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COMP
RALPH J. ROHAY, ESQ.
Nevada Bar No. 002458
309 W. Lake Mead Pkwy, Ste B
Henderson, Nevada 89015
702-737-1122
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

ANDREW GOLD,)
)
Plaintiff,)
)
vs.)
)
LAS VEGAS SANDS, LLC., a Nevada)
Limited liability company, DOES I)
through X, and ROES I through X,)
inclusive,)
Defendants.)

CASE NO: *A-09-604694-C*
DEPT NO: *VI*

A-09-604694-C
554225



COMPLAINT FOR DAMAGES

COMES NOW Plaintiff, ANDREW GOLD, by and through his attorney, RALPH J. ROHAY, ESQ., and hereby complains of the Defendants, and each of them, as follows:

1

That on or about December 17, and 18, 2008, the Plaintiff, ANDREW GOLD, was a paying guest at The Palazzo Resort Hotel Casino owned and operated by the Defendant, LAS VEGAS SANDS, LLC, and that he checked into the hotel on December 17, 2008.

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II

That at all times relevant herein Defendant, LAS VEGAS SANDS, LLC., was and is a Nevada limited liability company, duly authorized to do business in the County of Clark, State of Nevada. LAS VEGAS SANDS, LLC, is believed to be the owner and/or operator of the Palazzo Resort Hotel Casino at all times relevant herein.

III

DOES I through X are the names of the corporations, persons or entities which operated the PALAZZO HOTEL RESORT CASINO on or about December 18, 2008, and are responsible for the acts complaint of herein. In the event that LAS VEGAS SANDS, LLC is not the proper Defendant and perpetrator of the acts complaint of herein, Plaintiff will request leave of this Court to amend his complaint and substitute the DOE defendant(s) properly identified as additional or substituted Defendants, together with the appropriate charging allegations, and to join such Defendants in this action.

IV

That ROES I through X are additional persons, corporations and/or entities responsible for the acts complained of herein, in that they assisted or are totally responsible for the lack of proper operation of the hotel, its rooms, and the proper care of the portion of the PALAZZO RESORT HOTEL CASINO as described herein. If these persons or entities are identified, Plaintiff will seek to amend this Complaint and add or substitute these persons and/or entities by way of amending this Complaint

V

All of the allegations in this Complaint are based on information and belief and are likely to have evidentiary support after a reasonable opportunity for further investigation and discovery.

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VI

Whenever reference in this Complaint is made to any act or transaction of Defendant, such allegation shall be deemed to mean that the principals, officers, directors, employees, agents, and/or representatives of Defendant, which committed, knew of, performed, authorized, ratified and/or directed such act or transaction on behalf of Defendant while actively engaged in the scope of their duties.

VII

That the events described in this Complaint occurred on or about December 18, 2008.

VIII

That the Defendant knew, or through reasonable investigation should have known, that a planned power outage was scheduled to occur at the hotel at approximately 3:00 a.m., on December 18, 2008.

IX

That the Defendant failed to inform or warn Plaintiff of the scheduled outage upon check-in or at any other time.

X

That at approximately 3:00 a.m., on December 18, 2008, the hotel's main power was shut off completely by Defendant, leaving Plaintiff's room totally dark, as the window coverings allowed no light into the room.

XI

That Plaintiff suffers from sleep apnea. He utilizes an electric breathing device for oxygen delivery while asleep, and such device was in use at the time of the power outage.

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XII

That had Plaintiff known that there was a power outage scheduled for that morning, he would not have stayed at the Palazzo.

XIII

That when the power was shut off by Defendant, the Plaintiff's breathing device stopped and Plaintiff woke up. He could not see through the darkened room at all, and all attempts to turn on the bedside lamp were useless because the power had been shut off by Defendant. Accordingly, Plaintiff began "feeling" his way around the dark and unfamiliar hotel room in an attempt to turn on a light to determine what had happened.

XIV

In the darkness, Plaintiff tripped and he held out his arms to stop his fall. Plaintiff hit the palm of his right hand extremely hard on the sharp corner of a bedside table.

XV

In addition to the extreme, acute pain caused by the impact as a result of Plaintiff's hand injury, Plaintiff has developed Complex Regional Pain Syndrome (CPRS), which is also known as Reflex Sympathetic Dystrophy (RSD) that continues to cause Plaintiff extreme pain, disfigurement, and loss of arm function.

XVI

That as a direct and proximate result of Defendant's acts and/or omissions, Plaintiff has and will continue to suffer extreme physical and mental pain, loss of bodily function, loss of income, and mounting medical expenses.

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XVII

Defendant had a duty to exercise reasonable care in the operation of its hotel, including the duty to avoid creating unreasonably unsafe conditions on the property and the duty to warn guests of known and reasonably foreseeable dangers.

XVIII

Defendant was negligent in the operation of the Palazzo in that it:

- a. Failed to inform or warn Plaintiff, at any time before or during his stay, that a power outage was scheduled that would result in Plaintiff's breathing device not working and the room going completely dark;
- b. Failed to make available to Plaintiff an alternative light source such as a flashlight which might have allowed Plaintiff to move safely about the room; and
- c. Failed to reasonably and adequately address Plaintiff's injuries and concerns immediately after the incident.

XIX

Defendant knew or should have known that its guests, including Plaintiff, could be seriously injured if not informed of a scheduled power outage before its occurrence.

XX

That as a direct or proximate result of the negligence and carelessness of Defendant, Plaintiff was physically injured, lost income, suffered and continues to suffer physical and mental pain, and incurred and continues to incur significant medical expenses.

WHEREFORE, Plaintiff, ANDREW GOLD, prays for judgment against the Defendants, and each of them, as follows:

- 1. For general and special damages in excess of \$50,000.00.

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- 2. Plaintiff's lost wages.
- 3. For costs incurred herein.
- 4. For such other and further relief as the Court deems just and proper in the premises.

DATED: This 2nd day of December, 2009.



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