

Kendall Kelly Hayden

Cozen O'Connor

Dallas office Vice Chair, Office Managing Partner



A photograph of the Houston skyline, featuring several prominent skyscrapers. In the foreground, there is a concrete bridge structure and lush green trees. The sky is blue with scattered white clouds. The overall image has a semi-transparent overlay.

What a Steal!

Addressing theft claims in your hospitality establishment

THE HOSPITALITY LAW CONFERENCE: SERIES 2.0 - HOUSTON

APRIL 9 - 10, 2019

Definition of Theft

- Burglary
- Robbery
- Embezzlement
- Theft
- Conversion

#IREALLYHANDLEDTHESECLAIMS

- Thief steals property while engaging in masturbation in room
- Thief steals property in bride's room the night before wedding
- Hotel alleged to have allowed guest with dementia to overspend in gift store
- Employee sues for discrimination while stealing from company
- Comps
- Taking cash from the register
- Inflating tips
- Vendor fraud
- Requiring vacation for job related tasks
- Misclassification of employees
- Identity theft

Criminal component



Liability and damages



Liability



Damages

- Mental Anguish
- Exemplary
- Bystander
- Deceptive trade practices
- Emotional or sentimental loss
- Infliction of emotional distress
- Increased risk of theft in the future
- Credit monitoring in the future

Best practices

Attend HLC

Lock it up

Evidence: people places, things

Recognize defenses

Think long term

Attend HLC



Lock it up



Evidence: people

- Lawyer
- Insurance company
- Who has access
- Security expert
- Corporate rep
- Thief

Evidence: places

- Police department
- Department of criminal justice
- Photographs
- Renderings and maps
- Security systems
- eDiscovery

Evidence: things

- Collateral source rule
- Hiring policies
- Past security breaches
- Past thefts
- SOP's

Recognize defenses

- Limitation on liability
- Not independent cause of action
- Not independent measure of damages
- Preemption
- Grounds not separate and distinct from theft
- Counter-claim

Think long term



Questions?

Kendall Kelly Hayden

Cozen O'Connor

Khayden@cozen.com

214-462-3072