

unbelievable and that is separating economic and noneconomic damages. And let me give you an example. A wrongful death case, and a wrongful death case is a case where someone dies as the result of the negligence of another party. Under Nebraska law, that individual claimant who dies...and let's say that they die an hour after a car wreck, that particular decedent cannot recover for pain and suffering, for the pain and suffering that he or she suffered prior to their death but the beneficiaries can bring a claim against the estate...against the defendants who caused the accident. They are able to receive economic damages, that is the loss that the family suffered. Let's say it's a mother of three children with no father, which I had a case like that two months ago. I had a case I tried in federal court for a week, three little girls, ages 4, 7 and 10, and the mother did not...was not married...was divorced, the father had died earlier. So you have...the mother is the sole supporter of that family. What Senator Kristensen is saying is the only way you can value the life of that mother is as a money machine who just pays out checks, gets income from her employer every month and gives those checks to the family, the 1,500 that she gets as working as a secretary.

SPEAKER BAACK: One minute.

SENATOR ASHFORD: But Senator Kristensen is saying that the noneconomic, the love, the affection, the going to the basketball games, the going and talking to the counselor, the tucking their children in bed, that that does not have value. That only has...it has some value, Senator Kristensen says, but value which is significantly less than the value of that mother as a money machine. That is unfair. That is inequitable and that is absolutely not reflective of life today. Cases do occur where mothers die and their children are left alone for the rest of their lives until they reach the age of maturity with no care, comfort and support. If we start dividing...and I can get into this bill now, and I will, in long division to show how this does not work, it will increase appeals,...

SPEAKER BAACK: Time.

SENATOR ASHFORD: ...it is a drastic change in the law and should not be...should not be accepted by this body.

SPEAKER BAACK: Thank you, Senator Ashford. We will now proceed on the speaker's list. Senator Schmit.