

MISSOURI LAWYERS WEEKLY

Dram Shop Claims Filed Against Bars

Father Of Three Died In Single-Car Crash



James Krispin

Confidential Settlement

The three children of Robert McMullen filed dram shop claims against two bars after McMullen died in a single-car accident.

McMullen, 31, went to the Class Reunion Bar in Blue Springs on the evening of March 3, 2001. After the bar closed, he went to the No Place Restaurant and Nightclub in Grand Valley with two friends and stayed until about 2:40 a.m.

Within minutes of leaving,

McMullen lost control of his minivan on Route AA in Jackson County and left the road, hit an embankment and overturned. McMullen was ejected through the windshield and died. His two passengers remained in the van and were injured.

An autopsy concluded that McMullen had a .237 percent blood alcohol content level. In their lawsuit the children claimed that both bars served alcohol to McMullen when he was obviously intoxicated. The

defendants contended that he was not obviously intoxicated and that he was solely at fault in the accident. In addition, the defendants claimed that the presence of tetrahydrocannabinol, revealed by toxicology tests, indicated that McMullen had used marijuana on the day of the accident, which also contributed to causing his death.

On the third day of trial, near the close of the children's case, the parties reached a confidential settlement.



John Christiansen

Facts of The Case

Type of Action: Automobile accident, dram shop

Type of Injuries: Death

Court/Case No./Date: Jackson County Circuit Court/02CV222494/Nov. 19, 2003

Caption: McMullen, et al. v. MYPD, Inc., d/b/a No Place Restaurant and Nightclub, et al.

Judge, Jury or ADR: Jury

Name of Judge: Kelly Moorehouse

Special Damages: None

Verdict or Settlement: Confidential settlement

Allocation of Fault: N/A

Last Offer: N/A

Last Demand: N/A

Attorneys for Plaintiffs: James Krispin, St. Louis; John A. Christiansen, Blue Springs

Insurance Carrier: Underwriters at Lloyds of London (for No Place Restaurant)

Plaintiff's Experts: John Brick, Yardley, Pa. (alcohol and drugs); Dr. Thomas Young, Kansas City (medical examiner)

Defendant's Experts: None