

CC-28

CITY COUNCIL MEETING

APRIL 20, 1983

Pg - 408

RES. SUPPORTING  
SB 575 - FORAN

RE JOINT AND  
SEVERAL  
LIABILITY

Following introduction of the matter by Council Member Reid, and discussion, Council, on motion of Council Member Reid, Snider second, adopted Resolution No. 83-28 - Resolution supporting SB 575 - Foran, which would modify the joint and several rule for damages other than out-of-pocket expenses like medical bills and lost wages.

RES. NO. 83-28

RESOLUTION NO. 83-28

RESOLUTION SUPPORTING SB575 - FORAN WHICH WOULD MODIFY THE JOINT AND SEVERAL RULE FOR DAMAGES OTHER THAN OUT-OF-POCKET EXPENSES LIKE MEDICAL BILLS AND LOST WAGES

WHEREAS, California's judicial doctrine of "Joint and Several Liability" established by State Supreme Court rulings in 1975 and 1976 held that liability for damages can be apportioned by percentages among different defendants and that any single defendant is liable for payment of an entire judgement when the other codefendant cannot pay, even though that defendant may have been found only minimally liable in the first place.

WHEREAS, a recent survey by the League of California Cities found some 84 small and medium-sized cities had paid out more than \$16 million in the past three years in judgements and settlements in cases where they had little or no responsibility. Current damage exposure in pending suits for those cities amounted to more than \$87 million.

NOW, THEREFORE, BE IT RESOLVED that the City of Lodi joins other California cities who adamantly argue that joint and several judgements are an unfair burden on local taxpayers and therefore strongly support SB575 - Foran which would modify the joint and several rule for damages other than out-of-pocket expenses like medical bills and lost wages; and would thereby change the legal system so victims urgent needs are met, without giving tort lawyers unlimited access to city funds.

Dated: April 20, 1983

I hereby certify that Resolution No. 83-28 was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 20, 1983 by the following vote:

Ayes: Council Members - Pinkerton, Murphy, Reid, Snider, and Olson (Mayor)

Noes: Council Members - None

Absent: Council Members - None

*Alice M. Reinche*  
Alice M. Reinche  
City Clerk