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Italian Gold families win round in court

By BARBARA TAORMINA
Times staff

A jury in Boston this week advised a judge to rule in favor of four widows of men who died aboard the Italian Gold, a local fishing boat lost at sea on Labor Day, 1994.

The wives of Salvatore Curcuru, Nicholas Curcuru, Peter Giovinco and Manuel Carrapichosa alleged that negligent repairs done by Rose's Oil Service contributed to the sinking of the vessel. After three weeks of testimony and four days of deliberations, the jury offered its opinion that Rose's Oil was partly responsible for the loss and advised Judge Carol Ball to award the women more than \$1 million in damages.

"While I believe the jury had to compromise somewhat in order to reach the verdict, all in all I think that this was a very positive result for these women," said attorney Joseph Orlando, who with attorney Brian McCormick represented Vera Curcuru, wife of Salvatore Curcuru.

"The evidence clearly shows that this was an avoidable tragedy," he added.

This morning, Frank Rose of Rose's Oil stressed that the jury's vote was advisory and declined to comment on the case until the judge makes a final decision.

Unlike other cases for losses and injuries at sea, the jury's decision

is not the final word. Orlando and McCormick will return to court on Aug. 10 to argue that Ball should accept the opinion of the jury.

According to McCormick, under maritime law, the plaintiffs were not automatically entitled to a jury trial. The judge agreed to hear the case and take the jury's decision as an advisory opinion before making the final decision herself.

During the trial, lawyers argued that Rose's Oil failed to diagnose a misalignment of the vessel's propeller shaft and to properly repair the stuffing box that houses the shaft. According to the plaintiffs, that faulty repair led to excessive leaking, which caused the vessel to sink.

Lawyers for Rose's Oil countered that the Italian Gold sank because of a huge wave that fractured the vessel's hull.

Much of the testimony in the trial centered on the technical aspects of the repairs, the stability of the vessel and the weather conditions at the time.

"The evidence was clear that the Italian Gold was a well-maintained and extremely stout vessel, exceeding all governmental requirements for hull strength," said McCormick. "Indeed, even if the seas were much worse than what the defense calculated, this vessel should not have sunk. There were other vessels out in the area where

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the Italian Gold sank that came home that day."

The jury also found that Rose's Oil and the vessel owner, Uncle Sam of '76, a corporation headed by local fisherman Joseph DiMaio, were equally responsible for the loss of the Italian Gold. Because of that decision, the original request for more than \$2 million in damages from Rose's Oil was split in half.

The wives of the crew members have already settled their individual claims with DiMaio. According to McCormick, this secondary case was the result of a legal requirement that demands all pos-

sible reasons for the sinking be investigated.

While Judge Ball is not obligated to accept the advice of the jury, McCormick believes its opinion will stand.

"This jury fought long and hard about what they wanted to do," he said. "If I were a betting man, I would say she would accept their opinion."

Judges are typically reluctant to set aside any decision from juries.

Once Ball makes a decision, either Rose's Oil or the wives of the crew of Italian Gold will decide if the case will continue for another round in court. Appeals to either decision are expected.