

# Douglas D. Suplee

Shareholder

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Doug is a shareholder in the Casualty Department and has practiced in a wide range of litigation matters, with an emphasis in the areas of premises liability, amusement, sports & entertainment liability, product liability, liquor liability, motor vehicle, trucking and transportation liability, consumer fraud and product warranty litigation involving motor vehicles, boats, homes and consumer products.

During his legal career, Doug has successfully defended cases on behalf of commercial businesses, restaurants, bars, townships, apartment complexes, trucking and bus companies, theme parks, water parks, roller skating rinks, concert venues, and sports arenas against personal injury, negligent security and related general liability claims. Doug has also handled hundreds of warranty litigation matters representing automotive dealerships and some of the nation's largest auto manufacturers. He has successfully tried several cases to jury verdict throughout the state of New Jersey, has had multiple bench trials, and has argued before appellate courts numerous times involving Federal and State product warranty issues.

Doug is a 1991 graduate of Penn State University and received his juris doctor from Michigan State University College of Law in 1999, graduating with honors.

## Education

- Michigan State University College of Law (J.D., *cum laude*, 1999)
- The Pennsylvania State University (B.A., 1991)

## Admissions

- New Jersey, 1999
- U.S. District Court District of New Jersey, 1999

## Practices

- Premises & Retail Liability
- Amusements, Sports & Recreation Liability
- Hospitality & Liquor Liability
- Consumer Financial Services Litigation
- Product Liability
- Automobile Liability
- Trucking & Transportation Liability

## Associations & Memberships

- American Bar Association
- American Inn of Court, Burlington and Camden Counties
- Camden County Bar Association
- The International Amusement & Leisure Defense Association (IALDA), Member

## Representative Cases & Matters

Obtained a defense verdict after a week-long jury trial in the Superior Court of New Jersey, Burlington County. Doug represented a truck driver (and his employer) who, after receiving bad delivery instructions from an auto dealership to which he was delivering a vehicle on his car carrier, turned into a neighboring dealer's entrance and scraped a pole attached to an entrance gate, causing the pole to lean a couple of degrees. He reported the damage to the plaintiff – a Used Car Sales Manager at the dealership. After defendant went on his way, the plaintiff attempted to adjust the clearly misaligned gate using his body weight, causing the gate to break and come down onto plaintiff's legs. The accident was captured on video. Plaintiff required five surgeries, and would not budge from the \$1,300,000 Offer of Judgment filed on his behalf. Ultimately, Doug convinced the jury that plaintiff's negligent attempt to adjust the gate constituted an intervening superseding cause that broke the chain of proximate causation. The jury agreed. (7-0)

Obtained a defense verdict in a 2-week jury trial in Middlesex County in a case against a tavern alleged to have violated the New Jersey Licensed Alcoholic Beverage Server Fair Liability Act (aka The Dram Shop Act).

## Published Works

"Business Owners Beware: Clear and Unambiguous Language in Arbitration Agreements Is Not Enough to Make Them Enforceable in New Jersey," *Defense Digest*, Vol. 22, No. 4, December 2016

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## Results

### **Defense Verdict in a Two-Week Jury Trial for a Tavern in a Dram Shop Act Case**

We obtained a defense verdict in a two-week jury trial in Middlesex County, New Jersey, in a case against a tavern alleged to have violated the New Jersey Licensed Alcoholic Beverage Server Fair Liability Act (aka The Dram Shop Act).

The plaintiff claimed the bar violated the Act by serving a patron—a settled co-defendant—alcohol while he was visibly intoxicated, resulting in that patron driving drunk and colliding with the plaintiff's vehicle. The plaintiff suffered significant injuries to her neck, requiring two cervical fusion surgeries. Police were unable to obtain objective proof of the patron's blood alcohol concentration (BAC) via a blood sample or breathalyzer. The

tavern had no record of the patron, who paid cash for his beverages, and first learned of the accident upon being served with a complaint more than nine months later.

At trial, the plaintiff relied on the patron's deposition testimony as to the timing of three different drinks he consumed at the bar, as well as a toxicology expert, to prove liability. The expert, in providing an opinion as to what the patron's BAC would have been "while at or when leaving the bar," used a dose reconstruction methodology based upon the patron's testimony. However, on cross-examination, we were able to establish that the expert's calculations of the amount of pure alcohol ingested by the patron were erroneous and unreliable and that the expert never provided an opinion as to whether the patron was visibly intoxicated at the time of service—the key issue in any Dram Shop case.

We also presented a credible toxicology expert on behalf of the defendant, who provided the jury a visual timeline of events to demonstrate that at the time the patron was last served alcohol (more than an hour before the accident), his BAC would have been well below the .15 threshold whereby most people would show visible signs of intoxication. We further argued that, despite any sympathy the jury may feel for the plaintiff, she failed to meet her burden of proving that the patron was exhibiting "clear signs of intoxication" at the time of service, as required by the statute. The jury agreed.