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ORIGINAL FILED
Superior Court Of California
County Of Los Angeles

NOV 20 2017

Sherri R. Carter, Executive Officer/Clerk
By: Marlon Gomez, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

19 DANIEL STAPLES, KRISTINA STAPLES,
20 an incapacitated person, by and through her
21 guardian ad litem DANIEL STAPLES,
22 HARPER STAPLES, a minor, by and through
23 her guardian ad litem DANIEL STAPLES,
24 SAMUEL STAPLES, and JESSICA
25 EDMONDSON,
26 Plaintiffs,

27 vs.

28 MGM RESORTS INTERNATIONAL, a
Delaware Corporation; Mandalay Corp.,
a Nevada Corporation; MGM Resorts
Festival Grounds LLC, a Nevada
Limited-Liability Company; Live Nation
Entertainment, Inc., a California
Corporation; Live Nation Group d/b/a
Onenationgroup, LLC, a Nevada

Case No. **BC684142**

COMPLAINT FOR DAMAGES

- 1. NEGLIGENCE – Hotel Defendants;
- 2. NEGLIGENCE – Venue Defendants;
- 3. BATTERY;
- 4. ASSAULT; and
- 5. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

JURY TRIAL DEMANDED

1 Limited-Liability Company;
2 CONTEMPORARY SERVICES
3 CORPORATION, a California Corporation;
4 ESTATE OF STEPHEN PADDÖCK; a
Nevada resident; and DOES 1 through 100,
inclusive,
Defendants.

5 COMES NOW, Plaintiffs, DANIEL STAPLES, KRISTINA STAPLES, an incapacitated
6 person, by and through her guardian ad litem DANIEL STAPLES, HARPER STAPLES, a
7 minor, by and through her guardian ad litem DANIEL STAPLES, SAMUEL STAPLES, and
8 JESSICA EDMONDSON who request a trial by jury, and allege as follows:

9 **THE PARTIES**

10 1. At all relevant times, Plaintiff DANIEL STAPLES (hereinafter, "DANIEL") was
11 an individual residing in the County of Riverside, State of California. DANIEL STAPLES is the
12 husband of KRISTINA STAPLES, an incapacitated person, and the biological father of
13 HARPER STAPLES, a minor.

14 2. At all relevant times, Plaintiff KRISTINA STAPLES, an incapacitated person, by
15 and through her guardian ad litem DANIEL STAPLES (hereinafter, "KRISTINA"), was an
16 individual residing in the County of Riverside, State of California. KRISTINA suffered serious,
17 permanent, and incapacitating injuries on the date of the incident made the basis of this lawsuit.
18 As a result, KRISTINA lacks legal capacity to make decisions. Therefore, KRISTINA brings
19 claims by and through her husband and guardian ad litem, DANIEL STAPLES.

20 3. At all relevant times, Plaintiff HARPER STAPLES, a minor, by and through her
21 guardian ad litem DANIEL STAPLES (hereinafter, "HARPER"), was an individual residing in
22 the County of Riverside, State of California. HARPER is the biological daughter of DANIEL
23 and KRISTINA STAPLES.

24 4. At all relevant times, Plaintiff SAMUEL STAPLES (hereinafter, "SAMUEL")
25 was an individual residing in the County of Orange, State of California. SAMUEL is the brother
26 of DANIEL STAPLES.

27 5. At all relevant times, Plaintiff JESSICA EDMONDSON (hereinafter,
28 "JESSICA") was an individual residing in the County of Orange, State of California.

1 6. At all relevant times, Defendant MGM RESORTS INTERNATIONAL (“MGM”)
2 was a corporation with minimum contacts in the State of California, duly licensed and
3 incorporated under the laws of Delaware, and believed to be the owner, co-owner, or manager of
4 certain premises commonly referred to as the Mandalay Bay Resort and Casino Las Vegas
5 (hereinafter, “Mandalay Bay”), at 3950 South Las Vegas Boulevard, Las Vegas, Nevada 89119,
6 as well as Las Vegas Village, an open-air concert and event venue across from Mandalay Bay
7 consisting of 15 acres of seating area, and a capacity of 40,000 guests.

8 7. At all relevant times, Defendant MANDALAY CORP. was a corporation with
9 minimum contacts in the State of California, duly licensed and incorporated under the laws of
10 Nevada, and as a subsidiary of Defendant MGM, is believed to be the owner, manager, or
11 operator of the Mandalay Bay premises.

12 8. At all relevant times, Defendant MGM RESORTS FESTIVAL GROUNDS LLC
13 (hereinafter, “MGM RESORTS FESTIVAL”) was a limited liability company with minimum
14 contacts in the State of California, duly licensed and incorporated under the laws of Nevada, and
15 believed to be the owner, co-owner, or manager of certain premises commonly referred to as Las
16 Vegas Village, at 3901 South Las Vegas Boulevard, Las Vegas, Nevada 89119, where the Route
17 91 Harvest Festival was held in September and October 2017.

18 9. At all relevant times, Defendant LIVE NATION ENTERTAINMENT, INC.
19 (hereinafter, “LIVE NATION”) was a corporation duly licensed and incorporated under the laws
20 of Delaware, with its principal place of business located in the County of Los Angeles, State of
21 California, and believed to be the concert and event promoter of the Route 91 Harvest Festival at
22 the Las Vegas Village in September and October 2017.

23 10. At all relevant times, Defendant LIVE NATION GROUP d/b/a
24 ONENATIONGROUP, LLC (hereinafter, “ONENATIONGROUP”) was a limited liability
25 company with minimum contacts in the State of California, duly licensed and incorporated under
26 the laws of Nevada, and believed to be the concert and event promoter of the Route 91 Harvest
27 Festival at the Las Vegas Village in September and October 2017.

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1 11. At all relevant times, Defendant CONTEMPORARY SERVICES
2 CORPORATION (hereinafter, "CSC") was a corporation duly licensed and incorporated under
3 the laws of California, with its principal place of business located in the County of Los Angeles,
4 State of California, and believed to be the concert and event security firm for the Route 91
5 Harvest Festival at the Las Vegas Village in September and October 2017.

6 12. At all relevant times, Defendant STEPHEN PADDOCK (hereinafter,
7 "PADDOCK") was an individual residing in the County of Clark, State of Nevada. PADDOCK
8 is the accused perpetrator of a mass shooting which occurred on October 1, 2017 in Las Vegas,
9 Nevada. PADDOCK is now deceased, resulting in the need to sue the ESTATE OF STEPHEN
10 PADDOCK, which is as-yet unformed, but whose formation is pending.

11 13. The true names and capacities, whether individual, corporate, associate, or
12 otherwise, of the defendants named herein as DOES 1 through 100, inclusive, are unknown to
13 Plaintiffs at the time of filing this Complaint and, therefore, Plaintiffs sue said defendants by
14 fictitious names. Plaintiffs are informed and believe, and based upon such information and belief
15 allege, that each of the defendants designated herein as DOES 1 through 100 is, in some manner
16 and to some extent, legally responsible for the events and happenings herein set forth and
17 proximately caused injury and damages to the Plaintiffs as herein alleged. Plaintiffs will ask
18 leave of this Court to amend this Complaint to show their true names or capacities when the
19 same have been ascertained.

20 14. Plaintiffs are informed and believe and thereon allege that at all times mentioned
21 herein, MGM, MANDALAY CORP., and as-yet unidentified DOES 1 through 100 (hereinafter
22 referred to collectively as the "Hotel Defendants") were agents, servants, employees, partners, or
23 joint venturers of each other and that in doing the acts herein alleged, were acting within the
24 course and scope of said agency, employment, partnership, or joint venture. Each and every
25 Defendant aforesaid was acting as a principal and was negligent or grossly negligent in the
26 selection, hiring, and training of each and every other Defendant or ratified the conduct of every
27 other Defendant as an agent, servant, employee or joint venture.

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1 hallway. PADDOCK used the cameras as surveillance and security to thwart law enforcement
2 and prolong his shooting spree.

3 21. PADDOCK smashed two windows of his hotel suite and opened fire into the
4 crowd of concert-goers at the Las Vegas Village, killing 58 people and injuring hundreds of
5 others. PADDOCK also shot Mandalay Bay Security Officer Jesus Campos, who was outside
6 PADDOCK's hotel room on the 32nd floor of Mandalay Bay.

7 22. At all relevant times, Defendants DOES 1 through 100 were the as-yet
8 unidentified employees or agents of MGM, MANDALAY CORP., MGM RESORTS
9 FESTIVAL, LIVE NATION, ONENATIONGROUP, CSC, PADDOCK, or some other entity
10 whose acts or omissions are believed to have contributed to the circumstances giving rise to
11 Plaintiffs' injuries and damages. Plaintiffs shall seek leave to amend this Complaint upon
12 identification of said DOES, and the establishment of the Estate of Stephen Paddock.

13 **CLAIMS FOR RELIEF**

14 **FIRST CLAIM FOR RELIEF**

15 **NEGLIGENCE – HOTEL DEFENDANTS**

16 *Against Defendants MGM, and/or MANDALAY CORP., and/or DOES 1 through 100*

17 23. Plaintiffs reallege and incorporate by reference, every allegation contained in this
18 Complaint, as though set forth fully herein.

19 24. At all relevant times, Defendants MGM, and/or MANDALAY CORP., and/or
20 DOES 1 through 100 had a duty of reasonable care in the protection and safeguarding of persons
21 on all Mandalay Bay premises.

22 25. Based upon information and belief, Defendants MGM, and/or MANDALAY
23 CORP., and/or DOES 1 through 100 breached their duty of reasonable care by failing to
24 maintain the Mandalay Bay premises in a reasonably safe condition, including but not limited to:
25 (1) failing to properly surveil people coming and going from the hotel; (2) failing to monitor the
26 hotel premises with closed-circuit television (CCTV); (3) failing to timely respond or otherwise
27 act upon PADDOCK's shooting of Mandalay Bay Security Officer Jesus Campos; (4) failing to
28 notice or take precautions against PADDOCK's delivery of guns and/or ammunition to his hotel

1 room; (5) failing to notice or take action against PADDOCK's set up of surveillance outside his
2 hotel room; (6) failing to adequately prevent or timely discover PADDOCK's breaking-open of
3 his hotel room windows; (7) failing to adequately train and supervise employees on the reporting
4 and discovery of suspicious individuals and/or person and/or activity; (8) ignoring the "Do Not
5 Disturb" sign on PADDOCK's door; and (9) failing to employ adequate safety measures.

6 26. Defendants MGM, and/or MANDALAY CORP., and/or DOES 1 through 100 are
7 further liable for the negligence of their employees pursuant to the doctrine of *respondeat*
8 *superior*, and the negligence of their agents under the doctrine of Vicarious Liability.

9 27. At all relevant times, Defendants MGM, and/or MANDALAY CORP., and/or
10 DOES 1 through 100 knew or should have known that it was reasonably foreseeable that a
11 breach of their duties to keep their premises reasonably safe in the aforementioned manner(s)
12 might result in catastrophic injury and harm to others, including hotel staff, guests, neighboring
13 event attendees and concertgoers, such as Plaintiffs, and the community at large.

14 28. As a direct and proximate result of Defendants MGM's, and/or MANDALAY
15 CORP.'s, and/or DOES 1 through 100's negligence, KRISTINA sustained serious, life-
16 threatening injuries. As a further direct and proximate result of Defendants MGM's, and/or
17 MANDALAY CORP.'s, and/or DOES 1 through 100's negligence, Plaintiffs sustained serious
18 injuries and damages, including severe emotional distress, pain and suffering, medical expenses,
19 and other economic and non-economic damages in amounts in excess of the jurisdictional limits
20 of this Court.

21 **SECOND CLAIM FOR RELIEF**

22 **NEGLIGENCE – VENUE DEFENDANTS**

23 *Against Defendants MGM, and/or MGM RESORTS FESTIVAL, and/or*
24 *LIVE NATION, and/or ONENATIONGROUP, and/or CSC, and/or DOES 1 through 100*

25 29. Plaintiffs reallege and incorporate by reference, every allegation contained in this
26 Complaint, as though set forth fully herein.

27 30. At all relevant times, Defendants MGM, and/or MGM RESORTS FESTIVAL,
28 and/or LIVE NATION, and/or ONENATIONGROUP, and/or CSC, and/or DOES 1 through 100

1 had a duty of reasonable care in the protection and safeguarding of persons on the Las Vegas
2 Village premises where the Route 91 Harvest Festival was held in September and October 2017..

3 31. Based upon information and belief, Defendants MGM, and/or MGM RESORTS
4 FESTIVAL, and/or LIVE NATION, and/or ONENATIONGROUP, and/or CSC, and/or DOES 1
5 through 100 breached their duty of reasonable care in conducting the Route 91 Harvest Festival
6 on the Las Vegas Village premises, including but not limited to: (1) failing to design, build,
7 provide, and mark adequate exits in case of emergency; and (2) failing to properly train and
8 supervise employees in an appropriate plan of action in case of a foreseeable event, such as a
9 terrorist attack or other emergency.

10 32. Defendants MGM, and/or MGM RESORTS FESTIVAL, and/or LIVE NATION,
11 and/or ONENATIONGROUP, and/or CSC, and/or DOES 1 through 100, are further liable for
12 the negligence of their employees pursuant to the doctrine of *respondeat superior*, and the
13 negligence of their agents under the doctrine of Vicarious Liability.

14 33. At all relevant times, Defendants MGM, and/or MGM RESORTS FESTIVAL,
15 and/or LIVE NATION, and/or ONENATIONGROUP, and/or CSC, and/or DOES 1 through 100,
16 knew or should have known that it was reasonably foreseeable that a breach of their duties to
17 keep the Las Vegas Village concert venue reasonably safe in the aforementioned manner(s)
18 might result in catastrophic injury and harm to others, including event attendees and
19 concertgoers, such as Plaintiffs.

20 34. As a direct and proximate result of Defendants MGM's, and/or MGM RESORTS
21 FESTIVAL's, and/or LIVE NATION's, and/or ONENATIONGROUP's, and/or CSC's, and/or
22 DOES 1 through 100's negligence, KRISTINA sustained serious, life-threatening injuries. As a
23 further direct and proximate result of Defendants MGM's, and/or MGM RESORTS
24 FESTIVAL's, and/or LIVE NATION's, and/or ONENATIONGROUP's, and/or CSC's, and/or
25 DOES 1 through 100's negligence, Plaintiffs sustained serious injuries and damages, including
26 severe emotional distress, pain and suffering, medical expenses, and other economic and non-
27 economic damages in amounts in excess of the jurisdictional limits of this Court.

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FIFTH CLAIM FOR RELIEF

INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Against ESTATE OF STEPHEN PADDOCK

43. Plaintiffs reallege and incorporate by reference, every allegation contained in this Complaint, as though set forth fully herein.

44. With malicious and evil intent, PADDOCK opened fire into the crowd of concert-goers at the Route 91 Harvest Festival, intending to harm thousands of attendees at the concert, including Plaintiffs. PADDOCK's intentional act of firing bullets into the Route 91 Harvest Festival crowd resulted in the infliction of a gunshot wound to KRISTINA's head, causing her severe injuries.

45. The foregoing conduct is beyond outrageous and beyond acting with conscious disregard of the probability that KRISTINA, all other concert attendees, and the neighboring community would suffer emotional distress, knowing that the foregoing persons were present when he maliciously and with evil intent, fired bullets into the crowd of concert-goers at the Las Vegas Village on October 1, 2017. PADDOCK's actions were extreme and exceeded all bounds of behavior tolerated in a civilized community.

46. As a direct and proximate result of PADDOCK's intentional conduct, KRISTINA suffered severe emotional distress.

47. PADDOCK's conduct was a substantial factor in causing KRISTINA's severe emotional distress.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs DANIEL STAPLES, KRISTINA STAPLES, an incapacitated person, by and through her guardian ad litem DANIEL STAPLES, HARPER STAPLES, a minor, by and through her guardian ad litem DANIEL STAPLES, SAMUEL STAPLES, and JESSICA EDMONDSON pray for the following damages and relief against all Defendants:

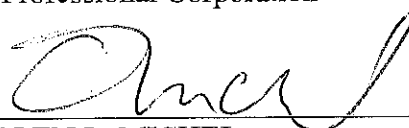
1. For past, present, and future general damages and special damages in an amount in excess of the jurisdictional limits of this Court, according to proof and in accordance with California Code of Civil Procedure section 425.10;

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2. For costs of suit incurred herein;
3. For pre- and post-judgment interest, according to proof;
4. For all statutorily allowed damages; and
5. For such other relief as the Court may deem just and proper.

Dated: Nov 20, 2017

GIPSON HOFFMAN PANCIONE
A Professional Corporation



ALLEN L. MICHEL
WON M. PARK

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DEMAND FOR TRIAL BY JURY

Dated: Nov 20, 2017

GIPSON HOFFMAN PANCIONE
A Professional Corporation



ALLEN L. MICHEL
WON M. PARK

GIPSON HOFFMAN & PANCIONE
A PROFESSIONAL CORPORATION