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## Fatigue & Speed Alleged in Oregon Bus Crash Disaster

(Tacoma, WA) A complaint citing fatigue, failure to heed warnings, and speed too fast for conditions was filed in Tacoma, Washington by Attorney Charles Herrmann of the **HERRMANN SCHOLBE LAW FIRM** against tour bus owner *Mi Joo Tour & Travel Ltd.* home based in Vancouver, B.C., Canada on behalf of two minor Korean boys *Chae, Jong-Hyun & An, Seong-Jun* - victims of the recent Oregon bus crash disaster.

Nine people died and dozens more were injured as the driver lost control of the bus causing it to crash through a guardrail to flip end-over-end as it careened hundreds of feet down a steep embankment on the side of I-84 on Deadman Pass a few miles east of Pendleton, Oregon.

The complaint alleges the driver of tour bus, also doubling as a tour guide continuously without relief over the first 8 days of a tour package, violated Federal regulations governing the maximum allowable time on-duty and driving. Herrmann alleged in the complaint that in the two days immediately preceding the accident, Mi Joo Tour & Travel's driver worked over 27.5 hours while driving over 1200 miles and conducting a tour of the Grand Canyon. "It is inescapable, anyone would be extremely fatigued after working at that pace - especially after working 10-12 hours every day driving over 2,000 miles for the 5 day period before the last two grueling days before the accident," the attorney commented.

The scene of the accident is well known as a severely treacherous stretch of I-84. So much so, the court complaint points out that "the Oregon Department of Transportation had issued an express warning to drivers to 'Respect the Hill' in which it urged drivers to exercise 'extreme caution.' It further warned that between October and April it was common to confront fog, snow, and black ice upon the roadway. The Oregon DOT notice also advised that 'posted speeds are maximums in good weather.

Bad weather demands lower speeds.” The complaint further alleges “the tour bus passed 3 reader board signs warning of dangerous conditions ahead posted on I-84 starting just past Ontario, Oregon as the highway ascends over the Blue Mountains and then down their western slopes.”

Further, that “At the time of the accident, not only was the tour bus descending down a long and winding road, but the weather was freezing. There were patches of snow and ice upon the roadway and fog in places. Yet, driver Hwang did not adequately slow the bus to a safe speed given the hazardous conditions present. As a result, in the vicinity of mile marker 227 on I-84, driver Hwang lost control of the tour bus as it began to slide erratically from side to side eventually colliding with a guardrail and then spun 360 degrees to bust through the guardrail and then careen down a steep embankment flipping over end-to-end as it crashed down the near cliff.”

The complaint goes on to read: “While the bus was not outfitted with seat belts, neither of these plaintiff boys was ejected. Chae was knocked unconscious and An fainted. When they recovered consciousness, they awoke to a nightmarish scene of dead and wounded passengers, people screaming and crying all around them; some pinned in the bus, while others lay crying and yelling for help both inside the bus and strewn in the snow outside. The boys did what they could to assist others and then when help arrived they eventually made their way back up to the highway where they were taken by ambulance to St. Anthony Hospital in Pendleton, Oregon.

“As a Vietnam veteran, I understand the emotional trauma involved by experiencing and observing all the blood, gore and death involved in such an incident and the potential for Post-Traumatic Stress Disorder (PTSD)” Herrmann opined. “The aftermath of this accident is reminiscent of the crash of Korean Air flight KE 801 while attempting to land at Guam in 1997. In that disaster accident, surviving victims lay in a cold rain in the jungle at the bottom of a crevice praying to God, waiting for rescuers to work their way down a steep embankment in order to extract them up to helicopters and ambulances waiting above.”

Herrmann gained an international reputation for recovering in excess of \$185 million dollars for literally hundreds of victims in accident disaster cases over the last 30 years. His role in cracking the 1983 shoot down of Korean Air flight KAL 007 by a

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Soviet Mig over Sakhalin Island in the Pacific was portrayed in the HBO movie "Tailspin" and featured in the definitive book "Death of 007" by Richard Sypher.

These two boys were released after approximately 8 hours of treatment and observation at the hospital and then treated over the following 3 days at a hotel arranged by the Red Cross before being transported back home to Tacoma. "I understand it will be sometime before these boys' doctors will be able to fully assess the nature and extent of their injuries," Attorney Herrmann concluded.

Copies of the filed complaint are attached hereto in both Word and PDF formats. Anyone desiring assistance or more information can contact Charles Herrmann on his cell phone: 253.209.5222 or email him at [charles@hslawfirm.com](mailto:charles@hslawfirm.com). If you prefer to converse in Korean, please Contact Julie Hwang Herrmann at: 425.409.4611 or her email [julie@hslawfirm.com](mailto:julie@hslawfirm.com). We also have information posted on our website at <http://www.herrmannscholbe.com> .

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