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## **FAMILIES FROM ACROSS THE STATE CALL ON LAWMAKERS TO PASS THE *GRIEVING FAMILIES ACT* NOW**

*Families share their stories of tragedy in hopes that justice can finally be restored*

### **NYPIRG: 50-STATE SURVEY SHOWS NEW YORK IN THE “BOTTOM OF THE BARREL” WHEN IT COMES TO JUSTICE FOR GRIEVING FAMILIES**

**ALBANY, NY** — Grieving family members from all corners of the state gathered in Albany today to call on the Legislature to pass the *Grieving Families Act*, to finally restore justice to New York’s wrongful death laws. The families represented their loved ones who passed in the recent Bronx fire, the Schoharie Limousine Crash, and other heartbreaking tragedies.

Each year, New Yorkers are killed by drunk drivers, medical negligence, defective products, dangerous roadway conditions, and countless other acts and omissions. New York’s 1847 Wrongful Death Law fails to deliver justice by not placing value on the loss of the love, affection, companionship and comfort that New Yorkers are deprived of when a loved one’s life is wrongfully taken. The 175-year old law also bars claims for the grief that results from a wrongful death. Stuck in the mid-19<sup>th</sup> century, the law also closes the courthouse doors to *non-traditional* family members who suffer when their loved one is killed.

New York’s antiquated law effectively baked in the perspectives and biases of its times – devaluing the lives of children, seniors, people of color and women, depriving their loved ones of the full measure of their losses. With New York’s courts declining to update the law as other state courts have done, the Legislature must correct these injustices.

The *Grieving Families Act* [S.74-A (Hoylman)/A.6770 (Weinstein)] will bring New York’s pre Civil War era wrongful death law in line with approximately 47 other states that already allow their courts to consider the *full measure of lost relationships* and the many states that recognize the grief that results from a life wrongfully taken. It will also expand those who can file a wrongful death lawsuit to include close family members (*e.g.*, domestic partners) who experience the same sense of loss and pain and yet are barred from pursuing any accountability against the wrongdoer. There are currently 50 bipartisan co-sponsors of the bill in the State Senate and 66 in the Assembly.

**NYPIRG’s review of the laws of 50 states finds that 47 states allow wrongful death claims for the loss of the relationship with a loved one and 20 states recognize claims for the grief and mental anguish experienced resulting from a wrongful death.** Alabama and New York are the only states that allow neither. [Survey attached.]

**More-More-More**

## Grieving Families Act, Page 2

*Grieving Families Act* Prime Sponsor Senator Brad Hoylman said: "No amount of money can replace a father, a daughter, a sibling, a domestic partner, or a spouse — but financial compensation for family members grieving a loved one's wrongful death is a necessary accountability tool. We must pass the *Grieving Families Act*, which I sponsor with Assembly Member Helene Weinstein (S.74A/A.6770), to keep up with the other 47 states that allow their courts to compensate for the full measure of lost relationships, grief, and anguish. I thank the NYPIRG, my co-sponsor AM Weinstein, and, especially, the grieving families telling their stories today for their efforts to enact justice in our state."

*Grieving Families Act* Prime Sponsor Assemblymember Helene Weinstein said: "It is well known that New York's antiquated Wrongful Death Law has had a disproportionate effect upon women, children, and senior citizens, by valuing their lives at a fraction of the worth of others. This is why I have been fighting to change this law for nearly thirty years. With the help of NYPIRG and many others fighting for justice and equity in the law, I am hopeful that this year we will finally bring New York's Wrongful Death Law into alignment with the overwhelming majority of other states."

NYPIRG General Counsel Russ Haven said: "In 1847 New York was a leader in promoting justice when it passed the first law in the nation to provide a right to bring a legal claim when a family member's life was wrongfully taken. 175 years later New York is at the 'bottom of the barrel' -- among a tiny minority of states that fail to recognize claims for the loss the relationship when a loved one is killed due to another's wrongdoing. It's past time for the Legislature to provide justice to New York's grieving families."

The families in attendance today are:

- **Ansumana Susso:** Cousin of Fatoumata Tunkara and Uncle of Omar Jambang, who perished in the January 2022 Bronx fire;
- **Kurt Kiess:** Father of Ryan Kiess, who was killed in a car accident on Long Island last summer;
- **Joseph and Elizabeth Muldoon:** Parents of Adam Jackson and in-laws of Abigail King Jackson who perished in the Schoharie limo crash;
- **Linda King:** Parents of Amy King Steenburg, Mary King Dyson, Abigail King Jackson, and Allison King who perished in the Schoharie limo crash;
- **Jackie Schnurr:** Daughter of Jim Schnurr and wife of Brian Hough, who perished in the Schoharie limo crash;
- **Joan Schnurr:** Wife of Jim Schnurr and in-law to Brian Hough, who perished in the Schoharie limo crash;
- **Janet Steenberg:** Mother of Rich and Axel Steenburg and in-law of Amy King Steenburg, who perished in the Schoharie limo crash;
- **Kimberly Steenberg:** Wife of Rich Steenburg, who perished in the Schoharie limo crash; and
- **Donna Rivenburg:** Mother of Amanda Rivenburg, who perished in the Schoharie limo crash.

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REVIEW OF STATE WRONGFUL DEATH LAWS

State	Companionship ("Consortium/Society")	Grief & Mental Anguish	Companionship and/or Grief Damages N/A
Alabama			Punitive damages only, not compensation. <i>Airheart v. Green</i> , 104 So. 2d 687 (Ala. 1958)
Alaska	Alas. Stat. § 09.55.580	<i>Tommy's Elbow Room v. Kavorkian</i> , 727 P.2d 1038 (Sup. Ct. Alaska 1986)	
Arizona	<i>Boies v. Cole</i> , 407 P.2d 917 (Ariz.1965.)	<i>City of Tucson v. Wondergem</i> , 105 Arizona 429 (Supreme Ct. 1970.)	
Arkansas	Arkansas Code 16-62-102(f)	Arkansas Code 16-62-102(f)	
California	<i>Jackson v. Fitzgibbons</i> 127 Cal.App.4th 329 (Cal. Ct. App. 2005 2d Dist.) 25 Cal. Rptr. 3d 478		
Colorado	Colo. Rev. Stat. 13-21-203	Colo. Rev. Stat. 13-21-203	
Connecticut	Conn. Gen. Stat. section 52-555b (1989)		
Delaware		Delaware Code 3724(d)(5)	
Florida	Florida Stat. 768.21	Florida Stat. 768.21	
Georgia	Ga. Code 51-4-1 <i>Consolidated Freightways v. Futrell</i> , 410 S.E.2d 751 (Georgia Ct. of Appeals 1991)		
Hawaii	Hawaii Rev. Stat. 633-3		
Idaho	Idaho Code 6-1603		

Illinois	<i>Seef v. Sutkus</i> , 145 Ill. 2d 95 (1991)		
Indiana	<i>Durham ex rel. v. U-Haul</i> 745 N.E.2d 755 (Sup. Ct. Ind. 2001)		
Iowa	<i>Iowa-Des Moines Nat. Bank v. Schwerman Trucking Co.</i> 288 N.W.2d 198 (Sup. Ct. Iowa 1980)		
Kansas	<i>Duran v. Mission Mortuary</i> 174 Kan. 565 (Sup. Ct. 1953) Kan. Stat. 60-1904	<i>Duran v. Mission Mortuary</i> 174 Kan. 565 (Sup. Ct. 1953) Kan. Stat. 60-1904	
Kentucky	<i>Dep't of Education v. Blevins</i> , 707 S.W.2d 782 (Sup. Ct. 1986) Ky. Rev. Stat. 411.135		
Louisiana	<i>Toney v. Pope</i> , 110 So.2d 226 (Ct. App. 1st Cir. 1959)	<i>Duvernay v. Dep't of Public Safety</i> , 433 So. 2d 254 (La. Ct. of Appeal, 1983)	
Maine	Me. Rev. Stat. Title 18-A 2-804	Me. Rev. Stat. Title 18-A 2-804	
Maryland	Maryland Code 3-904(d)	Maryland Code 3-904(d)	
Massachusetts	Mass. Gen. Laws Ch. 229 sect. 2		
Michigan	Michigan Comp. Laws 600-2922(6)		
Minnesota	<i>Fussner v. Andert</i> , 261 Minn. 347 (Sup. Ct. 1961)		
Mississippi	Miss. Code 11-7-13		
Missouri	Mo. Stat. 537.090		
Montana	Mont. Code 27-1-323 <i>Bear Medicine v. United States</i> , 192 F. Supp. 2d 1053 (D. Mont. 2002)	Mont. Code 27-1-323 <i>Bear Medicine v. United States</i> , 192 F. Supp. 2d 1053 (D. Mont. 2002)	

Nebraska	Nebraska Rev. Stat. 30-810 <i>Maloney v. Kaminski</i> , 368 N.W.2d 447 (Sup. Ct. 1985)		
Nevada	Nevada Rev. Stat. 41.085 Nevada Jury Instructions: Civil (2018)	Nevada Rev. Stat. 41.085 Nevada Jury Instructions: Civil (2018)	
New Hampshire	New Hampshire Rev. Stat. 556.12		
New Jersey	New Jersey Stat. 2A:31-5 <i>Dutton v. Rando</i> , 458 N.J. Super. 213 (2019)		
New Mexico	<i>Romero v. Byers</i> , 117 N.M. 422 (Sup. Ct. 1994)		
New York			<i>Gonzalez v. NYC Housing Authority</i> , 77 N.Y.2d 663 (NY Ct. of Appeals, 1991)
North Carolina	North Carolina Gen. Stat. 28A-18-2		
North Dakota	N.D. Century Code 32-03.2-04	N.D. Century Code 32-03.2-04	
Ohio	Ohio Rev. Code 2125.02(B)(3)		
Oklahoma	Oklahoma Stat. title 12 section 1053(B)	Oklahoma Stat. title 12 section 1053(B)	
Oregon	Oregon Rev. Stat 30.020		
Pennsylvania	<i>Spangler v. Helm's New York- Pittsburgh Motor Express</i> , 396 Pa. 482 (Sup. Ct 1959)		
Rhode Island	Rhode Island Gen. Laws 10-7-1.2	Rhode Island Gen. Laws 10-7-1.2	
South Carolina	<i>Ballard v. Ballard</i> , 314 S.C. 40 (S.C. Sup. Ct. 1994)	<i>Ballard v. Ballard</i> , 314 S.C. 40 (S.C. Sup. Ct. 1994)	
South Dakota	<i>Flagtwet v. Smith</i> , 393 N.W.2d 452 (Sup. Ct. 1986)		

Tennessee	<i>Jordan v. Three Rivers Baptist Hospital</i> , 984 S.W.2d 593 (Sup. Ct. 1999)		
Texas	<i>Moore v. Lillebo</i> , 722 S.W.2d 683 (Sup. Ct. 1986)	<i>Moore v. Lillebo</i> , 722 S.W.2d 683 (Sup. Ct. 1986)	
Utah	<i>Jones v. Carvell</i> , 641 P.2d 105 (Sup. Ct. Utah 1982)		
Vermont	Vermont Statutes 1492 <i>In re Estate of Dezotell</i> , 201 Vt. 268 (Sup. Ct. 2016)	<i>Hartnett v. Union Mutual Fire Ins. Co.</i> , 569 A.2d 486 (Vt. 1989)	
Virginia	Virginia Code 8.01-52	Virginia Code 8.01-52	
Washington	Washington Rev. Code 4.24.010		
West Virginia	West Virginia Code 55-7-6(c)(1)	West Virginia Code 55-7-6(c)(1)	
Wisconsin	Wisconsin Stat. 895.04		
Wyoming	Wyoming Statutes 1-38-102(c)		

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## **New York: Once A Leader on Wrongful Death Reform, Now in the Bottom of the Barrel**

New York adopted its Wrongful Death Law 175 years ago in 1847 to provide a statutory remedy for cases in which a life is wrongfully taken – by a medical error, a careless driver, a defective product, for example. New York was the first state to attempt to address what turned out to be a terrible misunderstanding of the English common law.

Every other state followed New York’s lead, with significant variety among them. The laws had in common providing a path to compensation for the economic loss to the family deprived of contributions to the household economy. The loss of companionship and the grief over the death were not considered injuries under the law, only the absence of the deceased’s financial contribution. This meant the value of children, the elderly and women were virtually worthless in the eyes of the law.

Since these laws first were adopted in the mid-19th century – pre Civil War – the vast majority of states have modernized their laws by legislative changes or judicial interpretations that removed the harsh and discriminatory effects of the original versions of the law. Much has changed in that huge span of time: Women vote and are not seen as little more than chattel; children aren’t compelled to work at a tender age, and our notions of fairness and justice have evolved.

NYPIRG reviewed the statutes, relevant cases, legal treatises and other materials to evaluate the Wrongful Death laws in the 50 states and see where New York stands 175 years after it adopted its law. The upshot: New York is one of two states that still fails to recognize the very human emotional impacts of a life wrongfully taken.

Based on our review, New York is at the bottom of the barrel in terms of the civil justice it provides to New Yorkers who’ve lost loved ones to negligent acts, omissions or criminal conduct. Forty-seven states allow at least some survivors to claim compensation for the important relationship that has been removed from their lives. At least 18 states recognize claims for the anguish and grief of losing a loved one. In all, 48 states recognize some form of emotional loss in wrongful death cases, with only Alabama and New York stuck in the 1800s.

The attached chart sets out our findings about whether states allow loved ones to claim damages for the loss of the “love, affection, comfort, companionship, society, and consortium” of the deceased.

## **NEW YORK MUST FIX ITS *PRE-CIVIL WAR* WRONGFUL DEATH STATUTE**

### **NY LAW DEVALUES SURVIVORS WHO ARE OLD, YOUNG, FEMALE, OR PERSONS OF COLOR**

#### **PASS THE “GRIEVING FAMILIES ACT”**

Each year New Yorkers are killed by drunk drivers, medical negligence, defective products, dangerous roadway conditions, and countless other acts and omissions. *New York’s antiquated wrongful death law fails to value the pain and grief felt by survivors, nor recognize the loss of companionship, comfort and guidance provided by that wrongfully killed person.* This denies survivors a full measure of justice, devaluing the lives of children, seniors, and other loved ones who would not produce substantial income. The law also bars from the courthouse close *non-traditional family* members who suffer when a loved one’s life is wrongfully taken.

#### **An Unjust, Outdated Law**

New York’s wrongful death law was adopted in 1847 – 174 years ago, 14 years before Abraham Lincoln was sworn in as president.<sup>1</sup> Much has changed in that huge span of time: Women vote and are not seen as little more than chattel; children aren’t compelled to work at a tender age<sup>2</sup>; and our notions of fairness and justice have evolved. While some 40 other states have modernized their laws<sup>3</sup>, New York’s wrongful death law is frozen in the Antebellum: A death caused by a reckless or negligent act still is valued by the “pecuniary” loss, *i.e.*, financial loss to the survivors, not the loss of affection and emotional support that has been prematurely taken from them.

#### **The Law Perpetuates Antebellum Values and Biases**

The mid-19th century law perpetuates the values, biases, and injustices prevalent in the pre-Civil War era. The law was designed to compensate immediate nuclear family members for the loss of the male breadwinner – the original law didn’t cover the wrongful death of wives or mothers. Moreover, by failing to recognize emotional and relational losses, New York’s wrongful death law continues to devalue those who are past their prime earning years (seniors); had not reached the job market (children); were not prime breadwinners (typically women raising families); or are underpaid due to baked-in biases in

<sup>1</sup> New York’s wrongful death statute is found in the Estates, Powers and Trust Law (“EPTL”) sections 5-4.1 to 5-4.6.

<sup>2</sup> Childhood labor was viewed as a necessity for all but the very wealthy in the 1800s; thus, a child’s value at the time was viewed through the lens of their economic contributions to the family. *See History of Child Labor in the United States-part 1: Little Children Working*, Bureau of Labor Statistics. Accessed at <https://www.bls.gov/opub/mlr/2017/article/history-of-child-labor-in-the-united-states-part-1.htm>.

<sup>3</sup> *Grieving Families Act Would Bring Long Overdue Reform*, Helene Weinstein and Brad Hoylman, *New York Law Journal*, May 10, 2021. The authors respectively are the Chair of the New York State Assembly Ways and Means Committee and the New York State Senate Judiciary Committee Chair.

## **FACTS**

New Yorkers can bring legal action against “wrongdoers” who are responsible for the death of a loved one.

However, the core of New York’s law was written in 1847.

The law’s anachronistic view of the value of the death of a loved one is based on the economic loss.

Thus, the death of a lower-income individual is “worth” less than a wealthy one.

41 states have modernized their laws.

The law needs to be modernized, recognizing a 21<sup>st</sup> Century society, supports S.74-A/A.6770.



the American workplace (everyone but white male executives). In contrast, the lives of mid-career corporate executives are highly valued and their survivors are eligible for substantial damage awards based on their loss of financial support.

*The unmistakable message the law sends is that some lives are virtually without value in our justice system. New York must correct this injustice and fix its anachronistic wrongful death law.*

## **New York’s Harsh “Pecuniary” Loss Standard**

While some of the language from the 1847 law has been revised, its core standard for determining damages remains the “fair and just compensation for the pecuniary injuries resulting from the decedent's death to the persons for whose benefit the action is brought.”

The *Grieving Families Act* recognizes that losing a loved one is more than missing their paychecks; that in 2021 families are more than husband, wife and minor children; and that New York law inflicts great injustices when the life of a child, senior, woman, or person of color or individual with a disability is wrongfully taken and the hands of judges and juries are tied by an antiquated law.

### ***Pecuniary***

\ pi- 'kyü-nē-er-ē \

**1:** consisting of or measured in money

**2:** of or relating to money

## **The “Grieving Families Act” Will Bring NY’s Wrongful Death Law into the 21st Century**

*The Grieving Families Act* introduced by Senator Hoylman (S.74-A) and Assemblymember Weinstein (A.6770) would provide long overdue updates to New York’s wrongful death law:

- Allow recovery by loved ones for “loss of love, society, protection, comfort, companionship, and consortium,” the hallmarks of deep relationships.<sup>4</sup>
- Include among damages survivors may claim “loss of nurture, guidance, counsel, advice, training, and education” that result from the loss of a loved one.
- Move beyond the constrained definition of “family” to allow recovery for a deceased’s grandparents, siblings, domestic partners, and others close to the person whose life was wrongfully taken.

While New York was among the first to “modernize” its law by creating a wrongful death statute in the mid-19<sup>th</sup> century, most states have since updated their laws to more fully recognize the impact of the loss of a life wrongfully taken. **Some 41 other states, including Arkansas, Florida, and Michigan, whether by legislative or judicial action, allow survivors to recover the damages for their emotional losses. New York must too.**

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<sup>4</sup> It had been long argued that emotional losses are incapable of calculation. However, almost 50 years ago the U.S. Supreme Court recognized that the attributes of close relationships are appropriately worthy of compensation in wrongful death cases. Regarding “loss of society,” the Court said “The term ‘society’ embraces a broad range of mutual benefits each family member receives from the others' continued existence, including love, affection, care, attention, companionship, comfort, and protection. Unquestionably, the deprivation of these benefits by wrongful death is a grave loss to the decedent's dependents.” *Sea-Land Servs. V. Gaudet*, 414 U.S. 573 (1974) at 585-586.

June 8, 2021

**AN OPEN LETTER TO THE NEW YORK STATE SENATE AND ASSEMBLY  
PASS THE GRIEVING FAMILIES ACT, S.74-A/A.6770**

Dear Senators and Assemblymembers:

Our organizations write to urge you to use the remaining time in the scheduled 2021 legislative session to correct a serious injustice that results in the devaluation of the lives of persons of color, women, children, seniors and persons with disabilities whose lives are wrongfully taken. It's past time to fix New York's pre-Civil War wrongful death statute.

You should not leave Albany without passing The Grieving Families Act [S.74-A (Hoylman)/A.6770 (Weinstein)], legislation that would modernize the state's wrongful death law - - as at least 41 other states have done -- to allow surviving loved ones to seek damages for their emotional and relational losses in addition to purely economic damages.

Each year New Yorkers are killed by drunk drivers, medical negligence, defective products, dangerous roadway conditions, and countless other acts and omissions. New York's antiquated wrongful death law fails to value the suffering and grief felt by survivors, nor recognize the loss of companionship, comfort and guidance provided by that wrongfully killed person. This denies survivors a full measure of justice, devaluing the lives of children, seniors, and other loved ones who would not produce substantial income. As a result wrongdoers are not held fully accountable for the lives they have taken. The law also bars from the courthouse close non-traditional family members who suffer when a loved one's life is wrongfully taken.

New York's wrongful death law was adopted in 1847 – 174 years ago, 14 years before Abraham Lincoln was sworn in as president. While some 41 other states have modernized their laws, New York's wrongful death law is frozen in the Antebellum: A death caused by a reckless or negligent act still is valued by the “pecuniary” loss, i.e., financial loss to the survivors, not the loss of affection and emotional support that has been prematurely taken from them.

The mid-19th century law perpetuates the values, biases, and injustices prevalent in the pre-Civil War era. The law was designed to compensate nuclear family members for the loss of a male breadwinner's income. In failing to recognize emotional and relational losses, today's New York's wrongful death law continues to devalue those who are past their prime earning years (seniors); had not reached the job market (children); are not prime breadwinners; or are underpaid due to baked-in biases in the American workplace.

The unmistakable message the law sends is that some lives are virtually without value in our justice system. New York must correct this injustice and fix its anachronistic wrongful death law.

The Grieving Families Act recognizes that losing a loved one is more than missing their paychecks; that traditional family structures have changed since 1847; and that New York law

## **PASS THE GRIEVING FAMILIES ACT, S.74-A/A.6770, Page 2**

inflicts great injustices when the life of a child, senior, woman, or person of color or individual with a disability is wrongfully taken and the hands of judges and juries are tied by an antiquated law.

Introduced by Senator Hoylman (S.74-A) and Assemblymember Weinstein (A.6770), The Grieving Families Act would provide long overdue updates to New York's wrongful death law:

- Allow recovery by loved ones for "loss of love, society, protection, comfort, companionship, and consortium," the hallmarks of deep relationships.
- Include among damages survivors may claim "loss of nurture, guidance, counsel, advice, training, and education" that result from the loss of a loved one.
- Move beyond the constrained definition of "family" to allow recovery for a deceased's grandparents, siblings, domestic partners, and others close to the person whose life was wrongfully taken.

While New York was among the first to "modernize" its law by creating a wrongful death statute in the mid-19th century, nearly every other state has since updated their laws to more fully recognize the impact of the loss of a life wrongfully taken. At least 41 other states, including Arkansas, Florida, and Michigan, whether by legislative or judicial action, allow survivors to recover the damages for their emotional losses.

At a time of reckoning with injustices and discrimination deeply embedded in our laws, as legislators you have an historic opportunity to fix New York's pre-Civil War wrongful death statute and offer a path to justice for grieving loved ones by recognizing the full measure of lives wrongfully taken, regardless of their lost earning potential.

We urge you to pass The Grieving Families Act before you conclude the scheduled legislative session in early June.

Signed,

Bronx Independent Living Services  
Brooklyn Center for the Independence of  
the Disabled  
CARS (Consumers for Auto Safety &  
Reliability)  
Center for Justice and Democracy  
Center for the Independence of the  
Disabled New York (CIDNY)  
Church Women United in New York State  
Citizen Action of New York  
Community Service Society  
The CUNY Coalition of Students with  
Disabilities

Empire State Consumer Project  
The Feal Good Foundation  
Grey Panthers NYC  
Last Stop Project of Rochester  
Long Term Care Community Coalition  
NY Environmental Law and Justice Project  
NY Public Interest Research Group  
(NYPIRG)  
Peggy Lillis Foundation  
Statewide Senior Action Council  
Tenants Political Action Committee

**Jim Schnurr and Brian Hough, represented by Joan Schnurr**

*Schoharie limousine crash*

My husband, Jim, was standing in a parking lot with our daughter and son in law on October 6, 2018. Within seconds an out of control stretch limo came barreling down the hill killing Jim and Brian. Our family has been trying to deal with the trauma and loss of that day.

My husband was 70 and semi-retired. In NYS that means that his "value" was considerably less than a younger, fully employed man. There is a good deal that is wrong with that. As an elder, his worth to our family was immeasurable. He was the one to provide an even Keel. He was the one who you could turn to when facing a hard decision. His advice was based on his life's experiences and was always kind and just and sometimes tough. He was a carpenter. In the months before he was killed, he did renovations to his sister's house, our son's house, our daughter's house and was advising our son on the purchase of his first home. He was my partner. We weren't done yet, we were still dreaming. We were going to buy land near his sister, build another house and just enjoy living our lives all together. My life went in a different direction.



The Schnurr family.

The limousine was not supposed to be on the road. The people, businesses and agencies involved in keeping unsafe vehicles off the road, all dropped the ball. Negligence, disregard for safety, greed all played a role.

It's time for NYS to pass the Grieving Families Act. It's time for the older members of our families to be recognized as invaluable members of our society. It's time for those that contribute to negligent and careless practices that take innocent lives face a meaningful punishment.

**Brian Hough and James Schnurr, represented by Jackie Schnurr**

*Schoharie limousine crash*

I am writing in support of the passage of the Grieving Families Act. I lost my husband, Brian Hough, and my father, James Schnurr, in the horrific Schoharie Limo Crash on October 6, 2018. My family has been robbed of important members of our family; my son has been robbed of his father and grandfather; I have been robbed of my partner and my advice giver; and currently our only recourse is to have their lives measured in terms of their future earnings. The loss of a person's life is so much more devastating than only how much money they missed out on making: family experiences that no longer include the entire family are upsetting and painful; the missed nurturing of a child to help them



grow up into the person they were meant to be;

Brian Hough, Jaclyn Schnurr, and their son.

the missing love,

companionship, and support to spouses, children, parents, siblings, nieces and nephews; the education of future generations based on knowledge and experience— all of these and so many more – are what make a life worth living. We have been robbed of these things and the pain and suffering is almost unbearable. The Grieving Families Act allows for some compensation for the grief that our family has been living with every day, and should be passed by the legislature.

**Adam Jackson and Abigail King Jackson, represented by Elizabeth and Joseph Muldoon**  
*Schoharie limousine crash*

October 6, 2018, was like every other Saturday. We were spending the day with our granddaughters. Little did we know, it would become a parent's worst nightmare.

On that day, my son, daughter in law and many of their friends lost their lives in a horrific, preventable accident. That was the day, our 2 precious granddaughters 16 months and 4 years old at the time, lost their mommy and daddy, 3 aunts, a godfather and 2 uncles. The significant impact has created two parts of our lives...before the accident and after the accident.

Still, even now 3 ½ years later, as I tuck them into bed, my heart hurts for them. Each morning when they wake up and I look into their eyes, I remember the life they once had. They were a perfect fun-loving family of 4. These girls have been robbed of so much – never having the chance to see or hug their parents again. No more laughing and playing with their mommy and daddy that all 4 enjoyed so much. Even at such a young age, they know and feel what they have lost.

That 16-month-old is almost 5 now and she frequently asks why she doesn't have a mommy and daddy because all the other kids in her pre-K class do. The 4 year old, now almost 8, tries to comfort her little sister with some fond memories of their parents.

Their parents matter, peoples lives matter and when taken wrongfully, it is worth something. The people lost cannot speak, so we need to do so for them. Please support The Grieving Families Act!



Adam Jackson, Abigail King Jackson, and their daughters Archer and Elle Jackson.

**Amy King Steenburg, Mary King Dyson, Abigail King Jackson, Allison King, represented by Thomas and Linda King**

*Schoharie limousine crash*

On October 6, 2018, our four daughters, three husbands, and many close friends set out for a day of celebration. Amy, the youngest, was turning 30 years old. Her newlywed husband surprised her with a celebration for this special occasion and properly proceeded to hire a limousine to guarantee the safety of everyone traveling. Unbeknownst to them, they were in a deathtrap due to the negligence of Prestige Limousine. By mid-day, they were all killed. Our grief is insurmountable. The sudden loss of our four daughters, their husbands, and lifelong friends who were just starting their young lives, who believed they were safe on that day.

Our three surviving grandchildren have suffered the loss of their parents at a very young age and face a very uncertain financial future. A future without parents who would have helped them with college, weddings and possibly their first homes. Something we all do for our children.

The unimaginable grief on their faces when they go past the homes they once lived in and see a car in the driveway. More than once we have all been asked "is that mommy or daddy's car?"

The empty seats on every special occasion for the last almost four years. It never ends for us, Christmas, birthdays. Last weekend their brother got married, and it was another bittersweet day for us without the girls.

Abigail, a teacher, Mary an engineer, Allison a customer service rep and Amy a nurse. All gone forever. Every life lost on that horrific day is due to the unspeakable negligence of another. We want nothing but to have our children back as they are irreplaceable. Each of those 20 lives lost are of equal value. Please support the Grieving Families Act.



Bottom right: Amy King Steenburg; top right: Mary King Dyson; top left Abigail King Jackson; bottom left: Allison King.

**Robert Dyson and Mary King Dyson, represented by Dawn Dyson**  
*Schoharie limousine crash*

When you google search my son Robert Dyson or his wife Mary King Dyson, their pictures flood the internet. They still make national news. The Schoharie Limo Tragedy. The horror limo crash. You might even catch a glimpse of my grandson, Isaac, or his two little cousins, who have all been left with no parents and the loss of many of their aunts and uncles.

I believed that the justice system, with the State Police, NTSB and forensic investigations, would someday prove who was responsible for their deaths. I believed that someday when my grandson asked if I made sure that whoever was responsible was brought to justice, I would be able to answer YES! There was a plea agreement and I do not feel justice has been served – this Grieving Families bill would ensure at least that the children who were orphaned from this tragedy were taken care of.

My name is Dawn Dyson and I was unable to attend today as I live in Western New York but I want our State representatives to protect our interests and to understand what needs to be seen in the next google search for my son , as well all the families left behind deserve at least this.



Robert Dyson, Mary King Dyson, and their son Isaac Dyson.

**Patrick Kushing, represented by Kevin Kushing**  
*Schoharie limousine crash*

Patrick was the kindest, gentlest and most loving person, a parent, a brother, sister or friend could ever ask for. He loved his family, friends and his girlfriend, Amanda Halse, in a completely unconditional manner. Patrick could walk into a crowded room and walk out later with three new friendships. Not acquaintances, friendships. A special soul in every way.

Patrick grew up in Amsterdam, NY, attended St. Mary's Institute and graduated from Fulton Montgomery Community College. Along the way, Patrick participated in pretty much every sport available - baseball, basketball, football, skateboarding, snowboarding and soccer. He used Patrick Kushing his speed, agility



and uncanny intelligence to his every advantage. He was the ultimate teammate, cheering on his friends. After games he was the first to shake hands, either consoling or congratulating the opposing team. Later, in his twenties Patrick discovered Team Dodgeball. Starting in local gyms in Clifton Park NY and ending up playing in the World Championships in England and home this past year in Madison Square Garden. Patrick was a fierce competitor and left nothing on any sporting field he played on.

Most importantly, Dodgeball was an activity where he made new friends from literally all over the world. On hearing of Patrick's accident and passing far-flung friends expressed their pain and palpable sorrow in various pages of Facebook. When not playing Dodgeball or pursuing his love of photography, Pat played an acrobatic third base (next to his big brother Justin, the shortstop) on many local Amsterdam softball teams. These teammate friends were mostly lifelong friends ... some lost in this tragic accident.

**Richard, Axel and Amy Steenburg, represented by Janet Steenburg**

*Schoharie limousine crash*

My name is Janet Steenburg, I am the mother of Richard and Axel steenburg and mother in-law to Amy Steenburg.

Rich and Axel were closer than brothers because they were also best friends. On the day they all passed, they were in a limo, rented by Axel for his wife of three and a half months, 30th birthday. The limo was packed with family and friends to celebrate Amy's 30th birthday, unbeknownst to any of the travelers, that day this limo had failed numerous inspections and was supposed to be out of use.

The DOT had failed this limo numerous times and yet each time they did an inspection it had logged on more miles indicating that the failure to use was being ignored. They had the opportunity numerous times to impound this vehicle and failed to do so. The DMV also had numerous opportunities to question this vehicle's safety when every year the same vehicle was registered with different seating capacities allowing for inspections to be done at any standard garages, when in fact this vehicle had been registered as an 18 passenger vehicle by its previous owner. This accident is still in the news almost daily with new turns of events becoming clear. New York State dropped the Ball on this numerous times, the owner of the vehicle walked and as it stands now so will NYS.

**Ryan Kiess, represented by Kurt Kiess**

*Car crash*

The start of the night of July 24th 2021, was a perfect family night. We were hosting our first party at our new home. Ryan was also hosting his friends. About 9:00 PM the young adults joined their parents and enjoyed dancing and good times together. Ryan, his girlfriend Bri and two close high school friends made plans with their friends for a night of dancing in Hampton.

They called an Uber and were off to have a great time, that was the last time we saw Ryan. The three boys and the Uber driver were killed and Bri was critically injured. The tragic event was caused by the negligence of various individuals. A few days later, we levied that according to the NYS law, my son was not worth anything and I have no legal damages, we disagree!



Ryan Kiess