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**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

SARA ROBINSON, Plaintiff,) Case No. 2:07-cv-01552-RCJ-PAL
 vs.)
 DENNIS RODMAN, an individual; HARD) **Plaintiff Sara Robinson Ure's Motion for**
 ROCK HOTEL HOLDINGS, LLC; a Nevada) **Default Judgment Against Defendant**
 limited liability company; HARD ROCK) **Rodman**
 HOTEL, INC., a Nevada Corporation, DOES 1)
 through 10; ROES 1 through 10, Defendants.)

Plaintiff Sara Robinson Ure¹ hereby moves this Court to enter default judgment against Defendant Rodman pursuant to Fed. R. Civ. P. 55(b)(2). Under the Federal Rules of Civil Procedure, Defendant Rodman was properly served with a copy of a summons and the complaint in this lawsuit on March 5, 2008. He has failed to appear, plead or otherwise defend himself in this action. As a result, on June 11, 2008, the Clerk of the U.S. District Court entered a default against Defendant Rodman.

Accordingly, Ms. Robinson now respectfully requests that the Court enter a default judgment against Defendant Rodman in the amount of (1) \$125,000.00 for compensatory damages; (2) \$100,000.00 for punitive damages; and (3) appropriate prejudgment interest computed from March 5, 2008 (date of service on Defendant Rodman) to date of entry of judgment. The Court should enter a default judgment against Defendant Rodman in the amount

¹ Plaintiff originally filed this suit under her name, Sara Robinson. She was married on May 6, 2006 and changed her name to Sara Ure in approximately April, 2007. On 2/20/07, Plaintiff moved this Court to change the caption in this case to reflect her name change but that motion has not yet been granted. Thus, Ms. Robinson is used herein for clarity.

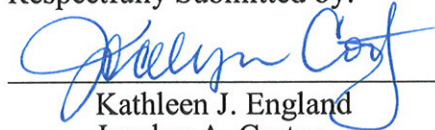
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1 of Two Hundred Twenty-Five Thousand Dollars (\$225,000.00) plus interest and costs in an
2 amount to be determined.

3 This motion is based on Fed. R. Civ. Pro. 55, the pleadings and papers on file in this
4 matter, along with the exhibits attached to this motion, and on any argument the Court may wish
5 to entertain.

6 Dated this 27th day of February, 2009

7 Respectfully Submitted by:

8 

9 Kathleen J. England
10 Jocelyn A. Cortez
11 England Law Office
12 Attorneys for Plaintiff,
13 Sara Robinson Ure

14 I.

15 **FACTUAL BACKGROUND**

16 On November 20, 2007, Plaintiff Sara Robinson filed a complaint in the U.S. District
17 Court, District of Nevada alleging violation of anti-discrimination laws against her former
18 employer, former defendants Hard Rock Hotel Holdings, LLC and Hard Rock Hotel, Inc. and
19 Dennis Rodman, an individual. Her complaint also contained causes of action for assault,
20 battery, and intentional infliction of emotional distress against Defendant Dennis Rodman as an
21 individual for what he did to her at the Hard Rock on March 26, 2006.

22 As set forth in Ms. Robinson's affidavit (exhibit 1) and in the excerpts of her 6/2/08
23 deposition testimony (exhibit 2), on 3/26/06, Ms. Robinson was working at the Hard Rock Hotel
24 and Casino as the beverage manager. Her duties included supervising matters in a small bar
25 called "Cuba Libre" (now closed) inside the Hard Rock Hotel & Casino. March 26th, 2006 was a
26 Sunday, and around 11:00 a.m that day, Ms. Robinson was helping the Cuba Libre bartender set
27 up for the day before opening. She saw Dennis Rodman (former professional NBA basketball
28 player) hanging around in the hallway outside Cuba Libre. He approached her and asked her if
he could carry the boxes she was carrying, an offer she politely declined. Rodman then told Ms.
Robinson that she looked good. Ms. Robinson did not respond but went on about her business.

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1 At approximately 1:00 p.m., later that same day, the Cuba Libre bartender called Ms.
2 Robinson because Rodman wanted his alcohol tab "comped." Ms. Robinson went to Cuba Libre
3 and consulted with VIP services who gave her permission to comp Rodman. Ms. Robinson then
4 closed out Rodman's tab, which was now over \$100.00 since he and his friends had consumed
5 many shots of alcohol.

6 Later that same day, a little before 4:00 p.m., the Cuba Libre bartender called Ms.
7 Robinson again and asked her to come to Cuba Libre because Rodman was causing a scene. As
8 Ms. Robinson was walking towards Cuba Libre, she saw Rodman throwing one dollar bills into
9 the air and drawing a crowd. Aware that security had been called, Ms. Robinson went inside
10 Cuba Libre and stood behind the bar counter to see if the bartender needed anything (there was
11 only one bartender assigned to Cuba Libre at a time). Once inside, Dennis Rodman yelled at Ms.
12 Robinson to come to him several times. She refused repeatedly. At that point, Ms. Robinson
13 believed that Rodman might be under the influence of some sort of substance since his eyes were
14 red, he was acting erratically, and at some point, was wearing a sarong over his regular clothes.

15 After Ms. Robinson refused to come to Rodman, he stood up from where he was seated
16 inside Cuba Libre, and put his foot up on the bar counter, which was right in front of where Ms.
17 Robinson was standing. All the while, Ms. Robinson was holding her hands up and telling him
18 no. Ms. Robinson stepped from around the bar counter to get security at which point Rodman
19 stopped Ms. Robinson, grabbed her around her waist, grabbed both of her arms and tried to force
20 her to dance with him, rubbing his body on her. Ms. Robinson kept telling him that she did not
21 want to dance with him and that she was working. Rodman finally let go of his grip on Ms.
22 Robinson and then he struck Ms. Robinson on the rear-end as she was walking away. Ms.
23 Robinson was completely humiliated and demeaned in front of co-workers, employees, and
24 customers alike.

25 On August 29, 2008, Ms. Robinson and the Hard Rock defendant-entities filed a
26 stipulation dismissing with prejudice Hard Rock Hotel Holdings, LLC and Hard Rock Hotel, Inc.
27 from the instant lawsuit, which the Court approved on September 24, 2008. Thus, the only
28 remaining defendant in this action is Defendant Dennis Rodman.

On March 5, 2008, Defendant Rodman's wife, Michelle Rodman, was served with a copy of the summons and complaint in the instant matter at the Rodmans' home. Exhibit 3. To this day, Defendant Rodman has not filed an answer or any other pleading in this lawsuit. On June 11, 2008 the Clerk for the U.S. District Court, District of Nevada entered a default as to Dennis Rodman. Exhibit 4.

II.

MEMORANDUM OF A POINTS AND AUTHORITIES

A. The Federal Rules Provide for Entry of Default Judgment Against Defendant Rodman

Under the Federal Rules of Civil Procedure, Defendant Rodman has been properly served. Under Fed. R. Civ. P. 4(e)(B), an individual within a judicial district in the U.S. may be served by "leaving a copy of each [of the summons and complaint] at the individual's dwelling or usual place of abode with someone of suitable age and discretion who resides there." Here, a person identified as Defendant Rodman's wife, Ms. Michelle Rodman, was served at what is believed to be Defendant Rodman's usual place of abode on March 5, 2008. The service was made within 120 days of Plaintiff's filing of the 11/20/07 complaint. Fed. R. Civ. P. 4(m). *See* Exhibit 3. Despite this proper service, Defendant Rodman has not pleaded or defended in this action.

An entry of default judgment against Defendant Rodman is appropriate under the Federal Rules of Civil Procedure and applicable case law. Fed. R. Civ. P. 55(b) provides in part:

"(b) Entering a Default Judgment.

- (1) *By the Clerk.* "If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the clerk – on the plaintiff's request with an affidavit showing the amount due – must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.
- (2) *By the Court.* In all other cases, the party must apply to the court for a default judgment. [. . .] If the party against whom a default judgment is sought has appeared personally or by a representative, that party or its representative must be served with a written notice of the application at least 3 days before the hearing. The court may conduct hearings or make referrals – preserving any federal statutory right to a jury trial – when, to enter or effectuate judgment, it needs to:
 - (A) conduct an accounting;
 - (B) determine the amount of damages;
 - (C) establish the truth of any allegation by evidence; or

1 (D)investigate any other matter.”

2 In this case, although Ms. Robinson is offering a specific judgment to be entered by the
3 Court as a sum certain, in an abundance of caution, she is now applying to the Court to enter the
4 judgment in that amount based on the evidence attached and/or her participation in a hearing,
5 should the Court find it necessary to conduct a hearing to determine the items listed in Fed. R.
6 Civ. P. 55(b)(2) (A)-(D) above. Since Defendant Rodman has not appeared personally or by a
7 representative, Plaintiff Robinson believes that she need not serve him with a three-day notice of
8 intent to apply for this default judgment.

9 In Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986), the Ninth Circuit set forth
10 factors which may be considered by courts in deciding whether to enter default judgment. These
11 factors are: (1) the possibility of the prejudice to the plaintiff, (2) the merits of plaintiff's
12 substantive claim, (3) the sufficiency of the complaint, (4) the sum of money at stake in the
13 action; (5) the possibility of a dispute concerning material facts; (6) whether the default was due
14 to excusable neglect, and (7) the strong policy underlying the Federal Rules of Civil Procedure
15 favoring decisions on the merits.

16 Applying these factors to the case at hand, it is clear that this Court should enter default
17 judgment against Defendant Rodman. As to the first element, the possibility of prejudice to
18 Plaintiff Robinson is great since the Court has approved the dismissal of the Hard Rock entities
19 and she is entitled to proceed and complete her case. By failing to appear, Defendant Rodman
20 should not be able to preclude Ms. Robinson from having her claim against him resolved. Ms.
21 Robinson should be compensated for Defendant Rodman's outrageous assault and battery
22 against her at her place of work. A denial of default judgment against him would permit her
23 claim to go without adjudication and deny her the damages she is entitled to.

24 As for the second element, the merits of Ms. Robinson's substantive claims of assault,
25 battery, and intentional infliction of emotional distress are strong and supported by clear,
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undisputed evidence – Ms. Robinson’s own testimony,² her contemporaneous reports of same³ and surveillance footage of the incident, along with some eyewitness reports.

The third element also warrants default judgment against Defendant Rodman. Ms. Robinson’s complaint was more than sufficient to put Defendant Rodman on notice as to her claims against him. Fourth, the sum of money at stake (the judgment) in this action, considering the wealth, worth, and celebrity status ex-professional NBA basketball player Defendant Rodman now enjoys, is not excessive. An amount of \$225,000.00, is justified in this situation where a celebrity, known for his recklessness and disregard for human decency, humiliated and struck Ms. Robinson at her public work place.

As for the fifth element, because of the strength of evidence proving Defendant Rodman’s assault and battery of Ms. Robinson, and Ms. Robinson’s testimony about the emotional distress she suffered, there is little to no possibility of dispute concerning material facts as to the 3/26/06 attack that is the subject of this lawsuit.

The sixth element calls for the Court to consider whether the default was due to excusable neglect. Plaintiff Robinson submits that Defendant Rodman’s refusal to participate in this lawsuit is not excusable neglect but an outright example of irreverence for the judicial system. Defendant Rodman was served properly, he is not a mental incompetent, not an infant, and is not in the military. Further, Defendant Rodman has the monetary resources to defend himself in a lawsuit since he has done so in Nevada alone on at least *three* other occasions.⁴ Defendant Rodman has not demonstrated a reason for this court not to enter default judgment against him.

Lastly, the last and seventh element warrants entry of default judgment against Defendant Rodman since while there is a strong policy of having lawsuits be decided on the merits, there is also a strong judicial policy that defendants to a lawsuit obey the rules of civil procedure and participate in their defense as the federal rules dictate. Thus, Plaintiff Robinson respectfully

² See Exh. 2, 6/22 /08 deposition of Ms. Robinson Ure.

³ See Exh. 5, **Ms. Robinson Ure’s 3/29/06 incident report to Las Vegas Metropolitan Police Department.**

⁴ Eighth Judicial District of Nevada cases: Brasich v. Rodman, (A389311); Mardis v. Rodman, (A403909); and Ehlert v. Rodman (A419798) – explanation of cases below.

1 submits that default judgment should be entered against Defendant Rodman in the amounts
2 detailed below.

3 **B. The Amounts that Comprise the Judgment Requested are Reasonable**

4 As listed above, there are four (4) components of the judgment Ms. Robinson requests the
5 Court enter against Defendant Rodman: 1) \$125,000.00 for compensatory damages; 2)
6 \$100,000.00 for punitive damages; 3) costs in an amount to be offered and documented in a
7 supplemental filing; and 4) appropriate prejudgment interest. An elaboration of why each amount
8 is reasonable is below.

9 **1. Compensatory Damages**

10 As Ms. Robinson states under oath in her affidavit and deposition testimony, Dennis
11 Rodman's intentionally offensive and outrageous actions injured her in her public work place.
12 Ms. Robinson's job required her to be present in Cuba Libre and in proximity to and have to deal
13 with Defendant Rodman, a visitor at the Hard Rock who was important enough to be "comped."
14 Rodman degraded and demeaned in an especially abhorrent way - first, he grabbed and held her,
15 forced her to "dance" and then smacked her on the behind when she broke away - all occurring
16 in front of co-workers and patrons alike. Rodman's shocking behavior caused Ms. Robinson a
17 great deal of embarrassment, humiliation, and anxiety. So much so that she left her job in tears
18 before the end of her shift that afternoon. She found it hard to explain to her fiancé what had just
19 happened to her at work. To compensate Ms. Robinson for these injuries, the Court should enter
20 a judgment against Defendant Rodman in the amount of \$125,000.00 in compensatory damages
21 alone.

22 **2. Punitive Damages**

23 Nevada law provides for punitive damages to punish a defendant for behavior that society
24 deems abominable and deter him from engaging in that same behavior again. Specifically,
25 N.R.S. 42.005, Nevada's statute regarding punitive damages provides:

26 "[. . .] [I]n an action for the breach of an obligation not arising from contract, where it is
27 proven by clear and convincing evidence that the defendant has been guilty of
28 oppression, fraud or *malice*, express or implied, the plaintiff, in addition to the
compensatory damages, *may recover damages for the sake of example and by way of
punishing the defendant.*" (emphasis added)

1 The type of outrageous behavior Defendant Rodman exhibited towards Ms. Robinson on
2 March 26, 2006 is only one of a series of instances where Defendant Rodman has assaulted and
3 battered casino employees and tourists in Las Vegas.⁵

4
5 **1997:** In a case called Brasich v. Rodman, Case No. A389311, a jury in the Eighth
6 Judicial District Court of Nevada found that Dennis Rodman was liable in the amount of Eighty
7 Thousand (\$80,000) for having assaulted and battered a male dealer at the Mirage Hotel &
8 Casino. Dennis Rodman had assaulted and battered Mr. Brasich by rubbing his head and
9 genitalia and shaking him back and forth. See Exh 6.

10 **1998:** In Ehlert v. Rodman, Case No. A419798, Ms. Ehlert alleged that on October 11,
11 1998, while she was working as a security officer at the Las Vegas Hilton, Dennis Rodman came
12 up to her without cause or consent and grabbed her breast and shook it. While Rodman was
13 doing this, he was making lewd comments in the presence of numerous patrons, spectators, and
14 other casino employees. The settlement appears to be confidential because nothing is one record
15 except a dismissal.

16 **1999:** In Mardis v. Rodman, Case No. A403909, Mr. and Mrs. Mardis alleged that in
17 1999, they were standing the public lobby of the MGM Grand Hotel when she took a picture of
18 Rodman from about fifteen (15) feet away. Dennis Rodman immediately approached Ms.
19 Mardis in a threatening manner and yelled at her. In front of Mr. Mardis, Dennis Rodman then
20 pinned Ms. Mardis' arms so that she could not move and grabbed her camera, threw it across the
21 lobby, slamming it to the ground. Ms. Mardis was so fearful of this attack that she lost control of
22 her bodily functions and urinated on herself in the public lobby. The settlement appears to be
23 confidential because nothing is one record except a dismissal.

24
25
26 ⁵ But See Ankers v. Rodman, 995 F. Supp. 1329 (D. Utah 1997): Defendant Rodman has also been sued in U.S.
27 District Court in the Central Division of the District of Utah by a female spectator who, *in 1994*, was pinched on the
28 buttocks during one of Dennis Rodman's basketball games in Salt Lake City. Unfortunately, the Court in that case
dismissed her case because her claim for battery was barred by Utah's one-year statute of limitations governing
spectator's battery claims. The court also found that Rodman's pinching the plaintiff's buttocks was not
"sufficiently outrageous" to sustain a claim for intentional infliction of emotional distress.

Dennis Rodman Must Be Deterred From Assaulting and Battering People

Ms. Robinson had worked in the restaurant industry for about five years before working at the Hard Rock and during that time and she had never encountered such extremely contemptible and offensive behavior, even when dealing with inebriated patrons. Clearly, Defendant Rodman, who enjoys a high-level of wealth and fame, is undaunted by the consequences of a lawsuit against him and continues to assault and batter people in Las Vegas (and likely beyond) with impunity. Defendant Rodman's malicious and tortious behavior is absolutely unacceptable and the Court should impose One Hundred Thousand Dollars (\$100,000.00) to punish him for terrorizing people and to send him a message that his type of behavior is deplorable and not tolerated in Nevada.

3. Costs

As explained above, Ms. Robinson will supplement this pleading with a memorandum of costs, which should be included in the default judgment against Rodman.

4. Prejudgment Interest

Ms. Robinson requests that the Court award her prejudgment interest and include it in the default judgment against Defendant Rodman. The accrual rate will be the statutory interest rate set by weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System. 28 U.S.C. 1961.

CONCLUSION

For the reasons set forth above, and those set forth in the attached exhibits, Plaintiff Robinson respectfully asks that this Court enter default judgment against Defendant Rodman in the amount set forth above.

Dated this 27th day of February, 2009

By: 

Kathleen J. England
Jocelyn A. Cortez
England Law Office
Attorneys for Plaintiff,
Sara Robinson Ure

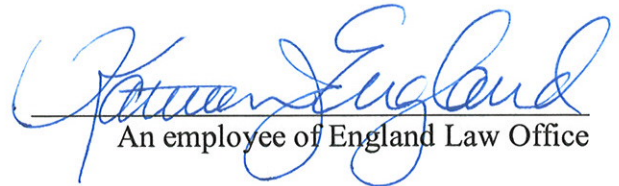
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Certificate of Service

Service of the foregoing “**Plaintiff Sara Robinson Ure’s Motion for Default Judgment Against Defendant Rodman**” was made this 27th day of February, 2009, by electronic service through the U.S. District Court to:

Elayna Youchah
Nathan T. H. Lloyd
Brownstein Hyatt Farber Schreck, LLP
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An employee of England Law Office

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