

VIKING REPORT



Randy
Moss



Cris
Carter

Traffic agent plans to sue

BY BILL WILLIAMSON
Pioneer Press

The Minneapolis traffic control agent Vikings wide receiver Randy Moss pushed with his car in September plans to file a civil lawsuit against him next week, a source close to the situation confirmed Friday.

Bloomington attorney Robert Boedigheimer is representing traffic agent Amy Elizabeth Zaccardi. The suit is expected to be filed in Hennepin County. Boedigheimer and Zaccardi were unavailable for comment Friday.

Zaccardi is believed to be asking for \$450,000 in the suit in which psychological and physical damage will be cited. Moss' agent, Dante DiTrapano, was unavailable. The Vikings had no comment.

Sources said Zaccardi has been planning the lawsuit for some time and that Moss and his representatives are not interested in settling the suit.

Moss was arrested Sept. 24 in downtown Minneapolis after nudging Zaccardi, who was directing traffic. He pushed her slowly with his car until she fell.

In December, Moss pleaded guilty to one misdemeanor and one petty misdemeanor traffic offense for ignoring Zaccardi's instructions and for pushing her. Moss was sentenced to 30 days in jail, stayed for one year, 40 hours' community service, and the maximum fine of \$1,276. Three other charges, including possession of a small amount of marijuana, were dropped.

The NFL informed Moss via letter in February he will not face punishment for the offenses.

Welcome back, Carter: Vikings owner Red McCombs reiterated coach Mike Tice's sentiment about receiver Cris Carter re-signing with the Vikings so he can retire officially as a Viking.

"That's something we'd have an interest in," McCombs said. "I can see that happening."

Carter played for the Vikings from 1990-2001. He retired from the Vikings last May but signed with Miami in October and finished the 2002 season with the Dolphins. He retired again last month.

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Traffic agent sues Viking Randy Moss

Suit calls his conduct outrageous

By Margaret Zack
Star Tribune Staff Writer

Randy Moss' conduct in ignoring the directions of a Minneapolis traffic control agent who was knocked down by his car last Sept. 24 was "outrageous" and "beyond the bounds of decency," attorneys for the agent and her husband said in a lawsuit filed Wednesday.

The suit against the Vikings' receiver by Amy E. and Nicholas S. Zaccardi alleges assault and battery, intentional infliction of emotional distress and two counts of negligence.

Moss, 26, pleaded guilty in

December and was fined \$1,200 for careless driving, a misdemeanor, and obstructing traffic, a petty misdemeanor. He was ordered to perform 40 hours of community service.

A petty misdemeanor marijuana charge was dismissed.

Moss' insurance company is defending the case.

His attorney, Emilio Giuliani, said in a prepared statement that Zaccardi's claims "will and should be handled through the court system."

LAWSUIT continues on B9:

— *Suit: Agent has lower-back injury that allows her to do only light-duty tasks.*

LAWSUIT from B1

Moss ignored her directions, the suit claims

Filed in Hennepin County District Court, the suit asks for damages in excess of \$50,000 for each of the Zaccardis, which is standard in Minnesota for civil suits.

Driving a 2002 Lexus, Moss tried to turn from 7th Street onto Marquette Avenue during rush hour on Sept. 24 in downtown Minneapolis.

Because he was in the center of three lanes, Zaccardi motioned for him to continue through the intersection on 7th Street, according to a criminal complaint filed after Moss was arrested.

The suit said Moss ignored her directions. As he turned, she blocked

his way while calling for help. Moss then pushed her about a half-block down Marquette "until he accelerated his motor vehicle causing it to forcibly knock" her to the pavement, the suit said.

Zaccardi, 27, of Coon Rapids has and will continue to have medical expenses for her physical and emotional injuries, has lost earnings and has suffered embarrassment, the suit said.

Attorney Robert Boedigheimer said Zaccardi has a significant lower-back injury that has prevented her from going back to her job on the street. Instead, she is doing light duty such as answering phones and making photo copies, he said.

Zaccardi had no idea that it was Moss who was disobeying her traffic directions, he said.

She did not attend a news conference held by her attorneys. A message on her answering machine said she and her husband had no comment.

The football star issued a letter of apology to drivers and pedestrians who may have been distressed by his driving conduct. He also apologized to his teammates and coaches for being a distraction.

But he did not apologize to Zaccardi, and his attorney, Joe Friedberg, said after the plea, "I don't think she deserves an apology."

The suit would have proceeded regardless of an apology, Boedigheimer said. But he said Zaccardi's emotional injuries would have been tempered if Moss had apologized. He noted that he apologized to everyone but Zaccardi.

His agent, Dante DiTrapano, said, "We knew the day of the incident, by her behavior, that her intention was to file a lawsuit. So it comes as no surprise to us."

Staff writer Kevin Seifert contributed to this report.

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Briefs

Punitive damages sought against Moss in traffic suit

An attorney for a former Minneapolis traffic-control officer who was knocked to the ground by Minnesota Vikings receiver Randy Moss' car two years ago is trying a new tactic in her lawsuit.

Amy Zaccardi and her husband, Nicholas Zaccardi, have claimed assault and battery, intentional infliction of emotional distress and negligence in a suit filed last year in Hennepin County District Court. They are seeking more than \$50,000 in compensatory damages, an amount that would likely be covered by Moss' auto insurance carrier.

But Monday, Zaccardi's attorney asked Judge Heidi Schellhas to consider amending that suit so they can seek punitive damages, which experts say his insurance company would be unlikely to pay. The judge has 90 days to decide.

The standard for punitive damages under Minnesota law is deliberate disregard for the rights and safety of others, or conduct that goes beyond negligent.

The Zaccardis' attorney, Robert Boedigheimer, claims that Moss was under the influence of marijuana at the time of the September 2002 incident.

Moss' attorney, Emilio Giuliani, said there is no evidence to support that allegation, so there is no basis for amending the complaint to pursue punitive damages.

According to her attorneys, Amy Zaccardi suffered physical and emotional injuries when she tried to get Moss to drive straight on S. 7th Street in downtown Minneapolis, instead of turning left illegally from the middle lane onto Marquette Avenue, by blowing her whistle and directing him with hand signals.

Moss turned anyway, hitting Zaccardi with his car and slowly pushing her about half a block before she was knocked to the ground. Police later found a marijuana cigarette in his car, but Moss insisted it wasn't his.

He pleaded guilty to two misdemeanor counts in December 2002. He was fined \$1,200 for careless driving and obstruction of traffic and ordered to do 40 hours of community service.

Associated Press