

SOUTH CAROLINA Lawyers Weekly

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Defendants to pay \$4M in dram shop case

■ Heath Hamacher



David Yarborough Jr.



Liam Duffy

THE ESTATE OF A BICYCLIST killed by a drunk driver has settled its wrongful death claims with two Charleston-area drinking establishments for more than \$4 million, its attorneys report.

Liam Duffy and David Yarborough Jr. of Yarborough Applegate in Charleston said that on July 4, 2019, the defendant spent more than six hours drinking at two Shem Creek bars before driving off toward North Charleston around 11:15 p.m. Shortly after, at the intersection of Chuck Dawley and Bowman Road in Mount Pleasant, the defendant struck and killed the plaintiff, who was on his bicycle in the crosswalk.

Many of the case's details, including names of the parties and defense counsel, have been withheld due to a confidentiality agreement.

Duffy said that the defendant fled but was arrested a week later. Because his blood/alcohol content could not be measured on the night of the incident, a plaintiff's expert used math and science to determine how intox-

icated the defendant likely was at the time of the crash.

"Utilizing the hours of security video footage from Bar No. 1, receipts, cocktail recipes, and other information, [he] concluded that the defendant Drunk Driver had a BAC of approximately .20 at the time he left Bar No. 1, and a BAC above .30 at the time of the collision at 11:30 p.m.," Duffy wrote in an email to Lawyers Weekly.

Duffy said that opposing counsel offered several defenses to liability, including contending that the bars did not knowingly serve an intoxicated patron because the defendant did not show signs of intoxication while at the bars. Both bars also argued that the defendant driver and the plaintiff were solely responsible for the incident, pointing to a high blood/alcohol concentration and the presence of THC revealed by the decedent's autopsy.

Duffy added that the defendant had the green light and that the decedent was not wearing reflective equipment or clothing.

Duffy said that defense counsel focused on the sporadic relationship between the decedent and his adult daughter, who sued, and tried to paint the decedent as homeless and unemployed. While the man roamed, Duffy said, he traveled the country speaking out as a social activist to combat homelessness.

SETTLEMENT REPORT- DRAM SHOP/WRONGFUL DEATH

AMOUNT: \$4,025,000

INJURIES ALLEGED: Death

CASE NAME: Withheld

COURT: Charleston County Circuit Court

DATE OF SETTLEMENT: May 2022

MOST HELPFUL EXPERTS:

Kendrick Richardson (accident reconstruction), David Eagerton (toxicology), and Amanda Salas (forensic psychiatry)

ATTORNEYS FOR PLAINTIFF: Liam Duffy and David Yarborough Jr. of Yarborough Applegate in Charleston

ATTORNEY(S) FOR

DEFENDANT: Withheld

Duffy said that one of the pillars of the case regarding damages was the belief that physical proximity and frequency of contact doesn't define the bond between father and daughter, which he described as "extremely meaningful and strong."

"If there's one thing we've all learned in the last few years, it's that being physically remote does not mean being emotionally remote," Duffy said, "Our client's relationship with her father — and the loss she felt — embodied that."