

# HOUSE BILL REPORT

## SHB 1638

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*As Passed House  
January 31, 1992*

**Title:** An act relating to partial summary judgments.

**Brief Description:** Allowing partial summary judgment in civil actions.

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

**Brief History:**

Reported by House Committee on:  
Judiciary, February 22, 1991, DPS;  
Passed House, March 12, 1991, 94-2;  
Passed House, January 31, 1992, 91-4.

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**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 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.

**Fiscal Note:** Not requested.

**Effective Date:** 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).