

STATE OF MICHIGAN
COURT OF APPEALS

DAVID W. MCGUIRE, Individually and as Next
Friend of TY N. MCGUIRE,

Plaintiff-Appellee,

v

DEANNA LYNN SANDERS,

Defendant/Counter-Defendant,

and

GARTER BELT, INC., d/b/a LEGGS LOUNGE,

Defendant/Counter-Plaintiff,

and

HAMILTON'S HENRY VIII LOUNGE, INC.,
d/b/a HAMILTON PLACEMENT,

Defendant-Appellant.

FOR PUBLICATION
November 15, 2005
9:10 a.m.

No. 251950
Wayne Circuit Court
LC No. 02-209709-NI

Official Reported Version

Before: White, P.J., and Jansen and Wilder, JJ.

WHITE, P.J. (*concurring*).

Dramshop cases have invariably involved claims against the retail licensee of the establishment where the allegedly intoxicated person (AIP) was served. This case presents the unusual circumstance of a licensee who provided personnel to another licensee, which personnel are alleged to have served the AIP.

Neither party cites cases that have held that the off-site licensee can, or cannot, be held liable under these circumstances. Further, to the extent that policy considerations inform our interpretation, the policy arguments in favor of the conflicting interpretations are equipoised. Our only guidance is the language of the statute. I agree that the terms of the statute support affirmance.

/s/ Helene N. White