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## Civil suit to make point

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It's not the money, but the principle that's at stake in a civil damages lawsuit being pursued as the result of a brutal assault on two Mexican day laborers in Shirley nearly five years ago, the attorney for the victims said Friday.

Two men, Christopher Slavin, 31, of Melville and Ryan Wagner, 23, of Maspeth, already have been convicted and sentenced in state court to 25 years in prison for the attempted murder and assault in September 2000 on the laborers, Israel Perez and Magdalena Estrada Escamilla. And, unless an appeals court overturns the verdicts, it's unlikely they'll appear in criminal court again.

But Friday, the attorney for the laborers, Frederick Brewington of Hempstead, argued in federal court in Central Islip that the jail terms were not sufficient, and that the victims were entitled to get significant damages.

Perez nearly bled to death and Estrada Escamilla was beaten over the head with a posthole digger.

Wagner agreed to settle the case Thursday for \$75,000. But Slavin is contesting the case. In opening statements yesterday, Slavin's attorney, Robert Del Col of Huntington, asked the jury to keep an open mind on how serious the injuries were.

In comments Thursday, Brewington, Del Col and Wagner's attorney, Thomas Liotti of Garden City, agreed that it is unlikely the laborers will ever see a fraction of any money awarded them, since Slavin and Wagner have no resources and will be prisoners for years.

Del Col said he and his client decided not to settle because of the possibility that the civil trial would include testimony or evidence that might help his client on appeal.

When Brewington was asked why his clients were continuing with the case when they knew that financial gain was unlikely, he answered, "Why not?" It was important, he said, to establish that justice requires that day laborers are entitled to financial damages when their civil rights are violated. Even, Brewington said, if that monetary award is just symbolic.

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