

Derry dad sues over son's death

By EMILY BEAVER
Union Leader Correspondent
Friday, Jul. 7, 2006

A Derry man whose teenage son died after a November car accident has filed a lawsuit against Jane and Alex Matson, alleging they acted negligently by hosting an underage drinking party that led to the boy's death.

Dexter Hodgeman of Heritage Lane has petitioned to attach \$5 million of the Derry mother and son's property as collateral for damages, according to papers filed in Rockingham County Superior Court this week.

Hodgeman's son, Steven P. Hodgeman, 17, died Nov. 7, three days after the car he was traveling in slammed into a tree on Back Chester Road. The car's driver, 17-year-old Carl Burke, died immediately.

Burke and Steven Hodgeman, both Pinkerton Academy students, had allegedly been drinking at a party at Jane Matson's home on Rockingham Road that night, according to court papers filed on behalf of Hodgeman.

The papers allege that Alex and Jane Matson knew Carl Burke intended to drive on the night he died, but still provided him with alcohol and encouraged him to consume it. The Matsons had the responsibility not to provide minors with alcohol and not to allow Burke to drive after he became "visibly intoxicated," the papers state.

Hodgeman's suit also alleges the Matsons had hosted other underage drinking parties. By providing minors with alcohol, the papers allege, the Matsons engaged in a "negligent, reckless and willful" breach of duty that resulted in Steven Hodgeman's death.

In May, a Derry District Court judge dismissed all charges brought against Jane Matson for holding an underage drinking party on Oct. 28, 2005. The judge said the prosecution did not show that the party took place at a structure owned and controlled by Matson, or that five or more of the party's attendants were under 21 and unrelated to her.

In June, Alex Matson, 17, was found guilty on two counts of facilitating an underage drinking party.

In court papers filed in response to Hodgeman's suit, Jane Matson's lawyer alleges that, as the driver of the car, Carl Burke was "negligent" and responsible for the accident. Also, if Burke was visibly intoxicated, it was Steven Hodgeman's responsibility not to ride in a vehicle with him, the papers state.

Jane Matson was not at her home, "let alone at the 'party'" that allegedly occurred on Nov. 4, according to papers filed by her lawyer.

Jane Matson's lawyer has also filed court papers objecting to Hodgeman's petition to attach \$5 million of the Matsons' property. Because Steven Hodgeman had not completed his education or demonstrated any earning potential, demanding \$5 million for his death is unwarranted, according to the court papers.

"Although his death was tragic, there is accordingly no basis to grant an attachment in the amount requested," the papers state.

Jane Matson declined to comment on the suit. Neither Dexter Hodgeman nor Alex Matson could be reached for comment.

In a plea deal negotiated in Derry District Court, Alex Matson pleaded no contest — meaning he neither admitted nor denied guilt — to charges that he facilitated underage drinking parties on Oct. 1 and Nov. 4, 2005.

New Hampshire Union Leader Correspondent Elise Castelli contributed to this report.

All trademarks and copyrights on this page are owned by their respective owners. © 1997-2006.