



TEXAS REPORTER®

the premier civil trial report magazine in Texas

SOELE'S TRIAL REPORT™

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WEEKS OF JUNE 9TH & 16TH, 1997

DRAM SHOP - WRONGFUL DEATH

JUDGE DAVID BERCHELMANN
37TH - 94-CI-04882
BEXAR COUNTY
SAN ANTONIO, TEXAS
DATE OF VERDICT: 5/13/97

**Debbie Canody, Larry Tijerina
& Gloria Tijerina**
vs.
**Perseus, Inc., Sam Selman, III &
Mountain Lion Management**

PLAINTIFF COUNSEL: GLOVER, ANDERSON, CHANDLER & UZICK, LLP from Houston, TX, By: **Paul E. Anderson, Jr. & Adam P. Criaco** (for Tijerina's parents); **THOMAS C. HALL & ASSOCIATES** from San Antonio, Texas, By: **Tom C. Hall** (for Camody's parents)

DEFENDANT COUNSEL: BRIN & BRIN from San Antonio, Texas, By: **Bruce E. Anderson** (for Perseus, Inc., Hippodrome); **Gary Churak** from San Antonio, Texas (for Mountain Lion Management); **AIKEN, GUMP, STRAUSS, HAUER & FELD** from San Antonio, Texas, By: **J. Mark Craun** (for Sam Selman, III)

TYPE OF CASE: DRAM SHOP - WRONGFUL DEATH of MINOR - NEGLIGENCE - Deft Sam Selman was at the Hippodrome bar in San Antonio for about 3 hours, and had consumed approx. 5 to 8 beers. He left the bar and lost control of his car, killing 2 persons walking on the shoulder of the road. The accident occurred on March 21, 1994. The deceased plaintiffs were Ruben Tijerina, age 17 and Alisha Martin, age 17. The dram shop issue applied to Perseus, Inc. and Mountain Lion Management. The negligence issue applied to Deft Selman (involuntary manslaughter). Note: Paradigm Insurance (carrier) had previously tried 8 cases to verdict with no exposure. Offered zero based on track record.



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\$2.43 MILLION VERDICT

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Working the Web-2

by Maria Y. Dima

Everyday work tends to take us to many different places. The World Wide Web is no different. Its advantage - a world of information at your fingertips - whether you need to look up how to contact a government official, or just need to know about fishing vacations in Texas. In our day to day web-surfing, we've discovered a couple of useful sites that, in turn, lead you to more specific and very useful web pages.

Government Information Xchange (GIX)
<http://www.info.gov>

This site has a comprehensive search engine to

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INJURY: Wrongful death

PLAINTIFF EXPERTS:

1. Kenneth Welher - Economist - San Antonio, TX - live
2. James Calder - Bar Management - San Antonio, TX - live

DEFENDANT EXPERTS:

1. Roy Kirkpatrick - TABC expert - San Antonio, TX - live
2. Dennis Ramsey - Toxicologist - Austin, TX - live

DEMAND: \$300,000.00 policy limits

OFFER: \$0

VERDICT: \$2,430,000.00 approx. jury verdict for Pltf. Jury voted 10-2, finding Deft Selman 65% at fault and Perseus, Inc. 35% at fault. Jury failed to find that the bar complied with TABC certification requirements. No issue was submitted on Mountain Lion Management.

AWARD BREAKDOWN: \$20,000.00 pecuniary; \$750,000.00 loss of companionship; \$175,000.00 mental anguish; approx. \$180,000.00 pre-judgment interest - to each family; Tijerina & Canody.

