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Oregon Supreme Court Will Hear Oral Argument in Case Testing Statutory Cap on Noneconomic Damages

(Rains v. Stayton Builders Mart, Inc.)

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WASHINGTON, DC—The Oregon Supreme Court will hear oral argument tomorrow, Wednesday, October 14, at 9:30 a.m. PDT, in *Rains v. Stayton Builders Mart, Inc.*, a constitutional challenge to a state statute limiting a plaintiff to no more than \$500,000 in noneconomic damages. [WLF Chief Counsel Richard Samp will be available tomorrow afternoon to discuss the case and its likely outcomes.](#)

WLF’s *amicus* brief urging the Court to uphold the damages cap argued that the Jury Clause of the Oregon Constitution does not provide plaintiffs with a constitutional right to recover the full (uncapped) sum of compensation the jury deemed due the plaintiff. The case involves an Oregon man who suffered severe injuries when a board on which he was standing broke, causing him to fall 16 feet. He and his wife sued the manufacturer of the board, and a jury awarded them \$7.0 million in damages, including \$3.1 million in noneconomic damages. (Such damages include items like pain and suffering.) Enforcing the statutory cap on noneconomic damages here (*i.e.*, no more than \$1 million for both plaintiffs), would reduce their total recovery to \$4.9 million.

In arguing that the cap is unconstitutional, the plaintiffs rely on a provision of the Oregon Constitution that provides that the right to trial by jury shall remain “inviolable.” WLF argued that the Jury Clause gives litigants a procedural protection (the right to insist that civil claims be heard by a jury rather than a judge), not a substantive right to enforce a jury’s findings in excess of statutory limits.

In advance of oral argument, WLF issued a statement by Chief Counsel Richard Samp: “When a state’s legislature and governor impose reasonable limits on damage awards in tort actions, judges have no valid basis to overturn those laws. If a court seriously considers doing so, it simply shows that the plaintiffs’ bar holds too much influence over many state supreme courts. Oregon’s reasonable cap on noneconomic damages still allows handsome recoveries for plaintiffs. In this case, the plaintiffs would receive 70% of the amount the jury awarded them.”

WLF is a public interest law firm and policy center that regularly litigates in support of civil justice reform, to ensure that unwarranted lawsuits do not drive up costs for all consumers.

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