

2023 Kansas Statutes

60-4915. Same; filing of asbestos trust claims. (a) A defendant may file a motion no later than the date the court establishes for the completion of all fact discovery identifying the asbestos trust claims the defendant believes the plaintiff can file and include information supporting the asbestos trust claims.

(b) Within 10 days after receiving the defendant's motion, the plaintiff shall:

- (1) File the asbestos trust claims;
- (2) file a written response with the court stating why there is insufficient evidence for the plaintiff to file the asbestos trust claims; or
- (3) file a written response with the court requesting a determination that the cost to file the asbestos trust claims exceeds the plaintiff's reasonably anticipated recovery.

(c) (1) If the court determines that there is a sufficient basis for the plaintiff to file an asbestos trust claim identified in the motion to stay, the court shall stay the asbestos claim until the plaintiff files the asbestos trust claim and produces all related trust claim materials.

(2) If the court determines that the cost of submitting an asbestos trust claim exceeds the plaintiff's reasonably anticipated recovery, the plaintiff shall file with the court and provides* all parties with a verified statement of the plaintiff's history of exposure, usage or other connection to asbestos covered by that asbestos trust within 30 days of the court's determination.

History: L. 2018, ch. 25, § 4; July 1.

* The word "provides" should have been "provide" instead.