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KCIC



# ASBESTOS LITIGATION:

# 2023 YEAR IN REVIEW

## KCIC Industry Report

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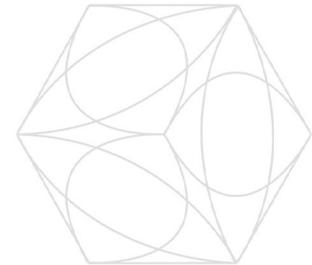
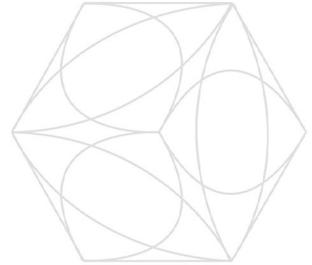
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## INTRODUCTION

KCIC is a technology and management consulting company based in Washington, D.C., that provides data-driven services to corporations in their management of mass tort products liabilities and related insurance assets.

Through that work, KCIC estimates that it receives and processes at least 90% of all complaints alleging personal injuries due to asbestos exposure. KCIC’s data collection began in 2014 and now includes 10 full years of lawsuit data. The analyses in this report are based on the publicly available data captured from these complaints.

This report will include analyses of filing trends by alleged disease, jurisdiction, and plaintiff firm, as well as examinations of plaintiff profiles by gender, exposure types, and age. Unless otherwise stated, the filing counts provided are counts of distinct lawsuits. There is an average lag of approximately one month between the time a complaint is filed and when it is received and processed into KCIC’s system. This report focuses on lawsuits that were received and processed by KCIC through January 31, 2024.

## FILINGS SUMMARY

Figure **Filings – 1** shows the total number of lawsuits filed each year 2014-2023, along with the percentage change in filings compared to the prior year. KCIC processed 3,787 complaints filed in 2023 — nearly 90 more lawsuits (a 2% increase) than were filed in 2022.

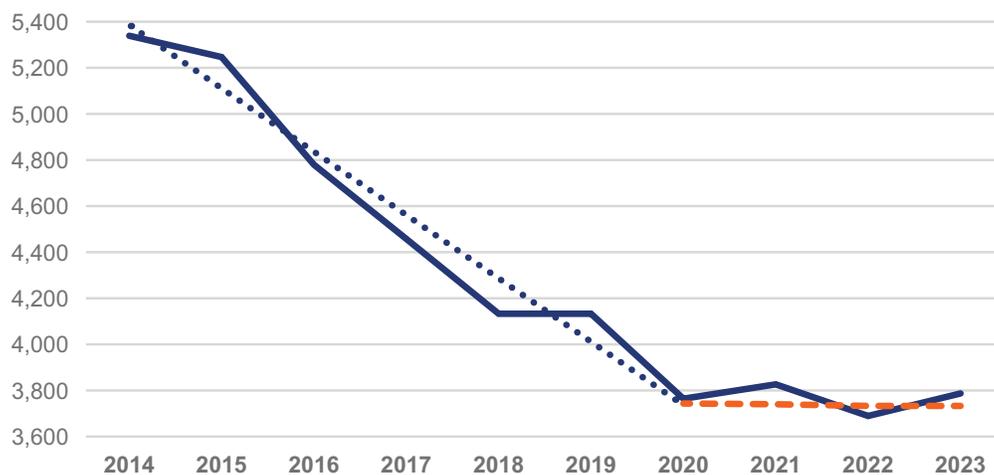
Figure **Filings – 2** graphs the total number of lawsuits filed by year for the 2014-2023 period. The dashed trend lines show more significant annual decreases in total filings for the 2014-2020 period (blue dashed line) compared to the 2020-2023 period (orange dashed line). The past four years, 2020-2023, have seen stable filing numbers. In contrast, filings decreased 6% per year, on average, in the 2014-2020 period.

ASBESTOS FILINGS BY YEAR

File Year	Total Filings	% Change (Prior Year)
2014	5,345	–
2015	5,252	-1.7%
2016	4,783	-8.9%
2017	4,459	-6.8%
2018	4,140	-7.2%
2019	4,142	0.0%
2020	3,778	-8.8%
2021	3,827	1.3%
2022	3,699	-3.3%
2023	3,787	2.4%

Filings – 1

ASBESTOS FILINGS BY YEAR 2014-2023



Filings – 2

## FILINGS BY DISEASE

Figure **Disease – 1** shows total filings broken down by disease alleged in complaints filed 2021-2023. Complaints that did not list the alleged disease are classified as Unknown.

**ANNUAL ASBESTOS FILINGS BY DISEASE**

Disease	2021 Filings	2022 Filings	2023 Filings	% Change 2022-2023
Mesothelioma	1,823	1,894	1,910	0.8%
Lung Cancer	1,520	1,354	1,472	8.7%
Other Cancer	72	65	66	1.5%
Non-Malignant	292	273	256	-6.2%
Unknown	120	113	83	-26.5%
<b>Grand Total</b>	<b>3,827</b>	<b>3,699</b>	<b>3,787</b>	<b>2.4%</b>

*Disease – 1*

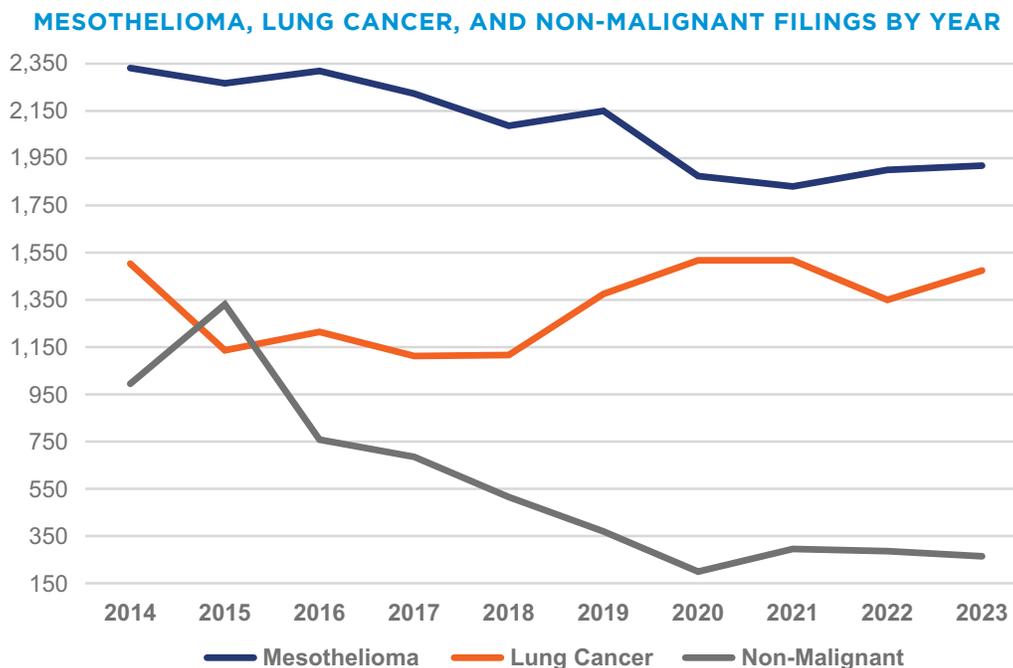
In 2023, the most significant difference in filings by disease compared to 2022 was a nominal 9% increase (118 lawsuits) in lung cancer filings — from 1,354 lung cancer filings in 2022 to 1,472 in 2023. This increase was most prominent in St. Clair County, Illinois; New York, New York; and St. Louis, Missouri.

Mesothelioma filings also increased, but to a lesser extent with a 1% increase over 2022 filings (1,894 filings vs. 1,910 filings). Decreases in mesothelioma filings in Madison County, Illinois, and Philadelphia, Pennsylvania, were offset by increases in Broward County, Florida; Los Angeles, California; and Cook County, Illinois.

The number of lawsuits that alleged non-malignant diseases or that did not state a disease decreased in 2023 by 6% and 27% respectively, though these cases make up far less of the overall population than mesothelioma and lung cancer.

## Comparison Over Time

Figure **Disease – 2** shows mesothelioma, lung cancer, and non-malignant filings by year for the 10-year period 2014-2023.



*Disease – 2*

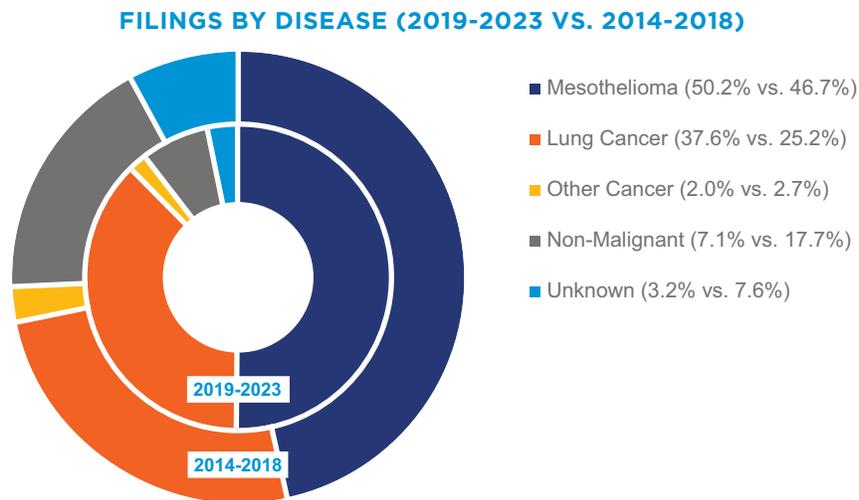
Over that period, mesothelioma filings have decreased by 18% (2,327 vs. 1,910 filings). On average, mesothelioma filings decreased at a rate of 2% per file year — an average of 46 fewer filings per year. Since 2020, mesothelioma filings have increased 1% (11 additional lawsuits) per file year, on average.

For lung cancer filings, there was volatility year over year. During the 2014-2023 period, the nominal change in the number of lung cancer cases filed each year ranged anywhere from a difference of 5 lawsuits and a difference of hundreds of lawsuits between a given year. Despite the significant changes during this period, lung cancer filings in 2023 (1,472) were only 1% less than in 2014 (1,484).

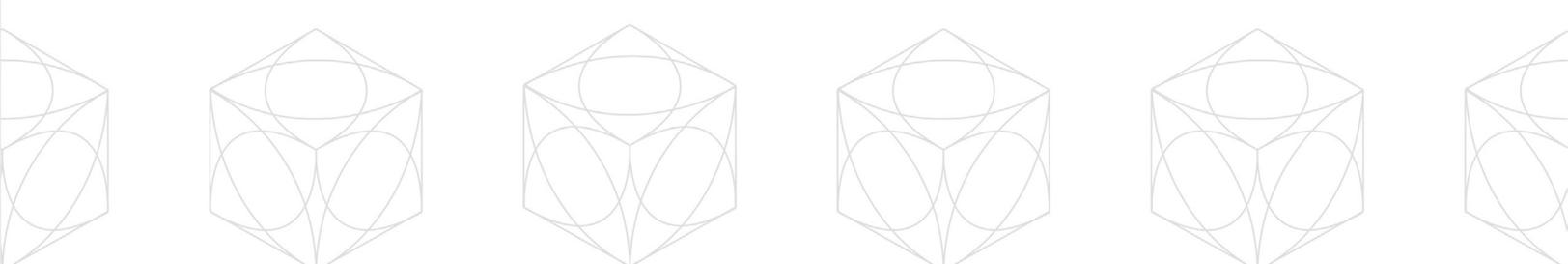
Non-malignant filings have had a more dramatic decline since 2014, with a 74% decrease in filings (992 filings in 2014 vs. 256 filings in 2023). On average, non-malignant filings have decreased at a rate of 8% per file year, which equates to approximately 82 fewer filings per year, on average.

### Disease Mix

When analyzing the past decade of data, there are noticeable changes in the disease mix of lawsuits filed. Figure **Disease – 3** compares the percentage of total filings by disease for lawsuits filed in the five-year periods of 2019-2023 (inner circle) and 2014-2018 (outer circle). Mesothelioma filings were 50% of total filings during 2019-2023, slightly more concentrated than the 47% of lawsuits filed in 2014-2018. Larger shifts occurred in the portion of total filings made up of lung cancer and non-malignant claims. Lung cancer lawsuits comprised 38% of total 2019-2023 filings, an increase from 25% of total 2014-2018 filings. In contrast, non-malignant cases decreased from 18% of total 2014-2018 filings to 7% of total 2019-2023 filings.



Disease – 3



## JURISDICTIONS

The data in this report is summarized using the jurisdiction and state combinations from where the lawsuits were filed. The number of jurisdictions where asbestos-related personal injury lawsuits are filed has decreased over time. In 2023, lawsuits were filed in 135 jurisdictions across the country. When looking at the 10-year period 2014-2023, the number of jurisdictions has decreased 22% from 173 jurisdictions in 2014.

### Top Jurisdictions - 2023 Filings

Figure **Jurisdictions – 1** shows the top 15 jurisdictions based on 2023 filings, with the total filings and rank for each jurisdiction in 2021-2023, as well as the percentage change in filings between 2022 and 2023. The top 15 jurisdictions for asbestos filings have remained the same during this three-year period, though the order beyond the top four to five has changed somewhat. Overall, these 15 jurisdictions made up 83% of total 2023 filings, a similar concentration to 2022. Madison County, Illinois, remains the epicenter of this litigation, with 905 lawsuits filed in 2023. This represents 24% of total 2023 filings and was more than 1.5 times as many filings as any other single jurisdiction. Over the past 10 years, Madison County ranged from 22% to 32% of total filings and on average comprised 26% of filings for the 10-year period.

#### TOP 15 JURISDICTIONS BASED ON 2023 FILINGS

Jurisdiction	2021 Filings	2021 Rank	2022 Filings	2022 Rank	2023 Filings	2023 Rank	% Change 2022-2023
Madison County, IL	988	1	981	1	905	1	-7.7%
St. Clair County, IL	653	2	535	2	591	2	10.5%
New York, NY	253	3	285	3	305	3	7.0%
Philadelphia, PA	203	4	244	4	234	4	-4.1%
Wayne County, MI	175	6	217	5	180	5	-17.1%
St. Louis, MO	198	5	139	6	168	6	20.9%
Cook County, IL	118	7	110	7	156	7	41.8%
Los Angeles, CA	67	12	102	8	119	8	16.7%
Middlesex, NJ	82	10	89	9	95	9	6.7%
San Francisco, CA	63	13	68	13	82	10	20.6%
Kanawha, WV	100	8	72	10	72	11	0.0%
Allegheny, PA	71	11	70	11	71	12	1.4%
Orleans, LA	55	14	54	15	66	13	22.2%
Alameda, CA	53	15	68	13	58	14	-14.7%
New Castle, DE	93	9	70	11	50	15	-28.6%
<b>Total (Top 15)</b>	<b>3,172</b>		<b>3,104</b>		<b>3,152</b>		<b>1.5%</b>
<b>Total (All)</b>	<b>3,827</b>		<b>3,699</b>		<b>3,787</b>		<b>2.4%</b>

Jurisdictions – 1

## Significant Increases

While filings in Madison County, Illinois decreased 8% (76 fewer lawsuits) in 2023 compared to 2022, filings in other Illinois jurisdictions and in nearby St. Louis, Missouri, increased. St. Clair County, Illinois; Cook County, Illinois; and St. Louis, Missouri, saw increases of 11% (56 additional lawsuits), 42% (46 additional lawsuits), and 21% (29 additional lawsuits), respectively.

St. Clair County was the most common locale for lung cancer filings in 2023 and had the largest nominal increase in filings in 2023 (56 additional lawsuits). This jurisdiction saw an 11% increase in lung cancer filings (521 to 576) in 2023 compared to 2022. The plaintiff firms with the largest increases in lung cancer filings in St. Clair County were The Gori Law Firm (389 to 411) and Flint Cooper (37 to 69).

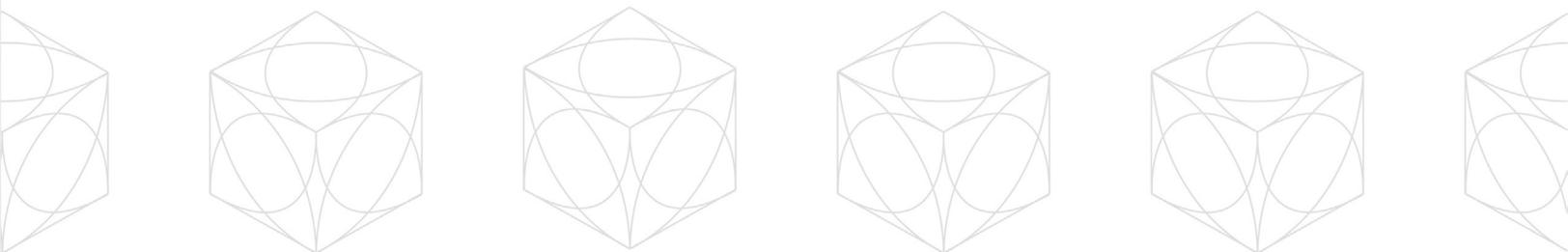
Cook County had the largest percentage increase in filings in 2023, with total filings increasing 46% from 110 to 156. Filings for all major disease types increased in Cook County in 2023 compared to 2022. Mesothelioma filings increased 25% (67 to 84), lung cancer filings increased 69% (32 to 54), and non-malignant filings increased 75% (8 to 14).

## Significant Decreases

The decrease in Madison County, Illinois, was the most significant in terms of nominal decrease, with 76 fewer lawsuits filed there in 2023 than in 2022. There were 60 fewer mesothelioma lawsuits filed in this jurisdiction in 2023 compared to 2022, representing a 7% decrease. Similarly, there were 10 fewer lung cancer cases filed in 2023 compared to 2022 (8% decrease). The decrease in mesothelioma filings in Madison County was due mostly to fewer filings by Maune Raichle Hartley French & Mudd (19% decrease) and by The Gori Law Firm (8% decrease). The decrease in Madison County lung cancer filings was mostly attributable to the Simmons Hanly Conroy, SWMW Law, and Napoli Shkolnik firms each filing fewer cases there. Simmons Hanly Conroy and SWMW both maintained the same number of mesothelioma lawsuits filed in Madison County but decreased filings for lung cancer in this jurisdiction by 82% and 72%, respectively. Napoli Shkolnik has not filed any mesothelioma lawsuits in Madison County since 2020, and it decreased its lung cancer filings there from 66 lawsuits in 2022 to 45 in 2023.

Wayne County, Michigan, saw the next largest decrease in nominal filings, with 37 fewer lawsuits filed there – a 17% decrease compared to 2022. This was due to a decrease in filings by the Mazur & Kittel firm, which filed 139 lawsuits in Wayne County in 2022 but only 86 in 2023. This firm files mostly non-malignant and lung cancer filings in Wayne County. While its lung cancer filings remained the same, its non-malignant filings in Wayne County decreased 44% (from 107 to 60 filings).

Another significant decrease in 2023 filings compared to 2022 occurred in New Castle, Delaware, where 20 fewer lawsuits were filed (from 70 to 50 filings). This 29% decrease represents the largest percentage decrease in filings among the top 15 jurisdictions. Lung cancer cases in this jurisdiction decreased 49% (from 45 to 23 filings) while mesothelioma filings remained static. The decrease in lung cancer filings in New Castle was mostly due to fewer cases filed by the Napoli Shkolnik firm.



## Top Jurisdictions – 2023 Disease Mix

Figure **Jurisdictions – 2** shows the top 15 jurisdictions for 2023 and the percentage of filings made up by each disease type in 2023 and 2014, respectively. Some jurisdictions show little change in the disease profile of filings over the 10-year period. For example, 81% of Madison County, Illinois filings in 2014 were mesothelioma claims. This percentage share was 87% in 2023. Similarly, in St. Clair County, Illinois, 95% of 2014 filings were lung cancer claims, consistent with the 98% share of 2023 filings. However, in other top jurisdictions, there are noticeable shifts in the disease mix of filings from 2014 to 2023.

Some jurisdictions became more concentrated in mesothelioma cases. For example, mesothelioma cases made up 69% of lawsuits filed in Los Angeles, California, in 2014, but made up 93% of cases filed there in 2023. The shift in Los Angeles was offset by a proportional decrease in lung cancer cases, from 24% of 2014 filings to 5% of 2023 filings. Similarly, in Middlesex, Massachusetts, mesothelioma cases went from comprising 58% of 2014 filings to 86% of 2023 filings. Again, this was a shift away from lung cancer filings, which made up 29% of 2014 filings in Middlesex, but only 6% of 2023 filings. New Castle, Delaware, also experienced a shift from lung cancer to mesothelioma with the percentage of total filings that were mesothelioma claims increasing from 31% in 2014 to 54% in 2023.

Other jurisdictions experienced the opposite shift and became more concentrated in lung cancer cases. For instance, St. Louis, Missouri, went from lung cancer comprising 53% of 2014 filings to 72% of 2023 filings — a shift mostly away from mesothelioma filings in that jurisdiction. Kanawha, West Virginia, also experienced an increase in the share of total filings made up by lung cancer cases — from 38% in 2014 to 61% in 2023. This was offset by a shift in that jurisdiction away from non-malignant filings making up 36% of 2014 filings to 0% of 2023 filings.

Other changes in disease profile were caused by changes made by the court. For example, in New York, New York, a new case management order enacted in 2017 increased the specificity needed in a pleading for it to be placed on the accelerated docket. Likely as a result, complaints filed with an unknown (unstated) disease decreased from 72% of total 2014 filings to 3% in 2023. Filings there shifted to mesothelioma and lung cancer cases. Mesothelioma made up 51% of filings in 2023 compared to 14% in 2014, and lung cancer made up 44% of filings in 2023 compared to 13% in 2014.

### TOP 15 JURISDICTIONS BASED ON 2023 FILINGS – 2023 VS. 2014 DISEASE MIX

Jurisdiction	Mesothelioma		Lung Cancer		Other Cancer		Non-Malignant		Unknown	
	2023	2014	2023	2014	2023	2014	2023	2014	2023	2014
Madison County, IL	87.0%	81.1%	12.8%	17.9%	0.0%	0.6%	0.1%	0.2%	0.1%	0.2%
St. Clair County, IL	1.0%	4.8%	97.5%	95.2%	0.5%	0.0%	1.0%	0.0%	0.0%	0.0%
New York, NY	50.8%	14.3%	43.6%	13.1%	1.3%	0.2%	1.0%	0.7%	3.3%	71.7%
Philadelphia, PA	38.9%	38.1%	43.6%	39.4%	4.7%	5.3%	12.4%	15.5%	0.4%	1.8%
Wayne County, MI	11.7%	4.8%	29.4%	24.7%	6.1%	3.8%	52.8%	66.1%	0.0%	0.7%
St. Louis, MO	22.0%	44.1%	72.0%	53.0%	0.0%	0.6%	6.0%	2.2%	0.0%	0.0%
Cook County, IL	53.8%	67.6%	34.6%	22.0%	1.9%	0.6%	9.0%	9.8%	0.6%	0.0%
Los Angeles, CA	93.3%	69.1%	5.0%	23.5%	0.8%	1.2%	0.0%	6.2%	0.8%	0.0%
Middlesex, NJ	86.3%	58.1%	6.3%	29.0%	2.1%	1.1%	5.3%	8.6%	0.0%	3.2%
San Francisco, CA	15.9%	30.0%	30.5%	24.0%	19.5%	8.0%	32.9%	38.0%	1.2%	0.0%
Kanawha, WV	37.5%	21.8%	61.1%	38.2%	0.0%	4.1%	0.0%	35.9%	1.4%	0.0%
Allegheny, PA	39.4%	47.2%	47.9%	45.3%	1.4%	0.0%	5.6%	0.0%	5.6%	7.5%
Orleans, LA	53.0%	64.1%	42.4%	29.7%	0.0%	1.6%	4.5%	3.1%	0.0%	1.6%
Alameda, CA	89.7%	78.1%	8.6%	9.4%	0.0%	3.1%	1.7%	9.4%	0.0%	0.0%
New Castle, DE	54.0%	30.8%	46.0%	67.6%	0.0%	0.3%	0.0%	1.1%	0.0%	0.3%

Jurisdictions – 2

## Top Jurisdictions – 2023 Mesothelioma Filings

Figure **Jurisdictions – 3** shows the top 10 jurisdictions based on 2023 mesothelioma filings. While total mesothelioma filings stayed largely the same compared to 2022 (an additional 16 filings), mesothelioma filings in the top 10 jurisdictions decreased 2% (32 fewer filings). Madison County, Illinois is consistently the jurisdiction with the most mesothelioma filings — comprising 41% of all mesothelioma lawsuits filed in 2023. Although this jurisdiction had the largest nominal decrease in mesothelioma filings out of all of the jurisdictions (from 847 to 787 filings), there were still more than five times as many mesothelioma lawsuits filed there as the next highest jurisdiction. Philadelphia, Pennsylvania, had the next largest decrease in mesothelioma filings, with 15 fewer filings in 2023 compared to 2022 (91 vs. 106).

### MESOTHELIOMA TOP 10 JURISDICTIONS BASED ON 2023 FILINGS

Jurisdiction	2021 Filings	2022 Filings	2023 Filings	% Change 2022-2023
Madison County, IL	851	847	787	-7.1%
New York, NY	119	148	155	4.7%
Los Angeles, CA	58	92	111	20.7%
Philadelphia, PA	74	106	91	-14.2%
Cook County, IL	67	67	84	25.4%
Middlesex, NJ	64	77	82	6.5%
Alameda, CA	50	59	52	-11.9%
St. Louis, MO	42	37	37	0.0%
Orleans, LA	29	27	35	29.6%
Middlesex, MA	34	39	33	-15.4%
<b>Total (Top 10)</b>	<b>1,388</b>	<b>1,499</b>	<b>1,467</b>	<b>-2.1%</b>
<b>Total (All)</b>	<b>1,823</b>	<b>1,894</b>	<b>1,910</b>	<b>0.8%</b>

*Jurisdictions – 3*

Of the top 10 jurisdictions for mesothelioma filings, Los Angeles, California, and Cook County, Illinois, had the largest nominal increases, from 92 to 111 filings and 67 to 84 filings, respectively. Another significant increase was in Broward County, Florida, where mesothelioma filings increased from 8 in 2022 to 29 in 2023. This was due to an increase in filings by Maune Raichle Hartley French & Mudd as well as to new filing activity there by Simon Greenstone Panatier.

## Top Jurisdictions – 2023 Lung Cancer Filings

Figure **Jurisdictions – 4** shows the top 10 jurisdictions based on 2023 lung cancer filings. The top 10 jurisdictions made up 86% of total lung cancer filings. St. Clair County, Illinois, remains the most common venue for lung cancer cases nationwide, with 39% of total 2023 lung cancer lawsuits filed there.

Lung cancer cases in all top 10 jurisdictions either remained constant or increased in 2023 except for Madison County, Illinois. While The Gori Law Firm increased its lung cancer filings there, other plaintiff firms decreased lung cancer filings in Madison County by larger numbers, for a net decrease of 8%.

St. Clair County had the largest nominal increase, with 55 more lung cancer cases in 2023 than in 2022. The increase was mostly due to increased filings by Flint Cooper and The Gori Law Firm.

### LUNG CANCER TOP 10 JURISDICTIONS BASED ON 2023 FILINGS

Jurisdiction	2021 Filings	2022 Filings	2023 Filings	% Change 2022-2023
St. Clair County, IL	599	521	576	10.6%
New York, NY	116	106	133	25.5%
St. Louis, MO	146	96	121	26.0%
Madison County, IL	126	126	116	-7.9%
Philadelphia, PA	88	101	102	1.0%
Cook County, IL	30	32	54	68.8%
Wayne County, MI	39	32	53	65.6%
Kanawha, WV	65	44	44	0.0%
Allegheny, PA	30	31	34	9.7%
Orleans, LA	20	26	28	7.7%
<b>Total (Top 10)</b>	<b>1,259</b>	<b>1,115</b>	<b>1,261</b>	<b>13.1%</b>
<b>Total (All)</b>	<b>1,520</b>	<b>1,354</b>	<b>1,472</b>	<b>8.7%</b>

*Jurisdictions – 4*

New York, New York, lung cancer filings increased 25% (27 additional filings) in 2023 due to increases from firms like Weitz & Luxenberg (54 to 69 filings), Meiorowitz & Wasserberg (34 to 43 filings) and Belluck & Fox (1 to 10 filings).

St. Louis, Missouri, lung cancer filings increased 26% (25 additional filings) in 2023 due to The Gori Firm and Karst & Von Oiste increasing lung cancer filings by 46% and 35%, respectively, in that jurisdiction.

Lung cancer filings in Cook County, Illinois, increased 69% (22 additional filings) due to increased filings from firms like Cooney & Conway, and some firms, like Meiorowitz & Wasserberg, filing lung cancer cases in Cook County for the first time.

## PLAINTIFF FIRMS

Asbestos personal injury lawsuits are often filed on behalf of the plaintiff by a firm that is local to the jurisdiction in conjunction with a larger national firm. When both plaintiff firms were included on the complaint, the data in these analyses reports the national firm. In 2023, 134 plaintiff firms filed asbestos-related personal injury lawsuits — a decrease from the 184 firms that filed in 2014.

### Top Plaintiff Firms – 2023 Filings

Figure **Firms – 1** shows the top 15 plaintiff firms based on 2023 filings, with the total filings and rank for each firm in 2021-2023, as well as the percentage change in filings between 2022 and 2023. The Gori Law Firm continued to file the most lawsuits and, with 757 lawsuits, filed more than twice as many lawsuits as the next highest plaintiff firm in 2023.

#### TOP 15 PLAINTIFF FIRMS BASED ON 2023 FILINGS

Plaintiff Firm	2021 Filings	2021 Rank	2022 Filings	2022 Rank	2023 Filings	2023 Rank	% Change 2022-2023
The Gori Law Firm	617	1	685	1	757	1	10.5%
Weitz & Luxenberg	388	2	365	3	352	2	-3.6%
Simmons Hanly Conroy	388	2	368	2	349	3	-5.2%
Maune Raichle Hartley French & Mudd	230	5	273	4	292	4	7.0%
SWMW Law	292	4	167	5	150	5	-10.2%
Cooney & Conway	148	8	130	7	130	6	0.0%
Meiorowitz & Wasserberg	68	11	83	10	111	7	33.7%
Belluck & Fox	60	12	55	15	102	8	85.5%
Goldberg, Persky & White	155	7	96	9	102	8	6.3%
Flint Cooper	165	6	63	12	95	10	50.8%
Simon Greenstone Panatier	40	17	62	13	89	11	43.5%
Brayton Purcell	69	10	71	11	86	12	21.1%
Mazur & Kittel	51	13	139	6	86	12	-38.1%
Napoli Shkolnik	83	9	108	8	66	14	-38.9%
Shrader & Associates	49	14	52	17	56	15	7.7%
<b>Total (Top 15)</b>	<b>2,803</b>		<b>2,717</b>		<b>2,822</b>		<b>3.9%</b>
<b>Total (All)</b>	<b>3,827</b>		<b>3,699</b>		<b>3,787</b>		<b>2.4%</b>

Firms – 1

## Significant Increases

The Gori Law firm had the largest nominal increase in filings between 2022 and 2023, from 685 to 757 lawsuits. This firm files most of its lawsuits in St. Clair and Madison Counties in Illinois, as well as in St. Louis, Missouri. It increased its filings in all three locations in 2023.

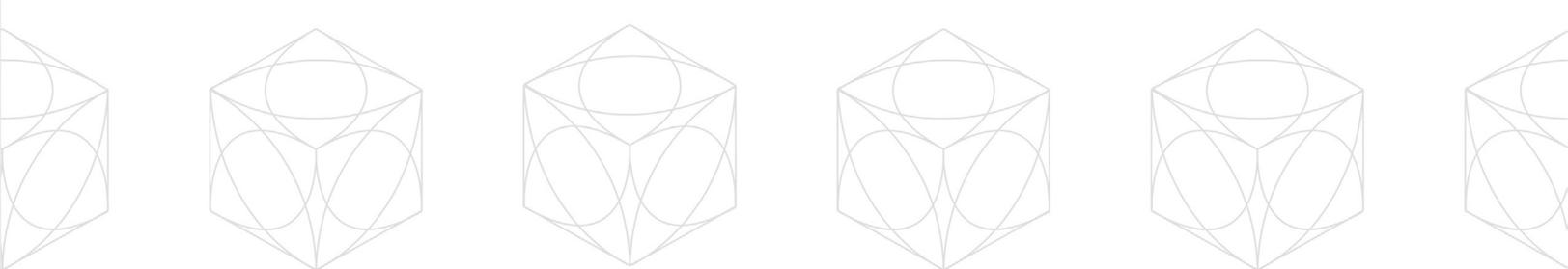
Belluck & Fox filings increased 85% in 2023 compared to 2022. This firm files most of its cases in New York state, and it nearly doubled its filings there during this period (from 48 to 92 filings). The increase was in both mesothelioma filings, which increased by 52% (from 42 to 64), and in lung cancer filings, which nearly tripled (from 12 to 35).

Flint Cooper had a 62% decrease in filings between 2021 and 2022 but increased its filings by 51% in 2023. The firm files mostly lung cancer cases in St. Clair County and increased those filings 92% (36 filings to 69 filings) in 2023 compared to 2022. In 2023, Flint Cooper began filing with the Law Office of Christopher Cueto as local counsel for lung cancer cases in St. Clair County. The Law Office of Christopher Cueto appeared on 68% of 2023 cases and had not filed any asbestos lawsuits in the prior 10 years.

## Significant Decreases

Mazur & Kittel, a firm filing in Wayne County, Michigan, decreased its filings 38% (139 to 86 filings) between 2022 and 2023. The decrease comes after the firm significantly increased its filings (51 to 139 filings) between 2021 and 2022. While the number of mesothelioma and lung cancer cases filed by the firm in Wayne County stayed consistent with 2022 levels, the decrease was due to fewer non-malignant cases being filed. Mazur & Kittel's non-malignant filings decreased 44% from 2022 to 2023 (107 to 60 filings).

Napoli Shkolnik also decreased filings in 2023, with a 39% decrease (108 to 66 filings). The firm files lung cancer cases mostly in Madison County and New Castle, Delaware, and it decreased filings in both jurisdictions by 32% and 3%, respectively.



## Top Plaintiff Firms – 2023 Disease Mix

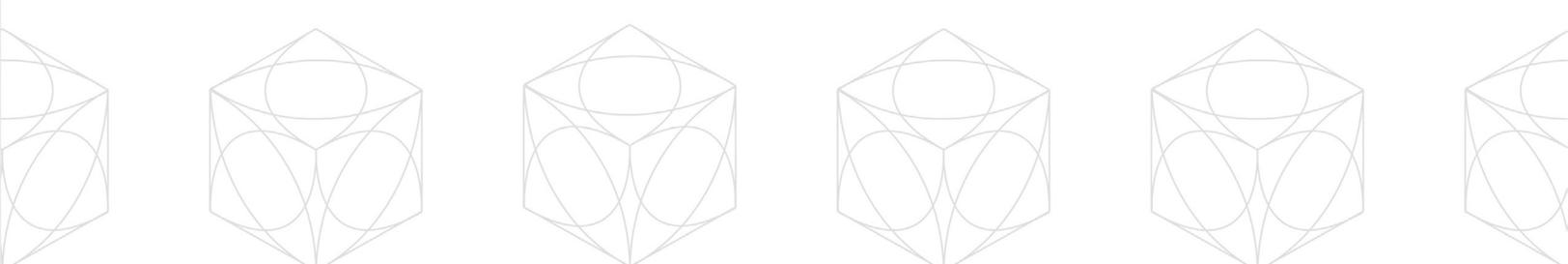
Figure **Firms – 2** shows the top 15 plaintiff firms based on 2023 filings and the percentage of 2023 and 2014 filings, respectively, made up by each disease. The disease mix for some firms — like Simon Greenstone Panatier, Shrader & Associates, Simmons Hanly Conroy, and Maune Raichle Hartley French & Mudd — has not changed, with these firms almost exclusively filing mesothelioma lawsuits in 2014 and 2023.

Other firms did experience changes in the disease composition of their filings over the 10-year period. Some firms — like Belluck & Fox and Cooney and Conway — became more concentrated in mesothelioma filings while others — like The Gori Law Firm, SWMW Law, and Flint Cooper — became more concentrated in lung cancer filings. Weitz & Luxenberg and Belluck & Fox decreased unknown/unstated and non-malignant filings and filed proportionately more mesothelioma and lung cancer cases in 2023 than in 2014. In contrast, Goldberg Persky & White shifted from filing mostly mesothelioma cases (71% of its 2014 filings) to filing mostly non-malignant and lung cancer cases (42% and 37% of its 2023 filings, respectively).

**TOP 15 PLAINTIFF FIRMS BASED ON 2023 FILINGS – 2023 VS. 2014 DISEASE MIX**

Plaintiff Firm	Mesothelioma		Lung Cancer		Other Cancer		Non-Malignant		Unknown	
	2023	2014	2023	2014	2023	2014	2023	2014	2023	2014
The Gori Law Firm	30.1%	68.3%	69.9%	31.4%	0.0%	0.3%	0.0%	0.0%	0.0%	0.0%
Weitz & Luxenberg	43.5%	27.0%	35.8%	12.0%	2.3%	0.2%	2.0%	0.8%	16.5%	60.0%
Simmons Hanly Conroy	98.9%	97.4%	0.9%	1.8%	0.0%	0.3%	0.3%	0.0%	0.0%	0.5%
Maune Raichle Hartley French & Mudd	99.7%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.3%	0.0%
SWMW Law	24.7%	56.8%	70.0%	42.4%	0.7%	0.0%	4.7%	0.8%	0.0%	0.0%
Cooney & Conway	71.5%	65.6%	18.5%	23.1%	2.3%	0.6%	7.7%	10.6%	0.0%	0.0%
Meiowitz & Wasserberg	28.8%	n/a	66.7%	n/a	0.0%	n/a	4.5%	n/a	0.0%	n/a
Belluck & Fox	61.4%	8.1%	34.7%	12.6%	1.0%	0.4%	2.0%	77.3%	1.0%	1.6%
Goldberg, Persky & White	12.7%	70.6%	37.3%	26.5%	5.9%	0.0%	42.2%	2.9%	2.0%	0.0%
Flint Cooper	10.5%	51.3%	89.5%	43.4%	0.0%	0.0%	0.0%	5.3%	0.0%	0.0%
Simon Greenstone Panatier	100.0%	95.4%	0.0%	3.1%	0.0%	0.0%	0.0%	0.0%	0.0%	1.5%
Brayton Purcell	17.4%	21.5%	30.2%	28.0%	18.6%	9.7%	32.6%	40.9%	1.2%	0.0%
Mazur & Kittel	0.0%	6.2%	25.6%	53.1%	4.7%	11.1%	69.8%	29.6%	0.0%	0.0%
Napoli Shkolnik	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Shrader & Associates	92.9%	98.9%	7.1%	1.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Firms – 2



## Top Plaintiff Firms – 2023 Mesothelioma Filings

Figure **Firms – 3** shows the top 10 plaintiff firms based on 2023 mesothelioma filings. These firms made up 73% of total 2023 mesothelioma filings and showed an increase in mesothelioma filings of 3% in 2023 compared to 2022 — a larger increase than the 0.8% overall mesothelioma increase. The decreases in mesothelioma filings by some of the top firms were outweighed by larger nominal increases in mesothelioma filings by others. Notably, Simon Greenstone Panatier and Belluck & Fox increased their mesothelioma filings by 44% (62 to 89 filings) and 52% (42 to 64 filings). Simon Greenstone Panatier increased its New York, New York, mesothelioma filings by 38% and also began filing mesothelioma lawsuits in Broward County, Florida. The increase from Belluck & Fox occurred across many jurisdictions in New York state.

### MESOTHELIOMA TOP 10 PLAINTIFF FIRMS BASED ON 2023 FILINGS

Plaintiff Firm	2021 Filings	2022 Filings	2023 Filings	% Change 2022-2023
Simmons Hanly Conroy	339	344	345	0.3%
Maune Raichle Hartley French & Mudd	229	273	291	6.6%
The Gori Law Firm	226	241	228	-5.4%
Weitz & Luxenberg	162	166	153	-7.8%
Cooney & Conway	116	104	93	-10.6%
Simon Greenstone Panatier	40	62	89	43.5%
Belluck & Fox	36	42	64	52.4%
Shrader & Associates	48	49	52	6.1%
SWMW Law	56	41	37	-9.8%
Early Lucarelli Sweeney & Meisenkothen	20	31	36	16.1%
<b>Total (Top 10)</b>	<b>1,272</b>	<b>1,353</b>	<b>1,388</b>	<b>2.6%</b>
<b>Total (All)</b>	<b>1,823</b>	<b>1,894</b>	<b>1,910</b>	<b>0.8%</b>

Firms – 3

## Top Plaintiff Firms – 2023 Lung Cancer Filings

Figure **Firms – 4** shows the top 10 plaintiff firms based on 2023 lung cancer filings. In 2023, these firms made up 76% of total lung cancer filings. The Gori Law Firm filed 20% more lung cancer cases in 2023 compared to 2022 (529 vs. 441) and was responsible for 37% of all lung cancer cases filed in 2023. This firm filed nearly 100% of its lung cancer lawsuits in St. Clair County, Illinois; St. Louis, Missouri; and Madison County, Illinois. Madison County is notable, as The Gori Law Firm went from filing one lung cancer case there in 2022 to filing more than 50 in 2023. At the same time, two other top firms for lung cancer filings, SWMW Law and Napoli Shkolnik, decreased lung cancer filings in Madison County by 72% and 32%, respectively. Other notable increases were Flint Cooper in St. Clair County; Meirowitz & Wasserberg in New York, New York, and Cook County, Illinois; and Belluck & Fox across New York state.

### LUNG CANCER TOP 10 PLAINTIFF FIRMS BASED ON 2023 FILINGS

Plaintiff Firms	2021 Filings	2022 Filings	2023 Filings	% Change 2022-2023
The Gori Law Firm	385	441	529	20.0%
Weitz & Luxenberg	148	110	126	14.5%
SWMW Law	221	124	105	-15.3%
Flint Cooper	130	51	85	66.7%
Meirowitz & Wasserberg	27	45	74	64.4%
Napoli Shkolnik	83	108	66	-38.9%
Goldberg, Persky & White	46	29	38	31.0%
Belluck & Fox	24	12	35	191.7%
Karst & Von Oiste	25	34	28	-17.6%
Brayton Purcell	24	13	26	100.0%
<b>Total (Top 10)</b>	<b>1,113</b>	<b>967</b>	<b>1,112</b>	<b>15%</b>
<b>Total (All)</b>	<b>1,520</b>	<b>1,354</b>	<b>1,427</b>	<b>8.7%</b>

Firms – 4

## DEFENDANTS

Asbestos litigation continues to be brought against a large number of defendant companies. When analyzing trends in the number of defendants named per lawsuit, KCIC counts each individual company named, because many of these companies defend and resolve the cases individually. Therefore, “Company A as successor in interest to Company B and Company C” is counted as three unique defendant company entities. In 2023, there were almost 12,200 unique defendant entities named on complaints. This was about 400 more than were named in 2022 and over 2,500 more than in 2014.

Over the 10-year period from 2014-2023, the average number of defendant company entities named on complaints was 67. **Defendants – 1** shows the average number of defendants per complaint by disease and file year for 2021-2023, as well as the overall average for the three-year period. The number of defendants named on 2023 complaints ranged from 1 to 529 defendants but, on average, there were 74 unique defendant entities per lawsuit. The average number of defendants named on 2023 complaints is higher than that of complaints filed in 2014 (74 defendants vs. 59 defendants). While the average number of namings on mesothelioma filings has increased only slightly in the 10-year period 2014-2023 (61 defendants in 2014 vs. 66 defendants in 2023), the average number of namings on complaints for other disease types increased considerably. The average number of defendants named on lung cancer complaints increased from 54 to 81. On complaints for non-malignant filings, the average number of defendants increased from 70 to 97.

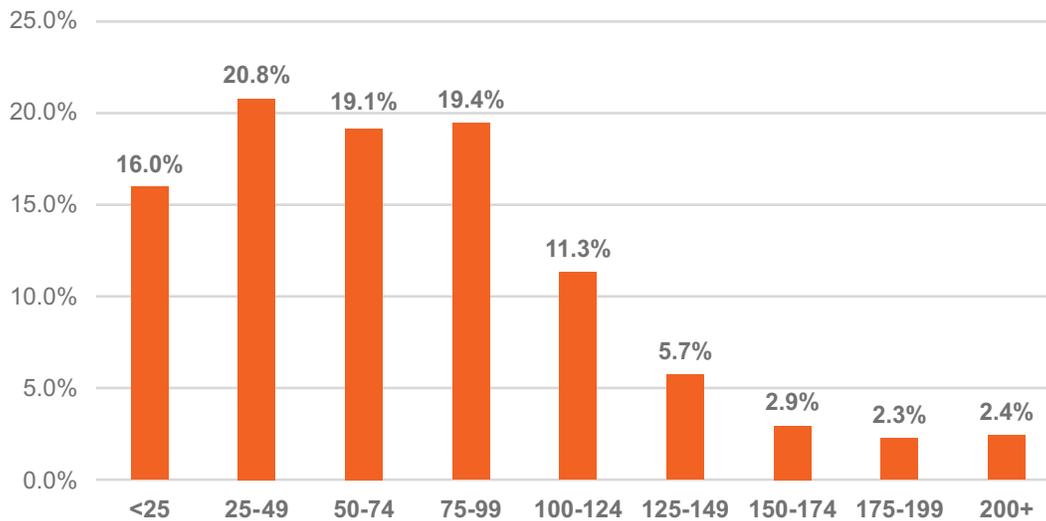
**AVERAGE NUMBER OF DEFENDANTS PER COMPLAINT BY DISEASE**

Disease	2021 Filings	2022 Filings	2023 Filings	2021-2023 Filings
Mesothelioma	62	64	66	64
Lung Cancer	73	77	81	77
Other Cancer	85	78	75	79
Non-Malignant	89	96	97	94
Unknown	43	55	47	48
<b>All Filings</b>	<b>68</b>	<b>71</b>	<b>74</b>	<b>71</b>

*Defendants – 1*

Figure **Defendants – 2** shows the distribution of 2023 filings based on the number of defendant namings. In 2023, 75% of complaints named fewer than 100 defendants, 22% named between 100 and 199 defendants, leaving 2% naming 200 or more defendants. The largest concentration of complaints (21%) named 25-49 defendants.

**2023 DISTRIBUTION OF DEFENDANT NAMINGS**



*Defendants – 2*

Figure **Defendants – 3** shows the top 15 jurisdictions based on 2023 filings, along with the average number of defendants named for 2022 and 2023 complaints. Out of these jurisdictions, the highest average number of defendants per lawsuit was in Kanawha, West Virginia, where 164 defendants were named on average — consistent with recent years. Compared to the national distribution of 2023 complaints, with only 2% naming 200 or more defendants, 25% of Kanawha complaints named 200 or more defendants.

The largest nominal change in average number of defendants named was for complaints filed in Cook County, Illinois. Cook County lawsuits named, on average, 84 defendants in 2023 compared to 66 in 2022. The increase occurred in lawsuits alleging mesothelioma, lung cancer, and non-malignant diseases, but most significantly it was seen in lawsuits alleging lung cancer (from 74 to 101 defendants).

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

Top 15 Jurisdictions 2023	2022 Filings	2023 Filings
Kanawha, WV	165	164
Allegheny, PA	153	147
Wayne County, MI	118	125
San Francisco, CA	90	92
St. Clair County, IL	97	91
Cook County, IL	66	84
Madison County, IL	64	71
St. Louis, MO	68	70
Los Angeles, CA	64	59
Philadelphia, PA	53	55
Alameda, CA	53	50
New York, NY	48	48
Orleans, LA	39	41
Middlesex, NJ	40	35
New Castle, DE	25	32

*Defendants – 3*

## PLAINTIFF ATTRIBUTES

### Plaintiff Gender

Asbestos litigation has historically been comprised of mostly male plaintiffs, as this was the population most commonly participating in the workforce in industries where asbestos usage was prominent. In 2023, 82% of plaintiffs were male compared to 18% that were female. This is slightly less male-concentrated than in past years. Since 2014, males have made up, on average, 85% of asbestos plaintiffs, though this has decreased in recent years with males making up 83% of 2022 filings and 82% of 2023 filings.

Figure **Gender – 1** compares the percentage of male and female plaintiffs on mesothelioma, lung cancer, and all lawsuits filed in 2023. When limiting the data to mesothelioma lawsuits, the proportion of female plaintiffs is higher than in the overall population of filings. The percentage of total mesothelioma filings made up by female plaintiffs was 25% in 2023 — similar to 2022. Over the 10-year period, females comprised, on average, 21% of mesothelioma plaintiffs, showing that mesothelioma filings have had a higher concentration of female plaintiffs in the past two years.

In contrast, lung cancer lawsuits have a higher proportion of male plaintiffs than the overall population. In 2023, male plaintiffs made up 89% of lung cancer filings. This is slightly lower than the 10-year average of 91% male and 9% female filings.

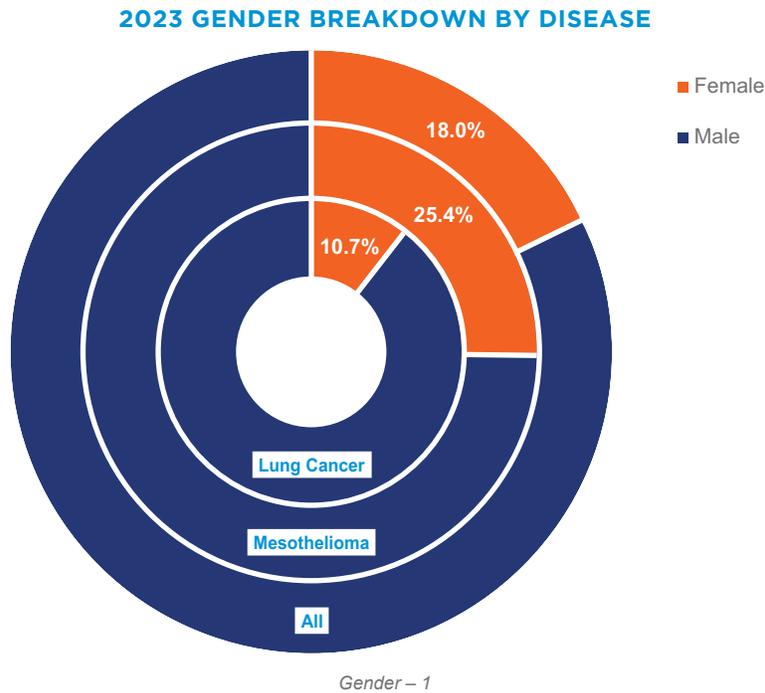
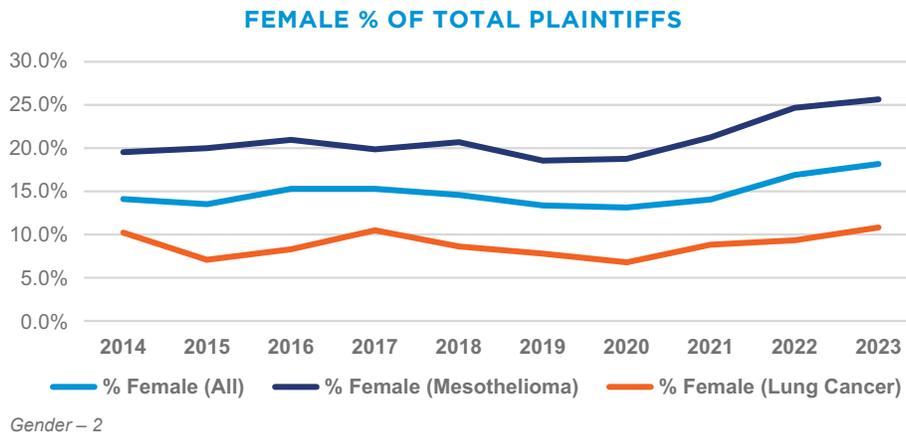


Figure **Gender – 2** shows how the percentage of female plaintiffs has changed from 2014-2023 for mesothelioma, lung cancer, and total filings. Looking at the 10-year trends for all filings, as well as mesothelioma and lung cancer cases separately, the percentage of female plaintiffs remained relatively constant between 2014 and 2020. The average change in the female percentage of total filings during this period was less than 1% (for all filings and for mesothelioma it was close to 0%). Starting in 2020, female plaintiffs have been on an upward trend for both major diseases.



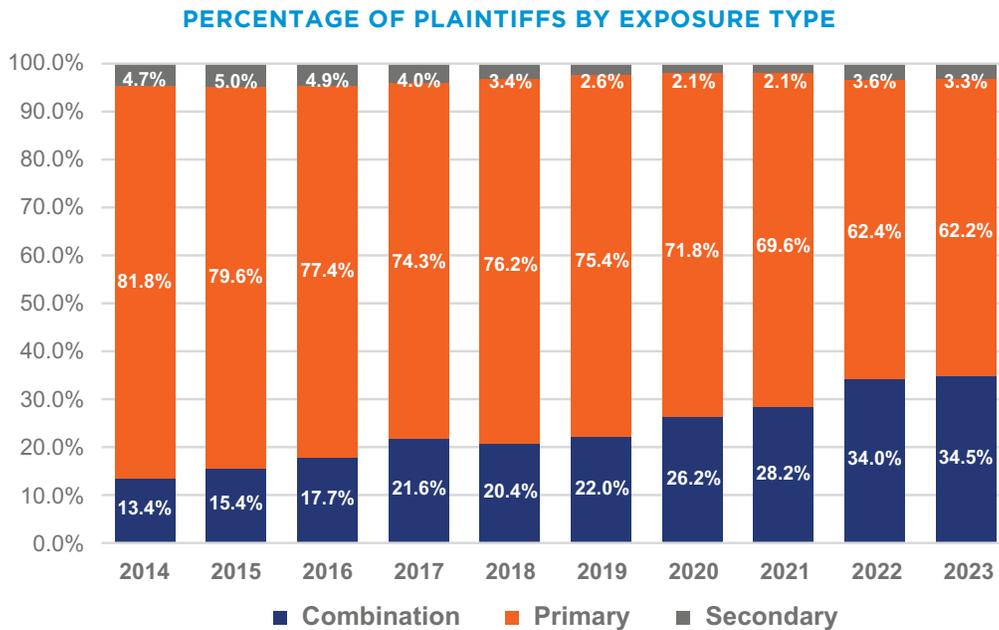
## Plaintiff Exposure Types

Plaintiffs can be exposed to asbestos in many ways. The two distinctions most often made are primary (direct) exposure versus secondary (indirect) exposure and occupational versus non-occupational exposure.

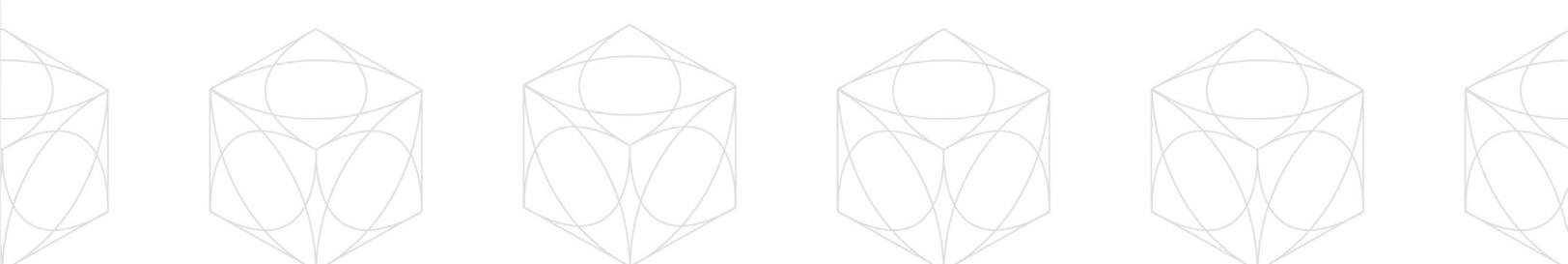
### Primary Versus Secondary Exposure

In this analysis, primary exposure is assumed when the plaintiff alleges direct exposure to asbestos or an asbestos-containing product in the complaint. Secondary exposure occurs when a plaintiff alleges indirect exposure to asbestos through someone or something else. For example, primary exposure would be a person being exposed to asbestos while they were personally using an asbestos containing product. A common example of secondary exposure is a person being exposed to asbestos while washing the clothes of a family member who was directly exposed.

Figure **Exposure – 1** shows the percentage of plaintiffs by file year alleging only primary exposures, only secondary exposures, and a combination of both primary and secondary exposures to asbestos. Over the 10-year period 2014-2023, the percentage of plaintiffs alleging only secondary exposure to asbestos has remained in the 2%-5% range. However, the percentage of plaintiffs alleging only primary exposure to asbestos has decreased over the period from 82% to 62%. This shift is due to the fact that a higher percentage of plaintiffs have begun alleging both primary and secondary exposures (“combination”) to asbestos. Over the 10-year period, the percentage of plaintiffs alleging a combination of exposure types increased from 13% to 35%.



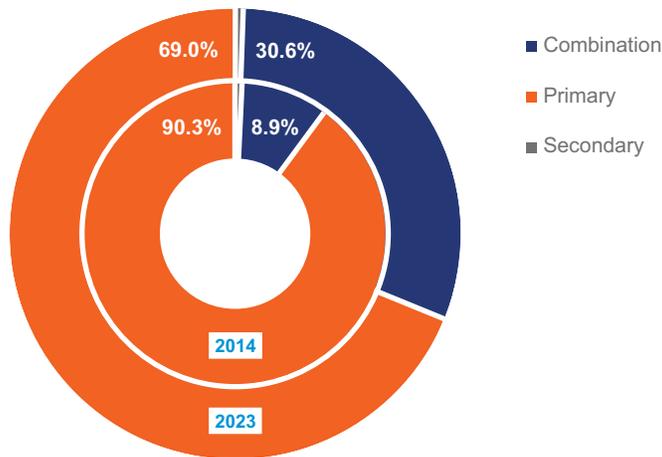
Exposure – 1



Figures **Exposure – 2** and **Exposure – 3** show the breakdown between primary, secondary, and combination exposures for male and female plaintiffs in 2014 (inner ring) and 2023 (outer ring). Again, the most significant change in exposure trends between 2014 and 2023 was the percentage of male plaintiffs alleging a combination of both primary and secondary exposures to asbestos (9% in 2014 to 31% in 2023) instead of only alleging primary exposure (90% in 2014 to 69% in 2023). Exposure trends have also changed for female plaintiffs, with fewer female plaintiffs only alleging secondary exposure to asbestos (31% in 2014 to 16% in 2023) and more alleging a combination of primary and secondary exposures (43% in 2014 to 53% in 2023) or alleging only primary exposures (27% in 2014 to 31% in 2023).

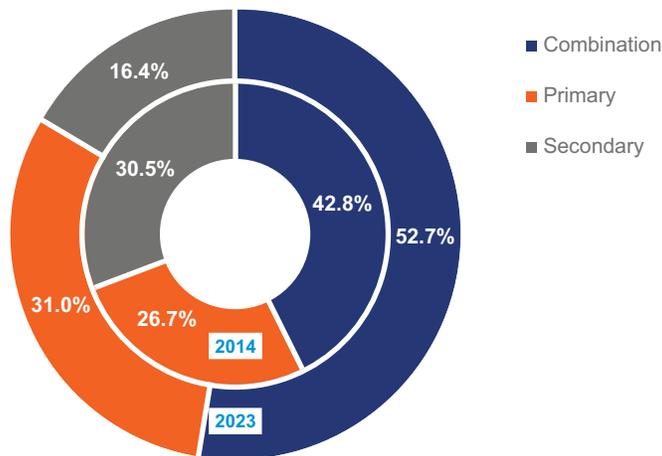
Over the 10-year period 2014-2023, a higher percentage of male plaintiffs allege only primary exposure to asbestos than female plaintiffs. In 2023, this was 69% of male plaintiffs versus 31% of female plaintiffs. Conversely, secondary exposures to asbestos have consistently been more prevalent in female plaintiffs than males. This is seen in both the percentage of female plaintiffs alleging a combination of primary and secondary exposures (53% of 2023 female plaintiffs vs. 31% of male plaintiffs) and in the percentage of female plaintiffs alleging only secondary exposure (16% of 2023 female plaintiffs vs. less than 1% of male plaintiffs).

**2014 VS. 2023 EXPOSURE TYPES - MALE PLAINTIFFS**



Exposure – 2

**2014 VS. 2023 EXPOSURE TYPES - FEMALE PLAINTIFFS**



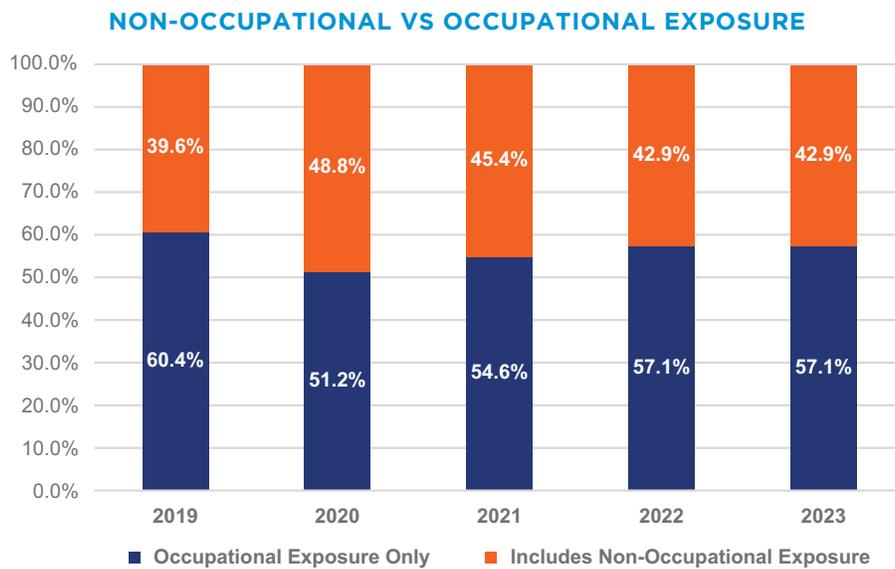
Exposure – 3

## Occupational Versus Non-Occupational Exposure

In this report, occupational exposure refers to a plaintiff being exposed to asbestos during their employment. Non-occupational exposure refers to a plaintiff being exposed to asbestos unrelated to their employment. For example, occupational exposure occurs when a person is exposed to asbestos while working with an asbestos-containing product while at work. An example of non-occupational exposure would be a person exposed to asbestos while performing renovations on their home in their spare time.

The percentage of plaintiffs alleging only non-occupational exposure to asbestos has been negligible over time. Therefore, this report compares complaints alleging only occupational exposures with complaints that allege both occupational and non-occupational exposures.

Figure **Exposure – 4** compares the percentage of plaintiffs by year that allege non-occupational exposure with those that allege only occupational exposures. The percentage of plaintiffs that include allegations of non-occupational exposure to asbestos has not changed much over the five-year period 2019-2023, ranging from 40% to 49%. A higher percentage of female plaintiffs allege non-occupational exposure than males — 61% versus 39% in 2023 filings. The percentage of male plaintiffs alleging non-occupational exposure has ranged from 38% to 47%, while that of female plaintiffs has ranged 51% to 63%.



Exposure – 4

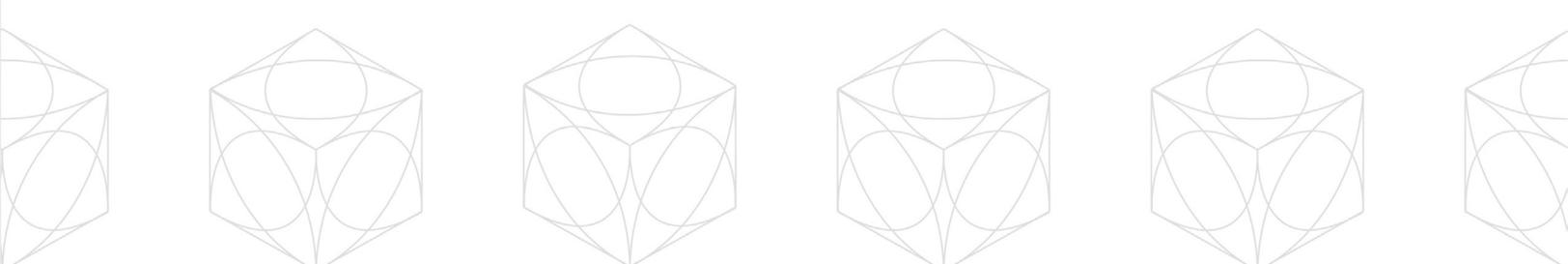
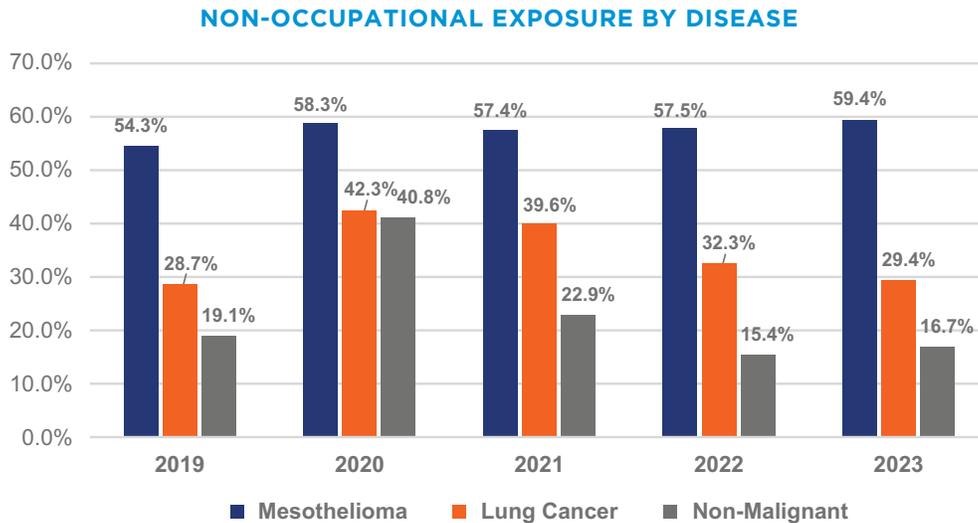


Figure **Exposure – 5** shows the percentage of plaintiffs that alleged non-occupational exposure to asbestos by disease and file year. A higher percentage of mesothelioma plaintiffs have alleged non-occupational exposure than other disease types — ranging from 54% to 59% of mesothelioma plaintiffs over the five-year period 2019-2023. A smaller percentage of plaintiffs alleging lung cancer or non-malignant diseases allege non-occupational exposures, and these percentages have fluctuated more over the five-year period. In 2023, the percentage of mesothelioma plaintiffs alleging non-occupational exposure was the highest it has been in the five-year period at 59%, while the percentages of lung cancer and non-malignant plaintiffs were highest in 2020 (42% and 41%, respectively).



Exposure – 5

### Talc Exposures

Another exposure trend observed in recent years is that of plaintiffs including allegations of exposure to asbestos through talc, along with more traditional asbestos exposures. This analysis focuses on complaints alleging traditional asbestos exposure along with an allegation of exposure through talc, as well as some cosmetic talc cases that allege exposure to asbestos-containing talc. However, the full subset of cosmetic talc cases is not included as the analysis is focused mostly on mesothelioma claims as opposed to the ovarian cancer cases seen in the cosmetic talc litigation.

Figure **Talc – 1** provides the total number of complaints, including allegations of talc exposure, along with the percentage of total filings and percent change compared to the prior year. In 2023, there was a 40% increase in the number of lawsuits alleging exposure to asbestos through talc compared to 2022 (548 vs. 391). Again, most of these lawsuits allege mesothelioma as a disease, and 27% of total mesothelioma cases filed in 2023 included allegations of exposure through talc. This is an increase from 20% of mesothelioma cases filed in 2022

### TALC FILINGS BY YEAR

Year	Total Filings	Filings Alleging Talc Exposure	% of Total Filings Alleging Talc Exposure	% Change (Prior Year)
2019	4,142	448	10.8%	28.4%
2020	3,778	399	10.6%	-10.9%
2021	3,827	304	7.9%	-23.8%
2022	3,699	391	10.6%	28.6%
2023	3,787	548	14.5%	40.2%

Talc – 1

and from 16% of those filed in 2021. Females made up a higher percentage of plaintiffs alleging talc exposure (48%) compared to the percentage of the total asbestos plaintiff population comprised of female plaintiffs (18%).

Figures **Talc – 2** and **Talc – 3** show the top five jurisdictions and plaintiff counsel for complaints including allegations of asbestos exposure through talc, based on 2023 filings. Due to the fact that most of the plaintiffs alleging talc exposure are mesothelioma plaintiffs, these firms and locations are generally the same as those in the Top Jurisdictions — 2023 Mesothelioma Filings and Top Plaintiff Firms — 2023 Mesothelioma Filings sections earlier in the report.

#### TALC TOP 5 JURISDICTIONS BASED ON 2023 FILINGS

Top 5 Jurisdictions (2023)	2021 Filings	2022 Filings	2023 Filings
Madison County, IL	89	94	148
New York, NY	22	57	76
Middlesex, NJ	48	48	65
Los Angeles, CA	21	55	61
Alameda, CA	12	24	26

Talc – 2

#### TALC TOP 5 PLAINTIFF FIRMS BASED ON 2023 FILINGS

Top 5 Plaintiff Firms (2023)	2021 Filings	2022 Filings	2023 Filings
Maune Raichle Hartley French & Mudd	50	74	115
The Gori Law Firm	72	72	105
Simon Greenstone Panatier	40	60	89
Weitz & Luxenberg	41	47	40
Waters, Kraus & Paul	4	14	20

Talc – 3

Figure **Talc – 4** shows the breakdown of talc plaintiffs by exposure type. In 2023, 87% of plaintiffs that alleged exposure to asbestos through talc also alleged non-occupational exposure — much higher than the overall population (43% in 2023 as shown in **Exposure – 4**). The percentage of plaintiffs who alleged exposure through talc and also only alleged primary exposure was lower than the overall population in 2023, with 45% of the talc population compared to 62% of the total population.

#### TALC FILINGS BY YEAR BY EXPOSURE TYPE

File Year	Includes Non-Occupational	Combination (Primary & Secondary)	Primary Only	Secondary Only
2019	41.7%	56.0%	42.9%	1.1%
2020	83.5%	56.4%	43.6%	0.0%
2021	93.1%	59.7%	38.7%	1.6%
2022	86.7%	55.1%	44.1%	0.8%
2023	86.9%	54.7%	45.0%	0.4%

Talc – 4

## Plaintiff Age

For purposes of this report, a plaintiff's age at filing was calculated as the difference between date of birth and the earlier of date of filing or date of death. Date of birth was included as a data point in 31% of complaints filed in 2023 — in line with recent years. Only complaints that include a plaintiff's date of birth are included in this analysis.

### Age Statistics

Figure **Age – 1** shows the average and median plaintiff age at filing, by disease, for plaintiffs who filed complaints in 2021-2023. In 2023, the average plaintiff age was 75 years old. This is a slight increase from the average age of 74 years old seen consistently since 2017.

The average age of mesothelioma plaintiffs filing in 2023 increased from 74 to 75 years old, in line with the overall 2023 trend. The average age of lung cancer plaintiffs similarly increased by one year, from 73 years old in 2022 filings to 74 years old in 2023. At 77 years old on average, plaintiffs with non-malignant diseases continued to trend older than plaintiffs with other diseases.

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

Year	2021		2022		2023		2021-2023	
Disease	Average	Median	Average	Median	Average	Median	Average	Median
Mesothelioma	74	75	74	76	75	76	74	76
Lung Cancer	74	74	73	73	74	74	73	74
Other Cancer	72	74	75	79	76	76	75	76
Non-Malignant	78	78	77	77	77	77	77	77
Unknown	73	74	73	72	79	79	74	74
<b>All Diseases</b>	<b>74</b>	<b>75</b>	<b>74</b>	<b>75</b>	<b>75</b>	<b>76</b>	<b>74</b>	<b>75</b>

Age – 1

Figure **Age – 2** shows the oldest and youngest plaintiffs by file year for 2021-2023.

The average plaintiff age at filing has changed a bit over the past 10 years. It has increased from 72 years old in 2014 to 75 years old in 2023. While the male population was the same as the overall population, there was less of an increase for female plaintiffs for whom the average age moved from 70 years old to 72 years old over the same period.

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

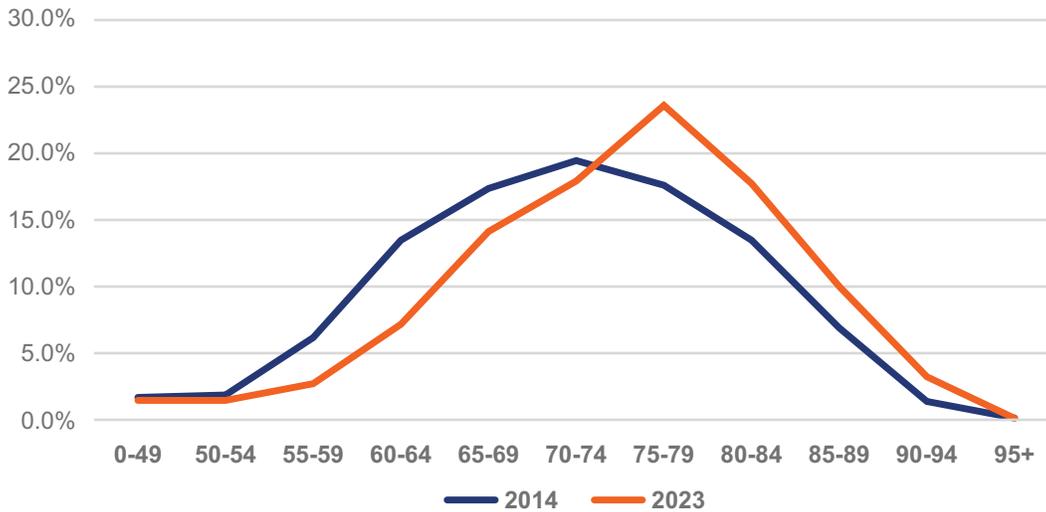
Year	2021		2022		2023		2021-2023	
Disease	Max	Min	Max	Min	Max	Min	Max	Min
Mesothelioma	95	28	99	23	94	20	99	20
Lung Cancer	97	51	98	49	93	42	98	42
Other Cancer	89	51	85	55	90	58	90	51
Non-Malignant	96	56	90	57	97	65	97	56
Unknown	88	54	94	62	84	76	94	54
<b>All Diseases</b>	<b>97</b>	<b>28</b>	<b>99</b>	<b>23</b>	<b>97</b>	<b>20</b>	<b>99</b>	<b>20</b>

Age – 2

## Plaintiff Age Distributions

To better understand the age trends for plaintiffs in this litigation, the population of plaintiffs for whom age could be calculated was distributed into age groups. Figure **Age – 3** compares the distribution of plaintiffs by age group for 2014 and 2023 filings. The peak age range in 2014 was 70-74, with 20% of plaintiffs filing at those ages. In 2023, the peak age range was older, at 75-79, with 24% of plaintiffs filing within that age range. In 2023, there was a higher percentage of plaintiffs filing in every age group 75 and older than in 2014. In fact, 55% of 2023 plaintiffs were 75 years old or older compared to 40% of 2014 plaintiffs.

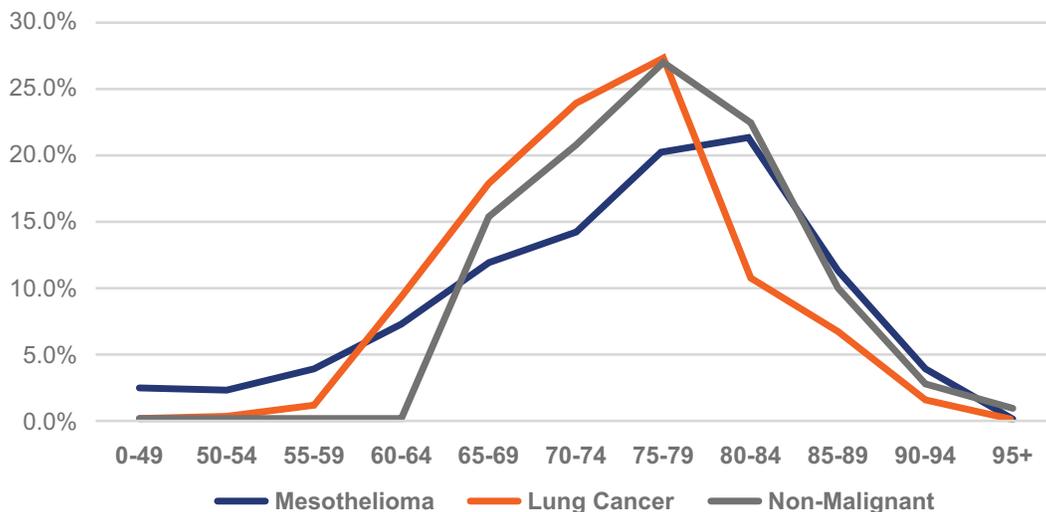
**2014 VS. 2023 PLAINTIFFS BY AGE GROUP**



Age – 3

Figure **Age – 4** shows the distribution of plaintiffs by disease and age grouping for plaintiffs filing mesothelioma, lung cancer, and non-malignant lawsuits in 2023. The peak age group for plaintiffs with lung cancer and non-malignant diseases was 75-79 years old. The peak age group for mesothelioma plaintiffs was older, at 80-84 years old. The youngest age group (plaintiffs younger than 50 years old) was made up almost completely of mesothelioma plaintiffs, while the oldest group (plaintiffs older than 95 years old) was almost completely non-malignant plaintiffs. There was a higher percentage of mesothelioma plaintiffs than lung cancer and non-malignant plaintiffs in the younger (0-59 years old) and older (85-94) age groups. As a result, the mesothelioma distribution is flatter than that of the other diseases.

**PLAINTIFFS BY AGE GROUP AND DISEASE (2023)**

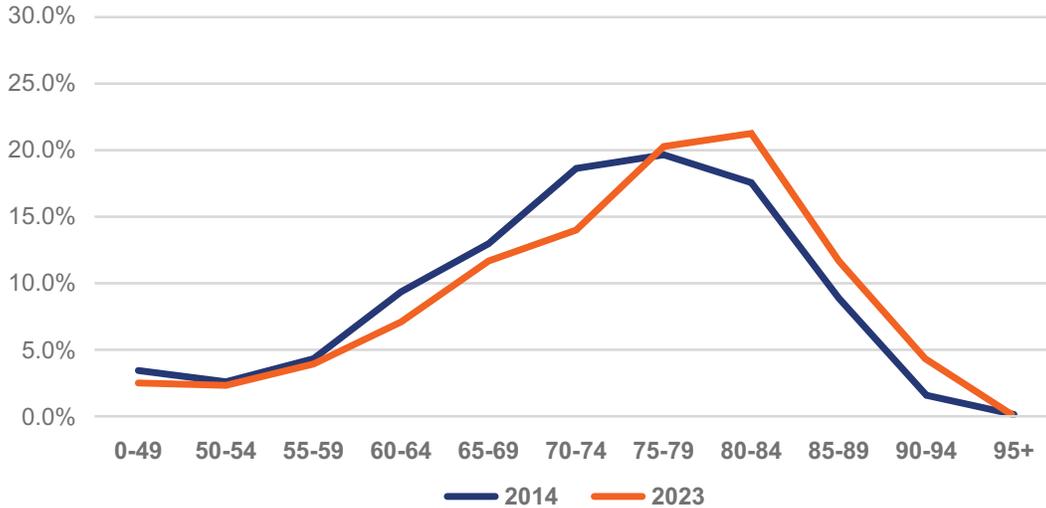


Age – 4

Figures **Age – 5**, **Age – 6**, and **Age – 7** compare the age distribution of plaintiffs filing lawsuits in 2014 versus 2023 for mesothelioma, lung cancer, and non-malignant filings, respectively. As seen in the full population’s distribution in Figure **Age – 4**, the distributions for all three major disease types in this litigation have also shifted older since 2014.

For mesothelioma plaintiffs, the peak age range has changed from 75-79 years old in 2014 (20% of plaintiffs) to 80-84 in 2023 (21% of plaintiffs). There is a higher percentage of plaintiffs in every age group 80 years old or older in 2023 (37% of plaintiffs) than seen in 2014 (29% of plaintiffs).

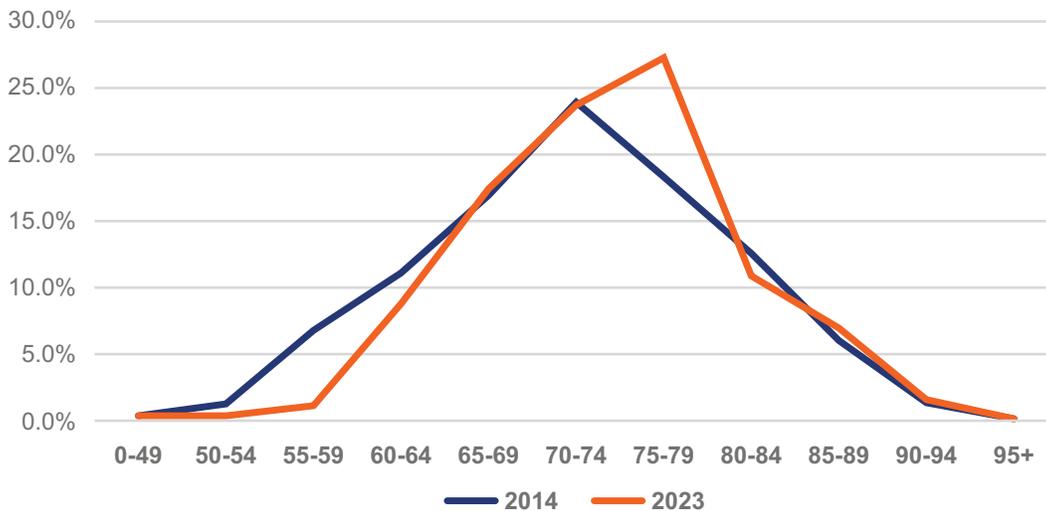
**MESOTHELIOMA PLAINTIFFS BY AGE GROUP**



Age – 5

The peak age range for lung cancer plaintiffs has moved from 70-74 years old (24% of plaintiffs) in 2014 to 75-79 years old (27% of plaintiffs) in 2023. In 2023, 11% of lung cancer plaintiffs were younger than 65 years old, compared to 2014, when 20% of plaintiffs fell into these younger age groups.

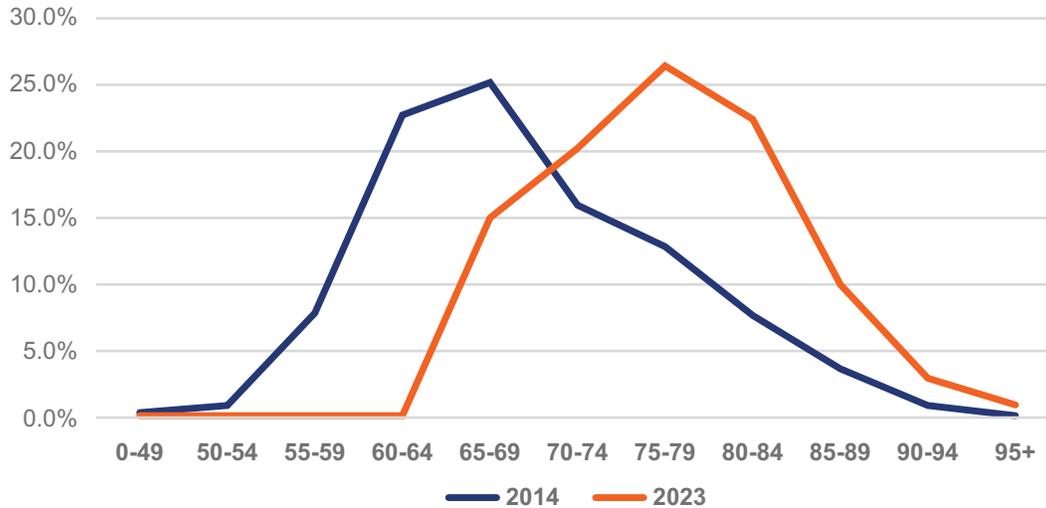
**LUNG CANCER PLAINTIFFS BY AGE GROUP**



Age – 6

This shift in age distribution was most pronounced for non-malignant plaintiffs. The peak age range in 2014 was 65-69 years old (25% of plaintiffs). That shifted by about 10 years to 75-79 years old in 2023 (27% of plaintiffs) and does seem to be moving at a rate closer to one year of age per file year. While 58% of non-malignant plaintiffs were younger than 70 years old in 2014, only 15% of 2023 plaintiffs were in those younger age groups — and all 15% were in the 65-69 group.

### NON-MALIGNANT PLAINTIFFS BY AGE GROUP



Age – 7

## CONCLUSION

KCIC's analyses for 2023 showed that the general trends observed in recent years continued. Asbestos filings were 2% higher in 2023 than in 2022 — a difference of less than 100 lawsuits. Mesothelioma and lung cancer filings continued to make up nearly 90% of total filings and filings for both diseases increased in 2023. The litigation continued to be overwhelmingly concentrated in Illinois, particularly in Madison County, with a relatively small number of plaintiff firms filing most of these lawsuits. At a high level, not much has changed in the litigation in recent years.

However, more significant longer-term trends can be observed when looking back at the last 10 years of KCIC's asbestos litigation data. When analyzing the decade of data, there were 6-8% decreases in filings per year until 2020, when the numbers leveled out, with smaller increases or decreases of only a few percentage points each year. Another shift has been towards fewer jurisdictions and fewer plaintiff firms, while the average number of defendants per complaint has increased.

Over time, the disease mix in filings has also shifted. When asbestos litigation first began, cases were mostly mesothelioma and non-malignant. As time went on and the proofs of injury required by courts changed, there has been a shift away from the non-malignant cases to the malignancies — specifically mesothelioma and lung cancer.

While the plaintiff population continues to be mostly male, changes are apparent over the decade of data. Notably, the plaintiffs in this litigation have gradually gotten older — with 55% of plaintiffs aged 75 years or older in 2023 versus 40% in 2014. It is also observed that more plaintiffs now allege a combination of primary and secondary exposure to asbestos and more also include non-occupational exposure. In addition, a greater number of plaintiffs include allegations of exposure through talc along with more traditional asbestos exposures.

Throughout 2024, KCIC experts will continue to share and discuss these 2023 findings, as well as emerging 2024 filing trends as the year unfolds, both at industry conferences and in articles published on KCIC's blog, Risky Business.



## 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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**KCIC.COM**

PHONE: 202.650.0600 EMAIL: [CONTACT@KCIC.COM](mailto:CONTACT@KCIC.COM)

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