6-30/202.00 Cause of Action

• 6-30.202.10 Personal Injury

Until final and not appealable, a cause of action for personal injury is exempt without making a claim, although it is subject to a lien (CCP 708.410). After settlement or final judgment, the award is exempt upon filing a claim to the extent necessary for the support of the judgment debtor and the spouse and dependents of the judgment debtor. The award is not exempt against a judgment creditor who is a health care provider whose claim is based on providing health care for the injury for which the award or settlement was made. If the award is payable periodically, the amount that may be applied to satisfaction of a money judgment is the same as may be withheld pursuant to an earnings withholding order. (CCP 704.140)

• 6-30/202.20 Wrongful Death

Until final and not appealable a cause of action for wrongful death is exempt without making a claim although it is subject to a lien. (CCP 708.410). If the award arose out of the wrongful death of the judgment debtor's spouse or a person on whom the judgment debtor or the judgment debtor's spouse was dependent, the award after settlement or final judgment is exempt upon filing a claim to the extent reasonably necessary for support of the judgment debtor and the spouse and dependents of the judgment debtor. If an award meets the previous criteria, but is payable periodically, the amount that may be applied to satisfaction of a money judgment is the same as may be withheld pursuant to an earnings withholding order. (CCP 704.150)