

# DRAM SHOP LAW IN MINNESOTA

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## Minnesota's Civil Liability Act

Minnesota's Civil Liability Act (Dram Shop Act) provides a right of action to a spouse, child, parent, guardian, employer, or other person who is injured, suffers property damage, loss of support or other pecuniary loss by an intoxicated person against a "person who caused the intoxication of that person by illegally selling alcoholic beverages." See Minn. Stat. § 340A.801, subd. 1 (2023).

However, an allegedly intoxicated person ("AIP") cannot sue a liquor vendor for their own injuries which are the result of the AIP's voluntary intoxication. See *Robinson v. Lamott*, 289 N.W.2d 60, 62 (Minn. 1979); *Randall v. Village of Excelsior*, 103 N.W.2d 131 (Minn. 1960) (claim of minor barred due to his voluntary intoxication); and *Line Constr. Benefit Fund (Lineco) v. Skeates*, 563 N.W.2d 757 (Minn. Ct. App. 1997) (health insurer's subrogation claims barred because claims are derivative of the AIP's rights).

Pursuant to Minnesota Statute § 304A.802, a cause of action must be brought within two years of the injury. An "injury" refers to the original accident giving rise to all claims. See *Oslund v. Johnson*, 578 N.W.2d 353, 357 (Minn. 1998). In addition to the statute of limitations, claims under Minnesota's Dram Shop Act are further limited – the Dram Shop Act only applies to commercial vendors of alcoholic beverages. See *Urban v. Am. Legion Dep't*, 723 N.W.2d 1, 6 (Minn. 2006).

To sustain a cause of action under the Dram Shop Act, a plaintiff must establish the following:

1. An illegal sale of intoxicating liquor;
2. The illegal sale caused or contributed to the AIP's intoxication;
3. The AIP's intoxication was a direct cause of the plaintiff's injury;
4. The plaintiff sustained damages recoverable under the Dram Shop Act; and
5. Proper notice was provided to the liquor vendor pursuant to Minn. Stat. § 340A.802.

See *Rambaum v. Swisher*, 435 N.W.2d 19, 21 (Minn. 1989). Failure to establish any one of these elements will preclude the plaintiff's claims.

### Illegal Sales Under the Dram Shop Act

A threshold inquiry when evaluating exposure is to determine whether a commercial vendor participated in a "sale." In most instances this element will be satisfied because a "sale" has been interpreted broadly to include any form of bargained-for-exchange, including bargaining or generating goodwill. See *Knese v. Heidgerken*, 358 N.W.2d 177, 179 (Minn. Ct. App. 1984); *Fette v. Peterson*, 404 N.W.2d 862, 866 (Minn. Ct. App. 1987) (finding a "sale" occurred even when another person bought the AIP drinks); but see *Dahlstrom v. Associated Hosts of Minnesota, Inc.*, 1997 Minn. App. LEXIS 1280, at \*3 (Minn. Ct. App. Nov. 25, 1997) (denying liability when "no cash changed hands"). However, a sale alone will not trigger liability. The sale must be illegal.

### ***Sales to Obviously Intoxicated Persons***

It is illegal to sell alcoholic beverages to an obviously intoxicated person. Minn. Stat. § 340A.502. A person under the influence is not necessarily an obviously intoxicated person. An individual is obviously intoxicated when the seller, “using his reasonable powers of observation can see or should see that such person has become intoxicated.” *Mjos v. Village of Howard Lake*, 178 N.W.2d 862, 867 (Minn. 1970) (internal quotation omitted). Obvious intoxication is measured by the AIP’s loss of control of his or her mental or physical faculties to a degree which can be reasonably observed. See *Murphy v. Hennen*, 119 N.W.2d 489 (Minn. 1963).

As such, obvious intoxication is not synonymous with under the influence of alcohol as used in traffic laws. Thus, a blood alcohol reading alone is insufficient to establish, as a matter of law, an illegal sale to an AIP occurred. See *Stevens v. Makitalo*, 2002 Minn. App. LEXIS 712 (Minn. App. 2002). However, elevated blood alcohol levels are considered when determining if an individual was obviously intoxicated coupled with additional circumstantial evidence. See *DeSanti v. Youngs*, 2003 Minn. App. LEXIS 51, at \*19 (Minn. Ct. App. Jan. 21, 2003). Minnesota courts have been willing to find an AIP obviously intoxicated based on circumstantial evidence alone. Evidence considered to establish if the AIP was obviously intoxicated includes blood alcohol levels, expert toxicological testimony, amount of food consumed (or not consumed) by AIP, and AIP’s weight. See e.g., *Larson v. Carchedi*, 419 N.W.2d 132 (Minn. Ct. App. 1988); and *Gutwein v. Edwards*, 419 N.W.2d 809 (Minn. Ct. App. 1988).

### ***Sales to Minors***

Any sale of alcoholic beverages to a person under the age of 21 years is illegal under Minnesota law. Minn. Stat. § 340A.503, subd. 2 (2023) The minor’s intoxication is irrelevant in determining whether an illegal sale has occurred. All that is required is that the purchaser is under 21 years of age.

A liquor vendor can successfully defend against an allegation of a sale to a minor by establishing by a preponderance of the evidence that it relied in good faith upon some form of false identification. Minn. Stat. § 340A.503, subd 6.

### ***Other Types of Illegal Sales***

Sales of alcoholic beverages are regulated by the state. Accordingly, a sale may be illegal if it violates any of the restrictions the state has placed on the sale of alcoholic beverages. For example, in Minnesota, illegal sales include sales to non-members of clubs, after hour sales, sales on prohibited days, on-sale of alcoholic beverages which is consumed off the premises, and sale of alcohol at an establishment not properly licensed to serve alcohol. See Minn. Stat. § 340A.504 (2023); *Rambaum*, 435 N.W.2d at 22 (non-members or guests of club); *Hollerich v. City of Good Thunder*, 340 N.W.2d 665, 669 (Minn. 1983) (after-hours); *Fest v. Olson*, 163 N.W. 798 (Minn. 1917) (Sunday sales, when prohibited by statute); and *Englund v. MN CA Partners/MN Joint Ventures*, 555 N.W.2d 328, 333 (Minn. Ct. App. 1996), *affirmed* 565 N.W.2d 433 (Minn. 1997) (alcohol consumed off-premise).

## **Causation Under the Dram Shop Act**

In addition to proving an illegal sale took place, a plaintiff must establish causation. To establish causation under the Dram Shop Act, a plaintiff must demonstrate (1) that the illegal sale caused or contributed to the AIP's intoxication and (2) that the AIP's intoxication was the direct cause of the plaintiff's injury.

### ***Illegal Sale Caused/Contributed to AIP's Intoxication***

Initially, a plaintiff must establish a "practical and substantial relationship between (a) the circumstances making the sale illegal, and (b) the circumstances accounting for the consumption of the liquor by the one whose intoxication caused damage." See *Trail v. Elk River*, 175 N.W.2d 916, 921 (Minn. 1970). However, the illegal sale does not have to be the sole cause of the alleged injury. An illegal sale is considered to have caused the injury if the alcoholic beverage, combined with other illegally sold alcoholic beverages, contributed to the alleged injury. See *Murphy v. Hennen*, 119 N.W.2d 489, 491 (Minn. 1963); *Osborne v. Twin Town Bowl, Inc.*, 749 N.W.2d 367, 373 (Minn. 2008).. For example, the Minnesota Supreme Court explained that "there would be no such relationship between a sale illegal because made to an obviously intoxicated adult and consumption of the liquor by another adult who received it from the purchaser after he had regained sobriety." *Trail*, 175 N.W.2d at 921-22 (requiring a temporal proximity between the illegal sale and consumption).

### ***AIP's Intoxication was the Direct Cause of the Injury***

In addition to a connection between sale and intoxication, a plaintiff must also prove a causal connection between the AIP's intoxication and the plaintiff's injury. See *Weber v. Au*, 512 N.W.2d 348, 349 (Minn. Ct. App. 1994). The plaintiff must show that intoxication was the proximate cause of the injury. If the injury would have occurred regardless of the AIP's intoxication, liability cannot be imposed. See *Hastings v. United Pacific Ins. Co.*, 396 N.W.2d 682, 684 (Minn. Ct. App. 1986) (rejecting recovery when there was no allegation of the AIP driving negligently when the automobile accident occurred in his lane of traffic). A vendor is entitled to summary judgment if the intoxication of individual is merely occasion for, and not cause of, the plaintiff's injury. See *Weber*, 512 N.W.2d 348, 349. Thus, "but for" causation is insufficient to impose liability under the Dram Shop Act.

## **Damages Recoverable Under the Dram Shop Act**

### ***Bodily Injury***

Bodily injury damages under the Dram Shop Act are broadly defined. A plaintiff may recover damages arising out of a bodily injury. Bodily injury includes compensation for pain and suffering, disability, medical bills, vocational rehabilitation expenses, disfigurement, embarrassment, and emotional distress. See *Brua v. Minn. Joint Underwriting Ass'n*, 778 N.W.2d 294, 301 n.8 (Minn. 2010). However, bodily injury damages are not recoverable when death occurs as a result of the injuries suffered. *Id.* at 300 n.2.

### ***Loss of Means of Support***

In order to recover loss of means of support damages under Minnesota's Dram Shop Act, a plaintiff must demonstrate that as a "consequence of the wrongful acts complained of the plaintiff's standard of living or accustomed means of maintenance has been lost or curtailed so that he has been reduced to a state of dependence by being deprived of the support which he had theretofore enjoyed." *Johnson v. Foundry, Inc.*, 702 N.W.2d 274, 277 (Minn. Ct. App. 2005) (quoting *Bundy v. City of Fridley*, 122 N.W.2d 585, 588 (Minn. 1963)). The factors commonly considered when awarding damages for loss of means of support are: (1) health, age, habits, talents and success of person giving support; (2) life expectancy of person giving support; (3) occupation of person giving support; (4) past earnings of person giving support; and (5) likely future earnings, prospects, contributions of person giving support. *See* CIVJIG 45.45.

These damages are most commonly awarded to dependents. *See Britamco Underwriters, Inc. v. A & A Liquors*, 649 N.W.2d 867, 872 (Minn. Ct. App. 2002); and *Robinson*, 289 N.W.2d at 61 (permitting the AIP's dependents to sue for loss of support under Minnesota's Dram Shop Act). Death is not a prerequisite to recover for loss of means of support. Injuries that incapacitate the plaintiff can give rise to these damages.

Minnesota courts limit a plaintiff's ability to recover for loss of means of support if they have already recovered for comparable damages under a theory of bodily injury. Thus, a plaintiff is prohibited from recovering twice for the same loss. *See Britamco*, 649 N.W.2d at 872 (determining damages for loss of income were already encompassed in damages for bodily injury); and *Johnson*, 702 N.W.2d at 278 (refusing to award corporation lost profits as loss of means of support damages because death of a key employee does not deprive the corporation of support as contemplated by the legislature).

### ***Pecuniary Loss***

A spouse, child, parent, guardian, employer, or other person injured who suffers pecuniary loss may recover under the Dram Shop Act. Pecuniary loss includes the loss of aid, advice, comfort, and protection. *See Collidge v. St. Paul Fire & Marine Ins. Co.*, 523 N.W.2d 5, 6 (Minn. Ct. App. 1994). Minnesota courts allow plaintiffs to recover pecuniary damages when the accident giving rise to the claim results in death or bodily injury. *Id.* at 5-6.

### ***Property Damage***

Under the Dram Shop Act, property damage includes both real and personal property. Property damages include burial costs. However, these damages are most common when the injury results in the death of a minor. *See Glaesemann v. New Brighton*, 130 N.W.2d 43 (Minn. 1964); and *Herbes v. Village of Holdingford*, 125 N.W.2d 426 (Minn. 1963). Under the Dram Shop Act, the loss of a minor's earnings or services until the minor turned 18 years old are recoverable as property damages. *See Glaesemann*, 130 N.W.2d at 45. However, parents cannot recover for expenditures for care, maintenance and education of a child killed by an intoxicated person. *See Herbes*, 125 N.W.2d at 437.

## Notice Under the Dram Shop Act

Finally, proper and timely notice is mandatory in order to maintain an action under Minnesota's Dram Shop Act. This principle is true whether the notice of a claim is submitted by a claimant to a liquor vendor or, in cases of claims for contribution, by an individual or liquor vendor to another liquor vendor. Failure to provide proper and timely notice in a dram shop action, in the absence of actual notice, is fatal to a claim against a liquor vendor. *See Wallin v. Letourneau* 534 N.W.2d 712 (Minn. 1995); and *Oslund v. Johnson*, 578 N.W.2d 353 (Minn. 1998).

The Minnesota Supreme Court has recently revisited the notice requirement of Minn. Stat. § 340A.802 subd. 2. The Court held that actual notice under the statute “requires actual notice of sufficient facts to put the licensee on inquiry of a possible claim, not actual notice of a possible claim.” *Buskey v. Am. Legion Post #270*, 910 N.W.2d 9, 11 (Minn. 2018). Additionally, the Court clarified that there are no “indispensable facts” that must be included in the notice to provide for actual notice under subdivision 2, rather the statute requires only “sufficient facts.” *Id.* Finally, the Court reiterated that actual notice to a licensee’s attorney qualifies as notice to the licensee. *Id.*

### ***Information Contained in Notice***

Minnesota Statute § 340A.802 subd. 1 sets forth the information that must be included in a Notice of Injury. The same information must be included whether the action involves a direct claim by a claimant against a liquor vendor, or a contribution/indemnity claim against a liquor vendor. The requisite information is as follows:

1. The time and date when the alcoholic beverages were sold or bartered to the AIP and the identity of the person to whom the alcoholic beverages were sold or bartered;
2. The name and address of the person or persons who were injured or whose property was damaged as a result of the illegal sale; and
3. The approximate time, date, and place where the injury to person or property occurred as a result of the illegal sale.

Note, errors or omissions in this written notice are inconsequential, so long as they are not "of a substantially material nature." Minn. Stat. § 340A.802 subd. 1. Additionally, dram-shop claimants who fail to provide written notice under subdivision 1 may fall back on the actual notice provision of subdivision 2.

### ***Timing***

If a plaintiff intends to prosecute a claim against a liquor vendor under the Dram Shop Act, notice must be served by the plaintiff’s attorney within 240 days of the date of entering into an attorney-client relationship. *See* Minn. Stat. § 340A.802 subd. 2 (2023).

### ***Claims for Contribution or Indemnity***

Minnesota Statute § 340A.802 subd. 2, as it pertains to claims for contribution or indemnity, states the following:

In the case of claims for contribution or indemnity, the notice must be served within 120 days after the injury occurs or within 60 days after receiving written notice of a claim for contribution or indemnity, whichever is applicable.

This portion of the statute provides that, unless one of the following two conditions are satisfied, no action for contribution or indemnity may be maintained. The two conditions are, specifically:

1. Notice must be served within 120 days after the injury occurs; or
2. Notice must be served within 60 days after receiving notice of a claim for contribution or indemnity.

Given the language of Minn. Stat. § 340A.802, subd. 2, a plaintiff may provide notice of a claim to a liquor establishment under the Dram Shop Act up to 240 days after entering into an attorney-client relationship. Hence, a plaintiff may give notice to a liquor establishment more than 120 days after the injury occurs. As such, notice by a plaintiff more than 120 days after a date of injury but short of 240 days of entering into an attorney client relationship would preclude that noticed liquor establishment from timely serving notice of a claim for contribution and indemnity within 120 days after the injury occurs.

The Minnesota Supreme Court clarified the meaning of these provisions in *Oslund v. Johnson*, 578 N.W.2d 353 (Minn. 1998). Minn. Stat. § 340A.802, subd. 1 applies to any and all persons who claim contribution and reimbursement from a licensed retailer of alcoholic beverages. Thus, the notice provisions apply to potentially vicariously liable tortfeasors.

Also, if a person seeks contribution and reimbursement from a licensed retailer of alcoholic beverages, then he or she must serve a Notice of Injury and Claim for Damages within 120 days of the injury or 60 days after receiving written notice of a claim for contribution and reimbursement.

If an individual is sued for damages based on vicarious liability, then the 60-day time limitation that relates to claims for contribution and reimbursement does not apply. However, the 120-day time limitation does apply, and it begins to run from the date of the accident (date of plaintiff's injury). If a statute provides a specific notice requirement, then claims under that statute are barred if notice is untimely.

The effect of the notice provision of Minn. Stat. § 340A.802, subd. 2 on claims for contribution and reimbursement may be harsh. All efforts must be made to quickly identify and locate liquor establishments who should be served with a Notice of Injury and Claim for Damages within 120 days of the accident. Otherwise, the claims may be barred for failure to provide timely notice under the Dram Shop Act.

When notice is properly provided, the two-year statute of limitations in the Dram Shop Act does not apply to a party's contribution and indemnification claims. See *Brua v. Olson*, 621 N.W.2d 472, 475 (Minn. Ct. App. 2001). Thus, the statute of limitations does not bar a third-party contribution or indemnity claim against a party that previously received notice in accordance with Minn. Stat. § 340A.802 even if the third-party complaint is not filed within two years of the injury.

## **Municipal Liability Under the Dram Shop Act**

Following the end of prohibition, the Minnesota Legislature authorized the establishment of municipal liquor stores in 1934. Presently, there are over 225 cities in Minnesota that have municipal liquor operations. Long before the abrogation of sovereign immunity for municipalities, the Minnesota Supreme Court held that a municipality could be sued under the Dram Shop Act. *See Hahn v. City of Ortonville*, 57 N.W.2d 254 (1953).

The same relatively large class of parties who have standing to sue a private bar or liquor store can also sue a municipal liquor store or bar. Further, the elements of a plaintiff's cause of action against a municipal liquor vendor are the same as a dram shop action against a private liquor vendor.

While there are many similarities between claims asserted against a private liquor vendor and claims against a municipal liquor store or bar, it is possible that a municipality may have greater protection than a private liquor vendor. This protection is based on the application of the liability caps set forth in Minn. Stat. § 466.04, subd. 1, which limits damages to \$500,000 when the claim is one for death and \$1,500,000 total for any number of claims arising out of a single occurrence. However, a municipality is deemed to have waived the statutory limits if it purchases insurance from a private insurance carrier in excess of those limits. *See Casper v. City of Stacy*, 473 N.W.2d 902 (Minn. Ct. App. 1991).

In addition to the notice requirements above, a plaintiff must also comply with Minn. Stat. § 466.05, subd. 1. This provision requires claimants to provide notice to the governing body of the municipality within 180 days after the loss or injury is discovered. The governing body must be provided with notice because, unlike a private liquor vendor, the municipality is the defendant. *See Stabs v. City of Tower*, 40 N.W.2d 362 (1949) (reasoning that it would be meaningless of a municipality to issue a liquor license to itself thus the municipality is the defendant).

## **Investigation of Claims Under the Dram Shop Act**

The notice requirements reflect the importance of early investigation when claims are brought pursuant to Minnesota's Dram Shop Act. In an early investigation, it is imperative to determine if anyone at the bar witnessed the AIP exhibiting signs of obvious intoxication. As time wears on, witnesses' memories may not be as detailed and accurate as they are immediately following the event.

An investigator experienced in the area of liquor liability may be retained to speak to witnesses and gather information. Important information to be obtained includes the following:

1. The age, height, weight and sex of the AIP;
2. The AIP's activities the day of the accident including rest periods, food consumed, medication or drugs consumed and the number of alcoholic beverages consumed;
3. The AIP's drinking history, i.e., how frequently alcoholic beverages are consumed and how many drinks must be consumed to feel the effects of alcohol;



4. The number of alcoholic beverages consumed on the day of the injury, including what the AIP was drinking, the size of drinks, ounces of liquor in each drink, and proof of alcohol;
5. The time the AIP consumed his or her last drink;
6. Any activities the AIP engaged in at the bar and after leaving the bar up to the time of the accident; and
7. The bar's policy for not serving obviously intoxicated persons.

This information, coupled with timely notice to liquor establishments, is essential to effectively defend against claims brought under the Dram Shop Act.

### **Social Host Liability**

Under Minnesota law, liability exists for persons who (1) had control over the premises and, being in a reasonable position to prevent the consumption of alcoholic beverages by a minor, knowingly or recklessly permitted consumption which caused the intoxication of the minor or (2) sold, bartered, furnished, or purchased alcoholic beverages for a person under 21 years of age that caused intoxication of that person. *See* Minn. Stat. § 340A.90 (2023). Thus, a social host, i.e. individual person, can be held liable for injuries resulting from the provision of alcohol to minors.

Social host liability is only imposed when alcoholic beverages are provided to a minor. A person over the age of 21 cannot maintain an action under Minn. Stat. § 340A.90. This parallels the language found in Minn. Stat. § 340A.801, subd. 6. In addition, a person under 21 years of age cannot be held liable as a social host for furnishing alcohol to other minors. *See Siltman v. Tulenchik*, 1995 Minn. App. LEXIS 45 (Minn. Ct. App. 1995).

Although social host liability parallels liability under the Dram Shop Act, it is not covered by Minnesota's Dram Shop Act because it imposes liability on an individual. In contrast, the Dram Shop Act only imposes liability on commercial vendors. *See* Minn. Stat. § 340A.802, subd. 1; *Cady v. Coleman*, 315 N.W.2d 593, 595-96 (Minn. 1982); and *Koehnen v. Dufuor*, 590 N.W.2d 107, 110 (Minn. 1999).

#### ***Statute of Limitations***

Unlike the Dram Shop Act, claimants asserting social host liability have a much longer time to bring a claim. In *Christiansen v. Univ. of Minn. Bd. Of Regents*, 733 N.W.2d 156 (Minn. Ct. App. 2007), the Minnesota Court of Appeals adopted the six-year statute of limitation provided in Minn. Stat. § 541.05. *Id.* at 159 (rejecting the three-year statute of limitations applicable to Minnesota wrongful death actions).

#### ***Coverage for Social Host Liability***

Homeowners' insurance coverage may cover claims for social host liability. However, many insurers have written exclusions for social host liability. Further, the Minnesota Court of Appeals opined that the "act of providing a minor with alcohol was not an 'occurrence'" under the policy. *See American*

*Family Ins. Grp. V. Rodewald*, 1995 Minn. App. LEXIS 1490, at \*5 (Minn. Ct. App. 1995). This ruling suggests that when a social host exclusion is included in a homeowners' policy, coverage for liquor liability may not exist.

## **Comparative Fault**

A relatively recent change in the Minnesota comparative fault laws under Minn. Stat. § 604.02 has had a significant impact on dram shop claims. The change, which took effect on August 1, 2003, established that in order to be jointly and severally liable for the whole award, a person's fault must be greater than 50%. This statutory amendment has significantly impacted dram shop cases because the AIP who caused the damage or injury is typically found to have the greatest percentage of fault by a jury. Prior to the amendment, a liquor vendor who was 16% or more at fault could be jointly and severally liable for the entire verdict.

## **Conclusion**

Claims brought under Minnesota's Dram Shop Act must be promptly investigated and require the use of experts and toxicologists. In addition to prompt investigation, appropriate notice must be timely provided to all liquor vendors. The necessity of conducting an effective and timely investigation coupled with the strict notice requirements make dram shop actions complicated. However, we have a knowledgeable staff that is familiar with the Minnesota's Dram Shop Act and equipped to assist in the investigation and defense of these claims.

### **NOTICE**

This reference material has been abridged from a variety of sources and should not be construed as legal advice. Please contact us with any questions concerning this material.

**EXHIBIT 1**  
**Notice of Injury and Claim for Damages**

**TO:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**YOU WILL PLEASE TAKE NOTICE**, that pursuant to Minn. Stat. § 340A.802, Notice of Injury and Claim for Damages against you is hereby given as follows:

1. That sometime during the day, evening and/or early morning of \_\_\_\_\_, your establishment, through you or your agents, servants and employees, illegally sold or bartered non-intoxicating malt liquors and/or intoxicating liquors to one \_\_\_\_\_ in violation of Minnesota Statutes causing or contributing to the intoxication of said \_\_\_\_\_.

2. That by reason of the intoxication of said \_\_\_\_\_, he/she allegedly caused a \_\_\_\_\_ which is alleged to have caused severe and permanent damages to \_\_\_\_\_.

3. That said \_\_\_\_\_ allegedly occurred at approximately \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_; that at said time and place, said \_\_\_\_\_, by reason of his/her alleged intoxicated condition, is alleged to have \_\_\_\_\_.

4. That \_\_\_\_\_, of \_\_\_\_\_, and other persons allegedly injured as a result of alleged illegal sales and actions hereby claim damages in excess of Fifty Thousand and no/100 (\$50,000.00) Dollars as a result of the alleged injuries as described herein pursuant to Minn. Stat. § 340A.801.

5. That \_\_\_\_\_, in addition to the above notifications, hereby places you on notice that in the event \_\_\_\_\_ is found liable to \_\_\_\_\_, which liability is expressly denied, then, and in that event \_\_\_\_\_ would be entitled to indemnity or contribution from \_\_\_\_\_ or such other relief as is just and equitable under the laws of the State of Minnesota.

6. The undersigned hereby demands that this municipality or licensee furnish the names and addresses of any other municipalities or licensees who sold or bartered liquor to said \_\_\_\_\_, if known, pursuant to Minn. Stat. § 340A.802 subd. 2.

**Dated:** \_\_\_\_\_

**By** \_\_\_\_\_

**On behalf of:** \_\_\_\_\_ [Liquor Establishment]

**EXHIBIT 2**  
**Notice of Injury and Claim for Damages**

**TO:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**YOU WILL PLEASE TAKE NOTICE**, that pursuant to Minn. Stat. § 340A.802, Notice of Injury and Claim for Damages against you is hereby given as follows:

1. That sometime during the day, evening and/or early morning of \_\_\_\_\_, your establishment, through you or your agents, servants and employees, illegally sold or bartered non-intoxicating malt liquors and/or intoxicating liquors to one \_\_\_\_\_ in violation of Minnesota Statutes causing or contributing to the intoxication of said \_\_\_\_\_.

2. That by reason of the intoxication of said \_\_\_\_\_, he/she caused a \_\_\_\_\_ which caused severe and permanent damages to \_\_\_\_\_.

3. That said \_\_\_\_\_ occurred at approximately \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_; that at said time and place, said \_\_\_\_\_, by reason of his/her intoxicated condition, \_\_\_\_\_.

4. That \_\_\_\_\_, of \_\_\_\_\_, and other persons injured as a result of your illegal sales and actions hereby claim damages in excess of Fifty Thousand and no/100 (\$50,000.00) Dollars as a result of the injuries as described herein pursuant to Minn. Stat. § 340A.801.

5. The undersigned, \_\_\_\_\_, attorney for Claimant, hereby demands that this municipality or licensee furnish the names and addresses of any other municipalities or licensees who sold or bartered liquor to said \_\_\_\_\_, if known, pursuant to Minn. Stat. § 340A.802 subd. 2.

**Dated:** \_\_\_\_\_

**By** \_\_\_\_\_  
**Attorney for Plaintiff**