



Senator George Lang
Senate Bill 252
Sponsor Testimony
Senate Judiciary Committee
October 19, 2021

Chairman Manning, Vice Chairman McColley, Ranking Member Thomas, thank you for allowing me the opportunity to provide sponsor testimony on Senate Bill 252.

Senate Bill 252 requires a plaintiff in a tort action alleging an asbestos exposure claim to file a sworn statement, under the penalty of perjury, of specified disclosures enumerating the evidence that provides the basis for each asbestos claim against each defendant in the action. The plaintiff has thirty days after filing any complaint to file this statement with the court.

The sworn statement must include the name, address, date of birth, marital status, occupation, smoking history, and current and past worksites of the exposed person and any person through whom the exposed person was exposed to asbestos. Furthermore, the statement must also include each person who is knowledgeable about each exposure, the manufacturer or seller of each asbestos-related product, the location, beginning and end dates, and frequency and length of the exposure, as well as the proximity and/or use of the asbestos-related product to the exposed, and the specific asbestos-related disease that is alleged.

SB 252 addresses a real problem of over-naming defendants in an asbestos case. Roughly 15-20% of the named companies in Ohio lawsuits in a recent year were voluntarily dismissed after enduring at least two years of expensive litigation.

Defendants named in asbestos complaints often have no connection to or liability for plaintiffs' injuries. The average number of defendants named per case in the U.S. has tripled since the 1980s (from 20 then to 60 today). It is common for lawsuits to name as many as 50-100 defendants.

When a company is sued without proof of exposure, the time and legal expenses required to obtain dismissal can be substantial. Legal costs for a wrongfully named asbestos defendant in Ohio may be as much as \$25,000; this is often repeated across cases. Up to two years can be required to obtain dismissal. Over-naming also carries significant costs related to corporate acquisitions, disclosure, and reserves.

Senate Bill 252 will improve Ohio's legal and business climate in three key ways: By 1.) Reducing wasteful litigation; 2.) Focusing judicial resources on claims with evidentiary support; and 3.) Facilitating settlements of viable claims. Several other states have already passed similar legislation, and those include Iowa, West Virginia, North Dakota, and Tennessee.

The bottom line is that this bill will help ensure that the right defendants are being sued in asbestos lawsuits, and it will protect businesses from costly and time-consuming litigation. Once again, I appreciate you bringing SB 252 up for consideration, and I would be happy to answer any questions.