

car was parked, according to the plaintiff, I'm not going to be a judge of the facts, but according to the plaintiff some barrels rolled off the loading dock and damaged his car. So he had a claim for \$488. He filed his claim in the small claims court, which is probably where it should be. All right, Campbell Soup Company goes to their lawyer and the lawyer says that they request a jury trial. So the case is automatically transferred to the municipal court. Now, this plaintiff then went to a lawyer on his own hook. This case now has fourteen different pleadings in it, has an amended petition, has a notice of hearing, has a motion to strike, it has a demur, it has a second amended petition, it has a request for cost, it has a third amended petition, it has interrogatories propounded to the plaintiff. As of yet, nobody has tried the \$488 claim. There is far more now involved in this case than \$488. Now what my amendment does very simply it just says what happened to this fellow at least can't happen on a small claims level. Campbell Soup Company has got to go through with the small claims court case. You know if the plaintiff lost that case, there probably wouldn't be anything further done with the case, but to go through the case, if they are unhappy with the results they can take an appeal to the district court, they can bring in their lawyers, they can have a jury trial if they want it, they don't want it they don't have to have a jury trial, and the case will be tried De Novo, but small claims are designed to be a simple dispute resolution mechanism. It is important that we keep it that way. My amendment will continue to keep it that way.

SPEAKER MARVEL: The motion before the House is to bring the bill back for a specific amendment. Senator Nichol, do you wish to speak to the motion?

SENATOR NICHOL: Mr. Chairman, I do. I oppose the amendment. Here we go again with no hearing on this situation. I don't know why it wasn't brought up when we had a chance to discuss this when we had hearings. It wasn't brought up. Now we come in at this late day and say you want to change it. What Senator Johnson wants to do is to make everybody go through small claims court. Now, it says, now that if you want to appeal it you may. But you should request a jury if you appeal under this bill. Okay, now what is happening is that when they appeal to another court then the judge makes up his mind then whether we have a jury or not. So actually they are getting these appealed with or without a jury in reality. Now what Senator Johnson wants to do is say, you have to go through small claims court. You can't appeal it for any reason. So what this would do is jam up the small claims court. The idea of the