

2020 Kansas Statutes

60-4914. Same; duties of plaintiff. (a) No later than 30 days prior to the date the court establishes for the completion of all fact discovery, the plaintiff, and any person who is representing the plaintiff or has a fiduciary duty to the plaintiff with respect to the asbestos claim, shall do all of the following:

- (1) Conduct an investigation and file all asbestos trust claims that can be made by the plaintiff;
- (2) provide the court and parties with a sworn statement signed by the plaintiff and the plaintiff's counsel in the asbestos claim, under penalty of perjury, indicating that an investigation of asbestos trust claims has been conducted by the plaintiff and any person who is representing the plaintiff or has a fiduciary duty to the plaintiff with respect to the asbestos claim, and further indicating that all asbestos trust claims that can be made by the plaintiff or on the plaintiff's behalf have been completed and filed. A deferral or placeholder claim that has missing documentation for the asbestos trust to review and pay the claim does not meet the requirements of this section. The sworn statement must indicate whether there has been a request to delay, suspend, withdraw or otherwise alter the standing of an asbestos trust claim and provide the status and disposition of each asbestos trust claim, including the amount of any trust claim payment made or to be made to the plaintiff;
- (3) provide all parties with all trust claim materials, including trust claim materials that relate to conditions other than those that are the basis for the asbestos claim and all trust claim materials from all law firms connected to the plaintiff in relation to exposure to asbestos, including anyone at a law firm or any fiduciaries involved in the asbestos claim, any referring law firm, and any other firm or fiduciary that has filed an asbestos trust claim for the plaintiff or on the plaintiff's behalf. Documents shall be accompanied by a custodial affidavit from the asbestos trust certifying that the trust claim materials submitted to the defendants are true and complete; and
- (4) if the plaintiff's asbestos trust claim is based on exposure to asbestos through another individual, the plaintiff shall produce all trust claim materials submitted by or on behalf of the other individual to any asbestos trust if the plaintiff is in possession, control or custody of those trust claim materials, or if the plaintiff, plaintiff's counsel or any of the plaintiff's fiduciaries are legally entitled to obtain those trust claim materials.

(b) The plaintiff has a continuing duty to supplement the information and materials required under subsection (a), and the supplementation shall be made within 30 days after the plaintiff or a person on the plaintiff's behalf supplements an existing asbestos trust claim, receives additional information or materials related to an asbestos trust claim, or files an additional asbestos trust claim. The requirements of this section are in addition to any notice or materials to be served or produced as part of discovery and under any other law, rule, order or applicable agreement.

History: L. 2018, ch. 25, § 3; July 1.