STATE OF NEW YORK

7810

IN SENATE

January 11, 2022

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to filing initial disclosures in asbestos actions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The civil practice law and rules is amended by adding a new article 99 to read as follows:

ARTICLE 99

ASBESTOS ACTION INITIAL DISCLOSURES

Section 9901. Asbestos action; filing of sworn information form; dismissal without prejudice.

§ 9901. Asbestos action; filing of sworn information form; dismissal without prejudice. 1. A complaint filed by a plaintiff in any asbestos-related personal injury or wrongful death action shall be accompanied by a sworn information form specifying the evidence that provides the basis for each claim against each defendant. The sworn information shall include all of the following with specificity:

a. The name, address, date of birth, marital status, occupation, smoking history, current and past worksites, and current and past employers of the exposed person, and any person through whom the exposed person was exposed to asbestos;

b. Each person through whom the exposed person was exposed to asbestos and the exposed person's relationship to each such person;

c. Each person who will testify as a fact witness regarding the plaintiff's exposures;

d. Each asbestos-containing product to which the person was exposed or the other person was exposed if exposure was through another person;

e. The identity of the manufacturer or seller of the specific asbestos product for each exposure;

f. The specific location and manner of each exposure, including for any person through whom the exposed person was exposed to asbestos;

g. The beginning and ending dates of each exposure, the frequency and length of each exposure, and the proximity of the asbestos-containing

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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product or its use to the exposed person and any person through whom the exposed person was exposed to asbestos;

h. The specific asbestos-related disease claimed to exist; and

i. Any supporting documentation relating to the information required under this section.

2. A plaintiff's obligation to provide sworn information under subdivision one of this section is in addition to any court-ordered disclosures. Plaintiffs have a continuing duty to supplement the information that is required to be disclosed in subdivision one of this section within five days after the plaintiff receives additional information that is required to be disclosed.

3. The court, on motion by a defendant, shall dismiss a plaintiff's asbestos claim without prejudice as to any defendant whose product or premises is not identified in the required disclosures set forth in subdivision one of this section.

4. The court, on motion by a defendant, shall dismiss a plaintiff's asbestos claim without prejudice as to all defendants if plaintiff fails to comply with the requirements of this section.

§ 2. This act shall take effect immediately and shall apply to all asbestos-related personal injury or wrongful death actions that are filed on or after such effective date.