

Happy Birthday Julie Wong

Kelly Lee was visiting her best friend from high school, college senior Julie Wong. The two were getting together to celebrate Julie's 21st birthday. In celebration, the two went out to dinner at Hana Bar & Restaurant an Asian fusion restaurant near Julie's apartment, so close, the two decided to walk rather than drive. After dinner, the two moved to the bar to have a few drinks. The bartender immediately asked for their ID's. He examined both ID's using a small machine designed to identify fakes; both were real. He then looked at the photos on the card, both were matched. As part of the bars policy, the bartender asked both to recite the date of birth as well as the addresses on the ID's. Confident that both were at least 21, he served the two a Cosmos. After two more drinks each the pair decided to walk back to Julie's apartment.

On the walk home Kelly began to get argumentative with Julie, bring up incidents from the past. When she got to Julie's apartment she grabbed her bags and stormed out. Julie tried desperately to stop Kelly from leaving but was unable to stop her. Kelly got into her car and drove out of Julie's apartment complex she misjudged the turn and slammed into a parked car belonging to Claire Bailey, a resident of the same apartment complex where Julie lives. The crash was so loud that several neighbors called the police. When the police arrived they gave Kelly a breathalyzer test and determine that she was above the legal limit. In addition, an investigation revealed that the Kelly was really 19 and that she had used her sister's Kim's ID at the bar. Thankfully no one was injured; however, the damage to Ms. Bailey's BMW was extensive.

1. Explain third party liability in terms of this case. Be sure to identify each of the parties.
 - First Party
 - Second Party
 - Third Party
2. Was Hana Bar & Restaurant negligent in this case? Explain why or why not.
3. How does the bartender's action in terms of ID verification factor into this case?
4. List all the negligent parties in this case and classify their negligence.
5. Who is responsible for damages to Ms. Bailey's car? If it is more than one person, list what percentage (out of 100%) each person should be held liable.