

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**SVETOSLAV DOROBANOV,)
PAUL JOVENICH,)
RANDY BINNING)**

Plaintiffs,)

vs.)

**CAESARS ENTERTAINMENT)
CORPORATION,)
CAESARS ENTERTAINMENT)
OPERATING)
COMPANY, INC.,)
HARRAH'S ILLINOIS)
CORPORATION)
d/b/a/ HARRAH'S JOLIET)
CASINO HOTEL,)
WMS GAMING, INC.,)
BALLY GAMING, INC.,)
Illinois State Police Officers)
DAVID SANDACK #5316,)
EMMANUEL G. FLORES #5337,)
AND VARIOUS UNKNOWN)
CURRENT AND FORMER)
EMPLOYEES OF)
THE ILLINOIS GAMING)
BOARD,)**

Defendants.)

Case No.

**Judge
Magistrate Judge**

Jury Trial Demanded

COMPLAINT

1. This civil action for money damages arises from the March 6, 2014, indictment and issuance without probable cause of a Will County arrest warrant for plaintiffs Svetoslav Dorobanov, Paul Jovenich, and Randy Binning for allegedly manipulating keno machines in a Caesars Entertainment Corporation-affiliated casino in Joliet, Illinois, the Harrah's Joliet Casino Hotel, and the malicious prosecution of said plaintiffs for over a year's worth of costly and time consuming proceedings and hearings. Bail amounts were set between \$250,000 and \$500,000. The excessive bail amounts were due to the fact that not only were the plaintiffs improperly charged, they were grossly overcharged. Each plaintiff faced between 14 and 22 felony charges deliberately designed to circumvent clear-cut cheating statutes under the Illinois Riverboat Gaming Act; statutes under which, had plaintiffs been properly charged, it would have been self-evident to any reasonable grand jury that the plaintiffs were not guilty of any wrongdoing at all. Prosecution against the plaintiffs terminated on or about February 7, 2015, and March 5, 2015, when the Honorable Daniel J. Rosak, Circuit Court Judge of Will County, dismissed all charges upon directed verdict motion of the plaintiffs at the close of the state's case, without need of any of the plaintiffs' testimony or evidence. Similar criminal charges were brought against Mr. Binning in Mississippi (Mr. Dorobanov and Mr. Jovenich only played keno machines in Illinois, not

Mississippi; hence they only faced Illinois charges). However, the Mississippi charges were dismissed pretrial when the Circuit Court Judge of Tunica County concluded that Mr. Binning's actions did not constitute criminal acts under Mississippi law. Plaintiffs bring the dismissed Mississippi charges to the Court's attention in order to stress that both prosecutions were the result of a multi-state investigation because it has a direct bearing on the facts. Specifically, plaintiffs aver that the gaming industry defendants (Caesars Entertainment Corporation, acting through its casino affiliates, and WMS Gaming, Inc.,) gave false and misleading information to both the Illinois Gaming Board and the Mississippi Gaming Commission that facilitated these prosecutions. Moreover, plaintiffs aver that Illinois State Police Officers David Sandack #5316 Emmanuel Flores #5337, and other unknown Illinois State Police officers and Gaming Board officers/agents, allowed the gaming industry defendants to unduly influence and essentially run the multi-state prosecution, just as did the Mississippi Gaming counterparts. Rather than act neutrally in order to preserve the integrity of Illinois gaming, officers Sandack and E. Flores and perhaps many other Illinois State Police and/or Gaming Board agents were in league with the gaming industry defendants because they all coveted the large amount of money rightfully won by the plaintiffs at their keno machines. This action is brought pursuant to 42 U.S.C. §1983, the United States Constitution, and the laws of the State of Illinois.

JURISDICTION AND VENUE

2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1332, and 1343, and 42 U.S.C. § 1983.

3. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b), in that the claims arose in this district as alleged below.

PLAINTIFFS

4. All plaintiffs are adult resident citizens of Las Vegas, Nevada.

DEFENDANTS

5. Defendants CAESARS ENTERTAINMENT CORPORATION and CAESARS ENTERTAINMENT OPERATING COMPANY, INC. (hereinafter collectively “CAESARS”) are corporations licensed in Illinois, doing business in Joliet, Illinois, and the employers of the unnamed employees working for CAESARS and its subsidiary casinos throughout the country, including past and present employees in Mississippi (hereinafter “Caesars Employees”).

6. Defendant CAESARS ENTERTAINMENT CORPORATION (“Caesars”) is a Delaware Corporation with its principal place of business in Las Vegas, Nevada. It is authorized to do business in Illinois. Caesars was the parent company of the owners and operators of the Harrah’s-affiliated casino in which plaintiffs won money playing the keno machines that are described in this complaint.

7. Defendant HARRAH'S ILLINOIS CORPORATION d/b/a HARRAH'S JOLIET CASINO HOTEL (hereinafter "HARRAH'S") is a corporation licensed in Illinois, doing business in Joliet, Illinois, and the employer of unnamed employees working for the casino (hereinafter "Casino Employees").

8. Defendant WMS GAMING, INC., ("WMS") is a Delaware Corporation with its principal place of business in Waukegan, Illinois. WMS Gaming manufactured the keno machines that are described in this complaint. Defendant BALLY GAMING, INC. is a Nevada corporation with its principal place of business in Las Vegas, Nevada. Bally is the successor in interest to WMS.

9. Defendant Illinois State Police Officer DAVID SANDACK #5316 is being sued in his individual capacity.

10. Defendant Illinois State Police Officer EMMANUEL FLORES #5337 is being sued in his individual capacity.

11. The remaining defendants include VARIOUS UNKNOWN CURRENT AND FORMER EMPLOYEES OF THE ILLINOIS GAMING BOARD whose actions played a part in bringing about the arrest and indictment of the plaintiffs.

FACTUAL ALLEGATIONS

12. Most casino games are structured so that the casino will have an advantage over most players and will make a profit. Keno is one such game. Keno machines were on the floor of the casinos that are mentioned in this complaint.

13. Plaintiffs are all professional gamblers. They are sometimes known as “advantage players” because their experience and ability give them a greater chance of winning than most players have in casino games. Wikipedia states that *advantage gambling*, or *advantage play*, “refers to a practice of using legal ways to gain a mathematical advantage while gambling.”¹ Thus, by definition, advantage players are not cheaters because they do not do anything illegal. However, casinos prefer not to have advantage players in their establishments because the advantage players can decrease the casino profits. Sometimes casinos will merely trespass an advantage player and allow them to keep their winnings. But more and more lately, advantage players report that casinos will wrongfully ally themselves with a state prosecutor or gaming officials and bring trumped up charges in order to cheat the advantage players out of their money.² Plaintiffs aver that scenario is precisely what happened in the case at bar.

¹ http://en.wikipedia.org/wiki/Advantage_gambling, harvested June 23, 2016.

² See <http://www.gamblingwithanedge.com/legal-musings-making-bet-outcome-known> harvested February 7, 2015. Renowned advantage player James Grosjean writes:

14. In April of 2013, Plaintiff Randy Binning discovered that new keno machines at some Harrah's casinos appeared to be offering better payouts than is normally the case. He traveled that month from his home in Las Vegas to a Harrah's property in Joliet, Illinois known as Harrah's Casino Joliet. He played those particular machines over a period of approximately eighteen days and won a significant amount of money.

15. The better payouts from the keno machines were the result of the way these particular machines were programmed by the manufacturer of the machines, defendant WMS Gaming, Inc. There was nothing illegal about Mr. Binning playing those machines. He learned about these apparent better payouts from other casino patrons who had discovered them. He did not receive inside information from, or collude with, anyone at the manufacturing company.

16. After many days of playing at Harrah's Joliet, Mr. Binning learned that various other Harrah's properties offered these same types of games in Tunica County, Mississippi. He stopped playing in Joliet and traveled to Robinsonville,

With all the casino cheating going on these days ... casinos have stepped up their game. Not only do they cheat you by not paying when you win, but they strengthen the move by enlisting the local district attorney to extort you. The way it works is that the casino doesn't pay. Simultaneously, they get the DA to intimidate the players by filing charges relating to the game, or threatening to file charges. A law-abiding AP is terrified by criminal charges, so it's a no-brainer to accept the implicit deal — virtually always available — to have the DA drop the charges, and let the casino keep the money. This scam was actually revealed in writing during my own case involving Caesars Palace. A document we obtained through discovery actually spelled out that the DA would use a card-bending prosecution as a “pretense” to “recover” the money for Caesars.

Mississippi, in Tunica County, where he played the keno machines at three Harrah's casinos in that location.

17. At the Harrah's casinos in Tunica County, Mr. Binning played for approximately four days and won a significant amount of money. Eventually, casino personnel realized the machines were paying higher than usual returns and disconnected them. Mr. Binning left Mississippi and returned to his home in Las Vegas.

18. After Mr. Binning discovered the advantageous keno machines he shared the information with a friend of his, plaintiff Dorobanov, who later shared the information with a friend of his, plaintiff Jovenich. They, too, left their homes in Las Vegas and traveled to Harrah's in Joliet to play the keno machines. Over the next two days, Mr. Dorobanov and Mr. Jovenich played on and off, winning a considerable sum, and taking all safety precautions they could think of to preserve the game as long as they could, as wise advantage players are apt to do. Most importantly, they cashed out their winnings in small amounts so as not to attract attention of any kind; not by casino employees, nor by other gamblers, in order to insure the continued availability of the advantageous keno machines. There was a safety concern in this, also. As they were strangers in a strange town, both players wanted to avoid getting mugged or killed for their winnings. Despite their caution, the casino turned off the keno games approximately 48 hours after Mr. Dorobanov

and Mr. Jovenich's arrival in Joliet. Mr. Binning informed them that the same thing happened in Tunica the day before, so the end of this gaming opportunity did not come as a surprise to them; in fact, they were surprised that the game lasted as long as it did. Mr. Dorobanov took one more precaution before leaving Joliet. He returned his rental car and rented a new one from a different company. Little did he know, that seemingly unnecessary precaution may have saved them from a civil forfeiture stop on their way home to Las Vegas. The trip home for Mr. Dorobanov and Mr. Jovenich was problem free, but on Mr. Binning's long journey from Tunica to Las Vegas (in the same rental car he had used the week before in Joliet) he ran into a police traffic stop in Flagstaff, Arizona, which resulted in confiscation of his cash winnings, just over \$400,000. Within 48 hours, his safety deposit box in Bank of America in Joliet was seized by police as well, confiscating roughly another \$190,000.

19. Upon information and belief, plaintiffs demand to use their discovery power in this lawsuit to determine if there was any foul play involved in Mr. Binning's traffic stop in Arizona and the seizure of his money that might present new related claims or defendants. Just two weeks before plaintiffs played the keno machines in Joliet, a couple of poker players by the names of Barton Davis and John Newmerzhycky won a World Series of Poker televised poker tournament in the same Harrah's Joliet casino, and took their winnings, \$100,000, in cash. As

documented in their civil suit, they were pulled over by a police officer in Iowa on their way home to California. The officer confiscated their cash pending a drug investigation, much the same thing that happened to plaintiff Randy Binning. The Iowa officer quoted “failure to signal” in his report, but when his own dash-cam disproved that he was forced to admit that he was in fact acting on a “be on the look out” (BOLO) tip from another officer.³ The *Davis* case has drawn a lot of attention for revealing how the civil forfeiture system is rife with corruption. It is now well known that law enforcement personnel “chop up” the confiscated money, often times from innocent victims. The *Davis* case reportedly settled for \$60,000 and the police team who did the forfeiture stops has been broken up and the officers reassigned.⁴

20. Plaintiffs remind the Court that their prosecutions in the case at bar were the direct result of a multi-state investigation, therefore the next several paragraphs are highly relevant. After shutting down the keno games in both Mississippi and Illinois, personnel from one or more of the Harrah’s casinos in Tunica County, Mississippi, then reported to the Mississippi Gaming Commission (MGC) that better payouts on these machines had been discovered by casino personnel, and that an investigation was being conducted by the casinos and by

³ See *Davis v. Simmons*, Southern District Court of Iowa, 4:14-cv-385 (2015), p. 2 fn 3.

⁴ <http://www.cardplayer.com/poker-news/21092-poker-players-settle-with-iowa-over-police-taking-their-bankrolls-in-traffic-stop>, harvested February 7, 2015.

defendant WMS Gaming, Inc., which manufactured the machines. MGC posed questions to WMS on May 14, 2013, including: “Did the individuals who wrote the code have any inkling as to the nature of the coding errors and whether they know or had any contact with any of the persons of interest in any ongoing investigation.” The “persons of interest” were people who won significant amounts of money on the machines, including plaintiff Randy Binning.

21. Despite the fact that the WMS investigation had not been completed, despite the fact that WMS had not responded to MGC’s question about whether any of the MGC personnel had any connection with Mr. Binning and others, and despite the fact there was no evidence that Mr. Binning did anything other than play the game that was available on the floor of the casino, which is not illegal, MGC agent Amesha Gross swore out an affidavit for an arrest warrant against Mr. Binning on June 27, 2013. As a result, an arrest warrant was issued for Mr. Binning that same day, June 27, 2013. Agent Gross also swore out affidavits on June 27, 2013 against two other people who won money on the same keno machines, Rande Thorpe and Virginia Thorpe of Indiana. As a result, arrest warrants were issued for the Thorpes on that same day.

22. The warrant affidavit of agent Gross accused Mr. Binning of violating Section 75-76-301(g) of the Mississippi Code, which makes it illegal “[t]o manipulate, with the intent to cheat, any component of a gaming device in a

manner contrary to the designed and normal operational purpose for the component, including, but not limited to, varying the pull of the handle of a slot machine, with knowledge that the manipulation affects the outcome of the game or with knowledge of any event that affects the outcome of the game.” Revealingly, the Tunica County, Mississippi grand jury did not indict under this statute for they could clearly understand that there was no physical manipulation of the machines.⁵ The statute above has been found unconstitutionally vague and unenforceable where there is no actual, physical manipulation of the machines. This particular statute copies almost word-for-word the Nevada statute followed by most state gaming jurisdictions. But notably, Illinois is a jurisdiction that does *not* follow Nevada law in this regard. The Illinois legislature had the good sense to recognize that if a slot machine is under lock and seal from the Illinois Gaming Board, then the only way one can gain unauthorized access to the machine, or physically tamper with it in some way, is to possess a device for doing so. Note 230 ILCS 10/18 (d)(10), which states in relevant part that it is a felony to:

(10) Possess any key or device designed for the purpose of opening, entering, or affecting the operation of a gambling game, drop box, or an electronic or mechanical device connected with the gambling game

⁵ The Mississippi grand jury indicted under an equally non-applicable statute, but one that was more confusing. Mr. Binning was indicted in the Circuit Court of Tunica County, along with Mr. and Mrs. Rande and Virginia Thorpe, on February 3, 2014. The indictment claimed that he and the Thorpes “did unlawfully, wilfully, and feloniously, claim, collect or take, United States currency, or anything of value from a gambling game without having made a wager contingent thereon, or to claim collect or take any amount greater than the amount won.” They also were accused of conspiring to do so.

or for removing coins, tokens, chips or other contents of a gambling game. This paragraph (10) does not apply to a gambling licensee or employee of a gambling licensee acting in furtherance of the employee's employment.

(e) The possession of more than one of the devices described in subsection (d), paragraphs (3), (5), or (10) permits a rebuttable presumption that the possessor intended to use the devices for cheating.

Notably, none of the plaintiffs were charged with violating this “device” statute, nor could they have been, for there was no evidence whatsoever that they used any illegal devices. The plaintiffs simply played the game as offered to any other casino patrons, by pushing the game’s buttons with their fingers. Review of the trial record shows that plaintiffs were charged with all manner of computer tampering and computer theft statutes that had no applicability to the situation at hand, especially given that that IGB and the Illinois Riverboat Gambling Act are supposed to have exclusive jurisdiction over all Illinois gaming matters.⁶ Plaintiffs aver that agents Sandack, Flores and other unknown agents of the IGB are to blame for this. They are supposed to be the experts in Illinois gaming law. This gross attempt and mischarging and overcharging of the plaintiffs shows that their prosecution was malicious and lacking in Due Process, and it shows who was really running the prosecution—the gaming industry defendants.

23. On July 24, 2013, less than a month after the Mississippi arrest warrant was issued for Mr. Binning on the basis of agent Gross’s warrant affidavit, but nearly a

⁶ See 230 ILCS 10/5, et seq.

year prior to the indictment of the plaintiffs in Illinois on March 6, 2014, WMS Gaming, Inc. issued its report to the Mississippi Gaming Commission. In the cover letter transmitting that report, WMS stated:

During the review there was no evidence supporting that any of the software engineers involved in the coding of the My Poker/Keno feature had any knowledge of the coding error during the time the game feature was developed or tested. What was revealed during the review was the issue developed through an inadvertent error. . . . *Our review did not reveal any evidence that a WMS software engineer was in contact with any person of interest in the current investigation.*

(emphasis added).

24. Despite this report from WMS that there was no contact or collusion between company personnel and Mr. Binning, and despite the *Eleftheriou* precedent of a month earlier demonstrating that, absent some inside information from company personnel, an advantage player does not commit a crime simply by playing the game offered to him, even if it contains programming errors that lead to higher than usual payouts, agent Gross and MGC personnel made no effort to recall and quash the June 27, 2013, warrant for the arrest of Mr. Binning. Plaintiffs have more nagging unanswered questions than factual assertions at this point. Did agent Gross convey this exculpatory evidence to agents Sandack, Flores and others in Illinois? Did WMS notify agents Sandack, Flores and the IGB of this exculpatory evidence? Evidently not. Agent Sandack seemed completely ignorant

of the WMS report at trial. If this information were conveyed to agent Sandack, it was apparently suppressed or ignored.

25. The WMS report that that had been no contact whatsoever between any of their programmers and any person of interest in the investigation does not seem to have made its way to the IGB investigation in Illinois. Plaintiffs aver that WMS and Caesars most likely misled agent Sandack as to the WMS report, and agents Sandack and Flores did not conduct his investigation neutrally or responsibly because he lacked neutrality.

26. During trial, agent Sandack testified that he and other IGB agents are permanently assigned only to the Harrah's Joliet Hotel and Casino property. This explains why they have lost their neutrality.

27. Despite the fact that defendant WMS acknowledged the larger payouts resulted from a "coding error" that it made and that its investigation revealed no evidence that Mr. Binning was in contact with or colluded with any WMS personnel, WMS publicly claimed that Randy Binning obtained his winnings through "theft" and that the winnings could only have been obtained through illegal activities. Defendant Caesars encouraged WMS to do so. These claims, which will be discussed in more detail later in this Complaint, included a claim to MGC, agent Gross, and the prosecutor's office that Mr. Binning obtained the money through "theft" and that the winnings could only have been obtained

through illegal activities, and an insistence by Caesars and WMS to MGC, to the prosecutors, judge, and grand jury that Mr. Binning and the other plaintiffs should be arrested and prosecuted. These unsupported allegations and this insistence was part of the reason that the plaintiffs were arrested and subsequently prosecuted.

28. The actions of agent Gross, agent Sandack, officer Flores, Caesars, and WMS probably jointly led to the indictment and prosecution of all the plaintiffs in Illinois. Upon information and belief, neither Caesars, nor WMS, nor agents Sandack or Flores, nor any of the defendants herein ever told the prosecutor, judge, and grand jury the truth, specifically that the plaintiffs did actually make wagers every time they played the keno machines, that they only took the amount the machine paid them, and that while they had ascertained how to increase the amounts paid through the particular denominations they bet, they did not physically manipulate the machine in any way, did not use prohibited devices, nor did they collude with or receive any inside information about the machines from anyone working at the manufacturer. By claiming to the prosecutors, judge, and grand jury that the plaintiffs had stolen the money and manipulated the machines illegally, and by failing to tell the truth, these defendants caused the plaintiffs to be wrongfully arrested and prosecuted. Had any of these defendants told the prosecutors and grand jury the truth, the plaintiffs would not have been indicted.

29. On June 30, 2015, the Circuit Court of Tunica County, Mississippi

dismissed the charges against Mr. Binning, and Mr. and Mrs. Thorpe. In so doing, the Court held:

The facts of this case are generally not in dispute. The court must simply decide, as a matter of law, whether the stipulated actions of the defendants constitute criminal acts under Mississippi law. Having considered the arguments of the defendants, the result of a similar case in Illinois involving the same defendants, and the persuasive opinion of the Mississippi Gaming Commission in a similar case in Mississippi, the court finds that all counts as to all defendants should be dismissed with prejudice.

State v. Randy Binning, Rande Thorpe, & Virginia Thorpe, No. CR 2014-0005 (Circuit Court of Tunica County, June 30, 2015) (Order Dismissing Charges). In speaking of the “persuasive opinion of the Mississippi Gaming Commission in a similar case in Mississippi,” the Court was referring to the *Eleftheriou* decision of the MGC hearing examiner that was discussed earlier in this complaint. In speaking of the “result of a similar case in Illinois involving the same defendants,” the Court was referring to a prosecution brought in Illinois against Mr. Binning and the Thorpes and others for playing similar machines at a Harrah’s casino in Joliet, Illinois. These charges in Illinois were dismissed prior to the dismissal of the charges in Mississippi.

30. While the keno machines at issue sometimes paid higher than usual amounts, they also paid lower than usual amounts to some customers. A report from WMS Gaming, the manufacturer, explained this. “The vice-a-versa scenario is also possible, such as 5 credits bet, but paid as if 1 credit was bet. This would

result in an underpayment to the player if the player wins.” When this lower than normal payout was brought to agent Sandack’s attention he claimed ignorance of it. Had agent Sandack discovered the lower than normal payout, it was his sworn duty to recommended prosecution of Harrah’s or WMS Gaming, or to have taken steps to require Harrah’s to repay money to the patrons who were underpaid, or required Harrah’s to disgorge themselves of the profits made on patrons who were underpaid. Furthermore, neither Caesars, which is the parent company for the Harrah’s casinos, nor WMS Gaming, ever took steps to repay this money to the customers who were underpaid, or otherwise to disgorge themselves of the profits. This fact proves who was really running the prosecution.

31. As noted previously, plaintiff Randy Binning played these particular keno machines in Joliet, Illinois, and then in Tunica County, Mississippi, after which he left Mississippi to drive to his home in Las Vegas. While driving through Arizona, Mr. Binning was stopped by law enforcement officers for a supposed traffic violation. They discovered in his car the money that he won in the Mississippi casinos as well as some of the money that he won in Illinois. Subsequently, Arizona authorities initiated forfeiture proceedings against Mr. Binning regarding that money. Moreover, defendant WMS Gaming initiated and pursued forfeiture proceedings so that it could try to recover the money for itself even though it had concluded correctly that there was no connection or collusion,

and that no inside information about the machines was transmitted, between anyone working for the company and Mr. Binning, and even though it knew Mr. Binning did nothing illegal. In its forfeiture complaint, WMS made the claim that Mr. Binning obtained the money by “theft” and that the winnings could only have been obtained through illegal activities. The Arizona forfeiture proceedings are pending. While the plaintiffs are not (yet) seeking recovery in this case for damages relating to events in Arizona, WMS Gaming’s pursuit of forfeiture proceedings in that state help to demonstrate its tortious behavior with respect to the subject of this complaint.

32. When Mr. Binning was detained after being stopped in Arizona, law enforcement officers learned that he had put some of the money he won in Illinois in a safety deposit box there. Arizona law enforcement officers contacted Illinois authorities who obtained access to the safety deposit box and seized Mr. Binning’s money. Subsequently, Mr. Binning and others were the subjects of a criminal indictments in Illinois in connection with the money they won there. They were cleared of those charges just as they later were cleared in Mississippi. However, the State of Illinois instituted forfeiture proceedings against Mr. Binning regarding the money in the safety deposit box. Moreover, as in Arizona, defendant WMS Gaming filed its own forfeiture complaint in Illinois despite having concluded correctly that there was no collusion or connection, and that no inside information

about the machines was transmitted, between anyone working for the company and Mr. Binning, and despite knowing Mr. Binning did nothing illegal. In its Illinois forfeiture complaint, WMS made the claim (as it did in Arizona) that Mr. Binning obtained the money by “theft” and that the winnings could only have been obtained through illegal activities. While the plaintiffs are not (yet) seeking recovery in this case for damages relating to events in Illinois, WMS Gaming’s pursuit of forfeiture proceedings in Illinois helps to demonstrate its tortious behavior with respect to the subject of this complaint.

33. Caesars had submitted a claim to WMS in May 2013 seeking reimbursement of its alleged losses due to the “malfunctions” and “failures” in the keno machines in Harrah’s casinos that WMS manufactured. In November of 2013, the companies settled that claim with WMS paying Caesars \$1,984,738.45. Despite having accepted responsibility for these losses, WMS Gaming continued to try to blame everything on the plaintiffs and others who won money by playing the games as they were offered on the machines.

34. As mentioned earlier, WMS instituted forfeiture proceedings against Mr. Binning in Arizona and Illinois and accused Mr. Binning in those proceedings of “theft.” Caesars encouraged WMS to pursue the forfeiture in Arizona. After having been contacted by Arizona authorities, Caesars Corporate Counsel contacted WMS officials and said that in light of the settlement between Caesars

and WMS, “it’s WMS’ money to recover at this point,” and “I assume you will want to make such a claim.” Caesars encouraged WMS to do this, and claimed that “it’s WMS’ money to recover,” even though Caesars knew that Mr. Binning had done nothing illegal. The email exchange with Caesars corporate counsel is why Caesars Entertainment Corporation was named a defendant herein. As this email exchange indicates, the parent company took a direct role in the false arrest and prosecution of the plaintiffs.

35. Defendants fraudulently mislead the judge, grand jury and prosecutors that the plaintiffs had committed theft and other criminal conduct by playing the keno machines. As mentioned earlier, these contentions by WMS and Caesars that Mr. Binning had done something illegal that justified forfeiture, that he had committed “theft,” and that the winnings could only have been obtained through illegal activities, were not confined to Arizona and Illinois. Despite the fact that they knew Mr. Binning did nothing wrong, Defendants WMS and Caesars wrongfully made these same claims to the Mississippi Gaming Commission (MGC), agent Gross, agent Sandack, agent Flores, and the prosecutor’s offices in both states, and insisted that Mr. Binning and the other plaintiffs be arrested and indicted. Caesars and WMS did this in order to increase their chances of recovering the money that Mr. Binning won at the Harrah’s casinos. The actions of Caesars and WMS Gaming, as well as the actions of the MGC and agent Gross, led

to the plaintiffs' wrongful arrest and prosecution. Each of these Defendants—Caesars, WMS, MGC, and agents Sandack and Flores —acted maliciously. Each of them knew there was no probable cause to justify the arrest and indictment of the plaintiffs, yet they pursued the arrest and the indictment anyway.

36. As the result of the defendants' wrongful and tortious actions, the plaintiffs suffered significant damages stemming from, among other things, confinement in jail, illness, pain and suffering, emotional distress, harm to reputation, and payment of attorneys' fees in order to obtain representation relating to their arrest and the charges filed against them. Moreover, as a condition of his bail during the year while he was awaiting trial, plaintiff Svetoslav Dorobanov was denied the right to enter any other casino in the entire country. As Mr. Dorobanov is a professional poker player, this restriction caused him tremendous financial hardship. These damages were aggravated by the fact that Mr. Dorobanov's wife was pregnant with twins as he awaited trial.

VIOLATIONS

COUNT ONE

37. The plaintiffs were arrested and prosecuted without probable cause in violation of the Fourth⁷ and Fourteenth Amendments to the United States

⁷ Plaintiffs recognize that the Seventh Circuit Court of Appeals has held that there is no cause of action in Illinois for malicious prosecution under 42 U.S.C. § 1983; however, Plaintiffs wish to preserve this claim pending consideration of this issue by the United States Supreme Court in

Constitution. The named defendants and any unknown defendants are liable with respect to these federal law claims.

COUNT TWO

38. The actions of all defendants constitute malicious prosecution and all defendants are therefore liable under Illinois common law.

STATUTE OF LIMITATIONS CONCERNS

39. Plaintiffs recognize that in Illinois there is normally a two-year statute of limitations upon claims for violations of the Fourth Amendment as actionable under 42 USC 42 U.S.C. §1983, and that date begins to run from the time of arrest or indictment. However, most of plaintiffs Fourth Amendment claims are latent and were not discoverable until the actual trial, at which point Illinois State Police Officer agent David Sandack finally revealed how compromised he was in his neutrality. Moreover, Plaintiffs wish to preserve their Fourth Amendment claims pending consideration of this issue by the United States Supreme Court in *Manuel v. City of Joliet*, No. 14-9496. 136 S.Ct. 890 (2016).

RELIEF

40. Wherefore, the plaintiffs demand a trial by jury, and upon a verdict in their favor, ask that compensatory damages be assessed in an appropriate amount, as well as punitive damages for those claims for which they are available by law,

Manuel v. City of Joliet, No. 14-9496. 136 S.Ct. 890 (2016).

and that they be awarded costs, attorneys' fees, and all other relief to which they are entitled.

Jury Trial Demanded

Respectfully submitted, this the 7th day of
February, 2017.

/s/ Amanda S. Yarusso
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