

SENATE BILL REPORT

SHB 1638

AS OF FEBRUARY 17, 1992

Brief Description: Allowing partial summary judgment in civil actions.

SPONSORS: House Committee on Judiciary (originally sponsored by Representatives Inslee, Winsley, Grant, R. Meyers, Padden, Dellwo, Wang and Orr).

HOUSE COMMITTEE ON JUDICIARY

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Ben Barnes (786-7465)

Hearing Dates: April 5, 1991; February 20, 1992

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 nondisputed 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 nondisputed portion of the damages.

SUMMARY:

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.

Appropriation: none

Revenue: none

Fiscal Note: available