

**IN THE UNITED STATES DISTRICT COURT  
FOR DISTRICT OF MARYLAND**

**JUSTIN MILLS,**  
3311 Toledo Terrace  
Suite B 201  
Hyattsville, Maryland 20782

**Plaintiff**

vs.

**CIVIL ACTION NO: 1:15-cv-00495 RDB**

**ANNE ARUNDEL COUNTY MARYLAND;**  
44 Calvert Street  
Annapolis, Maryland 21401

SERVE:  
Nancy Duden, County Attorney  
2660 Riva Road, 4th Floor  
Annapolis, Maryland 21401

and

**OFFICER DOUGLAS BILTER,**  
**ANNE ARUNDEL COUNTY POLICE**  
**(Individually and Officially);**  
111 Appian Way  
Pasadena, Maryland 21122

and

**OFFICER KYLE SHAPELOW,**  
**ANNE ARUNDEL COUNTY POLICE**  
**(Individually and Officially);**  
9933 Maidbrook Road  
Parkville, Maryland 21234

and

**CHRISTOPHER COULTER**  
**(Individually and as Agent of co-Defendant,**  
**The Cordish Companies, Inc.);**  
7002 Arundel Mills Circle Suite 7777

Hanover, MD 21076

and

**GIORGIO ISELLA**  
**(Individually and as Agent of co-Defendant,**  
**The Cordish Companies, Inc.);**

601 East Pratt Street  
Suite 600  
Baltimore, Maryland 21202

and

**THE CORDISH COMPANIES, INC.**  
**(T/N THE CORDISH COMPANIES);**

601 East Pratt Street  
Suite 600  
Baltimore, Maryland 21202

SERVE:  
RC Ventures, Inc.  
6th Floor  
601 East Pratt St.  
Baltimore, MD 21202

and

**PPE CASINO RESORTS**  
**MARYLAND, LLC (T/N**  
**MARYLAND LIVE! CASINO);**

7 ST. PAUL STREET  
SUITE 820  
BALTIMORE, MD 21202

Serve:  
CSC-Lawyers Incorporating Service Company  
7 St. Paul Street  
Suite 820  
Baltimore, MD 21202

**Defendants.**

**PLAINTIFF'S SECOND AMENDED COMPLAINT**

**Jury Trial Demanded**

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This civil action arises from the February 21, 2014, unlawful detention, assault, and false imprisonment of Plaintiff Justin Mills (hereinafter, “Plaintiff” or “Mills”) at the Maryland Live! Casino in Anne Arundel County, Maryland, after he initially and lawfully declined to follow casino security guards and later lawfully declined to show his identification to casino employees.

This action is brought pursuant to the Civil Rights Act, 42 U.S.C. §1983, the United States Constitution, the Maryland state Constitution and the laws of the State of Maryland, including the Local Government Tort Claims Act, Md. Code Ann., Cts & Jud. Proc. §5-304(c)(3), the common law of assault, false imprisonment, false light, negligent hiring, and other causes of action more fully set forth below.

### **JURISDICTION**

1. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331, 1332, and 1343, and 42 U.S.C. § 1983, and the supplemental jurisdiction of this Court to hear claims arising under state law is invoked pursuant to 28 U.S.C. §1367. Venue is appropriate in Greenbelt Federal Court under §1391(b) and §1392.

### **PLAINTIFF**

2. The Plaintiff, Justin Mills, is an adult citizen resident of Silver Spring, Maryland, and has sufficient contacts to warrant personal jurisdiction in this State and this Federal Court.

### **DEFENDANTS**

3. Defendant Anne Arundel County, Maryland, is a unit of local government in the State of Maryland, with sufficient contacts to warrant personal jurisdiction in this State and this federal court.

4. Officers Douglas Bilter and Kyle Shapelow are officers with the Anne Arundel County Police Department with sufficient contacts to warrant personal jurisdiction in this State and this Federal Court. At all times pertinent to this complaint, both were acting in the course and scope of their employment and under the color of State law in Maryland. The officers' actions as set forth in this complaint was in reckless disregard of the safety and well being of the Plaintiff, who was not engaged in criminal activity.

5. Defendant Maryland Live! Casino is the trade name of PPE Casino Resorts Maryland, LLC (hereinafter, "PPE Casino Resorts"), a Maryland limited liability company, and may be served with process by service upon its resident agent CSC – Lawyers Incorporating Service Company, 7 St. Paul Street, Suite 820, Baltimore, MD 21202. At the times set forth in this complaint, PPE Casino Resorts Maryland, LLC (601 E. Pratt Street, 6<sup>th</sup> Floor, Baltimore, MD 21202) owned and operated the Maryland Live! Casino in Anne Arundel County, Maryland. At various times described in this complaint, PPE Casino Resorts Maryland, LLC through its employees and/or agents including Christopher Coulter, Security Shift Manager; Giorgio Isella, Operations Manager; and other security guards, acted jointly with the other co-Defendants to deprive the Plaintiff of rights protected by the common law, statutes, federal and state constitutions. In so doing, PPE Casino Resorts acted in conspiracy with county officials, who acted under

color of law, and is liable for the actions of Maryland Live! Casino personnel and other co-conspirators in this case.

6. Defendant Maryland Live! Casino is owned and operated by The Cordish Companies, Inc. (hereinafter, “Cordish”), a Maryland corporation, and may be served with process by service upon its resident agent RC Ventures, Inc., 6<sup>th</sup> Floor, 601 East Pratt St., Baltimore, MD 21202. The Cordish Companies, Inc. operates under the trade name The Cordish Companies, developed the Maryland Live! Casino in Anne Arundel County, Maryland, and owned and operated the entity Maryland Live! Casino at the relevant time of this complaint. At various times described in this complaint, Cordish acted jointly with the other co-Defendants to deprive the Plaintiff of rights protected by the common law, statutes, federal and state constitutions. In so doing, Cordish acted under color of law and is liable for the actions of the Maryland Live! Casino personnel in this case.

### **FACTUAL ALLEGATIONS**

7. On February 21, 2014, the Plaintiff was a patron of the Maryland Live! Casino in Anne Arundel County, Maryland. The Plaintiff had visited the casino on several prior occasions. On the above date, the casino sent a complimentary limousine to pick up and transport the Plaintiff to its establishment to play blackjack. The Plaintiff had been playing blackjack for several hours and had won and lost a couple thousand dollars that evening. At some point in the evening, the Plaintiff left the blackjack table to use the restroom. Upon exiting the restroom, the Plaintiff was intercepted by Mr. Christopher

Coulter and at least two other casino guards. Mills was told, “come with us”, by Defendant Coulter.

8. The Plaintiff ignored Coulter and continued walking toward the exit, but Mr. Coulter stepped in front of him, blocking his egress. Defendant Coulter grabbed the Plaintiff’s right arm while another security personnel grabbed the Plaintiff’s left arm, physically preventing the Plaintiff from leaving the casino. The Plaintiff replied that he had done nothing illegal and informed Defendants he wished to leave the casino.

9. Mr. Coulter, while on the main floor of the casino, told the Plaintiff to walk with him and threatened otherwise to “just take you over there” by force. The Plaintiff again refused, stating that he was not required to go with them. In response, Mr. Coulter assaulted the Plaintiff by grabbing the Plaintiff’s arm and bending it forcefully behind his back in front of the general casino public and other employees that jointly escorted the Plaintiff. While forcefully continuing to hold the Plaintiff’s arm in this position, Mr. Coulter, accompanied by other security guards, forcibly removed the Plaintiff to a room not ordinarily accessible to patrons (hereinafter, “security holding room”) and kept the Plaintiff therein against his will.

10. In the security holding room, Mr. Coulter demanded that the Plaintiff provide identification. Despite again requesting to leave, the Plaintiff was told by agents of Defendant Cordish that he would not be able to leave without first providing identification. The Plaintiff again declined to provide it.

11. The Plaintiff asserted he had a right to refuse to provide Defendants with his identification. Upon information and belief, the casino was requesting the identification

so they could share it with other casinos as part of their collective effort to maximize their gambling advantage by blackballing those who they think are able to count cards and minimize the advantage.

12. Thereupon, two Anne Arundel County Police officers, Officers Douglas Bilter and Kyle Shapelow, were summoned by Defendant Coulter and his staff to force the Plaintiff to produce his identification. Once the police officers arrived and began speaking, the Plaintiff, in full compliance with Anne Arundel County Police Directive's *Index Code 307: Video Recording, Photographing & Audio Recording by the Public* (effective date February 26, 2013), began audio recording the conversation.<sup>1</sup>

13. Officers Douglas Bilter and Kyle Shapelow, while performing their official duties under color of law, illegally held the Plaintiff against his will for approximately thirteen additional minutes as they questioned the Plaintiff, demanded his identification, or risk incarceration at the local jail. The officers repeatedly told the Plaintiff that if he did not produce his identification, he was going to be arrested, transported to their facility, fingerprinted by Anne Arundel County Police, and charged with an unknown crime.

14. The Plaintiff stated repeatedly to Defendants Bilter & Shapelow that he wanted to leave the casino and that he had done nothing illegal. In response, the co-Defendants Bilter & Shapelow told him that he was suspected of counting cards. Apparently, casino employees and the Anne Arundel County Officer believed the Plaintiff was using a card

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<sup>1</sup> This audio recording, played along with the surveillance video, in the security holding room of the Plaintiff's encounter with the Anne Arundel County Police Officers, is readily available to the public on the Internet. A link to it is found on The Baltimore Sun web page story of October 27, 2014, "Tussle between casinos, card counters claims state as battleground" by Jeff Barker at [www.baltimoresun.com/business/bs-bz-card-counting-20141027-story.html](http://www.baltimoresun.com/business/bs-bz-card-counting-20141027-story.html).

counting strategy and alleged it was not legal in Maryland. Contrary to their claims, however, this sort of strategy is not illegal in the State of Maryland or under federal law.

15. However, Officers Bilter & Shapelow, apparently under the misimpression that card counting is illegal, threatened to arrest the Plaintiff unless he produced his identification. Officer Bilter, in full presence of Mr. Coulter, stated to the Plaintiff “you can’t leave here unless we ID who you are, so either you can give them your ID or you can go with us and we can fingerprint you, find out who you are.” Officer Bilter, still in the presence of Mr. Coulter, continued that if the Plaintiff does not produce his identification, “then I’m going to detain you and I’m going to take you down to the police station where I’m going to fingerprint you.”

16. The Plaintiff neither consented to being touched by Mr. Coulter nor did he consent to being held against his will by officers Bilter or Shapelow.

17. Moreover, the Plaintiff is never accused of committing any act that is actually illegal during this detention. The only justification provided by a casino employee during the detainment is that “it’s a public place and we suspect you’re an advantage player so we have the right to tell people you’re not welcome here.” Confronted by the officers’ threat of arrest and coerced by Coulter’s unlawful detention, the Plaintiff ultimately turned over his passport to the officers. The officer then handed the passport to casino personnel permitting them to make a photocopy of the Plaintiff’s identification.

18. After providing his identification, the Plaintiff was read and handed an eviction letter by Mr. Coulter on behalf of Maryland Live! Casino. Mr. Coulter explains that he is the security manager for the casino and apparently reads from a paper to the Plaintiff, “as

a consequence of the actions, your permission to be on the premises of Maryland Live! Casino is hereby revoked.” Mr. Coulter continues that the Plaintiff is, “being asked to leave the property immediately following the eviction process. You also forfeit any and all your winnings and amenities while this eviction remains in effect.”

19. At this point, the Plaintiff requested to cash in his chips but he was not permitted to do so. Casino employees told him that he is not permitted back onto the casino floor and “they” are not permitted to cash in his chips for him. Mr. Coulter continued reading the “eviction” document to the Plaintiff, and with the cooperation and the continued coercive presence of the police officers, did not permit the Plaintiff to leave until he signed the document evidencing that the document was explained to him. The Plaintiff later received a letter from Maryland Live! Casino permanently banning him from the casino and thus was never able to cash in his chips himself.

20. The Plaintiff asserts he had a right to decline to show identification to the casino officials, agents and police officers, as he had committed no crime and there was no probable cause or reasonable suspicion to detain or arrest him under state or federal law.

21. The Plaintiff asserts that Anne Arundel County has failed to properly train and supervise its law enforcement officers, and that Maryland Live! Casino has also failed to properly train and supervise its security personnel.

22. As a result of the unlawful detention, assault and arrest, as well as the refusal of the casino to give the Plaintiff the money he was owed for his chips when he initially requested it, the Plaintiff was deprived of his freedom and his property and he suffered actual compensatory and punitive damages. These damages were caused by the acts,

events and conditions to be further listed in this complaint.

23. A timely notice of claim has been filed with Maryland pursuant to the provisions of the Maryland Tort Claims Act, COMAR 25.02.03, and with the County pursuant to the provisions of the Local Government Tort Claims Act, Md. Code Ann., Cts & Jud. Proc. §5-304(c)(3). The Plaintiff's claim with the County has been denied.

**COUNT ONE - CONSTITUTIONAL VIOLATIONS**  
**(Plaintiff v. All Defendants)**

24. The Plaintiff re-alleges and incorporates by reference paragraphs 1 through 23 above. The Plaintiff was assaulted, detained, and denied the opportunity to leave without reasonable suspicion or probable cause in violation of the Fourth and Fourteenth Amendments to the United States Constitution and the Maryland Declaration of Rights by state/county agents in conspiracy with private third parties herein sued. All Defendants are liable, including the Maryland Live! Casino and the Cordish Companies, which acted jointly with other Defendants in causing the assault and detention of the Plaintiff.

25. At no time on February 21, 2014, did the Plaintiff commit any illegal action, nor was he ever charged with violating any actual laws that evening. No conduct on the part of the Plaintiff warranted the assault and continued unlawful detention by Defendants. While the casino has a right to "uninvite" any casino guests and deny entry to uninvited guests, it does not have the right to assault or detain persons for questioning or use force against someone legally present at the casino, or to detain them against their will.

26. Likewise, Officers Bilter or Shapelow did not have the right or legal authority to

detain the Plaintiff against his will. Importantly, the Plaintiff made clear from the inception of his encounter with casino security, and later with county police officers on February 21, 2014, that he wanted to leave the casino. The Plaintiff in no way agreed or consented to the deprivation of his liberty or to the assault against him.

27. Defendant Anne Arundel County has financially benefited greatly from the Maryland Live! Casino. The Anne Arundel County Police Department alone received a \$2.7 million dollar grant in relation to the Maryland Live! Casino. Furthermore, it has a police station within the Casino, wherein uniformed police officers operate and dispatch service calls within the premises of the Casino.

28. At a very minimum, Anne Arundel County had a responsibility to educate the officers regarding gaming laws, to the extent they will come into contact with patrons of the casino and be required to respond to allegations that the patron was violating gaming; e.g., counting cards. Defendant Anne Arundel County failed to do so.

29. Failure to educate and properly train the officers demonstrates a clear indifference to the needs of the community *vis a vis* law enforcement and other responsibilities of Anne Arundel County police in and around the casino. Constitutional violations can only be expected when the officers who have contact with casinos lack the simplest training on gaming laws and their enforcement.

**COUNT TWO – NEGLIGENCE**  
**(Plaintiff v. Defendants Cordish, PPE, Coulter and Isella)**

30. The Plaintiff re-alleges and incorporates by reference paragraphs 1 through 29 above.

31. Defendants Coulter and Isella acted negligently in detaining and using excessive force upon the Plaintiff to detain him in a public area without reasonable suspicion or probable cause. Officers Bilter and Shapelow also breached their duty of care by permitting the unlawful detention of the Plaintiff under the threat of arrest, and also by continuing to detain the Plaintiff without reasonable suspicion or probable cause.

32. Maryland Live! Casino has a duty of care to train and supervise their employees as to how to treat patrons and as to what kind of gaming is illegal. Counting cards without mechanically assisted devices is not illegal. Thus, Maryland Live! Casino, along with its parent company and the other co-Defendants, breached its duty of care to the patrons of the Casino, including the Plaintiff, by improperly training, hiring, and/or supervising its security staff.

33. Similarly, Anne Arundel County Police Department has a duty of care to train and supervise their officers as to when an individual may be detained, what constitutes probable cause, and what constitutes reasonable suspicion. Anne Arundel County Police Department, along with Anne Arundel County, are both liable for negligence by failing to properly train, supervise, and/or direct their individual employees including Officers Bilter & Shapelow.

34. Maryland Live! Casino, The Cordish Companies, Anne Arundel County Police Department, and Anne Arundel County's negligence proximately and directly caused the Plaintiff injury and damages.

**COUNT THREE - COMMON LAW ASSAULT**  
**(Plaintiff v. Defendants Cordish, PPE, Coulter, Isella, Bilter and Shapelow)**

35. The Plaintiff re-alleges and incorporates by reference paragraphs 1 through 34 above. Defendant Coulter, individually, Maryland Live! Casino, and its parent company are liable for assault upon the Plaintiff as described above. Defendant Coulter intentionally and forcefully grabbed the Plaintiff's arm, twisted it and placed the Plaintiff's arm in a hold. At no time did the Plaintiff consent to this intentional, offensive, unlawful, and harmful touching. Furthermore, at no time did the Plaintiff pose a threat to Defendant Coulter or to anyone in the casino, nor did the Plaintiff use force himself to warrant Defendant Coulter grabbing the Plaintiff's arm, placing it in a hold behind Plaintiff's back, and forcibly taking the Plaintiff to the security holding room. Defendant Coulter's actions were all recorded by the casino's security cameras, which have been made public.

36. The Plaintiff suffered injury, both mental and physical, as a proximate and direct cause of the Assault.

**COUNT FOUR - FALSE ARREST AND FALSE IMPRISONMENT**  
**(Plaintiff v. Defendants Cordish, PPE, Coulter and Isella, Bilter and Shapelow)**

37. The Plaintiff re-alleges and incorporates by reference paragraphs 1 through 33 above. As previously explained, the Plaintiff was unlawfully detained and held against his will, first by employees of the casino and later by the two Anne Arundel County Police officers named as Defendants herein. All Defendants are liable, including the Maryland Live! Casino and The Cordish Companies, which acted jointly with other Defendants in causing the assault and unlawful detention of the Plaintiff.

38. Defendants Bilter and Shapelow are also liable for the false arrest and false

imprisonment of the Plaintiff when they arrived the scene and continued to damage the Plaintiff by preventing him from leaving the Casino.

39. The Plaintiff suffered physical and emotional injury as a direct result of the false arrest and false imprisonment.

**COUNT FIVE – FALSE LIGHT**  
**(Plaintiff v. Defendants Cordish, PPE, Coulter, Isella, Bilter and Shapelow)**

40. The Plaintiff re-alleges and incorporates by reference paragraphs 1 through 39 above. Defendant Coulter’s assault of the Plaintiff on February 21, 2014, took place on the floor of the casino. By publicly causing the Plaintiff to be placed in a hold, and by escorting him from the floor of the casino, in that manner, Defendant Coulter and other security guards employed by Maryland Live! Casino falsely held out the Plaintiff to be a criminal or wrongdoer.

41. The Plaintiff had not committed any illegal act and therefore the actions by the Casino directly and proximately placed the Plaintiff in a false light and caused damages to his reputation.

**COUNT SIX – NEGLIGENT HIRING AND RETENTION**  
**(Plaintiff v. Defendants Cordish, PPE, Coulter and Isella)**

42. The Plaintiff re-alleges and incorporates by reference paragraphs 1 through 41 above. Upon information and belief, Maryland Live! Casino knew or should have known that Defendant Coulter was potentially dangerous and unfit for the work assigned to him. Maryland Live! Casino failed to exercise reasonable care in hiring Defendant Coulter and, as a result, the Plaintiff was injured.

**COUNT SEVEN – CIVIL CONSPIRACY**  
**(Plaintiff v. Defendants Cordish, PPE, Coulter, Isella, Bilter and Shapelow)**

43. The Plaintiff re-alleges and incorporates by reference paragraphs 1 through 42 above. Upon information and belief, Officer Douglas Bilter, and Kyle Shapelow while under course and scope of their employment and under the color of State law in Maryland colluded with Christopher Coulter and Georgia Isella to unlawfully detain and commit conversion against Plaintiff.

44. Officer Douglas Bilter, Officer Kyle Shapelow, Christopher Coulter, and Giorgio Isella were aware of the wrongful nature of the detention of Plaintiff, and of the chip cashing refusal. Officer Bilter, Officer Shapelow, Christopher Coulter, and Giorgio Isella all understood that Plaintiff was being detained on the basis that Plaintiff was suspected of engaging in a lawful activity and intentionally colluded to commit False Imprisonment and Conversion. During the course of the detention Plaintiff repeatedly stated that he had done nothing illegal, was being unlawfully detained and would like to leave. Officer Bilter stated, “Counting cards is what they’re accusing you of.” Giorgio Isella stated, “We suspect you are an advantage player.” Officer Shapelow stated, “We’re not accusing you of any wrong doing. We’re telling you we need your ID, either you’re going to give us the ID or we gotta expunge your ID through fingerprints.” Plaintiff requested to cash in his chips and Christopher Coulter stated, “You won’t be able to.” Officer Douglas Bilter stated, “If you wanna play tough ball that’s fine, we’re not going to let you cash in your chips.”

45. Maryland Live! Casino, The Cordish Companies, Officer Douglas Bilter, Officer



IN THE UNITED STATES DISTRICT COURT  
FOR ~~THE SOUTHERN~~ DISTRICT OF MARYLAND  
~~GREENBELT DIVISION~~

Style Definition: Normal

JUSTIN MILLS,  
3311 Toledo Terrace  
Suite B 201  
Hyattsville, Maryland 20782

**Plaintiff**

vs.

**CIVIL ACTION NO: 81:15-cv-**

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**49500495 RDB**

**ANNE ARUNDEL COUNTY MARYLAND;**  
44 Calvert Street  
Annapolis, Maryland 21401

SERVE:

Nancy Duden, County Attorney  
2660 Riva Road, 4th Floor  
Annapolis, Maryland 21401

and

**OFFICER DOUGLAS BILTER,**  
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**OFFICER KYLE SHAPELOW,**  
**ANNE ARUNDEL COUNTY POLICE**  
**(Individually and Officially);**  
9933 Maidbrook Road  
Parkville, Maryland 21234

and

**~~ANNE ARUNDEL COUNTY~~**  
**~~POLICE DEPARTMENT;~~**

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~~8495 Veterans Highway  
Millersville, MD 21108~~

~~and~~

**CHRISTOPHER COULTER**  
**(Individually and as Agent of co-Defendant,**  
**The Cordish Companies, Inc.);**  
7002 Arundel Mills Circle Suite 7777  
Hanover, MD 21076

and

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**Defendants.**

**PLAINTIFF'S SECOND AMENDED COMPLAINT**  
**Jury Trial Demanded**

This civil action arises from the February 21, 2014, unlawful detention, assault, and false imprisonment of Plaintiff Justin Mills (hereinafter, "Plaintiff" or "Mills") at the Maryland Live! Casino in Anne Arundel County, Maryland, after he initially and lawfully declined to follow casino security guards and later lawfully declined to show his identification to casino employees.

This action is brought pursuant to the Civil Rights Act, 42 U.S.C. §1983, the United States Constitution, the Maryland state Constitution and the laws of the State of Maryland, including the Local Government Tort Claims Act, Md. Code Ann., Cts & Jud. Proc. §5-304(c)(3), the common law of assault, false imprisonment, false light, negligent hiring, and other causes of action more fully set forth below.

**JURISDICTION**

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**PLAINTIFF**

2. The Plaintiff, Justin Mills, is an adult citizen resident of Silver Spring, Maryland, and has sufficient contacts to warrant personal jurisdiction in this State and this Federal Court.

**DEFENDANTS**

3. Defendant Anne Arundel County, Maryland, is a unit of local government in the State of Maryland, with sufficient contacts to warrant personal jurisdiction in this State and this federal court.

4. Officers Douglas Bilter and Kyle Shapelow are officers with the Anne Arundel County Police Department with sufficient contacts to warrant personal jurisdiction in this State and this Federal Court. At all times pertinent to this complaint, both were acting in the course and scope of their employment and under the color of State law in Maryland. The officers' actions as set forth in this complaint was in reckless disregard of the safety and well being of the Plaintiff, who was not engaged in criminal activity.

5. Defendant Maryland Live! Casino is the trade name of PPE Casino Resorts Maryland, LLC (hereinafter, "PPE Casino Resorts"), a Maryland limited liability company, and may be served with process by service upon its resident agent CSC – Lawyers Incorporating Service Company, 7 St. Paul Street, Suite 820, Baltimore, MD 21202. At the times set forth in this complaint, PPE Casino Resorts Maryland, LLC (601 E. Pratt Street, 6<sup>th</sup> Floor, Baltimore, MD 21202) owned and operated the Maryland Live! Casino in Anne Arundel County, Maryland. At various times described in this complaint, PPE Casino Resorts Maryland, LLC through its employees and/or agents including

Christopher Coulter, Security Shift Manager; Giorgio Isella, Operations Manager; and other security guards, acted jointly with the other co-Defendants to deprive the Plaintiff of rights protected by the common law, statutes, federal and state constitutions. In so doing, PPE Casino Resorts acted in conspiracy with county officials, who acted under color of law, and is liable for the actions of Maryland Live! Casino personnel and other co-conspirators in this case.

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### **FACTUAL ALLEGATIONS**

7. On February 21, 2014, the Plaintiff was a patron of the Maryland Live! Casino in Anne Arundel County, Maryland. The Plaintiff had visited the casino on several prior occasions. On the above date, the casino sent a complimentary limousine to pick up and

transport the Plaintiff to its establishment to play blackjack. The Plaintiff had been playing blackjack for several hours and had won and lost a couple thousand dollars that evening. At some point in the evening, the Plaintiff left the blackjack table to use the restroom. Upon exiting the restroom, the Plaintiff was intercepted by Mr. Christopher Coulter and at least two other casino guards. Mills was told, “come with us”, by Defendant Coulter.

8. The Plaintiff ignored Coulter and continued walking toward the exit, but Mr. Coulter stepped in front of him, blocking his egress. Defendant Coulter grabbed the Plaintiff’s right arm while another security personnel grabbed the Plaintiff’s left arm, physically preventing the Plaintiff from leaving the casino. The Plaintiff replied that he had done nothing illegal and informed Defendants he wished to leave the casino.

9. Mr. Coulter, while on the main floor of the casino, told the Plaintiff to walk with him and threatened otherwise to “just take you over there” by force. The Plaintiff again refused, stating that he was not required to go with them. In response, Mr. Coulter assaulted the Plaintiff by grabbing the Plaintiff’s arm and bending it forcefully behind his back in front of the general casino public and other employees that jointly escorted the Plaintiff. While forcefully continuing to hold the Plaintiff’s arm in this position, Mr. Coulter, accompanied by other security guards, forcibly removed the Plaintiff to a room not ordinarily accessible to patrons (hereinafter, “security holding room”) and kept the Plaintiff therein against his will.

10. In the security holding room, Mr. Coulter demanded that the Plaintiff provide identification. Despite again requesting to leave, the Plaintiff was told by agents of

Defendant Cordish that he would not be able to leave without first providing identification. The Plaintiff again declined to provide it.

11. The Plaintiff asserted he had a right to refuse to provide Defendants with his identification. Upon information and belief, the casino was requesting the identification so they could share it with other casinos as part of their collective effort to maximize their gambling advantage by blackballing those who they think are able to count cards and minimize the advantage.

12. Thereupon, two Anne Arundel County Police officers, Officers Douglas Bilter and Kyle Shapelow, were summoned by Defendant Coulter and his staff to force the Plaintiff to produce his identification. Once the police officers arrived and began speaking, the Plaintiff, in full compliance with Anne Arundel County Police Directive's *Index Code 307: Video Recording, Photographing & Audio Recording by the Public* (effective date February 26, 2013), began audio recording the conversation.<sup>1</sup>

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<sup>1</sup> This audio recording, played along with the surveillance video, in the security holding room of the Plaintiff's encounter with the Anne Arundel County Police Officers, is readily available to the public on the Internet. A link to it is found on The Baltimore Sun web page story of October 27, 2014, "Tussle between casinos, card counters claims state as battleground" by Jeff Barker at [www.baltimoresun.com/business/bs-bz-card-counting-20141027-story.html](http://www.baltimoresun.com/business/bs-bz-card-counting-20141027-story.html).

14. The Plaintiff stated repeatedly to Defendants Bilter & Shapelow that he wanted to leave the casino and that he had done nothing illegal. In response, the co-Defendants Bilter & Shapelow told him that he was suspected of counting cards. Apparently, casino employees and the Anne Arundel County Officer believed the Plaintiff was using a card counting strategy and alleged it was not legal in Maryland. Contrary to their claims, however, this sort of strategy is not illegal in the State of Maryland or under federal law.

15. However, Officers Bilter & Shapelow, apparently under the misimpression that card counting is illegal, threatened to arrest the Plaintiff unless he produced his identification. Officer Bilter, in full presence of Mr. Coulter, stated to the Plaintiff “you can’t leave here unless we ID who you are, so either you can give them your ID or you can go with us and we can fingerprint you, find out who you are.” Officer Bilter, still in the presence of Mr. Coulter, continued that if the Plaintiff does not produce his identification, “then I’m going to detain you and I’m going to take you down to the police station where I’m going to fingerprint you.”

16. The Plaintiff neither consented to being touched by Mr. Coulter nor did he consent to being held against his will by officers Bilter or Shapelow.

17. Moreover, the Plaintiff is never accused of committing any act that is actually illegal during this detention. The only justification provided by a casino employee during the detainment is that “it’s a public place and we suspect you’re an advantage player so we have the right to tell people you’re not welcome here.” Confronted by the officers’ threat of arrest and coerced by Coulter’s unlawful detention, the Plaintiff ultimately turned over his passport to the officers. The officer then handed the passport to casino

personnel permitting them to make a photocopy of the Plaintiff's identification.

18. After providing his identification, the Plaintiff was read and handed an eviction letter by Mr. Coulter on behalf of Maryland Live! Casino. Mr. Coulter explains that he is the security manager for the casino and apparently reads from a paper to the Plaintiff, "as a consequence of the actions, your permission to be on the premises of Maryland Live! Casino is hereby revoked." Mr. Coulter continues that the Plaintiff is, "being asked to leave the property immediately following the eviction process. You also forfeit any and all your winnings and amenities while this eviction remains in effect."

19. At this point, the Plaintiff requested to cash in his chips but he was not permitted to do so. Casino employees told him that he is not permitted back onto the casino floor and "they" are not permitted to cash in his chips for him. Mr. Coulter continued reading the "eviction" document to the Plaintiff, and with the cooperation and the continued coercive presence of the police officers, did not permit the Plaintiff to leave until he signed the document evidencing that the document was explained to him. The Plaintiff later received a letter from Maryland Live! Casino permanently banning him from the casino and thus was never able to cash in his chips himself.

20. The Plaintiff asserts he had a right to decline to show identification to the casino officials, agents and police officers, as he had committed no crime and there was no probable cause or reasonable suspicion to detain or arrest him under state or federal law.

21. The Plaintiff asserts that Anne Arundel County has failed to properly train and supervise its law enforcement officers, and that Maryland Live! Casino has also failed to properly train and supervise its security personnel.

22. As a result of the unlawful detention, assault and arrest, as well as the refusal of the casino to give the Plaintiff the money he was owed for his chips when he initially requested it, the Plaintiff was deprived of his freedom and his property and he suffered actual compensatory and punitive damages. These damages were caused by the acts, events and conditions to be further listed in this complaint.

23. A timely notice of claim has been filed with Maryland pursuant to the provisions of the Maryland Tort Claims Act, COMAR 25.02.03, and with the County pursuant to the provisions of the Local Government Tort Claims Act, Md. Code Ann., Cts & Jud. Proc. §5-304(c)(3). The Plaintiff's claim with the County has been denied.

**COUNT ONE - CONSTITUTIONAL VIOLATIONS**

**(Plaintiff v. All Defendants)**

24. The Plaintiff re-alleges and incorporates by reference paragraphs 1 through 23 above. The Plaintiff was assaulted, detained, and denied the opportunity to leave without reasonable suspicion or probable cause in violation of the Fourth and Fourteenth Amendments to the United States Constitution and the Maryland Declaration of Rights by state/county agents in conspiracy with private third parties herein sued. All Defendants are liable, including the Maryland Live! Casino and the Cordish Companies, which acted jointly with other Defendants in causing the assault and detention of the Plaintiff.

25. At no time on February 21, 2014, did the Plaintiff commit any illegal action, nor was he ever charged with violating any actual laws that evening. No conduct on the part of the Plaintiff warranted the assault and continued unlawful detention by Defendants.

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While the casino has a right to “uninvite” any casino guests and deny entry to uninvited guests, it does not have the right to assault or detain persons for questioning or use force against someone legally present at the casino, or to detain them against their will.

26. Likewise, Officers Bilter or Shapelow did not have the right or legal authority to detain the Plaintiff against his will. Importantly, the Plaintiff made clear from the inception of his encounter with casino security, and later with county police officers on February 21, 2014, that he wanted to leave the casino. The Plaintiff in no way agreed or consented to the deprivation of his liberty or to the assault against him.

27. Defendant Anne Arundel County has financially benefited greatly from the Maryland Live! Casino.

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The Anne Arundel County Police Department alone received a \$2.7 million dollar grant in relation to the Maryland Live! Casino. Furthermore, it has a police station within the Casino, wherein uniformed police officers operate and dispatch service calls within the premises of the Casino.

28. At a very minimum, Anne Arundel County had a responsibility to educate the officers regarding gaming laws, to the extent they will come into contact with patrons of the casino and be required to respond to allegations that the patron was violating gaming; e.g., counting cards. Defendant Anne Arundel County failed to do so.

29. Failure to educate and properly train the officers demonstrates a clear indifference to the needs of the community vis a vis law enforcement and other responsibilities of Anne Arundel County police in and around the casino. Constitutional violations can only

~~be expected when the officers who have contact with casinos lack the simplest training on gaming laws and their enforcement.~~

**COUNT TWO — NEGLIGENCE**

**27(Plaintiff v. Defendants Cordish, PPE, Coulter and Isella)**

~~30.~~ The Plaintiff re-alleges and incorporates by reference paragraphs 1 through ~~23~~<sup>29</sup> above.

~~31.~~ ~~28.~~ ~~All individual Defendants acted negligently in not meeting the reasonable standard of care in their employment.~~ Defendants Coulter and Isella acted negligently in detaining and using excessive force upon the Plaintiff to detain him in a public area without reasonable suspicion or probable cause. Officers Bilter and Shapelow also breached their duty of care by permitting the unlawful detention of the Plaintiff under the threat of arrest, and also by continuing to detain the Plaintiff without reasonable suspicion or probable cause.

~~29~~<sup>32</sup>. Maryland Live! Casino has a duty of care to train and supervise their employees as to how to treat patrons and as to what kind of gaming is illegal. Counting cards without mechanically assisted devices is not illegal. Thus, Maryland Live! Casino, along with its parent company and the other co-Defendants, breached its duty of care to the patrons of the Casino, including the Plaintiff, by improperly training, hiring, and/or supervising its security staff.

~~30~~<sup>33</sup>. Similarly, Anne Arundel County Police Department has a duty of care to train and supervise their officers as to when an individual may be detained, what constitutes probable cause, and what constitutes reasonable suspicion. Anne Arundel County Police

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Department, along with Anne Arundel County, are both liable for negligence by failing to properly train, supervise, and/or direct their individual employees including Officers Bilter & Shapelow.

~~34~~34. Maryland Live! Casino, The Cordish Companies, Anne Arundel County Police Department, and Anne Arundel County's negligence proximately and directly caused the Plaintiff injury and damages.

### **COUNT THREE - COMMON LAW ASSAULT**

**~~32~~(Plaintiff v. Defendants Cordish, PPE, Coulter, Isella, Bilter and Shapelow)**

~~35~~35. The Plaintiff re-alleges and incorporates by reference paragraphs 1 through ~~29~~34 above. Defendant Coulter, individually, Maryland Live! Casino, and its parent company are liable for assault upon the Plaintiff as described above. Defendant Coulter intentionally and forcefully grabbed the Plaintiff's arm, twisted it and placed the Plaintiff's arm in a hold. At no time did the Plaintiff consent to this intentional, offensive, unlawful, and harmful touching. Furthermore, at no time did the Plaintiff pose a threat to Defendant Coulter or to anyone in the casino, nor did the Plaintiff use force himself to warrant Defendant Coulter grabbing the Plaintiff's arm, placing it in a hold behind Plaintiff's back, and forcibly taking the Plaintiff to the security holding room. Defendant Coulter's actions were all recorded by the casino's security cameras, which have been made public.

~~33~~36. The Plaintiff suffered injury, both mental and physical, as a proximate and direct cause of the Assault.

### **COUNT FOUR - FALSE ARREST AND FALSE IMPRISONMENT**

~~34(Plaintiff v. Defendants Cordish, PPE, Coulter and Isella, Bilter and Shapelow)~~

~~37.~~ The Plaintiff re-alleges and incorporates by reference paragraphs 1 through ~~3033~~ above. As previously explained, the Plaintiff was unlawfully detained and held against his will, first by employees of the casino and later by the two Anne Arundel County Police officers named as Defendants herein. All Defendants are liable, including the Maryland Live! Casino and The Cordish Companies, which acted jointly with other Defendants in causing the assault and unlawful detention of the Plaintiff.

~~35. The Anne Arundel County Police Department, Anne Arundel County, 38. Defendants Bilter and their individual officers Shapelow are also liable for the false arrest and false imprisonment of the Plaintiff caused when they arrived the scene and continued to damage the Plaintiff by their employees preventing him from leaving the Casino.~~

~~3639.~~ The Plaintiff suffered physical and emotional injury as a direct result of the false arrest and false imprisonment.

**COUNT FIVE ~~-CONVERSION- FALSE LIGHT~~**

~~37(Plaintiff v. Defendants Cordish, PPE, Coulter, Isella, Bilter and Shapelow)~~

~~40.~~ The Plaintiff re-alleges and incorporates by reference paragraphs 1 through ~~34~~ above.

~~38. Unreasonably withholding possession from one who has the right to it is considered conversion. In this case, the Plaintiff was unlawfully deprived of his money on February 21, 2014, when he was not permitted to cash in his earned chips at the~~

~~Casino. The Plaintiff explicitly asked Defendant Coulter to cash in his chips prior to leaving the casino so that he may get his money. Defendant Coulter refused the request and the Plaintiff was prevented from doing so by the individual Defendants named herein in this suit and thus each is individually liable for conversion.~~

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~~39. Maryland Live! Casino, The Cordish Companies, Anne Arundel County Police Department, and Anne Arundel County are all liable for conversion of the Plaintiff's property both individually and jointly due to the actions of their respective employees.~~

~~40. The Plaintiff suffered monetary loss and financial loss as a direct result of Defendants' actions.~~

#### ~~COUNT SIX – FALSE LIGHT~~

~~41. The Plaintiff re-alleges and incorporates by reference paragraphs 1 through 40~~ above. Defendant Coulter's assault of the Plaintiff on February 21, 2014, took place on the floor of the casino. By publicly causing the Plaintiff to be placed in a hold, and by escorting him from the floor of the casino, in that manner, Defendant Coulter and other security guards employed by Maryland Live! Casino falsely held out the Plaintiff to be a criminal or wrongdoer.

~~42~~41. The Plaintiff had not committed any illegal act and therefore the actions by the Casino directly and proximately placed the Plaintiff in a false light and caused damages to his reputation.

#### ~~COUNT SEVENSIX – NEGLIGENT HIRING AND RETENTION~~

##### ~~43(Plaintiff v. Defendants Cordish, PPE, Coulter and Isella)~~

~~42~~. The Plaintiff re-alleges and incorporates by reference paragraphs 1 through ~~40~~41

above. Upon information and belief, Maryland Live! Casino knew or should have known that Defendant Coulter was potentially dangerous and unfit for the work assigned to him. Maryland Live! Casino failed to exercise reasonable care in hiring Defendant Coulter and, as a result, the Plaintiff was injured.

**COUNT EIGHTSEVEN – CIVIL CONSPIRACY**

**44(Plaintiff v. Defendants Cordish, PPE, Coulter, Isella, Bilter and Shapelow)**

43. The Plaintiff re-alleges and incorporates by reference paragraphs 1 through 4042 above. Upon information and belief, Officer Douglas Bilter, and Kyle Shapelow while under course and scope of their employment and under the color of State law in Maryland colluded with Christopher Coulter and Georgia Isella to unlawfully detain and commit conversion against Plaintiff.

4544. Officer Douglas Bilter, Officer Kyle Shapelow, Christopher Coulter, and Giorgio Isella were aware of the wrongful nature of the detention of Plaintiff, and of the chip cashing refusal. Officer Bilter, Officer Shapelow, Christopher Coulter, and Giorgio Isella all understood that Plaintiff was being detained on the basis that Plaintiff was suspected of engaging in a lawful activity and intentionally colluded to commit False Imprisonment and Conversion. During the course of the detention Plaintiff repeatedly stated that he had done nothing illegal, was being unlawfully detained and would like to leave. Officer Bilter stated, “Counting cards is what they’re accusing you of.” Giorgio Isella stated, “We suspect you are an advantage player.” Officer Shapelow stated, “We’re not accusing you of any wrong doing. We’re telling you we need your ID, either you’re going to give

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us the ID or we gotta expunge your ID through fingerprints.” Plaintiff requested to cash in his chips and Christopher Coulter stated, “You won’t be able to.” Officer Douglas Bilter stated, “If you wanna play tough ball that’s fine, we’re not going to let you cash in your chips.”

4645. Maryland Live! Casino, The Cordish Companies, ~~Anne Arundel County Police Department, Anne Arundel County~~, Officer Douglas Bilter, Officer Kyle Shapelow, Christopher Coulter, and Giorgio Isella are jointly and severally liable for each act done by the other conspirators.

**RELIEF SOUGHT**

4746. Wherefore, the Plaintiff demands a jury trial on all counts, and upon a verdict in his favor, asks that actual and compensatory damages of \$500,000.00 be assessed against all Defendants, jointly and severally; as well as punitive damages of \$1,000,000.00 be assessed against all Defendants jointly and severally, for those claims for which they are available by law, and that he be awarded costs, attorney’s fees, and all other relief to which he is entitled under State and Federal law. The Plaintiff also seeks leave of Court to freely amend this complaint in due course and to add co-Defendants upon proper cause and justification.

Respectfully Submitted,

By: \_\_\_\_\_  
By: \_\_\_\_\_/S/\_\_\_\_\_

Abraham Fernando Carpio, Esquire  
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3311 Toledo Terrace  
Suite B-201  
Hyattsville, MD 20782  
(301) 559-8100 (O)  
Counsel for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on April 24, 2015, I electronically filed the foregoing Plaintiff's Complaint with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Anne Arundel States Attorneys Office  
8 Church Circle  
Annapolis, MD 21401

Christopher Coulter  
7002 Arundel Mills Circle Suite 7777  
Hanover, MD 21076

Anne Arundel County Police Headquarters  
8495 Veterans Highway  
Millersville, MD 21108

PPE-Casino  
Cordish Company

\_\_\_\_\_  
Abraham Fernando Carpio, Esq.,

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