HOUSE DOCKET, NO. 2393 FILED ON: 1/20/2011

HOUSE . . . . . No. 2141

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act granting discretion to the superior court to allocate certain settlement proceeds.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Garrett J. Bradley	*3rd Plymouth*

HOUSE DOCKET, NO. 2393 FILED ON: 1/20/2011

HOUSE . . . . . No. 2141

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 2141) of Garrett J. Bradley relative to the allocation of certain settlement proceeds by the Superior Court. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *1572* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act granting discretion to the superior court to allocate certain settlement proceeds.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 231 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after section 72, the following section:-

Section 72A. In any action in which an injured person enters into a settlement with, or obtains a judgment upon trial from a third party and benefits for his injuries have been paid under chapter one hundred and fifty-two, and the injured person and the insurer paying said benefits do not agree to the amount each is entitled to recover out of such settlement or judgment, there shall be a just and reasonable apportionment thereof in accordance with this section. If the settlement, judgment or funds available to satisfy the judgment are less than the amount of plaintiff's total damages, the court or other authority authorized to approve settlements under section fifteen of chapter one hundred and fifty-two may reduce after a hearing the amount of said insurer's lien in the action, after evaluation of the plaintiff's total cognizable damages at law. Except in the case of a final judgment, where the plaintiff is dissatisfied with the apportionment by the court, he may withdraw his consent to the settlement.