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# Asbestos

## **Over-Naming Of Asbestos Defendants: A Pervasive Problem In Need Of Reform**

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# Commentary

## Over-Naming Of Asbestos Defendants: A Pervasive Problem In Need Of Reform

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There has been a dramatic rise in the number of defendants named in asbestos personal injury lawsuits. The first successful asbestos lawsuit filed over a generation ago named less than a dozen manufacturers of asbestos-containing insulation products. This changed following a bankruptcy wave in the late 1990s and early 2000s that removed most of the so-called asbestos industry from the tort system.

Through bankruptcy, the former insulation manufacturers—known as the “big dusties”—became immune from asbestos lawsuits. In response, plaintiff lawyers began “a search for new recruits to fill the gap in the ranks of defendants,” shifting their focus towards peripheral and new defendants associated with chrysotile-containing products. One plaintiff's attorney described the asbestos litigation as an “endless search for a solvent bystander.”

The numbers tell the story. The number of companies named in asbestos lawsuits has grown exponentially: from around 300 defendants in the early 1980s to

over 8,400 defendants by 2002, and over 10,000 defendants by 2013.

Many defendants named in asbestos complaints today have no connection or liability for plaintiffs' injuries. “Rather, as plaintiff lawyers cast a wider net to capture solvent defendants, they ensnare many innocent companies in the process—just like a fishing net for tuna ensnares dolphins as by-catch. This type of lawsuit abuse is known as ‘over-naming.’”

One prominent insurer has said, “Very many defendants get dismissed 85-95% of the time from these lawsuits for zero dollars.” Consulting firm KCIC's founder and president has said, “It is common for us to see mesothelioma dismissal rates above 90%.”

Legal commentators have recognized the over-naming of asbestos defendants in particular jurisdictions. This article surveys case studies of over-naming abuse. The article also offers a practical solution to curtail over-naming of asbestos defendants: require claimants to identify the evidentiary basis for the claims against each defendant in an asbestos action.

### Over-Naming Takes Toll on Defendants and Civil Justice System

On average, about 65 defendants are named in each asbestos lawsuit. That number may appear alarmingly high for defendants in many types of civil cases, but it pales in comparison to some asbestos actions where upwards of 300 defendants have been named.

According to the KCIC, which tracks asbestos case filings around the United States, “it is believed that many defendants are named frequently with no proof of exposure.”

In most cases, erroneously named defendants are eventually dismissed, but the pattern of over-naming followed by eventual dismissal is not innocuous. Defendant companies can spend thousands of dollars in defense costs and loss of productivity to be released from cases in which there was never proof of exposure. Litigation costs start on day one and may continue for years until an erroneously named defendant is dismissed. As a commentator has explained:

To expand this point and state the obvious, every defendant that has been named on a complaint from which they are eventually dismissed still has to accept service of the complaint, have local and national counsel open files and defend the case, attend depositions, respond to discovery, etc. Even though they pay nothing in indemnity in such cases, they incur very real defense expenses. This is the tort system gone mad.

One analysis estimated that a “defendant that stays in a case through the summary judgment stage could easily have spent at least \$20,000 to defend the case in which they should never have been named in the first place.” Where dozens or potentially more than 100 defendant companies are made to incur such unnecessary costs, the aggregate defense and transaction costs may exceed \$1 million in a single case.

In situations where defense costs are paid through insurance, higher premiums may result and there is potential erosion of policies that may be needed to pay future plaintiffs with legitimate claims.

Other adverse impacts of over-naming may be difficult to quantify. For example, commentators have explained that frequently over-named defendants could have difficulty attracting investors: “Imagine trying to sell a company and explain that, while past experience indicates that the current docket will eventually be dismissed without payment, more filings are expected.... The cautious buyer simply looks elsewhere.”

## The Scope of Over-Naming Abuse

Over-naming in asbestos cases is a pervasive and underreported problem that is occurring across jurisdictions, as summarized below.

### 1. Illinois

Two neighboring southern Illinois counties, Madison County and St. Clair County, have the highest concentration of asbestos cases in the United States. Madison County tops the list of asbestos jurisdictions nationally with almost one-third of all new asbestos personal injury filings.

An analysis of asbestos filings by the KCIC and Bates White consulting firms in 2016 provided early evidence of the prevalence of over-naming in Madison County. The analysis showed that “one of the major players in the nation’s busiest asbestos jurisdiction” named almost 60 defendants per case, on average, and named as many as 204 defendants in a single asbestos lawsuit. Another firm based in Edwardsville, Illinois, named as many as 252 defendants in one case and averaged 118 defendants per case.

Commentators have since recognized that this “type of lawsuit is filed time and again in Madison County.” One defendant company, Avocet, was named in approximately 400 asbestos personal injury claims in Madison County between 2008 and 2018, incurring more than \$720,000 in defense costs. In virtually all of the cases, the claims against Avocet were ultimately dismissed without a payment. In fact, Avocet only made settlement payments in four cases—1% of its entire inventory of claims.

### 2. West Virginia

More than 436 companies have been named in West Virginia asbestos lawsuits. The average West Virginia asbestos complaint names almost 120 defendants—almost double the national average. One Charleston-based firm averaged 283 defendants in each asbestos lawsuit it filed, including one case with 361 defendants. Another firm averaged 149 defendants per case, and had one case with 180 defendants. The named companies include many West Virginia-based businesses.

It must be remembered that these defendant lists do not include the over 130 companies that have filed

bankruptcy at least partly due to asbestos-related liabilities and are the most likely cause of plaintiff illness. Plaintiffs are pursuing remedies for those exposures in the asbestos trust system.

High dismissal rates confirm the over-naming problem. For example, in the 38 cases set on the July 2020 trial docket in West Virginia, 400 defendants were dismissed from every case in which they were named. A 2021 report discussing asbestos litigation in West Virginia found that “over-naming of defendants in asbestos litigation, who have little or no known liability for asbestos-related products, is a serious issue and it is trending upward for companies.” The report revealed that upwards of 70% of the defendants named in some asbestos lawsuits were dismissed without any payment.

West Virginia has become the “epicenter” for over-naming of defendants in asbestos cases that never should have been sued in the first place. “This litigation tactic is unnecessarily driving up litigation costs, bankrupting companies, creating further West Virginia court backlogs, and leaving unsuspecting victims with delayed recoveries.”

West Virginia Circuit Court Judge Ronald Wilson, a member of the state’s Mass Litigation Panel that oversees the asbestos docket, has expressed frustration regarding over-naming. In 2020, he cancelled a scheduled mediation based on the “excessive number of defendants” in a group of asbestos lawsuits awaiting trial. Judge Wilson referenced at least 14 cases with more than 150 defendants each, stating “there is no way I can mediate these cases with the vast number of defendants.”

Judge Wilson admonished plaintiffs’ firms indirectly and suggested their tactics “may need further investigation.” “In my judgment,” he wrote, “the phrase ‘you reap what you sow’ may come true to those who abuse the liberal civil procedure for suing questionable defendants, accusing them of causing personal injury to their clients when the evidence of their liability amounts to a mere gamble in a lawsuit.”

### 3. Ohio

Virtually all of Ohio’s asbestos litigation takes place in Cuyahoga County, which covers the Cleveland

metropolitan area. An analysis of asbestos case filings in the county from 2017 through November 2020 revealed persistent over-naming of asbestos defendants. The attorneys estimated that as many as 20% of the defendants included in the state’s asbestos docket in 2017 “were voluntarily dismissed after enduring at least two years of expensive litigation.” They further estimated that a wrongly sued defendant might incur as much as \$25,000 per case to secure a dismissal.

### 4. Missouri

Defendant lists in Missouri asbestos complaints can run 9 pages long. Between 2016-2020, the average asbestos complaint in Missouri named 83 defendants. The first few cases filed in 2021 averaged 86 defendants.

Defendant lists on the largest asbestos complaints in Missouri are shocking, even for asbestos litigation. The *Danny Corzine* case filed in 2018 named 199 defendants; the *Michael Huff* case filed in 2020 named 172 defendants; and the *Scott Miller* case filed in 2016 named 219 defendants.

Many of these defendants never should have been named, as reflected in high dismissal rates in Missouri asbestos cases. In a sample of 50 Missouri asbestos cases filed from 2016-2020, 201 defendants were dismissed from every case in which they were named. The dismissal rates in Missouri show a high rate of dismissals 3-5 years after a case is filed. For example, 74% of the defendants named in asbestos cases filed in 2016 and 59% of the defendants named in asbestos cases filed in 2017 have been dismissed without payment or liability, according to court records for cases in the sample.

The dismissal rate in some Missouri asbestos cases has reached 96%. For instance, in the *James Lewis* case and the *Jerry Malady* case, both filed in 2016, 189 of the 197 defendants named were dismissed with no payment or liability.

### 5. Bankruptcy Courts

Recent bankruptcy court filings by asbestos defendants add to the growing evidence that over-naming is widespread and imposes a serious financial toll on impacted defendants.

According to ON Marine Services Company LLC, a maker of refractory products used in steelmaking that filed bankruptcy in 2020, 95% of the over 182,000 asbestos personal injury claims filed against it since 1983 were dismissed without payment.

In the 2020 bankruptcy filing of DBMP LLC, the holding company for the legacy asbestos liabilities of CertainTeed, the company reported that the former manufacturer of asbestos cement pipe and asphalt roofing had been named in the majority of all mesothelioma lawsuits filed in the United States in recent years, even though only a “small fraction of those plaintiffs possibly could have been exposed to any asbestos fibers from [CertainTeed’s] products.”

DBMP notes that “[m]ore than half of mesothelioma claims filed against [CertainTeed] after 2001 were dismissed—usually because the plaintiff could provide no evidence of exposure to a [CertainTeed] asbestos containing product.” DBMP said that the “dismissal rate demonstrates the lack of any good-faith basis for much of the litigation filed against the company.”

In another recent bankruptcy, two companies with the same parent—Aldrich Pump (a manufacturer of pumps and compressors) and Murray Boiler (a manufacturer of heating and cooling equipment)—said that following the bankruptcy of most primary asbestos defendants in the early 2000s, the companies “routinely would be named in over 2,500 mesothelioma claims every year, equating to a new claim asserted against the [companies] essentially every working hour of every weekday, every week of the year.” Court filings explain that complaints “indiscriminately named” the companies in the “vast majority of all mesothelioma claims asserted across the country, a percentage that could not plausibly be warranted given the nature” of the companies’ operations.

Aldrich and Murray successfully obtained dismissals in about two-thirds of their mesothelioma cases. Yet, the companies were “compelled to expend substantial defense costs to demonstrate the lack of merit of any claim relating to their products—effectively, to prove their innocence before the claimants have plead a valid claim....”

Similarly, data submitted in the bankruptcy proceeding of gasket and packing manufacturer Garlock Seal-

ing Technologies showed that Garlock was sued in more than 700,000 asbestos personal injury cases—and “was dismissed in 150,000 claims without payment, while another 75,000 claims were abandoned.” Garlock “resolved another 445,000 cases for an average of less than \$3,000 per case.”

## 6. Maryland

Maryland’s asbestos litigation is concentrated in the Baltimore City asbestos docket and mostly involves claims filed by the Law Offices of Peter Angelos. The firm has named as many as 179 defendants in a single asbestos case.

In 2021, the scope of over-naming in Baltimore City’s asbestos docket became clearer when the Wallace & Gale Asbestos Settlement Trust informed a Baltimore City asbestos judge that the trust, which responds to certain claims brought in the tort system, had been dismissed from more than 10,900 cases. The trust’s attorney stated that the “vast majority of these cases have been dismissed voluntarily by plaintiffs” because the cases are nonviable.

Angelos firm attorneys dispute that the cases being dismissed were never viable, highlighting that over-naming can include defendants facing claims that become nonviable with time yet sit on court dockets for years (perhaps decades) before dismissal in addition to the more typical form of over-naming that involves nonviable claims against some defendants in initial complaints.

### A Practical Solution to the Over-Naming Problem

The jurisdictions discussed illuminate the legal landscape with respect to abusive over-naming practices, but are by no means the only problem areas. There is evidence that over-naming is a systemic problem that is occurring in most jurisdictions that are home to significant asbestos litigation.

The over-naming problem is correctible. Because the practice is the result of plaintiff attorneys adding defendants to a complaint without establishing an evidentiary basis, the solution is simply to require asbestos plaintiffs to disclose the evidentiary basis for naming each defendant in a lawsuit. Legislation or case management orders that require plaintiffs to identify the evidence connecting each defendant to



the plaintiff at the outset of a case would reverse the “sue first and find out the facts later” approach to asbestos filings.

In 2020, Iowa became the first state to enact a disclosure bill to address over-naming in asbestos cases. The law requires plaintiffs to file a sworn affidavit, in addition to the initial pleading, with detailed information and supporting documentation as to the plaintiff’s history of exposure to asbestos connected to each named defendant in a case. Failure to provide this information against a defendant results in dismissal upon motion by that defendant. Courts could implement similar disclosures through case management orders.

Experts anticipate that reforms such as Iowa’s disclosure law will “reduce much of the unnecessary transaction costs related to over-naming that is curiously prevalent in a 40-year old mature litigation.” The benefits to frequently over-named defendants are obvious. Relieving these companies of the burden of wasteful litigation costs means more money to pay workers, expand operations, update equipment, and pay tort claimants with legitimate claims that have evidentiary support. Many of these businesses are small and medium sized business that have been financially impacted by COVID-19 and could use “tort tax” relief.

Also, available insurance can be stretched further, allowing solvent defendants to delay or avoid the fate of companies that have recently filed bankruptcy in part to escape unfounded lawsuits.

Plaintiffs can benefit from reform too. Depositions of dying plaintiffs can be shortened with fewer defendants needing to ask questions about the plaintiff’s recollection of exposures to asbestos. Cases can be resolved more quickly because the problem highlighted by West Virginia Circuit Court Judge Ronald Wilson—too many defendants for mediation—is addressed. And, because defendants with an actual connection to the plaintiff receive earlier and more complete exposure history information, those defendants will be able to value cases and discuss settlement more quickly. Finally, it must be remembered that filtering our erroneously named defendants from asbestos cases will not take money from plaintiffs’ pockets because over-named defendants are generally dismissed without payment to plaintiffs.

## Conclusion

Reform is needed to ensure that there is an evidentiary basis for each claim against each defendant named in an asbestos personal injury or death action. This would cut down on unnecessary litigation and wasted defense costs, facilitate settlements, and focus judicial resources on claims with evidentiary support. Iowa led the way with a pioneering disclosure law in 2020 and other states should follow.

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## Endnotes

1. See *Borel v. Fibreboard Paper Prods. Corp.*, 493 F.2d 1076, 1086 (5th Cir. 1973) (In *Borel*, the first successful asbestos-related product liability action by an insulation worker, “Borel named as defendants eleven manufacturers of asbestos insulation materials used by him during his working career”); see also JAMES S. KAKALIK ET AL., COSTS OF ASBESTOS LITIGATION 12 (1983), at <https://www.rand.org/pubs/reports/R3042.html> (asbestos cases in 1983 named an average of 20 defendants).
2. See STEPHEN J. CARROLL ET AL., ASBESTOS LITIGATION xxiii (2005), at <https://perma.cc/GH43-275B> (stating “increasing asbestos claims rates encouraged scores of defendants to file Chapter 11 petitions in the late 1990s”); James L. Stengel, *The Asbestos End-Game*, 62 N.Y.U. ANN. SURV. AM. L. 223, 238 (2006) (noting “[a]s leading plaintiffs’ counsel Ron Motley and Joe Rice observed some time ago, the first seventeen asbestos defendants to go into bankruptcy represented” between 50 and 75 percent of the liability share).
3. See Patrick M. Hanlon & Anne Smetak, *Asbestos Changes*, 62 N.Y.U. ANN. SURV. AM. L. 525, 556 (2007); see also CARROLL ET AL., *supra* note 2, at xxiii (“When increasing asbestos claims rates encouraged scores of defendants to file Chapter 11 petitions . . . the resulting stays in litigation . . . drove plaintiff attorneys to press peripheral non-bankrupt defendants to shoulder a larger share of the value of asbestos claims and to widen their search for other corporations that might be held liable for the costs of asbestos exposure and disease.”).
4. See Marc C. Scarcella et al., *The Philadelphia Story: Asbestos Litigation, Bankruptcy Trusts and Changes in*

- Exposure Allegations From 1991–2010*, 27 MEALEY'S LITIG. REP.: ASBESTOS, Oct. 10, 2012, at 1, 1. Chrysotile is “far less toxic than other forms of asbestos.” In re Garlock Sealing Tech., LLC., 504 B.R. 71, 75 (Bankr. W.D.N.C. 2014).
5. Richard Scruggs & Victor Schwartz, ‘*Medical Monitoring and Asbestos Litigation*’—*A Discussion with Richard Scruggs and Victor Schwartz*, 17 MEALEY'S LITIG. REP.: ASBESTOS, Mar. 1, 2002, at 1, 5.
  6. See JENNI BIGGS ET AL., TOWERS WATSON, A SYNTHESIS OF ASBESTOS DISCLOSURES FROM FORM 10-KS—UPDATED 1 (June 2013), at <https://docplayer.net/19087508-A-synthesis-of-asbestos-disclosures.html>; KAKALIK ET AL., *supra* note 1, at 12.
  7. Chris Dickerson, *W.Va. House Bill Would Limit Defendants Being Named in Asbestos Lawsuits*, W. VA. RECORD, Mar. 1, 2021 (quoting Mark Behrens, Esq.), at <https://wvrecord.com/stories/574954397-w-va-house-bill-would-limit-defendants-being-named-in-asbestos-lawsuits>.
  8. Jonathan Terrell, *The Most Interesting Panel at Perrin's Asbestos Litigation Conference*, KCIC, Sept. 13, 2019, at <https://www.kcic.com/trending/feed/the-most-interesting-panel-at-perrins-asbestos-litigation-conference/> (quoting Resolute's Tom Ryan).
  9. *Id.*
  10. See, e.g. James Lowery, *The Scourge of Over-Naming in Asbestos Litigation: The Costs to Litigants and the Impact on Justice*, 32:24 MEALEY'S LITIG. REP.: ASBESTOS 22 (Jan. 24, 2018), at <https://m.grsm.com/Templates/media/files/pdf/COMMENTARY-%20The%20Scourge%20Of%20Over-Naming%20In%20Asbestos%20Litigation-%20The%20Costs%20To%20Litigants%20And%20The%20Impact%20On%20Justice.pdf>.
  11. See Chris Dickerson, *Over-naming Continues to Be a Problem in W.Va. Asbestos Cases, Study Shows*, W. VA. RECORD, Jan. 18, 2021, at <https://wvrecord.com/stories/572704623-over-naming-continues-to-be-a-problem-in-w-va-asbestos-cases-study-shows>; see also Peter Kelso, et al., *Asbestos Litigation Amid the COVID-19 Pandemic: New Developments in 2020*, MEALEY'S ASBESTOS/LEXIS LEGAL NEWS, Oct. 13, 2020, at [https://media.goldbergsegalla.com/wp-content/uploads/2020/10/14105428/Joe-Cagnoli\\_Commentary\\_Asbestos-Litigation-Amid-the-COVID-19-Pandemic\\_Lexis-Legal-News\\_10.08.20.pdf](https://media.goldbergsegalla.com/wp-content/uploads/2020/10/14105428/Joe-Cagnoli_Commentary_Asbestos-Litigation-Amid-the-COVID-19-Pandemic_Lexis-Legal-News_10.08.20.pdf) (“plaintiff law firms typically name as many as 40-50 defendants (or more) on asbestos complaints” with the average around 65 defendants per case in 2019).
  12. See Jessica Karmasek, *W.V. Firm Blames Almost 300 Companies In Each Asbestos Lawsuit*, FORBES.COM, June 28, 2016, at <https://www.forbes.com/sites/legalnewsline/2016/06/28/wv-firm-blames-almost-300-companies-in-each-asbestos-lawsuit/?sh=6d5f53324fe0>.
  13. Lauren Osterndorf, *Looking at Asbestos Litigation Complaint Naming Patterns*, KCIC, Feb. 26, 2018, at <https://www.kcic.com/trending/feed/looking-at-asbestos-litigation-complaint-naming-patterns/>.
  14. Terrell, *supra* note 8; see also Karmasek, *supra* note 12 (quoting RiverStone Resources LLC's Nina Caroselli, “From a defense perspective, there's a cost to retain counsel, respond to discovery, sometimes participate in depositions, file motions to dismiss, etc. All of it has a cost. . . . You're not just talking about the attorneys' time, but the filing fees in various courts, the money paid to experts, court reporters. . . . All of these costs are incurred in order to get a defendant dismissed from these cases.”).
  15. Lowery, *supra* note 10.
  16. *See id.*
  17. *Laura Hong & Mary Margaret Gay, Over-naming in Ohio Asbestos Litigation: A Legislative Solution is Needed*, IADC CIVIL JUSTICE RESPONSE AND TOXIC AND HAZARDOUS SUBSTANCES LITIGATION JOINT COMMITTEE NEWSLETTER, Dec. 2020, at 5.
  18. See Ann Maher, *Madison and St. Clair Counties Are Top Two Asbestos Jurisdictions in U.S., Report Shows*, MADISON–ST. CLAIR RECORD, Mar. 31, 2020, at <https://madisonrecord.com/stories/528882253-madison-and-st-clair-counties-are-top-two-asbestos-jurisdictions-in-u-s-report-shows>.



19. See Megan Shockley, *2020 Mid-Year Asbestos Litigation Update*, KCIC, Aug. 12, 2020, at 3.
20. See Karmasek, *supra* note 12.
21. See *id.*
22. See Lowery, *supra* note 10.
23. See *id.*
24. See *id.*
25. See Mary Margaret Gay, *The Defendant Over-Naming Trouble: West Virginia Asbestos Litigation*, Jan. 15, 2021, at <https://www.gayjoneslaw.com/the-defendant-over-naming-trouble> (stating that over 436 companies have been named in West Virginia asbestos cases).
26. See *id.*; see also Sue Reisinger, *Asbestos Attys 'Over-Naming' Companies To Sue, Study Says*, LAW360, Jan. 21, 2021, at <https://www.law360.com/pulse/articles/1346257/asbestos-attys-over-naming-companies-to-sue-study-says>.
27. See Karmasek, *supra* note 12.
28. See Gay, *The Defendant Over-Naming Trouble: West Virginia Asbestos Litigation*, *supra* note 25.
29. See *id.* (discussing case of *Sidney Mauney v. 3M Co.*, No. 12-C-155 (W. Va. Kanawha Cty. Cir. Ct.)). "This dismissal rate is a trend and not a one-off occurrence. The *John Kerns* case named 116 defendants and 64 have already been dismissed without liability. The *David Harbert*, *Stephen Templeton* and *Christopher Logelin* cases have all dismissed more than 50% of the defendants named on the Complaints." *Id.*
30. *Id.*; see also Editorial, *Stop Over-Naming and Over-Blaming*, W. VA. RECORD, Jan. 19, 2021, at <https://wvrecord.com/stories/572720620-stop-over-naming-and-over-blaming>.
31. See Notice of Cancellation of Judge Conducted Mediation of Lung Cancer Group 17 Cases on Thursday, Feb. 6, 2020, In re Asbestos Litig., No. 03-C-9600 (W. Va. Kanawha Cty. Cir. Ct. Feb. 5, 2020).
32. *Id.*; see also Chris Dickerson, *Asbestos Judge Criticizes Plaintiffs Attorneys for Lack of Action, Suing Too Many Defendants*, W. VA. RECORD, Feb. 11, 2020, at <https://wvrecord.com/stories/525269273-asbestos-judge-criticizes-plaintiffs-attorneys-for-lack-of-action-suing-too-many-defendants>.
33. See Notice of Cancellation of Judge Conducted Mediation of Lung Cancer Group 17 Cases on Thursday, Feb. 6, 2020, *supra* note 31, at 2.
34. *Id.*
35. See Hong & Gay, *supra* note 17.
36. *Id.* at 4.
37. See *id.* at 5.
38. See Testimony of Mark Behrens before Missouri Senate Committee on the Judiciary and Civil and Criminal Jurisprudence, re S.B. 331, Mar. 8, 2021, at 1 (data analysis provided by Mary Margaret Gay of Gay Jones & Kuhn PLLC).
39. See *id.*
40. See *id.* at 2.
41. See *id.*
42. See *id.*
43. See Declaration of Kevin J. Whyte in Support of Chapter 11 Petition of Marine Service Company LLC, In re ON Marine Servs. Co. LLC, No. 20-20007, at 5 (Bankr. W.D. Pa. Jan. 2, 2020).
44. See Informational Brief of DBMP LLC, In re DBMP LLC, No. 20-30080, at 1 (Bankr. W.D. N.C. Jan. 23, 2020).
45. *Id.* at 1-2.
46. *Id.* at 2.
47. Informational Brief of Aldrich Pump LLC and Murray Boiler LLC, In re Aldrich Pump LLC, No. 20-30608, at 5 (Bankr. W.D. N.C. June 18, 2020).
48. *Id.*

49. *Id.*
50. *Id.* at 21.
51. Lowery, *supra* note 10.
52. *Id.*
53. *See* Karmasek, *supra* note 12.
54. *See* Letter to Baltimore City Circuit Court Administrative Judge W. Michel Pierson from Theodore Roberts, Esq. on behalf of the Wallace & Gale Settlement Trust regarding Baltimore City Asbestos Litigation, Jan. 22, 2021, at 1.
55. *Id.*
56. *See* Justin Fenton, *Stalled Asbestos Lawsuits Dropped*, BALTIMORE SUN, Mar. 7, 2021, at A1, at <https://digitaledition.baltimoresun.com/html5/mobile/production/default.aspx?edid=20e30da8-6a19-4089-9a90-33e8b4f67390>.
57. *See* Karmasek, *supra* note 12 (reporting evidence of over-naming practices by plaintiffs' firms based in California, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Texas).
58. *See* Iowa S.F. 2337 (2020) (codified at Iowa Stat. § 686B.3).
59. Kelso, et al., *supra* note 11.
60. *See* Karmasek, *supra* note 12 (quoting RiverStone Resources LLC's Nina Caroselli, "When you have that many (defendants) named in litigation and all of them want to be at the plaintiff's deposition to hear what the plaintiff remembers regarding the product, etc., it can take a lot of time.>").
61. *See* Notice of Cancellation of Judge Conducted Mediation of Lung Cancer Group 17 Cases on Thursday, Feb. 6, 2020, *supra* note 31, at 2; *see also* Karmasek, *supra* note 12 (quoting RiverStone Resources LLC's Nina Caroselli, "I think [over-naming] can extend the time it takes the matter to get resolved."). ■



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