

HB 461 -- MISJOINED PARTIES

SPONSOR: Kolkmeier

COMMITTEE ACTION: Voted "Do Pass" by the Special Committee on Litigation Reform by a vote of 10 to 2.

This bill amends Missouri Supreme Court rules to require independent establishment of venue in any civil action in which there is a count alleging a tort. In such cases, two or more plaintiffs may be joined in a single action only if each plaintiff could have independently filed an action in that venue. Any plaintiff that cannot establish proper venue independently shall be deemed misjoined. If the plaintiff was first injured outside Missouri, two or more defendants may be joined in a single action if the plaintiff can establish proper venue against each defendant individually. If proper venue cannot be established against a defendant, that defendant shall be deemed misjoined. If a plaintiff or defendant is deemed misjoined, that plaintiff or defendant shall be severed from the action and the claims transferred to a county in which venue exists. If no proper venue exists, the claims shall be dismissed.

PROPONENTS: Supporters say that this bill will clarify the venue laws in this state and ensure lawsuits are brought in the proper court. Specifically, the bill will reduce costs and increase access to Missouri courts for state residents by reducing the number of cases filed in Missouri courts by plaintiffs with no connection to the state.

Testifying for the bill were Representative Kolkmeier; National Federation of Independent Business; Missouri Retailers Association; Missouri Grocers Association; Associated Industries of Missouri; Kansas City Power & Light; Missouri Insurance Coalition; Phil Goldberg, American Tort Reform Association; Missouri Railroad Association; Missouri Chamber of Commerce and Industry; Washington University; Missouri Petroleum Council; KC Southern Railway; Missouri State Medical Association; Tony Crawford, Missouri Trucking Association; The Doctors Company; Monsanto; Johnson & Johnson; and the Missouri Organization of Defense Lawyers.

OPPONENTS: Those who oppose the bill say that it will change the venue laws so that more cases are filed in the rural areas of the state and prevent plaintiffs from pooling resources in lawsuits against large companies. The bill will further increase costs for rural counties because of the need for additional courtroom resources, and increase the burden on residents needed to serve as jurors in those counties. In addition, the state may lose revenue due to the reduced number of verdicts that include punitive

damages.

Testifying against the bill were Jeff Bauer, Missouri Association Of Trial Attorneys and Jack Garvey.