

## \$135 Million Jury Verdict for Alcohol Liability

# The Star-Ledger

**Jury adds \$75 million penalty for beer seller  
Drunken driver's victims awarded \$135M in all**  
Thursday, January 20, 2005 \*

In the largest personal injury award in New Jersey in a decade, a jury in Bergen County yesterday ordered the beer concessionaire at Giants Stadium to pay \$75 million in punitive damages for selling alcohol to a visibly drunk fan who later caused a car accident that paralyzed a 7-year-old girl.

On Tuesday, the same jury awarded \$60 million in compensatory damages to the family of Antonia Verni of Cliffside Park, bringing the total award to \$135 million, a figure one expert called "stunning" for an alcohol liability case.

David Mazie, the attorney for the Verni family, said: "Today Antonia Verni finally got the justice she deserved. Hopefully, the jury's decision will make a difference in the alcohol service at stadiums across the country."

In its 8-0 ruling, the jury in Superior Court in Hackensack determined that Aramark Corp., a multibillion-dollar international food and beverage company that sells beer at Giants Stadium and hundreds of other venues around the country, showed a "wanton and willful disregard" for others when it irresponsibly sold beer to Daniel Lanzaro, a Cresskill carpenter, on Oct. 24, 1999.

"We are disappointed by the size of the award and we intend to appeal," said Debbie Albert, a spokeswoman for Philadelphia-based Aramark. She declined further comment.

Superior Court Judge Richard Donohue, who presided over the case, has the authority to reduce or repeal the jury's decision if he believes it is unfair.

Lanzaro, 36, admitted drinking the equivalent of 16 12-ounce beers, most of them at the stadium, before crashing his truck into the Vernis' car on Terrace Avenue in Hasbrouck Heights as they drove home from a pumpkin-picking trip.

Throughout the month long trial, Mazie tried to prove to the jury that there was a "culture of intoxication" at Giants Stadium that encouraged Lanzaro's drunkenness.

Testimony and documents in the case showed Aramark vendors violated a two-beers-per purchase limit more than 100 times in 1999 alone, and that there were fewer than 10 documented instances of vendors cutting off fans. There were also very few reported disciplinary measures taken.

"They don't do anything because they want to sell beer," Mazie said yesterday. "They care only about the bottom line and it has to stop."

Aramark's attorneys argued there was no proof Lanzaro was served while he was visibly drunk and that he set out to fool the vendors by masking his intoxication. They called Lanzaro, an admitted alcoholic, "one bad apple" among tens of thousands of fans.

"Aramark may not have met its goals but it had policies and procedures in place," said the company's attorney, Keith Harris. "It's not perfect. That doesn't rise to wanton and willful conduct."

Ronald and Fazila Verni said last night that they were shocked by the size of the verdict.

"It's amazing," Ronald Verni in a telephone interview from their Cliffside Park home. "I think this definitely sends a message that the problem is beyond just Giants Stadium."

The Vernis said they plan to donate a modest amount of the award to stem-cell research that may lead to a cure for quadriplegics like their daughter, who was 2 when the accident occurred.

The day before determining the punitive damages for Antonia and her mother, who was also injured in the crash, the jury awarded them \$60 million in compensatory damages for their medical care, future lost earnings and pain and suffering.

The jury determined Aramark was responsible for half the compensatory damages and all of the punitive damages, bringing the total penalty against the company to \$105 million.

Lanzaro, who is serving a five-year jail term for vehicular assault, was held responsible for the other half of the compensatory damages, but he has settled with the Vernis and will not have to pay the award.

The Vernis have settled separate lawsuits with the National Football League, the Giants and the New Jersey Sports and Exposition Authority. Terms of those settlements have not been disclosed.

The personal injury award is the largest by a New Jersey jury in 10 years, said Jennifer Shannon, managing editor of Jury Verdict Research, a Horsham, Pa., firm that tracks and analyzes nationwide trends in personal injury litigation.

James Mosher, director of the Center for the Study of Law and Enforcement Policy at the Pacific Institute for Research and Evaluation in Felton, Calif., called the award "stunning."

"The number is very high," said Mosher, an expert on alcohol liability law. "I hope that it does lead to some reforms in how alcohol is served in these sporting events, and I think it's an important message the industry and the public need to hear."

"What the jury is saying is that tragedies like this are clearly preventable."

To what extent Aramark's policies may change is unclear, but in testimony yesterday before the jury's decision, Fred Sutherland, the company's chief financial officer, said, "I think Aramark will respond, given the case and the (compensatory) award."

Sutherland told the jury the compensatory judgment was "very significant" and a punitive award would harm Aramark's reputation.

Lanzaro had testified that he drank at least two beers at a tailgate party and then six to eight beers before halftime the day of the accident. He said he was drunk and slurring his speech when an Aramark vendor sold him six beers at halftime.

Blood tests taken an hour after the crash showed his blood-alcohol level at 0.266 percent, more than 2 1/2 times the then-legal limit of 0.10 percent. The state has since tightened the legal limit to 0.08 percent.

\*The case was later remanded by the appellate court, and subsequently settled prior to a new trial.

<http://www.msnbc.msn.com/id/6852253#.T5ITW47gJT4>

## **\$135 million for girl hit by drunk football fan**

### **Stadium vendor must pay most; verdict seen as wake-up call for teams**

ROSELAND, NJ — A jury's \$135 million award to the family of a girl paralyzed in a car wreck caused by a drunken football fan should be a wake-up call to teams and their vendors, said the head of a nonprofit group that advises pro sports leagues.

Jill Pepper, executive director of Techniques for Effective Alcohol Management, or TEAM, said Thursday that all stadium concession workers should know that their job is more than handing someone a beer, making change or opening a cash register.

"It's providing a safe, secure experience for everyone at the ballpark," said Pepper, whose group is a coalition of representatives from professional football, basketball, baseball and hockey.

A jury Wednesday awarded \$75 million in punitive damages to Ronald and Fazila Verni, whose 7-year-old daughter, Antonia, was paralyzed from the neck down in the crash in 1999. A day earlier, the family was awarded \$60 million in compensatory damages.

The compensatory damages were assessed equally against David Lanzaro, 34, and Aramark Corp., the Giants Stadium concessionaire that sold beers to him at the game. The jury ruled that Aramark was liable for the additional \$75 million.

Lanzaro, whose blood-alcohol level was more than twice the legal limit, is serving a five-year prison term for vehicular assault.

Debbie Albert, spokeswoman for Philadelphia-based Aramark, declined to comment on the award Thursday but the company has said it would appeal.

#### **Largest alcohol liability award in 25 years**

The award was the largest alcohol liability award in the United States in at least 25 years, said Jennifer Shannon of Jury Verdict Research, a Pennsylvania firm that analyzes trends in personal injury lawsuits.

At a news conference Thursday, Ronald Verni said his daughter needs round-the-clock care that has been provided up to now by him and his wife, Fazila, who was also injured in the accident.

Video: Abrams analysis "Hopefully she'll be able to get the care she needs and deserves," Verni said, choking back tears. "Hopefully she'll be able to enjoy some of the things she wouldn't have been able to enjoy."

The NFL did not comment on the verdicts, and spokesman Greg Aiello did not say whether the league was considering changing its stadium alcohol policies. "We review those policies and we will continue to do so," he said.

The Vernis had sued the NFL — as well as the Giants and the New Jersey Sports and Exposition Authority — but a judge dismissed those complaints last fall, ruling they were not liable.

Currently, the NFL forbids beer sales after the third quarter. The Giants choose to shut down beer vendors at the start of the third quarter and the stadium also mandates that fans can buy only two beers at a time — a rule Lanzaro sidestepped by tipping the vendor \$10, allowing him to buy six beers.

In a statement, the Giants said, “No words can express the sorrow we feel for what the Verni family has gone through. We believe that Aramark has the right alcohol policies in place and will take the necessary and appropriate steps to enforce those policies.”

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Jury awards \$75M in damages from crash

By David Porter, The Associated Press

NEWARK, N.J. — A jury in Hackensack awarded \$75 million in punitive damages Wednesday to the family of a 7-year-old girl left paralyzed from an auto accident caused by a drunken football fan on his way home from a New York Giants game.

A day earlier, the jury had returned a \$60 million verdict for compensatory damages. Those damages were assessed equally against the fan, Daniel Lanzaro of Cresskill, and Aramark Corp., the Giants Stadium concessionaire that sold beers to Lanzaro at the game.

The jury ruled Wednesday that Aramark was liable for the additional \$75 million. The combined award is believed to be among the largest ever in a personal injury lawsuit in New Jersey, according to lawyers involved in the case.

"We're ecstatic," said David Mazie, the Vernis' attorney. "I think it sends an appropriate message, and hopefully this will make a difference at arenas across the country."

Antonia Verni of Cliffside Park was 2 years old when the crash happened in 1999 in Hasbrouck Heights as her family was headed home from a pumpkin-picking trip. She was left paralyzed from the neck down, and an economist testified during the trial that it will require as much as \$42 million to care for her for the rest of her life.

According to Mazie, Antonia's mother, Fazila Verni, suffered multiple injuries to her face and eyes in the accident, and also had to have a rod implanted in her leg. Her husband, Ronald, was not injured and was not a plaintiff in the suit.

Lanzaro, 34, had a blood-alcohol level more than twice the legal limit at the time of the crash and suffered only minor injuries. He pleaded guilty to vehicular assault and is serving a five-year prison term.

The family claimed Aramark vendors sold beers to Lanzaro at the stadium even though Lanzaro was clearly drunk and that Aramark fostered an atmosphere where intoxicated patrons were served, which is against the law.

A lawyer for Aramark did not immediately return a message from The Associated Press on Wednesday. But Brian Harris suggested during the trial that the vendors were not irresponsible when they sold Lanzaro beer because he is an admitted alcoholic and either did not show signs of intoxication or was able to fool the servers.

The Vernis had also sued the NFL, the Giants and the Sports and Exposition Authority, but a judge previously dismissed the complaints against those entities, ruling they were not liable.

The NFL forbids beer sales after the third quarter, and the Giants close beer concessions at the start of the third quarter. The stadium also mandates that fans can buy only two beers at a time, but the Vernis' lawyers contend that Lanzaro sidestepped that rule by giving the vendor a \$10 tip and was allowed to buy six beers.



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## WASTED INNOCENCE

Despite record lawsuit, little girl pays ultimate price for Giants Stadium's 'culture of intoxication'

BY WAYNE COFFEY

SOMETIME IN THE NEXT few weeks, 7-year-old Antonia Verni will wheel into Mrs. Tufford's classroom in School No. 6 on Oakdene Ave. in Cliffside Park, N.J. For the moment, at least, it will mean that she won't be the focal point of heart-rending headlines and historic verdicts, and that her primary identity won't be as the victim of a drunken carpenter who got wasted at a Giants game and put her in a wheelchair for the rest of her life.

She will be a first-grader, and she can hardly wait.

"The best part will be being with other kids," Antonia says, her voice sweet and small, her head tilted back in her chair. She is sitting in the TV room of the family home, a turreted colonial in a quiet Cliffside Park neighborhood. She has a tracheostomy tube in her throat and a body brace to help straighten her spine. There is an oxygen tank and spools of wires and tubes nearby, an entire corner of the room filled with medical equipment. She is surrounded by her beloved Magic School bus books, her room

painted in pink and purple. They are Antonia's favorite colors.

"I just wanted to live things up for her," Ron Verni says, smiling faintly as his daughter's ventilator beeps in the background. A few days after Antonia was born — a month premature — at Mount Sinai Medical Center, Ron Verni went to a 26th St. florist and bought his baby daughter 1,000 pink roses. He is an accountant by trade. He hasn't worked in that vocation, or any other, since Oct. 24, 1999.

It was a day that began with Ron and Fazila Baksh-Verni leaving their Cliffside Park home, taking 2-year-old Antonia on a pumpkin-picking trip to New Hope, Pa., and with 30-year-old Daniel Lanzaro leaving his Cresskill home and purchasing a six-pack of Heineken at 10:30 in the morning. Lanzaro headed to Giants Stadium, scalping a ticket to see the Giants play the Saints. By 4 p.m., the Giants had their most lopsided home victory in a decade, a 31-3 romp. By 5:45, at the corner of Terrace Ave. and Cleveland Ave. in Hasbrouck Heights, a residential neighborhood on a ridge overlooking the Meadowlands, Lanzaro's red 1994 Ford pickup truck was crossing a double-yellow line and slamming into the Vernis' Toyota Corolla, a horrific intersection of two families' lives, neither of them ever to be the same.

Antonia broke her neck and spent 11 months in the hospital and rehab, a quadriplegic in need of round-the-clock care. Her mother went into a coma, needed recon-

structive surgery on her face and had a rod inserted in her leg. Lanzaro was virtually unscratched, but pleaded guilty in August 2003 to vehicular assault and is serving a five-year term at Riverfront State Prison, a maximum-security facility in Camden.

He was in prison when his wife, Debbie, gave birth to their second child.

Eleven days ago in New Jersey Superior Court in Hackensack, an eight-person jury ordered the Giants' concessionaire, Aramark, one of the largest such businesses in the world, to pay \$75 million in punitive damages for what it said was "willful and wanton" disregard for public safety for serving Lanzaro despite his inebriated state. The award came two days after the jury held Aramark and Lanzaro equally responsible for \$60 million in compensatory damages.

The \$135 million total is the largest award ever granted in an individual alcohol-liability case, according to Jennifer Shannon, managing editor of Jury Verdict Research, which keeps a database of nearly a quarter of a million personal-injury verdicts going back 25 years. It has stirred fresh debate over what David Mazie, the Vernis' attorney and partner of the Roseland, N.J., firm of Nagel Rice & Mazie, calls "the culture of intoxication" at Giants Stadium, and indeed, at stadiums and arenas all over the country.

"We intend to appeal," says Michelle Davidson, a spokesperson for Aramark, a firm that handles concessions in 260 sports venues on three continents, and had \$10.2 billion in total sales last year, and \$263 million in net income. "We're saddened greatly by the injuries Antonia received. Clearly, our sympathies go out to the family. (But) we believe strongly that many factors contributed to the accident."

Attorneys for Aramark will argue on appeal that Lanzaro's day-long binge makes the punitive damages misplaced, and that Antonia's injuries were greatly exacerbated by the fact that she was wearing a seat belt and was not restrained in a car seat.

The judge would not allow Aramark's expert witnesses to testify to that effect because at the time, it wasn't against the law for a two-year-old to not be in a car seat.

According to court testimony, Lanzaro, a 5-5, 150-pound man, had had about 16 beers that day, and his blood-alcohol level was .266, nearly three times the legal limit. He was so incoherent at the time of the accident he could not stand up straight, or recite the alphabet, the police report states.

Lanzaro had three beers before entering the stadium, and the equivalent of two six-packs during the game, Mazie says. At

halftime alone, he purchased six 16-ounce beers. Aramark's policy is not only to not serve inebriated customers, but to have a two-beer limit at all times. NFL policy is to cut off beer sales no later than the end of the third quarter, though the policy in Giants Stadium is to stop serving at the beginning of the third quarter. Lanzaro gave the bartender a \$10 tip, and got his six.

"The Aramark policy is a charade," Mazie says. "They don't care. Their goal is to serve as much beer as possible."

Says Davidson, the Aramark spokeswoman, "We believe we have appropriate policies and procedures in place, but naturally we continue to review our efforts in all our locations around the country." She adds that the company was a founding member of the TEAM (Techniques for Effective Alcohol Management) Coalition, a consortium of teams, leagues and concessionaires.

After the game, Lanzaro and his friend went to two strip clubs, stopping to buy a six-pack and a bottle of champagne. They went to a White Castle on Route 17 in Hasbrouck Heights and then headed up the hill to Terrace Ave. At the corner of Cleveland, by a brick colonial and a stand of tall pines and a little park with a gazebo, Lanzaro sideswiped one car and then plowed into the Vernis' Corolla, head on. Lanzaro staggered out of his pickup. Ron Verni saw his wife unconscious and his little girl with a broken neck, so close to death that her heart stopped twice before she was resuscitated by EMT workers. Verni still had the presence of mind to yank a license plate off Lanzaro's vehicle and stuff it into his pants.

"This is New Jersey. A lot of funny things can happen," Verni says.

Ron Verni says that the jury's award brings "a partial sense of closure" and that the family is

satisfied with it. It doesn't free Antonia from her wheelchair. It is why the Vernis have not shied from publicity. Mothers Against Drunk Drivers (MADD) has already contacted Mazie about using Antonia Verni in anti-drunk driving campaigns. Ron Verni is determined to make something good come of this tragedy.

The post-verdict motions, and subsequent appeals, could take another 18 months. Mazie, the Vernis' lawyer, says interest on the award will accrue at the rate of about \$8,500 daily until money is paid out. In the meantime, Antonia Verni is thinking about little else but getting in school. She isn't scared at all. "I want to be a kindergarten teacher, a singer and a ballerina," she says. She begins to sing a song: "Fly Me to the Moon."

Her 3-year-old brother crawls under her bed and gets rambunctious, and Antonia says, "My brother is wild." Antonia just finished reading "The Old Man and the Sea" with her father. Now they've started "The Great Gatsby."

"It keeps both of us interested," Ron Verni says. Antonia has some congestion in her windpipe and asks her mother to help. Fazi expertly removes the trach tube, attaches a suction device and clears Antonia's throat, and the little girl goes right back to singing.

"She the happiest kid I've ever seen in my life," David Mazie says. Fazi caresses Antonia's cheek, her forehead, her long brown hair.

"Her smile and her happiness give us the energy to do everything we have to do," Fazi Baksh-Verni says. "She has a magical glow about her. Just looking at her makes you want to do anything and everything for her. It's like nothing else matters. It's Antonia that gives us all the strength we need."

Mara disputes 'culture' tag, vows change

David Mazie, the New Jersey lawyer who won a record \$135 million award for Antonia Verni and her family earlier this month, built his alcohol-liability case around what he calls "the culture of intoxication" at Giants Stadium. Giants VP John Mara adamantly rejects the characterization, but says that stadium concessionaire Aramark's procedures and policies will undergo thorough scrutiny before another down of football is played at the Meadowlands.

Mara adds that the New Jersey Sports and Exposition Authority (NJSEA) "needs to do a better job" in training its security and office personnel about alcohol-related matters.

"Our intention is to have Aramark come in and make a presentation to us about how they handle alcohol policies and how they're going to enforce it, and what changes they are going to make," Mara says. He believes Aramark "does a pretty good job."

Giants Stadium has "the most restrictive alcohol environment" in the NFL, according to Mara. It bans circulating beer vendors, and cuts off beer sales at the start of the third quarter; the league policy is to end sales at the end of the third quarter.

"It only takes one person to slip through the cracks and cause an unspeakable tragedy," Mara says. "When you have 80,000 people in a stadium are there going to be some people who get intoxicated? Yes. Does that mean we have a culture of intoxication? No."

Mazie argues that the case of Daniel Lanzaro, the drunk driver who paralyzed Antonia Verni, indicates otherwise. Lanzaro paid a \$10 bribe to get an Aramark beer server to give him six 16-ounce cups at once; the company limit is two. In 15 years, Mazie says the company has disciplined only seven of its employees for failing to comply with alcohol policies.

Aramark's contract is with the NJSEA, not the Giants. The Giants, the NJSEA and the NFL all reached an undisclosed settlement with the Verni family last fall.

Wendy Hamilton, executive director of Mothers Against Drunk Drivers (MADD), believes both the tragedy and the unprecedented award it spawned could have a far-reaching impact.

"I think this will send a very clear message," Hamilton says. "It will make people sit up and review their alcohol policies in their stadiums. (But) policies are just words on paper unless they are enforced. Unless there is enforcement we're not going to see changes in behavior."

Jill Pepper, the executive director of the TEAM (Techniques for Effective Alcohol Management) Coalition, a group consisting of concessionaires, leagues, teams and arena operators, says that TEAM Coalition is taking steps to train those who serve alcohol by offering a course in sound alcohol management. Those who complete it receive a certificate. In 2004, she says, more than 11,000 stadium employees around the country were certified, roughly triple the number from 2001.

"The idea of incorporating alcohol-management training into the job function of all stadium operations is becoming the norm," Pepper says.

—Coffey

Fazila Verni helps daughter Antonia work through exercises in their Cliffside Park, N.J., home. Antonia was paralyzed after drunk driver Daniel Lanzaro (opposite page), on his way home from a Giants game, rammed into family's car in Oct. 1999. Pictured right: Antonia just hours before fateful crash.



