

1 Mitchell J. Langberg, Bar No. 10118
mlangberg@bhfs.com
2 BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway
3 Suite 1600
Las Vegas, Nevada 89106
4 Telephone: 702.382.2101
Facsimile: 702.382.8135

5 Attorneys for Plaintiff
6 NIKO SAMARXHIU

7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
10

11 NIKO SAMARXHIU,
12 Plaintiff,

13 v.

14 BENJAMIN RALPH,
15 Defendant.

CASE NO.: 2:24-cv-01063
COMPLAINT FOR DAMAGES
JURY TRIAL DEMANDED

16
17 Plaintiff Niko Samrxhiu, by and through its attorneys of record at the law firm of
18 Brownstein Hyatt Farber Schreck, LLP, hereby complains against Defendant Benjamin Ralph as
19 follows:

20 **PARTIES**

21 1. Plaintiff Niko Samrxhiu (“Plaintiff” or “Niko”) is an individual who is a citizen of
22 the State of Nevada and resides in Clark County.

23 2. Defendant Benjamin Ralph (“Defendant” or “Ben”) is an individual. Plaintiff is
24 informed and believes, and on that basis alleges, that Ben is a citizen of the Commonwealth of
25 Australia whose principal place of residence at all relevant times herein was in the State of
26 California.

JURISDICTION AND VENUE

1
2 3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §
3 1332(a)(2) because there is complete diversity of citizenship between Plaintiff, a citizen of
4 Nevada, and Defendant, who is believed to be a citizen of the Commonwealth of Australia,
5 residing in the State of California. The amount in controversy in this matter exceeds \$75,000,
6 exclusive of interest and costs.

7 4. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(2) because the acts
8 that give rise to the claims asserted herein occurred in this district.

INTRODUCTION

9
10 5. Ben Ralph is wealthy—at least his father is. It is hard to know if Ben actually
11 does any work for the money he has access to. But Ben tries to give the impression that he is an
12 affluent playboy who has earned the large sums of cash he flaunts, including by repeatedly
13 spending hundreds of thousands of dollars for weekends of partying at Las Vegas nightclubs.

14 6. His father’s money buys Ben access to extraordinary entertainment and nightlife
15 opportunities. It buys Ben VIP attention at hotels, restaurants, and for other services. The money
16 also buys Ben “friends” who surround him while he pays for their entertainment and alcohol—at
17 least as long as the money flows.

18 7. But there are some things Ben’s father’s money cannot buy him. The money does
19 not make Ben immune from following the law. Apparently, Ben does not understand that. When
20 he does not get his way—when Ben demands that the rules should not apply to him, yet someone
21 refuses to break those rules at Ben’s whim—Ben cannot handle it. Indeed, he is willing to violate
22 the law by harassing, intimidating, and terrorizing people to try to get what he wants.

23 8. That is what led to this lawsuit. Last August, merely because a nightclub manager
24 dared to follow his employer’s policies by refusing Ben’s demand to open a nightclub early, Ben
25 decided to terrorize the manager—threatening his livelihood and, when Ben still did not get what he
26 wanted, threatening the life of the manager and his family.

27 9. Ben’s conduct crossed all lines of decency. Not only did Ben’s conduct exemplify
28 that he is incredibly spoiled and entitled, it demonstrated that Ben was dangerously out of control.

BROWNSTEIN HYATT FARBER SCHRECK, LLP
Attorneys at Law
100 North City Parkway, Suite 1600
Las Vegas, NV 89106

1 Dangerous enough that law enforcement intervened and arrested Ben. Ben now faces criminal
2 charges for his terroristic conduct.

3 10. But the lasting impact on his victim cannot be remedied by the criminal courts. As
4 a result of Ben’s threats, the nightclub manager, Niko, was understandably in fear for his life.
5 That was not the worst of it. The most unbearable part of this entire ordeal was that Niko was
6 worried that Ben would make good on his threat to harm Niko’s infant son.

7 11. People like Ben seemingly never learn their lessons unless and until they suffer
8 consequences that impact the very thing they thought empowered them in the first place—their
9 money. By way of this lawsuit, Niko seeks to be compensated for the harm Ben caused, with the
10 hope that Ben will be held responsible in a way that makes clear that our community will not
11 tolerate this kind of conduct—from Ben or from anyone else.

12 **GENERAL ALLEGATIONS**

13 12. Niko is the general manager at XS, a Las Vegas nightclub located at Wynn Las
14 Vegas.

15 13. His responsibilities include ensuring that VIP customers receive the level of
16 attention and service that encourages those customers to frequent the nightclub.

17 14. Even more importantly, Niko’s responsibilities require him to ensure that the
18 nightclub operates in compliance with all applicable laws and regulations, foremost to ensure the
19 safety of customers and employees.

20 15. In 2023, Ben was a regular customer at the nightclub. He would regularly spend
21 tens of thousands—even hundreds of thousands—of dollars during each visit. This made Ben a
22 VIP customer.

23 16. Ben enjoyed the attention he received from the nightclub employees, from Niko,
24 and from the “friends” who surrounded Ben.

25 17. Ben was a particularly demanding customer and Niko did the best he could to
26 provide Ben the level of service that was commensurate with his VIP status.

27 18. But, much to Ben’s chagrin, his money could not buy him whatever he wanted.
28

1 19. On August 4, 2023, Ben made demands that Niko could not honor, no matter how
2 much money Ben promised to spend. Facing rejection that is apparently unfamiliar to him, Ben’s
3 sense of entitlement gave way to something more—his conviction that rules do not apply to him
4 and that he has the right to intimidate, threaten, and victimize those who do not give into his
5 impetuous demands.

6 20. On that day, in the afternoon, Ben contacted Niko by text and asked that he open
7 the nightclub for him at 10 pm, earlier than it was scheduled to open. As Ben said, “Open it
8 early...I’ll spend 6 figures.”

9 21. Opening early is no simple matter. The nightclub cannot allow in guests unless
10 and until it is properly staffed with security, bar tenders, servers, and others. This is for the safety
11 of customers and employees.

12 22. Nightclub employees work on set shifts. In order to open early on short notice
13 management must find employees who can start early (and work overtime) with little notice,
14 divert employees from other responsibilities, or take other actions that normally would require
15 advance planning.

16 23. Despite all of the efforts required, Niko informed Ben that he could open at 10:15
17 pm.

18 24. Ben was initially satisfied with the special treatment Niko offered him. Ben
19 responded by text stating, “Deal...I need a big stage table.”

20 25. Despite Ben acknowledging the “deal,” Ben sent another text around 9 pm stating
21 that he was “coming...now.”

22 26. Niko responded by explaining, “10:15 staff not even here yet.”

23 27. This was unacceptable to Ben. He responded by telling Niko that he was coming
24 at 9:15 “or I’m never coming.”

25 28. Niko tried to accommodate Ben’s unreasonable demands as best he could. He
26 offered to try to be ready by 10 pm, explaining “I can’t open the doors without staff.”
27
28

1 29. Undeterred, at 9:30 pm, Ben came to the nightclub and demanded that he be
2 allowed in. Niko again explained that the necessary staff, including security, was not present and
3 that he could not open the nightclub to Ben at that time.

4 30. Ben insisted and Niko told Ben that he would contact his superior to see if there
5 was anything that could be done to accommodate Ben. While Niko stepped away, Ben left.

6 31. That is when Ben became unhinged. He started by sending this text message to
7 several people:



8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25 32. Initially, one might have thought that Ben’s rant was mere hyperbole, even though
26 he inexplicably threatened to “bury” Niko and his children (which included an infant). But Ben’s
27 threats continued and became more venomous. He next wrote:
28

BROWNSTEIN HYATT FARBER SCHRECK, LLP
Attorneys at Law
100 North City Parkway, Suite 1600
Las Vegas, NV 89106

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Ben Ralph

Naralia and sammy

Delete me from xs

Yes manager is the worse
cunt in the world

I'll make the wynn a deal

I'll spend \$5milliomn

FaceTime
Call Ended

If niko has a job tomorrow

Delete me from your contact
card

So you pick if niko is worth
more
Than me

BROWNSTEIN HYATT FARBER SCHRECK, LLP
Attorneys at Law
100 North City Parkway, Suite 1600
Las Vegas, NV 89106

1 You have 12 hours
2 Go on Niko
3 Try my
4 See how your life goes
5 Let's see
6 B Keep speaking
7 If Niko has a job tomorrow
8 Remove me
9 Simple
10 B Respond
11 Sammy
12 Natalia
13 Is Niko worth more than me !
14 Let me know now
15 Last time I checked Niko
16 B should be put in a holding cell
17

19 33. Like any reasonable person would, Niko began to be very concerned that Ben's
20 threats were not hyperbolic but were a real threat by Ben to try to destroy Niko's life by using his
21 money to get him fired or cause him other personal harm.

22 34. In his next message to Niko, Ben made clear that his threat to "bury" Niko and his
23 children should be understood to be literal:

24
25
26
27
28

BROWNSTEIN HYATT FARBER SCHRECK, LLP
Attorneys at Law
100 North City Parkway, Suite 1600
Las Vegas, NV 89106

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I'm
Coming to xs now
Don't ever message me again
Until your fired
I will never return
Nice dude
Leave the conservation
I'll come and murder you
Enjoy your life
I'll end you and all your future
e
If you have a job in 4 hours
You won't ever have a job
again

35. Ben's texts did not stop there. For example, when writing to Wynn management, Niko repeatedly used his money as a threat—demanding the Wynn choose between firing Niko and losing Ben's business, saying things like: "If Niko has a job tomorrow I will never come back...Who is worth more...Is Niko more valuable than me...So you guys pick what side your on...I don't care either way..."

36. The threats to Niko and his family continued to become more extreme:

Who is worth more
Cause if you say Niko I will drown
his kids in front of him

1 37. As Ben continued his threats, he also continued to add commentary that would
2 make any reasonable person fearful that the threats were real. For example, mindful that Ben’s
3 family had substantial wealth, Niko became even more fearful when Ben wrote:

4
5 Okay
6 I'll have my dads enforcer visit him
7 tomorrow

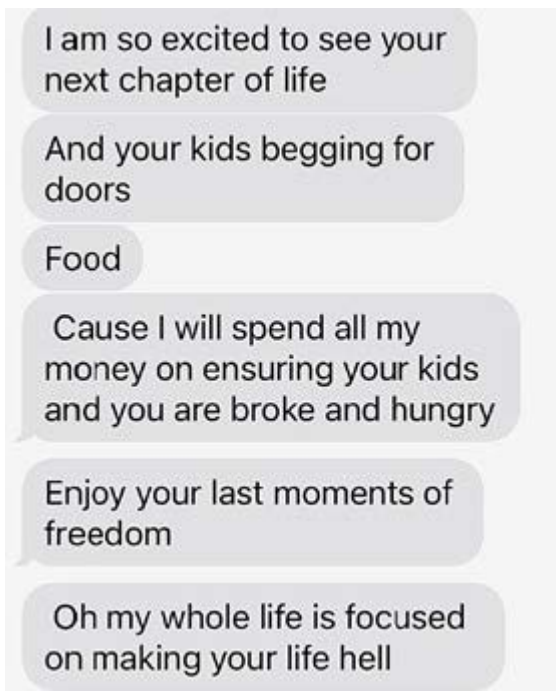
8 38. The term “enforcer” is unambiguous. Any reasonable person would understand, as
9 Niko understood, that Ben was threatening Niko with physical harm by a paid “enforcer” who
10 worked for Ben’s father.

11 39. Indeed, shortly after that threat, Ben wrote: “He loses his job...Or I’ll bury him...I
12 called my dad and he agreed...”

13 40. While the worst of Ben’s threats were to kill or cause physical harm to Niko and
14 his family and to destroy his livelihood, he also threatened that his father would buy Niko’s home
15 loan and foreclose “in front of his kids” and to make Niko and his family homeless:

16 Enjoy good stamps Niko
17 My life mission is for your
18 family to be homeless
19 And trust me
20 What I wish for comes true
21

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



41. Ben’s attacks were not limited to text messages he sent to Niko and various management at Wynn. He made public posts on social media that included some of his attacks, all in an effort to exacerbate the harm he was intentionally causing Niko.

42. But texts and social media posts were not enough for Ben who believed that he could find someone else who would be sufficiently enticed by his father’s money to put aside good conscience in favor of Ben’s outrageous campaign to harass and intimidate Niko.

43. He found a willing accomplice at Resorts World.

44. According to media reports, for a \$200,000 spend at its nightclub, Resorts World was happy to surrender to Ben control of its giant, multi-story, digital message display (reportedly able to cover more than 250,000 square feet of the side of the hotel) to give Ben a “louder,” more public way to attack Niko in a way that was visible to the entire Las Vegas strip.

45. One of the messages Ben posted was:



1
2
3
4
5
6
7
8
9
10 The message both expressly and by implication conveyed the false message that Niko was
11 unemployed or otherwise could not provide for his family and readers understood it in that way.

12 46. Those people in the nightclub industry and VIP customers at XS who knew Niko
13 understood the Resorts World message to be about Niko, particularly because his rants had
14 already reached social media. Indeed, various media reported about the message, including that
15 the person referenced was Niko. One media entity picked up Ben's attacks and reported them on
16 X, garnering more than 1.5 million views in less than 48 hours.

17 47. With Resorts World's help, Ben had accomplished his goal of escalating his
18 attacks against Niko by publishing some of them on one of the world's largest digital signs and
19 getting broad public attention.

20 48. That Resorts World would allow such a thing is inexplicable. As one online media
21 writer said, "We get that the guest was spending a lot of money. We get that he was upset and
22 made the request for this message to appear, but the fact a Zouk executive approved it is beyond
23 comprehension... Attacking an employee of a competing venue, by name, is unforgivable.
24 Beyond that, using a politically-charged phrase like 'food stamps' on a casino's video screen is
25 fraught with peril, even if it was intended as a joke."

26 49. Shortly after the event Resorts World reportedly made the following statement:
27 "The LED sign on the West Tower was activated on Saturday night with a graphic requested by a
28

1 nightlife patron. The team members who approved it were not aware of the background behind
2 the request. Regardless, this was a mistake, and the messaging displayed does not reflect Resorts
3 World Las Vegas’s values, and we regret that our LED screen was misused in this manner. Our
4 leadership is handling this internally to ensure the assets displayed on the LED screens are in full
5 alignment with the brand and our values.”

6 50. While Resorts World *says* that its decision to enable some of Ben’s attacks “was a
7 mistake” and did not “reflect Resorts World’s values,” Resorts World was apparently happy to
8 keep the \$200,000 they received for their part in Ben’s campaign of intimidation and harassment.
9 The company certainly did not give any of the money they were paid (for what they claim to have
10 been a “mistake”) to their victim—Niko.

11 51. While Resorts World helped foment Ben’s attacks, others took them much more
12 seriously. This included the Las Vegas Metropolitan Police Department and the Clark County
13 District Attorney’s Office. LVMPD obtained a warrant and arrested Ben for his terroristic
14 threats. The District Attorney filed criminal charges against Ben. Those charges are still
15 pending.

16 52. Niko also took Ben’s threats quite seriously, as any reasonable person would do.
17 As shown above, as Ben continued his attacks, his threats became increasingly more specific.
18 Ben apparently had the financial means to carry out his threats. Further, the fact that Ben became
19 so viciously unhinged for the mere (perceived) slight of making him wait an hour before he could
20 enter a nightclub demonstrated that Ben had no self-control, was impetuous, and unpredictable.

21 53. Ben’s entire campaign caused Niko to suffer shame, embarrassment, anxiety, and
22 severe emotional distress. Those feelings were underscored by the fact that Niko was
23 authentically in fear for his family’s and his own physical safety. To address those fears, among
24 other things, Niko immediately added additional home security measures. He was so scared that
25 in the days immediately followed Ben’s attacks, Niko slept (barely) on his couch near his front
26 door, ready to confront any attacker.

BROWNSTEIN HYATT FARBER SCHRECK, LLP
Attorneys at Law
100 North City Parkway, Suite 1600
Las Vegas, NV 89106

FIRST CLAIM FOR RELIEF

Intentional Infliction of Emotional Distress

1
2
3 54. Niko repeats and re-alleges each and every allegation in Paragraphs 1 through 53
4 as though fully set forth here.

5 55. Ben’s relentless campaign to harass, intimidate, and terrorize Niko, including by
6 threatening to use his father’s money and influence to make Niko lose his job, was extreme and
7 outrageous conduct that has no place in this community.

8 56. Ben engaged in his campaign with the intention of causing Niko severe emotional
9 distress. There could have been no other purpose.

10 57. Ben’s conduct did, in fact, cause severe emotional distress to Niko. In addition to
11 the impact alleged above, Niko suffered from substantial sleep disturbances, significant anxiety,
12 difficulty concentrating, and more.

13 58. As a direct and proximate result of Ben’s conduct, Niko has incurred damages in
14 an amount to be proven at trial, but not less than \$75,000.

15 59. Further Plaintiff incorporates by reference all preceding paragraphs as if fully set
16 forth herein.

17 60. Ben’s conduct was willful, wanton, malicious, and in reckless disregard for the
18 rights and safety of Niko. The egregious nature of Ben’s conduct warrants the imposition of
19 punitive damages to punish him and to deter similar conduct in the future.

SECOND CLAIM FOR RELIEF

False Light Invasion of Privacy

20
21
22 61. Niko repeats and re-alleges each and every allegation in Paragraphs 1 through 60
23 as though fully set forth here.

24 62. Ben’s “Food Stamps for Niko” statement either directly or implicitly conveyed to
25 a large public audience the false message the Niko was either unemployed or otherwise unable to
26 provide for his family.

27 63. The message put Niko in a false light, suggesting that he was unemployed or
28 otherwise unable to provide for his family.

BROWNSTEIN HYATT FARBER SCHRECK, LLP
Attorneys at Law
100 North City Parkway, Suite 1600
Las Vegas, NV 89106

1 64. The false light in which Niko was placed would be highly offensive to a reasonable
2 person and was highly offensive to Niko.

3 65. Ben knew the false light in which he placed Niko was false, or acted with reckless
4 disregard, or was at least negligent as to the falsity of the matter he publicized.

5 66. As a direct and proximate result of Ben’s message portraying Niko in a false light
6 in a manner that exposed the message to public view, Niko has suffered mental distress and other
7 damages in an amount to be proven at trial, but not less than \$75,000.

8 67. Ben’s conduct was willful, wanton, malicious, and in reckless disregard for the
9 rights and safety of Niko. The egregious nature of Ben’s conduct warrants the imposition of
10 punitive damages to punish him and to deter similar conduct in the future.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff prays for the following relief against Defendant:

- 13 1. An award of damages according to proof, but not less than \$2,000,000.00,
- 14 2. An award of punitive damages according to proof,
- 15 3. Any further relief the Court deems to be just and proper,
- 16 4. An award of costs.

17
18 Plaintiff hereby demands trial by jury.

19
20 Dated: June 7, 2024

BROWNSTEIN HYATT FARBER
SCHRECK, LLP

21
22
23 By: /s/ Mitchell J. Langberg
24 Mitchell J. Langberg
25 Attorneys for Plaintiff
26 NIKO SAMARXHIU
27
28