



JUDICIAL COUNCIL of CALIFORNIA

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MS. MICHELLE CURRAN
Administrative Director
Judicial Council

January 1, 2025

Ms. Cara L. Jenkins
Legislative Counsel
1021 O Street, Suite 3210
Sacramento, California 95814

Ms. Erika Contreras
Secretary of the Senate
State Capitol, Room 307
Sacramento, California 95814

Ms. Sue Parker
Chief Clerk of the Assembly
State Capitol, Room 319
Sacramento, California 95814

Re: *Recovery of Damages for Pain, Suffering, or Disfigurement by Decedent's Estate*, as required under Code of Civil Procedure section 377.34(d)

Dear Ms. Jenkins, Ms. Contreras, and Ms. Parker:

Under Code of Civil Procedure section [377.34\(d\)](#), the Judicial Council is submitting *Recovery of Damages for Pain, Suffering, or Disfigurement by Decedent's Estate*, on the recovery of damages for pain, suffering, or disfigurement by a decedent's estate.

Ms. Cara L. Jenkins
Ms. Erika Contreras
Ms. Sue Parker
January 1, 2025
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If you have any questions related to this report, please contact Ms. Leah Rose-Goodwin, Chief Data and Analytics Officer, at 415-865-7708 or leah.rose-goodwin@jud.ca.gov.

Sincerely,



Michelle Curran
Administrative Director
Judicial Council

MC/KC

Enclosures

cc: Eric Dang, Counsel, Office of Senate President pro Tempore Mike McGuire
Emelyn Rodriguez, General Counsel, Office of Assembly Speaker Robert Rivas
Shaun Naidu, Policy Consultant, Office of Assembly Speaker Robert Rivas
Anita Lee, Principal Fiscal and Policy Analyst, Legislative Analyst's Office
Gabriel Petek, Legislative Analyst, Legislative Analyst's Office
Mark Jimenez, Principal Program Budget Analyst, Department of Finance
Henry Ng, Budget Analyst, Department of Finance
Margie Estrada, Chief Counsel, Senate Judiciary Committee
Mary Kennedy, Chief Counsel, Senate Public Safety Committee
Nora Brackbill, Consultant, Senate Budget and Fiscal Review Committee
Eric Csizmar, Consultant, Senate Republican Policy Office
Morgan Branch, Consultant, Senate Republican Policy Office
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
Andrew Ironside, Chief Counsel, Assembly Public Safety Committee
Jennifer Kim, Consultant, Assembly Budget Committee
Lyndsay Mitchell, Consultant, Assembly Republican Office of Policy & Budget
Gary Olson, Consultant, Assembly Republican Office of Policy & Budget
Daryl Thomas, Consultant, Assembly Republican Office of Policy & Budget
Cory T. Jasperson, Director, Governmental Affairs, Judicial Council
Alona Daniliuk, Administrative Coordinator, Governmental Affairs, Judicial Council

January 1, 2025

Recovery of Damages for Pain, Suffering, or Disfigurement by Decedent's Estate

REPORT TO THE LEGISLATURE
MANDATED UNDER CODE OF CIVIL
PROCEDURE SECTION 377.34



Judicial Council of California

Background

Code of Civil Procedure section [377.34](#), as amended by Senate Bill 447, expanded the damages a deceased plaintiff's estate can recover under section 377.34 to include damages for pain, suffering, or disfigurement. The bill also introduced new reporting requirements.

Under SB 447, plaintiffs who recover these expanded damages between January 1, 2022, and January 1, 2025, are required to submit the following to the Judicial Council within 60 days after obtaining a judgment, consent judgment, or court-approved settlement agreement:

1. A copy of the judgment, consent judgment, or court-approved settlement agreement.
2. A cover sheet detailing the filing and disposition dates as well as the amount and type of damages awarded, including economic damages and damages for pain, suffering, or disfigurement.

The Judicial Council is required to submit a report to the Legislature on or before January 1, 2025, summarizing the information received from these submissions rendered from January 1, 2022, to July 31, 2024.

Summary of Information Received

The Judicial Council's public website (courts.ca.gov) was updated to include instructions on how plaintiffs could submit the required documentation. Submissions were accepted either via U.S. mail or electronically.

The four relevant submissions the Judicial Council received are summarized in Table 1 below.

Table 1. Summary of Damages Received Under Amended Code of Civil Procedure Section 377.34 From January 1, 2022, to July 31, 2024

Court	Filing Date	Final Disposition Date	Type of Disposition	Damage Type	Detailed Damage Type, if Applicable	Damages Awarded	Total Damages Awarded
County of Sonoma	January 28, 2021	November 7, 2023	Judgement	Economic		\$84,777	\$32,084,777
				Noneconomic		\$10,000,000	
				Punitive		\$22,000,000	
County of San Diego	May 4, 2022	Pending as of June 21, 2024 ¹	Settlement agreement	Economic and noneconomic	Economic damages and damages for pain, suffering, or disfigurement	\$1,000,000	\$2,000,000
				Noneconomic	Loss of society, comfort, and care	\$1,000,000	
County of Marin	May 2, 2023	September 6, 2023	Release of all claims ²	Economic and noneconomic	Economic damages and damages for pain or suffering	\$10,000	\$10,000
County of Trinity	May 19, 2023	April 11, 2024	Court-approved settlement agreement	Economic		\$8,958	\$225,624
				Noneconomic	Predeath pain and suffering	\$216,666	

¹ Disposition date pending.

² The case was settled by a release of all claims and not by a judgement, consent judgement, or court-approved settlement agreement.