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Tarrant County District Court; 342nd - Judge Bob McGrath; 352-157753-95; Rose Mary Marcellus Regina Marcellus, Ind. and as Heir to the Estate of John Paul Marcellus, Deceased vs. Gridiron Sports Bar, Inc. d/b/a Broncos Sports Bar & Grill Jimmy Lewis White

P - John Howie & Bill Camp of Howie & Sweeney, Dallas; Dwain Dent of The Dent Law Firm, Fort Worth; D - Spencer G. **Markle** & Sheryl W. O'Briant of Livingston, **Markle**, Miller, Ramos & Zito, Houston; D - Cary L. McDougal & Steven Roberts of Cooper, Aldous & Scully, Dallas

Dram Shop/Liquor Liability/Neg./Gross Neg. - Jimmy White, a patron at Broncos Bar & Grill in Fort Worth, allegedly consumed 25 to 30 beers over a six-hour period on 1-15-95. Mr. White was involved in an automobile accident after leaving the bar. John Paul Marcellus, 44, an off-duty Fort Worth police officer, was killed in the collision. Mr. White had a blood alcohol level of .25%. Plts decedent's mother and adult daughter alleged Broncos was negligent in serving an obviously intoxicated patron. Plts also claimed negligence and gross negligence per se as to Mr. White for driving while intoxicated. Broncos denied Mr. White was obviously intoxicated to the extent he presented a clear danger to himself and to others while at their establishment.

Plaintiff - Max Courtney, Toxicologist, Fort Worth Maurice Dennis, PhD, TABC certified on server requirements re signs and symptoms of intoxication and policies and procedures of Broncos, College Station Defendant None

20-47 Week of 10-28-96. Broncos entered into a confidential high-low settlement agreement during trial. As part of the agreement, Ron Faurot, the owner of Broncos and a former #1 draft choice for the NY Jets, must: Do presentations four times a year for five years to youth groups on the dangers of alcohol consumption. Review and revise policies and procedures as directed by a former TABC examiner. Contribute for five years to a fund at the Tarrant County Junior College for kids wanting to study law enforcement. Jury found Jimmy White was negligent, grossly negligent and 100% responsible for Mr. Marcellus' death. Awarded: \$445,000 Rosemary Marcellus. \$645,000 Regina Marcellus. \$1,000,000 Estate of John Marcellus. \$ 10,000,000 punitive damages. \$12,090,000 Total Award. Pre-trial demand: \$ 510,000 Broncos Asked of jury: \$6,000,000 actuals \$10,000,000 punitive Pre-trial offer: None Broncos carrier: Paradigm White's carrier: State Farm ( limits exhausted) Sidelights: Mr. White was charged with intoxicated manslaughter acquitted at trial. Defendant raised a question of a contaminated blood sample. Mr. White filed bankruptcy one week before trial lifted the day of trial. before trial lifted the day of trial.