

3/11/2015

Assembly Member Mark Stone, Chair
Assembly Judiciary Committee
1020 N Street Room 104
Sacramento, CA 95814
via FAX (916) 319-2188

Re: AB 597 - OPPOSE

Dear Assembly Member Stone:

Worksafe is writing to express our strong opposition to AB 597 by Assembly Member Ken Cooley. We are an Oakland-based nonprofit dedicated to eliminating workplace hazards, and supporting effective remedies for people who have been injured or made ill from work. AB 597 will allow businesses that break the law to avoid full accountability, while victims suffer and even die before justice is served.

California ranks first in the country overall for mesothelioma and asbestos-related deaths. Our state is also home to almost 2 million veterans. Those who served our country account for 30% of all mesothelioma patients nation-wide. Mesothelioma is a disease caused only by asbestos.

Throughout the country, and the world, we have known about the horrendous dangers of asbestos since the 1930s. That is why, when people are ill and dying from asbestos, they may use state court to hold accountable the manufacturers, premises owners, and others who failed to follow the law and provide warning or protection from this deadly toxin.

AB 597 is designed to force these asbestos victims to jump through expensive and time-consuming legal hoops before they can move forward with a state court claim. The punishment for failing to follow all the bill's procedures is delay of the victim's state court case – which will likely assure that those most ill will die before their case can be decided. The bill's procedures allow the defendants to dictate how the victims should handle their cases by requiring them to pursue claims with 50 or so asbestos trust funds before any lawsuit may proceed.

Victims of mesothelioma commonly survive less than a year or so after diagnosis. In California, unlike many other jurisdictions, when the plaintiff dies, there is **no recovery** for pain and suffering. For them, justice delayed is justice denied. In practical terms, this means the victim and his/her family will be denied fair compensation while the corporate bad actors who poisoned the victim enjoy a financial windfall and avoid full accountability.

AB 597 adds numerous new procedures to the Code of Civil Procedure for cases involving personal injury caused by asbestos. The bill's proponents, who crafted this bill from an American Legislative Exchange Council (ALEC) model, argue that the changes are needed for transparency. But everything reasonably sought in AB 597 is already available under California law. None of these changes are

needed. The bill's real purpose is to delay cases with procedural roadblocks – wasting judicial resources in the process - so the victims will die and damages will be drastically reduced.

ALEC is the corporate-funded organization of conservative state legislators and private sector representatives that advances free-market enterprise, limited government, and federalism. ALEC focuses on dismantling our workplace and consumer rights in order to maximize profits for corporate members, and AB 597 is an example of this approach; it is an anti-labor and anti-consumer bill.

We urge you and all members of the Assembly Judiciary Committee to oppose AB 597.

Sincerely,



Gail Bateson, Executive Director
Worksafe

cc: Assembly Member Cooley, via email: AssemblyMember.cooley@assembly.gov
Members of the Assembly Judiciary Committee via e-mail to Allison.Merrilees@asm.ca.gov

Members of the Assembly Judiciary Committee:

Assembly Member Mark Stone, Chair (Dem AD 29)
State Capitol Room 5155, Sacramento, CA 94249-0029
Phone - (916) 319-2029 FAX - (916) 319-2129

Assembly Member Donald P. Wagner, Vice Chair (Rep AD 68)
State Capitol Room 3098, Sacramento, CA 94249-0068
Phone - (916) 319-2068 FAX - (916) 319-2168

Assembly Member Luis A. Alejo (Dem AD 30)
State Capitol Room 2117, Sacramento, CA 94249-0030
Phone - (916) 319-2030 FAX - (916) 319-2130

Assembly Member Ed Chau (Dem AD 49)
State Capitol Room 2179, Sacramento, CA 94249-0049
Phone - (916) 319-2049 FAX - (916) 319-2149

Assembly Member David Chiu (Dem AD 17)
State Capitol Room 2196, Sacramento, CA 94249-0049
Phone - (916) 319-2017 FAX - (916) 319-2117

Assembly Member James Gallagher (Rep AD 03)
State Capitol Room 5128, Sacramento, CA 94249-0003
Phone - (916) 319-2003 FAX - (916) 319-2103

Assembly Member Cristina Garcia (Dem AD 58)
State Capitol Room 5164, Sacramento, CA 94249-0058
Phone - (916) 319-2058 FAX - (916) 319-2158

Assembly Member Chris R. Holden (Dem AD 41)
State Capitol Room 319, Sacramento, CA 94249-0041
Phone - (916) 319-2041 FAX - (916) 319-2141

Assembly Member Brian Maienschein (Rep AD 77)
State Capitol Room 4139, Sacramento, CA 94249-0077
Phone - (916) 319-2077 FAX - (916) 319-2177

Assembly Member Patrick O'Donnell (Dem AD 70)
State Capitol Room 4166, Sacramento, CA 94249-0070
Phone - (916) 319-2070 FAX - (916) 319-2170