



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

No more marathon depositions for dying asbestos victims under CAOC-backed bill that advances

SB 645 wins approval from Assembly Judiciary Committee

SACRAMENTO (June 4, 2019) – No longer will Californians who are dying from illnesses caused by exposure to asbestos or silica have to endure grueling marathon depositions, under a Consumer Attorneys of California-sponsored bill that was passed by the state Assembly Judiciary Committee today.

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, 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.

In 2012 the California Legislature passed Assembly Bill 1875 to protect those 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 and can sometimes hasten their death.

At today’s hearing, Michelle Brockmyer, daughter of the late Richard Lloyd Smith, told the committee how defense attorneys put her father through 12 days of depositions spanning six weeks as he was dying from asbestos exposure during his career as a drywaller. “It was clear to me that their goal was to see if he could survive the depositions,” Brockmyer said. “My dad’s entire goal in life turned to seeing if he could make it through.” He died a week after the depositions ended.

“SB 645 will restore the intended protection of the 2012 law,” said Consumer Attorneys of California president Mike Arias. “It accomplishes this while maintaining due process rights.”

The bill now goes to the Assembly floor.

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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