

## PART II

It was the festive season and Devonte Daniel's mind turned to parties. Devonte was a partner in the Engineering firm of Nuts and Bolts. The holiday party was held on the premises of the firm. Fueled by copious quantities of alcohol the party was great fun. It wound up around 6pm and Devonte having consumed a number of cocktails, and wanting to celebrate the season even more enthusiastically, invited the remaining employees to his home some 10 miles away. On the way home Devonte dropped by a liquor store, the Happy Dip, to buy bourbon with which to make his favorite cocktails. Unsteady on his feet, and slurring his words, Devonte bought the entire stock of Woodford Reserve bourbon. The state's "Dram Shop" legislation prohibits a licensed vendor from "supplying alcoholic beverages to visibly intoxicated persons." Each bottle carried a mandated warning: "(1) According to the Surgeon General Women should not Drink Alcoholic Beverages During Pregnancy Because of the Risk of Birth Defects. (2) Consumption of Alcoholic Beverages Impairs Your Ability to Drive a Car or Operate Machinery, and May Cause Health Problems."

Devonte arrived home in time to begin to mix the drinks which he served to his guests as they entered his home. He kept on making the drinks and plying them to his guests. Xavier noticed that Olivia was showing signs of intoxication. He told her that they should both share an Uber to their homes as soon as it was polite to leave. He would pay. Taking another drink, she said: "That's good with me."

Eartha, had abstained from alcohol at the office party and was continuing that abstemious behavior at Devonte's home. She was a member of Alcoholics Anonymous (AA) and adhered that organization's program. She was pregnant with her first child and had refrained from ingestion of alcohol and other drugs since learning of her pregnancy. Eartha worked as Devonte's administrative assistant. When Devonte offered her a cocktail she says: "I felt obliged to take it". She continued to drink throughout the evening. She did not read the warning on the labels.

Zelda, another employee and guest, had been drinking heavily. She had been taking a prescription drug now available generically to inhibit a manifestation of Tourette Syndrome. Without the drug, Zelda was prone to use vulgar and obscene language. Zelda's physician had warned her not to consume alcohol since it would negate the effect of the drug. (A Tourette's drug made by Eli Lilly later developed and still under patent protection may be taken with alcohol to no ill-effect.) Picking up a full glass of bourbon she threw it in Angela's face and shouted highly offensive epithets at her. Angela, Devonte's wife, was offering Zelda a snack. Devonte was enraged that a guest would be so abusive to his wife. Others joined in to attack Zelda. She was knocked unconscious. The next morning, she woke up on a golf course and in a daze wandered onto the practice range and was hit by a volley of golf balls hit by club members practicing their drives. No-one can provide information on how she found herself on the golf course.

After the fracas at the party, Xavier decided to leave but forgot about his arrangement with Olivia. After asking other guests for a ride and receiving nonchalant refusals, she decided to walk home and on the way in the dark was robbed and bashed by a couple of muggers. She walked on and collapsed in Cedrick's drive-way, was prone and unconscious when, a few hours later, Cedrick backing his SUV out of his garage ran over her. Cedrick points out that he had just, that day, purchased the vehicle and was not aware that it had a backup camera installed. He says: "The salesman never told me about that. Joe the salesman said: 'Just read the manual to see how things work'." Evidence will show that the camera would have revealed the image of Olivia in his drive way. The muggers had savagely stabbed Olivia in the arm severing the nerves to her hand. Cedrick had run over the arm crushing it as to necessitate its amputation. Olivia had just won a scholarship to the Julliard School\* in NYC to play the violin. Experts opine that she was "a brilliant talent of virtuoso\* potential.

Eartha continues to drink alcohol and breaks from her AA regimen. In a routine ultra-sound some months later it is discovered that the fetus is suffering from fetal alcohol syndrome and will, if born, suffer from debilitating disabilities, both physical and mental, as a child.

Advise all persons aggrieved in these circumstances.

\* Julliard is the premier academy for music and dance in the USA.

\* One who excels in the technique of an art especially: a highly skilled musical performer.