

Be Certain.

KCIC



# ASBESTOS LITIGATION:

# 2022 YEAR IN REVIEW

**KCIC Industry Report**

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## INTRODUCTION

KCIC is a technology and management consultancy based in Washington, D.C., that provides transformational data-driven solutions to help clients manage their mass tort and products liabilities as well as related insurance assets. As part of these service offerings, KCIC provides litigation management services to many mass tort defendants.

Through that work, KCIC receives and processes at least 90% of all complaints alleging personal injuries due to asbestos exposures filed nationwide. The analyses in this report are based on the publicly available data captured from these complaints. Unless otherwise stated, the filing counts provided are counts of distinct lawsuits.

On average, there is a 30-day lag between when a complaint is filed and when it is received by KCIC. This report focuses on lawsuits filed through December 31, 2022, but received and processed by KCIC through January 31, 2023, to account for the lag and include a majority of 2022 filings.

## FILINGS SUMMARY

Filings in 2022 totaled 3,550, representing a 7% decrease compared to 2021, with nearly 270 fewer lawsuits filed. Table **Filings – 1** shows total filings for 2018-2022, along with the percentage change each year, and figure **Filings – 2** visually depicts total filings year over year along with a linear trendline. Compared to 2018, total filings have decreased by 14%, with nearly 600 fewer lawsuits filed. Historic patterns indicate that 2022 filings could increase by another 2% as additional filings are received. If so, the percentage decrease in 2022 filings compared with 2021 may be closer to 5%.

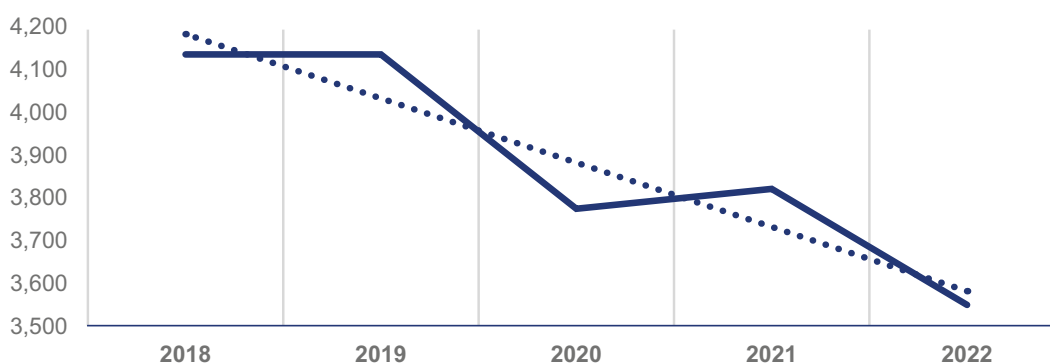
ASBESTOS FILINGS YEAR

Year	Filings	% Change (Prior Year)
2018	4,140	-7.1%
2019	4,141	0.0%
2020	3,776	-8.8%
2021	3,819	1.1%
2022	3,550	-7.0%

Filings – 1

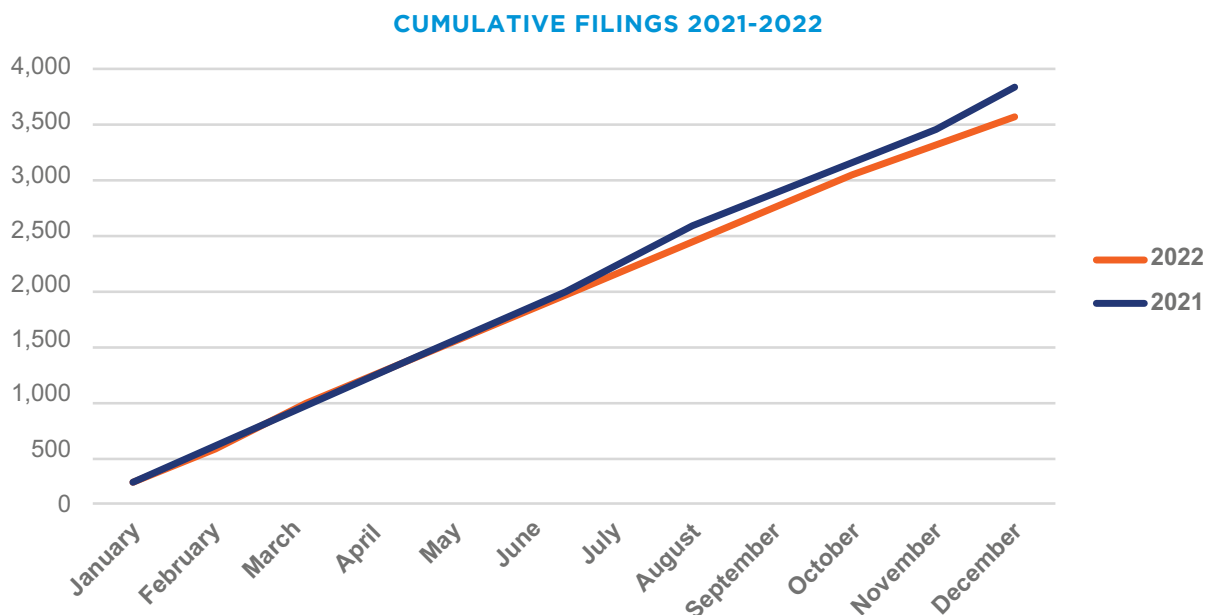
Since 2018, there has been a “stair-step” decline in filings, with one year decreasing 8% on average and the next staying nearly constant. The slope of the trendline on Figure **Filings – 2**, which represents the change in filings per year of filing, is -150 lawsuits per year. The average annual percentage change in filings over the past five years was a 4% decrease. If the stair-step decline pattern continues, total filings for 2023 would be similar to the total filed in 2022.

ASBESTOS FILINGS BY YEAR



Filings – 2

Figure **Filings – 3** looks at the cumulative filings by month for 2022 compared to 2021. This analysis uses 2021 filings received through January 31, 2022, to compare a point-in-time analysis to 2022 filings received through January 31, 2023. Between January and June, 2022 and 2021 filings were nearly identical. Then, from July to December, 2022 filings fell behind 2021 numbers. Filings in the last six months of 2022 were down 10% compared to the last six months of 2021, leading to the overall decrease in total filings for 2022.



Filings – 3

## FILINGS BY DISEASE

As KCIC receives and enters complaint information, five main disease categories are tracked. Three of those are malignant disease categories: mesothelioma, lung cancer, and other cancer, which includes any other type of malignant disease. The non-malignant disease category includes asbestosis, pleural plaques, or other non-cancer diseases. The unknown category reflects lawsuits in which the alleged disease is not stated in the complaint.

Table **Disease – 1** provides total filings by disease for 2020-2022, along with the percentage change between 2022 and 2021.

**ANNUAL ASBESTOS FILINGS BY DISEASE**

Disease	2020 Filings	2021 Filings	2022 Filings	% Change 2021-2022
Mesothelioma	1,877	1,819	1,859	2.2%
Lung Cancer	1,509	1,518	1,251	-17.6%
Other Cancer	85	71	60	-15.5%
Non-Malignant	189	292	266	-8.9%
Unknown	116	119	114	-4.2%
<b>Grand Total</b>	<b>3,776</b>	<b>3,819</b>	<b>3,550</b>	<b>-7.0%</b>

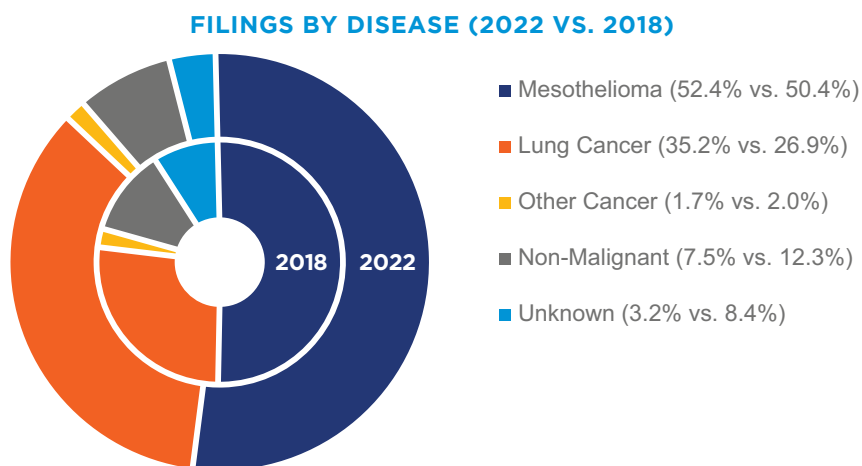
Disease – 1

Nationwide, mesothelioma filings increased 2% in 2022, and filings for all other disease types decreased. Illinois made up about half of all mesothelioma filings nationwide over the past five years, but the state had a 2% decrease in mesothelioma filings in 2022 compared to 2021. The other top five states for mesothelioma filings — New York, California, Pennsylvania, and New Jersey — had increases in filings, ranging from 18% to 36%, compared to 2021.

Lung cancer filings had the largest decrease nationwide, based on percentage change and change in nominal filings. Compared to 2021, lung cancer filings decreased by 18% — mostly due to decreases in lung cancer filings in four of the top five jurisdictions and by four of the top five plaintiff firms for lung cancer filings.

For non-malignant cases, filings decreased 9% in 2022, after an increase in 2021. All but one top jurisdiction for non-malignant cases saw fewer filings: Wayne County, Michigan, experienced an increase of 43% in non-malignant filings compared to 2021. Wayne County continued to be the jurisdiction with the most non-malignant filings — a trend that has held over the past few years since Baltimore City, Maryland (a former hot-spot for these filings), stopped seeing non-malignant cases filed there.

Figure **Disease – 2** depicts a comparison of the percentage of total filings by disease type in 2018, shown on the inner ring, versus 2022, shown on the outer ring. Within this five-year period, there have been fluctuations in the disease mix. From 2018-2022, mesothelioma claims made up, on average, 50% of total filings; 2022 was slightly higher with 52% of total filings. During that same time span, lung cancer cases ranged from 27% of total filings in 2018, to 40% in 2020 and 2021, with 35% in 2022 being in line with the average for those years.



*Disease – 2*

## JURISDICTION TRENDS

Jurisdiction refers to the county or city and state in which the asbestos-related lawsuits were filed. In 2022, asbestos-related lawsuits were filed in 130 different jurisdictions, but 84% of the lawsuits were filed in just 15 jurisdictions.

Table **Jurisdiction – 1** lists the top 15 jurisdictions for 2022 filings, showing total filings and rank for those jurisdictions in 2020-2022, and the percentage change in filings between 2022 and 2021. There continued to be little fluctuation in the top jurisdictions. The top four jurisdictions have been the same (and ranked in the same order) year after year.

**TOP 15 JURISDICTIONS BASED ON 2022 FILINGS**

Jurisdiction	2020 Filings	2020 Rank	2021 Filings	2021 Rank	2022 Filings	2022 Rank	% Change 2021-2022
Madison County, IL	1,201	1	987	1	964	1	-2.3%
St. Clair County, IL	428	2	653	2	443	2	-32.2%
New York, NY	310	3	252	3	283	3	12.3%
Philadelphia, PA	206	4	203	4	243	4	19.7%
Wayne County, MI	126	7	175	6	214	5	22.3%
St. Louis, MO	197	5	198	5	140	6	-29.3%
Cook County, IL	106	8	118	7	106	7	-10.2%
Los Angeles, CA	96	9	66	12	99	8	50.0%
Middlesex, NJ	80	10	82	10	89	9	8.5%
Allegheny, PA	61	13	71	11	70	10	-1.4%
Kanawha, WV	69	11	100	8	70	10	-30.0%
New Castle, DE	128	6	93	9	70	10	-24.7%
Alameda, CA	57	14	53	15	65	13	22.6%
San Francisco, CA	65	12	62	13	64	14	3.2%
Orleans, LA	46	16	55	14	53	15	-3.6%
<b>Total (Top 15)</b>	<b>3,176</b>		<b>3,168</b>		<b>2,973</b>		<b>-6.2%</b>
<b>Total (All)</b>	<b>3,776</b>		<b>3,819</b>		<b>3,550</b>		<b>-7.0%</b>

*Jurisdiction – 1*

### Significant Increases

The three top jurisdictions with the most significant increases in filings were Philadelphia, Pennsylvania; Los Angeles, California; and Wayne County, Michigan.

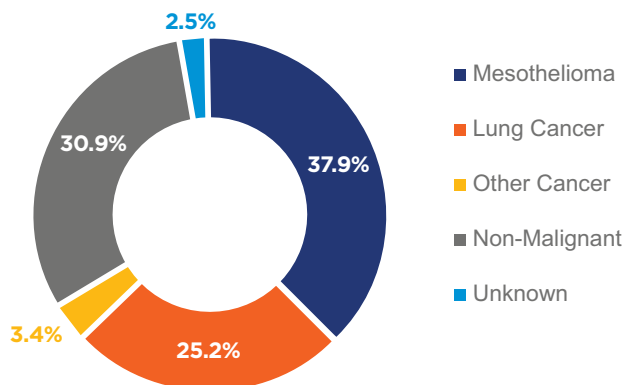
Philadelphia filings increased 20% between 2021 and 2022, representing the largest nominal increase (from 203 to 243 filings). The jump was due to a 42% rise in mesothelioma filings (74 to 105 filings), and a 14% rise in lung cancer filings (88 to 100 filings). The increase in mesothelioma filings was mostly due to the Halpern Law Firm — a firm formed in 2021 by former Brookman Rosenberg Brown and Sandler attorneys. The Halpern Law Firm quadrupled its mesothelioma filings in Philadelphia in 2022 (5 to 20 filings). The increase in Philadelphia lung cancer filings was due to a 56% increase from Weitz & Luxenberg (25 to 39 filings).

Los Angeles had the largest percentage increase, with 2022 filings increasing 50% compared to 2021. Nominal filings increased from 66 to 99 filings. The rise in filings was due to a 55% increase in mesothelioma filings in that jurisdiction, however, it was not due to just one firm's activity. Instead, almost every firm that filed in Los Angeles in 2021 increased its mesothelioma filings by a few lawsuits in 2022. Also, several firms did not file in Los Angeles in 2021 but did file one or two mesothelioma lawsuits there last year.

Wayne County filings increased 22%, from 175 in 2021 to 214 in 2022. This increase was due to the Mazur & Kittel firm, which filed four times as many non-malignant cases there in 2022 compared to 2021 (104 vs. 25). While non-malignant cases still decreased 9% in 2022, non-malignant filings in Wayne County increased 43%. The increase was enough to move Wayne County into the top five jurisdictions, with filings there surpassing those in St. Louis, Missouri.

Figure **Jurisdiction – 2** shows the disease breakdown of 2022 filings in Philadelphia, Los Angeles, and Wayne County. The largest percentage of filings were mesothelioma claims, but the distribution by disease between mesothelioma (38%), lung cancer (25%), and non-malignant (31%) cases was similar in these jurisdictions. This disease distribution in these three locations is quite different than what is seen nationwide with mesothelioma filings making up more than half of all filings received across the country.

**DISEASE MIX OF PHILADELPHIA, LOS ANGELES, AND WAYNE**



*Jurisdiction – 2*

## Significant Decreases

Table **Jurisdiction – 1**, also shows that the three jurisdictions with the most significant decreases in filings were St. Clair County, Illinois; St. Louis, Missouri; and Kanawha, West Virginia.

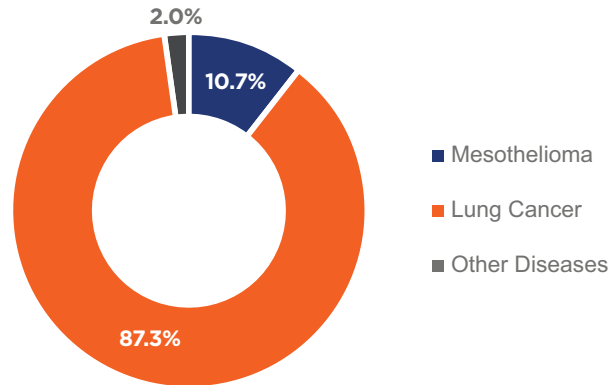
St. Clair County had the greatest decrease in filings from 2021 to 2022, both in terms of percentage change and nominally. In 2022, filings there fell 32%, with 210 fewer lawsuits filed (653 to 443). The largest decrease was in lung cancer filings, with a 28% decrease compared to 2021 (599 vs. 431 filings). The decrease was due to fewer lung cancer cases being filed by Flint Cooper (65% decrease compared to 2021), SWMW Law (43% decrease compared to 2021), and The Gori Law Firm (14% decrease compared to 2021). Non-malignant filings in St. Clair County also decreased 85% (from 41 to 6 filings), but the overall volume of such cases is much smaller than that of lung cancer cases.

In St. Louis, total filings decreased 29% (198 to 140 filings) from 2021 to 2022. As with St. Clair County, the biggest decrease in St. Louis filings was also in lung cancer cases. In 2022, there was a 34% decrease in lung cancer filings in St. Louis, with 49 fewer lung cancer lawsuits filed there. The same plaintiff firms affecting St. Clair County also affected filings in St. Louis. While The Gori Law Firm had a 36% increase in lung cancer filings in 2022 compared to 2021, this was offset by SWMW Law and Flint Cooper significantly decreasing their lung cancer filings in St. Louis by 71% and 67%, respectively.

Total filings in Kanawha decreased 30% (from 100 to 70 filings) in 2022 compared to 2021. In Kanawha, mesothelioma made up 40% of 2022 filings and lung cancer comprised the other 60%. While mesothelioma filings did not change in 2022 compared to 2021, lung cancer filings decreased 35%. The difference was mostly attributed to Goldberg Persky & White, which filed 52% fewer lung cancer cases in Kanawha in 2022 than in 2021.

Figure **Jurisdiction – 3** breaks down total 2022 filings by disease for St. Clair County, St. Louis, and Kanawha. Unlike the three jurisdictions with significant increases in 2022 filings, the lawsuits filed in these jurisdictions did not have a similar disease distribution among mesothelioma, lung cancer, and non-malignant. Overall, the majority (87%) of filings in these three locations were lung cancer filings.

**DISEASE MIX OF ST. CLAIR, ST. LOUIS, AND KANAWHA**

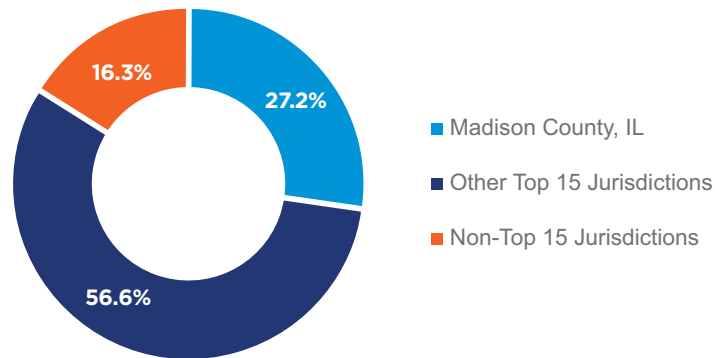


*Jurisdiction – 3*

## Concentration

The top 15 jurisdictions continue to make up the vast majority (84% in 2022) of total asbestos-related filings. That is consistent with the past several years. Madison County, Illinois, the epicenter of this litigation, made up 27% of total filings in 2022, a concentration similar to 2021 and less than 2020, when 32% of total lawsuits were filed there. Figure **Jurisdiction – 4** shows the concentration of 2022 filings in Madison County compared to the rest of the jurisdictions in the top 15 and the other non-top 15 jurisdictions.

**2022 CONCENTRATION (JURISDICTIONS)**



*Jurisdiction – 4*



## PLAINTIFF FIRM TRENDS

In 2022, 129 plaintiff firms filed asbestos-related lawsuits nationwide, and 73% of those lawsuits were filed by 15 plaintiff firms. Table **Firms – 1** lists the top 15 plaintiff firms based on 2022 filings, along with total filings and rank for 2020-2022, and the percentage change between 2022 and 2021.

TOP 15 PLAINTIFF FIRMS BASED ON 2022 FILINGS

Plaintiff Firm	2020 Filings	2020 Rank	2021 Filings	2021 Rank	2022 Filings	2022 Rank	% Change 2021-2022
The Gori Law Firm	597	1	614	1	587	1	-4.4%
Simmons Hanly Conroy	544	2	388	2	367	2	-5.4%
Weitz & Luxenberg	400	3	388	2	363	3	-6.4%
Maune Raichle Hartley French & Mudd	210	5	229	5	268	4	17.0%
SWMW Law	190	6	292	4	166	5	-43.2%
Mazur & Kittel	41	16	51	13	136	6	166.7%
Cooney & Conway	124	7	148	8	118	7	-20.3%
Napoli Shkolnik	214	4	83	9	107	8	28.9%
Goldberg, Persky & White	92	8	155	7	94	9	-39.4%
Meirowitz & Wasserberg	59	12	68	10	83	10	22.1%
Brayton Purcell	71	9	68	10	67	11	-1.5%
Flint Cooper	43	13	165	6	62	12	-62.4%
Simon Greenstone Panatier	32	20	40	17	61	13	52.5%
Karst & Von Oiste	43	13	41	16	57	14	39.0%
Belluck & Fox	68	11	60	12	56	15	-6.7%
<b>Total (Top 15)</b>	<b>2,728</b>		<b>2,790</b>		<b>2,592</b>		<b>-7.1%</b>
<b>Total (All)</b>	<b>3,776</b>		<b>3,819</b>		<b>3,550</b>		<b>-7.0%</b>

Firms – 1

### Significant Increases

Among the top plaintiff firms, the three with the most significant increases in filings in 2022, compared to 2021, were Mazur & Kittel, Maune Raichle Hartley French & Mudd, and Napoli Shkolnik.

Mazur & Kittel increased its overall filings by 167%, with 85 additional filings in 2022 compared to 2021 (from 51 to 136 filings). As mentioned in previous sections, the majority of this increase was due to the firm more than quadrupling its non-malignant filings (from 25 to 104 filings) in Wayne County, Michigan.

Maune Raichle Hartley French & Mudd filings increased 17%, with 39 additional filings in 2022 compared to 2021 (229 vs. 268 filings). The firm has filed mesothelioma cases all over the country, but most significantly in Madison County, Illinois, where it increased mesothelioma filings by 38% (117 to 162 filings) from 2021 to 2022.

Napoli Shkolnik filings increased 29%, from 83 in 2021 to 107 in 2022. The increase was almost completely due to the firm's 63% increase in lung cancer filings in Madison County. This is a notable increase in lung cancer cases in a year where nationwide lung cancer filings decreased 18% and total Madison County lung cancer filings decreased by 1%.

## Significant Decreases

The three top plaintiff firms with the most significant decreases in filings in 2022, compared to 2021, were Flint Cooper, SWMW Law, and Goldberg Persky & White.

Flint Cooper had the largest decrease based on percentage change, with a 62% decrease in filings — 62 lawsuits filed in 2022 compared to 165 in 2021. The majority of the decrease was due to a 61% decrease in lung cancer filings (from 130 to 51 filings) between 2021 and 2022. Most of the firm's filings had previously been filed in St. Clair County, Illinois. Flint Cooper also had a 71% decrease in mesothelioma filings (from 34 to 10 filings), mostly affecting Madison County, Illinois.

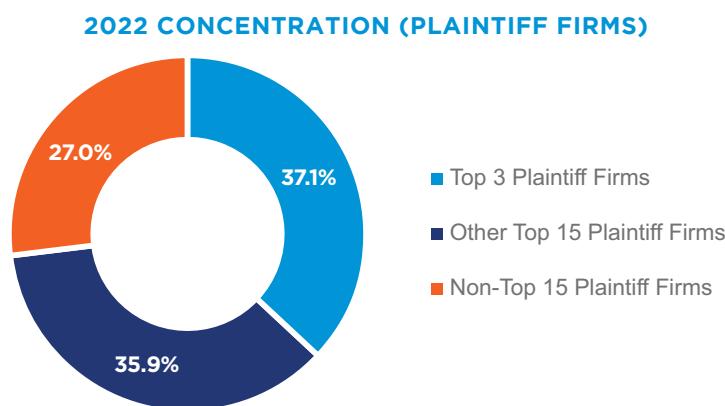
SWMW Law had the largest decrease based on the nominal difference between 2021 and 2022 filings. The firm had a 43% decrease, with 126 fewer cases filed in 2022 than in 2021 (292 to 166 filings). The most prominent factor was a 44% decrease in lung cancer filings, with nearly 100 fewer lung cancer cases filed in 2022 than in 2021. The difference in lung cancer filings occurred in St. Clair County; St. Louis, Missouri; and Madison County. SWMW Law also had a 27% decrease in mesothelioma filings, with most of the decrease occurring in Madison County.

Goldberg Persky & White filings decreased 39% in 2022 compared to 2021 (from 155 filings to 94). This was mostly due to a 56% decrease in non-malignant filings (from 80 to 35 filings) by this firm — mostly in Wayne County, Michigan, and in Cambria, Pennsylvania. This firm also had a 41% decrease in lung cancer filings (from 46 to 27 filings) mostly occurring in Kanawha, West Virginia.

## Concentration

Although some of the firms comprising the top 15 change year over year, the top 15 firms consistently make up more than 70% of total asbestos filings. The top three firms (The Gori Law Firm, Simmons Hanly Conroy, and Weitz & Luxenberg) have made up 16%, 12%, and 10% of total filings on average, respectively, and the Gori Law Firm filed more than 200 more lawsuits than any other plaintiff firm in 2022.

Figure **Firms – 2** shows the breakdown of total 2022 lawsuits filed by the top 3 plaintiff firms, other firms in the top 15, and all other firms.

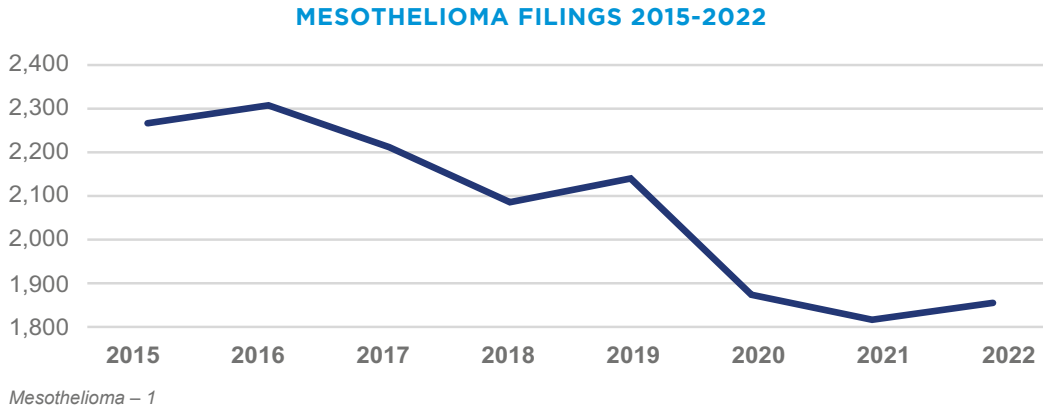


*Firms – 2*

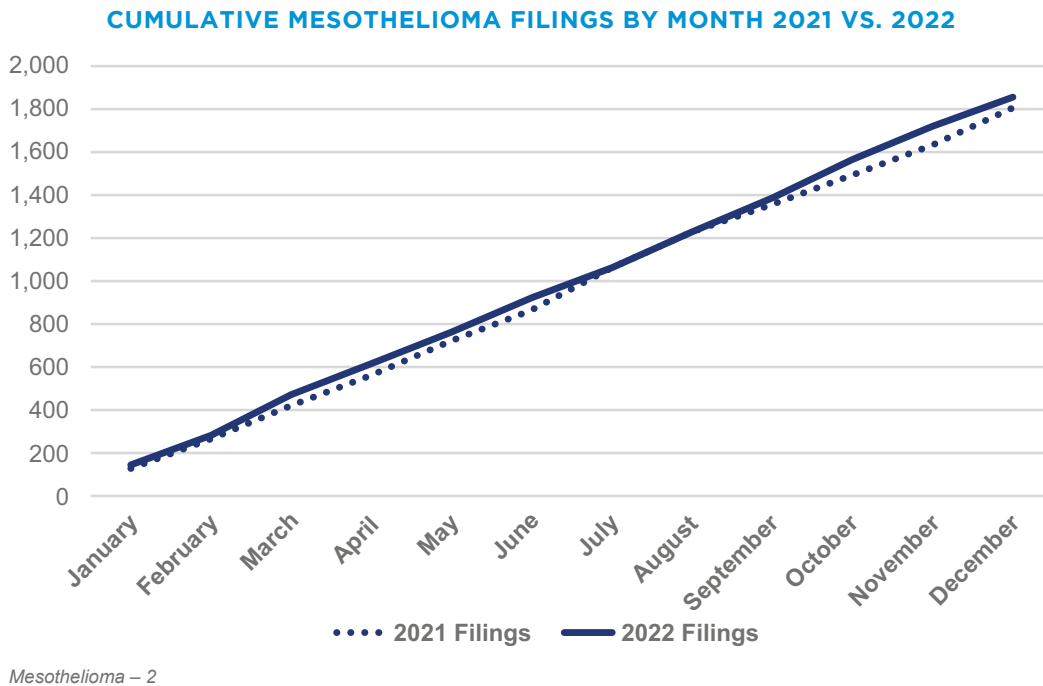
# MESOTHELIOMA TRENDS

## Mesothelioma Overview

Mesothelioma lawsuits continue to make up the majority of total filings, with 52% of the total in 2022. However, total mesothelioma filings have been decreasing gradually over time. Figure **Mesothelioma – 1** shows total mesothelioma filings by year from 2015-2022. During that period, mesothelioma filings decreased 18%.



As detailed earlier in this report, mesothelioma filings increased 2% in 2022, with 40 more lawsuits filed than in 2021 (1,859 vs. 1,819). Figure **Mesothelioma – 2** shows cumulative mesothelioma filings by month for 2021 compared with 2022. For this point-in-time analysis, only 2021 filings received through January 31, 2022, were considered against 2022 filings received through January 31, 2023. Cumulative filings in 2022 were higher than in 2021 in each month of the year, culminating in a 2% increase in filings overall. While 2022 filings were up slightly, the overall trend for mesothelioma filings from 2018-2022 has been downward.



## Mesothelioma Jurisdictions

Table **Mesothelioma – 3** shows the top 10 jurisdictions for mesothelioma filings in 2022, along with total filings for 2020-2022 and the percentage change between 2021 and 2022 for each. These top 10 jurisdictions accounted for 80% of 2022 mesothelioma filings. Overall filings in these jurisdictions increased 6% compared to 2021, which was somewhat offset by an 11% decrease in mesothelioma filings in the other, non-top 10 jurisdictions.

**MESOTHELIOMA TOP 10 JURISDICTIONS BASED ON 2022 FILINGS**

Jurisdiction	2020 Filings	2021 Filings	2022 Filings	% Change 2021-2022
Madison County, IL	894	851	832	-2.2%
New York, NY	131	118	146	23.7%
Philadelphia, PA	91	74	105	41.9%
Los Angeles, CA	79	58	90	55.2%
Middlesex, NJ	63	64	77	20.3%
Cook County, IL	64	67	66	-1.5%
Alameda, CA	45	50	57	14.0%
Middlesex, MA	28	34	38	11.8%
St. Louis, MO	40	42	37	-11.9%
Allegheny, PA	30	35	32	-8.6%
<b>Total (Top 10)</b>	<b>1,465</b>	<b>1,393</b>	<b>1,480</b>	<b>6.3%</b>
<b>Total (All)</b>	<b>1,877</b>	<b>1,819</b>	<b>1,859</b>	<b>2.0%</b>

*Mesothelioma – 3*

Madison County, Illinois, remained the top jurisdiction for mesothelioma filings, with 45% of total 2022 mesothelioma lawsuits filed there. However, while nationwide mesothelioma filings were up 2% compared with 2021, Madison County mesothelioma filings decreased 2% (851 vs. 832 filings). In this jurisdiction, increases in mesothelioma filings from Maune Raichle Hartley French & Mudd and The Gori Law Firm were outweighed by decreases in mesothelioma filings from Simmons Hanly Conroy, Cooney and Conway, SWMW Law, and Flint Cooper.

The 2% increase in nationwide mesothelioma filings was mostly a result of increased filings in the next three top jurisdictions: Los Angeles, California; Philadelphia, Pennsylvania; and New York, New York. As mentioned in earlier sections of this report, the 55% increase in Los Angeles was not due to any one firm significantly increasing mesothelioma filings, but rather to almost every firm filing there increasing by a few lawsuits compared to 2021. In Philadelphia, the 42% increase was attributable to the Halpern Law Firm, which increased mesothelioma filings from 5 in 2021 to 20 in 2022, as well as several other firms filing a small number of additional lawsuits there. The 24% increase in New York City filings was due to an increase in mesothelioma cases filed by Simon Greenstone Panatier, which increased its filings from 1 in 2021 to 36 in 2022.

## Mesothelioma Plaintiff Firms

Simmons Hanly Conroy has consistently filed the most mesothelioma lawsuits over the past three years. The firm filed 75 more mesothelioma lawsuits than any other firm, and it filed close to 20% of all mesothelioma lawsuits in 2022. Table **Mesothelioma – 4** shows the top 10 plaintiff firms filing mesothelioma lawsuits in 2022, along with total filings for 2020-2022 and the percentage change in filings from 2021 to 2022 for each. Again, decreases in 2022 mesothelioma filings by top firms like Cooney & Conway and SWMW Law in Madison County, Illinois, were outweighed by increases by others like Maune Raichle Hartley French & Mudd in Madison County, Illinois, and Simon Greenstone Panatier in New York City, New York.

**MESOTHELIOMA TOP 10 PLAINTIFF FIRMS BASED ON 2022 FILINGS**

Plaintiff Firm	2020 Filings	2021 Filings	2022 Filings	% Change 2021-2022
Simmons Hanly Conroy	380	339	343	1.2%
Maune Raichle Hartley French & Mudd	210	228	268	17.5%
The Gori Law Firm	225	224	232	3.6%
Weitz & Luxenberg	169	162	164	1.2%
Cooney & Conway	94	116	95	-18.1%
Simon Greenstone Panatier	30	40	61	52.5%
Shrader & Associates	66	49	49	0.0%
Belluck & Fox	36	36	43	19.4%
SWMW Law	69	56	41	-26.8%
Early Lucarelli Sweeney & Meisenkothen	27	20	31	55.0%
<b>Total (Top 10)</b>	<b>1,306</b>	<b>1,270</b>	<b>1,327</b>	<b>4.5%</b>
<b>Total (All)</b>	<b>1,877</b>	<b>1,819</b>	<b>1,859</b>	<b>2.2%</b>

*Mesothelioma – 4*

# LUNG CANCER TRENDS

## Lung Cancer Overview

In recent years, the changes in lung cancer filing patterns have been notable. Figure **Lung Cancer – 1** shows total lung cancer lawsuits filed between 2015 and 2022. From 2015 to 2017, the average number of lung cancer lawsuits filed each year was 1,148. While there was some fluctuation in that period, the average year-over-year percent change in lung cancer filings was -1%. Between 2018 and 2021, lung cancer filings increased 37% from 1,112 filings to 1,518, with an average of 1,376 filings per year. The 18% decrease in lung cancer filings in 2022, compared to 2021, marks the first time that lung cancer filings have decreased since 2017.

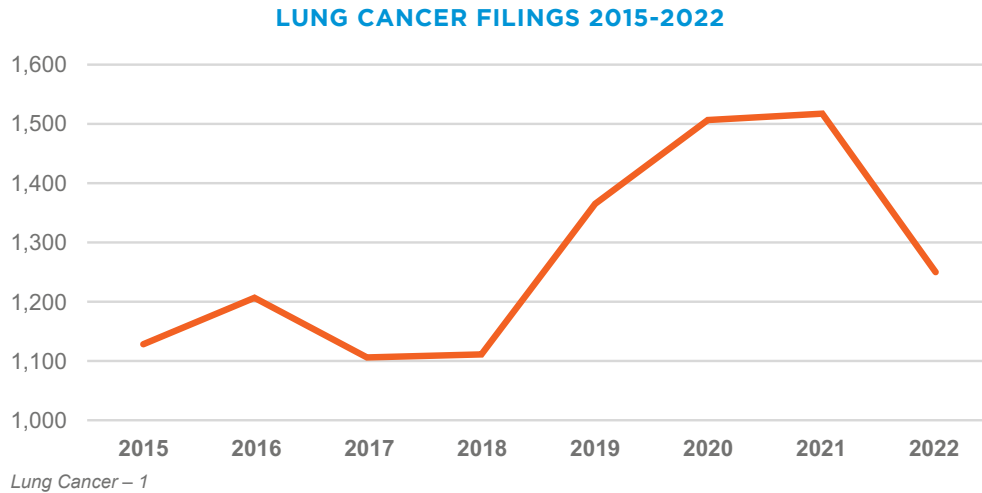
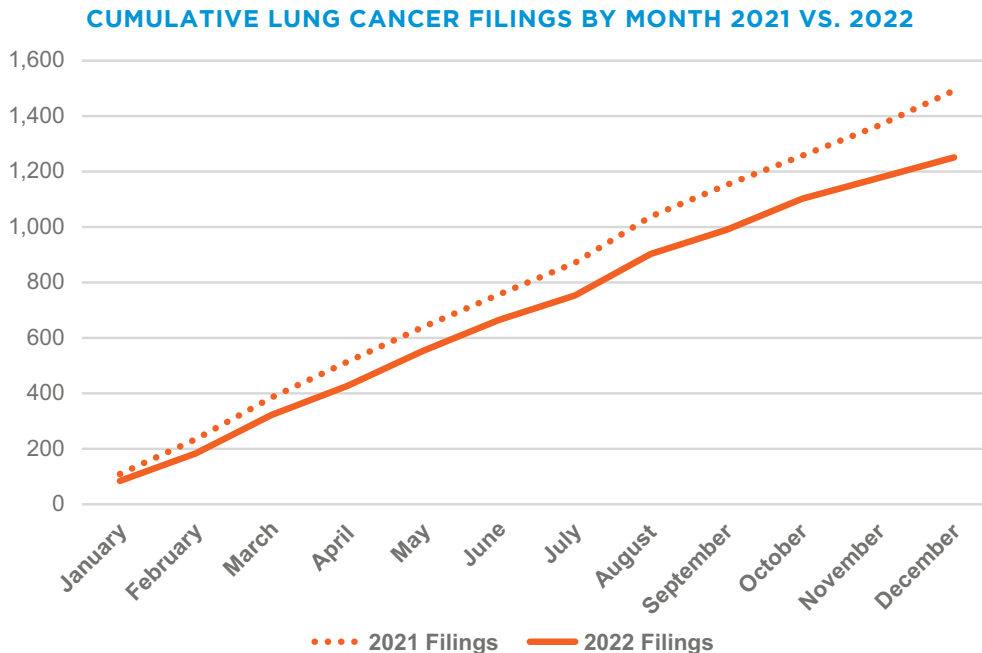


Figure **Lung Cancer – 2** shows cumulative lung cancer filings, by month, for 2021 compared to 2022. As with other cumulative filings-by-month analyses in this report, only 2021 filings received through January 31, 2022, were considered against 2022 filings received through January 31, 2023. Unlike mesothelioma filings, cumulative lung cancer filings were down each month of 2022, compared to each month of 2021. The gap between 2021 and 2022 lung cancer filings did grow wider in the second half of the year, ending with an 18% decrease in lung cancer filings year over year.



## Lung Cancer Jurisdictions

Like Madison County, Illinois, for mesothelioma filings, St. Clair County, Illinois, is the epicenter of lung cancer filings. One third of all 2022 lung cancer lawsuits were filed there, and approximately three times as many lung cancer lawsuits were filed there than in any other jurisdiction. The concentration of lung cancer filings in St. Clair County has increased over the last three years, from 27% of all lung cancer filings in 2020 to 34% in 2022.

Table **Lung Cancer – 3** shows the top 10 jurisdictions based on 2022 lung cancer filings, along with total filings 2020-2022 for each and the percentage change in filings between 2021 and 2022. Lung cancer filings in these top 10 jurisdictions — which make up 83% of total lung cancer filings — decreased 20% in 2022 compared to 2021. This was a larger percentage decrease than the 18% decrease in total 2022 lung cancer filings. Filings in the other non-top 10 jurisdictions — which make up the remaining 17% of total lung cancer filings — stayed nearly constant compared to 2021 (214 vs. 218 filings).

**LUNG CANCER TOP 10 JURISDICTIONS BASED ON 2022 FILINGS**

Jurisdiction	2020 Filings	2021 Filings	2022 Filings	% Change 2021-2022
St. Clair County, IL	410	599	431	-28.0%
Madison County, IL	287	125	124	-0.8%
New York, NY	144	116	106	-8.6%
Philadelphia, PA	81	88	100	13.6%
St. Louis, MO	147	146	97	-33.6%
New Castle, DE	92	62	45	-27.4%
Kanawha, WV	41	65	42	-35.4%
Wayne County, MI	41	39	32	-17.9%
Allegheny, PA	21	30	31	3.3%
Cook County, IL	24	30	29	-3.3%
<b>Total (Top 10)</b>	<b>1,288</b>	<b>1,300</b>	<b>1,037</b>	<b>-20.2%</b>
<b>Total (All)</b>	<b>1,509</b>	<b>1,518</b>	<b>1,251</b>	<b>-17.6%</b>

*Lung Cancer – 3*

The majority of the top 10 jurisdictions for lung cancer filings had significant decreases in filings in 2022. Some of the most significant decreases occurred in St. Clair County; Kanawha, West Virginia; and St. Louis, Missouri. The decrease in St. Clair County and St. Louis was mostly due to decreases in filings by Flint Cooper and SWMW, while the drop in Kanawha was due to lower filings by Goldberg Persky & White.

The only top jurisdiction that experienced a significant increase in lung cancer filings in 2022 was Philadelphia, Pennsylvania, where there was a 14% increase in filings compared to 2021. The increase was mostly attributed to a 56% increase in lung cancer lawsuits filed there by Weitz & Luxenberg.

## Lung Cancer Plaintiff Firms

Table **Lung Cancer – 4** lists the top 10 plaintiff firms filing lung cancer lawsuits in 2022, along with total filings 2020-2022 and the percentage change between 2021 and 2022 for each.

### LUNG CANCER TOP 10 PLAINTIFF FIRMS BASED ON 2022 FILINGS

Plaintiff Firm	2020 Filings	2021 Filings	2022 Filings	% Change 2021-2020
The Gori Law Firm	359	385	354	-8.1%
SWMW Law	119	221	123	-44.3%
Weitz & Luxenberg	161	148	110	-25.7%
Napoli Shkolnik	208	83	107	28.9%
Flint Cooper	25	130	51	-60.8%
Meirowitz & Wasserberg	32	27	45	66.7%
Karst & Von Oiste	22	25	34	36.0%
Lipsitz & Ponterio	14	22	30	36.4%
Goldberg, Persky & White	24	46	27	-41.3%
Mazur & Kittel	23	17	21	23.5%
<b>Total (Top 10)</b>	<b>987</b>	<b>1,104</b>	<b>902</b>	<b>-18.3%</b>
<b>Total (All)</b>	<b>1,509</b>	<b>1,518</b>	<b>1,251</b>	<b>-17.6%</b>

*Lung Cancer – 4*

There has been variation in the plaintiff firms making up the top 10 over the past few years for lung cancer filings. For instance, Simmons Hanly Conroy was the in the top 10 in both 2020, with 144 filings, and in 2021, with 39 filings, but continued filing fewer cases in 2022 and is no longer in the top 10. In contrast, Mazur & Kittel and Lipsitz & Ponterio increased filings slightly in 2022 to move up into the top 10. Of the top firms, Napoli Shkolnik had the largest nominal increase. Its lung cancer filings went from 83 in 2021 to 107 in 2022. Almost all of that firm's increase occurred in Madison County, Illinois.

Although half of the top firms filing lung cancer lawsuits increased their filings compared to 2021, these were not enough to offset the decreases. In nominal terms, the top 10 firms filed 202 fewer lung cancer lawsuits in 2022 than in 2021. Some of the most significant decreases were from SWMW Law and Flint Cooper. SWMW Law decreased filings by 44%, or nearly 100 filings, in St. Clair County, Illinois; St. Louis, Missouri; and Madison County. Similarly, Flint Cooper decreased filings by 61%, with nearly 80 fewer cases filed mostly affecting St. Clair County.



## DEFENDANTS

Asbestos litigation continues to be somewhat unique among other mass torts in the large number of defendants involved. When analyzing the number of defendants named on a lawsuit, KCIC counts each individual company named, due to the fact that many of these companies defend and resolve the cases individually. Therefore, a naming of Company A as successor in interest to Company B and Company C is counted as three unique defendant company entities for this analysis.

Table **Defendants – 1** shows the average number of defendants named per lawsuit by disease for 2020-2022. The average number of defendants named on 2022 asbestos lawsuits was 70 companies, slightly higher than the average seen in 2020-2021. Asbestos filings for all diseases, except other cancer filings, had an increase in average number of defendants named in 2022. The most significant increase in average defendant namings was for non-malignant filings, which increased from 89 to 97 namings, on average, from 2021 to 2022.

When analyzing defendants named by jurisdiction, the number named per lawsuit in 2022 varied from 1 to 352. In 2022, there were five jurisdictions with complaints naming more than 300 defendants: Wayne County, Michigan (three lawsuits with 302-317 defendants); Allegheny, Pennsylvania (one lawsuit with 310 defendants); Madison County, Illinois (one lawsuit with 323 defendants); Kanawha, West Virginia (two lawsuits with 317-335 defendants); and San Francisco, California (one lawsuit with 352 defendants).

Table **Defendants – 2** shows the top 15 jurisdictions based on 2022 filings and the average number of defendants named on complaints in each. Kanawha has consistently been the jurisdiction with the highest average number of defendants named per complaint for the past few years, with an average of 164 defendants per 2022 complaint. The average for St. Louis, Missouri, increased from 57 to 67 defendants named per complaint. This was mostly attributable to SWMW Law increasing the average number of defendants named on its lawsuits there from 51 to 91. Alameda, California, also saw an increase in the average number of defendants named per complaint, from 41 in 2021 to 53 in 2022, though that jurisdiction was still below the national average of 70.

**AVERAGE NUMBER OF DEFENDANTS  
PER COMPLAINT BY DISEASE**

Disease	2020 Filings	2021 Filings	2022 Filings	2020-2022 Filings
Mesothelioma	64	62	64	63
Lung Cancer	72	72	75	73
Other Cancer	73	85	77	78
Non-Malignant	75	89	97	88
Unknown	50	43	54	49
<b>All Filings</b>	<b>67</b>	<b>68</b>	<b>70</b>	<b>68</b>

*Defendants – 1*

**AVERAGE NUMBER OF DEFENDANTS  
PER COMPLAINT FOR TOP JURISDICTIONS**

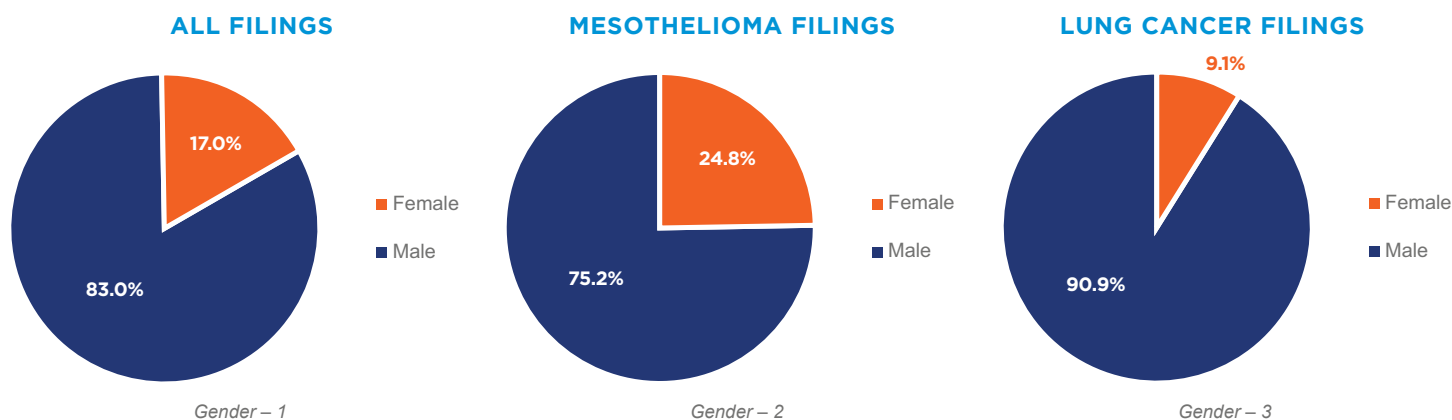
Top 15 Jurisdictions 2022	2021 Filings	2022 Filings
Kanawha, WV	168	164
Allegheny, PA	144	153
Wayne County, MI	126	118
St. Clair County, IL	83	96
San Francisco, CA	87	90
St. Louis, MO	57	67
Los Angeles, CA	68	64
Madison County, IL	61	64
Cook County, IL	61	63
Alameda, CA	41	53
Philadelphia, PA	48	52
New York, NY	49	48
Middlesex, NJ	39	39
Orleans, LA	47	39
New Castle, DE	25	25

*Defendants – 2*

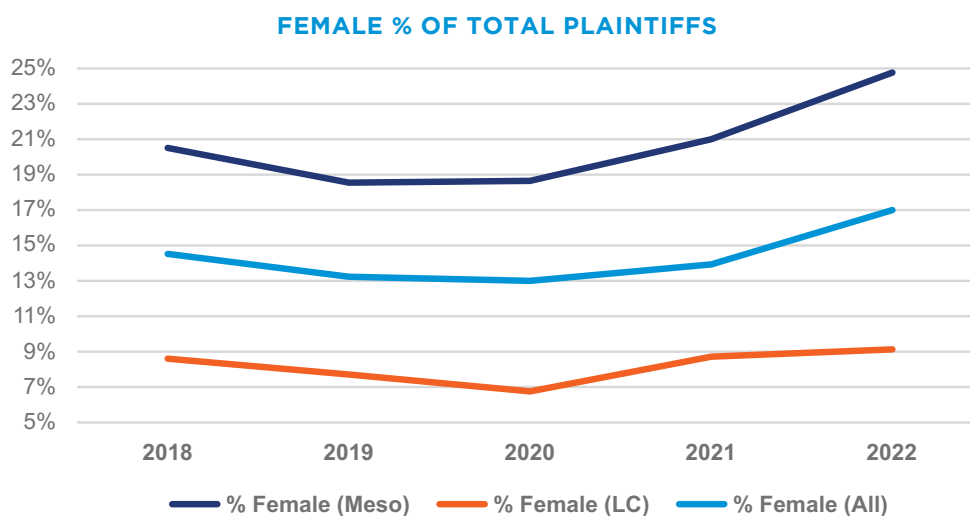
## PLAINTIFF ATTRIBUTES

### Gender

Historically, asbestos litigation has been comprised mostly of male plaintiffs. This remained the case in 2022, with male plaintiffs filing 83% of asbestos-related lawsuits and female plaintiffs filing 17%. As in past years, the male-to-female ratio did vary based on disease, with a higher portion of mesothelioma lawsuits (25%) and a lower portion of lung cancer lawsuits (9%) filed by female plaintiffs. Figures **Gender 1 – 3** show the male and female portion of 2022 plaintiffs for total filings, mesothelioma filings, and lung cancer filings, respectively.



Since 2018, there has been a slight increase in the percentage of total plaintiffs made up of females. Figure **Gender – 4** shows the percentage of plaintiffs that were female for mesothelioma (Meso) filings, lung cancer (LC) filings, and total filings (All) from 2018-2022. Over the five years from 2018-2022, the percentage of mesothelioma plaintiffs that were female has averaged 21% and ranged from 19% in 2019-2020 to 25% in 2022. Similarly — and because mesothelioma lawsuits make up the majority of total filings — the percentage of plaintiffs that were female across all asbestos filings in 2022 increased to 17% and also exceeded the average over the past five years (17% vs. 14%). In 2022, the percentage of lung cancer plaintiffs that was female (9%) also exceeded the average from 2018-2022 (8%), but lung cancer filings remain more heavily male-concentrated.



Gender – 4

## Age

The average age of plaintiffs can be an indication of when typical exposures occurred and how long asbestos litigation may continue in the future. When analyzing plaintiff age, only lawsuits that include a plaintiff's date of birth in the complaint are included. In 2022, 32% of lawsuits included this information. Then, age was calculated as the difference between the date of birth and the earlier of date of death (if deceased and provided in the complaint) or date of filing.

Table **Age – 1** shows the average and median age at filing for plaintiffs by disease for 2020-2022. The average age at filing for asbestos plaintiffs in 2022 was 74, which is consistent with the average age of plaintiffs every file year since 2017. Similarly, the average age for mesothelioma plaintiffs has also remained constant at 74 years old. The average age for lung cancer and non-malignant plaintiffs each decreased by one year comparing 2021 to 2022 — 74 to 73 for lung cancer and 78 to 77 for non-malignant. The average age of non-malignant plaintiffs has averaged slightly older than that of other diseases.

### AVERAGE/MEDIAN AGE BY DISEASE, FILE YEAR

Year	2020		2021		2022		2020-2022	
Disease	Average	Median	Average	Median	Average	Median	Average	Median
Mesothelioma	74	76	74	75	74	76	74	76
Lung Cancer	73	73	74	74	73	73	73	73
Other Cancer	77	77	72	74	76	79	75	76
Non-Malignant	77	77	78	78	77	77	77	77
Unknown	75	75	73	74	73	72	73	73
<b>All Diseases</b>	<b>74</b>	<b>75</b>	<b>74</b>	<b>75</b>	<b>74</b>	<b>75</b>	<b>74</b>	<b>75</b>

Age – 1

Table **Age – 2** lists the maximum and minimum age by disease type for plaintiffs filing asbestos lawsuits in 2020-2022. The youngest plaintiffs were mesothelioma plaintiffs in their twenties who all alleged exposure to talc. The oldest plaintiffs were in their late nineties and spanned most of the various disease types. For every disease type except mesothelioma and lung cancer, the youngest age increased in 2022 compared with 2020-2022. The minimum age for lung cancer plaintiffs in 2022 stayed the same as the 2020-2022 minimum, and for mesothelioma plaintiffs it decreased due to younger plaintiffs filing mesothelioma lawsuits based on talc exposures.

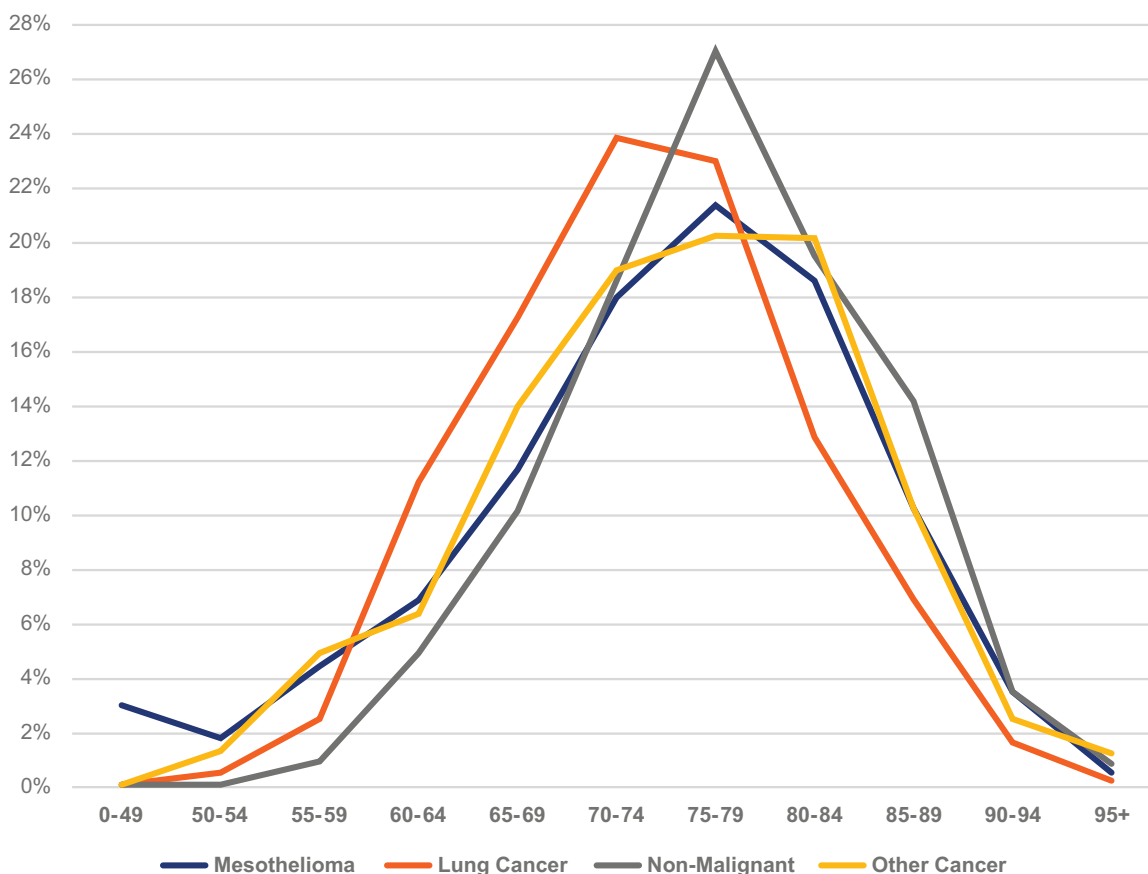
### MAX/MIN AGE BY DISEASE, FILE YEAR

Year	2020		2021		2022		2020-2022	
Disease	Max	Min	Max	Min	Max	Min	Max	Min
Mesothelioma	99	26	95	28	99	23	99	23
Lung Cancer	94	49	97	51	98	49	98	49
Other Cancer	95	60	89	51	85	55	95	51
Non-Malignant	95	60	96	56	90	57	96	56
Unknown	88	64	88	54	94	62	94	54
<b>All Diseases</b>	<b>99</b>	<b>26</b>	<b>97</b>	<b>28</b>	<b>99</b>	<b>23</b>	<b>99</b>	<b>23</b>

Age – 2

The population of plaintiffs with age information available in the complaint was then distributed into age groupings. Figure **Age – 3** shows the distribution of plaintiffs by disease type and age range for plaintiffs filing lawsuits in 2020-2022. For mesothelioma and non-malignant plaintiffs, the peak age range is at 75-79 years of age, with 21% of all 2020-2022 mesothelioma plaintiffs and 27% of all non-malignant plaintiffs falling into that range. For lung cancer plaintiffs, the peak age range was slightly younger, with 24% of lung cancer plaintiffs in the 70-74-year-old group — almost even with the 23% of lung cancer plaintiffs in the 75-79 age group. These peak age groups are consistent with those from plaintiffs filing in 2019-2021, further indicating that the population of asbestos plaintiffs is not getting older over time. Beyond looking at the most common age group, it is also notable that mesothelioma continues to have the largest portion of plaintiffs in the youngest age group under 49 years of age — mostly attributed to female plaintiffs and talc exposures.

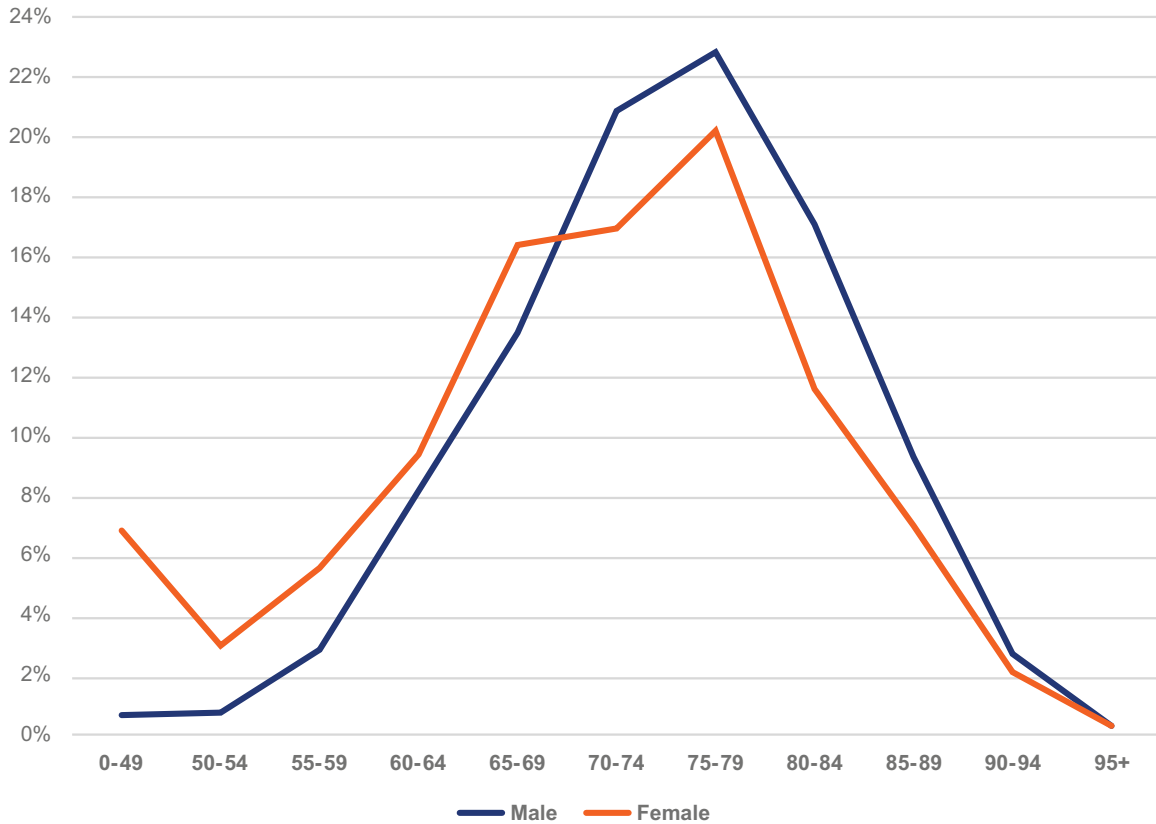
**PERCENTAGE OF 2020-2022 PLAINTIFFS BY DISEASE AND AGE GROUP**



Age – 3

The distribution of plaintiffs by age group was also analyzed by gender, as shown in Figure **Age – 4**. While the peak age range was the same for males and females at 75-79 years old, a smaller percentage of female plaintiffs were in that age group than males (20% vs. 23%). A larger percentage of female than male plaintiffs were in the age groups younger than the peak, and especially in the age groups younger than 70 years old. For females, 41% of plaintiffs were in age groups younger than 70 years old, while 26% of males fell into these younger groups.

**PERCENTAGE OF 2020-2022 PLAINTIFFS BY GENDER AND AGE GROUP**



Age – 4

## Residency

KCIC also analyzed trends regarding where plaintiffs live compared to where their lawsuits are filed. For this analysis, only complaints that contained a plaintiff's state of residence were included. Table **Residency – 1** shows the percentage of total 2020-2022 filings that included state of residency. For 2022, this was 67% of lawsuits. Table **Residency – 2** shows the percent of plaintiffs with known residency information that filed their lawsuit out-of-state in 2020-2022. When comparing state of residence to the state where the plaintiff filed their lawsuit in 2022, 56% filed in a state other than that in which they lived. This is down 5% from the 61% of plaintiffs filing out-of-state in 2021.

### PLAINTIFFS WITH KNOWN STATE OF RESIDENCE

Year	% of Total with Known Residency
2020	66.9%
2021	61.4%
2022	67.3%
<b>2020-2022</b>	<b>65.1%</b>

Residency – 1

### PLAINTIFFS FILING OUT-OF-STATE

Year	% of Plaintiffs Filing Out of State
2020	64.2%
2021	61.0%
2022	56.4%
<b>2020-2022</b>	<b>60.6%</b>

Residency – 2

Table **Residency – 3** shows the top jurisdictions where plaintiffs filed lawsuits in 2022 when they did not file in their state of residence. This list changed somewhat compared to 2021, but the main take away remains the same: The majority (53%) of plaintiffs filing in a state other than the one in which they live file their lawsuit in Madison County, Illinois. In fact, 94% of all filings in Madison County (where residency is known) are not filed by Illinois residents.

### TOP JURISDICTIONS FOR 2022 PLAINTIFFS FILING OUT-OF-STATE

Lawsuit Jurisdiction	% of All Out-of-State Plaintiffs Filing Here	% of Filings in this Jurisdiction that are Out-of-State
Madison County, IL	52.8%	93.8%
Philadelphia, PA	7.9%	45.7%
St. Clair County, IL	6.0%	95.3%
New Castle, DE	5.0%	100.0%
New York, NY	4.5%	68.5%
All Other Jurisdictions	23.8%	27.7%
<b>Grand Total</b>	<b>100.0%</b>	<b>56.4%</b>

Residency – 3

# EXPOSURE ANALYSIS

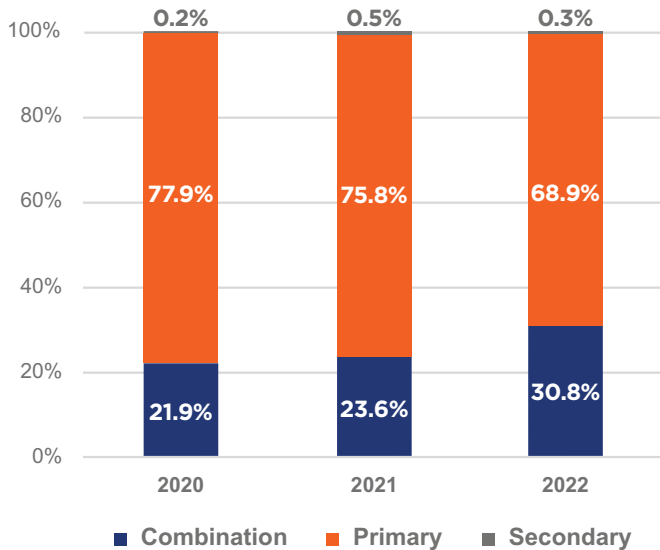
## Primary vs. Secondary Exposures

Asbestos exposures are often categorized as either primary (direct) or secondary (indirect). Primary exposures occur when a plaintiff is directly exposed to the asbestos-containing product, whereas secondary exposures occur when a plaintiff indirectly comes into contact with the asbestos. An example of each type of exposure would be a husband is exposed to asbestos while repairing an asbestos-containing product at his job (primary exposure). His wife is then exposed to asbestos when she laundered the clothing that he wore while working with the asbestos-containing products (secondary exposure).

The types of exposure being alleged in asbestos complaints vary by gender. Figures **Exposure – 1** and **Exposure – 2** show the percent of total 2020-2022 filings by male plaintiffs and female plaintiffs that alleged only primary exposures, only secondary exposures, or a combination of both primary and secondary exposures. Allegations of secondary exposures are less prevalent for male plaintiffs. While 20% of female plaintiffs filing lawsuits in 2022 alleged only secondary exposure, less than 1% of male plaintiffs alleged only secondary exposure to asbestos. Similarly, for the complaints with allegations of both primary and secondary exposures (combination), 31% of males alleged a combination of exposure types compared to 47% of females. Conversely, 69% of male plaintiffs in 2022 alleged only primary exposures, compared to 33% of females.

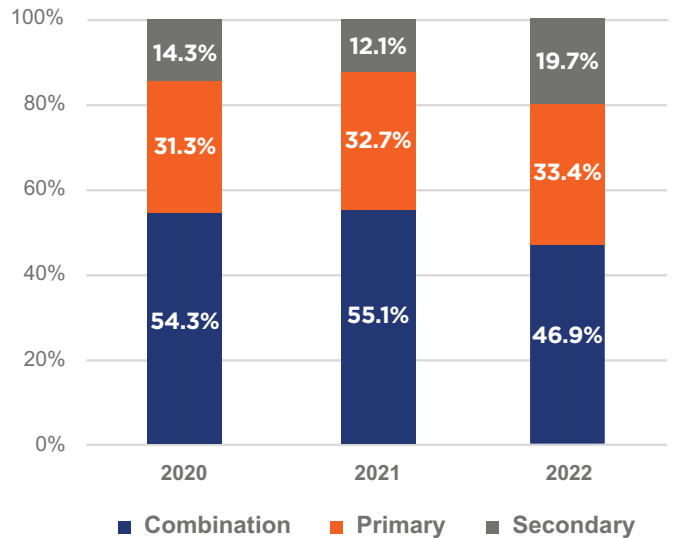
Both males and females saw somewhat different trends in exposure types in 2022 than in prior years. In 2022, the percentage of males alleging a combination of exposure types was higher (31%) than in 2020 (22%) or 2021 (24%). For females, a larger percentage of 2022 plaintiffs (20%) alleged only secondary exposures to asbestos than in 2020 (14%) and 2021 (12%).

MALE EXPOSURE TYPES BY FILE YEAR



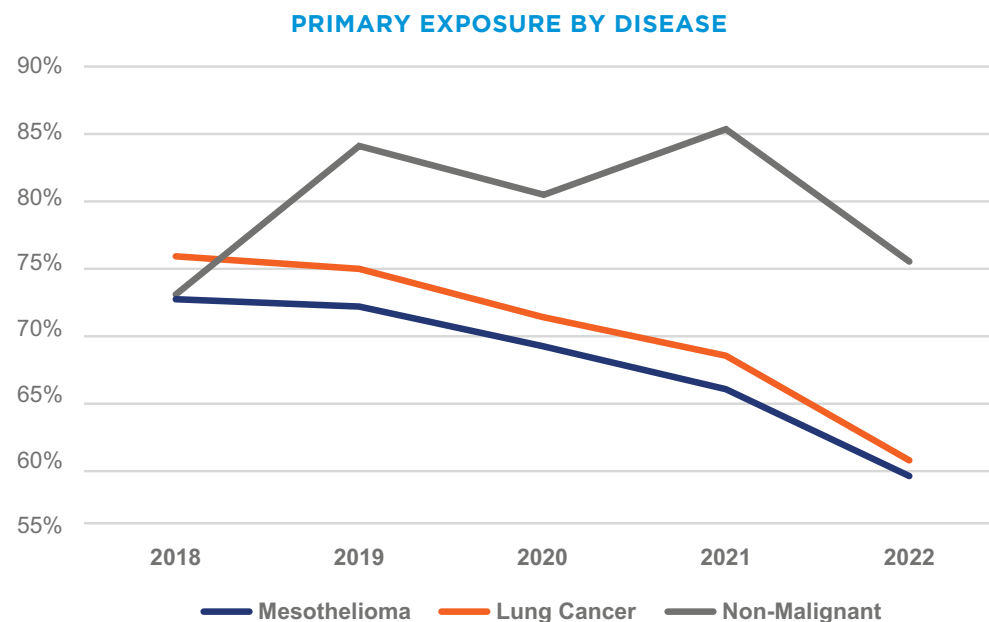
Exposure – 1

FEMALE EXPOSURE TYPES BY FILE YEAR

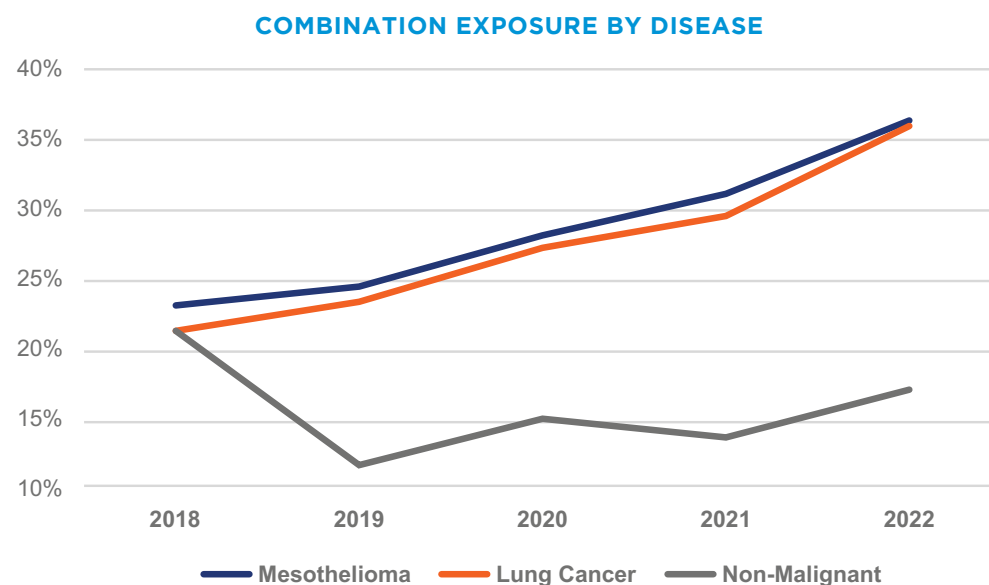


Exposure – 2

Figure **Exposure – 3** looks at the percentage of filings between 2018-2022 that allege only primary exposures to asbestos, by disease type. A higher percentage of non-malignant, versus mesothelioma or lung cancer, filings allege only primary exposures to asbestos. This graph also shows the downward trend in the percentage of mesothelioma and lung cancer filings alleging only primary exposures.



In contrast, Figure **Exposure – 4** shows the same data by disease for filings alleging a combination of exposure types, reflecting an inverse of the trends shown in Figure **Exposure – 3**. The percentage of mesothelioma filings alleging combination of primary and secondary exposures is much higher than that of non-malignant filings. Also, in contrast to **Exposure – 3** above, the percentage of filings including a combination of exposure types is increasing, especially in lung cancer and mesothelioma cases.

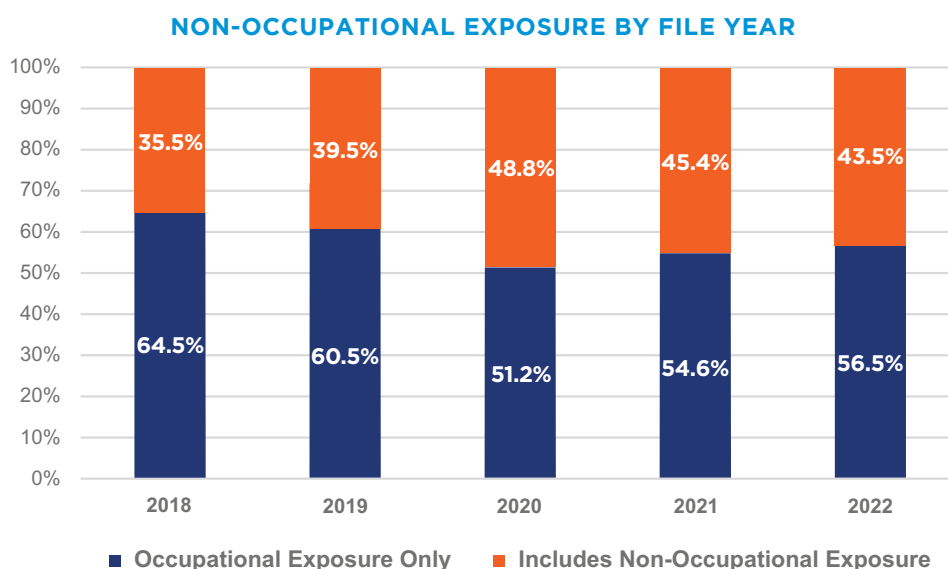




## Occupational vs. Non-Occupational Exposures

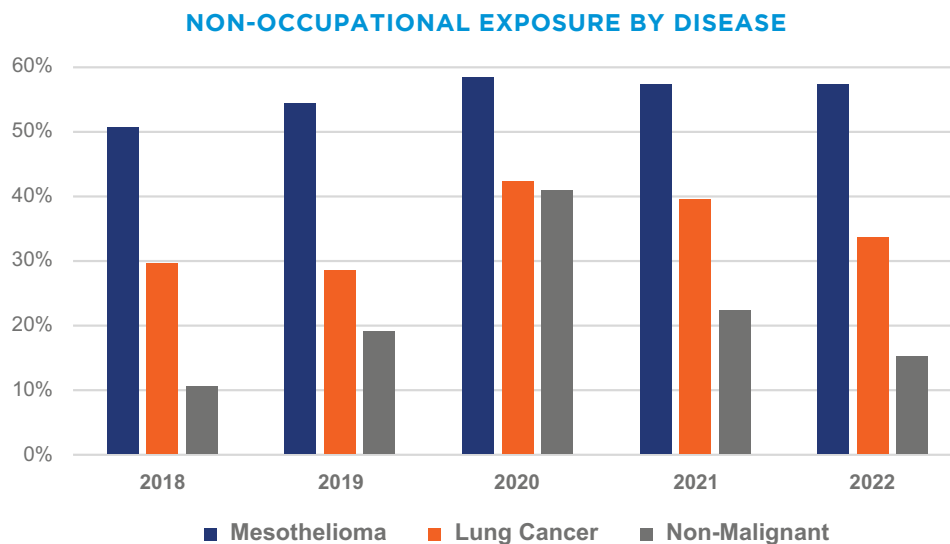
Another categorization of asbestos exposures is based on whether the exposure occurred during a plaintiff's employment (occupational) or the exposure was not related to a plaintiff's employment (non-occupational). Examples of these types of exposure would be a plaintiff who was exposed to asbestos-containing products while performing employment duties as a repairman (occupational) versus a plaintiff who was exposed to asbestos while working on his own car's brakes in his driveway over the course of several weekends (non-occupational). Usage of cosmetic talcum powders is also often categorized as non-occupational exposure and will be discussed in more detail in later sections of this report.

Figure **Exposure – 5** shows the breakdown of total filings for 2018-2022 between lawsuits alleging only occupational exposures to asbestos and lawsuits alleging both occupational and non-occupational or alleging only non-occupational exposures. The percentage of filings alleging only non-occupational exposures to asbestos has consistently only accounted for about 1% of filings, so these were not broken out separately. The percentage of filings only including occupational exposure allegations has decreased over the past five years, from 65% in 2018 to 57% in 2022. However, a larger percentage of 2022 filings included only occupational exposures than in 2020 (51%) or 2021 (55%).



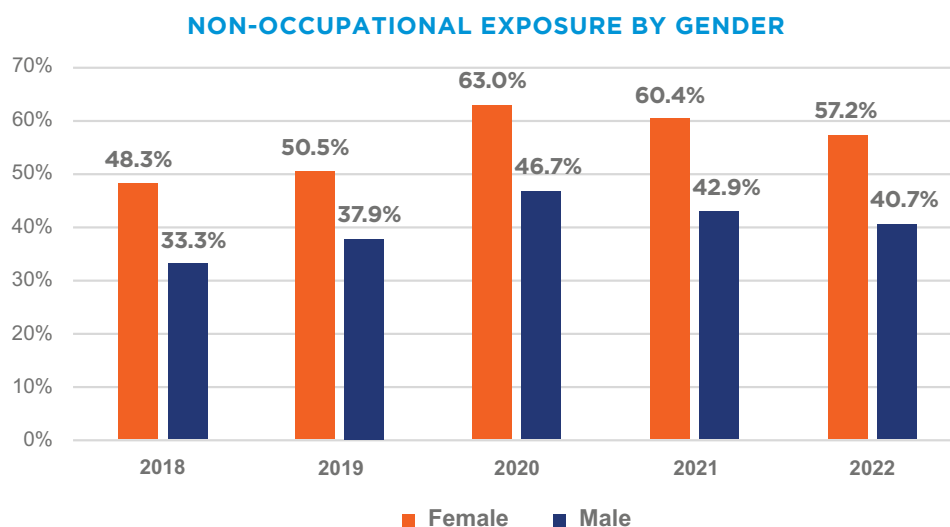
Exposure – 5

Figure **Exposure – 6** details the percentage of total mesothelioma, lung cancer, and non-malignant filings that allege some non-occupational exposure to asbestos from 2018-2022. Each year, a higher percentage of mesothelioma plaintiffs includes allegations of non-occupational asbestos exposures than plaintiffs with lung cancer or non-malignant diagnoses. The percentage of lung cancer and non-malignant plaintiffs alleging non-occupational exposures has been decreasing from 2020 to 2022, similar to the trend in overall filings seen in **Exposure – 5**. In contrast, the percentage of mesothelioma plaintiffs with non-occupational exposure has not had the same significant decrease as other diseases.



Exposure – 6

Figure **Exposure – 7** shows the percentage of male and female plaintiffs including allegations of non-occupational exposure to asbestos in 2018-2021. By gender, the percentage is higher for female plaintiffs than males, however as shown in **Exposure – 5**, these percentages have decreased between 2020 and 2022. For female plaintiffs, 57% had non-occupational exposure to asbestos in 2022 compared to 60% in 2021 and 63% in 2020. For males, 41% had non-occupational exposure to asbestos in 2022 compared to 43% in 2021 and 47% in 2020.



Exposure – 7

## TALC EXPOSURES IN ASBESTOS CLAIMS

In recent years, after many highly publicized cases and verdicts, complaints with traditional asbestos exposures have also begun including allegations of exposure to asbestos from talc. KCIC's data for this analysis is mostly comprised of those mixed exposure cases that include both cosmetic talc exposure as well as other traditional asbestos exposures. As such, the full subset of purely cosmetic talc cases is not included. An example of the type of complaint that is included in this analysis would be that of a plaintiff who alleges exposure to asbestos through working with asbestos-containing products at his job, but then also alleges exposure from using body powder that contained talcum powder.

### Talc Overview

Table **Talc – 1** shows the number of traditional asbestos lawsuits by disease since 2018 that have included an allegation of exposure to talc, as well as the percent change in total filings with talc exposures year over year. Table **Talc – 2** shows the same in terms of the percentage of total overall asbestos filings by disease each year that contained allegations of talc exposure.

#### ASBESTOS FILINGS WITH TALC EXPOSURE BY DISEASE

Year	Mesothelioma	Lung Cancer	Non-Malignant	Unknown/Other	All Talc Filings	% Change (Prior Year)
2018	264	76	0	9	349	55.8%
2019	290	155	2	2	449	28.7%
2020	292	94	5	8	399	-11.1%
2021	283	14	1	2	300	-24.8%
2022	376	10	2	0	388	29.3%

Talc – 1

#### % OF OVERALL ASBESTOS FILINGS WITH TALC EXPOSURE BY DISEASE

Year	% of Mesothelioma	% of Lung Cancer	% of Non-Malignant	% of Unknown/Other	% of Total Filings
2018	12.6%	6.8%	0.0%	2.1%	8.4%
2019	13.5%	11.3%	0.6%	0.7%	10.8%
2020	15.6%	6.2%	2.6%	4.0%	10.6%
2021	15.6%	0.9%	0.3%	1.1%	7.9%
2022	20.2%	0.8%	0.8%	0.0%	10.9%
<b>2018-2022</b>	<b>15.4%</b>	<b>5.2%</b>	<b>0.6%</b>	<b>1.7%</b>	<b>9.7%</b>

Talc – 2

On average, approximately 10% of traditional asbestos complaints contained allegations of talc exposures between 2018 and 2022. In 2022, there was a 29% increase in filings including talc exposure allegations compared to 2021 (from 300 to 388 lawsuits). Talc allegations were included on 20% of mesothelioma filings in 2022, which was higher than the average of 16% of mesothelioma cases filed 2018-2022, and significantly higher than that of lung cancer filings (5% of cases) and non-malignant filings (1% of cases).

Table **Talc – 3** shows the percentage, by disease, of total filings with talc exposures. On average, 80% of 2018-2022 asbestos lawsuits that included allegations of talc exposures were mesothelioma claims, and 19% were lung cancer. The percentage of talc filings made up by mesothelioma cases has increased over time. In 2021 and 2022, 94%-97% of filings containing talc exposure were mesothelioma cases compared to 65%-76% in 2018-2020.

#### DISEASE MIX FOR ASBESTOS FILINGS WITH TALC EXPOSURE

Year	Mesothelioma	Lung Cancer	Non-Malignant	Unknown/Other
2018	75.6%	21.8%	0.0%	2.6%
2019	64.6%	34.5%	0.4%	0.4%
2020	73.2%	23.6%	1.3%	2.0%
2021	94.3%	4.7%	0.3%	0.7%
2022	96.9%	2.6%	0.5%	0.0%
<b>2018-2022</b>	<b>79.8%</b>	<b>18.5%</b>	<b>0.5%</b>	<b>1.1%</b>

Talc – 3

### Talc Top Jurisdictions

Table **Talc – 4** lists the top five jurisdictions based on 2022 filings that include allegations of talc exposure, as well as total talc filings and the percent of total filings made up by talc filings for each year from 2020-2022. The table also shows the percentage change between 2021 and 2022 both for total talc filings and for the percent of total filings made up by talc claims.

Madison County, Illinois, continues to be the top jurisdiction for talc filings, with 93 talc filings in 2022. This represents nearly 10% of total Madison County filings in 2022 and a 6% increase in talc filings compared to 2021. In 2022 compared to 2021, New York, New York, and Los Angeles, California, had the largest increases in filings that included talc exposure allegations. In Los Angeles, talc filings made up 54% of total 2022 filings and more than doubled compared to 2021. Overall, talc filings made up 18% of total filings in these five jurisdictions — a higher percentage than the 11% of total filings across all jurisdictions with talc exposures.

#### TOP 5 JURISDICTIONS BASED ON 2022 TALC FILINGS

Jurisdiction	2020 Filings		2021 Filings		2022 Filings		% Change 2021-2022 in Talc Filings	Change in 2021-2022 Talc % of Total Filings
	Talc Filings	% of Total Filings	Talc Filings	% of Total Filings	Talc Filings	% of Total Filings		
Madison County, IL	134	11.2%	88	8.9%	93	9.6%	5.7%	0.7%
New York, NY	24	7.7%	21	8.3%	55	19.4%	161.9%	11.1%
Los Angeles, CA	21	21.9%	21	31.8%	53	53.5%	152.4%	21.7%
Middlesex, NJ	37	46.3%	48	58.5%	48	53.9%	0.0%	-4.6%
Alameda, CA	10	17.5%	12	22.6%	23	35.4%	91.7%	12.7%
<b>Total (Top 5)</b>	<b>226</b>	<b>13.0%</b>	<b>190</b>	<b>13.2%</b>	<b>272</b>	<b>18.1%</b>	<b>43.2%</b>	<b>4.9%</b>
<b>Total (All)</b>	<b>399</b>	<b>10.6%</b>	<b>300</b>	<b>7.9%</b>	<b>388</b>	<b>10.9%</b>	<b>29.3%</b>	<b>3.1%</b>

Talc – 4

Table **Talc – 5** lists the top five jurisdictions for lawsuits containing allegations of talc exposures over the past five years — with total talc filings, total filings, and the percent of total filings that included talc exposures during that time. St. Clair County, Illinois, was a top jurisdiction for talc filings until 2021 and 2022, when filings including talc allegations decreased significantly there. Most St. Clair County talc filings were lung cancer cases filed by The Gori Law Firm in 2019. While this firm has continued filing lung cancer cases in St. Clair County, for the most part, these lawsuits no longer include allegations of talc exposure.

#### TOP 5 TALC JURISDICTIONS 2018-2022

Jurisdiction	Talc Filings	Total Asbestos Filings	Talc % of Total Asbestos Filings
Madison County, IL	606	5,407	11.2%
St. Clair County, IL	274	2,167	12.6%
Middlesex, NJ	199	415	48.0%
Los Angeles, CA	142	485	29.3%
New York, NY	125	1,505	8.3%
<b>Total (Top 5)</b>	<b>1,346</b>	<b>9,979</b>	<b>13.5%</b>
<b>Total (All)</b>	<b>1,885</b>	<b>19,426</b>	<b>9.7%</b>

Talc – 5

#### Talc Top Plaintiff Firms

Table **Talc – 6** lists the top five plaintiff firms filing lawsuits in 2022 that included allegations of talc exposure. The table includes total talc filings, the percentage of total filings that included talc exposures for each, along with the percentage change between 2021 and 2022 for both total talc filings and the percentage of total filings they comprised.

As discussed in the talc jurisdiction section above, The Gori Law Firm decreased filings that included allegations of talc exposure, though it remained at the top of the list. The largest increases in 2022 compared to 2021 were by Maune Raichle Hartley French & Mudd and Simon Greenstone Panatier. Maune Raichle increased talc filings 42% mostly in Madison County, Illinois, and Alameda, California. Simon Greenstone Panatier increased filings 45% — with the most significant increase in New York, New York. While total filings with talc exposures increased for this firm, the percentage of total filings that included talc decreased in 2022 (95%) compared to 2021 (100%).

#### TOP 5 PLAINTIFF FIRMS BASED ON 2022 TALC FILINGS

Plaintiff Firm	2020 Filings		2021 Filings		2022 Filings		% Change 2021-2022 in Talc Filings	Change in 2021-2022 Talc % of Total Filings
	Talc Filings	% of Total Filings	Talc Filings	% of Total Filings	Talc Filings	% of Total Filings		
The Gori Law Firm	190	31.8%	71	11.6%	73	12.4%	2.8%	0.9%
Maune Raichle Hartley French & Mudd	45	21.4%	50	21.8%	71	26.5%	42.0%	4.7%
Simon Greenstone Panatier	30	93.8%	40	100.0%	58	95.1%	45.0%	-4.9%
Weitz & Luxenberg	24	6.0%	41	10.6%	48	13.2%	17.1%	2.7%
Dean Omar Branham Shirley	15	51.7%	6	23.1%	16	50.0%	166.7%	26.9%
<b>Total (Top 5)</b>	<b>304</b>	<b>24.0%</b>	<b>208</b>	<b>16.0%</b>	<b>266</b>	<b>20.3%</b>	<b>27.9%</b>	<b>4.3%</b>
<b>Total (All)</b>	<b>399</b>	<b>10.6%</b>	<b>300</b>	<b>7.9%</b>	<b>388</b>	<b>10.9%</b>	<b>29.3%</b>	<b>3.1%</b>

Talc – 6

The plaintiff firms comprising the top five for talc filings in 2022 are the same for the 2018-2022 period as well. Table **Talc – 7** lists these five jurisdictions again, along with total talc filings for 2018-2022 and the percentage of total filings made up by talc cases during this period. There is variation between firms with some, like Weitz & Luxenberg, including talc on only 8% of its 2018-2022 filings and others, like Simon Greenstone Panatier, including talc exposures in 91% of its 2018-2022 filings.

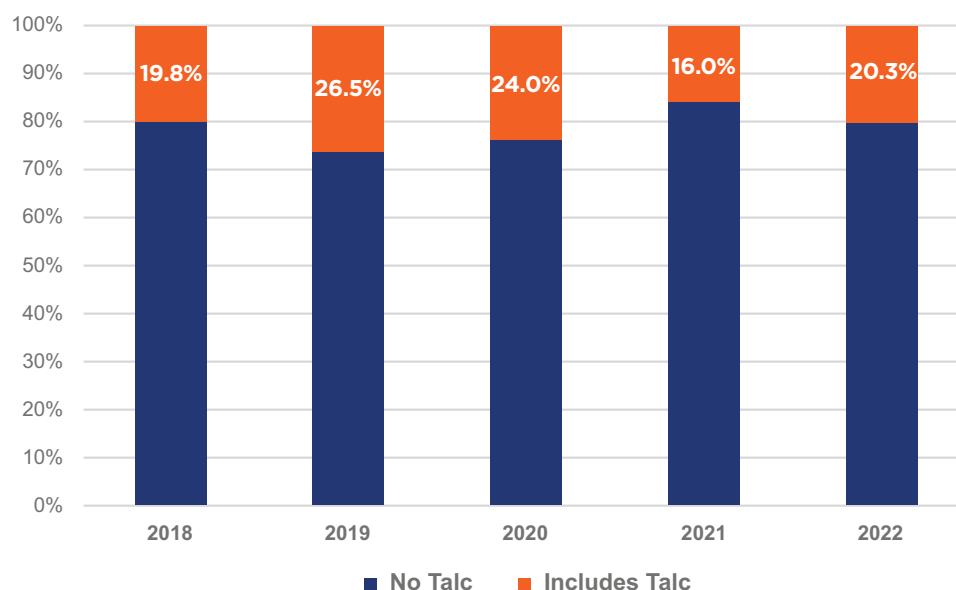
#### TOP 5 TALC PLAINTIFF FIRMS 2018-2022

Plaintiff Firm	Talc Filings	Total Asbestos Filings	Talc % of Total Asbestos Filings
The Gori Law Firm	837	3,016	27.8%
Maune Raichle Hartley French & Mudd	202	1,253	16.1%
Simon Greenstone Panatier	173	190	91.1%
Weitz & Luxenberg	153	2,016	7.6%
Dean Omar Branham Shirley	45	122	36.9%
<b>Total (Top 5)</b>	<b>1,410</b>	<b>6,597</b>	<b>21.4%</b>
<b>Total (All)</b>	<b>1,885</b>	<b>19,246</b>	<b>9.7%</b>

Talc – 7

Figure **Talc – 8** shows the percentage of total filings for 2018-2022 that included allegations of talc exposure for the top five plaintiff firms filing talc cases. Again, the top five firms are the same whether considering only 2022 filings or 2018-2022 filings combined. The percentage of total filings that included talc allegations for these firms in 2022 is very close to that in 2018 (both nearly 20%). This has fluctuated somewhat over time with a larger percentage of total filings including talc allegations in 2019 and 2020 (27% and 24%, respectively) and a smaller percentage of total filings including talc allegations in 2021 (16%).

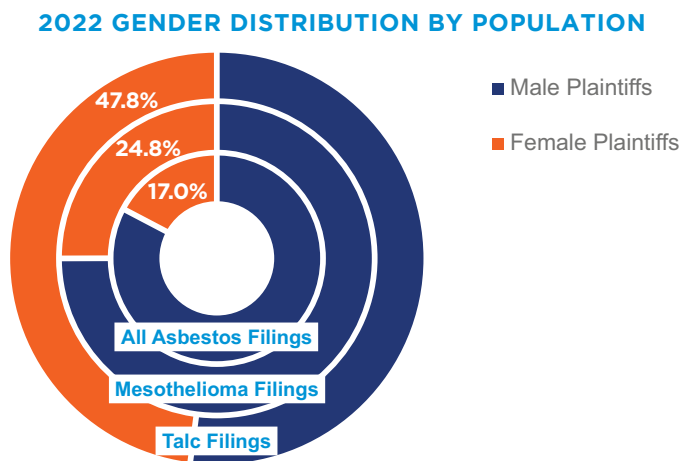
#### TOP 5 TALC PLAINTIFF FIRMS



Talc – 8

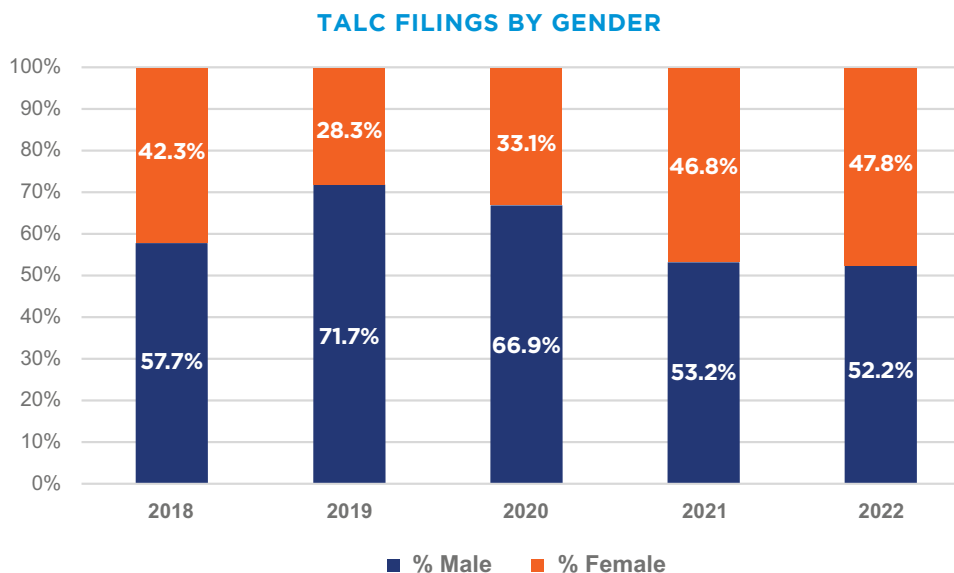
## Talc Gender

The population of plaintiffs with lawsuits including allegations of talc exposures (outer ring) continues to have a higher proportion of females than the overall population of asbestos filings (inner ring) and the overall population of mesothelioma filings (middle ring), as shown in Figure Talc – 9. In 2022, 48% of plaintiffs with talc exposures were female compared to 17% of the overall population and 25% of the mesothelioma population.



Talc – 9

Figure Talc – 10 shows the breakout between male and female plaintiffs with talc exposures by year for 2018-2022 filings. The percentage of total talc filings made up by female plaintiffs has increased over the past few years from 28% of 2019 talc filings to 48% of 2022 talc filings.



Talc – 10

## Talc Plaintiff Age

When looking at the subset of plaintiffs that include allegations of talc exposure, the average age is younger than that of the overall asbestos plaintiff population. In 2022, 42% of complaints with talc exposure also included date of birth and were included in this analysis. Tables **Talc – 11** and **Talc – 12** show the average and median age as well as the maximum and minimum age for plaintiffs with talc exposures filing lawsuits between 2020 and 2022. The average age of 2022 plaintiffs with talc exposure was six years younger than the overall asbestos population (68 years old vs. 74 years old). Many of the maximum and minimum aged plaintiffs in the overall population were plaintiffs with talc exposures, so it is no surprise that the youngest and oldest ages are similar to the overall population.

### AVERAGE/MEDIAN AGE OF ASBESTOS PLAINTIFFS WITH TALC EXPOSURE

Year	2020		2021		2022		2020-2022	
Disease	Average	Median	Average	Median	Average	Median	Average	Median
Mesothelioma	70	71	67	69	67	70	68	70
Lung Cancer	74	76	78	78	74	74	74	75
Other Cancer	90	90	N/A	N/A	N/A	N/A	90	90
Non-Malignant	73	73	N/A	N/A	79	79	76	74
<b>All Diseases</b>	<b>71</b>	<b>73</b>	<b>68</b>	<b>69</b>	<b>68</b>	<b>70</b>	<b>69</b>	<b>71</b>

Talc – 11

### MAX/MIN AGE OF ASBESTOS PLAINTIFFS WITH TALC EXPOSURE

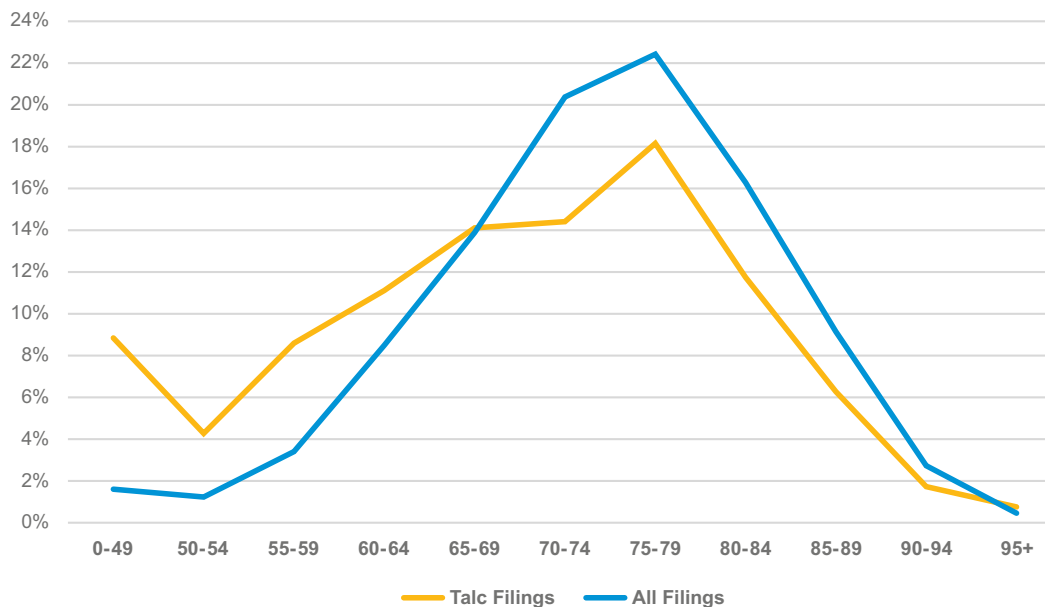
Year	2020		2021		2022		2020-2022	
Disease	Max	Min	Max	Min	Max	Min	Max	Min
Mesothelioma	99	26	89	28	94	23	99	23
Lung Cancer	91	53	86	69	82	67	91	53
Other Cancer	95	85	N/A	N/A	N/A	N/A	95	85
Non-Malignant	76	69	N/A	N/A	86	72	86	69
Unknown	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>All Diseases</b>	<b>99</b>	<b>26</b>	<b>89</b>	<b>28</b>	<b>94</b>	<b>23</b>	<b>99</b>	<b>23</b>

Talc – 12

Figure **Talc – 13** shows the age distribution of plaintiffs with talc exposures compared to the overall population of plaintiffs filing asbestos lawsuits between 2020 and 2022. The distribution of plaintiffs with talc exposures skews younger than the overall population. When looking at age groups younger than 65 years old, 33% of talc cases fall into these younger age groups, compared to 15% of the overall asbestos population.



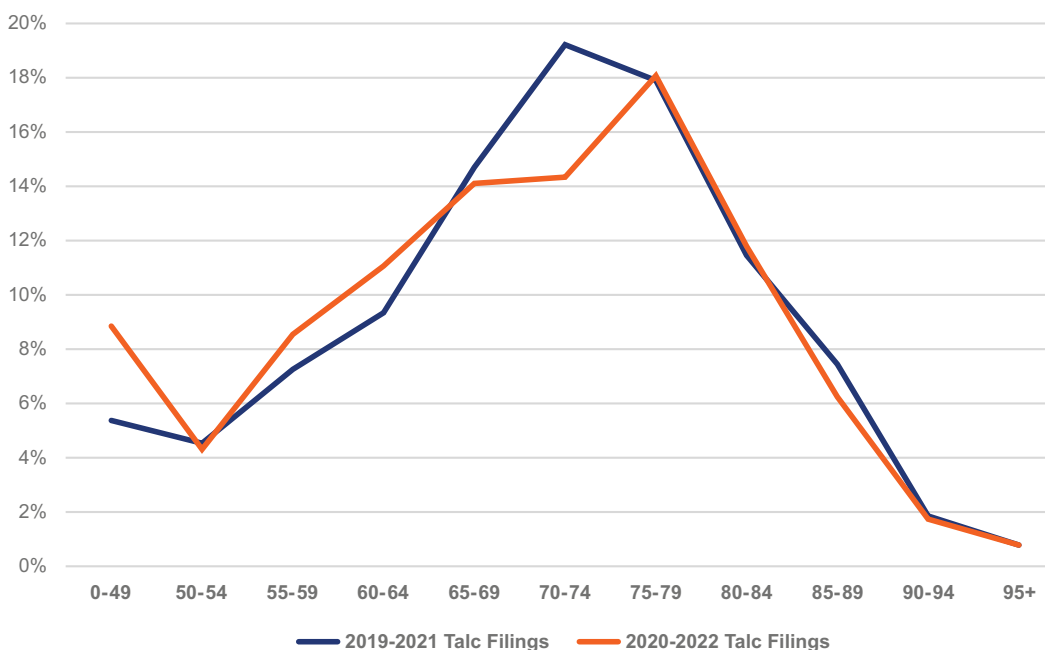
## 2020-2022 AGE GROUP DISTRIBUTION



Talc – 13

Figure **Talc – 14** shows the age distribution for plaintiffs with talc exposures who filed lawsuits in 2020-2022 compared to plaintiffs with talc exposures who filed lawsuits in the three-year period before that (2019-2021). The percentage of total talc plaintiffs in the youngest age group (under 50 years old) increased from 5% to 9% when comparing 2019-2021 to 2020-2022. Using the same comparison, the percentage also increased for the 55-59-year age group and the 60-64-year age group, but it decreased in older age groups. Specifically, the percentage of total talc plaintiffs in the 70-74-year age group decreased from 19% to 14%. Although the peak age group for 2020-2022 was later than the 2019-2021 analysis (75-79 vs. 70-74), the percentage in that age group was the same — 18% for both 2019-2021 and 2020-2022. These comparisons indicate that the age of plaintiffs with talc exposures has gotten younger over time.

## 2019-2021 VS. 2020-2022 TALC PLAINTIFF AGE DISTRIBUTION



Talc – 14

## CONCLUSION: LOOKING FORWARD

At a high level, asbestos litigation in 2022 followed many of the same trends as in recent years. In simplest terms, it is still the case that a large number of defendants were named on a large number of lawsuits that were filed mostly by a relatively small number of plaintiff firms and concentrated within a relatively small number of jurisdictions. Compared to 2021, mesothelioma claims — the main economic driver of asbestos litigation — were fairly static, with only a slight increase. The trend of lawsuits alleging mixed exposures (traditional asbestos plus cosmetic talc) continued and became even more concentrated in mesothelioma filings, bringing increasing numbers of younger, female plaintiffs into the litigation.

The 2022 filings did, at least temporarily, halt the increasing trend in lung cancer filings seen since 2018. Lung cancer filings, which have been more volatile over the past several years, saw the first decline in filings since 2017, and filings for other disease types declined as well.

There continues to be legislation passed concerning tort reform issues, such as personal jurisdiction and over-naming of defendants on asbestos complaints. So far, there has not been a significant effect on filing statistics. Most asbestos cases are still filed in Madison County, Illinois, and the average number of defendants named on a lawsuit increased slightly to 70 companies. Although many large defendants have filed for bankruptcy in recent years, the number of defendants over the past several years has remained constant, or even increased.

There are other issues within this litigation that may influence filing statistics going forward. Factors like tolling or other administrative agreements between defendants and plaintiff firms, pending bankruptcy proceedings, tort reform legislation, and corporate restructuring will likely affect how asbestos claims are filed.

KCIC is continuously monitoring the complaint data for new and changing trends, and we look forward to reporting future updates.



## ABOUT KCIC

KCIC is a technology and consulting firm that helps companies manage their product liabilities by providing a full range of financial, strategic and operational services. Bringing decades of industry knowledge and technical expertise, KCIC leads the industry not only in claims administration, but also in corporate policyholder insurance policy analysis and archaeology, liability forecasting, insurer billing and allocation, credit analysis, expert reporting, and a variety of other custom solutions.

KCIC's technology and service are at the forefront of the industry. Its claims administration system, the Ligado Platform, brings everyone together on one platform. All information can be efficiently and accurately shared through its secure online system.

KCIC does its best work when partnering with clients to combine leading-edge technology and consulting expertise to create innovative solutions. The combination of experience and technical capability provides clients a full understanding of their liability data and insurance coverage, and allows them to make better, more strategic decisions for their business.

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