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Jun 18 2020 02:24 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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Attorneys for Defendant Airbnb, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

ERIC RICE, individually; JEFFERSON
TEMPLE as Special Administrator of the Estate
of RAHEEM RICE; BRYAN LOVETT,

Plaintiffs,

v.

ZHENG TRUST c/o FENEX CONSULTING;
LI JUN ZHENG, individually; SHENANDOAH
SOUTHWEST, INC., a Nevada Corporation;
JASPER HAN, individually; AIRBNB, INC.,
a Foreign Corporation; ROE HOA; ROE
SECURITY COMPANY; DOE PARTY HOST;
ROE PROPERTY MANAGEMENT
COMPANY; DOES XI through XX, inclusive
and ROE CORPORATIONS XI through XX,
inclusive,

Defendants.

CASE NO.: A-19-801549-C
DEPT. NO.: XXVI

NOTICE OF APPEAL

Notice is hereby given that Defendant Airbnb, Inc. ("Airbnb") appeals to the Supreme Court of Nevada from the Order Denying Airbnb, Inc.'s Motion to Compel Arbitration and to Stay

1 All Proceedings as to the claims brought by Plaintiffs Eric Rice and Jefferson Temple, as Special
2 Administrator of the Estate of Raheem Rice. (the “Order”) entered in this action on June 15, 2020.
3 A true and correct copy of this Order is attached hereto as **Exhibit A**.

4 DATED this 15th day of June, 2020.

5 MCDONALD CARANO LLP

6 By: /s/ Jeff Silvestri

7 Jeff Silvestri (NSBN 5779)
8 Jason B. Sifers, Esq. (NSBN 14273)
9 2300 West Sahara Avenue, Suite 1200
10 Las Vegas, Nevada 89102

11 David T. Hayek, Esq. (*admitted pro hac vice*)
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15 *Attorneys for Defendant Airbnb, Inc.*
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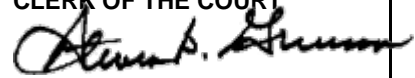
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on or about the 15th day of June, 2020, a true and correct copy of the foregoing **NOTICE OF APPEAL** was electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

/s/ CaraMia Gerard
An employee of McDonald Carano LLP

EXHIBIT A

EXHIBIT A



1 **NEOJ**

2 Jeff Silvestri, Esq. (NSBN 5779)
3 Jason B. Sifers, Esq. (NSBN 14273)
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11 *Attorneys for Defendant, AIRBNB, INC.*

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 ERIC RICE, individually; JEFFERSON
15 TEMPLE as Special Administrator of the Estate
16 of RAHEEM RICE; BRYAN LOVETT,

17 Plaintiffs,

18 v.

19 ZHENG TRUST c/o FENEX CONSULTING;
20 LI JUN ZHENG, individually; SHENANDOAH
21 SOUTHWEST, INC., a Nevada Corporation;
22 JASPER HAN, individually; AIRBNB, INC.,
23 a Foreign Corporation; ROE HOA; ROE
24 SECURITY COMPANY; DOE PARTY HOST;
25 ROE PROPERTY MANAGEMENT
26 COMPANY; DOES XI through XX, inclusive
27 and ROE CORPORATIONS XI through XX,
28 inclusive,

Defendants.

CASE NO.: A-19-801549-C
DEPT. NO.: XXVI

**NOTICE OF ENTRY OF ORDER
DENYING AIRBNB, INC.'S
MOTION TO COMPEL
ARBITRATION AND STAY ALL
PROCEEDINGS AS TO CLAIMS OF
ERIC RICE, INDIVIDUALLY, AND
JEFFERSON TEMPLE AS SPECIAL
ADMINISTRATOR OF THE ESTATE
OF RAHEEM RICE**

PLEASE TAKE NOTICE an **ORDER DENYING AIRBNB, INC.'S MOTION TO
COMPEL ARBITRATION AND STAY ALL PROCEEDINGS AS TO CLAIMS OF ERIC
RICE, INDIVIDUALLY, AND JEFFERSON TEMPLE AS SPECIAL ADMINISTRATOR
OF THE ESTATE OF RAHEEM RICE** was entered in the above-captioned case on the
28th day of May, 2020, a copy of which is attached hereto.

...

DATED this 15th day of June, 2020.

MCDONALD CARANO LLP

By: /s/ Jeff Silvestri

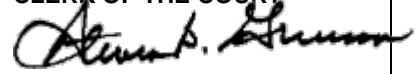
Jeff Silvestri, Esq. (NSBN 5779)
Jason B. Sifers, Esq. (NSBN 14273)
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102

Attorneys for Defendant, AIRBNB, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on or about the 15th day of June, 2020, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING AIRBNB, INC.'S MOTION TO COMPEL ARBITRATION AND STAY ALL PROCEEDINGS AS TO CLAIMS OF ERIC RICE, INDIVIDUALLY, AND JEFFERSON TEMPLE AS SPECIAL ADMINISTRATOR OF THE ESTATE OF RAHEEM RICE** was electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

/s/ CaraMia Gerard
An employee of McDonald Carano LLP



ORDER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

ERIC RICE, Individually; JEFFERSON TEMPLE
as Special Administrator of the Estate of
RAHEEM RICE; BRYAN LOVETT.

Plaintiffs,

vs.

ZHENG TRUST c/o FENEX CONSULTING; LI
JUN ZHENG, individually; SHENANDOAH
SOUTHWEST, INC. a Nevada Corporation;
JASPER HAN, individually; AIRBNB, INC., a
Foreign Corporation; ROA HOA; ROE
SECURITY COMPANY; DOE PARTY HOST;
ROE PROPERTY MANAGEMENT COMPANY;
DOES XI through XX, inclusive and ROE
CORPORATIONS XI through XX, inclusive,

Defendants.

Case No: A-19-801549-C
Dept. No: 26

**ORDER DENYING AIRBNB, INC.'S
MOTION TO COMPEL
ARBITRATION AND STAY ALL
PROCEEDINGS**

This matter came before the above-captioned Court on February 12, 2020 on Defendant AIRBNB INC's Motion to Compel Arbitration and Stay All Proceedings Pursuant to the Federal Arbitration Act, 9 U.S.C. §§3 and 4 against Plaintiff Eric Rice and Jefferson Temple as Special Administrator of the Estate of Raheem Rice, and Motion to Stay All Proceedings against Bryan Lovett.

1 The Court, having considered the moving papers and arguments of counsel, finds and
2 orders as follows:

3 1. The motion to compel arbitration as to Jefferson Temple as Special Administrator
4 of the Estate of Raheem Rice is denied. The Court finds the there is no enforceable
5 arbitration agreement under the Airbnb Terms of Service (which included an agreement
6 to arbitrate claims against Airbnb) as the cause of action arises under the wrongful
7 death statute;

8 2. The motion to compel arbitration as to Eric Rice, individually, is denied. The
9 Court finds the there is no enforceable arbitration agreement under the Airbnb Terms of
10 Service (which included an agreement to arbitrate claims against Airbnb) as his cause of
11 action arises under the wrongful death statute, and is derivative of the death of Raheem
12 Rice;

13 3. Because the Court denies Airbnb, Inc.'s motion to compel arbitration as to Eric
14 Rice and Jefferson Temple as Special Administrator of the Estate of Raheem Rice, the
15 Court also denies Airbnb, Inc.'s motion pursuant to 9 U.S.C. §3 to stay all proceedings
16 as to all parties.

17 IT IS SO ORDERED.

18 DATED this 27th day of May 2020.

19 Counsel for Plaintiff to prepare the Notice of Entry of Order.

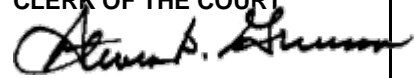
20
21 
22 _____
23 DISTRICT COURT JUDGE
24
25
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28

CERTIFICATE OF SERVICE

I hereby certify that on or about the date signed, a copy of this Order was electronically served to all registered parties in the Eighth Judicial District Court's electronic filing program per the attached Service Contacts list and/or placed in the attorney's folder maintained by the Clerk of the Court and/or transmitted via facsimile and/or mailed, postage prepaid, by United States mail to the proper parties.

/s/ Linda Denman

Linda Denman
Judicial Executive Assistant
To Judge Gloria Sturman
Department 26



ASTA

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dth@pksllp.com

Attorneys for Defendant Airbnb, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

ERIC RICE, individually; JEFFERSON
TEMPLE as Special Administrator of the Estate
of RAHEEM RICE; BRYAN LOVETT,

Plaintiffs,

v.

ZHENG TRUST c/o FENEX CONSULTING;
LI JUN ZHENG, individually; SHENANDOAH
SOUTHWEST, INC., a Nevada Corporation;
JASPER HAN, individually; AIRBNB, INC.,
a Foreign Corporation; ROE HOA; ROE
SECURITY COMPANY; DOE PARTY HOST;
ROE PROPERTY MANAGEMENT
COMPANY; DOES XI through XX, inclusive
and ROE CORPORATIONS XI through XX,
inclusive,

Defendants.

CASE NO.: A-19-801549-C
DEPT. NO.: XXVI

CASE APPEAL STATEMENT

Defendant, Airbnb, Inc. ("Airbnb") submits the following Case Appeal Statement pursuant
to Nevada Rules of Appellate Procedure 3(f):

- 1 **1. Name of Appellant filing this Case Appeal Statement:**
2 Airbnb, Inc.
- 3 **2. Identify the judge issuing the decision, judgment, or order appealed from:**
4 The Honorable Gloria Sturman, Department 26, Eighth Judicial District Court,
5 Clark County, Nevada
- 6 **3. Identify each appellant and the name and address of counsel for each**
7 **appellant:**
- 8 Appellant: Airbnb, Inc.
- 9 Represented by: Jeff Silvestri (NSBN 5779)
10 Jason B. Sifers, Esq. (NSBN 14273)
11 McDONALD CARANO LLP
12 2300 West Sahara Avenue, Suite 1200
13 Las Vegas, Nevada 89102
- 14 David T. Hayek, Esq. (*admitted pro hac vice*)
15 P. K. SCHRIEFFER LLP
16 100 N. Barranca Street, Suite 1100
17 West Covina, California 91791
- 18 **4. Identify each respondent and the name and address of appellate counsel, if**
19 **known, for each respondent (if the name of a respondent's appellate counsel is unknown,**
20 **indicate as much and provide the name and address of that respondent's trial counsel):**
- 21 Respondents: Eric Rice and Jefferson Temple, as Special Administrator
22 of the Estate of Raheem Rice
- 23 Represented by: Michael C. Kane, Esq. (NSBN 10096)
24 THE702FIRM
25 400 South Seventh Street, Floor 4
26 Las Vegas, Nevada 89101
- 27 Respondent: Bryan Lovett
- 28 Represented by: Jordan P. Schnitzer, Esq. (NSBN 10744)
 Schnitzer Law Firm
 9205 West Russel Road, Suite 240
 Las Vegas, Nevada 89148
- 5. Indicate whether any attorney identified above in response to question 3 or 4**
is not licensed to practice law in Nevada, and if so, whether the district court granted that

1 attorney permission to appear under SCR 42 (attach a copy of any district court order
2 granting such permission):

3 David T. Hayek, Esq. was admitted pro hac vice on February 18, 2020.

4 **6. Indicate whether appellant was represented by appointed or retained counsel**
5 **in the district court:**

6 Retained counsel.

7 **7. Indicate whether appellant is represented by appointed or retained counsel on**
8 **appeal:**

9 Retained counsel.

10 **8. Indicate whether appellant was granted leave to proceed in forma pauperis,**
11 **and the date of entry of the district court order granting such leave:**

12 No.

13 **9. Indicate the date the proceedings commenced in the district court (e.g., date**
14 **complaint, indictment, information, or petition was filed):**

15 A complaint was filed on September 9, 2019.

16 **10. Provide a brief description of the nature of the action and result in the district**
17 **court, including the type of judgment or order being appealed and the relief granted by the**
18 **district court:**

19 Respondents Eric Rice and Jefferson Temple, as Special Administrator of the Estate of
20 Raheem Rice brought claims against Appellant Airbnb, Inc. (and others) for injuries they allegedly
21 sustained while on the way to a party hosted at a house that was rented through the Airbnb, Inc.
22 website platform.

23 Appellant Airbnb, Inc. filed in District Court a Motion to Compel Arbitration and to Stay
24 All Proceedings regarding the claims brought by Respondents Eric Rice and Jefferson Temple, as
25 Special Administrator of the Estate of Raheem Rice. The District Court denied that Motion to
26 Compel Arbitration. Airbnb, Inc. is appealing from the Order Denying its Motion to Compel
27 Arbitration and to Stay all Proceedings as to the claims brought by Respondents Eric Rice and
28 Jefferson Temple, as Special Administrator of the Estate of Raheem Rice.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court, and if so, the caption and Supreme Court Docket number of the prior proceeding:

This case has not previously been subject of an appeal or writ.

12. Indicate whether this appeal involves child custody or visitation:

This appeal does not involve child custody or visitation.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

This is a civil case. Settlement is unknown at this point.

DATED this 15th day of June, 2020.

MCDONALD CARANO LLP

By: /s/ Jeff Silvestri

Jeff Silvestri (NSBN 5779)
Jason B. Sifers, Esq. (NSBN 14273)
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102

David T. Hayek, Esq. (*admitted pro hac vice*)
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100 N. Barranca Street, Suite 1100
West Covina, California 91791

Attorneys for Defendant Airbnb, Inc.

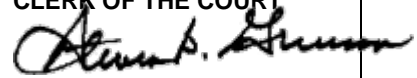
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on or about the 15th day of June, 2020, a true and correct copy of the foregoing **CASE APPEAL STATEMENT** was electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

/s/ CaraMia Gerard
An employee of McDonald Carano LLP

EXHIBIT A

EXHIBIT A



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Facsimile: (702) 839-1113
Attorneys for Defendant
Airbnb, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

ERIC RICE, Individually; JEFFERSON TEMPLE
as Special Administrator of the Estate of RAHEEM
RICE; BRYAN LOVETT

Case No: A-19-801549-C
Dept. No: 26

Plaintiffs,

vs.

ZHENG TRUST c/o FENEX CONSULTING; LI
JUN ZHENG, individually; SHENANDOAH
SOUTHWEST, INC. a Nevada Corporation;
JASPER HAN, individually; AIRBNB, INC., a
Foreign Corporation; ROA HOA; ROE SECURITY
COMPANY; DOE PARTY HOST; ROE
PROPERTY MANAGEMENT COMPANY; DOES
XI through XX, inclusive and ROE
CORPORATIONS XI through XX, inclusive,

Defendants.

NOTICE OF ENTRY OF ORDER ADMITTING TO PRACTICE

PLEASE TAKE NOTICE that an ORDER ADMITTING DAVID THEODORE HAYEK,
ESQ. TO PRACTICE was entered on the 18th da of February, 2020.

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1 A true and correct copy said Order is attached hereto and incorporated herein by this
2 reference.

3 DATED this 18th day of February, 2020.

4 **DENNETT WINSPEAR, LLP**

5
6 By /s/ Ryan L. Dennett
7 RYAN L. DENNETT, ESQ.
8 Nevada Bar No. 005617
9 3301 N. Buffalo Drive, Suite 195
10 Las Vegas, Nevada 89129
11 Telephone: (702) 839-1100
12 Facsimile: (702) 839-1113
13 ***Attorneys for Defendant, Airbnb, Inc.***
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), EDCR 7.26 and N.E.F.C.R. 9, I certify that on this date, I served the foregoing ***NOTICE OF ENTRY OF ORDER ADMITTING TO PRACTICE*** on all parties to this action by the following method:

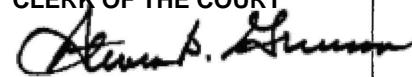
_____ Facsimile
_____ Mail
XX Electronic Service

Michael C. Kane, Esq.
Nevada Bar No.10096
Bradley J. Myers, Esq.
Nevada Bar No. 8857
THE702FIRM
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Attorneys for Eric Rice and Jefferson Temple,
as Special Administrator of the Estate of Raheem Rice

Jordan P. Schnitzer, Esq.
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Las Vegas, Nevada 89148
Telephone: 702-960-4050
Facsimile: 702-960-4092
Attorneys for Bryan Lovett

DATED this 18th day of February, 2020.

/s/ Theresa Amendola
An Employee of DENNETT WINSPEAR, LLP



RYAN L. DENNETT, ESQ.
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rdennett@dennettwinspear.com
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Facsimile: (702) 839-1113
Attorneys for Defendants,
Airbnb, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

ERIC RICE, Individually; JEFFERSON TEMPLE
as Special Administrator of the Estate of RAHEEM
RICE; BRYAN LOVETT

Case No: A-19-801549-C
Dept. No: 26

Plaintiffs,

vs.

ZHENG TRUST c/o FENEX CONSULTING; LI
JUN ZHENG, individually; SHENANDOAH
SOUTHWEST, INC. a Nevada Corporation;
JASPER HAN, individually; AIRBNB, INC., a
Foreign Corporation; ROA HOA; ROE SECURITY
COMPANY; DOE PARTY HOST; ROE
PROPERTY MANAGEMENT COMPANY; DOES
XI through XX, inclusive and ROE
CORPORATIONS XI through XX, inclusive,

Defendants.

ORDER ADMITTING TO PRACTICE

DAVID THEODORE HAYEK, ESQ., having filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, a Certificate of Good Standing for the State of California, and the State Bar of Nevada Statement; said application having been noticed, no objection having been made, and the Court being fully apprised in the premises, and good cause appearing, it is hereby

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///

1 ORDERED, that said application is hereby granted, and DAVID THEODORE HAYEK,
2 ESQ., is hereby admitted to practice in the above-entitled Court for the purposes of the above-
3 entitled matter only.

4 DATED: February 12, 2020

5
6 
DISTRICT COURT JUDGE

7 Submitted by:

8 DENNETT WINSPEAR, LLP

9 
10 By
11 RYAN L. DENNETT, ESQ.
12 Nevada Bar No. 005617
13 3301 N. Buffalo Drive, Suite 195
14 Las Vegas, Nevada 89129
15 Telephone: (702) 839-1100
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17 **Attorneys for Defendant,**
18 **Airbnb, Inc.**
19
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22
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24
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28

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

Eric Rice, Plaintiff(s)

vs.

Zheng Trust c/o Fenex Consulting, Defendant(s)

CASE NO. A-19-801549-C

§
§
§
§

Location: Department 26

Judicial Officer: Sturman, Gloria

Filed on: 09/09/2019

Cross-Reference Case A801549

Number:

CASE INFORMATION

Case Type: Negligence - Other Negligence

Case Status: 09/09/2019 Open

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number	A-19-801549-C
Court	Department 26
Date Assigned	09/09/2019
Judicial Officer	Sturman, Gloria

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Estate of Raheem Rice	Kane, Michael C <i>Retained</i> 702-776-3333(W)
	Lovett, Bryan	Schnitzer, Jordan <i>Retained</i> 702-960-4050(W)
	Rice, Eric	Kane, Michael C <i>Retained</i> 702-776-3333(W)
	Temple, Jefferson	Kane, Michael C <i>Retained</i> 702-776-3333(W)
Defendant	Airbnb Inc	Dennett, Ryan L <i>Retained</i> 702-839-1100(W)
	Han, Jasper	Dennett, Ryan L <i>Retained</i> 702-839-1100(W)
	Shenandoah Southwest Inc	
	Zheng Trust c/o Fenex Consulting	McDonald, Rena <i>Retained</i> 702-448-4962(W)
	Zheng, Li Jun	McDonald, Rena <i>Retained</i> 702-448-4962(W)
Arbitrator	Reed, Richard R.	
Special Administrator	Temple, Jefferson	Kane, Michael C <i>Retained</i> 702-776-3333(W)

CASE SUMMARY**CASE NO. A-19-801549-C**

EVENTS & ORDERS OF THE COURT

DATE


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EVENTS

09/09/2019	 Initial Appearance Fee Disclosure Filed By: Plaintiff Rice, Eric <i>Plaintiffs' Initial Appearance Fee Disclosure [Pursuant to NRS Chapter 19]</i>
09/09/2019	 Complaint Filed By: Plaintiff Rice, Eric <i>Plaintiffs' Complaint for Personal Injuries and Demand for Jury Trial</i>
10/09/2019	 Summons Electronically Issued - Service Pending Party: Plaintiff Rice, Eric <i>Summons</i>
10/09/2019	 Summons Electronically Issued - Service Pending Party: Plaintiff Rice, Eric <i>Summons</i>
10/09/2019	 Summons Electronically Issued - Service Pending Party: Plaintiff Rice, Eric <i>Summons</i>
10/09/2019	 Summons Electronically Issued - Service Pending Party: Plaintiff Rice, Eric <i>Summons</i>
10/09/2019	 Summons Electronically Issued - Service Pending Party: Plaintiff Rice, Eric <i>Summons</i>
10/18/2019	 Affidavit of Service Filed By: Plaintiff Rice, Eric <i>Affidavit of Service - Li Jun Zheng - Served October 16, 2019</i>
10/18/2019	 Affidavit of Service Filed By: Plaintiff Rice, Eric <i>Affidavit of Service - Shenandoah Southwest, Inc. - Served on October 11, 2019</i>
10/18/2019	 Affidavit of Service Filed By: Plaintiff Rice, Eric <i>Affidavit of Service - Zheng Trust c/o Fenex Consulting; Li Jun Zhen - Served 10/16/2019</i>
10/28/2019	 Affidavit of Service Filed By: Plaintiff Rice, Eric <i>Affidavit of Service - Jasper Han - Served: 10/21/2019</i>
11/08/2019	 Application to Proceed in Forma Pauperis Filed By: Defendant Han, Jasper <i>Application to Proceed in Forma Pauperis</i>
11/08/2019	 Answer Filed By: Defendant Han, Jasper <i>Answer</i>

CASE SUMMARY

CASE NO. A-19-801549-C

11/15/2019	 Affidavit of Service Filed By: Plaintiff Rice, Eric <i>Affidavit of Service - Airbnb, Inc. - Answer Due: December 2, 2019</i>
11/22/2019	 Affidavit of Service Filed By: Plaintiff Rice, Eric <i>Affidavit of Service - Airbnb</i>
12/04/2019	 Order to Proceed In Forma Pauperis Granted for: Defendant Han, Jasper <i>Order to Proceed In Forma Pauperis</i>
12/06/2019	 Motion Filed By: Defendant Airbnb Inc <i>Defendant Air BNB, Inc.'s Motion for Enlargement of Time to File Responsive Pleading on an Order Shortening Time</i>
12/06/2019	 Initial Appearance Fee Disclosure Filed By: Defendant Airbnb Inc <i>Initial Appearance Fee Disclosure</i>
12/10/2019	 Motion to Compel Filed By: Defendant Airbnb Inc <i>(Motion to Compel Withdrawn 2/4/20 as to Bryan Lovett, Only) Defendant AIRBNB, Inc.'s Motion to Compel Arbitration and Stay Litigation</i>
12/11/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
12/16/2019	 Addendum Filed By: Defendant Airbnb Inc <i>Defendant Airbnb, Inc.'s Addendum to Motion to Compel Arbitration and Stay Litigation: Signed Declaration of Kyle Miller</i>
12/30/2019	 Appointment of Arbitrator <i>Appointment of Arbitrator</i>
01/02/2020	 Notice of Rescheduling of Hearing <i>Notice of Rescheduled Hearing</i>
01/03/2020	 Opposition to Motion to Compel Filed By: Plaintiff Rice, Eric <i>Plaintiffs' Opposition to Defendant Airbnb, Inc.'s Motion to Compel Arbitration and Stay Litigation</i>
01/03/2020	 Opposition to Motion to Compel Filed By: Plaintiff Lovett, Bryan <i>Plaintiff, Bryan Lovett's Opposition to Defendant AIRBNB Inc.'s Motion to Compel Arbitration and Stay Litigation</i>
01/06/2020	 Joinder To Motion Filed By: Plaintiff Lovett, Bryan <i>Plaintiff's Joinder to Plaintiffs' Rice and Temple's Opposition to Defendant, AIRBNB's Motion</i>

CASE SUMMARY

CASE NO. A-19-801549-C

to Compel Arbitration and Stay Litigation

01/07/2020



Clerk's Notice of Hearing
Notice of Hearing

01/09/2020



Joinder to Opposition to Motion
Filed by: Plaintiff Rice, Eric
Eric Rice, Individually; Jefferson Temple as Special Administrator of the Estate of Raheem Rice's Joinder to Bryan Lovett's Oppositon to Defendants Airb BnB, Inc.'s Motion

01/21/2020



Reply in Support
Filed By: Defendant AirbnB Inc
Defendant AirBnB's Reply in Support of Motion to Compel Arbitration and Stay Litigation

01/28/2020



Stipulation and Order
Filed by: Defendant AirbnB Inc
Stipulation to Continue Hearing on Defendant AIRBNB INC.'s Motion to Compel Arbitration and Stay Litigation

01/28/2020



Notice of Entry of Stipulation and Order
Filed By: Defendant AirbnB Inc
Notice of Entry of Stipulation to Continue Hearing on Defendant AirbnB, Inc's Motion to Compel Arbitration and Stay Litigation

02/04/2020



Notice of Withdrawal
Filed by: Defendant AirbnB Inc
Notice of Withdrawal of Defendant AirbnB Inc.'s Moiton to Compel Arbitration and Stay Litigation as to Plaintiff, Bryan Lovett, only.

02/04/2020



Amended
Filed By: Defendant AirbnB Inc
Amended Notice of Withdrawal of Defendant AirbnB Inc.'s Motion to Compel Arbitration as to Plaintiff, Bryan Lovett, only.

02/07/2020



Opposition to Motion to Compel
Plaintiffs' Supplemental Opposition to Defendant AirbnB's, Inc.'s Motion to Compel Arbitration and Stay Litigation

02/11/2020



Motion to Associate Counsel
Filed By: Defendant AirbnB Inc
Motion to Associate Counsel

02/12/2020



Clerk's Notice of Nonconforming Document
Clerk's Notice of Nonconforming Document

02/12/2020



Clerk's Notice of Nonconforming Document and Curative Action
Clerk's Notice of Curative Action

02/12/2020



Clerk's Notice of Hearing
Notice of Hearing

02/18/2020



Order Admitting to Practice
Filed By: Defendant AirbnB Inc
Order Admitting to Practice

CASE SUMMARY


CASE NO. A-19-801549-C

02/18/2020	 Notice of Entry of Order Filed By: Defendant Airbnb Inc <i>Notice of Entry of Order Admitting To Practice (David Theodore Hayek)</i>
03/23/2020	 Request for Exemption From Arbitration Filed by: Plaintiff Rice, Eric <i>Plaintiff's Petition for Exemption from Arbitration</i>
04/03/2020	 Individual Case Conference Report Filed By: Plaintiff Estate of Raheem Rice <i>Individual Case Conference Report</i>
04/03/2020	 Three Day Notice of Intent to Default Filed By: Plaintiff Estate of Raheem Rice <i>Three Day Notice of Intent to Take Default - Li Jun Zheng</i>
04/03/2020	 Three Day Notice of Intent to Default Filed By: Plaintiff Estate of Raheem Rice <i>Three Day Notice of Intent to Take Default - Shenandoah Southwest, Inc.</i>
04/03/2020	 Three Day Notice of Intent to Default Filed By: Plaintiff Estate of Raheem Rice <i>Three Day Notice of Intent to Take Default - Zheng Trust c/o Fenex Consulting</i>
04/03/2020	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - GRANTED</i>
04/07/2020	 Notice of Association of Counsel Filed By: Defendant Airbnb Inc <i>Notice of Association of Counsel</i>
04/20/2020	 Answer Filed By: Defendant Zheng Trust c/o Fenex Consulting; Defendant Zheng, Li Jun <i>Answer</i>
04/20/2020	 Initial Appearance Fee Disclosure Filed By: Defendant Zheng Trust c/o Fenex Consulting; Defendant Zheng, Li Jun <i>Initial Appearance Fee Disclosure</i>
04/23/2020	 Notice of Appearance Party: Defendant Han, Jasper <i>Notice of Appearance</i>
04/24/2020	 Mandatory Rule 16 Conference Order <i>Rule 16 Conference</i>
05/14/2020	 Notice of Compliance Party: Plaintiff Lovett, Bryan <i>Plaintiff, Bryan Lovett's Notice of Compliance</i>
05/15/2020	 Supplement to Joint Case Conference Report Party: Plaintiff Rice, Eric


CASE SUMMARY

CASE NO. A-19-801549-C

Supplement to Joint Case Conference Report



05/18/2020	 Status Report Filed By: Defendant Airbnb Inc <i>Status Report for Mandatory Rule 16 Conference</i>
05/20/2020	 Recorders Transcript of Hearing Party: Defendant Zheng Trust c/o Fenex Consulting <i>Recorder's Transcript of Pending Motions, Wednesday, February 12, 2020</i>
05/28/2020	 Order Denying <i>Deft AirBnB Motion to Compel Arbitration and Stay</i>
05/28/2020	 Order Denying <i>Order Denying Airbnb Inc's Motion to Compel Arbitration</i>
05/28/2020	 Notice of Entry of Order Filed By: Plaintiff Lovett, Bryan <i>Notice of Entry of Order Denying AIRBNB's Motion to Compel Arbitration and Stay Litigation</i>
05/28/2020	 Scheduling and Trial Order <i>Scheduling Order and Order Setting Civil Jury Trial</i>
06/12/2020	 Three Day Notice of Intent to Default Filed By: Plaintiff Lovett, Bryan <i>Three Day Notice of Intent to Default</i>
06/15/2020	 Notice of Entry of Order Filed By: Defendant Airbnb Inc <i>Notice Of Entry Of Order Denying Airbnb, Inc. s Motion To Compel Arbitration And Stay All Proceedings As To Claims Of Eric Rice, Individually, And Jefferson Temple As Special Administrator Of The Estate Of Raheem Rice</i>
06/15/2020	 Notice of Appeal Filed By: Defendant Airbnb Inc <i>Notice of Appeal</i>
06/15/2020	 Case Appeal Statement Filed By: Defendant Airbnb Inc <i>Case Appeal Statement</i>

HEARINGS

12/11/2019	 Motion (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Defendant Air BNB, Inc. 's Motion for Enlargement of Time to File Responsive Pleading on an Order Shortening Time</i> Moot; Journal Entry Details: <i>Mr. Quist requested additional time to file his motion. Mr. Schnitzer stated the matter was moot. Mr. Moore stated he just saw the motion two days ago and that it was a 200 plus page motion with exhibits. COURT FINDS the ultimate question was moot, that counsel had filed but it hadn't been noticed, AND THEREFORE ORDERED, Motion for Enlargement of Time MOOT, counsel would be afforded additional time to brief the motion. Mr. Moore stated he was willing to stipulate to set the briefing deadlines out. Court ADVISED counsel to work together on moving the deadlines.;</i>
02/12/2020	Motion to Compel (9:00 AM) (Judicial Officer: Sturman, Gloria)

CASE SUMMARY

CASE NO. A-19-801549-C

	<p><i>Defendant AIRBNG, Inc.'s Motion to Compel Arbitration and Stay Litigation</i></p> <p>Denied;</p>
02/12/2020	<p>Joinder (9:00 AM) (Judicial Officer: Sturman, Gloria)</p> <p><i>Plaintiff's Bryan Lovett's Joinder to Plaintiff's Eric Rice and Jefferson Temple as Special Administrator of the Estate of Raheem Rice's Opposition to Defendant AIRBNB Inc's Motion to Compel Arbitration and Stay Litigation</i></p> <p>Granted;</p>
02/12/2020	<p>Joinder (9:00 AM) (Judicial Officer: Sturman, Gloria)</p> <p><i>Eric Rice, Individually; Jefferson Temple as Special Administrator of the Estate of Raheem Rice's Joinder to Bryan Lovett Opposition to Defendant Airbnb, Inc.</i></p> <p>Granted;</p>
02/12/2020	<p> All Pending Motions (9:00 AM) (Judicial Officer: Sturman, Gloria)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>MOTION FOR ORDER TO COMPEL PLAINTIFF AND FOR DISBURSEMENT PLAINTIFF'S BRYAN LOVETT'S JOINDER TO PLAINTIFFS ERIC RICE AND JEFFERSON TEMPLE AS SPECIAL ADMINISTRATOR OF THE ESTATE OF RAHEEM RICE'S OPPOSITION TO DEFENDANT AIRBNB INC'S MOTION TO COMPEL ARBITRATION AND STAY LITIGATION ERIC RICE, INDIVIDUALLY; JEFFERSON TEMPLE AS SPECIAL ADMINISTRATOR OF THE ESTATE OF RAHEEM RICE'S JOINDER TO BRYAN LOVETT OPPOSITION TO DEFENDANT AIRBNB, INC. Also present was David Hayek, Esq. pro hawk vice representing Airbnb. MATTER TRAILED AND RECALLED AT THE HOUR OF 9:14 AM with Mr. Dennett now present. Mr. Moore stated he had not read the pro hawk application and could not comment at this time. Mr. Kane stated no objection. COURT FINDS there being no objection at this time, Mr. Kayek will be allowed to argue the motion pending approval of his Pro Hac Application. Mr. Hayek argued there was a contract between Mr. Rice and Airbnb to arbitrate claims, that the Shine v Archer case was on point with terms of service that required arbitration of any claim in the United States, that arbitration applied to any dispute of hosting service and anything arising from there. Mr. Hayek argued once arbitration was requested by a party the case must be stayed. Mr. Dennett argued there was no proof Mr. Rice used the booking service ever, there was no proof he was on the site, and that his clients went to a party set up by Ms. Jones who used Airbnb to book the party to be held at a party house. Mr. Dennett argued there was no benefit derived and that they didn't know about the booking as they just went to the party. Mr. Dennett argued there was no connection, that the terms of service did not relate, that the terms would only apply if Mr. Rice used the Airbnb booking, that the arbitration clause must be clear and unmistakable; however this was over broad and far afield, and that he didn't use the booking or stay at the location. Mr. Schnitzer argued his client was under 18 and opposing counsel had withdrawn their Motion to Arbitrate as to his client. Mr. Dennett stated Mr. Schnitzer's client didn't have an Airbnb contract and he was underage. Mr. Hayek argued this was the exact same argument as in the Federal case he'd cited. Mr. Kane argued the Henry case stated there must be mutual ascent, that they didn't know if Raeem Rice (deceased) clicked agreement to the arbitration clause when the sign up occurred, that the e-mail address was also used by the father, and that opposing counsel had presented no evidence other than the e-mails. Court stated CONCERN regarding how someone under 18 could be held responsible for the terms of service, that Raheem Rice's estate had a survivors wrongful death claim, and inquired as to how they could attach their claims of loss to a terms of agreement service contract. Mr. Hayek argued Raheem and Eric Rice separately clicked accepting the terms of agreement and therefore were both bound by the agreement terms. Court noted that would leave a wrongful death suit only connected by the terms of this site. Mr. Hayek argued they had an agreement and if and arbitrator finds it doesn't belong in arbitration then that was within his scope. COURT ORDERED, Motion To Compel Arbitration DENIED, Joinders GRANTED; Mr. Kane to prepare the order. Mr. Kane stated no objection to the Pro Hac Vice application. ;</i></p>
03/24/2020	<p>CANCELED Motion to Associate Counsel (9:00 AM) (Judicial Officer: Sturman, Gloria)</p> <p><i>Vacated - per Judge</i></p> <p><i>Defendant's Motion to Associate Counsel</i></p>
05/20/2020	<p> Mandatory Rule 16 Conference (9:30 AM) (Judicial Officer: Sturman, Gloria)</p> <p>Trial Date Set;</p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-19-801549-C

	<p>Journal Entry Details:</p> <p><i>Colloquy regarding the dueling orders on the Motion to Compel. Mr. Kane stated he wanted to get a discovery plan in place to make sure they meet their deadlines. Mr. Silvestri stated he did not want a discovery plan in place as the entire case would be stayed and that he thought there arbitration issues applied to the entire case. Mr. Schnitzer stated they had withdrawn the Motion to Compel as to his clients and he wanted to proceed with discovery. Ms. McDonald requested a discovery plan be in place in case something happens at arbitration that way they don't linger out there. Court noted the case had a unique posture and further stated they would have a 2022 trial date based on their plan. Following further colloquy, COURT ORDERED, Trial Dates SET; Judicial Executive Assistant to prepare the trial order. 05/12/2022 9:00 AM CALENDAR CALL 05/31/2022 9:00 AM JURY TRIAL ;</i></p>
05/12/2022	Calendar Call (9:00 AM) (Judicial Officer: Sturman, Gloria)
05/31/2022	Jury Trial (9:00 AM) (Judicial Officer: Sturman, Gloria)

DATE

FINANCIAL INFORMATION

Defendant Airbnb Inc	
Total Charges	247.00
Total Payments and Credits	247.00
Balance Due as of 6/15/2020	0.00
Defendant Zheng Trust c/o Fenex Consulting	
Total Charges	253.00
Total Payments and Credits	253.00
Balance Due as of 6/15/2020	0.00
Plaintiff Rice, Eric	
Total Charges	330.00
Total Payments and Credits	330.00
Balance Due as of 6/15/2020	0.00

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. _____

(Assigned by Clerk's Office)

CASE NO: A-19-801549-C

Department 26

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone):

ERIC RICE, individually; JEFFERSON TEMPLE, as
Special Administrator of the Estate of RAHEEM RICE; BRYAN LOVETT.

Defendant(s) (name/address/phone):

ZHENG TRUST c/o FENEX CONSULTING; et al.

Attorney (name/address/phone):

Michael C. Kane, Esq. and Bradley J. Myers, Esq.
THE702FIRM

Attorney (name/address/phone):

Unknown

400 South Fourth Street, Suite 400, LV, NV 89101
(702) 776.3333 Phone/(702) 505.9787 Fax

II. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

<p style="text-align: center;">Real Property</p> <p>Landlord/Tenant</p> <p><input type="checkbox"/> Unlawful Detainer</p> <p><input type="checkbox"/> Other Landlord/Tenant</p> <p>Title to Property</p> <p><input type="checkbox"/> Judicial Foreclosure</p> <p><input type="checkbox"/> Other Title to Property</p> <p>Other Real Property</p> <p><input type="checkbox"/> Condemnation/Eminent Domain</p> <p><input type="checkbox"/> Other Real Property</p>	<p style="text-align: center;">Negligence</p> <p><input type="checkbox"/> Auto</p> <p><input type="checkbox"/> Premises Liability</p> <p><input checked="" type="checkbox"/> Other Negligence</p> <p style="text-align: center;">Malpractice</p> <p><input type="checkbox"/> Medical/Dental</p> <p><input type="checkbox"/> Legal</p> <p><input type="checkbox"/> Accounting</p> <p><input type="checkbox"/> Other Malpractice</p>	<p style="text-align: center;">Torts</p> <p>Other Torts</p> <p><input type="checkbox"/> Product Liability</p> <p><input type="checkbox"/> Intentional Misconduct</p> <p><input type="checkbox"/> Employment Tort</p> <p><input type="checkbox"/> Insurance Tort</p> <p><input type="checkbox"/> Other Tort</p>
<p style="text-align: center;">Probate</p> <p>Probate <i>(select case type and estate value)</i></p> <p><input type="checkbox"/> Summary Administration</p> <p><input type="checkbox"/> General Administration</p> <p><input type="checkbox"/> Special Administration</p> <p><input type="checkbox"/> Set Aside</p> <p><input type="checkbox"/> Trust/Conservatorship</p> <p><input type="checkbox"/> Other Probate</p> <p>Estate Value</p> <p><input type="checkbox"/> Over \$200,000</p> <p><input type="checkbox"/> Between \$100,000 and \$200,000</p> <p><input type="checkbox"/> Under \$100,000 or Unknown</p> <p><input type="checkbox"/> Under \$2,500</p>	<p style="text-align: center;">Construction Defect & Contract</p> <p>Construction Defect</p> <p><input type="checkbox"/> Chapter 40</p> <p><input type="checkbox"/> Other Construction Defect</p> <p>Contract Case</p> <p><input type="checkbox"/> Uniform Commercial Code</p> <p><input type="checkbox"/> Building and Construction</p> <p><input type="checkbox"/> Insurance Carrier</p> <p><input type="checkbox"/> Commercial Instrument</p> <p><input type="checkbox"/> Collection of Accounts</p> <p><input type="checkbox"/> Employment Contract</p> <p><input type="checkbox"/> Other Contract</p>	<p style="text-align: center;">Judicial Review/Appeal</p> <p>Judicial Review</p> <p><input type="checkbox"/> Foreclosure Mediation Case</p> <p><input type="checkbox"/> Petition to Seal Records</p> <p><input type="checkbox"/> Mental Competency</p> <p>Nevada State Agency Appeal</p> <p><input type="checkbox"/> Department of Motor Vehicle</p> <p><input type="checkbox"/> Worker's Compensation</p> <p><input type="checkbox"/> Other Nevada State Agency</p> <p>Appeal Other</p> <p><input type="checkbox"/> Appeal from Lower Court</p> <p><input type="checkbox"/> Other Judicial Review/Appeal</p>
<p style="text-align: center;">Civil Writ</p> <p>Civil Writ</p> <p><input type="checkbox"/> Writ of Habeas Corpus</p> <p><input type="checkbox"/> Writ of Mandamus</p> <p><input type="checkbox"/> Writ of Quo Warrant</p> <p><input type="checkbox"/> Writ of Prohibition</p> <p><input type="checkbox"/> Other Civil Writ</p>		<p style="text-align: center;">Other Civil Filing</p> <p>Other Civil Filing</p> <p><input type="checkbox"/> Compromise of Minor's Claim</p> <p><input type="checkbox"/> Foreign Judgment</p> <p><input type="checkbox"/> Other Civil Matters</p>

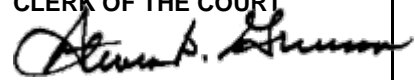
Business Court filings should be filed using the Business Court civil coversheet.

9/09/2019

Date

Signature of initiating party or representative

See other side for family-related case filings.



DISTRICT COURT
CLARK COUNTY, NEVADA

ERIC RICE, Individually; JEFFERSON
TEMPLE as Special Administrator of the
Estate of RAHEEM RICE; BRYAN
LOVETT,

Plaintiffs,

vs.

ZHENG TRUST c/o FENEX CONSULTING;
LI JUN ZHENG, individually;

Case No.: A-19-801549-C

Dept No.: 26

**ORDER DENYING DEFENDANT,
AIRBNB, INC.'S MOTION TO
COMPEL ARBITRATION AND
STAY LITIGATION**

Defendant, AIRBNB, Inc.'s Motion to Compel Arbitration and Stay Litigation was heard on February 12, 2020 with Jordan P. Schnitzer, Esq. appearing for Plaintiff, Bryan Lovett, Michael C. Kane, Esq., appearing for Plaintiffs' Eric Rice and Jefferson Temple, Special Administrator of the Estate of Raheem Rice, and Ryan L. Dennett, Esq. and David Hayek, Esq. appearing for Defendant, AIRBNB, Inc.

The Court having considered the papers and pleading on file herein, the Court being fully advised in the premises and good cause appearing therefore, finds and Orders as follow:

Counsel for AIRBNB, Inc. filed a "Notice of Withdrawal" of the Motion as to Bryan Lovett only, as the matter had been fully briefed, the Court left the Motion on calendar pursuant to EDCR 2.22. The Court finds that Mr. Lovett did not have a contract with AIRBNB, Inc, as there is no proof that he accepted the terms of service, further even if he had done so, no contract would have been formed as Mr. Lovett was under 18 at the

1 time of the incident.

2 Therefore, Defendant, AIRBNB, Inc.'s Motion to Compel Arbitration and Stay
3 Litigation regarding Bryan Lovett is **DENIED**.

4 IT IS SO ORDERED.

5 DATED this 27th day of May 2020.

6
7 Counsel for Plaintiff Lovett to file Notice of Entry of Order.

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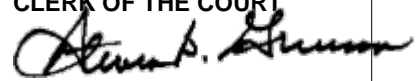
11 _____
12 District Court Judge

13
14
15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on or about the date signed, a copy of this Order was electronically
17 served to all registered parties in the Eighth Judicial District Court's electronic filing program per
18 the attached Service Contacts list and/or placed in the attorney's folder maintained by the Clerk of
19 the Court and/or transmitted via facsimile and/or mailed, postage prepaid, by United States mail to
20 the proper parties.

21 /s/ Linda Denman

22 Linda Denman
23 Judicial Executive Assistant
24 To Judge Gloria Sturman
25 Department 26



JORDAN P. SCHNITZER, ESQ.
Nevada Bar No. 10744
THE SCHNITZER LAW FIRM
9205 W. Russell Road, Suite 240
Las Vegas, Nevada 89148
Telephone: (702) 960-4050
Facsimile: (702) 960-4092
Jordan@TheSchnitzerLawFirm.com
Attorney for Plaintiff, Bryan Lovett

**DISTRICT COURT
CLARK COUNTY, NEVADA**

ERIC RICE, individually; JEFFERSON TEMPLE
as Special Administrator of the Estate of RAHEEM
RICE; and BRYAN LOVETT,

Case No.: A-19-801549-C

Dept. No.: 26

Plaintiff,

vs.

ZHENG TRUST c/o FENEX CONSULTING; LI
JUN ZHENG, individually; SHENANDOAH
SOUTHWEST, INC. a Nevada Corporation;
JASPER HAN, individually; AIRBNB, INC., a
Foreign Corporation; ROE HOA; ROE SECURITY
COMPANY; DOE PARTY HOST; ROE
PROPERTY MANAGEMENT COMPANY;
DOES XI through XX, inclusive and ROE
CORPORATIONS XI through XX, inclusive.,

**NOTICE OF ENTRY OF ORDER
DENYING AIRBNB'S MOTION TO
COMPEL ARBITRATION AND
STAY LITIGATION**

Defendants.

PLEASE TAKE NOTICE that on the 27th day of May 2020, the Order Denying AIRBNB's
Motion to Compel Arbitration and Stay Litigation was entered. A true and correct copy of the
Order filed on the 28th day of May 2020, is attached hereto and incorporated herein by the
reference.

DATED this 28th day of May 2020.

THE SCHNITZER LAW FIRM

By: 
JORDAN P. SCHNITZER, ESQ.

9205 W. Russell Road, Suite 240
Las Vegas, Nevada 89148

Attorney for Plaintiff, Bryan Lovett





CERTIFICATE OF SERVICE

In accordance with Rule 9 of the N.E.F.C.R., I, the undersigned hereby certify that on the 28th day of May 2020, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING AIRBNB'S MOTION TO COMPEL ARBITRATION AND STAY LITIGATION** to the above-entitled Court for electronic filing and service upon the Court's Service List to the following counsel:

Michael C. Kane, Esq.
Bradley J. Meyers, Esq.
Brandon A. Born, Esq.
THE702FIRM
400 South 7th Street, Suite/Floor 4
Las Vegas, NV, 89101
*Attorneys for Plaintiffs,
Eric Rice and JEFFERSON TEMPLE as
Special Administrator of the Estate of
RAHEEM RICE*

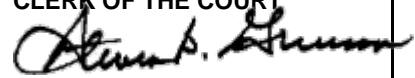
Jasper Han
9660 Grouse Grove Avenue
Las Vegas, Nevada 89148
Defendant IN PROPER PERSON

Ryan L. Dennett, Esq.
Brent D. Quist, Esq.
DENNETT WINSPEAR, LLP.
3301 North Buffalo Drive, Suite 195
Las Vegas, Nevada 89129
Attorneys for Defendant, AIRBNB, INC.

David Theodore Hayek, Esq.
P.K. SCHRIEFFER, LLP.
100 North Barranca Street, Suite 1100
West Covina, CA 91791
Co-counsel for Defendant, AIRBNB, INC.

Jeff Silvestri, Esq.
MCDONALD CARANO LLP
2300 West Sahara Avenue, Suite 1200
Las Vegas, NV 89102
Co-counsel for Defendant, AIRBNB, INC

BY: _____
An employee of
THE SCHNITZER LAW FIRM



DISTRICT COURT
CLARK COUNTY, NEVADA

ERIC RICE, Individually; JEFFERSON
TEMPLE as Special Administrator of the
Estate of RAHEEM RICE; BRYAN
LOVETT,

Plaintiffs,

vs.

ZHENG TRUST c/o FENEX CONSULTING;
LI JUN ZHENG, individually;

Case No.: A-19-801549-C

Dept No.: 26

**ORDER DENYING DEFENDANT,
AIRBNB, INC.'S MOTION TO
COMPEL ARBITRATION AND
STAY LITIGATION**

Defendant, AIRBNB, Inc.'s Motion to Compel Arbitration and Stay Litigation was heard on February 12, 2020 with Jordan P. Schnitzer, Esq. appearing for Plaintiff, Bryan Lovett, Michael C. Kane, Esq., appearing for Plaintiffs' Eric Rice and Jefferson Temple, Special Administrator of the Estate of Raheem Rice, and Ryan L. Dennett, Esq. and David Hayek, Esq. appearing for Defendant, AIRBNB, Inc.

The Court having considered the papers and pleading on file herein, the Court being fully advised in the premises and good cause appearing therefore, finds and Orders as follow:

Counsel for AIRBNB, Inc. filed a "Notice of Withdrawal" of the Motion as to Bryan Lovett only, as the matter had been fully briefed, the Court left the Motion on calendar pursuant to EDCR 2.22. The Court finds that Mr. Lovett did not have a contract with AIRBNB, Inc, as there is no proof that he accepted the terms of service, further even if he had done so, no contract would have been formed as Mr. Lovett was under 18 at the

1 time of the incident.

2 Therefore, Defendant, AIRBNB, Inc.'s Motion to Compel Arbitration and Stay
3 Litigation regarding Bryan Lovett is **DENIED**.

4 IT IS SO ORDERED.

5 DATED this 27th day of May 2020.

6
7 Counsel for Plaintiff Lovett to file Notice of Entry of Order.

8
9
10 

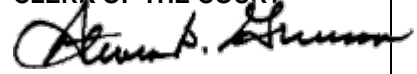
11 _____
12 District Court Judge

13
14
15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on or about the date signed, a copy of this Order was electronically
17 served to all registered parties in the Eighth Judicial District Court's electronic filing program per
18 the attached Service Contacts list and/or placed in the attorney's folder maintained by the Clerk of
19 the Court and/or transmitted via facsimile and/or mailed, postage prepaid, by United States mail to
20 the proper parties.

21 /s/ Linda Denman

22 Linda Denman
23 Judicial Executive Assistant
24 To Judge Gloria Sturman
25 Department 26
26
27
28



1 **ORDR**

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 ERIC RICE, Individually; JEFFERSON TEMPLE
13 as Special Administrator of the Estate of
14 RAHEEM RICE; BRYAN LOVETT.

14 Plaintiffs,

15 vs.

16 ZHENG TRUST c/o FENEX CONSULTING; LI
17 JUN ZHENG, individually; SHENANDOAH
18 SOUTHWEST, INC. a Nevada Corporation;
19 JASPER HAN, individually; AIRBNB, INC., a
20 Foreign Corporation; ROA HOA; ROE
SECURITY COMPANY; DOE PARTY HOST;
ROE PROPERTY MANAGEMENT COMPANY;
DOES XI through XX, inclusive and ROE
CORPORATIONS XI through XX, inclusive,

21 Defendants.

Case No: A-19-801549-C
Dept. No: 26

**ORDER DENYING AIRBNB, INC.'S
MOTION TO COMPEL
ARBITRATION AND STAY ALL
PROCEEDINGS**

22
23 This matter came before the above-captioned Court on February 12, 2020 on Defendant
24 AIRBNB INC's Motion to Compel Arbitration and Stay All Proceedings Pursuant to the Federal
25 Arbitration Act, 9 U.S.C. §§3 and 4 against Plaintiff Eric Rice and Jefferson Temple as Special
26 Administrator of the Estate of Raheem Rice, and Motion to Stay All Proceedings against Bryan
27 Lovett.
28

1 The Court, having considered the moving papers and arguments of counsel, finds and
2 orders as follows:

3 1. The motion to compel arbitration as to Jefferson Temple as Special Administrator
4 of the Estate of Raheem Rice is denied. The Court finds the there is no enforceable
5 arbitration agreement under the Airbnb Terms of Service (which included an agreement
6 to arbitrate claims against Airbnb) as the cause of action arises under the wrongful
7 death statute;

8 2. The motion to compel arbitration as to Eric Rice, individually, is denied. The
9 Court finds the there is no enforceable arbitration agreement under the Airbnb Terms of
10 Service (which included an agreement to arbitrate claims against Airbnb) as his cause of
11 action arises under the wrongful death statute, and is derivative of the death of Raheem
12 Rice;

13 3. Because the Court denies Airbnb, Inc.'s motion to compel arbitration as to Eric
14 Rice and Jefferson Temple as Special Administrator of the Estate of Raheem Rice, the
15 Court also denies Airbnb, Inc.'s motion pursuant to 9 U.S.C. §3 to stay all proceedings
16 as to all parties.

17 IT IS SO ORDERED.

18 DATED this 27th day of May 2020.

19 Counsel for Plaintiff to prepare the Notice of Entry of Order.

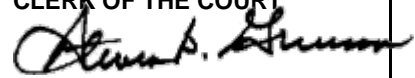
20
21 
22 _____
23 DISTRICT COURT JUDGE
24
25
26
27
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CERTIFICATE OF SERVICE

I hereby certify that on or about the date signed, a copy of this Order was electronically served to all registered parties in the Eighth Judicial District Court's electronic filing program per the attached Service Contacts list and/or placed in the attorney's folder maintained by the Clerk of the Court and/or transmitted via facsimile and/or mailed, postage prepaid, by United States mail to the proper parties.

/s/ Linda Denman

Linda Denman
Judicial Executive Assistant
To Judge Gloria Sturman
Department 26



1 **NEOJ**

2 Jeff Silvestri, Esq. (NSBN 5779)
3 Jason B. Sifers, Esq. (NSBN 14273)
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5 2300 West Sahara Avenue, Suite 1200
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11 *Attorneys for Defendant, AIRBNB, INC.*

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 ERIC RICE, individually; JEFFERSON
15 TEMPLE as Special Administrator of the Estate
16 of RAHEEM RICE; BRYAN LOVETT,

17 Plaintiffs,

18 v.

19 ZHENG TRUST c/o FENEX CONSULTING;
20 LI JUN ZHENG, individually; SHENANDOAH
21 SOUTHWEST, INC., a Nevada Corporation;
22 JASPER HAN, individually; AIRBNB, INC.,
23 a Foreign Corporation; ROE HOA; ROE
24 SECURITY COMPANY; DOE PARTY HOST;
25 ROE PROPERTY MANAGEMENT
26 COMPANY; DOES XI through XX, inclusive
27 and ROE CORPORATIONS XI through XX,
28 inclusive,

Defendants.

CASE NO.: A-19-801549-C
DEPT. NO.: XXVI

**NOTICE OF ENTRY OF ORDER
DENYING AIRBNB, INC.'S
MOTION TO COMPEL
ARBITRATION AND STAY ALL
PROCEEDINGS AS TO CLAIMS OF
ERIC RICE, INDIVIDUALLY, AND
JEFFERSON TEMPLE AS SPECIAL
ADMINISTRATOR OF THE ESTATE
OF RAHEEM RICE**

PLEASE TAKE NOTICE an **ORDER DENYING AIRBNB, INC.'S MOTION TO
COMPEL ARBITRATION AND STAY ALL PROCEEDINGS AS TO CLAIMS OF ERIC
RICE, INDIVIDUALLY, AND JEFFERSON TEMPLE AS SPECIAL ADMINISTRATOR
OF THE ESTATE OF RAHEEM RICE** was entered in the above-captioned case on the
28th day of May, 2020, a copy of which is attached hereto.

...

DATED this 15th day of June, 2020.

MCDONALD CARANO LLP

By: /s/ Jeff Silvestri

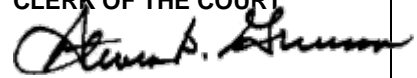
Jeff Silvestri, Esq. (NSBN 5779)
Jason B. Sifers, Esq. (NSBN 14273)
2300 West Sahara Avenue, Suite 1200
Las Vegas, Nevada 89102

Attorneys for Defendant, AIRBNB, INC.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on or about the 15th day of June, 2020, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER DENYING AIRBNB, INC.'S MOTION TO COMPEL ARBITRATION AND STAY ALL PROCEEDINGS AS TO CLAIMS OF ERIC RICE, INDIVIDUALLY, AND JEFFERSON TEMPLE AS SPECIAL ADMINISTRATOR OF THE ESTATE OF RAHEEM RICE** was electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

/s/ CaraMia Gerard
An employee of McDonald Carano LLP



1 **ORDR**

10 **DISTRICT COURT**
11 **CLARK COUNTY, NEVADA**

12 ERIC RICE, Individually; JEFFERSON TEMPLE
13 as Special Administrator of the Estate of
14 RAHEEM RICE; BRYAN LOVETT.

14 Plaintiffs,

15 vs.

16 ZHENG TRUST c/o FENEX CONSULTING; LI
17 JUN ZHENG, individually; SHENANDOAH
18 SOUTHWEST, INC. a Nevada Corporation;
19 JASPER HAN, individually; AIRBNB, INC., a
20 Foreign Corporation; ROA HOA; ROE
SECURITY COMPANY; DOE PARTY HOST;
ROE PROPERTY MANAGEMENT COMPANY;
DOES XI through XX, inclusive and ROE
CORPORATIONS XI through XX, inclusive,

21 Defendants.

Case No: A-19-801549-C
Dept. No: 26

**ORDER DENYING AIRBNB, INC.'S
MOTION TO COMPEL
ARBITRATION AND STAY ALL
PROCEEDINGS**

22
23 This matter came before the above-captioned Court on February 12, 2020 on Defendant
24 AIRBNB INC's Motion to Compel Arbitration and Stay All Proceedings Pursuant to the Federal
25 Arbitration Act, 9 U.S.C. §§3 and 4 against Plaintiff Eric Rice and Jefferson Temple as Special
26 Administrator of the Estate of Raheem Rice, and Motion to Stay All Proceedings against Bryan
27 Lovett.
28

1 The Court, having considered the moving papers and arguments of counsel, finds and
2 orders as follows:

3 1. The motion to compel arbitration as to Jefferson Temple as Special Administrator
4 of the Estate of Raheem Rice is denied. The Court finds the there is no enforceable
5 arbitration agreement under the Airbnb Terms of Service (which included an agreement
6 to arbitrate claims against Airbnb) as the cause of action arises under the wrongful
7 death statute;

8 2. The motion to compel arbitration as to Eric Rice, individually, is denied. The
9 Court finds the there is no enforceable arbitration agreement under the Airbnb Terms of
10 Service (which included an agreement to arbitrate claims against Airbnb) as his cause of
11 action arises under the wrongful death statute, and is derivative of the death of Raheem
12 Rice;

13 3. Because the Court denies Airbnb, Inc.'s motion to compel arbitration as to Eric
14 Rice and Jefferson Temple as Special Administrator of the Estate of Raheem Rice, the
15 Court also denies Airbnb, Inc.'s motion pursuant to 9 U.S.C. §3 to stay all proceedings
16 as to all parties.

17 IT IS SO ORDERED.

18 DATED this 27th day of May 2020.

19 Counsel for Plaintiff to prepare the Notice of Entry of Order.

20
21 
22 _____
23 DISTRICT COURT JUDGE
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on or about the date signed, a copy of this Order was electronically served to all registered parties in the Eighth Judicial District Court's electronic filing program per the attached Service Contacts list and/or placed in the attorney's folder maintained by the Clerk of the Court and/or transmitted via facsimile and/or mailed, postage prepaid, by United States mail to the proper parties.

/s/ Linda Denman

Linda Denman
Judicial Executive Assistant
To Judge Gloria Sturman
Department 26

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

December 11, 2019

A-19-801549-C Eric Rice, Plaintiff(s)
vs.
Zheng Trust c/o Fenex Consulting, Defendant(s)

December 11, 2019 9:30 AM Motion

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Moore, David M. Attorney
 Quist, Brent D. Attorney
 Schnitzer, Jordan Attorney

JOURNAL ENTRIES

- Mr. Quist requested additional time to file his motion.

Mr. Schnitzer stated the matter was moot.

Mr. Moore stated he just saw the motion two days ago and that it was a 200 plus page motion with exhibits.

COURT FINDS the ultimate question was moot, that counsel had filed but it hadn't been noticed, AND THEREFORE ORDERED, Motion for Enlargement of Time MOOT, counsel would be afforded additional time to brief the motion.

Mr. Moore stated he was willing to stipulate to set the briefing deadlines out.

Court ADVISED counsel to work together on moving the deadlines.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

February 12, 2020

A-19-801549-C Eric Rice, Plaintiff(s)
vs.
Zheng Trust c/o Fenex Consulting, Defendant(s)

February 12, 2020 9:00 AM All Pending Motions

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Dennett, Ryan L Attorney
 Kane, Michael C Attorney
 Moore, David M. Attorney
 Schnitzer, Jordan Attorney

JOURNAL ENTRIES

- MOTION FOR ORDER TO COMPEL PLAINTIFF AND FOR DISBURSEMENT PLAINTIFF'S BRYAN LOVETT'S JOINDER TO PLAINTIFFS ERIC RICE AND JEFFERSON TEMPLE AS SPECIAL ADMINISTRATOR OF THE ESTATE OF RAHEEM RICE'S OPPOSITION TO DEFENDANT AIRBNB INC'S MOTION TO COMPEL ARBITRATION AND STAY LITIGATION ERIC RICE, INDIVIDUALLY; JEFFERSON TEMPLE AS SPECIAL ADMINISTRATOR OF THE ESTATE OF RAHEEM RICE'S JOINDER TO BRYAN LOVETT OPPOSITION TO DEFENDANT AIRBNB, INC.

Also present was David Hayek, Esq. pro hawk vice representing Airbnb.

MATTER TRAILED AND RECALLED AT THE HOUR OF 9:14 AM with Mr. Dennett now present.

Mr. Moore stated he had not read the pro hawk application and could not comment at this time.

Mr. Kane stated no objection.

COURT FINDS there being no objection at this time, Mr. Kayek will be allowed to argue the motion pending approval of his Pro Hac Application.

Mr. Hayek argued there was a contract between Mr. Rice and Airbnb to arbitrate claims, that the Shine v Archer case was on point with terms of service that required arbitration of any claim in the United States, that arbitration applied to any dispute of hosting service and anything arising from there. Mr. Hayek argued once arbitration was requested by a party the case must be stayed.

Mr. Dennett argued there was no proof Mr. Rice used the booking service ever, there was no proof he was on the site, and that his clients went to a party set up by Ms. Jones who used Airbnb to book the party to be held at a party house. Mr. Dennett argued there was no benefit derived and that they didn't know about the booking as they just went to the party. Mr. Dennett argued there was no connection, that the terms of service did not relate, that the terms would only apply if Mr. Rice used the Airbnb booking, that the arbitration clause must be clear and unmistakable; however this was over broad and far afield, and that he didn't use the booking or stay at the location.

Mr. Schnitzer argued his client was under 18 and opposing counsel had withdrawn their Motion to Arbitrate as to his client.

Mr. Dennett stated Mr. Schnitzer's client didn't have an Airbnb contract and he was underage.

Mr. Hayek argued this was the exact same argument as in the Federal case he'd cited.

Mr. Kane argued the Henry case stated there must be mutual ascent, that they didn't know if Raeem Rice (deceased) clicked agreement to the arbitration clause when the sign up occurred, that the e-mail address was also used by the father, and that opposing counsel had presented no evidence other than the e-mails.

Court stated CONCERN regarding how someone under 18 could be held responsible for the terms of service, that Raheem Rice's estate had a survivors wrongful death claim, and inquired as to how they could attach their claims of loss to a terms of agreement service contract.

Mr. Hayek argued Raheem and Eric Rice separately clicked accepting the terms of agreement and therefore were both bound by the agreement terms.

Court noted that would leave a wrongful death suit only connected by the terms of this site.

Mr. Hayek argued they had an agreement and if an arbitrator finds it doesn't belong in arbitration then that was within his scope.

COURT ORDERED, Motion To Compel Arbitration DENIED, Joinders GRANTED; Mr. Kane to prepare the order.

Mr. Kane stated no objection to the Pro Hac Vice application.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Other Negligence

COURT MINUTES

May 20, 2020

A-19-801549-C Eric Rice, Plaintiff(s)
vs.
Zheng Trust c/o Fenex Consulting, Defendant(s)

**May 20, 2020 9:30 AM Mandatory Rule 16
Conference**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES

PRESENT: Born, Brandon A. Attorney
Dennett, Ryan L Attorney
Kane, Michael C Attorney
Schnitzer, Jordan Attorney
Silvestri, Jeffrey A. Attorney

JOURNAL ENTRIES

- Colloquy regarding the dueling orders on the Motion to Compel.

Mr. Kane stated he wanted to get a discovery plan in place to make sure they meet their deadlines.

Mr. Silvestri stated he did not want a discovery plan in place as the entire case would be stayed and that he thought there arbitration issues applied to the entire case.

Mr. Schnitzer stated they had withdrawn the Motion to Compel as to his clients and he wanted to proceed with discovery.

Ms. McDonald requested a discovery plan be in place in case something happens at arbitration that way they don't linger out there.

Court noted the case had a unique posture and further stated they would have a 2022 trial date based on their plan.

Following further colloquy, COURT ORDERED, Trial Dates SET; Judicial Executive Assistant to prepare the trial order.

05/12/2022 9:00 AM CALENDAR CALL

05/31/2022 9:00 AM JURY TRIAL



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

JEFF SILVESTRI, ESQ.
2300 W. SAHARA AVE., STE 1200
LAS VEGAS, NV 89102

DATE: June 15, 2020
CASE: A-19-801549-C

RE CASE: ERIC RICE; JEFFERSON TEMPLE; RAHEEM RICE; BRYAN LOVETT vs. ZHENG TRUST C/O FENEX CONSULTING LI JUN ZHENG; SHENANDOAH SOUTHWEST, INC.; JASPER HAN; AIRBNB, INC.

NOTICE OF APPEAL FILED: June 15, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING DEFENDANT, AIRBNB, INC.'S MOTION TO COMPEL ARBITRATION AND STAY LITIGATION; NOTICE OF ENTRY OF ORDER DENYING AIRBNB'S MOTION TO COMPEL ARBITRATION AND STAY LITIGATION; ORDER DENYING AIRBNB, INC.'S MOTION TO COMPEL ARBITRATION AND STAY ALL PROCEEDINGS; NOTICE OF ENTRY OF ORDER DENYING AIRBNB, INC.'S MOTION TO COMPEL ARBITRATION AND STAY ALL PROCEEDINGS AS TO CLAIMS OF ERIC RICE, INDIVIDUALLY, AND JEFFERSON TEMPLE AS SPECIAL ADMINISTRATOR OF THE ESTATE OF REHEEM RICE; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

ERIC RICE; JEFFERSON TEMPLE; RAHEEM RICE; BRYAN LOVETT,

Plaintiff(s),

vs.

ZHENG TRUST C/O FENEX CONSULTING
LI JUN ZHENG; SHENANDOAH
SOUTHWEST, INC.; JASPER HAN; AIRBNB,
INC.,

Defendant(s),

Case No: A-19-801549-C

Dept No: XXVI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 15 day of June 2020.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk