

MISSOURI LAWYERS WEEKLY

Dram shop liability case settles for \$225,000

Injured motorist claimed bar served visibly drunk patron



James Krispin

A motorist hit by a drunken driver has reached a \$225,000 settlement in a dram shop liability case alleging that a St. Louis bar negligently served alcohol to a visibly intoxicated patron.

Because of a confidentiality agreement, the parties' names have not been disclosed.

On May 5, 2006, Jane Doe hosted a party at her home in St. Louis. During the Cinco de Mayo party, Doe consumed a large volume of alcohol, plaintiff said. About 1:15 a.m., Doe left her party with a female friend and drove to a bar near her home. The bar has a license to remain open and serve alcohol until 3 a.m.

During their one-hour visit to the bar, Doe and her friend were each served three alcoholic drinks. According to the friend, just before serving their last alcoholic mixed drink, the bartender said, "I don't know if I should give these to you guys."

Doe left the bar about 2:30 a.m. and drove her vehicle west in the eastbound lanes of U.S. Highway 40. She was involved in a head-on collision with a vehicle driven by the plaintiff.

Doe suffered massive head trauma and other severe injuries. She was transported to Barnes-Jewish Hospital, where a blood test revealed a blood alcohol content of .279

— more than three times the legal limit. Doe never regained consciousness and ultimately died of her injuries.

The plaintiff severely fractured his lower left leg and ankle, requiring internal fixation hardware. He also sustained left knee, right ankle, lower back and left-side soft-tissue trauma.

Plaintiff settled his personal injury claims against Doe's estate for her \$50,000 policy limits. Plaintiff's claim against the defendant bar proceeded on a dram shop liability theory.

After written discovery and witness depositions but before the disclosure of experts, the parties settled the case at mediation for \$225,000.

The friend's testimony about the bartender's statement was the key to the whole case, said plaintiff's counsel James Krispin, of St. Louis. He acknowledged the friend was also intoxicated, which would have become an issue at trial.

"But they obviously thought she had enough credibility to settle the case for some decent money," Krispin said.

The defense attorney, whose identity is also subject to the confidentiality agreement, confirmed the settlement details.

— Anne C. Vitale

Facts of The Case

- \$275,000 global settlement
- personal injury/dram shop liability
- Court: Confidential
- Case Number/Date: Confidential
- Plaintiff's Experts: Confidential
- Defendants' Experts: Confidential
- Caption: Confidential
- Plaintiff's Attorneys: James Krispin, St. Louis; Brad Emert, St. Louis
- Defendant's Attorneys: Confidential