



Contact:

Karyn Burns  
Vice President, Government Affairs  
(O) 315.474.4201 ext 13  
(M) 315.317.3402  
kburns@macny.org

## LEGISLATIVE MEMO

---

# SUPPORT

**BILL: S.2511 (Bonacic)**

**SUBJECT: Disclosure of Asbestos Trust Claims**

**DATE: February 2, 2017**

---

MACNY supports this bill, S.2511 which creates transparency between asbestos trust claims and asbestos tort actions by requiring disclosure of all past, pending and anticipated trust claims by a plaintiff. The proposed legislation will promote fairness, reduce fraudulent claims and ensure that resources will be available for truly sick or injured parties.

Under current law, New York State does not require plaintiffs in asbestos actions to disclose whether they have ever recovered from trust funds, or anticipate they will recover from trust funds in the foreseeable future. A plaintiff can claim harm from asbestos exposure and can file a lawsuit against a trust set up by bankrupt manufacturers of asbestos. Furthermore, they can also file a lawsuit against a solvent company that retails, distributes or makes products that may later be used in conjunction with asbestos. Basically, under current law, manufacturers can be held liable for products they neither manufacturer or sold, and can be potentially held liable for millions of dollars.

This proposed legislation simply provides disclosure between asbestos trust claims and asbestos tort claims. Requiring plaintiffs to disclose to the court all past, pending and anticipated trust claims, and authorizing the Court to compel a plaintiff to file a claim with the appropriate trust, creating a fair system. This type of needed transparency will result in reduced number of fraudulent claims and will ensure that resources are available for claimants in the future.

For these reasons, MACNY supports this legislation.