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**CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court**

NOV 20 2017

**Sherri R. Carter, Executive Officer/clerk
By Shaunya Bolden, Deputy**

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

20 DIXIE ROYBAL, Individually and as
21 Successor-in-Interest to Decedent
22 CHRISTOPHER ROYBAL,
23 Plaintiff,

24 vs.

25 MGM RESORTS INTERNATIONAL, a
26 Delaware Corporation; MANDALAY CORP.,
27 a Nevada Corporation; MGM RESORTS
28 FESTIVAL GROUNDS LLC, a Nevada
Limited-Liability Company; LIVE NATION
ENTERTAINMENT, INC., a California
Corporation; LIVE NATION GROUP d/b/a
ONENATIONGROUP, LLC, a Nevada
Limited-Liability Company;
CONTEMPORARY SERVICES

Case No. **BC 6 8 4 0 4 6**

COMPLAINT FOR DAMAGES

- 1. NEGLIGENCE – Hotel Defendants;
- 2. NEGLIGENCE – Venue Defendants;
- 3. BATTERY;
- 4. ASSAULT;
- 5. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS; and
- 6. WRONGFUL DEATH

JURY TRIAL DEMANDED

1 CORPORATION, a California Corporation;
2 ESTATE OF STEPHEN PADDÖCK; a
3 Nevada resident; and DOES 1 through 100,
4 inclusive,
5 Defendants.

6 COMES NOW, Plaintiff, DIXIE ROYBAL, Individually and as Successor-in-Interest to
7 Decedent CHRISTOPHER ROYBAL, who requests a trial by jury, and alleges as follows:

8 **THE PARTIES**

9 1. At all relevant times, Plaintiff DIXIE ROYBAL (hereinafter, "DIXIE") was an
10 individual residing in the County of Riverside, State of California. DIXIE is the surviving
11 spouse, sole heir, and successor-in-interest to Decedent CHRISTOPHER ROYBAL.

12 2. At all relevant times, CHRISTOPHER ROYBAL ("CHRISTOPHER") was an
13 individual residing in the County of Riverside, State of California.

14 3. CHRISTOPHER died intestate on October 1, 2017. At the time of the filing of
15 this Complaint, no administration is pending and a personal representative has not been
16 appointed.

17 4. Plaintiff brings this survival action as the surviving spouse, sole heir, and
18 successor-in-interest to the decedent, CHRISTOPHER, under the provisions of California Code
19 of Civil Procedure section 377.30. Plaintiff also brings this wrongful death action under the
20 provisions of California Code of Civil Procedure section 377.60, which provides that a cause of
21 action for the death of a person caused by the wrongful act or neglect of another may be asserted
22 by the persons who would be entitled to the property of the decedent by intestate succession.
23 Plaintiff will file a declaration with this Court in compliance with California Code of Civil
24 Procedure section 377.32.

25 5. At all relevant times, Defendant MGM RESORTS INTERNATIONAL ("MGM")
26 was a corporation with minimum contacts in the State of California, duly licensed and
27 incorporated under the laws of Delaware, and believed to be the owner, co-owner, or manager of
28 certain premises commonly referred to as the Mandalay Bay Resort and Casino Las Vegas
(hereinafter, "Mandalay Bay"), at 3950 South Las Vegas Boulevard, Las Vegas, Nevada 89119,

1 as well as Las Vegas Village, an open-air concert and event venue across from Mandalay Bay
2 consisting of 15 acres of seating area, and a capacity of 40,000 guests.

3 6. At all relevant times, Defendant MANDALAY CORP. was a corporation with
4 minimum contacts in the State of California, duly licensed and incorporated under the laws of
5 Nevada, and as a subsidiary of Defendant MGM, is believed to be the owner, manager, or
6 operator of the Mandalay Bay premises.

7 7. At all relevant times, Defendant MGM RESORTS FESTIVAL GROUNDS LLC
8 (hereinafter, "MGM RESORTS FESTIVAL") was a limited liability company with minimum
9 contacts in the State of California, duly licensed and incorporated under the laws of Nevada, and
10 believed to be the owner, co-owner, or manager of certain premises commonly referred to as Las
11 Vegas Village, at 3901 South Las Vegas Boulevard, Las Vegas, Nevada 89119, where the Route
12 91 Harvest Festival was held in September and October 2017.

13 8. At all relevant times, Defendant LIVE NATION ENTERTAINMENT, INC.
14 (hereinafter, "LIVE NATION") was a corporation duly licensed and incorporated under the laws
15 of Delaware, with its principal place of business located in the County of Los Angeles, State of
16 California, and believed to be the concert and event promoter of the Route 91 Harvest Festival at
17 the Las Vegas Village in September and October 2017.

18 9. At all relevant times, Defendant LIVE NATION GROUP d/b/a
19 ONENATIONGROUP, LLC (hereinafter, "ONENATIONGROUP") was a limited liability
20 company with minimum contacts in the State of California, duly licensed and incorporated under
21 the laws of Nevada, and believed to be the concert and event promoter of the Route 91 Harvest
22 Festival at the Las Vegas Village in September and October 2017.

23 10. At all relevant times, Defendant CONTEMPORARY SERVICES
24 CORPORATION (hereinafter, "CSC") was a corporation duly licensed and incorporated under
25 the laws of California, with its principal place of business located in the County of Los Angeles,
26 State of California, and believed to be the concert and event security firm for the Route 91
27 Harvest Festival at the Las Vegas Village in September and October 2017.

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1 11. At all relevant times, Defendant STEPHEN PADDOCK (hereinafter,
2 “PADDOCK”) was an individual residing in the County of Clark, State of Nevada. PADDOCK
3 is the accused perpetrator of a mass shooting which occurred on October 1, 2017 in Las Vegas,
4 Nevada. PADDOCK is now deceased, resulting in the need to sue the ESTATE OF STEPHEN
5 PADDOCK, which is as-yet unformed, but whose formation is pending.

6 12. The true names and capacities, whether individual, corporate, associate, or
7 otherwise, of the defendants named herein as DOES 1 through 100, inclusive, are unknown to
8 Plaintiff at the time of filing this Complaint and, therefore, Plaintiff sues said defendants by
9 fictitious names. Plaintiff is informed and believes, and based upon such information and belief
10 alleges, that each of the defendants designated herein as DOES 1 through 100 is, in some manner
11 and to some extent, legally responsible for the events and happenings herein set forth and
12 proximately caused injury and damages to the Plaintiff as herein alleged. Plaintiff will ask leave
13 of this Court to amend this Complaint to show their true names or capacities when the same have
14 been ascertained.

15 13. Plaintiff is informed and believes and thereon allege that at all times mentioned
16 herein, MGM, MANDALAY CORP., and as-yet unidentified DOES 1 through 100 (hereinafter
17 referred to collectively as the “Hotel Defendants”) were agents, servants, employees, partners, or
18 joint venturers of each other and that in doing the acts herein alleged, were acting within the
19 course and scope of said agency, employment, partnership, or joint venture. Each and every
20 Defendant aforesaid was acting as a principal and was negligent or grossly negligent in the
21 selection, hiring, and training of each and every other Defendant or ratified the conduct of every
22 other Defendant as an agent, servant, employee or joint venture.

23 14. Plaintiff is informed and believes and thereon allege that at all times mentioned
24 herein, MGM, MGM RESORTS FESTIVAL, LIVE NATION, ONENATIONGROUP, CSC,
25 and as-yet unidentified DOES 1 through 100 (hereinafter referred to collectively as the “Venue
26 Defendants”) were agents, servants, employees, partners or joint venturers of each other and that
27 in doing the acts herein alleged, were acting within the course and scope of said agency,
28 employment, partnership, or joint venture. Each and every Defendant aforesaid was acting as a

1 principal and was negligent or grossly negligent in the selection, hiring, and training of each and
2 every other Defendant or ratified the conduct of every other Defendant as an agent, servant,
3 employee or joint venture.

4 **GENERAL ALLEGATIONS**

5 15. Plaintiff realleges and incorporates by reference, every allegation contained in this
6 Complaint, as though set forth fully herein.

7 16. On October 1, 2017, CHRISTOPHER was an attendee at the Route 91 Harvest
8 Festival, a three-day music festival featuring numerous artists which took place at the Las Vegas
9 Village.

10 17. During Jason Aldean's performance, CHRISTOPHER was struck by a bullet
11 believed to be from the weapon of PADDOCK, who at the time was firing rounds of ammunition
12 into the crowd of people at the Las Vegas Village from his hotel suite on the 32nd floor of
13 Mandalay Bay. As a result, CHRISTOPHER sustained serious, life-threatening injuries and
14 ultimately died.

15 18. Prior to the shooting, PADDOCK was able to use VIP status conferred on him as
16 a high-stakes gambler, which included exclusive access to a service elevator at Mandalay Bay, to
17 stockpile weapons and ammunition in his hotel suite over the days leading up to the mass
18 shooting. PADDOCK kept a "Do Not Disturb" sign on his hotel room door for days leading up
19 to the shooting. Upon information and belief, prior to the commencement of his shooting spree,
20 PADDOCK installed security cameras on his hotel room door, in a service cart, and in the
21 hallway. PADDOCK used the cameras as surveillance and security to thwart law enforcement
22 and prolong his shooting spree.

23 19. PADDOCK smashed two windows of his hotel suite and opened fire into the
24 crowd of concert-goers at the Las Vegas Village, killing 58 people and injuring hundreds of
25 others. PADDOCK also shot Mandalay Bay Security Officer Jesus Campos, who was outside
26 PADDOCK's hotel room on the 32nd floor of Mandalay Bay.

27 20. At all relevant times, Defendants DOES 1 through 100 were the as-yet
28 unidentified employees or agents of MGM, MANDALAY CORP., MGM RESORTS

1 FESTIVAL, LIVE NATION, ONENATIONGROUP, CSC, PADDOCK, or some other entity
2 whose acts or omissions are believed to have contributed to the circumstances giving rise to
3 Plaintiff's injuries and damages. Plaintiff shall seek leave to amend this Complaint upon
4 identification of said DOES, and the establishment of the Estate of Stephen Paddock.

5 **CLAIMS FOR RELIEF**

6 **FIRST CLAIM FOR RELIEF**

7 **NEGLIGENCE - HOTEL DEFENDANTS**

8 *Against Defendants MGM, and/or MANDALAY CORP., and/or DOES 1 through 100*

9 21. Plaintiff realleges and incorporates by reference, every allegation contained in this
10 Complaint, as though set forth fully herein.

11 22. At all relevant times, Defendants MGM, and/or MANDALAY CORP., and/or
12 DOES 1 through 100 had a duty of reasonable care in the protection and safeguarding of persons
13 on all Mandalay Bay premises.

14 23. Based upon information and belief, Defendants MGM, and/or MANDALAY
15 CORP., and/or DOES 1 through 100 breached their duty of reasonable care by failing to
16 maintain the Mandalay Bay premises in a reasonably safe condition, including but not limited to:
17 (1) failing to properly surveil people coming and going from the hotel; (2) failing to monitor the
18 hotel premises with closed-circuit television (CCTV); (3) failing to timely respond or otherwise
19 act upon PADDOCK's shooting of Mandalay Bay Security Officer Jesus Campos; (4) failing to
20 notice or take precautions against PADDOCK's delivery of guns and/or ammunition to his hotel
21 room; (5) failing to notice or take action against PADDOCK's set up of surveillance outside his
22 hotel room; (6) failing to adequately prevent or timely discover PADDOCK's breaking-open of
23 his hotel room windows; (7) failing to adequately train and supervise employees on the reporting
24 and discovery of suspicious individuals and/or person and/or activity; (8) ignoring the "Do Not
25 Disturb" sign on PADDOCK's door; and (9) failing to employ adequate safety measures.

26 24. Defendants MGM, and/or MANDALAY CORP., and/or DOES 1 through 100 are
27 further liable for the negligence of their employees pursuant to the doctrine of *respondeat*
28 *superior*, and the negligence of their agents under the doctrine of Vicarious Liability.

1 25. At all relevant times, Defendants MGM, and/or MANDALAY CORP., and/or
2 DOES 1 through 100 knew or should have known that it was reasonably foreseeable that a
3 breach of their duties to keep their premises reasonably safe in the aforementioned manner(s)
4 might result in catastrophic injury and harm to others, including hotel staff, guests, neighboring
5 event attendees and concertgoers, such as CHRISTOPHER, and the community at large.

6 26. As a direct and proximate result of Defendants MGM's, and/or MANDALAY
7 CORP.'s, and/or DOES 1 through 100's negligence, CHRISTOPHER sustained serious, life-
8 threatening injuries and significant delays in obtaining access to and receiving medical assistance
9 resulting in the loss of his life.

10 27. As a further direct and proximate result of Defendants MGM's, and/or
11 MANDALAY CORP.'s, and/or DOES 1 through 100's negligence, CHRISTOPHER suffered
12 pain, medical expenses, distress, and other economic and non-economic damages in amounts in
13 excess of the jurisdictional limits of this Court.

14 **SECOND CLAIM FOR RELIEF**

15 **NEGLIGENCE – VENUE DEFENDANTS**

16 *Against Defendants MGM, and/or MGM RESORTS FESTIVAL, and/or*
17 *LIVE NATION, and/or ONENATIONGROUP, and/or CSC, and/or DOES 1 through 100*

18 28. Plaintiff realleges and incorporates by reference, every allegation contained in this
19 Complaint, as though set forth fully herein.

20 29. At all relevant times, Defendants MGM, and/or MGM RESORTS FESTIVAL,
21 and/or LIVE NATION, and/or ONENATIONGROUP, and/or CSC, and/or DOES 1 through 100
22 had a duty of reasonable care in the protection and safeguarding of persons on the Las Vegas
23 Village premises where the Route 91 Harvest Festival was held in September and October 2017.

24 30. Based upon information and belief, Defendants MGM, and/or MGM RESORTS
25 FESTIVAL, and/or LIVE NATION, and/or ONENATIONGROUP, and/or CSC, and/or DOES 1
26 through 100 breached their duty of reasonable care in conducting the Route 91 Harvest Festival
27 on the Las Vegas Village premises, including but not limited to: (1) failing to design, build,
28 provide, and mark adequate exits in case of emergency; and (2) failing to properly train and

1 supervise employees in an appropriate plan of action in case of a foreseeable event, such as a
2 terrorist attack or other emergency.

3 31. Defendants MGM, and/or MGM RESORTS FESTIVAL, and/or LIVE NATION,
4 and/or ONENATIONGROUP, and/or CSC, and/or DOES 1 through 100, are further liable for
5 the negligence of their employees pursuant to the doctrine of *respondeat superior*, and the
6 negligence of their agents under the doctrine of Vicarious Liability.

7 32. At all relevant times, Defendants MGM, and/or MGM RESORTS FESTIVAL,
8 and/or LIVE NATION, and/or ONENATIONGROUP, and/or CSC, and/or DOES 1 through 100,
9 knew or should have known that it was reasonably foreseeable that a breach of their duties to
10 keep the Las Vegas Village concert venue reasonably safe in the aforementioned manner(s)
11 might result in catastrophic injury and harm to others, including event attendees and
12 concertgoers, such as CHRISTOPHER.

13 33. As a direct and proximate result of Defendants MGM's, and/or MGM RESORTS
14 FESTIVAL's, and/or LIVE NATION's, and/or ONENATIONGROUP's, and/or CSC's, and/or
15 DOES 1 through 100's negligence, CHRISTOPHER sustained serious, life-threatening injuries
16 and significant delays in obtaining access to and receiving medical assistance resulting in the loss
17 of his life.

18 34. As a further direct and proximate result of Defendants MGM's, and/or MGM
19 RESORTS FESTIVAL's, and/or LIVE NATION's, and/or ONENATIONGROUP's, and/or
20 CSC's, and/or DOES 1 through 100's negligence, CHRISTOPHER suffered pain, medical
21 expenses, distress, and other economic and non-economic damages in amounts in excess of the
22 jurisdictional limits of this Court.

23 **THIRD CLAIM FOR RELIEF**

24 **BATTERY**

25 *Against ESTATE OF STEPHEN PADDOCK*

26 35. Plaintiff realleges and incorporates by reference, every allegation contained in this
27 Complaint, as though set forth fully herein.

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1 36. At all relevant times, PADDOCK intentionally and recklessly committed acts
2 which resulted in offensive contact with CHRISTOPHER's person, including a gunshot wound.
3 PADDOCK acted with the intent to cause harmful or offensive contact to the crowd of concert-
4 goers at the Route 91 Harvest Festival, including CHRISTOPHER.

5 37. As a direct and proximate result of PADDOCK's intentional act, CHRISTOPHER
6 sustained serious, life-threatening injuries and ultimately died. As a further direct and proximate
7 result of PADDOCK's intentional act, CHRISTOPHER suffered pain, medical expenses,
8 distress, and other economic and non-economic damages in amounts in excess of the
9 jurisdictional limits of this Court.

10 **FOURTH CLAIM FOR RELIEF**

11 **ASSAULT**

12 *Against Defendant Estate of Stephen Paddock*

13 38. Plaintiff realleges and incorporates by reference, every allegation contained in this
14 Complaint, as though set forth fully herein.

15 39. With malicious and evil intent, PADDOCK opened fire into the crowd of concert-
16 goers at the Route 91 Harvest Festival, intending to cause harmful or offensive contact with
17 concert-goers, including CHRISTOPHER.

18 40. Being aware that a person was firing into the Route 91 Harvest Festival crowd,
19 CHRISTOPHER reasonably believed that he was in danger and about to be shot.

20 41. As a direct and proximate result of PADDOCK's intentional conduct,
21 CHRISTOPHER suffered physical, mental, and emotional injuries.

22 42. PADDOCK's conduct was a substantial factor in causing the foregoing injuries.

23 **FIFTH CLAIM FOR RELIEF**

24 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

25 *Against ESTATE OF STEPHEN PADDOCK*

26 43. Plaintiff realleges and incorporates by reference, every allegation contained in this
27 Complaint, as though set forth fully herein.

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50. As a direct and proximate result of the wrongful death of CHRISTOPHER, Plaintiff DIXIE sustained significant injuries and damages, including severe emotional distress, pain, mental anguish, funeral and burial expenses, and other economic and non-economic damages in amounts in excess of the jurisdictional limits of this Court.

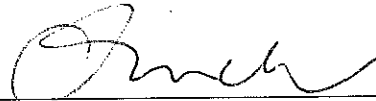
PRAYER FOR RELIEF

WHEREFORE, Plaintiff DIXIE ROYBAL, Individually and as Successor-in-Interest to Decedent CHRISTOPHER ROYBAL, prays for the following damages and relief against all Defendants:

1. For past, present, and future general damages and special damages in an amount in excess of the jurisdictional limits of this Court, according to proof and in accordance with California Code of Civil Procedure section 425.10;
2. For costs of suit incurred herein;
3. For pre- and post-judgment interest, according to proof;
4. For all statutorily allowed damages; and
5. For such other relief as the Court may deem just and proper.

Dated: Nov 20, 2017

GIPSON HOFFMAN PANCIONE
A Professional Corporation



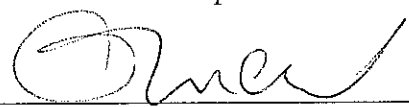
ALLEN L. MICHEL
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DEMAND FOR TRIAL BY JURY

Dated: Nov 20, 2017

GIPSON HOFFMAN PANCIONE
A Professional Corporation



ALLEN L. MICHEL
WON M. PARK

GIPSON HOFFMAN & PANCIONE
A PROFESSIONAL CORPORATION