

Chotiner

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\$78,428

By Laura A. Kiernan
Washington Post Staff Writer

The family of Murray Chotiner, a longtime political adviser to former President Nixon, was awarded \$78,428 in damages yesterday after a one-day trial in a U.S. District Court in Alexandria.

Chotiner, 64, died of a massive blood clot one week after his Lincoln Continental was struck in January, 1974, by a General Services Administration truck driven by Charles Mickens, 39, of Northeast Washington. The accident occurred on Chain Bridge Road in Fairfax County.

Doctors said the blood clot was a direct result of a leg fracture suffered in the collision.

U.S. District Court Judge J. Calvitt Clarke ordered that Chotiner's widow, Nancy, receive \$65,928, which includes compensation for medical expenses and funeral costs. Chotiner's only son, Kenneth, 37, a California lawyer, is to receive \$12,500.

The award, to be paid by the federal government, was the maximum allowable—at the time of the incident—under Virginia law for a wrongful death.

Chotiner, who was practicing law in Washington at the time of his death, served as a political adviser and campaign aide to Mr. Nixon for almost three decades.

Clarke ruled immediately after the nonjury trial that a "reasonable explanation" for the 9 a.m. accident was that Mickens had fallen asleep while driving, which constitutes negligence under the law.

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According to police reports, the accident occurred when the truck crossed the center line of the two-lane road and struck Chotiner's car.

Dr. Harvey Ammerman, who treated Mickens after the accident, testified for the government that he thought Mickens suffered an unexplainable blackout or fainting spell.

Mickens testified he could not remember what happened either during or moments before the accident.

In his ruling, Clarke noted evidence for the Chotiner family that less than two months after the accident Mickens renewed his District of Columbia driver's license and said in an application that he had never suffered or been treated for dizziness or fainting spells.

The only witness for Mrs. Chotiner, Dr. Richard Restak, a neurologist, said he believed Mickens fell asleep while driving and then may have suffered a concussion.