



Staten Island Advance

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PUBLISHED SINCE 1886 | 50 CENTS

THURSDAY, FEBRUARY 21, 2008

Ferry-crash amputee gets \$6.5M

Four and a half years after disaster, he can't bring himself to go back onto the boats

BY FRANK DONNELLY
STATEN ISLAND ADVANCE

Shriram (Sam) Agni's right leg was so badly mangled in the 2003 Staten Island Ferry crash it had to be amputated below the knee.



STATEN ISLAND ADVANCE/JAN SOMMA-HAMMEL

Shriram (Sam) Agni was so badly injured when the ferry Andrew J. Barberi crashed that his right leg had to be amputated below the knee.

But the 61-year Todt Hill man refused to be defeated – he learned to walk again, first on crutches and then with a prosthesis. He even went back to work.

Yet for all his spunk and moxie, there is one thing Agni cannot bring himself to

do more than four years later – even with the \$6.5 million settlement he received yesterday from the city.

He won't ride the ferry again.

"I can't," the state agency accountant said yesterday in the Great Kills office of his lawyer, Anthony Bisignano. "I'm still getting nightmares about the accident."

Agni's settlement is the third-highest paid thus far by the city, in connection with one of the worst mass-transit disasters in history.

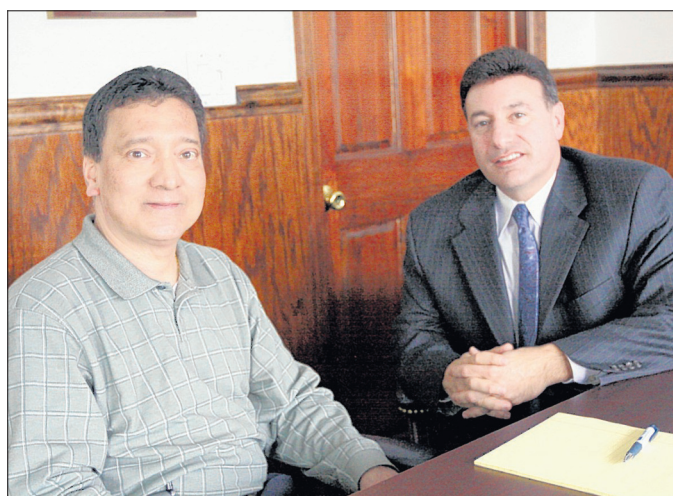
Eleven people died and scores were injured when the ferryboat Andrew J. Barberi crashed into a maintenance pier at the St. George Ferry Terminal on Oct. 15, 2003.

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 pilothouse on the opposite end of the boat.

Agni, a longtime employee of the state Division of Housing and Community Renewal, was returning home from Manhattan when he heard a loud bang. He was sitting on the lower deck near the front of the boat.

"It's like someone hit you with a big bomb," said the amiable, dark-haired Agni, who looks a decade younger than his actual age.



STATEN ISLAND ADVANCE/JAN SOMMA-HAMMEL

Sam Agni, 61, of Todt Hill, sits with his lawyer, Anthony Bisignano, in Bisignano's Great Kills office, after winning a \$6.5 million settlement in the Staten Island Ferry crash case.

Agni's leg was fractured as it became sandwiched between collapsing seats. Despite blood loss and "unbelievable" pain, he tried to help other passengers lying in the rubble.

He was taken to the former St. Vincent's Hospital, West Brighton, for treatment. Due to complications, his right leg had to be amputated six inches below the knee.

Though forced for a time to confine himself to the first floor of his three-story home, Agni was unbowed. He learned to walk with crutches, then a prosthesis. He returned to work a year later, after securing a transfer to his agency's St. George office.

Yet for all that, there are

still many things he can't do that he once enjoyed, like exercise or play tennis.

While he called the settlement "good," Agni said he wished it had been achieved much sooner.

"It took (the city) so long. It was four and a half years," he said. "That's what bothers me."

Bisignano said he hopes Agni's settlement is indicative of the city's intention to quickly resolve more than 60 other open claims.

"Sam's journey to justice has come to an end," said Bisignano, a partner in the Great Kills and West Brighton law firm of Bosco, Bisignano & Mascolo. "I hope the remaining claimants will be able to settle their cases so they can

put this tragic event behind them."

A city Law Department spokeswoman called the settlement "fair and reasonable" and "in all parties' best interest."

"We hope it will bring a measure of solace to Mr. Agni," said Kate O'Brien Ahlers, the spokeswoman.

The city, meanwhile, is appealing a ruling issued last February in Brooklyn federal court, denying its bid to avoid legal liability or to limit its liability for damages.

Chief District Judge Edward R. Korman found the accident was caused by the city's "laxity" in enforcing its own rule requiring that two pilots be present in the pilothouse "at all times while the ferry was under way."

Korman's decision, in United States District Court for the Eastern District of New York, exposes the city to tens of millions of dollars in damages awards.

The city contends it was covered by an 1851 maritime act that limited a boat owner's liability to the vessel's value less repair costs – \$14.4 million, in this case. City lawyers have argued the crash was caused by Smith's – not the city's – negligence.

Smith, 59, of Westerleigh, pleaded guilty to 11 counts of federal seaman's manslaughter in August

2004 and spent 16 months in prison. He was released in July.

Gansas, 42, who has ties to Staten Island and resides in Hazlet, N.J., was fired by the city in November 2003.

Besides disregarding its own pilothouse rules, the city failed to follow Coast Guard regulations requiring that a lookout be present in or near the pilothouse at all times, victims and their families contend.

Prior to Agni's settlement, the city settled 122 claims for a total of \$27.6 million – a fraction of the damages sought. Still pending are 63 cases.

The bulk of the payouts – more than \$24 million – has gone to six claimants, said Bisignano.

The largest settlement to date – \$9 million – was awarded to Dongan Hills residents Tina and Wayne Evans in December 2006. Ms. Evans, 41, lost both legs in the crash. The couple was represented by the Mount Vernon, N.Y., law firm of Weisman & Calderon.

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

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