

New Jersey Law Journal

STATEWIDE LEGAL AUTHORITY SINCE 1878

VOL. CLXXIX – NO. 4 – INDEX 237

JANUARY 24, 2005

ALM

Jury Duns Stadium Beer Vendor \$105M For Paralysis Caused by Drunken Fan

By Henry Gottlieb

A New Jersey jury has assessed \$105 million in compensatory and punitive damages against Aramark Corp., the nation's leading arena concessionaire, in the case of a girl paralyzed in a crash with a driver drunk on beer served at a New York Giants football game.

The father of the victim says the award will make liquor vendors and

arenas do a better job of enforcing their rules against selling alcohol to fans who appear to be intoxicated. The evidence in the case against Aramark showed the driver had consumed the equivalent of 16 12-ounce beers, mostly at Giants Stadium in the Hackensack Meadowlands.

"In a few months, you're going to see major changes in the way concessionaires do business," the plaintiff's father, Ronald Verni of Cliffside Park,

said at a news conference Thursday. "They will need to show more responsibility, and their insurers will insist on it."

On Tuesday, a Bergen County jury awarded \$60 million in compensatory damages to Verni's paralyzed daughter, Antonia, now 7, and other family members, splitting the liability 50-50 between Aramark and Daniel Lanzaro of Cresskill, the drunken driver.

On Wednesday, the jury assessed \$75 million in punitive damages against Aramark, bringing the company's obligations in the case to \$105 million, plus about \$6 million in pre-judgment interest.

Lanzaro, who had been at a Giants



LONG ROAD AHEAD: David Mazie, left, the lawyer who won the record \$105 million, dram shop case, and Ronald Verni explain why huge sums will be needed for the lifetime care of Verni's paralyzed daughter, Antonia.

game earlier in the day, struck the Vernis' car as they were driving home from a pumpkin-picking trip on Oct. 24, 1999. Antonia, 2 at the time, is a quadriplegic and needs a ventilator to breathe. Her mother, Fazila, also was seriously injured but has recovered.

Evidence presented during the four-week trial by plaintiffs' lawyer David Mazie showed that Aramark vendors repeatedly violated rules against selling more than two beers to a single patron at a time. There were few instances, in what Mazie called "the culture of intoxication" at the stadium, in which drunken patrons were stopped from ordering more drinks,

ported his testimony. At the time of the accident, he had a blood alcohol concentration of about .266, twice the legal limit at the time and three times the limit under current law.

The best witness for the plaintiff was Antonia Verni. Her stoic testimony about life in a wheelchair, unable to move her body, and the constant attention required of patients on a ventilator, had the jurors in tears.

Mazie says he knows of no larger dram shop award in the country, and no larger personal injury verdict of any kind in New Jersey. The previous high in the state was a \$75.9 million award last November to an infant who

ance and other resources to address this matter." Aramark earned \$10 billion last year.

Defense counsel Keith Harris of Livingston's Braff, Harris & Sukoneck said in an interview on Thursday that while he can't speak for Aramark about the import of the case, he does believe there are several grounds for appeal.

First, he says Judge Richard Donohue erred by not allowing the jury to consider liability against a club, which Lanzaro visited after the game and where employees poured drinks that Lanzaro and his friends had brought in. The club was dismissed from the case and the judge left it off the verdict sheet on grounds that it was not a dram shop and therefore not reasonably liable, Harris says.

He says the judge should have allowed testimony about two previous drunken driving convictions against Lanzaro — evidence that was ruled to be inflammatory. He says he also is troubled by a ruling that prevented him from telling the jury that Antonia was belted, but not in a car seat, and about a ruling that made it difficult for the defense to pursue cross claims against the Giants and the National Football League.

The team and the league were defendants but they settled for an undisclosed sum and were let out on summary judgment before the trial.

Mazie says he doubts the appeal will be successful, adding that the size of the verdict is unassailable. The punitive damages award of \$75 million — 2-1/2 times the compensatory award — is well within New Jersey law that caps punitive damages at five times compensatories.

He says the compensatory award is within the \$22 million to \$42 million range Antonia will need for a lifetime of care, according to testimony by both sides' economic and health care experts.

During Thursday's news conference, Verni said the family would use some of the money to fund stem cell research that might provide a cure for Antonia's quadriplegia, and he called on Aramark to contribute. ■



PHOTOS BY CARMEN NATALE

CONSTANT CARE: Ronald and Fazila Verni tend to Antonia's ventilator so she can breathe properly, a 20-times-a-day procedure.

the plaintiffs' evidence showed. "The name of the game was to sell as much beer as possible," says Mazie, of Nagel Rice & Mazie in Roseland.

Lanzaro, who settled for his policy limits of \$100,000 and is serving a five-year sentence for vehicular assault, testified for the plaintiff that he was served at the game while visibly drunk. Friends and relatives sup-

ported his testimony. At the time of the accident, he had a blood alcohol concentration of about .266, twice the legal limit at the time and three times the limit under current law.

At Aramark, in Philadelphia, spokeswoman Debbie Albert said, "We are disappointed by the size of the verdict and intend to appeal." The company also said in an 8-K filing with the Securities and Exchange Commission Thursday that it has "adequate insur-