

**HOUSE . . . . . No.**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Eugene L. O'Flaherty**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act granting discretion to the superior court to allocate certain settlement proceeds.

PETITION OF:

NAME:

Eugene L. O'Flaherty

DISTRICT/ADDRESS:

2nd Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1622 OF .]

## The Commonwealth of Massachusetts

---

In the Year Two Thousand and Nine

---

### AN ACT GRANTING DISCRETION TO THE SUPERIOR COURT TO ALLOCATE CERTAIN SETTLEMENT PROCEEDS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority  
of the same, as follows:*

1           Section 34M of Chapter 90 of the General Laws, as appearing in the 2000 Official Edition, is  
2 hereby amended by inserting after the fourth paragraph the following paragraph: “If after the  
3 commencement of any such action, but before judgment, the insurer makes payment of the amount that  
4 is due and payable, the court may still assess costs and reasonable attorney’s fees for the bringing and  
5 prosecuting of the action, but only up until the time of such payment. Interest, running from the  
6 commencement of the action shall be assessed on all amounts adjudged to be due and payable in any  
7 such action, at the same rate as interest is assessed for breach of contract actions in the Commonwealth.