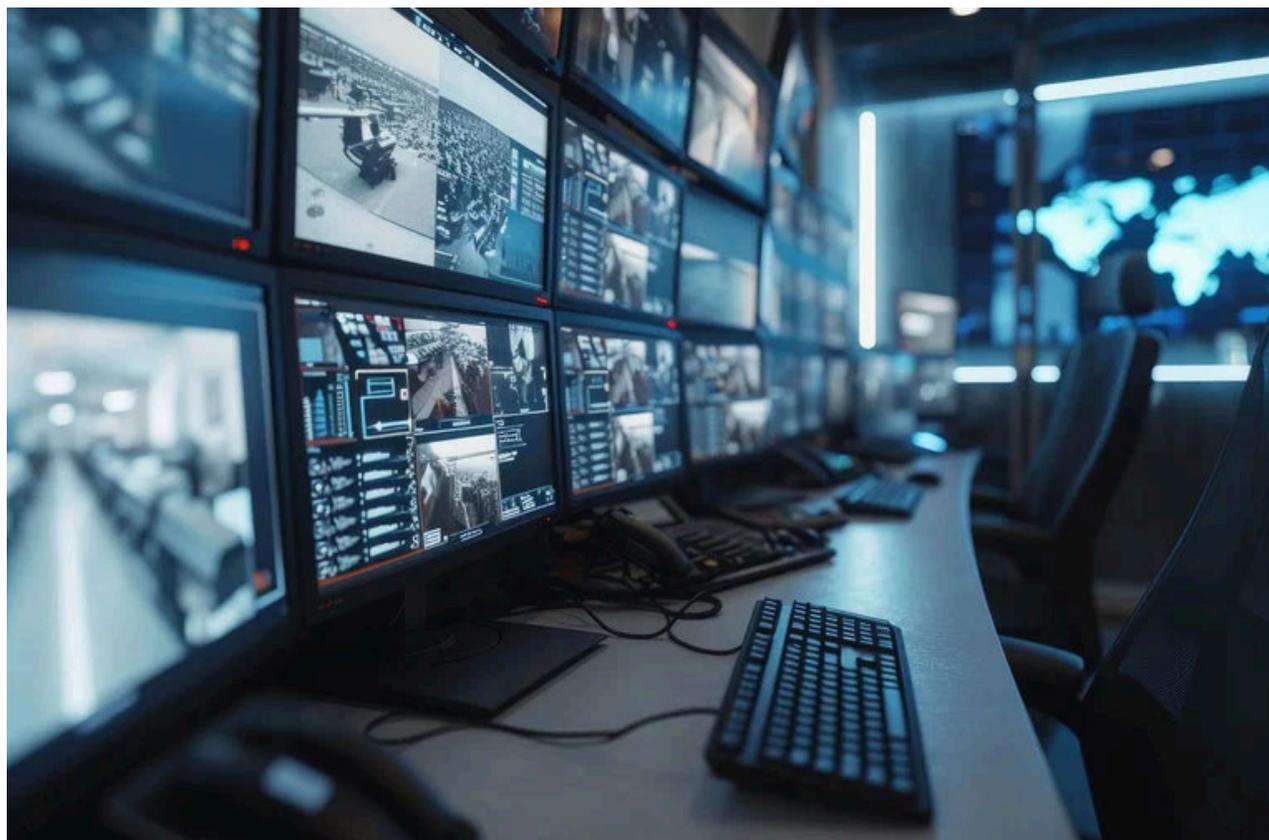


News **Civil Procedure**

Pa. Appeals Court Affirms \$3M Casino Brawl Verdict, Denying Challenge Over Missing Video Jury Charge

The casino argued that the plaintiff didn't request video footage until after its two-week window for preserving surveillance footage had run.

February 25, 2026 at 04:19 PM By  **Riley Brennan**



Credit: Akmalism Photography/Adobe Stock

In a decision upholding a \$3 million award against a casino following a bathroom brawl, a Pennsylvania appellate court has ruled that an adverse inference jury charge over destroyed video evidence was reasonable despite the plaintiff first requesting the video after the casino's two-week window for preserving surveillance footage had expired.

On [Tuesday](#), the Pennsylvania Superior Court denied Live! Casino and Hotel Philadelphia's requests for a new trial after concluding that the Philadelphia County Court of Common Pleas did not abuse its discretion in issuing an adverse inference instruction regarding surveillance footage that the defendant failed to preserve.

The trial court in *Jackson v. Live! Casino and Hotel Philadelphia* had instructed the jury to determine whether they were satisfied with Live! Casino's explanation regarding why certain footage was preserved from the night plaintiff Shante Jackson alleged she was attacked in the casino bathroom by intoxicated patrons, and why other footage was not preserved.

Live! Casino had moved for a new trial, arguing the plaintiff failed to show sufficient evidence to support her claims, and that the adverse inference jury charge wasn't warranted because it didn't take affirmative action to destroy the evidence. Further, the casino argued that it saved footage the police had requested, and that the video was over written in accordance with its policy after no other preservation requests were made within two weeks. The casino also argued Jackson wasn't prejudiced as she used other footage and evidence at trial to argue her attackers were intoxicated.

However, the unanimous three-judge panel concluded the trial court didn't abuse its discretion in issuing the charge, concluding that "if the jury was satisfied with defendant's explanation, it was at liberty to decline to make any adverse inferences."

Judge Mary Jane Bowes authored the opinion. President Judge Emerita Kate Ford Elliott and Judge Megan McCarthy King joined the decision.

Jackson had sued Live! Casino in 2022, alleging that the defendant was negligent in protecting her from harm. A Philadelphia jury later awarded \$3 million in a jury verdict.

On appeal, the trial court said that the spoliation sanction was the least severe and that it didn't compel the jury to reach a certain conclusion. Rather, according to the court, the instruction suggested that Live! Casino might not have produced certain footage it had had access to at some point, and if the defendant failed to "satisfactorily explain" why the footage wasn't produced during the trial, the jury could conclude that such evidence could "have been unfavorable to that party if it had been produced during the trial."

The appellate court also noted that while Live! Casino maintained that Jackson's claims against it failed due to a lack of evidence, Live! Casino contributed to the alleged lack of evidence by not preserving more of the surveillance video from the night in question.

According to the court, Live! Casino opted not to preserve evidence that would have shown whether the defendant knew or should have known that the assailants violated the security policy, including showing "how long the assailants had been at the casino, how much alcohol they had consumed, and how long they had appeared visibly intoxicated."

Additionally, the court determined that Live! Casino received "prompt notice" to preserve the evidence 23 days after the incident, and that there were prior indications that litigation was likely, including efforts made by Jackson to contact security days after the assault.

Leonard K. Hill of Hill & Associates represented Jackson at trial, while Charles L. Becker and Andra Laidacker of Kline & Specter joined Hill in representing Jackson on appeal.

"Ms. Jackson is pleased that the Superior Court affirmed the judgment in her favor. She hopes that the jury's decision to hold Live! Casino accountable for its negligence will encourage better security practices in casinos and others who host the public," the attorneys said in a joint emailed statement.

Matthew A. Hamermesh of Hangley Aronchick Segal Pudlin & Schiller, in Philadelphia, represented the defendant and did not immediately respond to a request for comment.

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