



1107 9<sup>th</sup> Street, Suite 901 • Sacramento, CA 95814 • (916) 498-9608 • [mail@consumercal.org](mailto:mail@consumercal.org)

March 21, 2019

Hon. Bill Monning  
State Capitol Room 4040  
Sacramento, CA 95814

**RE: SB 645 (Monning) - SUPPORT**

Dear Senator Monning:

The Consumer Federation of California supports Senate Bill 645 (Monning), which protects Californians who are suffering and dying from mesothelioma and silicosis from abusive depositions that add physical and emotional stress to their final days.

The bill limits the time allowed for the deposition to seven hours when a licensed physician attests there is substantial medical doubt the victim will survive beyond six months. The bill would, at a defendant's request, give judges discretion to grant an additional three hours, totaling a maximum of no more than ten hours of total examination of the deponent by the defendants, if it finds that an extension is in the interest of fairness and will not endanger the dying person's health.

Extended depositions are hard enough on individuals who are healthy, but can hasten the death of those who are in excruciating pain from these illnesses. A law effective in 2012 was supposed to protect these victims from abusive depositions, but courts have interpreted the law in a way that allows them to exceed the time limit. Judges have issued broad case-management orders for certain classes of cases without looking at both the individual facts of each case and the individual health of the person to be deposed. California has broad written discovery and document production requirements to provide due process for defendants so they can determine what happened and who may be at fault. These discovery methods assure that every proper question a defendant wants to ask is answered. Grueling, lengthy depositions are not needed.

Combined with written discovery and document production, a deposition limit of seven hours, or of ten hours upon a judge's discretion, is a reasonable and humane protection for a person who is dying of mesothelioma or silicosis. Thank you for your commitment to protecting the victims of these diseases.

Sincerely,

Richard Holober  
Executive Director

cc: Members of the Senate Judiciary Committee