



## Dram shop suit settled for \$1.85M after fatal crash

By: Bill Cresenzo December 19, 2018

The family of a 24-year-old man who died after being hit by a drunk driver while riding his moped has confidentially settled a lawsuit against the driver and bar that served him for \$1.85 million, the family's attorney said.

David Lail of Yarborough Applegate in Charleston report that the crash happened at about 2 a.m. on Aug. 27, 2017. The man, whose name was withheld pursuant to a confidentiality agreement, suffered severe injuries and died two months later. Other details of the case, such as the location of the crash, and the identities of the driver and the bar, were also withheld.

The driver's BAC was .13 at the time of the crash, Lail said.

"Anytime we represent a victim of drunk driving, we immediately begin a dram shop investigation," Lail said.

The attorneys were initially told that the bar that had served the driver had been closed for several months leading up to the crash, and its insurance coverage had been cancelled, but it had reopened for one night to host a benefit event, with all proceeds donated to charity.

"We pressed on and eventually recovered under three separate policies," Lail said.

The defense contended that the charity event raised a "social host" defense to dram shop claims. They also focused on the fact that the event was shut down at midnight, establishing a two-hour gap until the time of the collision, which created creating an opportunity for the driver to have been served alcohol at another establishment.

However, in a recorded interview, the driver stated that he had been drinking beer at the bar and when he left he took some beer with him.

The driver said that he did not drink any alcohol before going to the bar, and that he was on his way home when the crash occurred and that he did not make any other stops after leaving the bar, Lail said.

### SETTLEMENT REPORT — DRAM SHOP LIABILITY

**Amount:** \$1.85 million

**Injuries alleged:** Death

**Case name:** Withheld

**Court:** Withheld

**Date of settlement:** Oct. 29

**Attorneys for plaintiff:** David Lail and David Yarborough of Yarborough Applegate in Charleston

**Attorneys for defendant:** Withheld

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