

Road Rage: Oregon case ends with \$26.5 million verdict

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“I hadn’t really found a sense of purpose until I met her,” he told the jury. “I found a purpose in her. We had — it seems cliché to say it, but we had that type of love that most people spend their entire lives looking for.”

The trial ran nine days and concluded May 10. The jury awarded almost \$26.5 million against two trucking companies and their drivers and found them negligent for engaging in road rage antics for 90 miles, according to the lawyers for the Allisons, right up to the end.

The road to disaster

The Portland law firm of Tom D’Amore represented Matthew Allison and his wife’s estate. D’Amore said he has seen road rage cases before, but not like this.

“This should never have happened,” he said. “Never. Four commercially licensed drivers engaged in these activities for such a long period of time.”

Decou, Peter Barnes and Corey Frew were driving semitrailers for Utah-based Smoot Brothers Transportation from Salt Lake City, Utah, to Eugene, according to D’Amore, depositions, court documents and police reports in the case. Barnes said he was near Mountain Home, Idaho, when he had the first “run-in” with a motorhome driver who cut him off on the freeway and slammed on the brakes to shoot for an exit.

Jonathan Hogaboom of Taylor, Michigan, was driving the 45-foot long, \$750,000 luxury motorhome for Horizon Transport from Indiana for delivery in Oregon. Hogaboom and the three truckers met up again on Highway 20 in Eastern Oregon.



Contributed Photo
The Allisons’ Ford Focus was destroyed in the crash.

The truckers and Hogaboom raced to pass each other, cut each other off, and pulled in front of each other only to slam on the brakes. Hogaboom on more than one occasion blasted the big RV’s air horn when he was next to one of the semis and flipped the bird to one driver.

Matthew and Sara Allison were heading east from Crater Lake. Two days earlier they took in a concert in Portland, then hiked in Mount Hood National Forest and at the last minute diverted to see the grandeur of Crater Lake. He told the jury he was glad they went.

“Those are some of the best memories that I will hold on to for the rest of my life,” he said.

For the first time in two years, Matthew Allison could again enjoy the outdoors with Sara. In 2014 he developed leukemia. Sara Allison, a pharmacy technician, helped her husband stay on his drug schedule, took him to doctor’s appointments, including to see specialists at the Huntsman Cancer Institute in Salt Lake City. She cared for him and and worked full time.

The blood disorder led to surgery in November 2015 to reverse necrosis on Matthew’s right hip. The physical therapy lasted until about April 2016. Coming out of that, they planned the trip to Oregon.

“It was our way to celebrate having got through that tough time together,” Matthew said at trial. “It was a much-needed break.”

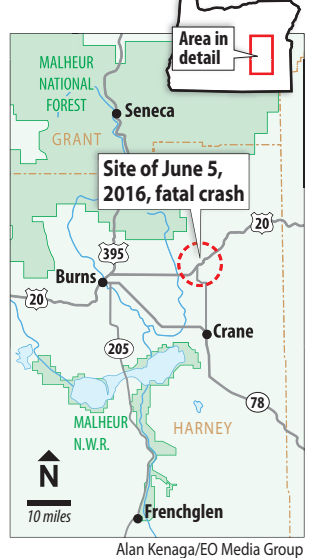
They took off from Crater Lake with Sara driving. They stopped in Burns, their halfway point, to fuel up and switch seats.

Matthew testified Sara saw how exhausted he was, so she decided to let her husband sleep as they left Burns.

The crash

The three semis and the RV continued their perilous actions heading west on Highway 20.

Barnes was in the lead, about a minute-and-half ahead of the rest. Hogaboom in the RV was behind him. Decou was in the third spot, and Frew brought up the rear. Decou earlier tried to pass the RV. Barnes got on his radio and said an eastbound car just



drove by him and it was safe to pass. Decou pulled out at the edge of a passing zone to make his move.

Within a moment he was driving in a no passing zone and had maybe 90 seconds to get back in the lane. Hogaboom did not let that happen. Decou told Oregon State Police when he hit the gas, Hogaboom punched it as well. He said he tried to get over two or three times, but the RV blocked him out. The state trooper asked him why he didn’t slow down and get back in the correct lane.

“Because the more I slowed down, the more he slowed down,” Decou replied.

Hogaboom claimed he was going about 60-65 behind a small BMW car, according to a police reports and court documents, and coming into a curve the car slowed and he had to slow to make the curve. That’s when he saw the semi trying to pass.

Hogaboom said he was irritated and had to slow down further. Near milepost 156, he saw the car coming in the other lane. The car Sara

Allison was driving. He said he jammed on the brakes to get space with the BMW, and the BMW did the same thing, leaving no room for the semi.

Decou also saw the Ford Focus, and Sara Allison saw the semi.

She jerked the car to the right and off the road and into the dirt. Decou hit the brakes, slid and turned to the left.

The semi plowed into the car, mashing the driver’s side.

Matthew Allison told the jury Sara woke him.

“I remember hearing her scream my name moments, moments,” he said, “... moments right before ...”

He also said he saw Sara in the car in her final moments. He said he didn’t think he got to say goodbye to her.

The aftermath

Matthew Allison moved back to Ohio, where he was from, to live with his father. They have a complicated relationship, he testified, and eventually he moved in with new caregivers.

He underwent hip replacement surgery in June 2018. Almost a year later, the career National Guardsman who hiked national parks walks with difficulty. He told the jury one word described his life since the crash: “Miserable.”

He suffers panic attacks wheel driving. He won’t ride as a passenger at night. He has nightmares about the crash and seeing Sara. When he wakes, he realizes again she is gone.

He said at his lowest, he considered suicide. But he feels better, more stable. He wants to move closer to Salt Lake City to be near his the cancer institute, but he has no family near there.

“I lost everything that

night,” Matthew said at trial. “I lost my spouse, I lost my companion, I lost my health in a sense. I lost my career. I fell hard. I fell hard.”

D’Amore said the \$26.5 million verdict is fitting and the largest jury verdict for a trucking wrongful death in the Pacific Northwest. The jury recognized how wonderful Sara Allison was, he said, but the award also serves as a strong deterrent.

“We want to send a message we have to stop this on our roads,” he said. “If you look at statistics, road rage is getting worse, not just among civilian drivers but worse among professional drivers.”

Oregon caps damages for wrongful death at \$500,000. U.S. District Judge Patricia Sullivan allowed the jury to award the far greater amount because the Allisons lived in Idaho, which has no cap on noneconomic damages in wrongful deaths.

Frew was the only driver not a defendant in the civil case. Still, Smoot Enterprises fired him, along with Barnes and Decou. Smoot also agreed to pay \$900,000 to the Allison estate in a settlement before the jury handed up the verdict. Horizon did not settle and remains on the hook for the rest of the \$26.5 million.

Only James Decou, 35, faced criminal charges in the fatal crash. He pleaded guilty in August 2017 to second-degree manslaughter and received a prison sentence of six years, three months, with credit for the time he was in jail. He is an inmate at Eastern Oregon Correction Institution, Pendleton.

A spokesperson for D’Amore’s firm said Hogaboom now drives for Swift Transportation, the largest trucking company in the United States.

Smoke: Not enough is known about smoke’s effect on wildland firefighters’ health

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inexpensive masks.

These aren’t options for wildland firefighters. They endure smoky conditions rarely experienced in communities. It’s an occupational hazard scientists and fire agencies are just beginning to understand.

Sucking Smoke

Every firefighter, by the nature of their work, faces smoke.

“People are now aware that they probably shouldn’t stand in the smoke if they don’t have to,” said Mike DeGrosky, Fire Protection Bureau chief with the Montana Department of Natural Resources and Conservation. “People know to

minimize smoke exposure out on the line when people are working. But the reality is they work in a very, very smoky environment that smoke has lingering health effects.”

This is where DeGrosky’s frustration comes in.

“I don’t think we’ve really looked at the long term — for example, cancer consequences of chronic smoke exposure — like the structural fire world has,” he said.

Rick Swan, director of health and safety occupational services for the International Association of Firefighters and a 30-year veteran of CalFire, says studies have shown negative health impacts for

structural firefighters: cancer, heart and lung disease, and even mental health issues.

But wildland firefighters have largely been left out of the research.

“Everyone used to say, ‘It’s just a barbecue fire. It’s just, you know, wood. It’s no big deal,’” he said.

Now, it’s known that forest fire smoke is full of compounds and components that are regulated by the Environmental Protection Agency.

Wildland firefighters and crews working prescribed burns are exposed to fine particulate matter that can absorb deep into the lungs. They breathe carbon monoxide that can cause a significant and immediate loss

in cognitive function.

In addition, there are a host of other toxins such as acrolein, nitrogen dioxide, benzene and formaldehyde in the smoke, as well as the potential for exposure to smoke laced with chemicals from herbicides that were applied to forests before they caught fire.

Researchers with the U.S. Joint Fire Science Program have found that workers holding fire lines and working mop-up after a fire has burned through are exposed to the highest levels of particulate matter.

And the smoke exposure often doesn’t end at the fire.

“Some of the worst air can be in fire camp — where you’re supposed to go for rest,” Ingalsbee said.

Graduate: The class of 2019’s rising Starr

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I love it, because I love getting my teeth cleaned. I think it’s an important part of a person: their smile. It helps their confidence. I just want to do something that helps people.”

But if that career path doesn’t work out, she’d like to do a pre-medical program and become a doctor, a field she found interesting when she did a job shadowing activity for a health occupations class.

In order to realize those ambitions, Starr needed to excel in the classroom.

According to ASPIRE coordinator Jill Gregg, Starr’s strong academic performance made her a good candidate for college scholarships.

But no one in Starr’s family had attended college before, meaning Starr would also need help navigating the intricacies of college selection and financial aid applications.

“It wasn’t the hardest process, but it was kind of difficult not having that base support from your family to guide you in that direction,” she said. “But I trusted to go in that direction myself with the help of my teachers.”

Further complicating mat-

ters were Starr’s responsibilities at home.

While balancing schoolwork and being a member of the cross-country team, Starr also often acted as a caretaker for her four younger siblings as her father worked long hours at the Keystone RV Co. plant.

Additionally, her parents wouldn’t be able to contribute financially to her college education, making scholarships a near-must if she hoped to graduate from college without a mountain of debt.

Among the scholarships she applied to was the Ford Family Foundation scholarship, a significant award that could cover up to 90% of her attendance costs.

Starr was nervous while she waited to hear back from the foundation because it would be a determinant in where she went.

She had strongly considered Eastern Washington University, but she focused her efforts on another of her top schools — Oregon State — once she learned that the Ford Family Foundation would only pay for her to go to an in-state school.

Even then, she kept Western Oregon University and



Staff photo by E.J. Harris
Pendleton graduating senior Morningstarr Redcrane is planning on attending Oregon State University to study biology.

community college as cheaper backup options just in case she was passed over for the scholarship.

So when she learned that she had gotten the scholarship that would enable her to go to OSU, not only was her family proud and excited, but the wider tribal community was as well.

She said she’s received a plethora of encouraging messages on social media from her fellow tribal members, and her mom relays congratulatory messages she hears from the tribal community on the reservation.

Starr said one of her main

motivators for getting into college was to be a model for her younger brothers and sisters and inspire them to prioritize their education.

Her youngest sibling is in kindergarten, and leaving them in Pendleton will be one of the toughest parts of going to college, she said.

Starr doesn’t know where she’ll end up after her schooling is done, but she hasn’t ruled out returning to work for the CTUIR, especially considering the scarcity of medical professionals in the region.

“I think it would be awesome to work in Pendleton or for my tribe,” she said.

HB 2437: \$700K recommended for Oregon ditch-cleaning bill

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gram, HB 2437 would require about \$250,000 for the state Department of Agriculture and \$200,000 for the state Department of Fish and Wildlife.

Another \$240,000 would be appropriated for Oregon State University to study the biological impacts of cleaning out the channels.

Though HB 2437 was approved by the House Committee on Agriculture and Land Use in April, its spending provisions mean it must also clear the budget-setting Joint Committee on Ways and Means. That’s generally considered a tall hurdle, since many bills die in that committee.

On May 30, a subcommittee dedicated to natural resources voted 6-2 to recommend the bill for approval, which is expected to greatly increase its chances in the Joint Ways and Means Committee and the overall Legislature.

“It’s a very positive indication of the bill’s future,” said Mary Anne Cooper, vice president of public policy for the Oregon Farm Bureau, which supports HB 2437.

While the original version of the bill would have simply required farmers to notify ODA of planned ditch-cleaning, the current language would require a review period by state fish and wildlife experts.

“Compromise is what makes the world move forward,” Cooper said.

The bill’s goal is to create a simple and “easy to understand” regulatory program that doesn’t consume a lot of time, she said.

Whether it will accomplish that aim may require an “adaptive process” if the bill is enacted into law, Cooper said.

Two lawmakers who voted against the bill said they disagreed with aspects of its policy and how the program would be funded.

Rep. Paul Holvey, D-Eugene, said HB 2437 “falls short in a lot of areas that are a concern of mine,” such as an insufficient focus on the water quality effects of ditch-cleaning.

The study of the bill’s impacts should also be studied by an independent science review panel instead of OSU’s College of Agricultural Sciences, he said.

“I don’t have enough faith in that department solely doing it on its own,” Holvey said.

Sen. Kathleen Taylor, D-Milwaukie, said the bill is intended to benefit a specific population of people who should fund the program by paying fees instead of spending general fund dollars for the new positions.

“I would have preferred to see a permit here to generate the funds for the oversight,” she said.

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