

Casino says it only destroyed cards before knowing of scheme

Written by Administrator
Saturday, 15 August 2015 11:02 -

Associated Press 11:02 a.m. EDT August 15, 2015



The Borgata Hotel and Casino was among the Atlantic City casinos that saw a healthy increase in June revenue compared with the same month last year. (Photo: ASSOCIATED PRESS)

ATLANTIC CITY — A New Jersey casino destroyed playing cards involved in a lawsuit against a professional gambler it says cheated it out of \$9.6 million, but only as part of its routine business practices and before it knew of the alleged scheme, according to a legal filing Friday.

The Borgata Hotel Casino & Spa responded Friday to a countersuit filed last month by professional poker player Phil Ivey and co-defendant Cheng Yin Sun, whom the casino alleges took advantage of a defect in cards made by Gemaco Inc. that enabled them to sort and arrange good cards in baccarat.

Ivey said in his countersuit that the Borgata knew the card manufacturing process didn't produce perfectly symmetrical card backs and that the casino purposefully destroyed evidence, "eviscerating the defendants' ability to prove the lack of any defective cards."

The Borgata said it destroyed some of the cards in the regular course of business and before it became aware of the alleged scheme. The Borgata "admits that there were circumstances where Gemaco, Inc. playing cards were delivered in a mis-cut fashion."

The casino claimed the technique, called edge sorting, that was used by Ivey and Sun violates New Jersey casino gambling regulations. The lawsuit claimed the cards were defective in that the pattern on the back of them was not uniform. The cards have rows of small white circles

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designed to look like the tops of cut diamonds, but the Borgata claims some of them were only a half diamond or a quarter of one.

The Borgata lawsuit claimed that Ivey and his companion instructed a dealer to flip cards in particular ways, depending on whether it was a desirable card in baccarat. The numbers six, seven, eight and nine are considered good cards. Bad cards would be flipped in different directions, so that after several hands of cards, the good ones were arranged in a certain manner — with the irregular side of the card facing in a specific direction — that Ivey could spot when they came out of the dealer chute.

The casino also said in its response that Ivey and Sun can't sue because any injury they suffered was a result of their own conduct.

Ivey lost a similar lawsuit last year in Britain's High Court by the Malaysia-based Genting Group, a major casino operator. The court agreed that the casino didn't have to pay Ivey \$12.4 million he had won through edge sorting. He denied any misconduct and said in a statement after the ruling that he believes his strategy to exploit the casino's "failures to take proper steps to protect themselves against a player of my ability" was a "legitimate strategy."

Ivey has won nine World Series of Poker bracelets and is considered one of the world's best players.

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