

**SENT VIA FAX**

February 1, 2005

President George W. Bush  
The White House  
1600 Pennsylvania Avenue  
Washington, D.C. 20500

Dear President Bush:

My family and I would appreciate meeting with you February 8<sup>th</sup> or 9<sup>th</sup> to discuss your proposal to limit pain and suffering damages in malpractice suits to \$250,000, without regard to the severity of injury or egregious the malpractice.

We were in the midst of a day hike in the mountains when our son Steven, then two years old, tumbled to the ground and came up with a twig lodged in his cheek. We took Steven to the hospital where his wound was cleaned and stitched. A week later, Steven began developing fevers and headaches. We took him to see the doctor twice, but each time his symptoms were routinely dismissed. Finally, he was readmitted to the hospital, where we later learned the admitting doctor diagnosed his condition—correctly—as a case of central nervous system—brain—abscess. However, the doctor refused to verify his diagnosis with an MRI or CT scan. Steven was discharged from the hospital with the misdiagnosis of viral meningitis.

The next morning we found Steven unconscious. When the paramedics rushed him back to the hospital he was finally given a brain scan, which showed an abscess in his brain that was caused by the stick injury nearly two weeks before. Because he had been left untreated for so long, he suffered severe brain damage, losing his sight and developing cerebral palsy.

A jury, upon hearing these facts, awarded Steven \$7 million for the lifetime of suffering he must now endure. These damages are for “non-economic” injuries--long-term, all-too-real injuries such as the loss of a limb, injury to the reproductive system, or blindness. After the jury left the room, the judge lowered the amount to \$250,000. By their nature, caps hit hardest at the most severely injured and children, who must endure pain for a potentially longer lifetime. Our son’s ”economic damages” keep his damaged body alive, but do not address in any way, shape or form the loss that he suffers in the quality of his life.

There are those who believe that in every instance, without regard to age, severity of injury, or circumstance, that one’s compensation for pain-and-suffering should be capped at \$250,000. We believe this to be wrong, and, in fact, immoral.

Sincerely,

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