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|  | **Ceiling Collapse**    **Confidential Information For Plaintiff - representative of the estate** |
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You have not felt whole since your brother Don's death. You were less than a year apart in age and you felt like a twin to Don while you were growing up. You hadn't wanted the responsibility of attending the mediation on behalf of the family, but you thought it would be even harder on your father. Retired now, he used to look forward to talking politics or baseball with Don, as Don puttered with a leaky faucet. Sometimes you suspected that your father looked for items for Don to repair or small home improvement projects so that he could spend a long Sunday afternoon with him. Since Don's death your father has seemed more frail, more subdued, even when he plays with your sons, his grandsons. When he sees a newscast involving human calamity, he sighs and says softly, "Well at least Donny didn't suffer." You didn't think both of you should have to relive the accident by talking about it in a mediation, so you volunteered to go.

The younger lawyer at the office had told you before that it is important to be able to describe Don, to give people a sense of the type of person that he was, of why he was important to you and to others in the family. Don became a little bit wild in junior high and then again in college, but you had been closer than ever the last five years, after your mother died. Don had straightened out and became like a brother to your spouse as much as he was to you. He had also become active in the neighborhood church, signed up as a volunteer in the local "Big Brother, Big Sister" Program, and took a real interest in your sons, taking them to the park or a ball game. They really miss their only uncle. It is hard for them to understand his death. You regret the missed outings, roughhousing on Saturday afternoons, and the relationship they might have had. It would help you and perhaps your sons feel better if some tangible place could be dedicated to your brother's memory, perhaps the local park where he used to take the boys to play.

The lawyer also asked how Don helped out, how often you would get together, and whether he ever made a financial contribution to you or your father. It seemed funny to be asked about financial help from Don; usually it was the other way around. Don never had much extra cash because he spent it on school tuition and often turned down overtime on his construction jobs and extra bartending gigs and so that he could study. (You estimate that his average earnings were in the $30,000 - $35,000 range, but you know he hoped to make more in computer programming after he finished the night courses.) Perhaps because Don didn't have much money, he often offered to baby-sit in the evening, so that you and your spouse could have a night out. (With baby-sitters’ rates in this area that was a real contribution.)

Don was also invaluable as a handyman around the three-family house, which is your and your father's major investment. He volunteered to fix up the third floor unit. When you protested that he shouldn't be giving away his labor, Don would joke that he should pay you for the opportunity to refine his carpentry skills and to "express his creative side as architect/designer." He said it was a "pay back" for your regular help with his computer programming courses.

Don had drawn up a nice set of plans for the space, and had ripped down some of the old walls upstairs, but he had barely begun work on the plans at the time of the accident. You know that Don had wanted the project to go well, because he talked about investing with you and your dad on properties around town that "needed work" and then selling or renting them at a profit.

You know that legal cases always come down to money, and your lawyer will eventually ask what you would feel comfortable settling for. It is very hard to answer that question. As your father has said, no amount of money could be worth Don's life. It makes you angry—livid—that no one from the hotel or anyone else involved in the accident has ever bothered to apologize or to come to Don's funeral. You don't want to feel that you allowed the wrongdoers to cheapen the value of Don's life or let their shoddy construction practices kill another innocent victim.

If truth be told, money is tight for you. It is expensive to raise kids and keep a house together. Your spouse is working now, but has experienced lay-offs in recent years. While your father is relatively secure, his retirement pension is not large. Thus while you are managing, a large recovery in this case would be helpful to the whole family. And, of course, money now would be better than money later. You would like to finish the third floor apartment and keep taking your sons to baseball games, maybe to Disneyworld, like Don would have wanted you to.