

HCS HB 1645 -- DAMAGES RELATED TO ASBESTOS (DeGroot)

COMMITTEE OF ORIGIN: Special Committee on Litigation Reform

This bill applies to asbestos tort actions filed on or after August 28, 2018, and to pending asbestos tort actions where trial has not commenced as of such date. The bill:

- (1) Requires a claimant to provide all parties in an action a sworn statement indicating that all asbestos trust claims that the claimant can file have been completed and filed. In addition, the claimant shall provide all parties with all trust materials relating to the asbestos exposure and related claims;
- (2) Allows any defendant in an asbestos tort action to file a motion for an order to stay the proceedings. The motion must contain information the defendant believes supports any additional asbestos trust claim that the claimant may file;
- (3) Requires trust claims materials and trust governance documents to be admissible in evidence. Claims of privilege do not apply to trust claims materials or trust governance documents;
- (4) The parties in the asbestos tort action may introduce at trial any trust claims material to prove alternative causation for the exposed person's claimed injury, death, or loss to person, to prove a basis to allocate responsibility for the claimant's claimed injury, death, or loss to person, and to prove issues relevant to an adjudication of the asbestos claim, unless the exclusion of the trust claims material is otherwise required by the rules of evidence. Settlements with bankruptcy trusts shall reduce the claim by the stipulated amount of the agreement or amount of consideration paid; and
- (5) The court may impose sanctions for the claimant's failure to comply with these disclosure requirements. A defendant may, within one year after judgment, move to reopen a judgment in an asbestos action if a claimant files certain additional asbestos trust claims.

This bill is similar to HB 333 (2017) and HB 2438 (2016).