

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN BORGER; AND SHERRI
BORGER,
Appellants,
vs.
POLARIS INDUSTRIES, INC.,
Respondent.

No. 81764

FILED

SEP 12 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Yareny
DEPUTY CLERK

ORDER DENYING EN BANC RECONSIDERATION

Having considered the petition on file herein, we have concluded that en banc reconsideration is not warranted. NRAP 40A. Accordingly, we

ORDER the petition DENIED.¹

Stiglich, J.
Stiglich

Cadish, J.
Cadish

Silver, J.
Silver

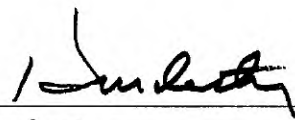
Pickering, J.
Pickering

Herndon, J.
Herndon

¹The Honorable Ron Parraguirre, Chief Justice, did not participate in the decision of this matter.

HARDESTY, J., dissenting:

I dissent and would grant En Banc Reconsideration to maintain uniformity with prior decisions of the Court. NRAP 40A. The majority in the Panel Order failed to properly apply the first prong of the three-part test in *Provincial Gov't of Marinduque v Placer Dome, Inc.*, 131 Nev. 296, 300-01, 350 P.3d 392, 398 (2015), concerning the deference to be afforded to Borgers' choice of forum in this forum non conveniens case.


_____, J.
Hardesty

cc: Hon. Kathleen E. Delaney, District Judge
Chad A. Bowers, Ltd.
Kaster, Lynch, Farrar & Ball, LLP
Pisanelli Bice, PLLC
Eighth District Court Clerk