

Law v. Reno Club (verdict)

DISTRICT COURT

VERDICT: Defense, no liability by bar in altercation that ended with broken nose.

A Billings jury found 12-0 that Reno Club did not breach its duty of care to Tiffany Law in connection with a broken nose suffered in an altercation.

On 3/19/09, Law and friends visited Reno Club for drinks. Law made a joke to her friend's romantic interest Dustin Wolff and his brother said "shut the fuck up" and Law replied the same. The length of time and number of verbal bouts were disputed, but over some period Law, Wolff, and his girlfriend Jennifer Locken exchanged expletivelaced insults. Wolff and his brother had been ejected for an argument 2 weeks earlier. Law told the waitress that Wolff threatened to hit her. Wolff's girlfriend said, "kick her ass." The bartender and waitress issued repeated warnings to stop talking, turn around, and stop looking at each other. The parties were separated to different tables and told to walk different directions to the bathrooms to avoid contact. Drinks were eventually cut off and everyone was told to leave. The bar alleged, and Law disputed, that Law one last time, and in violation of the instruction, walked past Wolff's table, at which point Wolff leaped at Law and struck her 3 times, breaking her nose. Law alleged that Reno Club failed to eject Wolff and prevent the attack. Reno Club contended that it took reasonable steps to manage the conflict and that the attack would not have occurred had Law complied with its instructions to cease the insults. Friends sitting with Law testified that the physical attack was out of the blue and unexpected, and no patron had reported being concerned. Law introduced a police report in which the waitress stated 3/31/09 that Locken "started the argument" and kept telling Wolff to hit Law prior to the assault. The waitress testified at trial that Law was an equal participant if not instigator of the verbal conflict before the assault. Wolff's brother had informed the waitress that he was just out of prison. The waitress testified that Wolff himself stated that he was "not supposed to be" in a bar. Law introduced testimony that Reno Club refused to call 911 when requested by her. Wolff is serving 8 years for the assault.

Law, then 24, incurred \$22,000 in medicals for her nose surgery and was diagnosed with PTSD. No wage loss.

Judge Watters denied summary judgment to Reno Club. Judge Moses allowed Law to dismiss her claim against Wolff over Rule 41 objection after the pretrial order was executed. He denied Reno Club's motion for directed verdict that the liability issue required an industry standards expert.

Plaintiff's expert: treating surgeon Matthew Wolpoe, Billings (deposed).

Defendant's expert: Scott Welter, Billings (tavern industry standards).

Demand, \$100,000; offer, maybe in the \$5,000 range. Jury request, \$72,000 plus jury discretion; jury suggestion, 0. No mediator.

Jury deliberated 10 minutes 2nd day.

Law v. Reno Club, Yellowstone DV 09-1702, 6/24/14.

Daniel Gillispie & Charles Murray (Billings Legal), Billings, for Law; Randall Nelson (Nelson Law Firm), Billings, for Reno Club (Global Indemnity Ins.).