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## HOMEOWNERS OWE NO DUTY TO LICENSEE FOR INJURIES SUSTAINED AFTER LEAVING THE PROPERTY

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*Wickham v. Hopkins*

Ct. Appeals, Div. One, April 19, 2011

Authored by the [JSH Appellate Team](#)

The Hopkins went on vacation, leaving an adult coworker to watch their home and their fourteen-year-old daughter, Tricia. One night while the co-worker was out of the house at dinner, Tricia invited friends over and wound up hosting a party of seventy “young people drinking beer, listening to music, and talking.” One young person, Wickham, was seriously injured in an altercation in the street with other party goers. The court found that the Hopkins owed no duty to Wickham “after he left their premises.” First, Wickham was not on the Hopkins’ property when the injury occurred, and therefore they owed Wickham no duty of care pursuant to premises liability law. Second, even if Wickham had been on the Hopkins’ property when injured, the Hopkins did not breach the limited duty owed to him as a licensee because Wickham’s injury did not result from a hidden peril or harm that the Hopkins willfully caused Wickham. Furthermore, the relationship between the parties did not create a duty on the part of the Hopkins’ to protect Wickham, and no public policy or statute created such a duty either. Finally, although Wickham argued that the court should abolish the distinction between invitees and licensees, the court stated it had no authority to do so.