

Kin of DUII crash victim sues driver

Suit - The \$22.3 million lawsuit also names the motorist's mom and two insurance companies

Friday, January 05, 2007

MAYA BLACKMUN

The parents of a Lake Oswego man killed in a drunken-driving crash have filed a lawsuit against the driver convicted in the case, her mother and two insurance companies.

Cory Sause, 26 at the time of the accident, was sentenced in August to as much as five years in prison for the 2004 crash that killed Patrick Kibler, 21, and left his brother Scott, then 14, with a severe head injury.

The lawsuit was filed Dec. 21 in Multnomah County Circuit Court, two years to the day after the accident. It seeks \$22.3 million in all from Sause; Heidi Sause, her mother; and Progressive Northern Insurance and Unigard Insurance Co., which insured members of the Kibler family.

The Sauses could not be reached for comment. Leslie Kolleda, a spokeswoman for Progressive Insurance, and Ken Dedrick, a senior claims officer for Unigard Insurance, both said their companies have a policy of not commenting on pending lawsuits.

"Money will never replace Patrick," said Vickie Kibler, his mother.

She said she and her husband filed the lawsuit on behalf of their dead son's estate and their injured son to recover past and future medical costs.

They also want to provide for the livelihood of their surviving son and another son, Kevin, now 20 and a sophomore at Seattle University, who wasn't in the car but had his life irreparably changed by the accident, Kibler said. They also want to use some of the damages to educate the public about the dangers of drunken driving.

According to Lake Oswego police, Cory Sause was driving her Jeep Cherokee along South Shore Boulevard when she crossed the center line and hit Patrick Kibler's Volvo. Her blood-alcohol level was at least double the 0.08 percent legal limit.

She later pleaded guilty to criminally negligent homicide, third-degree assault and drunken driving and was sentenced to at least 33 months at Coffee Creek Correctional Facility. She could then move to an alternative program for six to nine months.

Patrick Kibler died in surgery a few hours after the accident.

Scott Kibler was in a coma for seven days. He recovered sufficiently to return to Lakeridge High School, where he is a 16-year-old junior. However, according to his mother, a neurologist has said he will forever be at risk for other head injuries.

The lawsuit alleges that Heidi Sause was negligent in providing excessive alcohol to her daughter, drinking together at home and allowing Cory Sause to drive away while intoxicated.

The suit seeks \$10.5 million each from Heidi and Cory Sause. It also alleges that Progressive Insurance failed to compensate Patrick and Scott Kibler \$500,000 each and that Unigard failed to pay Scott Kibler \$300,000, due under insurance coverage for personal injury.

Maya Blackmun: 503-294-5926; mayablackmun@news.oregonian.com