

Gordon & Rees Obtains Complete Defense Verdict on Behalf of Gaming Software Developer Client

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A Gordon Rees Scully Mansukhani trial team led by partners **Craig Mariam**, **Scott McCaskill**, and **Philip Robert Brinson** obtained a complete defense verdict on behalf of a gaming software developer following a one-month jury trial in Las Vegas, Clark County, Nevada District Court.

The plaintiff, a multi-billion dollar global gaming and entertainment company, sought claims of breach of contract, breach of implied covenant of good faith and fair dealing, unjust enrichment and declaratory relief arising out of a Master Purchase, Software License, and Professional Services Agreement (“MSA”) for the development of cutting edge gaming software and the associated custom hardware conceptualized and created by the firm's client that was to be deployed in plaintiff’s casinos throughout the United States.

At trial, the plaintiff claimed the client breached numerous material terms and failed to fulfill their obligations under the MSA, including failure to obtain regulatory approval from the requisite gaming authorities, failure to own all intellectual property related to the software, failure to obtain licensure for the software and technology in the applicable jurisdictions, failure to provide software and technology that performed in conformance with the functionality described in the MSA that was free of defects, and failure to deliver the project milestones as set forth in the MSA. Plaintiff sought recovery of the \$4.8 million it had

paid to our client under the terms of the MSA to develop the software. However, in light of the evidence and arguments advanced by the Gordon & Rees trial team, an eight-person jury returned a complete defense verdict after less than one day of deliberation, finding defendant did not breach the terms of the MSA and awarded no damages against the gaming software developer.

Jonathan Schaub and **Rachel Wise** provided trial support and **Gayle Angulo, Kelly Owens, Jeanne Farrar,** and **Diane Cutting** provided administrative support during trial.