



THE HOSPITALITY LAW CONFERENCE: SERIES 2.0

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Washington, D.C.

Hotel Attack Statistics, Reasonable Foreseeability, and Totality of Circumstances

2018 HOSPITALITY
LAW CONFERENCE:
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Jeff M. Moore, PhD

CEO, Muir Analytics

- 20-year defense and security career
- Pentagon planner, threat specialist
- 9-11 survivor



Hotel violence is a statistical reality

...“the sky isn’t falling,” but...



WEF’s “Travel & Tourism Competitiveness Report, 2017”



2 - 15 attacks every month, globally



Hi, medium, low, no casualty events



Terrorism, criminals, political action groups, mental issues



Human casualties, loss of ROI, insurance wrangling, lawsuits



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Hotel violence lawsuits

Defendants

- Reasonable foreseeability
 - Impossible to predict exact time/place/type of attack
 - Don't perceive/acknowledge threat, not responsible
 - Limited threat mitigation

Plaintiffs

- Totality of circumstances
 - General threat environment sufficient notice
 - No need to predict a specific attack time or tactic
 - Wide mitigation options



Select hotel violence

Int'l hotel violence, 2015-17

1. Sousse, Tunisia: raid, 38 killed, 39 wounded
2. Bamako, Mali: raid, 20 killed, 7 wounded, 170 hostages
3. Ouagadougou, Burkina Faso: raid, 30 killed, 56 wounded
4. Grand-Bassam beach, Ivory Coast: raid, 19 killed, 33 wounded
5. Manila, Philippines: active shooter-arson-robber, 37 killed, 70 injured

US hotel violence, 2015-17

1. Charlotte, NC: protest-riot, 1 killed, 32 wounded at/near/around hotels
2. NYC: AQ inspired bombings, 31 wounded at/near/around the hotel
3. Los Angeles, CA: criminal shooting, 1 killed, 3 wounded
4. Orlando, FL: active shooter, 2 killed, 1 wounded
5. Chicago, IL: criminal shooting, 1 wounded

Lawsuits

Select lawsuits

1. Will Pike, Taj Mahal, India
2. Civil suit against TUI, over the Imperial Marhaba attack
3. \$200,000 suit, Chicago, status UNK
4. \$6 million plaintiff victory, Boston
5. \$8 million plaintiff victory, Texas
6. \$ TBD, plaintiff victory, Humphries Vs. NY/NY Hotel-Casino, Las Vegas



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Data-driven mitigation

Craig Drummond, Humphries Vs. NY-NY Hotel and Casino case: “The standard is now that you only need to show a general likeness of prior events that would put the business owner on notice.”

Hotel attack data...



Terrorism

...enables critical thinking...

What to do: liabilities, security, insurance, development?



...helps = mitigation strategies

EG: tap gov TRIA/PoolRE type insurance? Apply robust CT physical security @ select properties?



Crime

What to do: liabilities, security, insurance, development?



EG: tap named peril & business loss insurance? Work with local LE to clamp down on crime?



Bombings

What to do: liabilities, security, insurance, development?



EG: utilize professional counter bomb methods based on real world stats and cases @ select properties?

It's done to fight bedbugs and sexual assault against hotel staff...why not do the same to thwart hotel violence?



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End
Questions?