

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 460, Page 5, Section 537.762, Line 26, by
2 inserting after all of said section and line the following:

3
4 "Section 1. 1. When civil actions involving one or more common questions of fact are
5 pending in different counties, such actions may be transferred to any such county for coordinated or
6 consolidated proceedings. Such transfers shall be made by the judicial panel on multi-county
7 litigation upon its determination that transfer for such proceedings will be for the convenience of
8 parties and witnesses and will promote the just and efficient conduct of such actions.

9 2. In determining the county in which to consolidate proceedings, the panel may consider:

10 (1) The location in which the most facts common to the various actions occurred;

11 (2) The burden on the various parties of conducting litigation in the various potential
12 counties;

13 (3) The location of witnesses and other items for discovery;

14 (4) The location of counsel for the parties;

15 (5) The case load of the judges before whom such current actions are pending;

16 (6) If the claims involve complicated questions of law or fact, the judge's experience in
17 handling similar cases.

18 3. Proceedings for the transfer of an action under this section may be initiated by:

19 (1) The judicial panel on multidistrict litigation on its own initiative; or

20 (2) Motion filed with the panel by a party in any action in which transfer for coordinated or
21 consolidated proceedings under this section may be appropriate. A copy of such motion shall be
22 filed in the district court in which the moving party's action is pending.

23 4. The party seeking coordination or consolidation shall certify by affidavit whether the
24 amount in controversy exceeds one hundred thousand dollars.

25 5. In the event the amount in controversy is less than one hundred thousand dollars, the
26 panel shall give notice to the parties in all actions in which transfers for coordinated or consolidated
27 proceedings are contemplated, and such notice shall specify the timing of all briefing on the motion.

28 6. In the event the amount in controversy is more than one hundred thousand dollars, the
29 panel shall give notice to the parties in all actions in which transfers for coordinated or consolidated
30 proceedings are contemplated, and such notice shall specify the timing of all briefing on the motion
31 and the time and place of a scheduled hearing to determine whether such transfer shall be made.

32 7. There shall be no stay of discovery or other proceedings while the panel considers a
33 motion to coordinate or consolidate.

34 8. The panel shall meet no less than quarterly and may conduct hearings by video or
35 teleconference.

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Action Taken _____ Date _____

1 9. Orders of transfer and such other orders as the panel may make thereafter shall be filed in
2 the office of the clerk of the county court of the transferee county courts and shall be effective when
3 thus filed. The clerk of the transferee county court shall forthwith transmit a certified copy of the
4 panel's order to transfer to the clerk of the county from which the action is being transferred. An
5 order denying transfer shall be filed in each county wherein there is a case pending in which the
6 motion for transfer has been made.

7 10. The judicial panel on multidistrict litigation shall consist of three appellate court judges
8 appointed by the chief justice of the Supreme Court with one judge from each appellate district of
9 the state. The concurrence of two members shall be necessary to any action by the panel.

10 11. The panel may prescribe rules for the conduct of its business not inconsistent with the
11 laws of this state and the Rules of Civil Procedure."; and
12

13 Further amend said bill by amending the title, enacting clause, and intersectional references
14 accordingly.