

HB# 4675

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

HOUSE BILL No. 4675

(By Delegates Staton, Trump, Gallagher,
Ashley and Phillips)



Passed March 11, 1994

In Effect 90 Days from Passage

ENROLLED
H. B. 4675

(By DELEGATES STATON, TRUMP, GALLAGHER,
ASHLEY AND PHILLIPS)

[Passed March 11, 1994; in effect ninety days from passage.]

AN ACT to amend and reenact section fifteen, article two, chapter fourteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to rules of practice and procedure before the court of claims; authorizing the court of claims to compel discovery and order sanctions for failure to comply with an order of discovery; and authorizing the court of claims to strike certain pleadings, motions or papers.

Be it enacted by the Legislature of West Virginia:

That section fifteen, article two, chapter fourteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

§14-2-15. Rules of practice and procedure.

1 The court shall adopt and may from time to time
2 amend rules of procedure, in accordance with the
3 provisions of this article, governing proceedings before
4 the court. Rules shall be designed to assure a simple,
5 expeditious and inexpensive consideration of claims.
6 Rules shall permit a claimant to appear in his own
7 behalf or be represented by counsel.

8 Discovery may be used in a case pending before the
9 court in the same manner that discovery is conducted
10 pursuant to the rules of civil procedure for trial courts
11 of record, rules 26 through 36. The court may compel

12 discovery and impose sanctions for a failure to make
13 discovery, in the same manner as a court is authorized
14 to do under the provisions of rule 37 of the rules of civil
15 procedure for trial courts of record: *Provided*, That the
16 court of claims shall not find a person in contempt for
17 failure to comply with an order compelling discovery.

18 The court, upon its own motion or upon motion of a
19 party, may strike a pleading, motion or other paper
20 which: (1) Is not well-grounded in fact; (2) is not
21 warranted by existing law, or is not based on a good
22 faith argument for the extension, modification, or
23 reversal of existing law; or (3) is interposed for any
24 improper purpose, such as to harass or to cause
25 unnecessary delay or needless increase in costs. An
26 order striking a pleading, motion, or paper may include
27 an order to pay to the other party or parties the amount
28 of the reasonable expenses incurred because of the filing
29 of the pleading, motion, or other paper, including a
30 reasonable attorney's fee.

31 Under its rules, the court shall not be bound by the
32 usual common law or statutory rules of evidence. The
33 court may accept and weigh, in accordance with its
34 evidential value, any information that will assist the
35 court in determining the factual basis of a claim.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Handwritten Signature]

Chairman Senate Committee

Ernest E Moore

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Handwritten Signature]

Clerk of the Senate

Donald L. Hoff

Clerk of the House of Delegates

[Handwritten Signature]

President of the Senate

[Handwritten Signature]

Speaker of the House of Delegates

The within *is approved* this the *30th*
day of *March*, 1994.

[Handwritten Signature]

Governor

PRESENTED TO THE
GOVERNOR

Date 3/28/94

Time 9:36 am