**The Fishtailing Father-to-Be**

After work one Thursday night, radio salesman, Jim Smith, went to a retirement celebration for one of his longtime colleagues at the Bedford Village Inn. There were heavy appetizers with complimentary wine and cocktails being served, from which Jim, who had missed lunch, eagerly ate and drank. There was also an open bar, which the sales crew, including Jim, surrounded. Around 8 pm, in the middle of the festivities, Jim received a call from his wife, Maureen, who was six and a half months pregnant with their second child. Maureen called because she thought that she was going into early labor and she needed him to come home to take her to the hospital.

Maureen and Jim live in Goffstown with their two year old daughter, and Maureen planned to give birth at Catholic Medical Center.

Worried about his wife, Jim raced home from the BVI, exceeding the speed limit. When he got home, his wife was waiting at the front door, bent over in pain. Jim helped her to the car and, again, got behind the wheel. He tore out of the driveway and drove toward Manchester on Goffstown Back Road, speeding, with his cell phone in his hand, as he tried to call his wife’s obstetrician. Distracted while dialing, as he went around a curve on the dark narrow road, Jim lost control of the car and crashed into a tree, killing his 29-year old wife and unborn child and rendering him unconscious.

The Goffstown Police, Fire and EMS responded to the accident scene. Jim and Maureen were both taken by ambulance to Catholic Medical Center where Maureen and the unborn child were pronounced dead on arrival. A blood sample taken from Jim showed a BAC of .22. He was charged with two counts of aggravated DWI and two counts of negligent homicide relating to this accident. He is out on bail, pending trial and has encouraged his wife’s family to make a claim under his insurance policies.

Maureen’s parents and siblings have contacted you about filing a wrongful death claim against Jim on behalf of her and her unborn child. They are angry at Jim for what he did, they are grieving the loss of their daughter, and they are struggling to care for Maureen’s surviving two year old daughter.

When she died, Maureen was only 32 years old. She was out of work on short term disability (66% of her base salary) due to her high risk pregnancy and related complications. She planned to remain out of work after delivering her child for at least three months on unpaid maternity leave. Before going on short term disability, Maureen worked as a registered nurse at Catholic Medical Center. She had a master’s of science in nursing and had been working at CMC for seven years. She had an impeccable employment record with perfect reviews. Maureen received a base salary of $53,000 per year, with added compensation for shift differentials and overtime. In the five years prior to her death, her average annual salary was $55,000.

When Maureen learned she was pregnant with her second child, she had expressed an interest in remaining home with her kids until they were both in school, but was reserving her decision until her maternity leave ended.

This was the first marriage for Maureen, and second for Jim, whose first marriage ended due to his alcohol abuse. Maureen left behind a two year old daughter.

Maureen’s medical bills from the CMC ER and the ambulance ride were $9,000. The funeral and burial bills for Maureen and her unborn child were $21,000.

Total special damages were $30,000.00.

Jim and Maureen had an automobile liability insurance policy with $250,000/$500,000 limits through Progressive Insurance, as well as an excess umbrella policy with $1 Million in available coverage.