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New Jersey Casino Hits Jackpot with Aggressive Litigation Strategy; Pays Less Than One Percent of Arbitration Award

Situation

A casino patron filed suit against Yankwitt LLP's hospitality client, an Atlantic City casino, after he allegedly sustained serious injuries from falling down an escalator on the premises. The plaintiff claimed the casino negligently maintained and inspected the escalator, which led it to "jerk forward" causing him to tumble down 25 steps. Yankwitt LLP's investigation quickly uncovered a significant discrepancy between the plaintiff's version of the events and the surveillance footage, which clearly showed the escalator operated properly and the plaintiff simply tripped over his feet.

Approach

We took an aggressive approach from the outset of the litigation, treating the case, as we do with all cases, as though it would go to trial. We immediately sent a frivolous pleading letter to the plaintiff, putting him on notice that his claims were meritless and if he chose to proceed, we would seek costs and fees at the conclusion of the case. We also took a firm no-pay settlement position, rejecting the plaintiff's multiple attempts to settle. Then, after the plaintiff failed to depose any parties or retain experts, we moved for summary judgment to put yet further pressure on the plaintiff to concede his meritless case.

Result

The case went to pre-trial arbitration, which is mandated by the New Jersey State Court to inform the parties if claims have merit and, if so, possible damages. In this case, the arbitrator saw through the plaintiff's bogus claim and issued a net award of \$1,250, less than one percent of the plaintiff's initial demand.