

Mother of man who settled suit seeks to inherit estate

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Jeffrey Nusinov of Fisher & Winner represents Elizabeth Alston, who is seeking to inherit Jeffrey Alston's estate.

The mother of a West Baltimore man who was paralyzed in the aftermath of a police stop nearly 10 years ago has filed suit against her son's estate, alleging he told her before he died that she was to inherit his assets — including what's left of an approximately \$6 million settlement he reached with the city in 2004.

Elizabeth Alston, 70, claims Jeffrey Alston agreed to make her the primary beneficiary of his estate in exchange for her moving into his house and taking care of him full-time beginning in early 2005.

According to the suit filed last week in Baltimore City Circuit Court, Jeffrey Alston also voiced his intentions to his estate attorneys and the lawyer who represented him in the protracted civil suit against the officers he alleged were responsible for his injuries. But when he died in July 2005 at age 39, he had not drawn up a will.

"Elizabeth Alston took care of her son in his hour of need," said Jeffrey Nusinov, her attorney in the present litigation. "Tragically, death overtook Jeffrey before he could finalize his testamentary wishes.

"We are going to see that Jeffrey's mother gets what her son wanted her to have."

In November 1997, police pulled over Alston's BMW for speeding and arrested him after allegedly smelling alcohol on his breath.

Shortly thereafter, Alston's neck was broken and he was rendered a quadriplegic.

Alston claimed the officers put him in a headlock and threw him into the police transport van. The officers said Alston resisted arrest and suffered injuries when he undid a seatbelt in the back of the van.

Alston filed suit the same month of the incident, but the case did not go to trial until 2004. The two-week trial featured allegations of racial motivation — Alston was black, the police officer defendants were white — motions from both sides for a mistrial, a dismissed jury foreman, and Alston's testimony in court delivered from a stretcher.

When the dust settled, Alston was awarded \$39 million in damages. While the case was on appeal, he settled with the city.

Completely incapacitated, Alston required constant care and was in and out of nursing homes before buying a house in Catonsville in 2005, according to Elizabeth Alston's suit.

Alston never executed a will before his death, and an attorney, Richard Stofberg, was appointed the personal representative of the estate.

According to Stofberg, the estate totals about \$3.6 million and includes a portion of the structured settlement with the city and the Catonsville house Alston bought, which he and his mother lived in when he died.

If Elizabeth Alston, a retired director of medical records at Spring Grove Hospital in Catonsville, does not prevail, her son's estate will go to his six children, only one of whom is now an adult, Stofberg said. Jeffrey Alston never married, the suit states.

No payouts have yet gone to the children because of estate taxes due to the state and federal governments and the expectation of this lawsuit, Stofberg said.

Nusinov and Stofberg agreed the Catonsville house was part of the estate. Nusinov, however, claimed Elizabeth Alston, who had been living in the house, has had to move in with her family. Stofberg said he believed she was still living in the house, but said he had not and would not take any action to evict her.

"The house which Mrs. Alston is currently living in is estate property, and that is valued at approximately \$450,000," Stofberg said. "And if Mrs. Alston is unsuccessful in the lawsuit, we are going to have to unfortunately sell the house."

Stofberg said the case presented "a rather novel legal issue."

"I believe that the oral contract is going to be difficult for the plaintiff to enforce given what's called the dead-man statute," Stofberg said, referring to state law that prohibits an interested party from testifying about her communications with a decedent.

Elizabeth Alston would have to present other witnesses with knowledge of the alleged agreement to prove its validity, he said.

Nusinov plans to call the attorneys to whom Jeffrey Alston announced his intentions as well as family and friends who were familiar with his wishes.

"Anyone who was close to Jeffrey will confirm that his wishes were to make sure that his mother was taken care of," Nusinov said.

Philip C. Federico, of Schochor, Federico and Staton P.A. in Baltimore, represented Alston in his suit against the officers and was present at the meeting with Alston's estate attorneys at Hodes, Ulman, Pessin & Katz P.A.

Federico said he is not sure Elizabeth Alston was to be the sole or primary beneficiary of the estate but is "certain" she was to be included in the contemplated will.

"He told me his mother had always taken care of him and he was going to take care of her," Federico said Friday. "He said he was going to get a will done that would take care of his mother and his children.

"I think Jeffrey's intentions were genuine and sincere, and I hope his intentions prevail."