

**IN THE
INDIANA SUPREME COURT**

Case No. _____

WEOC, INC. D/B/A WINGS, ETC., ET AL.,)	On Petition to Transfer from the Indiana Court of Appeals
)	
)	Cause No. 22A-CT-1869
Petitioners (<i>Appellants-</i> <i>Defendants</i>),)	Appeal from the LaPorte Superior Court
)	
v.)	
)	Lower Court Cause No.
CHRISTOPHER ADAIR, ET AL.,)	46D02-2107-CT-1342
)	
)	
Respondent (<i>Appellee-Plaintiff</i>).)	

**MOTION FOR LEAVE TO FILE BRIEF *AMICI CURIAE* BY RESTAURANT
LAW CENTER AND INDIANA RESTAURANT & LODGING ASSOCIATION**

Pursuant to Rule 41(D) of the Indiana Rules of Civil Procedure, proposed *amici curiae* respectfully request leave to file the accompanying brief in support of the Appellants-Defendants' petition to transfer in the above-captioned matter.

The Restaurant Law Center is the only independent public policy organization created specifically to represent the interests of the food-service industry in the courts. This labor-intensive industry is comprised of over one million restaurants and other foodservice outlets employing over 15 million people—approximately ten percent of the U.S. workforce, making it the second-largest private-sector employers in the United States. Through regular participation in *amicus* briefs on behalf of the industry, the Restaurant Law Center provides courts with the industry's perspective

on legal issues significantly impacting its members and highlights the potential impact of pending cases like this one.

The Indiana Restaurant & Lodging Association (INRLA) provides business solutions to the Indiana hospitality industry and represents the industry before all branches of government. The Association helps its members navigate complex laws and regulations and, when necessary, provides courts with the industry's views on cases, such as this one, that are important to our members. Restaurants are a driving force in Indiana's economy. The foodservice industry creates thousands of jobs, supports career growth, and plays a vital role in every community across the state. There are over 12,000 eating and drinking establishments in Indiana employing about 300,000 workers—roughly 10% of the employment in the state. Our thriving restaurant industry benefits the entire Indiana economy with over \$15 billion in sales and with each million spent generating 21.8 jobs in the state.

Proposed amici seek to provide their perspective, and the perspective of their members, to assist this Court's understanding of the issues in this case. This case is of significant importance to *amici*. The Restaurant Law Center and Indiana Restaurant & Lodging Association have a significant interest in the application of the Indiana Dram Shop Act, Ind. Code § 7.1-5-10.15.5, to restaurants, bars, and hotels in Indiana. By providing this additional perspective, RLC and INRLA seek to fulfill the classic role of *amici curiae*: supplementing the efforts of counsel and drawing the Court's attention to issues that may otherwise escape consideration. *See* Ind. App. R. 46(E) (*amici curiae* should add insights that are not in the parties' briefs); *see also*

Robert L. Stern, Eugene Greggman & Stephen M. Shapiro, *Supreme Court Practice*, 570-71 (1986) (quoting Bruce J. Ennis, *Effective Amicus Briefs*, 33 *Cath. U.L. Rev.* 603, 608 (1984)).

In addition, this brief is being filed “within the time allowed the party with whom the proposed amicus curiae is substantively aligned.” Ind. App. R. 41(B). May 1, 2023, is the last day allowed for filing a petition to transfer under Indian Appellate Rule 57(C). Accordingly, this brief is timely.

For the foregoing reasons, proposed amici respectfully request that this Court grant their motion for leave to file the accompanying brief *amici curiae* in support of the Appellants-Defendants.

Dated: May 1, 2023

Respectfully submitted,

/s/ Melissa M. Root

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Temporary admission pending

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