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DALLAS FORT WORTH INJURY LAWYER BLOG

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Posted On: **January 20, 2010** by [Dr. Shezad Malik](#)

Florida Resident Files Lawsuit Related to Las Vegas Fire

The first lawsuit associated with the January 2008 fire at the Monte Carlo has been filed by a Florida resident who claims she suffered permanent injuries due to smoke inhalation associated with the early-morning roof-top blaze.

The Las Vegas-based attorney for Jean Bartoli, who was staying at the hotel when the fire broke out, said the Monte Carlo's alarm systems worked, but his client was evacuated to an area of the hotel where guests were subjected to smoke from the fire.

"She was put into an area not on the ground floor, but where there was still heavy smoke," said Robert Cottle, who filed the lawsuit in Clark County District Court on Jan. 11. "Her doctor's opinion was the smoke caused permanent lung damage."

Bartoli, 62, who lives in Plantation, Fla., is seeking damages in excess of \$50,000 from MGM Mirage, which owns the Monte Carlo.

According to the complaint, guests were reportedly taken to an area that was supposedly safe and told to remain there until further notice. However, the guests were "continually subjected to smoke, fumes, and other airborne toxins resulting from the nearby fire."

Cottle said the evacuation process "seemed to be lacking."

The Clark County Fire Department blamed the fire on welders who failed to use proper safety procedures. No citations were issued as the blaze was termed accidental.

Water damaged the Monte Carlo's 32nd floor, which was reopened 19 months later as Hotel32, a separate 50-unit exclusive boutique hotel atop the Monte Carlo.

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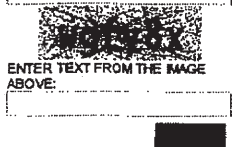
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Posted On: July 10, 2009 by Dr. Shezad Malik

Las Vegas Family and Resort Settle Avalanche Death Lawsuit

The family of a teenage boy killed in a 2005 avalanche on Mount Charleston recently settled a wrongful death lawsuit against the Las Vegas Ski and Snowboard Resort and others.

The lawsuit, brought by the family of 13-year-old Allen Brett Hutchison, accused the resort of ignoring warnings of the danger of an avalanche on the day Hutchison was killed.

An avalanche swept Hutchison off a ski lift on Jan. 9, 2005, and buried him under two to four feet of snow. Rescue crews searched for Hutchison for more than six hours before they recovered his body. He died from asphyxia.

A federal investigation into the avalanche later found multiple safety violations at the Las Vegas Ski and Snowboard Resort, including failure to comply with its own avalanche control plan on the day Hutchison was killed.

Details of the June settlement between Hutchison's family and the defendants remain confidential. But both sides confirmed that a settlement was reached, effectively bringing an end to the lawsuit.

But representatives of the company previously said that the resort undertook new safety measures after Hutchison's death, including the hiring of two safety experts to assess how to control avalanches. It also implemented a weather reporting station at the top of the chair lift Hutchison was riding at the time of the avalanche.

The Hutchisons sued the resort in early 2006. The lawsuit accuses the resort of ignoring avalanche warnings in order to save money and sought more than \$70,000 in damages.

The U.S. Forest Service investigated Hutchison's death and safety protocols on the mountain in the aftermath of the fatality. It found that the Las Vegas Ski and Snowboard Resort didn't deter skiers from entering the avalanche area, as required by emergency procedures.

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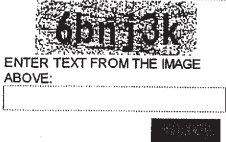
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Posted On: October 31, 2009 by Dr. Shezad Malik

Employee sues Wynn Las Vegas over secondhand smoke

A Wynn Las Vegas employee is suing the resort, claiming it is an unsafe workplace because of secondhand smoke. The federal lawsuit, which seeks class action status, alleges the casino encouraged patrons to light up and disciplined workers if they complained.

The court filing by Wynn dealer Kanie Kastroll accuses Wynn Las Vegas of breaching its duty to provide a safe workplace for employees and seeks damages of more than \$5 million.

Kastroll has suffered asthma and other health problems while working for Wynn, her lawyers allege. She has retained Chicago-based class action law firm Kamber Edelson.

The firm may be best known for its class action lawsuit against the makers of the Thomas the Tank toy. That suit, which was based on claims that the toy used lead paint, was settled for \$30 million.

Wynn Las Vegas is the second major resort operator to be hit with a lawsuit recently because of secondhand smoke dangers.

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Kamber Edelson also is representing a Harrah's Entertainment employee in a similar complaint filed this summer against Harrah's and Caesars Palace. Kamber Edelson attorney Jay Edelson called the cases "similar" but claims Wynn also failed to protect pregnant employees from cancer-causing smoke.

Wynn Resorts does not have a policy to protect pregnant workers from secondhand smoke, according to the complaint. That decision is left to their individual supervisors' discretion.

Kastroll, a four-year employee of Wynn, said she decided to sue her employer to protect her own health and that of her fellow employees and nonsmoking customers.

"I thought it was way overdue. I was concerned about my health and that of my co-workers," she said. "Customers come up to me all the time and ask for nonsmoking."

Wynn has a smoke-free poker room. However, Kastroll deals "multiple games" and usually works in a smoking environment.

The lawsuit also alleges that Wynn Las Vegas allows gamblers to blow smoke directly in the faces of its dealers and forbids the dealers from protesting. If casino patrons ask employees if they can smoke, the employees are required to say yes, according to the lawsuit.

The lawsuit also notes that the resort encourages smoking by offering free cigarettes to gamblers.

Employees can be disciplined if they disobey any Wynn policies, the lawsuit claims.

"Dozens of Wynn employees were interviewed over the past six months, and the type of health problems ranged from headaches and asthma to lung cancer," Edelson said.

Kastroll's asthmatic condition was "exacerbated" by the secondhand smoke she was exposed to on the job, according to the complaint. She also allegedly suffered from shortness of breath, dizziness and nausea.

"I didn't have asthma when I came to Wynn," she said. "I can't say what caused it. Probably 20 years in casinos."

Making casinos entirely smoke-free is not the goal of the litigation, her lawyer maintained. The purpose of the lawsuit is to force the resort to protect its employees at the same level as most other Las Vegas casinos do, Edelson said.

"Other resorts have better ventilation systems and some nonsmoking tables," he said. "Wynn just has to do things as well as the other casinos."

The lawsuit against Wynn Las Vegas resulted from the Harrah's suit, Edelson said.

"When we filed, we started getting all these calls from other casino workers, and the overwhelming number were about Wynn."

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January 19, 2010
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Florida woman suing over Monte Carlo fire

Howard Stutz GAMING WIRE

By HOWARD STUTZ

LAS VEGAS REVIEW-JOURNAL

The first lawsuit associated with the fire at the Monte Carlo has been filed by a Florida woman who claims she suffered permanent injuries due to smoke inhalation associated with the early-morning rooftop blaze on Jan. 25, 2008.

The Las Vegas-based attorney for Jean **Bartoli** said the Monte Carlo's alarm systems worked, but his client and others staying at the hotel when the fire broke out were evacuated to an area of the hotel where they were subjected to smoke.

"She was put into an area not on the ground floor, but where there was still heavy smoke," said Robert Cottle, who filed the lawsuit in Clark County District Court on Jan. 11. "Her doctor's opinion was the smoke caused permanent lung damage."

Bartoli, 62, who lives in **Plantation**, Fla., is seeking damages in excess of \$50,000 from **MGM Mirage**, which owns the Monte Carlo.

MGM Mirage spokeswoman Yvette Monet said Monday the company had not been served with the lawsuit and was unable to comment.

According to the complaint, guests were taken to an area that was supposedly safe and told to remain there until further notice. However, the guests were "continually subjected to smoke, fumes, and other airborne toxins resulting from the nearby fire."

Cottle said the evacuation process "seemed to be lacking."

He said he was unsuccessful in negotiating a settlement with **MGM Mirage**. The lawsuit, he said, could lead to similar lawsuits being filed against **MGM Mirage** over the fire.

The three-alarm fire caused \$100 million in damage and lost business for the Monte Carlo and **MGM Mirage**, which had to close the 3,000-room hotel for three weeks. About 6,000 people were evacuated from the hotel because of the fire.

The Clark County Fire Department blamed the fire on welders who failed to use proper safety procedures. No citations were issued and the blaze was termed accidental.

The fire sent thick black smoke across the Las Vegas Valley and damaged the exterior of the Monte Carlo's south-facing rooftop facade. Stray bits of metal ignited foam material used in the Monte Carlo's outer design work.

Water damaged the Monte Carlo's 32nd floor, which was reopened 19 months later as Hotel32, a separate 50-unit exclusive boutique hotel atop the Monte Carlo.

Contact reporter Howard Stutz at hstutz@reviewjournal.com or 702-477-3871.

EXHIBIT 5

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