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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 is 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).

6. 1989 Nev. Stat. ch. 39, sec. 1, at 72 (amending NEV. REV. STAT. § 41.141).

Torts; limitations on punitive damages

NEV. REV. STAT. § 42.— (new); §§ 41.100, 42.010 (amended).
AB 307 (Committee on Judiciary); 1989 STAT. Ch. 218

Existing law allows the trier of fact in tort cases to award punitive damages if the defendant has committed fraud, oppression, or malice.¹ Under Chapter 218, the plaintiff must establish a right to

1. NEV. REV. STAT. § 42.010 (1988) (amended by 1989 Nev. Stat. ch. 218, sec. 3, at 487). Many jurisdictions do not require express fraud, oppression, or malice, but allow punitive