

2021 Kansas Statutes

60-242. Multicounty and multidistrict litigation. (a) Consolidation. If actions involving a common question of law or fact are pending before the court in the same or different counties in the judicial district, the court may:

- (1) Join for hearing or trial any or all matters at issue in the actions;
- (2) consolidate the actions; or
- (3) issue any other orders to avoid unnecessary cost or delay.

(b) Separate trials. For convenience, to avoid prejudice or to expedite and economize, the court may order a separate trial in the county where the action is pending, or a different county in the judicial district, of one or more separate issues, claims, counterclaims, crossclaims or third-party claims. When ordering a separate trial, the court must preserve any right to a jury trial.

(c) Multidistrict litigation. (1) When civil actions arising out of the same transaction or occurrence or series of transactions or occurrences are pending in different judicial districts, the supreme court, on request of a party or of any court in which one of the actions is pending and upon finding that a transfer and consolidation will promote the just and efficient conduct of the actions, may order transfer of the pending actions to one of the counties in which an action is pending. The actions may be consolidated for discovery, pretrial proceedings and possible trial. The supreme court must designate a judge to hear the consolidated actions. Actions filed subsequent to the order may be consolidated as provided in this section.

(2) The assigned judge may conduct all pretrial and discovery proceedings, issue pretrial and discovery orders, decide questions of law, including motions for summary judgment and, when the assigned judge conducts a trial, allocate expenses of the trial among counties.

(3) The assigned judge may conduct a joint trial of any or all of the consolidated actions, but all parties to the actions jointly tried must consent to joint trial. Jury trials may be conducted in any county that would have had venue of any of the consolidated actions, subject to a change of venue under K.S.A. 60-609, and amendments thereto. If the assigned judge decides not to conduct the trial of any of the consolidated actions or if a party to any of the consolidated actions does not consent to joint trial, the assigned judge must return that action, and the record in that action, to the district court from which it originated. The assigned judge must notify the supreme court that the action has been returned.

History: L. 1963, ch. 303, 60-242; amended by Supreme Court order dated July 17, 1969; L. 1983, ch. 195, § 1; L. 2010, ch. 135, § 111; July 1.