



House Judiciary Committee
Chairman Fred Patton

Re: House Bill 2291
Increase Wrongful Death Caps (Support)

How much is a human life worth? That question can evoke many answers. You might say “priceless” or “beyond measure.” Depending on your spiritual beliefs you might say it has a value so great that the God of Heaven and Earth sacrificed his only Son for that life. Others might say I cannot answer that question because I cannot bear to think of losing my wife or child.

The Kansas Legislature has answered that question. The value of a human life “cannot exceed the aggregate sum of \$250,000.”

That needs to change and the change needs to begin with this bill. This bill should eliminate all wrongful death caps in Kansas. We should take a strong stand and tell our state and the entire nation that in Kansas human life is priceless. We want to eliminate all wrongful death caps. This bill does not do that. Instead it is the product of compromise and takes a long-outdated cap of \$250,000 and modestly moves it.

I have looked in the eyes of parents and told them the Kansas Legislature believes their deceased child is only worth \$250,000. In fact, the Forshee family of Berryton whose son A.J. died in Topeka on Croco Road got that message. They wanted to be here today, but emotionally did not feel they were able to testify in person. Their written testimony is attached and presented to the committee. When you read it take a moment to consider what it would be like to be in the shoes of Gloria and Darren Forshee and bury your son.

In fact, any time we have a wrongful death case we analyze is There any way we can make the claim in another state that has shown more respect for the value of human life than Kansas. Many well publicized cases have received larger verdicts or settlements because something in the law allowed them to bring their lawsuit in another jurisdiction. That is not right. Kansans like the Forshees should be able to rely on the laws of this state to protect them. This bill is a compromise, but it is a step in the right direction.

We have made many efforts in this legislature to recognize the value of human life and protect it. However, the wrongful death cap has not been addressed in far too long. Please pass this bill in this form.

Respectfully submitted,

Richard W. James

Gloria and Darren Forshee
5819 SE Ratner Road
Berryton, KS 66409

February 18, 2019

Dear Representative Patton
Judiciary Chair
Room 519-N
State Capitol Building
300 SW 10th Street
Topeka, KS 66612

RE: House Bill 2291 (Increasing Wrongful Death Caps)
Testimony in support of the bill.

Dear Chairman Patton and the House Judiciary Committee:

I am submitting this testimony as a proponent to House Bill 2291 requesting you to increase the wrongful death caps in the State of Kansas.

Our son AJ was killed by a negligent Fed Ex driver just South of Chairman Patton's district on Croco Road in Topeka. The collision happened May 12, 2018 and our lives forever changed that day.

This photo of our family was taken just two (2) days prior to the collision. AJ is on the far left and was just 28 years old.

AJ was our only son. He grew up with a big sister, Jessica, who loves him very much. They were very close. She is devastated as we are by his death.



AJ will not give us the joy of being grandparents to his children, Jessie will never be an Aunt, Joey an Uncle or Taeton and Jaycie will not be cousins because of the immeasurable negligence of the distracted FedEx driver that killed our AJ.

He made an impact when he spoke to anyone. Time and time again, people share with us how respectful our son and we should be proud of the great son we had raised. He was so kind hearted, smart, loved his large family, his friends, his music, his feeling of riding free on his

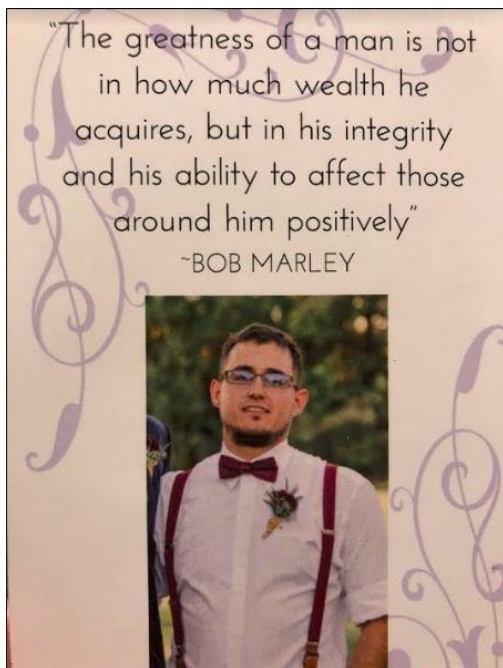
motorcycle, his freedom of choice, his 2nd amendment, the water, the snow, his dogs, his BBQ, his Mexican food, his shop, his toys in his shop, his land, his books, his naps.

During his time in the hospital, the ICU waiting room was overflowing with the people who loved him. The nurses said they had never had this many people in the waiting room for one person. Pastor L.D Holmes was amazed by the number of people who were in the waiting room. He could literally feel the love in the room. One by one, AJ's people came to his bedside to see him one last time while his body was being kept alive. It was the most horrifying thing and we pray no parents should ever have to go thru. So devastating to see each friend and family member see him in that hospital bed with his donor quilt over him. Our hearts broke into a zillion pieces. How could this happen!

According to Kansas law, our son's life is only worth \$250,000? That is an insult to our family and our beloved son and an insult to any family who has lost a loved on because of someone's negligence!

When our attorney told us of this statutory cap on wrongful death damages, we were sickened. Many thoughts ran through our minds. Why would our lawmakers put a limit on the value of life? Why would our lawmakers place such an unconscionable limit on the value of someone's life? If we trust juries to make decisions on life or death with respect to crimes, why don't we let a jury hear evidence and make decisions on damages?

The extent of damages a family sustains as a result of the death of a love one should be up to a jury based upon the totality of the circumstances. A cap of \$250,000 is demeaning to the one lost and to the family that continues to suffer.



Please allow juries to determine the damages someone sustains or support House Bill 2291 increasing the caps on wrongful death cases.

Gloria and Darren Forshee