



CAOC-sponsored SB 645 to protect asbestos victims is one step from governor's desk after Assembly approval

Meanwhile, CAOC's civil justice efficiency bill SB 370 goes to Newsom

SACRAMENTO (Aug. 12, 2019) –Californians dying from illnesses caused by exposure to asbestos or silica will no longer have to endure debilitating marathon depositions under a Consumer Attorneys of California-sponsored bill approved today by the state Assembly without an opposing vote.

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 to no more than seven hours for the 100 or so cases a year that involve terminally ill patients suffering mesothelioma or silicosis, the most common illnesses caused by asbestos exposure. A court may permit an additional three hours of testimony upon the request of defense counsel if more than 10 defendants appear at the deposition, or an additional seven hours if more that 20 defendants appear, as long as the health of the victim does not appear endangered by the grant of additional time.

Although state legislation in 2012 capped abusive depositions of asbestos victims, California courts dealing with the cases have used broad language in the bill permitting “judicial discretion” to ignore time limits. As a result, dying victims continued to be subjected to grueling marathon sessions that take a toll both physically and psychologically and can sometimes hasten their death.

“This will prevent the abuse of terminally ill asbestos patients while maintaining due process rights,” said Consumer Attorneys of California president Mike Arias. “It represents an important protection for those who have developed horrific illnesses caused by the century-long scourge of asbestos exposure.”

SB 645 now goes back to the state Senate for final approval and then onward to Gov. Gavin Newsom's desk.

Meanwhile, the Assembly also approved Senate Bill 370 by Sen. Tom Umberg (D-Santa Ana), which would create a more efficient standard for Requests for Production of Documents. It now goes to Newsom's desk.

The bill, co-sponsored by Consumer Attorneys of California and California Defense Counsel, will require that any documents or category of documents produced in response to a demand be identified with the specific request number to which the documents respond.

CAOC president Arias said SB 370 will streamline the document discovery process under the Civil Discovery Act. “It will be more efficient for the rules to require that all documents be produced directly in response to each specific request,” Arias said.

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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