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Victim's family sues UPS over crash

By *Richard Gaines*
Staff Writer

An attorney representing widow Tammy Bennett and the estate of her late husband has notified UPS of her intention to seek a financial settlement from the Atlanta-based package delivery company, whose truck pulled out of a side street onto Essex Avenue and was hit by motorcycle rider Stephen Bennett, 43, who died almost instantaneously in the May 31 crash.

Gloucester attorney Joseph Orlando filed a complaint in U.S. District Court in Boston on Friday.

In a telephone interview Monday, Orlando said he has written to UPS' lawyer Matthew Slater of the Boston law firm D'Ambrosio Brown LLC, and that Slater has acknowledged receiving the letter.

Orlando said the legal rules allow 120 days for the sides to settle civil damage claims before requiring him to serve the complaint on Atlanta-based UPS, which would move the matter into the federal court system.

Saying he hoped to reach an out-of-court settlement with UPS — a publicly traded company with \$53 billion in revenue and \$4.3 billion in net revenue (or profits) last year — Orlando said, "Sometimes, the right thing happens."

"We have a widow with a minor child" who have lost their husband, father and main wage earner, he said.

"Either UPS will come to the table and take responsibility, or we'll pursue our case in court," he added.

Orlando said he has retained an economist to calculate the damages for the purposes of the suit or settlement, including "future lost earnings and other economic damages and emotional harm to the family, which are sometimes worse than the financial damages."

UPS lawyer Slater did not return phone calls seeking comment Monday.

The Essex County District Attorney's office has not yet completed its accident reconstruction investigation, Carrie Kimball-Monahan, spokeswoman for DA Jonathan Blodgett, said Monday.

However, Orlando's complaint on behalf of Tammy Bennett and her late husband's estate alleges that UPS was responsible for the "negligence" of its driver in the "wrongful" death of Steve Bennett, a machinist who was employed at Ophir Optics LLC of North Andover, a major manufacturer of precision optical components and infrared red lens assemblies.

"On Thursday, May 31, 2012, at approximately 4 p.m., Stephen Bennett was traveling on Route 133 (also named Essex Avenue) ... on a motorcycle with his wife and minor child following in another motor vehicle," the complaint alleges. "At approximately the same time," the UPS truck driver improperly entered Essex Avenue from Fernwood Lake Avenue.

The youngest of the Bennett's four children, Hunter, 12, was in the car with his mother right behind Stephen Bennett's Harley Davidson when the UPS truck pulled out of Fernwood Lake Avenue onto Essex Avenue.

The driver "neither yielded to Stephen Bennett nor stopped at the end of Fernwood Lake Avenue," Orlando wrote, adding that "drivers on Essex Avenue have the right of way and drivers entering Essex Avenue from Fernwood Lake Avenue are required to stop at the T-intersection."

The suit also contends that, "at all relevant times, UPS was responsible for the acts and omissions of its agent/servant and employee," namely the the driver of the truck.

Moments after the incident — a very short drive from their home, where the Bennetts were headed — Tammy Bennett attempted to revive her husband with mouth-to-mouth resuscitation. When she concluded she could not do so, Tammy Bennett attempted to console the distraught driver.

"Please don't hate me," he begged as he stood next to Bennett, according to her account to the Times at the time.

She said she hugged him with forgiveness.

"For the UPS driver, it's such a horrible, horrible thing," she recalled thinking at the time. "How can I hate somebody who has to live with this for the rest of his life."

Tammy and Stephen Bennett fell in love in 1988 after their second date in Streator, Ill., a down-in-the-mouth coal mining town southwest of Chicago, when they were just out of high school, and he kissed on their second date.

They stayed in Streator where their four children were born; Ashleigh now is 22, Alyssa, 21, Stephen III, 19, and Hunter 12. But the family moved to Gloucester in 2001, after Stephen Bennett sought and landed a job at Gloucester Engineering.

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