



MILITARY ORDER OF THE PURPLE HEART
Robert Callahan Commander
Department of Kansas
404 W. Walnut Salina Kansas 67401

March 8, 2018

HB 2457: Oppose

Dear Senate Judiciary Committee Chairman Rick Wilborn and members of the Senate Judiciary Committee,

With all due respect to the authors of this legislation, we believe that you may be unaware of the consequences of this legislation upon our members and the veterans' community in general. Veterans may only represent 8% of the nation's population, but they comprise an astonishing 30% of all known mesothelioma deaths that have occurred in this country. Exposure to asbestos is the only known cause of mesothelioma. Given the disproportionate impact this legislation will have on the veterans' community, I wish to identify our specific concerns.

This legislation robs veterans of their constitutional right to a trial by jury by giving asbestos corporations the power to run out the clock on sick and dying veterans. Our veterans who suffer from mesothelioma, if they are lucky enough to determine a specific defendant who may be liable, should not have their cause of action delayed while they do or do not pursue a claim against a personal injury trust. This places a great burden upon the veteran to identify all possible defendants before being able to act against one. This also forces veterans to wait indefinitely while their attorney files a claim with little, or no, chance for a meaningful recovery. This legislation may well result in a suit not being adjudicated prior to the veteran's death or incapacity to participate in their own trial.

The injustice this would be to our veterans is magnified by the fact that this legislation is unnecessary. Under current law, injured victims are already required to disclose their complete work histories and exposure information; in fact, victims are required to turn over any and all information a judge deems relevant to court proceedings. Accordingly, asbestos corporations already have the tools they need to defend themselves.

Kansas House Bill 2457 will make it much harder for veterans and their families to hold the asbestos companies accountable. For these reasons, the Military Order of the Purple Heart, Department of Kansas, respectfully urges you to not pass HB 2457 out of committee.

Robert Callahan
Commander
Military Order of the Purple Heart, Department of Kansas