

Louisiana Supreme Court Affirms Ruling in Favor of Local Live Music Venue

In a security and premises liability case that garnered significant media attention, the Louisiana Supreme Court has recently denied plaintiff Kimi Seymour's writ of certiorari, choosing to uphold the trial court's dismissal of Seymour's case against our client, a local live music venue. The case centered on the death of Seymour's daughter, Brittany Seymour, who was fatally stabbed a block away from the popular venue by Dannisha Green. The stabbing followed a skirmish between the woman and their friends on the premises of the House of Blues. The venue staggered the ejection of the two groups to ensure their safety, but unbeknownst to the venue, the group initially ejected waited down the street and out of sight until the second group appeared. A deadly brawl then ensued.

Richard G. Duplantier, Jr. of Galloway defended the venue against Seymour's allegations that they owed a duty to Brittany to protect her from the criminal activities of Green and had breached this duty by failing to call the police. Galloway filed a motion for summary judgment to dismiss Seymour's wrongful death and survival claims, arguing that the live music venue's duty to protect its patrons does not extend to unforeseeable criminal activities that occur off its premises. The trial court granted the motion and dismissed the case. On appeal, in a published opinion, the Fourth Circuit Court of Appeals upheld the trial court's decision, finding that the actions taken by the venue's security officers to intervene and handle the disturbance "went beyond any duty it owed to call the police." The appellate court further rejected Seymour's argument that the incident on the venue's premises gave rise to an ongoing duty on the part of the venue to protect Brittany from harm that occurred off the premises. Rather, based on the "extra security measures" taken by the venue's security officers to ensure the safety of the women and all its patrons, the Fourth Circuit Court of Appeals held that the subsequent, deadly brawl that occurred more than a block away from the venue and outside the presence of the their security officers was not reasonably foreseeable. The appellate court upheld the trial court's decision on the grounds that the venue had no duty to protect a former patron from an unforeseeable criminal act by a third party on the street a block away from its premises.

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