

inadmissible

Supermarket Sweepstakes

David Mazie is relishing victory in a fight over a \$33 million lottery jackpot won by grocery workers, but the money isn't in the bag yet.

Mercer County Superior Court Judge Mitchel Ostrer ruled Wednesday that workers at a Brick Township Pathmark were wrong to deny a share of the winnings to Mazie's client, cashier Mary Martinelli. She told co-workers she wanted to participate in the August 2001 pool but never paid her share. Yet she had a contract because organizers of the longstanding pooling arrangement routinely advanced money to fellow employees and let them pay later.

Marc Stofman, a partner of Cherry Hill's Klehr, Harrison, Harvey, Branzberg & Ellers and counsel to the 36 co-workers, says he will appeal. And a separate suit is pending on behalf of two other Pathmark workers excluded from the jackpot.

The state lottery placed \$702,000 in escrow when the other two workers made their claims, but nothing was escrowed for Martinelli because she contacted the state after the payout.

Mazie, a partner of Livingston's Nagel Rice & Mazie, says he will seek the escrowed funds for his client after the appeals are exhausted. If the other plaintiffs win and he's forced to split the escrowed funds, Mazie will pursue Martinelli's 36 co-workers. "It's not going to be a big issue," he says.

-- By Charles Toutant