

**2009 DRAFTING REQUEST**

**Bill**

Received: 03/25/2010

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Pedro Colon (608) 267-7669

By/Representing:

May Contact:

Drafter: phurley

Subject: Courts - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Colon@legis.wisconsin.gov

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Bifurcation of insurance interest claims

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**Instructions:**

Identical to 09-4397/2

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 03/25/2010	csicilia 03/25/2010		_____			
/1			mduchek 03/25/2010	_____	cduerst 03/25/2010	cduerst 03/25/2010	

FE Sent For:

*None*

<END>

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/?	phurley	Tjs 3/25/10	MD 3/25	_____	_____	_____	_____

FE Sent For:

<END>

## Barman, Mike

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**From:** Hurley, Peggy  
**Sent:** Thursday, March 25, 2010 11:52 AM  
**To:** Barman, Mike  
**Cc:** Janssen, Andy  
**Subject:** FW: Draft Request from Rep. Colon

**Importance:** High

**Attachments:** 09-43972.pdf

Mike, can you guys take care of this?

---

**From:** Janssen, Andy  
**Sent:** Thursday, March 25, 2010 11:50 AM  
**To:** Hurley, Peggy  
**Subject:** Draft Request from Rep. Colon  
**Importance:** High

Peggy,

Could you have the attached drafted and jacketed for introduction in the Assembly?

Thanks,

Andy Janssen  
Office of Rep. Colón  
(608) 267-7669



09-43972.pdf (20  
KB)

43972



From  
4593/1  
LRB-43972  
PJH:cjs:rs  
/mnr

## 2009 BILL

today

Gen. Cat

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,

**BILL**

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.

7 (END)

**Duerst, Christina**

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**From:** Janssen, Andy  
**Sent:** Thursday, March 25, 2010 2:19 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-4593/1 Topic: Bifurcation of insurance interest claims

Please Jacket LRB 09-4593/1 for the ASSEMBLY.