

IN THE SUPREME COURT OF THE STATE OF NEVADA

YA-LING HUNG and WEI-HSIANG HUNG,)
each individually, as surviving heirs, and Co-)
Administrators of the Estate of Tung-Tsung)
Hung and Pi-Ling Lee Hung, Descendants,)

Appellants,)

vs.)

GENTING BERHAD; GENTING U.S.)
INTERACTIVE GAMING, INC.; GENTING)
NEVADA INTERACTIVE GAMING, LLC;)
RESORTS WORLD LAS VEGAS LLC,)

Respondents.)

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Elizabeth A. Brown
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Supreme Court No.: 83197

APPEAL

From the Eighth Judicial District Court,
The Honorable Nancy L. Allf, District Judge
District Court Case No. A-19-795338-C

JOINT APPENDIX – VOLUME 1

Kevin R. Hansen, Esq.
Nevada Bar No. 6336
Amanda A. Harmon, Esq.
Nevada Bar No. 15930
LAW OFFICES OF KEVIN R. HANSEN
5440 W. Sahara Avenue, Suite 206
Las Vegas, Nevada 89146
Telephone: (702) 478-7777
Facsimile: (702) 728-2484

Attorneys for Plaintiffs/Appellants YA-LING HUNG and WEI-HSIANG HUNG

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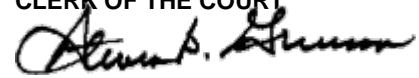
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COM
Michael Kind, Esq.
Nevada Bar No. 13903
KAZEROUNI LAW GROUP, APC
6069 S. Fort Apache Rd., Ste 100
Las Vegas, NV 89148
Phone: (800) 400-6808 x7
mkind@kazlg.com
Attorneys for Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung

CASE NO: A-19-795338-C
Department 27

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

| | |
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| Ya-Ling Hung and Wei-Hsiang Hung, Plaintiffs, v. Genting Berhad, Genting U.S. Interactive Gaming Inc., Genting Nevada Interactive Gaming LLC, Genting Intellectual Property Pte Ltd, Resorts World Inc Pte Ltd, Resorts World Las Vegas LLC, Resorts World Manila, and Kok Thay Lim, Defendants. | Case No.: Dept. No.: Complaint for Damages (Wrongful Death and Negligence) EXEMPT FROM ARBITRATION (Excess of \$50,000) Jury Trial Demanded |
|--|--|

INTRODUCTION

1. In this Complaint, Ya-Ling Hung and Wei-Hsiang Hung (“Plaintiffs”) seek damages from Defendants Genting Berhad, Genting U.S. Interactive Gaming Inc., Genting Nevada Interactive Gaming LLC, Genting Intellectual Property Pte Ltd, (jointly as the “Genting Group entities”), Resorts World Inc Pte Ltd, Resorts World Las Vegas LLC (jointly as “the Resorts World entities”),

1 Resorts World Manila, and Kok Thay Lim (collectively as “Defendants”) for
2 the wrongful deaths of their parents, Mr. Tung-Tsung Hung and Mrs. Pi-Ling
3 Lee Hung (the “Hungs” or “decedents”) during a fire at Resorts World hotel
4 and casino in Manila, Philippines in June 2017.

5 2. Defendants are engaged in substantial business within this District, and this
6 Court has jurisdiction to hear this case.

7 3. Defendants have publicly admitted “lapses” in their security, allowing the
8 attacks to take place, resulting in Mr. and Mrs. Hungs’ tragic and untimely
9 deaths.

10 JURISDICTION

11 4. This Court has jurisdiction to hear this case.

12 5. The following is some of the information Plaintiffs are currently aware of,
13 and it is expected that after Plaintiffs conduct discovery, these allegations will
14 be bolstered and enhanced.

15 6. Defendants are engaged in substantial business within this District.

16 7. Kok Thay Lim is the owner of the Genting Group entities.

17 8. The Genting Group entities own the Resorts World brand, including Resorts
18 World Las Vegas and Resorts World Manila.

19 9. Resorts World Las Vegas and Resorts World Manila are therefore, for all
20 intents and purposes, one and the same, owned by the Genting entities.

21 10. Genting Berhad, Genting U.S. Interactive Gaming Inc., Genting Nevada
22 Interactive Gaming LLC, and Genting Intellectual Property Pte Ltd are each
23 corporations doing business in Nevada and registered with the Nevada
24 Secretary of State.

25 11. Resorts World Inc Pte Ltd and Resorts World Las Vegas LLC are each
26 corporations doing business in Nevada and registered with the Nevada
27 Secretary of State.
28

12. In addition, Resorts World Manila is partnered with, and uses the brands of Hilton, Sheraton and Marriott, all based and headquartered in the United States.

13. The Genting entities, operate numerous Resorts World locations in the United States, including Resorts World Las Vegas, Resorts World Casino New York City, Resorts World Catskills, and Resorts World Miami.

14. Discovery will therefore show, including by piercing the corporate veil, the alter ego nature of Defendants' corporate structure and that jurisdiction is appropriate in this District, especially given the lack of another appropriate forum to provide justice to Plaintiffs.

15. Therefore, the Eighth Judicial District Court, Clark County, Nevada has personal jurisdiction over both Plaintiffs and Defendants and subject matter jurisdiction pursuant to Article 6, Section 6 of the Nevada Constitution and NRS 4.370.

PARTIES

16. Plaintiffs are the son and daughter of the decedents, Mr. Tung-Tsung Hung and Mrs. Pi-Ling Lee Hung and live in Taiwan, Republic of China.

17. Pursuant to NRS 41.085, Plaintiffs bring this action as individuals, heirs of the decedents and the personal representatives of the decedents.

18. Defendants operate hotels and casinos.

19. The Genting entities—Genting Berhad, Genting U.S. Interactive Gaming Inc., Genting Nevada Interactive Gaming LLC, and Genting Intellectual Property Pte Ltd—are each corporations doing business in Nevada and registered with the Nevada Secretary of State.

20. The Resorts World entities—Resorts World Inc Pte Ltd and Resorts World Las Vegas LLC—are each corporations doing business in Nevada and registered with the Nevada Secretary of State.

FACTUAL ALLEGATIONS

21. The following is some of the information Plaintiffs are currently aware of, and it is expected that after Plaintiffs conduct discovery, these allegations will be bolstered and enhanced.

—THE EVENTS THAT PROXIMATELY CAUSED THE HUNGS’ DEATHS—

22. On June 2, 2017 at 12:11 a.m., Jessie Javier Carlos (“Carlos”) entered the Resorts World Manila casino (“the Casino”) armed with an assault rifle and wearing a mask and an ammunition vest.

23. A detailed chronology of the events can be found in **Exhibit A**, attached to this Complaint. These events are hereinafter referred to as “the Incident.”

24. During the Incident, 37 people (not including Carlos) lost their lives, including the Hungs.

25. Due to certain suspected ‘cover-ups,’ families, including the Hungs, have been unable to obtain more information about the Incident and the circumstances leading to the Hungs’ deaths.

26. The Casino reached some confidential settlement agreements with other families whose members died in the Incident, as a result of Defendants’ wrongdoing. No settlement has been reached with the claimants who seek full compensation for the Casino’s highly egregious conduct.

—THE HUNGS—

27. The Hungs were Taiwanese nationals and among the 37 killed during the Incident.

28. The Hungs were married and had two children: Plaintiff Wei-Hsiang and Plaintiff Ya-Ling. At the time of their deaths, the Hungs had four grandchildren.

29. At the time of the Incident, the Hungs were staying at the Casino as VVIPs (very very important persons). They were in the Casino’s VVIP room at the time of the Incident.

1 30. During the Incident, Defendants’ employees led the Hungs, and others, into a
2 pantry in the VIP room, to hide from the fire.

3 31. After the Incident, the Hungs were found in the VIP pantry room, where they
4 had died from smoke inhalation.

5 **—DEFENDANTS’ KNOWLEDGE, DUTIES AND WRONGFUL CONDUCT—**

6 32. Defendants at all material times owed a duty of care to the Hungs. Defendants
7 had a duty to:

- 8 a. take care for the safety of the Hungs as guests of the Casino;
- 9 b. take special care for the safety of the Hungs as “VVIP” guests of the
10 Casino;
- 11 c. not subject the Hungs to unnecessary risks, including the risk of death,
12 where those risks could be foreseen and guarded against by reasonable
13 measures, the convenience and expense of which were entirely
14 proportionate to the risks involved;
- 15 d. ensure that the Casino was reasonably staffed with the required security
16 personnel, fully trained to prevent or counter an attack such as the Incident;
- 17 e. put in place cameras throughout the Casino, functioning and operational
18 and ensure constant monitoring of the cameras by fully trained members of
19 security staff;
- 20 f. ensure that the security staff and the security operations were under
21 supervision of adequately trained security experts;
- 22 g. comply with applicable fire protection procedures, including the
23 availability of clear, posted escape routes in the event of a fire, as well as
24 the installation and maintenance of effective sprinkler systems and smoke
25 extraction/ventilation systems;
- 26 h. prepare emergency protocols and procedures to ensure the safe evacuation
27 of all guests of the Casino; and
28

- 1 i. ensure that staff members are sufficiently trained and aware of the
2 emergency protocols and procedures and how they should be implemented.
- 3 33. The Hungs were killed by Defendants' breach of duties, negligence and
4 recklessness through its agents or employees, for whom Defendants are
5 vicariously liable, including, but not limited to, Defendants':
- 6 a. failure to ensure that the Hungs were safe and protected from the risk of
7 death whilst visiting the Casino as "VVIP" guests;
- 8 b. failure to prevent Carlos from entering the Casino, despite it being obvious
9 from the outset he was a threat to guests in view of his combat attire and
10 assault rifle;
- 11 c. failure to ensure adequate security staff and/or physical barriers were in
12 place to prevent Carlos from entering the Casino (Carlos bypassed the
13 metal detector at the entrance and the lone security guard on duty without
14 difficulty);
- 15 d. failure to ensure the sprinkler fire safety systems at the Casino were
16 functioning properly, and to ensure that there were adequate sprinklers
17 throughout the Casino, allowing the fire to spread along with the noxious
18 fumes which ultimately killed the Hungs;
- 19 e. failure to ensure the smoke extraction and ventilation system at the Casino
20 was functioning, properly or at all, and to ensure that there were adequate
21 smoke extraction fittings and equipment, allowing noxious smoke and
22 fumes to be trapped in parts of the Casino where guests, including the
23 Hungs, had taken refuge;
- 24 f. failure to ensure there were adequate escape routes for the Hungs, and the
25 other guests and employees, in the event of a fire and/or to ensure the fire
26 escape route was properly posted, either through reasonably placed signs
27 or by the Casino staff;
- 28

- 1 g. failure to oversee the design and construction of the Casino in such a way
- 2 as to allow an orderly and swift evacuation in the event of a fire;
- 3 h. failure to commission a third party fire safety inspection or to ensure that
- 4 the Casino was certified to be compliant with appropriate fire safety
- 5 standards;
- 6 i. failure to take reasonable measures, the convenience and expense of which
- 7 were entirely proportionate, to avoid the risk of death by fire or smoke to
- 8 Casino guests, including the Hungs;
- 9 j. reckless disregard for the required fire safety procedures and regulatory
- 10 requirements;
- 11 k. failure to ensure that Casino employees, including the security team, were
- 12 given adequate training on how to respond to a crisis situation, armed
- 13 attack and outbreak of a fire in the Casino;
- 14 l. failure to order the release of the five available K9 units to attack and stop
- 15 Carlos;
- 16 m. failure to ensure a crisis negotiator was available or urgently brought to the
- 17 scene of the Incident so as to negotiate with Carlos;
- 18 n. failure to have any or any adequate paging or alternative communication
- 19 system in place to coordinate the response to the Incident and/or to use any
- 20 such a communication system to the extent that it was in place;
- 21 o. reckless direction of guests, including the Hungs, and employees into a
- 22 small pantry, adopting a dangerous and wholly inappropriate evacuation
- 23 procedure in response to the Incident and exposing Casino guests to an
- 24 even greater risk of loss of life;
- 25 p. failure to ensure the camera room in the Casino was constantly monitored
- 26 by a fully trained staff member;
- 27 q. employees' and/or agents' reckless abandonment of their posts and security
- 28 duties to the Hungs and other Casino guests when the Incident occurred;

- r. failure to ensure “VVIP” guests had dedicated security guards to protect them during their time at the Casino and staff to safely escort them from the building when the Incident occurred;
- s. failure to ensure an appropriate number of adequately trained and armed security guards were on duty at the entrance to or elsewhere in the Casino so as to apprehend Carlos and/or prevent him from setting the fires;
- t. failure to take any meaningful steps in response to Carlos’s presence and the attack for a period of more than one hour thereby exposing the guests of the Casino to further unreasonable risks;
- u. failure to carry on their business operations so as not to subject the Hungs to foreseeable and unreasonable risk of death; and/or
- v. reckless coordination with local police and fire departments while managing the Incident as it unfolded, including, but not limited to:
 - i. the failure to provide adequate information from the cameras, or other sources, on the whereabouts of the Gunmen, the Hungs and other guests, and the fires’ locations;
 - ii. misleading local police to believe that all guests and casino patrons had been evacuated without a reasonable inspection of the premise;
 - iii. thwarting accountability for a proper investigative report; and
 - iv. allowing incendiary bullets to be used, thereby intensifying the nature of the fire and its propensity to spread rapidly throughout the Casino.

34. As a proximate results of the Incident and Defendants’ breaches of duty, the Hungs died on or about June 2, 2017.

35. Upon information and belief, due to certain suspected ‘cover-ups,’ families, including the Hungs, have been unable to obtain more information about the Incident and the circumstances leading to the Hungs’ deaths.

36. Upon information and belief, Defendants sought P721 Million from its insurer(s), but declared losses of only P430.3 Million in its December 2017

1 financial statements. There therefore appears to be a difference of P290.6
2 Million between the insurance claim submitted by Defendants and the actual
3 losses sustained as per its financial statements.

4 **—DAMAGES—**

5 37. The Hungs are survived by their children, Plaintiffs, and four grandchildren
6 who have sustained financial and pecuniary loss as a result of the death of the
7 decedents and have suffered mental anguish and emotional loss and such
8 other damages as are recoverable by law. Plaintiffs herein claim as damages
9 against Defendants the following: expenses and other financial losses suffered
10 by Plaintiffs; grief, sorrow, loss of probable support, companionship, society,
11 comfort and parental love, affection, and advice, and damages for pain,
12 suffering and disfigurement of the decedents; compensation for the reasonably
13 expected loss of income of the decedents; the reasonable value of the loss of
14 services, protection, care and assistance provided by the decedents; and such
15 other damages allowable by law.

16 **FIRST CAUSE OF ACTION**

17 **WRONGFUL DEATH**

18 38. Plaintiffs repeat, re-allege, and incorporate by reference all previous
19 paragraphs, including the attachments to this Complaint.

20 39. Defendants owed a duty to exercise reasonable care in safeguarding and
21 protecting the decedents, as discussed herein.

22 40. Defendants breached the duty by failing to exercise reasonable care as
23 discussed herein.

24 41. It was reasonably foreseeable that Defendants' failure to exercise reasonable
25 care would result in the deaths of the Hungs.

26 42. Defendant's wrongful actions and/or inaction, as described above, give rise to
27 a wrongful death cause of action.
28

1 43. Plaintiffs were, and continue to be, damaged as a direct and proximate result
2 of Defendants breach of duty, including out-of-pocket expenses, mental
3 anguish, emotional distress, and other economic and non-economic harm, for
4 which they suffered loss and are entitled to compensation.

5 44. Due to the egregious violations alleged herein, Plaintiffs assert that
6 Defendants breached Defendants' respective duties in an oppressive,
7 malicious, despicable, gross and wantonly negligent manner. As such,
8 Defendants' conscious disregard for Plaintiffs' and the Hungs' rights entitles
9 Plaintiffs to recover punitive damages from Defendants.

10 **SECOND CAUSE OF ACTION**

11 **NEGLIGENCE**

12 45. Plaintiffs repeat, re-allege, and incorporate by reference all previous
13 paragraphs, including the attachments to this Complaint.

14 46. Defendants owed a duty to exercise reasonable care in safeguarding and
15 protecting the decedents, as discussed herein.

16 47. Defendants breached the duty by failing to exercise reasonable care as
17 discussed herein.

18 48. It was reasonably foreseeable that Defendants' failure to exercise reasonable
19 care would result in the deaths of the Hungs.

20 49. Defendant's wrongful actions and/or inaction, as described above, constituted
21 negligence at common law.

22 50. Plaintiffs were, and continue to be, damaged as a direct and proximate result
23 of Defendants breach of duty, including out-of-pocket expenses, mental
24 anguish, emotional distress, and other economic and non-economic harm, for
25 which they suffered loss and are entitled to compensation.

26 51. Due to the egregious violations alleged herein, Plaintiffs assert that
27 Defendants breached Defendants' respective duties in an oppressive,
28 malicious, despicable, gross and wantonly negligent manner. As such,

1 Defendants' conscious disregard for Plaintiffs' and the Hungs' rights entitles
2 Plaintiffs to recover punitive damages from Defendants.

3 **PRAYER FOR RELIEF**

4 52. WHEREFORE, Plaintiffs respectfully requests that the Court grant relief in
5 Plaintiffs' favor and against Defendants as follows:

- 6
- 7 • Actual, compensatory, general, and special damages in excess
 - 8 of \$50,000 to redress the harms caused to Plaintiffs, including
 - 9 but not limited to, expenses, emotional distress, and other
 - 10 economic and non-economic harms for all causes of action
 - 11 alleged;
 - 12 • Exemplary and punitive damages for all causes of action
 - 13 alleged;
 - 14 • Pre- and post-judgment interest for all causes of action
 - 15 alleged;
 - 16 • Costs of suit and reasonable attorneys' fees for all causes of
 - 17 action alleged; and
 - 18 • Such other and further relief as this Court deems just and
 - 19 proper.

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TRIAL BY JURY

53. Pursuant to the seventh amendment to the Constitution of the United States of America and the Constitution of the State of Nevada, Plaintiffs are entitled to, and demand, a trial by jury.

DATED this 23rd day of May 2019.

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: /s/ Michael Kind

Michael Kind, Esq.

6069 S. Fort Apache Rd., Ste 100

Las Vegas, NV 89148


Attorneys for Plaintiffs

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EXHIBIT A

Chronology of events during the Incident

The chronology of the events during the Incident is as follows:

| Time | | Event |
|------------|--|--|
| 12:07am | | Carlos arrives at a taxi bay area near the mall in which the Casino is situated. Carlos exits his taxi and enters the mall entrance. |
| 12:08am | | Carlos enters an elevator on the ground floor of the mall. |
| 12:09am | | Carlos is in the elevator. |
| 12:10am | | Carlos leaves the elevator at the second floor of the mall and puts on a mask on his face. |
| 12:11am |  Carlos stays only 6 min., 50 sec. in the casino | Having left the elevator and having put on his mask, Carlos enters the mall. At the entrance there is a metal detector and a single female guard, employee of Defendants. Carlos bypasses the metal detector. The female guard waves at him in an attempt to stop him, however, she is ignored by Carlos. The guard follows him at which point he takes out his rifle. |
| 12:12am | | Carlos makes his way to the Casino. He has taken out his rifle and can be seen aiming the weapon. |
| 12:12am | | People in the Casino can be seen running and shortly thereafter Carlos enters the Casino |
| 12:13am | | Carlos pours gasoline on two of the tables in the Casino and sets one of them on fire. Furthermore, Carlos can be seen placing a bag of bullets on the burning table. |
| 12:14am | | Carlos proceeds to move to the back of the Casino. He then returns to the front of the Casino and sets the other of the two tables on fire. Carlos then makes his way to the VIP area of the Casino and enters it. |
| 12:15:23am | | Carlos enters the VIP area and sets one of the tables on fire. |
| 12:15:32am | | Allegedly one of the sprinklers activates. |
| 12:15:33am | | Carlos exits the VIP area. |
| 12:15:43am | | Carlos returns to the front of the Casino and goes into a separate area. |
| 12:15:51am | | Carlos sets another table on fire. |
| 12:16:04am | | Carlos walks to the hallway. |

| | | |
|--------------------------|-------------------------|---|
| 12:16:23am | Second Floor ↑ | Carlos enters Bar 180 and fires his rifle. This happens near the BMW stationed on the 2 nd floor near the Casino entrance. |
| 12:16:33am | | The CCTV shows Carlos pouring gasoline and he sets a sofa on fire in Bar 180. |
| 12:16:44am | | Carlos sets another sofa on fire in Bar 180. |
| 12:16:57am | | Carlos enters the slot machine area and sets fire to several of the slot machines. |
| 12:17:19am | | Carlos exits the slot machine area. He can be seen carrying a backpack and his rifle. |
| 12:17:37am | | As he is making his way Carlos sets fire to various carpets and chairs. |
| 12:17:44am | | Carlos enters the area behind the cage of the Casino by shooting through the staff door. |
| 12:17:50am | | Carlos enters the staff casino entrance. |
| 12:17:57am | ↓ 02:43secs ↑ | Carlos opens a second door leading to the mantrap area of the cage of the Casino by shooting through it. |
| 12:18:24am | | Carlos shoots through a third door leading to the chips bank. |
| 12:19:41am | | Carlos is in the chips bank and is taking chips. |
| 12:20:40am | | Carlos exits the mantrap area. |
| 12:21:12am | | Carlos is seen wandering around looking for an exit. |
| 12:21:25am to 12:24:23am | Carlos looking for exit | Carlos can be seen wandering around the staff area of the Casino. |
| 12:24:50am | | Carlos attempts to break a camera. |
| 12:25:02am | | Carlos fires at the camera. |
| 12:25:13am to 12:27:50am | | Carlos is seen walking around. |
| 12:27:50am | | Carlos shoots at the door to the cage of the Casino. |
| 12:32:50am | | Employees of Defendants can be seen hiding in the pantry area. |
| 12:33:10am | | Carlos enters a chip bank area of the Casino where he spots two people hiding. He tells them to "go out of here." |

| | | |
|------------|------------------|--|
| 12:33:45am | | Smoke covers the camera in the pantry area where the employees were hiding. |
| 01:10am | | The police and security guards are seen entering the premises. |
| 01:15am | Exit stairs ↑ | A security guard is seen exchanging fire with Carlos. |
| 01:15am | | Carlos can be seen walking up the stairs. Allegedly, he has been wounded. |
| 01:49am | | Carlos makes his way to the 5 th floor of the Maxims Hotel. He enters a hotel room and can be seen burning linen along the hallway. |
| 03:10am | 1hr&26mins | Carlos locks himself in hotel room 510. Reportedly, Carlos sets it on fire and shoots himself. |
| 03:15am | | The police enter hotel room 510 where they allegedly find the charred remains of Carlos. |

The above chronology of events is based on clear evidence which has been made available by Defendants and/or others and is currently in the public domain. Plaintiffs reserve the right to to amend these particulars in the event that further evidence comes to light which indicates an alternative chronology or details of events to the above.

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EXHIBIT B

Resorts World Manila Attack Investigation & Analysis Report

Salvador Sanchez
September 21, 2018

RWM: INTRODUCTION

On January 10, 2018 I was contacted by Atty Hwa Min Hsu regarding two Taiwanese nationals who died in Resorts World Manila Attack. He was retained by their siblings representing their estate. The deceased, Tung-Tsung Hung and Pi-Ling Hung Lee, who died of asphyxiations according records furnished by coroner. Mr. Hsu requested International Gaming Consultants to further investigate the incident that occurred the night of June 2, 2017.

More specifically, Atty Hsu firmly believes that the actual events of that night have been suppressed or whitewashed. In other words, The purpose of the investigation is to determine if there was any wrongdoing, discrepancies in RWM's actions, or contradictory statements. All determinations will be statements of fact without prejudice or innuendo.

The scope of the investigation will encompass several parameters that include:

- Review video footage of three Philippine congressional hearings done July of 2017. Much of the Hearings were in Tagalog and English combined. The Red lettering in the Exhibits are the translation from Tagalog to English.

- Have interviews with individuals pertinent to the incident.

- Review RWM, Travelers Insurance, and Genting documents held in the public domain.

The scope of the investigation will be limited in nature due to the fact that the crime scene was compromised 27 days after incident by totally gutting area and replacing it with a new structure. Any physical evidence is limited in nature or has been retained by the Philippine National Police (PNP) without access by the investigator.

Resorts World Attack(RWM): June 2, 2017

SCOPE AND PURPOSE:

- **INCIDENT:** Event occurred on June 2, 2017 at 12:11AM, by Jessie Javier Carlos ("the Gunman"). Gunman entered the casino with an armed assault rifle, wearing a mask, ammunition vest, and carrying a backpack with gasoline and loose bullets. Gunman set fire in various places in the casino that included gambling tables, slot machines, carpets, and sofas. Determine if Gunman alone caused the fire that resulted in total destruction of the second floor. Gunman also pilfered large sums of gambling chips.
- **PROBE:** Investigate the circumstances surrounding the death of 38 people. Out of the 38 victims, 37 died on the spot, including the suspect who burnt and shot self after incident, and another victim dies at his Condo. Included in the deaths were VIP guests Tung-Tsung Hung and Pi-Ling Hung Lee parents of bereaved siblings who requested greater scrutiny of the circumstances surrounding their deaths. Also had 62 injuries that went to various hospitals.
- **DETERMINE:** if the documented public information, regardless of its characteristics, either by media or written form are a valid presentation of their execution of duties performed by RWM Management contain discrepancies and contradictions.
- **EVALUATE:** if performance by all parties involved were grossly negligent, possibly criminally culpable, by their acts that tragic night.

ASSESS: the efficiency and sufficiency of RWM management's operational practices during the incident based on Memos, personal interviews, video tapes, and Philippine congressional hearings. Execution of performance will be judged based on acceptable management practices.

CHRONOLOGY OF EVENTS

SEQUENCE OF EVENTS DURING INCIDENT AS SEEN FROM VIDEO TAPES

- 12:07 AM | Gunman arrives in taxi Bay Area near Mall. Exits Taxi and enters ground floor of Mall.
- 12:08 AM | Gunman takes elevator to the 2nd floor from 1st floor
- 12:09 AM | Gunman seen in elevator with two women. No incident occurs
- 12:10 AM | Gunman leaves elevator on 2nd floor while putting mask on.
- 12:011 AM | Gunman enters mall entrance with mask where he bypasses metal detector. Female Guard and roving guard attempt to stop him but run away when he brandishes assault rifle.
- 12:12 AM | As Gunman makes way to the Casino he shoots assault rifle into air while guests run past.
- 12:13 AM | When Gunman reaches casino he pours gasoline onto two gambling tables while setting Fire to Table one and throwing a bag of bullets into the fire.
- 12:14 AM | Gunman proceeds to back of casino and then returns to front where he sets fire two other Tables. The Gunman makes way to VIP area of Casino. Never at this time was water Released from Sprinkler System as seen in the video.
- 12:15 AM | Gunman enters VIP Area and sets fire to third table. RWM allegedly claims sprinklers Activated from the fire.
- 12:16 AM | Gunman exits VIP area into other part of the casino where sets another table on fire and Then walks into hallway toward Bar 180 where he fires his assault rifle into ceiling.
- 12:16 AM | Incident occurs in vicinity of BMW Car Display on the 2nd floor near casino entrance.
- 12:16 AM | The CCTV Tape shows Gunman pouring gasoline on two sofas in Bar 180 area. He sets fire To the sofas and then continues into slot area of the casino and proceeds to set fire to Several slot machines as he is walking
- 12:17AM | Gunman exits slot area seen carrying Backpack and assault rifle while at same time setting Fire to various carpets and chairs.
- 12:18 AM | Gunman enters the area behind the cage of the casino by shooting through door. Shoots Second door leading to Mantrap room and then shoots third door leading to Chip Bank.
- 12:19 AM | Gunman seen taking chips from Chip Bank and putting in backpack. Gunman exits Chip Bank through Mantrap and wanders around looking for an exit.
- 12:19 AM | Gunman seen wondering around staff area of the casino. Attempts to break a camera by
- 12:33 AM | by firing rifle at camera. He shoots door to Casino Cage.
- 12:32 AM | Mr. Hsu's clients die in VIP Room attempting to escape. Employees can be seen hiding in Pantry.
- 12:33:45. Seen moving around till smoke covers the camera and a "Blackout" of the area occurs.

12:33 AM | Gunman enters a chip bank area of the casino where he spots two people hiding. He tells them to "Get out of Here". He continues to wonder around the area.

01:10 AM | The police and security guards are seen entering the premises

01:15 AM | A security guard is seen exchanging fire with the Gunman.

01:15 AM | Gunman seen walking up stairs and apparently appears to have been wounded.

01:49 AM | Lapse in Video footage does not show whereabouts of Gunman. He is next seen making his way to the 5th floor of the Maxims Hotel. Seen entering a hotel room while burning 03:10 AM | linen along the way in the hallway.

02:20 AM | Arrival of CPNP Ronald Dela Rosa assessed the situation and gave directives to SAF

02:30 AM | 6 PNP Teams & 6 SAF Teams directed to clear 4th, 5th, & 6th floors of Maxim's Hotel.

03:10 AM | Gunman locks self in hotel room 510. Wraps self in blanket with gas. Sets self on fire.

03:15AM | Police enter room 510 full of toxic fumes and do not see charred remains due to smoke.

03:16 AM | No video tapes were made available from CCTV during this time period. 03:16AM-06:20AM

06:20 AM | Police and Resorts World Manila Security return to the Gunman's room & find charred remains of the Gunman in room 510.

06:21 AM |

07:49 AM | Observed male employee still alive crawling on escalator which prompted PNP, SAF, RWM

04:00 PM | Rescue teams to initiate a search of and

08:00 AM | SOCO Arrived and retrieved cadaver of the Gunman. Also started search and rescue which

04:00 PM | found bodies of the 36 victims in Pantry and public Toilet (C.R).

DISCLAIMER ON THE SEQUENCE OF EVENTS:

The above chronology of events is based on clear evidence which has been made available by the Resorts World Manila Management, Bureau of Fire (BFP), and Philippine National Police (PNP) and/or others and is currently in public domain. The investigator reserves the right to make amends these Sequence of Events if further evidence comes to light which indicates an alternative chronology or details to the above events.

PRELIMINARY INVESTIGATION AND ANALYSIS OF RESORTS WORLD ATTACK

- EVIDENCE AND ANALYSIS THAT EMERGED FROM FIRE

- Fire ISSUES Prior to Attack of Resorts World That Warrant Further Investigation

- RWM refused fire inspection for the casino and did not receive any Fire Safety Inspection Certificates (FSIC'S) from Bureau of Fire. Inspections were only made at the Hotel and Entertainment Center by Philippine Economic Zone Authority (PEZA) and Certificates issued of 27 December 2016 that were valid until 25 October 2017. Conflict between Bureau of Fire (BFP) and Special Economic Zone where neither agency had jurisdiction resulted in RWM choosing to open the casino without certificates of inspection or fire inspection. This was stated by Bobby Baruelo, BFP CHIEF, in the Congressional Hearing under oath. It was also reported later in The Manila Times. RWM failed to have the smoke extraction units and sprinkler system inspected by Bureau of Fire Protection (BFP) prior to fire incident. **Exhibit:1**

* Pertains to Hotel & Entertainment Center

Relative to this, the Office of the Building Official - Philippine Economic Zone Authority (PEZA) issued on 27 December 2016 two (2) Fire Safety Inspection Certificates with FSIC Numbers R-102516-A (frank) and R-102516-A 03 (frank) to Travellers International Hotel Group Incorporated and to Newport Entertainment and Commercial Center. The issued FSICs are valid until 25 October 2017, signed by ENGINEER DOMINADOR A. ZAGADA JR., Fire Chief, PEZA - Head Office (under the authority of PEZA Director General).

9. RESPONSIBILITY AND LIABILITY

For the structural destructions, material damages and fire losses sustained by Travellers International Hotel Group Incorporated / Resorts World Manila - Maxims Manila Hotel in this incident, the IED Investigation Team attributed the responsibility and liability to the lone gunman identified as JESSIE CARLOS y JAVIER, who unlawfully entered the building premises with the primary intention of destroying the property by means of fire or criminal burning. The death of thirty-six (36) fire victims in the premises of Resorts World Manila - Maxims Manila Hotel was resultant to accumulation of smoke and soot inside the building caused by multiple fires that intentionally set by the lone gunman. It can be explained that the smoke and soot or smoke condensate, as direct products of combustion, contains toxic substances that is very harmful to human being in prolonged exposure. As previously mentioned in this report, the fire progression of fire caused by ignited liquid accelerant and liberal accumulation of smoke inside the building resulted to the immediate death of the fire victims.

With regards to security related issues involving the security operations and protocols of Resorts World Manila - Maxims Manila Hotel and the security guards of NC Luning Security Specialist Agency, the conduct of investigation regarding the question on possible lapses or failures on this matter was undertaken by Special Investigation Team (SIT - "High Roller", RWM Incident) of Southern Police District - Philippine National Police.

**Eugene De Vera****Kingson**

3:04:07 Eugene De Vera – I direct my first question to the Resorts world, How many years are you operations right now. How many years na po Mr. Sian?

I would like to direct my question to the resort world, how many years your operations right now?

3:04:16 Kingson – Since 2009 ho, august of 2009

August of 2009

Eugene De Vera – In your operations who issued your fire permits?

Kingson – Peza ho po

PEZA

Eugene De Vera – did the peza inspect the facilities?

Kingson – Ah yes your honor

Eugene De Vera – Did the bureau of fire ever went to your building to inspect?

Kingson – hindi po your honor *(No your honor)*

Eugene De Vera – Did the bureau of fire ever wrote you Jurisdiction that they have jurisdiction over in your facilities?

Kingson – ah as far as I know your honor ah hindi po

(No, as far as I know your honor)

Eugene De Vera – now going to bureau of Fire director Bobby Baruelo. Do you confirmed that you did not inspect the resorts world facilities?

3:05:20 Bobby Baruelo – No sir

Eugene De Vera – Why?

Bobby Baruelo – ah matagal na po kasi yang problema export processing zone and the bureau of fire protection is not allowed to conduct hindi po karne pinapapasok po dun sa mga facilities ng mga export processing zone because sila daw po ang may jurisdiction don.

➔ *This problem was long time ago for export processing zone and the bureau of fire protection is not allowed to conduct, we are not allowed to enter to any facilities of export processing zone because they said it's their jurisdiction.*

Eugene De Vera – did you contest it? In any manner?

Bobby Baruelo – We have seek legal opinion on that matter and sir yun nga po pinaka huling legal opinion ay hindi po talaga sa amin ang authority to conduct inspection on economic zones.

➔ *We seek legal opinion on that matter and sir that's the last legal opinion, that we don't have authority to conduct inspection on economic zone.*

Eugene De Vera – But are you aware under the fire code you as a Bureau chief has the direct responsibilities, supervision and control to implement the provision of the fire code?

Bobby Baruelo – Yes sir that's we are doing we conducting inspection of the different establishment throughout the country.

The Manila Times

Police ready raps vs Resorts World

by JAIME PILAPIL, TMT

NATION

Metro Manila Police Director Oscar Albayalde on Monday said police are now ready to file criminal charges against Resorts World management and its security agency for the death of 13 employees and 24 guests during a rampage of an armed man who ran amuck on June 2 at the casino and entertainment complex.

"The Supervisory Office for Security and Investigation Agencies will finalize and submit today or tomorrow their findings, which means they are ready to file charges of negligence resulting in multiple homicides," Albayalde told a forum in Manila.

He added that only three of the relatives of the victims have signified their willingness to file the criminal charges but he clarified that the police can file the case as a nominal complainant.

Albayalde described the case as strong because Resorts World security forces had admitted to investigators that they abandoned a closed-circuit television (CCTV) camera of the casino and entertainment complex the whole time that Jessie Carlos was wreaking havoc on the property before shooting himself dead.

The 37 victims died from suffocation after Carlos torched the tables and carpet of the VIP room located on the second floor of the casino area.

"Security lapse could be blamed for everything probably. [A] security person admitted that he left the CCTV [camera room] immediately. He could have seen people on the second floor at the VIP room and they could have been saved [if he did not leave the room]. All the 37 died because of suffocation," Albayalde said.

"When the police and firemen arrived, they said they were able to evacuate the 12,000 people present at the time in the casino without knowing that all the 37 people were trapped inside the VIP room," he added.

Another major lapse, according to Albayalde, was that Resorts World security personnel could see the suspect through the CCTV camera but could not pinpoint where he was.

The security people informed the police only when Philippine National Police (PNP) chief Ronald de la Rosa arrived at 3 a.m. that they had another CCTV camera room at Remington Hotel nearby.

Albayalde said respondents to the complaint are Travellers International Hotel Group Ins., operator of Resorts World Manila located across Terminal 3 of the Ninoy Aquino International Airport, and N.C. Lanting Security Specialist.

Resorts World has given P1 million each to families of the 37 victims, including paying for the hospitalization or treatment of some 67 injured individuals.

Meanwhile, Public Attorney's Office head Persida Acosta, in a radio interview also on Monday over dzMM, said a class suit is being prepared against the management of Resorts World.

"We have prepared the computation of damages, using the American life expectancy computation. But the offer was so small, not even one-half of our computation. According to ACCRA [Angara Abello Concepcion Regala & Cruz Law Offices] lawyers, they are telling Resorts World to settle," Acosta disclosed.

She said her lawyers are also waiting for reports of the PNP and the Bureau of Fire Protection (BFP) that they will use in filing the civil case.

Albayalde, when sought for comment on the reopening of Resorts World as ordered by Philippine Amusement and Gaming Corp. (Pagcor) last week, said he could understand the reasons both from the government and the business side.

"Maybe they considered the 12,000 employees and the income of the government through tax," he added.

Also on Monday, Resorts World was urged to secure a fire safety certificate from the BFP.

Rep. Rufino Biazon of Muntinlupa City made the call five days after Pagcor lifted the suspension of the casino and entertainment complex over the June 2 incident.

The BFP issues a fire safety certificate if "the building premises comply with the fire safety requirements and fire protective and/or warning systems such as fire sprinkler systems, automatic extinguishing systems and if fire alarms are properly installed."

Pagcor restored Resorts World's license to operate after it doubled the number of armed guards and metal detectors; reviewed safety and security protocols for various emergency scenarios; and obtained Fire and Safety Inspection Certificates (FSICs) for building and structural integrity from the Philippine Economic Zone Authority (PEZA), which oversees Resorts World.

During an earlier congressional probe of the incident, Resorts World management admitted that the casino and entertainment complex was not inspected by the BFP because it is under PEZA jurisdiction.

PEZA also admitted during the congressional inquiry that casinos are not covered by its supposed authority to issue FSICs under the PEZA law.

As such, RWM did not have FSICs at the time of Carlos' attack.

Biazon said there should be no confusion about the agencies' respective authorities because the Fire Code mandates the BFP to issue FSICs.

"Why would Pagcor allow casinos under PEZA to operate when they don't have FSICs to begin with? PEZA is overextending its authority by saying that they have the authority to issue the FSICs when such is not provided by law," he pointed out.

"Really, we don't need a new law here. We already have the Fire Code. PEZA is insisting that the Fire Code does not cover them and that argument is against the law," Biazon said.

LLANESCA T. PANTI

- General category of business premises, like hotel-casinos, usually require the highest specification for fire safety . **EXHIBIT:2**

- Analysis: RWM failed to use high standards with business premises that have high “people” traffic like casinos. RWM did implement local fire laws and regulations that are less stringent than United States stricter standards.

EX2

Definition 1: smoke can look at the serious situation of the wall, from the days of drawing board began to calculate the length of blackened, the lower the more serious the more serious smoke, smoke layer

Field combustion situation estimation

1. A few tables of burning after the screen, it seems no proliferation, not the "fire" the main reason.
2. The burning of the ceiling at the entrance of the BMW is a result of burning for a long time. The room was not sprinkled to cool the fire
3. BMW side seems to burn the main cause, smoke generated concentrated

Analysis of Smoke Status

1. Lawyers provide slides, there is a mess of the whole body was blackened to help that photo, they said at a glance, this one inside the smoke is very serious, the smoke layer has been very low.



2. BMW side as the main burning, high temperature, smoke will begin to spread to the ventilation, speculation is to enter the criminals The entrance that direction of the proliferation (because I have mentioned there is an area of open-air restaurant)



1. VIP if no smoke extraction system, and only a small entrance design, like a bottle of fat big bottle, Smoke into the stay was stuck, causing the smoke layer soon very low, people's survival time soon gone.

Sprinkler film analysis

1. They said at a glance: sprinkler position is not right, radius is not enough. It stands to reason that sprinkling a sprinkler should be an instant extinguished the fire, Resulting in a lot of white smoke, Moreover, the table burn is not strong. It seems that the fire is slowly extinguished by itself For the anti-flame table.
2. They also guess the VIP is a new compartment, it is possible before this area is the warehouse, the toilet, **not** the people coming and going Domain, so the new compartment is produced, but the watering waterway **was** not re-designed, leading to a lack of sprinkler radius.
3. Table 1 and Table 2 why no sprinkler? They say sprinklers are based on temperature, maybe so also depends on the height of the ceiling, Look at the film feel Table 1 and Table 2 feel high.

Fire regulations discussion

1. Will be based on the general category of business premises level: usually the eight industry is the highest specifications, mainly because of many people, but also Complex, easier to trouble, called the class of places.
2. Examples of foreign hotels in Taiwan: Marriott Hotel in Taiwan, they will first use the United States Standard from he implementation of fire laws and regulations, not because of our regulations more relaxed and cheap to act.
3. Smoke mask is currently not included in Taiwan, the necessary fire equipment

Firefighting can be seen from two faces

1. Hardware equipment: sprinkler, smoke exhaust system
2. Personnel training: Fire escape, the initial Fire Extinguisher

Sprinkler Regulations (Taiwan)

1. Class A places: sprinkler radius of 1.7 meters (floor radius), any two sprinklers must be less than 2.4 meters
2. Every six months to be tested once, but the test is usually not really try to spray.

Smoke Exhaust Regulation (Taiwan)

1. Smoke Division: is a can control the smoke area.
2. Wide notice of the occasion of the way, there are two: the first is a glass compartment, like department stores are usually more often use. The second is, with smoke detectors, smoke will occur off the partition wall. Like the MRT station channel, sometimes Will write, [fire occurs iron rolling door will fall, do not put any items here].
3. If a zoning area at 500 m^2 , and at least one smoke extraction must be provided.
4. If a zoned area is controlled at 100 m^2 , the smoke extraction can be waived. (KTV box)

- Credibility of Fire Safety Inspection Certificates (FSIC) Not Valid
 - On July 25, 2017 The Bureau of Fire Protection (BFP) rendered a Fire Safety Inspection after the Fire. The Executive Report/ Final Investigation Report concluded that a fire inspection team confirmed that RWM FIRE SAFETY INSPECTIONS CERTIFICATES (FSIC'S) WERE VALID TILL DECEMBER 25, 2017 AND WERE WITHIN FIRE SAFETY COMPLIANCE. **The Report from the fire safety team conducted an inspection of the involved premises AFTER the fire incident occurred on the 2nd floor of the RWM.** The Report implies that all fire and safety equipment had functioned properly during the fire. **EXHIBIT:3**
 - Analysis: NO fire equipment inspections were done on the premises PRIOR to the fire. There is no way of knowing how VALID and ACCURATE their assessment or functionality of the equipment was DURING the fire as conducted by Inspector Donald R Conception of Pasay City Central Fire Station. RWM knowingly failed to have the new VVIP Room extension inspected prior to the opening of the room. The room, most likely, lacked proper sprinkler and extractor systems due to the fact that the room was hastily converted. Very difficult to reconfigure a sprinkler system in such a short time as per professional fire inspectors familiar with the Resorts World Attack.
 - The Bureau of Fire (BFP) rendered an Executive Report/Final Investigation Report to the Special Investigation Team (SIT-RWM) that "concluded that the fire and consequent conflagration that destroyed the structures and propertieswere committed intentionally and criminally by the lone gunman." **Exhibit: 3**
 - Analysis: Fires set by gunman unlikely resulted in the more intense fire that destroyed the 2nd floor of the casino. Intense fire of 2nd floor most likely caused by some type of incendiary device due to total destruction of the second floor. The BMW burning also contributed to the heavy smoke laden with toxic fumes. It resulted in the death of the 37 victims.

75. The BFP submitted to the SIT-RWM a copy of its Executive Report dated 5 July 2017 which "concluded that the fire and consequent conflagration that destroyed the structures and properties of Travellers International Hotel Group Incorporated (Resorts World Manila – Maxims Manila Hotel), which resulted to the death of thirty six (36) individuals and injuries to sixty three (63) others were committed intentionally and criminally by the lone gunman identified as JESSIE CARLOS y JAVIER". It likewise recommended that the case be considered closed / solved for being CRIMINAL IN NATURE, under the criminal offense of DESTRUCTIVE ARSON punishable under Section 2 of Presidential Decree Number 1613. Nonetheless, said findings is without prejudice to reinvestigation by the Office of the Investigation and Intelligence Division (IID), BFP National Headquarters, if warranted. (ANNEX "E-5")

76. Upon perusal of the Executive Report, in essence, it determined that the result of fire safety assessment on the involved building of Resorts World Manila – Maxims Manila Hotel disclosed that it is equipped with functional Automatic Fire Suppression System (AFSS – Water Sprinkler System) on the pertinent areas of the building. It also found that the building is also equipped with nine (9) complete Fire House Cabinets and a total of seventy-seven (77) Portable Fire Extinguishers (Dry Chemical and HCFC). The fire safety assessment also indicates that there were nine (9) Fire Exits that terminates to public ways. Aside from this, the building has separate stairways that lead to the Ground Floor level of Maxims Manila Hotel. The said Report shows that the Fire Exits indicates that the second (2nd) floor of the Hotel Casino met the required travel distance as prescribed by Republic Act 9514 – Fire Code of the Philippines. The BFP confirmed that RWM FSICs are valid until December 25, 2017.

The material portion of the Executive Report states:

8.2 Fire Safety Compliance

The report on fire safety assessment concerning the involved structure [Functionality of the Sprinkler System; Smoke Management Control System; Exits and Directional Signs; Travel Distance of Exits; and Other matters in the occurrence of the fire incident] were all stated in the 3rd Progress Investigation Report (PIR) dated 04 June 2017 conducted by INSPECTOR DONALD R CONCEPCION of Pasay City Central Fire Station. The said report discussed the actual fire safety inspection his team conducted on the involved premises after the fire incident occurred.

In summary, the result of the fire safety assessment on the involved building of Resorts World Manila – Maxims Manila Hotel disclosed that it is equipped with functional Automatic Fire Suppression System (AFSS – Water Sprinkler System) on the following areas:

| Affected Areas | Number of Sprinkler Heads |
|---------------------------|---------------------------|
| Jedhi Room | 51 |
| PIT-M | 44 |
| PIT-L | 35 |
| HIGH LIMITS TABLE | 21 |
| HIGH LIMITS SLOTS (BIG) | 73 |
| HIGH LIMITS SLOTS (SMALL) | 25 |
| Total | 249 |

- Contradictory Statements Regarding the Fire Needs Further Investigation
 - In the First Congressional Hearing, President Kingson attempted to show with video that sprinklers were working properly. **See Video A-2**
 - Analysis: Upon further analysis of the video it is evident that what President Kingson indicated on the video as water was only a reflexion from a mirror and white smoke coming down from the ceiling.



A-2 Video

President Kingson attempted to show with video sprinklers were working properly.

- Non-Conforming and Suspicious Actions That Warrant Added Investigation

- The videos from RWM shows the gunman lighting fire to a few gaming tables, chairs, and slot machines. Video also shows gunman walking casually shooting the automatic rifle up in the air. Gunman only spent approximately 6 minutes-50seconds walking through the casino gaming area. Video also shows gunman walking past the BMW area without stopping. **EXHIBIT:4**
- Analysis: It is evident that a gunman did not start the BMW fire because he was never seen near the BMW. It is also evident that gunman was not a terrorist or killer, as theorized by some, because of his actions when he encountered people. **See Video B-4**

- Non-Conforming and Suspicious Actions That Warrant Added Investigation

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- Analysis: It is evident that a gunman did not start the BMW fire because he was never seen near the BMW. It is also evident that gunman was not a terrorist or killer, as theorized by some, because of his actions when he encountered people. See Video B-4

EX4

BMW

e hearing on Resorts World Manila incident



Video B-4



- Resorts World videos of suspicious burning of the BMW was not made available by RWM management. Can only deduce from slides and photos that BMW burning created very high temperatures with heavy smoke that spread through the ventilation. BMW burning created toxic smoke that became lethal. Photos of burnt BMW indicate heavy damage resulting from gas igniting. Also available slides of blackened bodies indicate that smoke layer very low (more lethal) and heavily laden with toxic fumes. **EXHIBIT:5**

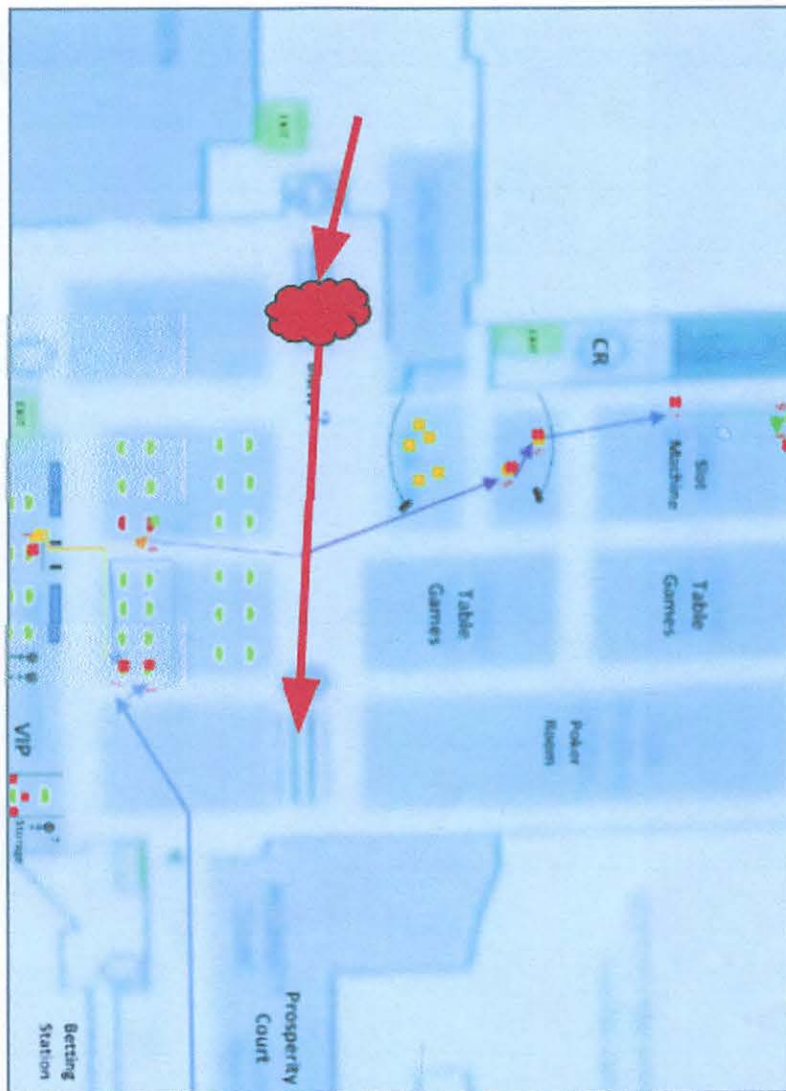
EX5



- Problems Created Due To Poor Floor Layout and Room Design

- The configuration of the VIP area (A bottle-neck design) created a situation where smoke that entered would be trapped and accumulate causing low laying smoke. It becomes very lethal for anyone in the area. Also indicates that there was no smoke extraction units or non-functional units nearby to extricate the smoke resulting excessive lethal smoke. **Exhibit:6**

EX6



1. VIP if no smoke extraction system, and only a small entrance design, like a bottle of fat big bottle, Smoke into the stay was stuck, causing the smoke layer soon very low, people's survival time soon gone.

- No proper evacuation routes by design of 2nd floor or enough posted signs to see where exit doorways were available. See Macau Article **Exhibit: 7**

EX7

Macau Declares Its Casinos Safe for Visitors, “Low Risk” for Major Attacks

JUNE 17, 2017 BY [SAMANTHA BECKETT](#)

Casinos in Macau face little threat of being targeted by a terroristic group or rogue gunman or faction. That's according to Paulo Chan, director of the Gaming Inspection and Coordination Bureau (DICJ).



Paulo Chan, the director of the agency responsible for inspecting Macau casinos, says the city has a relatively low threat level in terms of terrorism. Not everyone agrees. (Image: GGRAsia)

The chief gaming regulator in Macau asked its six major casino companies to [submit detailed security reports](#), outlining their plans and protocols for preventing attacks similar to what occurred in the Philippines. At Results World Manila earlier in June, a disgruntled gambler armed with an assault rifle and a two-liter bottle of gasoline set fires that killed 36 casino guests and employees.

After preliminary review of the security reports, DICJ has declared resorts in Macau as safe and secure.

“According to police evaluation, we are still in a relatively low-risk situation,” Chan told the media this week. “Our customers are still welcome to visit Macau to relax and enjoy the atmosphere.”

Chan added that the gaming operators, DICJ, and Judiciary Police will continue to meet in coming weeks to discuss additional safeguards that could be effective for keeping guests and employees safe inside the casinos.

“More security measures, more communication between the operators and the PJ (Judiciary Police), will be arranged in order to strengthen local casinos’ security,” Chan told the Macau Daily Times.

Evacuation Plans

The people who died in the Resorts World Manila attack perished not from gunfire but from smoke inhalation, with many of the victims trapped on the second floor without adequate evacuation routes as fires set by the attacker raged.

Macau's DICJ wants not only assure proper preventative security measures are in place, but also wants to be sure there are no safety vulnerabilities contributing to harm should a catastrophic event occur.

Gaming and government authorities in the Philippines are still sorting through footage from hundreds of security cams seeking answers to what went wrong, but so far they have found sprinkler systems that didn't work, and the resort's lack of a proper evacuation plan contributing to death and injuries amid the mayhem.

PAGCOR, the Philippines' gaming regulator, has since suspended Resorts World's casino license. But many say the gaming agency shares blame, as it allegedly failed to address insufficient emergency exits during property inspections.

Securing Casino Customers

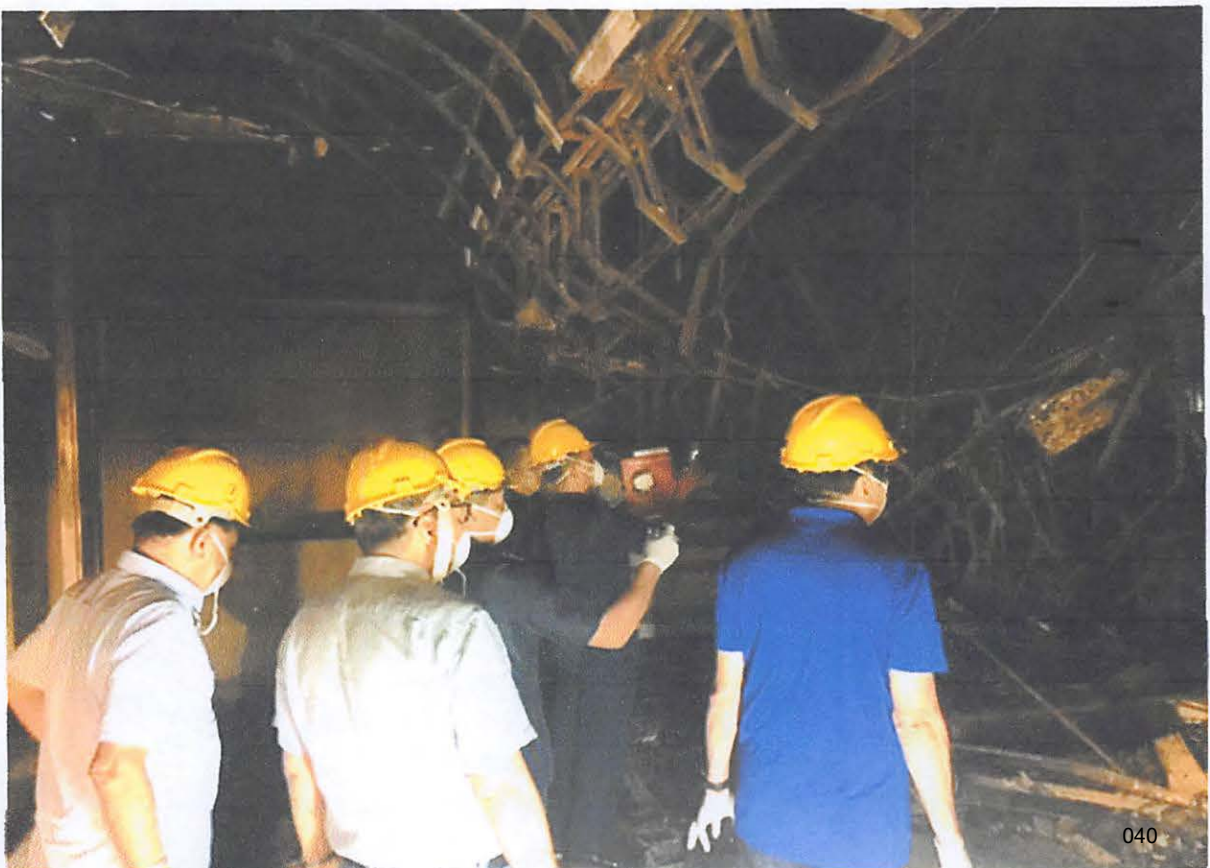
The Chinese government less than a year ago lifted a travel ban that prohibited its citizens from traveling to the Philippines. Casinos in the Philippines have credited an influx of Chinese tourists as contributing to a surge in gambling revenues over recent months. By declaring Macau casinos safe, DICJ might be hoping to keep Chinese gamblers playing at their homeland resorts, particularly as destinations such as the Philippines and other newer Asian casino markets appear to follow in addressing safety matters.

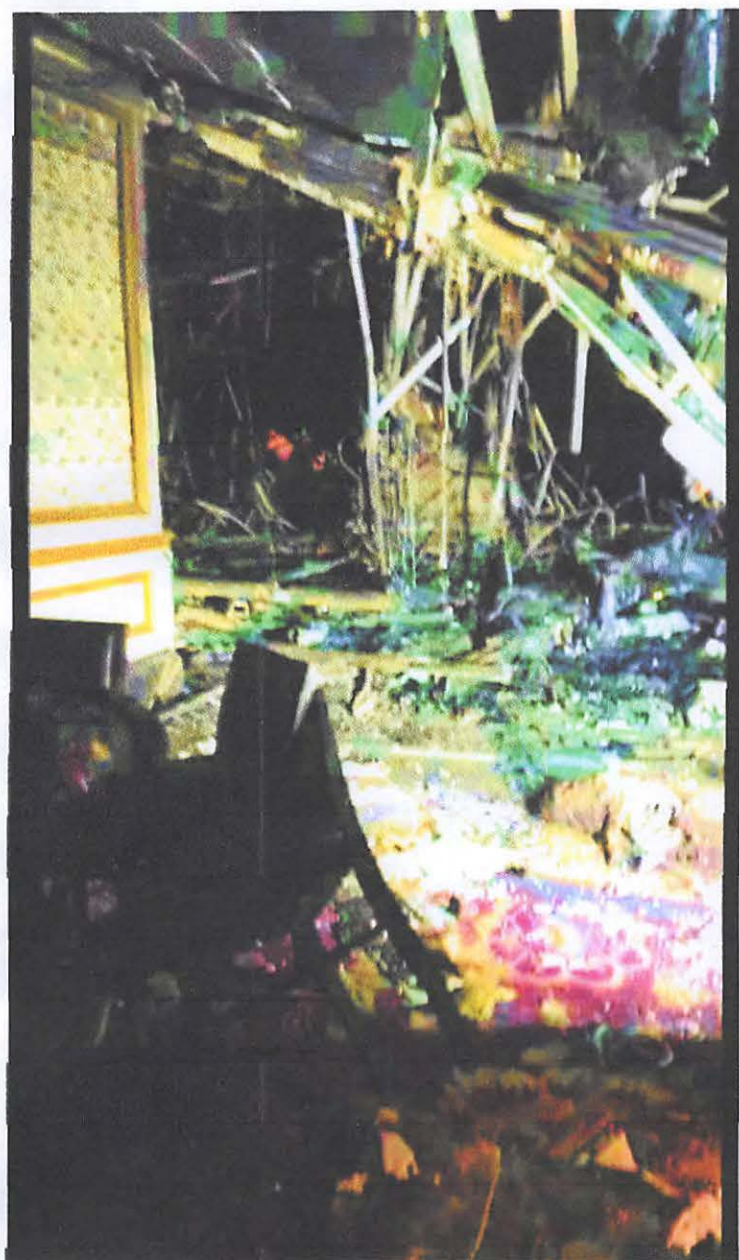
In Thursday's briefing with the Chinese press about the preliminary security reports, Chan said that in addition to casino security being strong, Macau is in less danger than other places for facing a major tragic incident.

"According to the police's evaluation, [Macau is] still in a relatively low-risk situation," Chan said.

- **Analysis:** Photos of the burnt ceiling at the entrance of the BMW is evidence of burning for a long period of time. This is Evidence that sprinkler system was not working due to no water cooling the area. Also, reviewing the videos from Resorts World closely it is obvious that no one was water soaked or wet from sprinklers. **EXHIBIT:8**

EX8





- The sprinkling by sprinkler system should extinguish the fire instantly, resulting in a lot of white smoke. The video from RWM shows a lot of black smoke. The size of the fires on the tables, slot machines, and chairs should have been extinguished immediately by the sprinkler system. Video shows no fire proliferation from a few burning tables, slot machines, or chairs. Most of these fires appear NOT to spread to other areas due to fire retardant material. One possible reason sprinkler system did not function properly was ceiling height was too high for such a moderate fire on the tables, slots, and carpet. **Exhibit:9 See Video C-9**

EX9



Ceiling is very high

See Videos C-9

(12:13:39 am) He torched the second table



(12:14:33 am) He torched the first table



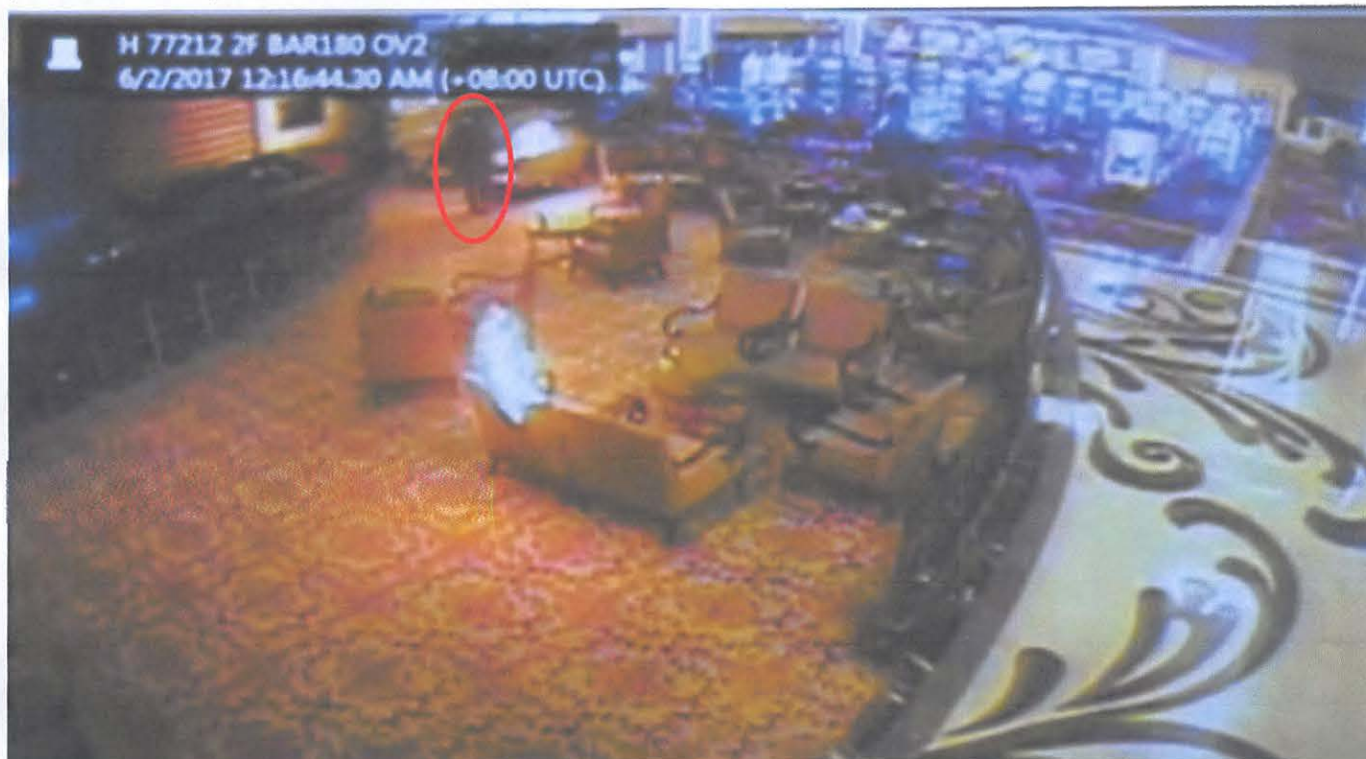
(12:15:23am) Gunman torched the table at Private Salon (VIP)



(12:15:51 am) He torched the table in other gaming area



(12:16:44 am) Gunman torched another sofa



(12:16:57am) Gunman entered to slot machine area torched many slot machine



(12:17:37 am) Gunman continues to torch carpets and chairs



Videos C-9



- At a glance of video and photos shows sprinkler system radius was not correct. When the VVIP room was added to the area, the redesigned configuration of watering waterway was not taken into consideration resulting in a lack of sprinkler radius this is according to fire inspection professionals. **Exhibit:10**
- Central paging system where main unit was located was in a locked basement room. RWM management claimed it was not possible to reach due heavy smoke in the area.
- Analysis: All the above issues contributed to a poor fire system set-up that became compromised with the start of the fire.

EX10

Sprinkler film analysis

1. They said at a glance: sprinkler position is not right, radius is not enough. It stands to reason that sprinkling a sprinkler should be an instant extinguished the fire, Resulting in a lot of white smoke, Moreover, the table burn is not strong. It seems that the fire is slowly extinguished by itself For the anti-flame table.
2. They also guess the VIP is a new compartment, it is possible before this area is the warehouse, the toilet, not the people coming and going Domain, so the new compartment is produced, but the watering waterway was not re-designed, leading to a lack of sprinkler radius.
3. Table 1 and Table 2 why no sprinkle? They say sprinklers are based on temperature, maybe so also depends on the height of the ceiling, Look at the film feel Table 1 and Table 2 feel high.

Fire regulations discussion

1. Will be based on the general category of business premises level: usually the eight industry is the highest specifications, mainly because of many people, but also Complex, easier to trouble, called the class of places.
2. Examples of foreign hotels in Taiwan: Marriott Hotel in Taiwan, they will first use the United States Standard from he implementation of fire laws and regulations, not because of our regulations more relaxed and cheap to act.
3. Smoke mask is currently not included in Taiwan, the necessary fire equipment

Firefighting can be seen from two faces

1. Hardware equipment: sprinkler, smoke exhaust system
2. Personnel training: Fire escape, the initial Fire Extinguisher

Sprinkler Regulations (Taiwan)

1. Class A places: sprinkler radius of 1.7 meters (floor radius), any two sprinklers must be less than 2.4 meters
2. Every six months to be tested once, but the test is usually not really try to spray.

Smoke Exhaust Regulation (Taiwan)

1. Smoke Division: is a can control the smoke area.
2. Wide notice of the occasion of the way, there are two: the first is a glass compartment, like department stores are usually more often use. The second is, with smoke detectors, smoke will occur off the partition wall. Like the MRT station channel, sometimes Will write, [fire occurs iron rolling door will fall, do not put any items here].
3. If a zoning area at 500 m^2 , and at least one smoke extraction must be provided.
4. If a zoned area is controlled at 100 m^2 , the smoke extraction can be waived. (KTV box)

- **EVIDENCE AND ANALYSIS THAT EMERGED FROM RWM SECURITY AND SURVEILLANCE**

- ISSUES Prior to Attack of Resorts World That Warrant Further Investigation

- On May 24, 2017 PAGCOR specifically issued an advisory warning to RWM about tightening their security personnel and policies. PAGCOR Chairman Andrea Domingo advised RWM to increase security preparedness and awareness due to Terrorist activity in Mindanao. RWM failed to follow required advisories as mandated in their provincial licenses. **EXHIBIT:11**

EX11

Resort world Violation according to PAGCOR



First Hearing: June 7, 2017

56:46 - Pantaleon Alvarez- Excuse me Mr. Chairman, may we ask the chairman of PAGCOR to limit the presentation to the violations of the Resorts World Manila dun sa franchise nila(in their franchise). Yung issue ng(the issue of) terrorism we will ask that later dun sa(to) PNP.

57:06 - PAGCOR Chairman Andrea Domingo - So far the violation that we have actually seen is that on May 24. We issued security advisory (they ignore the security advisory) to all of our licensees all the gaming sites operations or operators telling them that in the light the recent terrorist activities in Mindanao which prompted President Rodrigo R. Duterte to declare martial law in Mindanao. We advised you to implement the following additional precautionary measures: 1) increase security preparedness and awareness in your prospective venues and properties to ensure safety to your employees, staff, and quests and to abide by the rules curfew and other city ordinances that may be issued by the local and other government agencies where you are situated in connection with this latest incident.

58:00 - PAGCOR Chairman Andrea Domingo- We have to,... we issued this advisory because in the provisional licenses of all of our licensees, it is required that they follow such advisories. So and for my assessment there was really lack of security at the entrance and parking lots of RWM because there's hardly any presence in that area of adequate and competent and fully and ended the properly equipped security personnel. And this can be seen from their video that we saw yesterday. However, I think that the most important thing is that how we could aborted the tragedy or we have minimized the loss of life. Because it's very important to know who ordered the lockdown that allowed nobody to come inside the Resorts World premises and did not allow the Bureau of Fire Protection fire fighters to come in to conduct rescue activities as well as fire fighting activities. That is very crucial.



Philippine Amusement and Gaming Corporation
A Sure Bet for Progress in Gaming Entertainment and Nation Building

Mr. KINGSON U. SIAN
President and Chief Executive Officer
Travellers International Hotel Group, Inc.
10th Newport Entertainment & Commercial Centre,
Newport Boulevard, Newport City
Cybertourism Economic Zone, Pasay City, 1309

ORDER

In connection to the June 2, 2017 robbery/arson incident at the Resorts World Manila (RWM) which:

Resulted in 37 fatalities, and numerous injuries;

Caused damage to RWM casino infrastructure, gaming equipment, and allied facilities;

Exposed serious lapses and deficiencies in TRAVELLERS' safety and security procedures; and


Put the Philippine gaming, tourism, and hospitality industries in bad light.

In light of the above and pursuant with Presidential Decree No. 1869 as amended by Republic Act No. 9487, the Philippine Amusement and Gaming Corporation (PAGCOR) hereby suspends the Provisional License (PL) to operate casinos and other gaming facilities issued to Travellers International Hotel Group, Inc. doing business under the name and style of Resorts World Manila (RWM).

Resorts World Manila (RWM) is hereby ordered to cease and desist all gaming operations pending investigation and final determination by PAGCOR of RWM's liability for the June 2, 2017, robbery/arson incident and compliance to all security, safety, and gaming operations requirements.

Non-compliance with this ORDER shall cause PAGCOR to impose other sanctions as may be warranted under existing laws, including criminal prosecution for illegal gambling.

SO ORDERED.


ANDREA D. DOMINGO

Chairman & Chief Executive Officer

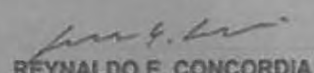


ALFREDO C. LIM

President & Chief Operating Officer


CARMEN M. PEDROSA
Director


GABRIEL S. CLAUDIO
Director


REYNALDO E. CONCORDIA
Director

RECEIVED BY:
E. H. NAGUI 6/9/2017

- According to PAGCOR Chairman's assessment that there was "really lack of security at the entrance and parking lots of RWM due to hardly any presence in that area of adequate...competent and properly equipped security personnel."..**EXHIBIT:12**

EX12

Resort world Violation according to PAGCOR



First Hearing: June 7, 2017

56:46 - Pantaleon Alvarez- Excuse me Mr. Chairman, may we ask the chairman of PAGCOR to limit the presentation to the violations of the Resorts World Manila dun sa franchise nila(in their franchise). Yung issue ng(the issue of) terrorism we will ask that later dun sa(to) PNP.

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- Casino Regulatory Authority of Singapore (CRA) imposed fines SGD\$385,000 onto casino of Resorts World Sentosa for lapses in their security and screening.


Exhibit: 13

EX13

Casino Regulatory Authority of Singapore

From Wikipedia, the free encyclopedia

The **Casino Regulatory Authority of Singapore** (**Abbreviation:** **CRA**) is a statutory board of the Singapore Government.

| | |
|---|--|
| <div> <div> <div>Casino Regulatory Authority of Singapore</div> <div>  </div> </div> <div>Logo of the CRA</div> <div>Agency overview</div> </div> | |
| Formed | 2 April 2008 |
| Jurisdiction | <u>Government of Singapore</u> |
| Headquarters | 460 Alexandra Road, #12-01, PSA Building, Singapore 119963 |
| Minister responsible | <u>Teo Chee Hean</u> , <u>Minister for Home Affairs</u> |
| Agency executives | Lee Tzu Yang, Chairman Jerry See, Chief Executive |
| Parent agency | <u>Ministry of Home Affairs</u> |
| Website | <u>http://www.cra.gov.sg</u> |

The CRA is responsible for ensuring that the management and operation of the casinos in Singapore remains free from criminal influence or exploitation. It also ensures that gaming in a casino is conducted honestly, and that casinos do not cause harm to minors, vulnerable persons and society at large.^[1]



Enforcement acts

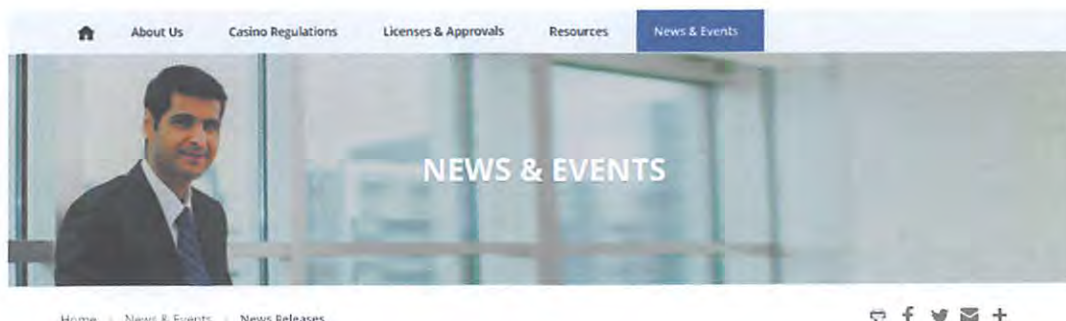
In February 2012, the CRA imposed fines of SGD\$385,000 onto casinos Marina Bay Sands and Resorts World Sentosa for lapses in their security and screening. This resulted from 44 cases of people who managed to enter or remain in the gambling halls despite being disallowed into the casinos. These included 19 cases where Singaporeans and permanent residents were allowed in without paying for the \$100 entry levy; five cases where gamblers overstayed the tenure of their entry levies, seven where people on exclusion orders were allowed to enter and 13 cases where minors were allowed in.^[2]

A list of other enforcement actions taken by CRA can be found [here](#)

- The Casino Regulatory Authority of Singapore (CRA) imposed financial penalties totaling \$530,000 on Resorts World at Sentosa Pte.Ltd. (RWS) for four breaches of the Casino Control Act and its regulations. **EXHIBIT:14**
- **Analysis:** RWM made a company decision to minimize security personnel at the expense of the safety and security of guests and employees. Genting Group appears to historically follow this policy among their properties throughout the world.



EX14



CASINO REGULATORY AUTHORITY OF SINGAPORE IMPOSES FINANCIAL PENALTIES ON RESORTS WORLD AT SENTOSA PTE. LTD.

18 May 2011

The Casino Regulatory Authority of Singapore has imposed financial penalties totalling \$530,000 on Resorts World at Sentosa Pte. Ltd. (RWS) for four breaches of the Casino Control Act and its regulations.

2. In the first breach, a financial penalty of \$200,000 was imposed on RWS for reimbursing the entry levy payable by Singapore citizens and permanent residents (SCPRs). On 15 July 2010, a senior management staff of RWS had provided cash to SCPR media representatives for the purpose of paying for the entry levy payable by them for entry into RWS' casino premises to cover the launch of the Ladies Club.

3. Commenting on the breach of Section 116(3) of the Casino Control Act, Chief Executive of the Casino Regulatory Authority, Mr. T. Raja Kumar said, "The Casino Control Act stipulates that casino operators are not allowed to reimburse the entry levy payable by Singapore citizens and permanent residents. The disciplinary action taken serves to remind casino operators to act responsibly to uphold the integrity of social safeguards put in place by the authorities."

4. Separately, RWS failed to ensure that casino surveillance footage from 22 cameras during the period 29 March 2010 to 2 April 2010 was retained for the specified period required by CRA. A financial penalty of \$150,000 has been imposed for this breach.

5. In addition, a financial penalty of \$30,000 was imposed on RWS for failing to ensure that casino surveillance footage from 18 cameras during the period 29 March 2010 to 30 March 2010 was retained for the specified period required by CRA. The Authority notes that this incident was self-reported by RWS.

6. Finally, a financial penalty of \$150,000 was imposed on RWS for failing to put in place a failure notification system to provide an audible as well as visual notification of specific failures in the casino surveillance system. CRA notes that RWS has since put such a system in place.

7. "Surveillance footage is an integral part of casino operations and the retention of such footage is critical for evidence gathering in regulatory and law enforcement," said Mr. T. Raja Kumar. "The casino surveillance system put in place by the casino operators should be robust and able to meet CRA's requirements. Such failure of the casino surveillance system to meet CRA's requirements will be taken seriously and firm disciplinary action will be taken in such instances."

- Mr. Armeen Gomez committed blatant falsification of his credentials pertinent to his educational documents. It was only during the Congressional Hearing on June 7, 2017 that Mr. Gomez was exposed regarding his lack of credentials to the surprise of RWM management. **EXHIBIT:15**

- **Analysis:** Lack of Proper Vetting of Security Head Chief Armeen Gomez for a top Surveillance executive position is indication of inept RWM management practices that exposes both employees and guests to undo dangers.

EX15

G. SOSIA FINDINGS

108. The findings of the SOSIA regarding the liability of Mr. Gomez for alleged lack of license or registration as company security guard force or unit is treated as a pending matter considering that the legal requirements for licensing and/or registration has not been fully established.

109. On the other hand, this SIT agrees to the findings of the SOSIA on the incompetence, lack of proper training of the Lanting Security personnel but takes exception to its reliance on the affidavit executed by Mr. Francisco Bayrante, an employee of NC Lanting that RWM controls, supervise and violated any provision of R.A. No. 5487, for being self-serving and until proven by competent evidence in support said allegations.

H. FALSIFICATION COMMITTED BY MR. ARMEEN GOMEZ

110. It is the finding of this SIT that Mr. Armeen Gomez committed falsification of his credentials pertinent to his educational documents.

**Art. 172 of the Revised Penal Code provides:*

"Art. 172. Falsification by private individuals and use of falsified documents. — The penalty of prison correccional in its medium and maximum periods and a fine of not more than 5,000 shall be imposed upon:

"1. Any private individual who shall commit any of the falsifications enumerated in the next preceding article in any public or official document or letter of exchange or any other kind of commercial document; and

x x x"

111. From the foregoing, the elements of the crime of falsification under paragraph 1 of Article 172 are: (i) that the offender is a private individual; (ii) that he committed any of the acts of falsification enumerated in Art. 171; and (iii) that the falsification was committed in a public or official or commercial document. All these elements are present in the instant case.⁴

112. Fraud refers to all kinds of deception- whether through insidious machination, manipulation, concealment or misrepresentation- that would lead an ordinary prudent person into error after taking the circumstances into account. In contracts, a fraud known as *dolo causante* or causal fraud is basically a deception used by one party prior to or simultaneous with the contract, in order to secure the consent of the other. Needless to say, the deceit employed must be serious. In contradistinction, only some particular or accident of the obligation is referred to by incidental fraud or *dolo incidente*, or that which is not serious in character and without which the other party would have entered into the contract anyway.⁵

113. During the Congressional Hearing on 7 June 2017, at the Airport, Pasay City, Mr. Gomez was exposed that he is not a college graduate. RWM was likewise surprised of the said discovery and in fact has taken the necessary steps regarding the misrepresentation of Mr. Gomez. In fact, RWM investigated and dismissed Mr. Gomez for his misrepresentations in at least thirteen different counts

⁴ Villamar vs. People, G.R. No. 178652, December 8, 2010.

⁵ Tanke II vs. DBP, G.R. No. 171428, November 1, 2013.

- Incident involving Jessie J Carlos was reported by Philstar, a local newspaper, that involved two men in a BMW two hours prior to RWM Attack. According to sources the article describes the two men confronting Carlos about payment of millions in gambling debts. A shootout ensues where Carlos is supposedly wounded in the leg. Sources claim forensic and surveillance evidence of Carlos's involvement. Further Investigation of incident needed to determine if any links to the RWM Attack.

EXHIBIT:16

EX16

Resorts World gunman behind murder of cop-turned-casino financier?

[Rey Galupo](#) (The Philippine Star) - June 8, 2017 - 4:00pm

MANILA, Philippines - Police investigators are looking into the possibility that Resorts World (RW) gunman Jessie Javier Carlos was the one who killed a lawyer and former policeman turned casino financier in Paco, Manila on June 1.

Closed-circuit television (CCTV) footage showed Carlos along with Elmer Mitra Jr., 38, and Alvin Cruzin, 43, in a gray BMW (XDX-993) at the corner of Perez and Belen streets two hours prior to the Resorts World attack, according to a source at the Manila Police District (MPD).

Witnesses said shots were fired before the car turned over and hit the gutter.

CCTV footage from Barangay 674 showed a man crawling out of the car from the backseat, then running with a visible limp toward Apacible street at 9:52 p.m.

Police officers said the man – believed to be Carlos – was wearing a blue T-shirt and cargo pants. He was of medium build and about 5'9" tall.

Probers said they recovered four 9mm casings, six bullets and a 9mm pistol with serial number Z04575 in the car.

Cruzin was formerly assigned with the MPD. He retired from the police service in 2009 and became a casino financier.

Mitra is the son of former Pasay City prosecutor Elmer Mitra Sr.

Prior to the Resorts World rampage, reports said that Carlos was kidnapped by two casino financiers to whom he owed millions of pesos.

Carlos, a former employee of the Department of Finance, was seized apparently to force him to pay his debt.

Carlos arrived at the corner of Felix Huertas and San Lazaro streets, where he lived, at exactly 10:18 p.m. as shown on CCTV footage of Barangay 339.

He left the house carrying a black bag an hour later and was seen on CCTV at 11:19 p.m. crossing the street toward a gasoline station where he bought three liters of gasoline before boarding a taxi on his way to Resorts World.

Carlos arrived at the casino at exactly 12:03 a.m.

The taxi driver who brought Carlos to Resorts World said that he was limping. He had apparently sustained a gunshot wound to his leg in the earlier encounter, contrary to reports that he was wounded during a shootout with security guards of Resorts World.

Sources said that Carlos was wounded in the scuffle in the BMW. He then went home and got an M-4 carbine and a pistol before proceeding to the casino.

Bloodied pants

A team from the MPD intelligence and homicide sections went to the house of Carlos on Wednesday and recovered bloodied khaki cargo pants – the same pants that the Paco gunman wore, according to a source.

Scene of the crime operatives collected blood samples and hair from the BMW for cross matching.

The source told The STAR that the cargo pants and other evidence were turned over to Camp Crame.

The source, who knew Cruzin, confirmed that the casino financier was with Carlos and Mitra before the Paco shooting occurred.

Senior Insp. Rommel Anicete, MPD homicide chief, would not confirm these findings. But there were reports that an investigator was reprimanded for saying that the case was considered closed.

Autopsy belies shootout

The suspect in the Resorts World attack that left 37 people dead suffered only one gunshot wound, the Philippine National Police (PNP) Crime Laboratory said yesterday.

PNP Crime Laboratory director Chief Supt. Aurelio Trampe said Carlos did not sustain other gunshot wounds aside from the one he inflicted on himself.

Carlos died from a gunshot to the chin, which exited his head.

Trampe said this was the conclusion of the medico legal officer, who conducted an autopsy on Carlos.

He added that Carlos did not have a gunshot wound in his leg. – **With Emmanuel Tupas**

- Security and surveillance Failures during attack At Resorts World

- Gunman arrived at the Taxi Bay Lane area and entered through Mall Entrance where there was no security guard on duty. Gunman took the elevator with two women guests to the second floor. Gunman entered through the Mall to the Casino with high powered assault rifle without being confronted by security personnel. **EXHIBIT:17**

See Video D-17

- Testimony in Congressional Hearings revealed that at the time of the attack only 68 uniformed personnel were on duty for the whole property. The contract with Lanting Security agency stipulated that 200 uniform personnel should have been available and on duty.
- **Analysis:** Shows definite negligence in securing the safety of guests and employees. Surveillance personnel failed to immediately alert security personnel. Lack of appropriate number of adequately trained and armed security guards on duty allowed gunman to enter casino without any confrontation wreak Havoc in the casino.

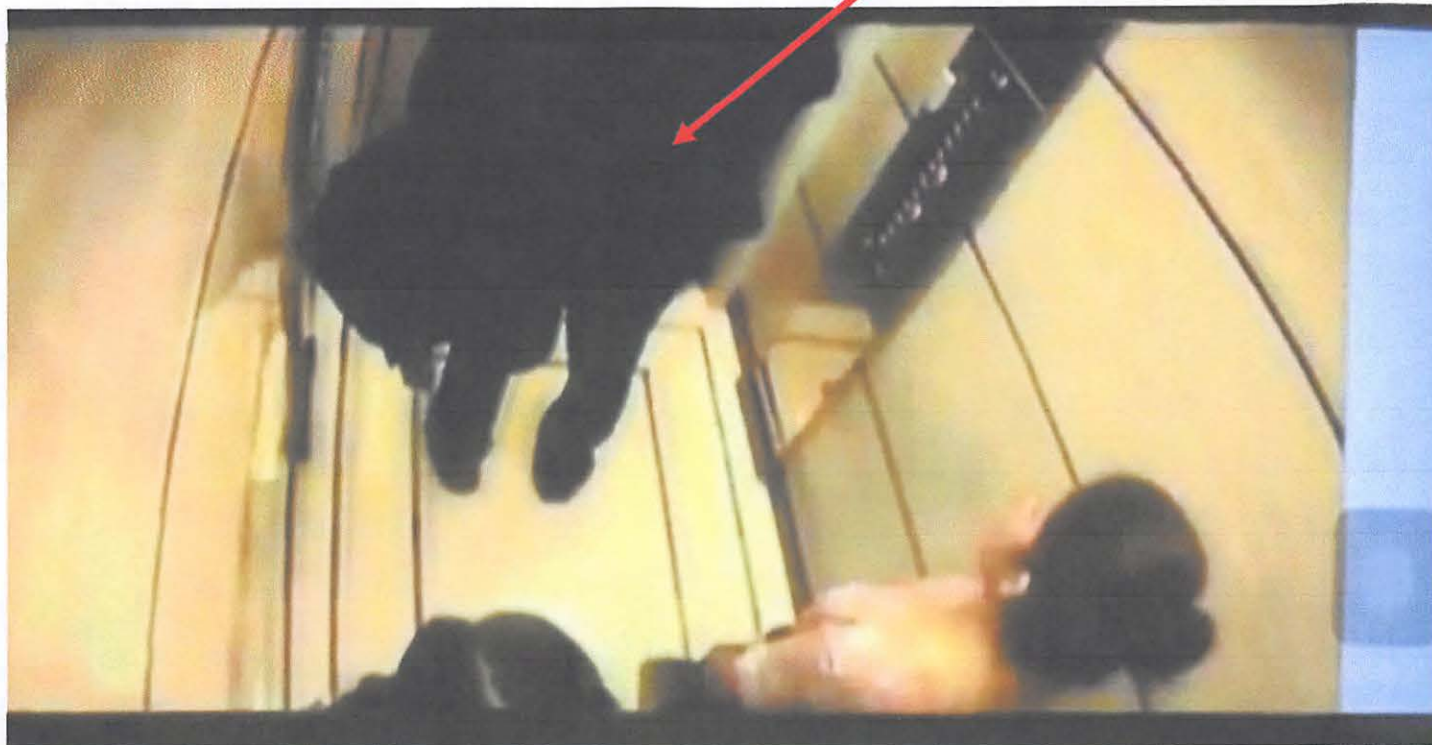
The Gunman arrived at Taxi Bay Area (12:07 am - June 2, 2017)



Gunman went to elevator at the Ground floor (12:08am)



The Gunman inside the elevator with two ladies at the back (12:09am)



(12:10am) The Gunman went out in elevator at the second floor and start putting the mask on his face. (No security guard)



Video D-17



- Video shows Gunman bypasses the metal detector at the entrance of the casino while a lone female security guard attempts to detain gunman. Additional male security guard arrives and tries to also detain gunman. Gunman brandishes his assault rifle causing them to run away.
- **Analysis:** Shows that security personnel were poorly trained in proper procedures and failed to act in professional manner. **EXHIBIT:18**

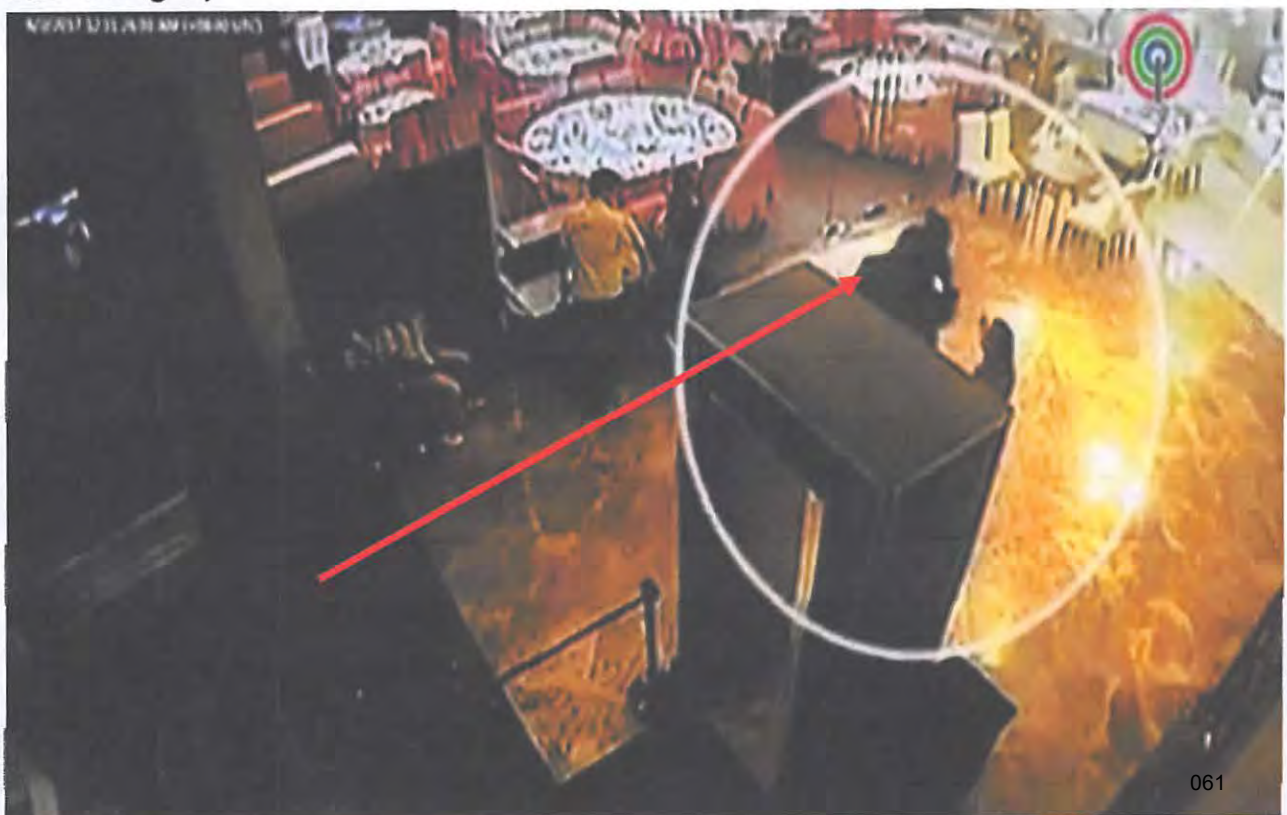
- **See Video E-18**

EX18

(12:11 am) As per to RWM security, the gunman enters the mall through the second floor parking area, bypassing a metal detector. (Which should be manned at the front)



(12:11am) "Security personnel who tried to stop him." (Does not try know where near hard enough!)



Video E-18



- Gunman spends a total of 6minute 50seconds from the time of entering the Mall area to the time of going through various areas of the Casino, to exiting toward the ground floor. Video from Resorts World films completely the gunman's activity in the casino area. Video shows gunman brandishing an assault rifle and firing at the ceiling with people screaming and running away. It also shows gunman throwing gasoline and setting fire to tables, various furniture, and fixtures. A bag of bullets being thrown onto a burning table is clearly shown. Well trained security personnel would have had enough time to respond. Failure to respond quickly further escalated the situation to get worse.
- **Analysis:** Shows total negligence or incompetence by the security personnel and by surveillance rooms whom appear failed to communicate with security in a timely manner. This Resorts World video was not discovered for approximately 2hours after the fact. In an interview with Chief Tomas C Apolinario he implied there was a complete breakdown of communication and technical difficulties between the three Surveillance Rooms: **EXHIBIT:19**

EX19

According to evidence, the gunman stayed in the casino area for only 6 minutes and 50 seconds.



- Metro Manila Police Director Oscar Albayalde stated “Security lapse could be blamed for everything probably. A security person admitted that he left the CCTV (camera room) immediately. He could have seen people on the second floor at the VIP room and they could have been saved (if he did not leave the room). All the 37 died because of suffocation.” Another major lapse, according to Albayalde, was that Resorts World security personnel from Remington Hotel were able to view the gunman on the CCTV cameras but were unable to “pinpoint” the gunman’s location. :**EXHIBIT:20**
- Mr. Reilly during Congressional Hearings stated “We admit openly, there was lapses for security” **See Video F-20**
 - **Analysis:** Top RWM executives admit to security failures. This demonstrates poorly trained personnel and gross negligence on the part of RWM management for not providing adequate training in the use of surveillance cameras or proper sequencing of cameras.

The Manila Times

Police ready raps vs Resorts World

BY JAIME PILAPIL, TMT ON JULY 3, 2017 NATION

Metro Manila Police Director Oscar Albayalde on Monday said police are now ready to file criminal charges against Resorts World management and its security agency for the death of 13 employees and 24 guests during a rampage of an armed man who ran amuck on June 2 at the casino and entertainment complex.

"The Supervisory Office for Security and Investigation Agencies will finalize and submit today or tomorrow their findings, which means they are ready to file charges of negligence resulting in multiple homicides," Albayalde told a forum in Manila.

He added that only three of the relatives of the victims have signified their willingness to file the criminal charges but he clarified that the police can file the case as a nominal complainant.

Albayalde described the case as strong because Resorts World security forces had admitted to investigators that they abandoned a closed-circuit television (CCTV) camera of the casino and entertainment complex the whole time that Jessie Carlos was wreaking havoc on the property before shooting himself dead.

The 37 victims died from suffocation after Carlos torched the tables and carpet of the VIP room located on the second floor of the casino area.

→ "Security lapse could be blamed for everything probably. [A] security person admitted that he left the CCTV [camera room] immediately. He could have seen people on the second floor at the VIP room and they could have been saved [if he did not leave the room]. All the 37 died because of suffocation," Albayalde said.

"When the police and firemen arrived, they said they were able to evacuate the 12,000 people present at the time in the casino without knowing that all the 37 people were trapped inside the VIP room," he added.

Another major lapse, according to Albayalde, was that Resorts World security personnel could see the suspect through the CCTV camera but could not pinpoint where he was.

The security people informed the police only when Philippine National Police (PNP) chief Ronald de la Rosa arrived at 3 a.m. that they had another CCTV camera room at Remington Hotel nearby.

Albayalde said respondents to the complaint are Travellers International Hotel Group Ins., operator of Resorts World Manila located across Terminal 3 of the Ninoy Aquino International Airport, and N.C. Lanting Security Specialist.

Resorts World has given P1 million each to families of the 37 victims, including paying for the hospitalization or treatment of some 67 injured individuals.

Meanwhile, Public Attorney's Office head Persida Acosta, in a radio interview also on Monday over dzMM, said a class suit is being prepared against the management of Resorts World.

“We have prepared the computation of damages, using the American life expectancy computation. But the offer was so small, not even one-half of our computation. According to ACCRA [Angara Abello Concepcion Regala & Cruz Law Offices] lawyers, they are telling Resorts World to settle,” Acosta disclosed.

She said her lawyers are also waiting for reports of the PNP and the Bureau of Fire Protection (BFP) that they will use in filing the civil case.

Albayalde, when sought for comment on the reopening of Resorts World as ordered by Philippine Amusement and Gaming Corp. (Pagcor) last week, said he could understand the reasons both from the government and the business side.

“Maybe they considered the 12,000 employees and the income of the government through tax,” he added.

Also on Monday, Resorts World was urged to secure a fire safety certificate from the BFP.

Rep. Rufino Biazon of Muntinlupa City made the call five days after Pagcor lifted the suspension of the casino and entertainment complex over the June 2 incident.

The BFP issues a fire safety certificate if “the building premises comply with the fire safety requirements and fire protective and/or warning systems such as fire sprinkler systems, automatic extinguishing systems and if fire alarms are properly installed.”

Pagcor restored Resorts World’s license to operate after it doubled the number of armed guards and metal detectors; reviewed safety and security protocols for various emergency scenarios; and obtained Fire and Safety Inspection Certificates (FSICs) for building and structural integrity from the Philippine Economic Zone Authority (PEZA), which oversees Resorts World.

During an earlier congressional probe of the incident, Resorts World management admitted that the casino and entertainment complex was not inspected by the BFP because it is under PEZA jurisdiction.

PEZA also admitted during the congressional inquiry that casinos are not covered by its supposed authority to issue FSICs under the PEZA law.

As such, RWM did not have FSICs at the time of Carlos’ attack.

Biazon said there should be no confusion about the agencies’ respective authorities because the Fire Code mandates the BFP to issue FSICs.

“Why would Pagcor allow casinos under PEZA to operate when they don’t have FSICs to begin with? PEZA is overextending its authority by saying that they have the authority to issue the FSICs when such is not provided by law,” he pointed out.

“Really, we don’t need a new law here. We already have the Fire Code. PEZA is insisting that the Fire Code does not cover them and that argument is against the law,” Biazon said.

LLANESCA T. PANTI

F-20 Video

COO Stephen Reilly stated “ we admit openly,
there was lapses for security “



- CCTV Casino personnel evacuated the Resorts World Surveillance Room approximately at 12:20 AM. Without anyone manning the cameras created a situation where the gunman was allowed to take chips from the Casino chip bank room. Then roam various stairways, hallways with no one confronting the gunman. Gunman was able to enter the casino Chip Bank room and take chips on three occasions without hindrance of heavy smoke.: **Exhibit:21 See Video F-21**

EX21

(12:19:41 am) Gunman took chips



12:21:13 Gunman looking for exit



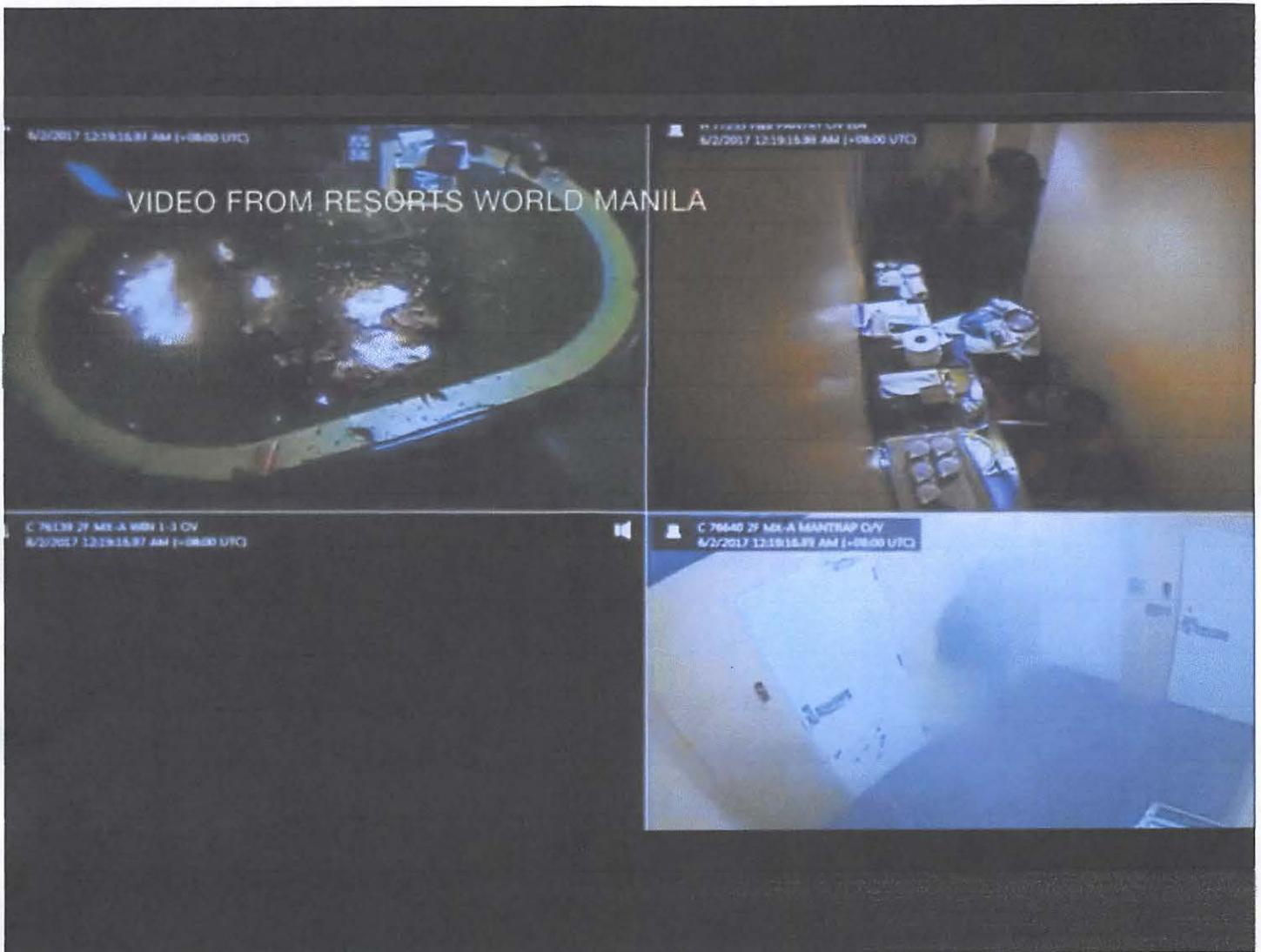
12:22:56 Gunman at the hallway going to downstairs



12:24:02 Gunman back to the upstairs



Video G-21



- Testimony during the Congressional Hearing reinforced the statement of the NCRPO Ronald De La Rosa, the PNP Chief Director, who was acting ground commander at the time, upon his arrival, the first question asked Mr. Armen Gomez, Chief Security Head, was **“WERE ALL THE GUESTS EVACUATED?”**. Mr. Armeen Gomez, Chief Security Head, responded with a **“YES”**. This occurred at 12:20 AM prior to heavy fire.: **EXHIBIT:22**
- During the Congressional Hearing PNP General De la Rosa also reiterated during the same incident between himself and Mr. Armeen Gomez, when asked the second question. “Where is your CCTV room. I want to monitor the situation” Mr. Gomez told me “there is no one inside, we evacuated them all because of the smoke was getting worse.” This occurred at 2:20:15am

EX22



2:27:15- dela Rosa- Just to, your honor, just to reinforce the statement of our the NCRPO who was the acting as a ground commander at that time, upon my arrival, the first question is that I asked Mr. Armen Gomez was “were all the guests evacuated? He said yes. Number 2 is “where is your CCTV room? I want to monitor the situation and he told me, “wala na sir. Inivacuate na namin. Wala nang tao dun kasi malakas ang usok”. Yun lang po ang gusto kong, I want to put that in record, your honor . And later on around 45 minutes, he offered me the Remington CCTV monitoring room. That’s why we’re able to review yung mga pangyayari from the start of the incident. So wala po, iniwan po nila dun yung mga CCTV room nila dun kasi malakas daw ang usok.

English - Just to, your honor, just to reinforce the statement of our NCRPO who acts as a ground commander at that time, upon my arrival, the first questions that I asked Mr. Armeen Gomez was “where is your CCTV room?” I want to monitor the situation and he told me “there’s none” we evacuated already. No one left in there since the smoke started to be huge already. That’s all I wanted you to put in your record your honor. And later on around 45 minutes, he offered me the Remington CCTV monitoring room. That’s why we’re able to review the scenarios from the very start of the incident. So there’s nothing, since they left the CCTV room because of the strong ashes coming out.

- A Resorts World employee familiar with the 2nd floor layout blamed members of the Special Weapons and Tactics (SWAT) Team for not heeding her advice to open the door of the room where people were trapped after she had talked with her partner inside the room during the attack. This incident was reported in the CNN World. :**Exhibit:23**
- Breakdown by SWAT Team responders to heed request by Resorts World employee indicates that they were aware of people still inside the casino and nothing was done to reach the victims trapped in the Casino or not communicate to their command post.
- President Kinson testified during the Congressional Hearing that RWM management did not realize until they are discovered at about 6AM that people had been trapped in the Pantry.
- **Analysis:** Total disregard for protocol by a SWAT TEAM. An incompetent Security Chief who misinformed the PNP Chief Director and an oblivious management contributed in the needless death of 37 people. It also resulted in total “lockdown” by PNP of the area (Casino & hotel). **It was obvious dereliction of duty by surveillance personnel, Chief Head of Security Armen Gomez and upper management.**

Casino staff, guests among 37 killed at Resorts World Manila

By Jinky Jorgio, Kara Magsanoc-Alikpala and [James Griffiths](#), CNN

Updated 1333 GMT (2133 HKT) June 2, 2017

Manila, Philippines (CNN)Survivors smashed through windows to flee as dozens perished trapped by fire in a casino in Manila.

A heavily armed man walked into the Resorts World Manila early Friday in the Philippine capital, shooting gambling machines and setting fires that resulted in the deaths of 37 people.

Police insisted the attack was not related to terrorism [despite ongoing conflict with ISIS-linked forces in the country's south](#).

But [ISIS claimed responsibility late Friday](#). A statement from the ISIS-affiliated Amaq News Agency said "Islamic State fighters" carried out the attack.



Family members of a victim cry Friday outside the Resorts World Hotel in Manila.

Police said casino security shot and wounded the gunman, who then retreated to a hotel room and doused himself in gasoline and died from a self-inflicted gunshot wound.

Georgina Alvarez, chief legal officer for Resorts World, choked up as she read the names of the dead to reporters and family waiting outside the casino.

Of the 37 victims, management said 13 were casino employees while the rest were guests. Police haven't identified the bodies of six people, including two employees and four guests.

Their bodies were found on the second floor of the building, spread across the casino area, the hallways and a bathroom, police said. They died due to suffocation from smoke when the suspect deliberately set fire to carpets and tables using gasoline he brought with him. The windows were locked.



Play Video

Grief and anger

At a funeral home near the casino complex, relatives and friends of the victims gathered to mourn.

Maricel Navarro, a manager at the resort, said her partner of seven years, Hazel Yongco, was among the dead. Yongco was trapped on the second floor by the smoke engulfing the casino area. Navarro said she begged SWAT team members to help those upstairs but the smoke was too thick.

Friends and relatives of the victims expressed anger at what they said was poor security at the casino. Emy Subi, whose cousin Rogie Subay was killed, said she wanted to sue the resort.

In a statement, Resorts World Manila said there was "no lapse in the security inside the establishment" and praised staff for helping to contain the incident.



Relatives of a victim try to comfort each other Friday outside the Manila casino complex.

Waiting for news

Earlier Friday, the mood was tense and emotional as friends and family of employees waited outside the casino in Pasay City on the southern outskirts of Manila near the city's international airport.

The delay in releasing a full list of victims' names led many worried relatives to search hospitals desperately for news of their loved ones.

The road that runs along the front of the building was restricted to emergency vehicles and those taking away the dead. A ferry line that serviced the casino was also halted.

Thomas Orbos, general manager of the Metro Manila Development Authority, reminded people "to be vigilant." He added the authority would instruct shopping malls and hotels to be stricter with their security and that protocols would be reviewed.

Heightened security checks were already in place for the main metro line that served Pasay City.

Past disasters

Friday's horror brings back memories of twin disasters that shook Manila in recent years.

In 2015, a [fire in a footwear factory in a suburb of the Philippine capital killed 72 people](#). Many of the dead were killed when they became trapped on an upper floor of the building by the blaze, which began when sparks from welding work set afire chemicals in nearby containers.

Five years earlier, a former Manila police officer held a busload of tourists from Hong Kong hostage. As the standoff unfolded live on television, [Rolando Mendoza began killing hostages](#), and Philippines SWAT officers stormed the bus. Eight people were dead and many others injured.

The police's handling of the hostage crisis was criticized intensely at home and abroad, and it hurt the country's reputation overseas, particularly in Hong Kong.

Journalists Jinky Jorgio and Kara Magsanoc-Alikpala reported from Manila, while CNN's James Griffiths wrote from Hong Kong.

- Suspicious Actions That Warrant Added Investigation

- Resorts World video shows a “blackout” with shadows of two individuals walking in the area at 12:32:50am where the first table was torched at 12:22:40am.:

- **EXHIBIT:24 See Video H-24**

- **Analysis:** This area is in the vicinity where the BMW was located and where it appears the more intense fire started to burn. Very suspicious to have individuals walking around when people are being evacuated from the premises.

EX24



See Video H-24

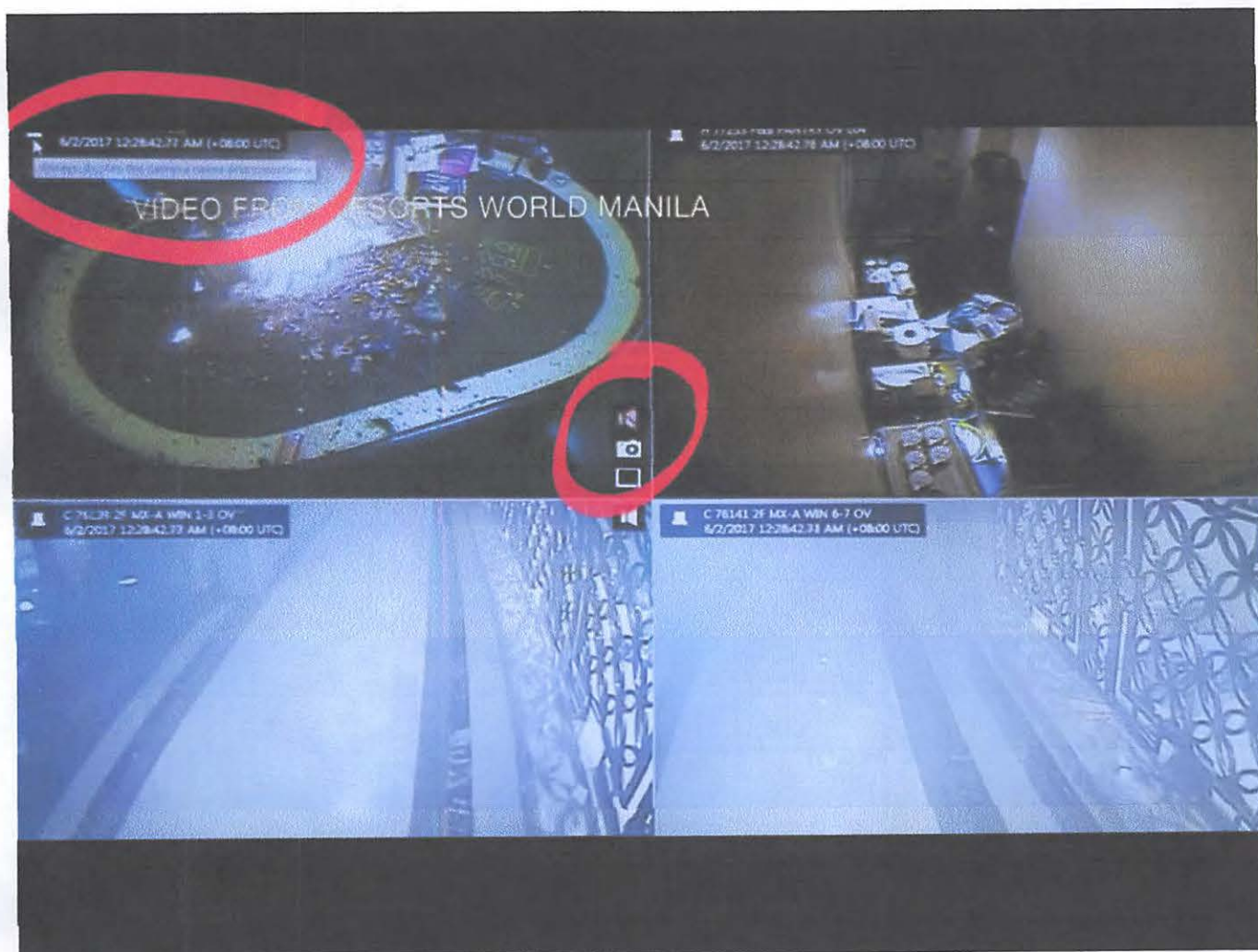
Video H-24

VIDEO FROM RESORTS WORLD MANILA



- Suspicious action occurred at 12:28:42 from videos furnished by Resorts World. Someone deliberately turned off the time stamp from the video screen. It is clearly seen on the video screen when it was done. **EXHIBIT:25**

EX25



VIDEO FROM RESORTS WORLD MANILA



18:47

20:05

VIDEO FROM RESORTS WORLD MANILA

C 76139 2F MCC-A W01 1-3 CV
5/2/2017 12:31:10.53 AM (+08:00 UTC)

- **Analysis:** This enables RWM to edit the sequence of events without a time frame reference. It also allows deleting segments that RWM management does not want seen by the public. There were several critical areas on the Resort World video where segments were edited out that deletes the sequence of events.
 - Video Frame where RWM Surveillance purposely turned off the time and date stamp. **See Video I-25**
 - Video Frame where Time and Date Stamp appears but is immediately taken purposely off within a few seconds. **See Video I-25**
 - Resorts World video time stamp was again immediately removed quickly after it appeared on the screen. **See Video I-25**

Video I-25



- Manner in which Death of gunman occurred is highly suspicious and arguably controversial. PNP Chief initially said police killed the gunman who was hiding in a hotel room, but later told reporters the gunman committed suicide. "He lay down on the bed, covered himself with a thick blanket, apparently poured petrol on the blanket and burned himself". **Exhibit 26**

EX26

The Manila Times

UPDATE: Gunman dead after Resorts World shooting – police

BY THE MANILA TIMES ON JUNE 2, 2017 [LATEST STORIES](#) [TODAY'S BREAKING NEWS](#)



A CCTV photo of the man who sow terror at Resorts World. PNP-PIO PHOTOS

MANILA: A man who fired an automatic rifle inside a casino in the Philippine capital and triggered fears of a terrorist attack killed himself on Friday, police said, adding he was likely just a deranged robber.

People ran screaming out of Resorts World Manila, which is across a road from the Philippines' international airport, after the man fired what police chief Ronald dela Rosa said was an M4 assault rifle and set fire to a gambling table around midnight.

The man did not shoot anyone but 53 people were reported injured in the stampede and from the smoke, while one security guard accidentally shot himself in a panic, Dela Rosa said.

The gunman disappeared into the chaos of smoke and running people, leading to a manhunt throughout the casino, hotel and shopping complex that ended just after dawn.

Dela Rosa initially said police killed the assailant who was hiding in a hotel room, but later told reporters the man committed suicide.

"He lay down on the bed, covered himself with a thick blanket, apparently poured petrol on the blanket and burned himself," Dela Rosa said.

Before the gunmen had been killed and police had confirmed any motive, the Islamic State group claimed responsibility and US President Donald Trump also branded it a "terrorist attack."

But the incident was most likely a robbery gone wrong, Dela Rosa said, pointing out the man did not shoot at anyone and appeared to be intent just on stealing gambling chips.

"For now, we can say that this is not an act of terror. There is no element of violence, threat or intimidation that leads to terrorism."

Dela Rosa said the man, who appeared to be acting alone, walked into one of the gambling rooms and fired the rifle at a large television screen, then poured gasoline onto a gambling table and set it alight.

He said the man then fired again at a stock room containing gambling chips and filled a backpack with chips worth 113 million pesos (\$2.3 million).

The man left the room and went upstairs to the hotel section, but left the backpack near the stock room, according to Dela Rosa.

Manila police chief Oscar Albayalde also insisted it was not a terrorist attack.

“It is a simple robbery and most likely it was done by a demented person,” Albayalde told reporters outside the casino.

Dela Rosa said 18 of the 54 injured people were in hospital and the others suffered only minor injuries. He said the condition of the security guard who accidentally shot himself was unclear.

Terrified

A man fired what police chief Ronald dela Rosa said was an M4 assault rifle inside Resorts World Manila

People inside the casino recounted feelings of terror when the shooting occurred.

“I was about to return to the second floor from my break when I saw people running. Some hotel guests said someone yelled ‘ISIS’,” Maricel Navaro, an employee of Resorts World, told DZMM radio.

ISIS is another acronym for the Islamic State group.

“Guests were screaming. We went to the basement locker room and hid there. People were screaming, guests and employees were in panic,” Navaro said.

“When we smelled smoke, we decided to go for the exit in the carpark. That’s where we got out. Before we exited, we heard two gunshots and there was thick smoke on the ground floor.”

Outside the complex, relatives of people caught inside waited to hear news of their loved ones.

“Our daughter called us past midnight saying she was in the VIP section of the casino and there was smoke and they were suffocating,” Gil Yongco, 42, told AFP.

“We are very worried about her. We haven’t heard from her.”

Philippine President Rodrigo Duterte imposed martial law last week across the southern region of Mindanao to crush what he said was a rising threat of IS there.

He declared martial law shortly after militants went on a rampage through the southern city of Marawi, which is about 800 kilometers (500 miles) south of Manila.

Security forces are still battling the militants in Marawi, and the clashes there have left at least 171 people dead.

Duterte said last week he may need to declare martial law across the rest of the country if the terrorism threat spread.

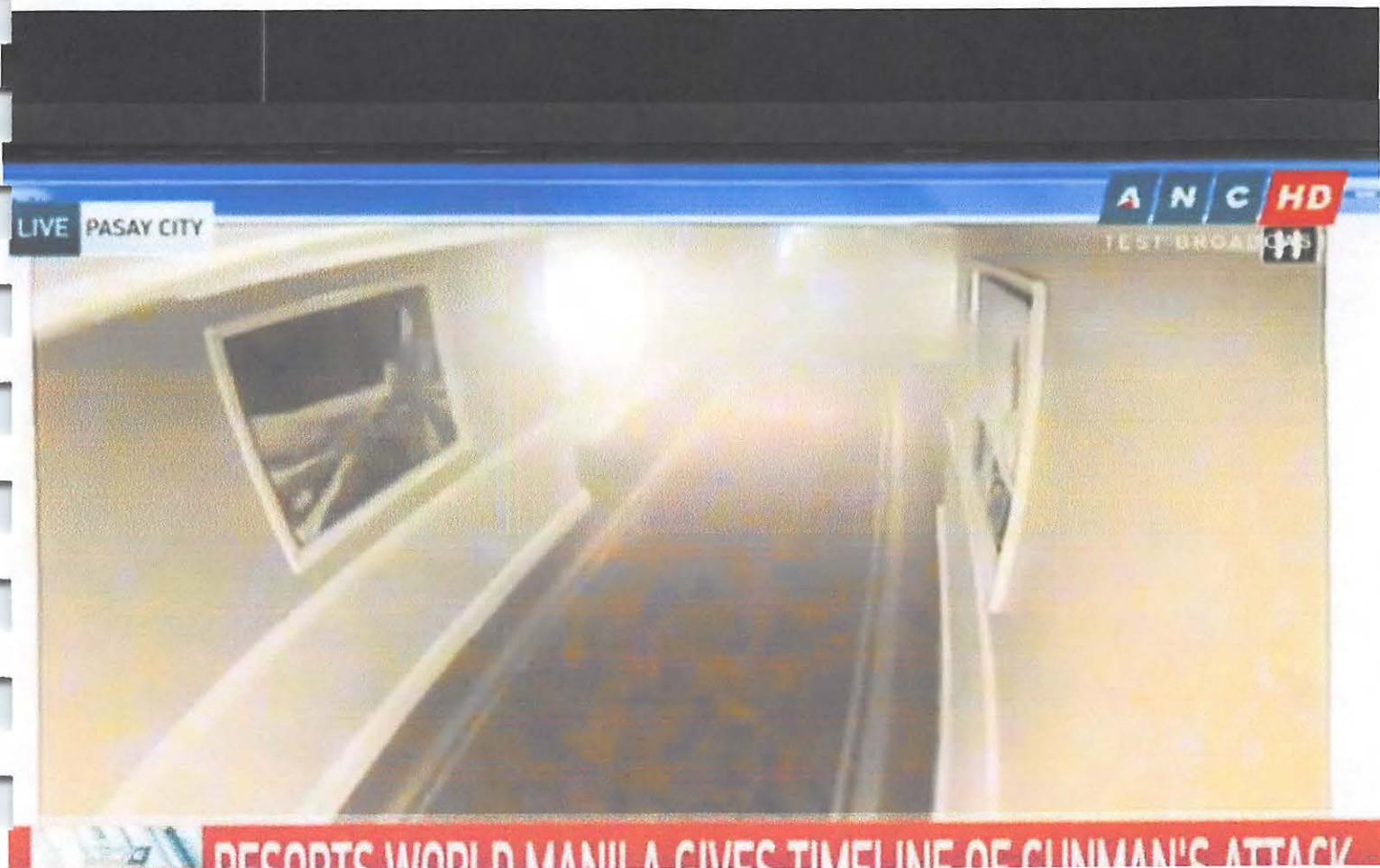
Dela Rosa emphasised there was no link between the casino violence and the Marawi clashes. AFP

- Resorts World video never show police entering(edited frame) Room 510 (gunman's room) the first time. They only show police exiting room 510 grasping for air holding towels over there noses. There is no way of determining how long police were in Room 510 or what occurred before exiting from room. **Exhibit 27 (photos & video)**

EX27



Video 27



- The position of the dead body on the bed with a rifle across his chest in relation to the pistol on a desk looks like a staged scene. The room appears to be torched by some incendiary device rather than some petrol from the gunman's blanket. See Bill Myers report **EXHIBIT:28 (Photo only)**

EX28



RESORTS WORLD ATTACK (RWM):JUNE2, 2017

CONCLUSION:

Based on the totality of the circumstances and the available information obtained pursuant to this investigation, we conclude that it is more likely with the preponderance of evidence Resorts World committed gross negligent management practices, specifically, in areas of fire safety and security. It is the opinion of the investigator that a “Special Prosecutor” with immunity power be appointed to investigate this tragedy.

INCIDENT:

On July 25,2017 a Police Investigation Report and the/ Bureau of Fire (BFP) rendered an Executive Report/Final Investigation report to the Special Investigation Team (SIT-RWM) concluded that the fire and consequent total destruction of the 2nd Floor of the casino was committed intentionally and criminally by the lone gunman Jessie Javier Carlos. Evidence proves otherwise.

Evidence from Resorts World videos and media accounting of the incident contradicts this assertion. Fire inspection professionals assert and maintain that all evidence indicates a few tables, slot machines, and carpet burning could not have caused such a destructive fire. Other Factors that contributed to excessive burning was sprinklers in the system were not properly positioned or malfunctioned. The length of the blackened walls suggests concentration of heavy toxic fumes, the blackened bodies and the spread of fire into the ventilation system is the result of more than a gunman lighting a few fires with petrol. Shadows of people seen in Resorts World videos walking in the area of BMW during a “blackout” is highly suspect. (Exhibit24.See video)

PROBE:

The Police Investigation Report (July25,2017) completed by the Southern District Police concluded that the gunman, Jessie Javier Carlos, burnt and shot himself after the incident. The formal account of the incident is inconclusive. Statements made in the report could not be corroborated with video footage available to investigator. The Police Investigation Report did not go into any detail regarding how gunman burned and shot himself in Room 510 of the Maxim Hotel.

The coroner officially declared the deaths of the VIP guests Tung-Tsung Hung and Pi-Ling Hung had died of asphyxiation as well as the other 34 victims. Their deaths was the result of a myriad of incompetent management actions by Resorts World Manila. Major factors are as follows:

1. Failure of sprinkler system to function properly when tables, slot machines, and

carpet were set afire by gunman. Misinformation given by RWM Chief Security Gomez to PNP Chief Delarosa that all “guests had been evacuated” at 02:20AM. SWAT TEAM failed to relay to RWM Management that a Resorts World employee was communicating with people who were still alive on the second floor of the casino. Poor layout design contributed to excess toxic smoke, preventing victims from escaping the deadly toxic smoke. Panic ensued by guests and employees creating chaos in the casino.

SECURITY AND SURVEILLANCE:

Lack of Proper Vetting of Security Head Chief Armeen Gomez who blatantly falsified his credentials is a main factor why RWM security was in such disarray. Incompetent leadership permeated throughout both security and surveillance departments. PAGCOR alerted RWM management to increase security and awareness that was ignored by RWM. It was brought out in numerous Congressional Hearings that there was real lapses in security throughout the RWM Attack. Lack of available security throughout property (Only 68 of 200 security on duty), surveillance personnel leaving CCTV room. COO Reilly under oath admitted that there were real lapses in security.

The most obvious circumstance of gross negligence is RWM Security’s total failure to stop a man in combat gear with an assault rifle, carrying two large duffel bags and allow the gunman to enter and roam the casino at will. Lack of available security personnel to confront the gunman exacerbated the situation. Genting Group has a practice of limiting Security personnel in their properties. They have been fined by several jurisdictions.

Total breakdown of surveillance system appears to be intentional in two key areas:

● BMW BURN

Approximately three minutes after Time Stamp was deliberately turned (12:28AM) off from video screen. Two shadows were observed walking in the area of the BMW. See Videos 24 and 25. At about 12:33AM surveillance videos show a heavy accumulation of smoke in pantry area where people were still alive. According to fire investigators that reviewed the videos and photos, the cause of fire was more likely from some incendiary device. The sequence of events during this time, investigator strongly believes that the BMW was set on fire by a third party or party’s and not by the gunman. Resorts World management claim that video camera during that time was impeded by the heavy smoke so nothing can be seen. The Resorts World video during this time was not available for investigator so image processing could be completed.

● DEATH OF THE GUNMAN

PNP Chief Dela Rosa initially claimed that police killed the Gunman who was hiding in a hotel room but later told reporters that the Gunman had committed suicide.

The photos depict a man laying in a bed with a rifle across his chest and a pistol on a desk next to the bed appears more as a staged crime scene rather than a man committing suicide. The room is totally destroyed by the fire indicating that it was more than a man dousing himself with petrol that created the fire. Fire investigators strongly suspect the fire was caused by an incendiary device.

Video released by Resorts World of the forced entrance by police during the first encounter never show when the police entered Room 510 only have video with several policemen struggling to get out of the room. See Video I-25. The forced entrance was edited out. With no date and stamp on the video there's no way of knowing how long and what occurred in Room 510. Resorts management claims intense heat and toxic fumes for leaving and returning to room at a later time.

This fact indicates something greater than petrol created the fire.

SALVADOR SANCHEZ

1766 Minden, Nv 89423

PO Box 2419, Stateline

sanchae@samcare.net

1 775.338.0876

ABSTRACT

A casino executive with forty - five years gaming experience in the operation of casinos and its related areas that include Investigations and Analysis of gaming operations. Contracted for development and formulation of an internet casino in the Philippines. Also, gave management assistance in the evaluation of casino operations as a consultant for small and midsized casinos. Retained by a US Casino to conduct a site analysis to determine feasibility of gaming in China and in Mexico. Performed casino administrative functions for several large Atlantic City and Nevada casinos.

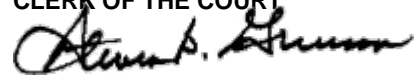
- **2018** - Contracted by private attorney for investigation and analysis of Resorts World Manila tragedy.
- **2014** – Owner of private medical practice (US). Organized and implemented an accounting system.
- **2010** - Springfly Ltd. Contracted to consult in organizing, developing, and formulating casino floor operations for an operator and provider of an internet casino in the Philippines.
- **2005** – iFaFa Tech. Contracted to consult in organizing, developing, and formulating casino floor operations for an operator and provider of an internet casino in the Philippines.
- **1989** - Founder International Gaming Consultants. (IGC) that specializes in evaluation and implementation of sound principles in casino operations. Contracted to consult for several major casinos in Atlantic City and Las Vegas; Caribbean resorts (Williams Corp); Indian Casinos; and Riverboat Casinos to evaluate and recommend programs that are functional within their specific environment and which increase operational efficiency and effectiveness in the casino. IGC assists clients in various areas ranging from investigative and analysis of casino operations, to property development of new casino projects. IGC also provides educational seminars that integrate sound management principles with the casino environment. IGC defines problems and implements solutions that increase profitability along with development of a strong customer base.
- **1986** - Atlantic City's Taj Mahal Casino start-up project developed training programs, and personnel scheduling.
- **1982** - Assistant General Manager, Ramada Reno where responsibilities included the hotel and casino operations.
- **1980** - Casino Manager, Ramada Reno where assisted in the formulation of medium sized hotel & casino. Nevada project involved proper selection of managerial staff; formulation of physical casino layout; purchasing of casino equipment; and implementing a casino marketing program.
- **1964** – Start gaming industry career at Harrah's Reno. Moved up through the ranks in slots and table games Operation.

EDUCATION & PROFESSIONAL QUALIFICATIONS

University of Nevada, Reno • Bachelor of Science Degree.

Nevada Gaming School •Slot Machine Technician Certification

Licenses •New Jersey "Key One" licenses # 3425-11,
[Casino Manager, Pit Boss - BJ, Bac, Craps, Roulette]
•Nevada licenses Casino Mgr#550532, Junket license



ACOM
Michael Kind, Esq.
Nevada Bar No. 13903
Gustavo Ponce, Esq.
Nevada Bar No. 15084
KAZEROUNI LAW GROUP, APC
6069 S. Fort Apache Rd., Ste 100
Las Vegas, NV 89148
Phone: (800) 400-6808 x7
mkind@kazlg.com
Attorneys for Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

YA-LING HUNG and WEI-
HSIANG HUNG, each
individually, as surviving heirs,
and as Co-Administrators of the
Estate of Tung-Tsung Hung and
Pi-Ling Lee Hung, Decedents,

Plaintiffs,

v.

Genting Berhad, Genting U.S.
Interactive Gaming Inc., Genting
Nevada Interactive Gaming LLC,
Genting Intellectual Property Pte
Ltd, Resorts World Inc Pte Ltd,
Resorts World Las Vegas LLC,
Resorts World Manila, and Kok
Thay Lim,

Defendants.

Case No.: A-19-795338-C
Dept. No.: 27

**Amended Complaint for Damages
(Wrongful Death and Negligence)**

**EXEMPT FROM ARBITRATION
(Damages in Excess of \$50,000)**

Jury Trial Demanded

INTRODUCTION

1. Ya-Ling Hung and Wei-Hsiang Hung (“Plaintiffs”), individually and as Co-Administrators of the Estate of Tung-Tsung Hung and Pi-Ling Lee Hung, for their claims for relief against Defendants Genting Berhad, Genting U.S. Interactive Gaming Inc., Genting Nevada Interactive Gaming LLC, Genting Intellectual Property Pte Ltd, (jointly as the “Genting Group entities”), Resorts World Inc Pte Ltd, Resorts World Las Vegas LLC (jointly as “the Resorts World entities”), Resorts World Manila, and Kok Thay Lim (collectively as “Defendants”), complain and allege as follows:
2. Plaintiffs are the surviving heirs and Co-Administrators of the Estate of their parents, Mr. Tung-Tsung Hung and Mrs. Pi-Ling Lee Hung (the “Hungs” or “decedents”) who died during a fire at the Resorts World hotel and casino in Manila, Philippines in June 2017.
3. Defendants are engaged in substantial business within this District, and this Court has jurisdiction to hear this case.
4. Defendants have publicly admitted “lapses” in their security, allowing the attacks to take place, resulting in Mr. and Mrs. Hungs’ tragic and untimely deaths.

JURISDICTION

5. This Court has jurisdiction to hear this case.
6. The following is some of the information Plaintiffs are currently aware of, and it is expected that after Plaintiffs conduct discovery, these allegations will be bolstered and enhanced.
7. Defendants are engaged in substantial business within this District.
8. Kok Thay Lim is the owner of the Genting Group entities.
9. The Genting Group entities own the Resorts World brand, including Resorts World Las Vegas and Resorts World Manila.

- 1 10. Resorts World Las Vegas and Resorts World Manila are therefore, for all
2 intents and purposes, one and the same, owned by the Genting entities.
- 3 11. Genting Berhad, Genting U.S. Interactive Gaming Inc., Genting Nevada
4 Interactive Gaming LLC, and Genting Intellectual Property Pte Ltd are each
5 corporations doing business in Nevada and registered with the Nevada
6 Secretary of State.
- 7 12. Resorts World Inc Pte Ltd and Resorts World Las Vegas LLC are each
8 corporations doing business in Nevada and registered with the Nevada
9 Secretary of State.
- 10 13. In addition, Resorts World Manila is partnered with, and uses the brands of
11 Hilton, Sheraton and Marriott, all based and headquartered in the United
12 States.
- 13 14. The Genting entities, operate numerous Resorts World locations in the United
14 States, including Resorts World Las Vegas, Resorts World Casino New York
15 City, Resorts World Catskills, and Resorts World Miami.
- 16 15. Discovery will therefore show, including by piercing the corporate veil, the
17 alter ego nature of Defendants' corporate structure and that jurisdiction is
18 appropriate in this District, especially given the lack of another appropriate
19 forum to provide justice to Plaintiffs.
- 20 16. Therefore, the Eighth Judicial District Court, Clark County, Nevada has
21 personal jurisdiction over both Plaintiffs and Defendants and subject matter
22 jurisdiction pursuant to Article 6, Section 6 of the Nevada Constitution and
23 NRS 4.370.

24 **PARTIES**

- 25 17. Plaintiffs are the son and daughter of the decedents, Mr. Tung-Tsung Hung
26 and Mrs. Pi-Ling Lee Hung and live in Taiwan, Republic of China.
- 27 18. Pursuant to NRS 41.085, Plaintiffs bring this action as individuals, heirs of
28 the decedents and the personal representatives of the decedents.

19. Defendants operate hotels and casinos.

20. The Genting entities—Genting Berhad, Genting U.S. Interactive Gaming Inc., Genting Nevada Interactive Gaming LLC, and Genting Intellectual Property Pte Ltd—are each corporations doing business in Nevada and registered with the Nevada Secretary of State.

21. The Resorts World entities—Resorts World Inc Pte Ltd and Resorts World Las Vegas LLC—are each corporations doing business in Nevada and registered with the Nevada Secretary of State.

FACTUAL ALLEGATIONS

22. The following is some of the information Plaintiffs are currently aware of, and it is expected that after Plaintiffs conduct discovery, these allegations will be bolstered and enhanced.

—THE EVENTS THAT PROXIMATELY CAUSED THE HUNGS’ DEATHS—

23. On June 2, 2017 at 12:11 a.m., Jessie Javier Carlos (“Carlos”) entered the Resorts World Manila casino (“the Casino”) armed with an assault rifle and wearing a mask and an ammunition vest.

24. A detailed chronology of the events can be found in **Exhibit A**, attached to this Complaint. These events are hereinafter referred to as “the Incident.”

25. During the Incident, 37 people (not including Carlos) lost their lives, including the Hungs.

26. Due to certain suspected ‘cover-ups,’ families, including the Hungs, have been unable to obtain more information about the Incident and the circumstances leading to the Hungs’ deaths.

27. The Casino reached some confidential settlement agreements with other families whose members died in the Incident, as a result of Defendants’ wrongdoing. No settlement has been reached with the claimants who seek full compensation for the Casino’s highly egregious conduct.

—THE HUNGS—

28. The Hungs were Taiwanese nationals and among the 37 killed during the Incident.

29. The Hungs were married and had two children: Plaintiff Wei-Hsiang and Plaintiff Ya-Ling. At the time of their deaths, the Hungs had four grandchildren.

30. At the time of the Incident, the Hungs were staying at the Casino as VVIPs (very very important persons). They were in the Casino's VVIP room at the time of the Incident.

31. During the Incident, Defendants' employees led the Hungs, and others, into a pantry in the VIP room, to hide from the fire.

32. After the Incident, the Hungs were found in the VIP pantry room, where they had died from smoke inhalation.

—DEFENDANTS' KNOWLEDGE, DUTIES AND WRONGFUL CONDUCT—

33. Defendants at all material times owed a duty of care to the Hungs. Defendants had a duty to:

- a. take care for the safety of the Hungs as guests of the Casino;
- b. take special care for the safety of the Hungs as "VVIP" guests of the Casino;
- c. not subject the Hungs to unnecessary risks, including the risk of death, where those risks could be foreseen and guarded against by reasonable measures, the convenience and expense of which were entirely proportionate to the risks involved;
- d. ensure that the Casino was reasonably staffed with the required security personnel, fully trained to prevent or counter an attack such as the Incident;
- e. put in place cameras throughout the Casino, functioning and operational and ensure constant monitoring of the cameras by fully trained members of security staff;

- 1 f. ensure that the security staff and the security operations were under
- 2 supervision of adequately trained security experts;
- 3 g. comply with applicable fire protection procedures, including the
- 4 availability of clear, posted escape routes in the event of a fire, as well as
- 5 the installation and maintenance of effective sprinkler systems and smoke
- 6 extraction/ventilation systems;
- 7 h. prepare emergency protocols and procedures to ensure the safe evacuation
- 8 of all guests of the Casino; and
- 9 i. ensure that staff members are sufficiently trained and aware of the
- 10 emergency protocols and procedures and how they should be implemented.
- 11 34. The Hungs were killed by Defendants' breach of duties, negligence and
- 12 recklessness through its agents or employees, for whom Defendants are
- 13 vicariously liable, including, but not limited to, Defendants':
- 14 a. failure to ensure that the Hungs were safe and protected from the risk of
- 15 death whilst visiting the Casino as "VVIP" guests;
- 16 b. failure to prevent Carlos from entering the Casino, despite it being obvious
- 17 from the outset he was a threat to guests in view of his combat attire and
- 18 assault rifle;
- 19 c. failure to ensure adequate security staff and/or physical barriers were in
- 20 place to prevent Carlos from entering the Casino (Carlos bypassed the
- 21 metal detector at the entrance and the lone security guard on duty without
- 22 difficulty);
- 23 d. failure to ensure the sprinkler fire safety systems at the Casino were
- 24 functioning properly, and to ensure that there were adequate sprinklers
- 25 throughout the Casino, allowing the fire to spread along with the noxious
- 26 fumes which ultimately killed the Hungs;
- 27 e. failure to ensure the smoke extraction and ventilation system at the Casino
- 28 was functioning, properly or at all, and to ensure that there were adequate

1 smoke extraction fittings and equipment, allowing noxious smoke and
2 fumes to be trapped in parts of the Casino where guests, including the
3 Hungs, had taken refuge;

4 f. failure to ensure there were adequate escape routes for the Hungs, and the
5 other guests and employees, in the event of a fire and/or to ensure the fire
6 escape route was properly posted, either through reasonably placed signs
7 or by the Casino staff;

8 g. failure to oversee the design and construction of the Casino in such a way
9 as to allow an orderly and swift evacuation in the event of a fire;

10 h. failure to commission a third party fire safety inspection or to ensure that
11 the Casino was certified to be compliant with appropriate fire safety
12 standards;

13 i. failure to take reasonable measures, the convenience and expense of which
14 were entirely proportionate, to avoid the risk of death by fire or smoke to
15 Casino guests, including the Hungs;

16 j. reckless disregard for the required fire safety procedures and regulatory
17 requirements;

18 k. failure to ensure that Casino employees, including the security team, were
19 given adequate training on how to respond to a crisis situation, armed
20 attack and outbreak of a fire in the Casino;

21 l. failure to order the release of the five available K9 units to attack and stop
22 Carlos;

23 m. failure to ensure a crisis negotiator was available or urgently brought to the
24 scene of the Incident so as to negotiate with Carlos;

25 n. failure to have any or any adequate paging or alternative communication
26 system in place to coordinate the response to the Incident and/or to use any
27 such a communication system to the extent that it was in place;
28

- o. reckless direction of guests, including the Hungs, and employees into a small pantry, adopting a dangerous and wholly inappropriate evacuation procedure in response to the Incident and exposing Casino guests to an even greater risk of loss of life;
- p. failure to ensure the camera room in the Casino was constantly monitored by a fully trained staff member;
- q. employees' and/or agents' reckless abandonment of their posts and security duties to the Hungs and other Casino guests when the Incident occurred;
- r. failure to ensure "VVIP" guests had dedicated security guards to protect them during their time at the Casino and staff to safely escort them from the building when the Incident occurred;
- s. failure to ensure an appropriate number of adequately trained and armed security guards were on duty at the entrance to or elsewhere in the Casino so as to apprehend Carlos and/or prevent him from setting the fires;
- t. failure to take any meaningful steps in response to Carlos's presence and the attack for a period of more than one hour thereby exposing the guests of the Casino to further unreasonable risks;
- u. failure to carry on their business operations so as not to subject the Hungs to foreseeable and unreasonable risk of death; and/or
- v. reckless coordination with local police and fire departments while managing the Incident as it unfolded, including, but not limited to:
 - i. the failure to provide adequate information from the cameras, or other sources, on the whereabouts of the Gunmen, the Hungs and other guests, and the fires' locations;
 - ii. misleading local police to believe that all guests and casino patrons had been evacuated without a reasonable inspection of the premise;
 - iii. thwarting accountability for a proper investigative report; and

iv. allowing incendiary bullets to be used, thereby intensifying the nature of the fire and its propensity to spread rapidly throughout the Casino.

35. As a proximate results of the Incident and Defendants' breaches of duty, the Hungs died on or about June 2, 2017.

36. Upon information and belief, due to certain suspected 'cover-ups,' families, including the Hungs, have been unable to obtain more information about the Incident and the circumstances leading to the Hungs' deaths.

37. Upon information and belief, Defendants sought P721 Million from its insurer(s), but declared losses of only P430.3 Million in its December 2017 financial statements. There therefore appears to be a difference of P290.6 Million between the insurance claim submitted by Defendants and the actual losses sustained as per its financial statements.

—DAMAGES—

38. The Hungs are survived by their children, Plaintiffs, and four grandchildren who have sustained financial and pecuniary loss as a result of the death of the decedents and have suffered mental anguish and emotional loss and such other damages as are recoverable by law. Plaintiffs herein claim as damages against Defendants the following: expenses and other financial losses suffered by Plaintiffs; grief, sorrow, loss of probable support, companionship, society, comfort and parental love, affection, and advice, and damages for pain, suffering and disfigurement of the decedents; compensation for the reasonably expected loss of income of the decedents; the reasonable value of the loss of services, protection, care and assistance provided by the decedents; and such other damages allowable by law.

FIRST CAUSE OF ACTION

WRONGFUL DEATH

39. Plaintiffs repeat, re-allege, and incorporate by reference all previous paragraphs, including the attachments to this Complaint.

1 40. This is an action for the wrongful deaths of the Hungs, resulting from the
2 wrongful acts of Defendants, and each of them, giving rise to liability for
3 death by wrongful act or negligence.

4 41. Plaintiffs are the legal heirs of the Hungs.

5 42. Defendants owed a duty to exercise reasonable care in safeguarding and
6 protecting the decedents, as discussed herein.

7 43. Defendants breached the duty by failing to exercise reasonable care as
8 discussed herein.

9 44. It was reasonably foreseeable that Defendants' failure to exercise reasonable
10 care would result in the deaths of the Hungs.

11 45. Defendant's wrongful actions and/or inaction, as described above, give rise to
12 a wrongful death cause of action.

13 46. As a direct and proximate result of the negligent conduct of Defendants, the
14 Hungs suffered special damages, which the Hungs incurred or sustained prior
15 to their death.

16 47. As a result of the conduct stated above, Defendants are liable to the Estate of
17 the Hungs for exemplary and punitive damages.

18 48. As a direct and proximate result of the actions set forth above, the Hungs
19 suffered conscious pain and suffering, psychological trauma, and anticipation
20 of their own death, so that Plaintiffs, as Co-Administrators of the Hungs'
21 estate, are entitled to an award of pecuniary damages and punitive damages.

22 49. Plaintiffs, as the Hungs' legal heirs, were, and continue to be, damaged as a
23 direct and proximate result of Defendants actions, including grief, sorrow,
24 loss of probable support, companionship, society, comfort and parental love,
25 affection, and advice, and damages for pain, suffering and disfigurement of
26 the decedents; compensation for the reasonably expected loss of income of
27 the decedents; the reasonable value of the loss of services, protection, care
28

1 and assistance provided by the decedents; and such other damages allowable
2 by law, for which they suffered loss and are entitled to compensation.

3 50. Due to the egregious violations alleged herein, Plaintiffs assert that
4 Defendants breached Defendants' respective duties in an oppressive,
5 malicious, despicable, gross and wantonly negligent manner. As such,
6 Defendants' conscious disregard for Plaintiffs' and the Hungs' rights entitles
7 Plaintiffs to recover punitive damages from Defendants.

8 **SECOND CAUSE OF ACTION**

9 **NEGLIGENCE**

10 51. Plaintiffs repeat, re-allege, and incorporate by reference all previous
11 paragraphs, including the attachments to this Complaint.

12 52. Defendants owed a duty to exercise reasonable care in safeguarding and
13 protecting the decedents, as discussed herein.

14 53. Defendants breached the duty by failing to exercise reasonable care as
15 discussed herein.

16 54. It was reasonably foreseeable that Defendants' failure to exercise reasonable
17 care would result in the deaths of the Hungs.

18 55. Defendants' breach was the direct and proximate cause of Plaintiffs' injuries
19 and the Hungs' injuries and death.

20 56. Defendant's wrongful actions and/or inaction, as described above, constituted
21 negligence at common law.

22 57. Plaintiffs were, and continue to be, damaged as a direct and proximate result
23 of Defendants breach of duty, including out-of-pocket expenses, mental
24 anguish, emotional distress, and other economic and non-economic harm, for
25 which they suffered loss and are entitled to compensation.

26 58. Due to the egregious violations alleged herein, Plaintiffs assert that
27 Defendants breached Defendants' respective duties in an oppressive,
28 malicious, despicable, gross and wantonly negligent manner. As such,

Defendants' conscious disregard for Plaintiffs' and the Hungs' rights entitles Plaintiffs to recover punitive damages from Defendants.

PRAYER FOR RELIEF

59. WHEREFORE, for each cause of action alleged, Plaintiffs respectfully requests that the Court grant relief in Plaintiffs' favor and against Defendants, jointly and severally, as follows:

- Actual, compensatory, general, and special damages in excess of \$50,000 to redress the harms caused to Plaintiffs and the Hungs, including but not limited to, expenses, emotional distress, and other economic and non-economic harms;
- Exemplary and punitive damages;
- Pre- and post-judgment interest;
- Costs of suit and reasonable attorneys' fees; and
- Such other and further relief as this Court deems just and proper.

TRIAL BY JURY

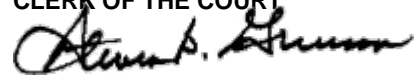
60. Pursuant to the seventh amendment to the Constitution of the United States of America and the Constitution of the State of Nevada, Plaintiffs are entitled to, and demand, a trial by jury.

DATED this 30th day of May 2019.

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: /s/ Michael Kind
Michael Kind, Esq.
6069 S. Fort Apache Rd., Ste 100
Las Vegas, NV 89148
Attorneys for Plaintiffs



Michael Kind, Esq.
Nevada Bar No. 13903
Gustavo Ponce, Esq.
Nevada Bar No. 15084
KAZEROUNI LAW GROUP, APC
6069 S. Fort Apache Rd., Ste 100
Las Vegas, NV 89148
Phone: (800) 400-6808 x7
mkind@kazlg.com
Attorneys for Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung

**EIGHTH JUDICIAL DISTRICT COURT
DISTRICT OF NEVADA**

YA-LING HUNG and WEI-HSIANG
HUNG, each individually, as
surviving heirs, and as Co-
Administrators of the Estate of Tung-
Tsung Hung and Pi-Ling Lee Hung,
Decedents,

Plaintiffs,

v.

Genting Berhad, Genting U.S.
Interactive Gaming Inc., Genting
Nevada Interactive Gaming LLC,
Genting Intellectual Property Pte Ltd,
Resorts World Inc Pte Ltd, Resorts
World Las Vegas LLC, Resorts World
Manila, and Kok Thay Lim,

Defendants.

Case No.: A-19-795338-C
Dept. No.: 27

PROOF OF SERVICE

RETURN OF SERVICE

State of Nevada

County of Clark, Eighth Judicial

Case Number: A-19-795338-C

Plaintiff:
Hung

vs.

Defendant:
Genting Berhad

For:
Michael Kind
Kazerouni Law Group, APC
6069 S. Fort Apache Road
Suite 100
Las Vegas, NV 89148

Received by Sano Attorney Service to be served on Genting Nevada Interactive Gaming LLC, 112 N. Curry Street, Carson City, NV 89703.

I, Serwind Netzler, do hereby affirm that on the 21st day of June, 2019 at 3:11 pm, I:

served a **CORPORATION** by delivering a true copy of the **Summons; Amended Complaint; District Court Civil Cover Sheet** to: **Corporation Service Company, Kris "Doe", as Authorized Person for Genting Nevada Interactive Gaming LLC**, at the address of: **112 N. Curry Street, Carson City, NV 89703**, and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 36, Sex: F, Race/Skin Color: Cauc, Height: 5'3", Weight: 130, Hair: blond, Glasses: -

I certify that I am over the age of 18 and have no interest in the above action.



Serwind Netzler

Sano Attorney Service
P.O. Box 1568
Riverside, CA 92502
(909) 425-2248

Our Job Serial Number: SNO-2019005542
Ref: Hung v. Genting Berhad
Service Fee: \$233.25



IN THE EIGHTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF CLARK

YA-LING HUNG and WEI-HSIANG HUNG,
Plaintiff(s),

VS.

CASE NO: A-19-795338-C

GENTING BERHAD; ET AL,
Defendant(s),

DECLARATION OF SERVICE

STATE OF NEVADA
COUNTY OF CARSON CITY ss:

SERWIND NETZLER, being duly sworn says: That at all times herein Affiant was and is a citizen of the United States, over 18 years of age, and not a party to nor interested in the proceedings in which this Affidavit is made.

That Affiant received copy(ies) of the SUMMONS; AMENDED COMPLAINT; DISTRICT COURT CIVIL COVER SHEET on 6/21/2019 and served the same on 6/21/2019 at 3:09 PM by delivery and leaving a copy with:

Kris - Administrative Assistant, pursuant to NRS 14.020 as a person of suitable age and discretion, of the office of CORPORATION SERVICE COMPANY, registered agent for GENTING U.S. INTERACTIVE GAMING INC., at the registered address of:

112 N Curry St, Carson City, NV 89703-4934

A description of Kris is as follows

| Gender | Color of Skin/Race | Hair | Age | Height | Weight |
|--------|--------------------|-------|---------|-----------|-------------|
| Female | White | Blond | 36 - 40 | 5'1 - 5'6 | 121-140 Lbs |

Pursuant to NRS 239B.030 this document does not contain the social security number of any person.

Affiant does hereby affirm under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on: 6/21/2019

by SERWIND NETZLER

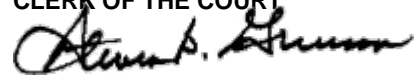
Registration: R-2018-05938

No notary is required per NRS 53.045

X

SERWIND NETZLER
Registration#: R-2018-05938
SANO ATTORNEY SERVICE-FLAT RATE \$45
PO Box 1568
Riverside, CA 925021568
(909) 425-2248





Michael Kind, Esq.
Nevada Bar No. 13903
Gustavo Ponce, Esq.
Nevada Bar No. 15084
KAZEROUNI LAW GROUP, APC
6069 S. Fort Apache Rd., Ste 100
Las Vegas, NV 89148
Phone: (800) 400-6808 x7
mkind@kazlg.com
Attorneys for Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung

**EIGHTH JUDICIAL DISTRICT COURT
DISTRICT OF NEVADA**

YA-LING HUNG and WEI-HSIANG
HUNG, each individually, as
surviving heirs, and as Co-
Administrators of the Estate of Tung-
Tsung Hung and Pi-Ling Lee Hung,
Decedents,

Plaintiffs,

v.

Genting Berhad, Genting U.S.
Interactive Gaming Inc., Genting
Nevada Interactive Gaming LLC,
Genting Intellectual Property Pte Ltd,
Resorts World Inc Pte Ltd, Resorts
World Las Vegas LLC, Resorts World
Manila, and Kok Thay Lim,

Defendants.

Case No.: A-19-795338-C
Dept. No.: 27

PROOF OF SERVICE

RETURN OF SERVICE

State of Nevada

County of Clark, Eighth Judicial

Case Number: A-19-795338-C

Plaintiff:

Hung

vs.

Defendant:

Genting Berhad

For:

Michael Kind
Kazerouni Law Group, APC
6069 S. Fort Apache Road
Suite 100
Las Vegas, NV 89148

Received by Sano Attorney Service to be served on **Genting U.S. Interactive Gaming Inc., 112 N. Curry Street, Carson City, NV 89703.**

I, Serwind Netzler, do hereby affirm that on the **21st day of June, 2019 at 3:09 pm, I:**

served a **CORPORATION** by delivering a true copy of the **Summons; Amended Complaint; District Court Civil Cover Sheet** to: **Corporation Service Company, Kris "Doe", as Authorized Person for Genting U.S. Interactive Gaming Inc.,** at the address of: **112 N. Curry Street, Carson City, NV 89703,** and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 36, Sex: F, Race/Skin Color: Cauc, Height: 5'3", Weight: 130, Hair: blond, Glasses: -

I certify that I am over the age of 18 and have no interest in the above action.

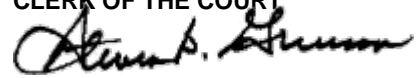


Serwind Netzler

Sano Attorney Service
P.O. Box 1568
Riverside, CA 92502
(909) 425-2248

Our Job Serial Number: SNO-2019005546
Ref: Hung v. Genting Berhad
Service Fee: \$83.25





Michael Kind, Esq.
Nevada Bar No. 13903
Gustavo Ponce, Esq.
Nevada Bar No. 15084
KAZEROUNI LAW GROUP, APC
6069 S. Fort Apache Rd., Ste 100
Las Vegas, NV 89148
Phone: (800) 400-6808 x7
mkind@kazlg.com
Attorneys for Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung

**EIGHTH JUDICIAL DISTRICT COURT
DISTRICT OF NEVADA**

YA-LING HUNG and WEI-HSIANG
HUNG, each individually, as
surviving heirs, and as Co-
Administrators of the Estate of Tung-
Tsung Hung and Pi-Ling Lee Hung,
Decedents,

Plaintiffs,

v.

Genting Berhad, Genting U.S.
Interactive Gaming Inc., Genting
Nevada Interactive Gaming LLC,
Genting Intellectual Property Pte Ltd,
Resorts World Inc Pte Ltd, Resorts
World Las Vegas LLC, Resorts World
Manila, and Kok Thay Lim,

Defendants.

Case No.: A-19-795338-C
Dept. No.: 27

PROOF OF SERVICE

RETURN OF SERVICE

State of Nevada

County of Clark, Eighth Judicial

Case Number: A-19-795338-C

Plaintiff:

Hung

vs.

Defendant:

Genting Berhad

For:

Michael Kind

Kazerouni Law Group, APC

6069 S. Fort Apache Road

Suite 100

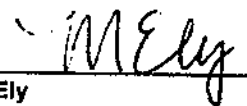
Las Vegas, NV 89148

Received by Sano Attorney Service to be served on Resorts World Las Vegas LLC, 300 S. Fourth Street, Suite 1400, Las Vegas, NV 89101.

I, Michelle Ely, do hereby affirm that on the 19th day of June, 2019 at 12:16 pm, I:

served a CORPORATION by delivering a true copy of the Summons; Amended Complaint; District Court Civil Cover Sheet to: Fennemore Craig, P.C., Registered Agent, Elaine Shaddock, as Authorized Person for Resorts World Las Vegas LLC, at the address of: 300 S. Fourth Street, Suite 1400, Las Vegas, NV 89101, and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18 and have no interest in the above action.



Michelle Ely
R-004357

Sano Attorney Service
P.O. Box 1568
Riverside, CA 92502
(909) 425-2248

Our Job Serial Number: SNO-2019005547
Ref: Hung v. Genting Berhad
Service Fee: \$128.25



**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

Steven D. Grierson

YA-LING HUNG and WEI-
HSIANG HUNG, each
individually, as surviving heirs,
and as Co-Administrators of the
Estate of Tung-Tsung Hung and
Pi-Ling Lee Hung, Decedents,

Plaintiffs,

v.

Genting Berhad, et al,

Defendants.

Case No.: A-19-795338-C

Dept. No.: 27

Proposed Order

Good cause appearing, Plaintiffs' Motion to Extend Time to Effectuate Service is granted.

The deadline for Plaintiffs to effectuate service in this case shall be extended to May 19, 2020.

IT IS SO ORDERED:

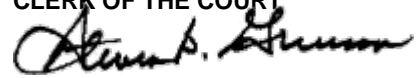
Nancy L. Alf
DISTRICT COURT JUDGE *SD*

Dated 1/31/2020

Submitted By:

KAZEROUNI LAW GROUP, APC

By: *Gustavo Ponce*
Gustavo Ponce, Esq.
6069 S. Fort Apache Rd., Ste. 100
Las Vegas, NV 89148
Attorneys for Plaintiffs



Gustavo Ponce, Esq.
Nevada Bar No. 15084
KAZEROUNI LAW GROUP, APC
6069 South Fort Apache Road, Suite 100
Las Vegas, Nevada 89148
Phone: (800) 400-6808
FAX: (800) 520-5523
gustavo@kazlg.com
Attorneys for Ya-Ling Hung and Wei-Hsiang Hung

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

YA-LING HUNG and WEI-
HSIANG HUNG, each
individually, as surviving heirs,
and as Co-Administrators of the
Estate of Tung-Tsung Hung and
Pi-Ling Lee Hung, Decedents,

Plaintiffs,

v.

Genting Berhad, et al,

Defendants.

Case No.: A-19-795338-C

Dept. No.: 27

NOTICE OF ENTRY OF ORDER

NOTICE

An Order was entered by this Court on January 31, 2020 in the above entitled case, a copy of which is attached hereto.

KAZEROUNI LAW GROUP, APC

By: /s/ Gustavo Ponce

Gustavo Ponce, Esq.

6069 S. Fort Apache Rd., Ste. 100

Las Vegas, NV 89148

Attorneys for Plaintiffs

KAZEROUNI LAW GROUP, APC
6069 S. Fort Apache Rd., Ste. 100
Las Vegas, NV 89148

Chris Miltenberger, Esq.
Greenberg Traurig, LLP
10845 Griffith Peak Drive
Las Vegas, NV 89135
miltenbergerc@gtlaw.com

By: /s/ Gustavo Ponce

Gustavo Ponce, Esq.
6069 S. Fort Apache Rd., Ste. 100
Las Vegas, NV 89148
Attorneys for Plaintiffs

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

Steven D. Grierson

YA-LING HUNG and WEI-
HSIANG HUNG, each
individually, as surviving heirs,
and as Co-Administrators of the
Estate of Tung-Tsung Hung and
Pi-Ling Lee Hung, Decedents,

Plaintiffs,

v.

Genting Berhad, et al,

Defendants.

Case No.: A-19-795338-C

Dept. No.: 27

Proposed Order

Good cause appearing, Plaintiffs' Motion to Extend Time to Effectuate Service is granted.

The deadline for Plaintiffs to effectuate service in this case shall be extended to May 19, 2020.

IT IS SO ORDERED:

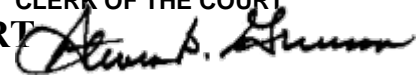
Nancy L. Alf
DISTRICT COURT JUDGE *SD*

Dated 1/31/2020

Submitted By:

KAZEROUNI LAW GROUP, APC

By: *Gustavo Ponce*
Gustavo Ponce, Esq.
6069 S. Fort Apache Rd., Ste. 100
Las Vegas, NV 89148
Attorneys for Plaintiffs



**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

| | |
|---|--|
| YA-LING HUNG and WEI- HSIANG HUNG, each individually, as surviving heirs, and as Co-Administrators of the Estate of Tung-Tsung Hung and Pi-Ling Lee Hung, Decedents, Plaintiffs, v. Genting Berhad, et al, Defendants. | Case No.: A-19-795338-C Dept. No.: 27 Proposed Order |
|---|--|

Good cause appearing, Plaintiffs' Motion to Extend Time to Effectuate Service is granted.

The deadline for Plaintiffs to effectuate service in this case shall be extended to September 16, 2020.

IT IS SO ORDERED:


DISTRICT COURT JUDGE

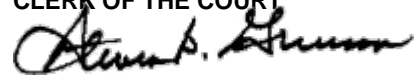
Dated May 28, 2020

Submitted By:

KAZEROUNI LAW GROUP, APC

By: /s/ Gustavo Ponce
Gustavo Ponce, Esq.
6069 S. Fort Apache Rd., Ste. 100
Las Vegas, NV 89148
Attorneys for Plaintiffs

KAZEROUNI LAW GROUP, APC
6069 S. Fort Apache Rd., Ste. 100
Las Vegas, NV 89148



Gustavo Ponce, Esq.
Nevada Bar No. 15084
KAZEROUNI LAW GROUP, APC
6069 South Fort Apache Road, Suite 100
Las Vegas, Nevada 89148
Phone: (800) 400-6808
FAX: (800) 520-5523
gustavo@kazlg.com
Attorneys for Ya-Ling Hung and Wei-Hsiang Hung

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

YA-LING HUNG and WEI-
HSIANG HUNG, each
individually, as surviving heirs,
and as Co-Administrators of the
Estate of Tung-Tsung Hung and
Pi-Ling Lee Hung, Decedents,

Plaintiffs,

v.

Genting Berhad, et al,

Defendants.

Case No.: A-19-795338-C

Dept. No.: 27

NOTICE OF ENTRY OF ORDER

NOTICE

An Order was entered by this Court on May 28, 2020 in the above entitled case, a copy of which is attached hereto.

KAZEROUNI LAW GROUP, APC

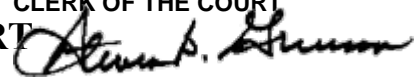
By: /s/ Gustavo Ponce

Gustavo Ponce, Esq.

6069 S. Fort Apache Rd., Ste. 100

Las Vegas, NV 89148

Attorneys for Plaintiffs



EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

YA-LING HUNG and WEI-
HSIANG HUNG, each
individually, as surviving heirs,
and as Co-Administrators of the
Estate of Tung-Tsung Hung and
Pi-Ling Lee Hung, Decedents,

Plaintiffs,

v.

Genting Berhad, et al,

Defendants.

Case No.: A-19-795338-C

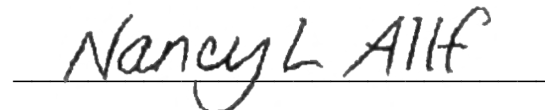
Dept. No.: 27

~~Proposed~~ Order

Good cause appearing, Plaintiffs' Motion to Extend Time to Effectuate Service is granted.

The deadline for Plaintiffs to effectuate service in this case shall be extended to September 16, 2020.

IT IS SO ORDERED:



DISTRICT COURT JUDGE

Dated May 28, 2020

Submitted By:

KAZEROUNI LAW GROUP, APC

By: /s/ Gustavo Ponce

Gustavo Ponce, Esq.

6069 S. Fort Apache Rd., Ste. 100

Las Vegas, NV 89148

Attorneys for Plaintiffs

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

YA-LING HUNG and WEI-
HSIANG HUNG, each
individually, as surviving heirs,
and as Co-Administrators of the
Estate of Tung-Tsung Hung and
Pi-Ling Lee Hung, Decedents,

Plaintiffs,

v.

Genting Berhad, et al,

Defendants.

Case No.: A-19-795338-C

Dept. No.: 27

Proposed Order

Good cause appearing, Plaintiffs' Counsel's Motion to Withdraw as Counsel is granted. The Court further Orders, good cause appearing and after a Status Check shall be set for September 1, 2020 on Chambers Calendar for Plaintiff to retain new counsel.

Notice of Entry is required.

IT IS SO ORDERED:

Dated this 6th day of August, 2020

Nancy L Alf

DISTRICT COURT JUDGE

71B FEB 4AC8 1938

Nancy Alf

District Court Judge

Dated _____

Submitted By:

KAZEROUNI LAW GROUP, APC

By: /s/ Gustavo Ponce

Gustavo Ponce, Esq.

6069 S. Fort Apache Rd., Ste. 100

Las Vegas, NV 89148

Attorneys for Plaintiffs

1 **CSERV**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6 Ya-Ling Hung, Plaintiff(s)

CASE NO: A-19-795338-C

7 vs.

DEPT. NO. Department 27

8 Genting Behad, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order was served via the court's electronic eFile system to all
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 8/6/2020

15 Andrea Rosehill

rosehill@gtlaw.com

16 Mark Ferrario

ferrariom@gtlaw.com

17 Christoper Miltenberger

miltenbergerc@gtlaw.com

18 LVGT docketing

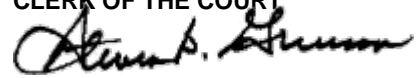
lvlitdock@gtlaw.com

19 Gustavo Ponce

gustavo@kazlg.com

20 Hwa-Min Hsu

hwamin99@icloud.com



Gustavo Ponce, Esq.
Nevada Bar No. 15084
KAZEROUNI LAW GROUP, APC
6069 South Fort Apache Road, Suite 100
Las Vegas, Nevada 89148
Phone: (800) 400-6808
FAX: (800) 520-5523
gustavo@kazlg.com
Attorneys for Ya-Ling Hung and Wei-Hsiang Hung

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

YA-LING HUNG and WEI-
HSIANG HUNG, each
individually, as surviving heirs,
and as Co-Administrators of the
Estate of Tung-Tsung Hung and
Pi-Ling Lee Hung, Decedents,

Plaintiffs,

v.

Genting Berhad, et al,

Defendants.

Case No.: A-19-795338-C

Dept. No.: 27

NOTICE OF ENTRY OF ORDER

NOTICE

An Order was entered by this Court on August 6, 2020 in the above entitled case, a copy of which is attached hereto.

KAZEROUNI LAW GROUP, APC

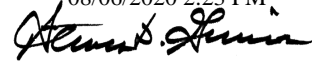
By: /s/ Gustavo Ponce

Gustavo Ponce, Esq.

6069 S. Fort Apache Rd., Ste. 100

Las Vegas, NV 89148

Attorneys for Plaintiffs


CLERK OF THE COURT

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

YA-LING HUNG and WEI-
HSIANG HUNG, each
individually, as surviving heirs,
and as Co-Administrators of the
Estate of Tung-Tsung Hung and
Pi-Ling Lee Hung, Decedents,

Plaintiffs,

v.

Genting Berhad, et al,

Defendants.

Case No.: A-19-795338-C

Dept. No.: 27

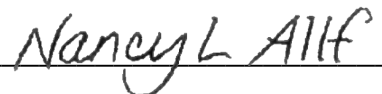
Proposed Order

Good cause appearing, Plaintiffs' Counsel's Motion to Withdraw as Counsel is granted. The Court further Orders, good cause appearing and after a Status Check shall be set for September 1, 2020 on Chambers Calendar for Plaintiff to retain new counsel.

Notice of Entry is required.

IT IS SO ORDERED:

Dated this 6th day of August, 2020



DISTRICT COURT JUDGE

71B FEB 4AC8 1938

Nancy Alif

District Court Judge

Dated _____

Submitted By:

KAZEROUNI LAW GROUP, APC

By: /s/ Gustavo Ponce

Gustavo Ponce, Esq.

6069 S. Fort Apache Rd., Ste. 100

Las Vegas, NV 89148

Attorneys for Plaintiffs

1 **CSERV**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5
6 Ya-Ling Hung, Plaintiff(s)

CASE NO: A-19-795338-C

7 vs.

DEPT. NO. Department 27

8 Genting Behad, Defendant(s)

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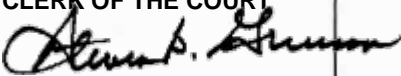
lvlitdock@gtlaw.com

19 Gustavo Ponce

gustavo@kazlg.com

20 Hwa-Min Hsu

hwamin99@icloud.com



NOTA

AARON A. AQUINO, ESQ.
Nevada Bar No. 11772
AQUINO LAW GROUP, LTD.
5150 W Spring Mountain Rd., #12
Las Vegas, NV 89146
(T) (702) 871-6464
(F) (702) 871-7338
aaron@aquinolawgroup.com
Attorney for Plaintiffs

Ya-Ling Hung, Wei-Hsiang Hung, each individually, as surviving heirs, and Co-Administrators of the Estate of Tung- Tsung Hung and Pi-Ling Lee Hung, Descendants.

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

YA-LING HUNG and WEI-HSIANG
HUNG, each individually, as surviving
heirs, and Co-Administrators of the
Estate of Tung-Tsung Hung and Pi-Ling
Lee Hung, Descendants,

Plaintiffs,

vs.

Genting Berhar, et al,

Defendants.

Case No.: A-19-795338-C
Dept. No.: 27

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that AARON A. AQUINO, ESQ., of the law firm of AQUINO
LAW GROUP, LTD., hereby enters his appearance as counsel of record for the above-named
Plaintiffs, YA-LING HUNG and WEI-HSIANG HUNG, each individually, as surviving heirs,
and Co-Administrators of the Estate of Tung- Tsung Hung and Pi-Ling Lee Hung, Descendants.

///

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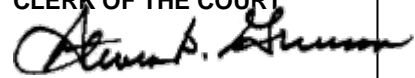
///

1 All further notices and copies of pleadings, papers, and other material relevant to
2 counsel’s representation should be directed to and served upon the undersigned counsel.
3 DATED this 15 day of September, 2020.

4
5 Respectfully Submitted By:
6 AQUINO LAW GROUP, LTD.

7 /s/ Aaron A. Aquino
8 AARON A. AQUINO, ESQ.
9 Nevada Bar No. 11772
10 AQUINO LAW GROUP, LTD.
11 5150 W Spring Mountain Rd., #12
12 Las Vegas, NV 89146
13 (T) (702) 871-6464
14 (F) (702) 871-7338
15 (E) aaron@aquinolawgroup.com
16 Attorney for Plaintiffs
17
18
19
20
21
22
23
24
25

5150 W. Spring Mountain Rd., Ste. 12
Las Vegas, Nevada 89146
(P) 702-871-6464 (F) 702-871-7338



MDSM
MARK E. FERRARIO, ESQ.
Nevada Bar No. 1625
CHRISTOPHER R. MILTENBERGER, ESQ.
Nevada Bar No. 10153
GREENBERG TRAUIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
Email: ferrariom@gtlaw.com
miltenbergerc@gtlaw.com

*Counsel for Defendants Resorts World Las Vegas LLC,
Genting Berhad, Genting U.S. Interactive Gaming Inc.,
and Genting Nevada Interactive LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

YA-LING HUNG and WEI-HSIANG HUNG,
each individually, as surviving heirs, and as Co-
Administrators of the Estate of Tung-Tsung
Hung and Pi-Ling Lee Hung, Decedents,

Plaintiffs,

vs.

Genting Berhad, Genting U.S. Interactive
Gaming Inc., Genting Nevada Interactive
Gaming LLC, Genting Intellectual Property Pte
Ltd., Resorts World Inc. Pte Ltd, Resorts World
Las Vegas LLC, Resorts World Manila, and Kok
Thay Lim,

Defendants.

Case No.: A-19-795338-C
Dept. No.: 27

HEARING REQUESTED

MOTION TO DISMISS

Defendants Resorts World Las Vegas LLC, Genting Berhad, Genting U.S. Interactive Gaming Inc., and Genting Nevada Interactive Gaming LLC by and through their counsel of record, the law firm of Greenberg Traurig, LLP, hereby move to dismiss Plaintiffs' First Amended Complaint pursuant to Nevada Rules of Civil Procedure 12(b)(2), 12(b)(5), and 12(b)(6). In the alternative, the moving parties move to dismiss the First Amended Complaint based on the doctrine of *forum non conveniens*.

1 Plaintiffs seek to bring an action against various entities, none of which had any
2 involvement at all in the conduct giving rise to their claims and most of which have little to no
3 presence in the State of Nevada. Instead, Plaintiffs seek to pursue claims and allege jurisdiction
4 based upon alter ego theories that fail on their face, while at the same time failing to join a
5 necessary and indispensable party who owned and operated the property where the events that gave
6 rise to Plaintiffs' claims took place. Plaintiffs cannot properly assert claims against any of the
7 moving defendants for any and all of these reasons and the First Amended Complaint must be
8 dismissed against each of them.

9 This Motion is made and based on the papers and pleadings on file, the following
10 memorandum of points and authorities, the declarations attached hereto, and any and all argument
11 permitted by the Court at any hearing on this motion.

12 DATED this 5th day of February, 2021.

13 /s/ Mark E. Ferrario

14 Mark E. Ferrario (SBN 1625)
15 Christopher R. Miltenberger (SBN 10153)
16 GREENBERG TRAURIG, LLP
10845 Griffith Peak Drive, Ste. 600
Las Vegas, Nevada 89135

17 *Attorneys for Defendants Resorts World Las Vegas LLC,*
18 *Genting Berhad, Genting U.S. Interactive Gaming Inc.,*
and Genting Nevada Interactive LLC

19
20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 **I. INTRODUCTION**

22 Plaintiffs' claims arise out of a fire that took place in June 2017 at Resorts World Manila.
23 Resorts World Manila is owned and operated by Travellers International Hotel Group, Inc. an entity
24 not named in this suit. The following defendants, Resorts World Las Vegas LLC ("RWLV"),
25 Genting Berhad, Genting U.S. Interactive Gaming Inc. ("Genting US"), and Genting Nevada
26 Interactive Gaming LLC ("Genting Nevada," collectively with Genting Berhad and Genting US, the
27 "Genting Defendants") neither own nor operate Resorts World Manila where the events underlying
28 the First Amended Complaint ("FAC") transpire. Nonetheless, Plaintiffs seek to bring the Genting

1 Defendants before this Court without being able to establish personal jurisdiction over them.

2 Further, Plaintiffs have elected to pursue claims against not only Resorts World Manila, but
3 also against RWLV and the Genting Defendants relating to the actions of that separate and distinct
4 entity. Plaintiffs' conclusory allegations of "alter ego" do not support cognizable claims against any
5 of these parties and they should be dismissed for failure to state a claim.

6 Plaintiffs' claims arise solely out of actions that not only transpired in a foreign country, but
7 that concern the conduct and alleged duties of a foreign company that is not party to this case.
8 Although Plaintiffs' claims relate to the operations of Resorts World Manila, neither the Genting
9 Defendants nor RWLV are the owner or operator of that property. Without joining the entity that
10 does own and operate the property relating to the events at issue in the FAC it is impossible for this
11 Court to afford complete relief or to avoid potentially inconsistent rulings. The failure to join such a
12 necessary and indispensable party is fatal to Plaintiffs' claims, and the Court should likewise
13 dismiss the FAC pursuant to NRCP 12(b)(6).

14 Even if Plaintiffs could demonstrate jurisdiction over the Genting Defendants, properly
15 plead claims for relief against RWLV or the Genting Defendants, and join all the necessary and
16 indispensable parties relating to their claims, the Court should still dismiss the case based on the
17 doctrine of *forum non conveniens*. All of the relevant witnesses reside, not only out of state, but
18 likely out of the country. Presumably all of the documents relevant to this matter are held and
19 controlled overseas by Resorts World Manila or its owner and operator who are not parties to this
20 matter.

21 Based on any or all of these reasons, moving forward in this jurisdiction that has no
22 connection to the underlying dispute against RWLV or the Genting Defendants is not reasonable
23 and all of the claims against these defendants should be dismissed.

24 ///

II. SUMMARY OF RELEVANT ALLEGATIONS¹ AND FACTS

Shortly after midnight on June 2, 2017, an armed individual entered Resorts World Manila. FAC, ¶ 23. Thereafter, that individual set fire to furniture in the casino causing people to seek safety away from the individual. *Id.* at ¶ 24, Ex. A. Plaintiffs’ parents, Tsung-Tsung Hung and Pi-Ling Lee Hung (the “Hungs”), were Taiwanese nationals present at Resorts World Manila at the time of the incident. *Id.* at ¶¶ 1, 28, 30. Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung (“Plaintiffs”) are the surviving heirs and Co-Administrators of the Hungs’ estates. *Id.* at ¶ 2. During the incident, the Hungs found a closet to hide in to avoid the armed individual and the fire. *Id.* at ¶ 31. After the incident concluded, the Hungs were discovered in that closet where they had died from smoke inhalation. *Id.* at ¶ 32. Based on the actions transpiring at Resorts World Manila in the Philippines, Plaintiffs assert claims against Resorts World Manila, RWLV, the Genting Defendants, and others for wrongful death and negligence in the State of Nevada. *See, generally*, FAC.

Throughout their FAC, Plaintiffs collectively refer to the Genting Defendants together with Genting Intellectual Property Pte Ltd. as the “Genting Group entities.” *Id.* at ¶ 1. Similarly, Plaintiffs refer to RWLV and Resorts World Inc. Pte. Ltd. as the “Resorts World Entities.” *Id.* Plaintiffs refer to all of the defendants collectively as “Defendants.” *Id.* There is no legitimate effort to distinguish the purported actions of any of these entities. *See, generally*, FAC. Instead, Plaintiffs allege that “Defendants are engaged in substantial business within this District.” *Id.* at ¶7. Plaintiffs also allege that “the Genting Group entities own the Resorts World brand, including Resorts World Las Vegas and Resorts World Manila.” *Id.* at ¶ 9.

As explained below, such allegations are false. Nonetheless, based on these false assertions, Plaintiffs allege that “Resorts World Las Vegas and Resorts World Manila are therefore, for all intents and purposes, one and the same, owned by the Genting entities.” *Id.* at ¶ 10. Plaintiffs further allege, without any factual basis, that all of the Defendants are the alter egos of each other. *Id.* at ¶ 15. Based solely on this alter ego theory, Plaintiffs contend that this Court has jurisdiction

¹ The factual summary set forth herein is derived from Plaintiffs’ allegations in the FAC, which allegations are accepted as true solely for the purpose of this Motion. Neither RWLV nor the Genting Defendants admit to any of the allegations in the FAC by this Motion and reserve the right to challenge any and all of the allegations at any further stage of this litigation.

1 over all of the Genting Defendants. *Id.* at ¶ 16.

2 Genting Berhad is a public limited liability company organized under the laws of Malaysia,
3 with its principal place of business in Kuala Lumpur, Malaysia. Exhibit A, Declaration of Wong
4 Yee Fun (“Genting Decl.”), ¶ 4. Genting Berhad is principally an investment holding and
5 management company. *Id.* at ¶ 5. In particular, Genting Berhad is listed on the Malaysian Stock
6 Exchange and is the holding company of publicly listed entities Genting Malaysia Berhad, Genting
7 Plantations Berhad and Genting Singapore Limited. *Id.* at ¶ 6. Genting Berhad also holds numerous
8 wholly owned unlisted subsidiaries, including, among others, named-Defendants Genting
9 Intellectual Property Pte Ltd. and RWLV. *Id.* Genting Berhad’s group corporate structure is set
10 forth in the chart attached hereto as Exhibit B. Genting Berhad does not, directly or indirectly, hold
11 an ownership or management interest in Resorts World Manila. Ex. A, Genting Decl., at ¶ 8.

12 Genting Berhad was not registered with the Nevada Secretary of State nor did it have a
13 registered agent in this state until October 8, 2019, several months *after* the filing of the above-
14 referenced action. *Id.* at ¶ 9; *see also* Compl., filed on May 23, 2019, on file herein. Genting
15 registered with the Nevada Secretary of State based upon its ownership interests in Genting Nevada
16 who holds licenses from the Nevada Gaming Commission. Ex. A, Genting Decl., ¶ 9. Although
17 registered with the Nevada Secretary of State since October 2019, Genting Berhad does not
18 regularly conduct business in the State of Nevada, directly own any real or personal property in the
19 State, nor maintain any offices or bank accounts within the State. *Id.* at ¶¶ 9-14. Nor are any of
20 Genting Berhad’s officers or directors are residents of the State of Nevada. *Id.* at ¶ 15.

21 Genting US is a corporation organized under the laws of the State of Delaware and is
22 managed by the officers of Resorts World Inc. Pte Ltd., a holding company, all of whom are based
23 in Singapore and Malaysia. *Id.* at ¶ 17. Although registered with the State of Nevada and having a
24 designated registered agent in this State, Genting US does not do any business in the State of
25 Nevada. *Id.* at ¶ 18. Genting US does not regularly conduct any business in the State of Nevada,
26 own any real or personal property in the State, nor maintain any offices or bank accounts within the
27 State. *Id.* at ¶¶ 18-22. Nor are any of Genting US’s officers or directors are residents of the State of
28 Nevada. *Id.* at ¶ 23. Genting US does not directly or indirectly hold any ownership or management

1 interest in Resorts World Manila. *Id.* at ¶ 25. Genting US does not directly or indirectly hold any
2 ownership or management interest in RWLV. *Id.* at ¶ 24.

3 Genting Nevada is a limited liability company organized under the laws of the State of
4 Delaware. *Id.* at ¶ 26. Although Genting Nevada was granted a license from the Nevada Gaming
5 Commission as a manufacturer and distributor in 2016 and has registered with the State of Nevada
6 ever since, it has not conducted any business to date in the State of Nevada or elsewhere. *Id.* at ¶ 27.
7 Genting Nevada does not own any real or personal property in the State, nor maintain any offices or
8 bank accounts within the State. *Id.* at ¶¶ 28-31. Nor are any of Genting Nevada’s officers or
9 directors are residents of the State of Nevada. *Id.* at ¶ 32. Genting Nevada does not directly or
10 indirectly hold any ownership or management interest in Resorts World Manila. *Id.* at ¶ 34
11 Genting Nevada does not directly or indirectly hold any ownership or management interest in
12 RWLV. *Id.* at ¶ 33.

13 RWLV is a Delaware limited liability company with its principal place of business in Las
14 Vegas, Nevada. Exhibit C, Declaration of Peter LaVoie (“RWLV Decl.”), ¶ 4. RWLV has no
15 ownership or management interest in Resorts World Manila. *Id.* at ¶ 5.

16 Genting Intellectual Property Pte Ltd. and Resorts World Inc. Pte Ltd., both incorporated in
17 Singapore, have not been served with process in this case.² Ex. A, Genting Decl., ¶ 35. These
18 entities were not registered with the Nevada Secretary of State until September 30, 2019, several
19 months after the commencement of this action. *Id.* at ¶¶ 36, 42. Although these entities have
20 maintained registered agents with the State of Nevada since their registration in September 2019,
21 they do not regularly conduct business in the State of Nevada. *Id.* Neither of these entities own any
22 real or personal property in the State of Nevada, nor maintain any offices or bank accounts in the
23 State. *Id.* at ¶¶ 37-40, 43-46. None of their officers or directors are residents of the State of Nevada.

24
25 ² Despite being granted multiple extensions of time to serve the unserved entities, Plaintiffs failed to serve
26 these entities, Resorts World Manilla, or Kok Thay Lim in the time afforded by the Court. *See* Order
27 Granting Motion to Extend Time, filed on May 28, 2020 (providing Plaintiffs until September 16, 2020 to
28 effectuate service), on file herein. Pursuant to NRCP 4(e)(2), “[i]f service of the summons and complaint is
not made upon a defendant before the 120-day service period—or any extension thereof—expires, the court
must dismiss the action, without prejudice, as to that defendant upon motion or upon the court’s own order
to show cause.” NRCP 4(e)(2) (emphasis added). These unserved defendants should be dismissed from this
action as a result of the failure to timely serve such parties.

1 *Id.* at ¶¶ 41, 47. Neither of these entities have, directly or indirectly, any ownership or management
2 interest in Resorts World Manila. *Id.* at ¶ 48. Nor do these entities have, directly or indirectly, any
3 ownership or management interest in RWLV. *Id.* at ¶ 49.

4 As set forth herein, Resorts World Manila is a separate and distinct legal entity not owned or
5 controlled by RWLV or the Genting Defendants. Further, as the sole basis for asserting claims
6 against RWLV and the Genting Defendants, and for alleging jurisdiction over the Genting
7 Defendants, is an entirely unsupported and conclusory alter ego allegation.

8 **III. ANALYSIS**

9 **A. The Court Cannot Exercise Personal Jurisdiction Over the Genting Defendants.**

10 ***1. A Court May Dismiss a Complaint Under NRCP 12(b)(2) for Lack of Personal*** 11 ***Jurisdiction Over a Defendant.***

12 This Court should dismiss the claims asserted against the Genting Defendants pursuant to
13 NRCP 12(b)(2) as this Court lacks personal jurisdiction over these entities. “To obtain jurisdiction
14 over a non-resident defendant, a plaintiff must show that: (1) the requirements of the state’s long-
15 arm statute have been satisfied, and (2) due process is not offended by the exercise of jurisdiction.”
16 *See Trump v. District Court*, 109 Nev. 687, 698, 857 P.2d 740, 747 (1993); *see also Int’l Shoe Co.*
17 *v. Washington*, 326 U.S. 310 (1945); *see also Casentini v. Ninth Judicial Dist. Court*, 110 Nev.
18 721, 726, 877 P.2d 535, 539 (1994). First, “Nevada’s long-arm statute, NRS 14.065, reaches the
19 limits of due process set by the United States Constitution.” *See Baker v. Dist. Ct.*, 116 Nev. 527,
20 531, 999 P.2d 1020, 1023 (2000). Second, the Due Process Clause of the Fourteenth Amendment
21 of the United States Constitution requires a nonresident defendant to have “minimum contacts”
22 with the forum state sufficient to ensure that exercising personal jurisdiction over him would not
23 offend “traditional notions of fair play and substantial justice.” *Id.* at 531-32, 999 P.2d at 1023; *see*
24 *also Int’l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945); *see also Arabella Mut. Ins. Co. v.*
25 *District Court*, 122 Nev. 509, 134 P.3d 710 (2006).

26 Due process requirements are satisfied if the nonresident defendant’s contacts are sufficient
27 to obtain either (1) general jurisdiction, or (2) specific personal jurisdiction, and it is reasonable to
28 subject the nonresident defendants to suit in the forum state. *Viega GmbH v. Eighth Jud. Dist. Ct.*,

130 Nev. Adv. Op. 40, 328 P.3d 1152, 1156 (2014) (citing *Arbella*, 122 Nev. at 512, 516, 134 P.3d at 712, 714; *Daimler AG v. Bauman*, — U.S. —, — n. 20, 134 S.Ct. 746, 762 n. 20, 187 L.Ed.2d 624 (2014)). Courts may exercise general or “all-purpose” personal jurisdiction over a defendant “to hear any and all claims against it” only when the defendant’s affiliations with the forum state “are so constant and pervasive as to render it essentially at home in the forum State.” *Bauman*, 134 S. Ct. at 751. By contrast, specific personal jurisdiction comports with due process only where “the defendant’s suit-related conduct” creates “a substantial connection with the forum state.” *Walden v. Fiore*, 571 U.S. —, —, 134 S. Ct. 1115, 1121-22 (2014); *Goodyear Dunlop Tires Operations S.A. v. Brown*, 564 U.S. 915 (2011).

As set forth below, Plaintiffs have not and cannot establish that the Genting Defendants’ contacts with the State of Nevada are sufficient for the Court to obtain either specific or general jurisdiction over any of them. Therefore, the Complaint must be dismissed because the exercise of jurisdiction over the Genting Defendants would violate the requirements of due process.

2. This Court Lacks Specific Personal Jurisdiction Over the Genting Defendants.

In deciding whether exercising specific personal jurisdiction is appropriate, the Court considers a three-prong test;

[1] [t]he defendant must purposefully avail himself of the privilege of acting in the forum state or of causing important consequences in that state. [2] The cause of action must arise from the consequences in the forum state of the defendant’s activities, and [3] those activities, or the consequences thereof, must have a substantial enough connection with the forum state to make the exercise of jurisdiction over the defendant reasonable.

Consipio Holding, BV v. Carlberg, 128 Nev. 454, 458, 282 P.3d 751, 755 (2012) (quotation omitted); see also *Viega GmbH*, 130 Nev. at 375, 328 P.3d at 1157 (recognizing specific personal jurisdiction arises when the foreign defendant “purposefully enters the forum’s market or establishes contacts in the forum and affirmatively directs conduct there, and the claims arise from that purposeful contact or conduct.”) (citation omitted).

As the United States Supreme Court recognized: “whether a forum State may assert specific jurisdiction over a nonresident defendant focuses on ‘the relationship among the defendant, the forum, and the litigation.’” *Walden*, 134 S.Ct. at 1122 (citing *Keeton v. Hustler*

1 *Magazine, Inc.*, 465 U.S. 770, 775, 104 S.Ct. 1473 (1984) (*quoting Shaffer v. Heitner*, 433 U.S.
2 186, 204, 97 S.Ct. 2569 (1977))). For a state to exercise jurisdiction consistent with due process,
3 the defendant's suit-related conduct must create a substantial connection with the forum state. *Id.*

4 For an exercise of specific jurisdiction to comport with due process, the suit must arise "out
5 of contacts that the 'defendant *himself*' creates with the forum State." *Walden*, 134 S.Ct. at 1122
6 (*quoting Burger King Corp.*, 471 U.S. 462, 475, 105 S.Ct. 2174 (1985)) (emphasis in original).
7 The Supreme Court has "consistently rejected attempts to satisfy the defendant-focused 'minimum
8 contacts' inquiry by demonstrating contacts between the plaintiff (or third parties) and the forum
9 State." *Id.* at 1122, 1125 (concluding that causing an "injury to a forum resident is not a sufficient
10 connection to the forum," and "the plaintiff cannot be the only link between the defendant and the
11 forum"). In other words, the "minimum contacts" analysis looks to the defendant's contacts with
12 the forum state itself, not the defendant's contacts with persons who reside there. *Id.* at 1122.
13 Importantly, the Nevada Supreme Court has explained that "[c]orporate entities are presumed
14 separate, and thus, indicia of mere ownership are not alone sufficient to subject a parent company
15 to jurisdiction based on its subsidiary's contacts." *Viega GmbH*, 130 Nev. at 378, 328 P.3d at 1158
16 (collecting cases).

17 In this case, Plaintiffs have not established, and cannot establish, that the Genting
18 Defendants engaged in any specific "suit-related conduct" that would create a substantial
19 connection between them and Nevada to warrant exercise of jurisdiction over them. *See,*
20 *generally*, FAC. Each of the claims asserted in the FAC arise solely out of events that transpired in
21 June 2017 in Manila, Philippines. FAC, ¶¶ 22-25. There are no allegations at all that any actions
22 relating to the underlying claims transpired in the State of Nevada. *See, generally*, FAC. Instead, it
23 would appear Plaintiffs would have this Court exercise personal jurisdiction over the Genting
24 Defendants merely due to their alleged connection to a Nevada entity, RWLV, that happens to do
25 some business in Nevada. However, even if there were some allegations that RWLV engaged in
26 any conduct in the State of Nevada relating to these claims (or anywhere in the world), mere
27 affiliation with a Nevada operation is still not enough to confer jurisdiction over nonresident
28 defendants such as the Genting Defendants. *See Southport Lane Equity II, LLC v. Downey*, 177

1 F.Supp.3d 1286 (D. Nev. 2016).

2 In *Southport Lane*, a shareholder brought claims against a corporation's directors and
3 officers, alleging breach of fiduciary duty, unjust enrichment, and requesting a declaration that a
4 shareholder's designee is a member of the board and to declare void a transaction that diluted the
5 shareholder's shares, and requesting appointment of a receivership. The non-resident corporate
6 officers and directors each moved to dismiss for lack of personal jurisdiction and failure to state a
7 claim. In granting the motion to dismiss, the District Court held that the non-resident director and
8 officer defendants' mere affiliation with the Nevada corporation was insufficient for personal
9 jurisdiction. 177 F.Supp.3d at 1296. The District Court recognized that "a mere connection
10 between a defendant and a plaintiff that has contacts with the forum state or that has been injured
11 in the state is insufficient for personal jurisdiction under the Due Process Clause." *Id.* As a result,
12 the Court concluded, "[s]ubjecting the directors or officers of a corporation to jurisdiction in any
13 forum in which a corporation operates or is incorporated when the directors or officers have no
14 personal contacts whatsoever with the forum state denies them due process protection." *Id.* The
15 Court acknowledged, "what matters most in this analysis is not the corporation's own contacts with
16 Nevada but the *individual Defendants' contacts with the State.*" *Id.* (emphasis added).

17 Like the plaintiff in *Southport*, Plaintiffs would have this Court exercise personal
18 jurisdiction over the Genting Defendants because of *RWLV's contacts* with Nevada. However,
19 non-resident defendants' mere affiliation with a company doing some business in Nevada is simply
20 insufficient for personal jurisdiction. *Id.*, 177 F.Supp.3d at 1296; *Viega*, 130 Nev. at 378, 328 P.3d
21 at 1158. Making the leap Plaintiffs ask the Court to make here even more tenuous when
22 considering that Plaintiffs are not Nevada citizens and none of factual allegations supporting
23 Plaintiffs' claims transpired in the State of Nevada.

24 Based on the foregoing, this Court cannot exercise specific personal jurisdiction over any of
25 the non-resident Genting Defendants.

26 ///

1 **3. This Court Lacks General Personal Jurisdiction Over the Genting Defendants.**

2 a. The Court Must Conduct a Due Process Analysis.

3 General jurisdiction over a defendant allows a plaintiff to assert claims against that
4 defendant unrelated to the forum. *Viega*, 328 P.3d at 1157. Such broad jurisdiction is available
5 only in limited circumstances, when a non-resident defendant’s contacts with the forum state are so
6 “‘continuous and systematic’ as to render [it] essentially at home in the forum State.” *Id.* (quoting
7 *Goodyear*, 564 U.S. 915, 920, 131 S.Ct. 2846, 2851, 180 L.Ed.2d 796 (2011) (*citing Int’l Shoe Co.*
8 *v. Washington*, 326 U.S. at 317; *see also Arbella*, 122 Nev. at 513, 134 P.3d at 712 (“[G]eneral
9 personal jurisdiction exists when the defendant’s forum state activities are so substantial or
10 continuous and systematic that it is considered present in that forum and thus subject to suit there,
11 even though the suit’s claims are unrelated to that forum.” (internal quotations marks omitted))).

12 As recently clarified by the United States Supreme Court, “only a limited set of affiliations
13 with a forum will render a defendant amenable to general jurisdiction there.” *Bauman*, 134 S. Ct. at
14 760. “For an individual, the paradigm forum for the exercise of general jurisdiction is the
15 individual’s domicile. . . .” *Id.* (quoting *Goodyear*, 564 U.S., at 924, 131 S.Ct., at 2853–2854).
16 With limited exceptions, the Complaint does not and cannot allege that the Defendants have the
17 “substantial” or “continuous and systematic” contacts with Nevada that would warrant the
18 application of general jurisdiction. *See, e.g., Trump*, 109 Nev. at 699. Simply doing business in a
19 state, even a substantial amount of business, does not provide a basis for general jurisdiction;
20 instead the defendant must be “at home” in the state. *Daimler AG v. Bauman*, 571 U.S. 117, 137-
21 38 (2014). The Court must look to the contacts of each individual defendant to determine if
22 jurisdiction over each defendant is warranted under a general jurisdiction theory. *Three Rivers*
23 *Provider Network, Inc. v. Med. Cost Containment Profls, LLC*, No. 2:18-CV-135 JCM (GWF), at
24 *5 (D. Nev. July 30, 2018) (“Affiliation with a corporation located in Nevada does not
25 automatically support a court's exercise of general jurisdiction over a defendant in Nevada.”)

26 Of particular importance here, courts, including the Nevada Supreme Court, have by and
27 large held that registration to do business and appointment of a registered agent is insufficient on
28 its own to subject a non-resident party to the personal jurisdiction of the state. *Freeman v. Second*

1 *Judicial Dist. Ct.*, 116 Nev. 550, 558, 1 P.3d 963, 968 (2000) (finding that appointment of a
2 registered agent by a non-resident company does not “in itself subject a non-resident” to personal
3 jurisdiction, requiring the court to conduct a minimum contacts analysis); *Brown v. Lockheed*
4 *Martin Corp.*, 814 F.3d 619, 637 (2d Cir. 2016) (holding that the defendant did not consent to
5 general jurisdiction in Connecticut by registering under that state’s statute); *Waite v. All*
6 *Acquisition Corp.*, 901 F.3d 1307, 1318 (11th Cir. 2018) (rejecting an argument that registration to
7 do business in a state was sufficient to support general jurisdiction); *Fiske v. Sandvik Mining*, 540
8 F. Supp. 2d 250, 256 (D. Mass. 2008) (rejecting the argument that registration to do business in
9 Massachusetts and appointment of an agent were sufficient for general jurisdiction); *Ab v. Mylan*
10 *Pharm., Inc.*, 72 F. Supp. 3d 549, 556 (D. Del. 2014); *DNH, L.L.C. v. In-N-Out Burgers*, 381 F.
11 Supp. 2d 559, 565 (E.D. La. 2005).

12 Further, in determining whether the exercise of general jurisdiction is reasonable and not
13 offensive of due process, the Court looks to each defendant’s contacts with the forum state **prior to**
14 **the filing of the complaint** instead of those occurring after the filing of the complaint. *Delphix*
15 *Corp. v. Embarcadero Techs., Inc.*, 749 F. App’x 502, 505-06 (9th Cir. 2018) (citing 4 Fed. Prac.
16 & Proc. Civ. § 1067.5). As the *Delphix* court succinctly explained, “a general jurisdiction inquiry
17 should consider all of a defendant’s conduct with the forum state **prior to the filing of the lawsuit**,
18 rather than those contacts that are related to the particular cause of action the plaintiff asserts.” *Id.*;
19 *see also Brown*, 814 F.3d at 628 n. 8 (quoting *Metro. Life Ins. Co. v. Robertson-Ceco Corp.*, 84
20 F.3d 560, 569-70 (2d Cir. 1996) (noting that when conducting a general jurisdiction inquiry the
21 court “should examine a defendant’s contacts with the forum state over a period that is reasonable
22 under the circumstances—up to and including the date the suit was filed.”). Therefore, contacts
23 that may have occurred after the filing of the complaint are inconsequential to the Court’s general
24 jurisdiction analysis.

25 In considering a motion to dismiss, the Court may consider affidavits and supporting
26 evidence proffered by a defendant. *Viega*, 130 Nev. at 374, 328 P.3d at 1157 (quoting *Doe v.*
27 *Unocal Corp.*, 248 F.3d 915, 922 (9th Cir. 2001)). Further, “the court must accept properly
28 supported proffers of evidence as true.” *Viega*, 130 Nev. at 374, 328 P.3d at 1157 (citing *Trump*,

109 Nev. at 692, 857 P.2d at 743). Although factual disputes are resolved in favor of Plaintiffs, Plaintiffs bear the burden of demonstrating the reasonableness of exercising personal jurisdiction over each of the Genting Defendants “and the burden of proof never shifts to the party challenging jurisdiction.” *Trump*, 109 Nev. at 692, 857 P.2d at 744. Plaintiffs cannot satisfy their burden to exercise jurisdiction over the non-resident Genting Defendants.

b. The Genting Defendants (other than RWLV) are not “at home” in the State of Nevada to support the exercise of general jurisdiction over them.

The FAC does not and cannot allege that the Genting Defendants have the “substantial” or “continuous and systematic” contacts with the State of Nevada that would warrant the exercise of general personal jurisdiction over them. *Id.*, 109 Nev. at 699, 857 P.2d at 748.

As to Genting Berhad, it is incorporated under the laws of Malaysia with its principal place of business in Kuala Lumpur, Malaysia. Ex. A, Genting Decl., ¶ 4. Genting Berhad was not registered with the Nevada Secretary of State or hold a registered agent in the state until October 8, 2019, months after the filing of this action. *Id.* at ¶ 9. Despite the registration, Genting Berhad does not regularly conduct business in the State of Nevada in any event. *Id.* at ¶ 10. Rather, it obtained its registration as a result of its ownership holdings in Genting Nevada, who holds licenses from the Nevada Gaming Commission. *Id.* at ¶ 9. Genting Berhad does not directly own any real or personal property in Nevada. *Id.* at ¶ 11. Nor does Genting Berhad maintain any offices in Nevada or otherwise regularly transact any type of business in this forum. *Id.* at ¶¶ 10, 12. Nor does Genting Berhad maintain any bank accounts or mailing addresses in the State of Nevada. *Id.* at ¶¶ 13-14. None of Genting Berhad’s managers are residents of the State of Nevada. *Id.* at ¶ 15. Holding an ownership interest in a Nevada company (RWLV) and maintaining a registration with the State of Nevada are simply not enough to find this Malaysian company to be “at home” in this State such that the exercise of general jurisdiction over it is reasonable and non-offensive of its due process rights. *Freeman*, 116 Nev. at 558, 1 P.3d at 968 (registering to do business and maintaining a registered agent insufficient to establish general jurisdiction); *Delphix*, 749 F. App’x at 505-06 (events after the filing of the complaint should not be considered).

1 A minimum contacts analysis as to Genting US and Genting Nevada leads to the same
2 conclusion. Both of these entities are organized under the laws of the State of Delaware. *Id.* at ¶¶
3 17, 26. While these entities are registered with the Nevada Secretary of State and maintain
4 registered agents in this State, they currently do not regularly conduct any business in Nevada. *Id.*
5 at ¶¶ 18, 27. Neither of these entities own any real or personal property in Nevada. *Id.* at ¶¶ 19, 28.
6 Nor do these entities maintain any offices in Nevada. *Id.* at ¶¶ 20, 29. These entities do not
7 maintain any bank accounts or mailing addresses (other than through their registered agent) in the
8 State of Nevada. *Id.* at ¶¶ 21-22, 30-31. These entities also do not hold any ownership or
9 management interest in RWLV. *Id.* at ¶¶ 24, 33. Nor are any of these entities' managers, officers,
10 or directors are residents of Nevada. *Id.* at ¶¶ 23, 32.

11 In light of these facts, the only Genting Defendant that has any arguable physical presence
12 in the State of Nevada to equate it to being "at home" in this state is RWLV.³ Plaintiffs have not
13 alleged, nor can they demonstrate, any facts that would support a conclusion that any of the other
14 Genting Defendants have continuous and systematic contacts with the State of Nevada that would
15 allow the Court to exercise general personal jurisdiction over them. *Viega*, 130 Nev. at 375, 328
16 P.3d at 1157. Under these circumstances, it is unreasonable to exercise general personal
17 jurisdiction over any of the Genting Defendants besides possibly RWLV and doing so would
18 offend due process.

19 c. Plaintiffs' conclusory alter ego allegations do not provide a basis for this Court
20 to exercise general jurisdiction over the Genting Defendants and RWLV.

21 Seemingly recognizing the inability to exercise general personal jurisdiction over any of the
22 Genting Defendants besides possibly RWLV under the standards articulated herein, Plaintiffs
23 preemptively plead conclusory allegations asserting that *all* of the Defendants, RWLV, Genting
24 Berhad, Resorts World Manila and Kok Thay Lim are the alter egos of one another. Such baseless
25 allegations do not save the Plaintiffs' claims from being dismissed for lack of personal jurisdiction.
26 Although RWLV may be an indirect wholly owned subsidiary of Genting Berhad, the contacts of a
27

28 ³ As set forth in Section III.B *supra*, the claims against RWLV should be dismissed because Plaintiffs fail to
state a claim and plead only conclusory, unsupported alter ego allegations.

parent company's subsidiary are not attributed to the parent company for the purposes of determining Nevada's ability to exercise personal jurisdiction over the parent. *Id.*, 130 Nev. at 375-377, 328 P.3d at 1157-1158; *Corcoran v. CVS Health Corp.*, 169 F. Supp. 3d 970, 978 (N.D. Cal. 2016).

If that was not enough, simply making the conclusory allegation that the Defendants are "alter egos" is not enough to attribute the contacts of the resident defendant to the other nonresident defendants for purposes of jurisdiction under an alter ego theory. *Viega*, 328 P.3d at 1158-60. Rather, Plaintiffs were required to plead facts that could potentially support a theory of alter ego liability, such as facts showing the control of the nonresident defendants over the resident defendant or factors that, if true, would tend to show that acknowledging the corporate separateness of the entities would result in injustice.

As other courts have found, it is only "[i]n narrow circumstances [that] federal courts will find that a corporation is the alter ego of another by 'pierc[ing] the corporate veil' and attribut[ing] a subsidiary's [contacts with] the forum state to its parent company for jurisdictional purposes." *Corcoran*, 169 F. Supp. 3d at 983 (quoting *Calvert v. Huckins*, 875 F. Supp. 674, 678 (E.D. Cal. 1995)). To do so, a plaintiff must make a *prima facie* showing that *both* "(1) there is a unity of interest and ownership between the corporations such that their separate personalities do not actually exist, and (2) treating the corporations as separate entities would result in injustice." *Id.* (quoting *Ranza*, 793 F.3d at 1073). A plaintiff must allege specifically both the elements of alter ego liability, as well as the facts supporting each." *Neilson v. Union Bank of Cal, N.A.*, 290 F. Supp. 2d 1101, 1116 (C.D. Cal. 2003); *Wady v. Provident Life and Accident Ins. Co. of America*, 216 F.Supp.2d 1060, 1067 (C.D.Cal.2002). The first prong of this test "requires a showing that the parent controls the subsidiary to such a degree as to render the latter the mere instrumentality of the former." *Id.*

Here, Plaintiffs plead no facts relating to their alleged alter ego theory, only a legal conclusion that "[d]iscovery will therefore show . . . the alter ego nature of Defendants' corporate structure" Complaint, ¶ 15. This is insufficient to impute the potential general jurisdiction the Court may exercise over RWLV to any of the remaining defendants, including the Genting

Defendants. Exercising general personal jurisdiction on this outlandish “alter ego” theory would be improper and would offend notions of fair play and substantial justice in violation of the Genting Defendants’ due process rights. Plaintiffs cannot demonstrate any facts to support the exercise of personal jurisdiction over any of the Genting Defendants under any of their theories, and the claims against them must be dismissed under NRCP 12(b)(2) as a result.

B. Plaintiffs Fail to Plead Facts to Support a Cognizable Claim Against RWLV.

Although a Nevada court may be able to exercise general personal jurisdiction over RWLV, the claims against it should still be dismissed for failure to state a claim.⁴ When a plaintiff fails to “state a claim upon which relief can be granted,” the Court must dismiss the claim upon motion under NRCP 12(b)(5). “In considering a motion to dismiss pursuant to NRCP 12(b)(5)...the court accepts a plaintiff’s factual allegations as true, but the allegations must be legally sufficient to constitute the elements of the claims asserted.” *Sanchez ex rel. Sanchez v. Wal-Mart Stores, Inc.*, 125 Nev. 818, 823, 221 P.3d 1276, 1280 (2009) (citation omitted). “To survive dismissal, a complaint must contain some ‘set of facts, which, if true, would entitle the plaintiff to relief.’” *In re Amerco Derivative Litig.*, 127 Nev. 196, 211, 252 P.3d 681, 692 (2011) (citation omitted). “Dismissal is proper where the allegations are insufficient to establish the elements of a claim for relief.” *Stockmeier v. Nevada Dep’t of Corr.*, 124 Nev. 313, 316, 183 P.3d 133, 135 (2008) (citations omitted).

Here, Plaintiffs make factual allegations against “Defendants” without making any distinction whatsoever as to which Defendant allegedly engaged in which conduct. As discussed above, there are no facts alleged to substantiate an alter ego theory, making the collective pleading and lack of specificity regarding the conduct of each Defendant even more troubling. Nevada courts have found that the failure to specify the factual predicate for the claims against each individual defendant fatal to a complaint. *See Volcano Developers LLC v. Bonneville Mortg.*, No. 2:11-cv-00504-GMN-PAL, 2012 WL 28838, at *5 (D. Nev. Jan. 4, 2012) (dismissing complaint for plaintiffs’ failure to “meaningfully distinguish between the parties in their factual allegations”

⁴ The same analysis set forth herein would apply to the other Genting Defendants if such claims were not dismissed based on the lack of personal jurisdiction.

1 and leaving defendants and the Court to “guess which facts apply to which parties.”); *Robins v.*
2 *Wolf Firm*, No. 2:10-cv-0424-RLH-PAL, 2010 WL 2817202, at *5 (D. Nev. July 15, 2010)
3 (dismissing claims *sua sponte* because plaintiff failed to distinguish between individual defendants).

4 This collective, group pleading is even more troubling and unreasonable under these
5 circumstances as *all* of the conduct alleged in the FAC took place in the Philippines. Without facts
6 showing how RWLV was allegedly involved in any of the alleged conduct overseas, Plaintiffs have
7 failed to assert facts to support a *prima facie* showing as to the elements of either a wrongful death
8 claim or negligence claim asserted by people of which it had no interactions with at all.

9 Plaintiffs’ reliance on the conclusory “alter ego” allegations likewise fail to save their claims
10 against RWLV. As noted above, in order to support a possible claim for liability under a veil
11 piercing theory, Plaintiffs would need to plead facts supporting a *prima facie* case upon which a
12 finder of fact could find both a “unity of interest and ownership” between RWLV and Resorts
13 World Manila and facts supporting that “treating the corporations as separate entities would result
14 in injustice.” *Corcoran*, 169 F. Supp. 3d at 983. Plaintiffs were required to plead facts
15 supporting each of these elements in order to assert claims for alter ego, something they made no
16 effort to do. *Neilson*, 290 F.Supp.2d at 1116; *Wady*, 216 F.Supp.2d. at 1067. Plaintiffs must do
17 more than allege RWLV is the alter ego of Resorts World Manila in order to properly plead a
18 possible claim for relief against RWLV. Plaintiffs did not, and their claims predicated solely on
19 alter ego liability fail on the face of the FAC. The claims against RWLV should be dismissed under
20 NRCP 12(b)(5) as a result.

21 **C. The FAC Should Be Dismissed for Failure to Join a Necessary and Indispensable**
22 **Party.**

23 Even if each of the claims were not dismissed either for lack of personal jurisdiction or for
24 failure to state a claim, the FAC should still be dismissed as a result of Plaintiffs’ failure to join a
25 necessary and indispensable party. To render a complete decree in any civil action, “all persons
26 materially interested in the subject matter of the suit [must] be made parties so that there is a
27 complete decree to bind them all.” *Olsen Family Tr. v. District Court*, 110 Nev. 548, 553, 874 P.2d
28 778, 781 (1994). For this reason, the Nevada Supreme Court has held that the failure to join a

1 necessary party to a case was “fatal to the district court’s judgment.” *Id.* at 554; *see also Univ. of*
2 *Nev. v. Tarkanian*, 95 Nev. 389, 396, 594 P.2d 1159, 1163 (1979). A party *must* be joined as a
3 necessary and indispensable party under NRCP 19(a) if (1) complete relief cannot be accorded in
4 his absence, (2) he claims an interest in the subject of the action, or (3) adjudication in the
5 individual’s absence potentially subjects parties to double, multiple or otherwise inconsistent
6 obligations. *Anderson v. Sanchez*, 355 P.3d 16 (Nev. 2015); *Humphries v. Eighth Jud. Dist. Ct.*,
7 312 P.3d 484, 487 (Nev. 2013). The failure to join a necessary and indispensable party warrants
8 dismissal under NRCP 12(b)(6).

9 Here, all of the conduct at issue in the FAC took place at Resorts World Manila, which
10 neither RWLV nor the Genting Defendants own or operate, whether directly or indirectly. Ex. A,
11 Genting Decl., ¶¶ 8, 16, 25, 34, 48; Ex. C, RWLV Decl., ¶ 5. Although Plaintiffs attempted to join
12 numerous other foreign parties with little or no connection to the State of Nevada, Plaintiffs failed
13 to name the actual entities who own and operate the resort at the very heart of this litigation and the
14 factual allegations purportedly supporting Plaintiffs’ claims. Failing to join those parties in these
15 proceedings subjects the Defendants in this case to the potential for conflicting and multiple
16 liabilities as a result of the same underlying conduct. The failure to join all parties in interest as
17 defendants is fatal to Plaintiffs’ FAC and it should likewise be dismissed for this reason as well.

18 **D. Alternatively, the Court Should Dismiss the FAC Under the Doctrine of *Forum Non***
19 ***Conveniens*.**

20 The doctrine of *forum non conveniens* permits a trial court to decline to exercise jurisdiction
21 in a case where litigation in a foreign forum would be more convenient for the parties. *Lueck v.*
22 *Sundstrand Corp.*, 236 F.3d 1137 (9th Cir. 2001) (citing *Gulf Oil Corp. v. Gilbert*, 330 U.S. 501,
23 504 (1947)). “When deciding a motion to dismiss for *forum non conveniens*, a court must first
24 determine the level of deference owed to the plaintiff’s forum choice.” *Provincial Gov’t of*
25 *Marinduque v. Placer Dome, Inc.*, 350 P.3d 392, 396 (Nev. 2015) (citing *Pollux Holding Ltd. v.*
26 *Chase Manhattan Bank*, 329 F.3d 64, 70 (2d Cir. 2003)). Second, a district court must determine
27 “whether an adequate alternative forum exists.” *Marinduque*, 350 P.3d at 396 (quoting *Lueck*, 236
28 F.3d at 1142) (citing *Piper Aircraft Co. v. Reyno*, 454 U.S. 235, 254 n. 22, 102 S.Ct. 252, 70

1 L.Ed.2d 419 (1981)). Lastly, “[i]f an adequate alternative forum does exist, the court must then
2 weigh public and private interest factors to determine whether dismissal is warranted.”
3 *Marinduque*, 350 P.3d at 396 (citing *Lueck*, 236 F.3d at 1142).

4 Critically here, there is an ongoing dispute between the parties as to personal jurisdiction, a
5 factor which “weighs heavily in favor of dismissal for forum non conveniens.” *Marinduque*, 350
6 P.3d at 397 (citing *Sinochem Intern. Co. Ltd. v. Malaysia Intern. Shipping Corp.*, 549 U.S. 422,
7 435-36 (2007)). Against the backdrop of the ongoing dispute as to personal jurisdiction, an
8 evaluation of the foregoing factors favors dismissal of this lawsuit for *forum non conveniens*.⁵

9 Here, the nonresident Plaintiffs’ choice of Nevada as a forum should be given little to no
10 deference. “Generally, a plaintiff’s choice of forum is entitled to great deference, but a foreign
11 plaintiff’s choice of a United States forum is entitled to less deference.” *Marinduque*, 350 P.3d at
12 396 (citing *Pollux Holding*, 329 F.3d at 71). “While the law recognizes the validity of a foreign
13 plaintiff’s selection of a United States forum in order to obtain jurisdiction over a defendant, a
14 foreign plaintiff’s choice will be entitled to substantial deference only where the case has bona fide
15 connections to and convenience favors the chosen forum.” *Id.* (emphasis added).

16 Plaintiffs’ connection to Nevada in this case is even more attenuated than was the
17 company’s in *Marinduque*. There, the businesses’ subsidiaries did conduct some business in
18 Nevada, yet the Nevada Supreme Court concluded that the attenuated connections were “not the
19 type of bona fide connection[s] that justif[y] giving a foreign plaintiff’s forum choice substantial
20 deference.” *Id.* Where, as here, Plaintiffs conduct no business in Nevada there is no bona fide
21 connection between Plaintiffs’ dispute and this State (as all of the underlying factual allegations
22 concern conduct in the Philippines), this factor weighs in favor of dismissal for *forum non*
23 *conveniens*. See *Id.* at 395 (“Because this matter has no bona fide connection to this state, we
24 conclude that the district court properly exercised its discretion by granting the motion to dismiss
25

26 ⁵ In *Sinochem* the United States Supreme Court held that federal district courts may properly take up the
27 issue of *forum non conveniens* without first deciding the issue of personal jurisdiction. 549 U.S. at 425. The
28 Nevada Supreme Court subsequently adopted *Sinochem* in its ruling in *Marinduque*. 350 P.3d at 397-98.
Thus, the Genting Defendants may bring this alternative request simultaneously with its motion to dismiss
for lack of personal jurisdiction and the Court need not first determine whether it has personal jurisdiction
before dismissing for *forum non conveniens*. *Id.*

1 for forum non conveniens.”). Moreover, litigating this matter in Nevada will be highly
2 inconvenient given that the parties, witnesses, evidence, and documents are all located in the
3 Philippines under the control of either non-served or unnamed parties to this litigation, something
4 that court would likewise consider in evaluating a dismissal under the *forum non conveniens* theory.
5 *Id.*

6 Further, adequate, alternative forums exist elsewhere. Plaintiffs could certainly pursue their
7 claims against Resorts World Manila where it does business, in the Philippines. Such a forum bears
8 the only connection to the Plaintiffs and their claims and serves as an appropriate alternative venue
9 to resolve Plaintiffs’ claims. Notably, courts have found that it is only in “rare circumstances . . .
10 where the remedy provided by the alternative forum . . . is so clearly inadequate or unsatisfactory,
11 that it is no remedy at all,” where an available, alternative forum would be disregarded. *Lueck*, 236
12 F.3d at 1143 (quoting *Lockman Found.*, 930 F.2d at 768; *Piper Aircraft*, 454 U.S. at 254).

13 Moreover, the lack of public interest in resolving a dispute between non-resident Plaintiffs
14 regarding conduct taking part outside of this State and not related to a resident defendant weighs in
15 favor of dismissing this case for *forum non conveniens*. “Relevant public interest factors include
16 the local interest in the case, the district court’s familiarity with applicable law, the burdens on local
17 courts and jurors, court congestion, and the costs of resolving a dispute unrelated to the plaintiff’s
18 chosen forum.” *Marinduque*, 350 P.3d at 397 (citing *Lueck*, 236 F.3d at 1147; *Piper Aircraft*, 454
19 U.S. at 259-61). The local interest in this case is *de minimus*, if any can be said to exist at all. That
20 is so, in part, because no Nevadan’s interests are directly at issue, and none of the evidence relating
21 to this dispute is located in this jurisdiction. Indeed, “no events related to this litigation occurred in
22 Nevada” and thus “this case lacks any genuine connection to this state.” *Marinduque*, 350 P.3d at
23 397. As such, there “would be only minimal local interest in this litigation,” if at all. *Id.* (citation
24 omitted). Where, as here, the dispute “lacks any real connection to this state,” the Nevada Supreme
25 Court has held that the burdens and costs associated with resolving the matter, and the fact that the
26 Eighth Judicial District Courts are backlogged, are public interest factors which favor dismissal. *Id.*

27 Importantly, the “weight of these [public interest] factors favoring dismissal is compounded
28 by the fact that the parties continue to dispute whether personal jurisdiction is proper in Nevada.”

1 *Id.* Because “personal jurisdiction is difficult to determine, and *forum non conveniens*
2 considerations weigh heavily in favor of dismissal,” the Nevada court may properly dismiss the
3 Complaint for *forum non conveniens* without first deciding whether it has personal jurisdiction over
4 the Defendants. *Id.* (quoting *Sinochem*, 549 U.S. at 436). Rather, the genuine dispute over personal
5 jurisdiction in and of itself is properly considered as part of the *forum non conveniens* analysis and
6 supports dismissal. *Marinduque*, 350 P.3d at 397 (citing *Sinochem*, 549 U.S. at 435-36). Indeed,
7 “resolving the preliminary issue of personal jurisdiction alone w[ill] likely entail extensive
8 discovery, briefing, and multiple court hearings,” which itself weighs “heavily in favor of
9 dismissal.” *Marinduque*, 350 P.3d at 397-98 (citations and quotations omitted).

10 Finally, an evaluation of the private interest factors at stake also weigh in favor of dismissal
11 for *forum non conveniens*. “Relevant private interest factors may include the location of a
12 defendant corporation, access to proof, the availability of compulsory process for unwilling
13 witnesses, the cost of obtaining testimony from willing witnesses, and the enforceability of a
14 judgment.” *Id.* at 398 (citing *Lueck*, 236 F.3d at 1145; *Eaton*, 96 Nev. at 774, 616 P.2d at 401).
15 None of the parties or essential witnesses in this case reside in the Nevada; indeed, none of them
16 reside anywhere in the United States. Notably, compulsory process to secure the attendance of these
17 witnesses from the Philippines, Taiwan, or other locales in Southeast Asia is not reasonably
18 available, and the cost of obtaining testimony for any presumptively willing witnesses is
19 prohibitive. *Marinduque*, 350 P.3d at 398.

20 In light of all of these factors, dismissal for *forum non conveniens* is likewise warranted in
21 these circumstances.

22 **IV. CONCLUSION**

23 Plaintiffs’ claims have no relationship to the State of Nevada. They are wholly a dispute
24 against a foreign entity that Plaintiffs have not served, Resorts World Manila. Neither RWLV nor
25 the Genting Defendants have connections with Resorts World Manila that could possibly give rise
26 to liability in any forum. Attempting to pursue claims against the Genting Defendants in Nevada is
27 particularly egregious on account of their lack of connection to this State. Exercise of jurisdiction
28 over them would offend the notions of fair play and substantial justice, and violate the Genting

1 Defendants' due process rights. Plaintiffs' naked alter ego allegations do not evoke the jurisdiction
2 of this Court over the Genting Defendants, nor state viable claims for relief against RWLV. Under
3 any circumstances, prosecution of Plaintiffs' claims in this Court is unwarranted as all of the
4 relevant parties, witnesses, and evidence reside across the Pacific Ocean and potentially outside the
5 reach of the parties to this case. This is a prime candidate for the application of dismissal under the
6 doctrine of *forum non conveniens* as a result.

7 Based on the foregoing, RWLV and the Genting Defendants respectfully request that
8 Plaintiffs' FAC be dismissed against them for the reasons set forth herein.

9 DATED this 5th day of February, 2021.

10 /s/ Mark E. Ferrario

11 Mark E. Ferrario (SBN 1625)
12 Christopher R. Miltenberger (SBN 10153)
13 GREENBERG TRAURIG, LLP
14 10845 Griffith Peak Drive, Ste. 600
15 Las Vegas, Nevada 89135

16 *Attorneys for Defendants Resorts World Las Vegas LLC,*
17 *Genting Berhad, Genting U.S. Interactive Gaming Inc.,*
18 *and Genting Nevada Interactive LLC*

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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of February, 2021, a true and correct copy of the foregoing ***Motion to Dismiss*** was filed with the Clerk of the Court using the Odyssey eFileNV Electronic Service system and served on all parties with an email-address on record, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R. The date and time of the electronic proof of service is in place of the date and place of deposit in the U.S. Mail.

/s/ Andrea Lee Rosehill

an employee of Greenberg Traurig, LLP

EXHIBIT A

DECL
MARK E. FERRARIO, ESQ.
Nevada Bar No. 1625
CHRISTOPHER R. MILTENBERGER, ESQ.
Nevada Bar No. 10153
GREENBERG TRAUIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
Email: ferrariom@gtlaw.com
miltenbergerc@gtlaw.com

*Counsel for Defendants Resorts World Las Vegas LLC,
Genting Berhad, Genting U.S. Interactive Gaming Inc.,
and Genting Nevada Interactive LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

YA-LING HUNG and WEI-HSIANG HUNG,
each individually, as surviving heirs, and as Co-
Administrators of the Estate of Tung-Tsung
Hung and Pi-Ling Lee Hung, Decedents,

Plaintiffs,

vs.

Genting Berhad, Genting U.S. Interactive
Gaming Inc., Genting Nevada Interactive
Gaming LLC, Genting Intellectual Property Pte
Ltd, Resorts World Inc Pte Ltd, Resorts World
Las Vegas LLC, Resorts World Manila, and Kok
Thay Lim,

Defendants.

Case No.: A-19-795338-C
Dept. No.: 27

**DECLARATION OF WONG YEE FUN IN
SUPPORT OF DEFENDANTS GENTING
BERHAD, GENTING U.S.
INTERACTIVE GAMING INC., AND
GENTING NEVADA INTERACTIVE
LLC'S MOTION TO DISMISS**

I, Wong Yee Fun, declare as follows:

1. I have personal knowledge of the facts stated in this declaration and could and would competently testify thereto if called as a witness in this matter.

2. I make this declaration in support of Defendants Genting Berhad, Genting U.S. Interactive Gaming Inc. and Genting Nevada Interactive LLC's Motion to Dismiss.

- 1 3. I am the Chief Financial Officer of Genting Berhad.
- 2 4. Genting Berhad is a public limited liability company organized under the laws of
- 3 Malaysia with its principal place of business in Kuala Lumpur, Malaysia.
- 4 5. Genting Berhad is principally an investment holding and management company.
- 5 6. Genting Berhad is listed on the Malaysian Stock Exchange and is the holding
- 6 company of the publicly listed entities Genting Malaysia Berhad, Genting Plantations Berhad and
- 7 Genting Singapore Limited. Genting Berhad also holds numerous wholly owned unlisted
- 8 subsidiaries including, amongst others, the Defendants Genting Intellectual Property Pte Ltd and
- 9 Resorts World Las Vegas LLC.
- 10 7. A true and correct copy Genting Berhad's group corporate structure as of March 16,
- 11 2020, is set forth in the chart attached to the motion as Exhibit B.
- 12 8. Genting Berhad does not directly or indirectly hold an ownership or management
- 13 interest in Resorts World Manila.
- 14 9. On October 8, 2019, Genting Berhad registered with Nevada Secretary of State as a
- 15 result of its indirect ownership interests in Genting Nevada Interactive Gaming LLC ("Genting
- 16 Nevada") who holds licenses from the Nevada Gaming Commission.
- 17 10. Although Genting Berhad registered with the Nevada Secretary of State after the
- 18 commencement of this action and has thereafter maintained a registered agent within the State of
- 19 Nevada, Genting Berhad does not regularly conduct business in the State of Nevada.
- 20 11. Genting Berhad does not directly own any real or personal property in Nevada, while
- 21 certain of its subsidiaries, such as Resorts World Las Vegas, LLC, do own such property.
- 22 12. Genting Berhad does not maintain any offices in Nevada
- 23 13. Genting Berhad does not maintain any bank accounts in Nevada.
- 24 14. Other than its registered agent, Genting Berhad does not maintain any mailing
- 25 addresses in Nevada.
- 26 15. None of Genting Berhad's officers or directors are residents of the State of Nevada.
- 27 16. Genting Berhad does not directly or indirectly own or operate Resorts World Manila.
- 28

1 17. Genting U.S. Interactive Gaming Inc (“Genting US”) is a corporation organized
2 under the laws of the State of Delaware and is managed by the officers of Resorts World Inc. Pte
3 Ltd. (its holding company) group, who are all based in Singapore and Malaysia.

4 18. Although Genting US is registered with the Nevada Secretary of State and maintains
5 a registered agent within the State, Genting US does not regularly conduct any business in the State
6 of Nevada.

7 19. Genting US does not own any real or personal property in Nevada.

8 20. Genting US does not maintain any offices in Nevada or otherwise regularly transact
9 any type of business in the State.

10 21. Genting US does not maintain any bank accounts in the State of Nevada.

11 22. Other than its registered agent, Genting US does not maintain any mailing addresses
12 in the State of Nevada.

13 23. None of Genting US’s officers or directors are residents of the State of Nevada.

14 24. Genting US does not directly or indirectly hold any ownership or management
15 interest in Resorts World Las Vegas, LLC.

16 25. Genting US does not directly or indirectly hold any ownership or management
17 interest in Resorts World Manila.

18 26. Genting Nevada is a limited liability company organized under the laws of the State
19 of Delaware.

20 27. Although Genting Nevada was granted a license as a manufacturer and distributor by
21 the Nevada Gaming Commission in 2016, is registered with the Nevada Secretary of State and
22 maintains a registered agent within the State, Genting Nevada has not to date conducted any
23 business, whether in the State of Nevada or elsewhere.

24 28. Genting Nevada does not own any real or personal property in Nevada.

25 29. Genting Nevada does not maintain any offices in Nevada or otherwise regularly
26 transact any type of business in the State.

27 30. Genting Nevada does not maintain any bank accounts in the State of Nevada.

31. Other than its registered agent, Genting Nevada does not maintain any mailing addresses in the State of Nevada.

32. None of Genting Nevada's managers are residents of the State of Nevada.

33. Genting Nevada does directly or indirectly not hold any ownership or management interest in Resorts World Las Vegas, LLC.

34. Genting Nevada does not directly or indirectly hold any ownership or management interest in Resorts World Manila.

35. Genting Intellectual Property Pte Ltd and Resorts World Inc Pte Ltd, both incorporated in Singapore, have not been served with process in this case.

36. Although Genting Intellectual Property Pte Ltd registered with the Nevada Secretary of State on September 30, 2019 (after the commencement of this action) and maintains a registered agent in the State of Nevada, it does not regularly conduct business in the State of Nevada.

37. Genting Intellectual Property Pte Ltd does not own any real or personal property in Nevada.

38. Genting Intellectual Property Pte Ltd does not maintain any offices in Nevada or otherwise regularly transact any type of business in the State.

39. Genting Intellectual Property Pte Ltd does not maintain any bank accounts in the State of Nevada.

40. Other than its registered agent, Genting Intellectual Property Pte Ltd does not maintain any mailing addresses in the State of Nevada.

41. None of Genting Intellectual Property Pte Ltd's officers or directors are residents of the State of Nevada.

42. Although Resorts World Inc Pte Ltd registered with the Nevada Secretary of State on September 30, 2019 (after the commencement of this action) and maintains a registered agent in the State of Nevada, it does not regularly conduct business in the State of Nevada.

43. Resorts World Inc Pte Ltd does not own any real or personal property in Nevada.

3 45. Resorts World Inc Pte Ltd does not maintain any bank accounts in the State of
4 Nevada.

46. Other than its registered agent, Resorts World Inc. Pte Ltd. does not maintain any mailing addresses in the State of Nevada.

7 47. None of Resorts World Inc Pte Ltd's officers or directors are residents of the State of
8 Nevada.

9 48. Neither Genting Intellectual Property Pte Ltd nor Resorts World Inc Pte Ltd has,
10 directly or indirectly, any ownership or management interest in Resorts World Manila.

11 49. Neither Genting Intellectual Property Pte Ltd nor Resorts World Inc Pte Ltd has,
12 directly or indirectly, any ownership or management interest in Resorts World Las Vegas LLC.

13 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing
14 is true and correct, is within my personal knowledge, and if called as a witness I am competent to
15 testify thereto.

| | |
|----|---|
| 16 | Executed this 5 th day of February 2021. |
|----|---|

Yee Jun

By: Wong Yee Fun

EXHIBIT B

GROUP CORPORATE STRUCTURE



Registration No. 196801000315 (7916-A)

and its Principal Subsidiaries, Joint Ventures and Associate as at 16 March 2020

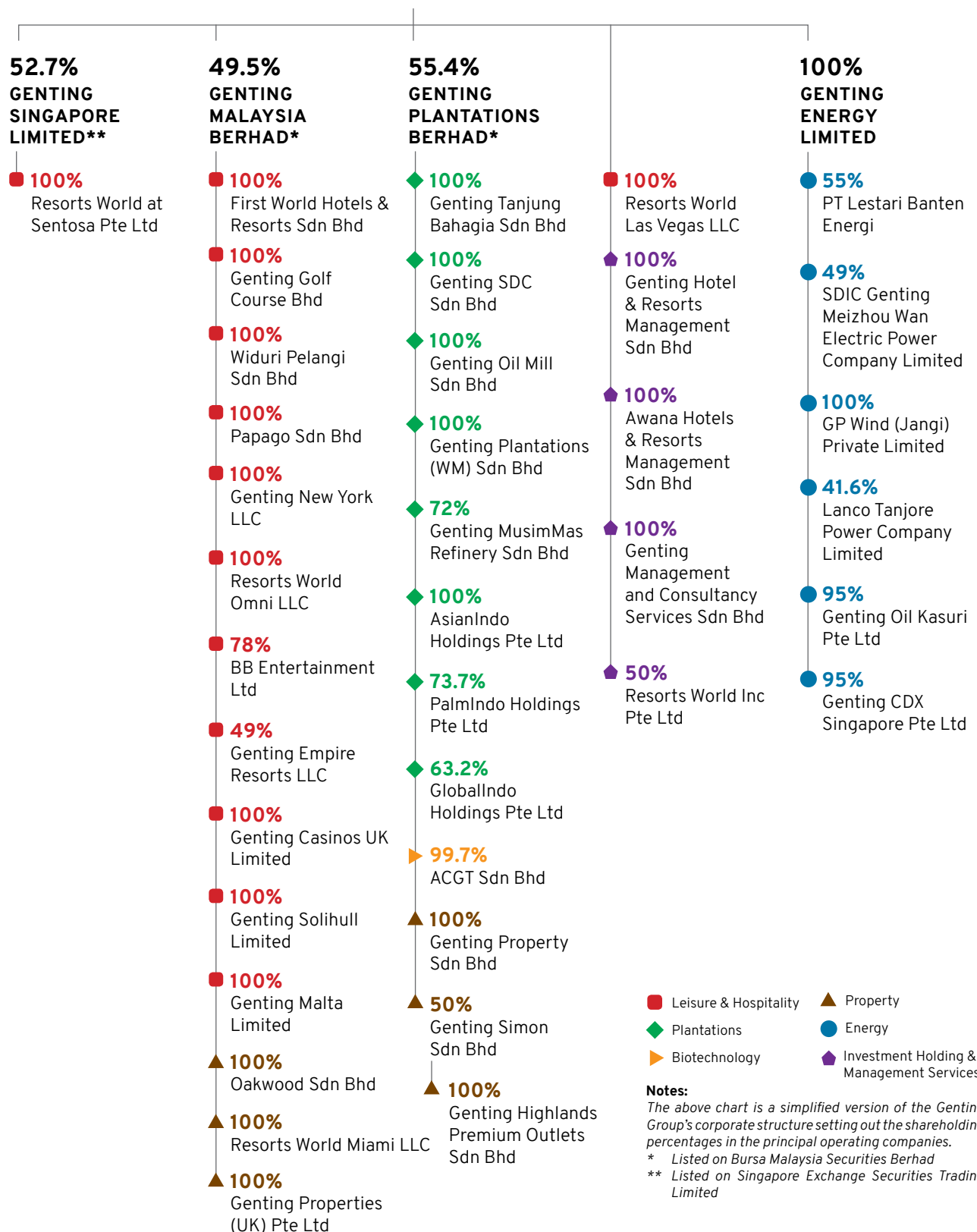


EXHIBIT C

1 **DECL**

2 MARK E. FERRARIO, ESQ.

3 Nevada Bar No. 1625

4 CHRISTOPHER R. MILTENBERGER, ESQ.

5 Nevada Bar No. 10153

6 **GREENBERG TRAURIG, LLP**

7 10845 Griffith Peak Drive, Suite 600

8 Las Vegas, Nevada 89135

9 Telephone: (702) 792-3773

10 Facsimile: (702) 792-9002

11 Email: ferrariom@gtlaw.com

12 miltenbergerc@gtlaw.com

13 *Counsel for Defendants Resorts World Las Vegas LLC,*
14 *Genting Berhad, Genting U.S. Interactive Gaming Inc.,*
15 *and Genting Nevada Interactive LLC*

16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 YA-LING HUNG and WEI-HSIANG HUNG,
19 each individually, as surviving heirs, and as Co-
20 Administrators of the Estate of Tung-Tsung
21 Hung and Pi-Ling Lee Hung, Decedents,

22 Plaintiffs,

23 vs.

24 Genting Berhad, Genting U.S. Interactive
25 Gaming Inc., Genting Nevada Interactive
26 Gaming LLC, Genting Intellectual Property Pte
27 Ltd., Resorts World Inc. Pte Ltd, Resorts World
28 Las Vegas LLC, Resorts World Manila, and Kok
Thay Lim,

Defendants.

Case No.: A-19-795338-C

Dept. No.: 27

**DECLARATION OF PETER LAVOIE IN
SUPPORT OF DEFENDANTS RESORTS
WORLD LAS VEGAS LLC, GENTING
BERHAD, GENTING U.S.
INTERACTIVE GAMING INC., AND
GENTING NEVADA INTERACTIVE
LLC'S MOTION TO DISMISS**

I, Resorts World Representative, declare as follows:

1. I have personal knowledge of the facts stated in this declaration and could and would competently testify thereto if called as a witness in this matter.

2. I make this declaration in support of Defendants Resorts World Las Vegas LLC, Genting Berhad, Genting U.S. Interactive Gaming Inc., and Genting Nevada Interactive LLC's Motion to Dismiss.

3. I am the Chief Financial Officer with Resorts World Las Vegas, LLC ("RWLV").

1 4. RWLV is a Delaware limited liability company with its principal place of business in
2 Las Vegas, Nevada.

3 5. RWLV has no ownership or management interest in Resorts World Manila.

4 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is
5 true and correct, is within my personal knowledge, and if called as a witness I am competent to testify
6 thereto.

7 Executed this 2 day of Feb 2021.

8 
9 Peter LaVoie

1 **DECL**

2 MARK E. FERRARIO, ESQ.

3 Nevada Bar No. 1625

4 CHRISTOPHER R. MILTENBERGER, ESQ.

5 Nevada Bar No. 10153

6 **GREENBERG TRAURIG, LLP**

7 10845 Griffith Peak Drive, Suite 600

8 Las Vegas, Nevada 89135

9 Telephone: (702) 792-3773

10 Facsimile: (702) 792-9002

11 Email: ferrariom@gtlaw.com

12 miltenbergerc@gtlaw.com

13 *Counsel for Defendants Resorts World Las Vegas LLC,*
14 *Genting Berhad, Genting U.S. Interactive Gaming Inc.,*
15 *and Genting Nevada Interactive LLC*

16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 YA-LING HUNG and WEI-HSIANG HUNG,
19 each individually, as surviving heirs, and as Co-
20 Administrators of the Estate of Tung-Tsung
21 Hung and Pi-Ling Lee Hung, Decedents,

22 Plaintiffs,

23 vs.

24 Genting Berhad, Genting U.S. Interactive
25 Gaming Inc., Genting Nevada Interactive
26 Gaming LLC, Genting Intellectual Property Pte
27 Ltd., Resorts World Inc. Pte Ltd, Resorts World
28 Las Vegas LLC, Resorts World Manila, and Kok
Thay Lim,

Defendants.

Case No.: A-19-795338-C

Dept. No.: 27

**DECLARATION OF PETER LAVOIE IN
SUPPORT OF DEFENDANTS RESORTS
WORLD LAS VEGAS LLC, GENTING
BERHAD, GENTING U.S.
INTERACTIVE GAMING INC., AND
GENTING NEVADA INTERACTIVE
LLC'S MOTION TO DISMISS**

I, Resorts World Representative, declare as follows:

1. I have personal knowledge of the facts stated in this declaration and could and would competently testify thereto if called as a witness in this matter.

2. I make this declaration in support of Defendants Resorts World Las Vegas LLC, Genting Berhad, Genting U.S. Interactive Gaming Inc., and Genting Nevada Interactive LLC's Motion to Dismiss.

3. I am the Chief Financial Officer with Resorts World Las Vegas, LLC ("RWLV").

1 4. RWLV is a Delaware limited liability company with its principal place of business in
2 Las Vegas, Nevada.

3 5. RWLV has no ownership or management interest in Resorts World Manila.

4 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is
5 true and correct, is within my personal knowledge, and if called as a witness I am competent to testify
6 thereto.

7 Executed this 2 day of Feb 2021.

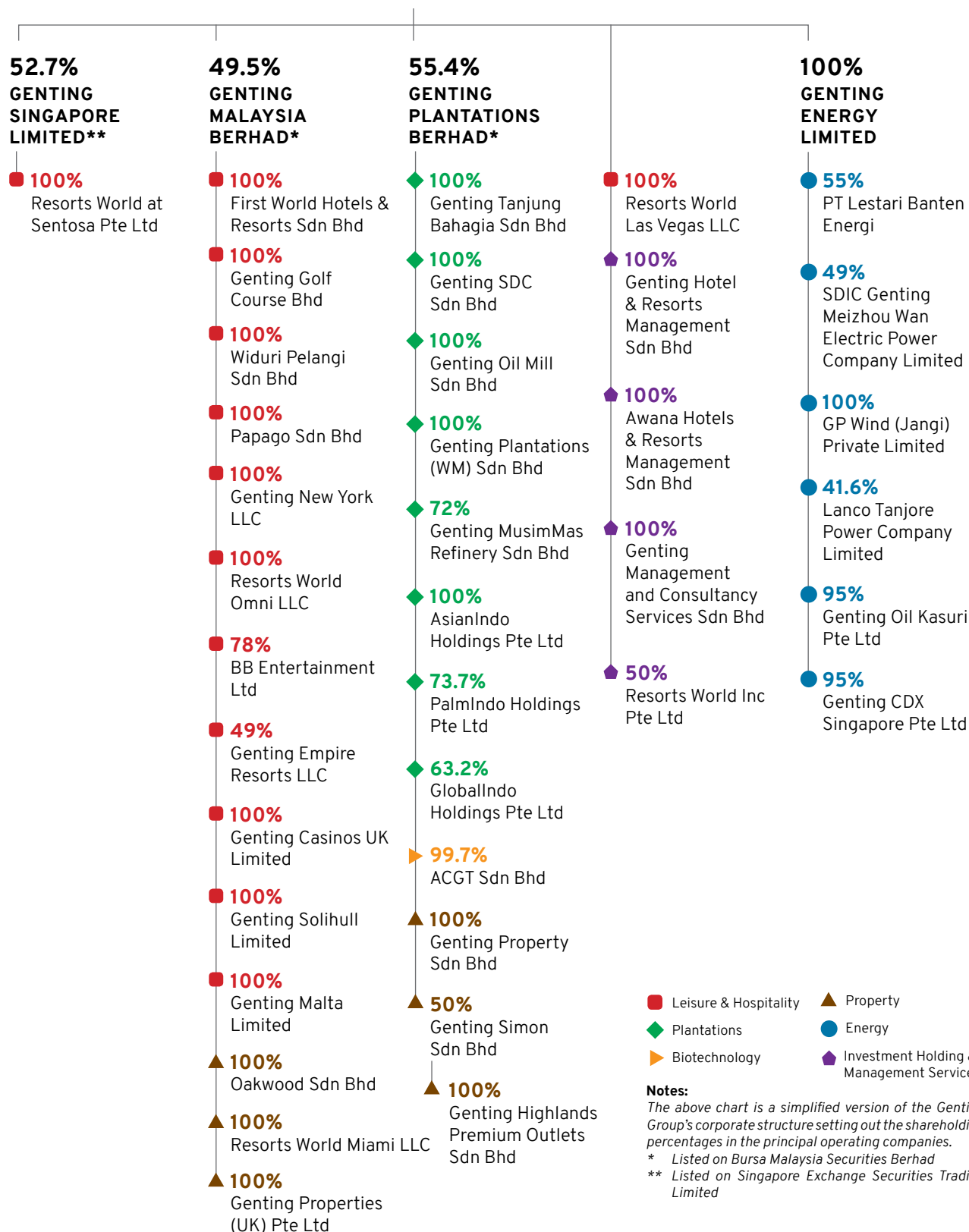
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9 
Peter LaVoie

GROUP CORPORATE STRUCTURE



Registration No. 196801000315 (7916-A)

and its Principal Subsidiaries, Joint Ventures and Associate as at 16 March 2020



DECL
MARK E. FERRARIO, ESQ.
Nevada Bar No. 1625
CHRISTOPHER R. MILTENBERGER, ESQ.
Nevada Bar No. 10153
GREENBERG TRAURIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
Email: ferrariom@gtlaw.com
miltenbergerc@gtlaw.com

*Counsel for Defendants Resorts World Las Vegas LLC,
Genting Berhad, Genting U.S. Interactive Gaming Inc.,
and Genting Nevada Interactive LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

YA-LING HUNG and WEI-HSIANG HUNG,
each individually, as surviving heirs, and as Co-
Administrators of the Estate of Tung-Tsung
Hung and Pi-Ling Lee Hung, Decedents,

Plaintiffs,

vs.

Genting Berhad, Genting U.S. Interactive
Gaming Inc., Genting Nevada Interactive
Gaming LLC, Genting Intellectual Property Pte
Ltd, Resorts World Inc Pte Ltd, Resorts World
Las Vegas LLC, Resorts World Manila, and Kok
Thay Lim,

Defendants.

Case No.: A-19-795338-C
Dept. No.: 27

**DECLARATION OF WONG YEE FUN IN
SUPPORT OF DEFENDANTS GENTING
BERHAD, GENTING U.S.
INTERACTIVE GAMING INC., AND
GENTING NEVADA INTERACTIVE
LLC'S MOTION TO DISMISS**

I, Wong Yee Fun, declare as follows:

1. I have personal knowledge of the facts stated in this declaration and could and would competently testify thereto if called as a witness in this matter.

2. I make this declaration in support of Defendants Genting Berhad, Genting U.S. Interactive Gaming Inc. and Genting Nevada Interactive LLC's Motion to Dismiss.

- 1 3. I am the Chief Financial Officer of Genting Berhad.
- 2 4. Genting Berhad is a public limited liability company organized under the laws of
- 3 Malaysia with its principal place of business in Kuala Lumpur, Malaysia.
- 4 5. Genting Berhad is principally an investment holding and management company.
- 5 6. Genting Berhad is listed on the Malaysian Stock Exchange and is the holding
- 6 company of the publicly listed entities Genting Malaysia Berhad, Genting Plantations Berhad and
- 7 Genting Singapore Limited. Genting Berhad also holds numerous wholly owned unlisted
- 8 subsidiaries including, amongst others, the Defendants Genting Intellectual Property Pte Ltd and
- 9 Resorts World Las Vegas LLC.
- 10 7. A true and correct copy Genting Berhad's group corporate structure as of March 16,
- 11 2020, is set forth in the chart attached to the motion as Exhibit B.
- 12 8. Genting Berhad does not directly or indirectly hold an ownership or management
- 13 interest in Resorts World Manila.
- 14 9. On October 8, 2019, Genting Berhad registered with Nevada Secretary of State as a
- 15 result of its indirect ownership interests in Genting Nevada Interactive Gaming LLC ("Genting
- 16 Nevada") who holds licenses from the Nevada Gaming Commission.
- 17 10. Although Genting Berhad registered with the Nevada Secretary of State after the
- 18 commencement of this action and has thereafter maintained a registered agent within the State of
- 19 Nevada, Genting Berhad does not regularly conduct business in the State of Nevada.
- 20 11. Genting Berhad does not directly own any real or personal property in Nevada, while
- 21 certain of its subsidiaries, such as Resorts World Las Vegas, LLC, do own such property.
- 22 12. Genting Berhad does not maintain any offices in Nevada
- 23 13. Genting Berhad does not maintain any bank accounts in Nevada.
- 24 14. Other than its registered agent, Genting Berhad does not maintain any mailing
- 25 addresses in Nevada.
- 26 15. None of Genting Berhad's officers or directors are residents of the State of Nevada.
- 27 16. Genting Berhad does not directly or indirectly own or operate Resorts World Manila.
- 28

1 17. Genting U.S. Interactive Gaming Inc (“Genting US”) is a corporation organized
2 under the laws of the State of Delaware and is managed by the officers of Resorts World Inc. Pte
3 Ltd. (its holding company) group, who are all based in Singapore and Malaysia.

4 18. Although Genting US is registered with the Nevada Secretary of State and maintains
5 a registered agent within the State, Genting US does not regularly conduct any business in the State
6 of Nevada.

7 19. Genting US does not own any real or personal property in Nevada.

8 20. Genting US does not maintain any offices in Nevada or otherwise regularly transact
9 any type of business in the State.

10 21. Genting US does not maintain any bank accounts in the State of Nevada.

11 22. Other than its registered agent, Genting US does not maintain any mailing addresses
12 in the State of Nevada.

13 23. None of Genting US’s officers or directors are residents of the State of Nevada.

14 24. Genting US does not directly or indirectly hold any ownership or management
15 interest in Resorts World Las Vegas, LLC.

16 25. Genting US does not directly or indirectly hold any ownership or management
17 interest in Resorts World Manila.

18 26. Genting Nevada is a limited liability company organized under the laws of the State
19 of Delaware.

20 27. Although Genting Nevada was granted a license as a manufacturer and distributor by
21 the Nevada Gaming Commission in 2016, is registered with the Nevada Secretary of State and
22 maintains a registered agent within the State, Genting Nevada has not to date conducted any
23 business, whether in the State of Nevada or elsewhere.

24 28. Genting Nevada does not own any real or personal property in Nevada.

25 29. Genting Nevada does not maintain any offices in Nevada or otherwise regularly
26 transact any type of business in the State.

27 30. Genting Nevada does not maintain any bank accounts in the State of Nevada.

1 31. Other than its registered agent, Genting Nevada does not maintain any mailing
2 addresses in the State of Nevada.

3 32. None of Genting Nevada's managers are residents of the State of Nevada.

4 33. Genting Nevada does directly or indirectly not hold any ownership or management
5 interest in Resorts World Las Vegas, LLC.

6 34. Genting Nevada does not directly or indirectly hold any ownership or management
7 interest in Resorts World Manila.

8 35. Genting Intellectual Property Pte Ltd and Resorts World Inc Pte Ltd, both
9 incorporated in Singapore, have not been served with process in this case.

10 36. Although Genting Intellectual Property Pte Ltd registered with the Nevada Secretary
11 of State on September 30, 2019 (after the commencement of this action) and maintains a registered
12 agent in the State of Nevada, it does not regularly conduct business in the State of Nevada.

13 37. Genting Intellectual Property Pte Ltd does not own any real or personal property in
14 Nevada.

15 38. Genting Intellectual Property Pte Ltd does not maintain any offices in Nevada or
16 otherwise regularly transact any type of business in the State.

17 39. Genting Intellectual Property Pte Ltd does not maintain any bank accounts in the
18 State of Nevada.

19 40. Other than its registered agent, Genting Intellectual Property Pte Ltd does not
20 maintain any mailing addresses in the State of Nevada.

21 41. None of Genting Intellectual Property Pte Ltd's officers or directors are residents of
22 the State of Nevada.

23 42. Although Resorts World Inc Pte Ltd registered with the Nevada Secretary of State on
24 September 30, 2019 (after the commencement of this action) and maintains a registered agent in the
25 State of Nevada, it does not regularly conduct business in the State of Nevada.

26 43. Resorts World Inc Pte Ltd does not own any real or personal property in Nevada.
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44. Resorts World Inc Pte Ltd does not maintain any offices in Nevada or otherwise regularly transact any type of business in the State.

45. Resorts World Inc Pte Ltd does not maintain any bank accounts in the State of Nevada.

46. Other than its registered agent, Resorts World Inc. Pte Ltd. does not maintain any mailing addresses in the State of Nevada.

47. None of Resorts World Inc Pte Ltd's officers or directors are residents of the State of Nevada.

48. Neither Genting Intellectual Property Pte Ltd nor Resorts World Inc Pte Ltd has, directly or indirectly, any ownership or management interest in Resorts World Manila.

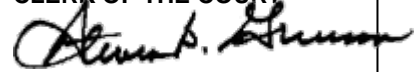
49. Neither Genting Intellectual Property Pte Ltd nor Resorts World Inc Pte Ltd has, directly or indirectly, any ownership or management interest in Resorts World Las Vegas LLC.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct, is within my personal knowledge, and if called as a witness I am competent to testify thereto.

Executed this 5th day of February 2021.



By: __ Wong Yee Fun



NONO
MARK E. FERRARIO, ESQ.
Nevada Bar No. 1625
CHRISTOPHER R. MILTENBERGER, ESQ.
Nevada Bar No. 10153
GREENBERG TRAUIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
Email: ferrariom@gtlaw.com
miltenbergerc@gtlaw.com

*Counsel for Defendants Resorts World Las Vegas LLC,
Genting Berhad, Genting U.S. Interactive Gaming Inc.,
and Genting Nevada Interactive LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

YA-LING HUNG and WEI-HSIANG HUNG,
each individually, as surviving heirs, and as Co-
Administrators of the Estate of Tung-Tsung
Hung and Pi-Ling Lee Hung, Decedents,

Plaintiffs,

vs.

Genting Berhad, Genting U.S. Interactive
Gaming Inc., Genting Nevada Interactive
Gaming LLC, Genting Intellectual Property Pte
Ltd., Resorts World Inc. Pte Ltd, Resorts World
Las Vegas LLC, Resorts World Manila, and Kok
Thay Lim,

Defendants.

Case No.: A-19-795338-C
Dept. No.: 27

**NOTICE OF NON-OPPOSITION TO
MOTION TO DISMISS**

**Hearing Date & Time:
March 10, 2021, 10:00 a.m.**

Defendants Resorts World Las Vegas LLC (“RWLV”), Genting Berhad, Genting U.S. Interactive Gaming Inc., and Genting Nevada Interactive Gaming LLC (collectively, the “Genting Defendants”) by and through their counsel of record, the law firm of Greenberg Traurig, LLP, filed a Motion to Dismiss on February 5, 2021 (“Motion”). The Motion was served utilizing the Odyssey eFileNV Electronic Service system (the “EFS”) as contemplated by Administrative Order 14-2, Rule 9 of the Nevada Electronic Filing and Conversion Rules (“NEFCR”), and EDCR 8.01. The

1 deadline for filing and serving any opposition to the Motion was February 19, 2021. Plaintiffs did
2 not file any opposition to the Motion or otherwise contact counsel regarding the Motion.

3 Having received no opposition or contact from Plaintiffs with respect to the Motion, counsel
4 reviewed the e-service list and discovered that Plaintiffs' counsel of record¹ may not have attached
5 his e-mail to the Court's e-service system as contemplated by NEFCR 9(c) ("Registered users of an
6 EFS are deemed to consent to receive electronic service through the EFS."); *see also* EDCR 8.02(a)
7 ("Use of the EFS is mandatory for all registered users pursuant to NEFCR 4(b)."). Out of an
8 abundance of caution, on February 22, 2021, counsel sent copies of the Motion and the Notice of
9 Hearing issued by the Clerk's Office relating to the Motion to Plaintiffs' counsel at the email
10 address identified on his Notice of Appearance. Plaintiffs have not filed any opposition or response
11 to the Motion, nor has anyone contacted counsel with respect to the Motion. Accordingly, Plaintiffs
12 have failed to respond to the Motion within any time that may be afforded under the rules.

13 If an opposition to a motion is not timely filed and served, it "may be construed as an
14 admission that the motion is meritorious and a consent to granting the same." EDCR Rule 2.20(e).
15 No interested party has filed an opposition or any points and authorities in response to the Motion.
16 This failure should be construed as a consent to the granting of the Motion.

17 Based on the reasons set forth in their Motion, and in considering Plaintiffs' non-opposition
18 to the Motion, RWLV and the Genting Defendants respectfully request that the Court grant their
19 Motion and that Plaintiffs' FAC be dismissed.

20 DATED this 3rd day of March, 2021.

21 /s/Christopher R. Miltenberger

22 Mark E. Ferrario (SBN 1625)

23 Christopher R. Miltenberger (SBN 10153)

24 GREENBERG TRAURIG, LLP

10845 Griffith Peak Drive, Ste. 600

Las Vegas, Nevada 89135

*Attorneys for Defendants Resorts World Las Vegas LLC,
Genting Berhad, Genting U.S. Interactive Gaming Inc.,
and Genting Nevada Interactive LLC*

27 _____
28 ¹ Plaintiffs' counsel of record is a registered user of the Court's EFS and appeared and electronically filed
and served a Notice of Appearance on September 1, 2020 via the Court's EFS. *See* Notice of Appearance,
Sept. 1, 2020, on file herein.

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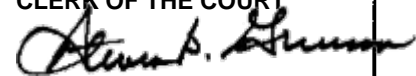
CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of March, 2021, a true and correct copy of the foregoing *Notice of Non-Opposition to Motion to Dismiss* was filed with the Clerk of the Court using the Odyssey eFileNV Electronic Service system and served on all parties with an email-address on record, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

I further certify that on this 3rd day of March, 2021, a true and correct copy of the foregoing *Notice of Non-Opposition to Motion to Dismiss* was served upon Plaintiff's counsel via email and via U.S. Mail, postage pre-paid at the following address(es):

Aaron A. Aquino, Esq.
Aquino Law Group, Ltd.
5150 W. Spring Mountain Road, Suite #12
Las Vegas, NV 89146
aaron@aquinolawgroup.com

/s/ Andrea Lee Rosehill
an employee of Greenberg Traurig, LLP



SUBT
KEVIN R. HANSEN, ESQ.
Nevada Bar No. 6336
AMY M. WILSON, ESQ.
Nevada Bar No. 13421
LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas, Nevada 89146
Tel: (702) 478-7777
Fax: (702) 728-2484
Kevin@kevinrhansen.com
Amy@kevinrhansen.com
Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

YA-LING HUNG and WEI-HSIANG
HUNG, each individually, as surviving heirs,
and Co-Administrators of the Estate of Tung-
Tsung Hung and Pi-Ling Lee Hung,
Descendants,

Plaintiffs,

vs.

GENTING BERHAD; GENTINE U.S.
INTERACTIVE GAMING, INC.;
GENTING NEVADA INTERACTIVE
GAMING, LLC; GENTING
INTELLECTUAL PROPERTY PTE LTD.;
RESORTS WORLD INC., PTE., LTD.;
RESORTS WORLD LAS VEGAS LLC;
RESORTS WORLD MANILA; and KOK
THAY LIM,

Defendants.

Case No.: A-19-795338-C

Dept No.: XXVII


SUBSTITUTION OF ATTORNEY

IT IS HEREBY STIPULATED and AGREED that Plaintiffs YA-LING HUNG and WEI-
HSIANG HUNG, each individually, as surviving heirs, and Co-Administrators of the Estate of
Tung-Tsung Hung and Pi-Ling Lee Hung, Descendants,

1 hereby substitute KEVIN R. HANSEN, ESQ. and AMY M. WILSON, ESQ. of the Law Offices
2 of Kevin R. Hansen, as attorneys of record for said Plaintiffs, in the place and stead of MICHAEL
3 KIND, ESQ. and of Kind Law in the above-referenced action.
4

5 DATED this 3 day of May, 2021.

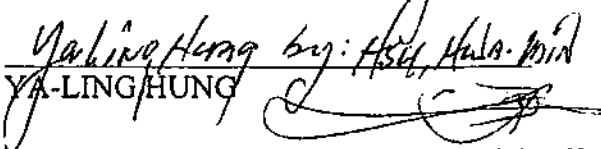
6 KIND LAW

7
8 
MICHAEL KIND, ESQ.
Nevada Bar No. 13903
8860 S Maryland Pkwy, Suite 106
Las Vegas, Nevada 89123
9
10

11 **CONSENT TO SUBSTITUTION**

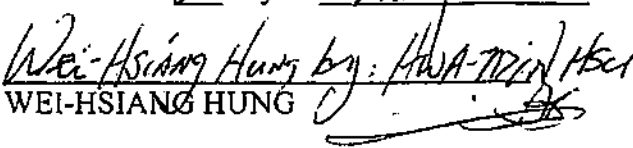
12 I, YA-LING HUNG, the Plaintiff in the above referenced case, do hereby request the
13 substitution of KEVIN R. HANSEN, ESQ. and AMY M. WILSON, ESQ. of the Law Offices of
14 Kevin R. Hansen, in the place and stead of MICHAEL KIND, ESQ. and of Kind Law as attorneys
15 of record in the above-entitled matter.
16

17 DATED this 3rd day of May 2021.

18 
YA-LING HUNG
19

20 I, WEI-HSIANG HUNG, the Plaintiff in the above referenced case, do hereby request the
21 substitution of KEVIN R. HANSEN, ESQ. and AMY M. WILSON, ESQ. of the Law Offices of
22 Kevin R. Hansen, in the place and stead of MICHAEL KIND, ESQ. and of Kind Law as attorneys
23 of record in the above-entitled matter.
24

25 DATED this 3rd day of May 2021.

26 
WEI-HSIANG HUNG
27

28 ////

1
2
3 **ACCEPTANCE OF SUBSTITUTION**

4 KEVIN R. HANSEN, ESQ., and AMY M. WILSON, ESQ. of the Law Offices of Kevin
5 R. Hansen, do hereby notify the Court of their appearance to be substituted in the place and stead
6 of MICHAEL KIND, ESQ. and of Kind Law and hereby accepts the substitution as attorney of
7 record for the Plaintiffs, YA-LING HUNG and WEI-HSIANG HUNG in the above-entitled
8 matter.

9 DATED this 3rd day of May, 2021.

10 LAW OFFICES OF KEVIN R. HANSEN

11
12 

13 KEVIN R. HANSEN, ESQ.

14 Nevada Bar No. 6336

15 AMY M. WILSON, ESQ.

16 Nevada Bar No. 13421

17 5440 W. Sahara Ave., Suite 206

18 Las Vegas, Nevada 89146

19 Tel. 702-478-7777

20 Fax 702-728-2484

21 kevin@kevinrhansen.com

22 amy@kevinrhansen.com
23
24
25
26
27
28

1
2
3 **CERTIFICATE OF SERVICE**

4 Pursuant to NRCp 5(b), I hereby certify that on this 4th day of May
5 2021, I served a copy of the foregoing **SUBSTITUTION OF ATTORNEY** as follows:

6 U.S. Mail—By depositing a true copy thereof in the U.S. mail, first class postage
7 prepaid and addressed as listed below; and/or

8 Facsimile—By facsimile transmission pursuant to EDCR 7.26 to the facsimile
9 number(s) shown below and in the confirmation sheet filed herewith. Consent to
10 service under NRCp 5(b)(2)(D) shall be assumed unless an objection to service by
11 facsimile transmission is made in writing and sent to the sender via facsimile within 24
12 hours of receipt of this Certificate of Service; and/or

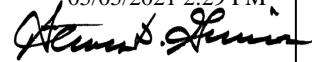
13 Hand Delivery—By hand-delivery to the addresses listed below.

14 MICHAEL KIND, ESQ.
15 8860 S Maryland Pkwy, Suite 106
16 Las Vegas, NV 89123

17 MARK E. FERRARIO, ESQ.
18 CHRISTOPHER R. MILTENBERGER, ESQ.
19 GREENBERG TRAUIG, LLP
20 10845 Griffith Peak Dr., Ste. 600
21 Las Vegas, NV 89135
22 *Attorney for Defendants*

23 /s/ Amanda Harmon

24
25 An employee of the Law Office of Kevin R. Hansen
26
27
28


CLERK OF THE COURT

1 **SAO**
2 **KEVIN R. HANSEN, ESQ.**
3 Nevada Bar No. 6336
4 **AMY M. WILSON, ESQ.**
5 Nevada Bar No. 13421
6 **LAW OFFICES OF KEVIN R HANSEN**
7 5440 West Sahara Avenue, Suite 206
8 Las Vegas, Nevada 89146
9 Tel: (702) 478-7777
10 Fax: (702) 728-2484
11 kevin@kevinrhansen.com
12 amy@kevinrhansen.com
13 *Attorneys for Plaintiffs*

ENTERED kl

8 **EIGHTH JUDICIAL DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 YA-LING HUNG and WEI-HSIANG HUNG,
11 each individually, as surviving heirs, and Co-
12 Administrators of the Estate of Tung-Tsung
13 Hung and Pi-Ling Lee Hung, Descendants,

14 Plaintiffs,

15 vs.

16 GENTING BERHAD; GENTINE U.S.
17 INTERACTIVE GAMING, INC.; GENTING
18 NEVADA INTERACTIVE GAMING, LLC;
19 GENTING INTELLECTUAL PROPERTY
20 PTE LTD.; RESORTS WORLD INC., PTE.,
21 LTD.; RESORTS WORLD LAS VEGAS
22 LLC; RESORTS WORLD MANILA; and
23 KOK THAY LIM,

24 Defendants.

Case No.: A-19-795338-C

Dept No.: XXVII

STIPULATION AND ORDER TO
CONTINUE HEARING ON
DEFENDANTS' MOTION TO DISMISS

25 IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs YA-LING
26 HUNG and WEI-HSIANG HUNG and Defendants GENTING BERHAD, GENTINE U.S.
27 INTERACTIVE GAMING, INC., GENTING NEVADA INTERACTIVE GAMING, LLC, and
28 RESORTS WORLD LAS VEGAS LLC, by and through their respective counsels of record, that

It is further stipulated and agreed, by and between the parties, that Plaintiffs' Opposition to Defendants' Motion to Dismiss be due on May 14, 2021 with Defendants' Reply due five judicial days prior to the hearing.

DATED this 5th day of May, 2021.

DATED this 5th day of May, 2021.

LAW OFFICES OF KEVIN R. HANSEN

GREENBERG TRAURIG, LLP

/s/ Kevin R. Hansen, Esq.
Kevin R. Hansen, Esq.
Nevada Bar No. 6336
5440 W. Sahara Ave., Ste. 206
Las Vegas, NV 89146
Attorney for Plaintiff

/s/ Christopher R. Miltenberger, Esq.
Christopher R. Miltenberger, Esq.
Nevada Bar No. 10153
10845 Griffith Peak Dr., Ste. 600
Las Vegas, NV 89135
*Attorney for Defendants Resorts World
Las Vegas LLC, Genting Berhad, Genting
U.S. Interactive Gaming Inc. and Genting
Nevada Interactive LLC*

ORDER

THEREFORE, based on the above stipulation, and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED and DECREED that the hearing on Defendants' Motion to Dismiss, currently set for May 12, 2021 at 10:00 a.m. be continued to the week of June 7th, 2021, and is now set for the 10th day of June, 2021 at 10:30 a.m.

////
////
////

1 **IT IS FURTHER ORDERED** that Plaintiffs' Opposition to Defendants' Motion to
2 Dismiss be due on May 14, 2021 with Defendants' Reply due five judicial days prior to the
3 hearing.

4 **IT IS SO ORDERED.**

5 Dated this ____ day of _____, 2021.

Dated this 5th day of May, 2021

Nancy L Allf

DISTRICT COURT JUDGE

8
9 Submitted by:

A68 8BD 2139 B3D3
Nancy Allf
District Court Judge

10 LAW OFFICES OF KEVIN R. HANSEN

11 /s/ Kevin R. Hansen, Esq.

12 KEVIN R. HANSEN, ESQ.

13 Nevada Bar No. 6336

14 AMY M. WILSON, ESQ.

15 Nevada Bar No. 13421

16 5440 West Sahara Avenue, Suite 206

17 Las Vegas, NV 89146

18 Tel (702) 478-7777

19 Fax (702) 728-2484

20 *Attorneys for Plaintiff*

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Ya-Ling Hung, Plaintiff(s)

CASE NO: A-19-795338-C

7 vs.

DEPT. NO. Department 27

8 Genting Behad, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Stipulation and Order was served via the court's electronic eFile system
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/5/2021

15 Andrea Rosehill

rosehill@gtlaw.com

16 Mark Ferrario

ferrariom@gtlaw.com

17 Christoper Miltenberger

miltenbergerc@gtlaw.com

18 LVGT docketing

lvlitdock@gtlaw.com

19 Kevin Hansen, Esq.

kevin@kevinrhansen.com

20 Amy Wilson, Esq.

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21 Amanda Harmon

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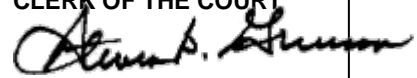
gustavo@kazlg.com

23 Hwa-Min Hsu

hwamin99@icloud.com

24 Rocio Leal

rocio@kevinrhansen.com



NEO
KEVIN R. HANSEN, ESQ.
Nevada Bar No. 6336
AMY M. WILSON, ESQ.
Nevada Bar No. 13421
LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas, Nevada 89146
Tel: (702) 478-7777
Fax: (702) 728-2484
Kevin@kevinrhansen.com
Amy@kevinrhansen.com
Attorneys for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

YA-LING HUNG and WEI-HSIANG HUNG,
each individually, as surviving heirs, and Co-
Administrators of the Estate of Tung-Tsung
Hung and Pi-Ling Lee Hung, Descendants,

Plaintiffs,

vs.

GENTING BERHAD; GENTINE U.S.
INTERACTIVE GAMING, INC.; GENTING
NEVADA INTERACTIVE GAMING, LLC;
GENTING INTELLECTUAL PROPERTY
PTE LTD.; RESORTS WORLD INC., PTE.,
LTD.; RESORTS WORLD LAS VEGAS
LLC; RESORTS WORLD MANILA; and
KOK THAY LIM,

Defendants.

Case No.: A-19-795338-C
Dept No.: XXVII

**NOTICE OF ENTRY OF STIPULATION
AND ORDER TO CONTINUE HEARING
ON DEFENDANTS' MOTION TO
DISMISS**

PLEASE TAKE NOTICE that a Stipulation and Order to Continue Hearing on
Defendants' Motion to Dismiss was entered into this honorable court on the 5th day of May, 2021.

////

////

LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas NV 89146
Tel (702) 478-7777 Fax (702) 728-2484

A true and correct copy is attached hereto.

DATED this 5th day of May, 2021.

LAW OFFICES OF KEVIN R. HANSEN

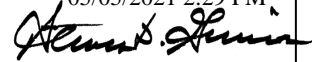
/s/ Kevin R. Hansen, Esq.
Kevin R. Hansen, Esq.
Nevada Bar No. 6336
Amy M. Wilson, Esq.
Nevada Bar No. 13421
LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas, Nevada 89146
Tel: (702) 478-7777
Fax: (702) 728-2484
Kevin@kevinrhansen.com
Amy@kevinrhansen.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of THE LAW OFFICES OF KEVIN R. HANSEN, and on the 5th day of May, 2021 the foregoing NOTICE OF ENTRY OF STIPULATION AND ORDER TO CONTINUE HEARING ON DEFENDANTS' MOTION TO DISMISS was served via Odyssey E-Serve and/or by depositing a true and correct copy into the United States Mail, postage prepaid, addressed to:

Mark E. Ferrario, Esq.
Christopher R. Miltenberger, Esq.
GREENBERG TRAURIG, LLP
10845 Griffith Peak Dr., Ste. 600
Las Vegas, NV 89135
*Attorneys for Defendants Resorts World
Las Vegas LLC, Genting Berhad, Genting
U.S. Interactive Gaming Inc. and Genting
Nevada Interactive LLC*

/s/ Amanda Harmon
An Employee of Law Offices of Kevin R. Hansen


CLERK OF THE COURT

1 **SAO**
2 **KEVIN R. HANSEN, ESQ.**
3 Nevada Bar No. 6336
4 **AMY M. WILSON, ESQ.**
5 Nevada Bar No. 13421
6 **LAW OFFICES OF KEVIN R HANSEN**
7 5440 West Sahara Avenue, Suite 206
8 Las Vegas, Nevada 89146
9 Tel: (702) 478-7777
10 Fax: (702) 728-2484
11 kevin@kevinrhansen.com
12 amy@kevinrhansen.com
13 *Attorneys for Plaintiffs*

ENTERED kl

8 **EIGHTH JUDICIAL DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 YA-LING HUNG and WEI-HSIANG HUNG,
11 each individually, as surviving heirs, and Co-
12 Administrators of the Estate of Tung-Tsung
13 Hung and Pi-Ling Lee Hung, Descendants,

14 Plaintiffs,

15 vs.

16 GENTING BERHAD; GENTINE U.S.
17 INTERACTIVE GAMING, INC.; GENTING
18 NEVADA INTERACTIVE GAMING, LLC;
19 GENTING INTELLECTUAL PROPERTY
20 PTE LTD.; RESORTS WORLD INC., PTE.,
21 LTD.; RESORTS WORLD LAS VEGAS
22 LLC; RESORTS WORLD MANILA; and
23 KOK THAY LIM,

24 Defendants.

Case No.: A-19-795338-C
Dept No.: XXVII

STIPULATION AND ORDER TO
CONTINUE HEARING ON
DEFENDANTS' MOTION TO DISMISS

25 IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs YA-LING
26 HUNG and WEI-HSIANG HUNG and Defendants GENTING BERHAD, GENTINE U.S.
27 INTERACTIVE GAMING, INC., GENTING NEVADA INTERACTIVE GAMING, LLC, and
28 RESORTS WORLD LAS VEGAS LLC, by and through their respective counsels of record, that

1 **IT IS FURTHER ORDERED** that Plaintiffs' Opposition to Defendants' Motion to
2 Dismiss be due on May 14, 2021 with Defendants' Reply due five judicial days prior to the
3 hearing.

4 **IT IS SO ORDERED.**

5 Dated this ____ day of _____, 2021.

Dated this 5th day of May, 2021

Nancy L Allf

DISTRICT COURT JUDGE

8
9 Submitted by:

A68 8BD 2139 B3D3
Nancy Allf
District Court Judge

10 LAW OFFICES OF KEVIN R. HANSEN

11 /s/ Kevin R. Hansen, Esq.

12 KEVIN R. HANSEN, ESQ.

13 Nevada Bar No. 6336

14 AMY M. WILSON, ESQ.

15 Nevada Bar No. 13421

16 5440 West Sahara Avenue, Suite 206

17 Las Vegas, NV 89146

18 Tel (702) 478-7777

19 Fax (702) 728-2484

20 *Attorneys for Plaintiff*

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Ya-Ling Hung, Plaintiff(s)

CASE NO: A-19-795338-C

7 vs.

DEPT. NO. Department 27

8 Genting Behad, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Stipulation and Order was served via the court's electronic eFile system
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/5/2021

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22 Gustavo Ponce

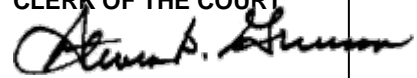
gustavo@kazlg.com

23 Hwa-Min Hsu

hwamin99@icloud.com

24 Rocio Leal

rocio@kevinrhansen.com



OPPS
KEVIN R. HANSEN, ESQ.
Nevada Bar No. 6336
AMY M. WILSON, ESQ.
Nevada Bar No. 13421
LAW OFFICES OF KEVIN R HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas, Nevada 89146
Tel: (702) 478-7777
Fax: (702) 728-2484
kevin@kevinrhansen.com
amy@kevinrhansen.com
Attorneys for Plaintiffs

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

YA-LING HUNG and WEI-HSIANG HUNG,
individually each as surviving heirs, and as
Co-Administrators of the Estate of Tung-
Tsung Hung and Pi-Ling Lee Hung,
Decedents;

Plaintiffs,

vs.

Genting Berhad, Genting U.S. Interactive
Gaming Inc., Genting Nevada Interactive
Gaming LLC, Genting Intellectual Property
Pte Ltd, Resorts World Inc Pte Ltd, Resorts
World Las Vegas LLC, Resorts World Manila,
and Kok Thay Lim,,
Defendants.

Case No.: A-19-795338-C
Dept. No.: 27

OPPOSITION TO MOTION TO DISMISS
AND
COUNTERMOTION TO AMEND THE
COMPLAINT

COMES NOW Plaintiffs, YA-LING HUNG and WEI-HSIANG HUNG, by and through
their counsel of record, KEVIN R. HANSEN, ESQ., and AMY M. WILSON, ESQ., of the law
firm LAW OFFICES OF KEVIN R. HANSEN, and opposes the Defendant's motion to dismiss
as follows:

////

- 1 1. Defendants have subjected themselves to the general jurisdiction of the State of Nevada
- 2 by purchasing property in 2013, developing that property over the past eight years and
- 3 obtaining gaming licenses in the State of Nevada;
- 4 2. Once general jurisdiction over the Defendant is established, Nevada is the proper forum
- 5 to adjudicate Plaintiff's claims as Defendants have, through corruption and fraud,
- 6 attempted to prevent Plaintiffs from bringing their claims elsewhere;
- 7 3. Plaintiffs agree to the dismissal without prejudice of certain defendants not directly in the
- 8 chain of tortious conduct as currently established;
- 9 4. Plaintiffs request this court allow them to amend their complaint to identify the correct
- 10 parties and to more specifically plead jurisdiction.
- 11
- 12

13 This opposition is based on the pleadings and documents on file herein and on any oral
14 argument allowed by the court at the hearing on this matter.

15 DATED this 14th day of May, 2021.

16 **LAW OFFICES OF KEVIN R. HANSEN**

17 */s/ Kevin R. Hansen*
18 KEVIN R. HANSEN, ESQ.
19 Nevada Bar No. 6336
20 AMY M. WILSON, ESQ.
21 Nevada Bar No. 13421
22 5440 West Sahara Avenue, Suite 206
23 Las Vegas, NV 89146
24 Tel. (702)478-7777
25 Fax: (702) 728-2484
26 kevin@kevinrhansen.com
27 amy@kevinrhansen.com
28 *Attorneys for Plaintiffs*

////

////

////

INTRODUCTION

On June 2, 2017 at 12:11 a.m., Jessie Javier Carlos (“Carlos”) entered the Resorts World Manila casino (“the Casino”) armed with an assault rifle and wearing a mask and an ammunition vest.

A detailed chronology of the events can be found in Exhibit 1, attached to the proposed Amended Complaint included as an attachment hereto. These events are hereinafter referred to as “the Incident.”

During the Incident, 37 people (not including Carlos) lost their lives, including the Hungs

Due to certain suspected ‘cover-ups,’ families, including the Hungs, have been unable to obtain more information about the Incident and the circumstances leading to the Hungs’ deaths.

As a direct and proximate result of the actions of Defendants, and each of them, The Casino reached some confidential settlement agreements with other families whose members died in the Incident, as a result of Defendants’ wrongdoing. No settlement has been reached with the claimants who seek full compensation for the Casino’s highly egregious conduct.

THE HUNGS

The Hungs were Taiwanese nationals and among the 37 killed during the Incident.

The Hungs were married and had two children: Plaintiff Wei-Hsiang and Plaintiff Ya-Ling. At the time of their deaths, the Hungs had four grandchildren.

At the time of the Incident, the Hungs were staying at the Casino as VVIPs (very very important persons). They were in the Casino’s VVIP room at the time of the Incident.

During the Incident, Defendants’ employees led the Hungs, and others, into a pantry in the VIP room, to hide from the fire.

////

1 After the Incident, the Hungs were found in the VIP pantry room, where they had died
2 from smoke inhalation.

3 A detailed report of the misconduct of the Defendants has been prepared and is attached
4 hereto as Exhibit 2.

5 Defendants have publicly admitted “lapses” in their security, allowing the attacks to take
6 place, resulting in Mr. and Mrs. Hungs’ tragic and untimely deaths.

7 After the incident in question the Defendants engaged in fraudulent conduct to cover up
8 their negligence and prevent Plaintiffs from recovering for their injuries, thus causing additional
9 injury to the Plaintiffs.
10

11 MINIMUM CONTACTS AND JURISDICTION

12 **I. LEGAL STANDARD**

13 “To obtain jurisdiction over a non-resident defendant, a plaintiff must show that: (1) the
14 requirements of the state’s long-arm statute have been satisfied, and (2) due process is not
15 offended by the exercise of jurisdiction. See *Trump v. District Court*, 109 Nev. 687, 698 (1993);
16 see also *Int’l Shoe Co. v. Washington*, 326 U.S. 310 (1945); see also *Casentini v. Ninth Judicial*
17 *Dist. Court*, 110 Nev. 721, 726 (1994).
18

19 A court of the state of Nevada may exercise jurisdiction over a party to a civil action on
20 any basis not inconsistent with the Constitution of the United States. See Nev. Rev. Stat. §14.065.
21 “Nevada’s long-arm statute, NRS 14.065, reaches the limits of due process set by the United
22 States Constitution.” See *Baker v. Dist. Ct.*, 116 Nev. 527, 531 (2000). The Due Process Clause
23 of the Fourteenth Amendment of the United States Constitution requires a nonresident defendant
24 to have “minimum contacts” with the forum state sufficient to ensure that exercising personal
25
26
27
28

jurisdiction over him would not offend “traditional notions of fair play and substantial justice.”
Id. at 531-532.

Due process requirements are satisfied if the nonresident defendant’s contacts are sufficient to obtain either (1) general jurisdiction, or (2) specific personal jurisdiction, and it is reasonable to subject the nonresident defendants to suit in the forum state. *Viega GmbH v. Eighth Jud. Dist. Ct.*, 130 Nev. Adv. Op. 40 (2014) (citing *Arbella*, 122 Nev. at 512, 516; *Daimler AG v. Bauman*, 134 S.Ct. 746, 762 (2014)).

Courts may exercise general or “all purpose” personal jurisdiction over a defendant “to hear any and all claims against it” when the defendant’s affiliations with the forum state “are so constant and pervasive as to render it essentially at home in the forum State.” *Bauman* at 751.

General jurisdiction exists over a defendant who has “substantial” or “continuous and systematic” contacts with the forum state such that the assertion of personal jurisdiction over him is constitutionally fair even where the claims are unrelated to those contacts. See *Tuazon v. R.J. Reynolds Tobacco Co.*, 433 F.3d 1163, 1171 (9th Cir. 2006) (citing *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 415 (1984)). In a controversy unrelated to a defendant’s contacts with the forum, a court may exercise general jurisdiction where “continuous corporate operations within a state [are] thought so substantial and of such a nature as to justify suit against [the defendant] on causes of action arising from dealings entirely distinct from those activities.” *Id.* at 1169.

II. ARGUMENT

This Court has jurisdiction to hear this case.

The following is some of the information Plaintiffs are currently aware of, and it is expected that after Plaintiffs conduct discovery, these allegations will be bolstered and enhanced.

Defendants are engaged in substantial business within this District.

In 2013 the Defendants, under the direct control of Lim purchased property in Clark County, Nevada for the purposes of developing a gaming property in Clark County, Nevada.

Since 2013 the Defendant Lim, by and through the entity defendants have pursued the development and opening of a gaming property in Clark County, Nevada and have thereby subjected themselves to the jurisdiction of the Courts of Nevada and specifically in Clark County. See Clark County Real Property Records attached hereto as Exhibit 3.

Kok Thay Lim is the primary owner of the Genting Group entities. Lim exercises ownership and control over all other Defendants in this matter and personally directs and controls the actions of the other Defendants in the actions set forth herein. See Defendant Flow Chart attached hereto as Exhibit 7.

Upon information and belief, during the time frame of the incident referred to herein Lim traveled multiple times to Manila to supervise and control the actions of the other Defendants both before the incident and after the incident for the specific purpose of covering up the wrongdoing of the Defendants and to prevent the Plaintiffs from recovering herein. See Corporate Profile and Information attached hereto as Exhibit 4.

Lim, as a gaming licensee in the State of Nevada is subject to the Courts and jurisdiction of the State of Nevada and specifically Clark County. See GCB Disposition attached hereto as Exhibit 6.

////

////

////

1 The State of Nevada has a significant and substantial interest in protecting the residents
2 of the State of Nevada and those who travel to the State of Nevada for gaming purposes to
3 adjudicate the conduct of its licensees, no matter where in the world that conduct takes place. See
4 article on how Steve Wynn has been investigated in other gaming jurisdictions for this conduct
5 in this jurisdiction attached hereto as Exhibit 8.

6
7 By becoming a gaming licensee in the State of Nevada, Lim has consented to the
8 jurisdiction of the State of Nevada over his conduct and the conduct of the entities over whom he
9 exercises domination and control.

10 The actions of Lim and the other Defendants in attempting to cover up the conduct of the
11 Defendants in the incident in question has left the Plaintiffs unable to pursue their claims in the
12 courts of the Philippines leaving the Courts of the State of Nevada as the only available venue for
13 this action. See Sanchez Report attached hereto as Exhibit 2. See also the report on Philippines
14 corruption attached as Exhibit 9.

15
16 The Genting Group entities own the Resorts World brand, including Resorts World Las
17 Vegas and Resorts World Manila.

18
19 Resorts World Las Vegas and Resorts World Manila are therefore, for all intents and
20 purposes, one and the same, owned by the Genting entities. See Defendant Flow Chart attached
21 hereto as Exhibit 7.

22
23 Genting Berhad, and Resorts World Las Vegas LLC are each corporations doing business
24 in Nevada and registered with the Nevada Secretary of State.

25 In addition, Resorts World Manila is partnered with, and uses the brands of Hilton,
26 Sheraton and Marriott, all based and headquartered in the United States and doing business in
27 Clark County, Nevada.
28

1 Discovery will therefore show, including by piercing the corporate veil, the alter ego
2 nature of Defendants' corporate structure and that jurisdiction is appropriate in this District,
3 especially given the lack of another appropriate forum to provide justice to Plaintiffs.

4 Therefore, the Eighth Judicial District Court, Clark County, Nevada has personal
5 jurisdiction over both Plaintiffs and Defendants and subject matter jurisdiction pursuant to Article
6 6, Section 6 of the Nevada Constitution and NRS 4.370.

7
8 **MOTION TO AMEND THE COMPLAINT**

9 **A. Amendment of Pleadings**

10 Nevada Rule of Civil Procedure 15 governs matters concerning the amendment of
11 pleadings. Pursuant to NRCP 15(a)(2), a party may amend a pleading by way of leave of court or
12 upon the consent of the adversarial party. *See* NRCP 15(a)(2). For more than forty (40) years,
13 courts in Nevada have held that leave to amend a pleading should be freely given in circumstances
14 where "justice so requires." *Stephens v. S. Nev. Music Co.*, 89 Nev. 104, 507 P.2d 138, 139
15 (1973). Courts have long held that leave to amend a prior pleading should only be denied in
16 limited circumstances in which there is a showing of "dilatatory motive, undue prejudice or futility
17 of amendment." *Id.*

18
19
20 The Nevada Supreme Court has held that NRCP 15(a) contemplates the liberal
21 amendment of pleadings, which in colloquial terms means that most motions for leave to amend
22 prior pleading should be granted unless a strong reason exists not to do so, such as prejudice to
23 the opponent or lack of good faith by the moving party. *Stephens*, 89 Nev. at 105, 507 P. 2d at
24 139. The liberality reflected in NRCP 15(a) recognizes that discovery is a fluid process through
25 which unexpected and newly found evidence is uncovered with regularity (particularly when
26 evidence is solely in the possession of one party when the case is initiated) and that parties should
27
28

1 have some ability to tailor their pleadings based upon information that a party discovers after an
2 initial pleading is filed.

3 **B. Filing of Amended Complaint**

4 In this matter the Defendants have raised issues of jurisdiction, forum and appropriateness
5 of claims. The Second Amended Complaint attached hereto provides additional clarification and
6 attachments which demonstrate the appropriateness of the courts of the State of Nevada to
7 determine the issues related to this matter. The proposed Second Amended Complaint is attached
8 hereto as Exhibit 10. Exhibits to the Second Amended Complaint are not attached as they would
9 be duplicative to the exhibits to this motion. This Second Amended Complaint also narrows
10 down the proposed parties and dismisses certain parties who, at this time, are not known to be
11 directly involved.

12 **C. Dismissal without Prejudice of Certain Defendants**

13 NRCP 41(a)(1)(A) allows the Plaintiff in an action to dismiss certain defendants before
14 those defendants have filed an Answer or a Motion for Summary Judgment. As neither have been
15 filed for any party in this case, the Plaintiffs in this matter will dismiss the following parties
16 without prejudice subject to refiling should the evidence show a connection between those
17 defendants and the indicent in question. Genting U.S. Interactive Gaming Inc., Genting Nevada
18 Interactive Gaming LLC, Genting Intellectual Property Pte Ltd, Resorts World Inc Pte Ltd.

19 ///

20 ///

21 ///

IV.
CONCLUSION

For the reasons set forth above, Plaintiffs respectfully request this court allow the Plaintiffs to amend their complaint and to exercise jurisdiction over the defendants and allow this case to move forward on its merits.

DATED this 14th day of May, 2021.

LAW OFFICES OF KEVIN R. HANSEN

/s/ Kevin R. Hansen
KEVIN R. HANSEN, ESQ.
Nevada Bar No. 6336
AMY M. WILSON, ESQ.
Nevada Bar No. 13421
5440 West Sahara Avenue, Suite 206
Las Vegas, NV 89146
Tel. (702)478-7777
Fax: (702) 728-2484
kevin@kevinrhansen.com
amy@kevinrhansen.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

Pursuant to the Nevada Rules of Civil Procedure, I hereby certify that I am an employee of the LAW OFFICES OF KEVIN R. HANSEN and that on the 14th day of May, 2021, **OPPOSITION TO MOTION TO DISMISS AND COUNTERMOTION TO AMEND THE COMPLAINT** was served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court e-Filing System in accordance with the mandatory electronic service requirement of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules, and if not on the e-service list, was deposited in the United States Mail, first class postage fully prepaid thereon, addressed as follows:

MARK E. FERRARIO, ESQ.
Nevada Bar No. 1625
CHRISTOPHER R. MILTENBERGER, ESQ.
Nevada Bar No. 10153
GREENBERG TRAURIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
Email: ferrariom@gtlaw.com
miltenbergerc@gtlaw.com
*Counsel for Defendants Resorts World Las Vegas LLC,
Genting Berhad, Genting U.S. Interactive Gaming Inc.,
and Genting Nevada Interactive LLC*

/s/ *Rocio Leal*
An Employee of Law Offices of Kevin R. Hansen

IN THE SUPREME COURT OF THE STATE OF NEVADA

| | | |
|--|---|--------------------------|
| YA-LING HUNG and WEI-HSIANG HUNG, |) | |
| each individually, as surviving heirs, and Co- |) | |
| Administrators of the Estate of Tung-Tsung |) | |
| Hung and Pi-Ling Lee Hung, Descendants, |) | |
| |) | |
| Appellants, |) | Supreme Court No.: 83197 |
| |) | |
| vs. |) | |
| |) | |
| GENTING BERHAD; GENTING U.S. |) | |
| INTERACTIVE GAMING, INC.; GENTING |) | |
| NEVADA INTERACTIVE GAMING, LLC; |) | |
| RESORTS WORLD LAS VEGAS LLC, |) | |
| |) | |
| Respondents. |) | |
| |) | |
| |) | |
| |) | |
| |) | |

APPEAL

From the Eighth Judicial District Court,
The Honorable Nancy L. Allf, District Judge
District Court Case No. A-19-795338-C

JOINT APPENDIX – VOLUME 2

Kevin R. Hansen, Esq.
Nevada Bar No. 6336
Amanda A. Harmon, Esq.
Nevada Bar No. 15930
LAW OFFICES OF KEVIN R. HANSEN
5440 W. Sahara Avenue, Suite 206
Las Vegas, Nevada 89146
Telephone: (702) 478-7777
Facsimile: (702) 728-2484
Attorneys for Plaintiffs/Appellants YA-LING HUNG and WEI-HSIANG HUNG

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Chronology of events during the Incident

The chronology of the events during the Incident is as follows:

| Time | | Event |
|------------|--|--|
| 12:07am | | Carlos arrives at a taxi bay area near the mall in which the Casino is situated. Carlos exits his taxi and enters the mall entrance. |
| 12:08am | | Carlos enters an elevator on the ground floor of the mall. |
| 12:09am | | Carlos is in the elevator. |
| 12:10am | | Carlos leaves the elevator at the second floor of the mall and puts on a mask on his face. |
| 12:11am |  Carlos stays only 6 min., 50 sec. in the casino | Having left the elevator and having put on his mask, Carlos enters the mall. At the entrance there is a metal detector and a single female guard, employee of Defendants. Carlos bypasses the metal detector. The female guard waves at him in an attempt to stop him, however, she is ignored by Carlos. The guard follows him at which point he takes out his rifle. |
| 12:12am | | Carlos makes his way to the Casino. He has taken out his rifle and can be seen aiming the weapon. |
| 12:12am | | People in the Casino can be seen running and shortly thereafter Carlos enters the Casino |
| 12:13am | | Carlos pours gasoline on two of the tables in the Casino and sets one of them on fire. Furthermore, Carlos can be seen placing a bag of bullets on the burning table. |
| 12:14am | | Carlos proceeds to move to the back of the Casino. He then returns to the front of the Casino and sets the other of the two tables on fire. Carlos then makes his way to the VIP area of the Casino and enters it. |
| 12:15:23am | | Carlos enters the VIP area and sets one of the tables on fire. |
| 12:15:32am | | Allegedly one of the sprinklers activates. |
| 12:15:33am | | Carlos exits the VIP area. |
| 12:15:43am | | Carlos returns to the front of the Casino and goes into a separate area. |
| 12:15:51am | | Carlos sets another table on fire. |
| 12:16:04am | | Carlos walks to the hallway. |

| | | |
|--------------------------|-------------------------|---|
| 12:16:23am | Second Floor ↑ | Carlos enters Bar 180 and fires his rifle. This happens near the BMW stationed on the 2 nd floor near the Casino entrance. |
| 12:16:33am | | The CCTV shows Carlos pouring gasoline and he sets a sofa on fire in Bar 180. |
| 12:16:44am | | Carlos sets another sofa on fire in Bar 180. |
| 12:16:57am | | Carlos enters the slot machine area and sets fire to several of the slot machines. |
| 12:17:19am | | Carlos exits the slot machine area. He can be seen carrying a backpack and his rifle. |
| 12:17:37am | | As he is making his way Carlos sets fire to various carpets and chairs. |
| 12:17:44am | | Carlos enters the area behind the cage of the Casino by shooting through the staff door. |
| 12:17:50am | ↓ 02:43secs ↑ | Carlos enters the staff casino entrance. |
| 12:17:57am | | Carlos opens a second door leading to the mantrap area of the cage of the Casino by shooting through it. |
| 12:18:24am | | Carlos shoots through a third door leading to the chips bank. |
| 12:19:41am | | Carlos is in the chips bank and is taking chips. |
| 12:20:40am | | Carlos exits the mantrap area. |
| 12:21:12am | Carlos looking for exit | Carlos is seen wandering around looking for an exit. |
| 12:21:25am to 12:24:23am | | Carlos can be seen wandering around the staff area of the Casino. |
| 12:24:50am | | Carlos attempts to break a camera. |
| 12:25:02am | | Carlos fires at the camera. |
| 12:25:13am to 12:27:50am | | Carlos is seen walking around. |
| 12:27:50am | | Carlos shoots at the door to the cage of the Casino. |
| 12:32:50am | | Employees of Defendants can be seen hiding in the pantry area. |
| 12:33:10am | | Carlos enters a chip bank area of the Casino where he spots two people hiding. He tells them to "go out of here." |

| | | |
|------------|------------------|--|
| 12:33:45am | | Smoke covers the camera in the pantry area where the employees were hiding. |
| 01:10am | | The police and security guards are seen entering the premises. |
| 01:15am | Exit stairs ↑ | A security guard is seen exchanging fire with Carlos. |
| 01:15am | | Carlos can be seen walking up the stairs. Allegedly, he has been wounded. |
| 01:49am | | Carlos makes his way to the 5 th floor of the Maxims Hotel. He enters a hotel room and can be seen burning linen along the hallway. |
| 03:10am | 1hr&26mins | Carlos locks himself in hotel room 510. Reportedly, Carlos sets it on fire and shoots himself. |
| 03:15am | | The police enter hotel room 510 where they allegedly find the charred remains of Carlos. |

The above chronology of events is based on clear evidence which has been made available by Defendants and/or others and is currently in the public domain. Plaintiffs reserve the right to to amend these particulars in the event that further evidence comes to light which indicates an alternative chronology or details of events to the above.

Resorts World Manila Attack Investigation & Analysis Report

Salvador Sanchez
September 21, 2018

RWM: INTRODUCTION

On January 10, 2018 I was contacted by Atty Hwa Min Hsu regarding two Taiwanese nationals who died in Resorts World Manila Attack. He was retained by their siblings representing their estate. The deceased, Tung-Tsung Hung and Pi-Ling Hung Lee, who died of asphyxiations according records furnished by coroner. Mr. Hsu requested International Gaming Consultants to further investigate the incident that occurred the night of June 2, 2017.

More specifically, Atty Hsu firmly believes that the actual events of that night have been suppressed or whitewashed. In other words, The purpose of the investigation is to determine if there was any wrongdoing, discrepancies in RWM's actions, or contradictory statements. All determinations will be statements of fact without prejudice or innuendo.

The scope of the investigation will encompass several parameters that include:

- Review video footage of three Philippine congressional hearings done July of 2017. Much of the Hearings were in Tagalog and English combined. The Red lettering in the Exhibits are the translation from Tagalog to English.

- Have interviews with individuals pertinent to the incident.

- Review RWM, Travelers Insurance, and Genting documents held in the public domain.

The scope of the investigation will be limited in nature due to the fact that the crime scene was compromised 27 days after incident by totally gutting area and replacing it with a new structure. Any physical evidence is limited in nature or has been retained by the Philippine National Police (PNP) without access by the investigator.

Resorts World Attack(RWM): June 2, 2017

SCOPE AND PURPOSE:

- **INCIDENT:** Event occurred on June 2, 2017 at 12:11AM, by Jessie Javier Carlos (“the Gunman”). Gunman entered the casino with an armed assault rifle, wearing a mask, ammunition vest, and carrying a backpack with gasoline and loose bullets. Gunman set fire in various places in the casino that included gambling tables, slot machines, carpets, and sofas. Determine if Gunman alone caused the fire that resulted in total destruction of the second floor. Gunman also pilfered large sums of gambling chips.
- **PROBE:** Investigate the circumstances surrounding the death of 38 people. Out of the 38 victims, 37 died on the spot, including the suspect who burnt and shot self after incident, and another victim dies at his Condo. Included in the deaths were VIP guests Tung-Tsung Hung and Pi-Ling Hung Lee parents of bereaved siblings who requested greater scrutiny of the circumstances surrounding their deaths. Also had 62 injuries that went to various hospitals.
- **DETERMINE:** if the documented public information, regardless of its characteristics, either by media or written form are a valid presentation of their execution of duties performed by RWM Management contain discrepancies and contradictions.
- **EVALUATE:** if performance by all parties involved were grossly negligent, possibly criminally culpable, by their acts that tragic night.

ASSESS: the efficiency and sufficiency of RWM management’s operational practices during the incident based on Memos, personal interviews, video tapes, and Philippine congressional hearings. Execution of performance will be judged based on acceptable management practices.

CHRONOLOGY OF EVENTS

SEQUENCE OF EVENTS DURING INCIDENT AS SEEN FROM VIDEO TAPES

- 12:07 AM | Gunman arrives in taxi Bay Area near Mall. Exits Taxi and enters ground floor of Mall.
- 12:08 AM | Gunman takes elevator to the 2nd floor from 1st floor
- 12:09 AM | Gunman seen in elevator with two women. No incident occurs
- 12:10 AM | Gunman leaves elevator on 2nd floor while putting mask on.
- 12:011 AM | Gunman enters mall entrance with mask where he bypasses metal detector. Female Guard and roving guard attempt to stop him but run away when he brandishes assault rifle.
- 12:12 AM | As Gunman makes way to the Casino he shoots assault rifle into air while guests run past.
- 12:13 AM | When Gunman reaches casino he pours gasoline onto two gambling tables while setting Fire to Table one and throwing a bag of bullets into the fire.
- 12:14 AM | Gunman proceeds to back of casino and then returns to front where he sets fire two other Tables. The Gunman makes way to VIP area of Casino. Never at this time was water Released from Sprinkler System as seen in the video.
- 12:15 AM | Gunman enters VIP Area and sets fire to third table. RWM allegedly claims sprinklers Activated from the fire.
- 12:16 AM | Gunman exits VIP area into other part of the casino where sets another table on fire and Then walks into hallway toward Bar 180 where he fires his assault rifle into ceiling.
- 12:16 AM | Incident occurs in vicinity of BMW Car Display on the 2nd floor near casino entrance.
- 12:16 AM | The CCTV Tape shows Gunman pouring gasoline on two sofas in Bar 180 area. He sets fire To the sofas and then continues into slot area of the casino and proceeds to set fire to Several slot machines as he is walking
- 12:17AM | Gunman exits slot area seen carrying Backpack and assault rifle while at same time setting Fire to various carpets and chairs.
- 12:18 AM | Gunman enters the area behind the cage of the casino by shooting through door. Shoots Second door leading to Mantrap room and then shoots third door leading to Chip Bank.
- 12:19 AM | Gunman seen taking chips from Chip Bank and putting in backpack. Gunman exits Chip Bank through Mantrap and wanders around looking for an exit.
- 12:19 AM | Gunman seen wondering around staff area of the casino. Attempts to break a camera by
- 12:33 AM | by firing rifle at camera. He shoots door to Casino Cage.
- 12:32 AM | Mr. Hsu's clients die in VIP Room attempting to escape. Employees can be seen hiding in Pantry.
- 12:33:45. Seen moving around till smoke covers the camera and a "Blackout" of the area occurs.

12:33 AM | Gunman enters a chip bank area of the casino where he spots two people hiding. He tells them to "Get out of Here". He continues to wonder around the area.

01:10 AM | The police and security guards are seen entering the premises

01:15 AM | A security guard is seen exchanging fire with the Gunman.

01:15 AM | Gunman seen walking up stairs and apparently appears to have been wounded.

01:49 AM | Lapse in Video footage does not show whereabouts of Gunman. He is next seen making his way to the 5th floor of the Maxims Hotel. Seen entering a hotel room while burning 03:10 AM | linen along the way in the hallway.

02:20 AM | Arrival of CPNP Ronald Dela Rosa assessed the situation and gave directives to SAF

02:30 AM | 6 PNP Teams & 6 SAF Teams directed to clear 4th, 5th, & 6th floors of Maxim's Hotel.

03:10 AM | Gunman locks self in hotel room 510. Wraps self in blanket with gas. Sets self on fire.

03:15AM | Police enter room 510 full of toxic fumes and do not see charred remains due to smoke.

03:16 AM | No video tapes were made available from CCTV during this time period. 03:16AM-06:20AM

06:20 AM | Police and Resorts World Manila Security return to the Gunman's room & find charred remains of the Gunman in room 510.

06:21 AM |

07:49 AM | Observed male employee still alive crawling on escalator which prompted PNP, SAF, RWM

04:00 PM | Rescue teams to initiate a search of and

08:00 AM | SOCO Arrived and retrieved cadaver of the Gunman. Also started search and rescue which

04:00 PM | found bodies of the 36 victims in Pantry and public Toilet (C.R).

DISCLAIMER ON THE SEQUENCE OF EVENTS:

The above chronology of events is based on clear evidence which has been made available by the Resorts World Manila Management, Bureau of Fire (BFP), and Philippine National Police (PNP) and/or others and is currently in public domain. The investigator reserves the right to make amends these Sequence of Events if further evidence comes to light which indicates an alternative chronology or details to the above events.

PRELIMINARY INVESTIGATION AND ANALYSIS OF RESORTS WORLD ATTACK

- EVIDENCE AND ANALYSIS THAT EMERGED FROM FIRE

- Fire ISSUES Prior to Attack of Resorts World That Warrant Further Investigation

- RWM refused fire inspection for the casino and did not receive any Fire Safety Inspection Certificates (FSIC'S) from Bureau of Fire. Inspections were only made at the Hotel and Entertainment Center by Philippine Economic Zone Authority (PEZA) and Certificates issued of 27 December 2016 that were valid until 25 October 2017. Conflict between Bureau of Fire (BFP) and Special Economic Zone where neither agency had jurisdiction resulted in RWM choosing to open the casino without certificates of inspection or fire inspection. This was stated by Bobby Baruelo, BFP CHIEF, in the Congressional Hearing under oath. It was also reported later in The Manila Times. RWM failed to have the smoke extraction units and sprinkler system inspected by Bureau of Fire Protection (BFP) prior to fire incident. **Exhibit:1**

* Pertains to Hotel & Entertainment Center

Relative to this, the Office of the Building Official - Philippine Economic Zone Authority (PEZA) issued on 27 December 2016 two (2) Fire Safety Inspection Certificates with FSIC Numbers R-102516-A (frank) and R-102516-A 03 (frank) to Travellers International Hotel Group Incorporated and to Newport Entertainment and Commercial Center. The issued FSICs are valid until 25 October 2017, signed by ENGINEER DOMINADOR A. ZAGADA JR., Fire Chief, PEZA - Head Office (under the authority of PEZA Director General).

9. RESPONSIBILITY AND LIABILITY

For the structural destructions, material damages and fire losses sustained by Travellers International Hotel Group Incorporated / Resorts World Manila - Maxims Manila Hotel in this incident, the IIO Investigation Team attributed the responsibility and liability to the lone gunman identified as JESSIE CARLOS y JAVIER, who unlawfully entered the building premises with the primary intention of destroying the property by means of fire or criminal burning. The death of thirty-six (36) fire victims in the premises of Resorts World Manila - Maxims Manila Hotel was resultant to accumulation of smoke and soot inside the building caused by multiple fires that intentionally set by the lone gunman. It can be explained that the smoke and soot or smoke condensate, as direct products of combustion, contains toxic substances that is very harmful to human being in prolonged exposure. As previously mentioned in this report, the fire progression of fire caused by ignited liquid accelerant and liberal accumulation of smoke inside the building resulted to the immediate death of the fire victims.

With regards to security related issues involving the security operations and protocols of Resorts World Manila - Maxims Manila Hotel and the security guards of NC Luning Security Specialist Agency, the conduct of investigation regarding the question on possible lapses or failures on this matter was undertaken by Special Investigation Team (SIT - "High Roller", RWM Incident) of Southern Police District - Philippine National Police.



Eugene De Vera



Kingson

3:04:07 Eugene De Vera – I direct my first question to the Resorts world, How many years are you operations right now. How many years na po Mr. Sian?

I would like to direct my question to the resort world, how many years your operations right now?

3:04:16 Kingson – Since 2009 ho, august of 2009

August of 2009

Eugene De Vera – In your operations who issued your fire permits?

Kingson – Peza ho po

PEZA

Eugene De Vera – did the peza inspect the facilities?

Kingson – Ah yes your honor

Eugene De Vera – Did the bureau of fire ever went to your building to inspect?

Kingson – hindi po your honor *(No your honor)*

Eugene De Vera – Did the bureau of fire ever wrote you Jurisdiction that they have jurisdiction over in your facilities?

Kingson – ah as far as I know your honor ah hindi po

(No, as far as I know your honor)

Eugene De Vera – now going to bureau of Fire director Bobby Baruelo. Do you confirmed that you did not inspect the resorts world facilities?

3:05:20 Bobby Baruelo – No sir

Eugene De Vera – Why?

Bobby Baruelo – ah matagal na po kasi yang problema export processing zone and the bureau of fire protection is not allowed to conduct hindi po karne pinapapasok po dun sa mga facilities ng mga export processing zone because sila daw po ang may jurisdiction don.

➔ *This problem was long time ago for export processing zone and the bureau of fire protection is not allowed to conduct, we are not allowed to enter to any facilities of export processing zone because they said it's their jurisdiction.*

Eugene De Vera – did you contest it? In any manner?

Bobby Baruelo – We have seek legal opinion on that matter and sir yun nga po pinaka huling legal opinion ay hindi po talaga sa amin ang authority to conduct inspection on economic zones.

➔ *We seek legal opinion on that matter and sir that's the last legal opinion, that we don't have authority to conduct inspection on economic zone.*

Eugene De Vera – But are you aware under the fire code you as a Bureau chief has the direct responsibilities, supervision and control to implement the provision of the fire code?

Bobby Baruelo – Yes sir that's we are doing we conducting inspection of the different establishment throughout the country.

The Manila Times

Police ready raps vs Resorts World

by JAIME PILAPIL, TMT

NATION

Metro Manila Police Director Oscar Albayalde on Monday said police are now ready to file criminal charges against Resorts World management and its security agency for the death of 13 employees and 24 guests during a rampage of an armed man who ran amuck on June 2 at the casino and entertainment complex.

"The Supervisory Office for Security and Investigation Agencies will finalize and submit today or tomorrow their findings, which means they are ready to file charges of negligence resulting in multiple homicides," Albayalde told a forum in Manila.

He added that only three of the relatives of the victims have signified their willingness to file the criminal charges but he clarified that the police can file the case as a nominal complainant.

Albayalde described the case as strong because Resorts World security forces had admitted to investigators that they abandoned a closed-circuit television (CCTV) camera of the casino and entertainment complex the whole time that Jessie Carlos was wreaking havoc on the property before shooting himself dead.

The 37 victims died from suffocation after Carlos torched the tables and carpet of the VIP room located on the second floor of the casino area.

"Security lapse could be blamed for everything probably. [A] security person admitted that he left the CCTV [camera room] immediately. He could have seen people on the second floor at the VIP room and they could have been saved [if he did not leave the room]. All the 37 died because of suffocation," Albayalde said.

"When the police and firemen arrived, they said they were able to evacuate the 12,000 people present at the time in the casino without knowing that all the 37 people were trapped inside the VIP room," he added.

Another major lapse, according to Albayalde, was that Resorts World security personnel could see the suspect through the CCTV camera but could not pinpoint where he was.

The security people informed the police only when Philippine National Police (PNP) chief Ronald de la Rosa arrived at 3 a.m. that they had another CCTV camera room at Remington Hotel nearby.

Albayalde said respondents to the complaint are Travellers International Hotel Group Ins., operator of Resorts World Manila located across Terminal 3 of the Ninoy Aquino International Airport, and N.C. Lanting Security Specialist.

Resorts World has given P1 million each to families of the 37 victims, including paying for the hospitalization or treatment of some 67 injured individuals.

Meanwhile, Public Attorney's Office head Persida Acosta, in a radio interview also on Monday over dzMM, said a class suit is being prepared against the management of Resorts World.

"We have prepared the computation of damages, using the American life expectancy computation. But the offer was so small, not even one-half of our computation. According to ACCRA [Angara Abello Concepcion Regala & Cruz Law Offices] lawyers, they are telling Resorts World to settle," Acosta disclosed.

She said her lawyers are also waiting for reports of the PNP and the Bureau of Fire Protection (BFP) that they will use in filing the civil case.

Albayalde, when sought for comment on the reopening of Resorts World as ordered by Philippine Amusement and Gaming Corp. (Pagcor) last week, said he could understand the reasons both from the government and the business side.

"Maybe they considered the 12,000 employees and the income of the government through tax," he added.

Also on Monday, Resorts World was urged to secure a fire safety certificate from the BFP.

Rep. Rufino Biazon of Muntinlupa City made the call five days after Pagcor lifted the suspension of the casino and entertainment complex over the June 2 incident.

The BFP issues a fire safety certificate if "the building premises comply with the fire safety requirements and fire protective and/or warning systems such as fire sprinkler systems, automatic extinguishing systems and if fire alarms are properly installed."

Pagcor restored Resorts World's license to operate after it doubled the number of armed guards and metal detectors; reviewed safety and security protocols for various emergency scenarios; and obtained Fire and Safety Inspection Certificates (FSICs) for building and structural integrity from the Philippine Economic Zone Authority (PEZA), which oversees Resorts World.

During an earlier congressional probe of the incident, Resorts World management admitted that the casino and entertainment complex was not inspected by the BFP because it is under PEZA jurisdiction.

PEZA also admitted during the congressional inquiry that casinos are not covered by its supposed authority to issue FSICs under the PEZA law.

As such, RWM did not have FSICs at the time of Carlos' attack.

Biazon said there should be no confusion about the agencies' respective authorities because the Fire Code mandates the BFP to issue FSICs.

"Why would Pagcor allow casinos under PEZA to operate when they don't have FSICs to begin with? PEZA is overextending its authority by saying that they have the authority to issue the FSICs when such is not provided by law," he pointed out.

"Really, we don't need a new law here. We already have the Fire Code. PEZA is insisting that the Fire Code does not cover them and that argument is against the law," Biazon said.

LLANESCA T. PANTI

- General category of business premises, like hotel-casinos, usually require the highest specification for fire safety . **EXHIBIT:2**
- Analysis: RWM failed to use high standards with business premises that have high “people” traffic like casinos. RWM did implement local fire laws and regulations that are less stringent than United States stricter standards.

EX2

Definition 1: smoke can look at the serious situation of the wall, from the days of drawing board began to calculate the length of blackened, the lower the more serious the more serious smoke, smoke layer

Field combustion situation estimation

1. A few tables of burning after the screen, it seems no proliferation, not the "fire" the main reason.
2. The burning of the ceiling at the entrance of the BMW is a result of burning for a long time. The room was not sprinkled to cool the fire
3. BMW side seems to burn the main cause, smoke generated concentrated

Analysis of Smoke Status

1. Lawyers provide slides, there is a mess of the whole body was blackened to help that photo, they said at a glance, this one inside the smoke is very serious, the smoke layer has been very low.



2. BMW side as the main burning, high temperature, smoke will begin to spread to the ventilation, speculation is to enter the criminals The entrance that direction of the proliferation (because I have mentioned there is an area of open-air restaurant)



1. VIP if no smoke extraction system, and only a small entrance design, like a bottle of fat big bottle, Smoke into the stay was stuck, causing the smoke layer soon very low, people's survival time soon gone.

Sprinkler film analysis

1. They said at a glance: sprinkler position is not right, radius is not enough. It stands to reason that sprinkling a sprinkler should be an instant extinguished the fire, Resulting in a lot of white smoke, Moreover, the table burn is not strong. It seems that the fire is slowly extinguished by itself For the anti-flame table.
2. They also guess the VIP is a new compartment, it is possible before this area is the warehouse, the toilet, **not** the people coming and going Domain, so the new compartment is produced, but the watering waterway **was** not re-designed, leading to a lack of sprinkler radius.
3. Table 1 and Table 2 why no sprinkler? They say sprinklers are based on temperature, maybe so also depends on the height of the ceiling, Look at the film feel Table 1and Table 2 feel high.

Fire regulations discussion

1. Will be based on the general category of business premises level: usually the eight industry is the highest specifications, mainly because of many people, but also Complex, easier to trouble, called the class of places.
2. Examples of foreign hotels in Taiwan: Marriott Hotel in Taiwan, they will first use the United States Standard from he implementation of fire laws and regulations, not because of our regulations more relaxed and cheap to act.
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1. Hardware equipment: sprinkler, smoke exhaust system
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Sprinkler Regulations (Taiwan)

1. Class A places: sprinkler radius of 1.7 meters (floor radius), any two sprinklers must be less than 2.4 meters
2. Every six months to be tested once, but the test is usually not really try to spray.

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1. Smoke Division: is a can control the smoke area.
2. Wide notice of the occasion of the way, there are two: the first is a glass compartment, like department stores are usually more often use. The second is, with smoke detectors, smoke will occur off the partition wall. Like the MRT station channel, sometimes Will write, [fire occurs iron rolling door will fall, do not put any items here].
3. If a zoning area at 500 m^2 , and at least one smoke extraction must be provided.
4. If a zoned area is controlled at 100 m^2 , the smoke extraction can be waived. (KTV box)

- Credibility of Fire Safety Inspection Certificates (FSIC) Not Valid
 - On July 25, 2017 The Bureau of Fire Protection (BFP) rendered a Fire Safety Inspection after the Fire. The Executive Report/ Final Investigation Report concluded that a fire inspection team confirmed that RWM FIRE SAFETY INSPECTIONS CERTIFICATES (FSIC'S) WERE VALID TILL DECEMBER 25, 2017 AND WERE WITHIN FIRE SAFETY COMPLIANCE. **The Report from the fire safety team conducted an inspection of the involved premises AFTER the fire incident occurred on the 2nd floor of the RWM.** The Report implies that all fire and safety equipment had functioned properly during the fire. **EXHIBIT:3**
 - Analysis: NO fire equipment inspections were done on the premises PRIOR to the fire. There is no way of knowing how VALID and ACCURATE their assessment or functionality of the equipment was DURING the fire as conducted by Inspector Donald R Conception of Pasay City Central Fire Station. RWM knowingly failed to have the new VVIP Room extension inspected prior to the opening of the room. The room, most likely, lacked proper sprinkler and extractor systems due to the fact that the room was hastily converted. Very difficult to reconfigure a sprinkler system in such a short time as per professional fire inspectors familiar with the Resorts World Attack.
 - The Bureau of Fire (BFP) rendered an Executive Report/Final Investigation Report to the Special Investigation Team (SIT-RWM) that "concluded that the fire and consequent conflagration that destroyed the structures and propertieswere committed intentionally and criminally by the lone gunman." **Exhibit: 3**
 - Analysis: Fires set by gunman unlikely resulted in the more intense fire that destroyed the 2nd floor of the casino. Intense fire of 2nd floor most likely caused by some type of incendiary device due to total destruction of the second floor. The BMW burning also contributed to the heavy smoke laden with toxic fumes. It resulted in the death of the 37 victims.

75. The BFP submitted to the SIT-RWM a copy of its Executive Report dated 5 July 2017 which concluded that the fire and consequent conflagration that destroyed the structures and properties of Travellers International Hotel Group Incorporated (Resorts World Manila – Maxims Manila Hotel), which resulted to the death of thirty six (36) individuals and injuries to sixty three (63) others were committed intentionally and criminally by the lone gunman identified as JESSIE CARLOS y JAVIER". It likewise recommended that the case be considered closed / solved for being CRIMINAL IN NATURE, under the criminal offense of DESTRUCTIVE ARSON punishable under Section 2 of Presidential Decree Number 1613. Nonetheless, said findings is without prejudice to reinvestigation by the Office of the Investigation and Intelligence Division (IID), BFP National Headquarters, if warranted. (ANNEX "E-5")

76. Upon perusal of the Executive Report, in essence, it determined that the result of fire safety assessment on the involved building of Resorts World Manila – Maxims Manila Hotel disclosed that it is equipped with functional Automatic Fire Suppression System (AFSS – Water Sprinkler System) on the pertinent areas of the building. It also found that the building is also equipped with nine (9) complete Fire House Cabinets and a total of seventy-seven (77) Portable Fire Extinguishers (Dry Chemical and HCFC). The fire safety assessment also indicates that there were nine (9) Fire Exits that terminates to public ways. Aside from this, the building has separate stairways that lead to the Ground Floor level of Maxims Manila Hotel. The said Report shows that the Fire Exits indicates that the second (2nd) floor of the Hotel Casino met the required travel distance as prescribed by Republic Act 9514 – Fire Code of the Philippines. The BFP confirmed that RWM FSICs are valid until December 25, 2017.

The material portion of the Executive Report states:

8.2 Fire Safety Compliance

The report on fire safety assessment concerning the involved structure [Functionality of the Sprinkler System; Smoke Management Control System; Exits and Directional Signs; Travel Distance of Exits; and Other matters in the occurrence of the fire incident] were all stated in the 3rd Progress Investigation Report (PIR) dated 04 June 2017 conducted by INSPECTOR DONALD R CONCEPCION of Pasay City Central Fire Station. The said report discussed the actual fire safety inspection his team conducted on the involved premises after the fire incident occurred.

In summary, the result of the fire safety assessment on the involved building of Resorts World Manila – Maxims Manila Hotel disclosed that it is equipped with functional Automatic Fire Suppression System (AFSS – Water Sprinkler System) on the following areas:

| Affected Areas | Number of Sprinkler Heads |
|---------------------------|---------------------------|
| Jedhi Room | 51 |
| PIT-M | 44 |
| PIT-L | 35 |
| HIGH LIMITS TABLE | 21 |
| HIGH LIMITS SLOTS (BIG) | 73 |
| HIGH LIMITS SLOTS (SMALL) | 25 |
| Total | 249 |

- Contradictory Statements Regarding the Fire Needs Further Investigation
 - In the First Congressional Hearing, President Kingson attempted to show with video that sprinklers were working properly. **See Video A-2**
 - Analysis: Upon further analysis of the video it is evident that what President Kingson indicated on the video as water was only a reflexion from a mirror and white smoke coming down from the ceiling.



A-2 Video

President Kingson attempted to show with video sprinklers were working properly.

- Non-Conforming and Suspicious Actions That Warrant Added Investigation

- The videos from RWM shows the gunman lighting fire to a few gaming tables, chairs, and slot machines. Video also shows gunman walking casually shooting the automatic rifle up in the air. Gunman only spent approximately 6 minutes-50seconds walking through the casino gaming area. Video also shows gunman walking past the BMW area without stopping. **EXHIBIT:4**
- Analysis: It is evident that a gunman did not start the BMW fire because he was never seen near the BMW. It is also evident that gunman was not a terrorist or killer, as theorized by some, because of his actions when he encountered people. **See Video B-4**

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EX4

BMW

he hearing on Resorts World Manila incident



Video B-4



- Resorts World videos of suspicious burning of the BMW was not made available by RWM management. Can only deduce from slides and photos that BMW burning created very high temperatures with heavy smoke that spread through the ventilation. BMW burning created toxic smoke that became lethal. Photos of burnt BMW indicate heavy damage resulting from gas igniting. Also available slides of blackened bodies indicate that smoke layer very low (more lethal) and heavily laden with toxic fumes. **EXHIBIT:5**

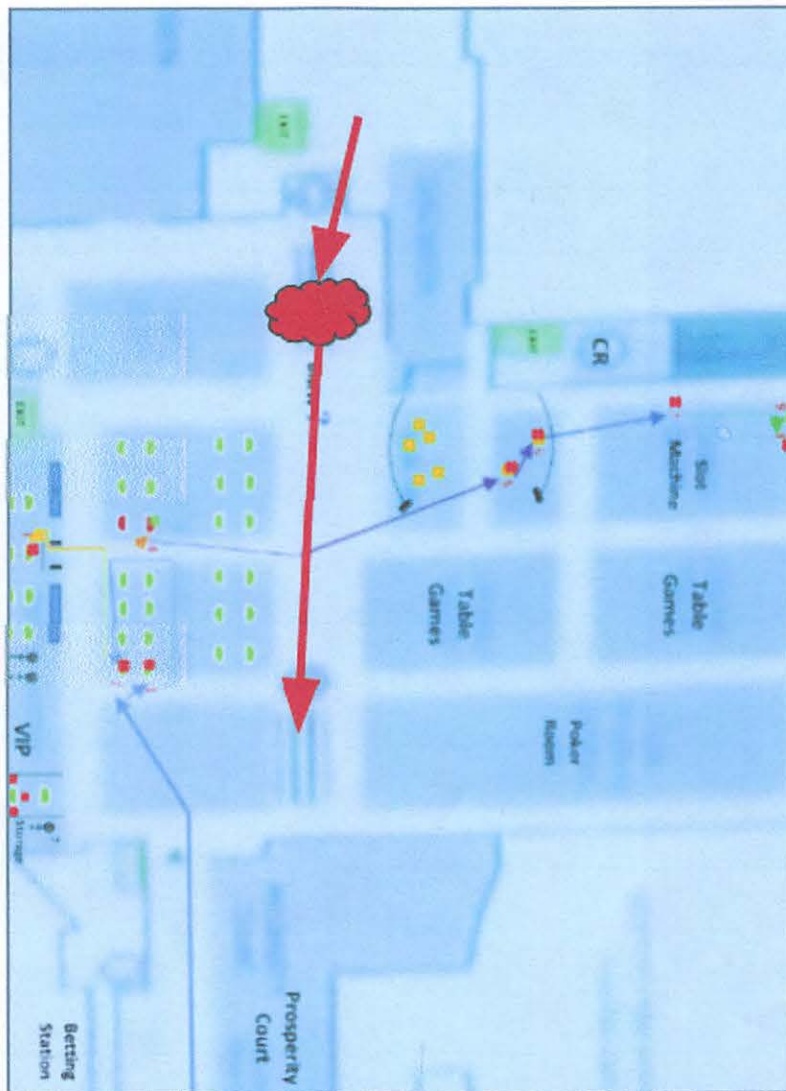
EX5



- Problems Created Due To Poor Floor Layout and Room Design

- The configuration of the VIP area (A bottle-neck design) created a situation where smoke that entered would be trapped and accumulate causing low laying smoke. It becomes very lethal for anyone in the area. Also indicates that there was no smoke extraction units or non-functional units nearby to extricate the smoke resulting excessive lethal smoke. **Exhibit:6**

EX6



1. VIP if no smoke extraction system, and only a small entrance design, like a bottle of fat big bottle, Smoke into the stay was stuck, causing the smoke layer soon very low, people's survival time soon gone.

- No proper evacuation routes by design of 2nd floor or enough posted signs to see where exit doorways were available. See Macau Article **Exhibit: 7**

EX7

Macau Declares Its Casinos Safe for Visitors, “Low Risk” for Major Attacks

JUNE 17, 2017 BY [SAMANTHA BECKETT](#)

Casinos in Macau face little threat of being targeted by a terroristic group or rogue gunman or faction. That's according to Paulo Chan, director of the Gaming Inspection and Coordination Bureau (DICJ).



Paulo Chan, the director of the agency responsible for inspecting Macau casinos, says the city has a relatively low threat level in terms of terrorism. Not everyone agrees. (Image: GGRAsia)

The chief gaming regulator in Macau asked its six major casino companies to [submit detailed security reports](#), outlining their plans and protocols for preventing attacks similar to what occurred in the Philippines. At Results World Manila earlier in June, a disgruntled gambler armed with an assault rifle and a two-liter bottle of gasoline set fires that killed 36 casino guests and employees.

After preliminary review of the security reports, DICJ has declared resorts in Macau as safe and secure.

“According to police evaluation, we are still in a relatively low-risk situation,” Chan told the media this week. “Our customers are still welcome to visit Macau to relax and enjoy the atmosphere.”

Chan added that the gaming operators, DICJ, and Judiciary Police will continue to meet in coming weeks to discuss additional safeguards that could be effective for keeping guests and employees safe inside the casinos.

“More security measures, more communication between the operators and the PJ (Judiciary Police), will be arranged in order to strengthen local casinos’ security,” Chan told the Macau Daily Times.

Evacuation Plans

The people who died in the Resorts World Manila attack perished not from gunfire but from smoke inhalation, with many of the victims trapped on the second floor without adequate evacuation routes as fires set by the attacker raged.

Macau's DICJ wants not only assure proper preventative security measures are in place, but also wants to be sure there are no safety vulnerabilities contributing to harm should a catastrophic event occur.

Gaming and government authorities in the Philippines are still sorting through footage from hundreds of security cams seeking answers to what went wrong, but so far they have found sprinkler systems that didn't work, and the resort's lack of a proper evacuation plan contributing to death and injuries amid the mayhem.

PAGCOR, the Philippines' gaming regulator, has since suspended Resorts World's casino license. But many say the gaming agency shares blame, as it allegedly failed to address insufficient emergency exits during property inspections.

Securing Casino Customers

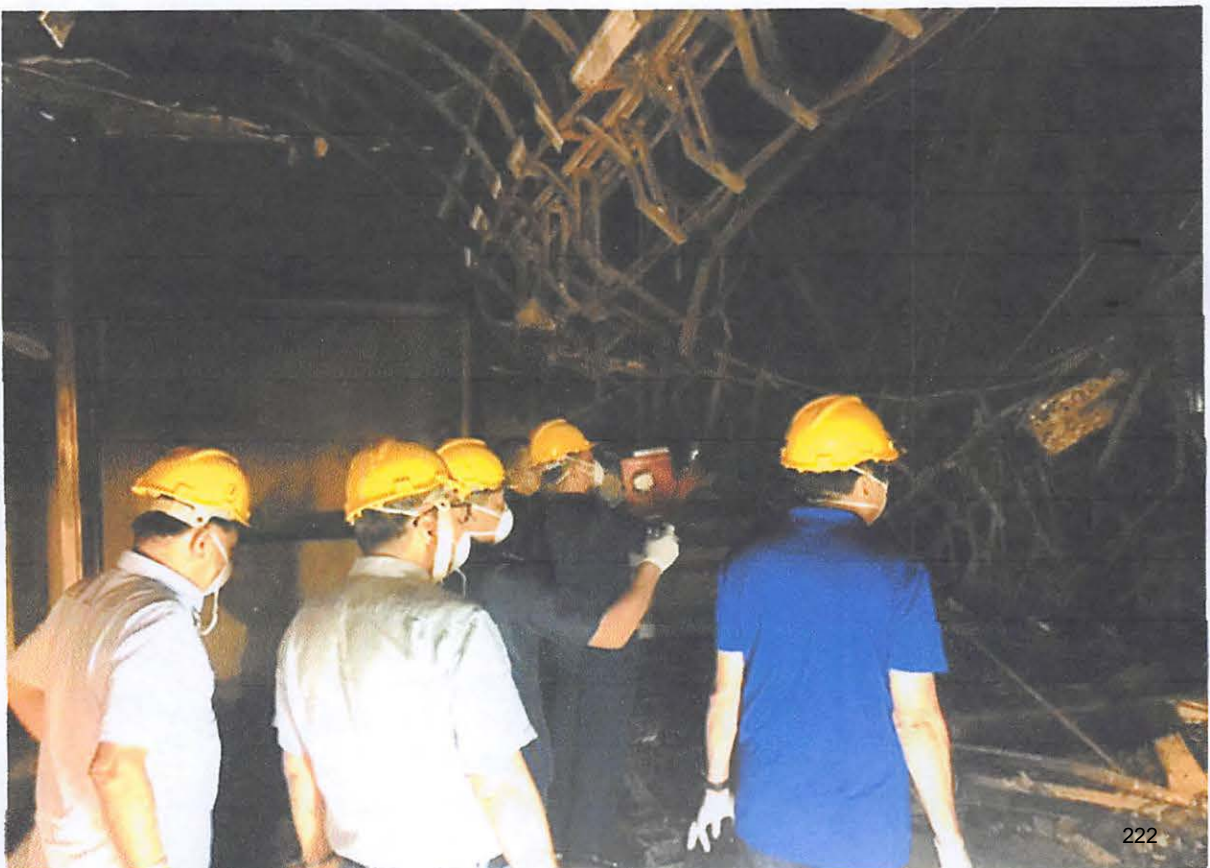
The Chinese government less than a year ago lifted a travel ban that prohibited its citizens from traveling to the Philippines. Casinos in the Philippines have credited an influx of Chinese tourists as contributing to a surge in gambling revenues over recent months. By declaring Macau casinos safe, DICJ might be hoping to keep Chinese gamblers playing at their homeland resorts, particularly as destinations such as the Philippines and other newer Asian casino markets appear to follow in addressing safety matters.

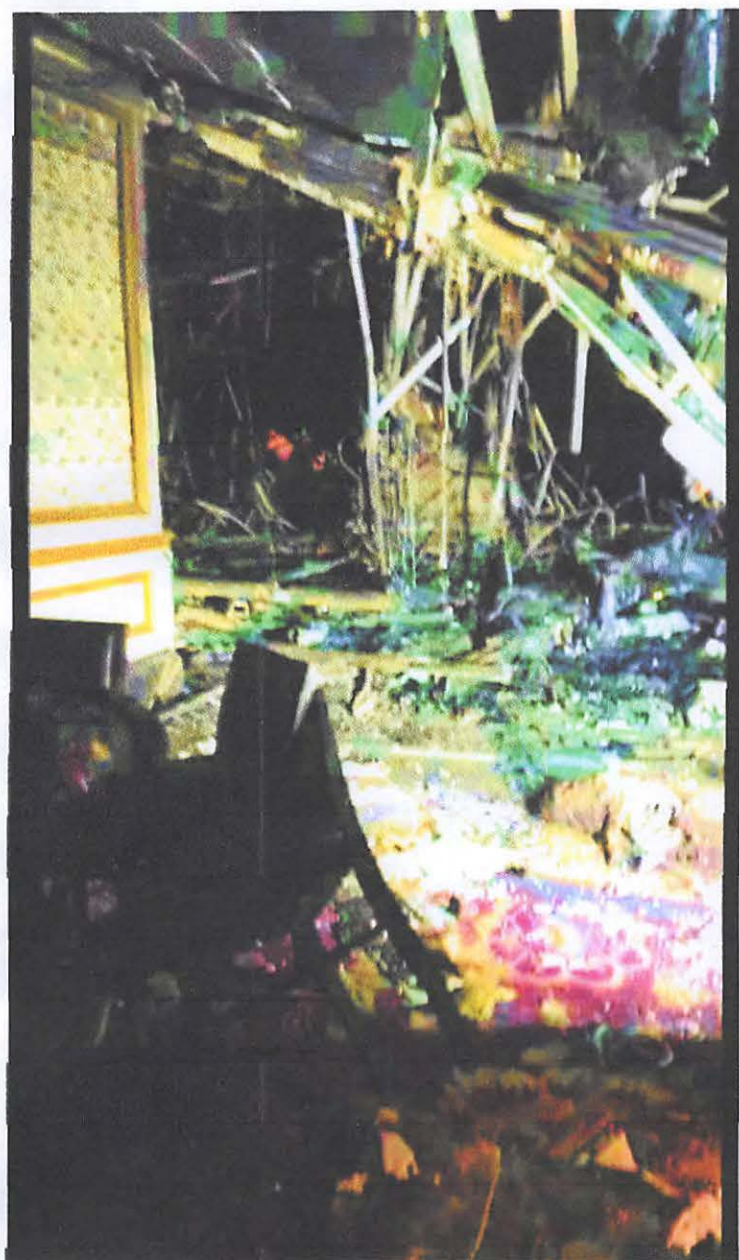
In Thursday's briefing with the Chinese press about the preliminary security reports, Chan said that in addition to casino security being strong, Macau is in less danger than other places for facing a major tragic incident.

"According to the police's evaluation, [Macau is] still in a relatively low-risk situation," Chan said.

- **Analysis:** Photos of the burnt ceiling at the entrance of the BMW is evidence of burning for a long period of time. This is Evidence that sprinkler system was not working due to no water cooling the area. Also, reviewing the videos from Resorts World closely it is obvious that no one was water soaked or wet from sprinklers. **EXHIBIT:8**

EX8





- The sprinkling by sprinkler system should extinguish the fire instantly, resulting in a lot of white smoke. The video from RWM shows a lot of black smoke. The size of the fires on the tables, slot machines, and chairs should have been extinguished immediately by the sprinkler system. Video shows no fire proliferation from a few burning tables, slot machines, or chairs. Most of these fires appear NOT to spread to other areas due to fire retardant material. One possible reason sprinkler system did not function properly was ceiling height was too high for such a moderate fire on the tables, slots, and carpet. **Exhibit:9 See Video C-9**

EX9



Ceiling is very high

See Videos C-9

(12:13:39 am) He torched the second table



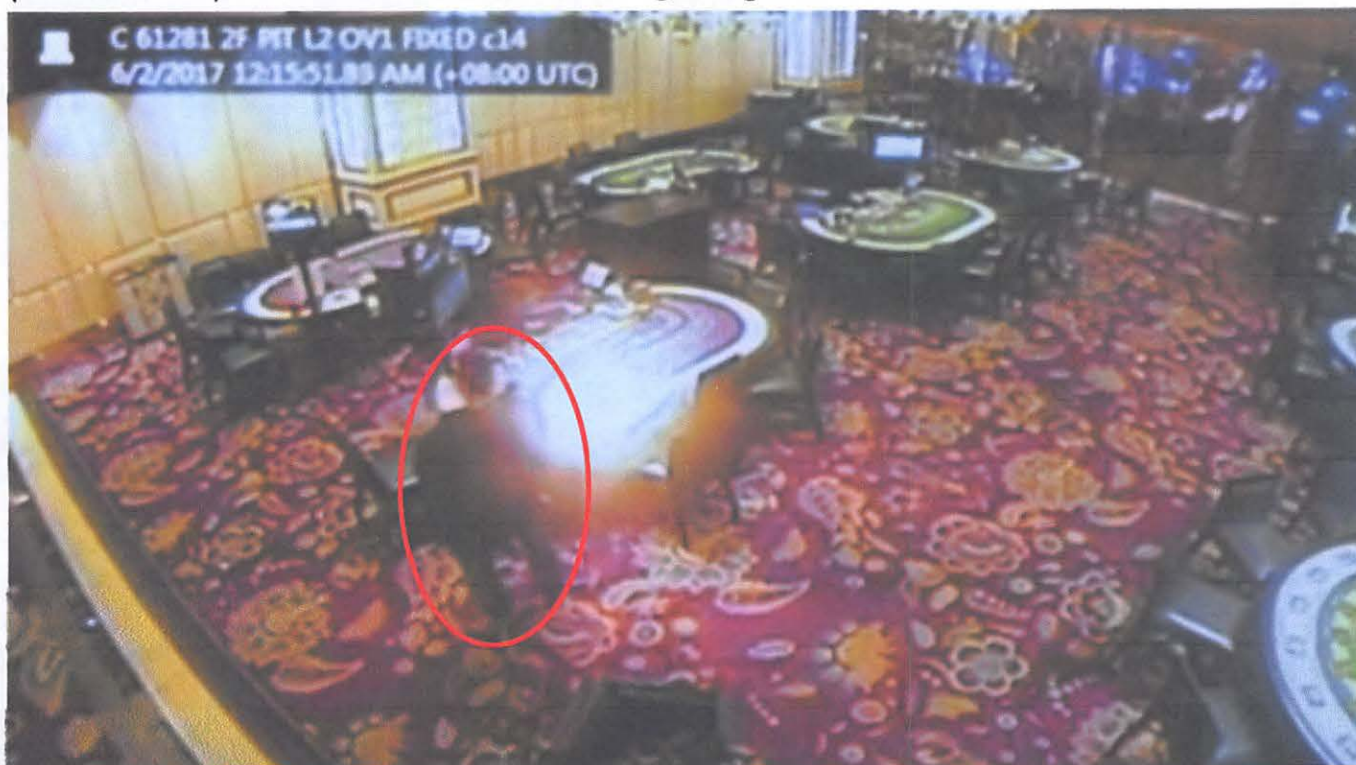
(12:14:33 am) He torched the first table



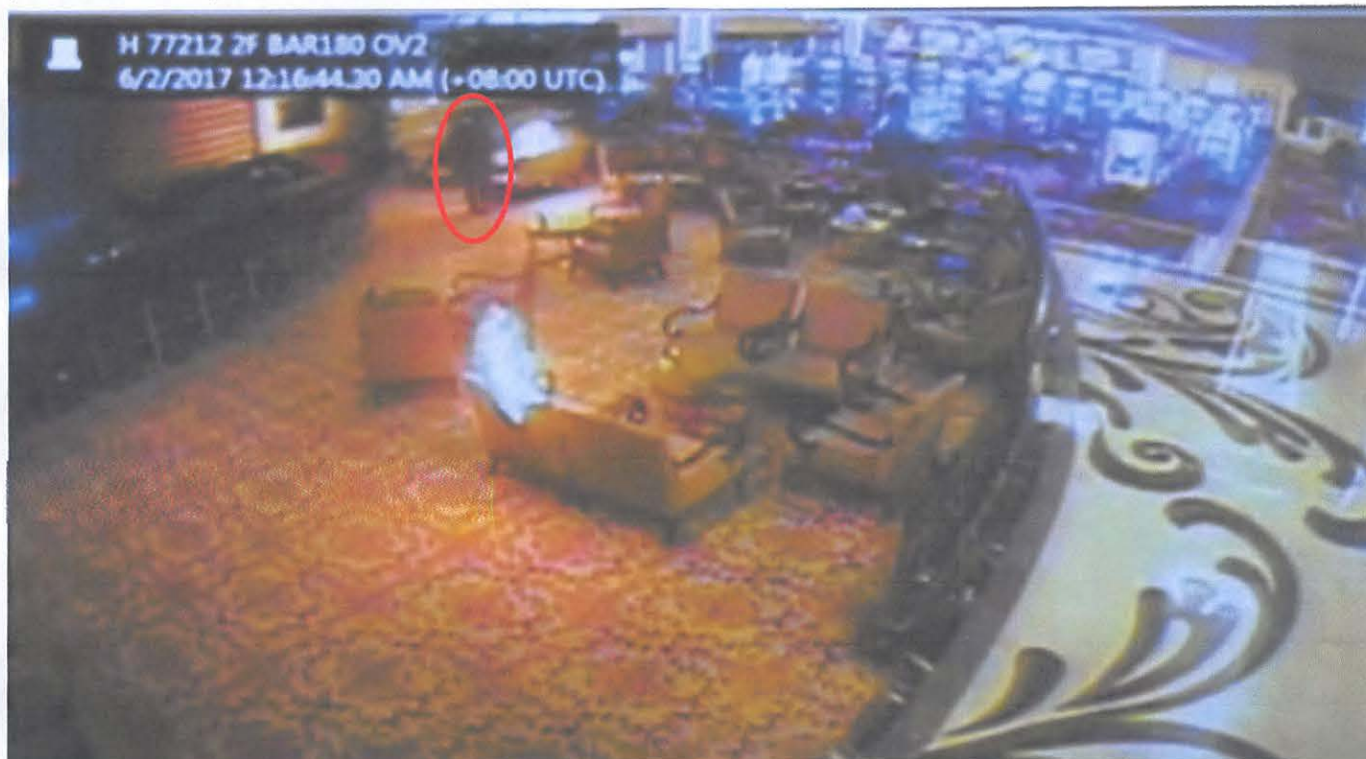
(12:15:23am) Gunman torched the table at Private Salon (VIP)



(12:15:51 am) He torched the table in other gaming area



(12:16:44 am) Gunman torched another sofa



(12:16:57am) Gunman entered to slot machine area torched many slot machine



(12:17:37 am) Gunman continues to torch carpets and chairs



Videos C-9



- At a glance of video and photos shows sprinkler system radius was not correct. When the VVIP room was added to the area, the redesigned configuration of watering waterway was not taken into consideration resulting in a lack of sprinkler radius this is according to fire inspection professionals. **Exhibit:10**
- Central paging system where main unit was located was in a locked basement room. RWM management claimed it was not possible to reach due heavy smoke in the area.
- Analysis: All the above issues contributed to a poor fire system set-up that became compromised with the start of the fire.

EX10

Sprinkler film analysis

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3. If a zoning area at 500 m^2 , and at least one smoke extraction must be provided.
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- **EVIDENCE AND ANALYSIS THAT EMERGED FROM RWM SECURITY AND SURVEILLANCE**

- ISSUES Prior to Attack of Resorts World That Warrant Further Investigation

- On May 24, 2017 PAGCOR specifically issued an advisory warning to RWM about tightening their security personnel and policies. PAGCOR Chairman Andrea Domingo advised RWM to increase security preparedness and awareness due to Terrorist activity in Mindanao. RWM failed to follow required advisories as mandated in their provincial licenses. **EXHIBIT:11**

EX11

Resort world Violation according to PAGCOR



First Hearing: June 7, 2017

56:46 - Pantaleon Alvarez- Excuse me Mr. Chairman, may we ask the chairman of PAGCOR to limit the presentation to the violations of the Resorts World Manila dun sa franchise nila(in their franchise). Yung issue ng(the issue of) terrorism we will ask that later dun sa(to) PNP.

57:06 - PAGCOR Chairman Andrea Domingo - So far the violation that we have actually seen is that on May 24. We issued security advisory (they ignore the security advisory) to all of our licensees all the gaming sites operations or operators telling them that in the light the recent terrorist activities in Mindanao which prompted President Rodrigo R. Duterte to declare martial law in Mindanao. We advised you to implement the following additional precautionary measures: 1) increase security preparedness and awareness in your prospective venues and properties to ensure safety to your employees, staff, and quests and to abide by the rules curfew and other city ordinances that may be issued by the local and other government agencies where you are situated in connection with this latest incident.

58:00 - PAGCOR Chairman Andrea Domingo- We have to,... we issued this advisory because in the provisional licenses of all of our licensees, it is required that they follow such advisories. So and for my assessment there was really lack of security at the entrance and parking lots of RWM because there's hardly any presence in that area of adequate and competent and fully and ended the properly equipped security personnel. And this can be seen from their video that we saw yesterday. However, I think that the most important thing is that how we could aborted the tragedy or we have minimized the loss of life. Because it's very important to know who ordered the lockdown that allowed nobody to come inside the Resorts World premises and did not allow the Bureau of Fire Protection fire fighters to come in to conduct rescue activities as well as fire fighting activities. That is very crucial.



Philippine Amusement and Gaming Corporation
A Sure Bet for Progress in Gaming Entertainment and Nation Building

Mr. KINGSON U. SIAN
President and Chief Executive Officer
Travellers International Hotel Group, Inc.
10th Newport Entertainment & Commercial Centre,
Newport Boulevard, Newport City
Cybertourism Economic Zone, Pasay City, 1309

ORDER

In connection to the June 2, 2017 robbery/arson incident at the Resorts World Manila (RWM) which:

Resulted in 37 fatalities, and numerous injuries;

Caused damage to RWM casino infrastructure, gaming equipment, and allied facilities;

Exposed serious lapses and deficiencies in TRAVELLERS' safety and security procedures; and


Put the Philippine gaming, tourism, and hospitality industries in bad light.

In light of the above and pursuant with Presidential Decree No. 1869 as amended by Republic Act No. 9487, the Philippine Amusement and Gaming Corporation (PAGCOR) hereby suspends the Provisional License (PL) to operate casinos and other gaming facilities issued to Travellers International Hotel Group, Inc. doing business under the name and style of Resorts World Manila (RWM).

Resorts World Manila (RWM) is hereby ordered to cease and desist all gaming operations pending investigation and final determination by PAGCOR of RWM's liability for the June 2, 2017, robbery/arson incident and compliance to all security, safety, and gaming operations requirements.

Non-compliance with this ORDER shall cause PAGCOR to impose other sanctions as may be warranted under existing laws, including criminal prosecution for illegal gambling.

SO ORDERED.



ANDREA D. DOMINGO

Chairman & Chief Executive Officer

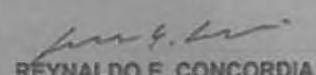


ALFREDO C. LIM

President & Chief Operating Officer


CARMEN M. PEDROSA
Director


GABRIEL S. CLAUDIO
Director


REYNALDO E. CONCORDIA
Director

RECEIVED BY:
E. H. NAGUI 6/9/2017

- According to PAGCOR Chairman's assessment that there was "really lack of security at the entrance and parking lots of RWM due to hardly any presence in that area of adequate...competent and properly equipped security personnel."..**EXHIBIT:12**

EX12

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56:46 - Pantaleon Alvarez- Excuse me Mr. Chairman, may we ask the chairman of PAGCOR to limit the presentation to the violations of the Resorts World Manila dun sa franchise nila(in their franchise). Yung issue ng(the issue of) terrorism we will ask that later dun sa(to) PNP.

57:06 - PAGCOR Chairman Andrea Domingo - So far the violation that we have actually seen is that on May 24. We issued security advisory (they ignore the security advisory) to all of our licensees all the gaming sites operations or operators telling them that in the light the recent terrorist activities in Mindanao which prompted President Rodrigo R. Duterte to declare martial law in Mindanao. We advised you to implement the following additional precautionary measures: 1) increase security preparedness and awareness in your prospective venues and properties to ensure safety to your employees, staff, and guests and to abide by the rules curfew and other city ordinances that may be issued by the local and other government agencies where you are situated in connection with this latest incident.

58:00 - PAGCOR Chairman Andrea Domingo- We have to,.. we issued this advisory because in the provisional licenses of all of our licensees, it is required that they follow such advisories. So and for my assessment there was really lack of security at the entrance and parking lots of RWM because there's hardly any presence in that area of adequate and competent and fully and ended the properly equipped security personnel. And this can be seen from their video that we saw yesterday. However, I think that the most important thing is that how we could aborted the tragedy or we have minimized the loss of life. Because it's very important to know who ordered the lockdown that allowed nobody to come inside the Resorts World premises and did not allow the Bureau of Fire Protection fire fighters to come in to conduct rescue activities as well as fire fighting activities. That is very crucial.

- Casino Regulatory Authority of Singapore (CRA) imposed fines SGD\$385,000 onto casino of Resorts World Sentosa for lapses in their security and screening.


Exhibit: 13

EX13

Casino Regulatory Authority of Singapore

From Wikipedia, the free encyclopedia

The **Casino Regulatory Authority of Singapore** (**Abbreviation:** **CRA**) is a statutory board of the Singapore Government.

| | |
|---|--|
| <div> <div> <div>Casino Regulatory Authority of Singapore</div> <div>  </div> </div> <div>Logo of the CRA</div> <div>Agency overview</div> </div> | |
| Formed | 2 April 2008 |
| Jurisdiction | <u>Government of Singapore</u> |
| Headquarters | 460 Alexandra Road, #12-01, PSA Building, Singapore 119963 |
| Minister responsible | <u>Teo Chee Hean</u> , <u>Minister for Home Affairs</u> |
| Agency executives | Lee Tzu Yang, Chairman Jerry See, Chief Executive |
| Parent agency | <u>Ministry of Home Affairs</u> |
| Website | <u>http://www.cra.gov.sg</u> |

The CRA is responsible for ensuring that the management and operation of the casinos in Singapore remains free from criminal influence or exploitation. It also ensures that gaming in a casino is conducted honestly, and that casinos do not cause harm to minors, vulnerable persons and society at large.^[1]



Enforcement acts

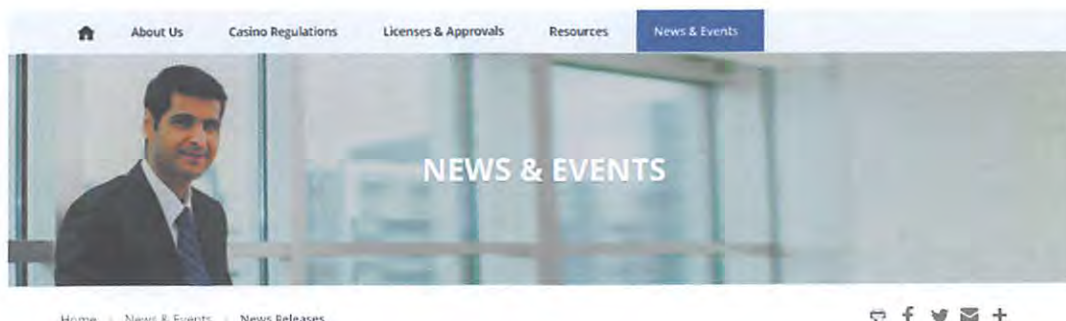
In February 2012, the CRA imposed fines of SGD\$385,000 onto casinos Marina Bay Sands and Resorts World Sentosa for lapses in their security and screening. This resulted from 44 cases of people who managed to enter or remain in the gambling halls despite being disallowed into the casinos. These included 19 cases where Singaporeans and permanent residents were allowed in without paying for the \$100 entry levy; five cases where gamblers overstayed the tenure of their entry levies, seven where people on exclusion orders were allowed to enter and 13 cases where minors were allowed in.^[2]

A list of other enforcement actions taken by CRA can be found [here](#)

- The Casino Regulatory Authority of Singapore (CRA) imposed financial penalties totaling \$530,000 on Resorts World at Sentosa Pte.Ltd. (RWS) for four breaches of the Casino Control Act and its regulations. **EXHIBIT:14**
- **Analysis:** RWM made a company decision to minimize security personnel at the expense of the safety and security of guests and employees. Genting Group appears to historically follow this policy among their properties throughout the world.



EX14



CASINO REGULATORY AUTHORITY OF SINGAPORE IMPOSES FINANCIAL PENALTIES ON RESORTS WORLD AT SENTOSA PTE. LTD.

18 May 2011

The Casino Regulatory Authority of Singapore has imposed financial penalties totalling \$530,000 on Resorts World at Sentosa Pte. Ltd. (RWS) for four breaches of the Casino Control Act and its regulations.

2. In the first breach, a financial penalty of \$200,000 was imposed on RWS for reimbursing the entry levy payable by Singapore citizens and permanent residents (SCPRs). On 15 July 2010, a senior management staff of RWS had provided cash to SCPR media representatives for the purpose of paying for the entry levy payable by them for entry into RWS' casino premises to cover the launch of the Ladies Club.

3. Commenting on the breach of Section 116(3) of the Casino Control Act, Chief Executive of the Casino Regulatory Authority, Mr. T. Raja Kumar said, "The Casino Control Act stipulates that casino operators are not allowed to reimburse the entry levy payable by Singapore citizens and permanent residents. The disciplinary action taken serves to remind casino operators to act responsibly to uphold the integrity of social safeguards put in place by the authorities."

4. Separately, RWS failed to ensure that casino surveillance footage from 22 cameras during the period 29 March 2010 to 2 April 2010 was retained for the specified period required by CRA. A financial penalty of \$150,000 has been imposed for this breach.

5. In addition, a financial penalty of \$30,000 was imposed on RWS for failing to ensure that casino surveillance footage from 18 cameras during the period 29 March 2010 to 30 March 2010 was retained for the specified period required by CRA. The Authority notes that this incident was self-reported by RWS.

6. Finally, a financial penalty of \$150,000 was imposed on RWS for failing to put in place a failure notification system to provide an audible as well as visual notification of specific failures in the casino surveillance system. CRA notes that RWS has since put such a system in place.

7. "Surveillance footage is an integral part of casino operations and the retention of such footage is critical for evidence gathering in regulatory and law enforcement," said Mr. T. Raja Kumar. "The casino surveillance system put in place by the casino operators should be robust and able to meet CRA's requirements. Such failure of the casino surveillance system to meet CRA's requirements will be taken seriously and firm disciplinary action will be taken in such instances."

- Mr. Armeen Gomez committed blatant falsification of his credentials pertinent to his educational documents. It was only during the Congressional Hearing on June 7, 2017 that Mr. Gomez was exposed regarding his lack of credentials to the surprise of RWM management. **EXHIBIT:15**

- **Analysis:** Lack of Proper Vetting of Security Head Chief Armeen Gomez for a top Surveillance executive position is indication of inept RWM management practices that exposes both employees and guests to undo dangers.

EX15

G. SOSIA FINDINGS

108. The findings of the SOSIA regarding the liability of Mr. Gomez for alleged lack of license or registration as company security guard force or unit is treated as a pending matter considering that the legal requirements for licensing and/or registration has not been fully established.

109. On the other hand, this SIT agrees to the findings of the SOSIA on the incompetence, lack of proper training of the Lanting Security personnel but takes exception to its reliance on the affidavit executed by Mr. Francisco Bayrante, an employee of NC Lanting that RWM controls, supervise and violated any provision of R.A. No. 5487, for being self-serving and until proven by competent evidence in support said allegations.

H. FALSIFICATION COMMITTED BY MR. ARMEEN GOMEZ

110. It is the finding of this SIT that Mr. Armeen Gomez committed falsification of his credentials pertinent to his educational documents.

**Art. 172 of the Revised Penal Code provides:*

"Art. 172. Falsification by private individuals and use of falsified documents. — The penalty of prision correccional in its medium and maximum periods and a fine of not more than 5,000 shall be imposed upon:

"1. Any private individual who shall commit any of the falsifications enumerated in the next preceding article in any public or official document or letter of exchange or any other kind of commercial document; and

x x x"

111. From the foregoing, the elements of the crime of falsification under paragraph 1 of Article 172 are: (i) that the offender is a private individual; (ii) that he committed any of the acts of falsification enumerated in Art. 171; and (iii) that the falsification was committed in a public or official or commercial document. All these elements are present in the instant case.⁴

112. Fraud refers to all kinds of deception- whether through insidious machination, manipulation, concealment or misrepresentation- that would lead an ordinary prudent person into error after taking the circumstances into account. In contracts, a fraud known as *dolo causante* or causal fraud is basically a deception used by one party prior to or simultaneous with the contract, in order to secure the consent of the other. Needless to say, the deceit employed must be serious. In contradistinction, only some particular or accident of the obligation is referred to by incidental fraud or *dolo incidente*, or that which is not serious in character and without which the other party would have entered into the contract anyway.⁵

113. During the Congressional Hearing on 7 June 2017, at the Airport, Pasay City, Mr. Gomez was exposed that he is not a college graduate. RWM was likewise surprised of the said discovery and in fact has taken the necessary steps regarding the misrepresentation of Mr. Gomez. In fact, RWM investigated and dismissed Mr. Gomez for his misrepresentations in at least thirteen different counts

⁴ Villamar vs. People, G.R. No. 178652, December 8, 2010.

⁵ Tanke II vs. DBP, G.R. No. 171428, November 1, 2013.

- Incident involving Jessie J Carlos was reported by Philstar, a local newspaper, that involved two men in a BMW two hours prior to RWM Attack. According to sources the article describes the two men confronting Carlos about payment of millions in gambling debts. A shootout ensues where Carlos is supposedly wounded in the leg. Sources claim forensic and surveillance evidence of Carlos's involvement. Further Investigation of incident needed to determine if any links to the RWM Attack.

EXHIBIT:16

EX16

Resorts World gunman behind murder of cop-turned-casino financier?

[Rey Galupo](#) (The Philippine Star) - June 8, 2017 - 4:00pm

MANILA, Philippines - Police investigators are looking into the possibility that Resorts World (RW) gunman Jessie Javier Carlos was the one who killed a lawyer and former policeman turned casino financier in Paco, Manila on June 1.

Closed-circuit television (CCTV) footage showed Carlos along with Elmer Mitra Jr., 38, and Alvin Cruzin, 43, in a gray BMW (XDX-993) at the corner of Perez and Belen streets two hours prior to the Resorts World attack, according to a source at the Manila Police District (MPD).

Witnesses said shots were fired before the car turned over and hit the gutter.

CCTV footage from Barangay 674 showed a man crawling out of the car from the backseat, then running with a visible limp toward Apacible street at 9:52 p.m.

Police officers said the man – believed to be Carlos – was wearing a blue T-shirt and cargo pants. He was of medium build and about 5'9" tall.

Probers said they recovered four 9mm casings, six bullets and a 9mm pistol with serial number Z04575 in the car.

Cruzin was formerly assigned with the MPD. He retired from the police service in 2009 and became a casino financier.

Mitra is the son of former Pasay City prosecutor Elmer Mitra Sr.

Prior to the Resorts World rampage, reports said that Carlos was kidnapped by two casino financiers to whom he owed millions of pesos.

Carlos, a former employee of the Department of Finance, was seized apparently to force him to pay his debt.

Carlos arrived at the corner of Felix Huertas and San Lazaro streets, where he lived, at exactly 10:18 p.m. as shown on CCTV footage of Barangay 339.

He left the house carrying a black bag an hour later and was seen on CCTV at 11:19 p.m. crossing the street toward a gasoline station where he bought three liters of gasoline before boarding a taxi on his way to Resorts World.

Carlos arrived at the casino at exactly 12:03 a.m.

The taxi driver who brought Carlos to Resorts World said that he was limping. He had apparently sustained a gunshot wound to his leg in the earlier encounter, contrary to reports that he was wounded during a shootout with security guards of Resorts World.

Sources said that Carlos was wounded in the scuffle in the BMW. He then went home and got an M-4 carbine and a pistol before proceeding to the casino.

Bloodied pants

A team from the MPD intelligence and homicide sections went to the house of Carlos on Wednesday and recovered bloodied khaki cargo pants – the same pants that the Paco gunman wore, according to a source.

Scene of the crime operatives collected blood samples and hair from the BMW for cross matching.

The source told The STAR that the cargo pants and other evidence were turned over to Camp Crame.

The source, who knew Cruzin, confirmed that the casino financier was with Carlos and Mitra before the Paco shooting occurred.

Senior Insp. Rommel Anicete, MPD homicide chief, would not confirm these findings. But there were reports that an investigator was reprimanded for saying that the case was considered closed.

Autopsy belies shootout

The suspect in the Resorts World attack that left 37 people dead suffered only one gunshot wound, the Philippine National Police (PNP) Crime Laboratory said yesterday.

PNP Crime Laboratory director Chief Supt. Aurelio Trampe said Carlos did not sustain other gunshot wounds aside from the one he inflicted on himself.

Carlos died from a gunshot to the chin, which exited his head.

Trampe said this was the conclusion of the medico legal officer, who conducted an autopsy on Carlos.

He added that Carlos did not have a gunshot wound in his leg. – **With Emmanuel Tupas**

- Security and surveillance Failures during attack At Resorts World

- Gunman arrived at the Taxi Bay Lane area and entered through Mall Entrance where there was no security guard on duty. Gunman took the elevator with two women guests to the second floor. Gunman entered through the Mall to the Casino with high powered assault rifle without being confronted by security personnel. **EXHIBIT:17**

See Video D-17

- Testimony in Congressional Hearings revealed that at the time of the attack only 68 uniformed personnel were on duty for the whole property. The contract with Lanting Security agency stipulated that 200 uniform personnel should have been available and on duty.
- **Analysis:** Shows definite negligence in securing the safety of guests and employees. Surveillance personnel failed to immediately alert security personnel. Lack of appropriate number of adequately trained and armed security guards on duty allowed gunman to enter casino without any confrontation wreak Havoc in the casino.

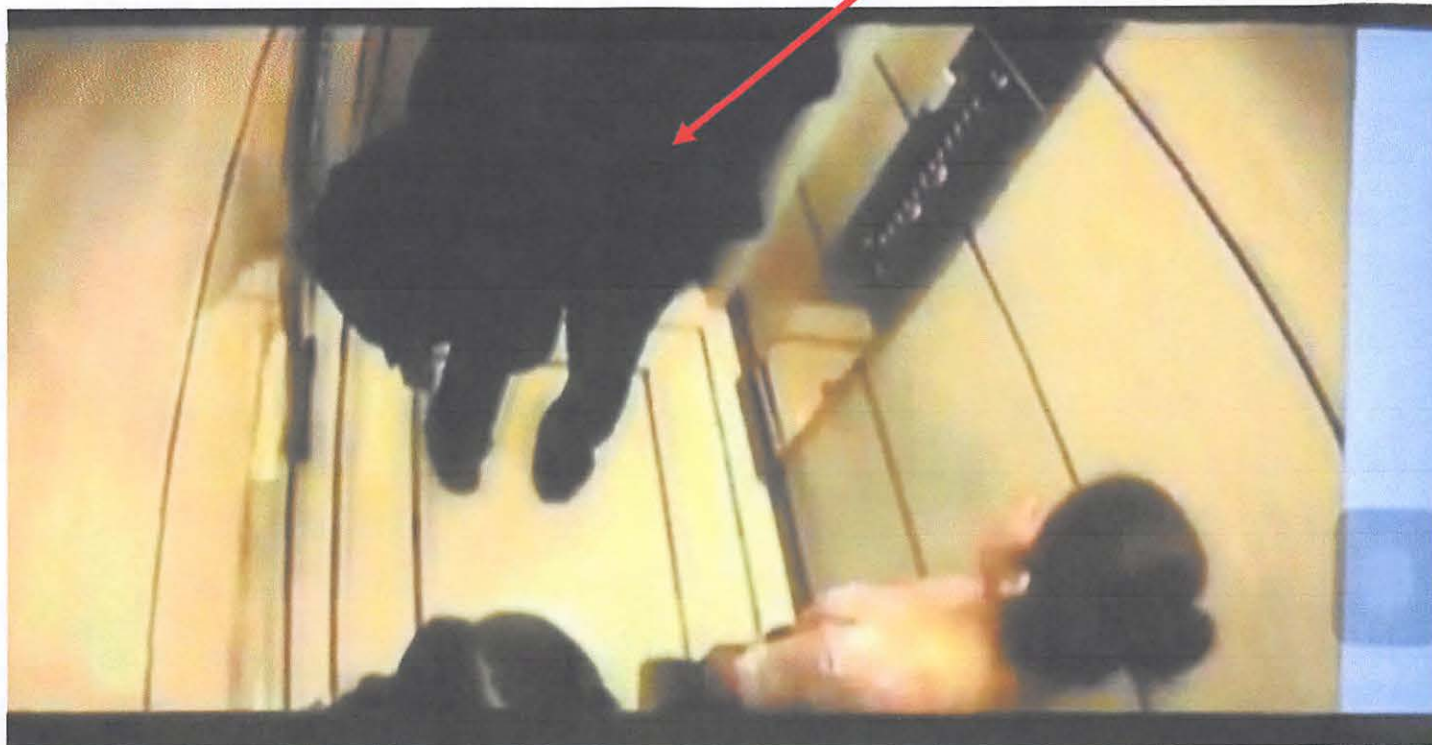
The Gunman arrived at Taxi Bay Area (12:07 am - June 2, 2017)



Gunman went to elevator at the Ground floor (12:08am)



The Gunman inside the elevator with two ladies at the back (12:09am)



(12:10am) The Gunman went out in elevator at the second floor and start putting the mask on his face. (No security guard)



Video D-17



- Video shows Gunman bypasses the metal detector at the entrance of the casino while a lone female security guard attempts to detain gunman. Additional male security guard arrives and tries to also detain gunman. Gunman brandishes his assault rifle causing them to run away.
- **Analysis:** Shows that security personnel were poorly trained in proper procedures and failed to act in professional manner. **EXHIBIT:18**

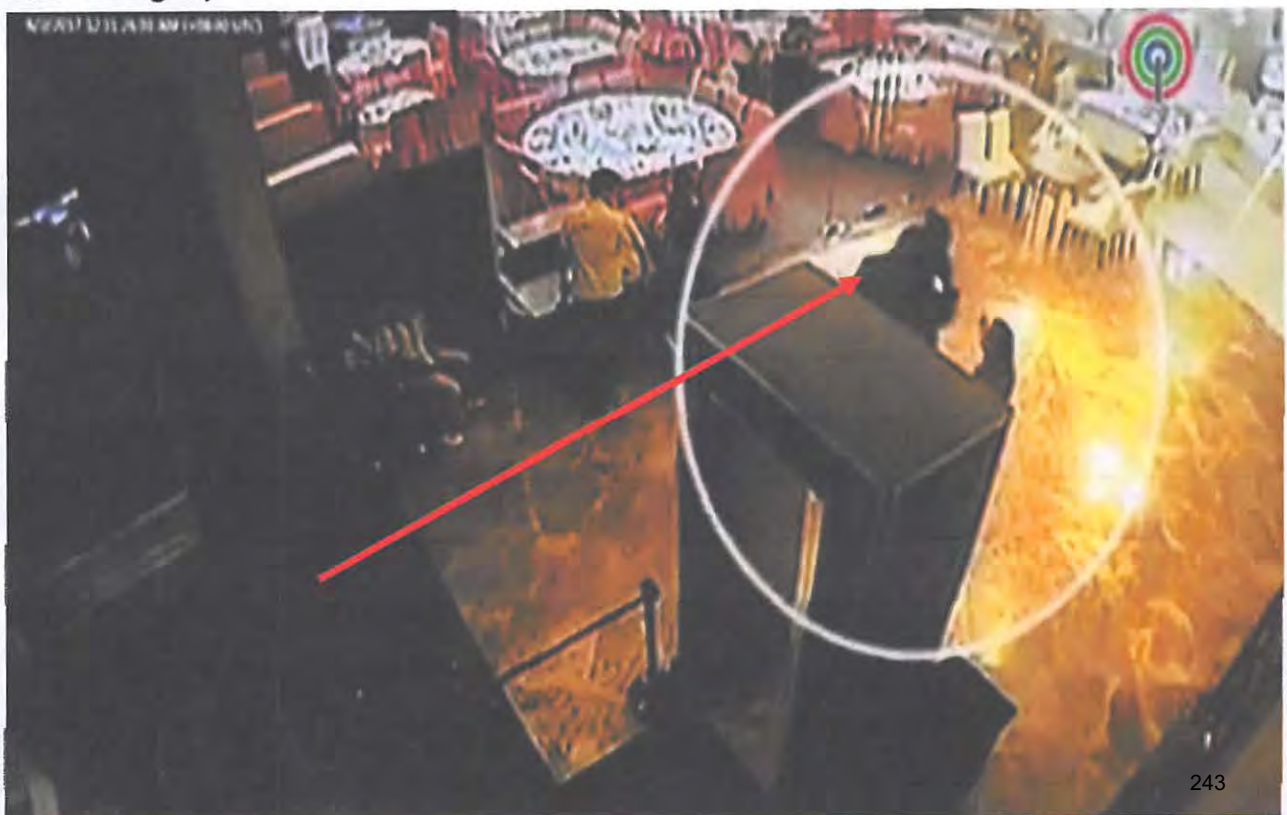
- **See Video E-18**

EX18

(12:11 am) As per to RWM security, the gunman enters the mall through the second floor parking area, bypassing a metal detector. (Which should be manned at the front)



(12:11am) "Security personnel who tried to stop him." (Does not try know where near hard enough!)



Video E-18



- Gunman spends a total of 6minute 50seconds from the time of entering the Mall area to the time of going through various areas of the Casino, to exiting toward the ground floor. Video from Resorts World films completely the gunman's activity in the casino area. Video shows gunman brandishing an assault rifle and firing at the ceiling with people screaming and running away. It also shows gunman throwing gasoline and setting fire to tables, various furniture, and fixtures. A bag of bullets being thrown onto a burning table is clearly shown. Well trained security personnel would have had enough time to respond. Failure to respond quickly further escalated the situation to get worse.
- **Analysis:** Shows total negligence or incompetence by the security personnel and by surveillance rooms whom appear failed to communicate with security in a timely manner. This Resorts World video was not discovered for approximately 2hours after the fact. In an interview with Chief Tomas C Apolinario he implied there was a complete breakdown of communication and technical difficulties between the three Surveillance Rooms: **EXHIBIT:19**

EX19

According to evidence, the gunman stayed in the casino area for only 6 minutes and 50 seconds.



- Metro Manila Police Director Oscar Albayalde stated “Security lapse could be blamed for everything probably. A security person admitted that he left the CCTV (camera room) immediately. He could have seen people on the second floor at the VIP room and they could have been saved (if he did not leave the room). All the 37 died because of suffocation.” Another major lapse, according to Albayalde, was that Resorts World security personnel from Remington Hotel were able to view the gunman on the CCTV cameras but were unable to “pinpoint” the gunman’s location. :**EXHIBIT:20**
- Mr. Reilly during Congressional Hearings stated “We admit openly, there was lapses for security” **See Video F-20**
 - **Analysis:** Top RWM executives admit to security failures. This demonstrates poorly trained personnel and gross negligence on the part of RWM management for not providing adequate training in the use of surveillance cameras or proper sequencing of cameras.

The Manila Times

Police ready raps vs Resorts World

BY JAIME PILAPIL, TMT ON JULY 3, 2017 NATION

Metro Manila Police Director Oscar Albayalde on Monday said police are now ready to file criminal charges against Resorts World management and its security agency for the death of 13 employees and 24 guests during a rampage of an armed man who ran amuck on June 2 at the casino and entertainment complex.

"The Supervisory Office for Security and Investigation Agencies will finalize and submit today or tomorrow their findings, which means they are ready to file charges of negligence resulting in multiple homicides," Albayalde told a forum in Manila.

He added that only three of the relatives of the victims have signified their willingness to file the criminal charges but he clarified that the police can file the case as a nominal complainant.

Albayalde described the case as strong because Resorts World security forces had admitted to investigators that they abandoned a closed-circuit television (CCTV) camera of the casino and entertainment complex the whole time that Jessie Carlos was wreaking havoc on the property before shooting himself dead.

The 37 victims died from suffocation after Carlos torched the tables and carpet of the VIP room located on the second floor of the casino area.

➔ "Security lapse could be blamed for everything probably. [A] security person admitted that he left the CCTV [camera room] immediately. He could have seen people on the second floor at the VIP room and they could have been saved [if he did not leave the room]. All the 37 died because of suffocation," Albayalde said.

"When the police and firemen arrived, they said they were able to evacuate the 12,000 people present at the time in the casino without knowing that all the 37 people were trapped inside the VIP room," he added.

Another major lapse, according to Albayalde, was that Resorts World security personnel could see the suspect through the CCTV camera but could not pinpoint where he was.

The security people informed the police only when Philippine National Police (PNP) chief Ronald de la Rosa arrived at 3 a.m. that they had another CCTV camera room at Remington Hotel nearby.

Albayalde said respondents to the complaint are Travellers International Hotel Group Ins., operator of Resorts World Manila located across Terminal 3 of the Ninoy Aquino International Airport, and N.C. Lanting Security Specialist.

Resorts World has given P1 million each to families of the 37 victims, including paying for the hospitalization or treatment of some 67 injured individuals.

Meanwhile, Public Attorney's Office head Persida Acosta, in a radio interview also on Monday over dzMM, said a class suit is being prepared against the management of Resorts World.

“We have prepared the computation of damages, using the American life expectancy computation. But the offer was so small, not even one-half of our computation. According to ACCRA [Angara Abello Concepcion Regala & Cruz Law Offices] lawyers, they are telling Resorts World to settle,” Acosta disclosed.

She said her lawyers are also waiting for reports of the PNP and the Bureau of Fire Protection (BFP) that they will use in filing the civil case.

Albayalde, when sought for comment on the reopening of Resorts World as ordered by Philippine Amusement and Gaming Corp. (Pagcor) last week, said he could understand the reasons both from the government and the business side.

“Maybe they considered the 12,000 employees and the income of the government through tax,” he added.

Also on Monday, Resorts World was urged to secure a fire safety certificate from the BFP.

Rep. Rufino Biazon of Muntinlupa City made the call five days after Pagcor lifted the suspension of the casino and entertainment complex over the June 2 incident.

The BFP issues a fire safety certificate if “the building premises comply with the fire safety requirements and fire protective and/or warning systems such as fire sprinkler systems, automatic extinguishing systems and if fire alarms are properly installed.”

Pagcor restored Resorts World’s license to operate after it doubled the number of armed guards and metal detectors; reviewed safety and security protocols for various emergency scenarios; and obtained Fire and Safety Inspection Certificates (FSICs) for building and structural integrity from the Philippine Economic Zone Authority (PEZA), which oversees Resorts World.

During an earlier congressional probe of the incident, Resorts World management admitted that the casino and entertainment complex was not inspected by the BFP because it is under PEZA jurisdiction.

PEZA also admitted during the congressional inquiry that casinos are not covered by its supposed authority to issue FSICs under the PEZA law.

As such, RWM did not have FSICs at the time of Carlos’ attack.

Biazon said there should be no confusion about the agencies’ respective authorities because the Fire Code mandates the BFP to issue FSICs.

“Why would Pagcor allow casinos under PEZA to operate when they don’t have FSICs to begin with? PEZA is overextending its authority by saying that they have the authority to issue the FSICs when such is not provided by law,” he pointed out.

“Really, we don’t need a new law here. We already have the Fire Code. PEZA is insisting that the Fire Code does not cover them and that argument is against the law,” Biazon said.

LLANESCA T. PANTI

F-20 Video

COO Stephen Reilly stated “ we admit openly,
there was lapses for security “



- CCTV Casino personnel evacuated the Resorts World Surveillance Room approximately at 12:20 AM. Without anyone manning the cameras created a situation where the gunman was allowed to take chips from the Casino chip bank room. Then roam various stairways, hallways with no one confronting the gunman. Gunman was able to enter the casino Chip Bank room and take chips on three occasions without hindrance of heavy smoke.: **Exhibit:21 See Video F-21**

EX21

(12:19:41 am) Gunman took chips



12:21:13 Gunman looking for exit



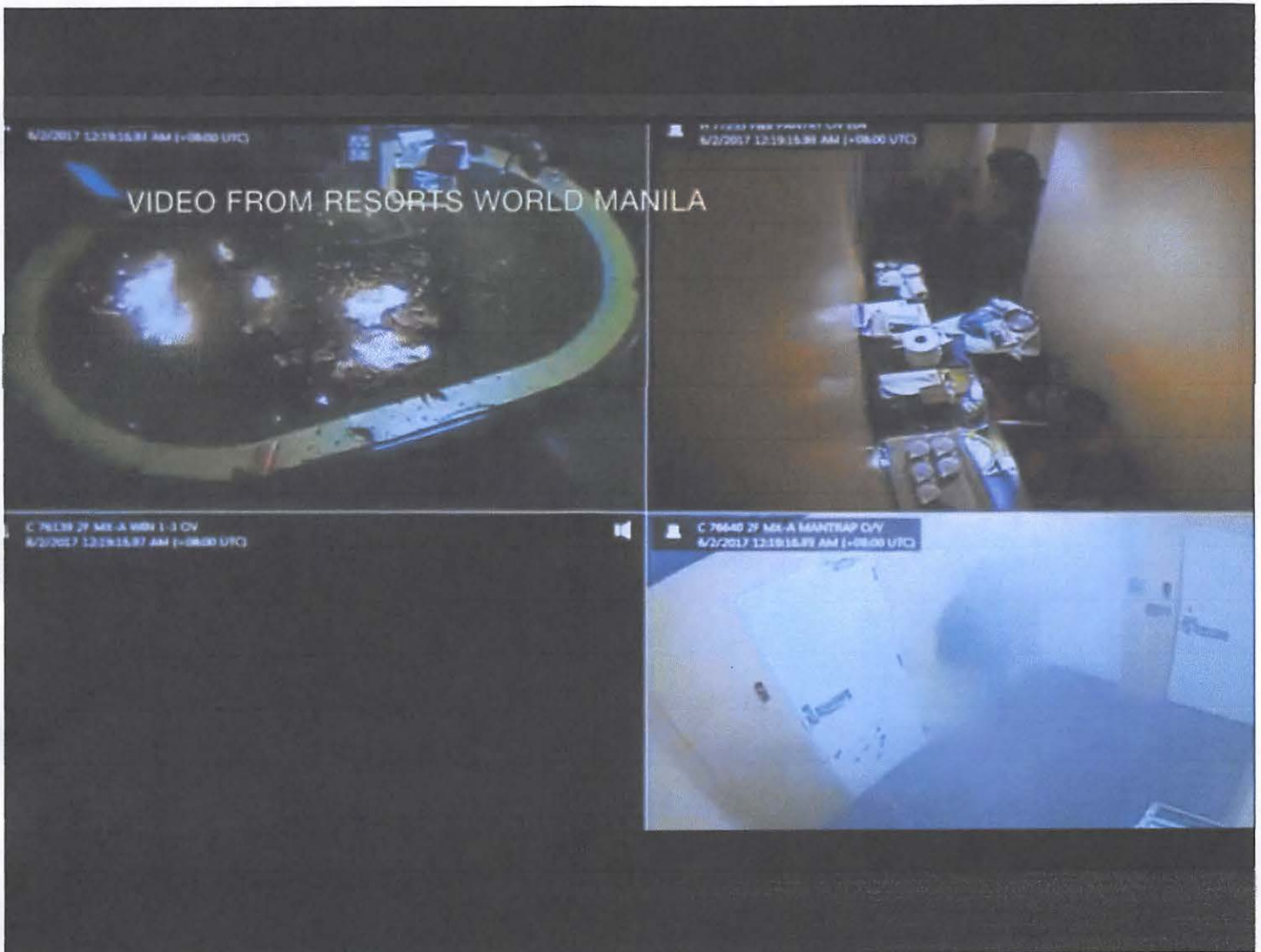
12:22:56 Gunman at the hallway going to downstairs



12:24:02 Gunman back to the upstairs



Video G-21



- Testimony during the Congressional Hearing reinforced the statement of the NCRPO Ronald De La Rosa, the PNP Chief Director, who was acting ground commander at the time, upon his arrival, the first question asked Mr. Armen Gomez, Chief Security Head, was **“WERE ALL THE GUESTS EVACUATED?”**. Mr. Armeen Gomez, Chief Security Head, responded with a **“YES”**. This occurred at 12:20 AM prior to heavy fire.: **EXHIBIT:22**
- During the Congressional Hearing PNP General De la Rosa also reiterated during the same incident between himself and Mr. Armeen Gomez, when asked the second question. “Where is your CCTV room. I want to monitor the situation” Mr. Gomez told me “there is no one inside, we evacuated them all because of the smoke was getting worse.” This occurred at 2:20:15am

EX22



2:27:15- dela Rosa- Just to, your honor, just to reinforce the statement of our the NCRPO who was the acting as a ground commander at that time, upon my arrival, the first question is that I asked Mr. Armen Gomez was “were all the guests evacuated? He said yes. Number 2 is “where is your CCTV room? I want to monitor the situation and he told me, “wala na sir. Inivacuate na namin. Wala nang tao dun kasi malakas ang usok”. Yun lang po ang gusto kong, I want to put that in record, your honor . And later on around 45 minutes, he offered me the Remington CCTV monitoring room. That’s why we’re able to review yung mga pangyayari from the start of the incident. So wala po, iniwan po nila dun yung mga CCTV room nila dun kasi malakas daw ang usok.

English - Just to, your honor, just to reinforce the statement of our NCRPO who acts as a ground commander at that time, upon my arrival, the first questions that I asked Mr. Armeen Gomez was “where is your CCTV room?” I want to monitor the situation and he told me “there’s none” we evacuated already. No one left in there since the smoke started to be huge already. That’s all I wanted you to put in your record your honor. And later on around 45 minutes, he offered me the Remington CCTV monitoring room. That’s why we’re able to review the scenarios from the very start of the incident. So there’s nothing, since they left the CCTV room because of the strong ashes coming out.

- A Resorts World employee familiar with the 2nd floor layout blamed members of the Special Weapons and Tactics (SWAT) Team for not heeding her advice to open the door of the room where people were trapped after she had talked with her partner inside the room during the attack. This incident was reported in the CNN World. :**Exhibit:23**
- Breakdown by SWAT Team responders to heed request by Resorts World employee indicates that they were aware of people still inside the casino and nothing was done to reach the victims trapped in the Casino or not communicate to their command post.
- President Kinson testified during the Congressional Hearing that RWM management did not realize until they are discovered at about 6AM that people had been trapped in the Pantry.
- **Analysis:** Total disregard for protocol by a SWAT TEAM. An incompetent Security Chief who misinformed the PNP Chief Director and an oblivious management contributed in the needless death of 37 people. It also resulted in total “lockdown” by PNP of the area (Casino & hotel). **It was obvious dereliction of duty by surveillance personnel, Chief Head of Security Armen Gomez and upper management.**

Casino staff, guests among 37 killed at Resorts World Manila

By Jinky Jorgio, Kara Magsanoc-Alikpala and [James Griffiths](#), CNN

Updated 1333 GMT (2133 HKT) June 2, 2017

Manila, Philippines (CNN)Survivors smashed through windows to flee as dozens perished trapped by fire in a casino in Manila.

A heavily armed man walked into the Resorts World Manila early Friday in the Philippine capital, shooting gambling machines and setting fires that resulted in the deaths of 37 people.

Police insisted the attack was not related to terrorism [despite ongoing conflict with ISIS-linked forces in the country's south](#).

But [ISIS claimed responsibility late Friday](#). A statement from the ISIS-affiliated Amaq News Agency said "Islamic State fighters" carried out the attack.



Family members of a victim cry Friday outside the Resorts World Hotel in Manila.

Police said casino security shot and wounded the gunman, who then retreated to a hotel room and doused himself in gasoline and died from a self-inflicted gunshot wound.

Georgina Alvarez, chief legal officer for Resorts World, choked up as she read the names of the dead to reporters and family waiting outside the casino.

Of the 37 victims, management said 13 were casino employees while the rest were guests. Police haven't identified the bodies of six people, including two employees and four guests.

Their bodies were found on the second floor of the building, spread across the casino area, the hallways and a bathroom, police said. They died due to suffocation from smoke when the suspect deliberately set fire to carpets and tables using gasoline he brought with him. The windows were locked.



Play Video

Grief and anger

At a funeral home near the casino complex, relatives and friends of the victims gathered to mourn.

Maricel Navarro, a manager at the resort, said her partner of seven years, Hazel Yongco, was among the dead. Yongco was trapped on the second floor by the smoke engulfing the casino area. Navarro said she begged SWAT team members to help those upstairs but the smoke was too thick.

Friends and relatives of the victims expressed anger at what they said was poor security at the casino. Emy Subi, whose cousin Rogie Subay was killed, said she wanted to sue the resort.

In a statement, Resorts World Manila said there was "no lapse in the security inside the establishment" and praised staff for helping to contain the incident.



Relatives of a victim try to comfort each other Friday outside the Manila casino complex.

Waiting for news

Earlier Friday, the mood was tense and emotional as friends and family of employees waited outside the casino in Pasay City on the southern outskirts of Manila near the city's international airport.

The delay in releasing a full list of victims' names led many worried relatives to search hospitals desperately for news of their loved ones.

The road that runs along the front of the building was restricted to emergency vehicles and those taking away the dead. A ferry line that serviced the casino was also halted.

Thomas Orbos, general manager of the Metro Manila Development Authority, reminded people "to be vigilant." He added the authority would instruct shopping malls and hotels to be stricter with their security and that protocols would be reviewed.

Heightened security checks were already in place for the main metro line that served Pasay City.

Past disasters

Friday's horror brings back memories of twin disasters that shook Manila in recent years.

In 2015, a [fire in a footwear factory in a suburb of the Philippine capital killed 72 people](#). Many of the dead were killed when they became trapped on an upper floor of the building by the blaze, which began when sparks from welding work set afire chemicals in nearby containers.

Five years earlier, a former Manila police officer held a busload of tourists from Hong Kong hostage. As the standoff unfolded live on television, [Rolando Mendoza began killing hostages](#), and Philippines SWAT officers stormed the bus. Eight people were dead and many others injured.

The police's handling of the hostage crisis was criticized intensely at home and abroad, and it hurt the country's reputation overseas, particularly in Hong Kong.

Journalists Jinky Jorgio and Kara Magsanoc-Alikpala reported from Manila, while CNN's James Griffiths wrote from Hong Kong.

- Suspicious Actions That Warrant Added Investigation

- Resorts World video shows a “blackout” with shadows of two individuals walking in the area at 12:32:50am where the first table was torched at 12:22:40am.:

- **EXHIBIT:24 See Video H-24**

- **Analysis:** This area is in the vicinity where the BMW was located and where it appears the more intense fire started to burn. Very suspicious to have individuals walking around when people are being evacuated from the premises.

EX24



See Video H-24

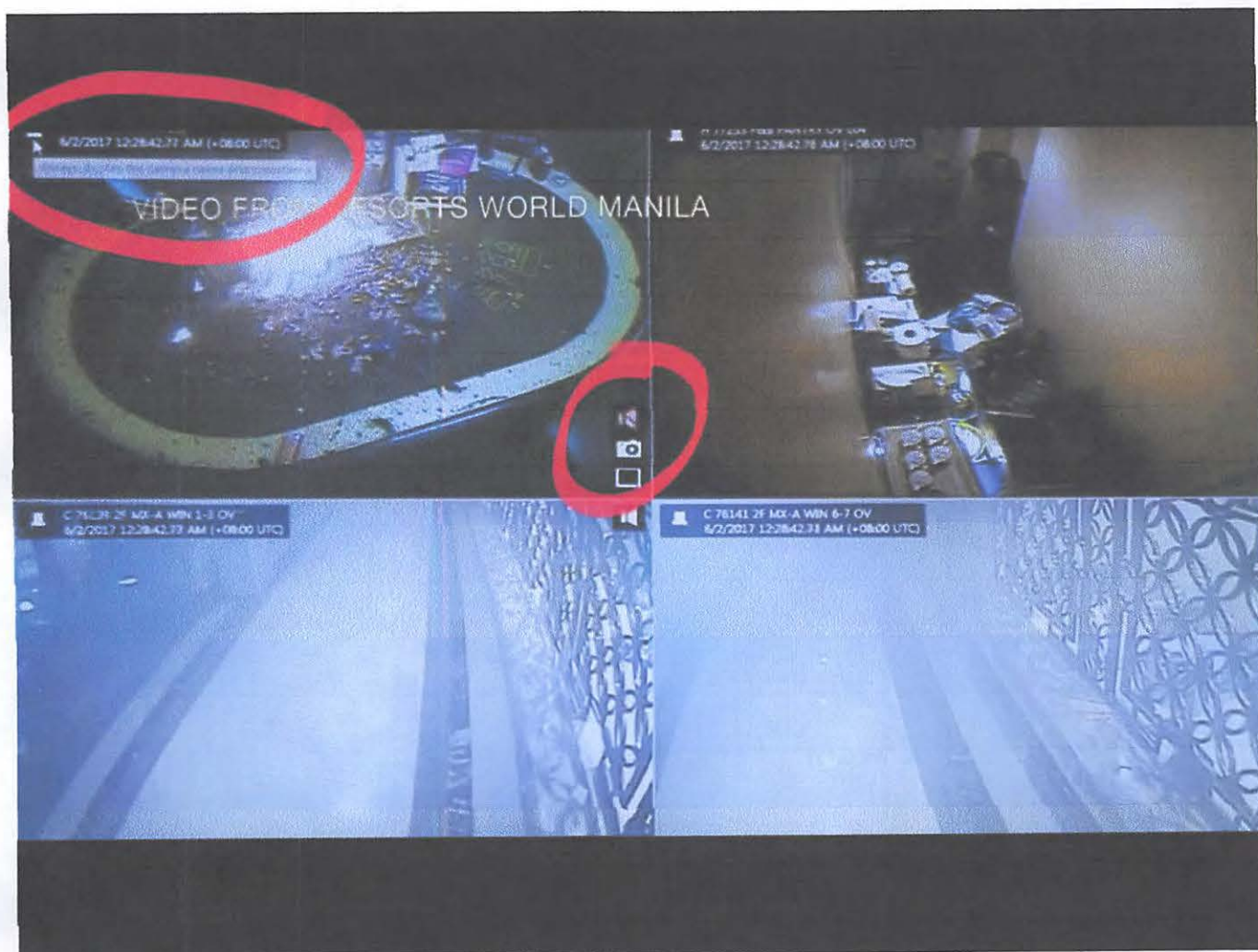
Video H-24

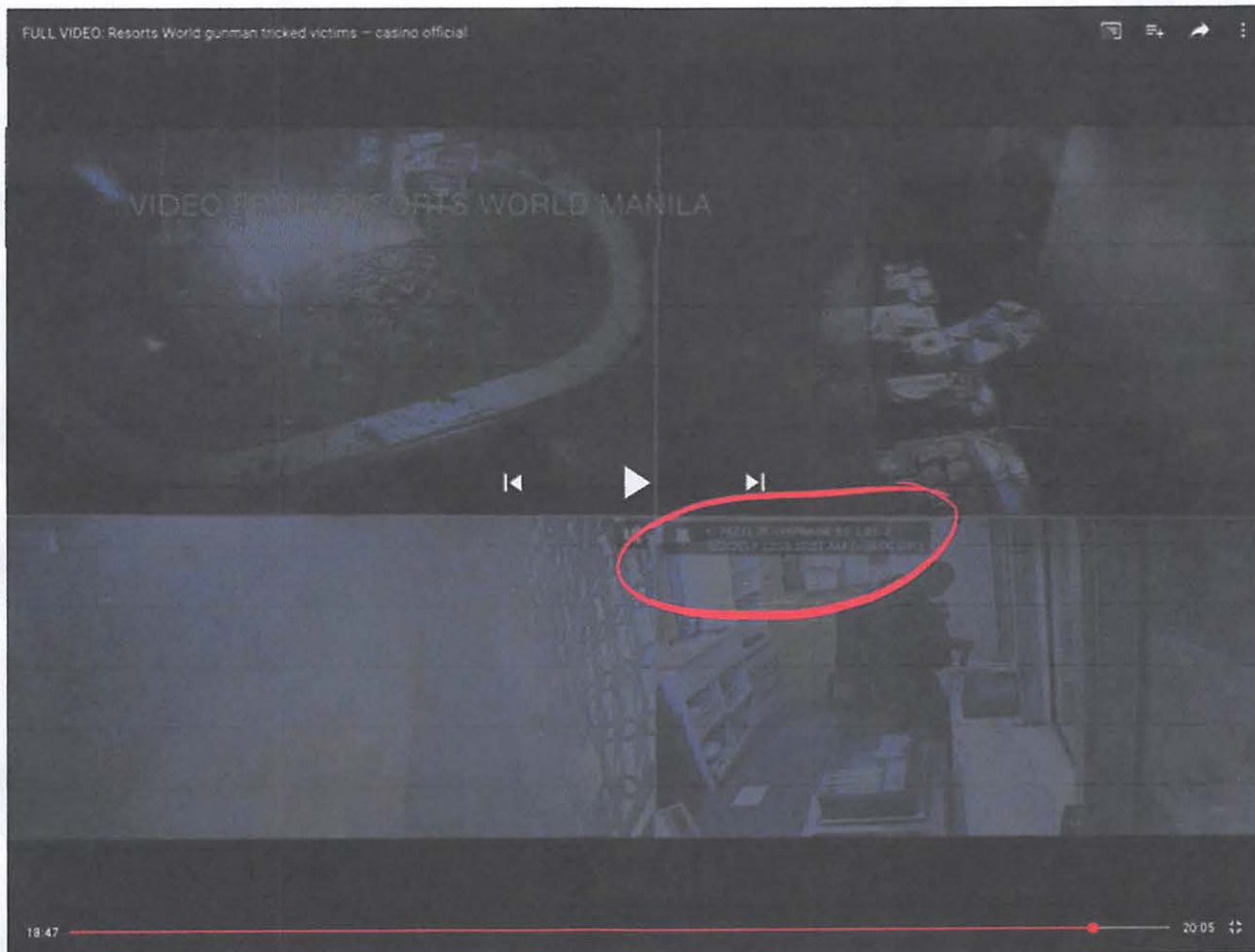
VIDEO FROM RESORTS WORLD MANILA



- Suspicious action occurred at 12:28:42 from videos furnished by Resorts World. Someone deliberately turned off the time stamp from the video screen. It is clearly seen on the video screen when it was done. **EXHIBIT:25**

EX25





- **Analysis:** This enables RWM to edit the sequence of events without a time frame reference. It also allows deleting segments that RWM management does not want seen by the public. There were several critical areas on the Resort World video where segments were edited out that deletes the sequence of events.
 - Video Frame where RWM Surveillance purposely turned off the time and date stamp. **See Video I-25**
 - Video Frame where Time and Date Stamp appears but is immediately taken purposely off within a few seconds. **See Video I-25**
 - Resorts World video time stamp was again immediately removed quickly after it appeared on the screen. **See Video I-25**

Video I-25



- Manner in which Death of gunman occurred is highly suspicious and arguably controversial. PNP Chief initially said police killed the gunman who was hiding in a hotel room, but later told reporters the gunman committed suicide. "He lay down on the bed, covered himself with a thick blanket, apparently poured petrol on the blanket and burned himself". **Exhibit 26**

EX26

The Manila Times

UPDATE: Gunman dead after Resorts World shooting – police

BY THE MANILA TIMES ON JUNE 2, 2017 [LATEST STORIES](#) [TODAY'S BREAKING NEWS](#)



A CCTV photo of the man who sow terror at Resorts World. PNP-PIO PHOTOS

MANILA: A man who fired an automatic rifle inside a casino in the Philippine capital and triggered fears of a terrorist attack killed himself on Friday, police said, adding he was likely just a deranged robber.

People ran screaming out of Resorts World Manila, which is across a road from the Philippines' international airport, after the man fired what police chief Ronald dela Rosa said was an M4 assault rifle and set fire to a gambling table around midnight.

The man did not shoot anyone but 53 people were reported injured in the stampede and from the smoke, while one security guard accidentally shot himself in a panic, Dela Rosa said.

The gunman disappeared into the chaos of smoke and running people, leading to a manhunt throughout the casino, hotel and shopping complex that ended just after dawn.

Dela Rosa initially said police killed the assailant who was hiding in a hotel room, but later told reporters the man committed suicide.

"He lay down on the bed, covered himself with a thick blanket, apparently poured petrol on the blanket and burned himself," Dela Rosa said.

Before the gunmen had been killed and police had confirmed any motive, the Islamic State group claimed responsibility and US President Donald Trump also branded it a "terrorist attack."

But the incident was most likely a robbery gone wrong, Dela Rosa said, pointing out the man did not shoot at anyone and appeared to be intent just on stealing gambling chips.

"For now, we can say that this is not an act of terror. There is no element of violence, threat or intimidation that leads to terrorism."

Dela Rosa said the man, who appeared to be acting alone, walked into one of the gambling rooms and fired the rifle at a large television screen, then poured gasoline onto a gambling table and set it alight.

He said the man then fired again at a stock room containing gambling chips and filled a backpack with chips worth 113 million pesos (\$2.3 million).

The man left the room and went upstairs to the hotel section, but left the backpack near the stock room, according to Dela Rosa.

Manila police chief Oscar Albayalde also insisted it was not a terrorist attack.

“It is a simple robbery and most likely it was done by a demented person,” Albayalde told reporters outside the casino.

Dela Rosa said 18 of the 54 injured people were in hospital and the others suffered only minor injuries. He said the condition of the security guard who accidentally shot himself was unclear.

Terrified

A man fired what police chief Ronald dela Rosa said was an M4 assault rifle inside Resorts World Manila

People inside the casino recounted feelings of terror when the shooting occurred.

“I was about to return to the second floor from my break when I saw people running. Some hotel guests said someone yelled ‘ISIS’,” Maricel Navaro, an employee of Resorts World, told DZMM radio.

ISIS is another acronym for the Islamic State group.

“Guests were screaming. We went to the basement locker room and hid there. People were screaming, guests and employees were in panic,” Navaro said.

“When we smelled smoke, we decided to go for the exit in the carpark. That’s where we got out. Before we exited, we heard two gunshots and there was thick smoke on the ground floor.”

Outside the complex, relatives of people caught inside waited to hear news of their loved ones.

“Our daughter called us past midnight saying she was in the VIP section of the casino and there was smoke and they were suffocating,” Gil Yongco, 42, told AFP.

“We are very worried about her. We haven’t heard from her.”

Philippine President Rodrigo Duterte imposed martial law last week across the southern region of Mindanao to crush what he said was a rising threat of IS there.

He declared martial law shortly after militants went on a rampage through the southern city of Marawi, which is about 800 kilometers (500 miles) south of Manila.

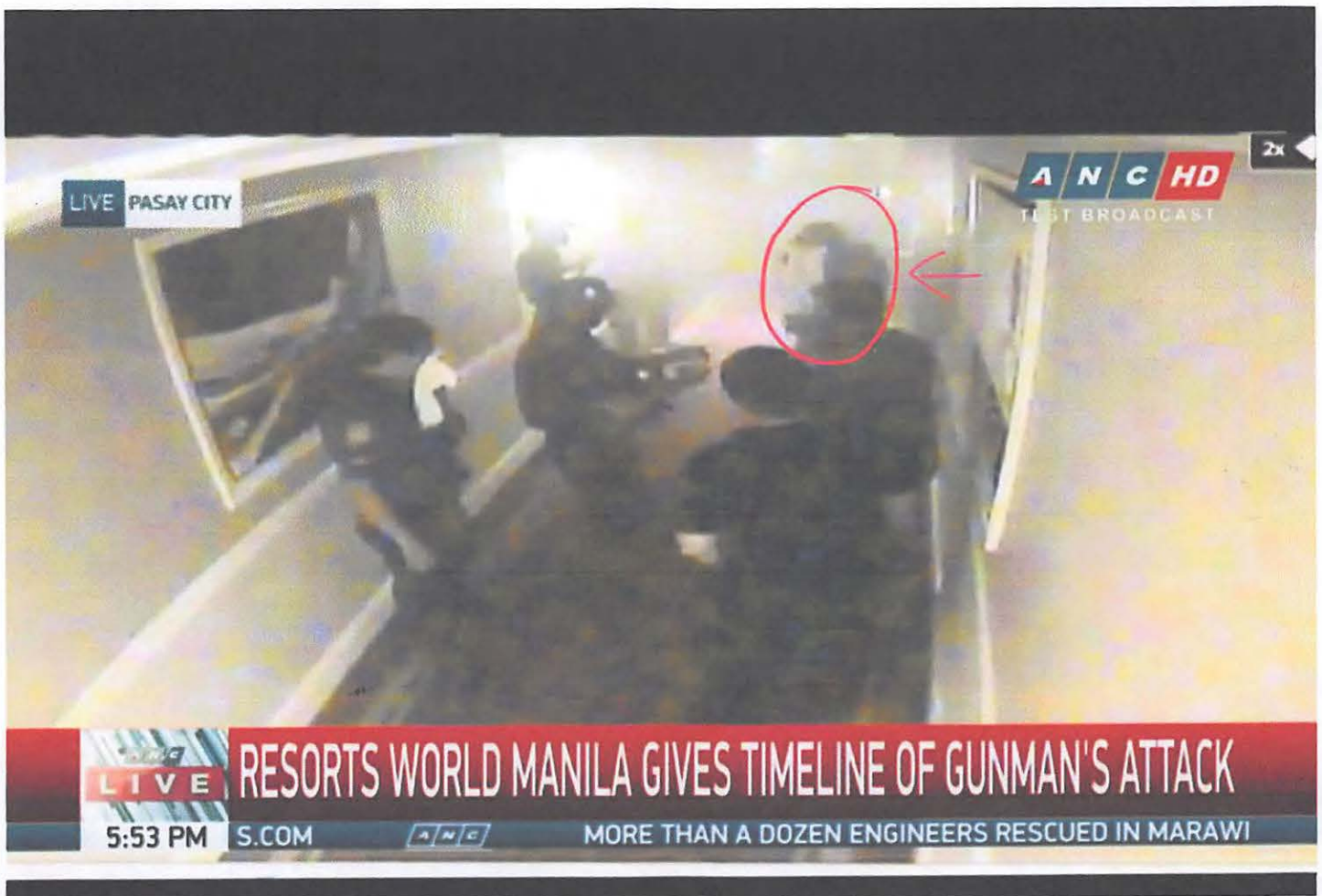
Security forces are still battling the militants in Marawi, and the clashes there have left at least 171 people dead.

Duterte said last week he may need to declare martial law across the rest of the country if the terrorism threat spread.

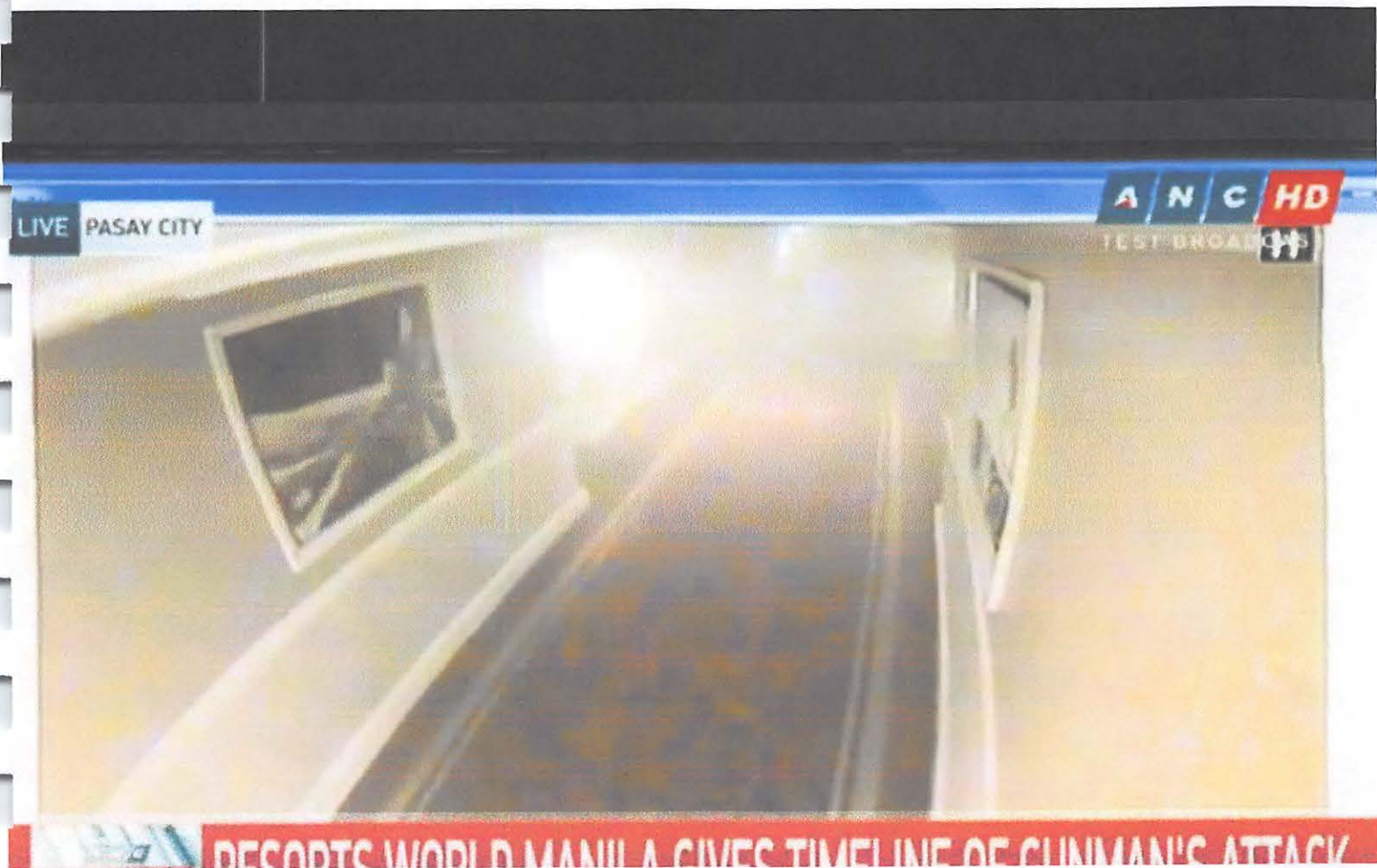
Dela Rosa emphasised there was no link between the casino violence and the Marawi clashes. AFP

- Resorts World video never show police entering (edited frame) Room 510 (gunman's room) the first time. They only show police exiting room 510 grasping for air holding towels over their noses. There is no way of determining how long police were in Room 510 or what occurred before exiting from room. **Exhibit 27 (photos & video)**

EX27



Video 27



- The position of the dead body on the bed with a rifle across his chest in relation to the pistol on a desk looks like a staged scene. The room appears to be torched by some incendiary device rather than some petrol from the gunman's blanket. See Bill Myers report **EXHIBIT:28 (Photo only)**

EX28



RESORTS WORLD ATTACK (RWM):JUNE2, 2017

CONCLUSION:

Based on the totality of the circumstances and the available information obtained pursuant to this investigation, we conclude that it is more likely with the preponderance of evidence Resorts World committed gross negligent management practices, specifically, in areas of fire safety and security. It is the opinion of the investigator that a “Special Prosecutor” with immunity power be appointed to investigate this tragedy.

INCIDENT:

On July 25,2017 a Police Investigation Report and the/ Bureau of Fire (BFP) rendered an Executive Report/Final Investigation report to the Special Investigation Team (SIT-RWM) concluded that the fire and consequent total destruction of the 2nd Floor of the casino was committed intentionally and criminally by the lone gunman Jessie Javier Carlos. Evidence proves otherwise.

Evidence from Resorts World videos and media accounting of the incident contradicts this assertion. Fire inspection professionals assert and maintain that all evidence indicates a few tables, slot machines, and carpet burning could not have caused such a destructive fire. Other Factors that contributed to excessive burning was sprinklers in the system were not properly positioned or malfunctioned. The length of the blackened walls suggests concentration of heavy toxic fumes, the blackened bodies and the spread of fire into the ventilation system is the result of more than a gunman lighting a few fires with petrol. Shadows of people seen in Resorts World videos walking in the area of BMW during a “blackout” is highly suspect. (Exhibit24.See video)

PROBE:

The Police Investigation Report (July25,2017) completed by the Southern District Police concluded that the gunman, Jessie Javier Carlos, burnt and shot himself after the incident. The formal account of the incident is inconclusive. Statements made in the report could not be corroborated with video footage available to investigator. The Police Investigation Report did not go into any detail regarding how gunman burned and shot himself in Room 510 of the Maxim Hotel.

The coroner officially declared the deaths of the VIP guests Tung-Tsung Hung and Pi-Ling Hung had died of asphyxiation as well as the other 34 victims. Their deaths was the result of a myriad of incompetent management actions by Resorts World Manila. Major factors are as follows:

1. Failure of sprinkler system to function properly when tables, slot machines, and

carpet were set afire by gunman. Misinformation given by RWM Chief Security Gomez to PNP Chief Delarosa that all “guests had been evacuated” at 02:20AM. SWAT TEAM failed to relay to RWM Management that a Resorts World employee was communicating with people who were still alive on the second floor of the casino. Poor layout design contributed to excess toxic smoke, preventing victims from escaping the deadly toxic smoke. Panic ensued by guests and employees creating chaos in the casino.

SECURITY AND SURVEILLANCE:

Lack of Proper Vetting of Security Head Chief Armeen Gomez who blatantly falsified his credentials is a main factor why RWM security was in such disarray. Incompetent leadership permeated throughout both security and surveillance departments. PAGCOR alerted RWM management to increase security and awareness that was ignored by RWM. It was brought out in numerous Congressional Hearings that there were real lapses in security throughout the RWM Attack. Lack of available security throughout property (Only 68 of 200 security on duty), surveillance personnel leaving CCTV room. COO Reilly under oath admitted that there were real lapses in security.

The most obvious circumstance of gross negligence is RWM Security’s total failure to stop a man in combat gear with an assault rifle, carrying two large duffel bags and allow the gunman to enter and roam the casino at will. Lack of available security personnel to confront the gunman exacerbated the situation. Genting Group has a practice of limiting Security personnel in their properties. They have been fined by several jurisdictions.

Total breakdown of surveillance system appears to be intentional in two key areas:

- **BMW BURN**

Approximately three minutes after Time Stamp was deliberately turned (12:28AM) off from video screen. Two shadows were observed walking in the area of the BMW. See Videos 24 and 25. At about 12:33AM surveillance videos show a heavy accumulation of smoke in pantry area where people were still alive. According to fire investigators that reviewed the videos and photos, the cause of fire was more likely from some incendiary device. The sequence of events during this time, investigator strongly believes that the BMW was set on fire by a third party or party’s and not by the gunman. Resorts World management claim that video camera during that time was impeded by the heavy smoke so nothing can be seen. The Resorts World video during this time was not available for investigator so image processing could be completed.

- **DEATH OF THE GUNMAN**

PNP Chief Dela Rosa initially claimed that police killed the Gunman who was hiding in a hotel room but later told reporters that the Gunman had committed suicide.

The photos depict a man laying in a bed with a rifle across his chest and a pistol on a desk next to the bed appears more as a staged crime scene rather than a man committing suicide. The room is totally destroyed by the fire indicating that it was more than a man dousing himself with petrol that created the fire. Fire investigators strongly suspect the fire was caused by an incendiary device.

Video released by Resorts World of the forced entrance by police during the first encounter never show when the police entered Room 510 only have video with several policemen struggling to get out of the room. See Video I-25. The forced entrance was edited out. With no date and stamp on the video there's no way of knowing how long and what occurred in Room 510. Resorts management claims intense heat and toxic fumes for leaving and returning to room at a later time.

This fact indicates something greater than petrol created the fire.

SALVADOR SANCHEZ

1766 Minden, Nv 89423

PO Box 2419, Stateline

sanchae@samcare.net

1 775.338.0876

ABSTRACT

A casino executive with forty - five years gaming experience in the operation of casinos and its related areas that include Investigations and Analysis of gaming operations. Contracted for development and formulation of an internet casino in the Philippines. Also, gave management assistance in the evaluation of casino operations as a consultant for small and midsized casinos. Retained by a US Casino to conduct a site analysis to determine feasibility of gaming in China and in Mexico. Performed casino administrative functions for several large Atlantic City and Nevada casinos.

- **2018** - Contracted by private attorney for investigation and analysis of Resorts World Manila tragedy.
- **2014** – Owner of private medical practice (US). Organized and implemented an accounting system.
- **2010** - Springfly Ltd. Contracted to consult in organizing, developing, and formulating casino floor operations for an operator and provider of an internet casino in the Philippines.
- **2005** – iFaFa Tech. Contracted to consult in organizing, developing, and formulating casino floor operations for an operator and provider of an internet casino in the Philippines.
- **1989** - Founder International Gaming Consultants. (IGC) that specializes in evaluation and implementation of sound principles in casino operations. Contracted to consult for several major casinos in Atlantic City and Las Vegas; Caribbean resorts (Williams Corp); Indian Casinos; and Riverboat Casinos to evaluate and recommend programs that are functional within their specific environment and which increase operational efficiency and effectiveness in the casino. IGC assists clients in various areas ranging from investigative and analysis of casino operations, to property development of new casino projects. IGC also provides educational seminars that integrate sound management principles with the casino environment. IGC defines problems and implements solutions that increase profitability along with development of a strong customer base.
- **1986** - Atlantic City's Taj Mahal Casino start-up project developed training programs, and personnel scheduling.
- **1982** - Assistant General Manager, Ramada Reno where responsibilities included the hotel and casino operations.
- **1980** - Casino Manager, Ramada Reno where assisted in the formulation of medium sized hotel & casino. Nevada project involved proper selection of managerial staff; formulation of physical casino layout; purchasing of casino equipment; and implementing a casino marketing program.
- **1964** – Start gaming industry career at Harrah's Reno. Moved up through the ranks in slots and table games Operation.

EDUCATION & PROFESSIONAL QUALIFICATIONS

University of Nevada, Reno • Bachelor of Science Degree.

Nevada Gaming School •Slot Machine Technician Certification

Licenses •New Jersey "Key One" licenses # 3425-11,
[Casino Manager, Pit Boss - BJ, Bac, Craps, Roulette]
•Nevada licenses Casino Mgr#550532, Junket license

Briana Johnson, Assessor

PARCEL OWNERSHIP HISTORY

| ASSESSOR DESCRIPTION |
|--|
| RESORTS WORLD PLAT BOOK 159 PAGE 97 PT LOT 1 |

| CURRENT PARCEL NO. | CURRENT OWNER | % | RECORD DOC NO. | RECORD DATE | VESTING | TAX DIST | EST SIZE | COMMENTS |
|-----------------------|----------------------------------|---|--------------------------------|----------------|---------|-------------|-------------|-------------|
| 162-09-312-002 | RESORTS WORLD LAS VEGAS L L C | | 20130301:02355 | 3/1/2013 | NS | 410 | 56.56 AC | Z,SF 213-55 |

| PARCEL NO. | PRIOR OWNER(S) | % | RECORD DOC NO. | RECORD DATE | VESTING | TAX DIST | EST SIZE | COMMENTS |
|------------|----------------|---|----------------|-------------|---------|----------|----------|----------|
|------------|----------------|---|----------------|-------------|---------|----------|----------|----------|

Click the following link to view the parcel geneology

[Parcel Tree](#)

Note: Only documents from September 15, 1999 through present are available for viewing.

NOTE: THIS RECORD IS FOR ASSESSMENT USE ONLY. NO LIABILITY IS ASSUMED
AS TO THE ACCURACY OF THE DATA DELINEATED HEREON.

Briana Johnson, Assessor

The links below are **not** maintained by the Clark County Assessor’s Office. Please contact the responsible department if you have any issues. Their contact information is provided below the link.

- AERIAL VIEW (GISMO)
- REAL PROPERTY TAXES (TREASURER)
- FLOOD CONTROL INFO (CCRFCD)

[GISMO Contact](#)

Treasurer - (702) 455-4323
CCRFCD - (702) 685-0000

| GENERAL INFORMATION | |
|---|--|
| PARCEL NO. | 162-09-312-002 |
| OWNER AND MAILING ADDRESS | RESORTS WORLD LAS VEGAS L L C C/O GENERAL COUNSEL 3000 LAS VEGAS BLVD S LAS VEGAS NV 89109 |
| LOCATION ADDRESS | 3000 S LAS VEGAS BLVD |
| CITY/UNINCORPORATED TOWN | WINCHESTER |
| ASSESSOR DESCRIPTION | RESORTS WORLD PLAT BOOK 159 PAGE 97 PT LOT 1 |
| RECORDED DOCUMENT NO. | * 20130301:02355 |
| RECORDED DATE | MAR 1 2013 |
| VESTING | NS |
| COMMENT | Z,SF 213-55 |

*Note: Only documents from September 15, 1999 through present are available for viewing.

| ASSESSMENT INFORMATION AND VALUE EXCLUDED FROM PARTIAL ABATEMENT | |
|--|---------|
| TAX DISTRICT | 410 |
| APPRAISAL YEAR | 2020 |
| FISCAL YEAR | 2021-22 |
| SUPPLEMENTAL IMPROVEMENT VALUE | 0 |
| INCREMENTAL LAND | 0 |
| INCREMENTAL IMPROVEMENTS | 0 |

| REAL PROPERTY ASSESSED VALUE | | |
|------------------------------------|-------------|-------------|
| FISCAL YEAR | 2020-21 | 2021-22 |
| LAND | 91,620,852 | 91,620,852 |
| IMPROVEMENTS | 178,992,207 | 176,018,595 |
| EXEMPT | | |
| GROSS ASSESSED (SUBTOTAL) | 270,613,059 | 267,639,447 |
| TAXABLE LAND + IMP (SUBTOTAL) | 773,180,169 | 764,684,134 |
| COMMON ELEMENT ALLOCATION ASSESSED | 0 | 0 |


5/4/2021

Clark County Real Property

| | | |
|----------------------|-------------|-------------|
| TOTAL ASSESSED VALUE | 270,613,059 | 267,639,447 |
| TOTAL TAXABLE VALUE | 773,180,169 | 764,684,134 |

| ESTIMATED LOT SIZE AND APPRAISAL INFORMATION | |
|--|--|
| ESTIMATED SIZE | 56.56 ACRES |
| ORIGINAL CONST. YEAR | 2018 |
| LAST SALE PRICE MONTH/YEAR SALE TYPE | |
| LAND USE | 42.310 - CASINO OR HOTEL CASINO. HOTELS - CLASS 1 RESORT |
| DWELLING UNITS | 1 |

| PRIMARY RESIDENTIAL STRUCTURE | | | | | |
|-------------------------------|---|-----------------|-------------------------|----------------------|----|
| 1ST FLOOR SQ. FT. | | CASITA SQ. FT. | | ADDN/CONV | |
| 2ND FLOOR SQ. FT. | | CARPORT SQ. FT. | | POOL | NO |
| 3RD FLOOR SQ. FT. | | STYLE | PLACEHOLDER, NO BLDG | SPA | NO |
| UNFINISHED BASEMENT SQ. FT. | 0 | BEDROOMS | 0 | TYPE OF CONSTRUCTION | |
| FINISHED BASEMENT SQ. FT. | 0 | BATHROOMS | 0 | ROOF TYPE | |
| BASEMENT GARAGE SQ. FT. | 0 | | | FIREPLACE | 0 |
| TOTAL GARAGE SQ. FT. | 0 | | | | |

| ASSESSORMAP VIEWING GUIDELINES | |
|--------------------------------|--|
| MAP | 162093 |
| | <p>In order to view the Assessor map you must have Adobe Reader installed on your computer system.</p> <p>If you do not have the Reader it can be downloaded from the Adobe site by clicking the following button. Once you have downloaded and installed the Reader from the Adobe site, it is not necessary to perform the download a second time to access the maps.</p> <div></div> |

Note: This record is for assessment use only. No liability is assumed as to the accuracy of the data delineated hereon.

Inst #: 201303010002355

Fees: \$22.00 N/C Fee: \$25.00

RPTT: \$0.00 Ex: #001

03/01/2013 12:42:05 PM

Receipt #: 1517577

Requestor:

NEVADA TITLE LAS VEGAS

Recorded By: KGP Pgs: 7

DEBBIE CONWAY

CLARK COUNTY RECORDER

A.P. N.: 162-09-411-003, 162-09-311-003,
162-09-402-001
R.P.T.T.: \$ Exempt 1-Transfer from Parent to Subsidiary
Company

Escrow #12-08-0158-DTL

Mail tax bill to and
When recorded mail to:

3000 LVBLVD Holdings - I, LLC, a Delaware limited
liability company
3883 Howard Hughes Parkway-9th Floor
Tax Department
Las Vegas, Nevada 89169

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH, That Echelon Resorts, LLC, a Nevada limited liability company, for a valuable consideration, the receipt of which is hereby acknowledged, do(es) hereby Grant, Bargain, Sell and Convey to 3000 LVBLVD Holdings - I, LLC, a Delaware limited liability company, all that real property situated in the County of Clark, State of Nevada, bounded and described as follows:

**SEE LEGAL DESCRIPTION ATTACHED HERETO
AND MADE A PART HEREOF AS EXHIBIT "A".**

SUBJECT TO:

1. Taxes for the current fiscal year, not delinquent, including personal property taxes of any former owner, if any;
2. Restrictions, conditions, reservations, rights, rights of way and easements now of record, if any, or any that actually exist on the property.

TOGETHER WITH all singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

IN WITNESS WHEREOF, this instrument has been executed this 1st day of March, 2013.

ECHELON RESORTS, LLC,
a Nevada limited liability company

By: Brian A. Larson
Name: BRIAN A. LARSON
Its: SENIOR VICE PRESIDENT AND
SECRETARY:

STATE OF NEVADA }
 } ss.
COUNTY OF CLARK }

This instrument was acknowledgement before me on March 1, 2013 by Brian A. Larson, Senior Vice President and Secretary of Echelon Resorts, LLC, a Nevada limited liability company.

Sonja D. Roberts
Notary Public
My Commission Expires: 4/18/16

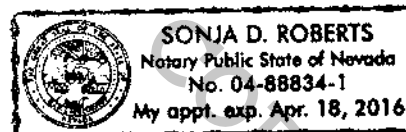


EXHIBIT "A"

PARCEL I:

Lot One (1) as shown on the Merger and Resubdivision Final Map of Echelon Place, a Commercial Subdivision, as shown by map thereof on file 137 of Plats, Page 48, in the Office of the County Recorder of Clark County, Nevada.

Excepting Therefrom that portion of said land as conveyed to Nevada Power Company, a Nevada Corporation by deed recorded July 03, 2007 in Book 20070703 as Instrument No. 0001319, of Official Record, Clark County, Nevada, more particularly described as follows:

A portion of Lot One (1) of Echelon Place (a Commercial Subdivision) as shown by map thereof on file in Book 137 of Plats, Page 48, in the Office of the County Recorder of Clark County, Nevada, lying within the South Half (S ½) of the Southwest Quarter (SW ¼) of Section 9, Township 21 South, Range 61 East, M.D.M., Clark County, Nevada, as described as follows:

Commencing at a point on the South line of the North Half (N ½) of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of said Section 9, said point being at the intersection of the centerline of Industrial Road and said South line;
Thence North 27°59'14" East, along the centerline of said Industrial Road, 168.40 feet;
Thence departing said centerline, South 62°00'46" East, 55.00 feet to the Point of Beginning;
Thence along a line parallel with and 5.00 feet Southeast of the Southeasterly right of way of said Industrial Road, North 27°59'14" East, 105.77 feet;
Thence South 88°43'00" East, 62.40 feet;
Thence South 01°17'00" West, 54.29 feet;
Thence South 88°43'00" East, 64.71 feet;
Thence South 0°17'00" West, 111.59 feet to the beginning of a non-tangent curve, concave to the North, having a radius of 1034.00 feet, from which beginning the radius bears North 02°42'46" East;
Thence Northwesterly along said curve, through a central angle of 08°06'30", an arc length of 146.33 feet to the beginning of a compound curve, concave to the Northeast,

having a radius of 40.00 feet, from which beginning the radius bears North $10^{\circ}49'16''$ East;

Thence Northwesterly along said curve, through a central angle of $107^{\circ}09'58''$, an arc length of 74.82 feet to the Point of Beginning.

Also known as Parcel 1A on that certain Record of Survey on file in File 166 of Surveys, Page 64, recorded July 3, 2007, in Book 20070703 as Instrument No. 0001318, of Official Records, Clark County, Nevada.

Further Excepting Therefrom the following portion of said land:

A portion of Lot One (1) of Echelon Place (a Commercial Subdivision) as shown by map thereof on filed in Book 137 of Plats, Page 48, in the Office of the County Recorder of Clark County, Nevada, lying within the South Half ($S \frac{1}{2}$) of the Southwest Quarter ($SW \frac{1}{4}$) of Section 9, Township 21 South, Range 61 East, M.D.M., Clark County, Nevada, as described as follows:

Commencing at a point on the South line of the North Half ($N \frac{1}{2}$) of the Southwest Quarter ($SW \frac{1}{4}$) of the Southwest Quarter ($SW \frac{1}{4}$) of said Section 9, said point being at the intersection of the centerline of Industrial Road and said South line;
Thence North $27^{\circ}59'14''$ East, along the centerline of said Industrial Road, 281.72 feet;
Thence departing said centerline, South $62^{\circ}00'46''$ East, 70.00 feet to the Point of Beginning.

Thence along a line parallel with and 20.00 feet Southeast of the Southeasterly right of way of Industrial Road, North $27^{\circ}59'14''$ East, 94.58 feet to the beginning of a curve concave to the Southeast having a radius of 20.50 feet;

Thence Northeasterly along said curve, through a central angle of $15^{\circ}45'36''$, an arc length of 5.64 feet, to a point to which a radial line bears North $46^{\circ}15'10''$ West;

Thence South $88^{\circ}43'00''$ East, 192.63 feet;

Thence South $01^{\circ}17'00''$ West, 240.33 feet;

Thence North $88^{\circ}43'02''$ West, 102.20 feet to the beginning of a curve, concave to the North, having a radius of 1019.00 feet;

Thence Westerly along said curve, through a central angle of $01^{\circ}27'03''$, an arc length of 25.80 feet to a point on the East boundary of Parcel 1A as shown in File 166, Page 64 of Surveys, Official Records of Clark County, Nevada, a radial line to said point bears South $02^{\circ}44'01''$ West;

Thence along the boundary of said Parcel 1A the following Four (4) courses:

(1) North $01^{\circ}17'00''$ East, 96.59 feet;

(2) North $88^{\circ}43'00''$ West, 64.71 feet;

(3) North $01^{\circ}17'00''$ East, 54.29 feet;

(4) North $88^{\circ}43'00''$ West, 45.61 feet to the Point of Beginning.

Also known as Parcel 1B on that certain Record of Survey on file in File 170 of Surveys, Page 48, recorded December 18, 2007 in Book 20071219 as Instrument No. 03586, Official Records, Clark County, Nevada.

Together with those portions vacated by those certain Order of Vacations recorded February 4, 2011, in Book 20110204 as Document Nos. 0002078 & 0002080, of Official Records Clark County, Nevada, that would pass through by operation of law.

PARCEL II:

A portion of Lot One (1) of Echelon Place (a Commercial Subdivision) as shown by map thereof on file in Book 137 of Plats, Page 48, in the Office of the County Recorder of Clark County, Nevada, lying within the South Half (S ½) of the Southwest Quarter (SW ¼) of Section 9, Township 21 South, Range 61 East, M.D.M., Clark County, Nevada, as described as follows:

Commencing at a point on the South line of the North Half (N ½) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section 9, said point being at the intersection of the centerline of Industrial Road and said South line;

Thence North 27°59'14" East, along the centerline of said Industrial Road, 281.72 feet; Thence departing said centerline, south 62°00'46" East, 70.00 feet to the Point of Beginning.

Thence along a line parallel with and 20.00 feet Southeast of the Southeasterly right of way of Industrial Road, North 27°59'14" East, 94.58 feet to the beginning of a curve to the Southeast having a radius of 20.50 feet;

Thence Northeasterly along said curve, through a central angle of 15°45'36", an arc length of 5.64 feet, to a point to which a radial line bears North 46°15'10" West;

Thence South 88°43'00" East, 192.63 feet;

Thence South 01°17'00" West, 240.33 feet;

Thence North 88°43'02" West, 102.20 feet to the beginning of a curve, concave to the North, having a radius of 1019.00 feet;

Thence Westerly along said curve, through a central angle of 01°27'03", an arc length of 25.80 feet to a point on the East boundary of Parcel 1A as shown in File 166, Page 64 of Surveys, Official Records of Clark County, Nevada, a radial line to said point bears South 02°44'01" West;

Thence along the boundary of said Parcel 1A the following Four (4) courses:

(1) North 01°17'00" East, 96.59 feet;

(2) North 88°43'00" West, 64.71 feet;

(3) North 01°17'00" East, 54.29 feet;

(4) North 88°43'00" West, 45.61 feet to the Point of Beginning.

Also known as Parcel 1B on that certain Record of Survey on file in File 170 of Surveys, Page 48, recorded December 19, 2007 in Book 20071219 as Instrument No. 03586, of Official Records, Clark County, Nevada.

PARCEL III:

THAT PORTION OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 9, TOWNSHIP 21 SOUTH, RANGE 61 EAST, M.D.B. & M., DESCRIBED AS FOLLOWS:

PARCEL ONE (1) AS SHOWN BY MAP THEREOF IN FILE 60 OF PARCEL MAPS, PAGE 36, IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA

State of Nevada Declaration of Value Form

1. Assessor Parcel Number(s)

- a) 162-09-411-003
b) 162-09-311-003
c) 162-09-402-001
d) _____

2. Type of Property:

- a. ☐ Vacant Land b. ☐ Sgl. Fam. Residence
c. ☐ Condo/Twnhse d. ☐ 2-4 Plex
e. ☐ Apt. Bldg. f. ☒ Comm'l/Ind'l
g. ☐ Agricultural h. ☐ Mobile Home
☐ Other _____

FOR RECORDER'S OPTIONAL USE ONLY

Book: _____ Page: _____
Date of Recording: _____
Notes: _____

3. a. Total Value/Sales Price of Property

\$ None

b. Deed in Lieu of Foreclosure Only (value of property)

c. Transfer Tax Value:

\$ None

d. Real Property Transfer Tax Due

\$ None

4. If Exemption Claimed:

a. Transfer Tax Exemption, per NRS 375.090, Section:

1

b. Explain Reason for Exemption: Transfer from Parent to Subsidiary Company

5. Partial Interest: Percentage being transferred: _____ %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature: Gavin A. Larson

Capacity: GRANTOR/SELLER

Signature: Gavin A. Larson

Capacity: GRANTEE/BUYER

SELLER (GRANTOR) INFORMATION
(REQUIRED)

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Print Name: ECHOLON RESORTS, LLC, a
Nevada limited liability company

Print Name: 3000 L.VBLVD Holdings - I, LLC, a
Delaware limited liability company

Address: 3883 Howard Hughes Parkway
9th Floor Tax Dept

Address: 3883 Howard Hughes Parkway-9th
Floor-Tax Dept

City: Las Vegas

City: Las Vegas

State: Nevada Zip: 89169

State: Nevada Zip: 89169

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: Nevada Title Company

Esc. #: _____

Address: 2500 N Buffalo, Suite 150

City: Las Vegas State: NV Zip: 89128

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)

IN THE SUPREME COURT OF THE STATE OF NEVADA

| | | |
|--|---|--------------------------|
| YA-LING HUNG and WEI-HSIANG HUNG, |) | |
| each individually, as surviving heirs, and Co- |) | |
| Administrators of the Estate of Tung-Tsung |) | |
| Hung and Pi-Ling Lee Hung, Descendants, |) | |
| |) | |
| Appellants, |) | Supreme Court No.: 83197 |
| |) | |
| vs. |) | |
| |) | |
| GENTING BERHAD; GENTING U.S. |) | |
| INTERACTIVE GAMING, INC.; GENTING |) | |
| NEVADA INTERACTIVE GAMING, LLC; |) | |
| RESORTS WORLD LAS VEGAS LLC, |) | |
| |) | |
| Respondents. |) | |
| |) | |
| |) | |
| |) | |
| |) | |

APPEAL

From the Eighth Judicial District Court,
The Honorable Nancy L. Allf, District Judge
District Court Case No. A-19-795338-C

JOINT APPENDIX – VOLUME 3

Kevin R. Hansen, Esq.
Nevada Bar No. 6336
Amanda A. Harmon, Esq.
Nevada Bar No. 15930
LAW OFFICES OF KEVIN R. HANSEN
5440 W. Sahara Avenue, Suite 206
Las Vegas, Nevada 89146
Telephone: (702) 478-7777
Facsimile: (702) 728-2484
Attorneys for Plaintiffs/Appellants YA-LING HUNG and WEI-HSIANG HUNG

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CORPORATE PROFILE

Genting Berhad is principally an investment holding and management company. While the Company was incorporated in 1968 and listed in 1971, the Genting Group was founded in 1965 when its Founder, the late Tan Sri Lim Goh Tong started the journey to realise his vision of building a mountaintop resort in Malaysia. Today, the Genting Group comprises Genting Berhad and its listed companies; Genting Malaysia Berhad ("Genting Malaysia"), Genting Plantations Berhad ("Genting Plantations") and Genting Singapore Limited ("Genting Singapore"), as well as its principal unlisted subsidiaries Genting Energy Limited ("Genting Energy") and Resorts World Las Vegas LLC ("Resorts World Las Vegas").

Led by Tan Sri Lim Kok Thay, the Group is involved in leisure and hospitality, oil palm plantations, power generation, oil and gas, property development, life sciences and biotechnology activities, with operations spanning across the globe, including in Malaysia (the Group's country of origin), Singapore, Indonesia, India, China, the United States of America, the Bahamas, the United Kingdom and Egypt. In the core leisure and hospitality business, the Genting Group and its brand affiliates, market and offer a suite of products under a number of premier brands including **Genting, Resorts World, Genting Grand, Genting Club, Crockfords, Maxims, Crystal Cruises, Dream Cruises** and **Star Cruises**. The Genting Group also have tie ups with established names such as Universal Studios, Premium Outlets, Zouk, Hard Rock Hotel, Hilton and other renowned international brand partners.

For more information, please visit www.genting.com (<https://www.genting.com/>).

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Genting Hong Kong

Genting Hong Kong Limited (Chinese: 雲頂香港有限公司) is a holding company that operates cruise and resort businesses. It is headquartered in Hong Kong^[1] and listed on the Hong Kong Stock Exchange (SEHK: 678 (https://www.hkex.com.hk/Market-Data/Securities-Prices/Equities/Equities-Quote?sym=678&sc_lang=en)). It is part of the Genting Group, whose chairman Lim Kok Thay is also the chairman and majority shareholder of Genting Hong Kong with 69% ownership of April 2020.^[2]

It owns Crystal Cruises, Dream Cruises, Star Cruises, Resorts World Manila, and the MV Werften and Lloyd Werft shipyards.

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History

Genting Hong Kong was originally a subsidiary of Genting Group with a 17.8% stake owned by Genting Berhad.^[3]

In 1993, Genting established Star Cruises.^[4]

In 2000, Genting's Star Cruises purchased Norwegian Cruise Line, but later sold half of the company to Apollo Management in 2007.^[5] A 2013 IPO of Norwegian Cruise Line further reduced Star Cruises' ownership share to 28%.^[6]

In 2015, Genting purchased luxury cruise line Crystal Cruises,^[7] Singaporean nightclub Zouk,^[8] and a majority stake in German shipyard Lloyd Werft.^[9] In November of that year, Genting also introduced Dream Cruises as a new luxury cruise brand in Asia.^{[9][10]}

In May 2016, Genting purchased the remaining 30% of Lloyd Werft,^[11] as well as Nordic Yards' Wismar, Warnemunde, and Stralsund shipyards, and combined them to form the Lloyd Werft Group.^[12] In June 2016, the three ex-Nordic Yards facilities were spun out again to form MV Werften.^[13]

In October 2016, Genting Hong Kong was entirely sold to the Lim Kok Thay's family-owned unit trust Golden Hope Limited as part of a family business restructuring exercise, separating it from Genting Group but retaining it under ownership of Lim Kok Thay's family.^[14]

| | |
|---|---|
| <h1 style="text-align: center;">Genting Hong Kong</h1> <div style="text-align: center;">  </div> | |
| Type | Public company SEHK: 678 (https://www.hkex.com.hk/Market-Dat a/Securities-Prices/Equities/Equities-Quote?sym=678&sc_lang=en) |
| Industry | <u>Tourism</u> , <u>Resorts</u> , Cruise |
| Founded | 1993 |
| Headquarters | <u>Hong Kong</u> |
| Brands | <u>Star Cruises</u> <u>Crystal Cruises</u> <u>Dream Cruises</u> <u>Resorts World Manila</u> <u>MV Werften</u> |
| Parent | <u>Genting Group</u> |
| Website | http://www.gentinghk.com |

| | |
|----------------------------------|---|
| Genting Hong Kong Limited | |
| <u>Traditional Chinese</u> | 雲頂香港有限公司 |
| <u>Simplified Chinese</u> | 云顶香港有限公司 |
| Transcriptions | |
| | <u>Standard Mandarin</u> |
| Hanyu | Yúndǐng Xiānggǎng |
| Pinyin | Yǒuxiàngōngsī |
| | <u>Yue: Cantonese</u> |
| Jyutping | wan4 deng2 hoeng1 gong2 jau5 haan6 gung1 si1 |

In August 2020, Genting Hong Kong submitted a filing to the Hong Kong Stock Exchange suspending all payments to creditors.^[15] It cited the business impact of the COVID-19 pandemic, and the need to preserve liquidity and funds to maintain critical services for the company's operations.^[16] It also requested creditors not to enforce payment and sought a plan for debt restructuring.^{[17][18]} Following the announcement, Genting Hong Kong's share price plunged by more than 40%.^[19] In response, Lim has pledged almost all of his stake in Genting Hong Kong as collateral.^[20] As of 31 July 2020, it owned US\$3.37 billion of debt, including US\$3.7 million in bank fees that were in default.^[17] In addition, Genting Hong Kong announced a 2020 first-half loss of US\$742.6 million, more than ten times its 2019 first-half loss of US\$56.5 million.^[21]

On 28 August 2020, Lim Keong Hui, Lim Kok Thay's son, stepped down as deputy CEO of Genting Hong Kong to "devote more time to other business commitments".^[22] On 1 September 2020, Genting Hong Kong sold the Singaporean nightclub group Zouk for US\$10.3 million to Tulipa, a firm owned by Lim Keong Hui.^[23]

Dream Cruises




Dream Cruises is a cruise line owned by Genting Hong Kong. Genting announced the introduction of Dream Cruises in November 2015 in Guangzhou as an Asian luxury cruise line. It debuted in November 2016.^[24]

Fleet

Current Fleet

Dream Cruises

| | |
|---------------------|---|
| Type | Public company |
| Industry | Passenger transportation & Cruises |
| Founded | November 2015 |
| Headquarters | Hong Kong, Asia |
| Area served | Asia Pacific |
| Key people | <u>Tan Sri Lim Kok Thay</u> , CEO & Chairman |
| Services | <u>Cruises</u> |
| Owner | Genting Hong Kong |
| Parent | Genting Hong Kong |
| Website | <u>dreamcruiseline.com</u> (<u>https://www.dreamcruiseline.com</u>) |

| Ship | Year built | Class | Entered service with Dream Cruises | Last Refurbishment | Gross Tonnage | Notes | Image |
|------------------------------|------------|-------|------------------------------------|--------------------|---------------|---|--|
| <i><u>Genting Dream</u></i> | 2016 | | 2016 | - | 150,695 | - |  |
| <i><u>World Dream</u></i> | 2017 | | 2017 | - | 150,695 | - |  |
| <i><u>Explorer Dream</u></i> | 1999 | Leo | 2019 ^[25] | - | 75,338 | Formerly sailed as <i>SuperStar Virgo</i> for Star Cruises. |  |

Future Fleet

| Ship | Will Enter Service | Class | Gross Tonnage | Notes | Image |
|----------------------------|--------------------|---------------|---------------|--|---|
| <i><u>Global Dream</u></i> | 2021 | <u>Global</u> | 208,000 | Construction started on 8 March 2018 ^[26] Keel laid on 11 September 2018 ^[27] Will homeport in Shanghai. ^[28] |  |
| TBA | 2022 | <u>Global</u> | 208,000 | Construction started on 10 September 2019 ^[29] keel laid on 9 December 2019 ^[30] | |

Resorts

Genting Hong Kong partnered with Philippines-based Alliance Global Group to establish Resorts World Manila. It is located across Terminal 3 of Ninoy Aquino International Airport. It houses three hotels: Maxims Tower, Marriott Hotel Manila, and Remington Hotel. The Newport Mall is part of this resort and includes the Newport Cinemas and the 1,500-seat Newport Performing Arts Theater.

References

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LEISURE & HOSPITALITY

The leisure & hospitality division of the Genting Group comprises:

GENTING BERHAD

(<http://rwlasvegas.com/>)

(<http://rwlasvegas.com/>)

Resorts World Las
Vegas
USA

GENTING MALAYSIA BERHAD

(<https://www.rwgenting.com/>)

(<https://www.rwgenting.com/>) (<http://www.rwlangkawi.com/>)

(<http://www.rwlangkawi.com/>)

(<http://www.rwlangkawi.com/>) (<http://www.rwkijal.com/>)

(<http://www.rwkijal.com/>)

Resorts World
Genting
Malaysia

(<http://www.rwkijal.com/>) (<http://www.rwnewyork.com/index.php>)

(<http://www.rwnewyork.com/index.php>)

(<http://www.rwnewyork.com/index.php>) (<https://www.resortsworldbirmingham.co.uk/>)

Resorts World
Langkawi
Malaysia

Resorts World Kijal
Malaysia

Resorts World
Casino
New York City USA

Resorts World
Birmingham
UK

(<https://www.resortsworldbirmingham.co.uk/>)

(<https://www.resortsworldbirmingham.co.uk/>) (<http://rwbimini.com/>)

(<http://rwbimini.com/>)

(<http://rwbimini.com/>)

Resorts World Bimini
Bahamas



Genting Casinos has exclusive London casinos and over 30 provincial casinos across the United Kingdom. It is owned by Genting UK plc, a subsidiary of Genting Malaysia Berhad.

(<http://www.crockfords.com/>)

(<http://www.crockfords.com/>) (<http://www.gentingcasinos.co.uk/>)

(<http://www.gentingcasinos.co.uk/>)

(<http://www.gentingcasinos.co.uk/>)

(<http://www.thecolonyclub.co.uk/>)

Crockfords Casino
London, UK

Maxims Casino Club
London, UK

The Colony Club
London, UK

(<http://www.thecolonyclub.co.uk/>)

(<http://www.thecolonyclub.co.uk/>) (<http://www.thepalmbeach.co.uk/>)

(<http://www.thepalmbeach.co.uk/>)

(<http://www.thepalmbeach.co.uk/>)

The Palm Beach
Casino
London, UK

GENTING SINGAPORE LIMITED

(<http://www.rwsentosa.com/>)

(<http://www.rwsentosa.com/>)

Resorts World
Sentosa
Singapore

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Resorts World Manila

Resorts World Manila is an integrated resort, located in Newport City, opposite the Ninoy Aquino International Airport (NAIA) Terminal 3, in Pasay, Metro Manila, Philippines. The resort is owned and operated by Travellers International Hotel Group, Inc. (TIHGI), a joint venture between Alliance Global Group and Genting Hong Kong. The project, occupying part of a former military camp, has four hotels, casino gambling areas, a shopping mall, cinemas, restaurants, clubs and a theater. A soft launch of the resort took place on 28 August 2009.^[1] Resorts World Manila is the sister resort to Resorts World Genting, Malaysia and Resorts World Sentosa, Singapore. It was the first integrated resort in Metro Manila, and from 2009 to 2013 it was the only one in operation until the opening of Solaire Resort & Casino in Entertainment City, Parañaque on March 16, 2013, followed by the opening of City of Dreams Manila on December 14, 2014 on Roxas Boulevard.

On June 2, 2017, dozens of people died after a robbery caused a stampede and the perpetrator set a fire, leaving 38 people dead and 54 wounded. The casino has temporarily suspended its operation.^[2] and had its license suspended by PAGCOR on June 9, 2017. The license suspension was lifted on June 29, 2017 and on the same day Resort World Manila resumed its gambling operations in gaming areas not affected by the attack.^[3]

Contents

- Hotels
- Restaurants
- Theater
- Meetings, incentives, conferences and exhibitions
- Casino
- 2017 casino attack
- See also
- External links
- References

Hotels

| Resorts World Manila | |
|---------------------------|--|
| <div></div> | |
| Location | Newport City, Pasay, Metro Manila, Philippines |
| Address | Newport Boulevard |
| Opening date | August 28, 2009 |
| No. of rooms | 1,574 |
| Total gaming space | 323,000 sq ft (30,000 m²) |
| Notable restaurants | <i>Passion</i> <i>Ginzadon</i> |
| Casino type | Land-Based |
| Owner | Genting Group and AGI |
| Coordinates | |
| Website | Resorts World Manila (http://rwmanila.com/) |



The shopping area of the Resorts World Manila.

Seven hotels are currently operating within the integrated resort. Hilton, Sheraton and Okura are located at the adjacent Grand Wing connected by a bridge from the second level of Newport Mall.^{[4][5]}

| Property Name | Owner | Opened in | Notes |
|----------------------------|---------------------------------------|---------------|--|
| Belmont Hotel | Travellers International Hotels Group | October 2015 | |
| Hilton Manila | <u>Hilton Hotels & Resorts</u> | October 2018 | |
| Holiday Inn Express Manila | <u>InterContinental Hotels Group</u> | November 2011 | Formerly Remington Hotel, rebranded as Holiday Inn Express Manila in June 2018. ^[6] |
| Marriott Hotel Manila | <u>Marriott Hotels & Resorts</u> | October 2009 | |
| Maxims Hotel | Travellers International Hotels Group | December 2010 | |
| Savoy Hotel Manila | Travellers International Hotel Group | June 2018 | |
| Sheraton Manila | <u>Sheraton Hotels and Resorts</u> | January 2019 | |

Restaurants

- Cafe Maxims - Paris-inspired cafe
- Passion - Cantonese fine dining
- Ginzadon - Japanese and Korean cuisine
- Victoria Harbour Cafe - casual dining Asian restaurant
- Franks - sports themed snack bar
- New York Pinoy Deli - casual dining restaurant offering a fusion of American and Filipino cuisine
- Prosperity Court - casual dining restaurant offering Asian, Filipino and other cuisine
- Bar 360 - Bar and entertainment venue featuring live bands, vocal performers and acrobatic acts daily
- Bar 180 - Bar and entertainment venue featuring lounge singers nightly
- The Terrace - Mediterranean themed restaurant, breakfast buffet for Maxims Hotel guests, and all-day dining with a wide array of Mediterranean salads, pasta, and pizza

Theater

The Newport Performing Arts Theater is a 1,500-seat venue for concerts, plays, musicals, conferences and other events. It was designed by Hong Kong-based interior designer Joseph Sy. The theater's vestibule also serves as a venue for various types of functions.

Meetings, incentives, conferences and exhibitions

Resorts World Manila formally opened in July 2015 the Marriott Grand Ballroom. Touted as the largest hotel ballroom in the Philippines, its main feature is a 3,000 sqm pillarless ballroom that can seat up to 2,500 people for a banquet event, and up to 4,500 for a concert setup. The main ballroom can be

subdivided into four sections for smaller events, but there are other venues within the facility for a total of 28 spaces for various events.

Casino

Resorts World Manila has gambling areas occupying three floors in its main casino, featuring table games, slot machines and electronic table games. More gambling spaces are available at the Remington Entertainment Center inside Remington Hotel.

The *Newport Grand Wing* gaming area, opened late 2018, features more gaming space and serves as a podium of Sheraton, Hilton and Okura hotels along with more retail and dining spaces.

2017 casino attack

On June 2, 2017 at midnight, 36 people died from suffocation with 70 others injured after a gunman set fire to gambling tables and slot machine chairs inside the Resorts World Manila casino. On Friday, the gunman was found dead in the Maxims Hotel adjacent to the casino.^{[7][8][9]} The gunman was later identified as Jessie Carlos.

See also

- Gambling in Metro Manila

External links

- Resorts World Manila's Official Website (<http://www.rwmanila.com/>)
- Resorts World Manila to bring beloved fairy tale to life (<https://www.philstar.com/entertainment/2013/03/05/915801/resorts-world-manila-bring-beloved-fairy-tale-life>)
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- [\[1\]](https://www.philstar.com/business/2017/11/13/1758240/andrew-tan-bring-ritz-carlton-hotel-philippines) (<https://www.philstar.com/business/2017/11/13/1758240/andrew-tan-bring-ritz-carlton-hotel-philippines>)

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Career

He has a bachelor's degree in civil engineering from University of London. He attended the six-week advanced management programme of Harvard Business School, the US in 1979.^[2]

In 1976, he was appointed a director of Genting Group.^[3] The Genting Group grew from a single listed entity in 1971 to five listed entities (comprising Genting Berhad),^[7] Genting Malaysia Berhad^[8] and Genting Plantations Berhad^[9] which are listed on the main board of Bursa Malaysia; Genting Singapore Plc^[10] which is listed on the main board of Singapore Exchange and Genting Hong Kong^[11] which is listed on the main board of the Hong Kong Stock Exchange.

He was appointed the chairman and CEO of Genting Berhad and Genting Malaysia Berhad when the late Lim Goh Tong retired in December 2003.^[12] Kok Thay has since expanded Genting's presence globally, especially in the leisure tourism and entertainment industry.

Under his guidance, the Genting Group has developed leisure brands such as "Resorts World", "Maxims", "Crockfords" and "Awana", as well as established partnerships with Universal Studios, Hard Rock Hotel, Premium Outlets, Synthetic Genomics and others.^{[13][14]}

[illegible]

In 1990, he assisted the Mashantucket Pequots, a Native American tribe, in building the Foxwoods Casino in Connecticut, With 340,000 square feet of floor space,

He guided the expansion works of the Group's first integrated resort known as Genting Highlands Resort. It has been voted by "World's Best Casino Resort" in years 2005, 2007, 2008, 2009 and 2010 and 2005 to 2010.^[17]

In 2005, he expanded Group's presence to the UK. Genting UK has 43 casinos.^[18]

In 2006, Lim led his team to win the bid to build and operate Singapore's first integrated resort on Sentosa Island, called Resorts World Sentosa.^[19] The resort was progressively opened from January 2010^[20] and has become a prominent tourist destination in the country.^[21] The resort features Southeast Asia's first Universal Studios Singapore, six themed hotels, Maritime Experiential Museum and Aquarium^[22] and many more attractions.^[23]

Today, under Lim's guidance, the Genting Group has integrated resort properties in three Asian countries, namely Resorts World Genting in Malaysia, Resorts World Sentosa in Singapore and Resorts World Manila in the Philippines, attracting millions of visitors. The Group has one leisure project in the US, namely Resorts World New York and two in development: Resorts World Las Vegas and Resorts World Miami, and resort property in Bimini, Resorts World Bimini (about 30 min east of Miami).

Lim was appointed a visiting professor at the Institute of Biomedical Engineering of Imperial College, London in October 2009.^[24] He was appointed an honorary professor of Xiamen University, China in December 2007.^[25]

In 2015, Lim acquired Crystal Cruises from Nippon Yusen Kabushiki Kaisha for \$550 million. Following the acquisition, Lim rapidly expanded the company by building four new river vessels, purchasing an ocean-and-expedition ship and three shipyards, and adding a charter jet service.^[26]

In 2017, three of Lim's nephews filed a lawsuit against him and his brother, in which they contested a family trust created by founder of Genting, Lim Goh Tong.^[27] Another lawsuit was brought against Lim by his sister over the beneficial interest in a block of Genting stock.^[28]

In February 2018 Lim opened Resorts World Catskills through his holding company Empire Resorts Inc.^[29] The \$1.2 billion complex contains a casino, entertainment venue and hotel.

Personal life

Tan Sri Lim is married to Puan Sri Cecilia Lim. They have three children.^{[30][2][31][1]} As of 16 February 2021, Forbes estimated Tan Sri Lim's net worth to be US\$ 2.4 Billion making him the 1063th richest person in the world.






Recognitions

In 2009, Lim was named "Travel Entrepreneur of the Year" by Travel Trade Gazette (TTG) Asia^[32] and "The Most Influential Person in Asian Gaming" by Inside Asian Gaming, for his contributions to the leisure and travel industry.^[33]

Honours

Genting Malaysia Berhad started in 1980 in Malaysia. In 1989, Genting Group and Resorts World Bhd underwent a restructuring exercise, which resulted in Resorts World Bhd acquiring from Genting Group of its entire gaming, hotel and resort-re



-  **Malaysia** :
 -  Commander of the Order of Loyalty to the Crown of Malaysia (PSM) - **Tan Sri** (2002)^[34]
-  **Pahang** :
 -  Knight Companion of the Order of the Crown of Pahang (DIMP) - **Dato'** (1991)^[34]
 -  Grand Knight of the Order of Sultan Ahmad Shah of Pahang (SSAP) - **Dato' Sri** (2007)^{[34][35]}

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NEVADA GAMING CONTROL BOARD

DISPOSITION MAY 2021 MEETING

NEVADA GAMING CONTROL BOARD MEETING

IN COMPLIANCE WITH THE GOVERNOR'S EMERGENCY DIRECTIVE #006, DATED MARCH 22, 2020, THE MAY 2021 MEETING OF THE NEVADA GAMING CONTROL BOARD WAS CONDUCTED BY MEANS OF ELECTRONIC COMMUNICATION.

Wednesday, May 5, 2021

- 9:00 a.m.** • Public Comments
- Approval of Prior Month GCB Disposition
- Nonrestricted Items **#N01-05-21** through **#N12-05-21**
- Call Forward - Restricted Item **#R01-05-21**

Thursday, May 6, 2021

- 9:00 a.m.** • Any Item Continued from **Wednesday, May 5, 2021** Session
- Restricted Items **#R02-05-21** through **#R13-05-21**
- New Gaming Device(s) – Final Approval
- New Game(s) – Final Approval
- Casino/Player Dispute Appeals Pursuant to NRS 463.363
- Regulation Agenda
- Public Comments

Members Present:

Brin Gibson, Chair (via video)
Phil Katsaros, Member (via video)
Brittnie Watkins, Member (via video)

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| Affinity Gaming Holdings, L.L.C. (PIC) | NR #5 | Nimbus, Inc. | R #6 |
| Affinity Gaming Owner, L.L.C. | NR #5 | NL Acquisition GP LLC | NR #6 |
| Akaam, Inc. | R #5 | | |
| Aloha Jones, Inc. | R #4 | Ochiai, Maria Liza | R #4 |
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| Chima, Arjun Singh | R #3 | Points Casino #211 | NR #4 |
| Chima, Rapinder Singh | R #3 | Psandhu Enterprise, Inc. | R #8 |
| Crawford Coin, Inc. | R #9, 10 | | |
| | | Resorts World Las Vegas | NR #3 |
| Dynasty Games | R #1 | Resorts World Las Vegas, LLC | NR #3 |
| | | Rowe, Bruce Caldwell | NR #9 |
| El Dorado Cantina | R #12 | RWLV Holdings, LLC | NR #3 |
| Entain PLC (PTC) | NR #1, 2 | | |
| Entain Holdings (UK) Limited | NR #1 | Sands Regent, LLC, The | NR #5 |
| Entain Marketing (UK) Limited | NR #1 | Sartini Gaming, LLC | NR #12, R #12 |
| | | Schweinfurth, Scott David | NR #9 |
| Fernandes, Christabelle Emelia | R #7 | Scientific Games Corporation (PTC) | NR #8 |
| Frederick, Jeffrey Charles | R #4 | Scott, William Allen | R #1 |
| From The Ashes LLC | R #1 | SG Gaming, Inc. | NR #8 |
| | | Sibella, Scott Martin | NR #3 |
| Genting Berhad (PTC) | NR #3 | Singh, Pawandeep | R #8 |
| Genting Assets, Inc. | NR #3 | Slidin' Clyde's Tavern | R #1 |
| Golden Entertainment, Inc. (PTC) | NR #12 | Smoke Ranch Enterprises, Inc. | R #3 |
| Green Valley Grocery #67 | R #10 | Square Bar | R #13 |
| Green Valley Grocery #70 | R #9 | Stone, Brian Robert | NR #11 |
| GVII, LLC | NR #9 | Suasana Duta SDN BHD | NR #3 |
| | | Swaim, Sadie Kathryn | R #1 |
| Jackpot Bar and Grill | R #4 | | |
| JETT Gaming LLC | R #11 | Tan, Kong Han | NR #3 |
| | | Terrible's Market #415 | R #11 |
| Ladbrokes Coral Group Limited | NR #1 | Travelcenters of America Inc. (PTC) | NR #7 |
| Latino Mercado | R #7 | Twain Tavern | R #2 |
| Lavoie, Peter James | NR #3 | | |
| Lim, Keong Hui | NR #3 | United Coin Machine Co. | R #2, 13 |
| Lim, Kok Thay | NR #3 | | |
| Love's Travel Stop #797 | NR #12 | Wilson, Matthew Richard | NR #8 |
| Lucky Spot | R #3 | Winnemucca Inn, The | NR #11 |
| | | Winners Hotel and Casino, Inc. | NR #11 |

**DISPOSITION
PUBLIC COMMENTS AGENDA
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This public comment agenda item is provided in accordance with NRS 241.020(2)(c)(3) which requires an agenda provide for a period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. Comments by the public may be limited to three minutes as a reasonable time, place and manner restriction, but may not be limited based upon viewpoint.

PUBLIC COMMENTS AND DISCUSSION: No comments.

**DISPOSITION
APPROVAL OF PRIOR MONTH GCB DISPOSITION
MAY 2021
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FOR POSSIBLE ACTION:

Pursuant to NRS 241.035, approval of:

Nevada Gaming Control Board Disposition for April 2021.

GCB DISPOSITION: APPROVED.

(WATKINS DID NOT VOTE)

**DISPOSITION
NONRESTRICTED AGENDA
MAY 2021
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FOR POSSIBLE ACTION:

01-05-21 N21-0083 Re: 34602-01
ENTAIN PLC (PTC)
ONE NEW CHANGE SHOPPING CENTRE
1 NEW CHANGE
LONDON, ENGLAND EC4M 9AF
UNITED KINGDOM

APPLICATION FOR REGISTRATION AS A PUBLICLY TRADED CORPORATION

**APPLICATION FOR FINDING OF SUITABILITY AS SOLE SHAREHOLDER OF
ENTAIN HOLDINGS (UK) LIMITED**

APPLICATION FOR AMENDMENT TO ORDER OF REGISTRATION

Re: 34603-01
ENTAIN HOLDINGS (UK) LIMITED
(Entain plc (PTC) – 100%)
ONE NEW CHANGE SHOPPING CENTRE
1 NEW CHANGE
LONDON, ENGLAND EC4M 9AF
UNITED KINGDOM

APPLICATION FOR REGISTRATION AS AN INTERMEDIARY COMPANY

**APPLICATION FOR FINDING OF SUITABILITY AS SOLE SHAREHOLDER OF
ENTAIN MARKETING (UK) LIMITED**

**APPLICATION FOR FINDING OF SUITABILITY AS SOLE SHAREHOLDER OF
LADBROKES CORAL GROUP LIMITED**

**APPLICATION FOR FINDING OF SUITABILITY AS SOLE SHAREHOLDER OF GVC
HOLDINGS (USA) INC.**

Re: 34604-01
ENTAIN MARKETING (UK) LIMITED
(Entain Holdings (UK) Limited – 100%)
ONE NEW CHANGE SHOPPING CENTRE
1 NEW CHANGE
LONDON, ENGLAND EC4M 9AF
UNITED KINGDOM

APPLICATION FOR REGISTRATION AS AN INTERMEDIARY COMPANY

**APPLICATION FOR LICENSURE AS SOLE SHAREHOLDER OF BWIN.PARTY (USA),
INC.**

Re: 32382-01
LADBROKES CORAL GROUP LIMITED
(Entain Holdings (UK) Limited – 100%)
ONE NEW CHANGE SHOPPING CENTRE
1 NEW CHANGE
LONDON, ENGLAND EC4M 9AF
UNITED KINGDOM

APPLICATION FOR REGISTRATION AS AN INTERMEDIARY COMPANY

**APPLICATION FOR FINDING OF SUITABILITY AS SOLE SHAREHOLDER OF
LADBROKES HOLDCO, INC.**

**DISPOSITION
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Re: 32383-01
LADBROKES HOLDCO, INC.
(Ladbrokes Coral Group Limited – 100%)
2711 CENTERVILLE RD STE 400
WILMINGTON, DE 19808

APPLICATION FOR REGISTRATION AS AN INTERMEDIARY COMPANY

**APPLICATION FOR FINDING OF SUITABILITY AS SOLE MEMBER AND MANAGER
OF LADBROKES SUBCO, LLC**

**APPLICATION FOR LICENSURE AS A MEMBER OF STADIUM TECHNOLOGY
GROUP, LLC**

Re: 34547-01
LADBROKES SUBCO, LLC
(Ladbrokes Holdco, Inc. – 100%)
2711 CENTERVILLE RD STE 400
WILMINGTON, DE 19808

APPLICATION FOR REGISTRATION AS AN INTERMEDIARY COMPANY

**APPLICATION FOR LICENSURE AS A MEMBER OF STADIUM TECHNOLOGY
GROUP, LLC**

Re: 34826-01
GVC HOLDINGS (USA) INC.
(Entain Holdings (UK) Limited – 100%)
2711 CENTERVILLE RD STE 400
WILMINGTON, DE 19808

APPLICATION FOR REGISTRATION AS AN INTERMEDIARY COMPANY

APPLICATION FOR LICENSURE AS A MEMBER OF BETMGM, LLC

Re: 31899-01
31901-01 (IP)
BWIN.PARTY (USA), INC.
(Entain Marketing (UK) Limited – 100%)
210 HUDSON PLAZA ST # 602
JERSEY CITY, NJ 07302

**APPLICATION FOR LICENSURE AS AN INTERACTIVE GAMING SERVICE
PROVIDER**

GCB RECOMMENDS: APPROVAL, SECOND REVISED ORDER, DRAFT #2.

NGC DISPOSITION:

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FOR POSSIBLE ACTION:

02-05-21 N21-0084 Re: 34602-01
ENTAIN PLC (PTC)
ONE NEW CHANGE SHOPPING CENTRE
1 NEW CHANGE
LONDON EC4M 9AF
UNITED KINGDOM

APPLICATION FOR A CONTINUOUS OR DELAYED PUBLIC OFFERING

Re: 31901-01 (IP)
BWIN.PARTY (USA), INC.
(Entain Marketing (UK) Limited – 100%)
210 HUDSON PLAZA ST # 602
JERSEY CITY, NJ 07302

**APPLICATION TO GUARANTEE SECURITIES AND HYPOTHECATE
ASSETS IN CONJUNCTION WITH A CONTINUOUS OR DELAYED PUBLIC
OFFERING**

GCB RECOMMENDS: APPROVAL, SHELF ORDER, DRAFT #1.

NGC DISPOSITION:

FOR POSSIBLE ACTION:

03-05-21 N19-0333 Re: 32368-01
N21-0045 GENTING BERHAD (PTC)
24TH FL, WISMA GENTING
JALAN SULTAN ISMAIL
50250 KUALA LUMPUR
MALAYSIA

**APPLICATION FOR FINDING OF SUITABILITY AS SOLE SHAREHOLDER OF
SUASANA DUTA SDN BHD**

**APPLICATION FOR FINDING OF SUITABILITY AS A SHAREHOLDER OF PEAK
AVENUE LIMITED**

APPLICATION FOR AMENDMENT TO ORDER OF REGISTRATION

----- Item Continued Next Page -----

**DISPOSITION
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PAGE 6**

Re: 35327-01
SUASANA DUTA SDN BHD
(Genting Berhad (PTC) – 100%)
24TH FL, WISMA GENTING
JALAN SULTAN ISMAIL
50250 KUALA LUMPUR
MALAYSIA

APPLICATION FOR REGISTRATION AS AN INTERMEDIARY COMPANY

APPLICATION FOR FINDING OF SUITABILITY AS A SHAREHOLDER OF PEAK AVENUE LIMITED

KOK THAY LIM
Director

KONG HAN TAN
Director

KEONG HUI LIM
Director

APPLICATIONS FOR FINDING OF SUITABILITY AS A DIRECTOR

Re: 32402-01
PEAK AVENUE LIMITED
(Genting Berhad (PTC) – 78.55%)
(Suasana Duta Sdn Bhd – 21.45%)
24TH FL, WISMA GENTING
JALAN SULTAN ISMAIL
50250 KUALA LUMPUR
MALAYSIA

APPLICATION FOR REGISTRATION AS AN INTERMEDIARY COMPANY

APPLICATION FOR FINDING OF SUITABILITY AS SOLE SHAREHOLDER OF GENTING ASSETS, INC.

KOK THAY LIM
Director

KONG HAN TAN
Director

KEONG HUI LIM
Director

APPLICATIONS FOR FINDING OF SUITABILITY AS A DIRECTOR

----- Item Continued Next Page -----

**DISPOSITION
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Re: 32401-01
GENTING ASSETS, INC.
(Peak Avenue Limited – 100%)
3000 LAS VEGAS BLVD S
LAS VEGAS, NV 89109

APPLICATION FOR REGISTRATION AS AN INTERMEDIARY COMPANY

**APPLICATION FOR FINDING OF SUITABILITY AS SOLE MEMBER AND MANAGER
OF RWLV HOLDINGS, LLC**

KOK THAY LIM
Director

KONG HAN TAN
Director

KEONG HUI LIM
Director

SCOTT MARTIN SIBELLA
Director

APPLICATIONS FOR FINDING OF SUITABILITY AS A DIRECTOR

Re: 35328-01
RWLV HOLDINGS, LLC
(Genting Assets, Inc. – 100%)
3000 LAS VEGAS BLVD S
LAS VEGAS, NV 89109

APPLICATION FOR REGISTRATION AS AN INTERMEDIARY COMPANY

**APPLICATION FOR LICENSURE AS SOLE MEMBER OF RESORTS
WORLD LAS VEGAS, LLC**

Re: 32601-01
35330-01 (M)
35331-01 (D)
35329-01
RESORTS WORLD LAS VEGAS, LLC, dba
(RWLV Holdings, LLC – 100%)
RESORTS WORLD LAS VEGAS
3000 LAS VEGAS BLVD S
LAS VEGAS, NV 89109

**APPLICATION FOR A NONRESTRICTED GAMING LICENSE (INCLUDING A
RACEBOOK AND SPORTS POOL)**

**APPLICATION FOR LICENSURE TO CONDUCT OFF-TRACK PARI-MUTUEL RACE
WAGERING**

APPLICATION FOR LICENSURE TO OPERATE GAMING SALONS

APPLICATION FOR LICENSURE AS A MANUFACTURER AND DISTRIBUTOR

**DISPOSITION
NONRESTRICTED AGENDA
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SCOTT MARTIN SIBELLA
President

PETER JAMES LAVOIE
Chief Financial Officer/Treasurer/Manager

**APPLICATIONS FOR LICENSURE AS AN OFFICER, KEY EXECUTIVE, AND/OR
SOLE MANAGER**

GCB RECOMMENDS: APPROVAL, REVISED ORDER, DRAFT #1; CONDITIONED:

- (1) THE SURVEILLANCE SYSTEM AND/OR MIRROR(S) MUST BE INSPECTED AND APPROVED BY THE NGCB ENFORCEMENT DIVISION WITHIN 60 DAYS OF ISSUANCE OF THE STATE GAMING LICENSE AND THEREAFTER BE MAINTAINED AT OR ABOVE THE STANDARD THAT IS APPROVED.**
- (2) THE NUMBER OF GAMING SALONS IS LIMITED TO FIVE, AND THE NUMBER MAY NOT BE INCREASED WITHOUT PRIOR ADMINISTRATIVE APPROVAL OF THE NGCB CHAIR OR THE CHAIR'S DESIGNEE.**
- (3) PRIOR TO COMMENCEMENT OF THE GAMING SALON OPERATIONS, THE SURVEILLANCE SYSTEM MUST BE INSPECTED AND APPROVED BY THE NGCB ENFORCEMENT DIVISION AND THEREAFTER BE MAINTAINED AT OR ABOVE THE STANDARD THAT IS APPROVED.**
- (4) THE MANUFACTURER'S LICENSE IS LIMITED TO THE MODIFICATION OF MACHINES THAT ARE, OR HAVE BEEN, UTILIZED IN THE OPERATIONS OF THE LICENSED LOCATION OR ITS AFFILIATED COMPANIES AND THAT ANY SUCH MODIFICATIONS SHALL BE LIMITED TO OPERATIONAL CONFIGURATION CHANGES SUCH AS REPLACEMENT OF ONE PRE-APPROVED COMPONENT WITH ANOTHER PRE-APPROVED COMPONENT OR MODIFICATIONS THAT WILL NOT AFFECT THE MANNER OR MODE OF PLAY OF THE DEVICE.**
- (5) THE DISTRIBUTOR'S LICENSE IS LIMITED TO THE ACQUISITION OF MACHINES TO BE UTILIZED IN, OR THE DISTRIBUTION OF MACHINES WHICH HAVE BEEN UTILIZED IN, THE OPERATIONS OF THE LICENSED LOCATION OR ITS AFFILIATED COMPANIES.**
- (6) APPROVALS LIMITED FOR KOK THAY LIM, KEONG HUI LIM, KONG HAN TAN, AND SCOTT MARTIN SIBELLA TO EXPIRE AT MIDNIGHT OF THE MAY 2022 NGC MEETING ON THE DAY THE ITEM IS HEARD.**

NGC DISPOSITION:

**DISPOSITION
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FOR POSSIBLE ACTION:

04-05-21 N21-0348 Re: 18809-01
10163-12
NEVADA RESTAURANT SERVICES, INC., dba
POINTS CASINO #211
5021 E CRAIG RD
LAS VEGAS, NV 89115

**APPLICATION FOR A NONRESTRICTED GAMING LICENSE
(SLOT MACHINES ONLY)**

GCB RECOMMENDS: APPROVAL, CONDITIONED:

(1) THE LOCATION IS LIMITED TO THE OPERATION OF SLOT MACHINES.

NGC DISPOSITION:

FOR POSSIBLE ACTION:

05-05-21 N21-0130 Re: 33954-01
AFFINITY GAMING HOLDINGS, L.L.C. (PIC)
(Z Capital Group, L.L.C. – 100% Voting Member)
GCB DISPOSITION: 1330 AVENUE OF THE AMERICAS, 16TH FL
NEW YORK, NY 10019

**WITHDRAWAL GRANTED
WITHOUT PREJUDICE.**

**APPLICATION TO ISSUE SECURITIES – REQUEST TO WITHDRAW
APPLICATION**

05-05-21 N21-0130 Re: 33955-01
AFFINITY GAMING OWNER, L.L.C.
(Affinity Gaming Holdings, L.L.C. (PIC) – 100%)
3755 BREAKTHROUGH WAY STE 300
LAS VEGAS, NV 89135

**APPLICATION TO PLEDGE THE EQUITY SECURITIES OF AFFINITY
GAMING TO GOLDMAN SACHS BANK USA, AS COLLATERAL AGENT, IN
CONJUNCTION WITH A CREDIT AGREEMENT**

**APPLICATION TO PLEDGE THE EQUITY SECURITIES OF AFFINITY
GAMING TO U.S. BANK NATIONAL ASSOCIATION, AS COLLATERAL
AGENT, IN CONJUNCTION WITH SENIOR SECURED NOTES**

----- Item Continued Next Page -----

**DISPOSITION
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Re: 32241-01
AFFINITY GAMING
(Affinity Gaming Owner, L.L.C. – 100%)
3755 BREAKTHROUGH WAY STE 300
LAS VEGAS, NV 89135

**APPLICATION TO PLEDGE THE MEMBERSHIP INTERESTS OF THE
PRIMADONNA COMPANY, LLC, THE SANDS REGENT, LLC, AND
FLAMINGO PARADISE GAMING, LLC, TO GOLDMAN SACHS BANK USA,
AS COLLATERAL AGENT, IN CONJUNCTION WITH A CREDIT AGREEMENT**

**APPLICATION TO PLEDGE THE MEMBERSHIP INTERESTS OF THE
PRIMADONNA COMPANY, LLC, THE SANDS REGENT, LLC, AND
FLAMINGO PARADISE GAMING, LLC, TO U.S. BANK NATIONAL
ASSOCIATION, AS COLLATERAL AGENT, IN CONJUNCTION WITH SENIOR
SECURED NOTES**

Re: 31210-01
THE SANDS REGENT, LLC
(Affinity Gaming – 100%)
3755 BREAKTHROUGH WAY STE 300
LAS VEGAS, NV 89135

**APPLICATION TO PLEDGE THE MEMBERSHIP INTEREST OF PLANTATION
INVESTMENTS, LLC TO GOLDMAN SACHS BANK USA, AS COLLATERAL AGENT,
IN CONJUNCTION WITH A CREDIT AGREEMENT**

**APPLICATION TO PLEDGE THE MEMBERSHIP INTEREST OF PLANTATION
INVESTMENTS, LLC TO U.S. BANK NATIONAL ASSOCIATION, AS COLLATERAL
AGENT, IN CONJUNCTION WITH SENIOR SECURED NOTES**

GCB RECOMMENDS: APPROVAL.

NGC DISPOSITION:

FOR POSSIBLE ACTION:

| | | | |
|-----------------|-----------------|---|------|
| 06-05-21 | N21-0277 | Re: 33428-01 PDS ACQUISITION LP (100% OF PDS Holding LLC) 1 BYRNES RD MONROE, NY 10950 | |
| | | NL ACQUISITION GP LLC (Transferor) | 100% |
| | | PDS FUNDING LLC (Transferee) Member/Manager | 100% |

APPLICATION FOR TRANSFER OF INTEREST

**APPLICATION TO CONVERT PDS ACQUISITION LP TO A DELAWARE LIMITED
LIABILITY COMPANY TO BE KNOWN AS PDS ACQUISITION, LLC**

**APPLICATION FOR A FINDING OF SUITABILITY OF PDS FUNDING LLC AS THE
SOLE MEMBER AND MANAGER OF PDS ACQUISITION, LLC**

**DISPOSITION
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Re: 34000-01
PDS HOLDING LLC
1 BYRNES RD
MONROE, NY 10950

PDS ACQUISITION, LLC
Member/Manager

100%

APPLICATION FOR REGISTRATION AS AN INTERMEDIARY COMPANY

**APPLICATION FOR FINDING OF SUITABILITY AS SOLE MEMBER AND MANAGER
OF PDS HOLDING LLC**

GCB RECOMMENDS: APPROVAL, CONDITIONED:

(1) UPON COMPLETION OF THE CONVERSION, A COPY OF THE EXECUTED AND FILED CONVERSION DOCUMENTS ARE TO BE PROVIDED TO THE NGCB'S INVESTIGATIONS DIVISION AND TAX & LICENSE DIVISION.

NGC DISPOSITION:

FOR POSSIBLE ACTION:

07-05-21 N21-0314 Re: 34953-01
TRAVELCENTERS OF AMERICA INC. (PTC)
24601 CENTER RIDGE RD STE 200
WESTLAKE, OH 44145

**APPLICATION TO PLEDGE THE MEMBERSHIP INTEREST OF TA OPERATING
NEVADA LLC TO DELAWARE TRUST COMPANY, AS COLLATERAL AGENT, IN
CONJUNCTION WITH A CREDIT AGREEMENT**

**APPLICATION TO PLEDGE THE MEMBERSHIP INTEREST OF TA OPERATING
NEVADA LLC TO WELLS FARGO CAPITAL FINANCE, LLC, AS AGENT, IN
CONJUNCTION WITH AN AMENDED AND RESTATED LOAN AND SECURITY
AGREEMENT AND RELEASE**

APPLICATION FOR AMENDMENT TO ORDER OF REGISTRATION

GCB RECOMMENDS: APPROVAL, SECOND REVISED ORDER, DRAFT #1.

NGC DISPOSITION:

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FOR POSSIBLE ACTION:

08-05-21 N21-0088 Re: 32018-01
SCIENTIFIC GAMES CORPORATION (PTC)
6601 BERMUDA RD
LAS VEGAS, NV 89119

MATTHEW RICHARD WILSON
Executive Vice President & Group Chief Executive, Gaming

APPLICATION FOR FINDING OF SUITABILITY AS AN OFFICER

Re: 16335-01
SG GAMING, INC.
6601 BERMUDA RD
LAS VEGAS, NV 89119

MATTHEW RICHARD WILSON
President/Director

APPLICATION FOR LICENSURE AS AN OFFICER AND DIRECTOR

GCB RECOMMENDS: APPROVAL.

NGC DISPOSITION:

FOR POSSIBLE ACTION:

09-05-21 N20-0405 Re: 35232-01
GVII, LLC
1808 GLENVIEW DR
LAS VEGAS, NV 89134

SCOTT DAVID SCHWEINFURTH
Advisor

BRUCE CALDWELL ROWE
Advisor

APPLICATIONS FOR FINDING OF SUITABILITY AS A KEY EMPLOYEE

GCB RECOMMENDS: APPROVAL.

NGC DISPOSITION:

10-05-21 REMOVED.

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FOR POSSIBLE ACTION:

11-05-21 N21-0202 Re: 13570-01
N21-0352 00848-04
WINNERS HOTEL AND CASINO, INC., dba
THE WINNEMUCCA INN
741 W WINNEMUCCA BLVD
WINNEMUCCA, NV 89445

**APPLICATION FOR A WAIVER OF THE PROVISIONS OF NGC REGULATION 4.080
(WHICH IMPOSES A SIX-MONTH TIME LIMITATION WITHIN WHICH COMMISSION
ACTION IS EFFECTIVE), IN CONNECTION WITH APPROVAL FOR A
NONRESTRICTED GAMING LICENSE AS GRANTED IN DECEMBER 2020**

BRIAN ROBERT STONE
General Manager

APPLICATION FOR LICENSURE AS A KEY EMPLOYEE

GCB RECOMMENDS: APPROVAL, CONDITIONED:

- (1) THE WAIVER OF THE PROVISIONS OF NGC REGULATION 4.080, IN CONNECTION WITH THE APPROVAL GRANTED IN DECEMBER 2020, SHALL EXPIRE ON THE DATE OF THE REGULARLY SCHEDULED COMMISSION MEETING IN NOVEMBER 2021.

NGC DISPOSITION:

FOR POSSIBLE ACTION:

12-05-21 N21-0334 Re: 33020-01
N21-0332 GOLDEN ENTERTAINMENT, INC. (PTC)
6595 S JONES BLVD
LAS VEGAS, NV 89118

APPLICATION FOR AMENDMENT TO ORDER OF REGISTRATION

Re: 10753-01
35480-01
SARTINI GAMING, LLC, db at
LOVE'S TRAVEL STOP #797
3550 W WINNEMUCCA BLVD
WINNEMUCCA, NV 89445

**APPLICATION FOR A NONRESTRICTED GAMING LICENSE
(SLOT MACHINES ONLY)**

GCB RECOMMENDS: APPROVAL, NINTH REVISED ORDER, DRAFT #1; CONDITIONED:

- (1) THE SURVEILLANCE SYSTEM AND/OR MIRROR(S) MUST BE INSPECTED AND APPROVED BY THE NGCB ENFORCEMENT DIVISION WITHIN 60 DAYS OF ISSUANCE OF THE STATE GAMING LICENSE AND THEREAFTER BE MAINTAINED AT OR ABOVE THE STANDARD THAT IS APPROVED.

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- (2) A KEY EMPLOYEE APPLICATION MUST BE FILED WITHIN 60 DAYS AFTER THE ISSUANCE OF THE STATE GAMING LICENSE, AND THEREAFTER BE REFILED WITHIN 60 DAYS OF ANY CHANGE IN THE PERSON OCCUPYING THAT POSITION.
- (3) THE LOCATION IS LIMITED TO THE OPERATION OF SLOT MACHINES.
- (4) A FULL TIME ATTENDANT, AGE 21 OR OLDER, MUST BE ON DUTY AT ALL TIMES THE MACHINES ARE AVAILABLE TO THE PUBLIC FOR PLAY.
- (5) THE LICENSE SHALL NOT BE ISSUED UNTIL THE SPACE LEASE AGREEMENT BETWEEN SARTINI GAMING, LLC AND LOVE'S OF NEVADA, LLC, DBA LOVE'S TRAVEL STOP IS AMENDED TO BE IN COMPLIANCE WITH NRS 463.162.

NGC DISPOSITION:

**DISPOSITION
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FOR POSSIBLE ACTION:

01-05-21 R21-0442 Re: 04902-01
03974-06
DYNASTY GAMES, db at
SLIDIN' CLYDE'S TAVERN
5905 APACHE DR
STAGECOACH, NV 89429

FROM THE ASHES LLC, dba
SLIDIN' CLYDE'S TAVERN
Landlord/Business Operator

WILLIAM ALLEN SCOTT
Landlord/Member/Manager

SADIE KATHRYN SWAIM
Landlord/Member/Manager

**DETERMINATION TO CALL FROM THE ASHES LLC, DBA SLIDIN' CLYDE'S
TAVERN, WILLIAM ALLEN SCOTT, AND SADIE KATHRYN SWAIM FORWARD
FOR FINDINGS OF SUITABILITY AS LANDLORDS**

GCB RECOMMENDS:

**FROM THE ASHES LLC DBA SLIDIN' CLYDE'S TAVERN, WILLIAM ALLEN SCOTT AND KATHRYN SWAIM BE
CALLED FORWARD FOR A FINDING OF SUITABILITY AS LANDLORDS.**

NGC DISPOSITION:

FOR POSSIBLE ACTION:

02-05-21 R21-0415 Re: 04789-01
03623-07
15 Machines UNITED COIN MACHINE CO., dba
CENTURY GAMING TECHNOLOGIES, db at
TWAIN TAVERN
501 E TWAIN AVE
LAS VEGAS, NV 89169

APPLICATION FOR A RESTRICTED GAMING LICENSE

GCB RECOMMENDS: APPROVAL.

NGC DISPOSITION:

**DISPOSITION
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FOR POSSIBLE ACTION:

03-05-21 R20-0285 Re: 17313-01
34456-02
7 Machines SMOKE RANCH ENTERPRISES, INC., dba
LUCKY SPOT
6890 N HUALAPAI WAY
LAS VEGAS, NV 89149

RAPINDER SINGH CHIMA
President/Secretary/Treasurer/Director

THE CHIMA HOLDING TRUST 100%
Shareholder

RAPINDER SINGH CHIMA 100%
Administrative Trustee/Investment Trustee/Benefits Trustee/Beneficiary

For the benefit of:
ARJUN SINGH CHIMA (a minor)

For the benefit of:
RANVEER SINGH CHIMA (a minor)

APPLICATION FOR A RESTRICTED GAMING LICENSE

**APPLICATION FOR LICENSURE OF RAPINDER SINGH CHIMA AS SOLE OFFICER
AND DIRECTOR OF SMOKE RANCH ENTERPRISES, INC.**

**APPLICATION FOR REGISTRATION OF THE CHIMA HOLDING TRUST,
AS A HOLDING COMPANY AND FOR LICENSURE AS A SOLE SHAREHOLDER**

**APPLICATION FOR FINDING OF SUITABILITY OF RAPINDER SINGH CHIMA AS
ADMINISTRATIVE TRUSTEE, INVESTMENT TRUSTEE, BENEFITS TRUSTEE, AND
BENEFICIARY**

GCB DISPOSITION: REFERRED BACK TO STAFF.

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FOR POSSIBLE ACTION:

05-05-21 R21-0251 Re: 35418-01
02558-05
4 Machines AKAAM, INC., dba
 7-11 STORE #15478
 4880 E BOULDER HWY
 LAS VEGAS, NV 89121

SUDHINDER KAUR MROQUE 100%
President/Secretary/Treasurer/Director/Shareholder

APPLICATION FOR A RESTRICTED GAMING LICENSE

**APPLICATION FOR LICENSURE AS SOLE OFFICER, DIRECTOR, AND
SHAREHOLDER**

GCB RECOMMENDS: APPROVAL, CONDITIONED:

- (1) IF AN EQUITY OWNER IS NO LONGER FUNCTIONING AS A KEY EMPLOYEE FOR THIS LOCATION, A KEY EMPLOYEE APPLICATION MUST BE FILED WITHIN 60 DAYS, AND THEREAFTER BE REFILED WITHIN 60 DAYS OF ANY CHANGE IN THE PERSON OCCUPYING THAT POSITION.

NGC DISPOSITION:

FOR POSSIBLE ACTION:

06-05-21 R21-0250 Re: 35417-01
04899-03
5 Machines NIMBUS, INC., dba
 7-11 STORE #29638
 4615 E TROPICANA AVE
 LAS VEGAS, NV 89121

SUDHINDER KAUR MROQUE 100%
President/Secretary/Treasurer/Director/Shareholder

APPLICATION FOR A RESTRICTED GAMING LICENSE

**APPLICATION FOR LICENSURE AS A SOLE OFFICER, DIRECTOR, AND
SHAREHOLDER**

GCB RECOMMENDS: APPROVAL, CONDITIONED:

- (1) IF AN EQUITY OWNER IS NO LONGER FUNCTIONING AS A KEY EMPLOYEE FOR THIS LOCATION, A KEY EMPLOYEE APPLICATION MUST BE FILED WITHIN 60 DAYS, AND THEREAFTER BE REFILED WITHIN 60 DAYS OF ANY CHANGE IN THE PERSON OCCUPYING THAT POSITION.

NGC DISPOSITION:

**DISPOSITION
RESTRICTED AGENDA
MAY 2021
PAGE 19**

FOR POSSIBLE ACTION:

07-05-21 R21-0237 Re: 35408-01
29620-03
7 Machines MAINI ENTERPRISES, LLC, dba
LATINO MERCADO
2885 E CHARLESTON BLVD STE 105
LAS VEGAS, NV 89104

CHRISTABELLE EMELIA FERNANDES
Member/Manager

100%

APPLICATION FOR A RESTRICTED GAMING LICENSE

APPLICATION FOR LICENSURE AS SOLE MEMBER AND MANAGER

GCB RECOMMENDS: APPROVAL, CONDITIONED:

- (1) THE LICENSEE SHALL DEMONSTRATE SUCCESSFUL COMPLETION OF A REGULATORY COMPLIANCE SEMINAR FOR RESTRICTED LICENSEES WHICH IS DEEMED ACCEPTABLE TO THE NGCB CHAIR OR THE CHAIR'S DESIGNEE WITHIN 60 DAYS OF THE ISSUANCE OF THE STATE GAMING LICENSE. THIS CONDITION MAY BE ADMINISTRATIVELY EXTENDED BY THE NGCB CHAIR OR THE CHAIR'S DESIGNEE.
- (2) PRIOR TO THE ISSUANCE OF THE STATE GAMING LICENSE, THE LICENSEE SHALL ENTER INTO A SERVICE CONTRACT WITH A LICENSED SLOT ROUTE OPERATOR. THE TERM OF THE CONTRACT SHALL BE FOR AT LEAST A ONE YEAR PERIOD OF TIME.

NGC DISPOSITION:

**DISPOSITION
RESTRICTED AGENDA
MAY 2021
PAGE 20**

FOR POSSIBLE ACTION:

08-05-21 R21-0254 Re: 35420-01
11009-04

5 Machines PSANDHU ENTERPRISE, INC., dba
7-11 STORE #27700
5110 S MARYLAND PKWY
LAS VEGAS, NV 89119

PAWANDEEP SINGH
President/Secretary/Treasurer/Director/Shareholder

100%

APPLICATION FOR A RESTRICTED GAMING LICENSE

**APPLICATION FOR LICENSURE AS SOLE OFFICER, DIRECTOR,
AND SHAREHOLDER**

GCB RECOMMENDS: APPROVAL, CONDITIONED:

- (1) THE SURVEILLANCE SYSTEM AND/OR MIRROR(S) MUST BE INSPECTED AND APPROVED BY THE NGCB ENFORCEMENT DIVISION WITHIN 60 DAYS OF ISSUANCE OF THE STATE GAMING LICENSE AND THEREAFTER BE MAINTAINED AT OR ABOVE THE STANDARD THAT IS APPROVED.
- (2) PRIOR TO THE ISSUANCE OF THE STATE GAMING LICENSE, THE LICENSEE SHALL ENTER INTO A SERVICE CONTRACT WITH A LICENSED SLOT ROUTE OPERATOR. THE TERM OF THE CONTRACT SHALL BE FOR AT LEAST A ONE YEAR PERIOD OF TIME.
- (3) THE LICENSEE SHALL DEMONSTRATE SUCCESSFUL COMPLETION OF A REGULATORY COMPLIANCE SEMINAR FOR RESTRICTED LICENSEES WHICH IS DEEMED ACCEPTABLE TO THE NGCB CHAIR OR THE CHAIR'S DESIGNEE WITHIN 90 DAYS OF THE ISSUANCE OF THE STATE GAMING LICENSE. THIS CONDITION MAY BE ADMINISTRATIVELY EXTENDED BY THE NGCB CHAIR OR THE CHAIR'S DESIGNEE.

NGC DISPOSITION:

**DISPOSITION
RESTRICTED AGENDA
MAY 2021
PAGE 21**

FOR POSSIBLE ACTION:

09-05-21 R21-0226 Re: 10559-01
35113-01
7 Machines CRAWFORD COIN, INC., db at
GREEN VALLEY GROCERY #70
10480 LAS VEGAS BLVD S
LAS VEGAS, NV 89183

**APPLICATION FOR A WAIVER OF THE PROVISIONS OF NGC REGULATION 4.080
(WHICH IMPOSES A SIX-MONTH TIME LIMITATION WITHIN WHICH COMMISSION
ACTION IS EFFECTIVE), IN CONNECTION WITH APPROVAL FOR A RESTRICTED
GAMING LICENSE GRANTED IN NOVEMBER 2020**

GCB RECOMMENDS: APPROVAL, CONDITIONED:

- (1) THE WAIVER OF THE PROVISIONS OF NGC REGULATION 4.080, IN CONJUNCTION WITH THE APPROVAL GRANTED IN NOVEMBER 2020, SHALL EXPIRE ON THE DATE OF THE REGULARLY SCHEDULED NGC MEETING IN NOVEMBER 2021.**

NGC DISPOSITION:

FOR POSSIBLE ACTION:

10-05-21 R21-0227 Re: 10559-01
35094-01
7 Machines CRAWFORD COIN, INC., db at
GREEN VALLEY GROCERY #67
2680 CENTENNIAL PKWY
NORTH LAS VEGAS, NV 89084

**APPLICATION FOR A WAIVER OF THE PROVISIONS OF NGC REGULATION 4.080
(WHICH IMPOSES A SIX-MONTH TIME LIMITATION WITHIN WHICH COMMISSION
ACTION IS EFFECTIVE), IN CONNECTION WITH APPROVAL FOR A RESTRICTED
GAMING LICENSE GRANTED IN NOVEMBER 2020**

GCB RECOMMENDS: APPROVAL, CONDITIONED:

- (1) THE WAIVER OF THE PROVISIONS OF NGC REGULATION 4.080, IN CONJUNCTION WITH THE APPROVAL GRANTED IN NOVEMBER 2020, SHALL EXPIRE ON THE DATE OF THE REGULARLY SCHEDULED NGC MEETING IN NOVEMBER 2021.**

NGC DISPOSITION:

**DISPOSITION
RESTRICTED AGENDA
MAY 2021
PAGE 22**

FOR POSSIBLE ACTION:

11-05-21 R21-0225 Re: 31072-01
35402-01
15 Machines JETT GAMING LLC, db at
TERRIBLE'S MARKET #415
2750 FREMONT ST
LAS VEGAS, NV 89104

APPLICATION FOR A RESTRICTED GAMING LICENSE

GCB RECOMMENDS: APPROVAL, CONDITIONED:

- (1) A CASHIER, AGE 21 OR OLDER, MUST BE ON DUTY AT ALL TIMES THE MACHINES ARE AVAILABLE TO THE PUBLIC FOR PLAY.**
- (2) THE SURVEILLANCE SYSTEM AND/OR MIRROR(S) MUST BE INSPECTED AND APPROVED BY THE NGCB ENFORCEMENT DIVISION WITHIN 60 DAYS OF ISSUANCE OF THE STATE GAMING LICENSE AND THEREAFTER BE MAINTAINED AT OR ABOVE THE STANDARD THAT IS APPROVED**

NGC DISPOSITION:

FOR POSSIBLE ACTION:

12-05-21 R21-0214 Re: 10753-01
29875-04
15 Machines SARTINI GAMING, LLC, db at
EL DORADO CANTINA
8349 W SUNSET RD STE 150
LAS VEGAS, NV 89113

APPLICATION FOR A RESTRICTED GAMING LICENSE

GCB RECOMMENDS: APPROVAL.

NGC DISPOSITION:

**DISPOSITION
RESTRICTED AGENDA
MAY 2021
PAGE 23**

FOR POSSIBLE ACTION:

13-05-21 R21-0217 Re: 04789-01
16704-06
15 Machines UNITED COIN MACHINE CO., dba
CENTURY GAMING TECHNOLOGIES, db at
SQUARE BAR
900 KAREN AVE STE C101
LAS VEGAS, NV 89109

APPLICATION FOR A RESTRICTED GAMING LICENSE

GCB RECOMMENDS: APPROVAL, CONDITIONED:

- (1) A SIGN OF APPROPRIATE SIZE, WHICH HAS BEEN ADMINISTRATIVELY APPROVED BY THE NGCB CHAIR OR THE CHAIR'S DESIGNEE, MUST BE AT THE ENTRANCE TO THE LOCATION INDICATING THAT THE SLOT MACHINES ARE AVAILABLE TO THE PUBLIC TO PLAY AND THAT PATRONS ARE NOT REQUIRED TO PAY A COVER CHARGE TO ENGAGE IN GAMING.**

NGC DISPOSITION:

**DISPOSITION
GAMING DEVICE(S) / NEW GAME(S) – FINAL APPROVAL ITEMS
MAY 2021
PAGE 24**

FOR POSSIBLE ACTION:

NG01-05-21 D2020-0083

GAMING DEVICE: "GFL QOREX"

SUBMITTED BY: 30949-01
TCS JOHN HUXLEY
6171 MCLEOD DR
LAS VEGAS, NV 89120

TRIAL LOCATION: 03007-05
GRAND SIERRA RESORT AND CASINO
2500 E 2ND ST
RENO, NV 89595

REQUEST FOR FINAL APPROVAL

GCB RECOMMENDS: FINAL APPROVAL.

NGC DISPOSITION:

FOR POSSIBLE ACTION:

NG02-05-21 D2020-0120

NEW GAME: "FLUSHED"

SUBMITTED BY: 32130-01
INTERNATIONAL NETWORK IN ADVANCE GAMING
2516 BUSINESS PKWY UNIT G
MINDEN, NV 89423

TRIAL LOCATION: 03836-03
THE STRAT, HOTEL, CASINO & SKYPOD
2000 LAS VEGAS BLVD S
LAS VEGAS, NV 89104

REQUEST FOR FINAL APPROVAL

GCB RECOMMENDS: FINAL APPROVAL.

NGC DISPOSITION:

DISPOSITION
CONSIDERATION OF CASINO/PLAYER DISPUTE APPEALS
NRS 463.363
MAY 2021
PAGE 25

CONSIDERATION OF HEARING EXAMINER'S RECOMMENDATIONS REGARDING:

1. FOR POSSIBLE ACTION:

Case # 2020-7835L

Gill Benbassat
v.
Westgate Las Vegas Resort & Casino

HEARING EXAMINER RECOMMENDS:

Agent's decision denying payment of \$30,000.00 be affirmed.

GCB DISPOSITION: PAYMENT DENIED, PER GCB ORDER.

2. FOR POSSIBLE ACTION:

Case # 21LV00195

Wayne Frazer
v.
Harrah's Casino Hotel Las Vegas

HEARING EXAMINER RECOMMENDS:

Agent's decision denying payment of \$3,553.00 be affirmed.

GCB DISPOSITION: PAYMENT DENIED, PER GCB ORDER.

**DISPOSITION
REGULATION AGENDA
MAY 2021
PAGE 26**

FOR POSSIBLE ACTION:

CONSIDERATION AND RECOMMENDATION TO NEVADA GAMING COMMISSION OF PROPOSED AMENDMENTS TO NEVADA GAMING COMMISSION REGULATION 5.110 REGARDING, WITHOUT LIMITATION, MODIFICATION OF PROGRESSIVE LOGGING REQUIREMENTS.

PURPOSE: To modify the daily logging requirements of progressive payoff schedules; and to take such additional action as may be necessary and proper to effectuate this stated purpose.

GCB DISPOSITION:

DRAFT DATED MARCH 23, 2021 MODIFIED AND REFERRED TO NGC FOR FURTHER CONSIDERATION AND ACTION.

REFER TO REGULATION COMMENT ATTACHMENT.

**DISPOSITION
PUBLIC COMMENTS AGENDA
MAY 2021
PAGE 27**

This public comment agenda item is provided in accordance with NRS 241.020(2)(c)(3) which requires an agenda provide for a period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. Comments by the public may be limited to three minutes as a reasonable time, place and matter restriction, but may not be limited based upon viewpoint.

PUBLIC COMMENTS AND DISCUSSION: No comments.

From: Kevin Sweet <KEVIN.SWEET@cosmopolitanlasvegas.com>
Sent: Tuesday, April 20, 2021 2:37 PM
To: regcomments
Subject: PROPOSED AMENDMENTS TO REGULATION 5.110 - commentary

Good morning GCB Team,

Thank you for your consideration in amending the very cumbersome process of reading progressive meters on a daily basis. The proliferation of progressives on today's floor make this (progressive meter reads) almost a full time job compared to the relatively rarity of progressives when this regulation was first written. If you do nothing else, the amendment will be great as is.

However, it would be nice if there was a specific clarification on the starting/base amount of a progressive to be required to be read.

As it is written now, it says if the payoff is \$1,200 or more.

However, from a theoretical perspective, almost any machine COULD get above \$1,200 regardless of where its meter starts. It would be unfortunate to receive a write up because a game that generally never gets above \$1,200 because it starts at \$400 got above that level on a random occasion and wasn't being read on the progressive log.

I think it would be great if there was a \$1,000 base starting amount for the need to read the meter on the weekly basis.

Regardless, thank you for your consideration in this very needed amendment.

.....
Kevin Sweet
Vice President of Slot Operations & Marketing

The Cosmopolitan of Las Vegas
3708 Las Vegas Boulevard South
Las Vegas, NV 89109
cosmopolitanlasvegas.com



April 29, 2021

Office of the Executive Secretary
PO Box 8003
Carson City, NV 89702 (sent via electronic mail)

Attn: Regulation Comments

Regarding proposed change(s) to 5.110 In house progressive schedules. The focus and intent of the draft language is clear; to lessen the burden of nonrestricted licensees as it pertains to progressive logging. Draft language from 11/16/2020 aimed to limit the amount required to log at \$1200, or the W2G/Jackpot amount. The draft language proposed on 3/23/2021 attempts to further lessen the burden, in a manner that limits the ability for the Board to monitor and enforce controls over Nevada nonrestricted licensees, and protect the financial interests of those wagering at nonrestricted locations.

Specifically, the proposed amendment to 5.110.2 (b) should be removed entirely. It is predicated on the assertion that a "Board approved on-line slot monitoring system and the metering system is able to reasonably project progressive payoff schedule amounts since previous logging" every 7 days is equal to the required daily logs; it is not. In order for an online system to "reasonably project" these values, a calculation would be made taking the coin-in on the device, and multiplying that by a manually input progressive factor, resulting in a projected value. If instituted, intentional fraud and unintended mistakes would continue for up to 7 days, unregulated and unmonitored. The proposed language infers the systems' predictive measures equates to daily reads – this is simply not the case, requires human intervention and is fraught with peril.

Additionally, the proposed amendment to 5.110.2 (b) states "Nonrestricted licensees may log the amount of each progressive payoff schedule not less often than once every 7 days if the progressive payoff schedule is linked to slot machines that are connected....". The language does not address stand-alone progressives, which are NOT linked to another gaming device. These non-linked games are also subject to progressive logging requirements.

The proposed amendment also fails to address progressive games which are among the most popular in the industry today. As an example, many games feature secondary progressive payoff schedules with a seed/reset value of \$500.00 and stop incrementing at \$1,000. These regularly reach or get near the "cap", and when won by the player (frequently in a bonus round), result in a pay above the proposed \$1,200 value and require a W2G. This very common situation is not contemplated by the proposed amendment, limiting the logging requirement to \$1,200. This example makes a clear argument for having a lower threshold, due to the fact smaller progressive payoff schedules contribute to jackpot/W2G situations, and these progressive values would not be recorded or regulated by the proposed amendment.

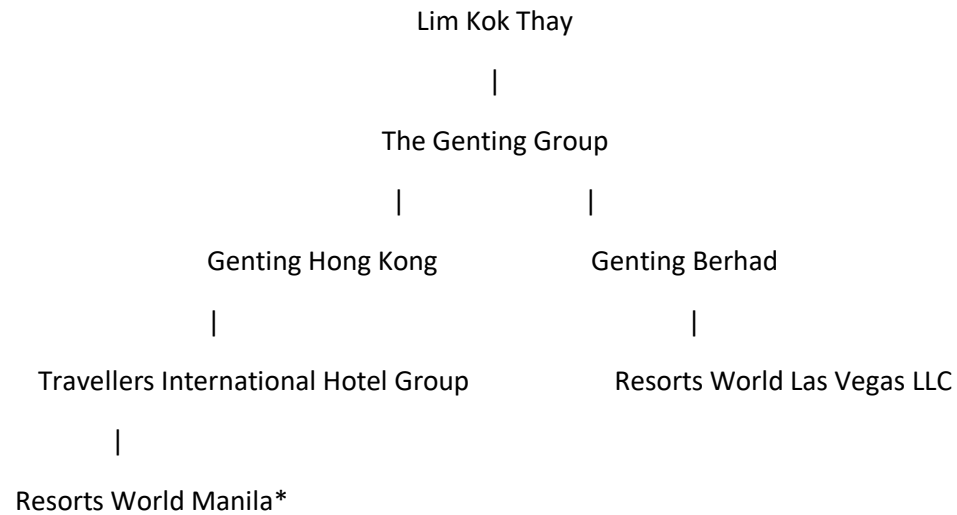
The motive for the regulation amendment is understandable; our industry is producing more games with progressives
Meter Image Capturing, LLC * 3006 Dusky Willow Lane * Las Vegas, NV * 89113

than ever before. Logging these values has become more cumbersome. This fact, however, does not justify the Board amending 5.110 and surrendering the audit/control intent of the regulation. The rationale for maintaining the logs has not changed; mitigating potential fraud, and protecting the wagerer in the state of Nevada. The proposed amendment lessens this ability, and should not be amended as proposed on 3/23/2021.

Kind Regards,

A handwritten signature in black ink, appearing to read "Kristina Schmit". The signature is fluid and cursive, with a large loop for the 'K' and a distinct 'S' for the last name.

Kristina Schmit
Managing Director



*Resorts World Manila is owned and operated by Travellers International Hotel Group, which is a joint venture between Alliance Global Group and Genting Hong Kong.

Alliance Global Group is a Filipino-based holding company with business activities in food & beverage, restaurant production and operations, gambling and real estate development.

Macau regulators look into misconduct allegations against Wynn

A man walks past Wynn Palace in Macau on Aug. 17, 2016. (AP Photo/Vincent Yu)

By Kelvin Chan The Associated Press

January 30, 2018 - 10:03 am



HONG KONG — The China arm of Steve Wynn's casino empire said Tuesday it will comply with Macau regulators as they seek more information about sexual misconduct [allegations against the Las Vegas billionaire](#).

Wynn Macau Ltd. said it will "fully cooperate with any requests" from authorities in Macau, the company said in a statement to the Hong Kong stock exchange.


Macau, a former Portuguese colony near Hong Kong, is the world's most lucrative casino market and the main source of profits for Wynn and other foreign gambling companies.

The statement came after Macau's gambling regulator said it was concerned about reports Wynn, 76, might have been "involved in inappropriate behavior in the United States."

Officials from the Gaming Inspection and Coordination Bureau met with Wynn Macau management on Monday to find out more about the situation, the bureau said.

The Wall Street Journal reported Friday that a number of women said they were harassed or assaulted by Wynn, and that one case led to a \$7.5 million settlement with a manicurist. The company has denied the allegations.

The scandal has forced the tycoon to resign as the Republican Party's finance chairman, sent shares of Wynn Macau and its U.S.-listed parent company tumbling and attracted closer scrutiny from regulators in Massachusetts, where Wynn is building a casino.



Macau's regulator said the government of the specially administered Chinese region was concerned the casino gaming concessionaires' major shareholders, directors and principal employees in casinos might not be qualified to operate there. "Relevant regulations will be strictly enforced," it said.

Wynn operates two casinos in Macau, including a lavish \$4.2 billion resort that opened in 2016. The more than three dozen casinos in the city last year raked in \$34 billion in revenues.

Here's what Massachusetts investigators are looking into after Steve Wynn hit with allegations of sexual misconduct

Updated Feb 1, 2018;

Posted Feb 1, 2018

By **Gintautas Dumcius**, gdumcius@masslive.com

When Steve Wynn appeared before the Massachusetts Gaming Commission in a bid for the lone eastern Massachusetts casino license, he acknowledged legalized gambling is a "unique" business.

"I mentioned earlier in a conversation with this commission, and I've done so publicly that we in this industry need to prove that we know the difference between right and wrong, and we know how to conduct our business ethically," he told the five-member commission.

Four years after that personal appearance, as his company builds a \$2.4 billion casino just outside of Boston, commissioners are grappling with what to do

after a Wall Street Journal report on various people alleging a "decades-long pattern of sexual misconduct by Mr. Wynn."

The commission's investigators are now conducting a review of whether Wynn is suitable to run a Massachusetts casino. A \$7.5 million settlement reported in the Wall Street Journal report was actively kept from the Gaming Commission, its head investigator said, during the original suitability review in 2013.

Gambling regulators in Nevada, where Wynn has casinos, are conducting their own review, according to the Associated Press.

Under the 2011 Massachusetts casino law, the Gaming Commission has the right to revoke or suspend the casino license, as well as level fines against the company.

The Wynn Boston Harbor casino so far remains on track to open in June 2019.



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Wynn, who in the aftermath of the report stepped down as finance chair of the Republican National Committee, has criticized the misconduct allegations and told the

Wall Street Journal, in part, "We find ourselves in a world where people can make allegations, regardless of truth."

Karen Wells, the Gaming Commission's chief investigator, told commissioners it was "impossible" to come up with a timeline for the review, since it will depend on what they find as they look.

The commission's original suitability review, conducted in 2013, did not uncover the alleged sexual misconduct. Those types of reviews in the gambling world typically focus on ties to criminal associates, organized crime or corruption.

Wells told the commission that her bureau plans to be "mindful that our role is not to conduct a criminal investigation into sexual assault."

Her bureau's regulatory review will focus on the suitability of Steve Wynn and a look at any corporate action or lack thereof. "The questions - who knew what, when, and what if anything did he or she do about it?" Wells said in her statement to the commission.

Wells said she'll also be looking at how Wynn Resorts handles the allegations and how the allegations impact the financial stability of the company.

Gaming Commission chairman Stephen Crosby told Wells she'll likely face some pressure from some of the people she speaks with in the course of the investigation to keep things private.

Crosby said the commission won't be happy with attempts to keep things "off the record."

"The people of Massachusetts have the right to know what the hell happened here," he said.



Philippines has a justice system open to bribery and corruption.

5/11/2018

Survey: Corruption thrives in private sector

Survey: Corruption thrives in private sector

The Philippine Star · 1 May 2018 · By RICHMOND MERCURIO

While fraudulent conduct in the country has been mostly associated with people in government, a new survey finds that bribery and corruption are also prevalent in Philippine businesses.

The 2018 EY Global Fraud Survey ranked the Philippines 17th among 53 economies with the highest perceived bribery and corruption practices in the private sector.

The survey was done between October 2017 and January 2018, which included 2,550 interviews in the local language with senior decision-makers in a sample of the largest companies in 55 countries and territories.

The report noted that more than half or 54 percent of the executives surveyed in the Philippines said bribery and corrupt practices happen widely in the business community.

"It is encouraging to note that 100 percent of Philippine respondents said that demonstrating integrity is important to their business, particularly in the area of customer perception and business performance. However, 26 percent of respondents said that they would consider paying cash to win business, which highlights the 'integrity gap' in some companies," said Roderick Vega, leader of SGV/EY Philippines Fraud Investigation and Dispute Services.

Among Asian countries, the Philippines ranked second behind Malaysia (56 percent) in terms of having the highest prevalence of bribery and corrupt practices in business.

Globally, Brazil ranked first (96 percent), followed by Colombia (94 percent), Nigeria (90 percent), Kenya (88 percent) and Peru (82 percent).

Countries with the least occurrence of bribery and corruption in business are Germany and Switzerland (two percent), Sweden and Finland (four percent), and Taiwan, Netherlands, Denmark and Austria (six percent).

According to EY, a global organization which refers to one or more member firms of Ernst & Young Global Ltd., the difference in levels of corruption between countries remains significant, with 20 percent of respondents in developed markets indicating that bribery and corruption occur widely in business, compared with more than half of those in emerging markets.

"The lack of improvement in global levels of corruption over the last six years shows that unethical behavior in business remains a daunting challenge, despite intensified global enforcement," said Andrew Gordon, EY Global Fraud Investigation and Dispute Services Leader.

PH slips in 2017 global corruption index

(UPDATED) With a score of 34, the Philippines ranks 111th out of 180 countries in the latest Corruption Perceptions Index of Transparency International

Michael Bueza

[@mikebueza](#)

Published 3:00 AM, February 22, 2018

Updated 9:52 PM, February 22, 2018



MANILA, Philippines (UPDATED) – The Philippines scored and ranked lower in the 2017 report of the Corruption Perceptions Index (CPI) of Transparency International (TI) compared to the previous two years.

The anti-corruption watchdog also said that majority of countries around the world are "moving too slowly" in their efforts to fight corruption.

Released on Wednesday, February 21, the [CPI 2017 results](#) showed that the

10

Philippines got a score of 34. It was down from 35 in the 2015 and 2016 reports. The country also ranked lower in 2017, placing 111th among 180 countries surveyed. The Philippines placed 101st out of 176 nations in 2016, and 95th of 168 in 2015.



HISTORICAL RANKING. Here's how the Philippines has ranked in the Corruption Perceptions Index since 2012. Each bar is normalized, taking into account the different number of countries in the CPI per year.

'Bad news'

The Philippines' score of 34 is "bad news," said Alejandro Salas, an Asia-Pacific senior expert at Transparency International, in an email to Rappler.

While the one-point drop from the 2016 index is not significant, Salas said, "When we look at 2014 when the Philippines reached 38, then we see that the situation in the perception of corruption in the country has been going downhill in the last 3 years."

Salas added that the relation of the low score to the "war on drugs" by President Rodrigo Duterte is "not direct" but he said "one can speculate that there is some influence."

"When individuals or private group interests are stronger and above the laws and institutions, corruption finds a fertile ground to flourish. It is in this sense that the war on drugs has openly shown that actions and decisions by one ruler are above institutions, human rights, and common sense, as it happens in the Philippines," Salas explained. He also noted that while Duterte has constantly campaigned against corruption, "unfortunately, these are only words, as there can't be a real and honest anti-corruption campaign if citizens, organizations, and the media are scared and punished if they denounce or demand accountability."

TI separately noted a "slow, imperfect progress" across the Asia Pacific Region, and called the Philippines, India and Maldives as among "the worst regional offenders" in terms of threatening – or in some cases, murdering – journalists, activists, opposition leaders and staff of law enforcement or watchdog agencies.

"These countries score high for corruption and have fewer press freedoms and higher numbers of journalist deaths," said the group.

Global rankings

New Zealand and Denmark were the least corrupt in the 2017 index, with respective scores of 89 and 88. Finland, Norway, and Switzerland followed suit, each with a score of 85.

Somalia, South Sudan, and Syria ranked lowest, with scores of 9, 12, and 14, respectively.

The global average score is 43. The Asia Pacific region has an average score of 44, tying with the Americas in 2nd place among the regions.

The European Union & Western Europe got the highest regional average score with 66, while countries in Sub-Saharan Africa performed the worst, with an average score of 32.

Meanwhile, more than two-thirds or 69% of countries scored below 50.

"Despite attempts to combat corruption around the world, the majority of countries are moving too slowly in their efforts," said Transparency International in a statement.

"While stemming the tide against corruption takes time, in the last 6 years, many countries have still made little to no progress," they added.

Worse, TI said, further analysis of the index also indicated that "countries with the lowest protections for press and non-governmental organizations (NGOs) also tend to have

the worst rates of corruption." (READ: Crackdown on media, NGOs linked to low global corruption index scores) **State policy, participation**

Asked about the high scores in Western Europe, Salas noted that while not all countries there are not faring well in the index, "what they have is a well-functioning democratic system with clean elections taking place regularly and various state institutions functioning as check and balances for each other."

"The president or prime ministers are not all powerful and don't control the institutions that are there to control them and exercise oversight. Citizens are involved, have access to public information, have better channels to complain against corruption, and the media operates in a largely free environment," he added.

To make significant progress against corruption worldwide, Salas said the battle must be waged "as a policy of state."

"The country that looks at fighting corruption as a state matter and not as a one-time political issue, and that embraces a strategy that combines the participation of various sectors with the creation of the laws and institutions that will prevent corruption from happening, the strengthening of the justice to punish corruption, and an open space for civil society actors and journalists to report and demand accountability, will be the one that will have a significant improvement in the score," explained Salas.

The CPI ranks countries and territories by their perceived levels of public sector corruption, according to experts and businesspeople.

Using a scale where zero is highly corrupt and 100 is very clean, the CPI is based on surveys and assessments of corruption by institutions and bodies such as the World Bank, the African Development Bank, and the Economist Intelligence Unit.

– **Rappler.com**

<https://www.rappler.com/nation/196563-philippines-corruption-perceptions-index-2017ranking>

Unfortunately, to file a complaint and obtain justice in the Philippines proves to be extremely difficult due to obfuscation by Philippine National Police (PNP), Fire Bureau, and RWM Management. In one case, a complaint was filed by a local actress, surviving of one of the victims. The victim was a local prominent businessman. She filed for Reckless Imprudence Resulting in Multiple Homicide and Multiple Physical Injuries against two security heads. The City Prosecutor dismissed said complaint for “lack of probable cause”.

October 15, 2018

The Honorable
Rep. ROMEO M. ACOP
Chairperson
Public Order And Safety

The Honorable
Rep. GUS S. TAMBUNTING
Chairperson
Games And Amusements

The Honorable
Rep. CORAZON N. NUÑEZ-MALANYAON
Chairperson
Tourism

Dear Chairpersons,

We are the bereaved children of the late Tung-Tsung Hung and Pi-Ling Lee Hung.

They were tragically killed together with thirty five other innocent victims in the early morning of June 2nd 2017 due to heavy smoke inhalation. Our parents were invited by Resorts World Manila (RWM), to the opening of its VVIP gaming room, being VVIP they should be held in an extremely high regard and treat impeccably.

After reading the article recently published on Rappler relating to the draft report of your Committee meeting that took place on October 9th, at 1:00 pm, we are left in utter shock and disbelief that you are now not considering recommending any charges be filed against RWM. We were vividly reminded of that horrendous time in our lives and this has caused all of our problems over the past 16 months to surface again and become agonizingly fresh and very depressing in our minds. After so many sleepless, emotional and countless nights, not only have we been left without parents; but, perhaps even worse, our young children have been left without both of their grandparents. They always ask us when will their grandparents be returning home, and we most painfully must find the strength to say they are gone. We are not certain they understand their grandparents will never return to them.

Since that terrible event, our lives have been very turbulent and RWM has not settled our claims after many long and painful months. They are not able to provide facts as to how the fire was so large, setting off toxic fumes. Given the sudden death of our parents, surely, someone must be feeling remorse and guilty that they have still not yet settled with us. How can this matter simply be absolved? The Committee will be negligent if it doesn't investigate this matter thoroughly to seek fair justice. It would be a national shame and could potentially lead to an international scandal.

By your own admission in the draft Committee report you have prepared, you agree that RWM failed miserably in its security and safety obligations; yet, you deliberately seem to ignore the facts and choose to absolve RWM of all liability without one word of explanation for such an illogical conclusion on your part.

We also discern that the statements from RWM contradict the bitter truth. We firmly believe that the actual events of that night have been suppressed or whitewashed. The Crime scene has already been compromised by repair and remodeling for a new attraction. Interestingly, it took only 27 days since the tragic incident for the casino to reopen to the public. After three (3) congressional hearings with no more questions or follow up investigations from Congress, no one has been dismissed or charged in criminal court. Your now having arrived at such an incomprehensible conclusion in this horrific tragedy would appear to be both implausible and cause for suspicion on its face.

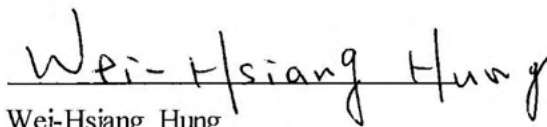
This case draws huge comparisons to the Ozone Disco tragedy in 1996. Similar lapses were apparent during the RWM incident. So how were the President who operated the disco and owner found guilty of criminal negligence and fined substantial amounts of money. How is that so different to this situation? *(Ex1-2)*

We are writing this letter to you today hoping that you can understand the suffering we have endured and continue to endure. Justice must be served. It is our right, and it is RWM's legal and moral obligation to settle with our family ASAP. The only family yet to be settled.

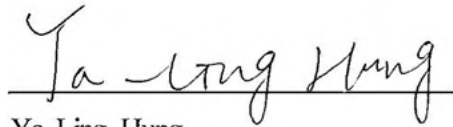
Enclosed for your review are important articles opposing the draft Committee findings absolving RWM of any liability, criminal or civil, in this matter. *(Ex3-14)*

Thank you in advance for your consideration and assistance.

Very truly yours,



Wei-Hsiang Hung
Address: 8F.-2, No.33, Ln. 751,
Kangning St., Xizhi Dist.,
New Taipei City 221, Taiwan (R.O.C.)
Tel: + 886-956-518-868
Email: whhung@gmail.com



Ya-Ling Hung
Address: 8F.-2, No.33, Ln. 751,
Kangning St., Xizhi Dist.,
New Taipei City 221, Taiwan (R.O.C.)
Tel: +886-914-078-512
Email: janis425@gmail.com

Enclosures:

cc: The Honorable President Rodrigo Roa Duterte
The Honorable Speaker Gloria Macapagal-Arroyo
The Honorable Senate President Vicente C. Sotto III
The Honorable Rep. Tomasito S. Villarin



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

08 November 2018

MR. WEI-HSIANG HUNG
MS. YA-LING HUNG
8F-2, No. 33, Ln 751,
Kangning St., Xizhi Dist.,
New Taipei City 221
Taiwan (R.O.C.)

Sir and Madam:

This has reference to your letter dated October 15, 2017, expressing your sentiments regarding the joint Committee Report approved by the Committees on Public Order and Safety, Games and Amusement and Tourism, on the circumstances of the attack on Resorts World Manila (RWM) that occurred on Friday, June 2, 2017.

Please accept my deepest condolences for the loss of your parents, Tung-Tsung Hung and Pi-Ling Lee Hung. Our sympathies are with you and the other families who lost their loved ones in that senseless tragedy.

I understand that in your suffering and grief, you would strive to seek justice for their deaths. However, the dispensation of justice is not the function of Congress. I wish to respectfully emphasize that the joint inquiry was conducted for a legislative purpose. To this end, the Committees arrived at a number of findings and presented their recommendations seeking the passage, review or amendment of legislation that would hopefully prevent such tragedies from occurring in the future.

I wish to stress that the Committees have not absolved anyone involved in this tragedy. Such act is not the function of the legislature to perform. Conversely, it is not for the Committees, or Congress itself, to bring criminal

charges against individuals named in the Committee Report. That duty is for the executive branch to carry out. Having said this, any facts that are brought to light during the congressional investigation, and the recommendations arising therefrom, may be utilized by the prosecutorial arm of the government, and may contribute to the decision of the Department of Justice to file the appropriate charges.

Nonetheless, the Committees have requested the Southern Police District of the Philippine National Police to submit updated information on charges filed, if any, against personalities involved in the said incident. The police report will be attached to the Committee Report.

In response to the request of the Committees, the Pasay City Police Station, through the Southern Police District, submitted a report stating that as of October 22, 2018, there is no complaint or information filed or pending in the prosecutors' office, court and in any other tribunal in any venue or jurisdiction relative to the said incident. Please find attached a copy of the report for your reference.

In this connection, allow us to cite relevant portions of the report of the Pasay City Police Station, as follows:

"Based on available records, the Special Investigation Team (SIT) "High Roller" RWM Incident of the Southern Police District, through its Investigation Report dated July 25, 2017, it was recommended that a criminal case for RECKLESS IMPRUDENCE RESULTING IN MULTIPLE HOMICIDE AND PHYSICAL INJURIES (Art. 365, RPC) against Armeen Gomez, Petronio Kinol Jr, Bernard Cajigas, Ian Bañas, and other responsible officers of Resorts World Manila (RWM); and the Proprietor and General Manager of NC Lanting Security Agency, Ms. Nimfa DC Lanting, and its Security Personnel; LG Mary Grace Rayala-Del Barrio, SG Emerson F. Paguila, SG Gefrey C. Malinao, SG Juvric Viray, SG Dominador Carale and SG Edwin Ciriaco, while a case for VIOLATION OF SECTION 41 OF RA 10591 (Comprehensive Firearms and Ammunitions Regulation Act) against Joanne Ruth Comendador, respectively, be filed.

Despite said recommendation in the aforesaid Report, this Office was constrained to put on hold the filing of any case considering that no victims or family members sought assistance for purposes of filing any case. At that juncture, this office was under the impression that it should wait for the interested parties to grieve for the losses, injuries, trauma and/or afford them ample time to obtain legal representations. Nonetheless, by the passing of weeks and months, none appeared despite several formal invitations and notices, continuous coordination efforts with the families of the victims or the victims themselves and coordination with other government offices, such as the BFP and NBI, have been conducted.

The absence of the interested parties has further constrained this office to defer filing of suits considering that the testimonies of the victims and/or their relatives are indispensable in the intended legal actions as recommended. Nevertheless, a reservation to file legal complaints is reflected on the aforesaid Report since the prescriptive period to file the same is yet to prescribe or until the same shall prescribe in accordance with the pertinent provisions of the Revised Penal Code and Revised Rules of Court on prescription of Crime, among others.

Notwithstanding the circumstances, on January 5, 2018, Police Senior Supt. Joel C. Pernito, the SIT Commander, directed the Investigators-On-Case to act as nominal complainant for purposes of filing the appropriate charges which order is still effective and valid.

All available documentary evidence were properly inventoried and kept in custody in anticipation of filing of the pertinent complaint."

The Pasay City Police Station also informed us that the Death Investigation Division of the National Bureau of Investigation (NBI) referred to the Office of the City Prosecutor of Pasay City, Metro Manila a complaint filed by Caridad Azenith B. Reyes and Alma De Lumen-Manuyag, for Reckless

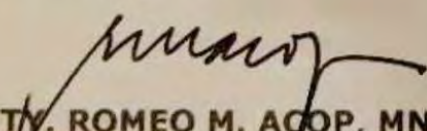
Imprudence Resulting In Multiple Homicide and Multiple Physical Injuries against respondents Armenio B. Gomez, Jr., Col. Rey Albert Milleza, et al.
Allow us to furnish you with a copy of the Resolution of the Office of the City Prosecutor of Pasay City, Metro Manila dated March 26, 2018. Based on the dispositive portion of the said Resolution, the City Prosecutor dismissed the said complaint for lack of probable cause.

As for the settlement of claims against RWM, the Committees are not clothed with the power to compel the company to fulfill its legal obligations. We wish to point out that the Committee Report does not preclude you from pursuing any legal action that you deem necessary. In this regard, may we advise you to seek the appropriate remedy before the proper court.

The congressional investigation provided a venue to elicit facts surrounding the fateful event. In conducting the inquiry, we believe that the Committees have exerted all efforts to ferret out the truth and determine the circumstances that led to the tragedy. It is our view that the Committees extended assistance to the victims by raising the issues and concerns of the affected families, thus ensuring that information was made available to them that would have been difficult to obtain on their own.

I wish to assure you that we fully recognize and support your right to seek redress for any harm or injustice that you feel you continue to endure as a consequence of the tragic incident. Our thoughts and prayers are with you.

Very truly yours,


ATTY. ROMEO M. ACOP, MNSA
Chairperson
Committee on Public Order and Safety

cc :

The Honorable President Rodrigo Roa Duterte
The Honorable Speaker Gloria Macapagal-Arroyo
The Honorable Senate President Vicente C. Sotto III
The Honorable Rep. Tomasito S. Villarin

ACOM
KEVIN R. HANSEN, ESQ.
Nevada Bar No. 6336
AMY M. WILSON, ESQ.
Nevada Bar No. 13421
LAW OFFICES OF KEVIN R HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas, Nevada 89146
Tel: (702) 478-7777
Fax: (702) 728-2484
kevin@kevinrhansen.com
amy@kevinrhansen.com
Attorneys for Plaintiffs

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

YA-LING HUNG and WEI-HSIANG HUNG,
individually each as surviving heirs, and as
Co-Administrators of the Estate of Tung-
Tsung Hung and Pi-Ling Lee Hung,
Decedents;

Plaintiffs,

vs.

Genting Berhad, The Genting Group, Genting
Hong Kong, Travellers International Hotel
Group, Resorts World Las Vegas LLC,
Resorts World Manila, and Kok Thay Lim,,
Defendants.

Case No.: A-19-795338-C
Dept. No.: 27

SECOND AMENDED COMPLAINT FOR
DAMAGES (WRONGFUL DEATH and
NEGLIGENCE)

EXEMPT FROM ARBITRATION
(Damages in Excess of \$50,000)

Jury Trial Demanded

COMES NOW Plaintiffs, YA-LING HUNG and WEI-HSIANG HUNG, by and through
their counsel of record, KEVIN R. HANSEN, ESQ., and AMY M. WILSON, ESQ., of the law
firm LAW OFFICES OF KEVIN R. HANSEN, and complains and avers of the Defendants as
follows:

INTRODUCTION

1
2 1. Ya-Ling Hung and Wei-Hsiang Hung (“Plaintiffs”), individually and as Co-
3 Administrators of the Estate of Tung-Tsung Hung and Pi-Ling Lee Hung, for their claims for
4 relief against Defendants Genting Berhad, The Genting Group, Genting Hong Kong, Travellers
5 International Hotel Group, Resorts World Las Vegas LLC, Resorts World Manila, and Kok Thay
6 Lim (hereinafter known as “Lim”) (collectively as “Defendants”), complain and allege as follows:
7

8 2. Plaintiffs are the surviving heirs and Co-Administrators of the Estate of their
9 parents, Mr. Tung-Tsung Hung and Mrs. Pi-Ling Lee Hung (the “Hungs” or “decedents”) who
10 died during a fire at the Resorts World hotel and casino in Manila, Philippines in June 2017.
11

12 3. Defendants are engaged in substantial business within the State of Nevada, and
13 this Court has jurisdiction to hear this case.

14 4. Defendants have publicly admitted “lapses” in their security, allowing the attacks
15 to take place, resulting in Mr. and Mrs. Hungs’ tragic and untimely deaths.
16

17 5. After the incident in question the Defendants engaged in fraudulent conduct to
18 cover up their negligence and prevent Plaintiffs from recovering for their injuries, thus causing
19 additional injury to the Plaintiffs.

JURISDICTION

20
21 6. This Court has jurisdiction to hear this case.
22

23 7. The following is some of the information Plaintiffs are currently aware of, and it
24 is expected that after Plaintiffs conduct discovery, these allegations will be bolstered and
25 enhanced.

26 8. Defendants have been engaged in substantial business within this District since
27 2013 when the Defendants, under the direction and control of Lim, purchased property located at
28

3000 Las Vegas Boulevard South, Las Vegas, Clark County, Nevada and commenced developing a resort and gaming property at that location. See Exhibit 3.

9. Since 2013 the Defendant Lim, by and through the entity defendants have pursued the development and opening of a gaming property in Clark County, Nevada and have thereby subjected themselves to the jurisdiction of the Courts of Nevada and specifically in Clark County.

10. Kok Thay Lim is the primary owner of the Genting Group entities. See Exhibit 7, Defendant Flow Chart. See also Exhibit 5, the personal profile of Lim.

11. Lim exercises ownership and control over all other Defendants in this matter and personally directs and controls the actions of the other Defendants in the actions set forth herein.

12. Defendant Lim and the other Defendants have purposefully availed themselves of the rights and privileges of the State of Nevada by applying for and receiving gaming licenses in this jurisdiction and have thereby submitted themselves to the general jurisdiction of the State of Nevada. See Exhibit 6.

13. Allowing Lim to assert corporate protections for the conduct of the other Defendants would perpetrate a fraud on this Court and against the Plaintiffs herein.

14. Upon information and belief, during the time frame of the incident referred to herein Lim traveled multiple times to Manila to supervise and control the actions of the other Defendants both before the incident and after the incident for the specific purpose of covering up the wrongdoing of the Defendants and to prevent the Plaintiffs from recovering herein.

15. Lim, as a gaming licensee in the State of Nevada is subject to the Courts and jurisdiction of the State of Nevada and specifically Clark County.

16. The State of Nevada has a significant and substantial interest in protecting the residents of the State of Nevada and those who travel to the State of Nevada for gaming purposes

1 to adjudicate the conduct of its licensees, no matter where in the world that conduct takes place.

2 17. By becoming a gaming licensee in the State of Nevada, Lim has consented to the
3 jurisdiction of the State of Nevada over his conduct and the conduct of the entities over which he
4 exercises domination and control.

5 18. The actions of Lim and the other Defendants in attempting to cover up the conduct
6 of the Defendants in the incident in question has left the Plaintiffs unable to pursue their claims
7 in the Courts of the Philippines leaving the Courts of the State of Nevada as the only available
8 venue for this action.

9 19. The Genting Group entities own the Resorts World brand, including Resorts
10 World Las Vegas and Resorts World Manila.

11 20. Resorts World Las Vegas and Resorts World Manila are therefore, for all intents
12 and purposes, one and the same, owned by the Genting entities.

13 21. Genting Berhad, The Genting Group, Genting Hong Kong, Travellers
14 International Hotel Group, Resorts World Las Vegas LLC, Resorts World Manila are each legal
15 entities doing business in Nevada by and through Lim and each other entity.

16 22. In addition, Resorts World Manila is partnered with, and uses the brands of Hilton,
17 Sheraton, and Marriott, all based and headquartered in the United States and doing business in
18 Clark County, Nevada.

19 23. The Genting entities, operate numerous Resorts World locations in the United
20 States, including Resorts World Las Vegas, Resorts World Casino New York City, Resorts World
21 Catskills, and Resorts World Miami. See Exhibit 4 with Corporate Profile and Information on
22 Defendants.

23 24. Discovery will therefore show, including by piercing the corporate veil, the alter
24
25
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ego nature of Defendants' corporate structure and that jurisdiction is appropriate in this District, especially given the lack of another appropriate forum to provide justice to Plaintiffs.

25. Therefore, the Eighth Judicial District Court, Clark County, Nevada has personal jurisdiction over both Plaintiffs and Defendants and subject matter jurisdiction pursuant to Article 6, Section 6 of the Nevada Constitution and NRS 4.370.

PARTIES

26. Plaintiffs are the son and daughter of the decedents, Mr. Tung-Tsung Hung and Mrs. Pi-Ling Lee Hung and live in Taiwan, Republic of China.

27. At all times pertinent hereto, Defendants had a duty to the Plaintiffs pursuant to NRS 41.085, Plaintiffs bring this action as individuals, heirs of the decedents and the personal representatives of the decedents.

28. Defendants operate hotels and casinos.

29. The Genting entities—Genting Berhad, The Genting Group, Genting Hong Kong, Travellers International Hotel Group, Resorts World Las Vegas LLC, Resorts World Manila are each legal entities doing business in Nevada by and through Lim and each other entity.

30. Defendant Lim is the principal controlling interest in the Defendant entities and exercises control and domination over those entities.

FACTUAL ALLEGATIONS

31. The following is some of the information Plaintiffs are currently aware of, and it is expected that after Plaintiffs conduct discovery, these allegations will be bolstered and enhanced.

32. A detailed Chronology of Events is attached hereto as Exhibit 1 and incorporated by reference herein.

THE EVENTS THAT CAUSED THE HUNGS' DEATHS

33. On June 2, 2017 at 12:11 a.m., Jessie Javier Carlos ("Carlos") entered the Resorts World Manila casino ("the Casino") armed with an assault rifle and wearing a mask and an ammunition vest.

34. A detailed chronology of the events can be found in Exhibit 1, attached to this Complaint. These events are hereinafter referred to as "the Incident."

35. During the Incident, 37 people (not including Carlos) lost their lives, including the Hungs.

36. Due to certain suspected 'cover-ups,' families, including the Hungs, have been unable to obtain more information about the Incident and the circumstances leading to the Hungs' deaths.

37. As a direct and proximate result of the actions of Defendants, and each of them, The Casino reached some confidential settlement agreements with other families whose members died in the Incident, as a result of Defendants' wrongdoing. No settlement has been reached with the claimants who seek full compensation for the Casino's highly egregious conduct.

THE HUNGS

38. The Hungs were Taiwanese nationals and among the 37 killed during the Incident.

39. The Hungs were married and had two children: Plaintiff Wei-Hsiang and Plaintiff Ya-Ling. At the time of their deaths, the Hungs had four grandchildren.

40. At the time of the Incident, the Hungs were staying at the Casino as VVIPs (very very important persons). They were in the Casino's VVIP room at the time of the Incident.

41. During the Incident, Defendants' employees led the Hungs, and others, into a pantry in the VIP room, to hide from the fire.

42. After the Incident, the Hungs were found in the VIP pantry room, where they had died from smoke inhalation.

DEFENDANTS' KNOWLEDGE, DUTIES AND WRONGFUL CONDUCT

43. Defendants at all material times owed a duty of care to the Hungs. Defendants had a duty to:

- a. take care for the safety of the Hungs as guests of the Casino;
- b. take special care for the safety of the Hungs as "VVIP" guests of the Casino;
- c. not subject the Hungs to unnecessary risks, including the risk of death, where those risks could be foreseen and guarded against by reasonable measures, the convenience and expense of which were entirely proportionate to the risks involved;
- d. ensure that the Casino was reasonably staffed with the required security personnel, fully trained to prevent or counter an attack such as the Incident;
- e. put in place cameras throughout the Casino, functioning and operational and ensure constant monitoring of the cameras by fully trained members of security staff;
- f. ensure that the security staff and the security operations were under supervision of adequately trained security experts;
- g. comply with applicable fire protection procedures, including the availability of clear, posted escape routes in the event of a fire, as well as the installation and maintenance of effective sprinkler systems and smoke extraction/ventilation systems;
- h. prepare emergency protocols and procedures to ensure the safe evacuation of all

1 guests of the Casino; and

- 2 i. ensure that staff members are sufficiently trained and aware of the emergency
3 protocols and procedures and how they should be implemented

4 44. The Hungs were killed by Defendants' breach of duties, negligence and
5 recklessness through its agents or employees, for whom Defendants are vicariously liable,
6 including, but not limited to, Defendants':
7

- 8 a. failure to ensure that the Hungs were safe and protected from the risk of death
9 whilst visiting the Casino as "VVIP" guests;
10 b. failure to prevent Carlos from entering the Casino, despite it being obvious from
11 the outset he was a threat to guests in view of his combat attire and assault rifle;
12 c. failure to ensure adequate security staff and/or physical barriers were in place to
13 prevent Carlos from entering the Casino (Carlos bypassed the metal detector at the
14 entrance and the lone security guard on duty without difficulty);
15 d. failure to ensure the sprinkler fire safety systems at the Casino were functioning
16 properly, and to ensure that there were adequate sprinklers throughout the Casino,
17 allowing the fire to spread along with the noxious fumes which ultimately killed
18 the Hungs;
19 e. failure to ensure the smoke extraction and ventilation system at the Casino was
20 functioning, properly or at all, and to ensure that there were adequate smoke
21 extraction fittings and equipment, allowing noxious smoke and fumes to be
22 trapped in parts of the Casino where guests, including the Hungs, had taken refuge;
23 f. failure to ensure there were adequate escape routes for the Hungs, and the other
24 guests and employees, in the event of a fire and/or to ensure the fire escape route
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- 1 was properly posted, either through reasonably placed signs or by the Casino staff;
- 2 g. failure to oversee the design and construction of the Casino in such a way as to
- 3 allow an orderly and swift evacuation in the event of a fire;
- 4 h. failure to commission a third party fire safety inspection or to ensure that the
- 5 Casino was certified to be compliant with appropriate fire safety standards;
- 6 i. failure to take reasonable measures, the convenience and expense of which were
- 7 entirely proportionate, to avoid the risk of death by fire or smoke to Casino guests,
- 8 including the Hungs;
- 9 j. reckless disregard for the required fire safety procedures and regulatory
- 10 requirements;
- 11 k. failure to ensure that Casino employees, including the security team, were given
- 12 adequate training on how to respond to a crisis situation, armed attack and outbreak
- 13 of a fire in the Casino;
- 14 l. failure to order the release of the five available K9 units to attack and stop Carlos;
- 15 m. failure to ensure a crisis negotiator was available or urgently brought to the scene
- 16 of the Incident so as to negotiate with Carlos;
- 17 n. failure to have any or any adequate paging or alternative communication system
- 18 in place to coordinate the response to the Incident and/or to use any such a
- 19 communication system to the extent that it was in place;
- 20 o. reckless direction of guests, including the Hungs, and employees into a small
- 21 pantry, adopting a dangerous and wholly inappropriate evacuation procedure in
- 22 response to the Incident and exposing Casino guests to an even greater risk of loss
- 23 of life;
- 24
- 25
- 26
- 27
- 28

- p. failure to ensure the camera room in the Casino was constantly monitored by a fully trained staff member;
- q. employees' and/or agents' reckless abandonment of their posts and security duties to the Hungs and other Casino guests when the Incident occurred;
- r. failure to ensure "VVIP" guests had dedicated security guards to protect them during their time at the Casino and staff to safely escort them from the building when the Incident occurred;
- s. failure to ensure an appropriate number of adequately trained and armed security guards were on duty at the entrance to or elsewhere in the Casino so as to apprehend Carlos and/or prevent him from setting the fires;
- t. failure to take any meaningful steps in response to Carlos's presence and the attack for a period of more than one hour thereby exposing the guests of the Casino to further unreasonable risks;
- u. failure to carry on their business operations so as not to subject the Hungs to foreseeable and unreasonable risk of death; and/or
- v. reckless coordination with local police and fire departments while managing the Incident as it unfolded, including, but not limited to:
 - i. the failure to provide adequate information from the cameras, or other sources, on the whereabouts of the Gunmen, the Hungs and other guests, and the fires' locations;
 - ii. misleading local police to believe that all guests and casino patrons had been evacuated without a reasonable inspection of the premise;
 - iii. thwarting accountability for a proper investigative report; and

iv. allowing incendiary bullets to be used, thereby intensifying the nature of the fire and its propensity to spread rapidly throughout the Casino.

45. A detailed report on the tortious activities of the Defendants is attached hereto as Exhibit 2 and is incorporated by reference herein.

46. As a proximate result of the Incident and Defendants' breaches of duty, the Hungs died on or about June 2, 2017.

47. Upon information and belief, due to certain suspected 'cover-ups,' families, including the Hungs, have been unable to obtain more information about the Incident and the circumstances leading to the Hungs' deaths.

48. Upon information and belief, Defendants sought P721 Million from its insurer(s) but declared losses of only P430.3 Million in its December 2017 financial statements. There therefore appears to be a difference of P290.6 Million between the insurance claim submitted by Defendants and the actual losses sustained as per its financial statements.

49. Upon information and belief, the Defendants prevented full and complete investigation of the incident and participated with certain law enforcement entities in covering up the details of the incident.

50. Upon information and belief the Defendant Lim exercised domination and control over the other defendants in preventing the full investigation and full disclosure of the wrongful conduct of the Defendants herein.

DAMAGES

51. Upon information and belief, Defendants sought P721 Million from its insurer(s); The Hungs are survived by their children, Plaintiffs, and four grandchildren who have sustained financial and pecuniary loss as a result of the death of the decedents and have suffered mental

anguish and emotional loss and such other damages as are recoverable by law.

52. Plaintiffs herein claim as damages against Defendants the following: expenses and other financial losses suffered by Plaintiffs; grief, sorrow, loss of probable support, companionship, society, comfort and parental love, affection, and advice, and damages for pain, suffering and disfigurement of the decedents; compensation for the reasonably expected loss of income of the decedents; the reasonable value of the loss of services, protection, care and assistance provided by the decedents; and such other damages allowable by law.

FIRST CAUSE OF ACTION

(WRONGFUL DEATH)

53. Plaintiffs repeat, re-allege, and incorporate by reference all previous paragraphs, including the attachments to this Complaint.

54. This is an action for the wrongful deaths of the Hungs, resulting from the wrongful acts of Defendants, and each of them, giving rise to liability for death by wrongful act or negligence.

55. Plaintiffs are the legal heirs of the Hungs.

56. Defendants owed a duty to exercise reasonable care in safeguarding and protecting the decedents, as discussed herein.

57. Defendants breached the duty by failing to exercise reasonable care as discussed herein.

58. It was reasonably foreseeable that Defendants' failure to exercise reasonable care would result in the deaths of the Hungs.

59. Defendant's wrongful actions and/or inaction, as described above, give rise to a wrongful death cause of action.

1 60. As a direct and proximate result of the negligent conduct of Defendants, the Hungs
2 suffered special damages, which the Hungs incurred or sustained prior to their death.

3 61. As a result of the conduct stated above, Defendants are liable to the Estate of the
4 Hungs for exemplary and punitive damages.

5 62. As a direct and proximate result of the actions set forth above, the Hungs suffered
6 conscious pain and suffering, psychological trauma, and anticipation of their own death, so that
7 Plaintiffs, as Co-Administrators of the Hungs' estate, are entitled to an award of pecuniary
8 damages and punitive damages.
9

10 63. Plaintiffs, as the Hungs' legal heirs, were, and continue to be, damaged as a direct
11 and proximate result of Defendants actions, including grief, sorrow, loss of probable support,
12 companionship, society, comfort and parental love, affection, and advice, and damages for pain,
13 suffering and disfigurement of the decedents; compensation for the reasonably expected loss of
14 income of the decedents; the reasonable value of the loss of services, protection, care and
15 assistance provided by the decedents; and such other damages allowable by law, for which they
16 suffered loss and are entitled to compensation.
17

18 64. Due to the egregious violations alleged herein, Plaintiffs assert that Defendants
19 breached Defendants' respective duties in an oppressive, malicious, despicable, gross and
20 wantonly negligent manner. As such, Defendants' conscious disregard for Plaintiffs' and the
21 Hungs' rights entitles Plaintiffs to recover punitive damages from Defendants.
22
23

24 **SECOND CAUSE OF ACTION**

25 **(NEGLIGENCE)**

26 65. Plaintiffs repeat, re-allege, and incorporate by reference all previous paragraphs,
27 including the attachments to this Complaint.
28

1 66. Defendants owed a duty to exercise reasonable care in safeguarding and protecting
2 the decedents, as discussed herein.

3 67. Defendants breached the duty by failing to exercise reasonable care as discussed
4 herein.

5 68. It was reasonably foreseeable that Defendants' failure to exercise reasonable care
6 would result in the deaths of the Hungs.
7

8 69. Defendants' breach was the direct and proximate cause of Plaintiffs' injuries and
9 the Hungs' injuries and death.

10 70. Defendant's wrongful actions and/or inaction, as described above, constituted
11 negligence at common law.
12

13 71. Plaintiffs were, and continue to be, damaged as a direct and proximate result of
14 Defendants breach of duty, including out-of-pocket expenses, mental anguish, emotional distress,
15 and other economic and non-economic harm, for which they suffered loss and are entitled to
16 compensation.
17

18 72. Due to the egregious violations alleged herein, Plaintiffs assert that Defendants
19 breached Defendants' respective duties in an oppressive, malicious, despicable, gross and
20 wantonly negligent manner. As such, Defendants' conscious disregard for Plaintiffs' and the
21 Hungs' rights entitles Plaintiffs to recover punitive damages from Defendants.
22

23 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

24 73. Plaintiffs repeat, re-allege, and incorporate by reference all previous paragraphs,
25 including the attachments to this Complaint.

26 74. As set forth herein the conduct of the Defendants in failing to protect the Plaintiffs
27 and by attempting to coverup their own tortious and fraudulent conduct has been extreme and
28

outrageous with the intention of causing emotional distress to the Plaintiffs.

75. Plaintiffs have suffered sever and extreme emotional distress which has been caused by the conduct of the Defendants.

PRAYER FOR RELIEF

1. WHEREFORE, for each cause of action alleged, Plaintiffs respectfully requests that the Court grant relief in Plaintiffs' favor and against Defendants, jointly and severally, as follows:

- a. Actual, compensatory, general, and special damages in excess of \$50,000 to redress the harms caused to Plaintiffs and the Hungs, including but not limited to, expenses, emotional distress, and other economic and non-economic harms;
- b. Exemplary and punitive damages;
- c. Pre- and post-judgment interest;
- d. Costs of suit and reasonable attorneys' fees; and
- e. Such other and further relief as this Court deems just and proper.

TRIAL BY JURY

2. Pursuant to the Seventh Amendment to the Constitution of the United States of America and the Constitution of the State of Nevada, Plaintiffs are entitled to, and demand, a trial by jury.

DATED this ____ day of May 2021.

LAW OFFICES OF KEVIN R. HANSEN

KEVIN R. HANSEN, ESQ.
Nevada Bar No. 6336
AMY M. WILSON, ESQ.
Nevada Bar No. 13421
5440 West Sahara Avenue, Suite 206

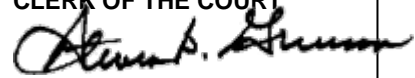
Las Vegas, NV 89146
Tel. (702)478-7777
Fax: (702) 728-2484
kevin@kevinrhansen.com
amy@kevinrhansen.com
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

Pursuant to the Nevada Rules of Civil Procedure, I hereby certify that I am an employee of the LAW OFFICES OF KEVIN R. HANSEN and that on the ____ day of May, 2021, **SECOND AMENDED COMPLAINT** was served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court e-Filing System in accordance with the mandatory electronic service requirement of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules, and if not on the e-service list, was deposited in the United States Mail, first class postage fully prepaid thereon, addressed as follows:

MARK E. FERRARIO, ESQ.
Nevada Bar No. 1625
CHRISTOPHER R. MILTENBERGER, ESQ.
Nevada Bar No. 10153
GREENBERG TRAURIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
Email: ferrariom@gtlaw.com
miltenbergerc@gtlaw.com
*Counsel for Defendants Resorts World Las Vegas LLC,
Genting Berhad, Genting U.S. Interactive Gaming Inc.,
and Genting Nevada Interactive LLC*

An Employee of Law Offices of Kevin R. Hansen



RIS
MARK E. FERRARIO, ESQ.
Nevada Bar No. 1625
CHRISTOPHER R. MILTENBERGER, ESQ.
Nevada Bar No. 10153
GREENBERG TRAUIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
Email: ferrariom@gtlaw.com
miltenbergerc@gtlaw.com

*Counsel for Defendants Resorts World Las Vegas LLC,
Genting Berhad, Genting U.S. Interactive Gaming Inc.,
and Genting Nevada Interactive LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

YA-LING HUNG and WEI-HSIANG HUNG,
each individually, as surviving heirs, and as Co-
Administrators of the Estate of Tung-Tsung
Hung and Pi-Ling Lee Hung, Decedents,

Plaintiffs,

vs.

Genting Berhad, Genting U.S. Interactive
Gaming Inc., Genting Nevada Interactive
Gaming LLC, Genting Intellectual Property Pte
Ltd., Resorts World Inc. Pte Ltd, Resorts World
Las Vegas LLC, Resorts World Manila, and Kok
Thay Lim,

Defendants.

Case No.: A-19-795338-C
Dept. No.: 27

**REPLY IN SUPPORT OF
MOTION TO DISMISS AND
OPPOSITION TO COUNTERMOTION
TO AMEND THE COMPLAINT**

Date of Hearing: June 10, 2021
Time of Hearing: 10:30 a.m.

Defendants Resorts World Las Vegas LLC (“RWLV”), Genting Berhad, Genting U.S. Interactive Gaming Inc., and Genting Nevada Interactive Gaming LLC (collectively with Genting Berhad and Genting U.S. Interactive Gaming Inc., the “Genting Defendants”), by and through their counsel of record, the law firm of Greenberg Traurig, LLP, hereby submit this Reply in support of their Motion to Dismiss and Opposition to Plaintiffs’ Countermotion for Leave to Amend Complaint.

1 Plaintiffs' Opposition fails to satisfy their burden of establishing this Court's ability to
2 exercise personal jurisdiction over any of the Genting Defendants or how they have alleged any
3 facts upon which they could state a claim against RWLV. The Opposition likewise fails to address
4 the deficiencies in Plaintiffs' Amended Complaint with respect to their improper group pleading
5 and unsupported alter ego theories which prevent Plaintiffs from moving forward with any claims
6 against any of the Genting Defendants or RWLV.

7 For the reasons set forth herein and in the Motion to Dismiss, Plaintiffs' Amended
8 Complaint it should be dismissed pursuant to Nevada Rules of Civil Procedure 12(b)(2), 12(b)(5),
9 12(b)(6), or in the alternative pursuant to the doctrine of *forum non conveniens*. This Reply and
10 Opposition is made and based on the papers and pleadings on file herein, the following
11 memorandum of points and authorities, and any and all argument permitted by the Court at any
12 hearing on this motion.

13 DATED this 3rd day of June, 2021.

14 /s/ Christopher R. Miltenberger

15 Mark E. Ferrario (SBN 1625)
16 Christopher R. Miltenberger (SBN 10153)
17 GREENBERG TRAURIG, LLP
18 10845 Griffith Peak Drive, Ste. 600
19 Las Vegas, Nevada 89135

20 *Attorneys for Defendants Resorts World Las Vegas LLC,
21 Genting Berhad, Genting U.S. Interactive Gaming Inc.,
22 and Genting Nevada Interactive LLC*

23 MEMORANDUM OF POINTS AND AUTHORITIES

24 I. INTRODUCTION

25 Plaintiffs seek to prosecute claims against RWLV and the Genting Defendants in Nevada
26 based upon a tragic event that took place in a hotel halfway around the world that neither RWLV
27 nor the Genting Defendants own or operate. Plaintiffs bear the burden of demonstrating that this
28 Court has personal jurisdiction over each of the defendants named in their Amended Complaint
based upon each of the individual defendant's contacts with the State of Nevada. Much like their
Amended Complaint, Plaintiffs' Opposition relies upon conclusory statements parroted from their

1 pleading or cribbed from Wikipedia pages rather than specific facts or factual allegations relating to
2 each specific defendant in support of its claim for jurisdiction. Such arguments fail to satisfy
3 Plaintiffs' burden and the Amended Complaint must be dismissed against the Genting Defendants
4 for lack of personal jurisdiction.

5 Similarly, Plaintiffs' Opposition fails to point to any allegations in the Amended Complaint
6 or to any evidence attached to the Opposition that cure the deficiencies in Plaintiffs' improper
7 collective, group pleading. Both the Amended Complaint and the Opposition continue to argue that
8 the "Defendants" engaged in conduct in the Philippines or in Nevada and that the "Defendants"
9 exercise "ownership and control" over each other, without pleading or presenting any facts to
10 support a *prima facie* alter ego claim against any of the defendants.

11 Further, Plaintiffs' Opposition does not address several of the salient points raised in the
12 Motion to Dismiss that equally warrant dismissal of their Amended Complaint. Plaintiffs do not
13 explain how this case could proceed without a necessary and indispensable party that they have not
14 pursued and otherwise failed to serve within the extended time period allowed by the Court that has
15 long since expired. Nor do Plaintiffs address critical elements of this Court's *forum non conveniens*
16 analysis, which also weighs heavily in favor of dismissal.

17 Finally, Plaintiffs' last-ditch effort to salvage its lawsuit by asking for leave to amend
18 equally misses the mark. Plaintiffs' proposed Second Amended Complaint relies upon the same
19 conclusory statements and group pleading and makes no effort to remedy any of the pleading
20 deficiencies addressed in the Motion to Dismiss. As such, amendment would be futile and the
21 counter-motion for leave to amend should be denied.

22 II. ANALYSIS

23 A. Plaintiffs Concede that this Court Lacks Specific Personal Jurisdiction Over Any of 24 the Defendants.

25 Plaintiffs' Opposition does not address any of the arguments raised by the Genting
26 Defendants as to why this Court cannot exercise specific personal jurisdiction over any of them. As
27 EDCR 2.20(e) explains, "[f]ailure of the opposing party to serve and file written opposition may be
28 construed as an admission that the motion and/or joinder is meritorious and a consent to granting

1 the same.” Regardless, it is impossible for this Court to exercise specific personal jurisdiction over
2 any defendant based on the plain, unambiguous allegations underlying Plaintiffs’ claims. This Court
3 could only exercise specific personal jurisdiction if Plaintiffs’ claims arose from the each of the
4 defendants’ individual, case-related contacts with the State of Nevada. *Consipio Holding, BV v.*
5 *Carlberg*, 128 Nev. 454, 458, 282 P.3d 751, 755 (2012). Plaintiffs’ claims arise solely from conduct
6 that transpired in the Philippines, precluding the Court from exercising specific personal jurisdiction
7 over any of the Genting Defendants.

8 **B. Plaintiffs Failed to Establish this Court’s General Personal Jurisdiction Over the**
9 **Genting Defendants.**

10 Instead, Plaintiffs rest their hopes on this Court exercising general personal jurisdiction over
11 the Genting Defendants. *See* Opp., 2:1-3, 5:9-23, 6:1-22. As Plaintiffs acknowledge in their
12 Opposition, in order to exercise general jurisdiction over any of the Genting Defendants the Court
13 must find that each of the defendant’s contacts with the state of Nevada “are so constant and
14 pervasive as to render [them] essentially at home in the forum State.” Opp., 5:11-12 (quoting,
15 *Daimler AG v. Bauman*, 517 U.S. 117, 122 , 134 S.Ct. 746, 751, 187 L.Ed.2d 624 (2014)). While
16 Plaintiffs seemingly ask this Court to look to the contacts of all of the defendants together as a
17 whole, the Court must look at each individual defendant’s contacts with the State of Nevada rather
18 than looking to the defendants as a collective unit. *Three Rivers Provider Network, Inc. v. Med.*
19 *Cost Containment Profls, LLC*, No. 2:18-CV-135 JCM (GWF), 2018 U.S. Dist. LEXIS 126618,
20 2018 WL 3620491, at *5 (D. Nev. July 30, 2018). Importantly, Plaintiffs bear the burden of
21 establishing this Court’s ability to exercise jurisdiction over each of the defendants “and the burden
22 of proof never shifts to the party challenging jurisdiction.” *Trump v. District Court*, 109 Nev. 687,
23 692, 857 P.2d 740, 744 (1993). Plaintiffs’ allegations in the Amended Complaint and arguments
24 raised in the Opposition fall woefully short of meeting this burden.

25 Plaintiffs first argue that “Defendants are engaged in substantial business within this
26 District.” Opp., 6:1. Even if this allegation was true as to all of the defendants, which it is not, the
27 Supreme Court has recognized that merely doing business in a state is insufficient for that state to
28

1 satisfy the due process requirements of exercising general personal jurisdiction over a party.
2 *Bauman*, 571 U.S. at 137-38.

3 While RWLV engages in business in the State of Nevada, the same is not true for any of the
4 Genting Defendants. As set forth in the Declaration of Wong Yee Fun in support of the Genting
5 Defendants' Motion to Dismiss, although each of those entities maintains a registered agent in the
6 State of Nevada, none of them regularly conduct business in the state, most never having done any
7 business at all within this state. Ex. 1 to Mot., Genting Decl., ¶¶ 10, 18, 27. Further, obtaining
8 registrations or having an agent for service of process in a state is insufficient to establish general
9 personal jurisdiction over a defendant in any event. *Freeman v. Second Judicial Dist. Ct.*, 116 Nev.
10 550, 558, 1 P.3d 963, 968 (2000) (finding that appointment of a registered agent by a non-resident
11 company does not "in itself subject a non-resident" to personal jurisdiction, requiring the court to
12 conduct a minimum contacts analysis); *Brown v. Lockheed Martin Corp.*, 814 F.3d 619, 637 (2d
13 Cir. 2016); *Waite v. All Acquisition Corp.*, 901 F.3d 1307, 1318 (11th Cir. 2018); *Fiske v. Sandvik*
14 *Mining*, 540 F. Supp. 2d 250, 256 (D. Mass. 2008); *Ab v. Mylan Pharm., Inc.*, 72 F. Supp. 3d 549,
15 556 (D. Del. 2014); *DNH, L.L.C. v. In-N-Out Burgers*, 381 F. Supp. 2d 559, 565 (E.D. La. 2005).

16 Even if obtaining registrations or licenses in a state was sufficient to establish general
17 jurisdiction over a party, which it is not, the registrations and licenses held by certain of the Genting
18 Defendants that Plaintiffs point to in their Opposition were obtained after Plaintiffs' filed their
19 Complaint. Opp., 6:20-22 and Ex. 6. Such purported contacts with the State of Nevada are legally
20 irrelevant to this Court's due process analysis as they were obtained after the filing of the
21 Complaint. See Ex. 1 to Mot., Genting Decl., ¶¶ 9, 36, 42; *Delphix Corp. v. Embarcadero Techs.,*
22 *Inc.*, 749 F. App'x 502, 505-06 (9th Cir. 2018); *Metro. Life Ins. Co. v. Robertson-Ceco Corp.*, 84
23 F.3d 560, 569-70 (2d Cir. 1996).

24 Next, by lumping all of the Genting Defendants together with the other named defendants
25 with RWLV in its pleading and in its Opposition, Plaintiffs go on to assert that "Defendants" not
26 only engaged in business in Nevada but also own and develop a property in Nevada. Opp., 6:1-8.
27 Not so. Presumably Plaintiffs are referring to the actions of RWLV, as the real property records
28 attached to the Opposition and other documents referenced by Plaintiffs concern the development of

1 the Resorts World Las Vegas project. *See* Ex. 3 to Opp, Real Property Records, Ex. 7 to Opp.,
2 Flow Chart. Again, the Court must look at the conduct of each of the defendants individually, not
3 collectively, and none of the allegations or documents attached to the Opposition demonstrate any
4 of the Genting Defendants own property in Nevada or are otherwise engaged in business in this
5 state such that they would be considered “at home” in Nevada. As courts have long recognized, the
6 actions of one defendant are not attributed to the other for the purposes of a due process jurisdiction
7 analysis and mere affiliation, even when presented with an overlap in ownership interests, is
8 insufficient to establish general jurisdiction in Nevada over the foreign entity. *Three Rivers*
9 *Provider Network, Inc.*, 2018 U.S. Dist. LEXIS 12661 at * 5, 2018 WL 3620491 at *5.

10 The Declaration of Ms. Wong attached to the Motion to Dismiss dispelled any conclusory
11 allegations with respect to the Genting Defendants’ contacts with the State of Nevada. Continuing
12 to repeat the same misguided conclusions in their Opposition does not rebut the evidence presented
13 by the Genting Defendants and falls far short of establishing Plaintiffs’ burden for this Court to
14 exercise jurisdiction. Plaintiffs cannot establish that exercising general jurisdiction over any of the
15 Genting Defendants would comport with due process and each of them should be dismissed from
16 the case as a result.

17 **C. Plaintiffs’ Continued Assertion of “Alter Ego” Liability Is Unsupported by Factual**
18 **Allegations or Evidence and Further Demonstrates the Appropriateness of**
Dismissal of the Genting Defendants.

19 Similarly, Plaintiffs’ constant refrain of “alter ego” and “piercing the corporate veil” is
20 insufficient to establish general personal jurisdiction over any of the Genting Defendants. The
21 Nevada Supreme Court recently reiterated that the contacts of a parent company’s subsidiary
22 within the state are not attributed to the foreign parent company in a general personal jurisdiction
23 analysis. *Viega GmbH v. Eighth Jud. Dist. Ct.*, 130 Nev. 368, 375-77, 328 P.3d 1152, 1157-58
24 (2014); *see also Corcoran v. CVS Health Corp.*, 169 F. Supp. 3d 970, 978 (N.D. Cal. 2016).

25 Therefore, Plaintiffs’ argument that one of the Genting Defendants “owns the Resorts
26 World brand, including Resorts World Las Vegas” to reach the conclusion that “Resorts World Las
27 Vegas and Resorts World Manila are therefore, for all intents and purposes, one and the same,
28 owned by the Genting entities” is not only factually incorrect but insufficient to establish general

1 jurisdiction over the Genting Defendants in Nevada. *Id.*; see Ex. 1 to Mot., Genting Decl. The
2 Nevada Supreme Court has made it clear that a party must allege facts, not conclusory statements,
3 in order to possibly entertain jurisdiction over a foreign entity based on such an “alter ego” theory.
4 *Viega*, 130 Nev. at 377-382, 328 P.3d at 1158-60.

5 Courts have warned that it is the rare case under “narrow circumstances” when a court
6 should exercise general jurisdiction based on an alter ego theory. *Corcoran*, 169 F. Supp. 3d at
7 983. In order to do so, Plaintiffs were required to allege facts supporting a *prima facie* showing of a
8 unity of interest in ownership interests in the companies **and** those companies acting collectively as
9 if they were one in the same in order to support such an alter ego theory. *Id.* Conclusory statements
10 are not enough and Plaintiffs must plead **facts** showing why alter ego liability could potentially
11 attach before even considering exercising jurisdiction on such a theory. *Neilson v. Union Bank of*
12 *Cal, N.A.*, 290 F. Supp. 2d 1101, 1116 (C.D. Cal. 2003); *Wady v. Provident Life and Accident Ins.*
13 *Co. of America*, 216 F.Supp.2d 1060, 1067 (C.D.Cal.2002).

14 Plaintiffs’ Amended Complaint and Opposition fall far short of pleading facts or even
15 presenting evidence that could possibly support the exercise of jurisdiction under an alter ego
16 theory. None of the documents attached to the Opposition touch upon the relationship between the
17 Genting Defendants and RWLV. At best, Plaintiffs’ Opposition attaches a report discussing
18 Resorts World Manila’s conduct in the Philippines. Opp., 6:14-19, 7:10-15, 7:25-27, Ex. 4 to Opp.,
19 Ex. 9 to Opp. None of these documents or arguments touch upon the Genting Defendants and
20 RWLV and none of them address any contacts with the State of Nevada, so they cannot possibly
21 serve as a justification for exercising general personal jurisdiction over any of the Genting
22 Defendants in Nevada. Simply put, there are no forum-related contacts engaged in by the Genting
23 Defendants or RWLV out of which Plaintiffs base their claims.

24 Plaintiffs’ legal conclusions and recitation of some of the elements for imposing alter ego
25 liability are insufficient as a matter of law to permit this Court to exercise general jurisdiction over
26 any of the Genting Defendants. As Plaintiffs failed to present this Court with any facts in its
27 pleading or in its Oppositions to support the exercise of personal jurisdiction over any of the
28 Genting Defendants the claims against them must be dismissed under NRCP 12(b)(2) as a result.

D. Plaintiffs Do Not Explain How They Have Asserted Viable Claims Against RWLV Because They Have Not.

RWLV pointed out in its Motion to Dismiss that Plaintiffs failed to plead any facts as to any conduct it engaged in that could possibly support any of the claims alleged against it in the Amended Complaint. Plaintiffs ignore this issue in their Opposition instead focusing on grasping at straws to impose general jurisdiction over the Genting Defendants. While the failure to oppose the Motion to Dismiss on this basis is sufficient on its own to granting the motion as to RWLV, even under strict scrutiny the allegations fail to assert a claim for relief against RWLV in any event. *See* EDCR 2.20(e).

Plaintiffs were required to plead some facts as to conduct engaged in by RWLV that, when taken as true, would entitle Plaintiffs to relief against RWLV. *In re Amerco Derivative Litig.*, 127 Nev. 196, 211, 252 P.3d 681, 692 (2011). Plaintiffs did no such thing. Instead, Plaintiffs' Amended Complaint and argument in Opposition continue to rely upon conclusory statements about what conduct "Defendants" purportedly engaged in without alleging a single action undertaken by RWLV. By relying on group pleading and making no effort to plead facts as to anything that RWLV did to possibly be culpable for events that transpired halfway around the world, Plaintiffs' Amended Complaint fails as a matter of law. *Volcano Developers LLC v. Bonneville Mortg.*, No. 2:11-cv-00504-GMN-PAL, 2012 WL 28838, at *5 (D. Nev. Jan. 4, 2012) (dismissing complaint for plaintiffs' failure to "meaningfully distinguish between the parties in their factual allegations" and leaving defendants and the Court to "guess which facts apply to which parties."); *Robins v. Wolf Firm*, No. 2:10-cv-0424-RLH-PAL, 2010 WL 2817202, at *5 (D. Nev. July 15, 2010) (dismissing claims *sua sponte* because plaintiff failed to distinguish between individual defendants).

Similar to the issue above with respect to general jurisdiction, merely stating a legal conclusion that RWLV is the alter ego of some other defendant is equally insufficient to state a claim. To possibly state a claim against RWLV, Plaintiffs' Amended Complaint was required to plead facts supporting a *prima facie* case upon which the finder of fact could find both a "unity of interest and ownership" between RWLV and Resorts World Manila and facts supporting that "treating the corporations as separate entities would result in injustice." *Corcoran*, 169 F. Supp.

3d at 983. Conclusions are not enough, and Plaintiffs were required to plead specific facts that when taken as true could support such conclusions. *Neilson*, 290 F.Supp.2d at 1116; *Wady*, 216 F.Supp.2d. at 1067.

Plaintiffs do not allege any conduct with respect to RWLV to link it to the event at Resorts World Manila or how it could be seen as one in the same as that entity. Plaintiffs' allegations are deficient as a matter of law and Amended Complaint fails to state a claim against RWLV as a result.

E. Plaintiffs Failed to Join and Serve Necessary and Indispensable Parties Requiring Dismissal.

Again, Plaintiffs did not address their failure to join necessary and indispensable parties that warrants dismissal under NRCP 19. The failure justifies granting the motion. EDCR 2.20(e). However, as above, an examination of the pleading and Opposition demonstrates why dismissal of the Amended Complaint with prejudice in its entirety is warranted.

Plaintiffs were required to join as parties to their complaint, "all persons materially interested in the subject matter of the suit [must] be made parties so that there is a complete decree to bind them all." *Olsen Family Tr. v. District Court*, 110 Nev. 548, 553, 874 P.2d 778, 781 (1994). The failure to join a necessary party is "fatal to the district court's judgment." *Id.* at 554. Plaintiffs have failed to join and serve necessary and indispensable parties who are alleged to have engaged in the conduct underlying Plaintiffs' theory of liability.

All of the actions at issue in this case took place at Resorts World Manila, which neither RWLV nor the Genting Defendants own or operate. Ex. A to Mot., Genting Decl., ¶¶8, 16, 25, 34, 48; Ex. C to Mot., RWLV Decl., ¶ 5. While Plaintiffs attempted to name Resorts World Manila as a defendant, they failed to properly join it in this case by serving it within the time provided under the Nevada Rules of Civil Procedure or as extended by the Court. Plaintiffs obtained multiple extensions to serve Resorts World Manila and were ultimately provided about 16 months to do so from the filing of its Amended Complaint. *See* Order Granting Extension of Time to Serve, entered May 28, 2020, on file herein. Pursuant to that Order, Plaintiffs were given until September 16, 2020 to effectuate service on unserved parties. *Id.* Over eight months have passed since that deadline lapsed, and Plaintiffs failed to effectuate service or even to seek an extension of time to

1 serve Resorts World Manila prior to the lapsing of the deadline. As a result, Resorts World Manila,
2 the sole entity alleged to have engaged in any of the actionable conduct underlying Plaintiffs'
3 claims, cannot be properly joined as a party in this case months after the service deadline lapsed and
4 complete relief for the claims asserted in Plaintiffs' Amended Complaint could never be obtained.

5 Plaintiffs' failure to prosecute their case by even taking basic steps to serve named
6 defendants¹ or to even seek an extension of the time for service prior to the expiration of the
7 previously extended service period speaks volumes. Under NRCP 41(e), the "court may dismiss an
8 action for want of prosecution if a plaintiff fails to bring the action to trial within 2 years after the
9 action was filed." It is now more than two years after the action was filed and Plaintiffs failed to
10 serve certain of the defendants and have not advanced the case beyond the pleading stage. It is time
11 for this case to come to an end.

12 Notably, Plaintiffs acknowledge in their proposed Second Amended Complaint that there
13 are still other necessary parties they have not joined in this action more than two years since filing
14 their Complaint as it relates to the parties that actually own and operate Resorts World Manila. A
15 simple internet search quickly reveals the owners and operators of Resorts World Manila, but
16 Plaintiffs failed to do the slightest diligence to identify and attempt to name necessary and
17 indispensable parties until two years later after the issue was brought to their attention by the
18 moving parties. Now, for the first time, Plaintiffs seek to add those parties in their proposed Second
19 Amended Complaint. *See* Ex. 10 to Opp. It is too little, too late two years after the filing of their
20 Complaint and four years after the incident giving rise to their claims to bring in such parties as it is
21 now impossible for Plaintiffs to join all the necessary and indispensable parties as a result of their
22 failure to timely serve Resorts World Manila. The failure to include these parties in the lawsuit as
23 required under NRCP 19(a) or to seek to add them as parties with any diligence prejudices the
24 Genting Defendants and RWLV as they would potentially be subject to multiple actions and
25 complete relief could not be afforded in the underlying case. Accordingly, Plaintiffs' Second
26 Amended Complaint fails for this separate, distinct reason and it should be dismissed in its entirety

27
28 ¹ Plaintiffs also failed to serve Defendants Genting Intellectual Property Pte Ltd., Resorts World
Inc. Pte Ltd., and Kok Thay Lim.

1 with prejudice.

2 **F. Alternatively, the Court Should Dismiss the FAC Under the Doctrine of *Forum Non***
3 ***Conveniens*.**

4 Plaintiffs' entire case is predicated on conduct that took place in the Philippines having
5 nothing to do with the State of Nevada. Plaintiffs reside in Taiwan. All of the Defendants other than
6 RWLV have their principal places of business and domicile outside this jurisdiction. The relevant
7 witnesses all reside in Southeast Asia, as do the relevant documents relating to the incident
8 including those held by third parties residing in foreign countries. In short, litigation in a foreign
9 forum with a connection to the incident and the relevant parties would be far more convenient for
10 the parties than being limited by the jurisdictional reach of this Court over those foreign parties.
11 *Lueck v. Sundstrand Corp.*, 236 F.3d 1137 (9th Cir. 2001) (citing *Gulf Oil Corp. v. Gilbert*, 330
12 U.S. 501, 504 (1947)).

13 While Plaintiffs assert they cannot pursue their claim elsewhere such that there is no
14 alternative forum, they fail to articulate why that is the case. Opp., 7:10-7, 8:3. Instead, Plaintiffs
15 make conclusory statements about purported "cover ups" and "corruption" in foreign jurisdictions,
16 but those allegations are unsupported by any factual basis and more akin to something from a
17 Hollywood film. Although someone else's case may have been dismissed in one foreign
18 jurisdiction, that by no means supports a finding that Plaintiffs could not seek to prosecute their
19 claims in some other appropriate jurisdiction where the allegations took place or where the proper
20 defendants reside. It is only in "rare circumstances . . . where the remedy provided by the alternative
21 forum . . . is so clearly inadequate or unsatisfactory, that it is no remedy at all," where an available,
22 alternative forum would be disregarded. *Lueck v. Sundstrand Corp.*, 236 F.3d 1137, 1143 (9th Cir.
23 2001) (internal quotations omitted). Plaintiffs have not demonstrated that no alternative
24 jurisdictions exist.

25 While Plaintiffs may prefer this jurisdiction, they have no connection to this jurisdiction, and
26 there is no interest in this State providing a forum to foreign nationals to pursue claims against other
27 foreign entities in this Court. All of the factors set forth in the Motion to Dismiss weigh in favor of
28 dismissal and Plaintiffs fail to demonstrate why the doctrine of *forum non conveniens* is

1 inapplicable here. This case should be dismissed.

2 **G. Plaintiffs' Proposed Second Amended Complaint Fails to Remedy the Problems**
3 **Addressed Herein and Leave Should Be Denied as Futile.**

4 Plaintiffs' request for leave to amend to file their Second Amended Complaint is not well
5 taken as the proposed amended pleading does not cure the jurisdictional or pleading deficiencies
6 addressed herein. Nevada Rules of Civil Procedure 15(a) provides that "a party may amend its
7 pleading only with the opposing party's written consent or the court's leave." Although the rule
8 states that leave shall be given when justice so requires, this does not mean that a trial judge may
9 not, in a proper case, deny a motion to amend. *Kantor v. Kantor*, 116 Nev. 886, 891, 8 P.3d 825,
10 828 (2000). If that were the intent of the rule, leave of court would not be required. *Id.* Therefore,
11 the decision whether to grant leave to amend lies with the sound discretion of the Court. *Connell v.*
12 *Carl's Air Conditioning*, 97 Nev. 436, 634 P.2d 673 (1981).

13 No amendment is warranted where amendment would be futile. In weighing whether to
14 grant leave, the Court must determine whether the amendment is substantially futile. *See, e.g. Allum*
15 *v. Valley Bank of Nevada*, 109 Nev. 280, 287, 849 P.2d 297, 303 (1993) ("It is not abuse of
16 discretion to deny leave to amend when any proposed amendment would be futile."). Moreover, if
17 amending the complaint would create a claim without a proper legal basis, courts are fully justified
18 in denying a request to amend, even if the motion was timely. *Halcrow, Inc. v. Eighth Jud. Dist. Ct.*,
19 302 P.3d 1148, 1152 (2013), *as corrected* (Aug. 14, 2013).

20 Plaintiffs' proposed Second Amended Complaint would be an exercise in futility as it fails
21 to provide any new facts to support jurisdiction over any of the Genting Defendants, any specific
22 conduct of RWLV that could potentially lead to liability, or any facts to support their claim of alter
23 ego liability. *See* Ex. 10 to Opp. Plaintiffs continue to rely upon improper group pleading alleging
24 that "Defendants" engaged in certain conduct, but they continue to fail to delineate what defendant
25 allegedly engaged in what act. Plaintiffs still fail to allege facts upon which a reasonable finder of
26 fact could find that the parties exert control over each other, and instead rest on the same conclusory
27 allegations and recitation of legal elements. Nor do Plaintiffs articulate how they could properly
28 continue to pursue claims against parties that they originally named and failed to serve in the

1 gracious 16-month service period the Court permitted, for which they failed to seek an extension of
2 the deadline prior to its expiration or even now two years since this case was initiated.

3 Plaintiffs' proposed Second Amended Complaint is deficient in all the same ways as the
4 Amended Complaint. Allowing amendment would needlessly prolong this matter and resolution of
5 this case is warranted here and now. As the proposed Second Amended Complaint is legally futile,
6 Plaintiffs' counter-motion for leave to amend should be denied.

7 **III. CONCLUSION**

8 Based on the foregoing, RWLV and the Genting Defendants respectfully request that
9 Plaintiffs' Amended Complaint be dismissed in its entirety with prejudice and that Plaintiffs'
10 counter-motion for leave to amend be denied.

11 DATED this 3rd day of June, 2021.

12 /s/ Christopher R. Miltenberger

13 Mark E. Ferrario (SBN 1625)

14 Christopher R. Miltenberger (SBN 10153)

15 GREENBERG TRAURIG, LLP

16 10845 Griffith Peak Drive, Ste. 600

17 Las Vegas, Nevada 89135

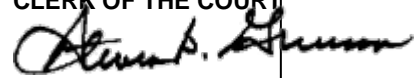
18 *Attorneys for Defendants Resorts World Las Vegas LLC,*
19 *Genting Berhad, Genting U.S. Interactive Gaming Inc.,*
20 *and Genting Nevada Interactive LLC*
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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June, 2021, a true and correct copy of the foregoing *Reply in Support of Motion to Dismiss and Opposition to Countermotion to Amend the Complaint* was filed with the Clerk of the Court using the Odyssey eFileNV Electronic Service system and served on all parties with an email-address on record, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R. The date and time of the electronic proof of service is in place of the date and place of deposit in the U.S. Mail.

/s/ Andrea Lee Rosehill
an employee of Greenberg Traurig, LLP



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

YA-LING HUNG, et al.,

Plaintiff(s),

vs.

GENTING BEHAD, et al.,

Defendant(s).

CASE NO: A-19-795338-C

DEPT. XXVII

BEFORE THE HONORABLE NANCY ALLF, DISTRICT COURT JUDGE

THURSDAY, JUNE 10, 2021

RECORDER'S TRANSCRIPT OF PROCEEDINGS
RE: MOTIONS HEARING

APPEARANCES (Attorneys appeared via Blue Jeans):

For the Plaintiff(s): KEVIN R. HANSEN, ESQ.

For the Defendant(s): MARK E. FERRARIO, ESQ.
CHRIS MILTENBERGER, ESQ.

RECORDED BY: BRYNN WHITE, COURT RECORDER
TRANSCRIBED BY: KATHERINE MCNALLY, TRANSCRIBER

1 **LAS VEGAS, NEVADA, THURSDAY, JUNE 10, 2021**

2 [Proceeding commenced at 10:56 a.m.]

3
4 THE COURT: The last matter today. And I thank everyone
5 for their courtesy.

6 Page 10, Hung versus Genting Berhad.

7 Let's have appearances starting with the plaintiff.

8 MR. HANSEN: Good morning, Your Honor. Kevin
9 Hansen, appearing for the plaintiff.

10 THE COURT: Thank you.

11 MR. FERRARIO: Good morning, Your Honor. Mark
12 Ferrario and Chris Miltenberger, appearing for Resorts World
13 Las Vegas and Genting Berhad.

14 And also on the call, Your Honor, is Gerald Gardner,
15 general counsel for Resorts World Las Vegas.

16 THE COURT: Very good. Thank you. And welcome.
17 Your motion, please.

18 MR. FERRARIO: Thank you, Your Honor.

19 Having been in front of you a number of times, I know that
20 you reviewed the pleadings in these matters and read what we
21 submit to you, so I'm not going to regurgitate everything that we've
22 set out. But I do think that a couple of points need to be made.

23 One, is we're -- under no theory, under no case law, under
24 no statute, do the plaintiffs present an argument to the Court for
25 having this case lodged in the 8th Judicial District Court.

1 The incident that occurred here occurred in Manila.
2 Your Honor knows that from reading the pleadings. It occurred in a
3 hotel casino property in Manila. The incident, the folks involved in
4 the incident have no connection to this jurisdiction.

5 And quite simply, Your Honor, this is a case that should
6 have never been filed here. As we've articulated in the briefs,
7 there -- you know, Resorts World Las Vegas has zero connection with
8 the incident, zero. Genting Berhad -- and, Your Honor, the reason
9 I'm focusing on Genting Berhad as opposed to the other Genting
10 entities is counsel has conceded to dismiss Genting U.S. Interactive
11 and Genting Nevada Interactive.

12 So the only remaining Genting entity would be Genting
13 Berhad. As we've articulated in the pleadings, Genting Berhad does
14 no business in Nevada. And as we've set forth, there is no basis to
15 assert either specific or general jurisdiction over Genting Berhad
16 here in Nevada.

17 And really, Your Honor, in going through this and getting
18 ready for this argument, plaintiffs really kind of do a Hail Mary, in my
19 opinion, to get this case lodged here in Nevada with conclusory
20 allegations of alter ego, without any factual support for those
21 allegations.

22 And I don't have to tell Your Honor this, because the case
23 law is robust in this area and we've cited it -- that type of pleading
24 simply doesn't suffice to confer jurisdiction over any number of
25 corporate entities that might be part of some bigger corporate

1 structure. That throws the whole concept of jurisdiction and
2 pleading on its head.

3 And quite frankly, Your Honor, if this motion is not granted
4 and this case is allowed to go forward, then we can throw out all the
5 rules regarding jurisdiction, regarding pleading, and regarding any
6 sort of notion that you have to have a connection between an
7 incident and a forum. And we don't have that here.

8 And that brings me to the *forum non conveniens*,
9 Your Honor. And that's again laid out very well in our pleadings.
10 I'm not going to regurgitate it.

11 Everything involved in the underlying incident happened
12 in Manila. Nothing happened here, period.

13 And if you go through their own documents, that is
14 demonstrated conclusively. And the documents I'm talking about
15 are the documents that were submitted with the pleading and in the
16 papers that have been filed, you know, in furtherance of this motion.

17 And the other thing, Your Honor, that I guess -- and we put
18 it in our reply -- is the case has been going on now for over 2 years.
19 Plaintiffs, for whatever reason, have really not diligently pursued the
20 case. They haven't even bothered to serve within that timeframe
21 some of the folks or some of the defendants that are named here.
22 So the time for bringing in parties has expired.

23 We have been generous in granting extensions to the
24 plaintiff. And Your Honor, when new counsel came in, gave them an
25 opportunity to get up to speed and file the opposition here. So

1 they've been given every opportunity to try to make a case, but they
2 failed in all respects.

3 And so Your Honor for the reasons set forth in the motion
4 and for what I've set forth today, we think it's time for the motion to
5 dismiss be granted. And Resorts World Las Vegas and Genting
6 Berhad should be dismissed from this case.

7 And in terms of amending the complaint, Your Honor,
8 again, that, in my opinion, is kind of a Hail Mary tactic here at the
9 end. And as we've articulated in the pleading, nothing in that
10 amended complaint, nothing cures the deficiencies that I'm talking
11 about here. No amend -- no amount of amending can -- can make
12 this incident connected to Las Vegas, the underlying incident, no
13 amount of amending, at least as they've set forth, can cure the
14 conclusory alter ego allegations that they make.

15 And so at this point, Your Honor, I think it's time to put this
16 case to bed.

17 I'll answer any questions the Court has.

18 THE COURT: I have none.

19 Thank you.

20 Mr. Hansen.

21 MR. HANSEN: Thank you, Your Honor. And thank you to
22 Mr. Ferrario's office for -- I would acknowledge that they did grant us
23 an extension and an ability to file our opposition here, and let me get
24 up to speed in the case. And so I do appreciate that.

25 And this is a little bit of a different situation. Because an

1 example might be a car crash happens in Nevada, but the defendant
2 lives in New York. So we go to New York and we sue the defendant
3 in New York. We could all -- you could always do that. It's not the
4 common practice. But if the Nevada jurisdiction were unavailable
5 because of the -- then going to New York would be an appropriate
6 thing.

7 That's similar to what we have here. We have the primary
8 defendant in this case, which is Mr. Lim. And Mr. Lim is the owner
9 of this -- he's the Steve Wynn of China, I guess is the way to put it.
10 He's the owner of this convoluted and far-extending, far-reaching
11 series of casinos.

12 The allegations are that Mr. Lim has intentionally and
13 through him and through his conduct has made the forum of Manila
14 unavailable. That forum is unavailable. The level of corruption, the
15 level of misconduct that has happened in that forum has made that
16 forum unavailable.

17 So then we need to go to where the defendant is. So if the
18 original forum is unavailable -- and especially because of the
19 conduct of the defendants, if the original forum is unavailable, then
20 we have to go to where the defendant is.

21 Mr. Lim has been here in Nevada developing his casino
22 since 2013. He has purposefully availed himself of the jurisdiction of
23 Nevada. He has gone and got a gaming license in the state of
24 Nevada. But now he has come -- become a part of this state and of
25 the -- and subject to the jurisdiction in Nevada, just as any other

1 casino owner and controller would be if he went into another
2 jurisdiction.

3 This is a level of availment. This is -- it's not even like --
4 getting a gaming license is not even like getting a driver's license or
5 even like getting a residence in a state. It is about coming into the
6 state and opening up everything about that you -- the way you
7 conduct business and submitting yourself to the jurisdiction of the
8 state of Nevada. That's what getting a gaming license does for
9 Mr. Lim.

10 Then because he exercises what we believe to be
11 complete and utter control over all of these entities -- we believe that
12 he has committed fraud in other jurisdictions, in specific relationship
13 to this case, that has opened up his -- the chain of entities from the
14 Manila entity back to the Hong Kong entity to the -- to the primary
15 entity in the -- the primary Genting entity in China; to Genting
16 Berhad, which is their United States kind of shell corporation; and
17 then to Resorts World Las Vegas. He's opened all of those up
18 through that conduct.

19 And, therefore, we ask that these plaintiffs be given the
20 opportunity to come into this Court and to present this Court with
21 the opportunity to give them the voice that they cannot get
22 anywhere else.

23 Thank you, Your Honor.

24 THE COURT: Thank you.

25 And the reply, please.

1 MR. FERRARIO: Thank you, Your Honor.

2 I'm really struggling with where to begin. I think probably
3 the easiest thing is that much of what counsel said, virtually all of
4 what he said, is not supported by any sort of factual information,
5 either -- or even an allegation in the complaint.

6 And it is not supported by any factual information that's
7 been submitted in conjunction with these motions.

8 If you look at Exhibit 10, Your Honor, that we submitted --
9 or that they submitted, excuse me -- it's a report that they submitted
10 from the Philippines, advising the folks that they can seek an
11 appropriate remedy in a proper court.

12 And that really raises the issue here, Judge. This isn't the
13 proper court. And nothing counsel said today changes that analysis.
14 And there's been no allegations that Resorts World Manila has come
15 to Nevada -- or Resorts World Manila has come and tried to get a
16 gaming license. And all of the talk about Mr. Lim is kind of curious
17 to me because they didn't even bother to serve Mr. Lim in the two
18 years that this case has been pending, which is just curious.

19 And then to say that because Mr. Lim got a gaming
20 license, somehow you can now bring a claim against Resorts World
21 Las Vegas when there is absolutely no factual support to connect
22 Resorts World Las Vegas to Resorts World Manila, it confounds me,
23 Judge.

24 And so while I appreciate vigorous advocacy and
25 somebody trying to make the claim, in this case, they missed the

1 mark. And again, I don't know how many times I can say this, the
2 underlying incident has nothing to do with the state of Nevada.

3 And Resorts World Las Vegas coming here and opening a
4 casino here doesn't change that. And Mr. Lim getting a license
5 doesn't change that. And again, speculative comments by counsel
6 cannot cure the pleading deficiencies that exist in both the original
7 complaint and in the amended complaint, in regard to the alter ego
8 type allegations that they're making. Conclusory alter ego
9 allegations get you nowhere in this context.

10 So, Judge, with that, I'll answer any questions you have.
11 But again, as I said before, it's time to put this case to bed. Counsel
12 and his clients have been given every opportunity by the Court and
13 by us to make a claim that could stick. They failed in that regard,
14 and this case should be dismissed.

15 THE COURT: Thank you.

16 This is the defendant's Motion to Dismiss. It was filed
17 originally on February 5th, and it was continued until today. There's
18 an opposition and a countermotion. And the motion was brought
19 under 12(B)(5), 12(B)(6), 12(B)(2), and under *forum non conveniens*.

20 Motion will be granted for the following reasons: Only
21 three defendants were ever served, and that was back on July 3 of
22 2019. The extension for the service of other defendants expired on
23 September 16 of 2020. There's never been any answer and there's
24 been no activity in the case for other two years of any substance.

25 The alter ego is a Nevada statutory remedy. It hasn't been

1 pled with sufficiency either in the complaint of May 23, 2019; the first
2 amended complaint of May 30, 2019; or the proposed amended
3 complaint attached to the countermotion in opposition. The primary
4 defendant isn't Mr. Lim because he would only come in under an
5 alter ego theory, and in order to do that it's a very tough bar in
6 Nevada, even for closely held corporations. You have to be able to
7 prove that the personal financials are so intermixed with the
8 companies' that they are treated as one entity. And given the
9 stringency of Nevada gaming law, I just don't believe that that is
10 going to be possible for the plaintiff here to do.

11 The same thing with the operating entities. Again, given
12 the stringency of the Nevada Control -- Gaming Control Board and
13 Commission, and the requirements of that, I just don't think that's
14 going to be possible here.

15 The *forum non conveniens* is also granted for the fact that
16 the transaction occurrence did not occur here, and there are no
17 witnesses here. And then you have an issue of application of law.
18 Certainly Nevada law would not apply to this case.

19 So even though, Mr. Hensen, you gave it a great shot, the
20 case has to be dismissed.

21 And Mr. Ferrario and Mr. Miltenberger to prepare the
22 findings and conclusions.

23 MR. HANSEN: And the ruling of the countermotion,
24 Your Honor?

25 THE COURT: It's denied.

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MR. HANSEN: Okay. Thank you.

THE COURT: The complaint is incapable of being remedied by another amendment. I read the proposed amendment, just -- it just fails on the merits.

So Mr. --

MR. FERRARIO: Thank you, Your Honor. We'll prepare an order and run it by opposing counsel. Thank you very much.

THE COURT: Thank you.

I don't consider competing orders. So Mr. Hansen, if you have an objection, just bring that to my attention through the law clerk.

MR. HANSEN: Will do, Your Honor.

THE COURT: Thank you both.

MR. HANSEN: Thank you.

THE COURT: Stay safe and healthy, everyone.

MR. FERRARIO: Thank you, Your Honor. Thank you.

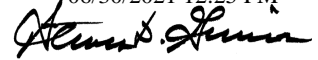
[Proceeding concluded at 11:13 a.m.]

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Katherine McNally
Independent Transcriber CERT**D-323
AZ-Accurate Transcription Service, LLC


CLERK OF THE COURT

ORDR

MARK E. FERRARIO, ESQ.

Nevada Bar No. 1625

CHRISTOPHER R. MILTENBERGER, ESQ.

Nevada Bar No. 10153

GREENBERG TRAUIG, LLP

10845 Griffith Peak Drive, Suite 600

Las Vegas, Nevada 89135

Telephone: (702) 792-3773

Facsimile: (702) 792-9002

Email: ferrariom@gtlaw.com

miltenerbergerc@gtlaw.com

*Counsel for Defendants Resorts World Las Vegas LLC,
Genting Berhad, Genting U.S. Interactive Gaming Inc.,
and Genting Nevada Interactive LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

YA-LING HUNG and WEI-HSIANG HUNG,
each individually, as surviving heirs, and as Co-
Administrators of the Estate of Tung-Tsung
Hung and Pi-Ling Lee Hung, Decedents,

Plaintiffs,

vs.

Genting Berhad, Genting U.S. Interactive
Gaming Inc., Genting Nevada Interactive
Gaming LLC, Genting Intellectual Property Pte
Ltd., Resorts World Inc. Pte Ltd, Resorts World
Las Vegas LLC, Resorts World Manila, and Kok
Thay Lim,

Defendants.

Case No.: A-19-795338-C

Dept. No.: 27

**ORDER GRANTING
MOTION TO DISMISS AND DENYING
COUNTERMOTION TO AMEND THE
COMPLAINT**

Date of Hearing: June 10, 2021

Time of Hearing: 10:30 a.m.

Presently before the Court is Defendants Resorts World Las Vegas LLC, Genting Berhad, Genting U.S. Interactive Gaming Inc., and Genting Nevada Interactive Gaming LLC's Motion to Dismiss ("Motion to Dismiss") and Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung's Countermotion to Amend the Complaint ("Countermotion to Amend"). The Motion to Dismiss and Countermotion to Amend came on for hearing before this Court on June 10, 2021 at 10:30 a.m. Mark E. Ferrario and Christopher R. Miltenberger of the law firm of Greenberg Traurig, LLP

Greenberg Traurig, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
(702) 792-3773
(702) 792-9002 (fax)

1 appear on behalf of Defendants Resorts World Las Vegas LLC (“RWLV”) and Genting Berhad
2 (“Genting”), Genting U.S. Interactive Gaming, Inc. (“Genting U.S.”) and Genting Nevada
3 Interactive Gaming LLC (“Genting Nevada,” collectively, with Genting and Genting U.S., the
4 “Genting Defendants”). Kevin R. Hansen of the Law Offices of Kevin R. Hansen appeared on
5 behalf of Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung (“Plaintiffs”).

6 Having reviewed and considered Plaintiff’s First Amended Complaint, RWLV and the
7 Genting Defendants’ Motion to Dismiss, Plaintiffs’ Opposition to the Motion to Dismiss and
8 Countermotion, including the proposed Second Amended Complaint attached thereto, RWLV and
9 the Genting Defendants’ Reply in Support of their Motion to Dismiss, the papers and pleadings on
10 file in the above-captioned matter, and having considered the arguments of counsel at the time of
11 hearing, the Court makes the following findings of fact, conclusions of law, and orders:

12 FINDINGS OF FACT

13 1. On June 2, 2017 at 12:11 a.m., an armed individual entered Resorts World Manila in
14 the Manila, Philippines. Amended Complaint (“FAC”), ¶¶ 1, 23.

15 2. Thereafter the individual set fire to furniture in the casino causing people to seek
16 safety away from the individual. FAC at ¶ 24, Exhibit A.

17 3. Plaintiffs’ parents were Taiwanese nationals present at Resorts World Manila at the
18 time of the incident. FAC at ¶¶ 1, 28, 30.

19 4. Plaintiffs are the surviving heirs and co-administrators of their parents’ estates. FAC
20 at ¶ 2.

21 5. During the incident, Plaintiffs’ parents hid in a pantry in the casino’s VIP room to
22 avoid the fire. FAC at ¶ 31.

23 6. After the incident concluded, Plaintiffs’ parents were discovered in the pantry in the
24 VIP room where they had died from smoke inhalation. FAC at ¶ 32.

25 7. Plaintiffs filed their initial complaint on May 23, 2019 and amended their Complaint
26 as a matter of right by filing the FAC on May 30, 2019.

27 8. All of the factual allegations and conduct underlying the factual allegations
28 contained in Plaintiffs FAC occurred in Manila, Philippines at Resorts World Manila. *See generally*,

1 FAC.

2 9. Genting is a public limited liability company organized under the laws of Malaysia,
3 with its principal place of business in Kuala Lumpur, Malaysia. Motion to Dismiss (“Mot.”),
4 Exhibit A, Declaration of Wong Yee Fun (“Genting Decl.”), ¶4.

5 10. Genting does not, directly or indirectly, hold an ownership or management interest in
6 Resorts World Manilla. Mot., Genting Decl., ¶ 8.

7 11. Genting first registered with the Nevada Secretary of State and appointed a
8 registered agent on October 8, 2019. Mot., Genting Decl., ¶ 9.

9 12. Although registered with the Nevada Secretary of State, Genting does not regularly
10 conduct business in the State of Nevada, directly own any real or personal property in the State, nor
11 maintain any offices or bank accounts in the State. Mot., Genting Decl., ¶¶ 9-14.

12 13. None of Genting’s officers or directors are residents of the State of Nevada. Mot.,
13 Genting Decl., ¶ 15.

14 14. Genting U.S. is a corporation organized under the laws of the State of Delaware and
15 is managed by the officers of Resorts World Inc. Pte Ltd., a holding company, all of whom are
16 based in Singapore and Malaysia. Mot., Genting Decl., ¶ 17.

17 15. Genting U.S. does not conduct any business in the State of Nevada. Mot., Genting
18 Decl., ¶ 18.

19 16. Genting U.S. does not own any real or personal property in the State of Nevada, nor
20 maintain any offices or bank accounts within the State. Mot., Genting Decl., ¶¶ 19-22.

21 17. None of Genting U.S.’s officers or directors are residents of the State of Nevada.
22 Mot., Genting Decl., ¶ 23.

23 18. Genting U.S. does not directly or indirectly hold any ownership or management
24 interest in RWLV. Mot., Genting Decl., ¶ 24.

25 19. Genting U.S. does not directly or indirectly hold any ownership or management
26 interest in Resorts World Manila. Mot., Genting Decl., ¶ 25.

27 20. Genting Nevada is a limited liability company organized under the laws of the State
28 of Delaware. Mot., Genting Decl., ¶ 26.

21. Although granted a license from the Nevada Gaming Commission in 2016 and registered with the Nevada Secretary of State, Genting Nevada has not conducted any business to date in the State of Nevada or elsewhere. Mot., Genting Decl., ¶ 27.

22. Genting Nevada does not own any real or personal property in the State of Nevada, nor maintain any offices or bank accounts within the State. Mot., Genting Decl., ¶¶ 28-31.

23. Genting Nevada does not directly or indirectly hold any ownership or management interest in RWLV. Mot., Genting Decl., ¶ 33.

24. Genting Nevada does not directly or indirectly hold any ownership or management interest in Resorts World Manila. Mot., Genting Decl., ¶ 34.

25. RWLV has no ownership or management interest in Resorts World Manila. Mot., Declaration of Peter LaVoie, ¶ 4.

26. Plaintiffs were granted an extension of time until September 16, 2020 to effectuate service on any defendants named in the FAC who were not previously served. *See* Order Granting Mot. Extend Time, filed May 28, 2020.

27. Plaintiff never effectuated service on Genting Intellectual Property Pte Ltd., Resorts World Inc. Pte, Ltd., Resorts World Manilla or Kok Thay Lim.

28. Plaintiff never sought an extension of time to effectuate service on any of the unserved defendants either prior to the September 16, 2020 deadline or at any time thereafter.

29. Other than this Motion to Dismiss, there has been no activity in this case of substance for over two years from when it was originally filed.

CONCLUSIONS OF LAW

I. The FAC Must Be Dismissed as to the Genting Defendants for Lack of Personal Jurisdiction.

1. The Court may dismiss a complaint pursuant to NRCP 12(b)(2) when the Court lacks personal jurisdiction over the parties.

2. To obtain jurisdiction over a non-resident defendant, a plaintiff must show that: (1) the requirements of the state's long-arm statute have been satisfied, and (2) due process is not offended by the exercise of jurisdiction. *Trump v. District Court*, 109 Nev. 687, 698, 857 P.2d 740,

747 (1993); *see also Int'l Shoe Co. v. Washington*, 326 U.S. 310 (1945)

3. “Nevada’s long-arm statute, NRS 14.065, reaches the limits of due process set by the United States Constitution.” *See Baker v. Dist. Ct.*, 116 Nev. 527, 531, 999 P.2d 1020, 1023 (2000). The Due Process Clause of the Fourteenth Amendment of the United States Constitution requires a nonresident defendant to have “minimum contacts” with the forum state sufficient to ensure that exercising personal jurisdiction over him would not offend “traditional notions of fair play and substantial justice.” *Id.* at 531-32, 999 P.2d at 1023; *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945); *Arabella Mut. Ins. Co. v. District Court*, 122 Nev. 509, 134 P.3d 710 (2006).

4. Due process requirements are satisfied if the nonresident defendant’s contacts are sufficient to obtain either (1) general jurisdiction, or (2) specific personal jurisdiction, and it is reasonable to subject the nonresident defendants to suit in the forum state. *Viega GmbH v. Eighth Jud. Dist. Ct.*, 130 Nev. 368, 375, 328 P.3d 1152, 1156 (2014) (citing *Arbella*, 122 Nev. at 512, 516, 134 P.3d at 712, 714; *Daimler AG v. Bauman*, 571 U.S. 117, 137 n. 20, 134 S.Ct. 746, 762 n. 20, 187 L.Ed.2d 624 (2014)).

5. In considering a motion to dismiss for lack of personal jurisdiction, the Court may consider affidavits and supporting evidence proffered by a defendant. *Viega*, 130 Nev. at 374, 328 P.3d at 1157 (quoting *Doe v. Unocal Corp.*, 248 F.3d 915, 922 (9th Cir. 2001)). Further, “the court must accept properly supported proffers of evidence as true.” *Viega*, 130 Nev. at 374, 328 P.3d at 1157 (citing *Trump*, 109 Nev. at 692, 857 P.2d at 743).

6. Although factual disputes are resolved in favor of Plaintiffs, Plaintiffs bear the burden of demonstrating the reasonableness of exercising personal jurisdiction over each of the defendants “and the burden of proof never shifts to the party challenging jurisdiction.” *Trump*, 109 Nev. at 692, 857 P.2d at 744.

A. The Court Cannot Exercise General Jurisdiction over the Genting Defendants.

7. General jurisdiction over a defendant allows a plaintiff to assert claims against that defendant unrelated to the forum. *Viega*, 328 P.3d at 1157. Courts may exercise general or “all-purpose” personal jurisdiction over a defendant “to hear any and all claims against it” only when the defendant’s affiliations with the forum state “are so constant and pervasive as to render it

1 essentially at home in the forum State.” *Bauman*, 571 U.S. at 120.

2 8. Simply doing business in a state does not provide a basis for general jurisdiction.
3 *Bauman*, 571 U.S. at 137-39. Instead, the Court must look to the contacts of each individual
4 defendant to determine if jurisdiction over each defendant is warranted under a general jurisdiction
5 theory. *Three Rivers Provider Network, Inc. v. Med. Cost Containment Profls, LLC*, No. 2:18-CV-
6 135 JCM (GWF), at *5 (D. Nev. July 30, 2018) (“Affiliation with a corporation located in Nevada
7 does not automatically support a court’s exercise of general jurisdiction over a defendant in
8 Nevada.”)

9 9. Registration to do business and appointment of a registered agent is insufficient on
10 its own to subject a non-resident party to the personal jurisdiction of the state. *Freeman v. Second*
11 *Judicial Dist. Ct.*, 116 Nev. 550, 558, 1 P.3d 963, 968 (2000) (finding that appointment of a
12 registered agent by a non-resident company does not “in itself subject a non-resident” to personal
13 jurisdiction, requiring the court to conduct a minimum contacts analysis);

14 10. Further, in determining whether the exercise of general jurisdiction is reasonable
15 and not offensive of due process, the Court looks to each defendant’s contacts with the forum state
16 prior to the filing of the complaint instead of those occurring after the filing of the complaint.
17 *Delphix Corp. v. Embarcadero Techs., Inc.*, 749 F. App’x 502, 505-06 (9th Cir. 2018) (citing 4
18 Fed. Prac. & Proc. Civ. § 1067.5); *see also Brown v. Lockheed Martin Corp.*, 814 F.3d 619, 628 n.
19 8 (2016).

20 11. The contacts of a parent company’s subsidiary within the state are not attributed to
21 the foreign parent company in a general personal jurisdiction analysis. *Viega GmbH v. Eighth Jud.*
22 *Dist. Ct.*, 130 Nev. 368, 375-77, 328 P.3d 1152, 1157-58 (2014); *see also Corcoran*, 169 F. Supp.
23 3d at 978.

24 12. “Corporate entities are presumed separate, and thus, indicia of mere ownership are
25 not alone sufficient to subject a parent company to jurisdiction based on its subsidiary’s contacts.”
26 *Viega GmbH*, 130 Nev. at 378, 328 P.3d at 1158 (collecting cases).

27 13. Only “[i]n narrow circumstances [that] federal courts will find that a
28 corporation is the alter ego of another by ‘pierc[ing] the corporate veil’ and attribut[ing] a

1 subsidiary's [contacts with] the forum state to its parent company for jurisdictional purposes."
2 also *Corcoran v. CVS Health Corp.*, 169 F. Supp. 3d 970, 983 (N.D. Cal. 2016) (quoting *Calvert*
3 *v. Huckins*, 875 F. Supp. 674, 678 (E.D. Cal. 1995)). To do so, a plaintiff must make a *prima facie*
4 showing that *both* "(1) there is a unity of interest and ownership between the corporations such
5 that their separate personalities do not actually exist, and (2) treating the corporations as
6 separate entities would result in injustice." *Id.* (internal quotation omitted). A plaintiff must
7 allege specifically both the elements of alter ego liability, as well as the facts supporting each."
8 *Neilson v. Union Bank of Cal, N.A.*, 290 F. Supp. 2d 1101, 1116 (C.D. Cal. 2003); *Wady v.*
9 *Provident Life and Accident Ins. Co. of America*, 216 F.Supp.2d 1060, 1067 (C.D.Cal.2002). The
10 first prong of this test "requires a showing that the parent controls the subsidiary to such a
11 degree as to render the latter the mere instrumentality of the former." *Id.*

12 14. None of the Genting Defendants have sufficient minimum contacts with the State of
13 Nevada to be considered "at home" in the State of Nevada such that exercise of general personal
14 jurisdiction over them would comply due process and not offend the "traditional notions of fair
15 play and substantial justice."

16 15. None of the Genting Defendants have their principal places of business in the State
17 of Nevada.

18 16. None of the Genting Defendants conduct substantial business in the State of
19 Nevada.

20 17. None of the Genting Defendants own any property in the State of Nevada.

21 18. None of the Genting Defendants maintain offices or places of business in the State
22 of Nevada.

23 19. Registrations with the Nevada Secretary of State and appointment of registered
24 agents in the State of Nevada are insufficient contacts with the State of Nevada to establish general
25 personal jurisdiction over any of the Genting Defendants. Regardless, registrations by Genting and
26 Genting U.S. with the Nevada Secretary of State or licensure by Genting after the filing of the
27 original complaint in this matter does not confer general personal jurisdiction over either of those
28 entities.

20. Any ownership interest held by Genting in RWLV does not confer general personal jurisdiction over Genting as the Court must consider the contacts of each named defendant individually in determining if the exercise of general jurisdiction over each named defendant is appropriate.

21. Plaintiffs have not pled sufficient facts in the original complaint, the FAC, or the proposed amended complaint attached to the countermotion or otherwise presented this Court with evidence to support a *prima facie* showing of an alter ego relationship exists between any of the Genting Defendants and RWLV to possibly apply RWLV's contacts with the State of Nevada to any of the Genting Defendants for the purposes of establishing general jurisdiction.

22. Plaintiffs have neither plead sufficient facts nor otherwise presented this Court with evidence demonstrating that the financials of the named defendants are so intermixed that they should be treated as one entity.

23. Under these circumstances, it would be unreasonable and violate due process to exercise general personal jurisdiction over any of the Genting Defendants.

B. The Court Cannot Exercise Specific Jurisdiction Over the Genting Defendants.

24. Specific personal jurisdiction comports with due process only where "the defendant's suit-related conduct" creates "a substantial connection with the forum state." *Walden v. Fiore*, 571 U.S. 277, 284 (2014); *Goodyear Dunlop Tires Operations S.A. v. Brown*, 564 U.S. 915 (2011).

25. In order to exercise specific personal jurisdiction over the Genting Defendants, the Court would have to find that: (1) each of the defendants purposefully availed itself of the privilege of acting in the State of Nevada or causing important consequences in the State of Nevada; (2) Plaintiffs claims arose from the defendants' contacts and activities in the State of Nevada; and (3) that the activities or the consequences thereof in the State of Nevada have a substantial enough connection with the State of Nevada to make the exercise of jurisdiction over each of the defendants reasonable. *Consipio Holding, BV v. Carlberg*, 128 Nev. 454, 458, 282 P.3d 751, 755 (2012); *Viega GmbH*, 130 Nev. at 375, 328 P.3d at 1157.

26. For an exercise of specific jurisdiction to comport with due process, the suit must arise “out of contacts that the ‘defendant *himself*’ creates with the forum State.” *Walden*, 271 U.S. at 284 (*quoting Burger King Corp.*, 471 U.S. 462, 475 (1985)) (emphasis in original).

27. Plaintiffs did not oppose the Genting Defendants’ Motion to Dismiss based on the lack of specific personal jurisdiction. Pursuant to EDCR 2.20(e), “[f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.”

28. Even considering the merits of the Motion to Dismiss, it would be unreasonable for this Court to exercise specific personal jurisdiction over any of the Genting Defendants.

29. None of the allegations or the conduct underlying the allegations in the FAC took place in the State of Nevada. All of the conduct alleged and supporting the claims for relief pled by Plaintiffs to place in Manila, Philippines.

30. As the claims in the FAC do not arise out of any of the Genting Defendants’ contacts with the State of Nevada, the Court cannot exercise specific personal jurisdiction over any of them.

II. Plaintiff Cannot State a *Prima Facie* Claim for Relief Against RWLV.

31. Dismissal for failure to state a claim upon which relief can be granted is proper pursuant to NRCP 12(b)(5).

32. “In considering a motion to dismiss pursuant to NRCP 12(b)(5)...the court accepts a plaintiff’s factual allegations as true, but the allegations must be legally sufficient to constitute the elements of the claims asserted.” *Sanchez ex rel. Sanchez v. Wal-Mart Stores, Inc.*, 125 Nev. 818, 823, 221 P.3d 1276, 1280 (2009) (citation omitted).

33. “To survive dismissal, a complaint must contain some ‘set of facts, which, if true, would entitle the plaintiff to relief.’” *In re Amerco Derivative Litig.*, 127 Nev. 196, 211, 252 P.3d 681, 692 (2011) (citation omitted).

34. “Dismissal is proper where the allegations are insufficient to establish the elements of a claim for relief.” *Stockmeier v. Nevada Dep’t of Corr.*, 124 Nev. 313, 316, 183 P.3d 133, 135 (2008) (citations omitted).

35. Plaintiffs did not oppose the Genting Defendants’ Motion to Dismiss based on the lack of specific personal jurisdiction. Pursuant to EDCR 2.20(e), “[f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.”

36. Even considering the merits of the Motion to Dismiss, Plaintiffs have not and cannot plead sufficient facts upon which they could state a claim against RWLV.

37. Plaintiffs do not plead any specific allegations as to any conduct engaged in by or on behalf of RWLV in connection with the incident giving rise to Plaintiffs claims. Instead, Plaintiffs only allege that the “Defendants” collectively engaged in conduct at Resorts World Manila.

38. Plaintiffs were required to allege specific facts that RWLV engaged in upon which a claim for relief could be asserted against RWLV if such facts were proven true and failing to “meaningfully distinguish between the parties in their factual allegations” is fatal to a complaint. *Volcano Developers LLC v. Bonneville Mortg.*, No. 2:11-cv-00504-GMN-PAL, 2012 WL 28838, at *5 (D. Nev. Jan. 4, 2012) (dismissing complaint for plaintiffs’ failure to “meaningfully distinguish between the parties in their factual allegations” and leaving defendants and the Court to “guess which facts apply to which parties.”); *Robins v. Wolf Firm*, No. 2:10-cv-0424-RLH-PAL, 2010 WL 2817202, at *5 (D. Nev. July 15, 2010) (dismissing claims *sua sponte* because plaintiff failed to distinguish between individual defendants).

39. All of the facts alleged concern conduct that took place in the Philippines.

40. Plaintiffs have not and cannot plead any factual allegations of conduct RWLV engaged in giving rise to their claims in the Philippines.

41. Plaintiffs have not pled sufficient facts in the original complaint, the FAC, or the proposed amended complaint attached to the countermotion or otherwise presented this Court with evidence to support a *prima facie* showing of an alter ego relationship exists between any of the RWLV and Resorts World Manila such that it is possible to impute the conduct of Resorts World Manila to RWLV.

42. Plaintiff failed to allege facts supporting how RWLV could be found to be an alter ego of Resorts World Manila.

43. As Plaintiffs have not and cannot plead any facts in the original complaint, the FAC, or the proposed second amended complaint demonstrating that RWLV engaged in any conduct giving rise to Plaintiffs' claims or that RWLV could be found to be the alter ego of Resorts World Manila, Plaintiffs' claims fail as a matter of law.

III. In the Alternative, Dismissal Is Proper for Failure to Join a Necessary and Indispensable Party.

44. Pursuant to NRCP 12(b)(6), the Court may dismiss a complaint for failure to join a party required under NRCP 19.

45. To render a complete decree in any civil action, "all persons materially interested in the subject matter of the suit [must] be made parties so that there is a complete decree to bind them all." *Olsen Family Tr. v. District Court*, 110 Nev. 548, 553, 874 P.2d 778, 781 (1994).

46. The failure to join a necessary party to a case is "fatal to the district court's judgment." *Id.* at 554; *see also Univ. of Nev. v. Tarkanian*, 95 Nev. 389, 396, 594 P.2d 1159, 1163 (1979).

47. A party *must* be joined as a party under NRCP 19(a) if (1) complete relief cannot be accorded in its absence, (2) he claims an interest in the subject of the action, or (3) adjudication in the party's absence potentially subjects parties to double, multiple or otherwise inconsistent obligations. *Anderson v. Sanchez*, 355 P.3d 16 (Nev. 2015); *Humphries v. Eighth Jud. Dist. Ct.*, 312 P.3d 484, 487 (Nev. 2013).

48. Plaintiffs did not oppose the Genting Defendants' Motion to Dismiss under to NRCP 12(b)(6). Pursuant to EDCR 2.20(e), "[f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same."

49. Even considering the merits of the Motion to Dismiss, dismissal on this alternative ground is warranted.

1 50. All of the conduct underlying Plaintiffs' claims took place at in the Philippines at
2 Resorts World Manila.

3 51. Resorts World Manila was not served with process as required under NRCP 4(e)(2).
4 Pursuant to NRCP 4(e)(2), "[i]f service of the summons and complaint is not made upon a
5 defendant before the 120-day service period—or any extension thereof—expires, the court must
6 dismiss the action, without prejudice, as to that defendant upon motion or upon the court's own
7 order to show cause."

8 52. Further, Plaintiffs have not joined as parties to this action the owners of Resorts
9 World Manila.

10 53. Plaintiffs failed to serve several defendants with process with the time afforded by
11 the Court and failed to seek an extension of time to serve such defendants either before or after the
12 expiration of the extended time previously granted by the Court. Under NRCP 41(e), the "court
13 may dismiss an action for want of prosecution if a plaintiff fails to bring the action to trial within 2
14 years after the action was filed." There has been no activity of substance in this case other than
15 this Motion for over two years since the complaint was filed.

16 54. The failure to serve named parties that must be dismissed from the case pursuant to
17 NRCP 4(e)(2) along with the failure to join by naming other parties who own and control Resorts
18 World Manila where all of the conduct underlying Plaintiffs' claims is equally fatal to Plaintiffs'
19 FAC and dismissal is warranted, in the alternative, under NRCP 12(b)(6).

20 **IV. In the Alternative, Dismissal Is Proper Under the Doctrine of *Forum Non Conveniens*.**

21 55. The Court may dismiss a case under the doctrine of *forum non conveniens* where
22 litigation in a foreign forum would be more convenient for the parties. *Lueck v. Sundstrand Corp.*,
23 236 F.3d 1137 (9th Cir. 2001) (citing *Gulf Oil Corp. v. Gilbert*, 330 U.S. 501, 504 (1947)).

24 56. Where there is an ongoing dispute between the parties as to personal jurisdiction, a
25 factor which "weighs heavily in favor of dismissal for forum non conveniens." *Marinduque*, 350
26 P.3d at 397 (citing *Sinochem Intern. Co. Ltd. v. Malaysia Intern. Shipping Corp.*, 549 U.S. 422,
27 435-36 (2007)).
28

1 57. “When deciding a motion to dismiss for *forum non conveniens*, a court must first
2 determine the level of deference owed to the plaintiff’s forum choice.” *Provincial Gov’t of*
3 *Marinduque v. Placer Dome, Inc.*, 350 P.3d 392, 396 (Nev. 2015) (citing *Pollux Holding Ltd. v.*
4 *Chase Manhattan Bank*, 329 F.3d 64, 70 (2d Cir. 2003)).

5 58. A foreign plaintiff’s choice of a United States forum is entitled less deference and is
6 only entitled to substantial deference where the case has “bona fide connections to” the chosen
7 forum and “convenience favors the chosen forum.” *Marinduque*, 350 P.3d at 396.

8 59. Plaintiffs’ choice of Nevada as a forum for their lawsuit is given little deference as
9 they are Taiwanese nationals with no connection to the State of Nevada, the claims at issue have no
10 bona fide connection to the State of Nevada, and litigating in Nevada is less convenient in this
11 State than in other possible forums.

12 60. Next, the court must determine “whether an adequate alternative forum exists.”
13 *Marinduque*, 350 P.3d at 396 (quoting *Lueck*, 236 F.3d at 1142) (citing *Piper Aircraft Co. v.*
14 *Reyno*, 454 U.S. 235, 254 n. 22, 102 S.Ct. 252, 70 L.Ed.2d 419 (1981)). It is only in “rare
15 circumstances . . . where the remedy provided by the alternative forum . . . is so clearly inadequate
16 or unsatisfactory, that it is no remedy at all,” where an available, alternative forum would be
17 disregarded. *Lueck*, 236 F.3d at 1143 (quoting *Lockman Found.*, 930 F.2d at 768; *Piper Aircraft*,
18 454 U.S. at 254).

19 61. There are alternative forums for Plaintiffs to pursue their claims where they could
20 obtain jurisdiction over the relevant parties and where the witnesses and evidence relating to their
21 claims reside. Plaintiffs have not demonstrated that pursuing claims in the Philippines or else
22 where is “so clearly inadequate or unsatisfactory” such that pursuing their claims in that forum or
23 elsewhere would provide them with “no remedy at all.” *Id.*

24 62. Finally, when “an adequate alternative forum does exist, the court must then weigh
25 public and private interest factors to determine whether dismissal is warranted.” *Marinduque*, 350
26 P.3d at 396 (citing *Lueck*, 236 F.3d at 1142). “Relevant public interest factors include the local
27 interest in the case, the district court’s familiarity with applicable law, the burdens on local courts
28 and jurors, court congestion, and the costs of resolving a dispute unrelated to the plaintiff’s chosen

1 forum.” *Marinduque*, 350 P.3d at 397 (citing *Lueck*, 236 F.3d at 1147; *Piper Aircraft*, 454 U.S. at
2 259-61). “Relevant private interest factors may include the location of a defendant corporation,
3 access to proof, the availability of compulsory process for unwilling witnesses, the cost of
4 obtaining testimony from willing witnesses, and the enforceability of a judgment.” *Id.* at 398
5 (citing *Lueck*, 236 F.3d at 1145; *Eaton*, 96 Nev. at 774, 616 P.2d at 401).

6 63. Neither the public nor private interest factors weigh in favor of permitting Plaintiffs’
7 claims to proceed in the State of Nevada.

8 64. There are no public interest factors that weigh in favor of proceeding in the State of
9 Nevada. The underlying transaction upon which Plaintiffs base their claims did not occur in the
10 State of Nevada and none of the relevant parties to the conduct at issue in Plaintiffs’ FAC are
11 residents of the s State of Nevada. When no events underlying the claims for relief occurred in
12 Nevada and the case lacks any genuine connection to the state, there is insufficient public interests
13 to support proceeding in the State of Nevada. *Marinduque*, 350 P.3d at 397

14 65. Notably, “resolving the preliminary issue of personal jurisdiction alone w[ill] likely
15 entail extensive discovery, briefing, and multiple court hearings,” which itself weighs “heavily in
16 favor of dismissal” as it reflects on the lack of public interest in favor of permitting Plaintiffs’
17 claims to proceed in this State. *Marinduque*, 350 P.3d at 397-98 (citations and quotations omitted).

18 66. There are no private interest factors that weigh in favor of permitting Plaintiffs’
19 claims to proceed in the State of Nevada. There are no witnesses relevant to Plaintiffs’ claims in
20 the State of Nevada. The evidence relating to the claims is not in the State of Nevada. Nor would
21 Nevada law apply to the claim asserted by Plaintiffs.

22 67. In considering the factors required under the doctrine of *forum non conveniens*
23 including Plaintiffs’ choice of forum, the availability of alternative forums, and the public and
24 private interest factors, those factors weigh heavily in favor of dismissal. The doctrine of *forum*
25 *non conveniens* is applicable in this situation and dismissal under this alternative ground is likewise
26 warranted.
27
28

1 **V. Amendment of the Complaint Is Futile.**

2 68. Nevada Rules of Civil Procedure 15(a) provides that “a party may amend its
3 pleading only with the opposing party’s written consent or the court’s leave.”

4 69. However, the Court has the discretion to deny leave to amend in the proper case.
5 *Kantor v. Kantor*, 116 Nev. 886, 891, 8 P.3d 825, 828 (2000); *Connell v. Carl’s Air Conditioning*,
6 97 Nev. 436, 634 P.2d 673 (1981).

7 70. Leave to amend is properly denied where amendment of the pleading would be
8 futile. *Allum v. Valley Bank of Nevada*, 109 Nev. 280, 287, 849 P.2d 297, 303 (1993). An
9 amendment would be futile and denial of leave to amend is proper when the claims asserted in the
10 proposed amended pleading are insufficient to state a claim or otherwise seek to assert claims
11 without a proper legal basis. *Halcrow, Inc. v. Eighth Jud. Dist. Ct.*, 302 P.3d 1148, 1152 (2013), *as*
12 *corrected* (Aug. 14, 2013).

13 71. Here, the complaint is incapable of being remedied by another amendment.

14 72. The proposed Second Amended Complaint fails to remedy the deficiencies causing
15 dismissal of the FAC. The proposed Second Amended Complaint fails to allege sufficient facts
16 upon which this Court could exercise jurisdiction over the Genting Defendants or upon which
17 Plaintiffs could base *prima facie* claims against either RWLV or the Genting Defendants.

18 73. The proposed Second Amended Complaint fails for the same reasons that the FAC
19 fails on the merits and granting leave to amend would be futile under these circumstances.

20 ///

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law and for good cause appearing therefor,

IT IS HEREBY ORDERED that RWLV and the Genting Defendants' Motion to Dismiss is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs' Countermotion to Amend is DENIED.

IT IS FURTHER ORDERED that the above-captioned case is DISMISSED in its entirety WITH PREJUDICE.

IT IS SO ORDERED.

DATED this 25 day of June, 2021.

Dated this 30th day of June, 2021

Nancy L Alf

DISTRICT COURT JUDGE

TW

Respectfully submitted by:

GREENBERG TRAURIG, LLP

**F58 B7B 1B47 8453
Nancy Alf
District Court Judge**

/s/ Christopher R. Miltenberger
Mark E. Ferrario (SBN 1625)
Christopher R. Miltenberger (SBN 10153)
10845 Griffith Peak Drive, Suite 600
Las Vegas, NV 89135

*Counsel for Defendants Resorts World Las Vegas LLC,
Genting Berhad, Genting U.S. Interactive Gaming Inc.,
and Genting Nevada Interactive LLC*

Approved as to form and content:

LAW OFFICES OF KEVIN R. HANSEN

/s/ Kevin R. Hansen
Kevin R. Hansen (SBN 6336)
Amy M. Wilson (SBN 13421)
5440 West Sahara Avenue, Suite 206
Las Vegas, NV 89146

Counsel for Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung

Rosehill, Andrea (Secy-LV-LT)

From: Kevin R. Hansen <kevin@kevinrhansen.com>
Sent: Thursday, June 24, 2021 3:10 PM
To: Miltenberger, Chris (Shld-LV-LT)
Cc: Amanda Harmon; Amy Wilson; Ferrario, Mark E. (Shld-LV-LT); Rosehill, Andrea (Secy-LV-LT)
Subject: RE: Hung v. Genting Berhad, et al. - Draft Order

EXTERNAL TO GT

Chris,

The draft order is acceptable. You may affix my electronic signature and submit to the judge.

Sincerely,

Kevin R. Hansen, Esq.
5440 W. Sahara Ave., Suite 206
Las Vegas, Nevada 89146
Phone: (702) 478-7777
Fax: (702) 728-2484
kevin@kevinrhansen.com

-DISCLAIMER-

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From: miltenbergerc@gtlaw.com <miltenbergerc@gtlaw.com>
Sent: Tuesday, June 22, 2021 5:37 PM
To: Kevin R. Hansen <kevin@kevinrhansen.com>
Cc: Amanda Harmon <amandah@kevinrhansen.com>; Amy Wilson <amy@kevinrhansen.com>; ferrariom@gtlaw.com; rosehilla@gtlaw.com
Subject: Hung v. Genting Berhad, et al. - Draft Order

Kevin,

Please find attached a draft proposed order granting the Motion to Dismiss. Let us know if you have any requested revisions. Otherwise, please let us know if we can affix your signature to the submission.

Thanks,

Chris Miltenberger
Shareholder

Greenberg Traurig, LLP
10845 Griffith Peak Drive
Suite 600 | Las Vegas, NV 89135
T 702.792.3773 D 702.599.8024
miltenbergerc@gtlaw.com | www.gtlaw.com | [View GT Biography](#)

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Ya-Ling Hung, Plaintiff(s)

CASE NO: A-19-795338-C

7 vs.

DEPT. NO. Department 27

8 Genting Behad, Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Granting Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 6/30/2021

15 Andrea Rosehill

rosehill@gtlaw.com

16 Mark Ferrario

ferrariom@gtlaw.com

17 Christoper Miltenberger

miltenbergerc@gtlaw.com

18 LVGT docketing

lvlitdock@gtlaw.com

19 Kevin Hansen, Esq.

kevin@kevinrhansen.com

20 Amy Wilson, Esq.

amy@kevinrhansen.com

21 Amanda Harmon

amandah@kevinrhansen.com

22 Gustavo Ponce

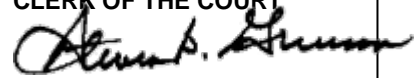
gustavo@kazlg.com

23 Hwa-Min Hsu

hwamin99@icloud.com

24 Rocio Leal

rocio@kevinrhansen.com



NOEJ
MARK E. FERRARIO, ESQ.
Nevada Bar No. 1625
CHRISTOPHER R. MILTENBERGER, ESQ.
Nevada Bar No. 10153
GREENBERG TRAUIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
Email: ferrariom@gtlaw.com
miltenbergerc@gtlaw.com

*Counsel for Defendants Resorts World Las Vegas LLC,
Genting Berhad, Genting U.S. Interactive Gaming Inc.,
and Genting Nevada Interactive LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

YA-LING HUNG and WEI-HSIANG HUNG,
each individually, as surviving heirs, and as Co-
Administrators of the Estate of Tung-Tsung
Hung and Pi-Ling Lee Hung, Decedents,

Plaintiffs,

vs.

Genting Berhad, Genting U.S. Interactive
Gaming Inc., Genting Nevada Interactive
Gaming LLC, Genting Intellectual Property Pte
Ltd., Resorts World Inc. Pte Ltd, Resorts World
Las Vegas LLC, Resorts World Manila, and Kok
Thay Lim,

Defendants.

Case No.: A-19-795338-C
Dept. No.: 27

NOTICE OF ENTRY OF ORDER

Greenberg Traurig, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
(702) 792-3773
(702) 792-9002 (fax)

YOU AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the ***Order Granting Motion to Dismiss and Denying Countermotion to Amend Complaint*** was entered in the above-captioned matter on the on the 30th day of June 2021, a copy of which is attached hereto.

Dated this 30th day of June 2021.

/s/Christopher R. Miltenberger
Mark E. Ferrario (SBN 1625)
Christopher R. Miltenberger (SBN 10153)
GREENBERG TRAURIG, LLP
10845 Griffith Peak Drive, Ste. 600
Las Vegas, Nevada 89135
*Attorneys for Defendants Resorts World Las Vegas LLC,
Genting Berhad, Genting U.S. Interactive Gaming Inc.,
and Genting Nevada Interactive LLC*

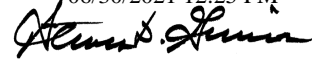
Greenberg Traurig, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
(702) 792-3773
(702) 792-9002 (fax)

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of June, 2021, a true and correct copy of the foregoing *Notice of Entry of Order* was filed with the Clerk of the Court using the Odyssey eFileNV Electronic Service system and served on all parties with an email-address on record, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

/s/ Andrea Lee Rosehill
an employee of Greenberg Traurig, LLP


CLERK OF THE COURT

ORDR

MARK E. FERRARIO, ESQ.

Nevada Bar No. 1625

CHRISTOPHER R. MILTENBERGER, ESQ.

Nevada Bar No. 10153

GREENBERG TRAUIG, LLP

10845 Griffith Peak Drive, Suite 600

Las Vegas, Nevada 89135

Telephone: (702) 792-3773

Facsimile: (702) 792-9002

Email: ferrariom@gtlaw.com

miltenerbergerc@gtlaw.com

*Counsel for Defendants Resorts World Las Vegas LLC,
Genting Berhad, Genting U.S. Interactive Gaming Inc.,
and Genting Nevada Interactive LLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

YA-LING HUNG and WEI-HSIANG HUNG,
each individually, as surviving heirs, and as Co-
Administrators of the Estate of Tung-Tsung
Hung and Pi-Ling Lee Hung, Decedents,

Plaintiffs,

vs.

Genting Berhad, Genting U.S. Interactive
Gaming Inc., Genting Nevada Interactive
Gaming LLC, Genting Intellectual Property Pte
Ltd., Resorts World Inc. Pte Ltd, Resorts World
Las Vegas LLC, Resorts World Manila, and Kok
Thay Lim,

Defendants.

Case No.: A-19-795338-C

Dept. No.: 27

**ORDER GRANTING
MOTION TO DISMISS AND DENYING
COUNTERMOTION TO AMEND THE
COMPLAINT**

Date of Hearing: June 10, 2021

Time of Hearing: 10:30 a.m.

Presently before the Court is Defendants Resorts World Las Vegas LLC, Genting Berhad, Genting U.S. Interactive Gaming Inc., and Genting Nevada Interactive Gaming LLC's Motion to Dismiss ("Motion to Dismiss") and Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung's Countermotion to Amend the Complaint ("Countermotion to Amend"). The Motion to Dismiss and Countermotion to Amend came on for hearing before this Court on June 10, 2021 at 10:30 a.m. Mark E. Ferrario and Christopher R. Miltenberger of the law firm of Greenberg Traurig, LLP

Greenberg Traurig, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
(702) 792-3773
(702) 792-9002 (fax)

1 appear on behalf of Defendants Resorts World Las Vegas LLC (“RWLV”) and Genting Berhad
2 (“Genting”), Genting U.S. Interactive Gaming, Inc. (“Genting U.S.”) and Genting Nevada
3 Interactive Gaming LLC (“Genting Nevada,” collectively, with Genting and Genting U.S., the
4 “Genting Defendants”). Kevin R. Hansen of the Law Offices of Kevin R. Hansen appeared on
5 behalf of Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung (“Plaintiffs”).

6 Having reviewed and considered Plaintiff’s First Amended Complaint, RWLV and the
7 Genting Defendants’ Motion to Dismiss, Plaintiffs’ Opposition to the Motion to Dismiss and
8 Countermotion, including the proposed Second Amended Complaint attached thereto, RWLV and
9 the Genting Defendants’ Reply in Support of their Motion to Dismiss, the papers and pleadings on
10 file in the above-captioned matter, and having considered the arguments of counsel at the time of
11 hearing, the Court makes the following findings of fact, conclusions of law, and orders:

12 FINDINGS OF FACT

13 1. On June 2, 2017 at 12:11 a.m., an armed individual entered Resorts World Manila in
14 the Manila, Philippines. Amended Complaint (“FAC”), ¶¶ 1, 23.

15 2. Thereafter the individual set fire to furniture in the casino causing people to seek
16 safety away from the individual. FAC at ¶ 24, Exhibit A.

17 3. Plaintiffs’ parents were Taiwanese nationals present at Resorts World Manila at the
18 time of the incident. FAC at ¶¶ 1, 28, 30.

19 4. Plaintiffs are the surviving heirs and co-administrators of their parents’ estates. FAC
20 at ¶ 2.

21 5. During the incident, Plaintiffs’ parents hid in a pantry in the casino’s VIP room to
22 avoid the fire. FAC at ¶ 31.

23 6. After the incident concluded, Plaintiffs’ parents were discovered in the pantry in the
24 VIP room where they had died from smoke inhalation. FAC at ¶ 32.

25 7. Plaintiffs filed their initial complaint on May 23, 2019 and amended their Complaint
26 as a matter of right by filing the FAC on May 30, 2019.

27 8. All of the factual allegations and conduct underlying the factual allegations
28 contained in Plaintiffs FAC occurred in Manila, Philippines at Resorts World Manila. *See generally*,

1 FAC.

2 9. Genting is a public limited liability company organized under the laws of Malaysia,
3 with its principal place of business in Kuala Lumpur, Malaysia. Motion to Dismiss (“Mot.”),
4 Exhibit A, Declaration of Wong Yee Fun (“Genting Decl.”), ¶4.

5 10. Genting does not, directly or indirectly, hold an ownership or management interest in
6 Resorts World Manilla. Mot., Genting Decl., ¶ 8.

7 11. Genting first registered with the Nevada Secretary of State and appointed a
8 registered agent on October 8, 2019. Mot., Genting Decl., ¶ 9.

9 12. Although registered with the Nevada Secretary of State, Genting does not regularly
10 conduct business in the State of Nevada, directly own any real or personal property in the State, nor
11 maintain any offices or bank accounts in the State. Mot., Genting Decl., ¶¶ 9-14.

12 13. None of Genting’s officers or directors are residents of the State of Nevada. Mot.,
13 Genting Decl., ¶ 15.

14 14. Genting U.S. is a corporation organized under the laws of the State of Delaware and
15 is managed by the officers of Resorts World Inc. Pte Ltd., a holding company, all of whom are
16 based in Singapore and Malaysia. Mot., Genting Decl., ¶ 17.

17 15. Genting U.S. does not conduct any business in the State of Nevada. Mot., Genting
18 Decl., ¶ 18.

19 16. Genting U.S. does not own any real or personal property in the State of Nevada, nor
20 maintain any offices or bank accounts within the State. Mot., Genting Decl., ¶¶ 19-22.

21 17. None of Genting U.S.’s officers or directors are residents of the State of Nevada.
22 Mot., Genting Decl., ¶ 23.

23 18. Genting U.S. does not directly or directly hold any ownership or management
24 interest in RWLV. Mot., Genting Decl., ¶ 24.

25 19. Genting U.S. does not directly or indirectly hold any ownership or management
26 interest in Resorts World Manila. Mot., Genting Decl., ¶ 25.

27 20. Genting Nevada is a limited liability company organized under the laws of the State
28 of Delaware. Mot., Genting Decl., ¶ 26.

21. Although granted a license from the Nevada Gaming Commission in 2016 and registered with the Nevada Secretary of State, Genting Nevada has not conducted any business to date in the State of Nevada or elsewhere. Mot., Genting Decl., ¶ 27.

22. Genting Nevada does not own any real or personal property in the State of Nevada, nor maintain any offices or bank accounts within the State. Mot., Genting Decl., ¶¶ 28-31.

23. Genting Nevada does not directly or indirectly hold any ownership or management interest in RWLV. Mot., Genting Decl., ¶ 33.

24. Genting Nevada does not directly or indirectly hold any ownership or management interest in Resorts World Manila. Mot., Genting Decl., ¶ 34.

25. RWLV has no ownership or management interest in Resorts World Manila. Mot., Declaration of Peter LaVoie, ¶ 4.

26. Plaintiffs were granted an extension of time until September 16, 2020 to effectuate service on any defendants named in the FAC who were not previously served. *See* Order Granting Mot. Extend Time, filed May 28, 2020.

27. Plaintiff never effectuated service on Genting Intellectual Property Pte Ltd., Resorts World Inc. Pte, Ltd., Resorts World Manilla or Kok Thay Lim.

28. Plaintiff never sought an extension of time to effectuate service on any of the unserved defendants either prior to the September 16, 2020 deadline or at any time thereafter.

29. Other than this Motion to Dismiss, there has been no activity in this case of substance for over two years from when it was originally filed.

CONCLUSIONS OF LAW

I. The FAC Must Be Dismissed as to the Genting Defendants for Lack of Personal Jurisdiction.

1. The Court may dismiss a complaint pursuant to NRCP 12(b)(2) when the Court lacks personal jurisdiction over the parties.

2. To obtain jurisdiction over a non-resident defendant, a plaintiff must show that: (1) the requirements of the state's long-arm statute have been satisfied, and (2) due process is not offended by the exercise of jurisdiction. *Trump v. District Court*, 109 Nev. 687, 698, 857 P.2d 740,

747 (1993); *see also Int'l Shoe Co. v. Washington*, 326 U.S. 310 (1945)

3. “Nevada’s long-arm statute, NRS 14.065, reaches the limits of due process set by the United States Constitution.” *See Baker v. Dist. Ct.*, 116 Nev. 527, 531, 999 P.2d 1020, 1023 (2000). The Due Process Clause of the Fourteenth Amendment of the United States Constitution requires a nonresident defendant to have “minimum contacts” with the forum state sufficient to ensure that exercising personal jurisdiction over him would not offend “traditional notions of fair play and substantial justice.” *Id.* at 531-32, 999 P.2d at 1023; *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945); *Arabella Mut. Ins. Co. v. District Court*, 122 Nev. 509, 134 P.3d 710 (2006).

4. Due process requirements are satisfied if the nonresident defendant’s contacts are sufficient to obtain either (1) general jurisdiction, or (2) specific personal jurisdiction, and it is reasonable to subject the nonresident defendants to suit in the forum state. *Viega GmbH v. Eighth Jud. Dist. Ct.*, 130 Nev. 368, 375, 328 P.3d 1152, 1156 (2014) (citing *Arbella*, 122 Nev. at 512, 516, 134 P.3d at 712, 714; *Daimler AG v. Bauman*, 571 U.S. 117, 137 n. 20, 134 S.Ct. 746, 762 n. 20, 187 L.Ed.2d 624 (2014)).

5. In considering a motion to dismiss for lack of personal jurisdiction, the Court may consider affidavits and supporting evidence proffered by a defendant. *Viega*, 130 Nev. at 374, 328 P.3d at 1157 (quoting *Doe v. Unocal Corp.*, 248 F.3d 915, 922 (9th Cir. 2001)). Further, “the court must accept properly supported proffers of evidence as true.” *Viega*, 130 Nev. at 374, 328 P.3d at 1157 (citing *Trump*, 109 Nev. at 692, 857 P.2d at 743).

6. Although factual disputes are resolved in favor of Plaintiffs, Plaintiffs bear the burden of demonstrating the reasonableness of exercising personal jurisdiction over each of the defendants “and the burden of proof never shifts to the party challenging jurisdiction.” *Trump*, 109 Nev. at 692, 857 P.2d at 744.

A. The Court Cannot Exercise General Jurisdiction over the Genting Defendants.

7. General jurisdiction over a defendant allows a plaintiff to assert claims against that defendant unrelated to the forum. *Viega*, 328 P.3d at 1157. Courts may exercise general or “all-purpose” personal jurisdiction over a defendant “to hear any and all claims against it” only when the defendant’s affiliations with the forum state “are so constant and pervasive as to render it

1 essentially at home in the forum State.” *Bauman*, 571 U.S. at 120.

2 8. Simply doing business in a state does not provide a basis for general jurisdiction.
3 *Bauman*, 571 U.S. at 137-39. Instead, the Court must look to the contacts of each individual
4 defendant to determine if jurisdiction over each defendant is warranted under a general jurisdiction
5 theory. *Three Rivers Provider Network, Inc. v. Med. Cost Containment Profls, LLC*, No. 2:18-CV-
6 135 JCM (GWF), at *5 (D. Nev. July 30, 2018) (“Affiliation with a corporation located in Nevada
7 does not automatically support a court’s exercise of general jurisdiction over a defendant in
8 Nevada.”)

9 9. Registration to do business and appointment of a registered agent is insufficient on
10 its own to subject a non-resident party to the personal jurisdiction of the state. *Freeman v. Second*
11 *Judicial Dist. Ct.*, 116 Nev. 550, 558, 1 P.3d 963, 968 (2000) (finding that appointment of a
12 registered agent by a non-resident company does not “in itself subject a non-resident” to personal
13 jurisdiction, requiring the court to conduct a minimum contacts analysis);

14 10. Further, in determining whether the exercise of general jurisdiction is reasonable
15 and not offensive of due process, the Court looks to each defendant’s contacts with the forum state
16 prior to the filing of the complaint instead of those occurring after the filing of the complaint.
17 *Delphix Corp. v. Embarcadero Techs., Inc.*, 749 F. App’x 502, 505-06 (9th Cir. 2018) (citing 4
18 Fed. Prac. & Proc. Civ. § 1067.5); *see also Brown v. Lockheed Martin Corp.*, 814 F.3d 619, 628 n.
19 8 (2016).

20 11. The contacts of a parent company’s subsidiary within the state are not attributed to
21 the foreign parent company in a general personal jurisdiction analysis. *Viega GmbH v. Eighth Jud.*
22 *Dist. Ct.*, 130 Nev. 368, 375-77, 328 P.3d 1152, 1157-58 (2014); *see also Corcoran*, 169 F. Supp.
23 3d at 978.

24 12. “Corporate entities are presumed separate, and thus, indicia of mere ownership are
25 not alone sufficient to subject a parent company to jurisdiction based on its subsidiary’s contacts.”
26 *Viega GmbH*, 130 Nev. at 378, 328 P.3d at 1158 (collecting cases).

27 13. Only “[i]n narrow circumstances [that] federal courts will find that a
28 corporation is the alter ego of another by ‘pierc[ing] the corporate veil’ and attribut[ing] a

1 subsidiary's [contacts with] the forum state to its parent company for jurisdictional purposes."
2 also *Corcoran v. CVS Health Corp.*, 169 F. Supp. 3d 970, 983 (N.D. Cal. 2016) (quoting *Calvert*
3 *v. Huckins*, 875 F. Supp. 674, 678 (E.D. Cal. 1995)). To do so, a plaintiff must make a *prima facie*
4 showing that *both* "(1) there is a unity of interest and ownership between the corporations such
5 that their separate personalities do not actually exist, and (2) treating the corporations as
6 separate entities would result in injustice." *Id.* (internal quotation omitted). A plaintiff must
7 allege specifically both the elements of alter ego liability, as well as the facts supporting each."
8 *Neilson v. Union Bank of Cal, N.A.*, 290 F. Supp. 2d 1101, 1116 (C.D. Cal. 2003); *Wady v.*
9 *Provident Life and Accident Ins. Co. of America*, 216 F.Supp.2d 1060, 1067 (C.D.Cal.2002). The
10 first prong of this test "requires a showing that the parent controls the subsidiary to such a
11 degree as to render the latter the mere instrumentality of the former." *Id.*

12 14. None of the Genting Defendants have sufficient minimum contacts with the State of
13 Nevada to be considered "at home" in the State of Nevada such that exercise of general personal
14 jurisdiction over them would comply due process and not offend the "traditional notions of fair
15 play and substantial justice."

16 15. None of the Genting Defendants have their principal places of business in the State
17 of Nevada.

18 16. None of the Genting Defendants conduct substantial business in the State of
19 Nevada.

20 17. None of the Genting Defendants own any property in the State of Nevada.

21 18. None of the Genting Defendants maintain offices or places of business in the State
22 of Nevada.

23 19. Registrations with the Nevada Secretary of State and appointment of registered
24 agents in the State of Nevada are insufficient contacts with the State of Nevada to establish general
25 personal jurisdiction over any of the Genting Defendants. Regardless, registrations by Genting and
26 Genting U.S. with the Nevada Secretary of State or licensure by Genting after the filing of the
27 original complaint in this matter does not confer general personal jurisdiction over either of those
28 entities.

20. Any ownership interest held by Genting in RWLV does not confer general personal jurisdiction over Genting as the Court must consider the contacts of each named defendant individually in determining if the exercise of general jurisdiction over each named defendant is appropriate.

21. Plaintiffs have not pled sufficient facts in the original complaint, the FAC, or the proposed amended complaint attached to the countermotion or otherwise presented this Court with evidence to support a *prima facie* showing of an alter ego relationship exists between any of the Genting Defendants and RWLV to possibly apply RWLV's contacts with the State of Nevada to any of the Genting Defendants for the purposes of establishing general jurisdiction.

22. Plaintiffs have neither plead sufficient facts nor otherwise presented this Court with evidence demonstrating that the financials of the named defendants are so intermixed that they should be treated as one entity.

23. Under these circumstances, it would be unreasonable and violate due process to exercise general personal jurisdiction over any of the Genting Defendants.

B. The Court Cannot Exercise Specific Jurisdiction Over the Genting Defendants.

24. Specific personal jurisdiction comports with due process only where "the defendant's suit-related conduct" creates "a substantial connection with the forum state." *Walden v. Fiore*, 571 U.S. 277, 284 (2014); *Goodyear Dunlop Tires Operations S.A. v. Brown*, 564 U.S. 915 (2011).

25. In order to exercise specific personal jurisdiction over the Genting Defendants, the Court would have to find that: (1) each of the defendants purposefully availed itself of the privilege of acting in the State of Nevada or causing important consequences in the State of Nevada; (2) Plaintiffs claims arose from the defendants' contacts and activities in the State of Nevada; and (3) that the activities or the consequences thereof in the State of Nevada have a substantial enough connection with the State of Nevada to make the exercise of jurisdiction over each of the defendants reasonable. *Consipio Holding, BV v. Carlberg*, 128 Nev. 454, 458, 282 P.3d 751, 755 (2012); *Viega GmbH*, 130 Nev. at 375, 328 P.3d at 1157.

26. For an exercise of specific jurisdiction to comport with due process, the suit must arise “out of contacts that the ‘defendant *himself*’ creates with the forum State.” *Walden*, 271 U.S. at 284 (*quoting Burger King Corp.*, 471 U.S. 462, 475 (1985)) (emphasis in original).

27. Plaintiffs did not oppose the Genting Defendants’ Motion to Dismiss based on the lack of specific personal jurisdiction. Pursuant to EDCR 2.20(e), “[f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.”

28. Even considering the merits of the Motion to Dismiss, it would be unreasonable for this Court to exercise specific personal jurisdiction over any of the Genting Defendants.

29. None of the allegations or the conduct underlying the allegations in the FAC took place in the State of Nevada. All of the conduct alleged and supporting the claims for relief pled by Plaintiffs to place in Manila, Philippines.

30. As the claims in the FAC do not arise out of any of the Genting Defendants’ contacts with the State of Nevada, the Court cannot exercise specific personal jurisdiction over any of them.

II. Plaintiff Cannot State a *Prima Facie* Claim for Relief Against RWLV.

31. Dismissal for failure to state a claim upon which relief can be granted is proper pursuant to NRCP 12(b)(5).

32. “In considering a motion to dismiss pursuant to NRCP 12(b)(5)...the court accepts a plaintiff’s factual allegations as true, but the allegations must be legally sufficient to constitute the elements of the claims asserted.” *Sanchez ex rel. Sanchez v. Wal-Mart Stores, Inc.*, 125 Nev. 818, 823, 221 P.3d 1276, 1280 (2009) (citation omitted).

33. “To survive dismissal, a complaint must contain some ‘set of facts, which, if true, would entitle the plaintiff to relief.’” *In re Amerco Derivative Litig.*, 127 Nev. 196, 211, 252 P.3d 681, 692 (2011) (citation omitted).

34. “Dismissal is proper where the allegations are insufficient to establish the elements of a claim for relief.” *Stockmeier v. Nevada Dep’t of Corr.*, 124 Nev. 313, 316, 183 P.3d 133, 135 (2008) (citations omitted).

1 35. Plaintiffs did not oppose the Genting Defendants’ Motion to Dismiss based on the
2 lack of specific personal jurisdiction. Pursuant to EDCR 2.20(e), “[f]ailure of the opposing party
3 to serve and file written opposition may be construed as an admission that the motion and/or
4 joinder is meritorious and a consent to granting the same.”

5 36. Even considering the merits of the Motion to Dismiss, Plaintiffs have not and
6 cannot plead sufficient facts upon which they could state a claim against RWLV.

7 37. Plaintiffs do not plead any specific allegations as to any conduct engaged in by or
8 on behalf of RWLV in connection with the incident giving rise to Plaintiffs claims. Instead,
9 Plaintiffs only allege that the “Defendants” collectively engaged in conduct at Resorts World
10 Manila.

11 38. Plaintiffs were required to allege specific facts that RWLV engaged in upon which a
12 claim for relief could be asserted against RWLV if such facts were proven true and failing to
13 “meaningfully distinguish between the parties in their factual allegations” is fatal to a complaint.
14 *Volcano Developers LLC v. Bonneville Mortg.*, No. 2:11-cv-00504-GMN-PAL, 2012 WL 28838,
15 at *5 (D. Nev. Jan. 4, 2012) (dismissing complaint for plaintiffs’ failure to “meaningfully
16 distinguish between the parties in their factual allegations” and leaving defendants and the Court to
17 “guess which facts apply to which parties.”); *Robins v. Wolf Firm*, No. 2:10-cv-0424-RLH-PAL,
18 2010 WL 2817202, at *5 (D. Nev. July 15, 2010) (dismissing claims *sua sponte* because plaintiff
19 failed to distinguish between individual defendants).

20 39. All of the facts alleged concern conduct that took place in the Philippines.

21 40. Plaintiffs have not and cannot plead any factual allegations of conduct RWLV
22 engaged in giving rise to their claims in the Philippines.

23 41. Plaintiffs have not pled sufficient facts in the original complaint, the FAC, or the
24 proposed amended complaint attached to the countermotion or otherwise presented this Court with
25 evidence to support a *prima facie* showing of an alter ego relationship exists between any of the
26 RWLV and Resorts World Manila such that it is possible to impute the conduct of Resorts World
27 Manila to RWLV.
28

42. Plaintiff failed to allege facts supporting how RWLV could be found to be an alter ego of Resorts World Manila.

43. As Plaintiffs have not and cannot plead any facts in the original complaint, the FAC, or the proposed second amended complaint demonstrating that RWLV engaged in any conduct giving rise to Plaintiffs' claims or that RWLV could be found to be the alter ego of Resorts World Manila, Plaintiffs' claims fail as a matter of law.

III. In the Alternative, Dismissal Is Proper for Failure to Join a Necessary and Indispensable Party.

44. Pursuant to NRCP 12(b)(6), the Court may dismiss a complaint for failure to join a party required under NRCP 19.

45. To render a complete decree in any civil action, "all persons materially interested in the subject matter of the suit [must] be made parties so that there is a complete decree to bind them all." *Olsen Family Tr. v. District Court*, 110 Nev. 548, 553, 874 P.2d 778, 781 (1994).

46. The failure to join a necessary party to a case is "fatal to the district court's judgment." *Id.* at 554; *see also Univ. of Nev. v. Tarkanian*, 95 Nev. 389, 396, 594 P.2d 1159, 1163 (1979).

47. A party *must* be joined as a party under NRCP 19(a) if (1) complete relief cannot be accorded in its absence, (2) he claims an interest in the subject of the action, or (3) adjudication in the party's absence potentially subjects parties to double, multiple or otherwise inconsistent obligations. *Anderson v. Sanchez*, 355 P.3d 16 (Nev. 2015); *Humphries v. Eighth Jud. Dist. Ct.*, 312 P.3d 484, 487 (Nev. 2013).

48. Plaintiffs did not oppose the Genting Defendants' Motion to Dismiss under to NRCP 12(b)(6). Pursuant to EDCR 2.20(e), "[f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same."

49. Even considering the merits of the Motion to Dismiss, dismissal on this alternative ground is warranted.

1 50. All of the conduct underlying Plaintiffs' claims took place at in the Philippines at
2 Resorts World Manila.

3 51. Resorts World Manila was not served with process as required under NRCP 4(e)(2).
4 Pursuant to NRCP 4(e)(2), "[i]f service of the summons and complaint is not made upon a
5 defendant before the 120-day service period—or any extension thereof—expires, the court must
6 dismiss the action, without prejudice, as to that defendant upon motion or upon the court's own
7 order to show cause."

8 52. Further, Plaintiffs have not joined as parties to this action the owners of Resorts
9 World Manila.

10 53. Plaintiffs failed to serve several defendants with process with the time afforded by
11 the Court and failed to seek an extension of time to serve such defendants either before or after the
12 expiration of the extended time previously granted by the Court. Under NRCP 41(e), the "court
13 may dismiss an action for want of prosecution if a plaintiff fails to bring the action to trial within 2
14 years after the action was filed." There has been no activity of substance in this case other than
15 this Motion for over two years since the complaint was filed.

16 54. The failure to serve named parties that must be dismissed from the case pursuant to
17 NRCP 4(e)(2) along with the failure to join by naming other parties who own and control Resorts
18 World Manila where all of the conduct underlying Plaintiffs' claims is equally fatal to Plaintiffs'
19 FAC and dismissal is warranted, in the alternative, under NRCP 12(b)(6).

20 **IV. In the Alternative, Dismissal Is Proper Under the Doctrine of *Forum Non Conveniens*.**

21 55. The Court may dismiss a case under the doctrine of *forum non conveniens* where
22 litigation in a foreign forum would be more convenient for the parties. *Lueck v. Sundstrand Corp.*,
23 236 F.3d 1137 (9th Cir. 2001) (citing *Gulf Oil Corp. v. Gilbert*, 330 U.S. 501, 504 (1947)).

24 56. Where there is an ongoing dispute between the parties as to personal jurisdiction, a
25 factor which "weighs heavily in favor of dismissal for forum non conveniens." *Marinduque*, 350
26 P.3d at 397 (citing *Sinochem Intern. Co. Ltd. v. Malaysia Intern. Shipping Corp.*, 549 U.S. 422,
27 435-36 (2007)).
28

1 57. “When deciding a motion to dismiss for *forum non conveniens*, a court must first
2 determine the level of deference owed to the plaintiff’s forum choice.” *Provincial Gov’t of*
3 *Marinduque v. Placer Dome, Inc.*, 350 P.3d 392, 396 (Nev. 2015) (citing *Pollux Holding Ltd. v.*
4 *Chase Manhattan Bank*, 329 F.3d 64, 70 (2d Cir. 2003)).

5 58. A foreign plaintiff’s choice of a United States forum is entitled less deference and is
6 only entitled to substantial deference where the case has “bona fide connections to” the chosen
7 forum and “convenience favors the chosen forum.” *Marinduque*, 350 P.3d at 396.

8 59. Plaintiffs’ choice of Nevada as a forum for their lawsuit is given little deference as
9 they are Taiwanese nationals with no connection to the State of Nevada, the claims at issue have no
10 bona fide connection to the State of Nevada, and litigating in Nevada is less convenient in this
11 State than in other possible forums.

12 60. Next, the court must determine “whether an adequate alternative forum exists.”
13 *Marinduque*, 350 P.3d at 396 (quoting *Lueck*, 236 F.3d at 1142) (citing *Piper Aircraft Co. v.*
14 *Reyno*, 454 U.S. 235, 254 n. 22, 102 S.Ct. 252, 70 L.Ed.2d 419 (1981)). It is only in “rare
15 circumstances . . . where the remedy provided by the alternative forum . . . is so clearly inadequate
16 or unsatisfactory, that it is no remedy at all,” where an available, alternative forum would be
17 disregarded. *Lueck*, 236 F.3d at 1143 (quoting *Lockman Found.*, 930 F.2d at 768; *Piper Aircraft*,
18 454 U.S. at 254).

19 61. There are alternative forums for Plaintiffs to pursue their claims where they could
20 obtain jurisdiction over the relevant parties and where the witnesses and evidence relating to their
21 claims reside. Plaintiffs have not demonstrated that pursuing claims in the Philippines or else
22 where is “so clearly inadequate or unsatisfactory” such that pursuing their claims in that forum or
23 elsewhere would provide them with “no remedy at all.” *Id.*

24 62. Finally, when “an adequate alternative forum does exist, the court must then weigh
25 public and private interest factors to determine whether dismissal is warranted.” *Marinduque*, 350
26 P.3d at 396 (citing *Lueck*, 236 F.3d at 1142). “Relevant public interest factors include the local
27 interest in the case, the district court’s familiarity with applicable law, the burdens on local courts
28 and jurors, court congestion, and the costs of resolving a dispute unrelated to the plaintiff’s chosen

1 forum.” *Marinduque*, 350 P.3d at 397 (citing *Lueck*, 236 F.3d at 1147; *Piper Aircraft*, 454 U.S. at
2 259-61). “Relevant private interest factors may include the location of a defendant corporation,
3 access to proof, the availability of compulsory process for unwilling witnesses, the cost of
4 obtaining testimony from willing witnesses, and the enforceability of a judgment.” *Id.* at 398
5 (citing *Lueck*, 236 F.3d at 1145; *Eaton*, 96 Nev. at 774, 616 P.2d at 401).

6 63. Neither the public nor private interest factors weigh in favor of permitting Plaintiffs’
7 claims to proceed in the State of Nevada.

8 64. There are no public interest factors that weigh in favor of proceeding in the State of
9 Nevada. The underlying transaction upon which Plaintiffs base their claims did not occur in the
10 State of Nevada and none of the relevant parties to the conduct at issue in Plaintiffs’ FAC are
11 residents of the s State of Nevada. When no events underlying the claims for relief occurred in
12 Nevada and the case lacks any genuine connection to the state, there is insufficient public interests
13 to support proceeding in the State of Nevada. *Marinduque*, 350 P.3d at 397

14 65. Notably, “resolving the preliminary issue of personal jurisdiction alone w[ill] likely
15 entail extensive discovery, briefing, and multiple court hearings,” which itself weighs “heavily in
16 favor of dismissal” as it reflects on the lack of public interest in favor of permitting Plaintiffs’
17 claims to proceed in this State. *Marinduque*, 350 P.3d at 397-98 (citations and quotations omitted).

18 66. There are no private interest factors that weigh in favor of permitting Plaintiffs’
19 claims to proceed in the State of Nevada. There are no witnesses relevant to Plaintiffs’ claims in
20 the State of Nevada. The evidence relating to the claims is not in the State of Nevada. Nor would
21 Nevada law apply to the claim asserted by Plaintiffs.

22 67. In considering the factors required under the doctrine of *forum non conveniens*
23 including Plaintiffs’ choice of forum, the availability of alternative forums, and the public and
24 private interest factors, those factors weigh heavily in favor of dismissal. The doctrine of *forum*
25 *non conveniens* is applicable in this situation and dismissal under this alternative ground is likewise
26 warranted.

V. Amendment of the Complaint Is Futile.

68. Nevada Rules of Civil Procedure 15(a) provides that “a party may amend its pleading only with the opposing party’s written consent or the court’s leave.”

69. However, the Court has the discretion to deny leave to amend in the proper case. *Kantor v. Kantor*, 116 Nev. 886, 891, 8 P.3d 825, 828 (2000); *Connell v. Carl’s Air Conditioning*, 97 Nev. 436, 634 P.2d 673 (1981).

70. Leave to amend is properly denied where amendment of the pleading would be futile. *Allum v. Valley Bank of Nevada*, 109 Nev. 280, 287, 849 P.2d 297, 303 (1993). An amendment would be futile and denial of leave to amend is proper when the claims asserted in the proposed amended pleading are insufficient to state a claim or otherwise seek to assert claims without a proper legal basis. *Halcrow, Inc. v. Eighth Jud. Dist. Ct.*, 302 P.3d 1148, 1152 (2013), *as corrected* (Aug. 14, 2013).

71. Here, the complaint is incapable of being remedied by another amendment.

72. The proposed Second Amended Complaint fails to remedy the deficiencies causing dismissal of the FAC. The proposed Second Amended Complaint fails to allege sufficient facts upon which this Court could exercise jurisdiction over the Genting Defendants or upon which Plaintiffs could base *prima facie* claims against either RWLV or the Genting Defendants.

73. The proposed Second Amended Complaint fails for the same reasons that the FAC fails on the merits and granting leave to amend would be futile under these circumstances.

///

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law and for good cause appearing therefor,

IT IS HEREBY ORDERED that RWLV and the Genting Defendants' Motion to Dismiss is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs' Countermotion to Amend is DENIED.

IT IS FURTHER ORDERED that the above-captioned case is DISMISSED in its entirety WITH PREJUDICE.

IT IS SO ORDERED.

DATED this 25 day of June, 2021.

Dated this 30th day of June, 2021

Nancy L Alf

DISTRICT COURT JUDGE

TW

Respectfully submitted by:

GREENBERG TRAUIG, LLP

F58 B7B 1B47 8453
Nancy Alf
District Court Judge

/s/ Christopher R. Miltenberger
Mark E. Ferrario (SBN 1625)
Christopher R. Miltenberger (SBN 10153)
10845 Griffith Peak Drive, Suite 600
Las Vegas, NV 89135

*Counsel for Defendants Resorts World Las Vegas LLC,
Genting Berhad, Genting U.S. Interactive Gaming Inc.,
and Genting Nevada Interactive LLC*

Approved as to form and content:

LAW OFFICES OF KEVIN R. HANSEN

/s/ Kevin R. Hansen
Kevin R. Hansen (SBN 6336)
Amy M. Wilson (SBN 13421)
5440 West Sahara Avenue, Suite 206
Las Vegas, NV 89146

Counsel for Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung

Rosehill, Andrea (Secy-LV-LT)

From: Kevin R. Hansen <kevin@kevinrhansen.com>
Sent: Thursday, June 24, 2021 3:10 PM
To: Miltenberger, Chris (Shld-LV-LT)
Cc: Amanda Harmon; Amy Wilson; Ferrario, Mark E. (Shld-LV-LT); Rosehill, Andrea (Secy-LV-LT)
Subject: RE: Hung v. Genting Berhad, et al. - Draft Order

EXTERNAL TO GT

Chris,

The draft order is acceptable. You may affix my electronic signature and submit to the judge.

Sincerely,

Kevin R. Hansen, Esq.
5440 W. Sahara Ave., Suite 206
Las Vegas, Nevada 89146
Phone: (702) 478-7777
Fax: (702) 728-2484
kevin@kevinrhansen.com

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From: miltenbergerc@gtlaw.com <miltenbergerc@gtlaw.com>
Sent: Tuesday, June 22, 2021 5:37 PM
To: Kevin R. Hansen <kevin@kevinrhansen.com>
Cc: Amanda Harmon <amandah@kevinrhansen.com>; Amy Wilson <amy@kevinrhansen.com>; ferrariom@gtlaw.com; rosehilla@gtlaw.com
Subject: Hung v. Genting Berhad, et al. - Draft Order

Kevin,

Please find attached a draft proposed order granting the Motion to Dismiss. Let us know if you have any requested revisions. Otherwise, please let us know if we can affix your signature to the submission.

Thanks,

Chris Miltenberger
Shareholder

Greenberg Traurig, LLP
10845 Griffith Peak Drive
Suite 600 | Las Vegas, NV 89135
T 702.792.3773 D 702.599.8024
miltenbergerc@gtlaw.com | www.gtlaw.com | [View GT Biography](#)

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA
4

5
6 Ya-Ling Hung, Plaintiff(s)

CASE NO: A-19-795338-C

7 vs.

DEPT. NO. Department 27

8 Genting Behad, Defendant(s)
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Order Granting Motion was served via the court's electronic eFile
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 6/30/2021

15 Andrea Rosehill

rosehilla@gtlaw.com

16 Mark Ferrario

ferrariom@gtlaw.com

17 Christoper Miltenberger

miltenbergerc@gtlaw.com

18 LVGT docketing

lvlitdock@gtlaw.com

19 Kevin Hansen, Esq.

kevin@kevinrhansen.com

20 Amy Wilson, Esq.

amy@kevinrhansen.com

21 Amanda Harmon

amandah@kevinrhansen.com

22 Gustavo Ponce

gustavo@kazlg.com

23 Hwa-Min Hsu

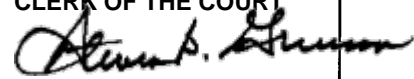
hwamin99@icloud.com

24 Rocio Leal

rocio@kevinrhansen.com

LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas NV 89146
Tel (702) 478-7777 Fax (702) 728-2484

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NOAS
KEVIN R. HANSEN, ESQ.
Nevada Bar No. 6336
AMY M. WILSON, ESQ.
Nevada Bar No. 13421
LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas, Nevada 89146
Tel: (702) 478-7777
Fax: (702) 728-2484
Kevin@kevinrhansen.com
Amy@kevinrhansen.com
Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

YA-LING HUNG and WEI-HSIANG HUNG,
each individually, as surviving heirs, and Co-
Administrators of the Estate of Tung-Tsung
Hung and Pi-Ling Lee Hung, Descendants,

Plaintiffs,

vs.

GENTING BERHAD; GENTINE U.S.
INTERACTIVE GAMING, INC.; GENTING
NEVADA INTERACTIVE GAMING, LLC;
GENTING INTELLECTUAL PROPERTY
PTE LTD.; RESORTS WORLD INC., PTE.,
LTD.; RESORTS WORLD LAS VEGAS
LLC; RESORTS WORLD MANILA; and
KOK THAY LIM,

Defendants.

Case No.: A-19-795338-C
Dept No.: XXVII

NOTICE OF APPEAL

PLEASE TAKE NOTICE that Plaintiffs YA-LING HUNG and WEI-HSIANG HUNG,
each individually, as surviving heirs, and Co-Administrators of the Estate of Tung-Tsung Hung
and Pi-Ling Lee Hung, Descendants by and through their counsel of record, KEVIN R. HANSEN,
ESQ., and AMY M. WILSON, ESQ., of the law firm LAW OFFICES OF KEVIN R. HANSEN,

appeals to the Supreme Court of Nevada from the following order and judgment:

- 1.) The District Court's Order Granting Defendants' Motion to Dismiss entered on June 30, 2021.
- 2.) The District Court's Order Denying Plaintiffs' Countermotion to Amend the Complaint entered on June 30, 2021.
- 3.) The District Court's Order Dismissing the above-captioned case in its entirety with prejudice entered on June 30, 2021.

DATED this 6th day of July 2021.

LAW OFFICES OF KEVIN R. HANSEN

Kevin R. Hansen, Esq.

Nevada Bar No. 6336

Amy M. Wilson, Esq.

Nevada Bar No. 13421

LAW OFFICES OF KEVIN R. HANSEN

5440 West Sahara Avenue, Suite 206

Las Vegas, Nevada 89146

Tel: (702) 478-7777

Fax: (702) 728-2484

Kevin@kevinrhansen.com

Amy@kevinrhansen.com

Attorneys for Plaintiffs

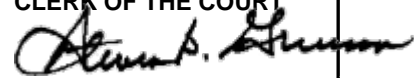
LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas NV 89146
Tel (702) 478-7777 Fax (702) 728-2484

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of THE LAW OFFICES OF KEVIN R. HANSEN, and on the 6th day of July 2021 the foregoing **NOTICE OF APPEAL** was served via Odyssey E-Serve and/or by depositing a true and correct copy into the United States Mail, postage prepaid, addressed to:

Mark E. Ferrario, Esq.
Christopher R. Miltenberger, Esq.
GREENBERG TRAURIG, LLP
10845 Griffith Peak Dr., Ste. 600
Las Vegas, NV 89135
*Attorneys for Defendants Resorts World
Las Vegas LLC, Genting Berhad, Genting
U.S. Interactive Gaming Inc. and Genting
Nevada Interactive LLC*


An Employee of Law Offices of Kevin R. Hansen



ASTA
KEVIN R. HANSEN, ESQ.
Nevada Bar No. 6336
AMY M. WILSON, ESQ.
Nevada Bar No. 13421
LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas, Nevada 89146
Tel: (702) 478-7777
Fax: (702) 728-2484
Kevin@kevinrhansen.com
Amy@kevinrhansen.com
Attorneys for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

YA-LING HUNG and WEI-HSIANG HUNG,
each individually, as surviving heirs, and Co-
Administrators of the Estate of Tung-Tsung
Hung and Pi-Ling Lee Hung, Descendants,

Plaintiffs,

vs.

GENTING BERHAD; GENTINE U.S.
INTERACTIVE GAMING, INC.; GENTING
NEVADA INTERACTIVE GAMING, LLC;
GENTING INTELLECTUAL PROPERTY
PTE LTD.; RESORTS WORLD INC., PTE.,
LTD.; RESORTS WORLD LAS VEGAS
LLC; RESORTS WORLD MANILA; and
KOK THAY LIM,

Defendants.

Case No.: A-19-795338-C
Dept No.: XXVII

CASE APPEAL STATEMENT

A.) District Court Case No.: A-19-795338-C. YA-LING HUNG and WEI-HSIANG
HUNG, each individually, as surviving heirs, and Co-Administrators of the Estate of Tung-Tsung
Hung and Pi-Ling Lee Hung, Descendants, Plaintiffs v. GENTING BERHAD; GENTINE U.S.
INTERACTIVE GAMING, INC.; GENTING NEVADA INTERACTIVE GAMING, LLC;
GENTING INTELLECTUAL PROPERTY PTE LTD.; RESORTS WORLD INC., PTE., LTD.;

1 RESORTS WORLD LAS VEGAS LLC; RESORTS WORLD MANILA; and KOK THAY LIM,
2 Defendants.

3 B.) Judge Issuing Order Appealed from: The Appellants appeal from the District
4 Court's Orders Granting Defendants' Motion to Dismiss; The District Court's Order Denying
5 Plaintiffs' Countermotion to Amend the Complaint; and The District Court's Order Dismissing
6 the above-captioned case in its entirety with prejudice entered on issued by the Honorable Nancy
7 L. Allf entered on June 30, 2021.

9 C.) Name of the Appellants filing this Case Appeal Statement: YA-LING HUNG and
10 WEI-HSIANG HUNG, each individually, as surviving heirs, and Co-Administrators of the Estate
11 of Tung-Tsung Hung and Pi-Ling Lee Hung, Descendants. Counsel for Appellants:

12 Kevin R. Hansen, Esq.
13 Amy M. Wilson, Esq.
14 LAW OFFICES OF KEVIN R. HANSEN
15 5440 W. Sahara Ave, Suite 206
16 Las Vegas, Nevada 89146
17 Phone: (702) 478-7777
18 Fax: (702) 728-2484

19 D.) Name of Respondents: GENTING BERHAD; GENTINE U.S. INTERACTIVE
20 GAMING, INC.; GENTING NEVADA INTERACTIVE GAMING, LLC; GENTING
21 INTELLECTUAL PROPERTY PTE LTD.; RESORTS WORLD INC., PTE., LTD.; RESORTS
22 WORLD LAS VEGAS LLC; RESORTS WORLD MANILA; and KOK THAY LIM. Counsel
23 for Respondents:

24 Mark E. Ferrario, Esq.
25 Christopher R. Miltenberger, Esq.
26 GREENBERG TRAURIG, LLP
27 10845 Griffith Peak Dr., Ste. 600
28 Las Vegas, NV 89135
Phone: (702) 792-3773
Fax: (702) 792-9002

1 Respondents were represented in the District Court by the above listed attorneys, and
2 appellant assumes they will also be represented by those attorneys on appeal.

3 E.) Respondents' attorneys are licensed to practice law in Nevada.

4 F.) The Appellants were represented by retained counsel in the District Court and the
5 Appellants retained the above-listed counsel on appeal.
6

7 G.) The Appellants were not granted leave to proceed in forma pauperis.

8 H.) The District Court proceedings commenced on May 23, 2019.

9 I.) This is an action for damages resulting from a wrongful death and negligence
10 action. This is an appeal from the District Court's Orders Granting Defendants' Motion to
11 Dismiss; Denying Plaintiffs' Countermotion to Amend the Complaint; and Dismissing the above-
12 captioned case in its entirety with prejudice.
13

14 J.) This case has not previously been subject to an appeal.

15 K.) This appeal does not involve issues of child custody or visitation.

16 L.) Appellants are willing to settle this matter and will entertain any reasonable
17 settlement offer.
18

19 DATED this 6th day of July 2021.

20 **LAW OFFICES OF KEVIN R. HANSEN**

21 

22 Kevin R. Hansen, Esq.

23 Nevada Bar No. 6336

24 Amy M. Wilson, Esq.

25 Nevada Bar No. 13421

26 **LAW OFFICES OF KEVIN R. HANSEN**

27 5440 West Sahara Avenue, Suite 206

28 Las Vegas, Nevada 89146

Tel: (702) 478-7777

Fax: (702) 728-2484

Kevin@kevinrhansen.com

Amy@kevinrhansen.com

Attorneys for Plaintiffs

LAW OFFICES OF KEVIN R. HANSEN
5440 West Sahara Avenue, Suite 206
Las Vegas NV 89146
Tel (702) 478-7777 Fax (702) 728-2484

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of THE LAW OFFICES OF KEVIN R. HANSEN, and on the 6th day of July 2021 the foregoing **CASE APPEAL STATEMENT** was served via Odyssey E-Serve and/or by depositing a true and correct copy into the United States Mail, postage prepaid, addressed to:

Mark E. Ferrario, Esq.
Christopher R. Miltenberger, Esq.
GREENBERG TRAURIG, LLP
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*Attorneys for Defendants Resorts World
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An Employee of Law Offices of Kevin R. Hansen