

NEW YORK ASBESTOS LITIGATION CONFERENCE

New York City Bar Association | December 4, 2026

THE NEW YORK OVERVIEW



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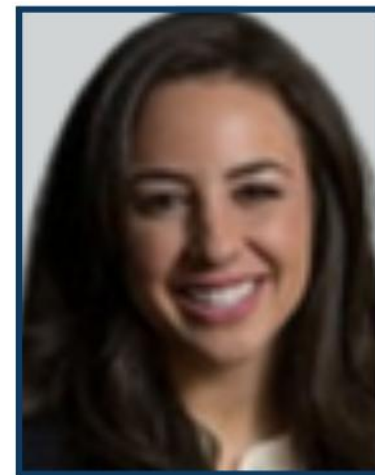
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New York Asbestos Litigation Overview

**Prepared for Perrin Conferences
New York Asbestos Litigation Conference**

December 4th, 2025



OUR SERVICES

INSURANCE VALUATION & RECOVERY

Clarity and insight into complex insurance scenarios

- Policy Analysis/Management
- Insurance Allocation
- Forecasting
- Decision & Risk Analysis
- London Market
- Bermuda Form

PLATFORM-RELATED SERVICES

Providing confidence in data and processes through a customized solution with a responsive partner

- Ligado
- Claims Administration
- Insurer Billing
- BEV – Bankruptcy Evidence Verification tool
- Warranty Management

DISPUTE RESOLUTION SUPPORT

Normalization of data and model creation in support of favorable resolution

- Litigation Support
- Settlement Analysis
- Expert Testimony
- Environmental Recovery
- Disputes & Investigations
- Proof of Underlying Exhaustion

DATA MANAGEMENT & ANALYTICS

Management of massive data sets to guide strategy and support better decisions

- Data Analysis/Science
- Data Reconstruction
- Custom Solutions
- KCIC is a SOC 1 certified service organization



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What's in the Data? | Filings through November 2025

Filings

- **3,741** lawsuits filed nationally

New York Filings

- **591** lawsuits filed in New York

Jurisdictions

- **116** Jurisdictions nationally, **32** Jurisdictions in New York

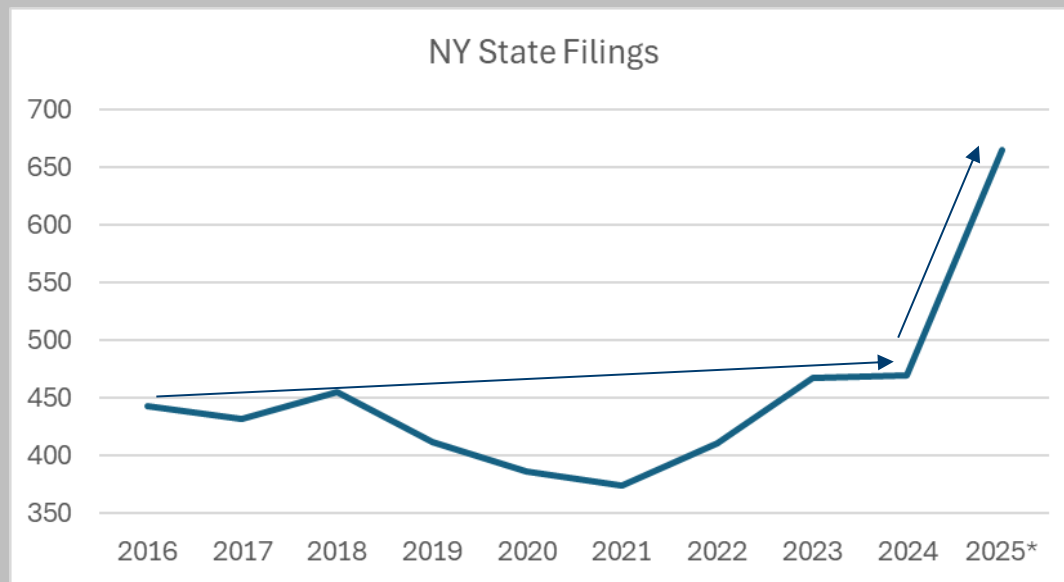
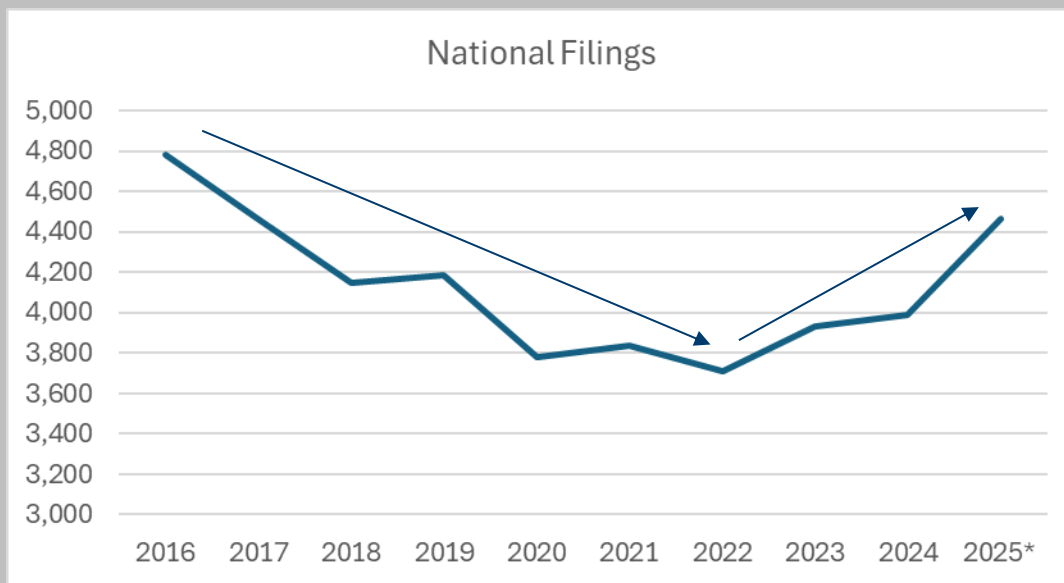
Plaintiff Firms

- **123** Plaintiff Firms filing nationally, **16** filing in New York

Defendants

- **12,200+** entities named nationally, **2,800+** in New York
- **74** Avg. # per complaint nationally, **57** in New York

Total Filings | National Trends vs. New York State



Overall Trends

National Trends (as of 11/30)

2016 vs. 2025:

✓ 6% decrease
 (-223 lawsuits)

2024 vs. 2025:

✓ 9% increase
 (+312 lawsuits)

NY Trends (as of 11/30)

2016 vs. 2025:

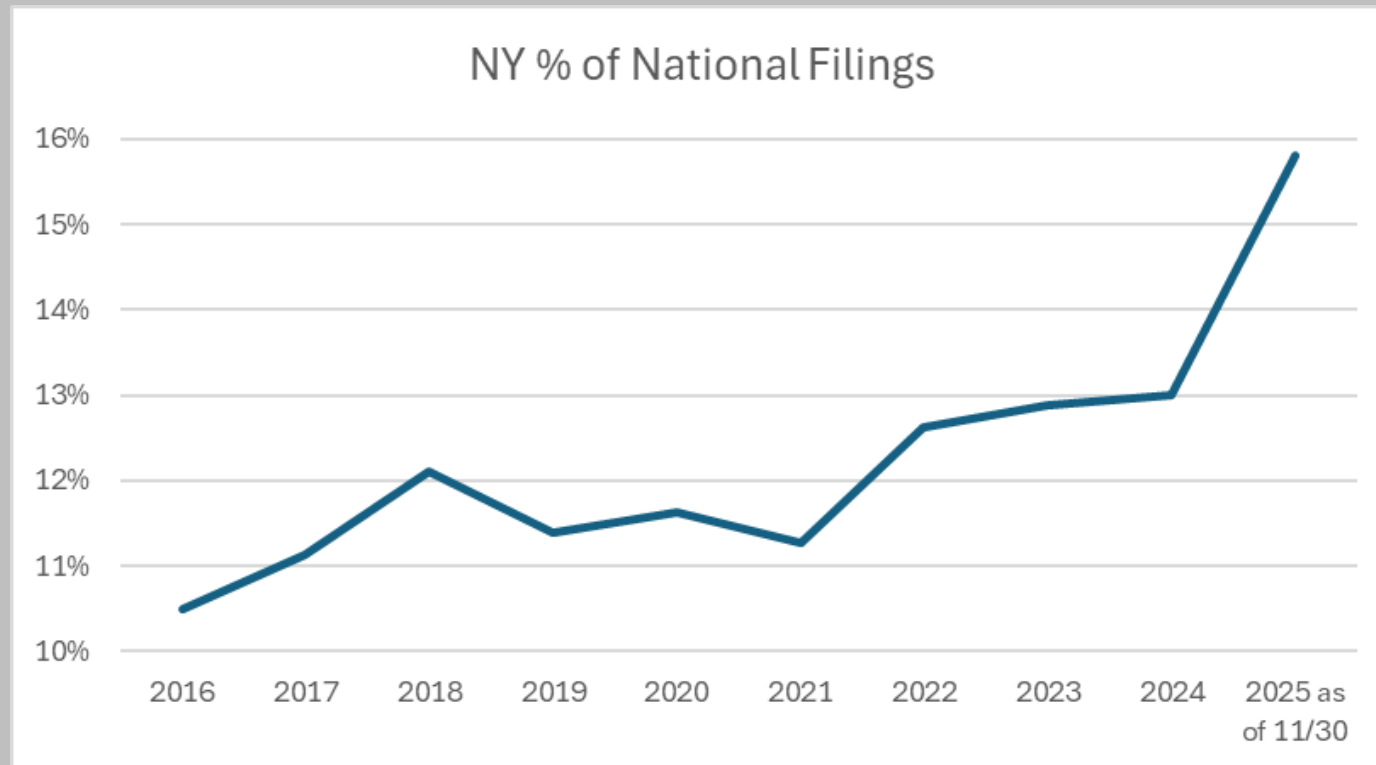
✓ 33% increase
 (+148 lawsuits)

2024 vs. 2025:

✓ 26% increase
 (+122 lawsuits)

* Estimated based on filings received through 11/30

Total Filings | National Trends vs. New York State

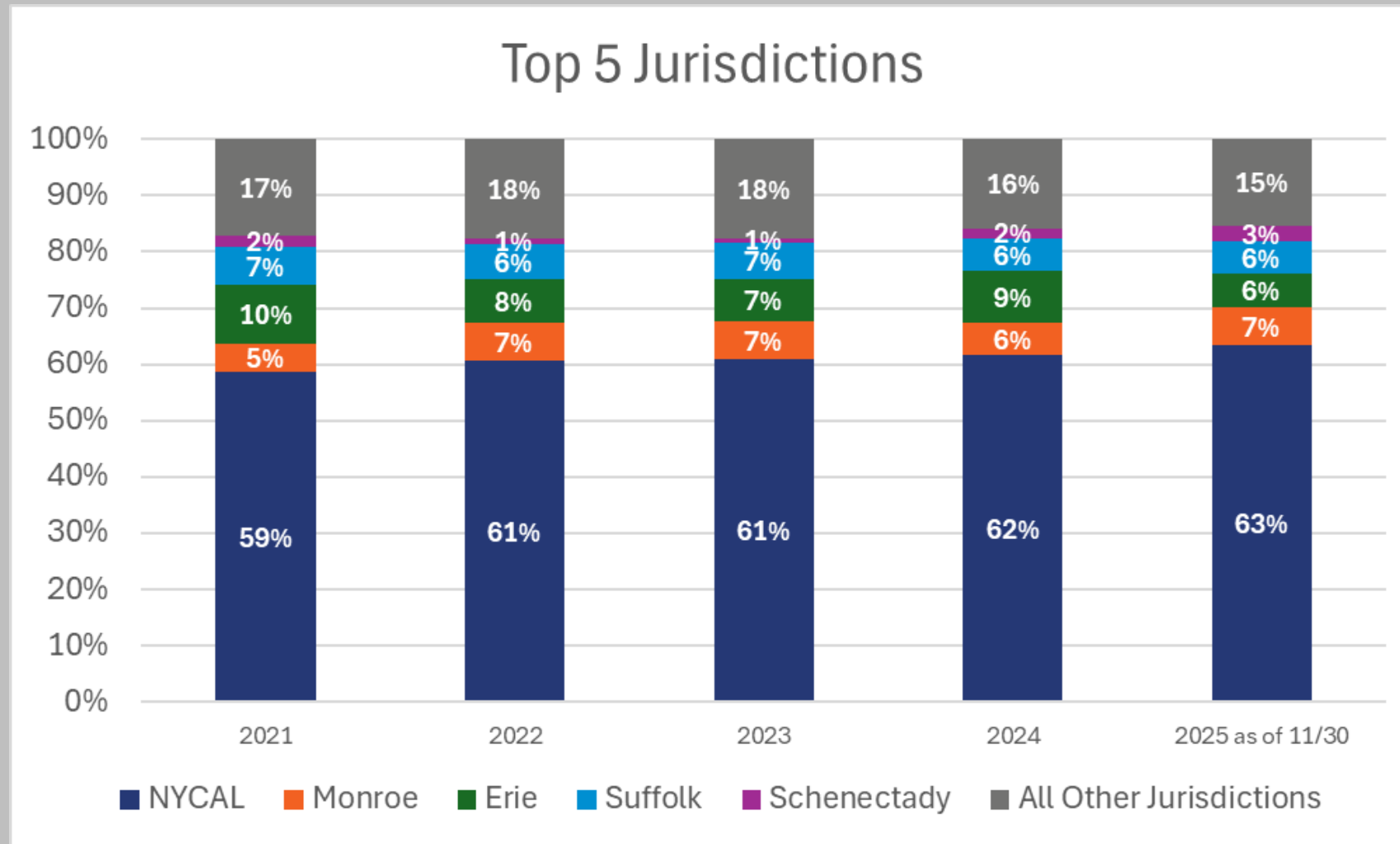


NY has been #2 state for asbestos filings since 2017

2016-2021: NY made up 11% of total filings

2022-2024: NY made up 13% of total filings

2025 as of 11/30: NY made up 16% of total filings



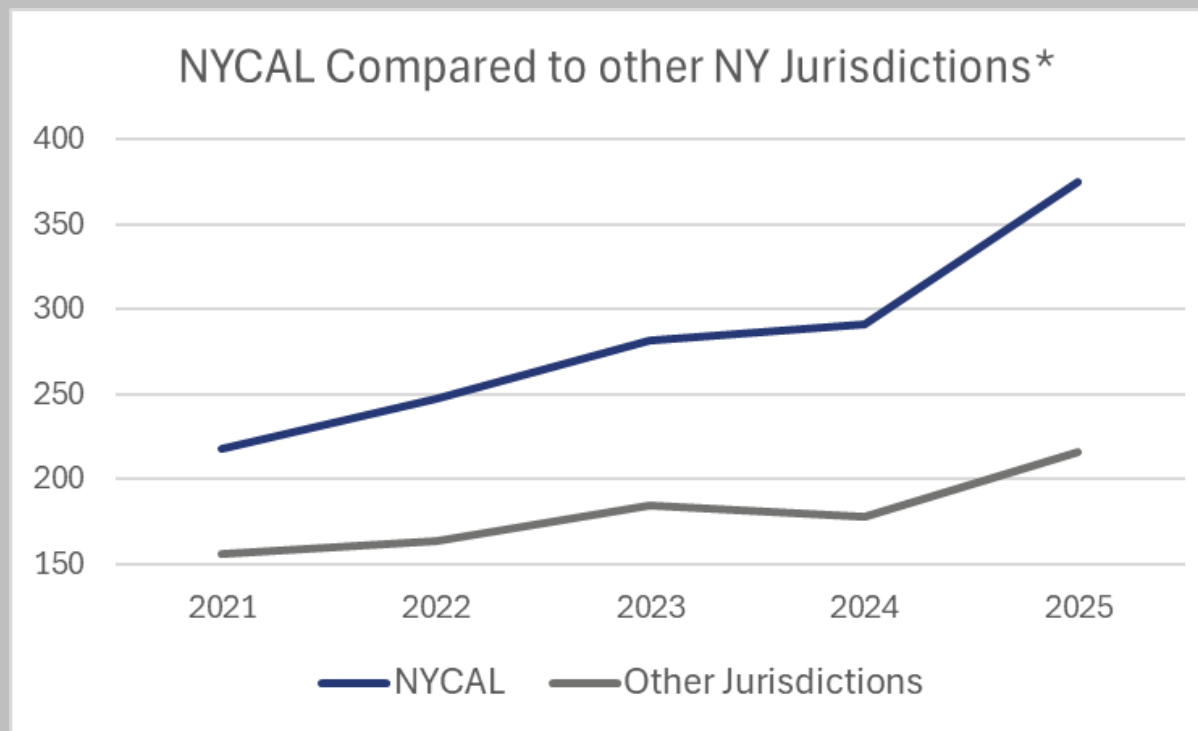
Jurisdictions | New York Trends

NYCAL*

- Filings up 29% (+84) compared to this time last year
- Filings up 72% (+157) compared to this time in 2021

Other NY Jurisdictions*

- Filings up 21% (+38) compared to this time last year
- Filings up 38% (+60) compared to this time in 2021



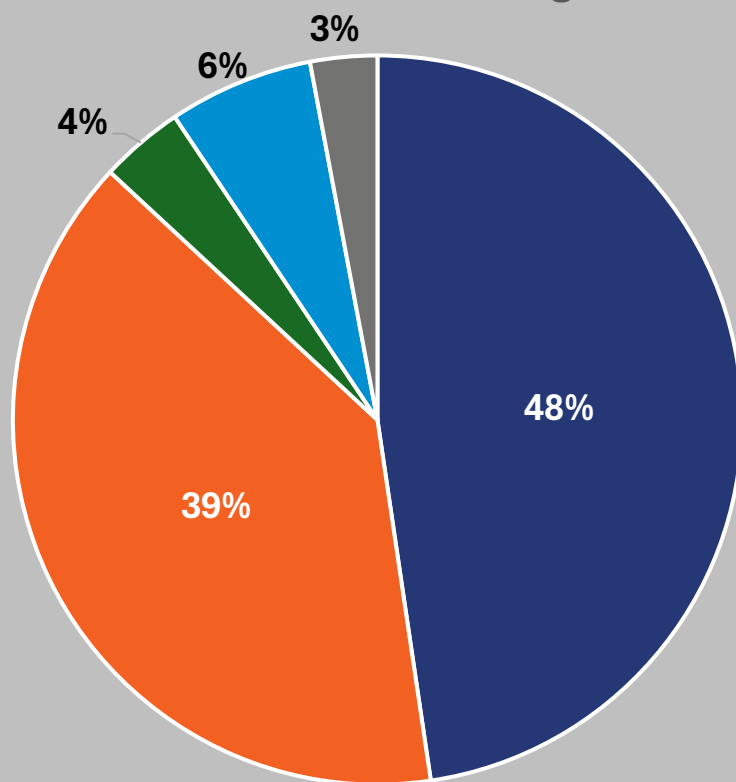
Major Changes 2024-2025*

- Monroe: 54% increase (+14)
- Erie: 17% decrease (-7)
- Suffolk: 26% increase (+7)
- Schenectady: 100% increase (+8)
- Orange: 400% increase (+8)

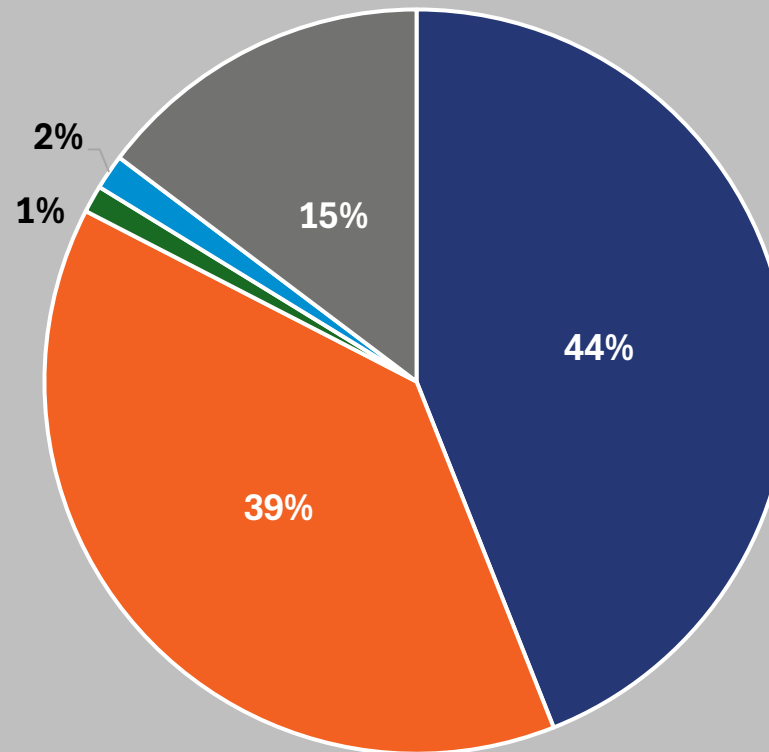
* As of 11/30 each year

Disease Breakdown | National Compared to NY

2025 National Filings

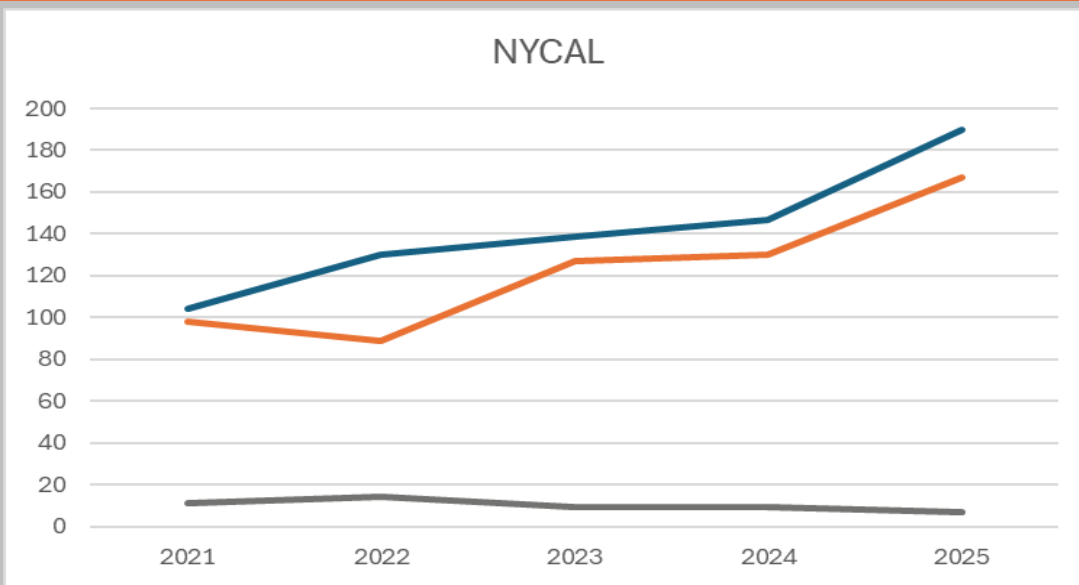


2025 NY State Filings

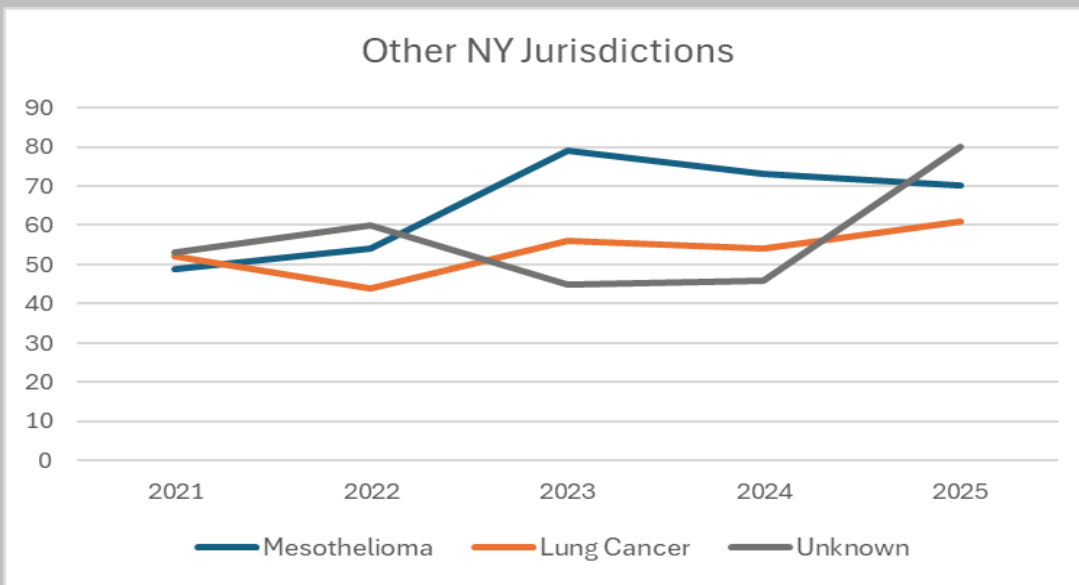


- Mesothelioma
- Lung Cancer
- Other Cancer
- Non-Malignant
- Unknown

Disease Trends | New York Jurisdictions (as of 11/30)

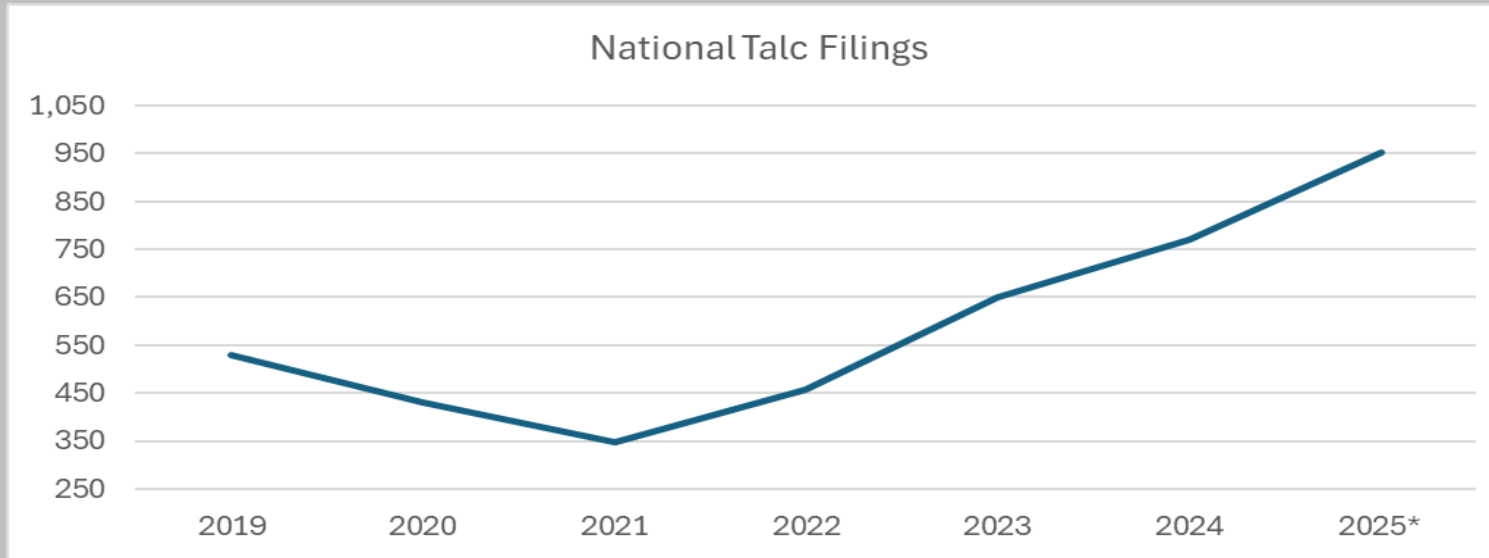


Meso: up 29% (+43)
LC: up 28% (+37)
Unknown: down 22% (-2)



Meso: down 4% (-3)
LC: up 13% (+7)
Unknown: up 74% (+34)
 29% of unknown filings in New York were in Suffolk

Talc Filings | National Trends



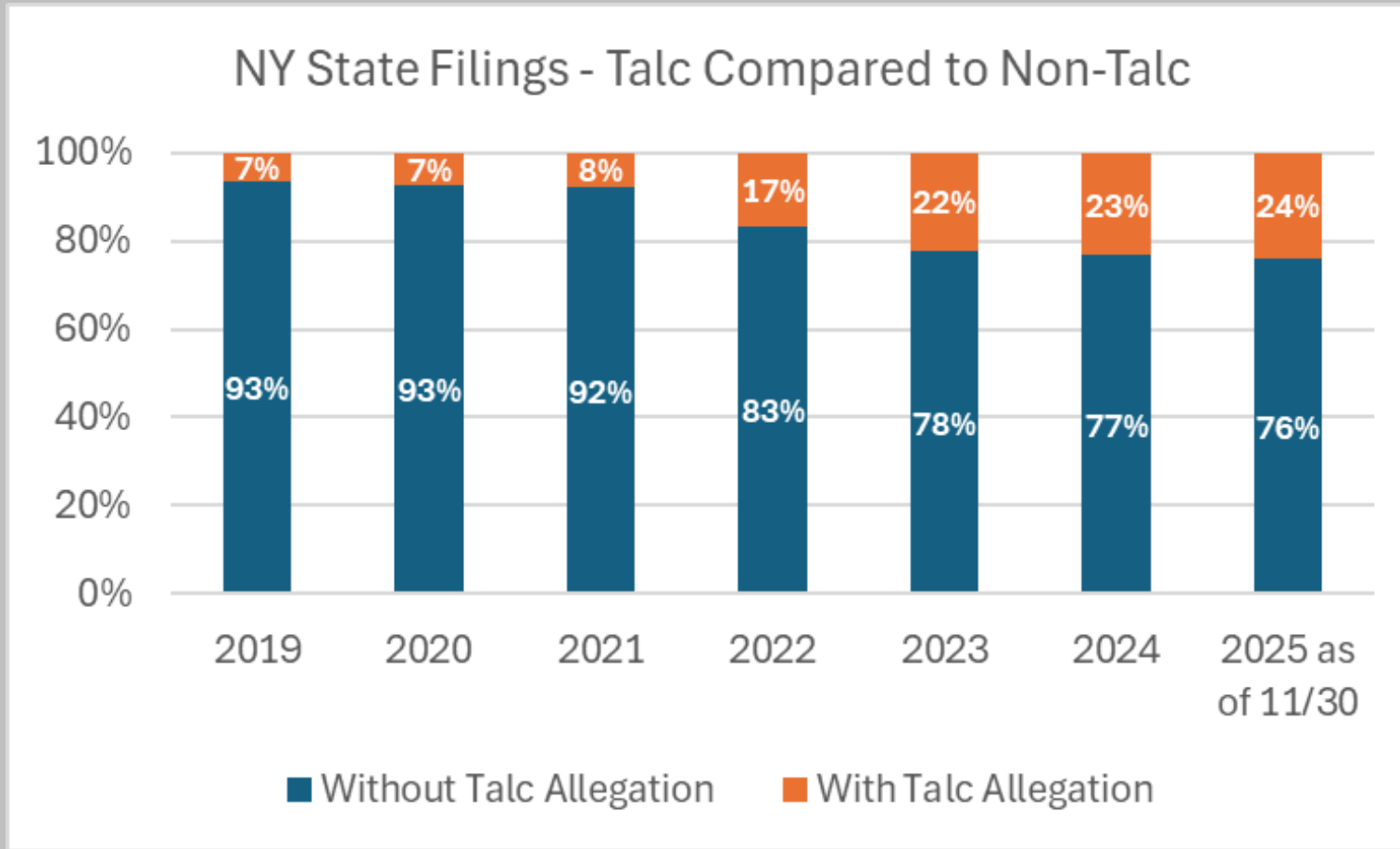
Top Jurisdictions for Talc Filings:

- Madison County, IL: 24% of 2025 total
- New York, NY: 14% of 2025 total
- Middlesex, NJ: 12% of 2025 total
- St. Clair County, IL: 8% of 2025 total
- Los Angeles, CA: 7% of 2025 total

| File Year | All Asbestos | Talc | Talc % of Total |
|-----------|--------------|------|-----------------|
| 2019 | 4,182 | 530 | 13% |
| 2020 | 3,782 | 431 | 11% |
| 2021 | 3,834 | 347 | 9% |
| 2022 | 3,707 | 457 | 12% |
| 2023 | 3,934 | 649 | 16% |
| 2024 | 3,990 | 770 | 19% |
| 2025* | 4,463 | 953 | 21% |

* Estimated based on filings received through 11/30

Talc Filings | New York Trends



79% of 2025 complaints with a talc allegation in New York were filed in NYCAL



National Trends

- In 2025, there has been a total of over \$1.6B in plaintiff verdicts so far
- The largest verdict was for \$966M in Los Angeles
- The second largest verdict we're aware of is the Durbec verdict in NYCAL (see below)



New York Verdicts:

St. Lawrence County: Estate of Anna Bishop v. Vanderbilt Minerals, LLC (\$12.25M)

- Mesothelioma, died in 2023 (78 years old)
- Plaintiff lived near a Vanderbilt talc plant
- Evidence that Vanderbilt talc contained asbestos and that asbestos fibers were being released into the air from the mine operations
- Evidence that Vanderbilt employees and residents that lived nearby had a higher incidence rate of mesothelioma
- \$4.5M compensatory damages
- \$7.75M punitive damages



NYCAL: Durbec v. Mario & DiBono (\$117M)

- Mesothelioma, 75-year-old man
- Exposed to asbestos through his career as a sheet metal worker and during his brief service in the Vietnam War
- Direct exposure chipping away at fireproofing
- Bystander exposure to fireproofing sprayed during the construction of the World Trade Center
- \$40 million past pain and suffering
- \$38 million future pain and suffering
- \$20 million past loss of consortium
- \$19 million future loss of consortium



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Asbestos Report, sign up for our blog:

<https://www.kcic.com/trending>



Be Certain.



Thank You!

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Asbestos Remittitur Decisions



| Case | Injury Type | Award | Monthly |
|------------------------|--------------|--|--|
| <i>Maffei 2025</i> | Lung Cancer | \$26.5 Million (Past = \$6.6 million, 77 months; Future = \$19.9 million, 17.5 years) | Past: ~\$90,000 per month Future: ~\$90,000 per month |
| <i>McWilliams 2024</i> | Mesothelioma | \$23 Million (Past = \$13 million, 4 years; Future = \$10 million, 2 years) | Past: ~271,000 per month Future: ~\$417,000 per month |
| <i>Robaey 2020</i> | Mesothelioma | \$9.5 Million (Past= \$5.5 million, Future = \$4 million). | Time unreported. |
| <i>Gondar 2019</i> | Mesothelioma | \$5.5 Million (Past= \$5 million, 17 months; Future= \$500,000, 1 month) | Past: ~\$29,400 per month Future: ~\$500,000 per month |
| <i>Macaluso 2019</i> | Mesothelioma | \$4 million , 15 months | ~\$267,000 per month |
| <i>Miller 2017</i> | Mesothelioma | \$9 million (Past = \$5 million, 24 months; Future = \$4 million, 12 months) | Past: ~\$208,000 per month Future: ~\$333,000 per month |
| <i>North 2016</i> | Mesothelioma | \$7 million (Past = \$3.5 million, Future = \$3.5 million) | Time unreported. |
| <i>McCloskey 2014</i> | Mesothelioma | \$4 million , 17 months | ~\$235,000 per month |
| <i>Konstantin 2014</i> | Mesothelioma | \$8 million (Past = \$4.5 million, 33 months; Future = \$3.5 million, 18 months) | Past: ~\$136,000 per month Future: ~\$194,000 per month |
| <i>Dummit 2014</i> | Mesothelioma | \$8 million (Past = \$5.5 million, Future= \$2.5 million, 27 months total) | ~\$300,000 per month |
| <i>Penn 2011</i> | Mesothelioma | \$3.5 million , 13 months | ~\$270,000 per month |
| <i>Koczur 2011</i> | Lung Cancer | \$6 million , 5.5 months | ~\$1 million per month |
| <i>McCarthy 2011</i> | Lung Cancer | \$8 million , 24 months | ~\$333,000 per month |
| <i>D'Ulisse 2007</i> | Mesothelioma | \$10 million , 32 months | ~\$300,000 per month |

Non-Asbestos Remittitur Decisions



| Case | Injury Type | Award |
|--|---------------------|---|
| <i>In re 91st St. Crane Collapse Litig.</i> , 154 A.D.3d 139 (1st Dept. 2017) (Plaintiff Kurtaj) | Crane Collapse | \$7.5 million for 4 hours of conscious pain and suffering |
| <i>In re 91st St. Crane Collapse Litig.</i> , 154 A.D.3d 139 (1st Dept. 2017) (Plaintiff Leo) | Crane Collapse | \$5.5 million for 9 minutes of conscious pain and suffering |
| <i>Dowd v. New York City Transit Auth.</i> , 78 A.D.3d 884 (2d Dept. 2010) | Bus Accident | \$1.2 million for 1 hour and 20 minutes of conscious pain and suffering |
| <i>Perez v St. Vincents Hosp. and Med. Ctr. of New York</i> , 66 A.D.3d 663 (2d Dept 2009) | Medical Malpractice | \$800,000 for 50 minutes to over one hour of conscious pain and suffering |

| Case | Injury Type | Award |
|---|-----------------------|---|
| <i>Launders v. Steinberg</i> , 39 A.D.3d 57, <i>aff'd as modified</i> , 9 N.Y.3d 930 (1st Dept. 2007) | Assault | \$5 million for 8-10 hours of conscious pain and suffering |
| <i>Maracallo v. Bd. of Educ. of City of New York</i> , 21 A.D.3d 318, 319 (1st Dept. 2005) | Negligent Supervision | \$1.25 million for 6-7 minutes of conscious pain and suffering |
| <i>Lubecki v. City of New York</i> , 304 A.D.2d 224 (1st Dept. 2003) | Police Shootout | \$3 million for 1 hour of conscious pain and suffering |
| <i>Ramos v. La Montana Moving & Storage, Inc.</i> , 247 A.D.2d 333 (1st Dept. 1998) | Truck Collision | \$900,000 (after additur) for "approximately 15-30 minutes" of "extreme pain" |