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## DIGEST

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Abramson

HB No. 345

**Abstract:** Provides disclosure procedures for asbestos and silica claims.

Proposed law requires the plaintiff or person whose exposure is alleged to be the cause of the claim to provide to all parties a statement of any existing or potential claims involving asbestos or silica against any trust created in accordance with Title 11 of the U.S. Code or any fund established for the benefit of asbestos or silica claimants within 30 days of commencing an action or at least 180 days before a trial.

Proposed law requires the plaintiff to attest, and his attorney to sign, 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 and all documents submitted to a trust or fund, including work histories, depositions, and all medical documentation.

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

Proposed law provides that the disclosures made in accordance with proposed law shall be admissible, except as provided in C. E. Arts. 408 and 413.

Proposed law applies to all asbestos and silica claims filed on or after the effective date of proposed law and to all pending claims in which trial has not yet commenced as of the effective date of proposed law.

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

### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the

original bill.

1. Changes the required sanctions for a failure to comply with a discretionary sanction.
2. Provides an exception to the admissibility of the disclosures.

House Floor Amendments to the engrossed bill.

1. Requires disclosures to also be made by a person whose exposure is alleged to be the cause of the claim.
2. Clarifies the terms "trust" and "fund".
3. Deletes the requirement that counsel attest that a good faith investigation has been conducted and simply requires counsel to sign the plaintiff's attestation.
4. Requires the disclosure of all documents submitted to a trust or fund, rather than relevant to a claim against, a trust or fund.