



OHIO ALLIANCE FOR CIVIL JUSTICE



March 15, 2023

Senator Bob Hackett
Chair, Ohio Senate Insurance Committee
1 Capitol Square, 1st Floor
Columbus, OH 43215

Dear Chairman Hackett,

We write today to express our support for Senate Bill 63. The Ohio Alliance for Civil Justice (OACJ) supports a stable, predictable, and balanced civil justice climate. Senate Bill 63 aims to make our civil justice system more efficient by streamlining the judicial process to better utilize limited resources, reducing wasteful litigation, providing appropriate remedies for those harmed, and ensuring that the right defendants are being sued. In short, Senate Bill 63 will promote fair resolution of asbestos claims by being efficient, effective, and fair.

By way of background, the OACJ was founded in the mid-1980s to stop lawsuit abuse and promote a common-sense civil justice system in Ohio. The OACJ is comprised of representatives of dozens of Ohio trade and professional associations, small and large businesses, medical groups, farmers, non-profit organizations, and local government associations — for a combined representation of more than 100,000 individuals and businesses. The OACJ's leadership team includes representatives from the following organizations: Ohio NFIB, Ohio Chamber of Commerce, Ohio Council of Retail Merchants, Ohio Hospital Association, Ohio Manufacturers' Association, Ohio Society of CPAs, and the Ohio State Medical Association. OACJ works to ensure that the civil justice system remains stable and predictable for Ohio's businesses.

Senate Bill 63 will require plaintiffs who file asbestos-related claims to demonstrate an actual connection to the defendants named in a complaint. Unfortunately, a not uncommon approach when filing such a lawsuit is to name a whole host of companies that may or may not have any liability to a specific plaintiff. The over-naming that takes place puts a strain on a judicial process that has limited resources. Ensuring that defendants are properly named in a complaint at the beginning of a lawsuit will promote judicial efficiency in the process.

Senate Bill 63 will require plaintiffs to disclose the basis for each claim against each defendant by providing supporting documentation at the time a lawsuit is filed to address this "over-naming" problem. These disclosures will curb unsupported, speculative claims and ensure that plaintiffs can demonstrate an actual connection between their alleged exposures to asbestos products and the defendants named in each asbestos action. By streamlining the process, cases will move to resolution more quickly and the current burden on judicial resources will ease considerably.

When a company is sued without reasonable inference of exposure, the time and legal expenses required to obtain dismissal can be substantial. Months or even years may be required to secure a dismissal against an unmeritorious lawsuit. The adverse impact of over-naming carries significant costs. Locking up business resources that can be used for expansion, employee benefit enhancements, or new investments for an unmeritorious lawsuit is not sound public policy. Senate Bill 63 will strengthen Ohio's civil justice climate by promoting judicial efficiency, providing quicker resolution for injured Ohioans, and preventing businesses from wasting dollars to combat lawsuits in which they never should have been named.

The OACJ respectfully asks for your favorable consideration of Senate Bill 63.

Sincerely,

The Ohio Alliance for Civil Justice