

SENATOR ASHFORD: The plaintiff would recover something.

SENATOR HABERMAN: Is that right, he would recover?

SENATOR ASHFORD: Something.

SENATOR HABERMAN: So under this new fair system a plaintiff could be twice as negligent as any one of the defendants and still recover. Is that right?

SENATOR ASHFORD: Something, a little bit, it would be...

SENATOR HABERMAN: But is that right?

SENATOR ASHFORD: Recover something, yes.

SENATOR HABERMAN: Okay. Now, suppose further that two of the three defendants were judgment proof, now that's lawyer legalese, so I'll explain what it is. It means that if somebody doesn't have any money and you can't collect, or they're in bankruptcy, they're called judgment proof. Suppose further that two of the three defendants were judgment proof, how much could that plaintiff collect from the last remaining defendant, who is only half as negligent as the plaintiff?

SENATOR ASHFORD: Is that a question, or...

SENATOR HABERMAN: Well, yes. How much could the plaintiff collect from the last remaining defendant who is only half as negligent as the plaintiff?

SENATOR ASHFORD: Senator Haberman, let me ask you, I can't answer that yes or no. Let me answer it this way, very briefly, in that case you would have...you go back to is the law as it is today, except that the plaintiff's negligence would also be put into the calculation. So today the defendant pays the whole...that defendant would pay the whole thing.

SENATOR HABERMAN: Wait a minute, Senator Ashford.

SENATOR ASHFORD: No, I'm answering your question.

SENATOR HABERMAN: No, you're not. I'm saying, how much could that plaintiff collect? Ten percent, 20 percent or nothing?