

JOHN'S STORY

A real case demonstrating
the unfairness of damage caps.

John's Story

John was a retiree, happy with his life shopping flea markets and enjoying time with his family. John was killed when a tractor-trailer driven by an illegal immigrant who had not had enough rest plowed into his car on the highway. The driver's license had been suspended twice for driving while intoxicated.

John had earned his retirement. He had proudly served his country during the Korean War, experiencing horrors and fear that most people will thankfully never know and suffering the loss of good friends and brothers-in-arms. When he returned home, he entered a training program to become an electrician. He joined the union and worked steadily, and hard, to support his wife and growing family. His goal was to raise his children, make sure that each one got a good education, and then retire to enjoy a simple life.

At 69, John was living his simple retirement life. He traveled to visit friends and family, which kept him young at heart and happy. John also spent his free time roaming around flea markets. He loved searching for little treasures to bring home. His daughter, Carole, shared his love of trinkets and memorabilia, and he would often hunt for something special for her. During his "treasure hunts" at flea markets, he looked for items from his youth, war memorabilia, and antique tools. The hours that he spent rummaging through stands at a flea market, talking to the vendors and just enjoying the day outside were payback for all of his years of hard work, inside. John knew that his retirement was not as exciting as some of his longtime friends, but he was relaxed, happy and couldn't wait for the treasures that each new day would bring. He had already had all of the excitement that he could handle during his life.

The day after the Fourth of July, John was driving down I-80 in Luzerne County, headed to another flea market. He had enjoyed a picnic with friends the day before, and he was enjoying the quiet solitude of the early morning drive. To be successful at a flea market, it was important to get up early! John was driving in the right hand lane, obeying the speed limit and reveling in the bright sunshine of another beautiful day. Suddenly, a tractor-trailer smashed John's car from behind. Following the impact, the vehicles locked together. The tractor-trailer dragged John's car for several hundred feet, swerving from the right lane to the left and back again in an attempt to dislodge the vehicle from its massive front end. John's car was finally thrown free of the tractor-trailer—directly into a bridge abutment. After smashing into the bridge, John's car came to rest. John wasn't safe though. The tractor-trailer struck the car again, causing it to burst into flames.

John's last few minutes of life were more terrifying than anything he had faced in the mountains of Korea. On the field of battle, he was trained to deal with the dangers that he faced. He expected to be confronted by the enemy and was equipped to respond. John was not prepared for the violent rear-end collision, being propelled down the highway on the front end of the tractor trailer, being slammed into the bridge or the explosion from the final insult by the truck. He could do nothing to save himself once the truck smashed into him. He had survived the initial impact with the truck and the crash into the bridge, but he could not survive the explosion and fire.

John was burned alive. His car was so mangled that he could not get out. His last minutes were spent in incredible physical agony and the horrible knowledge that he would never see his children, grandchildren and friends ever again.

The man who caused John's agonizing death, the one driving the tractor-trailer, was in the United States illegally. He could not read, write or speak English. He had no training to drive the fully loaded tractor-trailer that he was in at the time of this accident. It was believed that he obtained a commercial driver's license (CDL) fraudulently since he spoke and wrote no English and, therefore, could never have passed the required tests. His license to drive a car had been suspended twice by the state of New York for driving while intoxicated. He had been hired to drive the fully loaded rig crosscountry after a chance meeting with the owner of the trucking company, who happened to be an immigrant from the same country. The owner of the trucking company never checked the driver's qualifications before he hired him, nor did he ever monitor the driver's compliance with federal regulations regarding the number of hours per day that he drove, whether he took required rest breaks or whether he even kept a logbook. The truck driver did, in fact, keep a log book and that log book showed that he had only had 11.45 hours of sleep total in the three days before the accident, in violation of federal safety regulations. He eventually plead guilty to homicide by motor vehicle and was deported back to his home country.

The man who caused his death is back in his home country among friends and family. John's family, on the other hand, suffers his loss every day. They miss the little trinkets that he used to bring home from the flea market and the twinkle in his eyes as he related the story of how he found the item and the haggling that took place to buy it. John's friends miss him as well. There is always an empty chair at the diner table where he would meet his old buddies for coffee and stories. His flea market friends still set aside trinkets for him, thinking that he will come walking down the aisle one day, with that twinkle in his eyes and a broad grin on his face.

House Bill 1326 caps non-economic damages in ALL types of cases, including horrifying traffic accidents like this one. John's tremendous pain while being burned alive, his unbelievable mental suffering knowing that he was trapped and could not escape or be rescued, the unspeakable horror that he experienced during the accident and after were not capped. The loss that his family and friends feel every day is not capped. Why should the truck driver be relieved of his responsibility for causing this tragedy? How are physicians in Pennsylvania helped by capping the liability of the truck driver who killed John?



John was burned alive when his car was struck by a tractor trailer. The driver was not following rest regulations and had obtained his commercial driver's license fraudulently.



