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WEEKLY

■ DRAM-SHOP SUIT

Family receives \$2.2M settlement after two killed by drunk driver

BY ALAN SCHER ZAGIER
Special to Missouri Lawyers Media

The family of a St. Louis man killed in a DWI crash along with his 2-month-old daughter has settled a wrongful-death lawsuit against the imprisoned drunk driver and a popular bar for \$2.2 million.

Half of the settlement, which was approved in late December by St. Louis Circuit Judge Jason Sengheiser, goes to Terherra Givens, the infant's mother and fiancée of decedent Antwon Jones, 40. The remaining \$1.1 million will be divided among Jones' parents, two adult children and the mother of his other minor daughter, minus attorney fees.

Jones and his daughter, Scarlett Rose Jones, were killed around 1 a.m. on March 24, 2016 when his Subaru WRX was rear-ended by a Ford Mustang while he waited at a stoplight at the intersection of Vandeventer and McRee avenues in St. Louis. Police identified Eric Wolf, 31, as the driver of the Mustang. They said the car was moving at a speed of at least 70 mph when it crashed into Jones's Subaru, which spun into the intersection and caught fire.

Police said Wolf had spent the evening drinking at the nearby Atomic Cowboy on Manchester Avenue. He pleaded guilty to two counts of involuntary manslaughter and two counts of armed criminal action in September 2017 and was sentenced to three years in prison, plus five years of probation.

The dram-shop suit alleged that the bar and restaurant in The Grove district negligently served an intoxicated Wolf, whose blood-alcohol content was 0.12 percent more than five hours after the accident, said lead plaintiff's attorney Brian

McChesney. Wolf declined a Breathalyzer test at the scene.

Attorneys for the six plaintiffs used point-of-sale records from the bar to "pinpoint the exact time of purchase" of alcoholic beverages by Wolf, McChesney said. During discovery, the Atomic Cowboy produced records that indicated when Wolf opened and closed his tab at the bar as well as the type of drinks he ordered and the time wait staff entered his drink orders into the bar's computer system, McChesney said in an email. Such details were not readily available in dram-shop cases until recently, added co-counsel Aaron Haber, who represented Jones' surviving minor daughter.

"These bars cannot turn their heads now and pretend to not know what's going on, especially when you open a tab," he said. Defense attorneys for the bar and Wolf did not respond to requests for comment.

Both McChesney and Haber emphasized the civil liability of the serving establishment relative to the role of Wolf, whose smiling mug shot from the night of his arrest drew online condemnation. The settlement consists of \$2 million from the Atomic Cowboy's insurer and \$200,000 from Wolf's insurer, with each amount representing their policy limits.

WRONGFUL DEATH

■ **Venue:** St. Louis City Circuit Court

■ **Case Number/Date:** 1622:CC01901/Dec. 19, 2017

■ **Caption:** Terherra Givens, mother and survivor of Scarlett Rose Jones, a minor, now deceased; Jade Lee, a minor, through next friend Lisa Lee; Theodore J. Jones, Brenda Stevens, Tia Kinder and Antwon Jones II vs. Neo Atomic, LLC, d/b/a Atomic Cowboy, and Eric Wolf



Brian McChesney

- **Plaintiffs' Attorneys:** Brian McChesney, McChesney & Ortwerth, L.L.C., St. Louis (lead, for Givens); Martin Minnigerode, Law Office of Martin Minnigerode, St. Louis (co-counsel for Givens); Aaron Haber, Muchnick Haber Margolis, St. Louis (for Lisa Lee); Andrea McNairy, Brown & Crouppen, St. Louis (for Theodore Jones and Stevens); Lorenzo Hester and Melissa Griffeth, The Hester Group, St. Louis (for Kinder, Antwon Jones II)
- **Defense Attorneys:** Daniel G. Hasenstab, Brown & James, Belleville, Illinois (for Neo Atomic); Jon Sanner and Michael Butterfield, Brinker & Doyen, St. Louis; Eric Sowers, Sowers & Wolf, St. Louis (for Wolf)
- **Insurance:** Illinois Casualty Company (for Neo Atomic), State Farm Mutual Insurance (for Wolf)
- **Breakdown and distribution of total value:** \$2 million paid by Neo Atomic, LLC (policy limit), \$200,000 for Wolf (policy limit); \$1.1 million distributed to Terherra Givens, mother of Scarlett Rose Jones; \$1.1 million distributed to Antwon Jones class members as follows: \$420,000 to Lisa Lee, as next friend and mother of Jade Lee, a minor daughter of Antwon Jones; \$235,000 to Tia Kinder, daughter of Jones; \$235,000 to Antwon Jones II, son of Jones; \$105,000 to Theodore Jones, father; \$105,000 to Brenda Stevens, mother.