



CONSUMER ATTORNEYS OF CALIFORNIA

Seeking Justice for All

CAOC-sponsored bill to aid dying asbestos victims advances in California Senate

SB 645 will end marathon depositions of the terminally ill

SACRAMENTO (April 2, 2019) – Californians who are dying from illnesses caused by exposure to asbestos or silica will be protected from grueling marathon depositions under a Consumer Attorneys of California-sponsored bill that won approval from the state Senate 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 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.

At today's hearing, Michelle Brockmyer, daughter of the late Richard Lloyd Smith, testified about her father's suffering during the deposition process. "He worked as a drywaller his entire adult life. Little did he know that the material he used day for so many years would cause his death years later," Brockmyer told the committee. "The defendants interrogated my father 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."

She concluded: "My dad's entire goal in life turned to focusing to see if he could make it through the endless deposition. He did. And then he died a week later. The asbestos defendant lawyers did their job and took every strategic advantage they could, but it was inhumane to allow them to interrogate my dad this way, and I hope that no one suffering from end-stage disease like my dad will ever have to endure this inhumane treatment in the future."

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 Senate 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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