

SOUTH CAROLINA Lawyers Weekly

Motorcycling couple settles dram shop claim for \$1.1M

By Bill Cresenzo | April 1, 2021

A husband and wife who were severely injured in a drunk driving crash have confidentially settled claims against the driver and bar that overserved him for \$1.1 million, their attorneys report.

David Yarborough and Liam Duffy of Yarborough Applegate in Charleston and Richard Hricik of Mt. Pleasant report that the driver, whose name was withheld, had consumed about 24 drinks at the bar before getting into his car, darting into incoming traffic, and crashing into the couple, who were riding motorcycles. He fled the scene and ran to his home two blocks away and wasn't found until two days later, so his blood alcohol content at the time of the crash was never determined, Yarborough said.

The husband suffered a concussion, fractured ribs, traumatic hemothorax (where blood collects between the chest wall and the lungs), a lung laceration, and shoulder, hand, and knee injuries. His wife suffered a concussion with loss of consciousness and multiple orthopedic injuries that required surgeries.

The clients claimed that the defendant bar had no formal policies, procedures, training, or other protections to guard against the

over-service of alcohol. Yarborough described the bar as "small and local."

"The bartender had no understanding of the most basic fundamentals that are universally taught and known by professionals in the alcohol service industry," Yarborough said.

The bar owner confirmed they had no written policies or training related to safe service of alcohol. Written receipts showed that the driver had purchased 24 drinks, although the owner initially argued that he'd been buying drinks for others in the bar.

The couple will collect \$1 million from the bar's insurer and \$100,000 from the driver's liability insurance carrier. The clients have mostly recovered but still have issues with pain and limited ranges of motion, Yarborough said.

Due to a confidentiality agreement, other details about the settlement, including the name of the bar and its attorneys, were not available.



David Yarborough (top) and Liam Duffy

SETTLEMENT REPORT—Dram Shop

AMOUNT: \$1.1 million

INJURIES ALLEGED:

Concussion, fractured ribs, traumatic hemothorax and lung laceration and shoulder, hand and knee injuries; concussion with loss of consciousness and multiple orthopedic injuries requiring surgeries

CASE NAME: Confidential

VENUE: Confidential

DATE OF SETTLEMENT: March 7

ATTORNEYS FOR PLAINTIFF:

David Yarborough and Liam Duffy of Yarborough Applegate in Charleston and Richard Hricik of Mt. Pleasant

ATTORNEYS FOR

DEFENDANT: Withheld

