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\$3M settlement in wrongful death DUI case

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The siblings of a man who was killed by a drunken driver while riding his bicycle home from work have agreed to drop a wrongful death suit in exchange for a \$3 million settlement, according to an attorney for the deceased man's estate.

The driver, Christopher Deas, was behind the wheel of his employer's truck when he veered off the road and hit 53-year-old Brian Romanelli, who was killed in the August 2015 collision, said David Yarborough of the Yarborough Applegate Law Firm in Charleston.

Several people who witnessed the incident, which also was captured on surveillance video for a nearby business, called 911 while following Deas to his home as he swerved on the road. He told police that he "thought he might have hit someone, but then said that he had hit a deer or two deer," Yarborough and his law partner, Douglas Jennings, wrote in a settlement report.

They also reported that Deas had a blood alcohol level of nearly .30, which is more than three times the legal driving limit.

Deas's work truck was covered by a \$1 million commercial liability policy through AMCO Insurance Co. and his employer, Jeniel LLC, also had a \$5 million umbrella policy with AMCO. But the latter policy excluded coverage for punitive damages.

"That was the major obstacle," Yarborough said. "The decedent did not have any dependents so the statutory beneficiaries were three adult siblings who live in Boston. It was really a punitive case, but there was no punitive coverage."

AMCO contended in a declaratory judgment action against Deas and Romanelli's estate that it was not obligated to provide coverage because Deas was off the clock when he began drinking and the truck was not for personal use.

Yarborough and Jennings argued that Jeniel's employee policy allowed Deas to drive the truck for work and personal use. They also asserted that Jeniel knew or should have known that Deas was an alcoholic who had a history of drunken driving, which Jeniel "vehemently denied," according to the settlement report.

The suit was settled at mediation for \$3 million – the coverage limit of the primary liability policy and \$2 million from the umbrella policy. Florence County Circuit Judge William Seals approved the settlement Aug. 12.

Attorneys for AMCO and Jeniel declined to discuss the case. An attempt to reach Deas's attorney was unsuccessful.

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SETTLEMENT REPORT

WRONGFUL DEATH

Amount: \$6.5 million

Injuries alleged: Death

Case name: AMCO Insurance Co. v. Christopher Deas and the Estate of Brian Romanelli; Estate of Brian Romanelli v. Christopher Deas and Jeniel LLC.

Court: Florence County Circuit Court

Judge: William Seals Jr.

Mediator: Brad Waring of Nexsen Pruet in Charleston

Date of settlement: Approved Aug. 12

Attorney for plaintiffs: David Yarborough and Douglas Jennings of the Yarborough Applegate Law Firm in Charleston

Attorney for defendants: JR Murphy and Wesley Sawyer of Murphy & Grantland in Columbia for AMCO; J. Rufus Bratton of Aiken Bridges in Florence for Deas; and Art Justice of Turner Padgett in Florence for Jeniel.



David Yarborough



Douglas E. Jennings