

that has occurred. That's the primary reason that I proposed repealing the statute of repose in Nebraska and that is because it is quite simply an arbitrary measure of when a product or manufacturer may be responsible for an injury that occurs. Simply because we say that a product is ten years old, if it's nine years and 364 days and it causes an injury then we say you can recover for that injury in the State of Nebraska if you can prove that it was the product that was responsible. If it's ten years and a day, you can't. There is absolute immunity granted for that product in the State of Nebraska and frankly that is simply an arbitrary statutory line that cannot be justified through rational argument, I believe. Primarily I guess at this point it's appropriate to get into the types of products that we are talking about that cause injuries and primarily we're talking about types of machinery. Motor vehicles is a good example, farm machinery. There is another sheet that has been handed out that talks about the actual effect of having the statute of repose in effect and it details a number of cases, many of which are cases of farm people that have been injured while operating various farm implements that have not been able...and they were injured because of a flaw in the product but were not able to recover because of the statute of repose. Another area that we will also discuss again very quickly is that of breast implants. That is probably the area that we here in the body are most familiar with simply because it has been in the news lately and that is a breast implant product that is found to be flawed down the line, perhaps leaks into an individual, causes that woman damages. Often those breast implants are over ten years old and if that's the case and that happens to a woman in the State of Nebraska, she is ultimately barred from recovering under the current statute of repose. Quite simply the reason for the repeal of the statute of repose in general is that if there is a person out there, the person is using a product and the person is injured and the fault lies with the product, that individual ought to be able to recover no matter how old the product is. If the product is brand new, if the product is 15 years old and if the person can, as a plaintiff, come in and prove that it is something about that product that caused the injury, the ten year measure simply is arbitrary, should not apply. That is what LB 137 is saying. One thing that is important to realize as this debate progresses is that this does not open the door and say anytime that your backed over by a car, that you get your hand caught in a piece of machinery you all of a sudden can go right to that manufacturer because that is not the case. When you come with a