

09.10.19

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Weber Gallagher Successfully Defends Wedding Venue/Bar Client in New Jersey Dram Shop Claim

In this successfully defended case, the plaintiff was seriously injured when, as a pedestrian, she was struck by an alleged intoxicated driver who was employed as a bartender by Weber Gallagher's client, a wedding venue, bar and Inn.

The plaintiff alleged that after a wedding reception and after party ended, the bartender served herself, another employee and the acting manager of the bar. It was alleged that the bartender became intoxicated, left the bar and was involved in the accident. The plaintiff sustained multiple fractures requiring surgeries, multiple areas of scarring, post-traumatic stress disorder and psychological/emotional injuries.

The plaintiff claimed that Weber Gallagher's client allowed the bartender to consume alcohol to the point of intoxication, claimed that since the consumption was after hours, it did not constitute "service" under the New Jersey Dram Shop Act, that Weber Gallagher's client was liable for common law tort claims of negligent screening, hiring, training, supervision and retention and that New Jersey public policy should not preclude the plaintiff from a recovery for the significant

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injuries caused by a drunk driver.

Weber Gallagher argued that the New Jersey Licensed Alcoholic Beverage Server Fair Liability Act (N.J.S.A. 2A:22A-5 et seq) expressly provides that the Act was the plaintiff's exclusive remedy for any and all claims arising out of the negligent service of alcohol, that the plaintiff's common law claims were therefore barred and that there was no evidence that the bartender served herself alcohol at the bar. Therefore, there could be no recovery for the plaintiff under the Act. Judge David Weaver in Sussex County Superior Court granted Weber Gallagher's Motion for Summary Judgment in a 21-page opinion.

For more information, please contact Robert F. Ball, at rball@wglaw.com or 973.242.2247.