



Ankin Law Office LLC

Protecting the Rights of Injured Workers

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Illinois Supreme Court denies social host liability claim



In May, the Illinois Supreme Court handed down its decision in [Bell v. Hutsell](#), Docket No. 110724. In this case, at issue was whether the defendants were liable for the death of Daniel Bell, a young 18 year old man who had imbibed alcohol at the defendants' house while attending a party held by the defendants' son. Soon after leaving the party, Daniel died in a single-car automobile accident.

In the lawsuit, it was alleged that the defendants were responsible for Daniel's death. The plaintiff claimed the the defendants were aware that there was underage drinking going on at their house on the evening of Daniel's death, but they did nothing to prevent it from occurring. It was also alleged that this type of activity had occurred in the past. Specifically, the plaintiff alleged that defendants voluntarily undertook the duty to prevent the underage consumption of alcoholic beverages on their premises and that they negligently performed that duty. The defendants denied the allegations.

The Court concluded that the plaintiff failed to establish liability since the evidence established that the defendants did not undertake to duty to prevent underage drinking:

(T)here must have been some affirmative action taken in an attempt to prohibit possession and consumption of alcohol...No affirmative action is alleged here. Defendants did not attempt to confiscate alcoholic beverages in the possession of underage partygoers; they did not ask offenders to leave; they did not call a halt to the party—they did nothing. In our view, the facts alleged do not support an inference that defendants commenced substantive performance of their intended undertaking...Defendants owed Daniel no duty to prohibit his voluntary possession or consumption of alcohol, and took no action to do so pursuant to their verbalized intent, which was communicated only to their son, we have a case of true nonfeasance.

As you may recall, we [discussed](#) the lower court's decision in this case previously. Unfortunately for the plaintiff in this case, the Supreme Court of Illinois disagreed with the lower court's conclusions, effectively dismissing the plaintiff's [personal injury lawsuit](#). Although no liability was found in this case, our prior recommendation made in [this blog post](#) still stands: never serve alcohol to minors. Even if you might escape civil liability you may face criminal charges under a new Illinois law that makes it a felony to serve alcohol to underage minors. And, besides, civil and criminal liability notwithstanding, it's better to be safe than sorry.

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By [Admin - BN](#)
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