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1 **COMP**
 2 **HANRATTY ROBERTS LAW GROUP**
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FILED

JAN 28 4 08 PM '09

E. J. [Signature]
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8 Attorneys for Plaintiffs, SETH ANDERW LUZIER, , an individual and
 9 GABRIEL THOMAS LUZIER

DISTRICT COURT

CLARK COUNTY, NEVADA

10 SETH ANDREW LUZIER, , an individual and)
 11 Surviving Son Of Deceased Richard Luzier,)
 12 and GABRIEL THOMAS LUZIER, an)
 13 individual And Surviving Son Of Deceased)
 14 Richard Luzier,)

Case Number: **A581235**
 Dept No: **XVIII**
COMPLAINT FOR: DAMAGES

Plaintiff,

vs.

15 BOYD GAMING CORPORATION, a)
 16 Nevada Corporation, dba THE ORLEANS)
 17 HOTEL AND CASINO; STEVE COOPER;)
 18 TOM GRIFFIN; DOES I-; DOE EMPLOYEES)
 19 I-V; and ROE CORPORATIONS I-V,)
 20 inclusive,)

Defendants.

21 COMES NOW the Plaintiffs, SETH ANDERW LUZIER, and GABRIEL THOMAS
 22 LUZIER, individually and as the surviving sons of their deceased father Richard Luzier
 23 (hereinafter referred to as "Plaintiffs"), by and through their attorney of record, Kevin M.
 24 Hanratty, Esq of HANRATTY ROBERTS LAW GROUP, and hereby complains and alleges
 25 against Defendants, BOYD GAMING CORPORATION, a Nevada Corporation, dba THE
 26 ORLEANS HOTEL AND CASINO; STEVE COOPER; and TOM GRIFFIN as follows:

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1 1. Plaintiff, SETH ANDREW LUZIER, (hereinafter "Plaintiff" or "Seth") was the
2 son of Richard Luzier, deceased, and was a resident of Bradywine, Maryland at all times relevant
3 hereto and over the age of eighteen.

4 2. Plaintiff, GABRIEL THOMAS LUZIER, (hereinafter "Plaintiff" or "Gabriel") was
5 the son of Richard Luzier, deceased, and was a resident of Bradywine, Maryland at all times
6 relevant hereto and over the age of eighteen.

7 3. Defendant, BOYD GAMING CORPORATION, dba The Orleans Hotel and
8 Casino, ("Defendant Boyd Gaming") was and is at all times relevant to this action, a Nevada
9 corporation duly authorized to conduct business in Las Vegas, Clark County, Nevada and the
10 owner and operator of The Orleans Hotel and Casino in Las Vegas, Nevada.

11 3. Defendant, Steve Cooper ("Defendant Cooper") was and is, at all times relevant
12 hereto, a resident of Las Vegas, Clark County, Nevada and was managing and/or supervising
13 employees, agents and/or representatives of Defendant Boyd Gaming and/or The Orleans Hotel
14 and Casino.

15 4. Defendant, Tom Griffin ("Defendant Griffin") was and is, at all times relevant
16 hereto, a resident of Las Vegas, Clark County, Nevada and was managing and/or supervising
17 employees, agents and/or representatives of Defendant Boyd Gaming and/or The Orleans Hotel
18 and Casino.

19 5. At all times relevant herein, Defendants Cooper and Griffin and all other such
20 Defendants, were under the control and supervision of their employer Defendant Boyd Gaming
21 and their actions and conduct as stated within this complaint occurred within the scope and course
22 of their employment with Defendant Boyd Gaming.

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1 6. That Defendant Boyd Gaming is vicariously liable for the actions of its managing
2 and supervising employees, Defendants Cooper and Griffin, and all other such employees who are
3 unknown at this time.

4 7. The true names, identities or capacities, whether individual, corporate, associate or
5 otherwise of the Defendants, Does I through X, are unknown to the Plaintiff, who therefore sues
6 said Defendants by such fictitious names. Plaintiff is informed and does believe, and thereupon
7 alleges, that each of the Defendants designated herein as Doe is responsible in some manner for
8 the events and happenings herein referred to; that Plaintiff will ask leave of this Court to amend
9 this Complaint to insert the true names and capacities of said Defendants Does I through X when
10 the same have been ascertained by Plaintiff, together with appropriate charging allegations, and to
11 join Defendants in this action.
12

13 8. Defendants Does I through X, inclusive, were individuals, partnerships,
14 corporations, associations or other entities, which in some way have an ownership, control or
15 interest in the Defendants named herein and in some way be responsible for Plaintiff's damages.
16 The true names and capacities of Does I through X, inclusive are currently unknown to Plaintiff,
17 and Plaintiff will amend the Complaint to insert the true name capacities when the same are
18 ascertained.
19

20 9. Plaintiffs allege that the activities described in this Complaint are performed by
21 each named or unnamed Defendants, either individually or in concert with the others, or with the
22 knowledge, encouragement or direction of one or more of the other named or unnamed
23 Defendants, and therefore those Defendants are jointly, separately liable, and vicariously liable for
24 the injuries and causes of action further described in this Complaint.
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1 15. Defendant Boyd Gaming and its employees Defendants Cooper and Defendant
2 Griffin intentionally, willfully, and knowingly failed to implement any protocols, policies and/or
3 procedures which were disseminated, distributed or known to its employees concerning said
4 employees entering and/or working within confined space(s).

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6 16. The intentional actions of Defendant's managing and/or supervisory employees,
7 agents and/or representative of Defendant Boyd Gaming instructing, ordering and requiring
8 Richard Luzier to enter knowingly dangerous and deadly confined spaces are imputed to
9 Defendant Boyd Gaming.

10 17. That based on the above, Defendant Boyd Gaming ratified and/or authorized the
11 actions, instructions and orders of their managing and/or supervisory employees, namely
12 Defendant Cooper and Defendant Griffin to Richard Luzier on or about February 2, 2007.

13
14 18. That Defendant Boyd Gaming is vicariously liable for the intentional actions of its
15 managing and/or supervisory employees which occurred on or about February 2, 2007 with
16 Richard Luzier.

17 19. That the above intentional actions and conduct of the managing and/or supervisory
18 employees of Defendant Boyd Gaming entitles Plaintiffs, and each of them to compensatory
19 damages including but not limited to grief, sorrow, loss of companionship and support for the
20 death of their father, Richard Luzier , in the sum in excess of \$10,000.00.

21
22 20. That the above intentional actions and conduct of the managing and/or supervisory
23 employees of Defendant Boyd Gaming, namely Defendant Cooper and Defendant Griffin, were
24 willful, oppressive, done with malice, express or implied, and entitles Plaintiffs, and each of them,
25 to punitive and exemplary damages in a sum in excess of \$10,000.00.

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