

Asbestos & Stone Litigation Year in Review: 2025

**A Comprehensive Overview of the Status of
Claims, Trends & Recent Case Law Impacting
Asbestos & Stone Litigation in California
Over the Past Year**



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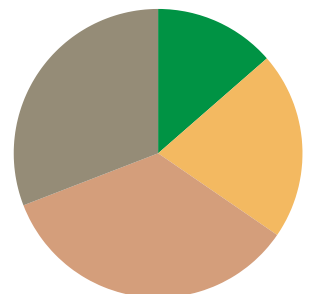
VOLUME OF ASBESTOS CASES & OVERALL FILING TRENDS BY JURISDICTION

Following a year of notable developments, it is time to look back and evaluate the changes the year 2025 brought with it. As we do each year, our team at Walsworth presents you with a comprehensive overview of the status of claims, trends, and recent case law impacting asbestos litigation in California over the past year. Given the recent skyrocketing growth of lawsuits alleging silicosis caused by exposure to stone fabrication, which proceed under negligence, failure to warn and product liability theories similar to those found in asbestos litigation, we also provide an analysis of stone matters.

San Francisco Superior Court

In San Francisco, we saw a slight slowdown in filings of asbestos cases, with 81 matters filed in 2025 compared to 92 in 2024. These included 11 mesothelioma matters, 17 lung cancers, 28 disputed asbestosis matters, and 25 other cancers. Brayton Purcell continued to lead the filings with 70 new matters (down three from 2024 and 23 from 2023), followed by Pearce Lewis with six (up five from 2024), Gold Law with two (up one from 2024), Maune Raichle with two (down five from 2024), and Keller Fishback with one (up one from 2024).

Judge Schulman continued as the coordinated judge for all asbestos matters in 2025. On several occasions throughout the year, Judge Schulman's rulings were adverse to defendants – including granting a request for a 60-day preferential trial setting. He has reprimanded defendants for opposing motions for trial preference and has refused to acknowledge stipulated deadlines that were not first approved by him. Judge Schulman also requires in person appearance of the parties if any oral argument is to be made.

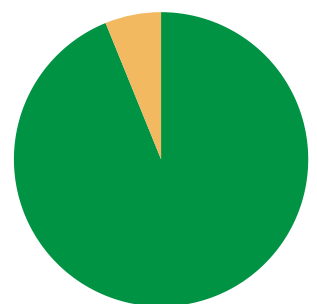


- Mesothelioma - 13.6%
- Lung Cancer - 21%
- Asbestosis - 34.6%
- Other Cancer - 30.9%

Alameda County Superior Court

Alameda saw an increase in filings in 2025, with 65 new matters, up 14 from 2024. Leading filings in Alameda was Maune Raichle with 18 (compared to 14 in 2024). Kazan McLain filed 15 new matters in 2025 (slightly down from 17 in 2024). Other firms included Simmons Hanley, which filed 10 new matters (compared to five in 2024), and Meiowitz with four new matters (compared to one in 2024). DeBlase Brown filed two matters (the same as in 2024). Frost Law, Anya Fuchs, Keller Fishback, Paul Law, Pearce Lewis, and Simon Greenstone each filed one matter in 2025.

Judge Patrick McKinney continued to preside over all asbestos matters in 2025. Importantly, at the beginning of 2026, Alameda Superior Court moved all complex cases (not only asbestos cases) to Judge McKinney's department – this will limit his bandwidth for addressing asbestos matters. In addition to continuing to preside over the asbestos docket for pretrial purposes, Judge McKinney also oversaw several asbestos trials in 2025 – including one that resulted in a Plaintiffs' verdict. **(cont. on p. 2)**



- Mesothelioma - 93.8%
- Lung Cancer - 6.2%



VOLUME OF ASBESTOS CASES & OVERALL FILING TRENDS BY JURISDICTION

Alameda County Superior Court

(cont. from p. 1)

Throughout 2025 there was significant discussion regarding a uniform e-service agreement between the court and all parties; although no concrete decision was made in 2025, we hope to have a consistent procedure in place in 2026.

Southern California

Southern California asbestos case filings also increased in 2025 – 152 new filings in 2025 compared to 132 in 2024. The 2025 new filings included two cases filed in San Diego and six matters filed in Ventura. We are unable to verify the accuracy of the disease filing information at the time of drafting; however, generally, mesothelioma matters dominated the filings. We also saw a slight upwards trend in the number of lung cancer matters filed. Waters Kraus Paul again led asbestos filings in Southern California with 39 new matters in 2025 (compared to 25 in 2024), followed by Frost Law with 20 (up from nine in 2024). Simmons Hanley filed 13 Southern California asbestos matters in 2025 (down slightly from 16 in 2024). Weitz & Luxenberg also filed 13 matters in 2025 (up slightly from 11 in 2024). The Keller Fishback firm filed 11 new matters in Southern California (up seven from 2024). Meiowitz filed nine new matters in 2025, while Simon Greenstone filed eight (down one from 2024). Maune Raichle filed five new matters (down significantly from 23 in 2024). A smattering of other firms filed four new matters – including Kazan and Pearce Lewis – and three matters – including Dean Omar, Gori Law Firm, Iola Gross Forbes-King, and Paul Law. Finally, Brayton Purcell, Karst von Oiste, Lanier, Thorton, and Wisner Baum each filed one new matter in 2025.

Los Angeles again had a shift in presiding judges with Judge Bruce Iwasaki taking over in May, even though Judge Timothy Dillon had only just been assigned to the department in late December 2024. The parties also had to deal with the administrative work of changing all of their pleading captions when Judge Iwasaki moved from Department 15 to Department 14 – the first such departmental move since the JCCP arrived from Central Civil West a number of years ago.

Throughout 2025 there appeared to be little delay in assigning out trial-ready matters to Southern California trial courtrooms, meaning that trial dates for most cases were firm. Judge Iwasaki also appeared to be more willing than some of his recent predecessors to grant motions for summary judgment/adjudication if the moving party shifted the burden. That being said, he was also more likely to grant a motion for trial preference and has made some less than favorable rulings when it comes to discovery, including allowing Plaintiffs to amend their complaint to bring new allegations over a year aft the original complaint was filed and just short of the trial date, and denying genetic testing when he deemed that defendants delayed too long to request the testing.



CALIFORNIA ASBESTOS VERDICTS

The American Tort Reform Foundation consistently dubs California a "Judicial Hellhole," and 2025 was no exception – in fact, Los Angeles took the top spot in 2025-2026's Judicial Hellholes® report, due in part to an eye-popping nearly one *billion* dollar verdict awarded in the *Joy Moore* contaminated talc case, discussed below. Nine asbestos-related lawsuits proceeded to verdict in 2025, up from six in 2024, eight in 2023 and seven in 2022. Of those nine, five resulted in verdicts in favor of plaintiff, while four resulted in defense verdicts.

Jose and Isabel Estrada v. American Honda Motor Co., Inc. - Defense

In February 2025, a Santa Monica jury found in favor of automotive maker American Honda in a personal injury mesothelioma involving 72-year-old Jose Estrada, a career tire repairman and mechanic. The trial was overseen by Judge Michael Levanas. Plaintiffs were represented at trial by Jennifer Alesio and Gary DiMuzio of the Simmons Hanley firm.

Plaintiffs contended exposure during Estrada's work at a Firestone tire store as a tire installer and mechanic and later as an assistant service manager from 1972 until his retirement in 2005. Estrada claimed that during his employment, he and others in his presence worked on various brands of passenger automobiles and light trucks, and that the tire store sometimes purchased Genuine Honda part replacement brakes from the local Honda dealerships. Although Honda initially contended that Estrada's mesothelioma was caused by a genetic mutation, pretrial judge Judge Timothy Dillon precluded Honda's expert Dr. Novakovic from testifying at trial about genetics, including DNA replication, as a cause of plaintiff's disease. At trial, American Honda argued that exposure to chrysotile asbestos fiber encapsulated in brake lining material is incapable of causing mesothelioma in mechanics, and that Estrada's diagnosis of mesothelioma was unconfirmed. After less than a day of deliberations, the jury found by a vote of 9-3 that Estrada's alleged exposure to asbestos in Honda brand brakes distributed by American Honda was not a substantial factor in causing his mesothelioma.

Nancy Slawson (Keith Slawson), et al. v. RT Vanderbilt - Plaintiff

In March 2025, a Downtown Los Angeles jury presided over by Judge Ruth Ann Kwan awarded just over \$3.5 million to the plaintiffs in a wrongful death mesothelioma case involving a 67-year-old decedent, Keith Slawson. Plaintiffs, represented at trial by Nick Novack of the Maune Raichle firm, contended that Slawson was exposed both directly and para-occupationally through his father's construction business. Slawson was employed as a carpenter by his father from 1973-1991 before running his own construction company from 1991 through 2021. Although no exposure was alleged from Slawson's own business, Plaintiff contended that Slawson was exposed to asbestos from joint compound, stucco, floor tile, roofing products, and fire doors with which he worked while employed by his father. Final remaining defendant RT Vanderbilt allegedly supplied asbestos-contaminated talc incorporated into Paco Ready-Mix with which Slawson worked.

The jury assigned 12.5% liability of fault to RT Vanderbilt, and 87.5% fault to "all others." Stipulated economic damages of \$550,000 were awarded, along with non-economic damages of: \$1,250,000 for decedent's pain and suffering; \$750,000 to decedent's children for their loss of consortium; and \$1,000,000 to decedent's widow for her loss of consortium. The jury did not find any fault for intentional tort causes of action, nor did it award punitive damages.



CALIFORNIA ASBESTOS VERDICTS

John and Elizabeth Doomey v. J&J and LTL Management, LLC - Defense

April 2025 kept another Los Angeles-area, specifically Norwalk, jury busy, who awarded a defense verdict to remaining defendant Johnson & Johnson after only an hour of deliberations. Plaintiff John Doomey, age 75, allegedly developed mesothelioma from asbestos-containing friction products to which he was exposed during his employment as a truck driver and from use of personal talcum powder products. Remaining at trial were defendants Johnson & Johnson and LTL Management – a company born out of the J&J bankruptcies. Plaintiffs contended the J&J Baby Powder that Doomey used nearly every day until 2019 was contaminated with asbestos.

After a trial presided over by Judge Roger Ito, in which plaintiffs were represented by Jordan Blumenfeld-James, Ethan Horn and Leonard Sandoval of the Dean Omar firm, however, the jury returned a unanimous verdict in the J&J defendants favor on all four liability questions – negligence, manufacturing defect, design defect, and failure to warn.

Lila Maier (Donald Maier), et al. v. Crown Cork & Seal Company, Inc. - Plaintiff

A Downtown Los Angeles jury in June 2025 awarded just over \$14.5 million to plaintiffs in a wrongful death mesothelioma case presided over by Judge Gregory Alarcon. Decedent Donald Maier, who passed at age 83, was allegedly exposed to asbestos while serving as a machinist mate aboard numerous United States Naval ships. Plaintiffs, widow Lilia Maier and three adult children, were represented by Chris Madeksho and Marc Lowe of the Madeksho Law Firm. After hearing testimony of a coworker who claimed that he saw the words "Mundet" and "cement asbestos" on bags aboard ship, the jury assigned 49% of fault to last remaining defendant Crown Cork & Seal, successor to Mundet Corporation. The other 51% fault was assigned to the United States Navy. There were no claimed economic damages, so the jury awarded non-economic damages only – \$2,270,000 to decedent; \$1,500,000 to plaintiff Lila Maier for her loss of consortium between the time of decedent's diagnosis and death; and \$3,750,000 to all plaintiffs for post-death noneconomic damages. The jury awarded \$6,600,000 in punitive damages.

Alvarino and Dianna DaSilva v. P.E. O'Hair & Co. - Defense

The first Alameda County verdict of 2025 was a defense verdict awarded in a living mesothelioma case presided over by Judge Mark Fickes in Hayward in June. Plaintiffs, represented by Anthony Viera of the Maune Raichle firm, alleged that Mr. DaSilva was exposed to asbestos from multiple para-occupational exposures: (1) shade tree automotive repairs performed by his father in the 1970s and 1980s; (2) his father's home remodel work involving drywall products in the 1970s; (3) his brother's work as a truck driver in the 1970s and 1980s; and (4) Gold Bond talcum powder used by family members from the 1970s through 2010s. At the time of trial, Plaintiff (age 63) was considered "cured" as to his mesothelioma, but was suffering from stage IV renal cancer.

P.E. O'Hair, the last remaining defendant at the time of verdict, was alleged to have supplied asbestos-cement pipe to jobsites at which his brother worked. However, the jury concluded that Plaintiff did not live in the same household as his brother when he allegedly had contact with pipe supplied by P.E. O'Hair. Although the jury found there was no design defect with the pipe supplied by P.E. O'Hair, they did determine that P.E. O'Hair failed to warn about the hazards of pipe it supplied. However, the jury ultimately concluded that the failure to warn was not a factor in the development of Plaintiff's disease, and therefore issued a ruling in defendant's favor.



CALIFORNIA ASBESTOS VERDICTS

Roland and Patricia Carpenter v. BWDAC, Inc., PACCAR Inc., and Pneumo Abex LLC - Defense

A third defense verdict was entered by a Van Nuys jury in July 2025, in favor of defendants BWDAC, Inc., PACCAR Inc., and Pneumo Abex LLC in a living lung cancer matter filed by plaintiffs Ronald and Patricia Carpenter. Plaintiff contended that Ronald Carpenter, 81, developed lung cancer as a result of his exposure to asbestos while working as an auto mechanic from 1976 through 1999, as well as through para-occupational exposure through his father's work as a mechanic and through shade tree auto repair work. Though Carpenter himself was a lifetime non-smoker evidence developed at trial demonstrated that he had significant exposure to secondhand smoke, including a decade where his driving partner was a heavy smoker. At the time of trial, defendants argued that Carpenter's adenocarcinoma was cured and that during the period he had cancer he took limited time off work for treatment (one week) and there were no economic damages as a result.

Following a nine-week trial and a day of deliberations, the jury determined that asbestos was not a substantial factor in Carpenter's development of lung cancer. The Court had granted directed verdicts on punitive damages in favor of PACCAR, BWDAC, and Pneumo Abex. Plaintiffs were represented by Simona Farrise of Farrise Law and Sarah Bendon of Jones & Bendon at trial. The matter was presided over by Judge Blancarte.

David and Marlene Beach v. Kaiser Gypsum Co. & Pulpdent Corp. - Plaintiff

In September, a Santa Monica jury returned a verdict in favor of retired dentist Dr. David Beach and his wife Marlene Beach for just over \$29 million. Plaintiffs contended that Dr. Beach, 78, developed mesothelioma as a result of his exposure to asbestos via his training and career as a dentist via dental castings and dental tape, periodontal dressing, as well as from casting of jewelry using the same dental casting material, through home remodel work in the 1960s, and work as a laborer at a hardware store from 1962 to 1969.

Trial started with several defendants, including University of Southern California (the dental school which plaintiff attended), but the defendants remaining at verdict were Kaiser Gypsum (for joint compound used in home remodel work) and Pulpdent (manufacturer of periodontal dressings). After deliberations, the jury concluded that Kaiser was 66.7% at fault and Pulpdent was 33.3% at fault. In all, the jury awarded Plaintiffs \$4,073,833 in economic damages and \$25,000,000 in non-economic damages, including \$15,000,000 to Dr. Beach. Though the jury concluded that Pulpdent was liable to Plaintiffs for punitive damages, Pulpdent reached a settlement with plaintiffs before that verdict was reached. Judge Michael Levanas presided over the trial. The matter was filed by the Gold Firm and at trial, Plaintiffs were represented by Simona Farrise of Farrise Law and Trey Jones of Jones & Bendon.

Kathie Magdelano (Larry) v. John K. Bice Co. - Plaintiff

Also in September, an Alameda jury returned a plaintiff verdict of \$5.2 million in favor of plaintiffs Kathie Magdelano and Andrea Bottazzo for the death of Larry Magdelano, 80, following his mesothelioma diagnosis. The trial presided over by Judge Patrick McKinney and tried for plaintiffs by William Ruiz and Dave Rancillio for Maune Raichle, led to a verdict against defendant J.K. Bice, an alleged broker of asbestos fiber to Kaiser Cement. **(cont. on p. 6)**



CALIFORNIA ASBESTOS VERDICTS

Kathie Magdelano (Larry) v. John K. Bice Co. - Plaintiff

(cont. from p. 5)

Plaintiffs alleged that Decedent was exposed to asbestos between 1966 and 1991 while working at Kaiser Cement – a manufacturer of asbestos-containing products. Plaintiffs further alleged exposure via Decedent's work as a mechanic and maintenance technician, while working as a laborer for American Pipe from 1963, and through home remodel work in the 1970s. According to J.K. Bice, Decedent believed that he saw packaging at Kaiser Cement which said “Bice,” but could not identify what was inside that packaging. Since J.K. Bice only contracted to broker asbestos between 1973 and 1983, and Decedent admitted he could not be sure when during the 1966 to 1991 time frame he saw the “Bice” packaging, J.K. Bice argued that Decedent's recollection of “Bice” packaging did not necessarily implicate its contract to broker asbestos.

Ultimately, the jury concluded that J.K. Bice was 7.5% at fault for Decedent's illness – also finding his employer Kaiser Cement was 60% at fault and assigning small percentages to other entities including Ameron, Associated Insulation, Hill Brothers Chemical, J.T. Thorpe, Marley Cooling, and Pacific Asbestos. Total economic damages awarded were \$206,000 and non-economic damages were \$5,000,000, including \$1,000,000 for Decedent, \$2,500,000 for Kathie Magdaleno and \$1,500,000 for their adult heir daughter. The jury did not find that J.K. Bice acted in a manner which warranted punitive damages.

Joy Moore (Mae Moore) v. Johnson & Johnson - Plaintiff

The last verdict of 2025 was a massive plaintiff verdict for the Dean Omar firm, who successfully convinced a Downtown Los Angeles jury to award plaintiffs Joy Moore, Kathryn Pratt and Carol Farquharson \$966,000,000 for the death of Mae Moore, who passed from mesothelioma at age 88. Judge Ruth Ann Kwan presided over the trial. Plaintiffs were represented by Danny Kraft and Venus Burns of Dean Omar. Plaintiffs contended that Mae Moore used Johnson & Johnson's (J&J) Baby Powder and Shower to Shower personally and was also around others who used the products at various times between 1938 and 2018.

Plaintiffs also contended that Decedent used talcum-containing cosmetic products that were contaminated with asbestos. Ultimately, the jury concluded that J&J was 100% liable for Decedent's mesothelioma and awarded \$6,000,000 to Mae Moore's estate, \$10,000,000 in non-economic damages to the surviving heirs, and \$950,000 in punitive damages.



VOLUME OF STONE CASES & OVERALL FILING TRENDS

The 2025 calendar year has been a defining period in the ongoing silicosis litigation in California, characterized by a significant increase in the number of cases filed and the inclusion of many more types of named product defendants whose products the plaintiffs allege to have encountered in their work fabricating stone. Silicosis, an incurable lung disease caused by exposure to respirable crystalline silica dust, has precipitated a wave of civil actions dating back to 2021, as affected workers seek compensation for their injuries. One of the main developments in silicosis litigation throughout 2025 has been the explosion in the number of silicosis cases filed and the judiciary's coordination of all such cases. The total number of silicosis cases filed statewide between 2021 and 2024 was approximately 115, less than half the 280 cases which were filed in 2025 alone. At least 100 of those 280 cases were filed in the last third of 2025, and the volume of filings is expected to continue to grow in 2026.

In addition to the increasing number of cases filed, the number of named defendants is growing. In the first four years of silicosis filings, plaintiffs primarily sued manufacturers, importers, distributors, and sellers of stone slabs. The number and types of named defendants changed significantly in 2025, with plaintiffs now suing various equipment defendants, resulting in 100+ named defendants for many cases filed in the second half of 2025. Those equipment defendants typically include manufacturers of respiratory equipment (i.e. masks) used by the plaintiffs when fabricating stone as well as manufacturers of equipment used by the plaintiffs to cut, grind, polish, or fabricate stone.

Given the skyrocketing volume of silicosis lawsuits, the Los Angeles Complex Court filed a petition to coordinate all silicosis cases in March 2025, resulting in many judges opting to stay their respective cases pending the outcome of the coordination petition. On July 18, 2025, that petition was granted, and all silicosis cases filed throughout California were stayed and coordinated into Judicial Council Coordinated Proceeding ("JCCP") 5378. Thereafter, the Judicial Council deemed Los Angeles Superior Court the coordination site and ultimately assigned Judge Elihu Berle as the current coordination judge for all silicosis cases.

Judge Berle held several hearings from October to December 2025 focused on the organizational management of the silicosis cases and issued general orders to govern the silicosis cases including standard discovery to streamline the discovery process. Judge Berle lifted the stay on all pre-2024 cases (referred to as the "Beta track" cases) and certain preference cases (referred to as the "Alpha track" cases) on October 29, 2025, and lifted the stay on all silicosis cases on January 1, 2026. Six preference cases have already been set for trial to occur within the first four months of 2026. Given these significant developments, 2026 will be a busy year for all involved with these cases, as the parties work together to develop a process for handling the high volume of cases that now have returned to active status.



CALIFORNIA STONE FABRICATION VERDICTS

Given the multiple stays which were in place relating to the coordination of silica cases, California saw only one silicosis trial go to verdict in 2025.

Solano-Claustro v. Caesarstone Ltd. and Caesarstone USA, Cambria Company LLC, Dal-Tile Distribution LLC, and Paragon Industries, Inc. - Defense

In May 2025, a Torrance jury returned an 11-1 verdict in favor of defendants Caesarstone Ltd. and Caesarstone USA, Cambria Company LLC, Dal-Tile Distribution LLC, and Paragon Industries, Inc. in a wrongful death silicosis action filed by the Metzger Law Group and Brayton Purcell firms. Plaintiffs alleged that Jose Raul Garcia Leon's death at age 46 was caused by exposure to respirable crystalline silica ("RCS") from his work with natural and artificial stone slabs as a countertop installer. Plaintiffs argued that RCS is created when stone slabs are cut, ground, and polished and that manufacturers and distributors failed to adequately warn of the hazards of exposure to RCS, including silicosis. Plaintiffs sought recovery on a number of theories, including product defect, negligence, and failure to warn. Plaintiffs also sought punitive damages.

During the five-week trial, defendants highlighted the distinction between the slabs themselves and the fabrication process, including that RCS is only generated during cutting, grinding, and polishing, and that compliance with applicable industrial hygiene practices and Cal/OSHA regulations is critical to worker safety. The court granted nonsuit on plaintiffs' failure to warn and punitive damages claims and the case proceeded to the jury on plaintiffs' negligence and design defect claims only. After deliberations, the jury determined that the stone slabs were not defective and that defendants did not act negligently.

Los Angeles Superior Court Judge Eric C. Taylor presided over the trial. Plaintiffs were represented at trial by Gil Purcell, Daniel Morse, and Liliana Carbone of Brayton Purcell.

This verdict was a marked turn from the only other California silicosis verdict, which was issued in 2024 – a \$52,400,000 plaintiff verdict awarded in August 2024 by a Los Angeles jury in the matter of *Reyes-Gonzalez v. Aaroha Radiant Marble, et al.* (the verdict was later partially reversed for insufficient evidence against certain defendants). With the court's recent order lifting the stay as to all silicosis cases – many of which had already been granted preferential trial dates before the stay, with several others expected to receive preferential trial dates as well – we anticipate a very busy 2026 trial schedule. The dramatically different verdicts to date – one in favor of defendants and the other an eight-figure plaintiff verdict – suggest that both sides will likely continue to roll the dice in hopes of securing a favorable outcome. We also expect defendants to revisit many of the themes that resonated with the jury in *Solano-Claustro*, but whether those themes will be persuasive to juries in 2026 and beyond remains to be seen.

UPDATES AND CHANGES TO LAWS IMPACTING CALIFORNIA CASES

New 2026 rules and regulations will impact the handling of all matters in California, including both asbestos- and stone-related cases:

Judicial Council Rule 10.430 – Generative Artificial Intelligence

A new Judicial Council Rule, known formally as the Generative Artificial Intelligence Use Policies of the Judicial Council of California, establishes the first statewide framework in the nation governing the use of Generative AI. We anticipate the rest of the country will be watching how California courts respond to this new rule with an eye toward developing their own ethics and accountability standards. Rule 10.430 dictates that any California court that does not entirely prohibit the use of generative artificial intelligence (AI) by court staff or judicial officers must adopt a written use policy applicable to all filings in that court. The rule applies equally to all superior and appellate courts, and the California Supreme Court. Currently, no California courts have implemented a complete ban on the use of AI, although Courts of Appeal have mandated specific policies and have sanctioned lawyers who misused generative AI in their filings.

The specific guidelines in the new rule focus on accuracy, confidentiality, and ethical responsibility. Courts adopting a generative AI use policy under this rule may make their policy more restrictive than the rule requires and may include provisions not covered by the rule, but the six primary requirements which each policy must have at a minimum are:

(1) Protecting Confidentiality. Each policy must prohibit the entry of confidential, personal identifying, or other nonpublic information into a public generative AI system. This includes driver's license numbers; dates of birth; Social Security numbers; criminal information, addresses and phone numbers of parties, victims, witnesses, and court personnel; medical or psychiatric information; financial information; account numbers; and any other content sealed by court order or deemed confidential by court rule or statute.

(2) Prohibiting Discrimination. Each policy must also prohibit the use of generative AI to unlawfully discriminate against or disparately impact individuals or communities based on age, ancestry, color, ethnicity, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, political affiliation, race, religion, sex, sexual orientation, socioeconomic status, and any other classification protected by federal or state law.

(3) Verifying Accuracy. The policies must require court staff and judicial officers who create or use generative AI material to take reasonable steps to verify that the material is accurate.

(4) Removing Bias. Policies must also require that any party using AI must take reasonable steps to verify that the generated material is accurate, and to take reasonable steps to correct any erroneous or hallucinated output in any material used. **(cont. on p. 10)**

UPDATES AND CHANGES TO LAWS IMPACTING CALIFORNIA CASES

Judicial Council Rule 10.430 – Generative Artificial Intelligence

(cont. from p. 9)

(5) Disclosure. Policies must require the disclosure of the use of or reliance on generative AI if the final version of a written, visual, or audio work provided to the public consists entirely of generative AI outputs. Disclosure must be made through a clear and understandable label, watermark, or statement.

(6) Compliance with Ethics. Finally, each policy must require compliance with all applicable laws, court policies, and ethical and professional conduct rules, codes, and policies when using generative AI.

We will see in 2026 what new policies California courts will issue in compliance with Rule 10.430, and how those policies will impact the continued development of practitioners' use of AI.

Code of Civil Procedure Section 231.7 – Expansion to Peremptory Challenges in Civil Court

California Code of Civil Procedure section 231.7 forbids parties from using peremptory challenges to remove a prospective juror on the basis of that person's race, ethnicity, gender or gender identity, sexual orientation, national origin, or religious affiliation. The section also provides a process by which peremptory challenges which may be based upon such considerations to be objected to and ruled upon – including making clear the burden of proof, required records of the objection and ruling, and reasoning to facilitate appellate review.

Although this Code section has been in place for criminal proceedings since 2022, it was expanded to govern civil juries starting on January 1, 2026. This rule's expansion moves the civil jury selection process away from the previously-used "Batson/Wheeler standard," which required the party arguing the peremptory challenge was improper to establish purposeful discrimination – a standard which judges only rarely found to be met. This new standard instead requires the attorney who challenged the juror to articulate his or her reasons for the challenge, and for the court to evaluate those reasons under the view of an objectively reasonable person who is aware of implicit and institutional biases. The objection to the peremptory will be sustained if there exists a substantial likelihood that an objectively reasonable person would view the juror's membership in the cognizable class as a factor for the challenge. It is anticipated that this change will require trial attorneys to be even more careful that they be able to articulate unbiased reasons for peremptory strikes, and that there will be more sustained objections to challenges, which may result in mistrial.

Code of Civil Procedure Section 377.34 – "Death Discount" Returns

From 2022 through 2025, California's Code of Civil Procedure section 377.34 temporarily abolished the so-called "death discount" – the purported "discount" of recoverable damages that defendants receive when plaintiffs die mid-litigation. However, as of January 1, 2026, that discount has been reinstituted, as the California legislature has not expanded its end date. (cont. on p. 11)



UPDATES AND CHANGES TO LAWS IMPACTING CALIFORNIA CASES

Code of Civil Procedure Section 377.34 – "Death Discount" Returns (cont. from p. 10)

Historically in California, when a plaintiff filed a personal injury action relating to his/her own injuries and then died mid-litigation and the case was converted to a wrongful death action, pain and suffering damages were deemed non-recoverable. That changed for a limited time in January 2022, when an amended Code of Civil Procedure permitted successors-in-interest to recover for a decedent's pain, suffering, or disfigurement when the decedent's personal injury action or proceeding either was granted preference before January 1, 2022, or was filed between January 1, 2022 and January 1, 2026.

In December 2024, the California Senate considered SB 29, which would have extended the time frame for a decedent's personal representative or successor in interest to file an action to recover damages for decedent's pain, suffering, or disfigurement to January 1, 2030. Through negotiations, that extension was shortened to January 1, 2027. However, in September 2025, the proposed bill was ordered to the inactive file, with no indication of when – if ever – it will again be considered by the Senate. Until that changes, California now resumes being one of the relatively few states in which pain and suffering damages do not survive a plaintiff's death.

NEW DEVELOPMENTS SPECIFIC TO ASBESTOS LITIGATION

Proposed EPA Ban on Chrysotile

In March 2024, the Environmental Protection Agency (EPA) had finalized a comprehensive ban on chrysotile asbestos under the Toxic Substances Control Act (TSCA). Chrysotile asbestos is one of six types of naturally occurring asbestos and is the primary form of asbestos in current use globally, as well as the only type of asbestos still regulated for use and import in the United States. The 2024 rule was to be the first completed evaluation under the EPA's revised Section 6 authority and would have prevented the manufacture, importation, processing, distribution and commercial use of chrysotile asbestos in several conditions, including diaphragms used in chlor-alkali production, sheet gaskets used in chemical manufacturing, and certain automotive and industrial friction products.

However, several industry groups, including chemical manufacturers and trade associations, challenged the ban in the Fifth Circuit Court of Appeal, arguing that the EPA exceeded its statutory authority under TSCA by imposing a ban rather than relying on risk management measures, including workplace exposure limits. This challenge resulted in a stay on implementation of the ban.

In June 2025, the EPA requested the Fifth Circuit continue to hold the litigation in abeyance to allow it to conduct a new rulemaking process. At the time, the EPA indicated that the process, which included public comment and stakeholder engagement, could take up to 30 months. The Fifth Circuit granted the abeyance and stayed the legal proceedings, which effectively stayed the enforcement of the ban and compliance deadlines. If the EPA stays on track for its review, then the EPA should update on the status of the ban at the end of 2027.



NEW DEVELOPMENTS SPECIFIC TO ASBESTOS LITIGATION

Asbestos Trusts Attempt to Purge Records

During spring 2025, several nationwide asbestos claims trusts – including Armstrong World Industries, W.R. Grace, Babcock & Wilcox, Pittsburgh Corning, and Owens Corning – proposed purging records linked to thousands of exposure cases. The trusts sought to destroy data and documents for resolved claims that were issued payment or abandoned more than one year ago. The trusts would continue to maintain claimant releases, any records required for trust purposes, and records that must be kept to comply with applicable law.

In response to the trusts' proposal, 10 states and a group of asbestos litigation defendants submitted an amicus curiae brief opposing the proposal and contending that the purge was designed to "evade the obligation to produce highly relevant information in current and future litigation proceedings." Johnson & Johnson and other asbestos litigation defendants also filed a lawsuit with the Delaware Chancery Court aimed at blocking the destruction of the records. In October 2025, the Delaware Court allowed the suit to proceed – an order which is currently on appeal. The action to stay the document purge is currently paused until that appeal is resolved.

San Francisco Local Rule 20.3(A) – Motion *in Limine* Filing Deadlines Shortened

San Francisco saw a minor update to its Local Rules on January 1, 2026, which will impact the filing deadlines for motions *in limine*. Unlike in the past, when *in limine* motions were required to be filed two days after the cases were assigned out to a judge for trial, now *in limine* motions must be filed the day of trial court assignment.

NEW LAWS SPECIFIC TO STONE FABRICATION LITIGATION

JCCP General Orders

2025 ended with the silicosis JCCP's Judge Elihu Berle issuing an initial tranche of general orders, including party fact sheets and standard discovery for all silicosis cases. Judge Berle ordered all parties to meet and confer and reach agreements where possible on general orders, including related to motion work, preference protocol issues, and other rules for the coordinated proceeding. The parties submitted position statements related to general orders toward the end of 2025. The general orders went into effect on January 1, 2026.

These general orders function much like those in asbestos litigation, generally standardizing case administration, discovery, motion practice, deposition logistics, document production and trial preference procedures. Electronic service of all documents via File & ServeXpress – along with the two extra court days required for proper notice – is mandated. Preliminary fact sheets are required of both plaintiffs and defendants, and both sides are required to respond to standard interrogatories. Only defendants are required to respond to standard requests for production. Authorizations for release of medical, employment and government records have been mandated, along with a first look procedure. No depositions may proceed until those fact sheets, authorizations, and standard discovery have been completed. Further, special discovery limits have been implemented – given the scope of the standard interrogatories, the parties are limited to propounding 20 special interrogatories, 25 requests for admission and 20 requests for production. **(cont. on p. 13)**



NEW LAWS SPECIFIC TO STONE FABRICATION LITIGATION

JCCP General Orders

(cont. from p. 12)

Crucially, depositions of defense corporate representatives/persons most knowledgeable taken after the date of the coordination order will be admissible across all JCCP 5378 cases, which means that early depositions taken of defendants will have major strategic implications moving forward.

California Senate Bill 20 - Occupation Safety: Fabrication Activities on Slab Solid Surface Products

On October 13, 2025, Senate Bill ("SB") 20 was passed, which enhances worker protections in the artificial stone industry. Specifically, under this bill, a person or entity engaged in stone fabrication activities is prohibited from using any dry methods, and are required to use effective wet methods that effectively suppress dust. In addition, fabrication shops are required to obtain a slab solid surface product fabrication activity certification in order to engage in fabrication activities involving a stone slab solid surface product that contains crystalline silica.

SB 20 also imposes a timeline on these requirements. On or before July 1, 2026, the State Department of Public Health is required to consult with representatives of approved apprenticeship programs to adopt a training curriculum regarding the safe performance of fabrication activities on stone slab products that meets specific requirements and by July 1, 2027, owners or operators of fabrication shops must be enrolled in or have completed the training curriculum. Similarly, this bill prohibits a person or entity from directly or indirectly supplying a slab solid surface product to a person or entity that does not have a valid certification. Finally, this bill requires the state Department of Public Health to maintain a publicly accessible database that includes, but is not limited to, a list of fabrication shops and workplaces with any enforcement actions pending at those workplaces.

These requirements seek to protect fabrication workers, while also placing a duty on fabrication shop owners to ensure their employees are adequately trained to handle the stone slab products. Notably, stone slab manufacturers, distributors, and sellers must also take measures to ensure they are not selling to any person or entity without solid surface product fabrication activity certification. As the silicosis litigation continues, we will monitor the effects of SB 20 to see whether these protections are being followed and the impact on the litigation overall.

H.R. 5437 - Protection of Lawful Commerce in Stone Slab Products Act

Congress introduced House of Representatives ("H.R.") 5437, the Protection of Lawful Commerce in Stone Slab Products Act, on September 17, 2025, sponsored by Representatives Tom McClintock (R-CA) and Andy Biggs (R-AZ). The bill aims to restore predictability and fairness to the marketplace, and protect interstate and foreign commerce by shielding an industry from litigation premised on third-party misuse of otherwise lawful products, as well as the manufacturers and sellers in that industry from liability for stone fabrication practices they neither control nor direct, all while maintaining their existing regulatory obligations under the Occupational Safety and Health Administration (OSHA) and state workplace-safety laws. If enacted, the bill would, under the Supremacy Clause, preempt any conflicting state laws, and expressly bar and dismiss any and all silica-related claims against stone slab manufacturers, distributors and sellers for injuries arising from downstream fabrication activities, thereby establishing exclusive federal authority over such claims. **(cont. on p. 14)**



NEW LAWS SPECIFIC TO STONE FABRICATION LITIGATION

H.R. 5437 - Protection of Lawful Commerce in Stone Slab Products Act (cont. from p. 13)

In doing so, the bill would realign legal responsibility with workplace safety and fabrication compliance under existing state and federal regulations, while still leaving claimants free to pursue actions against fabrication shops or other entities directly responsible for on-site exposures rather than upstream product suppliers.

While H.R. 5437 remains at an early stage of consideration, its introduction signals both a potential realignment of liability principles within the stone fabrication industry, and Congress's intent to draw a bright line between product manufacture and workplace alteration, a distinction that could reshape decades of toxic tort jurisprudence.

If enacted, the bill would offer significant litigation clarity and risk reduction for manufacturers, importers, distributors, and retailers of stone slab products. Pending cases premised on fabrication-related exposure could be subject to dismissal, and future claims of this nature would be statutorily barred. The result would likely reduce litigation costs and insurance premiums while stabilizing an industry currently bracing for a wave of silica exposure lawsuits modeled on asbestos litigation. That said, manufacturers would still need to maintain robust product labeling, safety documentation, and communication protocols to ensure compliance with federal and state disclosure requirements.

Stone fabricators, however, would remain subject to existing OSHA and state occupational safety laws. H.R. 5437 does not immunize fabricators or employers who violate regulatory safety standards, and the bill's findings emphasize that responsibility for injury prevention lies squarely within the fabrication process itself. Fabrication facilities would therefore continue to bear the primary responsibility for protecting workers from silica exposure through engineering controls, training, and respiratory protection. Enforcement actions and workplace citations would remain unaffected by the proposed immunity provisions.

For workers suffering from silica-related illnesses such as silicosis or progressive massive fibrosis, H.R. 5437 would likely redirect available remedies toward workers' compensation systems or employer-based claims rather than third-party product suits. The bill thus reinforces existing parameters for addressing workplace hazards through regulatory compliance and insurance-based recovery, rather than through product liability litigation.

As of now, H.R. 5437 has only been introduced and is pending before the House Committee on the Judiciary. Given the bill's narrow industry focus and parallels to prior industry-protection statutes, it could attract bipartisan consideration framed around economic stability and workplace safety enforcement, and gain traction if framed as a measure to protect small businesses and preserve American manufacturing jobs. However, opposition is expected from labor groups, public health advocates, and plaintiffs' attorneys who may argue that it limits legal recourse for injured workers. The measure's progress will hinge on how congressional committees balance competing policy concerns. If advanced, the legislation will likely move through committee hearings in early 2026, with possible Senate consideration later this year before being presented to the Executive Branch for signature. This process could take several months if there are negotiations or delays due to the House and Senate passing different versions of the bill.



ABOUT US

EXPERIENCE

Walsworth regularly litigates high-exposure, emotionally charged cases involving catastrophic injuries and/or wrongful death. We use sophisticated approaches to complex cases that, at trial, “lower the temperature in the room,” and reduce the cases to simple stories that are easily understood by juries. Often, these cases involve multiple defendants and causation theories. Our strategies challenge the causation theories and/or shift liability to other parties, many times resulting in summary judgment or defense verdicts. Our in-depth knowledge and development of tested strategies in cases related to asbestos exposure truly set us apart. Over the course of many years, we have represented clients in excess of 30,000 asbestos cases.

WHY WE'RE DIFFERENT

Our numerous long-term clients appreciate the personalized, team-based litigation management system we employ, which helps to distinguish Walsworth. Our clients include distributors, manufacturers, contractors, and premises owners in cases venued throughout the State of California and other jurisdictions. We also serve as regional and national counsel for a number of high-profile asbestos defendants. Representation of these varied clients requires our team to develop, implement, and manage national and local defense strategies that most effectively serve each client. The diversity of our clientele provides our team with a unique and broad perspective of the many key issues presented by asbestos litigation, including state-of-the-art knowledge, asbestos-related medicine, industrial hygiene, and specialized defenses available to each type of defendant we represent.

EARLY ASSESSMENT & RESOLUTION

We work with our clients to investigate and evaluate cases, and cost-effectively manage large dockets from inception through discovery, motions, and final resolution. We have dedicated lawyers who specialize in settlement negotiations and have longstanding working relationships with plaintiffs’ counsel to allow meet-and-confer efforts throughout the life of the case.

As your legal resource, our main objective is to keep you out of trouble. We provide day-to-day counseling to employers on a variety of human resource matters by creating effective workplace policies and procedures and preventing future problems by offering training and ongoing updates on the latest legal developments.

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