

Publications

Client Alert: Ohio Legislation to Increase Transparency Between Asbestos Trust Claims and Lawsuits

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The Ohio General Assembly this week passed Amended Substitute House Bill 380, which requires the full disclosure of all asbestos bankruptcy trust claims made by plaintiffs with asbestos lawsuits in Ohio. The bill is headed to Governor John Kasich's desk; he is expected to sign the bill.

Once signed, H.B. 380 will become law in late March 2013 (90 days after the governor signs the legislation). The law will impact pending asbestos lawsuits in which trial has not commenced before the law goes into effect and asbestos lawsuits filed on or after the date that the law goes into effect.

H.B. 380 has three main components:

1. It requires plaintiffs to produce in discovery all existing asbestos trust claims made by or on behalf of the claimant and all trust claims material filed by the plaintiff with the asbestos trust.
2. It creates rebuttable presumptions that the materials disclosed are relevant and admissible at trial.
3. It allows defendants to ask the trial court to require the plaintiff to file claims with asbestos trusts that they had failed to file.

Detailed provisions in the bill set forth the implementation of each of these changes to Ohio law.

This legislation will increase the transparency between asbestos trust claims and asbestos lawsuits. This law is particularly significant because Ohio is the first state in the nation to pass such a law. Richard D. Schuster, head of the Vorys toxic tort practice group, was actively involved in the crafting of H.B. 380. He testified about the impact of the legislation before both the Ohio House and the Ohio Senate, participated in the private stakeholder meetings with the Senate Judiciary Committee and had input into the Senate amendments that are now included in the final legislation.

Rick and other Vorys lawyers involved in defending asbestos clients in Ohio are available to answer any questions you may have about HB380 or any other aspect of asbestos litigation in Ohio.