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LAS VEGAS, Oct. 13 /PRNewswire/ -- A federal judge in Las Vegas has ruled that Wynn Resorts, Ltd. d/b/a Wynn Las Vegas may have liability in a putative class action lawsuit – brought on behalf of casino employees – claiming that the casino failed to reasonably safeguard its workers from dangerous conditions caused by secondhand cigarette smoke.

Wynn had sought dismissal of the lawsuit arguing that Wynn has no duty under Nevada law to protect its employees from secondhand smoke and that the Court lacked jurisdiction to decide the case. Wynn also argued that the case could not proceed on a class basis. The Court rejected these arguments, finding that it had the authority to hear the case, that Wynn had failed to carry its burden of showing there were no set of facts upon which the employees could prevail, and that the issue of class certification would be decided later on in the case.

"Worker safety is critical and well-recognized under the law. This is a tremendous decision for not only Wynn's employees, but also for workers at other casinos who for years have been unreasonably subjected to secondhand smoke," said Jay Edelson, whose law firm, Edelson McGuire LLC is pursuing the case and plans to seek class action status. "Although this was not a final decision that says 'you win' to the Plaintiffs, it has incredible importance. Wynn can't escape responsibility now by merely filing a motion to dismiss and wiping its hands clean. Wynn will now have to answer and justify its policy that requires its workers to allow patrons to blow cigarette smoke in their faces without protest and to man smoking tables for prolonged periods of time," Edelson continued. "We look forward to discovery and putting on our case."

Edelson is joined in the lawsuit by Edelson McGuire attorneys Steven L. Lezell and Irina Slavina
Chicago

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About Jay Edelson: Edelson has a reputation for bringing, and winning, high profile class action lawsuits. Recently, Edelson settled a nationwide case involving lead painted Thomas the Tank Engine & Friends Wooden children's toys that was valued at over \$30 million. Edelson's firm also was lead counsel in the lawsuits coming out of the 2008 contaminated pet food recall, which resulted in a settlement of over \$24 million. Edelson testified before the U.S. Senate in connection with that case.

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