

# EXHIBIT 1

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# Vdara visitor: 'Death ray' scorched hair

## Chicago lawyer says bag also melted

By JOAN WHITELY

LAS VEGAS REVIEW-JOURNAL



The Vdara Hotel swimming pool was a crowded place on a recent Sunday afternoon. DUANE PROKOP/LAS VEGAS REVIEW-JOURNAL

The tall, sleek, curving Vdara Hotel at CityCenter on the Strip is a thing of beauty.

But the south-facing tower is also a collector and bouncer of sun rays, which -- if you're at the hotel's swimming pool at the wrong time of day and season -- can singe your hair and melt your plastic drink cups and shopping bags.

Hotel pool employees call the phenomenon the "Vdara death ray."

A spokesman for MGM Resorts International, which owns Vdara, said he prefers the term "hot spot" or "solar convergence" to describe it. He went on to say that designers are already working with resort staff to come up with solutions.

Designers foresaw the issue, and thought they had solved it by installing a high-tech film on the south-facing glass panes, according to Gordon Absher, the MGM spokesman. The film scatters more than 70 percent of reflected rays. But that's not enough, Absher acknowledged, as some pool guests are still uncomfortable.

Chicago visitor Bill Pintas experienced Vdara's "death ray" recently. A lawyer, he was here on business for Preferred Capital Lending, which he co-owns. He also co-owns a Vdara condo.

Pintas told the Review-Journal that at midday Sept. 16, after a brief dip in the hotel pool, he was sunning on a recliner. He was on his stomach, relaxed, eyes closed.

But suddenly, the lawyer became so uncomfortably hot that he leaped up to move. He tried to put on his flip-flop sandals but, inexplicably, they were too hot to touch. So he ran barefoot to the

shade.

"I was effectively being cooked," Pintas said. "I started running as fast as I could without looking like a lunatic."

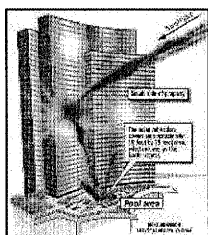
Then he smelled an odor, and realized it was coming from his head, where a bit of hair had been scorched. It was about 12:20 p.m., as best Pintas can recall.

Taking brief refuge at the pool's bar area, Pintas chatted with employees. He said they chuckled when he described what had happened. "Yes, we call it the death ray," he says they told him. Sometimes it causes disposable drink glasses to melt, a cocktail waitress added.

After the intense reflection had passed, Pintas returned to his lounge chair. He remembered that a patron nearby laughed, and said something like, It got you, too?

Then he noticed something more -- a flimsy plastic bag holding his newspaper had partially melted. The portion of bag bearing the name Vdara had entirely melted away. Holes marked where the letters, in black ink, had absorbed the heat. Pintas snapped a photo of the bag, which he shared with the newspaper.

After Pintas' experience, a Review-Journal reporter went to the Vdara pool twice. Employees did not know they were talking to a reporter.



MIKE JOHNSON/LAS VEGAS REVIEW-JOURNAL



Bill Pintas, a Chicago lawyer and businessman, took this photo of his melted plastic bag after he was caught unexpectedly at the Vdara pool deck in a "hot spot" of reflected sunlight. COURTESY OF BILL PINTAS

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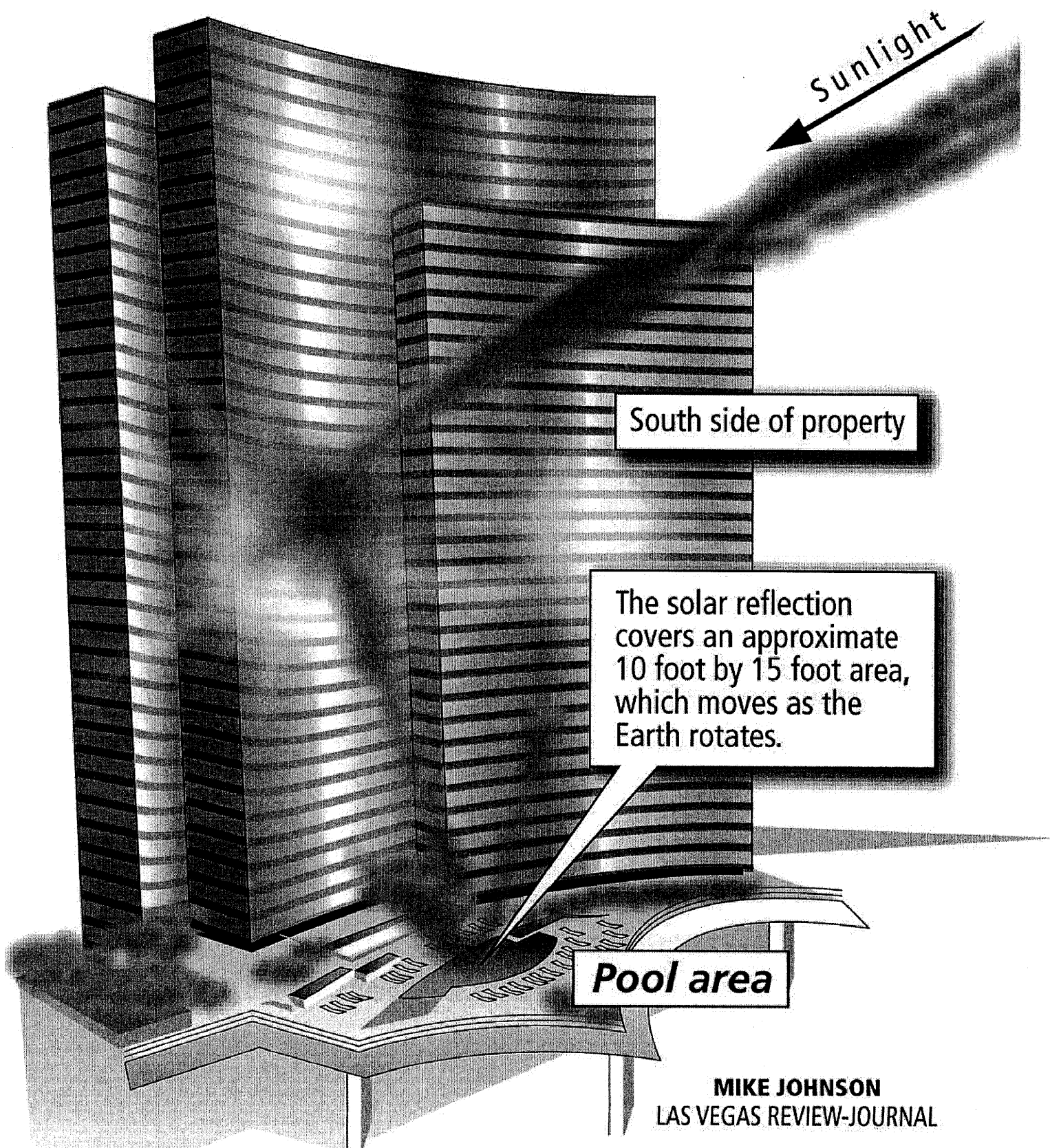
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# 'Death Ray' heats up Vdara guests, residents



**MIKE JOHNSON**  
LAS VEGAS REVIEW-JOURNAL

EXHIBIT 2

EXHIBIT 2

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### Hotel's "Death Ray" Takes Tanning to Injurious Levels

September 30, 2010

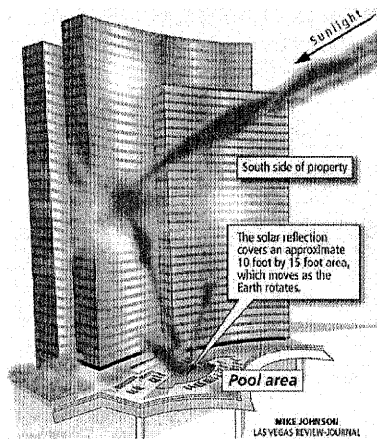
Posted In: Hotel Liability , Personal Injury Law , Premises Liability , Resort Injury , Resort Torts , Tourism Safety

By John Leighton on September 30, 2010 3:41 PM | Permalink

The Vdara hotel in Las Vegas has admitted to dangerously powerful sun reflections off its glass façade and onto its pool deck. The UK's Daily Mail reports that guests at the new hotel have complained of severe burns created by the 'unique' design of the building. First-hand accounts relate intense burning sensations within just 30 seconds. The hotel's all-glass concave shape reflects the sun at such intensity - increasing temperatures by about 20 degrees - that plastic bags have been recorded melting in the heat.

MGM Resorts owns the hotel and admitted knowledge of the issue, claiming that they are exploring solutions. It's too bad they didn't explore better solutions when they were designing the building, since they conceded they knew then that it would be a problem. 'High-tech film' on the south-facing glass panes did not provide protection.

*Image included in The Daily Mail article, provided by Mike Johnson of the Las Vegas Review-Journal.*



#### Related Case Law for ResortTorts:

• A landowner has 2 basic duties: reasonable care to maintain premises in reasonably safe condition, and give warning of concealed perils which are or should be known and which are unknown to invitee.

Williams v. Madden, 588 So.2d 41 (1 DCA 1991)

• In fulfilling its duty to maintain its premises in a reasonably safe condition, "a landowner must conduct inspections appropriate for the premises involved."

Yuniter v. A & A Edgewater of Florida, Inc., 707 So.2d 763 (Fla. 2d DCA 1998)

ResortTorts are cases of civil liability for negligent or criminal acts that arise out of a resort, vacation or recreational setting. These can involve aspects of hotel and motel safety, cruise ship litigation, pleasure boating and jet ski incidents, amusement and theme park liability, aquatic, diving and swimming incidents, foreign travel and medical emergencies, gaming and casinos, aviation (commercial and general), rental car liability, moped, bicycle and motorcycle safety, buses and tour guides, travel industry liability for crime victims, and medical care provided to vacationers. ResortTorts can encompass a vast array of types of cases but they all have one thing in common: tourists, business travelers and locals alike are all exposed to risk while traveling, vacationing or engaging in resort or pleasure activities.

#### Categories:

- Hotel Liability,
- Personal Injury Law,
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**EXHIBIT 3**

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**\*-APPLICATION-\***

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**Copyright Claimant:** Righthaven LLC

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**Certification** \_\_\_\_\_

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**Date:** November 24, 2010

**Applicant's Tracking Number:** 0002160

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**Registration #:**

**Service Request #:** 1-524088592

**Application Date:** 11-24-2010 12:55:02

**Correspondent** \_\_\_\_\_

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