



March 24, 2025

The Honorable John Laird

California State Senate
Sacramento, CA 95814

Re: SB 29 (Laird) – SUPPORT

Dear Senator Laird,

On behalf of Consumer Watchdog, we are proud to express our strong support for SB 29. We commend your leadership in championing this critical legislation to ensure that families can continue to seek justice for the suffering endured by their loved ones.

SB 29 would permanently eliminate the sunset on Code of Civil Procedure (CCP) § 377.34, which was enacted under SB 447 (Laird, 2021) to address a longstanding gap in California law. Current law allows the families of injured individuals to recover damages for pain and suffering when their loved one dies before their case is resolved. Without SB 29, this vital protection will expire on January 1, 2026, reinstating an outdated and unjust legal standard.

Background

CCP § 377.34 governs damages in survival actions—civil cases brought on behalf of deceased individuals for injuries they suffered before their death. Historically, California law barred recovery for pain, suffering, or disfigurement after a victim passed away. This allowed wrongdoers to escape full accountability when a plaintiff died before trial, effectively erasing the suffering they inflicted.

SB 447 corrected this injustice, enabling families to seek damages for pain and suffering on behalf of their deceased loved ones. However, this progress is temporary unless SB 29 is enacted to make the law permanent.

The Problem

If SB 447 is permitted to sunset, families will once again be stripped of their ability to seek true justice for their loved ones' suffering upon their death. Denise Johnson of Tracy, California, faced this heartbreaking reality when her son, Richard Johnson, triumphed over brain cancer, only to tragically succumb to an infection. Against all odds, Richard conquered cancer; yet, in a devastating turn, his doctor chose to discontinue treatment for a mild infection without securing consent from either Richard or his mother. This decision led to Richard's untimely death at the age of 25. Throughout his battle with brain cancer, Richard was unable to work for three years, leaving his family in a heartbreaking situation where they could only seek redress for pain and

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6330 SAN VICENTE BLVD, SUITE 250 LOS ANGELES, CA 90048 | 310-392-0522

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suffering. The pain was all too real for Richard. Denise honored her son's wish to pass away at home, avoiding the confines of a hospital, only to discover that his healthcare provider failed to arrange for hospice care. By the time Denise was able to navigate the complexities of this process and secure hospice services, it was too late—Richard had already passed away. In her heartache and despair, Denise found it impossible to locate a lawyer willing to take her son's case. If only there were provisions for compensating pain and suffering endured by deceased loved ones, then it would have eased the burden on Richard's family and opened doors to legal representation. This is Denise's heartfelt wish for families facing similar challenges today. Denise was among the passionate advocates who fought tirelessly to update the medical negligence cap in 2022. She stands in support of SB 29 (Laird), determined to ensure that other families in California are empowered to pursue justice for their loved ones' suffering that she was denied.

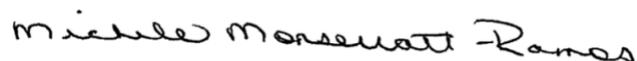
The Solution

SB 29 ensures that families can continue to hold wrongdoers accountable for the suffering their loved ones endured. By making SB 447 permanent, this bill removes the perverse incentive for defendants to stall legal proceedings in hopes that plaintiffs will not survive their case. It upholds the principle that justice should not depend on whether a victim lives long enough to see their day in court.

California must not revert to an era where financial gain is placed above human suffering. SB 29 is a necessary measure to protect victims' rights and uphold the integrity of our justice system.

For these reasons, Consumer Watchdog strongly supports SB 29.

Sincerely,

A handwritten signature in black ink that reads "Michele Monserratt-Ramos". The signature is written in a cursive, slightly slanted style.

Michele Monserratt-Ramos
Kathy Olsen Patient Advocate
Consumer Watchdog