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Judge puts wrongful fishing death suit on fast track

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A \$3 million wrongful death lawsuit filed against a set of New Bedford fishing interests by the widow and children of late Gloucester fisherman Guiseppe Cracchiolo, 47, has been put on an accelerated trial schedule by Boston U.S. District Court Judge Douglas Woodlock.

Discovery is underway and respondents' motion for summary judgment is set for Aug. 15, with the potential trial date of Sept. 24.

Attorney Joseph Orlando of Gloucester is representing Carla Cracchiolo and the estate of her late husband including their two children. Orlando said in a statement that Woodlock granted the motion for an expedited trial scheduled due to "Mrs. Cracchiolo's heavy financial and medical difficulties."

The Cracchiolos have sued O'Hara Corp., Eastern Fisheries Inc., and R.C.P. Realty LLC, which are related companies.

The O'Hara Corp. merged with Constellation Fisheries, another New Bedford corporation in April 2011, weeks after Cracchiolo "died of exposure" after falling into the waters of New Bedford Harbor.

At the time of his death, Cracchiolo was engineer of the fishing vessel Sunlight, a herring siener owned by O'Hara Corp.

The Sunlight was tied up at the Eastern Fisheries Pier, which in turn was owned by R.C.P. Realty Inc.

"Mr. Cracchiolo returned to the boat after having been out for dinner with his co-worker Craig Lazaro, to find that the Eastern Fisheries facility had been locked for the night," said Orlando's statement. "When he called Mr. Lazaro, who had returned to the boat earlier in the evening," Cracchiolo was informed by Lazaro that he had accessed the facility through an adjacent property which had a hole in the fence.

According to Orlando, Cracchiolo then lifted himself onto the dock where the fishing vessel Sunlight was docked in order to get on the boat.

"When (Cracchiolo) attempted to do so," Orlando's narrative continued, "he slipped on the icy dock and he fell into the water and died of exposure."

Orlando said Cracchiolo's widow has been without income since her husband's death last year.

Robert Murphy, representing the defendants, in an affidavit response to the allegations, wrote last Sept. 1 that the Cracchiolo's damages "were caused in whole or in part by the decedent's own negligence and failure to exercise the degree of care, skill and knowledge reasonably to be expected of an individual of the decedent's experience and not due to any negligence or fault on the part of the defendant or any person for who the defendant may be legally responsible."

Murphy declined Wednesday to comment about the case.

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