

Teenage Wasteland: Who Is Responsible For The Injuries Caused By An Intoxicated Underage Individual?

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Every teenager yearns for the day their parents say those six beautiful words: “We are going away on vacation,” which is inevitably followed by the famous two words: “NO PARTIES!” It has been a tradition since the beginning of time, and is the plot of some of your favorite movies. But what happens when a teenager visits a friend, who still lives with his or her parents, and is provided alcohol? If that teenager becomes intoxicated and injures you, who is responsible for those injuries? The Supreme Court addressed this issue in *Estate of Narleski v. Gomes*, A-9/10 (N.J. Sep. 17, 2020).

What happened on November 9, 2014?

On a Sunday evening, Mark Zwierzynski, Brandon Narleski, and two other individuals, all between the ages of nineteen and twenty years old, drove to a local Krauszers, where Mr. Narleski purchased alcohol. The four men then traveled to Mr. Zwierzynski’s residence where he was living with his mother, who was not personally a leaseholder or titleholder. While at Mr. Zwierzynski’s residence, the four men were joined by Nicholas Gomes, and everyone served themselves the purchased alcohol. After about an hour, Mr. Gomes, who was feeling “buzzed,” and Mr. Narleski left Mr. Zwierzynski’s house to visit another friend. While en route, Mr. Gomes lost control of his vehicle and crashed into the roadway’s concrete center divider, ejecting Mr. Narleski from the vehicle and killing him immediately. Mr. Gomes, who was twenty-years old at the time, registered a BAC of approximately 0.16% (twice the permissible legal limit for an adult of legal drinking age). The Estate of Narleski filed suit against Mr. Gomes (Driver), Krauszers (who sold the alcohol), and Mr. Zweirzynski (host of party) and his parents (owners of property).

Why is Mr. Zweirzynski responsible?

Although Mr. Zwierzynski neither purchased the alcohol, nor drove the vehicle which crashed, he was nevertheless responsible for making his home available as a venue for underage drinking. The Court took into consideration that he was neither a leaseholder nor titleholder of the property, however found that as an adult he could still be held liable for his guests' actions. The Court established that he was responsible for Mr. Narleski's death if he knowingly allowed underage guests to consume alcohol at his residence, regardless if he was a leaseholder or titleholder of the property, then didn't stop the intoxicated underage guest from driving, and the intoxicated underage guest injured another person while operating the vehicle.

Why did the Court rule this way?

The New Jersey Supreme Court acknowledged that "drunk driving remains a significant public health threat" but has been reduced by various initiatives such as strengthening drunk driving laws.

It is a value judgment based on public policy and basic fairness in assessing whether the person has a duty to refrain from conduct that poses an unreasonable risk of foreseeable harm to others. The Court believed that holding the resident of a dwelling liable will help deter future residents from allowing intoxicated underage guests from operating a vehicle, thereby furthering this public policy.

What about the other parties?

While the appeal addressed Mr. Zwierzynski and his parents' liability in this matter, the Court did not determine the percentage of fault amongst all parties but rather just stated Mr. Zierzynski and his parents had a legal responsibility and could not be dismissed from the case.

What to consider in the future:

One of the main elements the NJ Supreme Court took into account is that the "public clearly has an interest in deterring the unnecessary destruction and maiming of lives on our roadways and highways," thus imposing a strong incentive on the host to exercise due care, or suffer the consequences. Even though Mr. Narleski had purchased the alcohol and Mr. Gomes had operated the vehicle, the fact that alcohol was consumed at Mr. Zwierzynski's residence was enough to place partial responsibility on him

and his mother, who owned the property. If you or your family member are injured by an underage drunk driver, the host of the event where the underage alcohol consumption occurred will be liable, along with the drunk driver and dram shop that sold the alcohol to the underage individual.