

The Record

December 23, 2011

Overdose at party settled for \$4.1M

By Kibret Markos

A Saddle River man will receive \$4.1 million to settle his claim that he suffered permanent nerve damage after overdosing on drugs obtained illegally from a Ridgewood pharmacy and given to him at a party.

Scott Simon said he was 17 years old when he attended a party four years ago at the home of Donny Nuckel, another Saddle River teenager. One guest at the party was a former employee of Harding Pharmacy, who stole Xanax from the drugstore and gave it to Simon, said Simon's attorney, John Schepisi.

Schepisi said Simon ingested the drugs at the party and went into a coma. Instead of calling for help immediately, other guests waited for a while before they drove him to the hospital, the lawyer said.

Simon suffered permanent nerve damage that impaired his ability to walk and talk, among other ailments, Schepisi said.

"He stays at home now, trying to recuperate," Schepisi said. "He can't walk without help. He has been declared incompetent."

Doctors have said the injuries would not have been permanent had he been rushed to the hospital, he said.

Simon sued the pharmacy for not taking proper precautions to avoid theft of drugs. He also sued the party's host and his parents, along with several guests that he said failed to call for emergency help after Simon took the drugs.

The settlement requires Harding Pharmacy to pay \$1.9 million. Donny Nuckel and his mother, Linda, will pay \$1.2 million, while the pharmacy employee and other guests at the party will pay the remaining amount.

Silvana Raso, Simon's other attorney, said her client did not pursue a claim against Donny's father, Donald, because the father did not live at the house at the time. The other defendants named him as a party to the lawsuit, she said.

Donald Nuckel's attorney, Peter Mueller, said his client was eventually dismissed from the suit.

Michael Marone, an attorney for Harding Pharmacy, did not return two phone calls. Jeffrey Bell, who represented Donny Nuckel, also did not return phone calls.

Bernard Boglioli, who represented Linda Nuckel, declined to comment.

Raso said Donny Nuckel threw the party on Sept. 24, 2007, while his parents were away for the weekend.

Raso said her client shares responsibility for taking the drugs, but the settlement should also serve as a warning to parents whose children host parties at their homes.