

**Aric Newhouse**

Senior Vice President  
Policy and Government Relations

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U.S. House of Representatives  
Washington, DC 20515

Dear Representatives:

The National Association of Manufacturers (NAM), the largest manufacturing association in the United States representing manufacturers in every industrial sector and in all 50 states, urges you to support H.R. 985, the Fairness in Class Action Litigation Act of 2017, introduced by Representative Bob Goodlatte (R-VA).

Though Federal class action rules require that a class shares questions of law and fact such as a similar injury, courts have too often allowed classes to be certified despite class members not sharing a common injury of the same type or of comparable scope. This injures both the manufacturers being sued as well as the injured members who are lumped into the “non-injurious” class. For manufacturers, these “non-injurious” class certifications can greatly increase the costs of litigation. Courts who certify these “non-injurious” classes are also potentially shortchanging recovery for any legitimately injured class members by redirecting limited resources to those who were uninjured.

Without proper oversight and assurances of fairness in our courts, fraud and abuse will continue to harm those in the most need of assistance by allocating resources to persons looking to exploit loopholes in the system. H.R. 985 would help eliminate this form of frivolous litigation by ensuring that federal courts certify classes appropriately by requiring that a class be composed of members with injuries of the same type and scope.

H.R. 985 also would reduce fraud within the asbestos trust fund system by providing needed transparency, requiring trusts to disclose information quarterly on their claims payments and to cooperate in requests for information on claims. Different trusts could compare claims and prevent fraudulent or duplicate filings. Cutting down on fraud will ensure that more money is available for intended recipients.

By eliminating fraud in our legal system, H.R. 985 can ensure that monies are dedicated to legitimate claims of injury and promote fairness.

The NAM’s Key Vote Advisory Committee has indicated that votes on H.R. 985, including procedural motions, may be considered for designation as Key Manufacturing Votes in the 115th Congress. Thank you for your consideration.

Sincerely,



Aric Newhouse