Summary Judgment – Negligent Service of Alcohol

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Attorneys Jonathan Killeen and Michael Johnson recently obtained a favorable summary judgment order on behalf of their client, a restaurant, involving an alleged claim for negligent service of alcohol pursuant to RSA 507-F.

The matter arose out of a tragic incident where an impaired driver caused a motor vehicle accident that resulted in fatal injuries to a plaintiff. The driver was subsequently arrested and sentenced to prison for negligent homicide.

The estate of the fatally injured plaintiff sued the restaurant, claiming that it negligently served numerous alcoholic drinks to the driver, who in turn operated her vehicle in a negligent manner causing the accident. It is believed that the estate sought more than $1,000,000 in damages caused by the accident.

After more than 15 depositions, the disclosure of expert toxicologist opinions, and oral argument, Attorney Killeen and Attorney Johnson successfully demonstrated that under RSA 507-F their client did not know, nor should it reasonably have known, that it served alcohol to the driver while she was intoxicated. As a result, the restaurant was entitled to judgement as a matter of law in its favor and was dismissed from the case.

The successful summary judgment order is believed to be one of the first orders granting summary judgment in favor of a defendant-liquor licensee under RSA 507-F.

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