

## HB 4143 Abandons the Class

HB 4143 completely changes how class action settlements and judgments are to be determined in Oregon. The bill repeals longstanding sections of law for class action suits that have protected Oregonians rights for years and would allow courts to impose monetary judgments without identifying specific members of the class entitled to recover. HB 4143 directs proceeds to the coffers of the state, and to the pockets of trial attorneys.

From the Desk of  
Representative  
Mark Johnson

### HB 4143 is:

- ✓ A job killer  
HB 4143 is about loosening the requirements and need to identify class members. It increases the exposure of companies doing business in Oregon. No other state imposes such unlimited risk on its businesses. HB 4143 will have a chilling effect on business growth and new investment in Oregon.
- ✓ Violates individual rights  
The amendments would effectively cut the individual out of the process, eliminating his/her claim for the benefit of the state. This amendment would do nothing to help compensate victims who have been injured by a defendant's behavior.
- ✓ Unconstitutional  
Violates Due Process clause of US Constitution by removing an individual's right to a claim for the benefit of the state, and a defendant's right to determine if a plaintiff is part of the class.
- ✓ A trial attorney's dream  
This is a boon to trial attorneys who will be awarded a percentage of proceeds from a "generally defined" class, as opposed to on behalf of individuals who have actually been harmed, setting the stage for mega-claims and mega-judgments.

While some say HB 4143 is about making sure companies pay the full amount or judgment against them by giving unclaimed funds to the Legal Aid, the legislation goes much further and raises constitutional problems. Oregonians do not want their individual claims resolved by having proceeds going to an entity totally unrelated to those harmed.

This bill is unfriendly to business and should not be considered in such a short session when the true impact has not been analyzed. For more information, please contact Fawn Barrie – 503.580.5487

All-State Mark Nelson/Dave Reinhard	Lifewise Health Plan of Oregon Elise Brown	Oregon Metals Industry Council Mark Nelson/Justen Rainey
American Insurance Association Paul Cosgrove/Alec Shebiel	Oregon Bankers Association Tim Martinez	Oregon Restaurant & Lodging Bill Perry
American Financial Services Association Paul Cosgrove/Alec Shebiel	Oregon Business Association DJ Vogt	Oregon Seed Council Roger Beyer
Associated Oregon Industries JL Wilson	Oregon Liability Reform Coalition Mike Dewey/Fawn Barrie	Oregon State Chambers of Commerce Dan Clem
Cambia Health Solutions Tom Holt/John Powell	Oregon Farm Bureau Katie Fast	Oregon Trucking Association Bob Russell
GlaxoSmithKline Jody Daniels/Nan Heim	Oregon Forest Industries Council Kristina McNitt	PhRMA Jim Gardner/Lynda Gardner
HealthNet Lisa Trussell	Oregonians for Food and Shelter Paulette Pyle	PCIA Shawn Miller
Independent Insurance Agents and Brokers of OR Roger Beyer	Oregon Home Builders Association Jon Chandler/Scott Barrie	The Standard John Powell