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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA

9 VERONICA BRILL, *et al.*

10 Plaintiffs,

11 vs.

12 MICHAEL L. POSTLE, *et al.*

13 Defendants.
14

Case No. 2:19-cv-02027-WBS-AC

The Honorable William B. Shubb

OPPOSITION TO DEFENDANT JUSTIN
KURAITIS' MOTION TO DISMISS FIRST
AMENDED COMPLAINT

15 Come now Veronica Brill ("Ms. Brill"), Kasey Lyn Mills ("Ms. Mills"); Marc Goone
16 ("Mr. Goone"), Navroop Shergill ("Mr. Shergill"); Jason Scott ("Mr. Scott"); Azaan Nagra
17 ("Mr. Nagra"); Eli James ("Mr. James"); Phuong Phan ("Mr. Phan"); Jeffrey Sluzinski ("Mr.
18 Sluzinski"), Harlan Karnofsky ("Mr. Karnofsky"); Nathan Pelkey ("Mr. Pelkey"); Matthew
19 Allen Holtzclaw ("Mr. Holtzclaw"); Jon Turovitz ("Mr. Turovitz"); Robert Young ("Mr.
20 Young"); Blake Alexander Kraft ("Mr. Kraft"); Jaman Yonn Burton ("Mr. Burton"); Michael
21 Rojas ("Mr. Rojas"); Hawnlay Swen ("Mr. Swen"); Thomas Morris III ("Mr. Morris"); Paul
22 Lopez ("Mr. Lopez"); Rolando Cao ("Mr. Cao"); Benjamin Jackson ("Mr. Jackson"); Hung
23 Sam ("Mr. Sam"); Corey Caspers ("Mr. Caspers"); Adam Duong ("Mr. Duong"); Dustin
24 McCarthy ("Mr. McCarthy"); Chou Vince Xiong ("Mr. Xiong"); Brian Olson ("Mr. Olson");
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1 Cameron Smith (“Mr. Smith”); Jordan Diamond (“Mr. Diamond”); Aronn Solis (“Mr. Solis”);
2 Alisha Daniels-Duckworth (“Ms. Daniels-Duckworth”); Christian Soto Vasquez (“Mr.
3 Vasquez”); Andrew Hernandez (“Mr. Hernandez”); Darrell Steed (“Mr. Steed”); Arish S. Nat
4 (“Mr. Nat”); Kyle Kitagawa (“Mr. Kitagawa”); Brian Michael Raasch (“Mr. Raasch”); Zeev
5 Malkin (“Mr. Malkin”); David Crittenton (“Mr. Crittenton”); Patrick Laffey (“Mr. Laffey”);
6 Paras Singh (“Mr. Singh”); Firas Bouri (“Mr. Bouri”); Idris M. Yonisi (“Mr. Yonisi”); Joshua
7 Whitesell (“Mr. Whitesell”); David Duarte (“Mr. Duarte”); Harun Unai Begic (“Mr. Begic”);
8 Brad Kraft (“Mr. Kraft”); Taylor Carroll (“Mr. Carroll”); Elias AbouFares (“Mr. AbouFares”);
9 Tyler Denson (“Mr. Denson”); Andrew Lok (“Mr. Lok”); Jake Rosenstiel (“Mr. Rosenstiel”);
10 Anthony Ajlouny (“Mr. Ajlouny”); Hector Martin (“Mr. Martin”); Dale Menghe (“Mr.
11 Menghe”); Scott Schlein (“Mr. Schlein”); Auguste Shastry (“Mr. Shastry”); Nicholas Colvin
12 (“Mr. Colvin”); Jason Markwith (“Mr. Markwith”); Brian Watson (“Mr. Watson”); Shane
13 Gonzales (“Mr. Gonzales”); Katherine Stahl (“Ms. Stahl”); Mike Nelson (“Mr. Nelson”);
14 Brandon Steadman (“Mr. Steadman”); Bryant Miller (“Mr. Miller”); Hong Moon (“Mr.
15 Moon”); Matthew Gouge (“Mr. Gouge”); Nicholaus Wooderson (“Mr. Wooderson”); Carlos
16 Welch (“Mr. Welch”); Ariel Reid (“Mr. Reid”); Dan Mayer (“Mr. Mayer”); Anthony Giglini
17 (“Mr. Giglini”); Ryan Jaconetti (“Mr. Jaconetti”); Ariel Cris Manipula (“Mr. Manipula”);
18 Trenton Sidener (“Mr. Sidener”); James John O’Connor (“Mr. O’Connor”); Patrick Vang (“Mr.
19 Vang”); Marcus Davis (“Mr. Davis”); Adam Cohen (“Mr. Cohen”); Derick Cole (“Mr. Cole”);
20 Aaron McCormick (“Mr. McCormick”); Brennen Alexander Cook (“Mr. Cook”); Michael
21 Phonesavnh Rasphone (“Mr. Rasphone”); Benjamin Teng (“Mr. Teng”); Scott Sorenson (“Mr.
22 Sorenson”); Anthony Hugenberg (“Mr. Hugenberg”); and Billy Joe Messimer (“Mr.
23 Messimer”) (collectively, the “Plaintiffs,” with each sometimes being known as a “Plaintiff”),
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1 by and through counsel, and in opposition to the motion to dismiss (the “Motion,” as found at
2 DE #46, with the pleading to which it is directed being known as the “Complaint,” as found at
3 DE #40) filed by Justin Kuraitis (“Mr. Kuraitis” or the “Defendant”),¹ state as follows:

4 Mr. Kuraitis’ Motion is largely a joinder of the motion to dismiss (DE #45) filed by
5 King’s Casino Management Corp. d/b/a Stones Gambling Hall (“Stones”). The Plaintiffs are
6 filing, of even date herewith, an opposition to Stones’ motion to dismiss, and incorporate the
7 same by reference.
8

9 In addition to the arguments set forth in their opposition to Stones’ motion to dismiss,
10 the Plaintiffs note Mr. Kuraitis’ Motion merits denial for the following two reasons:

11 First, the Motion characterizes Mr. Kuraitis as “a mid-level employee of Stones.” The
12 Plaintiffs have alleged Mr. Kuraitis was the director of Stones Live Poker – the poker games
13 giving rise to this litigation – at all times relevant. *See* Complaint at ¶ 115. They further allege
14 he was the person responsible for the production and security of those games. *Id.* Much of this
15 suit is premised upon wholesale failures in that putative security, related directly to the manner
16 in which Stones Live Poker was produced with the use of a radio-frequency identification-
17 enabled poker table. *See* Complaint, *passim*. It is thus apparent Mr. Kuraitis is not alleged to be
18 a “mid-level employee” but, rather, the key employee of Stones charged with oversight and
19 operation of the games underlying the matter *sub judice*. He is also, as discussed below, the
20 employee of Stones who personally made fraudulent representations to Mesdames Brill and
21 Mills.
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26 ¹ There are other defendants to this action who have also filed motions seeking dismissal. Their
respective motions are being addressed under separate cover.

1 Second, the Motion asserts Mr. Kuraitis cannot be liable to Mesdames Brill and Mills
2 for fraud.² As noted in the opposition to Stones' motion, Mr. Kuraitis personally made a series
3 of demonstrably counterfactual statements, to both Mesdames Brill and Mills, about (i) Michael
4 Postle ("Mr. Postle") cheating in Stones Live Poker games; (ii) security audits of Stones Live
5 Poker games; (iii) the reasons underlying Mr. Postle's success in Stones Live Poker games; and
6 (iv) investigations undertaken by Stones (at the putative direction of Mr. Kuraitis) into Mr.
7 Postle's cheating. The opposition to Stones' motion discusses reliance and damages, as much of
8 Stones' liability is premised upon the agency of Mr. Kuraitis.
9

10 Finally, as noted in their opposition to the motions filed by both Stones and Mr. Postle,
11 the Plaintiffs respectfully request leave to amend their pleading should further allegations be
12 necessary to conform to the pleading rigors of this Honorable Court. The Plaintiffs set forth, in
13 both of those respective opposition briefs, extensive but non-exhaustive lists of the additional
14 factual matter they are prepared to allege if necessary.
15

16 WHEREFORE, the Plaintiffs respectfully pray this Honorable Court (i) deny the
17 Motion; (ii) alternatively, afford leave to amend if additional allegations are necessitated; and
18 (iii) afford such other and further relief as may be just and proper.
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22 **[SIGNATURE ON FOLLOWING PAGE]**
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26 ² The Motion also speaks to Mr. Goone. As noted in the opposition to Stones' motion, Mr. Goone is dismissing his fraud claim against Mr. Kuraitis.

1 Dated this 4th day of May, 2020.

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3 Respectfully Submitted,

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5 **THE VERSTANDIG LAW FIRM, LLC**

6 By: /s/ Maurice B. VerStandig
7 Maurice B. VerStandig (*pro hac vice*)
8 1452 W. Horizon Ridge Pkwy, #665
9 Henderson, Nevada 89012
10 Telephone: (301) 444-4600
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12 mac@mbvesq.com
13 *Counsel for the Plaintiffs*

14
15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on this 4th day of May, 2020, I caused a true and correct copy of the
17 foregoing to be served upon the following persons via this Honorable Court's CM/ECF system:

18 Michael L. Lipman, Esq.
19 Karen Lehmann Alexander, Esq.
20 Duane Morris LLP
21 750 B Street
22 Suite 2900
23 San Diego, CA 92101
24 *Counsel for King's Casino, LLC*

25 Heather U. Guerena, Esq.
26 Heather U. Guerena, Attorney at Law
7727 Herschel Avenue
La Jolla, CA 92037
Counsel for King's Casino, LLC

Mark Mao, Esq.
Boies Schiller Flexner LLP
44 Montgomery Street, 41st Floor
San Francisco, CA 94104
Counsel for King's Casino, LLC

Richard Pachter, Esq.

1 Law Offices of Richard Pachter
2 555 University Avenue, Suite 200
3 Sacramento, CA 95825
4 *Counsel for Justin Kuraitis*

5 I further certify that on this 4th day of May, 2020, I have caused a true and accurate copy
6 of the foregoing to be served on the following person via United States Mail, postage prepaid:

7 Michael L. Postle
8 3724 Deerwalk Way
9 Antelope, California 95843

10 /s/ Maurice B. VerStandig
11 Maurice B. VerStandig
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