

March 26, 2015
Senate Committee On Judiciary
Testimony of Lauren Bagley
Please Vote No on Senate Bill 849

Chair Prozanski and members of the Committee, my name is Lauren Bagley. I'm the proud mother of Myles Bagley, a wonderful, determined, unstoppable young man whose life forever changed on February 16, 2006, when he skied off a man-made jump at Mt. Bachelor. My son is a paraplegic because of that negligently designed jump. His case has been slowly winding through the halls of justice with a recent unanimous decision in Myles' favor coming down from the Oregon Supreme Court.

I am here today because I vowed I would do everything I can to make sure this doesn't happen to someone else's child. And I vowed to make certain that ski resorts and operators are held responsible for the condition of the ski premises they charge the public to use.

Myles was an 18-year old, expert skier on that day in February and that's not just me bragging. Myles' ability was recognized by the ski and snowboard community. He's my 2nd child who was born just naturally agile and active. He was born and raised in Montana and took easily to all winter sports; cross-country skiing, ice skating, downhill skiing and then switched to snowboarding in middle school. By the time he started high school in Bend, Myles had clocked in hundreds of hours of training on trampolines – he got the gymnastics part locked in and then took it to the hill. His friends on the hill went pro and Myles was right there with them. So when he took that jump in 2006, he was not a novice taking a wrong turn. He knew how to negotiate a clean jump. The lip of the jump was poorly designed. It threw him. And it changed the course of his life forever.

I'll never forget getting that phone call. It was one of his young friends saying "Lauren, it's really bad, he can't move his legs." By the time I got to the ER parking lot, his high school friends had gathered and were sobbing. It was surreal. A priest was there in plain clothes and tried to prepare me. My husband was on the ground sobbing, so I had to keep it together. Before going into surgery for his broken back I started to well up, but Myles looked at me and said "Mom, if you start, I will never stop" – so I stopped. He was in the hospital for 21 days and was determined to break the record of quickest hospital stay for someone who broke 3 vertebrae. That's how determined he is. Amazing attitude aside, keep in mind this is a young man who will need to use catheters for the rest of his life, will never walk and is worried he will never be in a relationship again. The amount of work he puts in, and we put in to get him back on track is huge.

And let me assure you, I have learned so much on this journey. It boils down to this; it's shocking how people who build these jumps aren't trained, how there are no uniform safety and design standards. They are literally just guys who move snow. No one is monitoring these terrain parks. Two years before Myles' incident a 10 year old died in that same terrain park. How did a 10 year old get into an "expert level" park in the first place? Ski resorts are a business and if you offer immunity they will take the short cut on safety every time. I think the Supreme Court decision recognized that. Buying a season pass, or a lift ticket, should not operate as a blanket "release" of Mt. Bachelor's accountability for their negligence. They cannot allow our kids to launch themselves off badly designed jumps and escape responsibility. Don't let this happen to another kid in Oregon. I urge you to **Vote No on SB 849**. Thank you.