

The Insurance Federation of Pennsylvania, Inc.

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Samuel R. Marshall
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To: The Honorable Members of the House Judiciary Committee

From: Samuel R. Marshall

Re: House Bill 1428 - Fairness in Claims and Transparency Act

Thank you for considering this legislation.

We strongly support this bill, not because it constitutes new "tort reform" but because it applies the existing tort balances in the Fair Share Act to asbestos actions just as they do to all other tort claims – no more and no less.

In that sense, we want to emphasize what the bill doesn't do: It doesn't alter the tort balances now in place in Pennsylvania; it doesn't change the responsibilities and obligations of defendants in certain tort claims, and it doesn't throw unique requirements on plaintiffs bringing certain tort claims. It does make sure that asbestos tort claims are treated as are all other tort claims.

We and the trial bar often come before you asking for changes in the tort balances in Pennsylvania. We're not asking for that today. We are asking that you close a loophole never intended in the Fair Share Act, so that plaintiffs and defendants in asbestos claims have their disputes decided under the same rules the Fair Share Act applies to all other plaintiffs and defendants.

Predictability and stability are twin cornerstones in the insurance world, and that's as true for individual claims as in the aggregate. This bill brings to asbestos litigation the same predictability and stability – and honesty and disclosure – the Fair Share Act imposes on all other litigants.

Again, thank you for taking this up.