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Accord called a 1st under new law

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Law Bulletin staff writer

A teenager seriously injured in a car crash after her driver drank beer at a party settled her case with the remaining defendant this week, bringing the total amount to more than \$1.8 million.

The settlement is the first of its kind under the Illinois Drug- or Alcohol-Impaired Minor Responsibility Act, according to Corboy & Demetrio P.C., which represented the plaintiff. Under the 2004 law, adults who let minors drink at their homes or elsewhere face civil liability if the minor subsequently injures or kills another person.

Less than a month after the law took effect, Melissa Wolkomir and her friends attended a Halloween party in Lake County hosted by a stable and a hayride company. Free beer was available, and the teens were not required to show identification to drink, Wolkomir's attorneys said.

The friend driving Wolkomir, Angela Curtis, then 16, drank two beers at the party and later made an illegal left turn onto U.S. Route 41 when the girls' vehicle collided with a truck, the plaintiff's attorneys said.

Wolkomir was thrown from the car and suffered serious neurological injuries, including permanent nerve damage in her lower left leg and left hand.

Curtis ultimately pleaded guilty to driving under the influence of alcohol.

Wolkomir sued Curtis, the trucking company and driver, Linda Kelly of Kelly's on 41 Equestrian Center and Patch 22 Ltd., the hayride company.

On Monday, Patch 22 agreed to pay \$625,000. Under prior settlements, Curtis paid \$200,000; Kelly paid \$950,000; and Zeeb Trucking and its driver paid \$50,000.

Edward G. Willer of Corboy & Demetrio P.C. said the settlement sends "a message to businesses and parents to take notice about allowing minors to drink."

"If you willfully permit alcohol to be consumed by a minor and that impaired minor goes out and causes an accident, that victim can sue that person who willfully permitted that drinking," Willer said.

"I think society is tired of watching the news, night after night, of teenagers killing other people and themselves," said Willer, who handled the case with Michael K. Demetrio.

John A. Terselic of Swanson, Martin & Bell LLP, who represented Patch 22, declined to comment.

Curtis was represented by Kathleen M. Ryan of Ryan, Ryan & Landa. Kelly was represented by Timothy J. Young of Chilton, Yambert, Porter & Young LLP.

Zeeb Trucking was represented by Carlton D. Fisher of Hinshaw & Culbertson LLP.

The case is *Melissa Wolkomir, etc v. Linda Kelly, etc., et al.* No. 05 L 624.