

Winston Attorneys Shares News on California's Survival Statute in Law360

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The newly enacted Senate Bill 447 amended California's "survival" statute (CCP Section 377.34) to allow a decedent's successor to recover noneconomic damages for a decedent's pain and suffering that were previously unavailable under the law. That said, lawmakers need to recognize the inherent tension this change creates with California's trial preference scheme (CCP Section 36).

The Law360 article explores how the trial preference scheme is partly based on the unavailability of damages to a decedents' successors, making an expedited trial necessary to ensure the opportunity to recover these damages; but now that a decedent can recover these damages, state court judges should take the survival statute amendment account as a basis to deny motions for trial preference in the appropriate cases.

[View the Law360 article here.](#)

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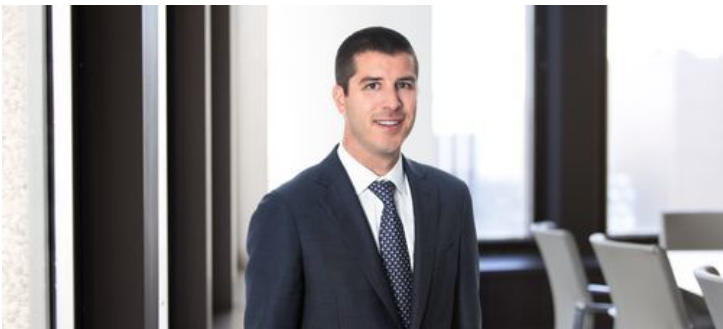
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