

February 1, 1991 LB 88

SENATOR ASHFORD: What happens under my bill...

SENATOR ROBINSON: Say there's, say there's...

SENATOR ASHFORD: Let's take the...

SENATOR ROBINSON: Let me ask the question now. Say there's...let's say there are three defendants. Okay, now tell me what happens.

SENATOR ASHFORD: If there are three defendants and you have a...are you saying is the plaintiff negligent to some degree? Is that what you're asking?

SENATOR ROBINSON: Right, it would not be under the exception.

SENATOR ASHFORD: Okay. If the plaintiff is negligent in some degree, I guess the best example I can give you is you have three defendants, each one is negligent to some degree, let's say 20 percent a piece, or 30 percent a piece, and the plaintiff is negligent 10 percent. All right, then what you would do, if you have one of those defendants who is not negligent is you would take that 20 percent that that defendant is negligent for, or is found to be negligent 20 percent, and you would divide...

SENATOR ROBINSON: Goes through the formula that...

SENATOR ASHFORD: Let me just...you would take that 20 percent and you would divide it between the two defendants who are negligent up to 20 percent and the plaintiff who is negligent at 10 percent, so that the plaintiff's recovery against the two other defendants would be slightly greater. But the other two defendants would not be liable for the full amount, because the plaintiff's fault is put into the formula.

SENATOR ROBINSON: You're talking about the formula that was in Senator Chizek's handout. Is that correct?

SPEAKER BAACK: One minute.

SENATOR ASHFORD: Right, the formula that's actually in the bill. Right.

SENATOR ROBINSON: Yeah, yeah. But even in that case, the...you could have...couldn't you have a defendant that is 10 percent