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Yankwitt LLP Uses Discovery Deep Dive and Comprehensive Summary Judgment Briefing to Obtain Dismissal of All 14 Claims Filed Against Casino Client

The Situation

In November 2017, a New Jersey hotel and casino (the casino), a long-time Yankwitt LLP client, ran a promotion under which the casino would match deposits of up to $1,000 made by new players who signed up for a casino internet gaming (I-Gaming) account. On November 2, 2017, plaintiffs Lawrence Justin Mills and Daniel Chun and several other individuals from Maryland went to the casino. Chun and some of the other group members, who previously had set up I-Gaming accounts, went to the cage on the casino floor deposited $1,000 in cash into their accounts. The multiple large, identical I-Gaming deposits were unusual and raised red flags at the casino, which triggered an account freeze under the I-Gaming terms and conditions and an alert to the New Jersey State Police (NJSP).

The NJSP surveilled the plaintiffs' activities, and after conducting their investigation, arrested and charged Mills with theft by deception (the charge was later dropped). At all times, the NJSP acted independently from the casino.

Approximately one week after the plaintiffs' visit to the casino, the casino completed its own internal investigation and concluded that the plaintiffs and others had attempted to "game" I-Gaming system and the bonus-match promotion, but that the casino had successfully thwarted the efforts. The casino unfroze Chun's I-Gaming account and notified him that his $1,000 deposit was available for play or withdrawal, of which Chun did neither.

Instead, he and Mills filed a federal lawsuit against the casino and its parent company and several members of the NJSP. The plaintiffs' complaint asserted 26 separate causes of action against the casino, including nearly every conceivable constitutional, contract, quasi-contract and tort claim available under New Jersey federal and state law. The plaintiffs' claims against the casino centered around a theory that it had allegedly violated the plaintiffs' rights by temporarily freezing Chun's I-Gaming account (and $1,000 deposit) and reporting the plaintiffs' activities to the NJSP.

Our Approach

The allegations and claims asserted against the casino were vast and serious, and needed to be met with the type of exhaustive and aggressive defense for which Yankwitt LLP is well known. After document discovery, Yankwitt LLP participated in 17 depositions, including the plaintiffs, the casino employees and members of the NJSP. The resulting record was massive and complicated, but we developed a common theme: the casino, at all times, acted in good faith and consistently with its rights and

obligations under New Jersey law and the binding terms and conditions to which the plaintiffs had agreed.

Yankwitt LLP's briefing team dug into the record with the goal of compellingly and succinctly weaving together the mountain of evidence and the applicable law in order to convince the court that every single one of the plaintiffs' claims failed as a matter of law and should be dismissed prior to trial. Fearing the inevitable, days before Yankwitt LLP was to file its summary judgment motion, the plaintiffs voluntarily dismissed 12 of the claims, which left 14 still pending.

Yankwitt LLP not only moved for summary judgment on the 14 claims, but it also opposed a motion for summary judgment filed by the plaintiffs, which asked the court to find in their favor based on their unsupported argument that the casino had no right to freeze Chun's I-Gaming account. Deciding dueling summary judgment motions can be a significant undertaking for a court, and one that oftentimes ends with the court denying both motions and setting the case for trial. But Yankwitt LLP is well versed in preparing persuasive motion papers in federal court buttressed by strong legal research, which helped the court to cut through the clutter and get to the heart of the matter.

The Result

The US District Court for the District of New Jersey agreed with each of Yankwitt LLP's arguments and dismissed with prejudice every pending claim against the casino and its holding company. The court held that the casino, acted at all times, within its rights under New Jersey law and its terms and conditions, to which the plaintiffs had expressly agreed, and that the casino was not a state actor that could be held liable for the plaintiffs' constitutional claims.

The case is *Mills et al. v. Golden Nugget Atlantic City, LLC et al.*, Case No. 19-cv-19610 (HB).