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SPORTS: 'Community embraces' first Horsepower Night 10A

Mustang News

THURSDAY, JULY 29, 2021 • MUSTANGNEWS.INFO • 50 CENTS

**Read by
Chelsie
Wall**

**Around
Town**

**Items for teacher
bags deadline is
Friday, volunteers
are needed**

The deadline to provide items to Mustang's new teachers is Friday. Businesses can help the Mustang Chamber of Commerce by including marketing materials for teachers to use in their classrooms. Items can range from pens, notepads, gift cards and more. Only Chamber members can participate. Volunteers are also needed. The Chamber will put the bags together at 8 a.m. Aug. 2 inside Room J at Mustang High School. Those who can help are advised to call the Chamber office at 405-376-2758.

**Mustang Lion's
Club Car Show
slated for Aug. 7**

The Mustang Lion's Club Classic Car Show will be at 3 p.m. Aug. 7. It will take place at 524 N Frisco Road. All proceeds will go toward Mustang graduate scholarships. People can also bring old eyeglasses for donations. There is a \$25 registration fee. The Top 10 cars will be recognized, and seven awards will be given out. People can also enjoy music, food, contests and more. For more information, call 405-875-1582.

Mustang, Oklahoma



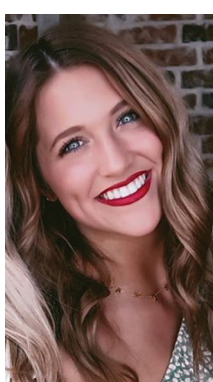
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1 Section

Parties file motions to dismiss lawsuit after MHS alum's death

Dismissal hearing judgment yet to be determined

By **HALEY HUMPHREY**
newseditor@mustangnews.info

The parents of Mustang High School alum Marissa Murrow filed a wrongful death lawsuit Nov. 20, 2020 after their daughter died Oct. 3, 2020 from a head-on collision. Jeff and Kristine Murrow initially filed against Malcolm Penney, 40, of Oklahoma City, his wife Amanda Penney and The Springs Events LLC in Edmond. Recently, several more parties, Weathercoat Security and Boulevard Steakhouse, Inc., have been added to the lawsuit. The Springs and Weathercoat have filed a motion to dismiss the



MARISSA MURROW

plaintiffs' case. Malcolm Penney was operating a vehicle Oct. 2, 2020 that entered the John Kilpatrick Turnpike, driving northbound, which was the wrong way, and collided with Marissa Murrow's vehicle, which was correctly driving in the southbound lanes, according to accident reports. Penney is alleged to have been intoxicated after leaving

a wedding and reception ceremony at The Springs. The case's petition stated Penney had been consuming alcohol for nearly 10 hours at the event. Penney is also alleged to have been charged with four driving under the influence offenses in different courts. He has pled guilty of public intoxication in Carter County January 2013, as well. Penney's jury trial is set for Sept. 13 on second-degree murder and leaving the scene of a fatality accident charges. Penney is presumed innocent at this time. The Murrows are seeking more than \$75,000 in damages for all parties' negligence. Attorney Heath Garwood,

who is representing The Springs, was the first to argue during the dismissal hearing July 23 in Canadian County Court. Penney voluntarily got behind the wheel intoxicated, he said. In Oklahoma, the resulting injuries of an intoxicated driver are extended only to the individual and retail alcohol providers, Garwood noted. His client is not applicable to the injuries, as they did not serve alcohol, Garwood stated. The defense attorney provided several cases of common law negligence. In Pate v. Alian, a plaintiff was injured by a motorist who became intoxicated at a Pizza

See **DEATH**, Page 6A

Local church hosts 12th annual Big Give

By **HALEY HUMPHREY**
newseditor@mustangnews.info



A church volunteer hands a backpack to a driver at Clear Springs Church's Big Give event July 24. More than 1,300 people registered to receive free school supplies for their children. Photo / Haley Humphrey

Clear Springs Church was able to provide 1,500 backpacks, which is the most ever, at its 12th annual Big Give July 24 and 25. "The motto of Clear Springs Church is building lasting faith in Christ by serving," pastor Jim Harris said. "We look for moments where we can model serving in our community and church family." The drive-thru event provides free school supplies to families to get students ready to return to the classroom. Prekindergarteners- through high school students receive age-specific supplies by choice of caregivers through a pre-registration process. They also each received a water bottle and Bible. The Big Give is possible through Clear Springs' fireworks stand, which raised more than \$10,000 to purchase school supplies. Harris said the overall event will cost between \$15,000 and \$20,000, as they spent \$10 per student. While the church had the most backpacks, pre-registration did not cap out this year. More than 1,300 people registered, with more completing walk-up registration during the event. Harris said it is his church's privilege

See **CHURCH**, Page 6A

John Kilpatrick Turnpike goes cashless

By **DACODA McDOWELL-WAHPKECHE**
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The Oklahoma Turnpike Authority began its five-year plan of moving away from cash and coins after the John Kilpatrick Turnpike became cashless July 25. Joe Echelle, deputy director of the Oklahoma Turnpike Authority, said the move toward cashless payments is because of many factors, but specifically, safety. "We've had, in the last six years, more than 500 accidents at toll plazas," he said. "Some of those injuring toll plaza workers and toll booth attendants." The most dangerous location on the turnpikes is at the cash toll plazas and booths, the director noted. "We are trying to mitigate that safety issue," Echelle said. PlatePay, the authority's new system, allows people to drive on the turnpikes without stopping to give toll plaza employees cash or coins. He said the employees, who were working inside the toll plazas, will be moving to the call centers for the authority. None of the toll collectors on the John Kilpatrick Turnpike have



The John Kilpatrick Turnpike officially went cashless July 25. Turnpike users will now receive an invoice every 30 days using the state's PlatePay system. Photo / Dacoda McDowell-Wahpekeche

See **TURNPIKE**, Page 6A

Church From page 1A

to be able to host the event for the community.

About 12 years ago, the church hosted a back-to-school party for students. Harris said they wanted to

provide something more meaningful, as the summer comes to an end.

He also noted the partnership with Lakehoma Church of Christ, which has served alongside Clear Springs

volunteers for the last four years.

"It's grown every year, which is phenomenal," Lakehoma minister James Waugh said. "I think the community really appreciates it."

He also added the event would not be possible without its more than 100 volunteers.

"It's been our pleasure to serve," Harris said.

Turnpike From page 1A

worked on the tolls since June 2020, Echelle added.

"We've got other jobs they could do," he said. "This just gets them out of a hazardous location and gets them into a safe working environment."

PIKEPASS lanes are the only lanes available to turnpike users. Maintenance crews coned off coin lanes beginning July 25 and continued Monday.

Transitioning away from cash and coins on the John Kilpatrick Turnpike will cost approximately \$2.1 million. Echelle said the tolls were due for renovations, whereas the authority would have

had to spend \$10 million on each toll plaza on the John Kilpatrick Turnpike.

"It's a huge savings," Echelle said.

The move toward a cashless system will make driving on the turnpike faster for people who do wish to pay cash because they won't have to stop and pay, rather they will receive an invoice every 30 days from the authority.

"You will drive through, and we will catch a picture of your license plate," Echelle said. "Within five business days, we will mail out your very first invoice."

If drivers continue to use the turnpikes after making an account with their license plate, every 30 days an invoice will be mailed from the authority, regarding how much they owe them.

"We still want people to move to PIKEPASS," Echelle said. "It's the cheapest for the customer and the cheapest for us to use and most efficient."

He said a phone number that is meant for people to call and become a PIKEPASS member will be with every invoice sent from the authority.

For more information about the transition to cashless turnpike payments, visit platepay.com.

Death From page 1A

Inn. The injured party sued the manager, the local franchise and Pizza Inn, Inc.

Their argument stated the franchise's safety policies gave way to liability. However, the court ruled neither defendant owed any duty to the plaintiff.

Garwood also mentioned Warren v. Teel, where a plaintiff said he was assaulted by an intoxicated pledge at a University of Oklahoma fraternity house. A suit was brought against the local chapter, as well as the national fraternity.

The judge dismissed the motion against the national fraternity, as they did not serve alcohol. There were also arguments about whether the local chapter provided alcohol.

"The Civil Court of Appeals found that regardless of whether or not the chapter served alcohol to the intoxicated individual, at most, he was a social host," Garwood said.

The last case Garwood referenced was Rogers v. Anheuser-Busch, Inc. Representatives of someone who died brought a wrongful death suit against Anheuser-Busch, who was a wholesaler and sponsor of an event at Tumbleweed Bar.

A person became

intoxicated at the bar, which led to the death, Garwood said. It was alleged the person was over-served.

The court found that since Anheuser-Busch did not serve alcohol to the individual, a duty was not established. There was also no duty within the franchise agreement, according to the court's ruling.

"The implication of a duty and tort has to be separate than the terms of a contract," Garwood said.

He also said neither The Springs' nor Weathercoat's contracts specifically use terms that would benefit the public or motorists. The attorney went on to add how he found it difficult to understand why a social host would be immune to a civil suit and a venue host, such as the Springs, would not.

"I can see the implications of holding duty exists far more reaching than holding the social host who provided alcohol would be liable," Garwood said.

Oklahoma's Dram Shop Laws allow plaintiffs to hold the person who got the driver drunk accountable for any resulting injuries in some circumstances. Attorney Kevin Cunningham, who is representing the Murrows, explained Dram Shop as

Party A being a provider of alcohol to Party B who consumes the alcohol and injures someone else.

He said this relationship is not occupied by The Springs or Weathercoat, rather Boulevard Steakhouse, as they were the licensed bartender at the event.

"We are not alleging The Springs served alcohol at all," Cunningham said.

The attorney said the cases Garwood presented referenced a different relationship than the plaintiffs are alleging against The Springs and Weathercoat, as they are about service of alcohol. Plaintiffs have alleged specific policies were breached against the two.

"Had The Springs and Weathercoat enforced their policies that were in place for this case, we wouldn't be here," Cunningham said. "Marissa would not have died."

The claim against The Springs is negligence. Cunningham said there are multiple duties property owners owe to others.

The first being a general duty to not harm others while they're on the property. Owners also have a duty to not allow there to be hazards on public roads, he said. These duties do not arise

from The Springs' policies, rather they are independent, due to the venue voluntarily allowing certain conduct to occur on its property, Cunningham said.

"They specifically can say, 'Hey, no alcohol at all,'" he said. "But they haven't."

The Springs' policy also indicates it can "eject objectionable persons." Cunningham mentioned Penney reportedly threw a beer bottle at his wife and was escorted away by security.

"He's not kicked out," he said. "The police aren't called."

Cunningham also inquired why an Uber wasn't called.

A bartender also reportedly said Penney was visibly intoxicated. The attorney added that foreseeability of DUI was present, as not everyone can remain at the venue.

The Springs also does not allow outside alcoholic beverages. However, Cunningham provided a photo of a wedding attendee holding a Blue Moon, which was not on the bartender's menu, of which he also showed an image.

Cunningham would like Judge Jack McCurdy to deny both motions to dismiss and enter into discovery for further investigation to occur.

"I believe the discovery will show this may be a larger problem than just one incident," he said.

Cunningham also mentioned there are other local venues, such as the Rustic Rose Barn and Aspen Ranch, that are interested in how the case turns out, as they would like to know if there is accountability to minimize the risk of DUI drivers. The attorney argued each of the five defendants are in some way responsible for the fatal event and would like a jury to determine how much responsibility they had.

Attorney Monty Bottom, who is representing Weathercoat, said his client never had Penney's vehicle or his keys.

"That wasn't what we were there for," he said.

Bottom also stated Penney had pled guilty when he didn't. Penney pled not guilty in May.

"Any representation that he's pled guilty is either misleading or at least doesn't reflect any sort of effort to see what happened," Cunningham said.

McCurdy said he will review the case and then deliver a judgment.

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