

Yes on Senate Bill 409 – Repeal the Wrongful Death Case

### **Hero Roark Schwanenberg and His Family Deserve Justice**

Roark Schwanenberg lived his entire life in service to others. A military veteran, Schwanenberg went on to fight fires and run fire missions as a helicopter pilot for 27 years. He was passionate about saving lives, land and wildlife in Oregon and beyond. His family, living in Lotine, also sacrificed to help support his dedication to service; wife Christine, their daughter and two sons spent the majority of their lives on the road with Roark fighting fires all over the state.

On August 5, 2008, Roark was the pilot in command with Carson Helicopters running fire crews back and forth from the Shasta-Trinity Alps National Forest fire. In this highly publicized incident, the helicopter's GE engine failed during take-off due to a defective product, killing 9 of the 13 men on board. Roark, only 54 at the time, made the ultimate sacrifice by laying down the helicopter on the left, pilot-side to save as many lives as he could. The co-pilot, a survivor, tells of Roark's heroic act in an impossible situation.

A jury heard the painstaking details of the crash. During witness testimony they were often reduced to sobbing. The jury came back with one of the largest verdicts in Oregon's history. After hearing the facts of the case, the jury decided the Schwanenberg family should receive \$28 million for their economic loss as well as Roark's suffering and the loss to his widow and children. But little did the jury know that rather than case-by-case justice, an arbitrary, 28-year old cap would undue their decision and greatly reduce their just verdict. The Schwanenberg family got the ultimate slap in the face for a lifetime of service to the state. They know that nothing will bring their beloved husband and father back. He will never hold his new 7-month old grandchild. His son, also a firefighter, will never be able to ask his father for advice about the profession. The family will never be fully whole again and they certainly deserved far greater justice than what they received.