## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2007

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## **HOUSE DRH70444-LD-194** (04/10)

Short Tit	le: E	Bifurcation of Medical Malpractice Trials. (Pub	olic)
Sponsors	s: R	Representatives England, Rapp, and Goforth (Primary Sponsors).	
Referred	to:		
		A BILL TO BE ENTITLED	
		ALLOW FOR BIFURCATION OF ISSUES OF LIABILITY A	ND
		S IN MEDICAL MALPRACTICE ACTIONS.	
The Gen		ssembly of North Carolina enacts: CTION 1. G.S. 1A-1, Rule 42(b), reads as rewritten:	
"(b)		arate trials. –	
	(1)	The court may in furtherance of convenience or to avoid prejudice	and
	(-)	shall for considerations of venue upon timely motion order a separation	
		trial of any claim, cross-claim, counterclaim, or third-party claim, o	
		any separate issue or of any number of claims, cross-clai	
		counterclaims, third-party claims, or issues.	
	(2)	Upon motion of any party in an action that includes a cla	
		commenced under Article 1G of Chapter 90 of the General Statu	
		involving a managed care entity as defined in G.S. 90-21.50, the co	
		shall order separate discovery and a separate trial of any cla	
		cross-claim, counterclaim, or third-party claim against a physician	ı or
	(3)	other medical provider. <u>Upon motion of any party in a medical malpractice action commen</u>	cod
	<u>(3)</u>	under Article 1B of Chapter 90 of the General Statutes wherein	
		plaintiff alleges damages greater than one hundred thousand dol	
		(\$100,000), the court shall order separate trials for the issue of liabi	
		and the issue of damages. Evidence relating solely to pecuni	

that the defendant is liable for medical malpractice. The same trier of

fact that tried the issues relating to liability shall try the issues relating

to damages."

SECTION 2. This act becomes effective October 1, 2007, and applies to actions filed on or after that date.

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