

ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023
COMMITTEE STATEMENT
LB438

Hearing Date: Thursday March 09, 2023
Committee On: Judiciary
Introducer: Conrad
One Liner: Provide for an award of attorney's fees in appeals and change and modernize third-party practice provisions

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Blood, Bosn, DeBoer, DeKay, Holdcroft, Ibach, McKinney, Wayne
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Danielle Conrad
John Lenich

Representing:

District 46
Self

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB438 allows an appellate court to award attorney's fees to the prevailing party when a statute authorizes the award of attorney's fees to a party in the original civil action.

Additionally, LB438 allows a defending party in a civil action to serve a summons and complaint against a nonparty if that nonparty may be liable to the defending party or whose negligence may have caused the occurrence related to plaintiff's claim. Once a nonparty is served in this manner, they become a third-party defendant and have all the rights and obligations of a defendant to a civil action. A third-party defendant and plaintiff are also allowed to bring a nonparty into the suit pursuant to this section. Any party may move to strike or sever a third-party claim.
