



**Carla C. Piluso**  
State Representative, House District 50  
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May 6, 2019

RE: House Bill 2014

Chair Prozanski and members of the committee:

For the record, my name is Carla Piluso and I proudly represent House District 50.

At its core, House Bill 2014 is a protection for survivors. It rights the wrongs of the 2016 Horton Supreme Court decision, which placed an arbitrary, one-size-fits-all cap on non-economic damages. It re-establishes the protections victims had between 1999 and 2016.

That cap on non-economic damages limits juries' authority, and it means that some of our state's most vulnerable victims may recover far less than the damages a jury has decided they deserve.

Just so we understand the terms: economic damages make up for tangible losses, such as lost wages, medical bills, and future medical needs. Non-economic damages, on the other hand, compensate survivors for dramatic changes to the quality of their life, such as permanent paralysis or lifelong trauma.

With HB 2014, we acknowledge that both economic and non-economic damages matter to survivors. The cap on non-economic damages is particularly harmful when the economic damages a victim receives are minimal, despite the fact they will deal with significant consequences for the rest of their lives. A senior who is abused or neglected in a nursing home doesn't have lost wages; a child who is sexually abused likely does not have large medical bills. But survivors in both these situations are left with a lifetime's worth of mental anguish, regret and guilt.

The civil justice system is designed to make victims whole and compensate them for the negligence of others. HB 2014 helps make this intent a reality.

While an individual can be held accountable for their intentional acts through the criminal justice system, our civil justice system is there to hold the institutions, organizations, and individuals financially accountable for their reckless and negligent acts.

I'd like to share one story that illustrates this issue. 73-year-old Betty Rotting was sexually abused by a paramedic while in an ambulance on her way to heart surgery. When Betty brought a civil case for herself and five other victims, it was discovered that the ambulance company had completely failed to address the numerous prior complaints against that paramedic.

The actions of the paramedic were criminal. But the actions of the ambulance company were negligent, and Betty's civil case helped uncover the truth. Lifting the cap on non-economic damages will allow other victims to be justly compensated and expose negligence that has led to a lifetime of anguish—particularly when the victim has suffered from a crime that does not lead to economic damages.

As a police officer, I was often the first person to interact with someone who experienced trauma. I have seen firsthand how much impact these experiences can have on someone's life. The victims who are awarded these damages are generally private citizens with limited resources. They deserve to have their

day in court and have a jury of their peers decide the justice they are due—one of our most fundamental constitutional rights as Oregonians and as Americans.

Thank you for your time and attention today, and I urge you to support House Bill 2014.

Sincerely,

A handwritten signature in black ink, appearing to read "Carla C. Piluso". The signature is fluid and cursive, with a large initial "C" and a long, sweeping underline.

Carla C. Piluso  
Oregon State Representative, House District 50