

As Introduced

**128th General Assembly
Regular Session
2009-2010**

S. B. No. 36

Senator Kearney

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A BILL

To enact section 2311.16 of the Revised Code to 1
provide for offers of judgment in civil actions. 2

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2311.16 of the Revised Code be 3
enacted to read as follows: 4

Sec. 2311.16. At any time more than twenty days before the 5
trial begins, a party defending against a claim in a civil action 6
may serve upon the adverse party an offer to allow judgment to be 7
taken against the defending party for the money or property 8
specified in the offer. If within twenty days after the defending 9
party's service of the offer the adverse party serves upon that 10
defending party written notice that the offer is accepted, either 11
party may then file with the court the offer and the notice of 12
acceptance together with proof of service of the offer and notice 13
of acceptance. Upon that filing, the clerk of the court shall 14
enter judgment in the action. An offer made under this section 15
that is not accepted shall be considered withdrawn, and evidence 16
of the offer and nonacceptance of the offer is not admissible at 17
the trial or in any proceeding in the action. If the judgment that 18
is finally obtained by the adverse party to whom the offer is made 19
under this section is not more favorable than the offer, that 20
party shall pay the costs incurred by the defending party after 21

making the offer.

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