

March 28, 2025

The Honorable Akilah Weber Pierson
California State Senate
Capitol Office, 1021 O Street, Room 7310
Sacramento, CA. 95814-4900

Re: SB 29 (Laird) – SUPPORT

Dear Senator Weber Pierson,

My name is Tracey Mueller Gibbs, and I am your constituent. I am writing to express my heartfelt and unwavering support for SB 29 (Laird) and to urge you to cast a yes vote in favor of this vital legislation. This issue is profoundly personal to me, as I tragically lost my son, Rowan Gibbs, due to medical negligence. It is my deep wish that no other family should ever have to endure the pain and suffering that my family has faced.

Rowan was diagnosed with Williams syndrome, which necessitated a series of routine diagnostic tests throughout his young life. Remarkably, aside from these tests, Rowan had not required any special medical attention since he was just five days old. When his doctor ordered an outpatient CT scan to be conducted under general anesthesia, I—a concerned and informed mother—understood the inherent risks of administering anesthesia to a child with Williams syndrome. I voiced my concerns to my son’s provider and requested a non-anesthetic option instead, but regrettably, my request was denied.

On the morning of Rowan’s procedure, my son walked into the hospital, radiating joy as he greeted everyone he encountered. He could hardly contain his excitement. He planned on picking up his sister from school after his test and then going to see the beautiful Christmas lights at the zoo.

The anesthesiologist reassured me, saying she was fully aware of the risks associated with anesthesia and had no concerns about Rowan. Yet, in a heartbeat, my world shattered. As I stood by my son’s bedside, I heard his last gasp. Rowan went into cardiac arrest, due to a reaction to the anesthesia that stole him away from us. He never had the chance to experience the magic of the Christmas lights; he left this world at just three years old.

Following the heartbreaking loss of my son, I tried to find legal representation, yet I was met with refusal at every turn. This painful experience ignited my passion to advocate for the reform of the medical negligence cap in 2022. I will forever carry the weight of that despairing moment when no one stepped forward to help me seek accountability for my son’s death. My deepest wish is that no other mother must endure such a struggle.

No parent should ever have to endure such profound grief, nor should their siblings. In writing this letter, I not only honor the life and untimely death of my beloved son Rowan but also stand for the thousands of your constituents who have suffered similar heartache in medical settings.

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.

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.

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.

Given these reasons, I respectfully urge you to cast a Yes vote on SB 29, not only for my son, Rowan Gibbs, but also for countless families in San Diego who have also faced such tragedies without accountability. Together, let us work towards ensuring that no other parent endures this heartbreak.

Sincerely,

A handwritten signature in black ink that reads "Tracey Mueller Gibbs". The signature is fluid and cursive, with the first name "Tracey" written in a larger, more prominent script than the last name "Gibbs".

Tracey Mueller Gibbs

Mother

6462 Burgundy St., San Diego 92120