BILL:

Judiciary Committee

REASONS FOR BILL:

This bill addresses a problem in the statute identified by the Supreme Court in *Laiuppa v. Moritz*, SC 20798, 2024. In this case, the accidental failure of suit failed its intended purpose of reviving cases dismissed for procedural reasons. This change clarifies that actual or constructive notice of receipt of a summons is sufficient to have met the requirement in *Laiuppa*, where receipt was not found even though the defendant's attorney had filed an appearance before the statute of limitations had run.

SUBSTITUTE LANGUAGE:

The substitute language adds "in the underlying action" in lines 16 and 17.

RESPONSE FROM ADMINISTRATION/AGENCY:

External Affairs, State of CT Judicial Branch: They submitted testimony in favor of the bill, requesting one change in language regarding what constitutes "commencement" of initial action. They believe this language is unclear and fundamentally changes the service of process requirements so they believe changing one line in the bill would help clarify this.

NATURE AND SOURCES OF SUPPORT:

Alinor Sterling, President, CT Trial Lawyers Association: She submitted testimony in support of this legislation because they believe it promotes fairness to plaintiffs without disadvantaging defendants. She stated by redefining what constitutes commencement of an

action, it could prevent a case of legitimate claims from dismissal due to technical deficiencies in service.

Brian Mezick, President, State Marshal Association of CT: The State Marshal Association of CT supports this legislation because there are many different reasons service can be delayed or interrupted out of the hands of all parties involved which can significantly delay proceedings. He stated that they feel that statute of limitations service significantly complicates their job and believe this legislation would help ensure litigants get their day in court on the merits and won't allow unforeseen circumstances to interfere with due process.

NATURE AND SOURCES OF OPPOSITION:

Kristina Baldwin, Vice President of the American Property Casualty Insurance Association, Brooke Foley, General Counsel at the Insurance Association of Connecticut and Christopher Nicolopoulos, Sr. Regional Vice President of The National Association of Mutual Insurance Companies: The American Property Casualty Insurance Association opposes this legislation because it could increase litigation risks and undermines due process on both defendants and insurers. They believe this burdens insurance companies who may not be able to immediately notify defendants or respond appropriately. As a result, disputes over whether service was completed in a valid manner could arise, which would remove a barrier of litigation against defendants, thereby making it more difficult for them to defend themselves.

Mike Muszynski, Connecticut Conference of Municipalities: The Connecticut Conference of Municipalities opposes this legislation because it would shift the burden of execution of service from the plaintiffs to the defendants. They believe the insurers of cities and towns lack the capacity to notify defendants or mount a timely response to service, as well as have the reasonable belief that a matter is complete. They believe this would erode legal guardrails that protect members of the Conference of Municipalities.

Reported by: Griffin Olshan

Date: April 7, 2025