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Torts

Torts; joint and several liability—concerted acts of defendants

NEV. REV. STAT. § 41.141 (amended).
AB 249 (Committee on Judiciary); 1989 STAT. Ch. 39

Under existing law, where a judgment is imposed against multiple defendants1 in an action where comparative negligence2 is asserted as a defense, each defendant’s several liability is limited to the part of the judgment corresponding to the defendant’s percentage of negligence.3 The joint and several liability of defendants is not affected, however, in actions based upon the concerted acts of the defendants.4 Chapter 39 specifies that the term “concerted acts of defendants” does not encompass negligent acts of health care providers5 that occur while jointly treating a patient.6

LRM

1. See NEV. REV. STAT. § 41.141 3 (1988) (if one of the defendants settles with the plaintiff before a judgment it entered, the comparative negligence and settlement amount may not be admitted into evidence, and the judge must reduce the net sum of the plaintiff’s verdict by the amount of the settlement).
2. See id. § 41.141 (1988) (amended by 1989 Nev. Stat. ch. 39, sec. 1, at 72) (a plaintiff’s comparative negligence does not bar his recovery if it was not more than the negligence of the defendant or the combined negligence of multiple defendants).
3. Id.
4. Id. (Joint and several liability is not affected in actions based upon strict liability, intentional torts, disposal of hazardous substances, or products liability).
5. See id. § 629.031 (1987) (definition of health care provider).