LC 0733/01

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INTRODUCED BY THATS 1 2 3

A BILL FOR AN ACT ENTITLED: "AN ACT CONCERNING THE PLEADING 4 5 OF DAMAGES IN ACTIONS FOR PERSONAL INJURY OR WRONGFUL DEATH. 6

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8

9 Section 1. Claim not to be stated. In an action for the recovery of money or damages for personal injury or 10 11 wrongful death, the amount thereof may not be stated in the 12 claim for relief, whether an original claim, counterclaim, 13 cross-claim, or third party claim.

14 Section 2. Request for statement of claim. When an action is filed in the district court to recover damages for 15 personal injury or wrongful death, the parties against whom 16 17 the action is brought may at any time request a statement setting forth the nature and amount of damages being sought. 18 19 The request shall be filed and served upon the claimant, who shall file and serve a responsive statement as to damages 20 21 within 15 days thereafter. In the event that a response is 22 not served, the party on notice to the claimant who may petition the court in which the action is pending to order 23 24 the claimant to serve a responsive statement.

25 Section 3. Claim made in certain circumstances. If no

1 request is made for such a statement setting forth the 2 nature and amount of damages being sought, the claimant 3 shall give notice to the defendant of the amount of special and general damages sought to be recovered: 4 5 (1) before a default may be taken; or 6 (2) in the event an answer is filed, at least 45 days

- 7
 - prior to the date set for the trial.

-End-

415334

45tn Legislature

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HB 0334/02

Approved by Committee on Judiciary

1	HOUSE BILL NO+ 334
2	INTRODUCED BY MODRE
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT CONCERNING THE PLEADING
5	OF DAMAGES IN ACTIONS FOR PERSONAL INJURY OR WRONGFUL
6	DEATH."
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10	the recovery of money or damages for personal injury or
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13	cross-claim, or third party claim.
14	Section 2. Request for statement of claim. When an
15	action is filed in the district court to recover damages for
16	personal injury or wrongful death, the parties against whom
17	the action is brought may at any time request a statement
18	setting forth the nature and amount of damages being sought.
19	The request shall be filed and served upon the claimant, who
20	shall file and serve a responsive statement as to damages
21	within 15 days thereafter. In the event that a response is
22	not served, the party on notice to the claimant who may
23	petition the court in which the action is pending to order
24	the claimant to serve a responsive statement.

25 Section 3. Claim made in certain circumstances. If no

SECOND READING

HB 0334/02

1	request is made for such a statement setting forth the
2	nature and amount of damages being sought, the claimant
3	shall give notice to the defendant of the amount of special
4	and general damages sought to be recovered:
5	(1) before a default may be taken; or
6	(2) in the event an answer is filed, at least 45 days
۲	prior to the date set for the trial.
8	SECTION 4. PERMISSIVE DELIVERY OF STATEMENT. A COPY
9	OF THE STATEMENT SETTING FORTH THE NATURE AND AMOUNT OF
10	DAMAGES BEING SOUGHT MAY BE DELIVERED TO THE DEFENDANT AT
11	THE TIME OF SERVICE OF THE SUMMONS AND COMPLAINT. BUT MAY
12	NOT BE FILED FOR 20 DAYS AFTER THE COMPLAINT IS FILED.
	-End-

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H6 334

45th Legislature

HB 0334/02

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2 INTRODUCED BY MODRE 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT CONCERNING THE PLEADING 5 DF DAMAGES IN ACTIONS FOR PERSONAL INJURY OR WRONGFUL 6 DEATH+" 7

HOUSE BILL NO. 334

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- 11 THE TIME OF SERVICE OF THE SUMMONS AND COMPLAINT, BUT MAY
- 12 NOT BE FILED FOR 20 DAYS AFTER THE COMPLAINT IS FILED.

-End-

HB 0334/02

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SENATE STANDING COMMITTEE REPORT Committee on Judiciary

That House Bill No. 334, third reading, be amended as follows:

1. Amend page 2, section 3, line 6.
Following: ","
Strike: "at least 45 days"

2. Amend page 2, section 4, lines 8 through 12. Following: line 7 Strike: Section 4 in its entirety HB 0334/03

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1 HOUSE BILL NO. 334 2 INTRODUCED BY MOORE 3 A BILL FOR AN ACT ENTITLED: "AN ACT CONCERNING THE PLEADING 4 OF DAMAGES IN ACTIONS FOR PERSONAL INJURY OR WRONGFUL 5 DEATH. 6 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HONTANA: 8 9 Section 1. Claim not to be stated. In an action for 10 the recovery of money or damages for personal injury or 11 wrongful death, the amount thereof may not be stated in the 12 claim for relief, whether an original claim, counterclaim, 13 cross-claim, or third party claim. 14 Section 2. Request for statement of claim. When an 15 action is filed in the district court to recover damages for 16 personal injury or wrongful death, the parties against whom 17 the action is brought may at any time request a statement 18 setting forth the nature and amount of damages being sought. 19 The request shall be filed and served upon the claimant, who 20 shall file and serve a responsive statement as to damages 21 within 15 days thereafter. In the event that a response is 22 not served, the party on notice to the claimant who may 23 petition the court in which the action is pending to order 24 the claimant to serve a responsive statement. 25 Section 3. Claim made in certain circumstances. If no request is made for such a statement setting forth the
nature and amount of damages being sought, the claimant
shall give notice to the defendant of the amount of special
and general damages sought to be recovered:
 {1} before a default may be taken; or
 {2} in the event an answer is filed, at-least-45~-days
prior to the date set for the trial.

- 9 BE-THE-STATEMENT-SETTING FORTH-THE-MATURE-AND -AMOUNT-DE
- 10 BAMAGES--BEING--SOUGHT-MAY-BE-BELIVERED-TO-THE-BEFENDANT-AT
- 11 <u>3HE-TIME-DF-SERVICE-DF-THE-SUMMONS-AND--COMPLAINTy--OUT--NAT</u>
- 12 NOT-BE-FILED-FOR-20-DAYS-AFTER-THE-COMPLAINT-IS-FILED=

-End-

REFERENCE BILL

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ì	HOUSE BILL NO. 334
2	INTRODUCED BY MOORE
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5	OF DAMAGES IN ACTIONS FOR PERSONAL INJURY OR WRONGFUL
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7	AT LEAST 45 DAYS prior to the date set for the trial.
8	SEETION-4xPERMISSIVEDELIVERYOF-STATEMENTA-EOPY
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10	DAMAGESBEINGSOUGHTMAY-BE-BELIVERED-TO-THE-DEFENDANT-AT
11	<u> </u>
12	<u>NGT_BE-FILED_FOR_20-DAYS-AETER_THE-COMPLAINT_IS_FILED</u>
13	SECTION 4. PERMISSIVE DELIVERY OF STATEMENT. A COPY DE
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15	BEING SOUGHT MAY BE DELIVERED TO THE DEEENDANT AT THE TIME
16	<u>QEBUTBUTBUTBUTBUTBUTBUTBE</u>
17	FILED "OK 20 DAYS AFTER THE COMPLAINT IS FILED.

-End-

FINAL PRINTING ADOPTED BY HOUSE OF REPRESENTATIVES AND SENATE

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