

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.3012 Asbestos action; duties of plaintiff before initial date set for trial; duty to supplement information and materials; failure to comply with section; dismissal.

Sec. 3012.

(1) Not later than 180 days before the initial date set for the trial of an asbestos action, the plaintiff shall do all of the following:

(a) Provide the court and parties with a sworn statement signed by the plaintiff and plaintiff's counsel indicating that an investigation has been conducted and that, based on information reasonably available to the plaintiff and plaintiff's counsel, all asbestos trust claims that can be made by the plaintiff or any person on the plaintiff's behalf have been completed and filed. If the plaintiff or plaintiff's counsel later becomes aware that additional trust claims can be filed, the sworn statement must be supplemented under subsection (2). A deferral or placeholder claim that is missing necessary documentation for the asbestos trust to review and pay the claim does not meet the requirements of this subdivision. The sworn statement must indicate whether there has been a request to defer, delay, suspend, or toll, withdraw, or otherwise alter the standing of any asbestos trust claim, and provide the status and disposition of each asbestos trust claim.

(b) Provide all parties with all trust claims materials, including trust claims materials that relate to conditions other than those that are the basis for the asbestos action and including all trust claims materials from all law firms connected to the plaintiff in relation to exposure to asbestos, including anyone at a law firm involved in the asbestos action, any referring law firm, and any other law firm that has filed an asbestos trust claim for the plaintiff or on the plaintiff's behalf. Documents provided under this subdivision must be accompanied by an affidavit certifying that the trust claims materials submitted are true and complete.

(c) If the plaintiff's asbestos trust claim is based on exposure to asbestos through another individual, produce all trust claims materials submitted by the other individual to any asbestos trust if the materials are available to the plaintiff or plaintiff's counsel.

(2) A plaintiff has a continuing duty to supplement the information and materials required to be provided under subsection (1), and shall do so within 30 days after the plaintiff or a person on the plaintiff's behalf supplements an existing asbestos trust claim, receives additional information or materials related to an asbestos trust claim, or files an additional asbestos trust claim.

(3) The court may dismiss the asbestos action if the plaintiff fails to comply with this section.

History: Add. 2018, Act 100, Imd. Eff. Apr. 2, 2018