



## Injuries Flowing From Demon Rum Compensated in Ocean, Monmouth

**\$1M for Social Host Liability** *Pelliccione v. McEvoy*: A Rhode Island man agreed to a settlement of \$1.015 million on Aug. 9 in a suit against his hosts and fellow guests at 1995 beer bash, where he dove into shallow water and broke his neck.

Timothy Pelliccione, now 25, of Narragansett, dove from a dock into the Metedeconk River at the Brick Township home of Paul and Carolyn McEvoy on June 24, 1995. The water was only three feet deep, and he struck his head on the riverbed, leaving him paralyzed from the waist down and confined to a wheelchair ever since.

Plaintiffs' attorney **Donald Caminiti**, a partner at **Breslin and Breslin** in Hackensack, said Pelliccione assumed the water was deep enough for a dive because of the width of the river and because boats were moored at the dock.

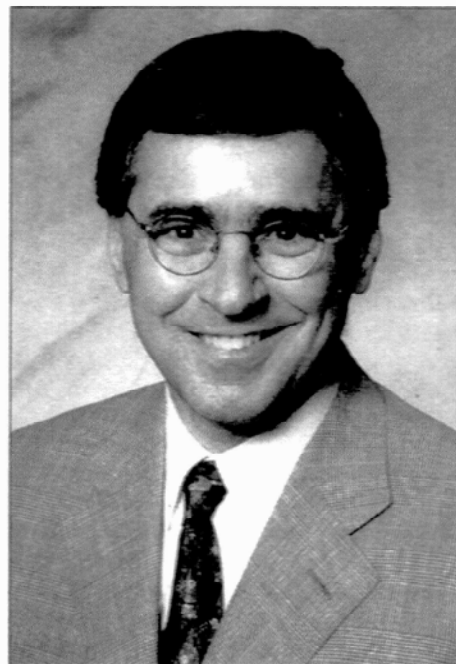
Earlier on the day of the accident, June 24, 1995, Pelliccione and three friends stopped to buy two 30-pack cases of beer, and the group consumed beer on the way to the party, given by the

McEvoy's daughter, Laura Sabaday. After they arrived, Sabaday and two friends, Ryan Pusczo and Robert Logan — all under 21 years old — went to Spirits Unlimited, a Brick Township liquor store, and bought a keg of beer, which was served to Pelliccione and the other guests, says Caminiti.

The suit named all as defendants, and Spirits Unlimited sued one of Pelliccione's traveling companions, Brendon Fogarty, for buying the beer consumed on the road. Caminiti says neither Pelliccione nor Fogarty could remember who bought the beer or where they bought it.

Pelliccione claimed the McEvoy allowed alcohol to be served to underage guests, failed to supervise the party and failed to warn guests of the dangers of the river. The couple was at home during the party but stayed upstairs, says Caminiti.

Scheduled for trial Oct. 15, the case was settled August 9 with the assistance of Judge **Marlene Lynch Ford** of Ocean County Superior Court. The McEvoy's



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and Sabaday will pay \$425,000, Spirits Unlimited will pay \$425,000, Pusczo will pay \$150,000 and Fogarty will pay \$15,000. No judgment was entered against Logan, who had no insurance coverage.

Ford advised Caminiti that if the case went to trial, a jury might be inclined to take a dim view of Pelliccione's conduct because many Ocean County residents live near the water and are aware of its dangers, says Caminiti.

The McEvoy's were represented by **Bernard Boglioli** of **Boglioli & Mirra** in Long Branch. Sabaday's counsel was **Mauro Casci**, a solo practitioner in Leonardo. The insurance carrier for the McEvoy's and Sabaday was Franklin Mutual of Branchville. Spirits Unlimited was represented by **Judson Barrett**, a partner at **Widman, Cooney, Barrett & Pavluk** in Oakhurst, and insured by St. Paul Fire & Marine of St. Paul, Minn.

Pusczo was represented by **Arthur Leyden III**, a partner in the **Lomell Law Firm** in Toms River and covered by New Jersey Manufacturers of Trenton. Fogarty was represented by **J. Michael Potter**, an associate at **Gregory Sutton's** law office in Marlton. **Cornelius Daniel III**, a solo practitioner in Point Pleasant, represented Logan.

Leyden and Potter confirm the verdict. Barrett and Casci were vacationing last week and could not be reached. Boglioli and Daniel did not return calls.

— *By Charles Toutant*