

\$1 Million Dollar Lottery Winnings Upheld on Appeal



Court says woman who didn't pay should share in lottery win

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NEWARK, N.J. -- Mary Marinelli didn't have to be in it to win it.

A state appeals court ruled Friday that the Toms River woman, who had been in a lottery ticket-buying pool that won nearly \$33 million, should receive some of the jackpot even though she hadn't paid her \$10 share before the drawing.

A three-judge panel upheld an award of \$1 million to Marinelli, 51, who was one of a group of employees at the Pathmark supermarket in Brick Township that won a share of a \$115 million jackpot in what was then called the Big Game. It has since changed its name to Mega Millions.

"I'm very relieved," said Marinelli, who still works at the supermarket. "It's just glad it's over and done. It's been crazy. I feel like a weight has been lifted from my shoulders."

In February 2004, a state Superior Court judge ruled that even though Marinelli hadn't gotten her money in to the pool before the drawing, she was a long-standing player and had agreed with the 33 other players that she would participate in all future drawings.

That decision was upheld by the appellate panel, which found that there was an enforceable contract between Marinelli and organizers of the pool.

On Sept. 1, 2001, the supermarket workers were overjoyed when they found out they had one of two winning tickets from the previous night's drawing. The other was sold at a market in Camden. The holders of both winning tickets used the lump-sum, cash option, which reduced the payout by roughly half.

Marinelli knew she hadn't put in her \$10 for that week, but said she fully intended to afterward. She never expected her co-workers would try to cut her out of the jackpot.

"I was celebrating with them," she said. "We were all jumping up and down together. Then they went into the office and the secretary told me my name wasn't on the list. They said don't worry, they'll take care of it. They didn't."

She has lost several friends over the incident.

"I can't call them friends now," she said. "Friends would never do this to you. They'd sneer at you and not talk to you. I just held my head up high."

Her attorney, David Mazie, said the disputed lottery share amounts to only about \$33,000 less for each of the other winners.

"It essentially took her four years to cash her winning lottery ticket," he said.

The money has been in an escrow account accruing interest, and should total just slightly over \$1 million, Mazie said.

Marinelli plans to work at the store for another four years before retiring at age 55. She plans to set aside some of the money for her seven grandchildren, and keep the rest for retirement.