



“LESSONS LEARNED FROM THE MANDALAY BAY MASS SHOOTING CASE!”

I am pleased to announce the settlement of the Mandalay Bay Mass Murder case which was first perpetrated in Las Vegas on October 1, 2017, whereby I served as a security expert. However, the end result is not as good news as it may first seem in that compensation received was quite inadequate. I would be pleased to share some lessons learned from a security expert’s perspective on this outrageous case so that results in subsequent cases including the El Paso Mall Mass Murder case of August 3, 2019, are more favorable:

First, time is of the essence in such matters. Delays give the spoliators time to hide, conceal, and destroy evidence. Site inspections of the scene of the crime must be conducted as soon as possible. (Refer to my ASIS article, *“A Timely Site Inspection May Clinch Your Case.”*) Remember the maxim: *“Justice Delayed is Justice Denied”* because it truly is so.

Second, do not consolidate the matter before you into a mass tort or class action type suit. In the Mandalay Bay matter, many hundreds of attorneys represented the 4,400 plaintiffs. The result: A Tower of Babel with more effort expended fighting each other than getting justice for the victims. Each victim is entitled to his or her fair hearing in court. Place your trust in fair-minded jurors, they usually come through.

Third, try the case in the victim’s venue. In the Mandalay Bay matter, more than 70% of the victims were from California. Please don’t tell me it cannot be done because in another similar matter I successfully handled as an expert, (*Maguire v Harrah’s Tahoe*) the plaintiff was caught in a fight between two Asian gangs in a Nevada casino and the case was brought, and won, in Alameda County California! Furthermore, in a one-industry town, it is difficult to get a juror whose relative, friend, or neighbor does not work in the industry of the defendant.

Fourth, counsel should listen to their security expert. In the Mandalay Bay matter it was obvious to this security expert that the defendants were “cutting corners” on security and surveillance at their dangerous property in the face of significant and growing foreseeable risk. Obtaining the defendant’s duty rosters, and budgets could prove this important fact. For example, my theory on *“Abatement of Security”* could have resulted in punitive damages. It worked against an even larger casino company in (*Binns v Harrah’s*) and others.

Please be advised that I will be able to provide you with copies of the aforementioned articles and cases to further elaborate on how to avoid pitfalls in litigating mass murder premises security cases. Feel free to choose one, or several, from my complimentary menu listed below. I look forward to hearing from you soon.

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EXPERT'S PUBLICATIONS – COMPLIMENTARY MENU

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| <i>“Warning - A Public at Risk!”</i> InBrief Magazine, New Jersey Association for Justice, Trenton, NJ | November 2011 |
| <i>“Negligent Security”</i> N. J. Bar State Association, ICLE Seminar, New Brunswick, New Jersey | May 2013 |
| <i>“Proving Foreseeability”</i> InBrief Magazine, New Jersey Association for Justice, Trenton, NJ | February 2014 |
| <i>“A Timely Site Inspections May Clinch Your Case”</i> Security Directions Magazine, American Society for Industrial Security (ASIS) | January 2015 |
| <i>“Uncovering Spoliation of Evidence”</i> InBrief Magazine, New Jersey Association for Justice, Trenton, NJ | February 2015 |
| <i>“How Foreseeable Was It?”</i> The Philadelphia Lawyer, a quarterly magazine, Philadelphia, PA | June 2017 |
| <i>“Litigating Premises Security Cases”</i> PA Bar State Association, ICLE Seminar, Bucks County, Pennsylvania | May 2018 |
| <i>“Negligent Security-The Mandalay Bay Massacre”</i> N. J. Bar State Association, ICLE Seminar, Atlantic City, New Jersey | August 2019 |

Blogs - Published Posts in Legal and Law Enforcement Communities:

- *“A Timely Site Inspection May Clinch the Case.”* June 30, 2015
- *“Your Negligent Security Case - Proving Foreseeability.”* July 7, 2015
- *“Uncovering Spoliation of Evidence.”* July 21, 2015
- *“Determining Foreseeable Risk.”* August 5, 2015
- *“Proving Causation: The Rosetta Stone.”* August 24, 2015
- *“Hear no, See no, Speak no Evil, - Willful Ignorance.”* September 2015
- *“The Enablers.”* November 9, 2016
- *“Risk – How Foreseeable Was it?”* May 2016
- *“The Scientific Method.”* May 2016
- *“Crime and Risk Cover-Ups”* June 2016
- *“Proving Foreseeability”* May 2017

Blogs - Published Posts in Legal and Law Enforcement Communities:

- *“What is Reasonable Safety and Security?”* June 2017
- *“Defense Plays: The Three D’s”* August 2017
- *“Mandalay Bay Shootings”* October, November 2017
- *“Debunking the Casino Surveillance Mystique”* November 2017
- *“Mandalay Bay – Crime and Risk Coverups”* July 2018
- *“The Mandalay Bay Massacre – How foreseeable was it?”* October 2018
- *“Accurate crime and risk data, “Now you see it, now you don’t”* December 2018
- *“Why You Should Listen to Your Expert.”* January 2019

Related Cases:

- *Maguire v Harrab’s Taboe*
- *Binns v Harrab’s Marina* (inc. 197 Page Civil Complaint featuring *“Abatement of Security”*)