

# Liquor Liability

Liquor liability claims in Michigan arise under the Dram Shop Act, which is the civil liability section of Michigan Liquor Control Code. This code establishes a cause of action for persons injured as a result of the serving of intoxicating liquor by a liquor licensee to either a minor or a visibly intoxicated person.

Plunkett Cooney attorneys are well versed in the statutory requirements of naming and retaining, as well as liquor licensees' rights to indemnification in cases involving alleged intoxicated persons.

The firm was granted summary disposition in a case against a bar where the plaintiff, after naming and retaining the alleged intoxicated person in the death case, took a default judgment against that person. As a result, the case against the liquor licensee was dismissed because the plaintiff failed to name and retain the alleged intoxicated person.

In another case, our attorneys successfully defended one of three bars where an alleged intoxicated person was served. Since one of the other bars was shown to be the last bar to serve the person, our defendant was dismissed from the case pursuant to the rebuttable presumption in the statute that any retail licensee, other than the retail licensee who last sold, gave or furnished any liquor to the minor or to the visibly intoxicated person, has not committed any act giving rise to a cause of action.