

CARRI ROUX, CO-ADMINISTRATOR (ESTATE OF LUKE M.
ROUX) ET AL. v. JACOB N. COFFEY ET AL., AC 46898
Judicial District of Hartford

Negligence; Public Nuisance; Causation; Whether Property Owner Whose Conduct Increases Risk that Intoxicated Patron Will Drive Drunk Owes Duty to Users of Public Roads to Prevent Patron from Driving; Whether Driver's Choice to Consume Alcohol is Always Sole Proximate Cause of Drunk Driving Collision. The plaintiffs, Carri and Stephen Roux, brought the present action in their capacity as the administrators of the estate of their seventeen-year-old son, Luke Roux, who was killed in a car crash caused by a drunk driver, Jacob Coffey. Prior to the crash, Coffey had been tailgating on the grounds of the Xfinity Theater in Hartford, where he planned to attend a concert. The defendant Live Nation Worldwide Inc. (Live Nation), which owns and operates the venue, had permitted patrons to loiter and drink alcohol in its parking lots ahead of the concert. While tailgating, Coffey became so intoxicated that Live Nation's security personnel refused him entry to the concert and later took no action when Coffey's friends expressed concern about his level of intoxication. As a result, Coffey drove away while still drunk and subsequently crashed into Luke's vehicle, causing him to sustain catastrophic injuries resulting in his death. In their subsequently filed complaint, the plaintiffs alleged that Live Nation had acted negligently by failing to take adequate measures to address the risks posed by permitting its patrons to consume alcohol on its premises before concerts and by failing to properly address the danger presented by Coffey in particular. The plaintiffs also asserted a claim of public nuisance, alleging that Live Nation's conduct was unreasonable and had a natural tendency to create a continuing danger that interfered with the general public's right to use the public roads. The defendant filed a motion to strike the plaintiff's claims. A motion to strike is a pretrial filing that asks a trial court to strike counts of a complaint as legally insufficient because they fail to state claims upon which relief can be granted. The trial court granted the defendant's motion and ultimately rendered judgment on the stricken claims in favor of Live Nation. More specifically, the court determined as a matter of law that Live Nation had no duty to take any action because, under the general common-law rule reiterated in *Demond v. Project Service, LLC*, 331 Conn. 816 (2019), a property owner cannot be held liable for harms caused by adults who become intoxicated on the property and cause injury only after leaving to drive on the public

roads. The court also concluded that the public nuisance claim failed as a matter of law because, as recognized in *Demon*, established legal principles deem the sole proximate cause of a drunk driving collision to be the driver's decision to become intoxicated. The plaintiffs now appeal to the Appellate Court. They first claim that the trial court erred in concluding that *Demon* precluded imposition of a duty. In their view, the trial court should have determined the issue using general principles governing the recognition of a legal duty. The plaintiffs argue that, under the particular facts of this case, these general principles weigh in favor of finding that Live Nation had a duty to prevent Coffey from driving drunk. They contend, more specifically, that a duty may be properly imposed on a property owner who allows the consumption of alcohol on its premises when it takes some affirmative action against a highly intoxicated patron that would foreseeably cause such person to drive while intoxicated. The plaintiffs also claim that the trial court erred in relying on the proximate causation principles stated in *Demon* because those principles were based on a now-overruled case, *Quinnett v. Newman*, 213 Conn. 343 (1990). According to the plaintiffs, the per-se rule that the trial court relied upon in the present case was abrogated by *Craig v. Driscoll*, 262 Conn. 312 (2003), wherein the Supreme Court observed that this rule runs counter to generally applicable proximate causation principles. The plaintiffs contend that they should therefore be given a chance to present evidence to the trial court to prove proximate causation.
