

# The Star-Ledger

## \$1.25M settles lawsuit over drug addiction

BY JIM O'NEILL  
STAR-LEDGER STAFF

An East Brunswick man has accepted \$1.25 million to settle a lawsuit claiming his friend suffered a 15-year addiction to painkillers prescribed by a physician who continued doling out the drugs instead of getting treatment for the man.

William Taglieri accepted the sum in New Brunswick on Tuesday as jury selection was about to begin in a trial seeking monetary damages from the physician, Albert Moss, who practiced medicine in New Brunswick and Newark, but since has retired.

Taglieri, the longtime friend and only heir of Mark Yatrofsky, 48, contended the doctor ignored pleas to help Yatrofsky, who died Feb. 10, 1999, from head injuries after falling down a flight of stairs in his home.

In a lawsuit filed by Livingston lawyer David Mazie, Taglieri charged Yatrofsky, an East Brunswick plumber, was under the influence of prescription painkillers when he fell.

Mazie said Yatrofsky injured his back at work in 1984 and went to Moss, who prescribed muscle relaxants and painkillers. Although the back injury had healed after about

six months, Yatrofsky became addicted and continued to receive prescriptions from the physician, Mazie charged.

Over the years, the doctor increased the plumber's dosage as his addiction worsened, the lawyer charged.

Yatrofsky's friends and family had asked the doctor to stop prescriptions and help the man get into a drug rehabilitation program, Mazie said. At one point, Yatrofsky threatened to kill himself if he did not get more drugs, the lawyer said, adding Moss complied by continuing prescriptions.

"Its criminal," the attorney said. "What he (Moss) did was unbelievable."

During testimony taken during trial preparations, the doctor "admitted 140 times that he breached the standard of care" and acknowledged the plumber had a drug addiction "but didn't want to cut him off," Mazie said.

Superior Court Judge Yolanda Ciccone, sitting in New Brunswick, was preparing to select a jury when the settlement was reached. The jury would have been asked to consider a monetary award, Mazie

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said, noting the doctor previously had been found liable in a ruling by Superior Court Judge Douglas Hague. The ruling was upheld by an appeals court.

Mazie said Moss subsequently surrendered his license to practice medicine.

The retired physician could not be reached yesterday and his lawyer, James Sharp of Parsippany, did not return a phone call seeking comment.

Under the terms of the settlement, Moss' insurance company agreed to pay \$1.2 million. The remaining \$50,000 will be paid by an insurance company representing Eckerd, a drugstore chain that purchased Boyt's Pharmacy, a South River drugstore where Yatrofsky went to have his prescriptions filled.

Boyt's, which also was named a defendant in the lawsuit, was accused of continuing to fill prescriptions without reporting the abuse to the federal Drug Enforcement Administration, Mazie said.

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