



Ohio Legislative Service Commission

Synopsis of Senate Committee Amendments*

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Sub. H.B. 380

129th General Assembly
(S. Judiciary)

The Senate Judiciary committee adopted amendments that do the following:

1. Modify the requirement that a claimant, after filing the complaint or other initial pleading in an asbestos tort action, provide to all of the parties in the action a sworn statement identifying all existing asbestos trust claims made by or on behalf of the claimant and all trust claims material pertaining to each such identified claim by requiring that the claimant provide that information after commencement of discovery in the asbestos tort action.

2. Modify the provision that allows any defendant in an asbestos tort action to file a motion with the court for an order to stay the proceedings by providing that the motion be filed not less than 75 days prior to the commencement of trial.

3. Provide that if a claimant produces additional asbestos exposure information that supports the filing of an additional asbestos trust claim, the defendant may file a motion to stay the proceedings within seven days of receiving the additional asbestos exposure information.

4. Provide that, if a defendant files a motion for an order to stay the proceedings, the claimant may file with the court a response to the defendant's motion for an order to stay the proceedings requesting a determination by the court that the claimant's or attorney's fees and expenses to prepare the asbestos claim form and file or submit the asbestos trust claim identified in the defendant's motion for an order to stay the proceedings exceed the claimant's reasonably anticipated recovery for the asbestos trust claim.

5. Require the court, if the defendant files a motion to stay the proceedings and the claimant files a response pursuant to the previous paragraph, to determine if the claimant's or attorney's fees and expenses to prepare the asbestos claim form and file or submit the asbestos trust claim identified in the defendant's motion exceed the

* This synopsis does not address amendments that may have been adopted on the Senate Floor.

claimant's reasonably anticipated recovery from the asbestos trust claim and require the court, if the court determines that the claimant's or attorney's fees and expenses exceed the claimant's reasonably anticipated recovery from the asbestos trust claim, to require the claimant to file with the court a verified statement of the claimant's exposure history to the asbestos products covered by that asbestos trust.

6. Require the court, if the defendant has met its burden for its motion for an order to stay the proceedings and if the claimant files a response, to determine *by a preponderance of the evidence* if a successful asbestos trust claim could be submitted in good faith to each asbestos trust identified in the defendant's motion (amended language in italics).

7. Remove the provision that allows an asbestos trust claim rejected by an asbestos trust to be excluded as evidence if the exclusion is required by the Rules of Evidence.

8. Require a defendant or judgment debtor to file a motion for sanctions or other relief within a reasonable time and not more than one year after the judgment was entered or taken.

9. Provide that a submission by the claimant of certain specified information does not constitute a waiver of the attorney-client privilege or work product privilege.

10. Make changes to the uncodified provisions regarding the intent and findings of the General Assembly.

11. Make a technical change to correct a spelling error.