

April 15, 1999

S 1012. MEDICAL MALPRACTICE PLEADINGS. *TO ALLOW A PRESIDING JUDGE IN A COUNTY WITH PROPER VENUE TO EXTEND THE STATUTE OF LIMITATIONS IN A MEDICAL MALPRACTICE ACTION THAT WAS IMPROPERLY PLEADED UNDER RULE 9 OF THE RULES OF CIVIL PROCEDURE AND TO PROVIDE THAT AN INVOLUNTARY DISMISSAL FOR FAILURE TO COMPLY WITH RULE 9 IS NOT AN ADJUDICATION ON THE MERITS IN MEDICAL MALPRACTICE ACTIONS.* Amends GS 1A-1, Rule 9(j) (which sets out special pleading requirements for medical malpractice actions) to specify that the statute of limitations may be extended not only by the resident judge (as current law provides) but also by the presiding judge in a county where venue is proper (now, in the county where the cause of action arose). Also amends Rule 41(b) to provide that a dismissal for failure to meet the special pleading requirements in medical malpractice cases is not an adjudication on the merits. Effective October 1, 1999.

Intro. by Cooper.

Ref. to Judiciary I

GS 1A

April 28, 1999

S 1012. MEDICAL MALPRACTICE PLEADINGS. Intro. 4/15/1999. Senate committee substitute makes the following changes to 1st edition. Deletes amendment to GS 1A-1, Rule 41(b), that would have declared that involuntary dismissal for failure to comply with Rule 9 is not an adjudication on the merits in medical malpractice actions.