

Wrongful Death, Premises Liability, Summary Judgement

Obtained summary judgment on behalf of a bar in Greenville, North Carolina in a premises/alcohol liability matter. Plaintiff's decedent was a physically impaired, forty year old father of three who became intoxicated and passed out while drinking with individuals who had previously been ejected from the bar due to their behavior. Because the bar had numerous previous violations of alcohol regulatory laws, the bouncers placed the unconscious decedent outside in front of the bar and leaned him against a light pole. The area where the bar was located had a high crime rate. The decedent was later taken from the sidewalk by his drinking companions and eventually murdered that evening by one of those individuals. The defense obtained summary judgment in Superior Court on behalf of the bar on the grounds of foreseeability. The trial court's determination was later upheld by both the North Carolina Court of Appeals and the North Carolina Supreme Court.