

February 1, 1991 LB 88

they can go after for their pain and suffering.

SENATOR ROBINSON: Okay. I'd like to ask Senator Ashford a question, if I may.

SPEAKER BAACK: Senator Ashford, would you yield to a question?

SENATOR ASHFORD: Yes, Mr. Speaker.

SENATOR ROBINSON: Okay, under your bill, as I understand it, there are three exceptions, one is when a person sues and they have no liability. Right? Then it's joint and several, is that correct?

SENATOR ASHFORD: That's what it is today and that is what it would remain, that's if the plaintiff has no fault.

SENATOR ROBINSON: Okay. I got a good friend that's 68 years old and he's got...he's liable for 5 percent, he saved up \$150,000 for his retirement, and they go after one and two, and they're broke, so they can go after number three and take all that man's retirement, is that correct?

SENATOR ASHFORD: Under what...if the plaintiff is not negligent at all then, as I said before, what happens is that the defendants would fight between themselves as to who pays the judgement. That's the existing law today and that would not change because you have a plaintiff whose fault cannot be reallocated, because he has no fault, he or she has no fault.

SENATOR ROBINSON: But answer my question, though. Could this man end up losing all his retirement money and...

SENATOR ASHFORD: Under LB 88, under existing law, if the plaintiff has no fault, it's joint and several liability.

SENATOR ROBINSON: So, he could end up losing all his retirement money. Am I correct?

SENATOR ASHFORD: That's correct.

SENATOR ROBINSON: Okay. Okay. If it is not under the exception, okay, explain to me what happens under your bill then.