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Statement of Gloria Allred

On March 14, 2020, Michele was a guest of the Pechanga Resort Casino and was staying in Room 10470 on the fourth floor of Tower One by herself. Michele planned with a friend to go to a concert and stay the night at Pechanga. Due to COVID-19 related concerns, her friend declined to go. Michele thought it would be safe to go to Pechanga alone and kept the room reservation. When she arrived at Pechanga, Michele was the only guest registered to Room 10470 and the only guest who had a key card issued for access to the room.

Michele spent time on the casino floor and consumed alcoholic beverages. At approximately 11:15 p.m., when Michele started feeling intoxicated, she attempted to return to her room at the casino – Room 10470. Surveillance video from the elevator showed Michele was having difficulty keeping her balance. Notwithstanding her intoxication, Michele made it to her room, Room 10470, safely. When she arrived at her door, she attempted to use the key card that she had been issued earlier that day.

However, Michele's room key card did not work. Instead of unlocking the door, a yellow/orange light appeared on the key card pad falsely indicating that the room had been locked from the inside.

Michele walked to the elevator lobby and called the front desk for assistance using the guest phone. She spoke with a Supervisor, who informed her that a new key card would be brought to her. The Supervisor noticed that Michele was intoxicated. After speaking with the Supervisor, Michele went back to door 10470 and waited for a working key card. Nobody came.

Michele went back to the guest phone near the elevator and again asked that a working key card be brought up to her. She then went back to door 10470 and waited for a working key card. A Pechanga employee saw Michele sitting on

the floor in the hallway by her door. In a statement given to law enforcement, the employee indicated that he recognized that Michele was intoxicated.

That same employee came up to Michele and asked her if there was a problem. Michele explained to him that her key card was not working and gave her card to that employee for him to try. He confirmed that the key card was not working and informed Michele that the blinking yellow/orange light on the door's key card pad meant that someone was inside the room, had locked the door from inside the room, and was preventing access to the room. He had Michele confirm, multiple times, that she was alone at the casino and that no one else could possibly be in the room. The thought that someone could be in her room, however, frightened her. Because the employee was an employee of Pechanga and because she was frightened that there may be someone in her room, Michele entrusted him with the information that she had traveled to the resort by herself and was staying in the room alone. Thus, the employee used his position as an employee at the hotel to obtain the information that Michele was alone and that no one else was in her hotel room.

In fact, the door to Michele's unit was not locked from inside the room. Based on law enforcement investigative records and the Interrogation Report for the Door Lock to Room 10470, the key card panel was malfunctioning, preventing Michele from safely entering her room on her own. Based upon law enforcement reports, it was known to Pechanga that the key cards/pads were known to malfunction. Nevertheless, they were negligently maintained and/or repaired. Pechanga Resort Casino and its employees failed to take reasonable steps to ensure the safety of guests, including Michele, by negligently maintaining and/or repairing the resort's key card system, including the door lock for Room 10470.

After some time, the Supervisor arrived with another key card. According to law enforcement report, the Supervisor also recognized that Michele was intoxicated and having difficulty standing up. The employee physically assisted Michele in standing up because of her level of intoxication. The Supervisor informed her that the key card system often malfunctioned. He gave Michele a new key, which she used to gain entry to her room. The Supervisor and the employee then left after Michele entered her room.

Michele prepared to go to bed. She heard a knock at her door. Upon opening the door, Michele found that the employee had returned to her room, unaccompanied by any other Pechanga employee.

Michele asked why he was there. She had not asked for any further assistance, and she wanted to go to sleep. The employee knew that Michele was alone in her room. Because Michele was preparing to go to sleep, she was partially clothed. The employee then repeatedly pressured Michele to let him into her room by asking her multiple times if she needed anything.

He finally gained access to her room.

Instead of giving the obviously intoxicated guest some water from the minibar, the employee needlessly removed a champagne bottle from the service minibar. Based on a Bartech printout, a purchase is made from the minibar whenever an item is removed from its location. As such, the employee caused the purchase of additional alcohol to the already-intoxicated Michele. He then proceeded to pour Michele a glass of champagne, despite knowing that she was intoxicated, describing her state to law enforcement as “wasted.”

Next, Michele recalls finding the employee on top of her as he was sexually assaulting, battering, and raping her by having nonconsensual vaginal intercourse and other nonconsensual sexual contact with her. Due to her known intoxication, Michele was incapable of giving legal consent to the employee for any sexual contact pursuant to, without limitation, Penal Code 261(a)(3).

Michele yelled for the employee to get off of her. However, according to the police report, the employee did continue to engage in sexual conduct with Michele.

After the employee left her room Michele promptly called the front desk and reported the incident. She informed the employee who answered the phone that she had been raped.

After security and law enforcement arrived at the scene, Michele was transported to Temecula Valley Hospital. The Riverside County Sheriff's Department developed an Incident Report. A Sexual Assault Response Team nurse confirmed injuries to Michele's vaginal area and bruising of Michele's breast consistent with bite marks.

Michele has fully cooperated with the criminal investigation and fully expected that the District Attorney in Riverside County would prosecute the accused employee based on her statements to the Riverside Sheriffs, her injuries and the employee's statements to the Sheriffs, including the fact that he knew she was intoxicated and "wasted" when he engaged in sexual acts with Michele. However, to Michele's shock and surprise she was recently informed that the District Attorney has declined to prosecute. No reason was provided for the refusal. Given the facts and circumstances alleged in this incident we urge the elected District Attorney of Riverside County, Michael Hestrin, to explain to the public and to Michele why his office refused to prosecute.

It is against the law in California and in many states to engage in intimate sexual conduct with a person who is under the influence as the result of alcohol and/or drugs. In fact, in Pennsylvania, Bill Cosby was prosecuted and convicted of drugging and sexually assaulting Andrea Constandt, and he is still in prison as a result of having been convicted of that charge. A person who is under the influence cannot consent as a matter of law to sexual intercourse or oral copulation and any person who knows or reasonably should know that a woman is intoxicated should be prosecuted if he proceeds to have sexual intercourse with her.

It is very traumatic for any woman who alleges she was raped to speak to law enforcement, then undergo a rape kit and then to have her case declined for prosecution without being given any reason why prosecution is declined, especially in a case where a victim is willing to testify and where the accused admits to law enforcement that at the time of the sexual interaction he knew that the victim was intoxicated.

In addition to our demanding answers from District Attorney Hestrin we are also filing a claim today against Pechanga Resort because of what we believe was their negligence in this case. We are seeking damages for Michele in the amount of \$10 million dollars.

Michele has been willing to come forward today not only because of what she has suffered but because we have reason to believe that there are many rape cases in California with similar facts that are not being prosecuted. In other

words, women who become intoxicated often become victims of sexual violence while they are under the influence. Because they often feel shame and blame themselves, they do not speak out when prosecutors decline to prosecute their case.

We are proud of Michele's courage in coming forward to provide a voice for victims, and it is time for prosecutors who decline prosecution to support the rights of victims and let juries decide in a court of law if the accused is innocent or guilty, rather than shutting the courthouse door in the face of the victim.

Gloria Allred
Attorney at Law
Representing Michele
September 24, 2020