

Civil Law and Procedure

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H688 - Certain Appeals Allowed/Clarify Disp. Orders. (SL 2018-86)

S.L. 2018-86 allows orders or judgments pertaining to the validity of a premarital agreement to be immediately appealed. The act also clarifies when the court must make findings of fact in ceasing parental reunification efforts in juvenile cases.

The act became effective on June 25, 2018, and applies to appeals filed on or after that date and dispositions effective on or after that date.

S470 - Personal Injury Bankruptcy Trust Claims. (SL 2018-4)

S.L. 2018-4 provides that in any personal injury action claiming disease based upon exposure to asbestos:

- The plaintiff must provide all parties with a sworn statement that the plaintiff has investigated all bankruptcy trust claims and has filed all bankruptcy trust claims that can be made;
- The plaintiff must provide all parties with the identity of all bankruptcy trust claims made and all materials submitted to or received from a bankruptcy trust;
- A defendant may seek discovery from a bankruptcy trust, which cannot be barred by any claim of privilege or confidentiality by the plaintiff, and the plaintiff must provide any consent required for the bankruptcy trust's release of the materials sought by the defendant;
- There is a rebuttable presumption that bankruptcy trust claims materials are relevant, authentic, and admissible in the action; and
- If a defendant has a reasonable belief that plaintiff can file additional bankruptcy trust claims, the court may grant the defendant's motion to stay the action until the plaintiff files the claim.

This act became effective on June 12, 2018, and applies to actions filed on or after that date.