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INTERTRIBAL COURT OF SOUTHERN CALIFORNIA 46002 GOLDEN ROAD VALLEY CENTER, CA 92382

RINCON BAND OF LUISENO INDIANS TRIBAL COURT
 INTERTRIBAL COURT OF SOUTHERN CALIFORNIA

WILLIAM RANDOL,
 Plaintiff,

vs.

RINCON NATION OF LUISENO
 INDIANS and DOES 1-10,
 Defendants.

) Case No.: Rincon 00542008
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DECISION

This matter came as regularly scheduled before the Rincon Tribal Court on March 6, 2012, the honorable Anthony J. Brandenburg, Chief Judge presiding. Appearing on behalf of the plaintiff Mr. William Randol was Attorney James Hoey. Representing the defendant Harrah's Casino/Rincon Band of Luiseno Indians was attorney Ronald Giusso of the Law firm of Stokes, Roberts and Wagner. The parties had elected to bifurcate the trial and the case as presented was as to the potential liability of the defendant only.

1 Following the presentation of exhibits, testimony of the plaintiff
2 and witnesses the court has concluded Plaintiff failed to meet the
3 required burden of proof in this matter, judgment is thus in favor
4 of the defendant.

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7 The court after hearing evidence and deliberating finds it
8 extremely difficult to conclude to the contrary. The plaintiff's
9 designated experts testimony was to say the least, inconsistent and
10 did not support facts as alleged. Additionally the court felt the
11 expert's credentials were flawed. Coupled with the variance between
12 the plaintiff's witness's statements and the plaintiff statements
13 the inconsistencies continued. While it is unfortunate Mr. Randol
14 was injured therein suffering his Achilles heal injury the facts of
15 the case do not support liability on be half of the defendant.
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18 Inconsistencies pointed out in the parties testimony by way of
19 cross-examination were also numerous. In short collectively this
20 put some serious doubt in the court's mind regarding defendant's
21 liability and in turn greatly affected the courts deliberation when
22 considering the case in total.
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25 In analyzing the situation it would appear Mr. Randol upon entering
26 the casino was in a hurry to use the restroom facilities. His
27 testimony was that he had left work and with his spouse headed
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1 directly for the casino and while in transit had consumed a large
2 drink. Again, per his testimony, upon entering the casino he headed
3 directly for the men's room. While there was inconsistency in the
4 defendant's testimony and that of his witness Mr. Troung both
5 agreed there was a Harrah's casino employee with a mop in the
6 restroom. Mr. Randol was obviously in a hurry and the court
7 believes that this factor may have contributed greatly to his
8 failure to notice the restroom attendant. While Mr. Randol alleged
9 he did not see the employee when it would reasonably appear that
10 the employee was in full view of anyone entering the restroom.
11 Thus in his haste it seems Mr. Randol did not take reasonable
12 precautions while entering the restroom. An analysis of the
13 situation when viewing it in total seems to support this as a more
14 reasonable explanation for the cause of Mr. Randol's injury.
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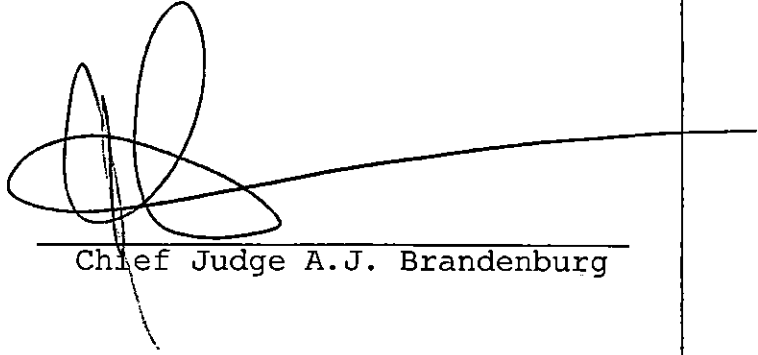
18 Was the floor wet? There was considerable discussion at trial
19 regarding the floor and whether it was wet or not. The Casino
20 insist the restroom attendant was dry mopping, a commonly known
21 practice whereby no water is used and the attendant simply mops up
22 spots as may have dripped from the sink etc. At this point when you
23 view collectively the testimony of Mr. Randol, Mr. Troung and the
24 EMT person who entered the restroom shortly after the incident and
25 found the floor was dry again we find vast differences in their
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1 views, all of which are in and of themselves insufficient to be
2 utilized to support the plaintiff's position.

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4 While the Rincon code requires the plaintiff to prove their case by
5 a "Clear and Convincing" evidence standard in the courts view in
6 this matter considering the contradictions in the testimony along
7 with case law as presented plaintiff failed to even meet the lesser
8 standard of "a preponderance of evidence"
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11 In this matter the court thus rules: Judgment for the defendant.
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15 DATED: March 28, 2012

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18 Chief Judge A.J. Brandenburg
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