

REGULATORY STATUTES AND CIVIL LIABILITY: DO THEY REALLY GO HAND-IN-HAND?

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There's nothing surprising about a claimant who targets multiple businesses – with seemingly broad, flimsy claims – in a civil lawsuit. An injury occurs, and the claimant predictably casts as wide a net as possible in order to maximize his odds of a favorable recovery. A personal injury that arises from a mishap at a restaurant or tavern, for example, might result in a lawsuit that alleges multiple theories of liability against multiple potential businesses and insureds. Perhaps a security guard was on duty at the time of the injury, perhaps the incident involved the service of alcohol, and perhaps the injury involved a particular product. The result may be a demand or lawsuit that brings a dram shop/liquor liability claim, a general premises liability claim, a negligent security claim, a products liability claim, and so on. The claims are often vague, wide-sweeping, and allegedly apply to most or all of the targeted businesses and insureds. Is the tact that these claimants employ proper?