**Smith Expert Witness Report**

**Written by Preston Rideout**

**John D. Smith II vs. Sauced Pizza & Pub, LLC, Grinnell Pub, INC., and Matt & John’s Gametime, LLC. Case No. LACV081291**

**Introduction**

**The following are my findings in the** John D. Smith II vs. Sauced Pizza & Pub, LLC, Grinnell Pub, INC., and Matt & John’s Gametime, LLC. **case. My findings are based on reviewing the materials submitted to me by Jenna L. Green. I reserve the right to amend this report if or when additional evidence is made available.**

**Instructions:**

Jenna L. Green. requested I review the material she submitted and determine if Sauced Pizza & Pub, LLC, Grinnell Pub, INC., and Matt & John’s Gametime, LLC. met dram shop industry standards including, but not limited to, identifying signs of intoxication, training guidelines in responsible alcohol service, and the sale of alcoholic beverages to intoxicated persons.

**Professional Opinions**

It’s my professional opinion Sauced Pizza & Pub, LLC. did not meet dram shop industry standards including, but not limited to, identifying signs of intoxication, training guidelines in responsible alcohol service, and the sale of alcoholic beverages to intoxicated persons.

Sauced Pizza’s choice not too create a meaningful Alcohol Awareness Training Program that properly trains employees to identify intoxication is a catastrophic failure fueling customer alcohol consumption and intoxication. Outside of an Employee Handbook, Sauced Pizza does not have any written guidelines, written policies or written procedures. It’s my professional opinion Sauced Pizza demonstrates a blatant disregard for all aspects of training and responsible alcohol service

Furthermore, Michael Arendt is an absentee owner. Shannon Arendt’s oral walkthrough training is archaic and obsolete. Shelly Shoemaker is oblivious to all facets of bar operations, bartending, cocktail creation and responsible alcohol distribution. By default, Jeffery Shoemaker is Sauced Pizza’s most hands on operator and he fails every way possible to prevent intoxication. Their combined lack of insight is derelict, dangerous and irresponsible.

It’s my professional opinion Grinnell Pub INC. did not meet dram shop industry standards including, but not limited to, identifying signs of intoxication, training guidelines in responsible alcohol service, and the sale of alcoholic beverages to intoxicated persons.

Lonnie Lett and Teressa Bell’s interaction with Chris Johnson are the epitome of incompetence. Although she did not observe any signs of intoxication, Teressa Bell cut off Chris Johnson. She did not cut him off because he was intoxicated. She cut him off because he ordered three shots and Leslie Turnage said he had been drinking all day whereas Lonnie cut him off because he was intoxicated.

Contrary to Lonnie, Teressa believed Chris Johnson was not under the influence of alcohol and did not display signs of intoxication. He was not stumbling, swaying. or slurring his words. In my professional opinion, either Teresa Bell cannot identify signs of intoxication and is incompetent or Lonnie Lett cannot distinguish signs of sobriety from intoxication and is incompetent.

It’s my professional opinion Matt & John’s Gametime LLC., did not meet dram shop industry standards including, but not limited to, identifying signs of intoxication, training guidelines in responsible alcohol service, and the sale of alcoholic beverages to intoxicated persons.

Matt Pearson’s titanic disregard towards responsible alcohol service is underscored by training Katrina Hendrick to identify customers who appear too intoxicated and to cut off customers before they become so intoxicated they cannot function.

**Basis For Sauced Pizza & Pub LLC. Professional Opinion:**

1. **Deposition of Michael Arendt**

Michael Arendt acknowledges not being involved in the day-to-day operations of Sauced Pizza. He says Jeffery Shoemaker and Shannon Arendt are responsible for bartender training but he does not believe a new hire packet with written policies or procedures exists.

When asked about new employee instruction and training as it relates to the sale of alcoholic beverages, Michael Arendt replies, “We notify them basically if somebody has had too much to drink, that we shouldn't serve them and that's about it.”

1. Deposition of Shannon Arendt

When asked about employee training as it relates to the sale and service of alcoholic beverages, Shannon Arendt acknowledges Sauced Pizza does not have any written policies.

When asked about Sauced Pizza’s training process, Shannon Arendt describes oral walk through training acknowledging it’s the only training Sauced Pizza provides as it relates to the sale of intoxicating beverages.

When asked about any policy or procedures as it relates to the number of alcoholic beverages you can sell a patron within a certain amount of time, Shannon Arendt acknowledges Sauced Pizza has no policy or procedure.

When asked if Sauced Pizza requires employees to attend any type of alcohol training like TIPS or I-PACT, Shannon Arendt acknowledges Sauced Pizza does not require TIPS or I-PACT.

All Sauced Pizza guidelines, procedures and policies are “Common Sense Verbal Policies.”

1. Deposition of Shelly Shoemaker

Although Shelly Shoemaker has no formal alcohol training, she provides Sauced Pizza training. Shelly Shoemaker’s Sauced Pizza training consists of working with new employees until they're comfortable to work on their own.

Instead of providing written guidelines, written policies or written procedures regarding the sale and service of alcoholic beverage, Shelly Shoemaker provides verbal instruction.

Although Shelly Shoemaker is aware of I-PACT and TIPS training she has never taken neither course.

As it relates to how much alcohol is in a drink, if bartenders measure alcohol when making a drink and if there are any written drink recipes behind the bar, Shelly Shoemaker is oblivious.

1. Deposition of Jeffery Shoemaker

According to Jeffery Shoemaker, Holly provides bartender training but Sauced Pizza does not have a formal checklist or any other written procedure for Holly to follow when she provides training. Furthermore, Sauced Pizza does not require bartenders to attend any alcohol training courses.

Although Jeffery Shoemaker is aware of I-PACT and TIPS training he has never taken neither course.

Jeffery Shoemaker claims to be the owner present during operating hours but he has never seen Sauced Pizza’s employee handbook .

When asked if Sauced Pizza had any policies in place as to how much alcohol a patron can purchase in a single setting, Jeffery Shoemaker did not understand the question.

When asked if Sauced Pizza has a limit on the number of alcoholic beverages sold to a patron there for five or six hours, Jeffery Shoemaker said, “No.” Sauced Pizza has no policy in place prohibiting bartenders from selling three drinks to one person at the same time.

Jeffery Shoemaker monitors the amount of alcohol that goes into a drink by using pour spout stoppers but does not know how much alcohol goes into he drink before the pour spout stops.

Neither Jeffery Shoemaker nor anyone else at Sauced Pizza has ever disciplined anyone for over-serving a patron.

As it relates to refusing alcohol service, Jeffery Shoemaker and Sauced Pizza employees rely on common sense to cut off patrons.

1. Sauced Pizza Employment Handbook

According to their employee handbook, Sauced Pizza is committed to responsible alcohol consumption, promotes customer safety through responsible service, provides alcohol management employee training, does not serve alcoholic beverages to an intoxicated person

The last page of the employee handbook is a blank receipt to be signed by the employee receiving the handbook to acknowledge training took place. Sauced Pizza did not provide a single signed receipt.

**Basis For Grinnell Pub INC. Professional Opinion:**

1. Deposition of Lonnie Lett

Lonnie Lett owns Grinnell Pub and is responsible for training. His training consists of I-PACT. He hired and trained Teresa Bell. Her training consisted of I-PACT certification, pre shift meetings and ongoing training every day.

Lonnie Lett does not provide any written training. No one from Grinnell Pub has ever been disciplined or fired for over-serving alcohol.

Since opening Grinnell Pub, Lonnie Let says he cut off eight customers and arranged five safe rides but did not record these events in a log book.

Lonnie Lett was present at Grinnell Pub on October 12, 2018 and he believes he cut off Mr. Johnson, Mr. Smith, or Mr. Price but does not recall doing it.

Teressa Bell initially cut off Chris Johnson then Lonnie Let cut off Chris Johnson even though he was not exhibiting any signs of intoxication. According to Lonnie Lett, Teressa Beal cut off Chris Johnson because Leslie Turnage said Chris Johnson was intoxicated. According to Teressa Beal, she cut off Chris Johnson because he ordered three Patron shots and Leslie Turnage said he had been drinking all day even though he didn't show any signs of being severely intoxicated.

1. Deposition of Teressa Bell

Teressa Bell started working at Grinnell Pub in September 2016. In October of 2018, she was general manager. When asked what kind of training she received in the sale and service of alcohol, she replied “I don't know, Lonnie trained me how to mix drinks and stuff.”

When asked if Lonnie Lett ever gave any specific instructions relating to how much alcohol a person should be served or when they should be cut off, Teressa Bell replied, “We probably had that discussion.”

When asked if she and Lonnie Lett have pre-shift conversations regarding the sale and

service of alcohol to intoxicated persons, Terresa Bell replied, “We have no normal conversations about that.”

When asked about the last time she has a conversation with Lonnie Lett regarding the sale and service of alcoholic beverages to intoxicated persons, Teressa Bell replied, “I have no idea.”

When Chris Johnson originally approached the bar and ordered the Coors Light, Teressa Bell did not notice any signs of intoxication even though Leslie Turnage said, "You might want to watch what you're serving him because he's been drinking all day."

When Chris Johnson ordered three shots of Patron. Teressa Bell asked, "Who are these three shots for?" He replied, "Me and my friends." Terresa said, "I don't see you with any friends, they need to come up and order their own shots - I’m not serving you three shots.”

According to Teressa Bell, when Chris Johnson ordered three shots of Patron, she didn’t notice any signs of intoxication. “I didn't think Chris Johnson was overly intoxicated.”

When asked to describe her conversation with Leslie Turnage, Teressa Bell recounts Leslie Turnage saying "I'd be careful if I was you serving him because he's been drinking all day.” Teressa Bell replied "Oh, that's interesting, he didn't appear intoxicated to me."

**Basis For Matt and John’s Gametime LLC. Professional Opinion:**

1. **Deposition of Matt Pearson**

Matt Pearson was bartending at Matt and John’s Gametime on October 12, 2018. He recalls that Johnson, Smith and Price entered the bar around 7:00 p.m. and left around 8:00 p.m. While at Matt and John’s Gametime, Chris Johnson was served 2 or 3 beers. And Johnson did not display any signs of intoxication during that visit.

Matt Pearson recalls Johnson, Smith and Price returning to Matt and John’s Gametime at midnight. Upon their arrival, Matt Pearson noticed Chris Johnson was showing signs of intoxication and he refused to serve him.

1. Deposition of Katrina Hendrick

Katrina Kendrick was bartending at Matt and John’s Gametime on October 12, 2018.. She confirms Johnson, Smith and Price returned, Chris Johnson was showing signs of intoxication, and he was denied service.

Matt and John’s Gametime issue Buy-One-Get-One tokens to somebody who buys a drink to be used by them or given away. According to Katrina Hendrick, it’s basically a token for a free drink.

1. Matt and John’s Gametime, LLC. Responses To Plaintiff John D. Smith II Request For Production

When asked to produce all policies, handbooks, guidelines, procedures or instructions related to recognizing signs of intoxication. serving alcoholic beverages, and refusing alcoholic beverage service to intoxicated persons, Matt Pearson said, “There are none.”

**Documentation Used To Form The Basis For Professional Opinion:**

1. **Deposition of Michael Arendt**
2. Deposition of Shannon Arendt
3. Deposition of Shelly Shoemaker
4. Deposition of Jeffery Shoemaker
5. Sauced Pizza Employment Handbook
6. Deposition of Lonnie Lett
7. Deposition of Teressa Bell
8. **Deposition of Matt Pearson**
9. Deposition of Katrina Hendrick
10. Matt & John’s Gametime’s Responses To Plaintiff John D. Smith II Request For Production