

Gov. Northam Signs Delegate Guzman's Bill to Give Virginians With Latent Diseases Their Day in Court

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RICHMOND, Va . — Governor Northam has signed Delegate Elizabeth Guzman's bill to change the date at which the statute of limitations begins to run in personal injury cases involving toxic substances or defective products from the time of " first injury " to the date of discovery — the time at which a plaintiff knows or should have known of the injury and its causal connection to an injury-causing substance or product.

Under current law, only asbestos-related products are subject to the date of discovery rule. The new law will take effect July 1.

Last November, a 4th Circuit panel threw out a case in which a coal miner who had developed Black Lung had sued the manufacturers of allegedly faulty respirators. In dismissing the case, the panel noted, "we would be remiss in remaining silent about the manifest unfairness that it poses to plaintiffs," and added "we therefore join other state and federal courts in recognizing that Virginia law essentially bars certain plaintiffs from recovery."

The panel wrote that the plaintiff faced "a catch-22 from which Virginia law provides no escape. If he brought his claims within the two-year statute of limitations, he would have been unable to prove them, because doctors at the time had not clinically correlated his symptoms with CWP. Now that he can prove his injuries were caused by the inhalation of coal dust, the 23 claims are barred by Virginia law."

"I thank Governor Northam for signing this bill to give plaintiffs who develop diseases like cancer and Black Lung from a toxic substance or faulty product their fair day in court," said Delegate Guzman . "Virginia is one of only five states that effectively exclude certain plaintiffs with latent injuries or diseases from ever getting relief from corporations that cause them great harm. This is a consumer- and workers' rights piece of legislation that will allow justice to be done for everyday Virginians. Bill by bill, I will continue fighting to make Virginia a more just, fair, and people-powered state."

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Delegate Elizabeth Guzman is a social worker, public administrator, and second-generation union member who represents the 31st District in the House of Delegates, which includes parts of Prince William and Fauquier Counties. She is the Chair of the Social Services Subcommittee and the Vice Chair of the Education Committee.

Delegate Guzman holds a master's degree in social work and a second master's degree in public administration. As a division chief for the City of Alexandria's Dept. of Adult Services, she oversees a \$20 million budget for a 200-person operations staff serving some of our most marginalized populations, including our seniors and people struggling with substance use disorders.

Delegate Guzman and her husband, Carlos, live in Prince William County with their four children and her mother, Gregoria.

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