

HB 2858 is a bill that provides for agency action and a personal cause of action in court by persons who are allegedly aggrieved in settlement negotiations with insurers for actions that have occurred *or may occur in the future*. There are no definitions of prohibited conduct, nor definitions as to what might constitute *actions that may occur in the future*. There is no defined burden of proof. Therefore, the bill is unconstitutionally vague. It should not be passed as constructed.

I am a trial attorney with 44 years of experience in personal injury cases. I have handled thousands of personal injury cases and tried well over 400 civil jury trials in state and federal court. There is insufficient need for such a bill. The claims would be generated by attorney fees, rather than need. There certainly is no emergency.

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