



# Chapter 18.001 Affidavits, Post-HB 1693: What Changed and What Remains the Same?

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## What Changed?

- ▶ 1. Deadlines
- ▶ 2. Supplementation
- ▶ 3. Notice
- ▶ 4. Causation?

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# What is Reasonable and Necessary?

## **NO CHANGE**

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Plaintiff must prove the expenses were necessary to treat, reasonable in amount, and expenses were paid and incurred.

### CPRC 18.001

- ▶ Eliminated the cost and need to call an expert live to testify.
- ▶ Done through an affidavit.
- ▶ Can be controverted by affidavit.
- ▶ Controverting affidavit negates the effect of the initial affidavit and forces the proponent to call expert testimony (or by other means) and operates to increase litigation cost.
- ▶ If not controverted, supports finding of fact and bars conflicting evidence.
- ▶ Does NOT conclusively establish amount of damages as a matter of law.
- ▶ Not limited to medical services, covers "services" generally.

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