

**Testimony in Support of HB 5456
Delaney McKinley, MMA Senior Director of Government Affairs and Membership
House Committee on Michigan Competitiveness
January 31, 2018**

Mr. Chairman and the members of the House Michigan Competitiveness Committee, we appreciate the opportunity to share our support for House Bill 5456, which would:

- Promote transparency in litigation,
- Protect small businesses, and
- Preserve resources for those who have been injured by exposure to asbestos.

The Michigan Manufacturers Association represents nearly 2,000 manufacturers in the largest sector of the Michigan economy operating in the full spectrum of manufacturing industries, ranging from small manufacturers to some of the world's largest corporations.

While some may mistakenly think that the issue of asbestos was settled with the bankruptcy of more than 100 large asbestos companies and the establishment of asbestos bankruptcy trusts, it has in fact morphed into a swath of tort actions filed against small businesses that are unrelated to the asbestos exposure.

Unfortunately, the lack of transparency between the bankruptcy trust and tort systems has led to abuses targeting small unrelated companies in Michigan with nuisance lawsuits. Despite the fact that these small businesses had no involvement in the plaintiff's illness, they often must deplete their insurance coverage with defense costs, become saddled with litigation expenses and eventually are forced to settle to put the issue behind them.

To be clear: HB 5456 will in no way prevent a person injured by exposure to asbestos from having their day in court. The legislation will simply require the plaintiff to disclose the full picture of their asbestos exposure. Courts and juries can then accurately assess which companies are responsible for the claimant's injuries.

By allowing sunshine into the courtroom and taking the blinders off the eyes of jurors, HB 5456 will prevent fraud and ensure fairness for all defendants and all claimants in the dual asbestos compensation system.

Thank you for your consideration and please support HB 5456.