

CONNECTICUT APPELLATE COURT

McLaughlin v. Charette

7 Conn. App. 570 (1986) · Decided June 3, 1986

SUMMARY

The Connecticut Appellate Court held that the trial court abused its discretion by denying the defendants’ belated motion to amend their pleadings. Because allowing the amendment would not have caused undue delay, prejudice, confusion, or unfair advantage, the pleadings were not closed and summary judgment was improperly rendered. The judgment was set aside and the case was remanded for further proceedings.

CASE DETAILS

COURT	Connecticut Appellate Court
WRITING FOR THE COURT	Hull, J.
JURISDICTION	Connecticut
DECIDED	June 3, 1986
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The defendants appealed from a judgment awarding the plaintiff real estate broker’s commissions after the trial court denied their motions to amend their pleadings, granted the plaintiff’s second motion for summary judgment, denied motions to open the judgment, and awarded damages.
STANDARD OF REVIEW	A ruling on a motion to amend pleadings is reviewed for abuse of discretion, with the trial court’s discretion guided by whether the amendment would cause injustice, undue delay, prejudice, confusion, or unfair advantage. Summary judgment is proper only when the pleadings are closed and the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published Connecticut Appellate Court opinion
PARTIES	Edwin F. Charette, Joyce R. Charette v. McLaughlin

TOPICS

- motion to amend
- summary judgment
- pleadings
- civil procedure
- real estate

PRACTICE AREAS

civil procedure

real estate

contracts

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying the defendants' belated motion to amend their answers and add a counterclaim.
2. Whether summary judgment was proper when the defendants' proposed amendment, if allowed, would have left the pleadings open.
3. Whether the plaintiff could recover under General Statutes § 20-325b despite the alleged noncompliance of the listing agreement.

HOLDINGS

1. The trial court abused its discretion in denying the amendment because the record did not show that allowing it would cause injustice, undue delay, prejudice, confusion, or unfair advantage, and the alleged delay was not shown to result from misconduct by defense counsel.
2. The summary judgment for the plaintiff was improper because allowing the amendment would have left the pleadings open, and summary judgment may be sought only when the pleadings are closed as between the parties.

KEY QUOTATIONS

“The trial court has wide discretion in granting or denying amendments before, during, or after trial. Our courts have followed a liberal policy to permit belated amendments to the pleadings unless the amendment will cause an unreasonable delay, mislead the opposing party, take unfair advantage of the opposing party, or confuse the issues, or unless the delayed amendment is attributable to some misconduct on the part of its proponent.” (573-574)

“We cannot conclude on this record that the granting of the motion to amend would have worked an injustice on the plaintiff or would have unduly delayed the trial.” (574)

FACTUAL BACKGROUND

The plaintiff, a real estate broker, claimed a commission under a listing agreement after procuring buyers ready, willing, and able to purchase the defendants' residence. The defendants admitted the listing agreement, the procurement of the buyers, and their written contract with the buyers, but asserted that an oral condition excused them from selling if they did not purchase another house. During the hearing on the plaintiff's second summary-judgment motion, the defendants sought to amend their answers and add a counterclaim related to that special defense. The trial court denied the amendment, granted summary judgment for the plaintiff, and awarded \$6,566.95 plus costs.

PROCEDURAL HISTORY

The plaintiff sued for a real estate commission after the defendants declined to complete a sale of their residence. The trial court denied the defendants' motions to amend their answers and add a counterclaim, granted the plaintiff's second motion for summary judgment, and later entered judgment for \$6,566.95 plus costs. The Connecticut Appellate Court held that the amendment should have been allowed and that summary judgment was consequently premature because the pleadings would not have been closed, set aside the judgment, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The judgment was set aside and the case was remanded for further proceedings in accordance with law.

CASES CITED

- Rahmati v. Mehri, 188 Conn. 583, 588, 452 A.2d 638 (1982)
- Smith v. New Haven, 144 Conn. 126, 132, 127 A.2d 829 (1956)
- Cromwell v. Middletown Savings Bank, 122 Conn. 362, 369, 189 A. 172 (1937)
- Lawson v. Godfried, 181 Conn. 214, 216, 435 A.2d 15 (1980)
- Tedesco v. Julius C. Pagano, Inc., 182 Conn. 339, 341-42, 438 A.2d 95 (1980)