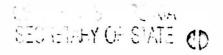


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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2008

ENROLLED

FOR House Bill No. 4120

(By Delegates Webster, Brown, Shook, Hamilton, Azinger, Fleischauer, Miley, Mahan and Proudfoot)

Passed March 6, 2008

In Effect Ninety Days from Passage

ENROLLED

FILED

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COMMITTEE SUBSTITUTE

FOR

SECTION FOR STATE (

H. B. 4120

(BY DELEGATES WEBSTER, BROWN, SHOOK, HAMILTON, AZINGER, FLEISCHAUER, MILEY, MAHAN AND PROUDFOOT)

[Passed March 6, 2008; in effect ninety days from passage.]

AN ACT to amend of the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-25, relating to prohibiting inclusion of specific dollar amounts or figures related to damages in complaints for personal injury or wrongful death actions.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §55-7-25, to read as follows:

CHAPTER 55. ACTIONS, SUITS AND ARBITRATION; JUDICIAL SALE.

ARTICLE 7. ACTIONS FOR INJURIES.

§55-7-25. Personal injury and wrongful death actions; complaint; specific amount of damages not to be stated.

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l In any action to recover damages for personal injury or 2 wrongful death, no specific dollar amount or figure relating to damages being sought may be included in the complaint. 3 4 However, the complaint may include a statement reciting that the amount in controversy satisfies the minimum 5 6 jurisdictional amount established for filing the action. Further, and pursuant to the West Virginia Rules of Civil 7 8 Procedure pertaining to discovery, any party defendant may 9 at any time request a written statement setting forth the nature 10 and amount of damages sought. The request shall be served 11 upon the plaintiff who shall serve a responsive statement as 12 to the nature and amount of damages sought within thirty days thereafter. If no response is served within thirty days 13 14 after receipt of service by the plaintiff, the party defendant 15 requesting the statement may petition the court in which the 16 action is pending to order the plaintiff to serve a responsive 17 statement upon the requesting party defendant. This section 18 applies only to complaints filed on or after the first day of 19 July, two thousand eight.

Chairman Sepate Committee

Chairman House Committee

Speaker of the House of Delegates

The within 10 approved this the 204h

Governor

PRESENTED TO THE GOVERNOR

MAR 1 7 2008