

not reasonable?

SENATOR DECAMP: If a demand is made by "the plaintiff", in other words, one saying, I was damaged and I want damages, then the judgment is made...the control is by the "insurance company themselves".

SENATOR CARSTEN: Okay, then...

SENATOR DECAMP: They determine if it is reasonable, and if it is reasonable, they will probably work something out. If it isn't, they will probably say, no, and then and only if later a judgment is given and the judgment exceeds that request, and then only to that extent.

SENATOR CARSTEN: Then it is only...it is the participants in the procedure that makes the judgment of whether the offer is reasonable or not. Is that correct?

SENATOR DECAMP: It's...say that again.

SENATOR CARSTEN: The participants in the case are the ones that makes the judgment of whether it is reasonable or whether it isn't.

SENATOR DECAMP: Okay, the plaintiff would make a demand and offer a settlement...

SENATOR CARSTEN: Right. Right.

SENATOR DECAMP: ...to the insurance company.

SENATOR CARSTEN: Okay.

SENATOR DECAMP: And they would say...

SENATOR CARSTEN: That's reasonable or not reasonable.

SENATOR DECAMP: ...yes, or they would offer something lower or whatever and it might be settled. If the insurance company said, well, that's not reasonable, let's go to court, and ultimately they went to court, and then the jury gave an offer, let's say, higher, then and only in that case would the prejudgment interest come into play.

SENATOR CARSTEN: Okay, now my other question is, and I