

Yes on HB 4136 -- Raise the Wrongful Death Cap

Hero Roark Schwanenberg and His Family Deserved 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 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. The helicopter's GE engine failed during take-off due to a defective part, 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. Jurors were outraged when they learned the National Transportation Safety Board found there was "intentional wrong-doing" by Carson Helicopters. The company under-stated the weight of the helicopter and over-stated its performance when bidding on their firefighting contract, knowingly putting the lives of the men in grave danger. The former Vice President of Carson Helicopters pled guilty to conspiracy to commit mail and wire fraud by submitting documents to obtain \$20 million in firefighting contracts with the U.S. Forest Service.

After hearing the facts of the case, the jury came back with one of the largest verdicts in Oregon's history. They 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 an arbitrary cap would undue their thoughtful, fact-based decision and greatly reduce their just verdict. The Schwanenberg family got the ultimate slap in the face for Roark's lifetime of service to the state.

The family of Roark Schwanenberg knows that nothing will bring their beloved husband and father back. He will never hold young 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.