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19
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21 **DISTRICT COURT**

22 **CLARK COUNTY, NEVADA**

23 Plaintiff, RACHEL SHEPPARD an
24 Individual,

25 Plaintiff,

26 vs.

27 MGM RESORTS INTERNATIONAL, a
28 Delaware Corporation; MANDALAY CORP.,

CASE NO.: A-17-763035-C

DEPT. NO.: Department 13

COMPLAINT

1 a Nevada Corporation; LIVE NATION
2 ENTERTAINMENT, INC., a California
3 Corporation; LIVE NATION GROUP d/b/a
4 ONE NATION GROUP, LLC, a Nevada
5 Domestic Limited-Liability Company;
6 ESTATE OF STEPHEN PADDOCK, a
7 Nevada resident; SLIDE FIRE SOLUTIONS
8 LP, a Foreign Corporation; ROE
9 MANUFACTURERS 1 through 100; ROE
10 RETAILERS 1 through 100; DOE
11 SECURITY OFFICER 1 through 100; DOE
12 EVENT PLANNER 1 through 100; DOE
13 EVENT MANAGER 1 through 100; ROE
14 EVENT COMPANY 1 through 100; DOES 1
15 through 100; and ROES 1 through 100,
16 inclusive, Defendants.

Defendants.

COMPLAINT

17 Plaintiff, RACHAEL SHEPPARD, a customer of MGM’S hotel, attending an MGM
18 promoted event, on MGM property, was shot 3 times by an MGM VIP guest, who used special
19 MGM conveyed privileges of use of a service elevator, not accessible to the public, to smuggle
20 his arsenal of weapons to the 32nd floor with the help of MGM employees, where he set up a
21 shooting gallery over 3-6 days, including installing his own surveillance cameras, before
22 breaking a window and starting his carnage, COMES NOW Plaintiff RACHAEL SHEPPARD
23 by and through her undersigned Counsel, and for her complaint alleges and avers as follows:

24 1. At all relevant times, Plaintiff, RACHAEL SHEPPARD was an adult, competent
25 resident of the State of California.

26 2. At all relevant times, Defendant MGM RESORTS INTERNATIONAL
27 (“MGM”), was a corporation duly licensed and incorporated under the laws of Delaware, and
28 believed to be the owner, co-owner, or manager of certain premises commonly referred to as the
Mandalay Bay Resort and Casino Las Vegas (hereinafter “Mandalay Bay”), at 3950 South Las
Vegas Blvd, Las Vegas, NV 89119, as well as “Las Vegas Village”, an open-air concert and

1 event venue across from Mandalay Bay consisting of 15 acres of seating area, and a capacity of
2 40,000 guests.

3 3. At all relevant times, Defendant MANDALAY CORP. was a corporation duly
4 licensed and incorporated under the laws of Nevada, and as a subsidiary of Defendant MGM, is
5 believed to be the owner, manager and operator of the premises commonly referred to as the
6 Mandalay Bay Resort and Casino Las Vegas (hereinafter “Mandalay Bay”), at 3950 South Las
7 Vegas Blvd, Las Vegas, NV 89119.

8 4. At all relevant times, Defendant LIVE NATION ENTERTAINMENT, INC.
9 (LIVE NATION) was a corporation duly licensed and incorporated under the laws of California,
10 and believed to be the concert and event promoter of the Route 91 Music Festival in September
11 and October 2017.

12 5. At all relevant times, Defendant LIVE NATION GROUP d/b/a
13 ONENATIONGROUP, LLC (LIVE NATION) was a Domestic Limited-Liability Company
14 duly licensed and incorporated under the laws of Nevada, and believed to be the concert and
15 event promoter of the Route 91 Music Festival in September and October 2017.

16 6. At all relevant times, STEPHEN PADDOCK (PADDOCK) was a resident of
17 Clark County, Nevada, and the accused perpetrator of a mass shooting which occurred on
18 October 1, 2017, and which took place from a location within PADDOCK’s hotel room at
19 Mandalay Bay into a crowd of concert-goers at the Las Vegas Village venue. PADDOCK is
20 now deceased, resulting in the need to sue the ESTATE OF STEPHEN PADDOCK which is as-
21 yet unformed, but whose formation is pending.

22 7. At all relevant times, Defendant SLIDE FIRE SOLUTIONS, LP (“SLIDE
23 FIRE”) is a foreign limited partnership which does business in Nevada, with its principal place
24 of business located in Moran, Texas.

25 8. Defendants ROE MANUFACTURERS 1 through 100 are all manufacturers of
26 bump stock similar devices. ROE MANUFACTURERS 1 through 100 include designers,
27 developers, promoters, and marketers of bump stock or similar bump fire devices.

28 ...

1 9. Defendants ROE RETAILERS 1 through 100 are all retainers of bump stocks or
2 similar devices. ROE RETAILERS 1 through 100 include sellers, retailers, wholesalers,
3 suppliers, and/or distributors of bump stocks or similar bump fire devices.

4 10. That the true names and capacities whether individual, corporate, associate or
5 otherwise, of the Defendants herein designated as DOES and/or ROES are unknown to Plaintiff
6 at this time who therefore sue said Defendants by fictitious names. Plaintiff alleges that each
7 named Defendant herein designated as DOES and/or ROES is negligently, willfully,
8 contractually, or otherwise legally responsible for the events and happenings herein referred to
9 and proximately caused damages to Plaintiff as herein alleged. Plaintiff will seek leave of Court
10 to amend this Complaint to insert the true names and capacities of such Defendants when same
11 have been ascertained and will further seek to leave to join said Defendants in these
12 proceedings.

13 11. That Plaintiff is informed and believes and thereon alleges that at all times
14 mentioned herein, Defendant SLIDE FIRE and DOES AND ROES were agents, servants,
15 employees, partners, distributors or joint venturers of each other and that in doing the acts herein
16 alleged, were acting within the course and scope of said agency, employment, partnership, or
17 joint venture. Each and every Defendant aforesaid was acting as a principal and was negligent or
18 grossly negligent in the selection, hiring and training of each and every other Defendant or
19 ratified the conduct of every other Defendant as an agent, servant, employee or joint venture.

20 12. That the true names and capacities, whether individual, agency, corporate,
21 associate or otherwise, of Defendants ROE MANUFACTURERS 1 through 100; ROE
22 RETAILERS 1 through 100; DOE SECURITY OFFICER 1 through 100; DOE EVENT
23 PLANNER 1 through 100; DOE EVENT MANAGER 1 through 100; ROE EVENT
24 COMPANY 1 through 100; DOES 1 through 100; and ROES 1 through 100, inclusive are
25 unknown to Plaintiff. Plaintiff will ask leave of the Court to amend this Complaint to show the
26 true names and capacities of these Defendants, when they become known to Plaintiff. Plaintiff
27 believes each Defendant named as DOE/ROE was responsible for contributing to Plaintiff's
28 damages as set forth herein.

1 13. That Plaintiff is informed and believes, and based upon such information and
2 belief, alleges that each of the Defendants herein designated as DOES and/or ROES are in some
3 manner responsible for the occurrences and damages sustained as alleged herein.

4 14. Defendants DOES/ROES 1 through 100 consist of the following entities: 1)
5 employees or agents of MGM and MANDALAY CORP. whose negligence contributed to
6 circumstances which enabled PADDOCK to commit a mass shooting unencumbered; 2) co-
7 owners, managers, designers, and concert promoters whose negligence in the design and
8 operation of the concert venue at Las Vegas Village contributed to circumstances which
9 increased the carnage wrought by PADDOCK due to insufficient exits at the venue; and 3)
10 manufacturers, designers, developers, promoters, marketers, wholesalers, suppliers, distributors
11 and retailers of bump stock or similar bump fire devices, including but not limited to Defendant
12 SLIDE FIRE's, whose products contributed to PADDOCK's commission of the mass shooting.

13 15. That the true names and capacities whether individual, corporate, associate or
14 otherwise, of the Defendants herein designated as DOES/ROES 1 through 100 herein referred to
15 and proximately caused damages to Plaintiff as herein alleged. Plaintiff will seek leave of Court
16 to amend this Complaint to insert the true names and capacities of such Defendants when same
17 have been ascertained and will further seek leave to join said Defendants in these proceedings.

18 16. That Plaintiff is informed and believes and thereon alleges that at all times
19 mentioned herein, MGM and MANDALAY BAY (hereinafter referred to collectively as the
20 "Hotel Defendants") were agents, servants, employees, partners or joint venturers of each other
21 and that in doing the acts herein alleged, were acting within the course and scope of said agency,
22 employment, partnership, or joint venture. Each and every Defendant aforesaid was acting as a
23 principal and was negligent or grossly negligent in the selection, hiring and training of each and
24 every other Defendant or ratified the conduct of every other Defendant as an agent, servant,
25 employee or joint venture.

26 17. That Plaintiff is informed and believes and thereon alleges that at all times
27 mentioned herein, Defendant SLIDE FIRE and as-yet unidentified DOES/ROES (hereinafter
28 referred to collectively as the "Product Defendants") were agents, servants, employees, partners,

1 distributors or joint venturers of each other, and that in doing the acts herein alleged, were
2 acting within the course and scope of said agency, employment, partnership, or joint venture.
3 Each and every Defendant aforesaid was acting as a principal and was negligent or grossly
4 negligent in the selection, hiring and training of each and every other Defendant or ratified the
5 conduct of every other Defendant as an agent, servant, employee or joint venture.

6 18. That Plaintiff is informed and believes and thereon alleges that at all times
7 mentioned herein, the MGM and as-yet unidentified DOES/ROES [hereinafter referred to
8 collectively as the “Venue Defendants” were agents, servants, employees, partners, or joint
9 venturers of each other and that in doing the acts herein alleged, were acting within the course
10 and scope of said agency, employment, partnership, or joint venture. Each and every Defendant
11 aforesaid was acting as a principal and was negligent or grossly negligent in the selection, hiring
12 and training of each and every other Defendant or ratified the conduct of every other Defendant
13 as an agent, servant, employee or joint venture.

14 19. Each and every act which gives rise to this Complaint occurred in Clark County,
15 Nevada.

16 **GENERAL ALLEGATIONS**

17 20. Plaintiff incorporates by this reference all of the allegations of paragraphs 1
18 through 19 hereinabove, as though completely set forth herein.

19 21. On October 1, 2017, Plaintiff, Rachael Sheppard was an attendee at the Route 91
20 Harvest Festival, a three-day music festival featuring numerous artists which took place at the
21 Las Vegas Village.

22 22. Upon information and belief, PADDOCK checked into Defendants’ Mandalay
23 Corp. and MGM’s property (Mandalay Bay Resort and Casino) on Monday, September 25,
24 2017, six days prior to the October 1, 2017 shooting rampage, and concealed the weapons in his
25 room using a “Do Not Disturb” sign on his door.

26 23. On information and belief, at approximately 9:59 pm on October 1, 2017,
27 PADDOCK opened fire on a Mandalay Bay Resort and Casino security guard, wounding him
28 six times. During this 200 barrage of rapid fire gunshots, Stephen Schuck, a hotel engineer

1 arrived on the 32nd floor and reported to MGM/MANDALAY BAY personnel that someone was
2 shooting a rifle on the 32nd floor. What Mandalay Bay and/or MGM did with this information is
3 unknown at this point.

4 24. On information and belief, six minutes later, at approximately 10:05pm on
5 October 1, 2017, PADDOCK began firing down on the crowd of the Route 91 Harvest Festival
6 from his room, 32 floors above the concert venue.

7 25. During Jason Aldean’s performance, Plaintiff RACHEL SHEPPARD was struck
8 by three bullets from the weapon of PADDOCK, who at the time was firing rounds of
9 ammunition into the crowd of people at the Las Vegas Village from his hotel suite on the 32nd
10 floor of Mandalay Bay. Plaintiff, RACHAEL SHEPPARD was shot 3 times—once in the upper
11 chest, once in the torso and once in the abdomen. The shots blew her to the ground, injuring her
12 back where she lay screaming and jolting in pain. On bullet went completely through her, two
13 bullets remain in her body. During the ensuing chaos, a Good Samaritan picked her up, forced
14 himself into an ambulance and held her in the ambulance applying compress to her wounds.

15 26. As a result of the wounds, Plaintiff RACHAEL SHEPPARD almost “bled out” 3
16 times and required 40 units of blood and to date has undergone four surgeries while fighting for
17 her life.

18 27. Plaintiff RACHAEL SHEPPARD, was a paying customer of MGM’s Excalibur
19 Hotel and Casino, bought a ticket and attended an MGM promoted event at Las Vegas Village
20 and was shot by a PADDOCK, a VIP MGM guest.

21 28. On information and belief, at 10:12 pm on October 1, 2017, police made their
22 way up to the 31st floor, knowing that the shooter was one floor above. At 10:15 pm, on
23 October 1, 2017, PADDOCK stopped firing on the crowd below of the Route 91 Harvest
24 Festival.

25 29. During an approximately 11-minute stretch of rapid-fire shooting, PADDOCK
26 killed 59 people, and injured hundreds of other concert goers at the Las Vegas Village. Upon
27 information and belief, PADDOCK used bump stocks to fire his weapons rapidly, mimicking
28 automatic fire.

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37. Based upon information and belief, Defendants MGM, and/or MANDALAY CORP., and/or DOES/ROES breached their duty of reasonable care by failing to maintain the Mandalay Bay premises in a reasonably safe condition, including but not limited to:

- a. failing to properly surveil people coming and going from the hotel;
- b. failing to monitor the hotel premises with closed-circuit television (CCTV);
- c. failing to discover some or all of PADDOCK’S arsenal on September 25th;
- d. failing to discover some or all of PADDOCK’S arsenal on September 26th;
- e. failing to discover some or all of PADDOCK’S arsenal on September 27th;
- f. failing to discover some or all of PADDOCK’S arsenal on September 28th;
- g. failing to discover some or all of PADDOCK’S arsenal on September 29th;
- h. failing to discover some or all of PADDOCK’S arsenal on September 30th;
- i. failing to discover some or all of PADDOCK’S arsenal on October 1st, before the shooting;
- j. assisting PADDOCK transport all or part of his arsenal on September 25th through the nonpublic service elevator(s);
- k. assisting PADDOCK transport all or part of his arsenal on September 26th through the nonpublic service elevator(s);
- l. assisting PADDOCK transport all or part of his arsenal on September 27th through the nonpublic service elevator(s);
- m. assisting PADDOCK transport all or part of his arsenal on September 28th through the nonpublic service elevator(s);

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- n. assisting PADDOCK transport all or part of his arsenal on September 29th through the nonpublic service elevator(s);
- o. assisting PADDOCK transport all or part of his arsenal on September 30th through the nonpublic service elevator(s);
- p. assisting PADDOCK transport all or part of his arsenal on October 1st through the nonpublic service elevator(s);
- q. failing to timely respond or otherwise act upon PADDOCK’s shooting of Mandalay Bay Security Officer Jesus Campos, who had gone to the 32nd floor to check on an alert coming from another guest room, and who was shot six minutes prior to PADDOCK’s commencement of shooting towards the concert venue;
- r. failing to notice or take precautions against PADDOCK’s delivery of guns and/or ammunition to his hotel room;
- s. failing to notice or take action against PADDOCK’s set up of surveillance outside his hotel room;
- t. failing to adequately prevent or timely discover PADDOCK’s breaking/opening of his hotel room windows;
- u. failing to adequately train and supervise employees on the reporting and discovery of suspicious individuals and/or person and/or activity;
- v. failing to investigate PADDOCK’s room after a “Do Not Disturb” sign remained on PADDOCK’s door for more than 24 hours;
- w. failing to investigate PADDOCK’s room after a “Do Not Disturb” sign remained on PADDOCK’s door for more than 48 hours;
- x. failing to investigate PADDOCK’s room after a “Do Not Disturb” sign remained on PADDOCK’s door for more than 72 hours;
- y. failing to investigate PADDOCK’s room after a “Do Not Disturb” sign remained on PADDOCK’s door for more than 96 hours;
- z. failing to discovery the stairwell door bolted closed;

1 SHEPPARD did not consent, which constitutes a battery for which the Estate of STEPHEN
2 PADDOCK is liable per NRS 41.100(1) and (2).

3 51. As a direct and proximate result of PADDOCK's battery upon her, Plaintiff
4 RACHAEL SHEPPARD was caused to incur injury to her body and mind, past and future
5 medical expenses, past and future pain and suffering, past and future severe emotional distress,
6 and anticipated future loss of income, all to her damage in an amount in excess of \$15,000.00.

7 52. Due to PADDOCK's commission of battery upon her, Plaintiff RACHAEL
8 SHEPPARD has been required to retain the services of legal counsel and to incur attorney's fees
9 and costs thereby.

10 **FOURTH CLAIM FOR RELIEF**

11 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

12 ***(Against ESTATE OF STEPHEN PADDOCK)***

13 53. Plaintiff incorporates by this reference all of the allegations of paragraphs 1
14 through 52 hereinabove, as though completely set forth herein.

15 54. At all relevant times, PADDOCK acted with malice, forethought, and evil intent
16 in firing gunshots upon Plaintiff RACHAEL SHEPPARD, resulting in the infliction of a
17 gunshot wound which pierced her body and caused physical injury to her to which RACHAEL
18 SHEPPARD did not consent, and which also inflicted severe emotional distress for which the
19 Estate of STEPHEN PADDOCK is liable per NRS 41.100(1) and (2).

20 55. As a direct and proximate result of PADDOCK's tortious acts upon her, Plaintiff
21 RACHAEL SHEPPARD was caused to incur injury to her body and mind, past and future
22 medical expenses, past and future pain and suffering, past and future severe emotional distress,
23 and anticipated future loss of income, all to her damage in an amount in excess of \$15,000.00.

24 56. Due to PADDOCK's commission of Intentional Infliction of Emotional Distress
25 upon her, Plaintiff RACHAEL SHEPPARD has been required to retain the services of legal
26 counsel and to incur attorney's fees and costs thereby.

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FIFTH CLAIM FOR RELIEF

NEGLIGENCE

(Against Defendant SLIDE FIRE and/or DOES/ROES)

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4 57. Plaintiff incorporates by this reference all of the allegations of paragraphs 1
5 through 56 hereinabove, as though completely set forth herein.

6 58. Prior to the mass shooting, PADDOCK brought in excess of a dozen rifles,
7 twelve bump stock devices, and thousands of rounds of ammunition to his hotel room.
8 PADDOCK’S rifles were equipped with bump stock devices which enabled him to fire bullets
9 rapidly, mimicking automatic fire. Upon information and belief, the bump stock devices
10 PADDOCK used were designed, manufactured, marketed, distributed and/or sold by Defendants
11 SLIDE FIRE and/or DOES/ROES.

12 59. Defendants SLIDE FIRE and/or DOES/ROES committed acts of omission and
13 commission, which collectively and generally constituted negligence. Defendants had a duty to
14 exercise ordinary care, meaning that degree of care that would be used by a company of
15 ordinary prudence under the same or similar circumstances. Defendants breached their duty in
16 one or more of the following ways:

- 17 a. Failing to properly design the bump stock devices;
18 b. Failing to properly manufacture the bump stock devices;
19 c. Failing to properly market the bump stock devices; and
20 d. Negligently advertising and/or promoting the bump stock devices as an
21 inexpensive device that could be used to circumvent federal laws
22 prohibiting fully automatic weapons.

23 60. As a direct result of SLIDE FIRE’S and/or DOES’/ROES’ negligence, 59 people
24 were killed and hundreds were injured, including Plaintiff RACHAEL SHEPPARD. In addition
25 to physical injuries, Plaintiff RACHAEL SHEPPARD continues to suffer emotional trauma and
26 distress.

27 61. As a direct and proximate result of Defendants SLIDE FIRE’s and/or
28 DOES’/ROES’ aforementioned tortious conduct, Plaintiff RACHAEL SHEPPARD was caused

1 to incur injury to her body and mind, past and future medical expenses, past and future pain and
2 suffering, past and future severe emotional distress, and anticipated future loss of income, all to
3 her damage in an amount in excess of \$15,000.00.

4 62. Due to Defendants SLIDE FIRE's and/or DOES'/ROES' tortious conduct in the
5 foregoing respects, Plaintiff RACHAEL SHEPPARD has been required to retain the services of
6 legal counsel and to incur attorney's fees and costs thereby.

7 **SIXTH CLAIM FOR RELIEF**

8 **GROSS NEGLIGENCE**

9 *(Against Defendant SLIDE FIRE and/or DOES/ROES)*

10 63. Plaintiff incorporates by this reference all of the allegations of paragraphs 1
11 through 62 hereinabove, as though completely set forth herein.

12 64. Plaintiff alleges that all acts, conduct and omissions on the part of Defendants
13 SLIDE FIRE and/or DOES/ROES, taken singularly or in combination, constitute gross
14 negligence and were the proximate cause of Plaintiff's injuries and damages. Defendants' acts
15 and/or omissions, when viewed objectively from the Defendants' standpoint at the time such
16 acts and/or omissions occurred, involved an extreme degree of risk, considering the probability
17 and magnitude of the potential harm to others. Defendants had actual, subjective awareness of
18 the risk, but proceeded with conscious indifference to the rights, safety and welfare of Plaintiff.

19 65. Defendants' conduct was reckless and/or done with an intentional state of mind.
20 Such gross negligence was a proximate cause of the occurrence and Plaintiff's injuries and
21 damages.

22 66. As a direct and proximate result of Defendants SLIDE FIRE's and/or
23 DOES'/ROES' aforementioned tortious conduct, Plaintiff RACHAEL SHEPPARD was caused
24 to incur injury to her body and mind, past and future medical expenses, past and future pain and
25 suffering, past and future severe emotional distress, and anticipated future loss of income, all to
26 her damage in an amount in excess of \$15,000.00.

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5) For such other and further relief as the Court may deem just and equitable under the circumstances.

DATED this 13th day of October, 2017.

NETTLES LAW FIRM

BY: /s/ Brian Nettles

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