

Asbestos Trust Claims Transparency Act; HB 2457

HB 2457 enacts the Asbestos Trust Claims Transparency Act (Act), which shall apply to all asbestos claims (as defined in the Silica and Asbestos Claims Act) filed on or after July 1, 2018.

The bill requires the plaintiff to provide certain statements and materials no later than 30 days prior to the date the court establishes for the completion of all fact discovery. Specifically, the plaintiff is required to conduct an investigation, file all asbestos trust claims that can be made by the plaintiff, and provide a sworn statement indicating the investigation has been conducted and all possible claims filed. The plaintiff is required to provide all parties with all trust claim materials, accompanied by a custodial affidavit from the asbestos trust. If the plaintiff's asbestos trust claim is based on exposure through another individual, the plaintiff is required to produce all trust claim documents submitted by or on behalf of the other individual to any asbestos trust to which the plaintiff has access. The bill also requires the plaintiff to supplement the information and materials 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 such a claim, or files an additional asbestos trust claim.

The bill outlines circumstances under and procedures by which a defendant may file and the court may grant a motion for the completion of all fact discovery regarding the plaintiff's asbestos trust claims.

Additionally, the bill defines "asbestos," "asbestos claim," "asbestos trust," "plaintiff," "trust claim materials," and "trust governance documents"; establishes evidentiary standards for asbestos claims; provides a procedure to reopen and adjust judgment in an asbestos claim if the plaintiff subsequently files an asbestos trust claim with an asbestos trust in existence at the time of judgment; and requires defendants and judgment debtors to file any motion under the bill within a reasonable time and not more than one year after the judgment was entered.