

NEW YORK ASBESTOS LITIGATION CONFERENCE

New York City Bar Association | December 11, 2024

THE NEW YORK OVERVIEW



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New York Asbestos Litigation Overview

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

December 11th, 2024

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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



Megan Burns

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Managing Director

What's in the Data?

Filings through November 2024



Filings

- **3,467** lawsuits filed nationally

New York Filings

- **486** lawsuits filed in New York

Jurisdictions

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

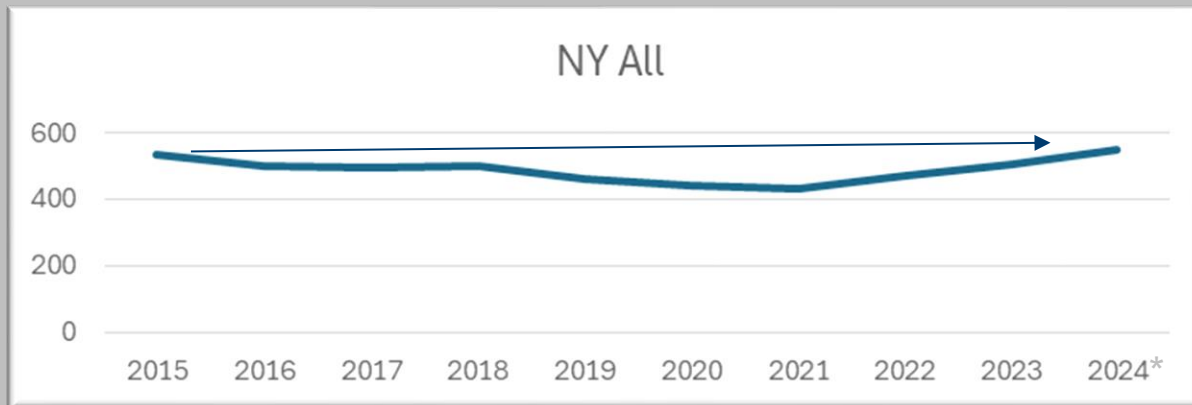
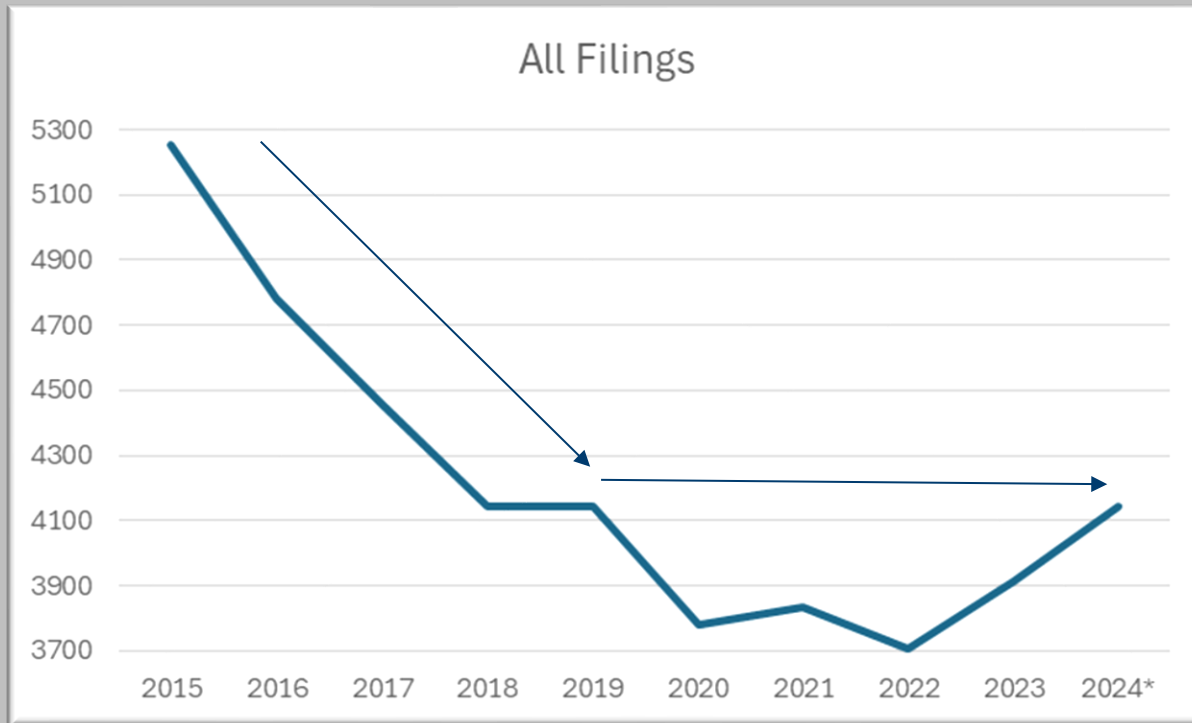
Plaintiff Firms

- **127** Plaintiff Firms filing nationally, **17** filing in New York

Defendants

- **74** Avg. # per complaint nationally, **58** in New York
- **11,000+** entities named nationally, **2,700+** in New York

Total Filings | National Trends vs. New York State



Overall Trends

2015 vs. 2024 (FY est)

National Filings:

✓ 21% decrease
(-1,110 lawsuits)

NY Filings:

✓ 3% increase
(+14 lawsuits)

2023 vs. 2024

National Filings:

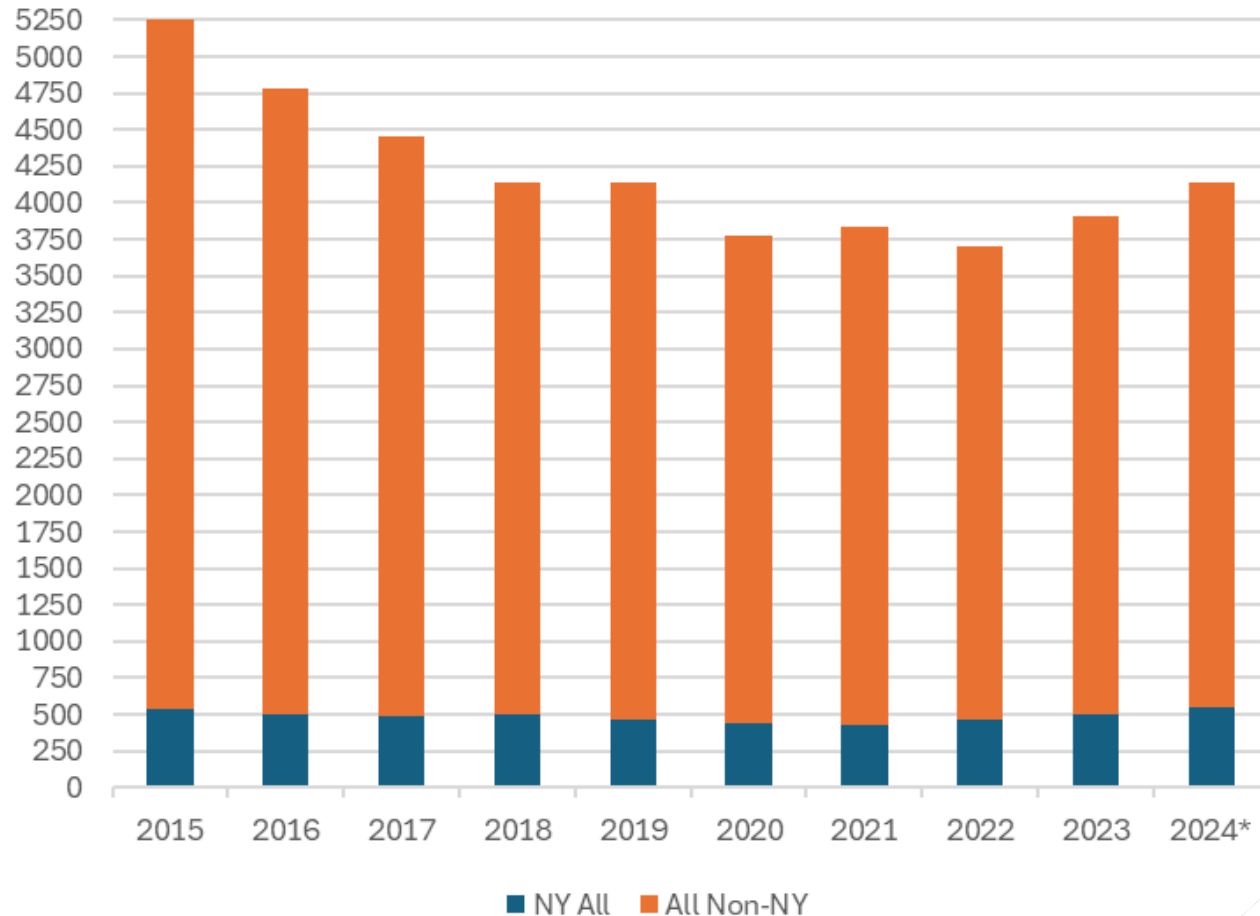
✓ 7% increase
(+228 lawsuits) vs. 12/1/23

NY Filings:

✓ 4% increase
(+19 lawsuits) vs. 12/1/23

Total Filings | National Trends vs. New York State

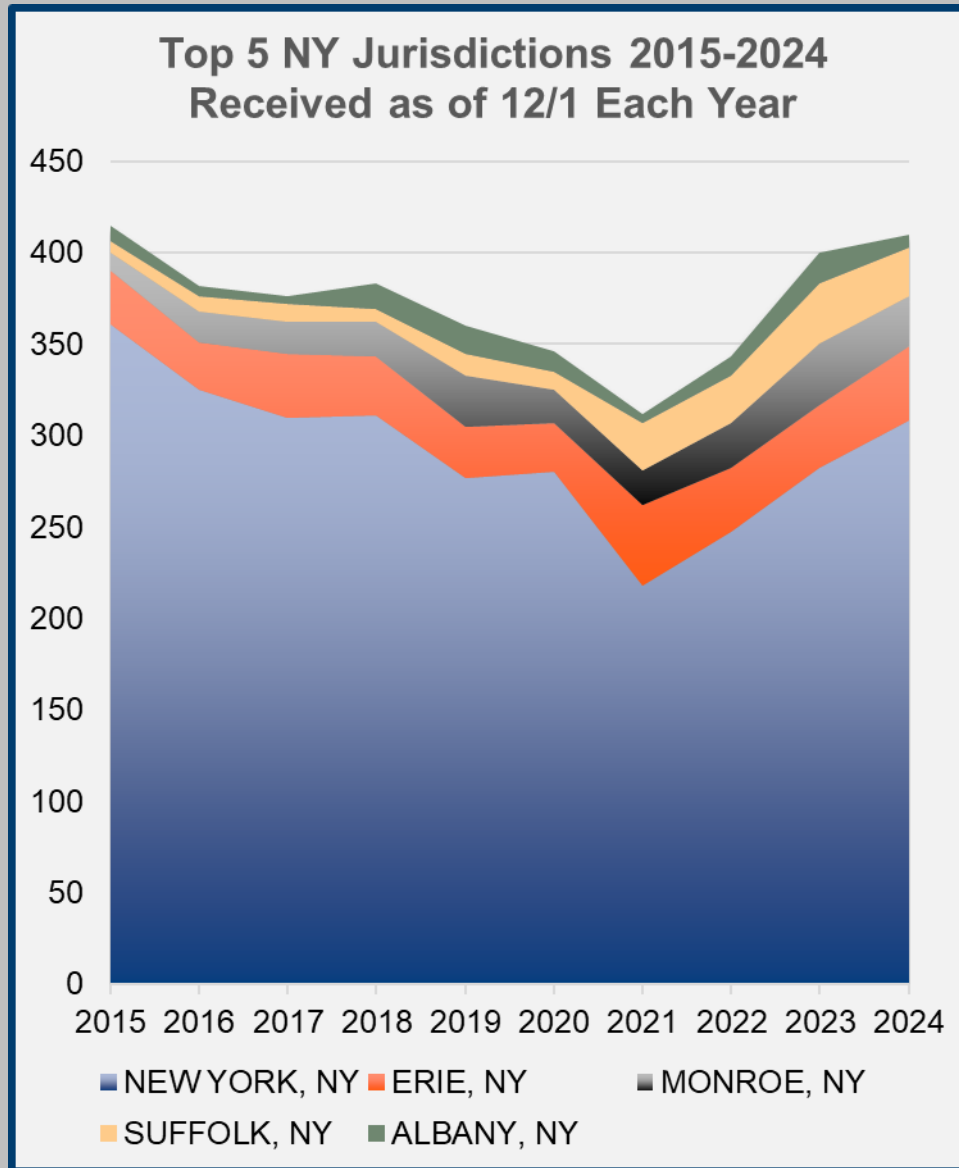
New York Portion of Total Filings
2014-2024*



NY has been
#2 state for
asbestos
filings since
2017

2015-2017:
NY made up
11% of total
filings

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



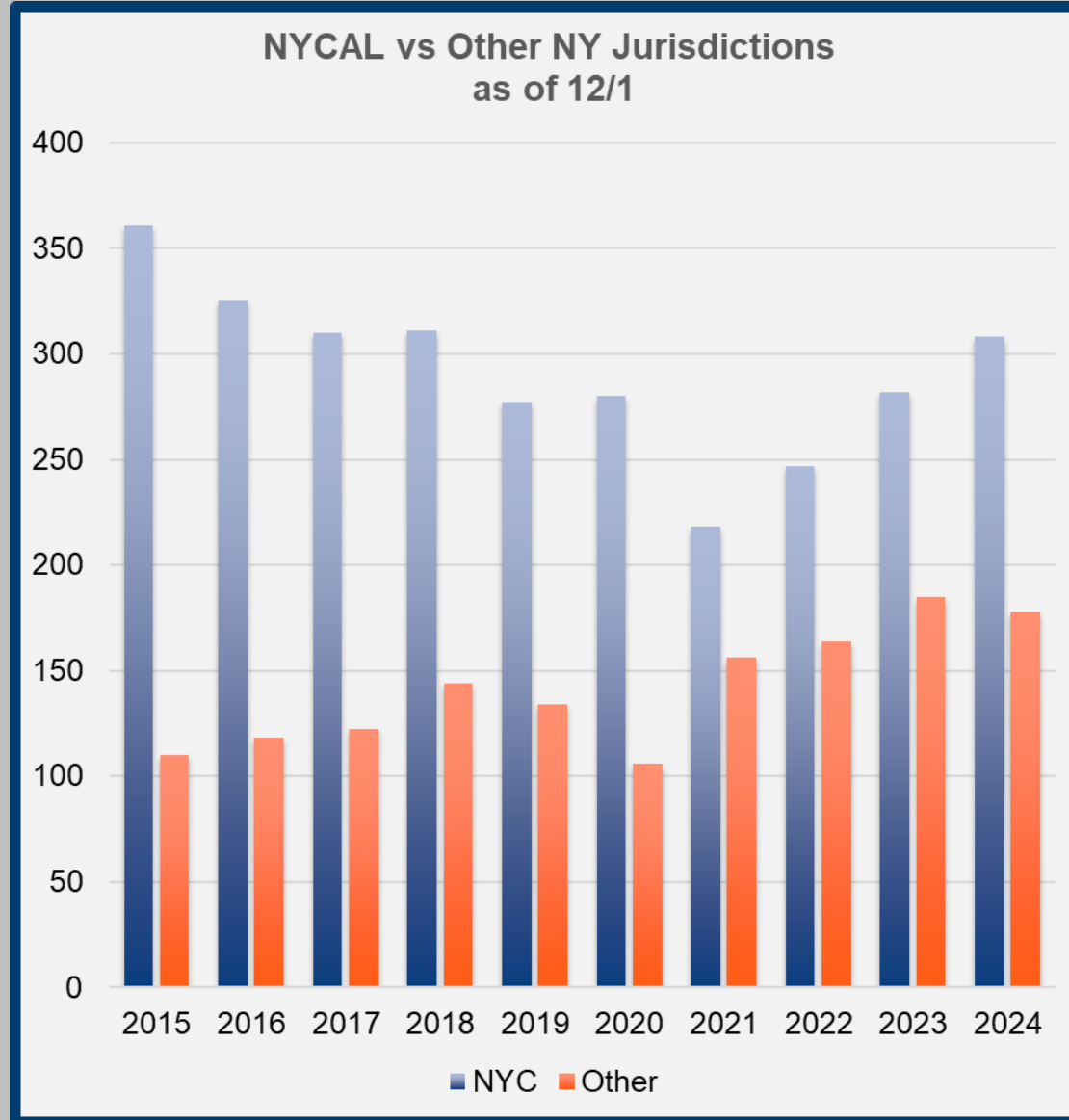
2014 – 2015

- 33 NY Jurisdictions
- NYC 77-79% of NY State Total



2023 – 2024

- 40 NY Jurisdictions
- NYC 60-63% of NY State Total



NYC

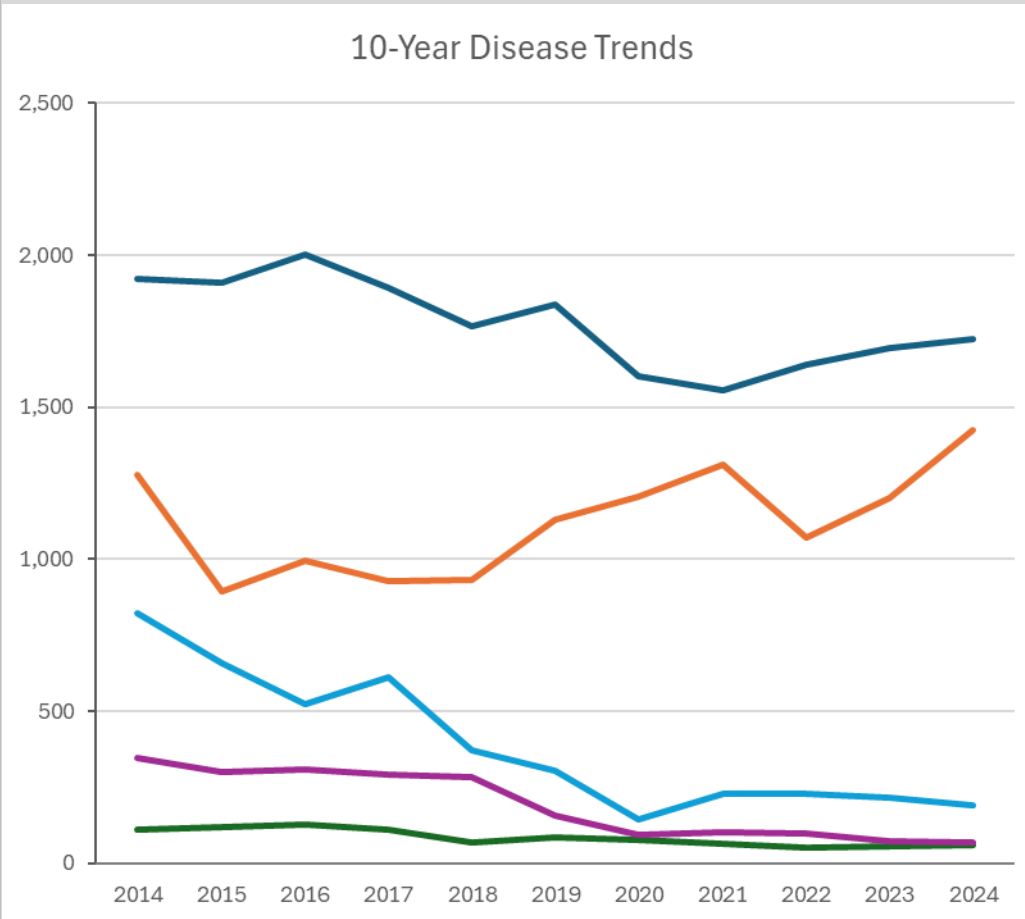
- Filings up 9% compared to this time last year
- 60% of NY state total (2024)

Other NY Jurisdictions

- Filings down 4% compared to this time last year
- 40% of NY state total (2024)

National Trends | Filings by Disease

2024 Trend: Mesothelioma represent 50%,
Lung Cancer represent 41% of all filings



*Filings as of end of November each year.

2023 vs 2024 (point in time)

Mesothelioma
increase of 2% (or hold steady)

Lung Cancer
increase of 19%

Non-malignant
decrease of 12%

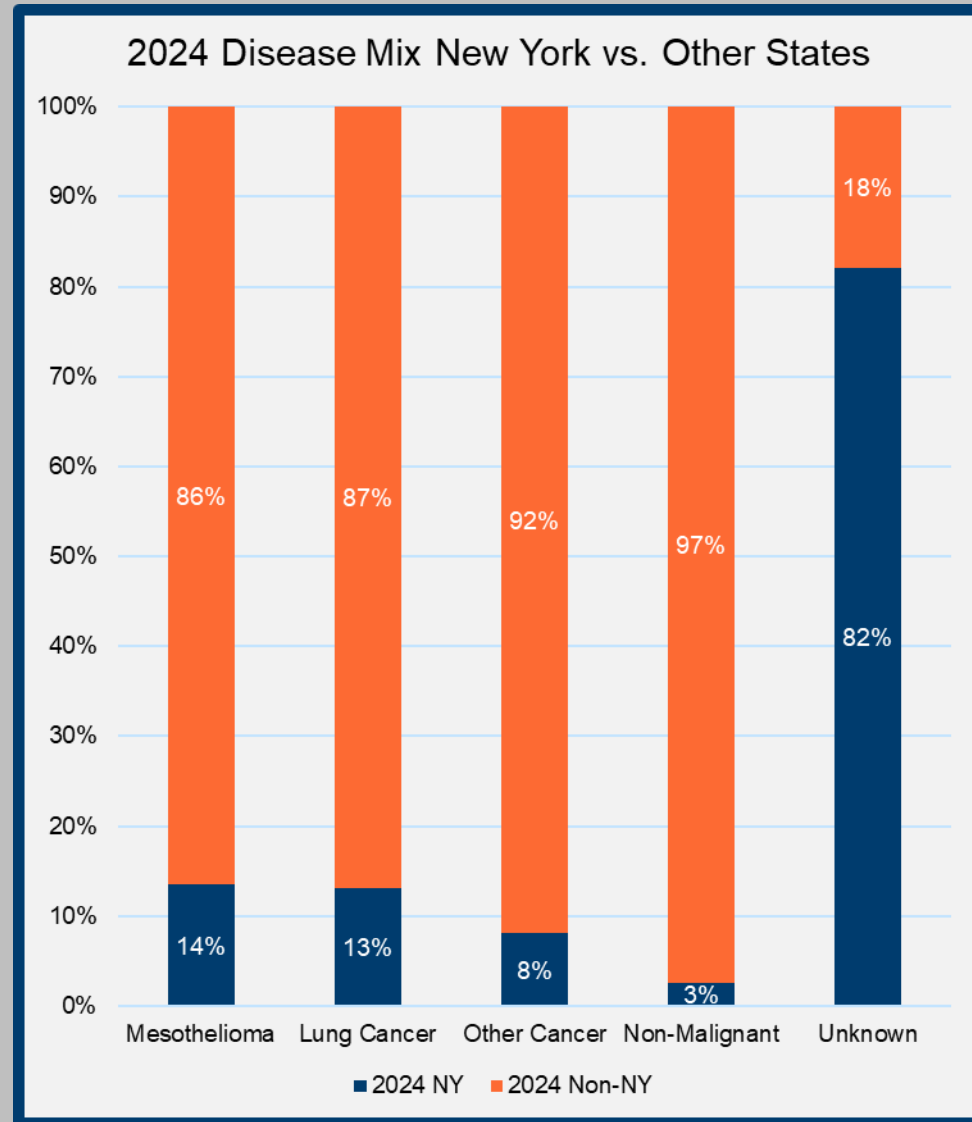
Unknown
decrease of 9%

Other Cancer
increase of 15%

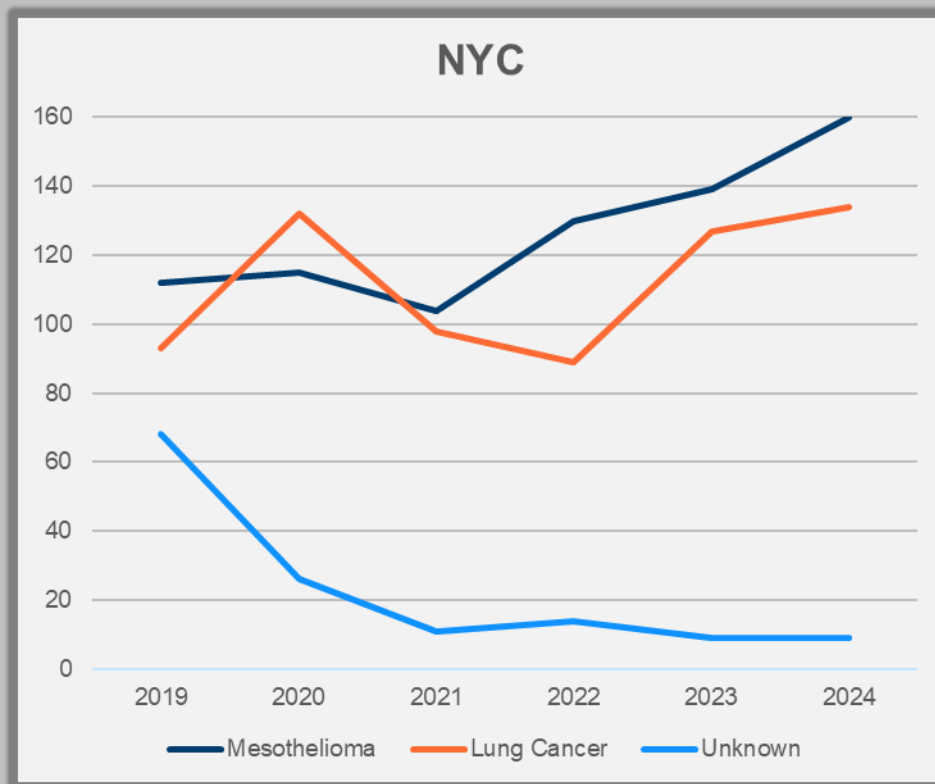
Disease Trends | New York vs. Other States

NY makes up 14% of Mesothelioma and 13% of Lung Cancer claims filed nationally (in line with NY's % of total filings)

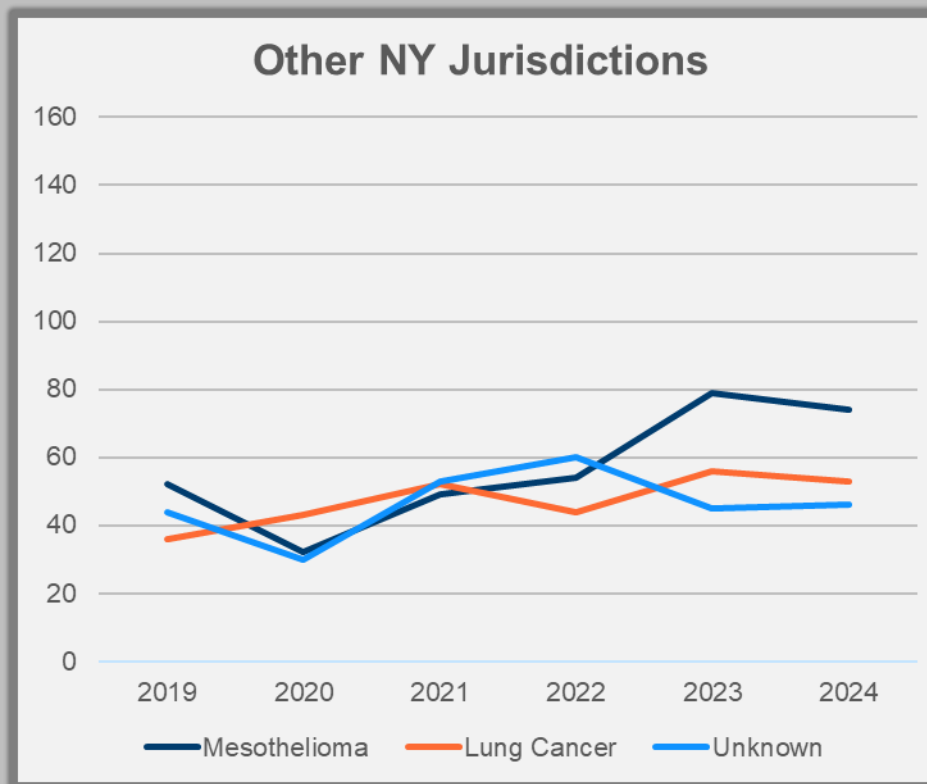
NY makes up 82% of the complaints without a disease filed nationally



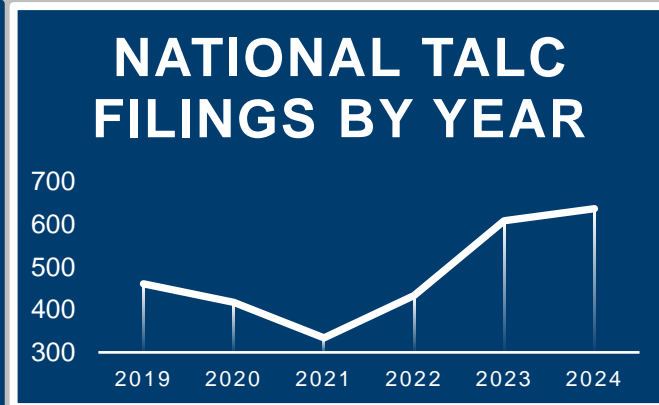
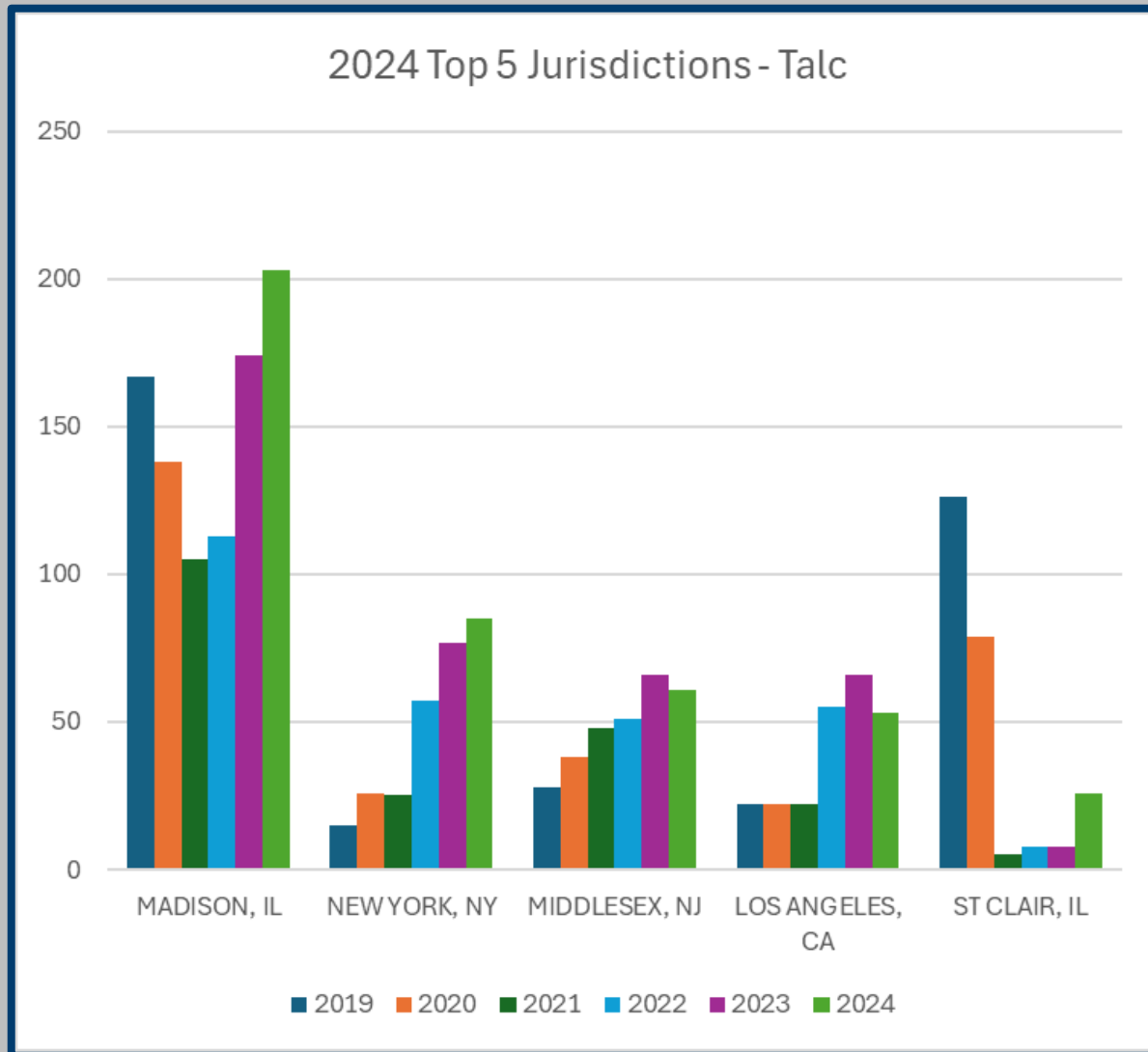
Disease Trends | New York Jurisdictions (as of 12/1)



- Meso: 52% of total, up 15%
- LC: 44% of total, up 6%
- Unknown: 3% of filings, 9 YTD



- Meso: 42% of total, down 6%
- LC: 30% of total, down 5%
- Unknown: 26% of total, 46 YTD



- National filings have almost doubled since 2021
- Talc included on 18% of total filings (national)
- NY makes up 17% of national talc filings
- Talc included on 22% of NY (state) filings
- Talc included on 28% of NYC filings



NYCAL Verdicts:

- Wagner v. American Honda Motor Co. (\$600k)
 - 79-year-old, living mesothelioma
 - Verdict against Honda, but jury found AHM did NOT act with reckless disregard.
 - No punitive damages awarded.
 - 21 non-party entities on verdict sheet
- Cardillo v. Chanel Inc. et al (\$0)
 - 80-year-old, deceased mesothelioma
 - Unanimously found for defendant American International Inc. (talc supplier)
- No 2024 NY Verdicts outside of NYCAL



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Be Certain.



Thank You!

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