



Vasquez v. Double Press Manufacturing, 364 Ore. 609 (Or. 2019)

Topics Covered: Professional Liability, Tort Reform

Outcome: Favorable

Issue

The issue in this case was whether the Oregon statutory cap on non-economic damages is constitutional.

AMA Interest

Medical liability reform is one of the AMA's top priorities.

Case Summary

Zeferino Vasquez was injured while operating a machine that cut bales of hay. As a result of his injury, he became permanently paraplegic.

Vasquez sued the manufacturer of the bale-cutting machine in a products liability suit. After a jury rendered a verdict in his favor, the trial court entered judgment for Vasquez and against the manufacturer in the amount of \$6,199,090.20. Of this sum, \$4,860,000 represented noneconomic damages.

The manufacturer moved to reduce the judgment, based on ORS § 31.710(1), which caps noneconomic damages at \$500,000. However, the trial court found the cap to be unconstitutional and refused to reduce the judgment. The manufacturer appealed.

The Court of Appeals noted that, under the rulings of the Oregon Supreme Court, the Oregon Due Process Clause, Ore. Const. Art. I, § 10, invalidates a statutory limitation on damages if the cap would leave the plaintiff with only a "paltry fraction" of the damages the plaintiff sustained and would have recovered in the absence of the statute. Here, the Court of Appeals found that whether the fraction of recovery was based on the total damages or on just the noneconomic damages, the cap would leave Vasquez with a paltry remedy. Hence, the cap was invalid, and the trial court was affirmed.

The manufacturer appealed to the Oregon Supreme Court. On April 4, 2019, the Supreme Court affirmed but without reaching the questions of whether the cap is constitutional.

Litigation Center Involvement

The Litigation Center joined the Oregon Medical Association in an amicus brief to the Oregon Supreme Court. The brief argued in favor of the constitutionality of the damages cap.

Supreme Court of Oregon brief