



# TEXAS REPORTER<sup>®</sup>

the premier civil trial report magazine in Texas

## SOELE'S TRIAL REPORT<sup>™</sup>

VOLUME 97, ISSUE 10

WEEKS OF JUNE 9TH & 16TH, 1997

### DRAM SHOP - WRONGFUL DEATH

**JUDGE DAVID BERCHELMANN**  
37<sup>th</sup> - 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 Carnody'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)

Working  
the  
Web - 2

by Maria Y. Lima

**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.



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  
Exchange (GIX)  
<http://www.info.gov>

This site has a comprehensive search engine to  
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## \$2.43 MILLION VERDICT

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ANHEUSER-BUSCH BREWERY LIABLE FOR BACK INJURY; PAYS OVER \$200,000	16

**INJURY:** Wrongful death

**PLAINTIFF EXPERTS:**

1. Kenneth Weiher - 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.



CAPTAINS...8  
MISSIONS...7

## STATEWIDE FLUORIDE STUDY GETTING PUSH IN LEGISLATURE

SEE STORY BELOW

### Heat hangs on

Miami stays alive in East semifinal with 96-81 victory Sports/1C



### Trash and flash

May ratings war brings out the worst in some local TV newscasts Jeane Jakle/5F



### Perfect fit

Swimsuit tips for all body types S.A. Life/1F



THURSDAY May 15, 1997

Austin Edition 50¢

# Sam Antonio Express-News

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# DWI-death jury rules club liable in \$2 million verdict

By Matt Frazee

A jury in a civil trial found a drunk driver responsible for the death of a South Texas teenager because he was drinking at the club.

The jury awarded nearly \$2 million to the parents of the couple who were run over by the drunk driver in 1994.

In its verdict, the jury ruled that the club was liable for the death of the teenager.

They were found liable for the death of the teenager because he was drinking at the club.

The jury awarded nearly \$2 million to the parents of the couple who were run over by the drunk driver in 1994.

In its verdict, the jury ruled that the club was liable for the death of the teenager.

# Jury decides nightclub shares blame for DWI death

Continued from 1A

road of Southwest Loop 49 near Fulsar Street where a car struck the car.

The driver, Sam Seltman, 24, was killed on the spot. The car was carrying the couple and overturning the car, Seltman was hospitalized for several weeks.

Several months later, he was convicted on two counts of providing false information to a police officer, which carried a five-year sentence.

He was granted probation by Tarrant District Judge Mary Houston, which resulted in his release after serving 90 days in prison.

At the time of the accident, Seltman was an architect assigned to Kelly AFB. He never has been disciplined for the crime.

Legal counsel for the club, Peter Seltman, however, said the club was not liable for the death of the teenager because he was drinking at the club.

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"There really aren't any winners in this. No amount of money will bring back the people that were killed."

By Matt Frazee

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