

## THE ISLAND

# Family gets \$5.25M in crash settlement

■ **Lawsuit deal might be largest ever reached on Island without jury**

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ADVANCE SUPREME COURT BUREAU

In what may be the largest lawsuit settlement reached on Staten Island without a jury, a Dongan Hills family was awarded \$5.25 million in connection with a crash in West Brighton that critically injured a mother and her three children.

The accident occurred July 27, 1998 at about 1:30 p.m. at the intersection of Manor Road and Forest Avenue. A delivery truck driven by Christopher McAuliffe of Great Kills crashed into a Chrysler minivan, critically injuring Joanne Catrama and her three children, Michael, Jesse and Anthony. At the time of the accident, the children were 12, 4 and 2 years old, respectively.

According to attorney Michael McMahon of the West Brighton law firm O'Leary & McMahon, who represented the children through their father, Michael N. Catrama, McAuliffe had been driving a delivery truck owned by Lincoln Plumbing and Heating Supply Corp., Great Kills, but he was driving with a suspended license at the time of the accident.

Mrs. Catrama was represented by Harold

J. Siegel of West Brighton. Siegel could not be reached for comment yesterday.

Police charged McAuliffe with criminal negligence and misdemeanor assault, said McMahon, and he received a probationary sentence.

After a month-long investigation into the accident, police charged that McAuliffe accelerated the vehicle to at least 35 mph in a 30-mph zone and drove through a steady red light at the West Brighton intersection. The commercial truck he was driving then collided with Mrs. Catrama's minivan.

Lincoln Plumbing manager Joseph Forlizzi said that McAuliffe no longer works for the company.

Attempts to reach McAuliffe by telephone were unsuccessful.

"As far as Lincoln Plumbing goes, our only concern is that the kids are OK," said Forlizzi in a telephone interview yesterday. "As far as the money, we have insurance that covered it."

McMahon said the children were doing well, "but extensive treatment was necessary to restore them to a normal cognitive level."

The extremely large settlement was agreed to by all parties and, therefore, cannot be appealed. It came about after state Supreme Court Justice Alan L. Lebowitz issued an order granting summary judgment against the defendants in Supreme Court Civil Term, Stapleton.

The order of summary judgment de-

clared the defendants were 100 percent at fault for the accident.

Attorneys representing Lincoln Plumbing and McAuliffe as their employee, had argued that the Catrama children were not wearing their seatbelts at the time of the collision.

McMahon's partner, John G. O'Leary, said their firm "hired an accident reconstruction expert to confirm the liability against the truck driver and to establish that the children were wearing their seatbelts at the time of the accident."

With Lebowitz resolving the issue of liability and seatbelt use, a jury was selected on Tuesday to decide the amount of damages. Just as the judge was preparing to charge the jury, both sides reached the multimillion-dollar settlement with the concurrence of Lebowitz.

McMahon said the entire settlement amount will go into a trust fund consisting of an annuity for the three children. Over their lifetime, the \$5.25 million would grow to approximately \$20 million, said McMahon.

Speaking for the Catrama family, McMahon said yesterday, "This tragic chapter in the life of the Catrama family, as well as those charged with the liability for this accident, has finally been brought to a close. You can never undo the damage of this terrible occurrence, but now the family can put this matter behind them and make the best of what remains."