
DIGEST

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Abramson

HB No. 345

Abstract: Provides disclosure procedures for asbestos and silica claims.

Proposed law requires the plaintiff to provide to all parties a statement of any existing or potential claims involving asbestos or silica against a trust or fund with 30 days of commencing an action or at least 180 days before a trial.

Proposed law requires the plaintiff to attest and counsel to certify that a good faith investigation of all potential claims has been conducted.

Proposed law requires the statement to set forth when all claims were or may be filed and whether any deferrals, delays, suspensions, or tollings of the claims process have been requested.

Proposed law requires the plaintiff to supplement the statement within 30 days of obtaining additional information supporting the filing of additional claims.

Proposed law requires, as to any claim, the final, executed proof of the claim and all supporting materials including work histories, depositions, and all medical documentation.

Proposed law provides that failure to comply with the disclosure requirements shall be the basis for sanctions, including dismissal.

Proposed law provides that the disclosures made in accordance with proposed law shall be admissible.

Proposed law provides that this Act shall apply to all asbestos and silica claims filed on or after the effective date of this Act and to all pending claims in which trial has not yet commenced as of the effective date of this Act.

(Adds C.C.P. Art. 1476)