

## \$14.8 million suit filed in fatal New York crash

BEAUMONT (UPI) — A lawyer filed a \$14.8 million suit Wednesday in a New York traffic accident that killed a woman en route to run in the Boston Marathon, fatally injured her daughter and left her husband brain-damaged.

The damage suit on behalf of Barbara and Richard McWhorter and their family — two sons survived the April 17 crash near Utica — charges negligence by drivers of trucks owned by Malone Freight Lines Inc. and Gateway Transportation Co.

Family lawyer Richard Mithoff said the suit alleges the drivers were traveling at excessive speeds and that

they failed to control their vehicles.

"Both drivers were ticketed, and we are alleging that they were racing," Mithoff said.

Police reported the highway was slick from rain at the time of the accident.

Mithoff said the Malone truck was trailing the Gateway truck in the opposite lane of Interstate 90 near Utica, N.Y. The Malone truck went into a spin and slid around in front of the Gateway truck, he said. The Gateway truck hit the Malone truck and then traveled across the median and struck the McWhorter car head on.

Barbara McWhorter, 36, and Suzanne McWhorter, 11, were killed.

Richard G. McWhorter, 36, is still in a coma in St. Elizabeth's Hospital in Utica, suffering from severe brain damage.

Mithoff said arrangements are being made to transport McWhorter from New York to a hospital in Houston sometime this week.

Two sons, Richard J., 16, and Andrew, 14, were injured in the crash but have recovered and now live with their paternal grandfather, Richard M. McWhorter, in Port Arthur.

The family left Houston April 9 for Boston where Mrs. McWhorter was to run in the Boston Marathon.