

# SOUTH CAROLINA Lawyers Weekly

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## Drunken head-on crash leads to \$9.8M settlement

By Heath Hamacher

A man who was severely injured when his intoxicated girlfriend crashed head-on into another vehicle as he slept in the back seat has agreed to settle his case against the girlfriend and the two Charleston-area establishments that served her for more than \$9.8 million, his attorneys report.

David Lail and Reynolds Blankenship of Yarborough Applegate in Charleston and Stephen Vicari of Stewart Law Offices in Columbia report that the couple spent June 19, 2020, drinking with a group of friends and having vodka on Folly Beach before heading to a Shem Creek restaurant, where the already intoxicated girlfriend continued to imbibe. Lail said that the group then went to a downtown Charleston bar where the girlfriend had additional vodka drinks, rum drinks, and tequila shots.

Many details of the case, including the identities of the parties and the attorneys for the defendants, were withheld pursuant to a confidentiality agreement.

The client left the group before the festivities ended, Lail said, and left his girlfriend at the bar

while he returned to the car and fell asleep in the back seat. Eventually, the “extremely intoxicated” girlfriend left the bar and drove off with the client still sleeping in the back. At approximately 3 a.m., she drove the wrong way onto an Interstate 26 exit and crashed into another vehicle at approximately 50 mph, leaving the client with severe injuries, including a traumatic brain injury and orthopedic injuries.

After the suit was filed, the client tendered demands for the full insurance policy limits carried by both the Shem Creek and Charleston establishments and his by then ex-girlfriend. The girlfriend and the Charleston bar both tendered their policy limits, which were then shared by both the client and the driver and a passenger of the vehicle that was hit.

But Lail said that the Shem Creek restaurant failed to timely answer the complaint after its insurance broker failed to turn it over to the liability carrier.

“The court ultimately denied the restaurant’s motion to set aside entry of default, which placed

the restaurant, its broker, and its insurer at odds with one another, especially because the young man’s damages exceeded the restaurant’s coverage,” Lail said.

After an unsuccessful mediation, the client secured a judgment after testimony from numerous damages witnesses and experts in a “strongly contested” damages hearing. But a second mediation led to the resolution of all claims and the final settlement, which was agreed to in January and totaled \$9,819,683.20.

“The settlement reflects the significance of his injuries,” Lail said. “This was a catastrophic case. Our client sustained a TBI and several orthopedic injuries. He spent over 50 days in the hospital and underwent multiple surgeries.”



David Lail



Reynolds Blankenship



Stephen Vicari

### SETTLEMENT REPORT DRAM SHOP

**AMOUNT:** \$9,819,683.20

**INJURIES ALLEGED:** Traumatic brain injury and orthopedic injuries

**CASE NAME:** Withheld

**COURT:** Settled pre-trial

**DATE OF SETTLEMENT:** January 2022

**INSURANCE CARRIERS:** Withheld

**ATTORNEYS FOR PLAINTIFF:** David Lail and Reynolds Blankenship of Yarborough Applegate in Charleston and Stephen Vicari of Stewart Law Offices in Columbia

**ATTORNEYS FOR DEFENDANTS:** Withheld