

## Judge won't dismiss \$75 million casino lawsuit

Written by Administrator  
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JACKSON, Miss. (AP) -- A federal judge has refused to dismiss a \$75 million lawsuit accusing a Mississippi casino of serving a heavily medicated man so many free drinks that he collapsed in the bathroom of his hotel room and died.

The lawsuit against IP Casino Resort and Spa in Biloxi was filed in U.S. District Court in Gulfport in July 2012.

The lawsuit says employees ignored pleas from Bryan Lee Glenn's relatives and served him free drinks on Aug. 6, 2009, after he was already falling-down drunk.

Glenn, 30, collapsed in his hotel bathroom that night and was pronounced dead early the next morning from alcohol poisoning combined with his medications, court records said.

The casino, formerly known as Imperial Palace, changed hands after Glenn's death. Boyd Gaming bought the property in 2011.

Boyd Gaming filed the motion to dismiss the case in September.

"Mississippi law is abundantly clear that one injured as a result of his own voluntary intoxication has no viable claim against a casino which served him alcohol," the company argued in court records.

U.S. District Judge Halil S. Ozerden declined to dismiss the suit Wednesday because of the allegations that casino employees served Glenn alcohol when he was visibly drunk.

Mississippi has a "dram shop" law that says businesses can be held liable if they serve alcohol to someone who is visibly drunk and that person later injures or kills someone else.

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Ozerden wrote in his ruling that the plaintiffs must show that Glenn didn't voluntarily become intoxicated and/or that he was visibly intoxicated at the time he was served alcohol.

Ozerden said there are numerous allegations in the complaint that casino employees knew Glenn was drunk and served him anyway.

David Strow, a spokesman for Boyd Gaming, said the company doesn't comment on litigation.

The family's lawyer, Michael Holleman, referred The Associated Press to court documents that argued the lawsuit should not be dismissed.

One document said the casino served Glenn free drinks two at a time " Crown Royal whiskey and Coke as well as shots of Patron tequila " for hours, even after he fell out of his chair several times and dropped his poker chips.

"The casino industry business model is built on problem gamblers fueled by free alcohol. This is the economic motive underlying its reckless conduct," Holleman wrote.

Glenn's family says he had taken prescription painkillers as well as anti-psychotic medications in the three weeks before his death. He was being treated for physical injuries as well as psychosis and hallucinations. Glenn had suffered a traumatic brain injury in a 2004 four-wheeler accident and back injuries in a 2007 car wreck, according to the complaint.

Glenn and his mother and brother lived in coastal Long Beach, Miss., but lost everything to Hurricane Katrina in 2005 and eventually settled in Virginia. They returned to Mississippi with a friend in August 2009 to pick up Glenn's check from a settlement from a previous lawsuit and to look for a place to live. They were staying at the IP resort.

Glenn picked up the \$15,000 check the morning of Aug. 6, 2009, and the group planned to use

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some of the money on a deposit for a place to live. But once back at the resort, Glenn began betting up to \$1,000 a hand on blackjack and ordering two drinks at a time, the lawsuit says.

He fell out of his chair at the table twice and knocked another gambler out of her chair, but a dealer, pit boss, waitress and security guard refused to intervene after his family begged them to stop serving him, the lawsuit says.

Glenn's relatives left the casino to take someone home. When they returned, his brother, mother and a friend found him in his hotel bathroom at the resort. Glenn's friend, trained as an emergency medical technician, tried to revive him but he was taken to a hospital and pronounced dead, according to the lawsuit.

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