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FLORIDA JURY VERDICT REPORTER (FJVR)

JAMIN H. PALMER, as personal representative for the estate of JORDAN D.
PERRYMAN vs. SAN JOSE ENTERPRISES, INC., d/b/a BUFFALO'S SOUTHWEST CAFE

Docket No.: 16-2004-CA-004477; FJVR Reference No. 06:10-15

Verdict Date: **July** 27, 2006; Publication Date: **October** 2006

TOPIC: Defense Verdicts - Wrongful Death - Motor Vehicle Accident - Loss of Control
- Dram Shop Act - Serving Alcohol to Minor - Driving Under Influence

RESULT: For the Defendant. (verdict)

STATE: Florida

COUNTY: Duval

JUDGE: Bernard Nachman

PLAINTIFF PROFILE: Decedent

Age: 19

Sex: Male

Occupation: Waiter

PLAINTIFF ATTORNEY: Michael A. Atter and David A. Wolf of Wood, Atter &
Assoc., P.A., Jacksonville

DEFENDANT ATTORNEY: Paul S. Jones and Todd T. Springer of **Luks,**
Santaniello, et al., Jacksonville

CAUSE OF INJURY: On October 20, 2002, decedent drove from his home to Defendant's cafe near Blanding Boulevard and I-295 in Jacksonville. Decedent later left Defendant's cafe and drove across the Buckman Bridge. After crossing the bridge, decedent lost control of his SUV and crashed into a guard rail at approximately 1:30 a.m. Decedent was ejected from the vehicle and came to a rest on a grassy area near an animal hospital. Decedent remained unconscious in this area until an employee of the animal hospital observed decedent and called for assistance. Decedent was airlifted to Shands Hospital where he died on October 23 from accident related injuries. Plaintiff alleged that Defendant, by and through its agents and employees, improperly served decedent, who was nineteen years old and underage, alcoholic beverages. Plaintiff claimed that Defendant failed to make any efforts to determine if decedent was of legal age to purchase or consume alcoholic beverages including failing to check for any form of identification as required by Florida Statutes. Plaintiff contended that decedent was known to be under the age of twenty-one when he was served alcoholic beverages by Defendant's bartender. Plaintiff further contended that Defendant's employees knew that decedent was under the influence of alcohol when he drove away. Defendant denied that decedent was served alcoholic beverages at its cafe and claimed that decedent consumed alcoholic beverages at other places on the date of the accident.

NATURE OF INJURY: Death. Decedent was survived by his minor son, Kaleb; his

mother, Jamin; and his father, Larry.

PLAINTIFF EXPERT WITNESSES: Bruce Goldberger, Ph.D., Toxicology, Gainesville
Margarita Arruza, M.D., Medical Examiner, Jacksonville (depo)

DEFENDANT EXPERT WITNESSES: Don Fournier, P.E., Accident Reconstruction,
Orlando
Alfred Bowles, B.S.M.E., Mechanical Engineer, San Antonio, TX

EDITOR'S NOTE: The jury found that Defendant's employee(s) did not willfully sell or furnish alcoholic beverages to decedent.