



2009 ASSEMBLY BILL 938

April 6, 2010 – Introduced by Representatives COLON and TURNER. Referred to Committee on Judiciary and Ethics.

1 **AN ACT** *to amend* 805.05 (2) of the statutes; **relating to:** bifurcating claims
2 related to interest due on insurance payments.

Analysis by the Legislative Reference Bureau

Under current law, a trial court may bifurcate a trial to hear certain claims separate from other claims at issue. If a court bifurcates a trial, it may order that the separate claims be heard by separate juries or by the same jury.

Under this bill, if a trial court bifurcates a trial with respect to a claim for interest that is allegedly due on insurance proceeds that were not timely paid, all claims must be heard by the same jury. Under the bill, an order for bifurcation may not delay discovery in any claim related to the timely payment of the insurance proceeds.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

3 **SECTION 1.** 805.05 (2) of the statutes is amended to read:
4 805.05 (2) SEPARATE TRIALS. The court, in furtherance of convenience or to avoid
5 prejudice, or when separate trials will be conducive to expedition or economy, or
6 pursuant to s. 803.04 (2) (b), may order a separate trial of any claim, cross claim,

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1 counterclaim, or 3rd-party claim, or of any number of claims, always preserving
2 inviolate the right of trial in the mode to which the parties are entitled. The court
3 may, upon request for bifurcation, bifurcate a trial with respect to a claim for interest
4 under s. 628.46. If a trial is bifurcated with respect to a claim for interest under s.
5 628.46, all claims shall be tried before the same jury. The order for bifurcation may
6 not delay discovery related to a claim under s. 628.46.

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(END)