

IN THE CIRCUIT COURT FOR THE COUNTY OF ST. LOUIS
STATE OF MISSOURI

AMY ZANDER	)	
&	)	
MICHAEL DERICKSON,	)	
	)	
	)	Case: 21SL-CC00978
Plaintiffs,	)	
	)	
v.	)	
	)	JURY TRIAL DEMANDED
JOEY B'S 3, INC, <i>doing business as Joey B's</i>	)	
<i>Food & Drink</i>	)	
	)	
<u>Serve At:</u>	)	
SCW Registered Agent, Inc.	)	
8909 Ladue Road	)	
St. Louis, MO 63124	)	
	)	
Defendant.	)	

FIRST AMENDED PETITION FOR DAMAGES

Comes Now Plaintiff Amy Zander and Plaintiff Michael Derickson, and for their Petition for Damages states as follows:

COUNT I - Violation of Missouri Revised Statute Section 537.053 Against Defendant

1. Plaintiff Amy Zander is a resident of St. Louis County, State of Missouri. She is the natural mother of Decedent Heather Derickson ("Decedent") and authorized to bring this cause of action for wrongful death pursuant to Section 537.080(1) of the Missouri Revised Statutes.
2. Plaintiff Michael Derickson is a resident of St. Louis County, State of Missouri. He is the natural father of Decedent and a proper party to this action pursuant to Section 537.080(1) of the Missouri Revised Statutes.

3. Defendant Joey B's 3, Inc. ("Defendant") is a corporation, organized and existing under the laws of the State of Missouri, doing business as Joey B's Food & Drink.
4. Defendant owns, operates, and manages Joey B's Food & Drink located at 189 Concord Plaza Shopping Center in St. Louis County, Missouri. Defendant's business Joey B's Food & Drink is a restaurant and bar, open for business to the public, which possesses a liquor license and is licensed to sell intoxicating liquor and/or alcoholic beverages by the drink for consumption on the premises.
5. Defendant is vicariously liable for the acts and omissions of its employees, agents, and/or servants.
6. At all relevant times herein, Defendant's employees, agents, and/or servants were acting within the course and scope of their employment with Defendant.
7. The incidents giving rise to this wrongful death case all occurred in St. Louis County, Missouri, including the car crash in which Decedent died.
8. Venue and jurisdiction is proper in this Court.
9. On February 7, 2021, Decedent was 18 years old.
10. On February 7, 2021, Decedent and her friend (Hailey Webb) were invitees at Defendant's place of business (Joey B's Food & Drink) located at 189 Concord Plaza Shopping Center in St. Louis County, Missouri.
11. On February 7, 2021, both Decedent and Hailey Webb were under the age of twenty-one.
12. Defendant and/or Defendant's employees, agents, and/or servants knew or should have known that Decedent was under the age of twenty-one.

13. Defendant and/or Defendant's employees, agents, and/or servants sold Decedent intoxicating liquor and/or alcoholic beverages by the drink and for consumption on the premises.
14. Decedent consumed the intoxicating liquors and/or alcoholic beverages on the premises. Said beverages and/or liquors were provided by Defendant and/or Defendant's employees, agents, and/or servants.
15. At the time Defendant and/or Defendant's employees, agents, and/or servants served Decedent intoxicating liquors and/or alcoholic beverages, Decedent was visibly intoxicated.
16. Defendant and/or Defendant's employees, agents, and/or servants knew or should have known Decedent was visibly intoxicated at the time when they served Decedent intoxicating liquors and/or alcoholic beverages.
17. After consuming numerous intoxicating liquors and/or alcoholic beverages provided by Defendant and/or Defendant's employees, Decedent and Hailey Webb left by motor vehicle.
18. Decedent was the driver of the motor vehicle.
19. Due to Decedent's high level of alcohol intoxication caused by intoxicating liquors and/or alcoholic beverages sold to Decedent by Defendant and/or Defendant's employees, agents, and/or servants, Decedent crashed the motor vehicle and died.
20. Pursuant to Section 530.053 of the Missouri Revised Statutes, Defendant owed a duty to Decedent to comply with the aforesaid statute and not serve alcoholic beverages and/or intoxicating liquors to Decedent when Defendant's knew or should have known Decedent was under the age of twenty-one and/or visibly intoxicated.

21. Defendant breached its duty to Decedent and was thereby negligent by serving intoxicating liquors and/or alcoholic beverages to Decedent in that Defendant and/or Defendant's employees, agents, and/or servants knew or should have known Decedent was under the age of twenty-one and/or visibly intoxicated.
22. Defendant's conduct, acts, and omissions directly caused, or directly contributed to cause, Decedent's death.
23. Defendant's conduct, acts, and omissions directly caused, or directly contributed to cause, Plaintiff Amy Zander and/or Plaintiff Michael Derickson to have the following damages by reason of Decedent's death:
 - a. Medical expenses;
 - b. Funeral and/or burial expenses;
 - c. Damages suffered by the Decedent between the time of injury and death;
 - d. Loss of consortium;
 - e. Loss of services;
 - f. Loss of companionship;
 - g. Loss of comfort; and
 - h. Loss of counsel.

Wherefore, Plaintiffs pray this Court enter judgment in favor of Plaintiffs and against Defendant for an award of damages in excess of \$25,000.00, costs incurred pursuing this action, interest as allowed by law, and such other and further relief this Court deems just and proper.

Respectfully Submitted,

ROSENBLUM SCHWARTZ & FRY, P.C.

By: /s/ N Scott Rosenblum
N. Scott Rosenblum, #33390
Cole W. Rosenblum, #72098
Tanner C. Rolfes, #72987
120 S. Central Avenue, Ste. 130
St. Louis, MO 63105
srosenblum@rsflawfirm.com
crosenblum@rsflawfirm.com
(314) 862-4332
(314) 862-8050
Attorneys for Plaintiff Amy Zander

THE O'BRIEN LAW FIRM, PC

BY: /S/ Grant C. Boyd
Grant C. Boyd #67362
815 Geyer Ave
St. Louis, MO 63104
(314) 588-0558
(314) 588-0634 FAX
boyd@obrienlawfirm.com
Attorneys for Plaintiff Amy Zander

KOLKER & LABOVITZ

/S/ Scott L. Kolker
Scott L. Kolker #44161
7700 Bonhomme Ave., Ste. 500
St. Louis, MO 63105
P: 314-727-4529
F: 314-727-8529
slk@kolkerlawfirm.com
Attorneys for Plaintiff Michael Derickson

