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PRACTICE AREAS

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Illinois Strip Club's Liability for Automobile Accident at Issue

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In a recent [post](#) we discussed an Illinois court's decision that addressed a homeowner's potential liability for an automobile accident that occurred after an underage teenager drank alcohol at his friend's home and was involved in a fatal car accident later that evening.

The Illinois Supreme Court recently addressed a similar issue in *Simmons v. Homatas*, 236 Ill.2d 459, 925 N.E.2d 1089.

At issue in *Simmons* was whether the owners of a Chicago strip club could be held liable for the deaths of a pregnant woman, her unborn child and another person, where their deaths resulted from a [car accident](#) caused by an intoxicated driver who had been a patron of the club earlier in the evening.

The club did not serve alcohol, but allowed patrons to bring their own alcohol and provided glasses, ice and mixers for drinks. On the evening of the automobile accident, John Homatas and his friend left their car with the club's valet parking and brought alcohol to the strip club. Over the next few hours they purchased mixers from the club and poured drinks using the alcohol that they brought with them. Homatas was later discovered by club bouncers in the bathroom, where he was vomiting and was visibly intoxicated.

Club bouncers ejected the pair from the club and escorted them to Homatas' car, which had been parked at the front of the club by the valets and its engine was



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running. Homatas drove off in the vehicle and, 15 minutes later, collided with a vehicle being driven by April Simmons, resulting in the unfortunate deaths of Simmons, her unborn child and Homatas' passenger.

One issue considered by the Court was whether the common law negligence claim against the strip club owners was preempted by Dramshop Act, especially given that the club did not actually provide alcohol to Homatas.

After a full analysis of the relevant law, the Court concluded, in part, that the owners of the strip club could be held liable for the deaths of those killed in the collision:

We hold..that...a defendant is alleged to have removed a patron for being intoxicated, places the patron into a vehicle and requires him to drive off, such facts are sufficient to state a common law negligence cause of action that is not preempted by the Dramshop Act.

Following the Court's decision, the case quickly settled, as reported in this recent Chicago Tribune [article](#).

Howard Ankin of Ankin Law Office LLC (www.ankinlaw.com) handles [workers' compensation and personal injury cases](#). Mr. Ankin can be reached at (312) 346-8780 and howard@ankinlaw.com.