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1 **COMP**
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3 Bar No.: 2762
4 **NERSESIAN & SANKIEWICZ**
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6 Las Vegas, Nevada 89101
7 (702) 385-5454; (702) 385-7667 (FAX)
8 Attorney for Plaintiff

8TH JUDICIAL DISTRICT COURT
CLARK COUNTY NEVADA

7 Jim Morrison,

Plaintiff,

Case No.

A530243

Dept. No.

XVIII

8 vs.

9 Buddha Entertainment, LLC., d/b/a Tao Nightclub
10 and Does I-XX,

COMPLAINT

11 Defendants.

13 COMES NOW Plaintiff, by and through his attorney, Robert A. Nersesian of
14 NERSESIAN & SANKIEWICZ and for his causes of action against Defendant, alleges as
15 follows:

16 **JURISDICTIONAL ALLEGATIONS AND ALLEGATIONS COMMON TO ALL**
17 **CLAIMS FOR RELIEF**

- 18 1. That on or about June 9, 2006, Plaintiff was on the property of the Venetian Casino
19 Resort, LLC ("Venetian") within a licensed or leased space operated by Defendant,
20 Buddha Entertainment, LLC ("Buddha").
- 21 2. Venetian is a Nevada entity corporation that owns and operates a casino, hotel and
22 resort commonly known in the community as The Venetian.
- 23 3. Buddha is a Nevada entity that operates a nightclub within the Venetian commonly
24 known as Tao.
- 25 4. That at all times mentioned herein, Defendants were and are Nevada residents and
Companies licensed to do business in the state of Nevada and within Clark County.

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- 1 5. Doe Defendants are the individual security officers, bouncers, executives and others
2 charged with protection of patrons at Buddha who undertook the activities set forth
3 below. Plaintiff is not currently apprised of their names. Also included in Doe
4 Defendants are those individuals who may have implemented the policies and
5 procedures allowing for the imprisonment and battery of Plaintiff set forth below.
6 Additionally, the bouncer at Buddha taking the actions complained of is a Doe
7 Defendant. Plaintiff will ask leave to amend this Complaint and proceedings herein
8 to substitute the true names of said Defendants. Further Plaintiff believes and alleges
9 that each of the Defendants designated herein as a DOE were negligent or responsible
10 in some manner for the events herein referred to and negligently, carelessly,
11 recklessly and in a manner that was grossly negligent and/or willful and wanton,
12 caused damages proximately thereby to Plaintiff as alleged herein.
- 13 6. For thousands of dollars plaintiff had purchased a skybox inclusive of many
14 refreshments for a party from Buddha for the evening/early morning commencing
15 June 8, 2006.
- 16 7. The purchase price also included gratuities.
- 17 8. Despite the inclusion of gratuities on the bill paid by plaintiff, as services were
18 provided that were already paid for, the agents and employees of Buddha addressing
19 plaintiff and plaintiff's guests continued to hustle, and even demand, additional
20 gratuities.
- 21 9. Throughout the evening over \$500.00 in additional gratuities had been handed over
22 by the plaintiff and plaintiff's guests.
- 23 10. Plaintiff was proceeding from the dance floor back to his bought and paid for skybox
24 with two guests that he had met on the dance floor.
25

- 1 11. Plaintiff had been expressly informed on entry that his guests with access to his
2 skybox were defined in two ways, 1) by an arm band that they were issued, and 2)
3 absent an arm band, any additional guests he desired to allow into the skybox would
4 have to be accompanied by him personally.
- 5 12. Upon approaching his skybox with his guests, the bouncer at the skybox attempted to
6 hustle a gratuity from the plaintiff.
- 7 13. Plaintiff, having been subjected to such crass activity throughout the evening,
8 informed the bouncer that he was done paying gratuities and that they had been
9 included in his bill.
- 10 14. The bouncer's responsibility at the foot of the skybox, as understood by plaintiff, was
11 to assure that only guests of the plaintiff in accordance with the terms previously
12 explained to him were allowed in the skybox.
- 13 15. The bouncer informed plaintiff that absent a further gratuity, plaintiff's guests could
14 not enter the skybox.
- 15 16. Upon being told that his guests were barred from returning to the very party for which
16 the plaintiff had paid, Plaintiff stated emphatically that he wanted a manager present
17 immediately. A manager arrived, the bouncer explained the situation, and the
18 manager directed that the plaintiff and his two guests be granted entry.
- 19 17. Some twenty or so minutes later the Plaintiff left the skybox to use the restroom.
- 20 18. Upon passing the bouncer, the bouncer confronted the plaintiff and again attempted to
21 hustle a gratuity.
- 22 19. Plaintiff refused and the bouncer entered upon a diatribe against the Plaintiff.
- 23 20. A heated, yet entirely private, conversation ensued between the bouncer and the
24 Plaintiff with the bouncer instigating the same. During this discourse the bouncer
25 called the plaintiff cheap and made further insults. Plaintiff recalls the bouncer

1 specifically raising the fact that on some evenings he would and could expect four
2 figures in gratuities. The bouncer was generally insulting to the plaintiff throughout.

3 21. Plaintiff then indicated that he simply didn't care, issued a general epithet towards the
4 bouncer, and indicated that he was done and off to the restroom.

5 22. Before he could extricate himself, Plaintiff was grabbed by a second bouncer that had
6 snuck up behind him. Circumstances indicate that this bouncer had either been
7 signaled by the first bouncer to seize Plaintiff, had been listening in on the first
8 bouncer's microphone, or had just gotten close enough to hear the epithet and decide
9 to seize the Plaintiff.

10 23. Additional bouncers then arrived, and some four or five bouncers physically lifted the
11 Plaintiff and carried him to a hallway off of the club.

12 24. Plaintiff had made no physical threat towards any of the bouncers and plaintiff had
13 not created a scene as the conversation had stayed completely private up to the time
14 he was seized.

15 25. Once in the hallway, Plaintiff was taken to the ground and further physical abuse and
16 battery was inflicted upon him by the bouncers.

17 26. Once on the ground, Plaintiff's pockets were rifled and his wallet was removed
18 without permission. His wallet was later handed to Venetian security by the
19 bouncers, and when it was ultimately returned to Plaintiff, over \$250.00 was missing.

20 27. Plaintiff repeatedly verbally requested (demanded) that the police be summoned.
21 They were not.

22 28. Sometime thereafter, security guards in the employ of the Venetian arrived, took
23 Plaintiff into custody, handcuffed the plaintiff, and took him through the casino to the
24 security office of the Venetian.
25

1 29. Once in the security office, the plaintiff was held for a period of hours. During this
2 period the Plaintiff again repeatedly demanded that the police be summoned.

3 30. Hours later the police arrived, a report was taken from Plaintiff alleging battery, and
4 Plaintiff was released and 86'd from the Venetian.

5 31. The actions of the employees of the defendants herein are, on information and belief,
6 in accord with the policies and procedures in place by the respective defendants.

7 Further, such actions by the employees have also been ratified by the named
8 defendants at such time as defendant was turned over to Venetian security.

9 **FIRST CAUSE OF ACTION—BATTERY AGAINST BUDDHA**

10 32. The incidents described above in physically seizing and the asportation of plaintiff
11 constitute a battery upon the Plaintiff by some Doe Defendants and Buddha.

12 33. On information and belief, the actions undertaken by Buddha's employees were
13 authorized and in accord with company procedure. Additionally, such actions have
14 been ratified by Buddha.

15 34. The actions perpetrated against Plaintiff were undertaken with oppression and malice.

16 35. Plaintiff has been damaged in pain and suffering accompanying scrapes, contusions
17 and strains, emotional distress and punitive damages in an amount in excess of
18 \$10,000.00.

19 **SECOND CAUSE OF ACTION—TRESPASS TO CHATTELS**

20 36. In removing and handling Plaintiff's wallet, his chattels were trespassed upon by the
21 defendants.

22 37. Plaintiff has been damaged in the amount of at least \$250.00 through this trespass to
23 chattels.

24 38. The trespass to chattels was undertaken by the defendants with oppression and
25 malice.

1 39. Under the doctrine of *Ybarra v. Spangard*, all defendants are liable to plaintiff for
2 plaintiff's damages, inclusive of punitive damages.

3 **THIRD CAUSE OF ACTION--DEFAMATION AGAINST BUDDHA**

4 40. In seizing plaintiff in a public place, lifting the plaintiff and taking him away,
5 Buddha' employees who appeared to all present to be operating in a security function
6 communicated to all present that the Plaintiff was a criminal. Defendants also
7 affirmatively falsely published to Venetian security personnel that the plaintiff had
8 been an aggressor and that the plaintiff had undertaken improper activities warranting
9 the imprisonment by Tao and further imprisonment and trespassing by Venetian.

10 41. Such communication constitutes defamation and defamation per se, and the actions
11 constituting the communication were undertaken with oppression, fraud, and malice.

12 42. Plaintiff has been injured in humiliation, loss of reputation, emotional distress, loss of
13 access to the Venetian and corollary loss of enjoyment and income, and punitive
14 damages in an amount in excess of \$10,000.00 due to the defamation by Buddha and
15 the doe defendants in the employee of Buddha.

16 **FOURTH CAUSE OF ACTION—FALSE IMPRISONMENT BY BUDDHA**

17 43. Buddha's seizure and the seizure by Buddha's employees was without legal authority.

18 44. These actions constitute false imprisonment.

19 45. The false imprisonment was undertaken with malice and oppression.

20 46. Plaintiff has been damaged in an amount in excess of \$10,000.00 in emotional
21 distress, humiliation, pain and suffering, loss of liberty, and punitive damages.

22 **FIFTH CAUSE OF ACTION—NEGLIGENCE**

23 47. On information and belief, all of the foregoing occurred within the policies and
24 practices established by the named defendants.

25 48. These actions demonstrate negligent hiring and training by the named defendants.

1 49. As a result of the negligent training and hiring by the named defendants, Plaintiff has
2 been damaged in an amount in excess of \$10,000.00.

3 **SIXTH CAUSE OF ACTION—BREACH OF CONTRACT BY BUDDHA**

4 50. Plaintiff and Buddha had a contract under which plaintiff was to receive a party.

5 51. Implied in such contract was a right of quiet enjoyment for the party together with
6 avoidance of the activities and actions set forth above.

7 52. By reason of the foregoing, Buddha breached the contract and destroyed all value to
8 Plaintiff's purchase and the gratuities extended.

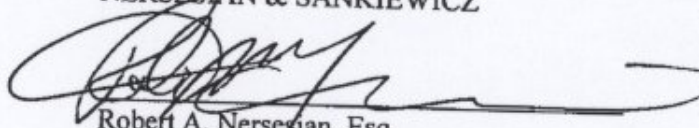
9 53. Plaintiff has been damaged in the amount his purchase price plus all gratuities paid.

10 WHEREFORE, Plaintiff prays for judgment against defendants, as follows:

- 11 1. General damages in excess of \$10,000.00 as to each and every claim alleged herein,
12 save for the last claim, which amount is for less;
- 13 2. Exemplary and/or punitive damages in excess of \$10,000.00 as to each and every
14 claim alleging malice or oppression herein;
- 15 3. Prejudgment interest pursuant to law;
- 16 4. For reasonable attorneys fees and costs of suit incurred herein; and
- 17 5. For such other and further relief as the Court deems just and proper.

18 DATED this 20th day of October, 2006.

19 NERSESIAN & SANKIEWICZ

20 

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23 528 South 8TH Street, Suite A
24 Las Vegas, Nevada 89101
25 Attorneys for Plaintiff

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11 Attorneys for Plaintiff

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

10 **JIM MORRISON,**

11 Plaintiff,

12 vs.

13 **BUDDHA ENTERTAINMENT, LLC**
14 d/b/a **TAO NIGHTCLUB** and
15 **DOES I-XX,**

16 Defendants.

Case No: A530243

Dept. No: XVIII

17 **JUDGMENT ON VERDICT**

18 This matter having come to trial before a jury, the jury having completed a Special
19 Verdict, and the Court being fully advised in the premised,

20 **IN ACCORD WITH THE SPECIAL VERDICT OF THE JURY AND THE LAWS**
21 **OF THE STATE OF NEVADA, IT IS HEREBY ORDERED AND ADJUDGED AS**
22 **FOLLOWS:**

23
24 1. Judgment is granted for Plaintiff, Jim Morrison, against Defendant, Buddha
25 Entertainment, LLC, d/b/a Tao Nightclub, in the amount of \$70,000.00, representing
26 compensatory damages.

27 ///

28 **Nersesian & Sankiewicz**

528 South Eighth Street
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