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Exposed To Asbestos But Not Injured: Worth A Law Suit?

(NAPSA)—“Is he sick?” That is the question judges and juries should be asking, say a growing number of Americans.

The question is being asked more frequently these days because claims by individuals without significant physical impairment have appeared in many mass product litigations, including Fen/Phen, breast implants and many others. However, these so called “unimpaired” or “exposure only” claims have had the greatest impact in asbestos lawsuits.

Abuse in asbestos litigation led to calls to limit unimpaired claims. According to a U.S. Chamber of Commerce-sponsored study by National Economic Research Associates, a billion or more dollars have been paid to settle asbestos claims brought by individuals who, by all accounts, suffer no physical impairment. In one example, a jury recently awarded \$150 million to six plaintiffs who were exposed to asbestos dust but don't have cancer—they just fear that one day they might get it.

While breathing in asbestos is recognized as being hazardous, there is far less medical certainty about the dangers of being exposed to asbestos in such products as drywall and automotive brake linings, where the substance usually is sealed in.

Even some lawyers who represent asbestos victims say the system is broken. Steven Kazan, a



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lawyer representing victims of mesothelioma, a painful cancer caused by asbestos, recently told the *Los Angeles Times*: “Asbestos litigation has become a national nightmare as well as a national disgrace. This has nothing to do with health anymore and everything to do with the lawyers taking advantage of economic opportunity... These are not patients, they are plaintiffs recruited for profit.”

More than 200,000 asbestos cases are currently pending in the U.S., creating log jams that can force plaintiffs to wait for a trial date. But a majority of those cases are coming from plaintiffs who have yet to show any incapacitation.