

When Liability For A Bar Fight Ends.... Court Of Appeal Affirms Grant Of Summary Judgment In Favor Of Bar And Nightclub Stemming From An Off Site Altercation That Ensued Following A Dispute At The Bar

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In California, it is well settled that a bar or restaurant has a duty to provide a reasonable level of security to patrons while onsite. *See*, Civil Code § 1714. However, a question often arises as to whether an altercation that ensues outside the bar, arising from an altercation that began at the bar, can provide the legal basis for a claim against the bar.

That question was answered in a substantial way in the case of Tina Glynn v. Orange Circle Bar (2023) WL 5768216 ("Glynn case").¹ In the Glynn case, the parents of Nicholas Glynn filed a wrong death case against the District Lounge, a bar located on Chapman Avenue in Orange, California arising from the death of their son Nicholas. In the Glynn case, Nicholas and his friends were at the District Lounge and an altercation occurred between Nicholas and his friends, and another group of patrons. Security at the District Lounge broke up the fight and the two groups were escorted outside. While outside, another brief altercation may have ensued outside, but was quickly stopped by District Lounge security, after which the two groups left and went their separate ways. The District Lounge's security or other employees did not call the police.

After leaving the District Lounge, Nicholas and a friend walked down the street, turned left, and went to the rear of another bar, where they located another friend. They decided to leave their friend at that bar and return to another friend's house. They looped back around onto Chapman Avenue, approximately a block west of the District Lounge, on the other side of Lemon Street. There, in the parking lot of another business, they encountered the group from the District Lounge again in which they had had a fight. That other group then drove past Nicholas and his friend and threw a beer bottle, hitting Nicholas' friend in the face. Nicholas swore at the other group, who then stopped their car and got out. A fight ensued and Nicholas was stabbed to death.

Nicholas' parents brought a wrongful death suit against the Orange Circle Lounge, Inc. (the ownership entity of the District Lounge) ("Orange Circle"). Orange Circle denied liability and filed a Motion for Summary Judgment on the basis that the bar did not breach any duty to Nicholas, at least arising from the fatal accident, which undeniably occurred offsite. The Trial Court, after reviewing case law involving the duty of bars and nightclubs

¹ The Glynn case was initially ordered as non-published on September 7, 2023, but the Court of Appeal granted the request of the Association of Southern California Defense Counsel to have the certified for publication on September 29, 2023.

to provide security, granted Summary Judgment. On Appeal, the Court of Appeal affirmed, holding that, while the bar had a duty of care onsite, that same duty of care did not apply to the accident which occurred offsite. The Court of Appeal focused on the relationship that Nicholas had with the bar, i.e., patron at a nightclub establishment, and ruled that that relationship did not extend to what occurred a block-and-a-half away. The Court noted, in its ruling, that Nicholas had left the District Lounge unharmed and, of course, there had been a sequence of events following Nicholas having left the bar which resulted in the altercation and death of Nicholas about a block-and-a-half away.

The Glynn decision is important in that, while it certainly affirms the liability, or one could say potential liability, of a nightclub or bar to provide security, that that obligation attaches onsite and not necessarily to what occurs after the patron leaves the premises.

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