

ASSEMBLY BILL

No. 1703

Introduced by Committee on Judiciary (Steinberg (Chair), Robert Pacheco (Vice Chair), Corbett, Jackson, Longville, Shelley, and Wayne)

March 6, 2001

An act to amend Section 581c of the Code of Civil Procedure, relating to civil actions.

LEGISLATIVE COUNSEL'S DIGEST

AB 1703, as introduced, Committee on Judiciary. Civil actions: nonsuits.

Existing law provides that only after the completion of the plaintiff's opening statement or after the presentation of evidence in a jury trial, may a defendant, without waiving his or her right to offer evidence if the motion is not granted, move for a judgment of nonsuit.

This bill would make a technical, nonsubstantive change to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 581c of the Code of Civil Procedure is
2 amended to read:
3 581c. (a) Only after, and not before, the plaintiff has
4 completed his or her opening statement, or after the presentation
5 of ~~his or her~~ *the* evidence in a trial by jury, the defendant, without

1 waiving his or her right to offer evidence in the event the motion
2 is not granted, may move for a judgment of nonsuit.

3 (b) If it appears that the evidence presented, or to be presented,
4 supports the granting of the motion as to some but not all of the
5 issues involved in the action, the court shall grant the motion as to
6 those issues and the action shall proceed as to the issues remaining.
7 Despite the granting of the motion, no final judgment shall be
8 entered prior to the termination of the action, but the final
9 judgment in the action shall, in addition to any matters determined
10 in the trial, award judgment as determined by the motion herein
11 provided for.

12 (c) If the motion is granted, unless the court in its order for
13 judgment otherwise specifies, the judgment of nonsuit operates as
14 an adjudication upon the merits.

15 (d) In actions which arise out of an injury to the person or to
16 property, when a motion for judgment of nonsuit was granted on
17 the basis that the defendant was without fault, no other defendant
18 during trial, over plaintiff's objection, may attempt to attribute
19 fault to or comment on the absence or involvement of the
20 defendant who was granted the motion.

