

HOUSE BILL REPORT

HB 1638

*As Reported By House Committee on:
Judiciary*

Title: An act relating to partial summary judgments.

Brief Description: Allowing partial summary judgment in civil actions.

Sponsor(s): Representatives Inslee, Winsley, Grant, R. Meyers, Padden, Dellwo, Wang and Orr.

Brief History:

Reported by House Committee on:
Judiciary, February 22, 1991, DPS.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *That Substitute House Bill No. 1638 be substituted therefor, and the substitute bill do pass.*

Signed by 14 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Belcher; Broback; Hargrove; Locke; R. Meyers; Mielke; H. Myers; Riley; Scott; Tate; and Wineberry.

Minority Report: *Do not pass.* Signed by 2 members: Representatives Paris, Assistant Ranking Minority Member; and Vance.

Staff: Pat Shelledy (786-7149).

Background: In some civil cases, such as personal injury accidents, no material issue of fact may exist regarding the causation of the injury to the plaintiff, the liability of the defendant, or the amount of some of the damages, such as certain medical expenses. What may remain in dispute is the extent of the damages. In some cases, the defendant may have even made some payments towards the undisputed portion of the damages, such as certain medical expenses. In those cases, no statutory provision exists for a court to award partial summary judgment to the plaintiff for the undisputed portion of the damages.

Summary of Substitute Bill: The superior court has the authority to issue a partial summary judgment in a civil action for damages. The court may enter the partial summary

judgment if no material issues of fact exist regarding the causation of the damages, the liability of the defendant, or the amount of the damages.

Substitute Bill Compared to Original Bill: A provision was stricken that allowed the court to advise the jury of the partial summary judgment if the defendant had paid these damages prior to trial.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Some dispute in case law exists regarding the court's authority to issue a partial summary judgment. This will help clarify the law and help plaintiffs who need the money to cover their out-of-pocket expenses pending trial.

Testimony Against: Advising the jury about the partial summary judgment will imply to the jury that the defendant is liable for more. This will result in fewer earlier payments, higher litigation costs, and more motions. Courts can order partial summary judgments under current law.

Witnesses: Representative Inslee, Prime Sponsor (pro); Michele Radosevich, Washington State Trial Lawyers Association (pro); and Basil Badley, American Insurance Association (con).