

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 471**

Introduced by La Grone, 49.

Read first time January 18, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to civil procedure; to provide a procedure for  
2 consolidation of related civil actions in multiple judicial  
3 districts.

4 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) If civil actions arising out of the same transaction  
2 or occurrence or series of transactions or occurrences are pending in  
3 different judicial districts, a party to such an action or a court in  
4 which one of the actions is pending may file a request with the Supreme  
5 Court to transfer and consolidate the actions. The Supreme Court may  
6 grant the request if it finds that doing so will promote the just and  
7 efficient conduct of the actions. Upon granting the request the Supreme  
8 Court shall order the pending actions to be transferred to one of the  
9 counties in which an action is pending. The actions may be consolidated  
10 for discovery and pretrial proceedings and, subject to subsection (3) of  
11 this section, for trial. The Supreme Court shall designate a judge to  
12 hear the consolidated actions. Actions filed subsequent to the order may  
13 be consolidated by filing a request as provided in this subsection.

14           (2) The assigned judge may conduct all pretrial and discovery  
15 proceedings, issue pretrial and discovery orders, and decide questions of  
16 law, including motions for summary judgment.

17           (3) The assigned judge may conduct a joint trial of any or all of  
18 the consolidated actions with the consent of all parties to the actions  
19 jointly tried. Jury trials may be conducted in any county in which venue  
20 would have been proper in any of the consolidated actions, including  
21 following a motion to change venue. If the assigned judge conducts a  
22 trial, he or she may allocate expenses of the trial among counties.

23           (4) If the assigned judge decides not to conduct a joint trial or if  
24 a party to any of the consolidated actions does not consent to joint  
25 trial, the assigned judge shall return that action, and the record in  
26 that action, to the court from which it originated. The assigned judge  
27 shall notify the Supreme Court that the action has been returned.

28           (5) This section does not apply to actions or proceedings arising  
29 under Chapters 42 or 43.