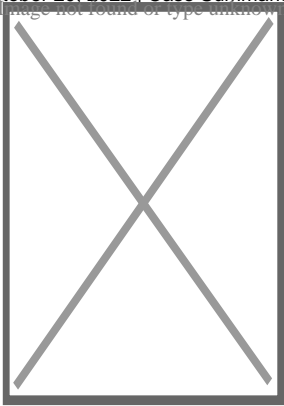


ARBITRATION DECISION FOR THE DEFENSE IN ROJAS V. FUNNY FARM LOUNGE

October 20, 2022 | Case Summaries



On May 9, 2022, Jones, Skelton & Hochuli partners Michael Hensley and John

Lierman received a complete defense verdict from arbitrators in the matter of Rojas v. Funny Farm Lounge.

The plaintiff in the case became disorderly at the client's premises, the Funny Farm Lounge. She assaulted another patron and, upon being confronted by a uniformed security guard, threw a glass at the guard. Both Plaintiff and the other patron were escorted outside. The other patron departed, while Plaintiff was repeatedly asked to move away from the building.

Instead, after arguing that the incident was not her fault, she attempted to re-enter the building, at which point she was placed in handcuffs. Police were called but, before they arrived, Plaintiff agreed to leave, so she was released and departed without further incident.

Plaintiff brought suit alleging that security had removed the wrong person and that she had been wrongfully restrained and placed in handcuffs. The case proceeded to arbitration where the defense broke the case down into two events: the initial removal of Plaintiff from the premises, and the subsequent restraint of Plaintiff in handcuffs when she tried to re-enter. The key evidence was footage from a body camera worn by one of the guards that showed Plaintiff beginning shortly after she threw the glass and continuing a few minutes beyond the time she was handcuffed. The video and testimony of the two guards established that Plaintiff had seen engaging in violence toward other patrons in the bar and assaulting a guard. Arizona liquor law requires that disorderly patrons be removed from the premises of a liquor licensee while the defense expert explained that, under the circumstances, with violence in progress, use of physical force to remove Plaintiff was appropriate and necessary.

Video footage outside showed Plaintiff after she was outside, continuing to engage with the guards, and refusing to move away from the premises after being told repeatedly to go. Guards reasoned with her but she continued to trespass and eventually attempted to re-enter the bar, at which point she was placed in handcuffs. Plaintiff alleged she was wrongly handcuffed but the defense successfully argued that, by that point, Plaintiff had committed a new offense, trespassing, and her attempt to re-enter had been a resort to further violence. The defense expert explained that these circumstances justified use of handcuffs to restrain Plaintiff either until police arrived or she agreed to leave as she had been asked to do. The arbitration concluded with a complete defense verdict that was not appealed.

For more than 32 years, [Mike Hensley](#) has focused his practice on general civil litigation and all types of insurance defense litigation, including life, health, disability, and ERISA claims litigation, bad faith defense, professional liability defense, employment law, employee benefits law, and government and public entities.

[John Lierman](#) focuses his practice in the areas of premises liability, personal injury and general civil litigation. He represents clients primarily in the retail and hospitality, light industry, insurance, and education fields.