



# CONSUMER ATTORNEYS OF CALIFORNIA

*Seeking Justice for All*

## State Senate approves CAOC-backed bill to protect dying asbestos victims from marathon depositions

SB 645 puts a seven-hour limit on interrogations of terminally ill patients

**SACRAMENTO (April 8, 2019)** – The California State Senate today approved a Consumer Attorneys of California-backed bill that will protect patients dying of asbestos illnesses against grueling marathon depositions that sometimes end only with their death.

Senate Bill 645, authored by Sen. Bill Monning (D-Carmel) and co-sponsored by the State Building & Construction Trades Council of California and the District Council of Iron Workers of the State of California and Vicinity, will limit depositions of dying victims of mesothelioma and silicosis to no more than seven hours. A court, in its discretion, may grant up to three more hours on request by the defense council in the interest of fairness, as long as the health of the victim does not appear endangered by the grant of additional time.

An example of the inhumane circumstances spawned by such marathon depositions is that of Richard Lloyd Smith. After working as a drywaller his entire adult life, Smith was diagnosed with a terminal illness related to asbestos exposure from work. He was interrogated by defense attorneys for 12 days, spanning six weeks, as he went in and out of the hospital. “It was clear to me that their goal was to see if he could survive the deposition, not to find out if he worked with their products,” said his daughter, Michelle Brockmyer.

Intent on outlasting the defense interrogations, Smith died a week after his marathon deposition ended.

In 2012 the California Legislature passed Assembly Bill 1875 to protect victims with a terminal illness from abusive depositions, similar to federal law. But since then, courts dealing with asbestos cases have used broad language permitting “judicial discretion” to ignore time limits. As a result, dying victims can be subjected to marathon sessions that are physically and psychologically debilitating.

SB 645 now goes to the California Assembly.

*Consumer Attorneys of California is a professional organization of plaintiffs’ attorneys representing consumers seeking accountability against wrongdoers in cases involving personal injury, product liability, environmental degradation and other causes.*

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