

Woman who lost arm in Haverhill DWI crash awarded \$5M

By MARK E. VOGLER
mvogler@eagletribune.com

SALEM — A jury has awarded \$5 million to a woman who lost her right arm in a Haverhill drunken-driving accident more than five years ago.

The judgment yesterday in Essex County Superior Court ordered Ninety Nine Restaurants of Boston and David Kvinlaug of Haverhill to pay Laurie Clifford, of Quincy, \$3.2 million plus \$1.8 million in interest for injuries and damages suffered in the May

18, 2003 accident.

Testimony in the eight-day trial revealed that bartenders at the Ninety Nine Restaurant & Pub at 267 Chickering Road in North Andover served Kvinlaug — ~~than a restaurant employee~~ — the equivalent of 11, 12-ounce draft

beers in less than two hours after he had completed his shift as a line cook.

Kvinlaug, 32, of 441 Chadwick Road, Bradford, drank three more beers and a rum and coke at a party after leaving the bar and crashed his car into a small

school bus parked in front of 107 Chadwick St. at about 4:44 Sunday morning. He later served 90 days in jail after pleading guilty to operating under the influence of alcohol.

Clifford, 33, an acquaintance who was at the party with

Kvinlaug, was one of two passengers in his car. Her right arm was nearly severed and was amputated after 30 surgeries, including a cadaver elbow transplant.

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"The jury held The Ninety Nine to a very high standard and really sent a message that restaurants are going to be held responsible for serving alcohol to intoxicated people," Newton attorney James V. Marano, Jr., said. "Probably, the most compelling testimony during the trial was when Kvinlaug admitted to how much he had to drink. After going off his shift at 10:30 on a Saturday night, he drank four, 25 ounce draft beers and two, 16 ounce draft beers. He got his last beer served to him around 12:30 (a.m.). They served him a lot of beers."

Clifford was unavailable for comment last night. Marano said she was too upset to be interviewed.

"When the verdict was read, Laurie was there with close friends and she broke down," Marano said. "This is one of the largest liquor liability cases in Massachusetts for 2008, as well as in recent years. But nothing gets her arm back."

Kvinlaug could not be reached for comment. His attorney Jack Eklund did not return a telephone call left at his Easton office last night. Woburn attorney Phil Murray, who represented the 99 Restaurant during the trial, also could not be reached for comment.

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Judge Frances McIntyre ordered that Geno Barone would not have to pay anything to Clifford. Barone hosted a party at his home at 44 Laurel Ave. in Haverhill. Kvinlaug and Clifford both attended the party.

"Laurie was never at the Ninety-Nine that night," Marano said.

The attorney noted that his client, however, decided to join Kvinlaug in an early-morning run to a Haverhill convenience

store with another passenger who suffered minor injuries in the crash.

"The 99 was arguing all along that Laurie Clifford got into the car, knowing he (Kvinlaug) was intoxicated. The jury acknowledged that she was negligent for getting into the car, but they found the negligence of the Ninety-Nine was five times greater for over serving him (Kvinlaug). She could have just refused to get in the car and this

never would have happened," Marano said.

After leaving the store, Kvinlaug lost control of his car while rounding a curve from Middlesex Street, in the Bradford section of Haverhill, but did not straighten out when it entered Chadwick Street.

"He was driving like an idiot," Clifford told a reporter from her bed at Brigham and Women's Hospital in Boston five years ago. "I asked him to stop four times," she said.

Kvinlaug never took a Breathalyzer test, was never administered a field sobriety test by Haverhill police and also refused to allow a blood test after the accident. He was prosecuted on the basis of circumstantial evidence, according to Marano.