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Yankwitt LLP Wins Motion to Dismiss Complaint Against Hospitality Client for Claims Arising Prior to its Acquisition of Restaurant Chain

Yankwitt LLP successfully moved to dismiss all claims against Brick House Acquisition NJ, LLC, the owner and operator of the Brick House Tavern + Tap restaurant since August 2017, in a personal injury action brought in New Jersey Superior Court. The plaintiff suffered injuries in a December 2015 motor vehicle accident and sought damages from Brick House for allegedly serving alcohol to the defendant with knowledge that he was intoxicated. In its motion, Yankwitt LLP argued that Brick House could not be held liable to the plaintiff because it did not possess or control the restaurant until almost two years after the alleged accident. Under New Jersey law governing successor liability, Brick House did not owe a duty of care to the plaintiff on his pre-acquisition claim and so could not be held liable in negligence for his alleged injuries. On October 12, 2018, the Court agreed and granted the motion to dismiss in its entirety.

The case is Jeffrey M. Ivey v. Bruce Vanmater et al., (Docket No. MER-L-1525-17).