

## CASE REVIEW

[Betty Chirrick, Personal Representative of the Estate of Gerald Chirrick, Deceased v. Pacificorp., a corporation, dba Pacific Power and Light Company.](#)

and

[Wanda J. Johnston, Personal Representative of the Estate of Virgle D. Knight, Deceased v. Pacificorp., a corporation, dba Pacific Power and Light Company.](#)

Gerald Chirrick and Virgle Knight were Deputy Sheriffs for Douglas County. On a clear July morning, they were assigned to ride in a helicopter chartered by the Sheriff's Department to search the valley of the North Umpqua and the adjoining side valley of Steamboat Creek for plots of marijuana.

Pacificorp maintains high voltage power lines extending along the north side of the North Umpqua. At the mouth of Steamboat Valley, where Steamboat Creek flows into the North Umpqua, Steamboat Valley is very wide requiring an exceptionally long span of those high voltage power lines. The chartered helicopter, flown by an experienced pilot, collided with those Pacificorp high voltage lines in the middle of that long span and crashed to the ground, killing Chirrick and Knight, and the pilot.

Art filed an action against Pacificorp for the wrongful death of Chirrick and for the wrongful death of Knight. Predictably, Pacificorp denied any fault pointing out that there was no adverse weather or other condition that would impair the vision of the pilot and the sole cause of the collision was the negligence of the pilot of the chartered helicopter.

Art located the most qualified scientists in the field of vision, particularly the vision of pilots in the operation of all kinds of aircraft and all kinds of conditions.

Their studies disclosed two critical facts. First, the human eye does not provide the viewer with depth perception when there are only horizontal lines. If there are no vertical lines (or mass) within the window of the pilot's sight, the pilot, even if he sees the lines, will not be able to discern how far away or how close those lines are. The viewer has depth perception only when the object has some vertical characteristics. That is why power lines spanned across areas where aircraft may be flown are always equipped with brightly colored balls, which give the power lines a vertical quality. Secondly, wires, even heavy high voltage lines, are actually very thin in comparison to the space around them — in respect to the window of sight of an approaching pilot. Even in clear weather, it is difficult to see such lines unless they are either reflecting light, such as sunlight, or they are in a position to be a silhouette against the background.

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Pacificorp owns and operates many aircraft including helicopters. Extensive pre-trial discovery and depositions disclosed that Pacificorp aviation personnel knew or should know of those limitations of human vision. And, finally, in document discovery Art and his team found and reviewed minutes of the Board of Directors of Pacificorp which disclosed that on two occasions the Board had considered recommendations to place balls on the wires spanning the mouth of Steamboat Creek. But, each time the Board had voted no because of the cost. The claims settled for sums which are confidential, but were satisfactory to Art's clients and their families.