

Dram Shop 101



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Dram Shop: What Can Happen



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The Law: *20801, Inc. v. Parker*



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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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The Blood Alcohol Level

Memorial Hermann Emergency Department Report

EMERGENCY DEPARTMENT CLINICAL SUMMARY

BUN: 7 mg/dL - Normal range between (7 and 20)
Calcium Lvl: 8.6 mg/dL - Normal range between (8.5 and 10.5)
Chloride Lvl: 104 mEq/L - Normal range between (95 and 108)
CO2: 21 mEq/L - Normal range between (24 and 30)
Creatinine Lvl: 4 mg/dL - Normal range between (0.5 and 1.4)
Hgb (mL): 27g - Normal range between (12 and 16)
Hct (%): 27% - Normal range between (37 and 47)
Glucose Lvl: 147 mg/dL - Normal range between (70 and 99)
Potassium Lvl: 4.2 mEq/L - Normal range between (3.5 and 5.1)
Lactic Acid Lvl: 4.1 mM/L - Normal range between (0.5 and 2.2)
Sodium Lvl: 130 mEq/L - Normal range between (133 and 145)
eGFR mL/min/1.73m²: 22ml - Normal range between (15 and 30)

HEMATOLOGY

RBC: 4.0 million - Normal range between (4.0 and 5.7)
R-Rate: 0.8 minutes - Normal range between (0.4 and 0.7)
W-Count: 4.4 mm/mm³ - Normal range between (5.0 and 10.0)
Hgb: 9.5 g/dcs - Normal range between (14 and 18)
Normal Range: 60 mm³ - Normal range between (64 and 80)
G-value: 9.5 % diff - Normal range between (5.0 and 11.6)
ACT (TEG): 120 seconds - Normal range between (80 and 110)
Estimated % Lytic: 0.0 - Normal range between (0.0 and 7.5)
Spilt Port: 0.7 minutes
Taped TEG Sample Type: Citrated Whole Blood
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Basophils: 0.5 % - Normal range between (0.0 and 1.0)
Eosinophils: 0.2 % - Normal range between (0.4 and 4.0)
Hct: 40.1 % - Normal range between (42.0 and 54.0)
Hgb: 14.6 g/dL - Normal range between (14.0 and 18.0)
Lymphocytes: 5.1 % - Normal range between (20.0 and 40.0)
MCV: 30.3 g/dL - Normal range between (27.0 and 30.0)
MCHC: 34.4 g/dL - Normal range between (32.0 and 36.0)
MCV: 94.9 % - Normal range between (80.0 and 94.0)
Monocytes: 4.3 % - Normal range between (0.0 and 6.0)
MPV: 5.1 % - Normal range between (7.4 and 10.4)
Platelet Count: 220K/mm³ - Normal range between (133 and 450)
Sepsis: 88.6 % - Normal range between (10.0 and 90.0)
RBC: 4.44 K/CMM - Normal range between (4.40 and 1.10)
RBC Morph: Normal
RDW: 12.8 % - Normal range between (11.5 and 14.5)
WBC: 20.1 K/CMM - Normal range between (3.7 and 10.4)
Sepsis-Bands: # 17.8 K-CMM - Normal range between (0.0 and 1.0) and 1.1
Lymphocytes: # 1.2 K-CMM - Normal range between (1.0 and 5.5)
Monocytes: # 0.9 K-CMM - Normal range between (0.0 and 5.5)
Eosinophils: # 0.0 K-CMM - Normal range between (0.0 and 0.5)
Neutrophils: # 0.0 K-CMM - Normal range between (0.0 and 0.2)

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