

Seven Years And 10 Deaths Intervene To Complicate \$2,500 New Britain Suit

By MILT BERKOWITZ

NEW BRITAIN, Aug. 28 (Special)—Are you good at legal puzzles? Try this one.

Almost seven years ago an ordinary lawsuit was filed in this city by a man who sought to recover money due him on a note.

The amount was comparatively small as present day lawsuits go — about \$2,500 — but, as time went on, the case developed into one of the lengthiest, most complicated actions in the annals of local jurisprudence.

It has just been settled.

10 Persons Die

But 10 persons directly or indirectly connected with the litigation have died — four of them in the Hartford circus fire of 1944. Attachments on some of the estates of those who succumbed prolonged the case from year to year.

Opposing counsel used reams of paper in correspondence, and there were numerous assignments and hearings held in different courts in Connecticut and other states.

It all started when Irving Nichols, Berlin dairyman, sued Martin Gouko, partner of Charles Densmore in the Lincoln Pharmacy, West Main Street, New Britain, for alleged non-payment on a promissory note. The action was brought Nov. 22, 1946. The note, according to the plaintiff's attorney, Benjamin S. Birnbaum, was dated March 14, 1944.

Becomes Administrator

Gouko, through the loss of his wife and three daughters in the fire, became administrator of their estates. However, shortly thereafter, Gouko was removed as administrator of these estates and the firm of Ribicoff & Ribicoff & Kotkin of Hartford was assigned to the task.

On Sept. 22, 1949, in Hartford Common Pleas Court, Judge Sidney A. Johnson, after a lengthy hearing, ruled for Nichols to recover the amount, plus interest and attorney's fees. The total judgment came to \$2,611.50.

But Nichols, before trial, had died in Meriden and his wife, Joan, was appointed administratrix of his estate and, as such, became the plaintiff.

More Tragedy

Meantime, Gouko, following the tragedy which befell his family, had moved to Hollywood, Fla., married again, and died there in July, 1947. Atty. John B. Pearson of Hartford became ancillary (or sub) administrator of his estate.

Earlier, while the various court actions had been in progress, Gouko, battered by the untimely deaths of his wife and daughters, had received word that his only

son had been killed in the service overseas.

This brought one more estate into the picture.

When Atty. Birnbaum originally sued Gouko, the latter retained Atty. David L. Nair of New Britain. Nair died, too.

According to the law, when an estate is garnisheed, suit must be filed within a certain time after judgment against the administrator to protect the claim. So, on Sept. 14, 1950, Atty. Birnbaum filed action against Atty. Irving Ribicoff as administrator on the judgment previously rendered, in behalf of Nichol's widow.

New Claim

Another action was started about this time when Atty. Thomas J. Hagarty of Halloran, Sage & Phelon of Hartford, representing Densmore, sued Gouko's estate in connection with a drug store accounting claim. Hagarty attached, for his client, the circus fire dividends payable to Gouko for his wife and children.

Shortly thereafter, Densmore followed the others in the case, to the grave.

Also, before Gouko's death, Abraham M. Fightlin, New Britain businessman, placed an attachment against the estates, claiming the former owed him money. Fightlin died during litigation.

Bonding Firm Sued

It was alleged, Atty. Birnbaum related, that Gouko, while residing in Florida, was carefree with some of the money he already had received from the estates. He was bonded by the U. S. Fidelity and Guarantee Co.

It wasn't long before Birnbaum and other lawyers presented claims against the bonding firm for an accounting of the alleged missing funds.

The firm of Schatz & Weinstein of Hartford appeared for the company and the claims were eventually settled and the money returned to the estates.

New Obstacle

The case was hampered continually by innumerable hearings to iron out legal technicalities and ramifications concerning the different estates.

Just when it appeared a settlement might be in the offing, another obstacle arose.

From a man in a Southern city came an assertion that he was the father of one of the Gouko girls killed in the fire. This individual, who remains unidentified, engaged counsel and demanded that he be declared legal heir to her estate.

Some time elapsed, and that claim was compromised.

To complicate an already

highly complicated case, a C. P. Hammerstein of Hollywood, Fla., sent in a claim, asking money he said he loaned the former New Britain druggist while the latter lived in Florida. Hammerstein, it was reported, had an assignment to Gouko's share of the estates of Nancy and Ann Gouko.

An adjustment had to be made in that matter, also.

The case was not over yet.

After Gouko's death, his widow, Marie, of Upper Montclair, N.J., and his sisters, Eva Hoenig of New York City and Sonia Paskman of Philadelphia, put in claims for his share in the estates.

Maze of Adjustments

There were many other claims which confused the already complicated situation and a maze of adjustments which had to be made and signed.

The claims were adjusted in the courts or by settlements. But when all the estates were finally closed, it was found there were insufficient funds to cover all the claims.

Only when the many litigants agreed on pro-rata shares were the estates and other claims finally disposed of.

Checks finally went out this week.

Sitting in his office Saturday, a stuffed file on his desk, Atty. Birnbaum recalled the case of Nichols vs. Gouko. . . heartaches and headaches.