

Estate of Anne Marie Fahey v. Thomas Capano

A civil wrongful death and tort action arising from
a high-profile Delaware murder case

Forensic Economist For The Estate of Anne Marie Fahey:
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The central parties

The civil case followed the criminal investigation and conviction.

Anne Marie Fahey

Scheduling secretary to then-Governor Tom Carper; disappeared in June 1996.

Thomas J. Capano

Prominent Delaware attorney and political figure; convicted of first-degree murder.

Fahey family / estate

Civil plaintiffs seeking accountability for death, cover-up, and related tortious conduct.

Capano brothers & entities

Named in civil action based on alleged cover-up and evidence destruction.



Case frame

The civil action was not the murder prosecution. It pursued wrongful death and related tort theories against Capano, alleged participants in the cover-up, and associated business entities.

Timeline of key events

From disappearance to civil settlement.



- 1993-1996** Relationship between Fahey and Capano; Fahey tried to end it.
- June 27-29, 1996** Last seen dining with Capano; family reported her missing.
- Nov. 1997** Capano arrested after lengthy investigation.
- 1998** Family and estate filed civil suit in Delaware Superior Court.
- Jan. 17, 1999** Jury convicted Capano of murder.
- 2001** Civil action settled.
- 2006** Death sentence vacated; life without parole followed.

Underlying allegations

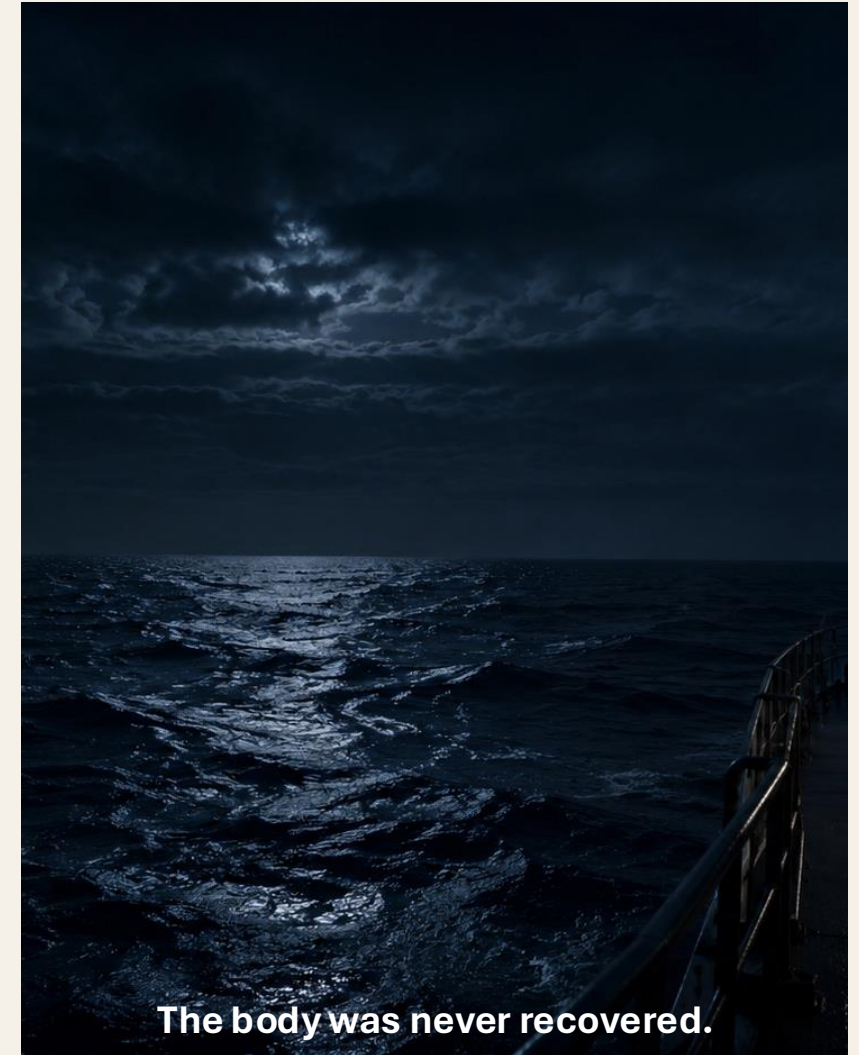
The civil complaint incorporated the murder and alleged cover-up.

Murder and disposal allegations

- Capano allegedly shot and killed Fahey at his home after dinner on June 27, 1996.
- The complaint alleged the body was placed in a cooler and taken to the Atlantic Ocean.
- When the cooler failed to sink, the body allegedly was weighted with anchors and dumped at sea.

Cover-up allegations

- Sofa, personal effects, and other evidence allegedly were discarded in dumpsters controlled by Capano-related entities.
- Louis Capano allegedly initially gave false grand jury testimony before later cooperating.



The body was never recovered.

Forensic economic issues

The four major issues in determining the economic loss to Anne Marie Fahey.

Jurisdiction

Anne Marie last seen in Philadelphia with Capano but they both resided in Delaware. Initially filed in Federal Court so PA or DE damages? Case ended up in DE Superior court.

Underemployed

Scheduling secretary for then-Governor Thomas Carper, spoke several languages, and had a college degree. She was initially an Aide to Congressman Carper.

Personal maintenance

Based on analysis of her personal checkbook, she spent over 100% on her on maintenance. Capano gave her money every month towards expenses.

Causal relationship

The body was never found.

Criminal vs civil proceedings

Why Capano Management Co. matters to the civil case record.



Feature	Criminal Proceedings	Civil Proceedings
Initiated by	Government prosecutor (e.g., District Attorney or federal prosecutor)	Private parties (individuals, businesses, or organizations)
Purpose	Punish wrongdoing, deter crime, and protect the public	Resolve disputes and compensate an injured party
Burden of proof	Beyond a reasonable doubt (highest legal standard)	Preponderance of the evidence (more likely than not)
Possible outcomes	Incarceration, fines, or probation	Damages or court orders (e.g., injunctions or specific performance)
Right to counsel	Public defender provided if the defendant cannot afford counsel	Parties generally hire counsel or represent themselves

Evidence themes

The criminal proof shaped the civil case narrative.

- No body and no murder weapon: the case turned heavily on circumstantial evidence and cooperating witnesses.
- Relationship evidence: diary entries, letters, and testimony addressed control, jealousy, and attempted separation.
- Cooperating witnesses: Gerard and Louis Capano, after initially lying, became prosecution witnesses.
- Physical evidence narrative: discarded sofa/carpet, missing anchors, cooler, and ocean-disposal theory.



Litigation lesson: civil pleadings often leverage findings and proof developed in parallel criminal proceedings.

Threshold problem: no recovered body

The estate first had to establish death for civil litigation.



Because Fahey's body was never recovered, plaintiffs had to prove she had been exposed to a "specific peril of death" and obtain a legal declaration of death in Delaware Chancery Court before filing the wrongful death complaint.

- Presumed death proceeding: In re Presumed Death of Anne Marie S. Fahey.
- Civil filing: Kathleen Fahey-Hosey, et al. v. Thomas Capano, et al., Delaware Superior Court.
- Public record states the case settled in 2001.

Procedural outcome

Parallel criminal, civil, and coverage tracks ended differently.

Criminal case

Conviction for first-degree murder in 1999; death sentence later vacated; life without parole.

Civil wrongful death/tort case

Filed in 1998 by the family and estate against Capano, brothers, and entities; settled in 2001.

Bottom line

The estate used civil litigation to pursue accountability beyond the criminal judgment, including alleged cover-up conduct by non-murder defendants.

Takeaways for legal and forensic analysis

How the Fahey estate case can be used as a teaching example.

Criminal findings can anchor civil claims

But civil pleadings must still establish legal death, causation, damages, and defendant-specific conduct.

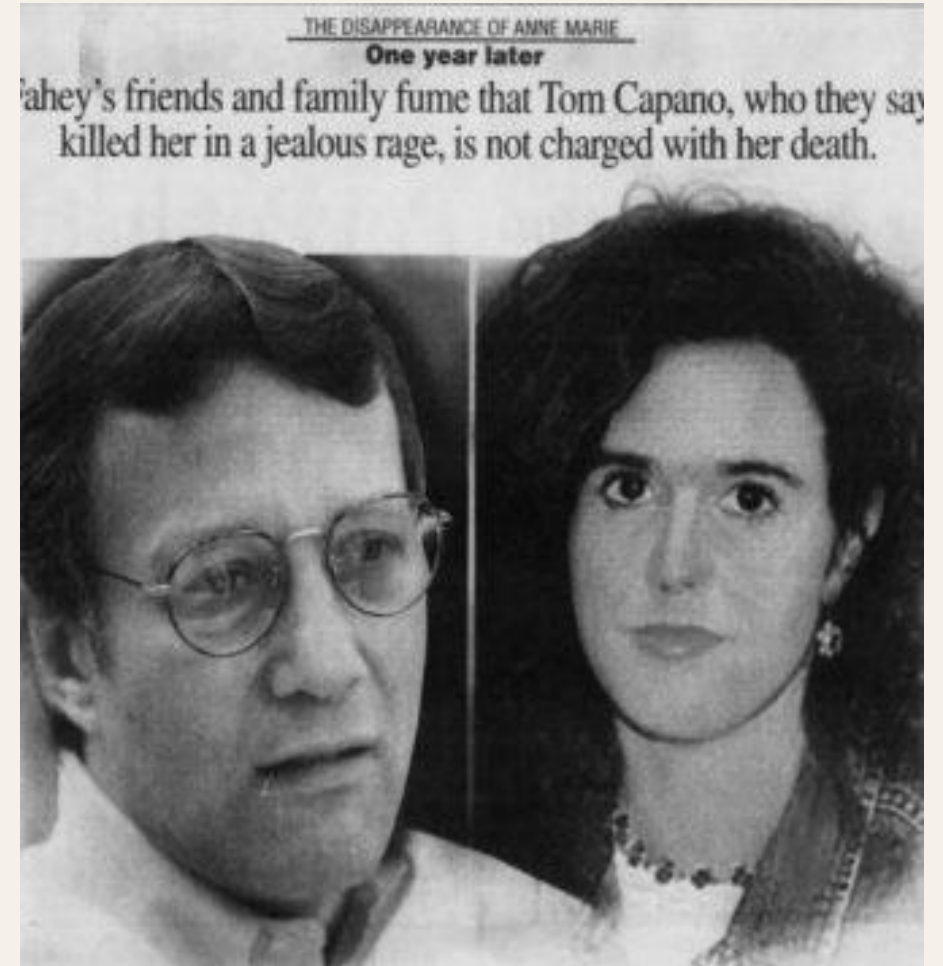
Cover-up conduct expands litigation scope

Spoliation, conversion, conspiracy, and emotional distress theories can reach people and entities beyond the principal wrongdoer.

Forensic economics impact

We looked to establish Anne Marie's future aspirations as discussed in her diary and testimony from her psychologist and family members.

Suggested closing question: What civil damages, if any, remain provable when the victim was young, unmarried, and had no dependents?



Novels and made-for-tv movies

For further reading and entertainment.

