



# Fallen officer's family sues

## Red Bull cited in suit alleging suspect was served alcohol at Flugtag event

by Jeff Mitchell

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The wife and parents of a police officer killed in a Tempe DUI accident in April filed a lawsuit on Friday against several companies that reportedly provided alcohol to people under age 21 at a Tempe festival.

The man accused of killing the officer is also named in the lawsuit, filed in Maricopa County Superior Court.

Red Bull North America Inc., Red Bull GmbH and four other companies are named as defendants in the lawsuit.

On April 29, Gilbert police officer Robert Targosz, 37, was on his way to work when he was reportedly struck and killed by Tyler Fahlman, who ran a red light at Price Road and Apache Boulevard, according to the lawsuit.

The lawsuit alleges Fahlman - who was 20 at the time - was served alcohol at the Red Bull Flugtag event at Tempe Town Lake earlier that day.

Fahlman was charged with aggravated DUI, leaving the scene of an accident and vehicular manslaughter, said Officer Brandon Banks, Tempe police spokesman.

According to the suit, the defendants negligently served Fahlman to the point that he was extremely intoxicated and impaired, and unable to safely operate a motor vehicle.

The lawsuit claims the defendants were negligent in failing to require partygoers' proof of age to gain entrance into the VIP tent and to allow them to consume unlimited quantities of free Red Bull vodka drinks once inside.

The management and organization of the VIP party tent created an unreasonable, dangerous risk of serious harm and even death, according to the lawsuit.

Red Bull has not been served with any papers and therefore is unable to comment at this time, said Patrice Radden, Red Bull North America's director of corporate communications.

Representatives for the other companies named in the lawsuit -- Global Event Management Inc., Professional Event Management LLC, Events Plus Inc. and Alliance Beverage Distributing Co. - did not return calls on Monday afternoon.

There is no dollar amount associated with the lawsuit because no dollar damages were identified during an initial filing in Arizona, said Charles Brewer, the attorney for Targosz's widow, Brigitte Targosz and parents, Sue Ann Cassidy and Eugene Targosz.

The city of Tempe and Tempe police are not named in the civil lawsuit.

Instead a \$31 million notice of claim was filed against the city and the Police Department in October for gross negligence in approving Red Bull's Flugtag event on city property.

A notice of claim is not a lawsuit, Brewer said.

Brewer said he filed notice against Tempe and Tempe police because a state statute requires that a notice of claim be filed within 180 days of the date of the original incident, Brewer said.

The law states if a notice of claim is not filed against a public entity or employee within 180 days, the window for a potential future lawsuit closes, said Jennifer Barnes, director of the Civil Justice Clinic at ASU's Sandra Day O'Connor College of Law.

Brigitte Targosz did not want to file the notice against the city and the police because her late husband was an officer and she is pro-police, Brewer said.

At this point, it is unknown if the city will be a party in the suit, said Dane L. Wood, an attorney at Brewer's law firm.

About 70,000 partygoers attended the Flugtag event, according to the notice of claim.

Tempe required Red Bull to put up insurance to protect the city from any liability, Brewer said.

The amount on the notice is about the same amount as the city's insurance coverage for the event, he added.

Tempe spokeswoman Nikki Ripley referred questions to City Attorney Andrew Ching.

Ching said he could not comment on pending litigation.

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