



Complete Guide to Filing a Mesothelioma Claim

Everything you need to know about the legal process — from consultation to compensation

Disclaimer: This guide is for informational purposes only. It does not constitute legal or medical advice and does not create an attorney-client relationship with Danziger & De Llano, LLP. Consult a licensed attorney for legal advice. Consult a qualified physician for medical advice. Every case is unique — past results do not guarantee future outcomes.

Key Facts Before You Begin

- Average mesothelioma settlements range from **\$1 million to \$1.4 million**
- Over **\$30 billion** is available in asbestos trust funds
- Most states have a **1-3 year statute of limitations** from diagnosis
- You pay **nothing upfront** — attorneys work on contingency
- You can file trust fund claims **and** a lawsuit simultaneously

Step 1: Consult a Mesothelioma Attorney

The first step is a free, confidential consultation. The attorney will evaluate your case, review your diagnosis and exposure history, explain your options (lawsuits, trust funds, VA benefits), outline the timeline, and answer your questions at no cost.

What to bring: Diagnosis records, list of employers and job sites where exposure occurred, military service records (if applicable), and any questions.

Step 2: Document Your Asbestos Exposure History

Your attorney will help reconstruct your complete exposure history. Key sources include:

- Employment records — W-2s, pay stubs, union records, Social Security earnings
- Military service records — DD-214, service medical records, duty assignments
- Coworker testimony — statements confirming asbestos presence
- Facility records — building permits, OSHA inspections, EPA filings
- Product identification — specific asbestos-containing products at your worksite

Step 3: File Asbestos Trust Fund Claims

Over 60 active trusts hold more than \$30 billion. Your attorney identifies which trusts apply to your exposure, prepares and files claims, handles all documentation, and tracks payments. Trust fund claims do not require a lawsuit and typically pay within 6-12 months.

Step 4: File the Lawsuit

For companies that did not go bankrupt, your attorney files a personal injury or wrongful death lawsuit identifying the responsible companies, how and where exposure occurred, and the resulting damages. Your attorney will determine the best jurisdiction.

Step 5: Discovery and Depositions

Both sides exchange evidence: interrogatories (written questions), document requests (medical and employment records), and depositions (recorded testimony, usually at your home). Due to the serious nature of mesothelioma, courts often expedite the timeline.

Step 6: Settlement or Trial

Most cases settle within 12-18 months. Average settlements range from \$1M to \$1.4M. If a fair settlement cannot be reached, the case goes to trial — mesothelioma juries have awarded verdicts exceeding \$10 million.

Step 7: Receive Compensation

After settlement or verdict, compensation is distributed. Trust fund payments may arrive separately. Attorney fees are contingency-based (typically 33-40%) — you pay nothing unless compensation is recovered.

VA Benefits for Veterans

Veterans with mesothelioma qualify for VA disability compensation (100% rating), VA healthcare, and DIC for surviving spouses. **VA benefits can be collected alongside lawsuit settlements and trust fund payments — they do not offset each other.**

Filing Deadlines by State

- **1 year:** Louisiana, Tennessee
- **2 years:** California, Texas, Pennsylvania, Ohio, and most states
- **3 years:** New York, New Jersey, Florida, Michigan
- **4-6 years:** Maine, North Dakota

The clock starts from the date of diagnosis (or date of death for wrongful death claims).

Ready to Take the Next Step?

Our attorneys are available 24/7 for a free, confidential case review.

Call 1-800-400-1805

mesothelioma-lung-cancer.org • No fees unless we recover compensation for you