

Civil Actions – Noneconomic Damages – Personal

Injury and Wrongful Death

**FAV**

My name is Aaron Van Rens, and I was the driver of the car involved in a serious accident on Interstate 70 between Hagerstown and Frederick. On October 13<sup>th</sup> of 2023, while returning home from college for mid-term break, I was struck by a tractor-trailer and forced off the road and through the median near Myersville and into oncoming traffic. As a result of multiple rollovers and impact with an oncoming vehicle, I received extremely serious injuries and was transported to the trauma center at Meritus Medical Hospital in Hagerstown. Once I was stabilized and moved from ICU, I underwent orthopedic surgery to reconstruct my right shoulder, and spent weeks with my left arm immobilized and with my right leg in a brace for a broken knee.

The injuries I suffered as a result of the negligence of another driver have left me facing a lifetime of chronic pain and impairment. Some of the difficulties I face are obvious; for instance, most athletic pursuits are no longer an option. I used to be an avid figure skater, but the possibility of aggravating existing injuries means that is no longer something I can do. Even sleeping has become extremely difficult, because the nature of my shoulder injuries are such that without specific support for my shoulders, they dislocate and cause excruciating pain. Walking just barely too quickly or stepping too hard can cause intense pain in my right knee, limiting my mobility in frustrating ways.

There are other kinds of impairment and indignity that no one considers until it happens to them. It's impossible to shower without covering the surgical scar on my right shoulder because the nerve damage makes both touch and variations of temperature shockingly uncomfortable. Any clothing more structured than athletic wear now has to be re-tailored because my left shoulder is shorter and at a higher angle than it's supposed to be. I can no longer wear a backpack, because my shoulders cannot bear anything above a half a pound. This means I need to use a roller bag to get my laptop and books around campus at college. I can no longer wear heavy winter coats, as they are heavy enough that the weight of them on my injured shoulders causes pain. So many things that I used to do without much thought now require careful planning, or else I can put too much strain on an injury and find myself unable to perform basic daily tasks.

There are things that will affect the rest of my life in significant, fundamental ways. Because I can't wear a heavy coat, I can't live anywhere with long, cold winters or travel to such a place. I cannot pursue any jobs that require me to stand for long periods of time or to lift heavy things or anything in quick succession. Long distance driving is not possible except in the direst of emergencies; it causes a lot of discomfort in my knee and improper support for my shoulders can lead to severe pain and loss of capacity throughout the rest of the day

That is why I am testifying remotely; I go to college in Winchester, VA and driving to and from Annapolis would have meant spending the rest of the week recovering, impacting my classes and academic work.

There is no way to “fix” injuries of the kind that I have suffered. Even the best care leaves scars, loss of function, and a lifetime of chronic pain. Our legal system makes remedy for that by way of awarding victims fair monetary compensation instead. That compensation is supposed to take into account the pain, impairment, and loss of dignity and enjoyment that accident victims will suffer over a lifetime. While it’s difficult to quantify these things, our system has determined that a jury should make the final determination when the parties involved cannot reach an agreeable settlement. It’s unfair for the state to override the will of that jury in considering the value of that compensation. It’s even more unfair when considering that, if an accident occurs over a state border, no such artificial limitation applies.

I ask you to vote “favorable” on HB0083 and help ensure future accident victims more fair and just compensation.