

**SALTZ MONGELUZZI BENDESKY**  
BY: LARRY BENDESKY/ ROBERT W. ZIMMERMAN  
/JOHN L. LANG  
IDENTIFICATION NOs.: 51026/208410/327971  
1650 MARKET STREET, 52ND FLOOR  
PHILADELPHIA, PA 19103  
(215) 496-8282



<p><b>AHMEDEINE MAHAM</b> 57 Parkside Avenue Rochester, NY 14609</p> <p style="text-align: center;"><i>Plaintiff,</i></p> <p style="text-align: center;">v.</p> <p><b>BANILLA GAMES, INC.</b> 3506 Greenville Blvd NE Greenville, NC 27834</p> <p>And</p> <p><b>JOHN DOE GAMBLING MACHINE DISTRIBUTORS (1-3)</b></p> <p>And</p> <p><b>EMAN REALTY, LLC</b> 800 Knorr Street Philadelphia, PA 19111</p> <p>And</p> <p><b>PHILLY MARKET, LLC</b> 5204 Torresdale Avenue Philadelphia, PA 19124</p> <p>And</p> <p><b>BRIDGE MARKET AND WIRELESS, INC.</b> 2099 Bridge Street Philadelphia, PA 19124,</p> <p>And</p> <p><b>JOHN DOE STORE OPERATOR,</b></p>	<p>COURT OF COMMON PLEAS PHILADELPHIA COUNTY LAW DIVISION</p> <p>MARCH TERM, 2026</p> <p>No.</p> <p><b>JURY TRIAL DEMANDED</b></p>
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*Defendants.*

<p style="text-align: center;"><b>“NOTICE</b></p> <p>“You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by an attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgement may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.</p> <p>“YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.</p> <p><u>THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.</u></p> <p>PHILADELPHIA BAR ASSOCIATION LAWYER REFERRAL and INFORMATION SERVICE One Reading Center Philadelphia, Pennsylvania 19107 (215) 238-1701”</p>	<p style="text-align: center;"><b>“AVISO</b></p> <p>“Le han demandado en corte. Si usted quiere defenderse contra las demandas nombradas en las páginas siguientes, tiene veinte (20) días, a partir de recibir esta demanda y la notificación para entablar personalmente o por un abogado una comparecencia escrita y también para entablar con la corte en forma escrita sus defensas y objeciones a las demandas contra usted. Sea avisado que si usted no se defiende, el caso puede continuar sin usted y la corte puede incorporar un juicio contra usted sin previo aviso para conseguir el dinero demandado en el pleito o para conseguir cualquier otra demanda o alivio solicitados por el demandante. Usted puede perder dinero o propiedad u otros derechos importantes para usted.</p> <p>USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE ABOGADO (O NO TIENE DINERO SUFICIENTE PARA PARGAR A UN ABOGADO), VAYA EN PERSONA O LLAME POR TELEFONO LA OFICINA NOMBRADA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. <u>ESTA OFICINA PUEDE PROPORCIONARLE LA INFORMACION SOBRE CONTRATAR A UN ABOGADO.</u></p> <p><u>SI USTED NO TIENE DINERO SUFICIENTE PARA PAGAR A UN ABOGADO, ESTA OFICINA PUEDE PROPORCIONARLE INFORMACION SOBRE AGENCIAS QUE OFRECEN SERVICIOS LEGALES A PERSONAS QUE CUMPLEN LOS REQUISITOS PARA UN HONORARIO REDUCIDO O NINGUN HONORARIO.</u></p> <p>ASOCIACION DE LICENCIADOS DE FILADELFA SERVICO DE REFERENCA E INFORMACION LEGAL One Reading Center Filadelfia, Pennsylvania 19107 Telefono: (215) 238-1701”</p>
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**COMPLAINT – CIVIL ACTION**

**INTRODUCTION**

1. This action seeks compensatory and punitive damages for the outrageous decision to have several unlicensed and unregulated gambling machines in a mini mart with the attendant worker at the facility—who does not receive the financial benefits of the illegal gambling but is on the front line for its risks—responsible for handling large sums of cash to pay out gamblers without the benefit of necessary security measures.

2. Defendants outrageously chose to place the shooting victim—and every member of the community—at extraordinary risk of injury or death in order to profit through an unlicensed and unregulated gambling operation.

3. Defendant Banilla Games, Inc. promulgated its games throughout Pennsylvania despite numerous violent crimes related to their games and bans from several cities and municipalities.

4. For too long these so called “game of skill” gambling machines have been allowed to insidiously rake in untaxed gambling revenue at the expense of vulnerable persons across Pennsylvania, like Plaintiff Ahmedeine Maham.

### **PARTIES**

5. Plaintiff, Ahmedeine Maham, is a citizen of New York, residing at 57 Parkside Avenue, Rochester, NY 14609.

6. Defendant, Banilla Games, Inc. (“Banilla”) is a corporation or other entity, existing under the laws and regulations of North Carolina with its principal place of business located at 3506 Greenville Blvd. NE, Greenville, NC 27834.

7. At all relevant times hereto, Banilla Games, Inc. purposefully established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business activities in Pennsylvania, specifically in Philadelphia County.

8. At all relevant times mentioned herein, Banilla Games, Inc. was acting by and through its employees, servants, and actual, apparent, and/or ostensible agents, acting within the course and scope of their employment, service, and/or agency.

9. Defendant, John Doe Gambling Machine Distributors (1-3), are unknown individuals, business entities, or government organizations that were responsible for the distribution, inspection, license, and/or ownership of the illegal, unregulated, and/or unlicensed gambling machines on the subject premises. Their identities, after reasonable investigation, are

unknown to Plaintiff. Plaintiff will seek leave to amend this Complaint to state the true names and capacities of these fictitiously named Defendants when they have been ascertained.

10. Defendant, Eman Realty, LLC is a limited liability company or other business entity, existing under the laws and regulations of Pennsylvania with its principal place of business located at 800 Knorr Street, Philadelphia, PA 19111.

11. At all relevant times hereto, Defendant, Eman Realty, LLC (“Eman Realty”) purposefully established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business activities in Pennsylvania.

12. At all relevant times mentioned herein, Eman Realty, LLC was acting by and through its employees, servants, and actual, apparent, and/or ostensible agents, acting within the course and scope of their employment, service, and/or agency.

13. Defendant, Philly Market, LLC (“Philly Market”) is a limited liability company or other business entity, existing under the laws and regulations of Pennsylvania with its principal place of business located at 5204 Torresdale Avenue, Philadelphia, PA 19124.

14. At all relevant times hereto, Defendant, Philly Market, LLC purposefully established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business activities in Pennsylvania.

15. At all relevant times mentioned herein, Philly Market, LLC was acting by and through its employees, servants, and actual, apparent, and/or ostensible agents, acting within the course and scope of their employment, service, and/or agency.

16. Defendant, Bridge Market and Wireless, Inc. (“Bridge Market”) is a limited liability company or other business entity, existing under the laws and regulations of Pennsylvania with its principal place of business located at 2099 Bridge Street, Philadelphia, PA 19124.

17. At all relevant times hereto, Defendant, Bridge Market and Wireless, Inc. purposefully established significant contacts in Pennsylvania, and has carried out, and continues to carry out substantial, continuous, and systematic business activities in Pennsylvania.

18. At all relevant times mentioned herein, Bridge Market and Wireless, Inc. was acting by and through its employees, servants, and actual, apparent, and/or ostensible agents, acting within the course and scope of their employment, service, and/or agency.

19. Defendant, John Doe Store Operator are unknown individuals, business entities, or government organizations that were responsible for the operation, management, and safety of the subject premises. Their identities, after reasonable investigation, are unknown to Plaintiff. Plaintiff will seek leave to amend this Complaint to state the true names and capacities of these fictitiously named Defendants when they have been ascertained.

#### **VENUE**

20. Venue is proper in Philadelphia County, pursuant to Rule 1006 of the Pennsylvania Rules of Civil Procedure, the shooting that gave rise to this action occurred in Philadelphia County.

#### **FACTS**

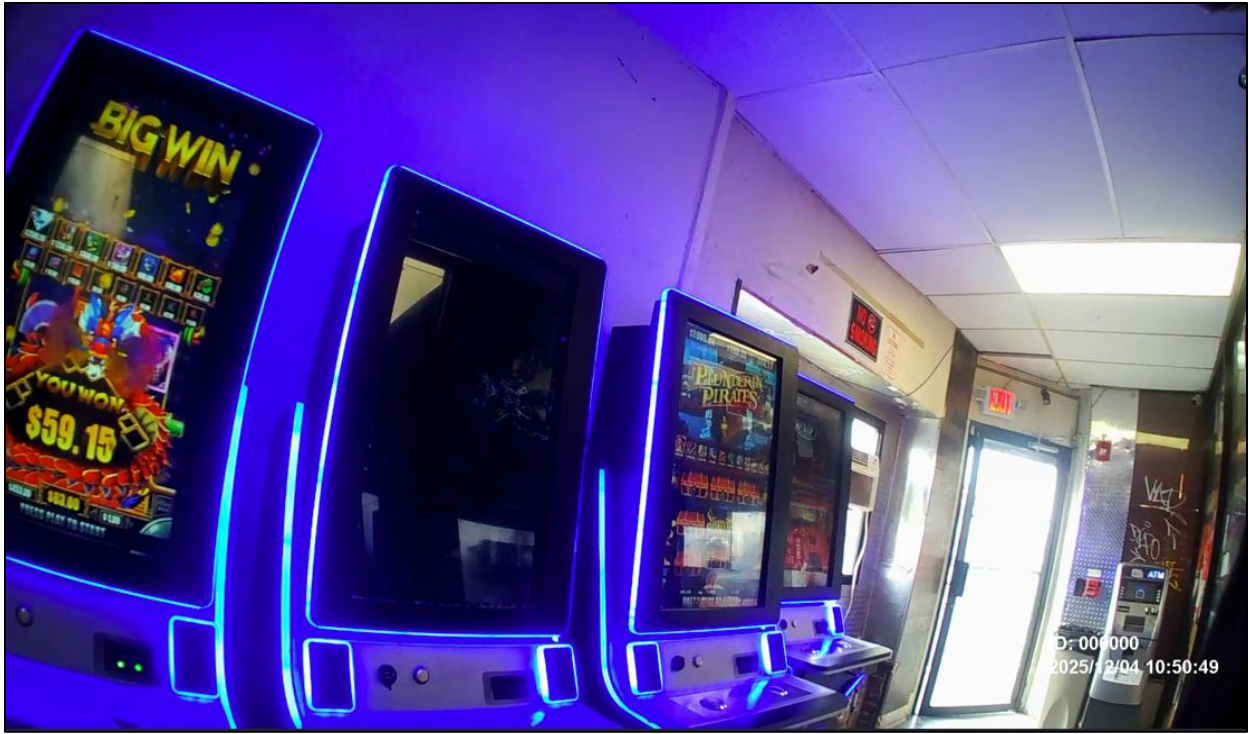
##### **A. The Unregulated and Unlicensed Gambling Machines**

21. The premises<sup>1</sup> where Plaintiff was shot contained four slot-like devices that allowed player to insert cash, make wagers, and advertised the opportunity to win.

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<sup>1</sup> The “incident location” or “subject premises” was 2099 Bridge Street, Philadelphia, PA 19124.

22. The touch screen terminals resemble slot-machines commonly found in a regulated and licensed casino.



*Gambling Machines in the Incident Location*

23. If a player wins, the machine prints a voucher or redemption ticket that reflects the winnings.

24. Payouts for winnings vary substantially, but can exceed \$10,000.

25. Defendant Banilla's default "jackpot" is \$5,000.

26. Despite the availability and feasibility of "ticket redemption terminals," otherwise referred to as "TRTs," Defendant Banilla failed to design and manufacture its game terminals with devices that paid winnings directly to players.

27. As such, the gambling machines, required cashiers to be responsible for, and pay out, all winnings including those that exceeded \$10,000.

28. Cashiers were an intended user of the gambling machines because the gambling machines lacked any other mechanism to pay winners.

29. Referred colloquially as “skill games,” these gambling machines are unlicensed, unregulated, and, Plaintiff avers, constitute illegal gambling operations in Pennsylvania.

30. Section 5513(a) of the Pennsylvania Crimes Code makes it illegal to intentionally or knowingly make, assemble, set up, maintain, sell, lend or lease “any . . . *slot machine*” except as permitted under the Gaming Act, the State Lottery Act, the Local Option Small Games of Chance Act, or Bingo law. 18 Pa. C.S. § 5513(a) and (e.1) (emphasis added).

31. While the Crimes Code does not specifically define “slot machine,” the Gaming Act does. *See* 1 Pa.C.S. § 1921(c)(5).

32. The Gaming Act, 4 Pa.C.S. §1103, states that a “slot machine” is:

- (i) Any mechanical, electrical or computerized contrivance, terminal, machine or other device approved by the Pennsylvania Gaming Control Board which, upon insertion of a coin, bill, ticket, token or similar object therein or upon payment of any consideration whatsoever, including the use of any electronic payment system except a credit card or debit card, is available to play or operate, the play or operation of which, whether by reason of *skill* or application of the element of chance or both:
  - (A) May deliver or entitle the person or persons playing or operating the contrivance, terminal, machine or other device to receive cash, billets, tickets, tokens or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether the payoff is made automatically from the machine or manually.
  - (B) May utilize spinning reels or video displays or both.
  - (C) May or may not dispense coins, tickets or tokens to winning patrons.
  - (D) May use an electronic credit system for receiving wagers and making payouts.
- (ii) Associated equipment necessary to conduct the operation of the contrivance, terminal, machine or other device. 4 Pa.C.S. §1103.
- (iii) A *skill slot machine*, hybrid slot machine and the devices or associated equipment necessary to conduct the operation of a skill slot machine or hybrid slot machine. (emphasis added).

33. According to the Gaming Act, there is no distinction between mechanical “skill” slot machine and games of chance.

34. The Gaming Act, therefore, prohibits all unlicensed “slot machines.”

35. As such, “skill games” or “skill slot machines,” as defined under Pennsylvania law, are illegal under §5513 of the Crimes Code as unlicensed slot machines. 18 Pa.C.S. §5513(a)(1) and §5513(e.1)(4).

36. Pennsylvania’s Gaming Act also outlines the parameters for “Video Gaming Terminals”—video gambling machines found in a select portion of truck stops in Pennsylvania. 58 Pa. Code §1101a.

37. The Gaming Act requires Video Game Terminal Operators to apply for a license, which mandates terminal operators outline a plan for the terminal placement. 58 Pa. Code §1102a.1.

38. The Gaming Act requires all establishments that wish to have Video Game Terminals apply for a license. 58 Pa. Code §1103a.1.

39. The “Establishment License” process requires the establishment to identify its “key employees,” produce an architectural rendering or scale plan of the location and where the terminals will be placed, produce a depiction of the gaming area, and identify the location of all ticket redemption terminals and “security and surveillance equipment locations.” 58 Pa. Code §1103a.1.

40. The Gaming Act states that ticket redemption terminals are the exclusive means for winners to receive cash winnings. 58 Pa. Code §1116a.2.

41. Defendant Banilla sought to avoid the Gaming Act’s purview and claimed its device was a “game of skill.”

42. Despite manufacturing and selling a gambling machine, Defendant Banilla failed to comply with the provisions in the Gaming Act.

43. Defendant Banilla manufactured and sold a gambling machine that lacked a safe means of paying winners, such as a ticket redemption terminal.

44. Had Defendant Banilla provided a ticket redemption terminal as proscribed by Pennsylvania rules related to Video Gaming Terminals, it would have removed the need for cashiers, like Plaintiff, to pay winners.

45. Had Defendant Banilla provided a ticket redemption terminal as proscribed by Pennsylvania rules related to Video Gaming Terminals, it would have removed the need for cashiers, like Plaintiff, to be responsible for thousands in cash.

46. Defendant Banilla willfully disregarded the regulations in Pennsylvania's Gaming Act, and sold a machine that puts citizens in the Commonwealth, like Plaintiff, in danger.

47. Defendant Banilla also willfully disregarded the Pennsylvania Gaming Control Board "Rules and Regulations," which apply to licensed gaming facilities in Pennsylvania. *See* Pennsylvania Race Horse Development and Gaming Act, 4 Pa.C.S.A. § 1101 (hereafter "the Act").

48. The PGCB "Rules and Regulations" include detailed specifications for the types of games and machines that can be used, the persons who can play the game, the rules for the premises where the games can be played, tracking for manufacturers and sellers of the games, mandated security protocols and risk management assessments, strict requirements for the exchange of cash or other currency, and limits to the amount of physical cash that can be stored, where it can be stored, and who is permitted to disburse the physical cash to players.

49. For example, had Defendant Banilla engaged in legal gambling, such as what you would find at one of Pennsylvania's many licensed casinos, the following regulations regarding

safety, to which there are numerous more, would have been legally required for the operation of these gambling machines at the Subject Premises:

- a. The absolute requirement that the ultimate payment of player from their winnings be performed at a “Cashier Cage,” a “coupon redemption machine,” or through a “cashless funds transfer system.” See 465a.15, 461.10, 461.18.
- b. Under 465a. 15. Cage Characteristics: “A licensed facility shall have, immediate adjacent or proximate to the gaming floor, a physical structure known as a cage to house the cashiers...(c) the cage must be designed and constructed to provide maximum security for the materials housed therein and the activities performed therein.” The Cage must include a manually triggered alarm system.
- c. Under section 465a. 16, Accounting Controls for the Cage, the amount of physical cash held within the cage is kept on a predetermined or “imprest” basis, meaning that there is a set amount of money kept within the cage, depending on the potential for winnings. All additional money must be stored in a restricted area, known as the “Count Room” and then transferred to a secure location once counted.
- d. Under 465a.24 slot machine licensees must create a “Count Room,” separate and apart from the gaming floor and the cashier cage, where the proceeds from the slot machines can be safely counted and recorded. Licensees must submit to the PGCB a full internal control plan which includes how the cash at the location will be stored, counted, and maintained.
- e. Under 461a.9, slot machine licensees must create a Daily Reconciliation Report, which includes an electronic record of all transactions, the amount wagered, and the amount disbursed.
- f. Under 465a.14 Security Department Minimum Staffing: “[S]lot machine licensees shall be required to submit a minimum staffing submission with regard to its security department. The minimum staffing submission must consider the size and layout of the licensed facility as well as the number and configuration of slot machines and table games on the gaming floor and must at all times provide for security of the gaming floor and restricted areas servicing the gaming operation.”
- g. Under 465a.11(a)(5) a slot machine licensee must create “A security department supervised by an individual located at the licensed facility who functions, for regulatory purposes, as the director of security. The director of the security department shall be licensed as a key employee and be responsible for the overall security of the licensed facility including the following: (1) the physical safety of individuals, (ii) the physical safeguarding of assets, (iii) the

protection of the property of both the patron and the slot machine licensee from illegal activity.”

- h. Implementation of a Surveillance System, including an internal surveillance monitoring room, which allows complete access to the system by the Pennsylvania State Police and the PGCB. See section 465a.9.
- i. Under Chapter 511a Exclusion of Persons, requires slot machine licensees to abide by the Exclusion List which identifies persons who have been banned from gambling due to a variety of factors including compulsive behavior, criminal activities related to gambling, repeat cheaters, and “persons who pose a threat to the safety of the patrons, employees, or persons on the property of an establishment licensee’s facility.”
- j. There is a complete ban on the possession of weapons within a licensed facility under section 465a.13.
- k. Under 814a Compulsive and Problem Gaming Gambling Requirements, the licensee must submit a compulsive and problem gambling plan to include policies and procedures for employee training, responding to patrons with potential compulsive problems, procedures to prevent problem gambling, posting of signs and warnings regarding compulsive gambling, as well as many other programs to address the issue.
- l. Under 812a.9 the licensee must provide a system for time-based or spend-based limits for individual players to prevent problem gambling.
- m. Under 456a.6 Retention, Storage and Destruction of Books, Records, and Documents, a slot machine licensee must keep full records of all transactions, including tax reporting requirements, records of employee background checks and any subsequent misconduct, and information as to manufacturer, supplier, and management company of the slot machine. The licensee must provide full access of these records to the Pennsylvania State Police and the PGCB.
- n. Under 437a.11: “An applicant for or holder of a slot machine license shall have an affirmative duty to avoid agreements with persons applying for gaming service provider registration or certification whose background or associations are injurious to the public health, safety, morals, good order and general welfare of the residents of this Commonwealth, or who threaten the integrity of gaming in this Commonwealth.”
- o. Under 429a.1(a): “A manufacturer designee seeking to supply or repair slot machines, table game devices and associated equipment for use in this Commonwealth shall apply to the Board for a manufacturer designee license.”

- p. Under 431a.1(a): “A supplier seeking to sell, lease, offer or otherwise provide, distribute or service slot machines, table game devices or associated equipment to a slot machine license within this Commonwealth shall apply to the Board for a supplier license.”
  - q. Under 405a, the slot machine licensee submits to mandatory inspections by the Bureau of Investigations and Enforcement and the Pennsylvania State Police.
- 50. None of Defendant Banilla’s games complied with the above regulations.
  - 51. Defendant Eman Realty failed to comply with Pennsylvania’s Gaming Act requirements for wager-based gaming.
  - 52. Defendant Eman Realty failed to obtain a license for the subject premises.
  - 53. Defendant Eman Realty failed to identify a key employee.
  - 54. Defendant Eman Realty failed to put safety and security measures in place for people like Plaintiff.
  - 55. Defendant Philly Market failed to comply with Pennsylvania’s Gaming Act requirements for wager-based gaming.
  - 56. Defendant Philly Market failed to obtain a license for the subject premises.
  - 57. Defendant Philly Market failed to identify a key employee.
  - 58. Defendant Philly Market failed to put safety and security measures in place for people like Plaintiff.
  - 59. Defendant Bridge Market and Wireless failed to comply with Pennsylvania’s Gaming Act requirements for wager-based gaming.
  - 60. Defendant Bridge Market and Wireless failed to obtain a license for the subject premises.
  - 61. Defendant Bridge Market and Wireless failed to identify a key employee.

62. Defendant Bridge Market and Wireless failed to put safety and security measures in place for people like Plaintiff.

**B. The Gambling Devices' Propensity to Place People in Danger**

63. The office of former Governor Tom Wolf has spoken on the illegal status of the gambling machines and in January 2020 stated, "The administration believes Pennsylvania must take a hardline on illegal gambling, including so-called 'games of skill' and other slot machines. These machines are illegal, unregulated and put senior programs at risk by siphoning revenue from the lottery."

64. Likewise, the office of the Pennsylvania State Secretary of Revenue stated in 2019: "Our opinion is that those so-called games of skill are not legal under current law. That this is the opinion of the state police, that they have been talking about. And we support their position on this."

65. On October 13, 2020, Major Jeffrey Fisher of the Pennsylvania State Police and Director of the Bureau of Liquor Control Enforcement testified to the Pennsylvania House of Representatives regarding the nature of these "skills games" as well as the risks associated with these unregulated, unlicensed, and illegal gambling devices.

66. Major Jeffrey Fisher testified to the fact that these highly addictive gambling machines lack the safeguards that are in place for legal gambling:

These gambling devices remain unregulated and unmonitored. The operation of these devices and the activities surrounding them are ripe for corruption. There is no consumer protection, via a minimum payout rate, or "return to player," as you mandated through the Gaming Act for slot machines, skill slot machines, and hybrid slot machines at casinos, or video gaming terminals at truck stops. In addition, neither vendors nor operators of these devices are obligated to provide funding to address compulsive and problem gambling, as you required casinos to do under the Gaming Act. Moreover, there are no active safeguards to prevent minors from gambling, unlike the safeguards instituted within licensed casinos.

67. Further, Major Fisher testified that there is no oversight on those persons and companies involved in manufacturing, selling, and distributing these gambling:

The Gaming Act provides significant safeguards in the background investigations of key employees, suppliers, vendors, ownership interests, pecuniary interests, etc. No such safeguards exist for the devices at issue. While devices at casinos are inspected and certified by the PA Gaming Control Board, there is no regulatory oversight over the illegal devices that have proliferated throughout the Commonwealth. Further, there is no funding mechanism for enforcement, as you established under the Gaming Act.

68. Major Jeffrey Fisher is not the only person to note the dangers of these gambling machines, as many state and local government officials and bodies have expressed grave concerns over the dangerous practice of allowing these unregulated, unlicensed, and illegal gambling operations to run unchecked throughout their communities.

69. These unlicensed, unregulated, and illegal gambling machines have made their way into Philadelphia, unsurprisingly bringing with them a wave of unscrupulous criminal activity.

70. In February 2021, Philadelphia Police Lt. Dennis Rosenbaum told 6ABC News that “They’re [the gambling machines] actually getting pretty popular. Some of the stores I’ve been in, you can see three or four or five people playing the games, and then you go to the cashier for a payout.”

71. In a subsequent interview Lt. Rosenbaum stated, “We have about two dozen jobs since October 2021. Some of the stores have been hit multiple times.”

72. Since their introduction into the market, these gambling machines have been, and continue to be, a magnet for violent crime.

73. While not nearly exhaustive, the list below describes some of the violence that the illegal gambling machines have caused:

- a. On April 19, 2019 [Police discuss problems with gaming machine thefts after thousands of dollars stolen from tavern | fox43.com](#)
- b. On February 3, 2020, two men crawled through the roof of a laundromat to steal money from a game of skill gambling machine. [Police make arrest after PA Skill game robbery in Clearfield County | WTAJ - www.wearecentralpa.com](#)
- c. [Police: Two destroyed gambling machine, took \\$11K at Bensalem Sunoco \(buckscountycouriertimes.com\)](#)
- d. On December 12, 2020, cashier, Ashokkumar Patel was shot and killed inside a convenience store in Hazelton Pennsylvania. The shooter, a frequent gambling machine player inside the store, had lost thousands playing the games and stole nearly \$10,000 from the box used to store money to pay out gambling machine winnings.
- e. On November 3, 2021, a man was robbed and murdered inside a Philadelphia convenience store as he played a Pennsylvania Skill gambling machine. [25-Year-Old Killed While Gambling Inside Kensington Convenience Store, Police Say – CBS Philly \(cbslocal.com\)](#)
- f. On June 9, 2021, a man broke into a convenience store in Philadelphia and attacked the store clerk, and removed the game of skill gambling machine. [Philadelphia police search for suspect caught on video stealing skills game machine in Lawncrest - 6abc Philadelphia.](#)

- g. On July 26, 2021, A man broke into an American Legion in Scranton to steal to break into the machines, steal the money, and then threaten and rob the bartender to steal additional money. [Scranton American Legion burglarized | wnep.com](#).
- h. On August 2, 2021, two men targeted two convenience stores with Pennsylvania Skill gambling machines on the same day, stealing over \$4,000 dollars in total. [Police investigate 2 gas station robberies in Northeast Philadelphia - 6abc Philadelphia](#)
- i. August 10, 2021, reports of children accompanying parents, and even playing themselves, to the game of skill machines. [Unlicensed and Unregulated Gambling Machines Attracting Trouble \(playpennsylvania.com\)](#)
- j. On August 23, 2022, a man attempting to break into the “games of skill” machines at a 7-Eleven in South Philadelphia. [Ax-wielding man tries to break into 7-Eleven 'games of skill' machines in Philadelphia - 6abc Philadelphia](#)
- k. On August 26, 2022 a Pennsylvania man was arrested for armed robbery at a Somerset County illegal, unlicensed, and unregulated gambling establishment called Winning Wayz. [Police: Berlin man arrested in connection with Meyersdale robbery | Local News | tribdem.com](#)
- l. On February 22, 2024, Roland Pena pleaded guilty to interstate transportation of stolen money. As part of the plea, Pena admitted that between April 2022 and March 2023 he orchestrated a coordinated effort to break in and steal money from “skilled gaming machines” in dozens of stores throughout Pennsylvania and Virginia. <https://www.justice.gov/usao-wdpa/pr/bronx-man-pleads-guilty-charges-interstate-transportation-money-stolen-skilled-gaming>

74. This list includes only some of the instances reported in Pennsylvania; however, a simple google search reveals additional news articles detailing dozens of other armed robberies and violent acts across the country involving unlicensed “skill games” in Ohio, Georgia, Virginia, South Carolina, and Texas.

75. The above incidents demonstrate that these gambling machines attract criminal activity and create a danger for players, store owners, store workers, and other innocent bystanders.

76. Quite simply, where these “skill games” machines go, violent crime follows.

77. Without the safety procedures and regulations, such as those you would find at a licensed casino or truck stop with regulated video game terminals, violent criminals have identified these locations as soft targets with large amounts of cash.

78. Furthermore, these machines have fostered largescale instances of corruption and criminal activity as seen by the below occurrences:

- a. Pennsylvania Attorney General Ernest Preate, Jr. plead guilty to taking more than \$20,000 of bribes from operations with the unlicensed, unregulated, and illegal gambling machines. <https://www.washingtonpost.com/archive/politics/1995/06/14/pennsylvania-attorney-general-pleads-guilty/44bf9c3a-700d-42c1-b443-7ffb8c08e1d8/>
- b. Two state troopers were arrested as result of their involvement in a Lackawanna County strip club at the center of a prostitution, money laundering, and illegal gambling operation. [State Trooper Arrested for Gambling, Prostitution Charges | Eyewitness News \(pahomepage.com\)](#)
- c. Police seized 57 illegal gambling machines and upwards of \$70,000 in cash in what prosecutors determined was an unlicensed mini casino some four miles from downtown Reading. [57 Illegal Gaming Machines seized in Berks County Casino Raid - PennsylvaniaCasinos.com News : PennsylvaniaCasinos.com News](#)

79. In response to the sharp rise in violence, some cities and towns have sought to fight back; however, when cities have tried to make their communities safer, skill game manufacturers have sued them.<sup>2</sup>

80. In 2024, Bensalem Township passed Ordinance No. 2024-05, which banned gambling devices (or “skill games”) at locations that were not licensed under Pennsylvania’s Gaming Act.

81. Bensalem Township passed the ordinance for the “promotion, protection and facilitation of the health, safety, morals, and general well-being of the Township and its residents.”

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<sup>2</sup> Self-proclaimed “leader” of the skill game industry “Pace-O-Matic” sued the City of Philadelphia after the City sought to ban its games. See <https://www.inquirer.com/politics/philadelphia/skill-games-city-council-ban-pace-o-matic-lawsuit-20240327.html>.

82. In March 2024, Philadelphia City Council passed an ordinance making skill games illegal:

CHAPTER 9-5900. PROHIBITION ON CERTAIN  
[GAMBLING MACHINES AND SKILLS GAMES]  
*GAMING AND SKILL-BASED DEVICES*

§ 9-5901. Prohibition on Certain [Gambling Machines and Skills Games] *Gaming and Skill-Based Devices.*

[It shall be unlawful for a business to operate any casino-style or skill game that accepts cash payment for the chance of a cash reward and is not otherwise regulated by the State of Pennsylvania.]

***Philadelphia Skill Game Ban***<sup>3</sup>

83. Lawmakers, City Councils, police officers, and even the Pennsylvania District Attorneys Association have spoken out about the violence the skill games bring.

84. In a 2024 letter to Governor Shapiro, the Pennsylvania District Attorney’s Association identified “Skill Games” as a “major public safety concern”:

Thousands of skill game machines are found in pizza shops, convenience stores, gas stations, and taverns across Pennsylvania. Law enforcement has seen an increase in crime related to the proliferation of the machines. When you were Attorney General, you announced the arrest of two men accused of robbery of 25 machines in gas stations and convenience stores in the Philadelphia area. Your agents executed a search warrant and seized five firearms and cash.

Unlike the highly regulated casinos in our state, the local establishments with skill game machines generally have minimum security and are easily observed by and accessible to children. Each machine contains a cash box containing untraceable cash, making them targets for thieves seeking to break into the machines.

These unlicensed and unregulated skill games have put a strain on law enforcement in many communities. We sympathize with the owners of the establishments that rely on these machine for extra income, but we must recognize that there are societal costs with their operation.

We are asking for your support in regulating the skill games and giving law enforcement clear guidance on what is legal and what is illegal. The legislative process should include consumer protection measures, security requirements, and mechanisms to prevent underage use.

***Excerpt from the February 4, 2024 Letter to Governor Shapiro (highlights by counsel)***

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<sup>3</sup> Philadelphia’s ban has been lifted by Pennsylvania’s Commonwealth Court given the Pennsylvania Supreme Court’s consideration of the games’ legality. The Pennsylvania Supreme Court heard oral argument for *In re: Three Pennsylvania Skill Amusement*, 50-MAP-2024, on November 20, 2025.

85. Defendants, and/or their agents, were aware of these public comments, hearings, and numerous incidents of illegal activity associated with the gambling machines.

86. Defendant Banilla Games was aware of the dangers its gambling devices bring to Pennsylvania citizens.

87. The Estate of Ashokkumar Patel, the cashier murdered in Hazleton, Pennsylvania over skill game money, sued Banilla Games for its un-safe product.

88. The case settled out of court in 2024.

89. However, at trial in the Ashokkumar Patel matter, the jury found a similarly situated skill game manufacturer negligence, and that skill game manufacturer's negligence to be a cause of Mr. Patel's death.

90. The jury awarded a \$15,300,000 verdict in the Patel matter.

91. There is no dispute that Defendant Banilla Games was aware of its products' dangerous propensity.

92. Defendant Eman Realty knew, or should have known, of the dangerous propensity of the skill games in the subject store.

93. Defendant Philly Market knew, or should have known, of the dangerous propensity of the skill games in the subject store.

94. Defendant Bridge Market and Wireless knew, or should have known, of the dangerous propensity of the skill games in the subject store.

### **C. The September 14, 2025 Shooting of Ahmedeine Maham**

95. On September 14, 2025 Plaintiff Ahmedeine Maham was a worker at Philly Market, located at 2099 Bridge Street, Philadelphia, PA.

96. Plaintiff Ahmedeine Maham was responsible for the night shift.

97. According to the Bureau of Labor Statistics' (BLS) Census of Fatal Occupational Injuries for 2007, assaults and violent acts claimed 864 lives in 2007 and represented over 15% of workplace fatalities in the United States.

98. Homicides represented a majority of these violent acts, with the vast majority of homicides occurring in convenience stores.

99. The BJS National Crime Victimization Survey found that 20 of 1,000 retail workers had experienced some form of simple or aggravated assault in the workplace annually, and the rate for convenience stores and gas station workers was much higher.

100. According to OSHA, a number of factors put late-night retail workers at risk, which include:

- a. The exchange of money (making them targets for money);
- b. Solo work and isolated work sites;
- c. The sale of alcohol;
- d. Poorly lit stores and parking areas; and
- e. Lack of staff training in recognizing and managing escalating hostile and aggressive behavior.

101. From February 2022 to September 2025, the 2000 block of Bridge Street in Philadelphia saw 52 violent crimes including:

- a. Armed robberies;
- b. Vandalism;
- c. Motor vehicle theft;
- d. Aggravated assault;
- e. Theft;
- f. Homicide; and

g. Sex offenses.

102. Plaintiff was not provided any training on safety and security in a late-night retail establishment.

103. Plaintiff had worked in the subject premises for only a matter of months.

104. Plaintiff was not employed by any of the named Defendants.

105. Plaintiff was responsible for overseeing the thousands of dollars related to the gambling machine payouts in the store.

106. Plaintiff was required to make all payouts in cash.

107. Plaintiff worked alone, late at night.

108. Plaintiff was not provided by any security officer.

109. The subject premises did not have an operable panic button.

110. At approximately 10:07 PM., two armed robbers, who upon information and belief had played the gambling machines in the store, entered the premises intending to steal the cash used for gambling machine payouts.

111. The robbers approached Plaintiff and fired multiple shots at his face and head.

112. Plaintiff laid on the ground in unimaginable pain until EMTs arrived.

113. Plaintiff was an innocent victim, merely performing tasks assigned to him for a modest wage.

114. Upon information and belief, the robbers frequented the premises.

115. Upon information and belief, the robbers knew where the cash for skill game payouts was kept.

116. Upon information and belief, the robbers targeted the store because the high amount of cash required to be on hand for gambling machine payouts.

117. Upon information and belief, Defendants Eman Realty, Philly Market, and Bridge Market and Wireless owned, operated, managed, leased, controlled, and maintained the Subject Premises, and were otherwise responsible for the safety, security, and policies/procedures at the Subject Premises—including the safety of Plaintiff.

118. At all times relevant and material hereto, the Subject Premises had no security system in place other than internal and external video surveillance.

119. Specifically, the subject premises lacked security measures such as:

- a. Training protocols;
- b. Policies and procedures for de-escalating violent crime;
- c. Security guards;
- d. A drop safe;
- e. A “count room” or similar area for workers to safely handle money for gambling machines;
- f. Signs to deter violent crime;
- g. Signs warning potential criminals that they are on camera; and
- h. Panic buttons.

120. Defendants Eman Realty, Philly Market, and Bridge Market and Wireless created a greater risk of harm to Plaintiff by failing to train workers on de-escalating violent crime, enact security protocols in the store, place signs in the store to deter violent crime, install panic buttons in the store, and ensure more than one worker was on duty during late night shifts.

121. Defendants Eman Realty, Philly Market, and Bridge Market and Wireless increased the risk of harm to Plaintiff because they sold alcohol in the store.

122. Defendants Eman Realty, Philly Market, and Bridge Market and Wireless increased the risk of harm to Plaintiff because they placed gambling machines in the store that required Plaintiff to be responsible for thousands of dollars in cash to pay winners.

123. Upon information and belief, despite having the above referenced knowledge, and/or the ability to obtain the knowledge above, Defendants Eman Realty, Philly Market, and Bridge Market and Wireless failed to consider and perform proper inspections identifying these dangerous risks or take any subsequent actions to prevent these foreseeable and violent incidents from happening.

124. Upon information and belief, there was no system, or a deficient system, to pick up and/or collect sums of money on site to mitigate against the risk of robbery.

125. Upon information and belief, no enhanced and/or reasonable security options were provided when the gaming machine was installed.

126. At the time of the incident, Defendants Eman Realty, Philly Market, and Bridge Market and Wireless were responsible for the inspection and supervision of the Subject Premises including these gambling machines, which were available to all persons coming to the store.

127. At the time of the incident, Defendants Eman Realty, Philly Market, and Bridge Market and Wireless were responsible for ensuring the gambling machines did not create dangers and/or hazards which would risk the safety of the community and/or workers at the Subject Premises.

128. At the time of the incident, Defendants Eman Realty, Philly Market, and Bridge Market and Wireless knew, or should have known, that the operation of these gambling machines would attract violent criminal activity to the premises and endanger innocent persons inside the store.

129. At the time of the incident, Defendants Eman Realty, Philly Market, and Bridge Market and Wireless collectively permitted, or otherwise failed to address the illegal gambling at the Subject Premises that created a risk of danger to those on the Subject Premises, including Plaintiff.

130. At the time of the incident, Defendants Eman Realty, Philly Market, and Bridge Market and Wireless collectively failed and/or breached their duties to ensure the safety of workers at the Subject Premises, including Plaintiff.

131. As a direct and proximate result of Defendants' negligence, gross negligence, carelessness, recklessness, and/or other liability-producing conduct, Plaintiff Ahmadein Maham was forced to suffer serious, and disabling injuries including, but not limited to: bullet wounds to his face, head, and neck; he sustained emotional and psychological injuries; he sustained a loss of earnings and a loss of earning capacity.

132. The underlying incident leading to Plaintiff's injuries were due entirely to Defendants' negligence, gross negligence, carelessness, recklessness, and/or other liability-producing conduct, jointly and/or severally, and were in no part due to any act or failing to act on the part of Plaintiff.

**COUNT I – NEGLIGENCE**  
**PLAINTIFF v. DEFENDANT BANILLA GAMES, INC.**

133. At all relevant times, Defendant Banilla Games owed the duty to design the gambling machines in such a manner and with the exercise of reasonable care, so as to prevent them from requiring individual store clerks to keep large amounts of cash on-hand to pay out potential winners—a byproduct that undoubtedly would lead to violence around the machines and the cash required to be on-hand.

134. At all relevant times, Defendant Banilla Games owed Plaintiff the duty to manufacture, assemble, license, and inspect the gambling machines in such a manner and with the exercise of reasonable care, so as to prevent them from becoming a dangerous magnet for criminal and violent behavior.

135. At all relevant times, Defendant Banilla Games owed a duty to unambiguously warn purchasers, licensers, and store operators and owners where the machines were located of known or suspected risks that accompany illegal, unregulated, and/or unlicensed gambling machines and activities.

136. At all relevant times, Defendant Banilla Games owed a duty to manufacture, assemble, license, and inspect the gambling machines in such a manner that it would prevent the dangerous transfer of cash between players and innocent store workers, such as Plaintiff.

137. At all relevant times, Defendant Banilla Games owed a duty to manufacture, assemble, license, and inspect the gambling machines such that it contains, or comes with, a redemption terminal allowing for the player to receive their own cash winnings.

138. Defendant Banilla Games knew or had reason to know that the operation of the gambling machines was an illegal, unregulated, and/or unlicensed gambling activity and posed an unreasonable risk of harm by virtue of informal and formal claims arising from substantially similar incidents, internal testing and research, industry publications and research, and other sources of information to be developed in discovery.

139. Defendant Banilla Games breached the above-described duties in various ways, including but not limited to, one or more of the following negligent, grossly negligent and reckless acts:

- a. By failing to use due care in designing and manufacturing the gambling machine's disbursement mechanism as to rely on an innocent bystander to hold and disburse large amounts of cash;
- b. By failing to use due care in designing and manufacturing the gambling machine's system without any safety mechanism to deter persons from targeting the establishments where known cash is located;
- c. By failing to provide any training, supervision, or warnings to business invitees required to hold and disburse the monies associated with the voucher;
- d. By requiring store clerk of establishments where these machines are located to be unwilling, but intended, users of the machine by forcing those like Plaintiff to take an active role in the dangerous holding and exchange of cash;
- e. By failing to require and provide any redemption terminal system along with the gambling machines to allow for cash transfer without the involvement of a store clerk such as Plaintiff;
- f. By failing to provide any security measures, such as bullet proof glass dividers or cage protection, to prevent a violent robbery by someone targeting the cash holdings required for the machine;
- g. By failing to make reasonable tests and/or inspections to discover the defective, hazardous and unreasonably dangerous conditions relating to the tendency for violent persons to target cash laden establishments;
- h. By requiring Plaintiff to disburse cash to winners but failing to provide any glass dividers, bullet proof glass, cages, or any mechanism that would deter violence and protect Plaintiff;
- i. By negligently failing to unambiguously warn purchasers, licensors, holders, operators, and end users of the gambling machines, including Plaintiff, of said defective, hazardous and unreasonably dangerous conditions relating to its design and manufacture, which it knew or should have known through the exercise of ordinary care;
- j. By failing to discover the defective, hazardous and unreasonably dangerous conditions relating to the propensity of criminal activity associated with illegal, unregulated, and/or unlicensed activities;
- k. By failing to unambiguously warn purchasers, licensors, holders, operators, and end users of the Pennsylvania Skill gambling machine, including Plaintiff, of said unreasonably dangerous conditions relating to the operation of illegal, unregulated, and/or unlicensed gambling activities;
- l. By purposefully avoiding, ignoring, resisting, and implementing any and all safety regulations associated with legal gambling so as to maximize profits;

- m. By selling and/or placing its machines in locations that it knew, or should have known, had inadequate security to handle the additional on-site money that would be generated from the presence of the machine;
- n. By failing to install and/or include camera systems on its product and/or any other security devices that could protect from and/or deter violent crimes;
- o. By failing to remove their products based upon other violent crimes that were induced by their presence;
- p. By failing to inspect the premises where its gambling machines to ensure there is adequate security and training for use of the gambling machines;
- q. By knowingly manufacturing, selling, distributing, and/or licensing an unregulated, unlicensed, gambling device that is known to create risks of violence to innocent bystanders, players, and store workers;
- a. Other negligent acts and omissions to be developed in the course of discovery.

140. Defendant Banilla Games knew, or should have known, that exposing users to the dangerous and defective and hazardous conditions inherent in the use of their unlicensed, unregulated, and illegal gambling machines would or could give rise to serious bodily injuries.

141. By reason of the carelessness, negligence, gross negligence and recklessness of Defendant Banilla Games, as stated above, Plaintiff suffered catastrophic gun shot injuries.

142. By conducting itself as set forth above, Defendant Banilla Games' acts and/or omissions were a substantial factor in, a factual cause of, and/or increased the risk of harm to Plaintiff.

**WHEREFORE**, for the above reasons, Plaintiff demands judgment in his favor and against Defendant Banilla Games, Inc. for an amount in excess of \$50,000.00, compensatory and punitive damages, delay damages, and costs of suit in an amount to be determined upon the trial of this matter.

**COUNT II – STRICT PRODUCT LIABILITY**  
**PLAINTIFF v. DEFENDANT BANILLA GAMES, INC.**

143. Defendant Banilla Games by and through its agents, servants, workers, contractors, designers, assemblers, manufacturers, sellers, suppliers and/or distributors, are strictly liable under §402(A) of the Restatement (Second) of Torts because:

- a. Defendant Banilla Games is engaged in the regular business of designing, assembling, manufacturing, selling, supplying, distributing, and/or placing into the stream of commerce the gambling machine.
- b. The product involved in the subject incident was marketed and/or placed in the general stream of commerce by Banilla Games.
- c. The product was expected to and did reach the Subject Premises and the users without substantial change in the condition in which it was designed, assembled, manufactured, sold, supplied, distributed and/or placed into the stream of commerce;
- d. The product was designed, assembled, manufactured, sold, supplied, distributed, and/or placed into the stream of commerce in the defective condition by requiring store workers, such as Plaintiff, to hold and physically disburse large amounts of cash to winning players without any warnings, protections or safeguards of any kind.

144. Defendant Banilla Games' gambling machines were in a defective condition as: (1) the danger contained therein was unknowable and unacceptable to the average or ordinary consumer; and/or (2) a reasonable person would conclude that the probability and seriousness of the harm caused by the gambling machine outweighed the burden or costs of taking precautions.

145. Defendant Banilla Games' breached its duties, by and through its agents, servants, workers and/or employees, and was jointly and severally careless, negligent, grossly negligent and/or reckless in the performance of its obligations.

146. The defective condition of Defendant Banilla Games' gambling machines caused Plaintiff's injuries.

**WHEREFORE**, for the above reasons, Plaintiff demands judgment in his favor and against Defendant Banilla Games, Inc. for an amount in excess of \$50,000.00, compensatory and punitive damages, delay damages, and costs of suit in an amount to be determined upon the trial of this matter.

**COUNT III – NEGLIGENCE**  
**PLAINTIFF v. DEFENDANT JOHN DOE**  
**GAMBLING MACHINE DISTRIBUTORS (1-3)**

147. At all relevant times, Defendant John Doe Gambling Machine Distributors owed the duty to distribute the gambling machines in such a manner and with the exercise of reasonable care, so as to warn store workers and owners of the risk of harm that having large quantities of cash on hand created and to warn store workers and store owners of the need for security practices to deter and mitigate violent crime related to the dangerous gambling machines.

148. Defendant John Doe Gambling Machine Distributors knew or had reason to know that the operation of the gambling machines was an illegal, unregulated, and/or unlicensed gambling activity and posed an unreasonable risk of harm by virtue of informal and formal claims arising from substantially similar incidents, internal testing and research, industry publications and research, and other sources of information to be developed in discovery.

149. Defendant John Doe Gambling Machine Distributors breached the above-described duties in various ways, including but not limited to, one or more of the following negligent, grossly negligent and reckless acts:

- a. By failing to provide any training, supervision, or warnings to store workers required to hold and disburse the monies associated with the voucher;
- b. By requiring store clerk of establishments where these machines are located to be unwilling, but intended, users of the machine by forcing those like Plaintiff to take an active role in the dangerous holding and exchange of cash;

- c. By failing to require and provide any redemption terminal system along with the gambling machines to allow for cash transfer without the involvement of a store clerk such as Plaintiff;
- d. By failing to provide or offer any security measures, such as bullet proof glass dividers or cage protection, to prevent a violent robbery by someone targeting the cash holdings required for the machine;
- e. By failing to make reasonable tests and/or inspections to discover the defective, hazardous and unreasonably dangerous conditions relating to the tendency for violent persons to target cash laden establishments;
- f. By negligently failing to unambiguously warn purchasers, licensors, holders, operators, and end users of the gambling machines, including Plaintiff, of said defective, hazardous and unreasonably dangerous conditions relating to its design and manufacture, which it knew or should have known through the exercise of ordinary care;
- g. By failing to discover the defective, hazardous and unreasonably dangerous conditions relating to the propensity of criminal activity associated with illegal, unregulated, and/or unlicensed activities;
- h. By failing to unambiguously warn purchasers, licensors, holders, operators, and end users of the Pennsylvania Skill gambling machine, including Plaintiff, of said unreasonably dangerous conditions relating to the operation of illegal, unregulated, and/or unlicensed gambling activities;
- i. By purposefully avoiding, ignoring, resisting, and implementing any and all safety regulations associated with legal gambling so as to maximize profits;
- j. By selling and/or placing its machines in locations that it knew, or should have known, had inadequate security to handle the additional on-site money that would be generated from the presence of the machine;
- k. By failing to install and/or include camera systems on its product and/or any other security devices that could protect from and/or deter violent crimes;
- l. By failing to remove their products based upon other violent crimes that were induced by their presence;
- m. By failing to inspect the premises where its gambling machines to ensure there is adequate security and training for use of the gambling machines;
- n. By knowingly manufacturing, selling, distributing, and/or licensing an unregulated, unlicensed, gambling device that is known to create risks of violence to innocent bystanders, players, and store workers;
- a. Other negligent acts and omissions to be developed in the course of discovery.

150. Defendant John Doe Gambling Machine Distributors knew, or should have known, that exposing users to the dangerous and defective and hazardous conditions inherent in the use of their unlicensed, unregulated, and illegal gambling machines would or could give rise to serious bodily injuries.

151. By reason of the carelessness, negligence, gross negligence and recklessness of Defendant John Doe Gambling Machine Distributors, as stated above, Plaintiff suffered catastrophic gunshot injuries.

152. By conducting itself as set forth above, Defendant John Doe Gambling Machine Distributors' acts and/or omissions were a substantial factor in, a factual cause of, and/or increased the risk of harm to Plaintiff.

**WHEREFORE**, for the above reasons, Plaintiff demands judgment in his favor and against Defendant John Doe Gambling Machine Distributors for an amount in excess of \$50,000.00, compensatory and punitive damages, delay damages, and costs of suit in an amount to be determined upon the trial of this matter.

**COUNT IV – STRICT PRODUCT LIABILITY**  
**PLAINTIFF v. DEFENDANT JOHN DOE**  
**GAMBLING MACHINE DISTRIBUTORS (1-3)**

153. Defendant John Doe Gambling Machine Distributors by and through their agents, servants, workers, contractors, designers, assemblers, manufacturers, sellers, suppliers and/or distributors, are strictly liable under §402(A) of the Restatement (Second) of Torts because:

- e. Defendant John Doe Gambling Machine Distributors are engaged in the regular business of selling, supplying, distributing, and/or placing into the stream of commerce the gambling machines.
- f. The product involved in the subject incident was marketed and/or placed in the general stream of commerce by John Doe Gambling Machine Distributors.
- g. The product was expected to and did reach the Subject Premises and the users without substantial change in the condition in which it was designed,

assembled, manufactured, sold, supplied, distributed and/or placed into the stream of commerce;

- h. The product was designed, assembled, manufactured, sold, supplied, distributed, and/or placed into the stream of commerce in the defective condition by requiring store workers, such as Plaintiff, to hold and physically disburse large amounts of cash to winning players without any warnings, protections or safeguards of any kind.

154. John Doe Gambling Machine Distributors' gambling machines were in a defective condition as: (1) the danger contained therein was unknowable and unacceptable to the average or ordinary consumer; and/or (2) a reasonable person would conclude that the probability and seriousness of the harm caused by the gambling machine outweighed the burden or costs of taking precautions.

155. John Doe Gambling Machine Distributors breached their duties, by and through their agents, servants, workers and/or employees, and was jointly and severally careless, negligent, grossly negligent and/or reckless in the performance of their obligations.

156. The defective condition of the gambling machines caused Plaintiff's injuries.

**COUNT V – NEGLIGENCE**

**PLAINTIFF v. DEFENDANTS EMAN REALTY, LLC; PHILLY MARKET, LLC;  
BRIDGE MARKET AND WIRELESS, INC.; and JOHN DOE STORE OPERATOR**

157. At all times relevant hereto, upon information and belief, Defendants Eman Realty, Philly Market, and Bridge Market and Wireless owned, managed, leased, maintained, controlled, occupied, and advertised the Subject Premises.

158. At all times relevant hereto, Plaintiff was a business invitee, lawfully on the Subject Premises and Defendants Eman Realty, Philly Market, and Bridge Market and Wireless owed the highest duty of care.

159. Defendants Eman Realty, Philly Market, and Bridge Market and Wireless purchased, leased, managed, controlled, housed, and/or licensed the subject gambling machines at the Subject Premises.

160. Plaintiff avers that Defendants Eman Realty, Philly Market, and Bridge Market and Wireless knew that the gambling machines would require significant exchanges of cash between invitees on the premises.

161. Furthermore, Defendants Eman Realty, Philly Market, and Bridge Market and Wireless were aware of the need for there to be large amounts of cash on the Subject Premises in order to disburse payment to any persons interacting with the gambling machines.

162. At the time Plaintiff was shot, Defendants Eman Realty, Philly Market, and Bridge Market and Wireless knew, or should have known, that the Subject Premises contained unregulated, unlicensed, and illegal gambling machines, and that the gambling machines attracted violence and crime.

163. Despite the known risk of danger at the Subject Premises, Defendants Eman Realty, Philly Market, and Bridge Market and Wireless failed to provide any onsite security, failed to monitor those playing the illegal, unregulated, and/or unlicensed gambling machines, and failed to provide any panic buttons, or otherwise ensure the store clerk's safety.

164. In sum, on the date of Plaintiff's shooting, the Subject Premises, from a security perspective, was completely unguarded, was unreasonably dangerous, and was unsafe for its invitees, including Plaintiff and the public at large.

165. It was entirely possible for senior citizens, children, or anyone else within the community to be present in the shop at the time of the shooting, and they too could have suffered a horrific fate.

166. Defendants Eman Realty, Philly Market, and Bridge Market and Wireless' decision to not ensure the Subject Premises was safe, secure, and controlled, was a negligent, grossly negligent, careless, reckless, willful, and/or wanton decision and/or act which was a proximate cause of the Plaintiff's death.

167. Defendants Eman Realty, Philly Market, and Bridge Market and Wireless had a duty to Plaintiff and all other lawful invitees to maintain the premises and surrounding areas in a safe and secure condition and to guard against and/or warn of dangerous or potentially dangerous conditions existing at and about the premises and surrounding area.

168. Plaintiff avers that Defendants Eman Realty, Philly Market, and Bridge Market and Wireless jointly and/or severally, and their agents, servants, workmen, and/or employees were negligent, grossly negligent, careless, reckless, willful, and/or wanton in:

- a. Placing Plaintiff in contact with the individual who shot him at the premise, which duty Defendants Eman Realty, Philly Market, and Bridge Market and Wireless breached by failing to provide adequate security and safety measures so as to protect Plaintiff reasonably foreseeable harmful acts of persons engaged in illegal, unregulated, and/or unlicensed gambling;
- b. Maintaining an illegal, unregulated, and/or unlicensed gambling machine on the premises that was known to attract violent criminal activity;
- c. failing to exercise reasonable care and caution in protecting Plaintiff from the assault and violent actions;
- d. failing to properly supervise the Subject Premises, specifically the areas and products involving illegal, unregulated, and/or unlicensed gambling activities and the area where cash would have to be exchanged between the clerk and the potential winner of the game;
- e. failing to provide adequate protection for Plaintiff while lawfully upon said premises;
- f. failing to provide a safe environment for Plaintiff and other persons lawfully upon said premises;
- g. failing to provide appropriate and sufficient supervisory security personnel to ensure the safety of Plaintiff and persons similarly situated;

- h. failing to protect Plaintiff and other persons similarly situated from foreseeable injuries and damages caused by allowing violent persons to remain on said premises after having knowledge of the dangerous propensities;
- i. failing to provide appropriate security measures, systems, and/or personnel;
- j. failing to warn persons lawfully upon said premises of the dangerous conditions existing thereon;
- k. failing to properly train on how to respond to situations involving the safety of a business invitee such as Plaintiff;
- l. failing to have in place policies and procedures which could have been followed and which would have ensured and assured that Plaintiff would not have been robbed and murdered.
- m. failing to supervise so as to assure and ensure that they were performing their duties as security personnel in a competent manner which failing to so supervise resulted in Plaintiff's death;
- n. failing to have adequate security protocols and/or personnel on the premises to protect workers and/or patrons from known dangers of violence, including dangers associated with illegal, unregulated, and/or unlicensed gambling;
- o. failing to have an adequate number of trained, qualified security employees on duty;
- p. failing to install and/or maintain functioning electronic security doors (count rooms);
- q. failing to have an established firearm policy in place with respect to visitors;
- r. failing to secure the premises adequately;
- s. failing to investigate and act accordingly on the suspicious presence of persons associated with illegal, unregulated, and/or unlicensed gambling;
- t. failing to develop a security plan;
- u. failing to revise, review and implement a security plan;
- v. failing to install adequate security cameras;
- w. failing to inspect the property to determine the existence of dangerous conditions such as the lack of adequate security;
- x. failing to have a bullet-proof divider between patrons and the store workers;
- y. failing to hire a reputable and/or skilled security contractor;

- z. failing to maintain a security presence at entrances;
- aa. failing to establish a sufficient security budget;
- bb. failing to identify individuals entering the premises; and
- cc. liability under the Restatement of Torts, 323, 324, 323, and 344; and
- dd. Other negligent acts and omissions to be developed in the course of discovery.

169. By reason of the carelessness, negligence, gross negligence and recklessness of Defendants Eman Realty, Philly Market, and Bridge Market and Wireless, as stated above, Plaintiff was shot and killed.

170. By conducting itself as set forth above, Defendants Eman Realty, Philly Market, and Bridge Market and Wireless acts and/or omissions were a substantial factor in, a factual cause of, and/or increased the risk of Plaintiff's injuries

**WHEREFORE**, for the above reasons, Plaintiff demands judgment in his favor and against Defendants Eman Realty, Philly Market, and Bridge Market and Wireless for an amount in excess of \$50,000.00, compensatory and punitive damages, delay damages, and costs of suit in an amount to be determined upon the trial of this matter.

Respectfully Submitted,

**SALTZ MONGELUZZI BENDESKY**

BY: /s/ Larry Bendesky  
LARRY BENDESKY  
ROBERT W. ZIMMERMAN  
JOHN L. LANG  
*Attorneys for Plaintiff*

**VERIFICATION**

I, Ahmedeine Maham, hereby verify that I am the Plaintiff in the foregoing action and that the attached Complaint is based upon information which I have furnished to my counsel and information which has been gathered by my counsel in the preparation of the lawsuit. The language of the Complaint is that of counsel and not of affiant. I have read the Complaint and to the extent that the allegations therein are based upon information I have given counsel, they are true and correct to the best of my knowledge, information, and belief. To the extent that the contents of the Complaint are those of counsel, I have relied upon counsel in making this Verification. I understand that false statements made herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsifications to authorities.



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Ahmedeine Maham

Dated: 02/23/2026