

Plaintiff's Initial Burden

"Negligence" as to the Dram Shop Defendant means providing, under authority of a license, an alcoholic beverage to a recipient when it is apparent to the Dram Shop Defendant that the recipient is obviously intoxicated to the extent that he presents a clear danger to himself and others.

Source: Texas PJC 5.5 Definition of Negligence Under the Dram Shop Act

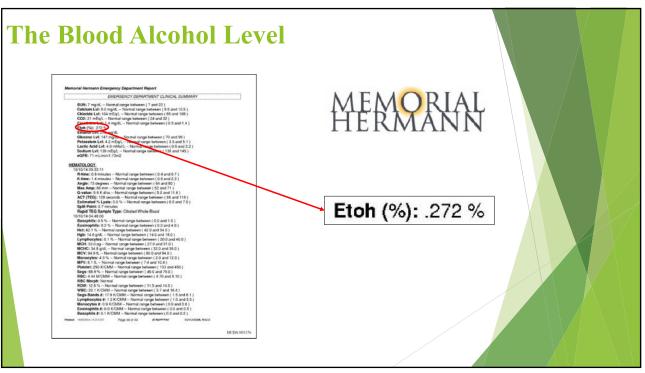
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## The Intoxication Must Be:

- 1. Obvious to the server;
- 2. When the recipient was served; and
- 3. To the extent that the recipient presented a clear danger to himself and others.

Source: Texas Alcoholic Beverage Code § 2.02 (b) (1)

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