

STATE OF MAINE

CUMBERLAND, SS

SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT
Docket No. CUM-24-299

RYAN BOOTH
Appellee

v

AMIGO'S MEXICAN RESTUARANT
Appellant

(On Appeal from the Superior Court of Cumberland County)

BRIEF OF APPELLANT

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STATEMENT OF THE ISSUES

1. DID THE SUPERIOR COURT ERR WHEN IT DENIED APPELLANT'S MOTION FOR JUDGMENT FOR THE DEFENDANT, BOTH AT THE CLOSE OF APPELLEE'S CASE-IN-CHIEF, AND THEN AGAIN AT THE CLOSE OF THE EVIDENCE?

SUMMARY OF THE ARGUMENT

The Superior Court erred when it denied Appellant's Motion for Judgment for the Defendant, both at the close of Appellee's case-in-chief, and again at the close of the evidence. The Court below erred when it failed to find, as a matter of law, that Appellant owed no duty of care to Appellee after he was ejected from Appellant's premises for his own misconduct. In essence, the special relationship between patron Appellee, and tavern owner, Appellant, ended when Appellee was ejected from the premises for misconduct. The Court also erred when it failed to grant judgment for the Defendant on the issue of whether Appellant breached its duty of care.

ARGUMENT

A. FACTS

The following factual summary is presented in the light most favorable to the Plaintiff. On the night of September 2, 2018, Ryan Booth, along with his friend, Tyler Bomba, entered Amigo's Mexican Bar and Restaurant. Reporter's Transcript, pages 56, line 11 – page 57, line 19, May 30 2024. Prior to arriving at Amigo's, Mr. Booth and Mr. Bomba had been at the Old Port Tavern. R.T. 56:11-57:19, May 30 2024.

Upon entering Amigo's, Mr. Booth sat at a picnic table on the Amigo's patio, with Mr. Bomba seated at an adjacent picnic table due to the bar being crowded and seating being limited. R.T. 57:21-58:9, May 30 2024. When Mr. Booth sat down, he was immediately told by a woman already sitting at the table to "get the fuck off our table". R.T. 58:10-15, May 30 2024. Mr. Booth ignored the request. R.T. 59:1-4, May 30 2024. The woman at the picnic table became angry so Mr. Bomba asked someone at the table he was sitting at to move down to make room for Mr. Booth. R.T. 59:8-14, May 30 2024. Mr. Booth then moved from the picnic table he original sat at, to the picnic table Mr. Bomba was at, with his back facing the table he had just left. R.T. 59:15-19, May 30 2024.

Shortly after Mr. Booth had switched tables, Mr. Booth was approached from behind and pulled backwards off the table in a headlock by Mr. Acorace,

resulting in a scuffle on the ground between the two picnic tables. R.T. 59:21-60:1-4, May 30 2024. At this time, Mr. Michael Reynolds, a bouncer on duty at Amigo's that night, was inside the bar and was informed by a regular customer that there was an incident occurring out on the patio. R.T. 124:16-25, May 30 2024. In response to news of this altercation, Mr. Reynolds went out to the patio where he witnessed Mr. Acorace and Mr. Booth involved in an altercation, with Mr. Booth in a position that indicated to Mr. Reynolds that Mr. Booth was about to strike Mr. Acorace. R.T. 128:1-15, May 30 2024. Mr. Reynolds separated Mr. Booth and Mr. Acorace, and proceeded to eject Mr. Booth through the patio door into the parking lot using a "seatbelt hold". R.T. 125:1-21, May 30 2024; R.T. 60:5-9, May 30 2024. Once Mr. Booth was outside of the bar, another bouncer came out the door, grabbed Mr. Booth by his neck, and threw him at a gate. R.T. 61:5-8, May 30 2024. Mr. Booth faced the bouncer assumed a defense position and then was immediately hit in the mouth from behind by Mr. Acorace who had also left the bar and come to find Mr. Booth. R.T. 61:11-15, May 30 2024. As a result of this hit, Mr. Booth fell to the ground and Mr. Bomba attempted to intervene. R.T. 61:23-25, May 30 2024.

Mr. Bomba lifted Mr. Booth up by his shirt and dragged him down the street away from Amigo's and towards Mr. Bomba's vehicle. R.T. 62:1-10, May 30 2024. At the time, Mr. Booth was unaware that his jaw was broken. R.T. 62:9-10,

May 30 2024. Mr. Booth realized his jaw was broken when he went to lay down to go to sleep. R.T. 62:11-14, May 30 2024. Upon this realization, Mr. Booth was taken to the hospital by his mother at approximately 3 A.M., where he had his jaw wired shut. R.T. 62:14-24, May 30 2024.

During the trial of this matter, Appellant moved, at the close of Appellee's case-in-chief, for judgment for the defendant, making two arguments. First, Appellant argued that once Appellee had been ejected from the restaurant, Appellant owed no duty of care to protect Appellee from harm occurring outside of the premises. R.T. 34:24-35:18, May 31 2024. More specifically, Appellant argued that the special relationship between patron and tavern owner was extinguished when the patron was ejected from the premises. *Id.* Second, Appellant argued that, even if Appellant's duty of care survived Appellee's ejection from the restaurant, Appellant did not breach its duty of care. R.T. 35:19-36:23, May 31 2024. Appellant renewed its Motion at the close of the evidence. R.T. 43:19-22, May 31 2024.

The Court took Appellant's Motion under advisement, but eventually ruled from the bench. *Id.*

Appellant and Appellee both filed trial briefs that set forth their respective positions on these issues. Appendix pages #26 and #38 respectively; R.T. 150:3-6, May 30 2024.

B. THE COURT ERRED WHEN IT FOUND THAT APPELLANT OWED A DUTY OF CARE TO A PATRON WHO HAD BEEN EJECTED FROM APPELLANT'S PREMISES DUE TO MISCONDUCT.

In reviewing the Superior Court's disposition of a motion for either a directed verdict this Court must determine, "whether the verdict can be sustained by any reasonable view of the evidence, including all justifiable inferences to be drawn therefrom, taken in the light most favorable to the party in whose favor the verdict was rendered." *Buchanan v. Martin Marietta Corp.*, 494 A.2d 677, 678 (Me. 1985); *Cyr v. Michaud*, 454 A.2d 1376, 1379-80 (Me. 1983). Here, because Appellant owed no duty of care to Appellee once he was ejected from the premises, even when considering the evidence taken in the light most favorable to Appellee, the verdict cannot be sustained by any reasonable view of the evidence.

The primary issue for the Court to decide in the context of this appeal is whether the evidence, taken in the light most favorable to the Plaintiff, makes out the elements of a negligence claim. In this case, more specifically, the issue is whether the Defendant, bar and restaurant proprietor, owed a continued duty of care to protect a patron that had been ejected from the premises from a subsequent, and off-premises, assault by a third party. It is our position that by ejecting the Plaintiff from the premises, any duty of care imposed by the special relationship between a proprietor and a patron must necessarily cease to exist.

Maine courts have historically recognized a special relationship between a business owner and a patron. “[A] proprietor of an inn, hotel, motel, restaurant, or similar establishment is liable for an assault upon a guest or patron by another guest, patron or third person where he has reason to anticipate such assault and fails to exercise reasonable care under the circumstances to prevent the assault or interfere with its execution.” *Brewer v. Roosevelt Motor Lodge*, 295 A.2d 647, 651 (Me. 1972). This special relationship creates a duty of care owed by the proprietor to the patron. However, absent this special relationship, no such duty exists.

[I]n instances of nonfeasance rather than misfeasance, and absent a special relationship, the law imposes no duty to act affirmatively to protect someone from danger unless the dangerous situation was created by the defendant. Only when there is a “special relationship,” may the actor be found to have a common law duty to prevent harm to another, caused by a third party. There is simply no duty to control the conduct of a third person as to prevent him from causing physical harm to another unless . . . a special relation exists *Belyea v. Shiretown Motor Inn*, 2010 ME 75, ¶ 9, 2 A.3d 276.

There are no Maine cases in which any Court has held that the special relationship survives the ejection of the patron for misconduct. The Appellee, as he did in his trial brief, will point to *Belyea v. Shiretown Motor Inn*, *Belyea v. Shiretown Motor Inn*, 2010 ME 75, for this proposition, but *Belyea* does not address this issue whatsoever. In *Belyea*, the appeal was about the trial court granting summary judgement to the owner of the parking lot of a motel, on the basis that the parking lot owner owed no duty of care to the patron of the bar that

was located in the motel. The closest that Belyea comes is the mention in the procedural history of the bar's motion for summary judgment being denied. There is nothing in the opinion that tells why the motion was denied or even what the summary judgment argument was, or whether the bar even raised the issue of duty of care to an ejected patron.

This case can also be readily distinguished from cases like *Kaechele v. Kenyon Oil Co.*, 2000 ME 39, which was cited, amongst other cases, by the Appellee in his Trial Brief. *Kenyon Oil* dealt with a customer at an Xtra Mart convenience store who became aggressive after being asked to present his I.D. in order to buy cigarettes. *Id* at ¶ 3. The customer continued to act erratically for approximately 15 minutes, before he left the interior of the store and moved to the parking lot. *Id*. The Plaintiff, who was another customer at the store, suggested that the store clerks call the police, however no call was made. *Id*. Upon exiting the store, the Plaintiff was assaulted and injured by the irate customer. *Id*. In *Kenyon Oil*, the special relationship between the Plaintiff and Defendant was clearly intact at the time of the Plaintiff's assault, the assault happened on the Defendant's business premises, and the assault that occurred was plainly foreseeable given the prior actions of the assailant leading up to the assault.

This case differs from *Kenyon Oil* in a variety of ways. First, the irate customer in the Xtra Mart had been acting erratically on the store's premises for

nearly 20 minutes before the assault occurred and the store clerks did nothing to address the situation. Based on the actions of the customer during that time period, it should have been foreseeable to the clerks that an assault might occur. In contrast, on the night in question at Amigos, Mr. Reynolds, an on-duty bouncer, assessed the confrontation between Mr. Booth and Mr. Acorace inside the bar, and determined that Mr. Booth needed to leave. He made this decision based on his prior training and experience in conducting security, as well as his knowledge of industry wide security practices. As such, his actions were a reasonable response in light of the circumstances, and there was no reason to foresee that any other altercations would continue on the premises, or off the premises for that matter. In fact, there has been no evidence presented that the staff at Amigo's had any prior knowledge regarding Mr. Acorace or Mr. Booth being involved in other acts of violence at Amigo's or elsewhere.

Next, it should be noted that the assault in *Kenyon Oil* took place on the Defendant's premises. Here, the assault occurred outside of Amigo's, in an area that Amigos exercised no control over. All the evidence, as well as statements made to police by Mr. Bomba the day after the assault, state that the altercation occurred near the entrance to the parking lot of Bill's Pizza. R.T. 100:12-102:16, May 30 2024. That portion of the parking lot is neither owned, leased, operated, or in any way under the control of Amigo's. R.T. 168:2-24, May 30 2024.

While Maine Courts have not explicitly decided the issue at hand, there are several other jurisdictions in which courts which have refused to extend a duty of care beyond the ejection of an unruly patron. In the Illinois case of *St. Phillips v. O'Donnell*, the facts are nearly identical to the facts of this case, with an off-premises assault of the Plaintiff occurring in an adjacent parking area after the Defendant had been ejected for misconduct. *St. Phillips v. O'Donnell*, 137 Ill. App. 3d 639, 640-41, 92 Ill. Dec. 354, 355, 484 N.E.2d 1209, 1210 (1985). The *St. Phillips* Court found that the operator of the tavern did not have a duty to protect a patron who was assaulted by another patron who had been ejected from tavern, because the assault took place off tavern premises, in an adjacent parking area which the tavern had no control over. *Id.* at 644; *See also, Badillo v. De Vivo*, 161 Ill. App. 3d 596, 515 N.E.2d 681, 683, 113 Ill. Dec. 696 (Ill. App. Ct. 1987) (holding that a bar did not owe a duty to protect an evicted patron from a third-party attack at another location).

The *Badillo* is another case directly on point with this case. There, the Plaintiff and another patron has been involved in an altercation inside a bar. Security at the bar intervened in the altercation and both were instructed to leave the bar. Plaintiff went to her car, a half block away from the bar, where she was assaulted by the other patron. Plaintiff sought to hold the bar responsible in tort for the injuries caused by the other patron. More specifically, she claimed that the bar

should have “(1) summoned the police after the initial assault in the tavern; (2) instructed plaintiff and DeVivo to leave the premises other than simultaneously; and (3) failing to provide reasonable escort and security for the plaintiff after exiting the premises.” *Badillo v. De Vivo*, 161 Ill. App. 3d 596, 597, 113 Ill. Dec. 696, 697-98, 515 N.E.2d 681, 682-83 (1987). The trial court granted a motion to dismiss by the defendant and the plaintiff appealed. The Appellate Court of Illinois affirmed the dismissal of the case, holding that a tavern owner owes no duty of care to a patron once the patron leaves the premises.

The Court in *Badillo* did not decide the case based upon whether the “special relationship” was terminated upon ejection of the patron. Rather, the Court declared that foreseeability is not the only consideration in determining whether a duty of care exists. The Court held that: “In determining whether a duty exists, the court should also consider ‘[the] likelihood of injury, the magnitude of the burden of guarding against it and the consequences of placing that burden upon the defendant.’” *Id.* at 599.

In another Illinois case, *Lewis v. Razzberries, Inc.*, a patron was shot by another patron as she was leaving a bar, a mere 23 feet beyond the boundaries of the bar’s property. *Lewis v. Razzberries, Inc.*, 222 Ill. App. 3d 843, 165 Ill. Dec. 258, 584 N.E.2d 437 (1991). The Court in *Lewis* refused to extend liability to a bar owner for an assault of a patron in an adjacent parking area as “it would obligate

all business operators to police the streets so as to ensure their patrons' safe passage to their cars or even to their homes. *Id.* at 852. While the facts of *Razzberries* differ slightly from the present matter, the reasoning used by the Court is nonetheless applicable here. Upon the eviction of Mr. Booth for his own misconduct, it would be far too heavy of a burden on Amigo's to ensure him safe passage through areas entirely out of their control. Amigo's, as well as any other bar in the Old Port area of Portland, entirely lacks the ability and resources to provide that kind of protection to ejected patrons.

Illinois is not the only jurisdiction to decline to hold tavern owners liable for injuries of patrons off the tavern premises. In the Iowa case of *Morris v. Legends Fieldhouse Bar & Grill, LLC*, an intoxicated patron was ejected from a strip club and rejected offers from the bouncers to call a cab so he could get home safely. *Morris v. Legends Fieldhouse Bar & Grill, LLC*, 958 N.W.2d 817, 820 (Iowa 2021). The intoxicated patron began walking away and was struck and killed by a vehicle approximately half a mile away. *Id.* The *Morris* Court determined that a business that ejects a patron for misconduct is not liable for harm to that patron elsewhere as a "contrary holding would impose potentially limitless liability on Iowa businesses, putting them in the untenable position to choose whether to forcibly detain intoxicated patrons and risk liability for false arrest or allowing intoxicated patrons to remain on site and risk liability for their on-site harm to

themselves or others.”) *Id.* at 827; *See also, Rodriguez v. Primadonna Co.*, 125 Nev. 578, 216 P.3d 793, 799 (Nev. 2009) (holding a hotel had no duty to prevent subsequent injuries and stating that “so long as a proprietor does not use unreasonable force in evicting a patron, the [business] is not required to consider a patron's level of intoxication in order to prevent speculative injuries that could occur off the proprietor's premises”); *McCall v. Villa Pizza, Inc.*, 636 A.2d 912, 912-13, 915 (Del. 1994)(en banc) (holding tavern owner owed no duty to prevent off-premises injury to an intoxicated patron after evicting him); *Kelly v. Sinclair Oil Co.*, 476 N.W.2d 341, 354-55 (Iowa 1991) (holding that ejecting intoxicated patron without providing transportation breaches no duty because there is no special relationship).

While the specific facts of *Morris* differ from the present matter, *Morris* further demonstrates the practical limitations on a proprietor’s ability to protect its patrons, particularly in the case of disorderly patrons that need to be ejected. If Amigo’s were to have forcibly detained either Mr. Booth or Mr. Acorace, they could have faced liability for false imprisonment. Additionally, allowing Mr. Booth to remain at Amigo’s after his violent altercation with Mr. Acorace began on the patio would have been a breach of duty to all other patrons at Amigo’s, as Mr. Booth’s presence posed a risk to those around him. Extending a duty of care to a patron after the ejection of that patron for their own misconduct creates a lose-

lose scenario for not only Amigo's, but also any other Maine establishment that finds themselves in the unfortunate situation where they need to eject a patron.

When applying the relevant case law to the facts at hand, it becomes clear that by ejecting Mr. Booth from the Amigo's premises, any duty of care imposed by the special relationship between a proprietor and a patron must necessarily cease to exist, as the entire relationship between the proprietor and patron had been effectively terminated.

First, allowing the special relationship to continue past the termination of the proprietor/patron relationship would create uncertainty among courts as to the timeframe and geographic bounds that the special relationship can remain intact after a patron has been ejected from an establishment, in addition to placing an undue burden on business owners to protect former patrons from harm. If Mr. Booth had been assaulted by Mr. Acorace the next day, should Amigo's still be considered to owe him a duty of care? Or perhaps Mr. Booth was assaulted the same night by Mr. Acorace, but in a different town? And to what extent would Amigo's have been required to protect Mr. Booth in these circumstances if the duty of care survives his ejection and subsequent barring from the premises? Furthermore, what about the practical issues of requiring a business owner to attempt to protect a patron from harm, where that patron has become hostile towards the business, its employees, and other patrons? This is the situation

imagined by the *Morris* Court. Short of forcefully preventing Mr. Acorace or Mr. Booth from leaving the Amigo's premises, which as discussed previously, would open Amigo's to liability for false imprisonment. Amigo's did not have the ability to prevent Mr. Acorace from carrying out his off premises assault of Mr. Booth. Even if the Police had been called immediately after the ejection of Mr. Booth, the short time period between his ejection and the assault would have rendered the Police useless in preventing the harm to Mr. Booth. Accordingly, to extend the duty of care owed by a business owner to a patron beyond the existence of the proprietor/patron relationship is not only nonsensical, but also imposes an undue burden on proprietors.

The Restatement of Torts does not disagree with Appellant's position. Restatement of Torts 3rd, section 40(b)(3) describes a duty of care based upon special relationships, including that of a business that holds itself open to the public with those who are lawfully on the premises. In this case, Appellee was not lawfully on the premises once he was ejected for misconduct. Therefore, the special relationship was extinguished at the time that he was punched, and Appellant no longer owed him a duty of care.

In sum, given the facts of the case, as well as the negative policy implications of extending a proprietor's duty of care beyond the ejection of an unruly patron, the Court should find Amigos owed no duty of care to Mr. Booth as

the special relationship between Amigo's and Mr. Booth was extinguished when Mr. Booth was ejected from the premises for his own misconduct.

C. THE COURT ERRED WHEN IT FOUND THAT APPELLANT BREACHED ITS DUTY OF CARE (IF ONE WAS OWED).

As a secondary issue, which is only necessary to resolve if this Court finds that the special relationship between proprietor and patron should survive the ejection of an unruly patron, this Court must determine whether the lower Court erred in failing to find that the Appellant had not breached its duty of care with respect to the case at hand.

As previously mentioned, Maine Courts have recognized a special relationship and a resulting duty of care between a proprietor of a business and its patron, imposing liability upon the business for "an assault upon a guest or patron by another guest, patron or third person where he has reason to anticipate such assault and fails to exercise reasonable care under the circumstances to prevent the assault or interfere with its execution." *Brewer* at 651. Accordingly, and assuming that this special relationship and duty of care survives the ejection of the patron due to their own misconduct, the key inquiry becomes whether the "defendant as an ordinarily prudent person had reasonable cause to anticipate that the security measures taken for the plaintiff's protection were inadequate to meet any reasonably foreseeable harm." *Id.* at 652.

Maine courts have applied the foreseeability rule in a variety of circumstances. In *Brewer v. Roosevelt Motor Lodge*, a guest of the motel was assaulted during her stay when an assailant broke into her room. *Id.* at 652-53. In its decision, the *Brewer* Court utilized the foreseeability rule, determining that there was no reasonable cause for the Defendant to anticipate that the security measures taken for the plaintiff's protection were inadequate to meet any reasonably foreseeable harm. *Id.* While the facts of *Brewer* differ from those of this case, this application of the foreseeability rule highlights the importance of context in determining whether a duty of care was breached. In *Brewer*, the motel provided guests with the same level of security that an average motel of its standing would provide. *Id.* at 652. Likewise, Amigo's provided its patrons with the same level of security that other bars in Portland provide. Their door staff receives training and are instructed to fulfill their duties according to industry standards. R.T. 169:12-170:9, May 30 2024. Industry standards are a useful tool to understand the context in which a danger might be foreseeable, as they provide insight into what dangers are common and what measures should be used to protect against these dangers. As the Court recognized in *Brewer*, the "defendant motel proprietor owed his guests and patrons the duty to exercise reasonable care for their personal safety, but it was not an insurer under any and all circumstances." *Brewer* at 652. Accordingly, just as the motel operator in *Brewer* was not required to provide more

security measures than were reasonably necessary to protect against foreseeable dangers, neither should Amigo's be required to provide security services above what is considered standard in the bar and restaurant industry.

In the case at hand, Amigo's actions on the night in question should be considered to have satisfied any duty of care it owed to Mr. Booth, as well as all other patrons present that evening. Amigo's staff handled the original altercation between Mr. Booth and Mr. Acorace that occurred inside the premises in a reasonably prudent manner, and in accordance with industry wide security standards. Per the testimony of all parties except Mr. Booth, as well as statements made by Mr. Bomba who was with Mr. Booth that night, Mr. Booth was escorted out of the back-patio area, and subsequently made his way towards Bill's Pizza. R.T. 100:12-102:16, May 30 2024. At this time, Mr. Reynolds, an on-duty bouncer who ejected Mr. Booth from the Amigo's premises, had determined through the use of his own training and experience that the situation had been handled appropriately, and returned to the inside of the bar where he was stationed. R.T. 125:4-126:22, May 30 2024. Mr. Acorace was never asked to leave the bar. Mr. Reynolds did not, nor did any other Amigo's staff members, have any reason to anticipate that Mr. Acorace would leave the bar to continue his altercation with Mr. Booth. Amigo's had no prior knowledge of either Mr. Acorace or Mr. Booth behaving violently on their property or elsewhere. No Amigo's staff member had

the authority to prevent Mr. Acorace from leaving the bar. Mr. Acorace left the bar of his own free will, and his doing so could not reasonably be construed to have given notice to Amigos staff that a further altercation was about to occur. Given the number of patrons present at Amigo's that night, it is unlikely that Amigo's staff had knowledge of Mr. Acorace leaving the patio area at all. Additionally, given the extremely short timeframe between Mr. Acorace's exit and the assault, there would have been nothing Amigos could have reasonably done to prevent it, including calling the police.

Although Maine law does not appear to address the issue, there is case law in other jurisdictions that hold that businesses owe no duty to call the police to protect a patron after he leaves the premises. *See, e.g., Wilk v. 1951 W. Dickens, Ltd.*, 297 Ill. App. 3d 258, 696 N.E.2d 756, 760, 231 Ill. Dec. 460 (Ill. App. Ct. 1998) (holding tavern owed no duty to call police or chaperon minor home and observing that to impose "plaintiff's proposed duty would place 'an unjustifiable burden on the operator and on the police force" (quoting *Fitzpatrick v. Carde Lounge, Ltd.*, 234 Ill. App. 3d 875, 602 N.E.2d 19, 22, 176 Ill. Dec. 712 (Ill. App. Ct. 1992))); *Seymour v. House of Blues New Orleans Rest. Corp.*, 309 So. 3d 805, 813 (La. Ct. App. 2020) (holding business "had no duty to call the police" after ejecting patrons before off-site assault), *cert. denied*, 310 So. 3d 191 (La. 2021); *Radke v. Carpenter*, 281 Ore. 671, 576 P.2d 365, 367-68 (Or.

1978) (affirming directed verdict for tavern and declining to recognize duty to call police when ejected patrons later involved in off-site assault).

This Court should find that Amigo's had no reasonable cause to anticipate that the security measures it took on the night in question were inadequate to meet any reasonably foreseeable harm to Mr. Booth, and accordingly Amigo's should be considered to have satisfied any duty of care it may have owed to Mr. Booth in its handling of the situation on the night in question.

CONCLUSION

For the reasons stated above, Appellees respectfully request that this Court reverse the District Courts decision that Appellant owed a duty of care to Appellee after he was ejected from Appellant's premises for his own misconduct, and that the Appellant breached its duty of care on the night in question, and remand this matter to the Superior Court with instructions to grant Appellant's Motion for Judgment for the Defendant.

Dated at Portland, Maine this 17th day of October, 2024

Respectfully submitted,

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