



suits & deals

Dram Shop, Drunk Driver Pay \$2.05M to Settle Case in Middlesex

In a settlement finalized May 2, two cousins who were permanently injured when their vehicle was struck from behind by a drunken driver recovered a total of \$2.05 million in their Middlesex County suit, from the driver and the bar where he was drinking in the hours leading up to the accident.

Shortly after midnight on Dec. 29, 2013, Sora Newman and Shulamis Gorelick were rear-seat passengers in a vehicle driven by their grandmother on U.S. Route 9 south in Old Bridge, according to attorneys involved in the case.

Another motorist, Farhad Qamar-Yousufzai, approached at a higher rate



ADAM EPSTEIN

PHOTO BY CARMEN NATALE

of speed from behind and hit the plaintiffs' vehicle, which was sent off the road and struck a pole, said Newman's lawyer, Adam Epstein of Mazie Slater Katz & Freeman in Roseland.

The suit, *Newman v. Qamar-Yousufzai*, claimed Qamar-Yousufzai, of Manalapan, currently 37, had a blood-alcohol level of roughly three times the legal limit of .08 percent. Qamar-Yousufzai was criminally prosecuted in connection with the crash and is serving a prison term.

Newman lost vision in her left eye, and sustained a traumatic brain injury and multiple fractures to her face and orbital bone, which required surgeries and implantation of hardware, Epstein said.

Gorelick, too, sustained a traumatic brain injury, he said.

The plaintiffs are currently 20 years old.

Shortly before the crash, the suit claimed, Qamar-Yousufzai had left the Ale House Tavern & Tap on New Jersey Route 35 south in Sayreville, where he had been drinking alcohol for two to three hours. The plaintiffs alleged the bar, owned by Pub 35 LLC, served Qamar-Yousufzai alcohol while he was visibly intoxicated.

Qamar-Yousufzai's auto carrier, Liberty Mutual, agreed to pay the full \$50,000 policy, which capped recovery at \$25,000 per claimant, meaning Newman and Gorelick each received \$25,000.

Pub 35 agreed to pay the entirety of its \$2 million in coverage—a \$1 million policy with Starr Surplus Lines Insurance Co. and a \$1 million policy with Merchant's Mutual Insurance Co., Epstein said.

Attorneys declined to disclose how much of the \$2.05 million each plaintiff recovered.

The parties went through discovery and were scheduled to go to trial this year, Epstein said.

Qamar-Yousufzai's attorney, John Fearn of Lamb Kretzer in Secaucus, confirmed the facts of the case and his client's share of the settlement.

Gorelick's attorney, Abraham Milgraum of the Donnelly Law Firm in Summit, declined to comment.

Terrence M. King of Lavallette, for Pub 35, didn't return a call about the case.

— By David Gialanella