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Lawyer: Crash report blaming dead biker 'absurd'

By *Richard Gaines*
Staff Writer

---- — The attorney for the family of the motorcyclist killed in May when he drove into a delivery truck attempting to cross Route 133 and turn west said Monday he is contemplating “an action” against the operator of a truck which was in front of the cycle and was cited for pulling partially into the breakdown lane of the two-lane highway in West Gloucester in the moments before the fatal collision.

A report by the state police reconstruction team released by the office of Essex County District Attorney Jonathan Blodgett last Tuesday concluded that Stephen Bennett was solely responsible for the collision that killed him.

“The conclusion is truly absurd,” said Attorney Joseph Orlando in a statement. “The rules of the road were ignored.”

Orlando said the driver of the dumpster carrier, Barbara Cox, by moving partially into the eastbound breakdown lane of Route 133, helped obscure the vision of the driver of the UPS truck who did not see the motorcycle behind and parallel to the vehicle Cox was driving and attempted to cross Route 133 when the collision occurred in mid-afternoon last May 31.

Orlando said the UPS driver, Jeffrey Goldstein, should not have attempted to cross the eastbound lane and turn west onto Route 133 until he could see his way safely, something the presence of the dumpster carrier moving into the breakdown lane and preparing to turn right onto Fernwood Lake Avenue prevented.

Cox, who could not be reached, was given a breakdown lane citation by the Gloucester police.

He said Goldstein should not have pulled onto the highway without certainty that he could complete the transit and get onto the westbound lane without risk to his or any other vehicle.

UPS, he has said, has made a very generous settlement with the Bennett family. Tammy and Stephen Bennet were sweethearts growing up in a coal-mining town in Illinois, where they had four children before they moved to Gloucester in 2001 so Stephen could take a job at Gloucester Engineering.

Orlando also questioned why the state police report did not present the detailed eyewitness account presented by Tammy Bennett, who, with her 12-year-old son Hunter at her side, was driving an sport utility vehicle behind the Harley Davidson that her husband was driving. The family was on the way to their residence in the Heights of Cape Ann.

“It is very clear that the accident report was written by someone who had not witnessed the accident,” Orlando said.

“While the resolution of the claim with UPS was satisfactory, the accusation that Stephen Bennett caused the accident is wrong, unfair, and demonstrates a bias,” Orlando said. “Stephen Bennett was an innocent victim of the negligence of the driver of the Coxco truck, for reasons for which it was cited, as well as the UPS truck for entering without a clear view of traffic. To attempt to blame the victim, who is unable to defend himself, is outrageous.”

Bennett, 43, was driving approximately 23 mph when his motorcycle smacked into the side of the UPS truck, according to the state police report.

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