

[Consumer Attorneys of California](#)

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When Negligence Results in Human Suffering, Victims Could Finally Hold Bad Actors Accountable Under New Legislation

California is One of Just Five States That Allows a Victim's Right to Pursue Damages for Human Suffering to Die With Them

Sacramento, CA – [Senate Bill 447](#) sponsored by Consumer Attorneys of California (CAOC) and the Consumer Federation of California, authored by Senator John Laird (D–Santa Cruz), aims to restore the right of a victim or their loved ones, to pursue human suffering damages even if they pass away before their trial. This critical legislation would stop wrongdoers who are taking advantage of existing law and pandemic-induced court delays from delaying court proceedings until their victims die.

“When it comes to giving families a chance to recover non-economic damages, California is one of only five states in the entire nation that rewards defendants for prolonging court procedures – leaving victims unable to obtain justice,” said **Senator John Laird, author of SB 447**. “SB 447 will end a decades-old injustice in California by finally extending a victim’s right, and the right of their loved ones, to pursue accountability for human suffering – even if they die prior to case resolution.”

“Allowing bad actors to pocket a windfall of cash simply because a victim of their own negligence has died is grossly unfair,” said **Nancy Peverini, CAOC’s Legislative Director**. “Especially now, as California’s court system strains under a 1.4 million case backlog due to the COVID-19 pandemic, our outdated laws leave victims and their families with no recourse to pursue accountability for the suffering their loved one has experienced. SB 447 will restore the right of every Californian to pursue the compensation they deserve in spite of court delays and ill-intentioned wrongdoers.”

When the California Legislature enacted laws on survival damages in 1961, the insurance industry lobbied to extinguish damages for human suffering when a plaintiff dies. The legislature at the time was strongly in favor of preserving these damages, which typically include mental and physical human suffering and impairment of the quality of life, but buckled under industry pressure.

As a result, 60 years later, the existing law creates a perverse incentive for defendants to delay cases and harass ill plaintiffs in the hopes that the plaintiff will die before trial, allowing the wrongdoer to avoid paying any damages or restitution for the human suffering they have caused.

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“Insurance companies and other deep-pocketed corporations have long taken advantage of consumers by using an outdated California law that frequently gives bad actors a perverse financial benefit when victims of their own negligence die,” said **Robert Herrell of the Consumer Federation of California**. “SB 447 is a critical step towards protecting a victim’s right to hold others accountable for human suffering damages even if they pass away before their case is resolved.”

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