

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Ambler offered the following:

Amendment to Amendment (527415)

Remove lines 27-49, and insert:

except with respect to a nonparty or codefendant who meets one of the following criteria:

(a) The nonparty or codefendant has entered into a settlement with each of the plaintiffs;

(b) The nonparty or codefendant has complete immunity from suit;

(c) The statute of limitations involving the nonparty or codefendant expired prior to filing of the presuit notice of intent to initiate medical malpractice litigation; or

(d) The nonparty cannot be otherwise legally joined to the suit.

(2) If the defendant has reasonable grounds to believe during the presuit investigation that one or more nonparties are

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28 liable, in whole or in part, for damages arising out of medical
29 negligence and that such nonparties would be joinable into the
30 action under this section, the defendant must notify the
31 claimant in writing of the identity and reasonable grounds for
32 inclusions of such nonparty in the action within 10 days after
33 obtaining such information.

34 (3) If the defendant has reasonable grounds to believe
35 during the litigation for medical malpractice that one or more
36 nonparties are liable, in whole or in part, for damages arising
37 out of medical negligence and that such nonparties would be
38 joinable into the action under this section, the defendant must
39 file a motion to file a crossclaim against any codefendants so
40 identified and a motion to file a third-party complaint against
41 any nonparties so identified within 10 days after obtaining such
42 information.

43 (4) If the defendant fails to comply with the provisions
44 set forth in this section, then the defendant shall be estopped
45 from asserting the negligence of any nonparty who should have
46 otherwise been joined into the action or any nonparty who is no
47 longer a party to the action and should have been identified as
48 liable, in whole or in part, while a party to the action.

49 (5) Any third party joined into the action under the