

Yes on House Bill 4136 --- The Story of Kathleen Wilson of Trail, Oregon

Kathleen Wilson was a youthful, healthy woman who raised four daughters and one son to become successful adults. At 62, Kathleen was in excellent shape, loved to play music, play with her grandchildren and was often called upon to fix things around the homes of her children. She was handy, mechanical and full of energy. On the afternoon of August 14, 2013, Kathleen was working for Knife River as a forewoman at a construction site along I5 at Mile Post 75. It was 1:00 pm and she was setting up flashing signs beside her trailer when a Transportation Treeline semi-truck swerved off the road, over the curb and plowed into the sign Kathleen had just set up. It crashed down onto her head and at 1:20 pm when first responders arrived, she was pronounced dead. Kathleen was in the safest place she could have been at the time of impact – on the outside of the guardrail. Unfortunately the truck driver was driving so carelessly, he never had time to correct his deadly path and plowed through the guardrail and into Kathleen.

The five surviving children, all still living close together in Medford, were quickly told by their legal representative that even though their mother's death was egregious and unnecessary, when it came time to negotiate with the driver's insurance company, the wrongful death cap of \$500,000 greatly limited their ability to negotiate. Their collective sorrow over the loss of their mother was compounded with an arbitrary value set on her vibrant and productive life.

Ultimately Kathleen Wilson's surviving children decided to forego a lengthy and painful jury trial and settle without filing. They knew that even if the jury awarded more than the cap, a judge would have to strike it down. This was a devastating dose of reality that the Wilson family hopes no other Oregon family will ever have to face in the future.

