

Bond Case Briefs

Municipal Finance Law Since 1971

LIABILITY - ARIZONA

Sanchez-Ravuelta v. Yavapai County, Town of Dewey-Humboldt State

Supreme Court of Arizona - May 19, 2025 - P.3d - 2025 WL 1427953

Adult and minor passengers, who were injured in multi-vehicle collision allegedly caused by intoxicated driver after he left bar, brought negligence action against state, town, and county, alleging that Department of Liquor Licenses and Control had statutory duty of care to take reasonable measures to prevent bar with liquor license from overserving customers, thereby creating hazardous conditions, and that Department breached such duty.

The Superior Court, Maricopa County, entered judgment that granted state's and county's motions to dismiss and town's motion for judgment on pleadings, dismissing all claims with prejudice, but then, after plaintiffs moved for new trial, entered second judgment, responding to minor plaintiffs' prior motion to dismiss their claims without prejudice, dismissing minor plaintiffs' claims against state and county without prejudice and all other claims with prejudice. After plaintiffs appealed both judgments, the Superior Court entered order vacating second judgment, granted in part and denied in part plaintiffs' motion for new trial, and issued third judgment, dismissing minor plaintiffs' claims without prejudice and adult plaintiffs' claims with prejudice. The Superior Court, Julian, J., thereafter entered fourth judgment, clarifying that it was entered as final judgment with no further matters pending. Plaintiffs appealed and town cross-appealed. The Court of Appeals affirmed in part, vacated in part, and remanded. Supreme Court granted further review.

The Supreme Court held that:

- Trial court's fourth judgment, rather than third judgment, was "final judgment" for purpose of determining timeliness of town's notice of cross-appeal;
- Plaintiffs complied with procedural rule governing notice of appeal filed during pendency of new trial motion and, thus, appellate jurisdiction was suspended and trial court retained jurisdiction to rule on new trial motion;
- Trial court judgment dismissing plaintiffs' claims did not, by failing to address their motion for new trial, deny such motion by operation of law;
- Permissive liquor statutes did not establish enforceable public policy duty of care on part of Department;
- Statute requiring director of Department to establish separate investigations unit whose sole responsibility was investigation of compliance with liquor laws did not create enforceable public policy duty;
- Statute providing that spirituous liquor license "shall" be issued by Department only after satisfactory showing of, among other things, capability, qualifications and reliability of applicant did not establish duty enforceable in plaintiffs' negligence case; and
- Statutes expressly regulating conduct of licensees in serving selling, or furnishing spirituous liquor to patrons did not regulate conduct of, or impose any penalty on, Department so as to establish public policy duty of care.

