

Sands denied request to set aside Suen judgment

Case will be appealed to Nevada Supreme Court

Las Vegas Sands Corp. lost a bid Monday to set aside a USD 58.6 million judgment that a Clark County jury awarded Hong Kong businessman Richard Suen following a six-week civil trial.

Rusty Hardin, the Houston-based attorney for Las Vegas Sands, said after nearly four hours of arguments that the case would be appealed to the Nevada Supreme Court.

Los Angeles attorney John O'Malley, who represented Suen, said he hoped Las Vegas Sands „would pay the judgment promptly.“

Las Vegas Sands is expected to post bond on the judgment within five days.

District Judge Michelle Leavitt denied two motions brought by the casino operator; one was for a new trial and a second sought to reduce the judgment, which consisted of USD 43.8 million awarded by a jury and USD 14.8 million in interest tacked onto the verdict.

Suen did not attend the hearing, but Las Vegas Sands Chairman and Chief Executive Sheldon Adelson watched about an hour of arguments by Hardin before leaving the courtroom.

In May, a five-woman, three-man jury deliberated for about 10 hours over two days before deciding that Suen should be compensated for helping Las Vegas Sands win a lucrative Macau gaming license in 2002. Suen filed his lawsuit in 2004 after failing to reach any compensation agreement with the company.

During trial testimony, both Adelson and Las Vegas Sands President Bill Weidner said Suen didn't help the company

ultimately win a shared gambling concession with Hong Kong-based Galaxy Entertainment. However, they believed he was owed something for his time, anywhere from USD 400,000 to a procurement contract that Adelson testified in a deposition may have been worth up to USD 100 million.

Suen helped set up a series of meetings between Adelson, Weidner and other company executives in Beijing in July 2001 with members of the Chinese government. O'Malley argued to the jury that the meeting paved the way for Las Vegas Sands to win its gaming license.

On Monday, Hardin said the jury wrongly relied on hearsay testimony by Weidner that the judge should not have allowed into evidence concerning statements made by Macau casino operator Stanley Ho to another Las Vegas Sands executive.

„That was the skunk in the jury box,“ Hardin said. „You're talking about four layers of speculation and conjecture. The inference was not enough to establish fact. Mr. Suen was nothing more than a scheduler and a facilitator. The jury gave him credit and money for the efforts of others.“

O'Malley, however, said the jury was allowed to consider Ho's comments because of additional evidence.

„To try and say that a six-week case turned on one snippet of testimony is stretching the bounds of reality,“ O'Malley said.

„There was evidence that the Macau government and the chief executive manipulated the situation without breaking laws because he was entitled to make that decision,“ he added.

Leavitt awarded Suen costs of roughly USD 174,000. She also allowed Suen to add an additional three days of interest to the judgment, about USD 30,000, according to O'Malley.