

Alliance for Justice * Center for Justice & Democracy * Consumer Federation of America * Consumers Union * Kids In Danger * National Association of Consumer Advocates * National Consumers League * Public Citizen * U.S. PIRG

April 2, 2014

The Honorable Jerrold Nadler
2110 Rayburn HOB
Washington, DC 20515

Dear Representative Nadler:

As advocates for consumer health and safety, we write to express our strong support for the Sunshine in Litigation Act of 2014, H.R. 4361. This legislation will help to restrict court-ordered secrecy on matters that impact public health and safety.

On too many occasions, corporations settle product liability cases and use secrecy, such as protective orders and sealed documents, to wrongfully and repeatedly conceal injuries and deaths associated with everyday consumer products such as automobile tires, medical devices, toys, children's products, and prescription drugs. Consequently, consumers remain unaware of risks to their safety, which leads to additional and avoidable injuries. Meanwhile, when a company keeps its wrongdoing secret, it is able to avoid accountability to other victims.

We have long supported legislative efforts to restrict the concealing of important safety information contained within protective court orders and sealed documents. Your bill is particularly significant given the recent revelations related to GM's defective ignition switches and airbag failures that GM has acknowledged led to the deaths of 13 people in crashes involving the company's Chevrolet Cobalts. According to some reports, more than 300 deaths can be linked to the faulty switches. The information about the defects as well as injuries and deaths associated with the product from as far back as 2005 were hidden in confidential settlements.

As a result of the secrecy in the GM cases and other settlements and protective orders, it took consumers much longer than necessary to discover dangers to health and safety. We believe the public has a substantial interest in discovering health and safety hazards, and stands to benefit greatly from such information. Disclosure of critical data will help consumers to make informed decisions about the safety of products and services in the marketplace.

This legislation directs federal judges to evaluate settlements and protective orders that shield the public from important safety information. The bill is narrowly tailored to apply only to cases with pleadings stating facts that are relevant to public health and safety. In short, your bill would ensure disclosure of essential facts that could save lives and prevent injury.

In addition to providing an enormous public benefit, restricting court-ordered secrecy could significantly reduce substantial litigation costs, such as the costs from duplicative discovery

proceedings in multiple cases. Further, state and federal court systems across the country have taken similar steps to limit court-ordered secrecy. The Sunshine in Litigation Act is a natural progression of these measures, and would ensure consistency in federal courts as well.

We look forward to working with you and your staff to pass this much-needed legislation.

Sincerely,

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