

SOUTH CAROLINA Lawyers Weekly

Bars to pay \$5.5M in dram shop settlements

By David Baugher | October 13, 2021

Two people who were injured when their vehicle was hit head-on by a heavily intoxicated late-night driver who was going the wrong way on an interstate have agreed to \$5.5 million in confidential settlements with two bars that served the drunk driver, the plaintiffs' attorneys report.

David Yarborough and Liam Duffy of Yarborough Applegate in Charleston and Shelly Leeke, Chip Alexander, and Kassandra Garan of Shelly Leeke Law Firm in North Charleston report that the driver, who was not identified due to a confidentiality agreement, celebrated her 29th birthday with friends and a bottle of vodka before consuming more drinks at one area bar and then traveling to downtown Charleston for drinks at a second establishment. She got onto I-26 around 3 a.m., where she crashed into the attorneys' clients.

Yarborough said that the impaired driver—a 4'9" individual weighing under 100 pounds—was "really drunk," to the point that she was swaying, based on the account of a witness, and her blood alcohol level was two and half times the legal limit when she was tested an hour after the crash. Yarborough said that both vehicles were traveling about 50 mph when the impact occurred.

Both plaintiffs sustained fractures to the femur and tibia as well as con-

cussions and broken toes. The passenger also sustained a dislocated shoulder and lacerated liver.

The downtown bar's insurance paid about \$1 million into the settlement, though Duffy said part of that went to a passenger in the drunk driver's car, whose matter remains ongoing. Most of the total was borne by the first tavern, which did not appear in court, apparently due to an error.

"Their insurance broker failed to transmit the lawsuit papers to their insurer. Because of that, they were held in default by a circuit court judge here in South Carolina," Duffy said. "What that means is that liability was established against them, and it was just a question of damages at that point."

He said that the bar made a motion to set aside the default, but it was denied.

"The message that we hope is getting through is that responsible alcohol service by commercial establishments, bars, and restaurants is not something that should just be given lip service, because if it is, which is often the case, people are going to get hurt," Duffy said. "Our roadways are endangered by that. This is a situation where someone should have never been served alcohol and she unfortunately got behind the wheel of a car after being served a copious amount."

The names of the attorneys for the defendants were also withheld pursuant to a confidentiality agreement.



Liam Duffy (top) and David Yarborough

SETTLEMENT REPORT—Dram Shop



AMOUNT: \$5.5 million

INJURIES ALLEGED: Fractured femurs, tibias, and toes; concussions, lacerated liver, dislocated shoulder

CASE NAME: Confidential

VENUE: Confidential

SPECIAL DAMAGES: \$324,622.80 in medical expenses between two people

ATTORNEYS FOR PLAINTIFF:

David Yarborough and Liam Duffy of Yarborough Applegate in Charleston and Shelly Leeke, Chip Alexander, and Kassandra Garan of Shelly Leeke Law Firm in North Charleston

ATTORNEYS FOR DEFENDANTS:

Withheld