

HOUSE AMENDMENT NO.____
TO
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Offered By

AMEND House Amendment No.____ to House Committee Substitute for House Bill No. 460,
Page 1, Line 11, by inserting immediately after all of said line the following:

"Further amend said bill, Page 5, Section 537.762, Line 26, by inserting after all of said section and
line the following:

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

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

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

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

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

(4) The location of counsel for the parties;

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

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

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

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

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

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

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

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

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1 and the time and place of a scheduled hearing to determine whether such transfer shall be made.

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

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

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

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

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

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

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21 THIS AMENDMENT AMENDS 1153H02.03H.