



Staten Island Advance

Family of ferry-crash victim accepts \$1.5M settlement

Lawyer for Pio Canini's survivors announces payout from city

Wednesday, April 09, 2008

By **FRANK DONNELLY**
ADVANCE STAFF WRITER

STATEN ISLAND, N.Y. -- Only one month after giving away his daughter, Tara, at her wedding, Pio Canini was killed in the 2003 Staten Island Ferry crash.

Now, four and half years after the 52-year-old Clifton resident was tragically taken away from his family, they have agreed to a \$1.5 million wrongful-death settlement with the city, their lawyer said yesterday.

Canini was one of 11 people who died when the ferryboat Andrew J. Barberi crashed into a maintenance pier near the St. George Ferry Terminal on Oct. 15, 2003.

Scores were injured in one of the worst mass-transit disasters in history.

Assistant Capt. Richard Smith, who was at the controls, blacked out. Smith said he was extremely fatigued and on painkillers.

Capt. Michael Gansas was in the other pilothouse on the opposite end of the boat.

Called a carpenter with hands of gold, Canini was returning home from work in Manhattan when the crash occurred.

"Anybody who ever came in contact with him loved him," Mr. Canini's wife, Debra, said at his funeral, according to Advance reports.

"Everybody turned to him. He was the first one people went to for insight and vision."

"We cry, we think about him, we go visit the cemetery often," his daughter, Annadale resident Tara Canini, told the Advance in an interview last October.

"We go through his pictures. His memory is very much alive."

The family's lawyer, John G. O'Leary of West Brighton, said yesterday they would have no comment.

He called Canini "a great source of strength and moral support" for his family.

In addition to their daughter the Caninis are parents to two grown sons.

"We believe this was a fair and reasonable settlement in all parties' best interest," said Laura Postiglione, a spokeswoman for the city Law Department.

"We hope it will bring a measure of solace to Mr. Canini's family."

The settlement comes less than two weeks after an appellate court upheld a ruling in Brooklyn federal court last year that found the city negligent in the crash and denied the city's bid to limit its liability.

The city "did not act with reasonable care" by letting a single pilot operate the ferry without a backup nearby to help in an emergency, a three-member panel of the United States Court of Appeals for the Second Circuit ruled.

The city contended Smith was at fault for not revealing he was taking certain medicine.

Moreover, it said it was covered by an 1851 federal maritime act limiting a boat owner's liability to the vessel's value less repair costs -- \$14.4 million, in this case.

Smith, a Westerleigh resident, pleaded guilty in August 2004 to 11 counts of federal seaman's manslaughter and one count of making false statements to the Coast Guard and was sentenced to 18 months in prison. He was released in July.

Gansas, who has ties to Staten Island and resides in Hazlet, N.J., was fired by the city in November 2003.

Patrick Ryan, director of ferry operations when the crash occurred, pleaded guilty to a count of federal seaman's manslaughter and was sentenced to a year and a day in jail.

126 SETTLEMENTS

He admitted he did not enforce the city rule requiring that two pilots be present in the wheelhouse.

To date, there have been 126 settlements totaling \$37 million -- a fraction of the damages sought.

Still pending are 55 cases, seven involving deaths, said Ms. Postiglione, the Law Department spokeswoman.

Those cases that don't settle will go to trial in Brooklyn federal court.

The largest settlement thus far -- \$9 million -- was awarded to Dongan Hills residents Tina and Wayne Evans in December 2006. Mrs. Evans, 41, lost both legs in the crash.

New Springville resident Paul Esposito, 24, at the time of the crash, was awarded \$8.9 million in March 2006. He also lost both legs.

Frank Donnelly is a news reporter for the Advance. He may be reached at fdonnelly@siadvance.com.

© 2008 Staten Island Advance

© 2008 SILive.com All Rights Reserved.