

Good morning. My name is William Gergich Sr. I am here today to speak on behalf on my son, William Gergich Jr and in support of HB 37. I am going to attempt to describe the impact the event on May 5, 2022.

I am first going to talk about what happened to my son. Bill and his best friend Kody were headed out to dinner to celebrate major life events. Kody was to start working on the railroad. Bill was going on vacation then after returning was moving 45 minutes away to start living with his fiancée.

Bill was driving eastbound on Alexis Road in Toledo. He was traveling at 43mph in a 45mph zone. The car he was driving was struck head on by a car traveling at a 73mph westbound after crossing 4 lanes. The driver of the vehicle that killed my son is Joshua Whitaker. Whitaker's blood alcohol level was 0.27, he had 123 nanograms per ml of THC in his urine, and tested positive for benzodiazepine (a drug classification that includes Xanax, Valium, Librium, Ativan and others).

The force of the impact was so great that his injuries were fatal. Both his mother and I have worked in healthcare since 1983, her as a Registered Respiratory Therapist and I am a Registered Nurse. We are both experienced with treating trauma victims. That makes what I am about to say even more difficult, as we understand what Bill experienced.

Clinically, upon impact, my son suffered a partial avulsion of his right lung. What that means is his lung was torn. Bill also had multiple pulmonary contusions (bruises) of all lobes of his right lung. Because of the tear, the right side of his chest began to fill with blood, impairing his ability to breath.

Bill also suffered multiple contusions and lacerations to the bowel and mesentery - the membrane that attaches the intestine to the abdominal wall and holds them in place. He started bleeding into his peritoneal cavity. Both injuries are life threatening by themselves, together, well, here is the result.

EMS was called at 5:36, en route at 5:38 arrived at 5:43. I can tell you from experience that 7 minutes seemed like an eternity to my son. During the wait, Kody was assisted from the car with the help of bystanders. As he was getting out he asked Bill if he was OK. Bill responded "Yeah Bud, call 911." Those are the last words he spoke.

A bystander from the scene reached out to us via social media. She stated she arrived at Bill's window just as he spoke those words. She stated she was a medic in the Army, having served in Iraq. She stated she started asking questions to try to keep him conscious, and reassure him help was coming.

She stated that Bill was conscious, trying to speak but unable to. Stated he was having trouble breathing, and his heart rate was elevated. He was showing signs of shock. He appeared to be in a lot of pain, then appeared to relax and became unconscious. She stayed at his side until EMS arrived, however he didn't regain consciousness.

It is my belief at this time Bill understood that he was going to die. Over the course of my career, I have witnessed death many times. I have seen what was described with people I have cared for, so I believe he knew.

It took the first responders 12 minutes to extricate Bill. The impact was so great he was pinned by both the steering wheel and the dashboard. The extrication required the jaws of life and cutters to free him. During this, a non rebreather mask at 15 liters oxygen was placed on Bill, and he became rousable as he was placed on a backboard and transferred to LifeSquad.

According to the LS run sheet, Bill was rousable when he was placed in the rig. His respiratory rate was 54, pulse 149, skin cool and cyanotic. There were decreased breath sounds on his right side. These are symptoms of a hemothorax. He couldn't breathe. His chest was filling with blood. I can't imagine the terror he felt.

Probably all of us at some point have experienced having the wind knocked out of us, and the panic of not being able to breathe. Those few moments are terrifying. Bill experienced this. According to the bystander he was struggling to breathe. And appeared to be in great pain.

After he was transferred to Lifesquad, he was able to communicate nonverbally he was experiencing pain in his chest, abdomen and leg. During the seven minute ride to Toledo Hospital, Bill began to deteriorate. His blood oxygen level dropped to 53, and he became unconscious.

He arrived at the hospital at 6:12. According to the notes, he was in and out of consciousness.

His heart rate was 150, respirations 25 oxygen saturation 50%. He stopped responding.

He was assessed and a central line IV placed in his right femoral vein.

Over the next few minutes he continued to deteriorate as both his chest and abdomen continued to fill with blood. Labwork showed his hemoglobin had dropped to 9.5 – normal 13.8-17.2. From memory Bill's last checkup hemoglobin was above 16. He had lost over 40% of his blood.

At 6:22 Bill's heart stopped perfusing. The heart monitor showed pulseless electrical activity. This is when electrical activity in the heart is too weak to make the heart beat. The most common causes of PEA are hypovolemia (not enough circulating blood) and hypoxia (not enough oxygen in the blood). Bill had both. CPR was started. CPR is not like it appears on TV. It is a violent and rapid compressing on the chest. Both his mother and I have performed CPR many times in our careers. We know how traumatic it is. I have cared for survivors. Most report chest pain/soreness lasting weeks, many suffer broken ribs and or a cracked sternum.

Bill was intubated and bilateral chest tubes placed. Chest tubes inserted during a trauma are typically done as fast as possible without anesthesia. Since a chest tube is placed by shoving it through the chest wall with a metal rod, it is reported to be painful even with anesthesia. Without anesthesia would have felt like being stabbed up both sides. A chest X-Ray was done. The right lung was not seen. That tells me that the area was filled with blood. The chest tube on the right drained blood.

In the attempt to restore circulation, Bill was given 1mg of epinephrine 7 times, 3 amps of bicarb, Massive Transfusion Protocol was done. 8 units blood, 2 units plasma and a unit of platelets with no response.

During the resuscitation efforts, Bill's heart went into ventricular fibrillation, which is a lethal heart rhythm where the ventricles contract in a rapid uncoordinated manner. He was then shocked with a defibrillator.

At 6:55, after exhausting a full resuscitative effort, he had no heart rhythm and no response to resuscitation. CPR was stopped and our son pronounced dead.

When we arrived at the ER, we were ushered into a private room. With both of us in healthcare, we knew what that meant. It was bad. Very bad. A short time later we were notified our son was dead.

We notified Bill's sister and fiancée that they needed to come. My wife went to Kody's room at the ER to inform him. I sat with my son. I have never felt such grief and anger in my life.

Bill's injuries were severe. The main reason it wasn't successful it was trying to reinflate a torn lung would be like trying to blow up a torn balloon. Without immediate surgery he had no chance of survival. Had he been resuscitated and stabilized enough to get to surgery, and assuming he survived all the repairs, sepsis would have occurred from the tears in the bowel. Knowing there were multiple tears that would have leaked intestinal contents/fecal material into his abdomen I believe death was the only outcome.

Bill was an organ donor. That night after returning from the hospital, I spoke with and gave approval for donation of whatever organs could be taken. Unfortunately, his heart, kidneys, lungs, liver were unable to be donated because of the manner of death. However, skin, tendons, ligaments, bones heart valves and corneas were. According to Life Connections of Ohio, he helped 125 people with his donation.

The task of notifying people fell to me. I made calls from the hospital to his Aunt and Uncles. After we arrived home I received a call from a friend. She got an alert on her phone. Bill's name had been released by the media. This prompted immediate panic as Bill's Grandmother was in a skilled nursing facility for care. I immediately called and had the staff "sneak in" and unplug her tv. Thankfully she was already asleep. The next morning we had to go inform her. I had to break her heart. I truly believe that she lost her will to fight at that time. She died 72 days later.

We discussed it and made a decision to announce what happened on social media prior to the newscast. I thought that was the hardest thing I would have to do. I was so wrong, time and time again.

The last action before impact Bill did was to turn his wheels to the right. We believe that it was just enough to get Kody out of the direct impact. Bill took the impact protecting his friend. That was my son.

Three weeks later I was allowed to retrieve Bill's personal items from his car, having already retrieved his cell phone courtesy of TPD. I was fortunate a good friend went with me. As soon as I saw the car, I became nauseated. The damage was beyond my comprehension. I had viewed pictures from the news media, yet nothing prepared me for this.

Prior to becoming an RN, I was a volunteer EMT. I saw numerous car accidents and assisted victims. I only remember one vehicle this badly damaged, and it was a fatality as well. Seeing Bill's car was like being gut punched. I had a difficult time breathing. I was no help. Fortunately my friend took over. He did all the work and bagged everything up.

The car was struck with such force that the floorboard – one solid piece -split. That's why Kody's foot was so badly damaged.

I realized looking at the car our son had no chance of survival. Knowing our son was trapped in that car, unable to breathe. The panic and terror he must have felt. I cried for my son. Again. (The attached picture was taken at the impound lot.)

I would like now to talk about who Bill was. Bill was a very outgoing and personable kid. A couple of my favorite stories.

Bill was a happy kid, full of life. Almost always smiling, wanted to be everybody's friend.

I went to open house at school when Bill was in kindergarten. He took me by the hand, walked me around and introduced me to his classmates. He knew something special about each one. Then as we walked through the school, I was introduced to multiple older students. Again, he knew something special about each one. I remember watching each child's face light up and glow.

Another story was with his mother. She is a Respiratory Therapist and the kids were exposed to our antismoking view from a very early age. One day when he was about 4 he and his mother were in line at the grocery, and there was a very large rough looking man in front of them buying cigarettes. Bill proceeds to tell this man he shouldn't smoke because it wasn't good for him. The man stopped and turned to Bill. He told Bill he was right, it's nasty and don't ever smoke. The man nodded to my wife, smiled at Bill and thanked him for caring.

When Bill was in the second grade he had a slipped capital femoral epiphysis. This is where the head of the femur slips off the growth plate. Happens when children grow fast. Bill had surgery to pin the head in place. Because of the risk of injury his activity level was restricted for a few years. During this time he was excluded from a number of activities, especially among his friend group because he couldn't participate. We knew this affected him, and believe that because of this he has always tried to include people.

This was shown again by a story from one of his friends. The group of guys he worked with were all playing this video game together. This young man told us that Bill asked if he would be joining them. The young man said he told Bill he didn't have the money for the game. He told us the next day Bill gave him a gift card that Bill said he wasn't going to use so he could get the game and join in. Since Bill's death we've heard many stories of his generous nature.

If you were Bill's friend, you were his friend. He would help whenever needed. He helped on quite a few moves, numerous times being the only one who would show up. He would help with projects. He believed that's what friends do. To Bill, if he had a dollar and his friend needed a dollar, his friend got the dollar.

Bill was always a big kid. With a big heart. Very protective of his family and friends. It started early when he stepped in front of a first grade classmate being bullied by an older student. It continued. In 5<sup>th</sup> grade a girl was being bullied. He stepped in front of her. Bill never mentioned it. Her mother called that night to express her appreciation.

In high school his junior year 2 friends started to get into a fight over a girl. Bill stepped between and wouldn't let them fight. A teacher intervened and everyone was escorted to the Dean's office. When I received the call I was told Bill "laid hands" on the other students and that he was being disciplined. I asked for specifics and was told he stepped in between and pushed them apart. When told he couldn't do that Bill told the Dean he wasn't letting his friends fight. That was Bill.

I believe it was his freshman year in high school this event happened. I stopped at Sam's Club prior to going to pick him up from school. On the way out I found a new flash drive someone had purchased and dropped. This was 2005 and the flash drives were expensive.

Since I was already late getting him, I tossed it in the car, planning on stopping on the way home and turning it in. When Bill got into the car, I told him I found it. He immediately stated that we needed to take it back because it wasn't ours. We returned it. I tell this to illustrate Bill's values of right and wrong. He had very little gray area.

Bill loved music. During high school he marched in the band and played football. He played the trombone. He marched with the band at halftime wearing his pads. It was great to watch him play swaying and moving as he played. His love of music continued as he got older, with country being his favorite.

Bill loved sports. He grew up playing baseball, basketball, wrestling and football. He was a fan of the Buckeyes, Bengals, Walleye and Redwings. He tried to see Redwings games at least once a season. He could recite facts and stats off the top of his head without fail.

Bill was a known jokester, and very quick with a pun. We would have "Pun Wars" where we would trade puns until one gave up or couldn't get a laugh. He was difficult to beat. His laughter was contagious.

Bill loved animals. He grew up with dogs and a very cranky cat. Had guinea pigs. One of his favorite things to do was go to the Zoo. Not only the Toledo Zoo, but wherever he went he wanted to visit a local zoo. He never could say exactly why but he loved Red Pandas.

Due to my ongoing mobility issues, Bill was a big help. A number of times after a snowfall he came before work to shovel the driveway. Usually around 5am. Wouldn't use the snow thrower because he didn't want to wake the neighbors. He was always "on call" to help, and while he sometimes grumbled he always came through. During his teenage years he spent time at his Grandparents, usually helping out. He enjoyed being helpful.

One thing Bill was looking forward to when he moved in was getting a dog. He talked about it frequently and had been pricing fencing. He knew he wanted a larger dog and was planning to adopt a rescue.

When Bill introduced us to Kailey, we were thrilled. It was obvious to us he was smitten, and we quickly grew to adore her. While we lost our son, Ashley her brother, Kailey lost her future.

Here is what Kailey has to say about Bill and what she has lost:

This has been the hardest task to complete because there are so many things I want to say. I want to start by telling you who Bill was to me. Bill was my boyfriend, my fiancé, my other half, my soul mate, my best friend. He was the most caring person I have ever met. If you needed help he was there, if you needed someone to talk to you had his ear. He was everything I wanted and more in a partner.

He loved his friends and family, was smart, funny, caring, loyal, trustworthy, compassionate, strong, protective, and helpful. That is just a fraction of the words I could use to describe him, but I could go on and on.

May 5<sup>th</sup> 2022 is a day that I will never be able to forget. It started out as a normal day. Bill and I texted throughout the day like we always did. He would always call me when he got off of work and that day wasn't any different. I knew that he had plans to go out to eat with his friend Kody because he was going to be leaving soon to head to training to work for the railroad and wouldn't get to see or talk to him as much.

Bill had forgotten that I was going to come over and go to dinner with him and his parents to celebrate cinco de mayo. He felt really bad and had said he would cancel and spend time with me. But I didn't want to take time away from seeing his friend; he would see me the next day when he got home from work. We hung up from the call so he could go shower and get ready for dinner. I told him I loved him and to be safe. That was the last time I talked to him.

I didn't want to bug him while he was out with his friend so I didn't text him. I received a message from Kodys fiancé a few hours later asking me to call her. I never expected her to say that the guys had been in an accident but that's exactly what she said. She said everyone was okay but she was heading to the scene to get Kody but didn't have Bills parents' phone numbers to let them know what was going on. I called them right away and let them know what was happening.

I live 45 minutes away from them so they told me to wait until they got to the hospital and figured out what was going on before I came up. It felt like an eternity before Bill Sr called me and asked if I had someone who could bring me to the hospital, at this point I still thought Bill was okay. When I got to the hospital Penny met me in the ER waiting room and broke the news that Bill had not made it.

Everything after that seemed to move in slow motion. I broke down and didn't know what to do. She walked me back to the hospital room where Bill was so that I could say my goodbyes. When I walked into that room and saw him laying there my whole world shattered. He was never supposed to leave me, he promised. We weren't done yet there were so many things left unfinished. We had so many plans. He was going to propose officially, we were going to have a beach wedding, we were going to have children, and we were going to spend our lives together.

Bill asked me to be his girlfriend on May 19<sup>th</sup>, 2021, a day before my birthday. It was the best gift I could have received. We spent as much time as we could together after that. We enjoyed going to the zoo and ended up getting a membership so we could go whenever we wanted.

We also took a vacation together to Florida to visit my uncle. We drove the whole way there, which is a pretty long tiring trip, but we talked, joked around, and sang music to each other. We got to Florida and had a wonderful week long vacation together. We spent a lot of time on the beach which we both enjoyed. We talked about the fact that we both would like a beach wedding when the time came.

We had discussed it at length and I knew that I wanted us to be in a relationship for at least a year and living together before he proposed. He told me he would marry me that day, but would wait because it's what I wanted.

Fast forward to almost a year later. We planned a family vacation for me, Bill, my parents, brother and sister in law to head to Florida for a week to visit my uncle. We planned it for the week of my birthday; we were heading out on May 16<sup>th</sup>. Bill and I discussed it and were going to leave 2 days earlier and stay a few days longer so we were going to drive separately from everyone else and they would meet us there.

I only tell you this because after Bill passed away I found out that he was going to propose on this vacation.

He had went to my parents and asked for permission to marry me, of course they gave their blessing they knew how happy he made me over the last year. He also asked my sister in law to go ring shopping with him that same day while I was out of town. He had a ring picked out. I never knew any of this; it was going to be a surprise. Many of his co- workers and friends have said it was all he could talk about and how nervous he was about proposing to me on the beach. I never got that proposal, I never saw him down on his knee, I didn't get to hear what he was going to say to me that day.

I think about that all the time. All the things we talked about wanting for our lives together that never came to happen. Bill moving in with me, him getting new job, getting married, having children that we already had names picked out for, and just being blissfully happy together.

There are so many plans and choices we had made for our lives together. Our lives are filled with choices, some good and some bad but we still have to make choices every day. On May 5<sup>th</sup>, 2022 our choices were taken away. Joshua Whitaker made the choice to drink alcohol, do drugs, and get behind the wheel of his car. He made the choice to drive over the speed limit. He made the choice to disregard the lives of everyone else around him. He made the choice that his life was more important than anyone else's.

All I ask today is that you really look at what has happened. A son, brother, friend, and fiancé's life was taken away too soon. The plans we all shared for a happy life together as a family. Our future was taken away. Thank you for listening.

We know how difficult for Kailey to write that. After Bill was killed, she said "I waited 30 years for him, and now he's gone."

We do feel fortunate about one thing. The Sunday before Bill was killed we celebrated Mother's Day. As I previously mentioned, his mother works at a hospital. She was scheduled to work Mother's Day, so we celebrated early. The 6 of us were together, his mother, sister and her husband, Bill, Kailey and myself. In the course of the day, our daughter – Bill's sister – announced she was pregnant. After Ashley and Kam left, Bill was laughing about all the loud obnoxious toys he wanted to buy for his nephew. He was adamant the baby was a boy and he was right. We take some comfort in that he knew he was going to be an uncle before he died.

Bill had a special way to connect with children. Bill's aunt had triplets that were born the day before his 9<sup>th</sup> birthday. He never complained about sharing his birthday. I truly believe the connection he shared with them benefitted him as much as it did them.

When Bill went to college he thought he wanted to be a special ed teacher. He was a student teacher for someone I know. She told me he had a knack for getting through to kids, especially behavior issues. He chose not to continue as the challenges of the physically handicap were not for him. Those challenges were a requirement so he stopped.

Bill was looking forward to coaching. Kailey's uncle had recruited him to help coach biddy football. He shared how excited he was.

Bill was looking forward to being as father himself. He asked me if we would be upset if they got pregnant before they were married. Then he told me they had decided to marry on the beach in Florida, and if needed could move the date up. He confided that they had picked out names so we knew they were serious.

By now you have an idea of who our son was. I am now going to talk about the aftermath of May 5th.

We spent the next few days in a daze. We had to do things no parent should. We met with and selected a funeral home. We picked out a casket. Planned visitation. Put together pictures for a video tribute. Met with St. Joan of Arc and planned his funeral mass and luncheon. We did this as a family.

One thing I did on my own. I saw how much of a toll everything was on everyone, how much pain people were in. I wrote my son's obituary. I spent hours trying to sum up my son's life in a few paragraphs. A few paragraphs to let people know who he was. He wasn't rich. Or famous. Yet he was important. Very important to us and I had to convey that in a few paragraphs. What I thought was the hardest thing I had ever done in my life paled next to this.

Both his mother and I have seen counselors. Her for grief. Very few days have passed since May 5<sup>th</sup> that she doesn't tear up or cry. Where she used to smile easily and brightly, her smile no longer reaches her eyes or lights up as it once did. My issue has been extreme anger. My son didn't deserve this. He was doing everything right, yet a man who wasn't killed him.

Our lives have been altered in ways I never thought possible. Besides having to learn about the legal system firsthand, our son was gone. In the days and weeks following, our dog sat by the door waiting for Bill. When he didn't come through the door, the dog would lay on the floor and stare at "Bill's spot" where he usually sat.

Bill loved Christmas. His favorite time of the year. My wife has not been able to decorate or even put up a tree until this year. The year Bill was born we bought matching Mickey and Minnie Christmas stockings. She has not put his up.

Watching the toll this has taken on my wife has been devastating.

To us, the events of May 5<sup>th</sup> were not an accident, but a crime. 45 years ago, I learned how to drive. During that time, the emphasis on not drinking and driving was there. If anything, that message has grown stronger and louder. It is beyond time for the laws to be changed, and HB 37 is a good start.

In a perfect world, Bill would have lived and Mr. Whitaker died. We don't live in a perfect world.

Speaking on behalf on Bill, I am imploring you to finally hold people accountable for their actions to a higher degree. Every person who makes a choice to drink and drive needs to held responsible for the result of that poor decision. While I believe that HB 37 is not as punitive as we would like, it is a good compromise and should be passed as written.

Thank you for your consideration.

William R. Gergich SR.





