

# Record jury award stands in wake of fatal Eastern Oregon road rage crash

By Phil Wright  
EO Media Group

Road-raging commercial drivers caused the head-on crash in 2016 near Burns that left Matthew Allison with serious injuries and took the life of his wife, Sara Allison. Now the record jury verdict he won in May 2019 in federal court in Pendleton remains standing.

Portland-based attorney Tom D'Amore and law partner Steve Brady represented Matthew Allison, 27, of Boise and the estate of his wife in the lawsuit.

"We are proud of the result of this case," D'Amore said. "It's a relief that the case is officially over and the defendant cannot appeal again. There is a feeling that justice has been done."

## 'Pay the verdict'

The jury awarded a total of \$26.5 million to the plaintiffs. But Horizon Transport in July filed a 42-page motion asking the federal court for a new trial or to reduce the amount of the jury verdict. The court denied both.

"It's a pretty high standard, though, to take away a jury verdict or issue a new trial," D'Amore said.

The defendants then appealed to the U.S. Court of Appeals for the Ninth Circuit. D'Amore said the company wanted to settle, just as it had wanted to settle at trial.

"We pretty much said no, pay the verdict," D'Amore said.

The Ninth Circuit has a mediation program, which contacted the parties and urged them to show up and participate. They did, D'Amore said, and the sides resolve the case in



Matthew and Sara Allison beam in a photo taken in front of Crater Lake, their last bit of Oregon sightseeing, before leaving to return home to Boise in June 2017.

Contributed photo

April — with the \$26.5 million verdict intact.

The estate of Sara Allison won economic damages of almost \$2.4 million and non-economic damages of \$10 million. Matthew Allison won \$600,000 in economic damages and \$7 million in non-economic damages. The defendants also had to pay \$6.5 million in punitive damages, with 70% going to the state of Oregon's Crime Victims Fund to pay for care for other victims of crime.

But no amount of money, D'Amore stressed, will make up for the loss of Sara Allison, who in

2014 worked full time while caring for her husband when he developed leukemia.

"Sara was his everything, his caretaker, the bread winner for the family, his whole reason for being," D'Amore said.

## Celebration ends in tragedy

Matthew Allison during the course of two years overcame the blood disorder and subsequent health problems. After completing physical therapy in April 2016, the couple took a trip through Oregon.

"It was our way to celebrate hav-

ing got through that tough time together," Matthew said at the trial. "It was a much-needed break."

They enjoyed a concert in Portland, hiked in Mount Hood National Forest and on June 5 they visited at Crater Lake before the push home to Boise. They stopped in Burns to fuel up their Ford Focus and have Matthew take over as driver. But he testified his wife saw how exhausted he was, so she decided to let her husband sleep.

They were on narrow Highway 20 east of Burns when the crash occurred.

James 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. Near Mountain Home, Idaho, they had a run-in with a motorhome driver, Jonathan Hogaboom of Taylor, Michigan. He was driving a 45-foot long, \$750,000 luxury motorhome for Horizon Transport from Indiana for delivery in Oregon. According to court records, he cut off Barnes on the freeway and slammed on the brakes to shoot for an exit.

Hogaboom and the three truckers met up again on Highway 20 in Eastern Oregon. They 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.

Decou tried to pass Hogaboom, who would not let the trucker back into the westbound lane. Near mile-

post 156, Decou and Sara Allison saw each other in the same lane. 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. Sara Allison died in the crash.

Matthew Allison suffered broken ribs, a lacerated spleen, head trauma and more. The verdict gives him the ability to take care of himself medically and even afford a caretaker if he needs one, D'Amore said, but he remains "just mentally decimated" from the death of his wife.

## Outcome sends message

The four commercial drivers in this case, D'Amore said, lost control of their senses and tempers and ignored other people on the road. He and his partner aimed to do more than win a verdict — D'Amore said they wanted to wake up the trucking industry to the dangers of road rage. Judging from industry magazines reporting the verdict, he said, they hit that mark.

"They don't talk about plaintiff verdicts," he said. "We tried to make the point that road rage was getting worse, and it's because of these folks who have commercial licenses and are trained in this and are on the road all the time."

With the legal action at an end, D'Amore said Matthew Allison is on a trek to Utah and wants to be alone for two months.

"He's been living with this disaster for the past two years or so, and so he is just kind of seeing what he wants to do for the rest of his life," D'Amore said. "He wants to be left alone, and we're going to honor that."

# Hammond Ranches drops appeal, for now, to compete for grazing allotments

By Mateusz Perkowski  
EO Media Group

Oregon's Hammond Ranches has dropped a legal challenge against the federal government, at least for now, to compete for access to grazing allotments it lost last year.

Instead of waiting until the legal dispute is resolved, the U.S. Bureau of Land Management can now choose whether the Hammond family or one of three neighboring ranches can use the 26,000-acre BLM allotments.

Hammond Ranches hopes that U.S. Interior Secretary David Bernhardt and the BLM will issue a permit to graze the four allotments as soon as possible, though it's possible they may not be available for livestock this year, said Alan Schroeder, the company's attorney.

"It's tough to speculate what the secretary will do or the BLM will do," he said. "One would certainly hope the BLM would move forward forthwith."

The agency will conduct an analysis of qualified candidates but doesn't have a specific timeframe for awarding the grazing permit, said Tara Thissell, public affairs specialist for the BLM Burns District.

Steven Hammond and his father, Dwight Hammond, were released from prison in 2018 after President Donald Trump granted pardons for their arson convictions, for which they were serving five-year mandatory minimum



EO Media Group file photo

## Cattle graze in Eastern Oregon.

sentences. They had been convicted of burning public lands.

Though the Interior

Department restored the grazing permit to Hammond Ranches in 2019, a federal judge overturned that deci-

sion after agreeing with environmentalists that it wasn't properly substantiated.

Because Hammond Ranches had again lost access to the public allotments, the company's administrative appeal — which sought to recover its grazing permit — was effectively re-activated.

However, earlier this year, the BLM announced that it would allow the Hammonds and other ranchers to compete for the allotments.

Unless the Hammonds withdrew their legal challenge, however, the agency would suspend that process until the dispute was resolved.

While Hammond Ranches has now withdrawn its appeal,

it has done so "without prejudice," which means the company reserves the right to reinstate its legal objection, said Schroeder, its attorney.

The federal judge's decision that rescinded the grazing permit did not vacate the grazing preference for Hammond Ranches, so the company still holds that preference, he said. "We're certainly maintaining that position."

Grazing preferences are important because they attach to a "base property" in the vicinity of the federal allotments, placing the ranch first in line for a grazing permit. In effect, such a grazing preference greatly enhances the value of a property.

However, a federal judge determined this year that BLM can cancel such a preference without a notice and hearing at the same time it decides against renewing a grazing permit.

Cattle groups argued that treating grazing preferences this way would undermine the stability of the Western grazing system and reduce the values of private ranch lands.

In its application for a permit, Hammond Ranches warned that it would demand "immediate compensation" for its range improvements, water rights and intermingled private lands if BLM awards access to the allotments to another ranch.

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