

Dram Shop – Summary Judgment on Employer Host Liability

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Scott M. Carroll

January 8, 2021

Shareholders Scott Carroll and John Tilley recently obtained summary judgment in Bristol Superior Court on a personal injury action based on an employer host theory of liability. The case arose from a motor vehicle accident that occurred when a third-party allegedly drove the wrong-way on an interstate highway and collided with multiple vehicles. As a result, multiple plaintiffs sustained traumatic orthopedic injuries and were seeking significant damages from the defendant.

Specifically, the plaintiffs claimed the defendant hosted a social gathering at his house where the third-party, an employee of the defendant, allegedly became intoxicated. During discovery, defense counsel developed evidence that the defendant did not provide or control the alcohol consumed by the third-party at the social gather. Further, defense counsel developed evidence that the employee was not within the scope of his employment while attending the party.