



March 21, 2019

The Honorable Hannah-Beth Jackson, Chair
Senate Judiciary Committee
State Capitol
Sacramento, CA 95814

RE: SB 645 (Monning) Civil discovery: depositions – SUPPORT

Dear Senator Jackson,

I am writing to you on behalf of the California Alliance for Retired Americans (CARA) to support SB 645. CARA is California's largest grassroots senior advocacy organization, representing over 1,000,000 seniors and their families through our 270+ affiliated organizations.

Our members, like many workers, are at risk for mesothelioma and silicosis, both very painful diseases caused by exposure to asbestos or silica dust. Family members of workers are also at risk for mesothelioma when exposed to asbestos from the fibers carried home on work clothes from the workplace. Mesothelioma and silicosis are extremely painful diseases. Extended depositions are hard enough on individuals who are healthy, but can hasten the death of those who are in excruciating pain from these illnesses.

SB 645 is critical to protecting persons who are dying of these painful diseases from abusive depositions that add physical and emotional stress to their final days. The bill limits the time allowed for the deposition to 7 hours when a licensed physician attests there is substantial medical doubt the victim will survive beyond six months. The bill would, at a defendant's request, give judges discretion to grant an additional 3 hours, for no more than 10 hours of total examination of the deponent by the defendants, if it finds that an extension is in the interest of fairness and will not endanger the dying person's health.

A law effective in 2012 was supposed to protect these victims from abusive depositions, but courts have interpreted the law in a way that allows them to exceed the time limit. Judges issue broad case-management orders for certain classes of cases without looking at both the individual facts of each case and the individual health of the person to be deposed. California has broad written discovery and document production requirements to provide due process for defendants so they can determine what happened and who may be at fault. These discovery methods assure that every proper question a defendant wants to ask is answered. Grueling lengthy depositions are not needed.

We believe things should be fair. Combined with written discovery and document production, a limit of 7 hours for defendants to depose someone who is dying of mesothelioma or silicosis is

reasonable. A final upper limit of 10 hours set by a judge on an individual basis also makes sense. Thank you again for your commitment to protecting the victims of these diseases.

On a personal level, my father-in-law died of mesothelioma. His last days were painful. During those days, he was deposed. We all saw how difficult and debilitating the deposition was. This simple and very limited bill will make a significant difference for the victims of mesothelioma and silicosis and their family members. It will assure humane treatment.

For these reasons, CARA strongly supports SB 645 and asks for an AYE vote when it comes before your committee.

Sincerely,

A handwritten signature in cursive script that reads "Hene Kelly".

Hene Kelly
Legislative Director
415-533-5244

Cc. Senator Monning