

The Appellate Strategist

INSIGHTS ON APPELLATE ISSUES, TRIAL CONSULTATIONS, AND EVALUATING APPEALS

[California Supreme Court to Address Liability for Residential Parties Serving Alcohol](#)

Posted on April 1, 2011 by [Michael Walsh](#)

The California Supreme Court has granted review in *Ennabe v. Manosa*, [S189577](#), in which the Second District Court of Appeal upheld a summary judgment for defendant, who hosted a party at a private residence where alcoholic beverages were available and who charged uninvited party guests an entrance fee of \$3 to \$5. The Court of Appeal accepted, with little discussion, that the defendant was a “social host” for purposes of Civil Code [§1714\(c\)](#), and hence generally immune from civil liability for furnishing alcoholic beverages both under that provision and under Business and Professions Code [§25602](#). The unanimous panel then held that where drinks were simply available to party guests, once admitted, the host had not sold or caused to be sold an alcoholic beverage under Business and Professions Code [§25602.1](#), and was therefore not civilly liable for damages for admitting to the party an obviously intoxicated minor who, upon leaving the party, drove his car into a pedestrian, another partygoer, killing him. The court further held that, in any case, the defendant was not “required to be licensed” for this party within the meaning of Business and Professions Code §25602.1, giving “no weight” under these facts to a contrary statement in an information guide by the Department of Alcoholic Beverage Control, because it failed to address or cite the controlling statutes.

The California Supreme Court granted review on two issues: 1) whether such a defendant is a “social host” pursuant to Civil Code §1714(c); and, 2) whether the exception to immunity created by Business and Professions Code §25602.1 applies under these facts. The high court had previously noted the first issue, without deciding it, in *Cory v. Shierloh* (1981) [29 Cal.3d 430](#), 437. For more details about *Ennabe*, see the [Torts & Products update page](#).