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## Case Law Update: The Potentially Alcoholic Member

A recent decision from a Florida District Court of Appeal shows that dram shop cases against clubs are fact dependent and difficult to resolve by summary judgment without a trial. *Gonzalez vs. Stoneybrook West Golf Club*, 2017 WL 2988826 (Fla. 5<sup>th</sup> DCA July 14, 2017). In *Gonzalez*, a car driver was killed in a car accident with a golf club's member after the club member had consumed alcohol at the club. The estate of the deceased driver sued the club for wrongful death pursuant to Florida's reverse dram shop law. Fla. Stat. § 768.125 (2014). The reverse dram shop law provides that a vendor serving alcoholic beverages is not liable for damages resulting from a purchaser's intoxication unless the vendor serves the purchaser knowing that he or she is habitually addicted to alcohol.

The District Court of Appeal reversed the trial court's summary judgment order in favor of the club. The court concluded that the plaintiff "offered sufficient evidence to raise a factual dispute not resolvable by summary judgment as to whether [the club member] was habitually addicted to alcohol and, if so, whether [the club] knew of his addiction." The evidence showed that the club member had played golf at the club approximately 70 to 80 times over a three-year period and one of the club member's playing partners testified that the club member was intoxicated virtually each time they played together. The case illustrates the challenges a club faces in dealing with a member who drinks alcohol excessively on a regular basis. The mere fact that the member drank excessively created a factual question as to whether the club knew that the member was habitually addicted to alcohol.

## Author

This GT Alert was prepared by:

- [Glenn A. Gerena](#) | +1 954.768.8223 | [gerenag@gtlaw.com](mailto:gerenag@gtlaw.com)

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