

## Dave & Buster's agrees to \$1.5 million settlement in DUI case

Debra Friedman, Staff Writer

STAMFORD -- A national restaurant chain has agreed to pay \$1.5 million to the family of a 20-year-old Riverside man who was killed in a 2008 drunken-driving accident, according to court records.

The settlement came just as lawyers for Dave & Buster's and the family of Joseph Borselio were getting ready to pick a jury during the initial phases of a trial in state Superior Court.

Borselio, 20, was killed in September 2008 while riding his bicycle after Douglas Moore, 25, of Riverside, struck him during a late-night accident on Sheephill Road.

Moore was driving home from Dave & Buster's in West Nyack, N.Y., at the time of the accident. Lawyers for the Borselio family claimed the restaurant chain, which is based in Texas, overserved Moore. The restaurant denied those claims.

"It was resolved as part of confidential settlement agreement," said Borselio family Attorney Eric Smith, of the Stratton Faxon law firm. "As you would expect, this was yet another very stressful time for the family, so they were pleased to be able to put this matter behind them."

A message seeking comment on the settlement was left with representative for Dave & Buster's.

Although the settlement was listed as confidential -- and Smith declined to release or discuss the dollar amount -- the figures were recently filed with the Greenwich probate court. A probate court judge must sign off on the agreement before it is finalized.

"Dave & Buster's and or its insurers are willing to tender the (gross) sum of one million five hundred thousand dollars in full and final settlement of the claims pursuant to a confidential settlement," states a probate court memo written by Smith.

The memo states the restaurant still disputes the Borselios' allegations, despite agreeing to the payout.

After deducting attorneys fees and expenses relating to the case, Smith estimated that the Borselio family would receive between \$900,000 and \$975,000, according to the memo.

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**Read the Full Story at:** <http://www.ctpost.com/default/article/Dave-Buster-s-agrees-to-1-5-million-settlement-1367826.php>

**Plaintiff Expert: Elizabeth E. Trendowski**

Dram Shop & Liquor Liability Expert

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That sum will be in addition to the \$300,000 the family received from Moore's insurance company last year as part of the same lawsuit.

In addition to Moore, four restaurant senior executives were named in the 2009 lawsuit, which invoked a dram shop law whereby commercial establishments may be held liable for injuries or deaths that result from patrons involved in drunken-driving accidents.

Police said Moore, who is serving four years in jail, had a blood-alcohol content of 0.21 the night of the crash. The legal limit is 0.08.

Lawyers for the restaurant planned to call Moore and several Dave & Buster's managers to the stand to show that he was not overserved. They also planned to call several people who are listed as witnesses as well as economists and officials from the Greenwich Board of Education and ShopRite, who were to present school and employment records. Borselio worked at ShopRite in Stamford at the time of his death.

Lawyers for Borselio's family planned to call Greenwich medical personnel, several witnesses and police officers and family members. An economist and other experts were also expected to testify about Borselio's potential life earnings, although Dave & Buster's was trying to block some of those experts from taking the stand, according to court records.

A probate court judge is set to rule on the proposed settlement amount on June 2.

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