



1 **COMP**
2 RICHARD S. JOHNSON, ESQ.
3 Nevada Bar No. 6361
4 LAW OFFICE OF RICHARD S. JOHNSON
5 5542 South Fort Apache Rd., #120
6 Las Vegas, Nevada 89148
7 Telephone: (702) 425-8233
8 Facsimile: (702) 818-3201
9 *Attorney for Plaintiff*

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 KENT JACOBS BOUTWELL, an Individual,

A-17-755518-C

10 Plaintiff,

CASE NO.:

DEPT. NO.:

Department 31

11 vs.

12 PHWLTV, LLC, a Nevada Limited Liability
13 Company d/b/a PLANET HOLLYWOOD
14 RESORT AND CASINO; DOES I through V,
15 inclusive; and ROE CORPORATIONS VI through
16 X, inclusive,

Defendant.

16 **COMPLAINT**

17 Plaintiff, KENT JACOBS BOUTWELL, by and through his counsel of record, RICHARD
18 S. JOHNSON, ESQ., of the LAW OFFICE OF RICHARD S. JOHNSON, as and for his causes of
19 action against Defendant, PHWLTV, LLC d/b/a PLANET HOLLYWOOD RESORT AND
20 CASINO, hereby alleges as follows:

21 1. Plaintiff, KENT JACOBS BOUTWELL, (hereinafter "Plaintiff") is and was a
22 resident of the State of California.

23 2. Upon information and belief, at all times relevant hereto Defendant, PHWLTV, LLC
24 is and was a Nevada limited liability company lawfully authorized to conduct business in the State
25 of Nevada, County of Clark doing business as PLANET HOLLYWOOD RESORT AND
26 CASINO (hereinafter "Defendant").

27 3. The true names and capacities, whether individual, corporate, associate or otherwise
28 of Defendants named herein as DOES I through V and ROE CORPORATIONS VI through X are

1 unknown to Plaintiff who therefore, sues said Defendants by said fictitious names. Plaintiff is
2 informed, believes and thereon alleges that each of the Defendants designated as DOES I through
3 V and ROE CORPORATIONS VI through X are responsible in some manner for the events and
4 happenings referred to, and caused injury and damages proximately to Plaintiff as herein alleged,
5 and Plaintiff will ask leave of this Court to amend this Complaint to insert the true names and
6 capacities of Defendants DOES I through V, inclusive and ROE CORPORATIONS VI through X,
7 inclusive, when the same have been ascertained and to join such Defendants in this action. At all
8 times mentioned herein, each Defendant was acting as the agent, servant, and employee of each
9 other Defendant, and therefore is liable, vicariously, for the acts of the other.

10 4. At all times relevant hereto, Defendant was the owner and/or operator of the Planet
11 Hollywood Resort and Casino located at 3667 S. Las Vegas Blvd., Las Vegas, NV 89109
12 (hereinafter the "Premises").

13 5. On or about May 16, 2015, Plaintiff was a guest and patron of the Premises.

14 6. On or about the aforementioned date, Plaintiff entered his darkened hotel room and
15 was shocked and surprised by a human figure in the room. Thinking there was a person in the
16 room intending to harm him and scared for his safety, he was seriously injured when attempting to
17 escape.

18 7. Eventually, Plaintiff was able to ascertain that the human figure in his room was a
19 mannequin in a locked glass cabinet displaying a life-sized "Miller Lite" racing suit.

20 8. The presence of a life-sized human figure in a darkened room was a dangerous
21 and/or hazardous condition.

22 9. Defendant maintained and was in control of the Premises, and had a duty to
23 exercise reasonable care to keep the Premises safe and free of any dangerous conditions which may
24 cause injury

25 10. The Dangerous Condition was accessible to the public, including Plaintiff.

26 11. Defendant owed Plaintiff a duty of care to maintain the Premises in a reasonably
27 safe condition.

28

1 expressly implied and ratified the use of use of mannequins in its guest rooms. As such,
2 Defendant is liable to Plaintiff for punitive damages in excess of Ten Thousand Dollars
3 (\$10,000.00).

4 32. Plaintiff has been forced to retain the service of an attorney for this action, and as
5 such is entitled to reasonable attorney's fees and litigation costs.

6 WHEREFORE, Plaintiff, expressly reserving the right to amend this Complaint at the
7 time of trial of the actions herein to include all items of damages not yet ascertained, demands
8 judgment against Defendant as follows:

- 9 1. For general and special damages in excess of \$10,000.00;
- 10 2. For past and future medical expenses in a sum to be determined at trial;
- 11 3. For general damages for pain, suffering, mental distress, anguish and fear, to be
12 determined at trial;
- 13 4. For past and future loss of earnings, to be determined at trial;
- 14 5. For any and all pre- and post- judgment interest allowed under the law;
- 15 6. For reasonable attorney's fees plus costs of suit; and
- 16 7. For such other and further relief as the court may deem just and proper.

17 DATED this 15 day of May, 2017.

18 **LAW OFFICE OF RICHARD S. JOHNSON**

19
20
21 By: 

22 RICHARD S. JOHNSON, ESQ.
23 Nevada Bar No. 6361
24 5542 South Fort Apache Rd., #120
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1 **IAFD**
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16 X, inclusive,

17 Defendant.

18 **INITIAL APPEARANCE FEE DISCLOSURE**
19 **(NRS Chapter 19)**

20 Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are hereby
21 submitted for parties appearing in the above-entitled action as indicated below:

22 KENT JACOBS BOUTWELL \$270.00

23 **Total:** \$ 270.00

24 DATED this 15 day of May, 2017.

25 **LAW OFFICE OF RICHARD S. JOHNSON**

26 By: 

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