

SUPREME COURT OF WYOMING

Daniels v. Carpenter

62 P.3d 555 (Wyo. 2003), 2003 WY 11 · No. No. 01-224 · Decided January 28, 2003

SUMMARY

The Wyoming Supreme Court affirmed dismissal of a negligence complaint against homeowners arising from injuries caused by an intoxicated minor social guest who later drove a vehicle. The court held that the complaint failed to allege facts indicating that the homeowners provided or knew alcohol was provided, knew the minor became intoxicated, and knew or should have known he would soon drive. The court also affirmed denial of leave to amend because the plaintiff's oral motion was unsupported by facts justifying amendment.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Voigt, Justice; Hill, C.J.; Golden, J.; Lehman, J.; Kite, J.; Voigt, J.
JURISDICTION	Wyoming
DECIDED	January 28, 2003
DOCKET	No. 01-224
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from dismissal of a complaint under W.R.C.P. 12(b)(6) for failure to state a claim and denial of an oral motion for leave to amend the complaint.
STANDARD OF REVIEW	On review of a W.R.C.P. 12(b)(6) dismissal, the court accepts the complaint's factual allegations as true and views them in the light most favorable to the plaintiff; dismissal is proper only when it is certain from the face of the complaint that the plaintiff cannot allege facts entitling him to relief. Denial of leave to amend is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Kenneth Wayland Daniels, individually and by and through his parent and guardian, Cynthia Rice v. Marilyn Carpenter, David Carpenter

TOPICS

dram shop liability

duty of care

negligence

motions to dismiss

motion to amend

PRACTICE AREAS

torts

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether Wyoming law imposed a duty on the Carpenters to protect Daniels from harm caused by an intoxicated minor social guest under the facts alleged.
2. Whether the district court abused its discretion by denying Daniels's motion for leave to amend the complaint.

HOLDINGS

1. A mere allegation that parents or homeowners failed to supervise minor social guests does not, without more, create a duty to protect third parties from harm caused by an intoxicated minor driver. At minimum, the complaint must allege facts supporting that the defendants provided alcohol to the minor, or knew or should have known that alcohol was being provided; knew or should have known that the minor was drinking to the point of intoxication; and knew or should have known that the minor would soon drive an automobile.
2. The district court did not abuse its discretion in denying Daniels's oral motion for leave to amend because the motion did not identify proposed factual amendments and was an attempt to investigate and develop a possible claim after the limitations period, rather than a definite request to add allegations that would state a cause of action.

KEY QUOTATIONS

“In other words, the mere failure of parents/homeowners to supervise the minors does not, without more, create a duty to protect third parties from harm caused by an intoxicated minor driver under these circumstances.” (564)

“We affirm here because the motion to amend the complaint was not so much a legitimate request to add allegations that might establish a cause of action as it was an attempt to avoid the statute of limitations while the appellant belatedly commenced a basic investigation of his own case.” (566)

FACTUAL BACKGROUND

Teenagers spent the night in a trailer or camper on property owned and occupied by Marilyn and David Carpenter. Michael Jefferson became highly intoxicated, and he later left the property with other teenagers, borrowed a car, and drove it at high speed before wrecking; Daniels was injured and Jefferson was killed. Daniels alleged that the Carpenters negligently failed to control and supervise Jefferson, allowed him to drink alcohol, and allowed him to leave and drive while intoxicated, but the complaint did not allege facts showing who supplied the alcohol or that the Carpenters knew Jefferson would soon drive.

PROCEDURAL HISTORY

Daniels sued the Carpenters after he was injured in a vehicle accident involving an intoxicated minor social guest who had spent the night on the Carpenters' property. The district court granted the Carpenters' motions to dismiss, concluding that the complaint did not allege circumstances creating a duty, and denied Daniels's oral motion for leave to amend. The Wyoming Supreme Court affirmed both rulings.

DISPOSITION

affirmed

CASES CITED

- Feltner v. Casey Family Program, 902 P.2d 206, 207 (Wyo. 1995)
- Gillis v. F & A Enterprises, 934 P.2d 1253, 1254-55 (Wyo. 1997)
- Garnett v. Brock, 2 P.3d 558, 562 (Wyo. 2000)
- Duncan v. Afton, Inc., 991 P.2d 739, 741-42, 744 (Wyo. 1999)
- Johnson v. Aetna Casualty & Surety Co. of Hartford, Conn., 608 P.2d 1299, 1302-03 (Wyo. 1980)
- McClellan v. Tottenhoff, 666 P.2d 408, 410-13 (Wyo. 1983)
- Kirby v. Sonville, 286 Or. 339, 594 P.2d 818, 821 (1979)
- Alegria v. Payonk, 101 Idaho 617, 619 P.2d 135, 137 (1980)
- Gritzner v. Michael R., 228 Wis. 2d 541, 598 N.W.2d 282, 287-89 (1999)
- Gritzner v. Michael R., 235 Wis. 2d 781, 611 N.W.2d 906, 912, 914 (2000)
- Morgan v. Perlowski, 508 N.W.2d 724, 725-28 (Iowa 1993)
- Chavez v. Torres, 128 N.M. 171, 991 P.2d 1, 5-6 (1999)
- Anthony H. v. John G., 415 Mass. 196, 612 N.E.2d 663, 666 (1993)
- Parsons v. Jow, 480 P.2d 396, 397-98 (Wyo. 1971)
- Hamilton v. Natrona County Education Ass'n, 901 P.2d 381, 384 (Wyo. 1995)
- Sare v. Stetz, 67 Wyo. 55, 214 P.2d 486, 487-88 (Wyo. 1950)
- Kimble v. Muller, 417 P.2d 178, 180 (Wyo. 1966)
- Austin v. Kaness, 950 P.2d 561, 563-64 (Wyo. 1997)
- Cravens v. Inman, 223 Ill. App. 3d 1059, 166 Ill. Dec. 409, 586 N.E.2d 367, 377-78 (1991)
- Sutter v. Hutchings, 254 Ga. 194, 327 S.E.2d 716, 719 (1985)
- Koback v. Crook, 123 Wis. 2d 259, 366 N.W.2d 857, 863, 865 (1985)
- ABC Builders, Inc. v. Phillips, 632 P.2d 925, 931-32 (Wyo. 1981)
- Goodrich v. Seamands, 870 P.2d 1061, 1064 (Wyo. 1994)
- Ortega v. Flaim, 902 P.2d 199, 203, 206 (Wyo. 1995)
- Rose v. Rose, 576 P.2d 458, 459 (Wyo. 1978)
- Herbel v. S.K. Wood Co., 897 P.2d 478, 480 (Wyo. 1995)
- Martin v. State, 720 P.2d 894, 897 (Wyo. 1986)
- Beaudoin v. Taylor, 492 P.2d 966, 970 (Wyo. 1972)

- Dynan v. Rocky Mountain Federal Savings & Loan, 792 P.2d 631, 640 (Wyo. 1990)
- In re Paternity of IC, 941 P.2d 46, 50 (Wyo. 1997)
- Hernandez v. Gilveli, 626 P.2d 74, 77 (Wyo. 1981)
- Wilder v. Cody Country Chamber of Commerce, 868 P.2d 211, 226 (Wyo. 1994)
- Herrig v. Herrig, 844 P.2d 487, 490 (Wyo. 1992)
- Litzenberger v. Merge, 698 P.2d 1152, 1153 (Wyo. 1985)
- Mentock v. Mentock, 638 P.2d 156, 159 (Wyo. 1981)
- Mt. Rushmore Broadcasting, Inc. v. Statewide Collections, 2002 WY 39, ¶ 12, 42 P.3d 478, 482
- 40 North Corp. v. Morrell, 964 P.2d 423, 427 (Wyo. 1998)
- Scherling v. Kilgore, 599 P.2d 1352, 1359 (Wyo. 1979)
- Dennis by Evans v. Timmons, 313 S.C. 338, 437 S.E.2d 138, 141 (1993)
- Manuel v. Koonce, 206 Ga. App. 582, 425 S.E.2d 921, 923-24 (1992)
- Garrison Retirement Home Corp. v. Hancock, 484 So. 2d 1257, 1262 (Fla. App. 1985)
- Charles v. Seigfried, 251 Ill. App. 3d 1059, 191 Ill. Dec. 431, 623 N.E.2d 1021, 1024 (1993)
- Charles v. Seigfried, 165 Ill. 2d 482, 209 Ill. Dec. 226, 651 N.E.2d 154, 159, 164 (1995)
- Bowling v. Popp, 536 N.E.2d 511, 514 (Ind. App. 1989)
- Fullmer v. Tague, 500 N.W.2d 432, 435 (Iowa 1993)
- Spears v. Bradford, 652 So. 2d 628, 632 (La. App. 1995)
- O'Flynn v. Powers, 38 Mass. App. Ct. 936, 646 N.E.2d 1091, 1092 (1995)
- Hart v. Ivey, 332 N.C. 299, 420 S.E.2d 174, 178 (1992)
- Daniel v. Reeder, 16 S.W.3d 491, 495 (Tex. App. 2000)
- Riley v. H & H Operations, Inc., 263 Ga. 652, 436 S.E.2d 659, 660-61 (1993)
- Kwiatkowski v. Capitol Indemnity Corp., 157 Wis. 2d 768, 461 N.W.2d 150, 152-53 (1990)
- Sheets v. Ritt, Ritt & Ritt, Inc., 581 N.W.2d 602, 606 (Iowa 1998)

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