

# INNOCENCE

structive surgery on her face and had a rod inserted in her leg. Lanzaro was virtually unscratched, but pleaded guilty in August 2003 to vehicular assault and is serving a five-year term at Riverfront State Prison, a maximum-security facility in Camden.

He was in prison when his wife, Debbie, gave birth to their second child.

Eleven days ago in New Jersey Superior Court in Hackensack, an eight-person jury ordered the Giants' concessionaire, Aramark, one of the largest such businesses in the world, to pay \$75 million in punitive damages for what it said was "willful and wanton" disregard for public safety for serving Lanzaro despite his inebriated state. The award came two days after the jury held Aramark and Lanzaro equally responsible for \$60 million in compensatory damages.

The \$135 million total is the largest award ever granted in an individual alcohol-liability case, according to Jennifer Shannon, managing editor of Jury Verdict Research, which keeps a database of nearly a quarter of a million personal-injury verdicts going back 25 years. It has stirred fresh debate over what David Mazie, the Vernis' attorney and partner of the Roseland, N.J., firm of Nagel Rice & Mazie, calls "the culture of intoxication" at Giants Stadium, and indeed, at stadiums and arenas all over the country.

"We intend to appeal," says Michelle Davidson, a spokesperson for Aramark, a firm that handles concessions in 260 sports venues on three continents, and had \$10.2 billion in total sales last year, and \$263 million in net income. "We're saddened greatly by the injuries Antonia received. Clearly, our sympathies go out to the family. (But) we believe strongly that many factors contributed to the accident."

Attorneys for Aramark will argue on appeal that Lanzaro's day-long binge makes the punitive damages misplaced, and that Antonia's injuries were greatly exacerbated by the fact that she was wearing a seat belt and was not restrained in a car seat.

The judge would not allow Aramark's expert witnesses to testify to that effect because at the time, it wasn't against the law for a two-year-old to not be in a car seat.

According to court testimony, Lanzaro, a 5-5, 150-pound man, had had about 16 beers that day, and his blood-alcohol level was .266, nearly three times the legal limit. He was so incoherent at the time of the accident he could not stand up straight, or recite the alphabet, the police report states.

Lanzaro had three beers before entering the stadium, and the equivalent of two six-packs during the game, Mazie says. At

halftime alone, he purchased six 16-ounce beers. Aramark's policy is not only to not serve inebriated customers, but to have a two-beer limit at all times. NFL policy is to cut off beer sales no later than the end of the third quarter, though the policy in Giants Stadium is to stop serving at the beginning of the third quarter. Lanzaro gave the bartender a \$10 tip, and got his six.

"The Aramark policy is a charade," Mazie says. "They don't care. Their goal is to serve as much beer as possible."

Says Davidson, the Aramark spokeswoman, "We believe we have appropriate policies and procedures in place, but naturally we continue to review our efforts in all our locations around the country." She adds that the company was a founding member of the TEAM (Techniques for Effective Alcohol Management) Coalition, a consortium of teams, leagues and concessionaires.

After the game, Lanzaro and his friend went to two strip clubs, stopping to buy a six-pack and a bottle of champagne. They went to a White Castle on Route 17 in Hasbrouck Heights and then headed up the hill to Terrace Ave. At the corner of Cleveland, by a brick colonial and a stand of tall pines and a little park with a gazebo, Lanzaro sideswiped one car and then plowed into the Vernis' Corolla, head on. Lanzaro staggered out of his pickup. Ron Verni saw his wife unconscious and his little girl with a broken neck, so close to death that her heart stopped twice before she was resuscitated by EMT workers. Verni still had the presence of mind to yank a license plate off Lanzaro's vehicle and stuff it into his pants.

"This is New Jersey. A lot of funny things can happen," Verni says.

Ron Verni says that the jury's award brings "a partial sense of closure" and that the family is

satisfied with it. It doesn't free Antonia from her wheelchair. It is why the Vernis have not shied from publicity. Mothers Against Drunk Drivers (MADD) has already contacted Mazie about using Antonia Verni in anti-drunk driving campaigns. Ron Verni is determined to make something good come of this tragedy.

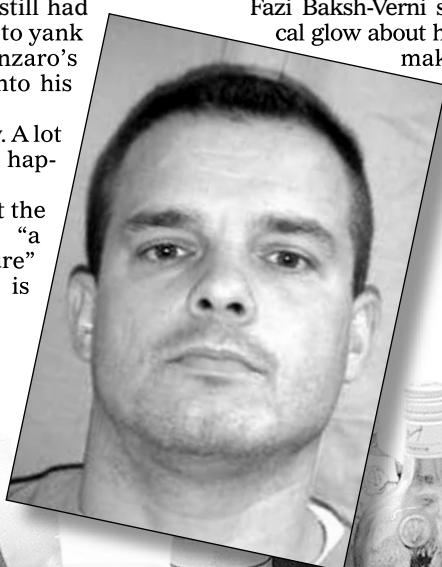
The post-verdict motions, and subsequent appeals, could take another 18 months. Mazie, the Vernis' lawyer, says interest on the award will accrue at the rate of about \$8,500 daily until money is paid out. In the meantime, Antonia Verni is thinking about little else but getting in school. She isn't scared at all. "I want to be a kindergarten teacher, a singer and a ballerina," she says. She begins to sing a song: "Fly Me to the Moon."

Her 3-year-old brother crawls under her bed and gets rambunctious, and Antonia says, "My brother is wild." Antonia just finished reading "The Old Man and The Sea" with her father. Now they've started "The Great Gatsby."

"It keeps both of us interested," Ron Verni says. Antonia has some congestion in her windpipe and asks her mother to help. Fazi expertly removes the trach tube, attaches a suction device and clears Antonia's throat, and the little girl goes right back to singing.

"She the happiest kid I've ever seen in my life," David Mazie says. Fazi caresses Antonia's cheek, her forehead, her long brown hair.

"Her smile and her happiness give us the energy to do everything we have to do," Fazi Baksh-Verni says. "She has a magical glow about her. Just looking at her makes you want to anything and everything for her. It's like nothing else matters. It's Antonia that gives us all the strength we need."



## Mara disputes 'culture' tag, vows change

David Mazie, the New Jersey lawyer who won a record \$135 million award for Antonia Verni and her family earlier this month, built his alcohol-liability case around what he calls "the culture of intoxication" at Giants Stadium. Giants VP John Mara adamantly rejects the characterization, but says that stadium concessionaire Aramark's procedures and policies will undergo thorough scrutiny before another down of football is played at the Meadowlands.

Mara adds that the New Jersey Sports and Exposition Authority (NJSEA) "needs to do a better job" in training its security and office personnel about alcohol-related matters.

"Our intention is to have Aramark come in and make a presentation to us about how they handle alcohol policies and how they're going to enforce it, and what changes they are going to make," Mara says. He believes Aramark "does a pretty good job."

Giants Stadium has "the most restrictive alcohol environment" in the NFL, according to Mara. It bans circulating beer vendors, and cuts off beer sales at the start of the third quarter; the league policy is to end sales at the end of the third quarter.

"It only takes one person to slip through the cracks and cause an unspeakable tragedy," Mara says. "When you have 80,000 people in a stadium are there going to some people who get intoxicated? Yes. Does that mean we have a culture of intoxication? No."

Mazie argues that the case of Daniel Lanzaro, the drunk driver who paralyzed Antonia Verni, indicates otherwise. Lanzaro paid a \$10 bribe to get an Aramark beer server to give him six 16-ounce cups at once; the company limit is two. In 15 years, Mazie says the company has disciplined only seven of its employees for failing to comply alcohol policies.

Aramark's contract is with the NJSEA, not the Giants. The Giants, the NJSEA and the NFL all reached an undisclosed settlement with the Verni family last fall.

Wendy Hamilton, executive director of Mothers Against Drunk Drivers (MADD), believes both the tragedy and the unprecedented award it spawned could have a far-reaching impact.

"I think this will send a very clear message," Hamilton says. "It will make people sit up and review their alcohol policies in their stadiums. (But) policies are just words on paper unless they are enforced. Unless there is enforcement we're not going to see changes in behavior."

Jill Pepper, the executive director of the TEAM (Techniques for Effective Alcohol Management) Coalition, a group consisting of concessionaires, leagues, teams and arena operators, says that TEAM Coalition is taking steps to train those who serve alcohol by offering a course in sound alcohol management. Those who complete it receive a certificate. In 2004, she says, more than 11,000 stadium employees around the country were certified, roughly triple the number from 2001.

"The idea of incorporating alcohol-management training into the job function of all stadium operations is becoming the norm," Pepper says.

— Coffey