

Dix v. Live Nation Entertainment, Inc.

A music festival operator has a duty to its invitees to protect against the consumption of illegal drugs and provide adequate medical care in the case of a drug overdose.

FACTS/PROCEDURE

In August 2015, decedent Katie Dix attended defendant Live Nation's Hard Summer Music Festival (Hard Fest) at the Pomona Fairplex in Los Angeles county. The festival was a two-day music event with approximately 65,000 attendees each day. In preparation for the event, Live Nation developed extensive security and medical plans that included specific safety measures for responding to intoxicated individuals. While decedent was at the event, she took two illegal drugs commonly known as Ecstasy and bath salts. Decedent overdosed on the substances and collapsed in one of the stage areas. Despite Live Nation's detailed safety plans, the security personnel who responded to decedent was unaware of any procedure for responding to drug overdoses. The security guards did not render any aid to decedent, and the medical team did not respond to the incident for approximately 30 minutes. During this time, decedent fell into cardiac arrest and eventually died at the hospital.

Decedent's parents sued Live Nation for negligence, premises liability, public nuisance, wrongful death, and survival. The complaint alleged that Live Nation had actual and constructive knowledge that attendees would consume illegal drugs yet failed to provide adequate medical care or training to its employees. Live Nation filed a motion for summary judgment arguing that it had no duty to prevent decedent from voluntarily ingesting illegal drugs and was not a substantial factor in her death. The trial court granted the motion, finding that Live Nation had no duty to decedent beyond exercising reasonable care in providing medical services. Plaintiffs appealed.

HOLDING/DISCUSSION

The Court of Appeal for the Second District reversed. Although there is no duty to come to the aid of another, business proprietors may have a duty to warn or protect their invitees due to the special relationship between the two parties. This is because business invitees generally rely to some degree on businesses for protection. Here, the court found Live Nation, as the operator of a music festival, was a business proprietor in a special relationship with its 65,000 attendees. Once attendees entered the festival grounds, attendees depended entirely on Live Nation to provide adequate medical care and security. Although Live Nation argued it should not be responsible for the voluntary actions of an invitee, the court rejected defendant's argument. Based on Live Nation's experience with past festivals, it was entirely foreseeable that many attendees would ingest illegal drugs during the event which would be fatal in some instances. Live Nation's security plans specifically acknowledged the heightened danger of drug overdoses especially when considering the high temperatures and potential for dehydration. Even if there was some relevant intervening conduct, i.e. the voluntary consumption of drugs, the court found that the "high degree of foreseeability" of these dangers justified imposing a duty on Live Nation to provide adequate medical care in the case of emergencies. The court also noted public policy factors which weighed for imposing a duty because music festival operators, like Live Nation, benefit financially from these events and have complete control over the provision of medical care.