

SOUTH CAROLINA Lawyers Weekly

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VERDICTS & SETTLEMENTS

Group of 4 settles for \$1.15M after suffering injuries in car crash

■ Haviland Stewart

TWO COUPLES settled for a total of \$1.15 million after sustaining injuries due to a car crash. In November 2019 the couples were traveling home on the interstate after a double date when traffic came to a stop due to an accident.



David Yarborough



John Mobley



Steven S. Wilson

While stopped in traffic, their vehicle was rear-ended by a driver who was leaving a nearby night club after consuming alcohol. According to the plaintiffs' attorney, David Lail who represented the two couples, all four sustained injuries and required medical treatment following the accident. The driver who rear-ended them took a blood test directly after the accident that showed a BAC of .073. The main debate was whether the driver had been over-served at the establishment he was at prior to the accident, in viola-



David Lail



John Dodds

tion of South Carolina Dram Shop laws. Much of the dispute centered on the driver's level of intoxication throughout his time at the establishment, which was unclear.

"There was no video surveillance, no time-stamped receipts, the driver was paying cash, and the nightclub had shut down by the time we got involved," Lail said. "But, using the Point-of-Sale information that was produced, along with drunk driver's testimony from his DUI plea hearing, we were able to show that the driver would have been beyond a .08 BAC during service at the club."

In December 2022, the plaintiffs settled for a total of \$1,150,000; \$1 million of which was paid by the establishment's insurance, and \$150,000.00 from the driver's automobile coverage.

Many details of this case have been withheld due to a confidentiality agreement.

Type of Action: Dram Shop case against a night club

Injuries Alleged:

Orthopedic injuries

Name of Case: Confidential

Court: Confidential

Case no.: Confidential

Settlement Amount:

\$1,150,000 – Policy Limits

Date of Settlement: December 2022

Most Helpful experts: Dr.

David Eagerton, toxicologist

Insurance Carriers: Confidential

Attorney(s) for the Plaintiff:

David Lail, David Yarborough, and John Dodds of Yarborough Applegate LLC in Charleston, S.C.; John Mobley of John Mobley Law Firm, LLC in Columbia, S.C.; Steven Wilson of The Stephen S. Wilson Law Firm LLC in Spartanburg, S.C.

Attorney(s) for the

Defendants: Confidential

Were liability and/or

damages contested? Yes

Was the opposing party

represented by legal counsel? Yes

Has the plaintiff been successful

in collecting the judgment? Yes