

Sec. 36a-1-39. Failure to comply with an order on a motion for compliance

(a) If a requestee fails to comply with an order of the presiding officer requiring production of records, papers and documents, the presiding officer may make such orders as the ends of justice require. Such orders may include the following:

(1) The entry of an order that the matters relating to the records, papers or documents sought or other related facts shall be taken to be established for the purposes of the action in accordance with the claim of the requester;

(2) The entry of an order prohibiting the requestee from introducing designated matters or items into evidence;

(3) The limitation of participation by the requestee in the hearing on issues or facts relating to the records, papers or documents sought; and

(4) An adverse ruling on the issue that is the subject of the request.

(b) The presiding officer shall report to the commissioner the requestee's failure to comply with the presiding officer's order. The commissioner may deny the petition or application that is the subject of the hearing filed by the requestee or seek enforcement of the order in Superior Court pursuant to section 4-177b of the Connecticut General Statutes.

(Adopted effective August 31, 2004)