

FIRST REGULAR SESSION

SENATE BILL NO. 261

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Read 1st time January 9, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1165S.011

AN ACT

To amend supreme court rule 52.05, for the purpose of modifying procedures for joinder in tort actions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Missouri supreme court rule 52.05 is amended to read as follows:

52.05. (a) Permissive Joinder. All persons may join in one action as plaintiffs if they assert any right to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence or series of transactions or occurrences and if any question of law or fact common to all of them will arise in the action. All persons may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative, any right to relief in respect of or arising out of the same transaction, occurrences or series of transactions or occurrences and if any question of law or fact common to all of them will arise in the action. A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief, and against one or more defendants according to their respective liabilities.

(b) Separate Trials - Protective Orders. **When parties are properly joined under this section**, the court may make such orders as will prevent a party from being embarrassed, delayed, or put to expense by the inclusion of a person as a party against whom the party asserts no claim and the person asserts no claim against the party and may order separate trials or make other orders to prevent delay or prejudice.

(c) Independent Establishment of Venue. **In addition to the**

21 requirements of subsection (a) of this rule, in any civil action in which
22 there is a count alleging a tort, two or more plaintiffs may be joined in
23 a single action only if each plaintiff could have separately filed an
24 action in that venue, independently of the claims of any other
25 plaintiff. Any plaintiff that cannot establish that venue would be
26 proper independent of the claims of any other plaintiff shall be deemed
27 misjoined. Two or more defendants may be joined in a single action,
28 where the plaintiff was first injured outside of the state of Missouri,
29 only if the plaintiff can establish proper venue against each defendant
30 individually. If proper venue cannot be established against a defendant
31 individually, that defendant shall be deemed misjoined.

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Bill

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