

Electronically Filed
Apr 29 2021 11:45 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

NOAS
Patrick J. Reilly
Nevada Bar No. 6103
preilly@bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: 702.382.2101
Facsimile: 702.382.8135

Edward J. Baines (admitted *pro hac vice*)
ted.baines@saull.com
SAUL EWING ARNSTEIN & LEHR LLP
500 E. Pratt Street, Suite 900
Baltimore, MD 21202-3133
Telephone: 410.332.8954

Zachary W. Berk (admitted *pro hac vice*)
zachary.berk@saull.com
SAUL EWING ARNSTEIN & LEHR LLP
131 Dartmouth Street, Suite 501
Boston, MA 02116
Telephone: 617.912.0927

*Attorneys for Willis of Arizona, Inc. and
Willis Towers Watson Insurance Services West, Inc.*

DISTRICT COURT

CLARK COUNTY, NEVADA

HAKKASAN USA, INC., a Delaware
Corporation,

Plaintiff,

v.

ENDURANCE AMERICAN SPECIALTY
INSURANCE COMPANY, a Delaware
Corporation; SOMPO INTERNATIONAL
HOLDINGS, LTD., a Bermuda Corporation;
WILLIS OF ARIZONA, INC., an Arizona
Corporation; and WILLIS TOWERS
WATSON INSURANCE SERVICES WEST,
INC., a California Corporation,

Defendants.

Case No. A-20-816145-B

Dept. No. XI

NOTICE OF APPEAL

///

///

BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
702.382.2101

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

NOTICE IS HEREBY GIVEN that Defendants Willis of Arizona, Inc. and Willis Towers Watson Insurance Services West, Inc. hereby appeal to the Supreme Court of the State of Nevada from the Court's Order re: Willis Defendants' Motion to Strike Plaintiff's Jury Demand as to Its Claims Against Willis Defendants or, In the Alternative, to Compel Arbitration, filed on March 25, 2021, which Notice of Entry of Order was filed on April 14, 2021. A copy of the Notice of Entry of Order, containing the underlying order, is attached hereto as **Exhibit "1"**.

DATED this 23rd day of April, 2021.

/s/ Patrick J Reilly

Patrick J. Reilly
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614

Edward J. Baines
SAUL EWING ARNSTEIN & LEHR LLP
500 E. Pratt Street, Suite 900
Baltimore, MD 21202-3133

Zachary W. Berk
SAUL EWING ARNSTEIN & LEHR LLP
131 Dartmouth Street, Suite 501
Boston, MA 02116

*Attorneys for Willis of Arizona, Inc. and
Willis Towers Watson Insurance Services West, Inc.*

CERTIFICATE OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b), I certify that I am an employee of BROWNSTEIN HYATT FARBER SCHRECK, LLP, and that the foregoing **NOTICE OF APPEAL** was served by submitting electronically for filing and/or service with the Eighth Judicial District Court's Odyssey eFileNV Electronic Filing system and serving all parties with an email address on record, as indicated below, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R. on the 23rd day of April, 2021, to the addresses shown below:

James E. Whitmire, III
SANTORO WHITMIRE
10100 West Charleston Blvd., Suite 250
Las Vegas, NV 89135
email: jwhitmire@santoronevada.com

Amy M. Samberg
FORAN GLENNON PALANDECH PONZI
& RUDLOFF PC
400 East Van Buren Street, Suite 550
Phoenix, AZ 85004
email: asamberg@fgppr.com

Danielle L. Gilmore
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017
email: daniellegilmoe@quinnemanuel.com

Dylan P. Todd
FORAN GLENNON PALANDECH PONZI
& RUDLOFF PC
2200 Paseo Verde Parkway, Suite 280
Henderson, NV 89052
email: dtodd@fgppr.com

*Attorneys for Somp International Holdings
Ltd. and Endurance American Specialty
Insurance Company*

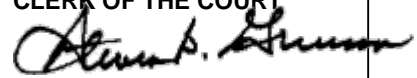
Allison Huebert
Athena Dalton
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
191 N. Wacker Drive, Suite 2700
Chicago, IL 60606
email: allisonhuebert@quinnemanuel.com
athenadalton@quinnemanuel.com

Attorneys for Plaintiff Hakkasan USA, Inc.

/s/ Mary Barnes
Mary Barnes, an employee of BROWNSTEIN HYATT
FARBER SCHRECK, LLP

Exhibit 1

(Notice of Entry of Order)



NEOJ

Patrick J. Reilly
Nevada Bar No. 6103
preilly@bhfs.com

BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: 702.382.2101
Facsimile: 702.382.8135

Edward J. Baines (admitted *pro hac vice*)
ted.baines@saull.com
SAUL EWING ARNSTEIN & LEHR LLP
500 E. Pratt Street, Suite 900
Baltimore, MD 21202-3133
Telephone: 410.332.8954

Zachary W. Berk (admitted *pro hac vice*)
zachary.berk@saull.com
SAUL EWING ARNSTEIN & LEHR LLP
131 Dartmouth Street, Suite 501
Boston, MA 02116
Telephone: 617.912.0927

*Attorneys for Willis of Arizona, Inc. and
Willis Towers Watson Insurance Services West, Inc.*

DISTRICT COURT

CLARK COUNTY, NEVADA

HAKKASAN USA, INC., a Delaware
Corporation,

Plaintiff,

v.

ENDURANCE AMERICAN SPECIALTY
INSURANCE COMPANY, a Delaware
Corporation; SOMPO INTERNATIONAL
HOLDINGS, LTD., a Bermuda
Corporation; WILLIS OF ARIZONA,
INC., an Arizona Corporation; and
WILLIS TOWERS WATSON
INSURANCE SERVICES WEST, INC., a
California Corporation,

Defendants.

Case No. A-20-816145-B

Dept. No. XI

NOTICE OF ENTRY OF ORDER

1 Please take notice that an Order Re Willis Defendants' Motion to Strike Plaintiff's Jury
2 Demand as to its Claims Against the Willis Defendants or, in the Alternative, to Compel Arbitration
3 was entered on the 26th day of March, 2021 in the above-entitled matter, a copy of which is attached
4 hereto.

5 DATED this 14th day of April, 2021.

7 /s/ Patrick J. Reilly

8 Patrick J. Reilly
9 BROWNSTEIN HYATT FARBER
10 SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614

11 Edward J. Baines
12 SAUL EWING ARNSTEIN & LEHR LLP
500 E. Pratt Street, Suite 900
Baltimore, MD 21202-3133

13 Zachary W. Berk
14 SAUL EWING ARNSTEIN & LEHR LLP
131 Dartmouth Street, Suite 501
Boston, MA 02116

15 *Attorneys for Willis of Arizona, Inc. and*
16 *Willis Towers Watson Insurance Services*
17 *West, Inc.*

CERTIFICATE OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b), I certify that I am an employee of BROWNSTEIN HYATT FARBER SCHRECK, LLP, and that the foregoing **NOTICE OF ENTRY OF ORDER** was served by submitting electronically for filing and/or service with the Eighth Judicial District Court's Odyssey eFileNV Electronic Filing system and serving all parties with an email address on record, as indicated below, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R. on the 14th day of April, 2021, to the addresses shown below:

James E. Whitmire, III
SANTORO WHITMIRE
10100 West Charleston Blvd., Suite 250
Las Vegas, NV 89135
email: jwhitmire@santoronevada.com

Amy M. Samberg
FORAN GLENNON PALANDECH PONZI
& RUDLOFF PC
400 East Van Buren Street, Suite 550
Phoenix, AZ 85004
email: asamberg@fgppr.com

Danielle L. Gilmore
Dahot S. Speas
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017
email: daniellegilmoe@quinnemanuel.com
dakotaspeas@quinnemanuel.com

Dylan P. Todd
FORAN GLENNON PALANDECH PONZI
& RUDLOFF PC
2200 Paseo Verde Parkway, Suite 280
Henderson, NV 89052
email: dtodd@fgppr.com

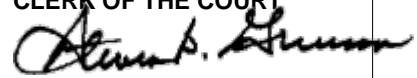
*Attorneys for Somp International Holdings
Ltd. and Endurance American Specialty
Insurance Company*

Allison Huebert
Athena Dalton
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
191 N. Wacker Drive, Suite 2700
Chicago, IL 60606
email: allisonhuebert@quinnemanuel.com
athenadalton@quinnemanuel.com

Attorneys for Plaintiff Hakkasan USA, Inc.

/s/ Mary Barnes

An employee of Brownstein Hyatt Farber Schreck, LLP

**ORDR**

JAMES E. WHITMIRE (NV Bar No. 6533)

SANTORO WHITMIRE

10100 W. Charleston Blvd., Suite 250

Las Vegas, Nevada 89135

Tel. (702) 948-8771 / Fax: (702) 948-8773

Email: jwhitmire@santoronevada.com

QUINN EMANUEL URQUHART & SULLIVAN, LLPDANIELLE L. GILMORE (*admitted pro hac vice*)DAKOTA S. SPEAS (*pro hac vice pending*)865 South Figueroa Street, 10th Floor

Los Angeles, California 90017

Telephone: (213) 443-3000/Fax: (213) 443-3100

Email: daniellegilmore@quinnemanuel.com

dakotaspeas@quinnemanuel.com

ALLISON HUEBERT (*admitted pro hac vice*)ATHENA DALTON (*admitted pro hac vice*)

191 N. Wacker Drive Suite 2700

Chicago, Illinois 60606

Telephone: (312) 705-7400/Fax: (312) 705-7401

Email: allisonhuebert@quinnemanuel.com

athenadalton@quinnemanuel.com

*Attorneys for Plaintiff Hakkasan USA, Inc.***DISTRICT COURT****CLARK COUNTY, NEVADA**HAKKASAN USA, INC., a Delaware
Corporation;

Plaintiff,

vs.

ENDURANCE AMERICAN SPECIALITY
INSURANCE COMPANY, a Delaware
Corporation; SOMPO INTERNATIONAL
HOLDINGS, LTD., a Bermuda Corporation;
WILLIS OF ARIZONA, INC., an Arizona
Corporation; and WILLIS TOWERS WATSON
INSURANCE SERVICES WEST, INC., a
California Corporation

Defendants.

Case No.: A-20-816145-B

Dept. No.: ● XI

(Business Court)

**~~PROPOSED~~ ORDER RE WILLIS
DEFENDANTS' MOTION TO STRIKE
PLAINTIFF'S JURY DEMAND AS TO
ITS CLAIMS AGAINST THE WILLIS
DEFENDANTS OR, IN THE
ALTERNATIVE, TO COMPEL
ARBITRATION**

Defendants WILLIS OF ARIZONA, INC. AND WILLIS TOWERS WATSON INSURANCE SERVICES WEST, INC.'S MOTION TO STRIKE PLAINTIFF'S JURY DEMAND AS TO ITS CLAIMS AGAINST THE WILLIS DEFENDANTS OR, IN THE ALTERNATIVE, TO COMPEL ARBITRATION ("Willis Defendants' Motion to Strike") was fully briefed and, pursuant to Administrative Order 21-03, decided without oral argument. Having reviewed the Motion filed by Defendants on February 11, 2021, the Opposition filed by Plaintiff on February 25, 2021, and the Reply in support of the Motion filed on March 8, 2021, the Court DENIES the Willis Defendants' Motion to Strike.

On March 29, 2019 Defendants Willis of Arizona, Inc. and Willis Towers Watson Insurance Services West, Inc. (collectively, "Willis") presented a proposal to Hakkasan to procure various insurance policies for the 2019-20 policy term (the "Proposal"). The Proposal included a nine-page document entitled "Brokerage Terms, Conditions & Disclosures" (the "T&Cs"). Section 1.13 of the T&Cs reads as follows:

Dispute Resolution. The parties agree to work in good faith to resolve any disputes arising out of or in connection with the services provided under these Terms, Conditions & Disclosures. If a dispute cannot be resolved it will be submitted to non-binding mediation to be conducted by Judicial Arbitration and Mediation Services (JAMS) before either party pursues other remedies hereunder. If the mediation does not resolve the dispute and a party or both parties wish to pursue other remedies, the parties agree that their legal dispute will be resolved without a jury trial and agree not to request or demand a jury trial. To the fullest extent permitted by applicable law, the parties hereby irrevocably waive any right they may have to demand a jury trial.

To the extent the foregoing jury trial waiver is not enforceable under the governing law, except as provided below, any dispute arising out of or in connection with these Terms, Conditions & Disclosures which the parties are unable to resolve between themselves or through mediation as provided above, will be resolved by binding arbitration in the state as provided for in paragraph 14 below, or other mutually agreed location, before a panel of three arbitrators in accordance with the Commercial Arbitration Rules of the American Arbitration Association. . . .

Willis contends that the foregoing section of the T&Cs precludes Hakkasan from trying its present claims for civil conspiracy, constructive fraud, negligence, and intentional interference with contractual relations against Willis to a jury. Willis further contends that Hakkasan's claims against Willis in this case should be compelled to arbitration in accordance with the T&Cs if the jury waiver provision is not enforceable under Nevada law. In response, Hakkasan argues *inter alia* the T&Cs only govern Hakkasan's purchase of insurance through Willis, and Hakkasan's present tort claims do not "aris[e] out of or in connection with" that transaction. The Court agrees with Hakkasan and concludes that Hakkasan's present claims against Willis for civil conspiracy, constructive fraud, negligence, and intentional interference with contractual relations are outside the scope of the Dispute Resolution clause in Section 1.13 of the T&Cs.

For the aforementioned reasons, IT IS HEREBY ORDERED that the Willis Defendants' Motion to Strike is DENIED.

Dated this 25th day of March, 2021.


DISTRICT COURT JUDGE

Respectfully Submitted By:

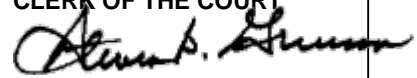
Approved as to form by:

SANTORO WHITMIRE

**BROWNSTEIN HYATT FARBER
SCHRECK, LLP**

/s/ James E. Whitmire
JAMES E. WHITMIRE, ESQ. (NBN 6533)
10100 W. Charleston Blvd., Suite 250
Las Vegas, Nevada 89135
Attorneys for Plaintiff Hakkasan USA, Inc.

/s/ Patrick J. Reilly
PATRICK J. REILLY, ESQ. (NBN 6103)
100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106
*Attorneys for Defendants Willis of Arizona,
Inc. and Willis Tower Watson Insurance
Services West, Inc.*



1 **ASTA**
Patrick J. Reilly
2 Nevada Bar No. 6103
preilly@bhfs.com
3 BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
4 Las Vegas, NV 89106-4614
Telephone: 702.382.2101
5 Facsimile: 702.382.8135

6 Edward J. Baines (admitted *pro hac vice*)
ted.baines@saul.com
7 SAUL EWING ARNSTEIN & LEHR LLP
500 E. Pratt Street, Suite 900
8 Baltimore, MD 21202-3133
Telephone: 410.332.8954

9 Zachary W. Berk (admitted *pro hac vice*)
zachary.berk@saul.com
10 SAUL EWING ARNSTEIN & LEHR LLP
131 Dartmouth Street, Suite 501
11 Boston, MA 02116
Telephone: 617.912.0927

12 *Attorneys for Willis of Arizona, Inc. and*
13 *Willis Towers Watson Insurance Services West, Inc.*

14
15 **DISTRICT COURT**

16 **CLARK COUNTY, NEVADA**

17 HAKKASAN USA, INC., a Delaware
18 Corporation,

19 Plaintiff,

20 v.

21 ENDURANCE AMERICAN SPECIALTY
INSURANCE COMPANY, a Delaware
22 Corporation; SOMPO INTERNATIONAL
HOLDINGS, LTD., a Bermuda Corporation;
23 WILLIS OF ARIZONA, INC., an Arizona
Corporation; and WILLIS TOWERS
24 WATSON INSURANCE SERVICES WEST,
INC., a California Corporation,

25 Defendants.

Case No. A-20-816145-B

Dept. No. XI

CASE APPEAL STATEMENT

26
27 ///

28 ///

1. Name of Appellants Filing this Case Appeal Statement:

Willis of Arizona, Inc. and Willis Towers Watson Insurance Services West, Inc. (“Willis”).

2. The Judge Issuing the Decision, Judgment, or Order Appealed From:

The Honorable Elizabeth Gonzalez, Eighth Judicial District Court, Department XI.

3. Each appellant and the name and address of counsel for each appellant:

Willis is represented by (a) Patrick J. Reilly, Esq., Brownstein Hyatt Farber Schreck, LLP, 100 North City Parkway, Suite 1600, Las Vegas, NV 89106-4614; (b) Edward J. Baines, Esq., Saul Ewing Arnstein & Lehr, LLP, 500 E. Pratt Street, Suite 900, Baltimore, MD 21202-3133; and (c) Zachary W. Berk, Esq., Saul Ewing Arnstein & Lehr, LLP, 131 Dartmouth Street, Suite 501, Boston, MA 02116. Mr. Baines and Mr. Berk have appeared before the district court on a *pro hac vice* basis pursuant to Supreme Court Rule 42. Copies of the orders granting permission for them to practice are attached hereto as **Exhibit “1”** and **Exhibit “2”**.

4. Each respondent and the name and address of appellate counsel, if known, for each respondent, but if the name of a respondent’s appellate counsel is not known, then the name and address of that respondent’s trial counsel:

Hakkasan USA, Inc. (“Hakkasan”) is the Respondent. Hakkasan is represented by (a) James E. Whitmire, III, Esq., Santoro Whitmire, 10100 West Charleston Blvd., Suite 250, Las Vegas, NV 89135; (b) Danielle L. Gilmore, Esq., Quinn Emanuel Urquhart & Sullivan, LLP, 865 South Figueroa Street, 10th Floor, Los Angeles, CA 90017; (c) Allison Huebert, Esq., Quinn Emanuel Urquhart & Sullivan, LLP, 191 N. Wacker Drive, Suite 2700, Chicago, IL 60606; (d) Athena Dalton, Esq., Quinn Emanuel Urquhart & Sullivan, LLP, 191 N. Wacker Drive, Suite 2700, Chicago, IL 60606; and (e) William A. Burck, Quinn Emanuel Urquhart & Sullivan, LLP, 1300 I St., N.W., Suite 900, Washington, DC 20005.¹

Defendants Somp International Holdings Ltd. and Endurance American Specialty Insurance Company are not respondents to this appeal.

¹ Hakkasan is also represented by Dakota S. Speas, Esq., Quinn Emanuel Urquhart & Sullivan, LLP, 865 South Figueroa Street, 10th Floor, Los Angeles, CA 90017. Hakkasan has filed a Motion to Associate Counsel on her behalf. The motion is unopposed and is currently set for hearing on April 30, 2021.

5. Whether any attorney identified pursuant to NRAP 3(f)(3)(D) is not licensed to practice law in Nevada, and if so, whether the district court granted that attorney permission to appear under SCR 42, including a copy of any district court order granting that permission:

Ms. Gilmore, Ms. Huebert, Ms. Dalton, and Mr. Burck have appeared before the district court on a *pro hac vice* basis pursuant to Supreme Court Rule 42. Copies of the orders granting permission for them to practice are attached hereto as **Exhibit “3”** through **Exhibit “6”**.

6. Whether appellant was represented by appointed counsel in the district court, and whether the appellant is represented by appointed counsel on appeal.

All parties were represented by retained counsel in the district court and are represented by retained counsel on appeal.

7. Whether the district court granted the appellant leave to proceed in forma pauperis, and if so, the date of the district court’s order granting that leave.

Not applicable.

8. The date that the proceedings commenced in the district court.

The Complaint was filed on June 5, 2020.

9. A brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

In the underlying action, Hakkasan has alleged that it “contracted with Willis to provide [insurance] brokerage and claims-handling services” and that Willis engaged in conduct that was, among other things, “in breach of contract” by allegedly notifying Hakkasan’s insurer, prematurely, of an impending COVID-19-related insurance claim. Hakkasan further claims that Willis’s conduct resulted in the insurer issuing a General Change Endorsement reflecting a \$1,500,000 sublimit for virus-related coverage under Hakkasan’s \$350,000,000 per occurrence Commercial Property Surplus Lines insurance policy (the “Policy”), thereby depriving Hakkasan of the full policy limits for its alleged COVID-19 losses.

The parties’ relationship is governed by a dispute resolution provision contained in the parties “Brokerage Terms, Conditions & Disclosures” (the “T&Cs”). The T&Cs contain, among other things, a mandatory “Dispute Resolution” provision in which the parties waived any right to

1 a jury trial. To the extent the jury trial waiver is not enforceable under the governing law, the T&Cs
2 require the parties to resolve their disputes by binding arbitration.

3 On February 11, 2021, Willis filed a Motion To Strike Plaintiff's Jury Demand As To Its
4 Claims Against The Willis Defendants Or, In The Alternative, To Compel Arbitration (the "Motion
5 to Strike"). After the parties' briefing on the Motion to Strike was completed, the district court
6 chose not to hold a hearing and entered a minute order denying the Motion to Strike stating that
7 "[i]ssues related to the proposal are distinct with those which remain at issue in this matter."
8 Subsequently, on March 25, 2021, the district court executed an Order denying the Motion to Strike
9 holding that "Hakkasan's present claims against Willis for civil conspiracy, constructive fraud,
10 negligence, and intentional interference with contractual relations are outside the scope of the
11 Dispute Resolution clause in Section 1.13 of the T&Cs."

12 As such, Willis appeals the district court's order pursuant to NRS 38.247(1)(a).

13 10. Whether the case has previously been the subject of an appeal to or original writ proceeding
14 in the Supreme Court or Court of Appeals and, if so, the caption and docket number of the
15 prior proceeding:

16 Concurrently with the filing of this interlocutory appeal, and out of an abundance of caution,
17 Willis is filing a Petition for Writ of Mandamus as to the district court's refusal to strike Hakkasan's
18 jury demand. *See Lowe Enterprises Residential Partners, L.P. v. Eighth Judicial Dist. Court ex rel.*
19 *Cty. of Clark*, 118 Nev. 92, 97, 40 P.3d 405, 408 (2002) (concluding that "extraordinary review is
20 available" when the district court denies a motion to strike a jury demand because "[i]f petitioners
21 had to wait to challenge the district court's denial of their motion to strike the jury demand on
22 appeal, petitioners would have too difficult a burden to meet upon appellate review").

23 Willis intends to file a motion to consolidate these proceedings forthwith.

24 11. The appeal does not involve child custody or visitation.

25 Not applicable.

26 ///

27 ///

28 ///

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

The parties have already participated in a formal mediation and, at this time, believe this appeal does not involve the possibility of settlement.

DATED this 23rd day of April, 2021.

/s/ Patrick J. Reilly

Patrick J. Reilly
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614

Edward J. Baines (*pro hac vice*)
SAUL EWING ARNSTEIN & LEHR LLP
500 E. Pratt Street, Suite 900
Baltimore, MD 21202-3133

Zachary W. Berk (*pro hac vice*)
SAUL EWING ARNSTEIN & LEHR LLP
131 Dartmouth Street, Suite 501
Boston, MA 02116

*Attorneys for Willis of Arizona, Inc. and
Willis Towers Watson Insurance Services West, Inc.*

CERTIFICATE OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b), I certify that I am an employee of BROWNSTEIN HYATT FARBER SCHRECK, LLP, and that the foregoing **CASE APPEAL STATEMENT** was served by submitting electronically for filing and/or service with the Eighth Judicial District Court's Odyssey eFileNV Electronic Filing system and serving all parties with an email address on record, as indicated below, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R. on the 23rd day of April, 2021, to the addresses shown below:

James E. Whitmire, III
SANTORO WHITMIRE
10100 West Charleston Blvd., Suite 250
Las Vegas, NV 89135
email: jwhitmire@santoronevada.com

Amy M. Samberg
FORAN GLENNON PALANDECH PONZI
& RUDLOFF PC
400 East Van Buren Street, Suite 550
Phoenix, AZ 85004
email: asamberg@fgppr.com

Danielle L. Gilmore
Dakota S. Speas
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017
email: daniellegilmoe@quinnemanuel.com
dakotaspeas@quinnemanuel.com

Dylan P. Todd
FORAN GLENNON PALANDECH PONZI
& RUDLOFF PC
2200 Paseo Verde Parkway, Suite 280
Henderson, NV 89052
email: dtodd@fgppr.com

William Burck
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
1300 I St., N.W., Suite 900
Washington, DC 20005
email: williamburck@quinnemanuel.com

*Attorneys for Somp International Holdings
Ltd. and Endurance American Specialty
Insurance Company*

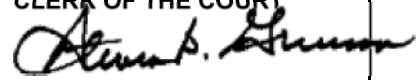
Allison Huebert
Athena Dalton
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
191 N. Wacker Drive, Suite 2700
Chicago, IL 60606
email: allisonhuebert@quinnemanuel.com
athenadalton@quinnemanuel.com

Attorneys for Plaintiff Hakkasan USA, Inc.

/s/ Mary Barnes
Mary Barnes, an employee of BROWNSTEIN HYATT
FARBER SCHRECK, LLP

Exhibit 1

(Baines Order)



ORAP

Patrick J. Reilly
Nevada Bar No. 6103
preilly@bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: 702.382.2101
Facsimile: 702.382.8135

Edward J. Baines (*pro hac vice* pending)
ted.baines@saul.com
SAUL EWING ARNSTEIN & LEHR LLP
500 E. Pratt Street, Suite 900
Baltimore, MD 21202-3133
Telephone: 410.332.8954

Zachary W. Berk (*pro hac vice* pending)
zachary.berk@saul.com
SAUL EWING ARNSTEIN & LEHR LLP
131 Dartmouth Street, Suite 501
Boston, MA 02116
Telephone: 617.912.0927

*Attorneys for Willis of Arizona, Inc. and
Willis Towers Watson Insurance Services West, Inc.*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

HAKKASAN USA, INC., a Delaware
Corporation,

Plaintiff,

v.

ENDURANCE AMERICAN SPECIALTY
INSURANCE COMPANY, a Delaware
Corporation; SOMPO INTERNATIONAL
HOLDINGS, LTD., a Bermuda
Corporation; WILLIS OF ARIZONA,
INC., an Arizona Corporation; and
WILLIS TOWERS WATSON
INSURANCE SERVICES WEST, INC., a
California Corporation,

Defendants.

Case No. A-20-816145-B

Dept. No. XI

ORDER ADMITTING TO PRACTICE

Edward J. Baines, Esq. having filed his Motion to Associate Counsel under Nevada Supreme Court Rule 4, together with a Verified Application for Association of Counsel, Certificate of Good Standing for the State of Maryland; said application having been noticed, no objections having been made, and the Court being fully apprised in the premises, and good cause appearing,

IT IS HEREBY ORDERED that said application is hereby GRANTED, and Edward J. Baines, Esq. is hereby admitted to practice in this Court for the purposes of this case only, pursuant to Nevada Supreme Court Rule 42. By accepting this admission, counsel agrees to submit to the jurisdiction and appear without subpoena for any proceedings required by the Court which relate to counsel's conduct in this matter, including motions, depositions, and evidentiary hearings.

IT IS SO ORDERED.

DATED this 18th day of August, 2020.


DISTRICT JUDGE

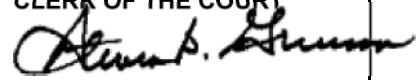
Respectfully submitted by:

/s/ Patrick J. Reilly, Esq.
Patrick J. Reilly
BROWNSTEIN HYATT FARBER
SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106

*Attorneys for Willis of Arizona, Inc. and
Willis Towers Watson Insurance Services West, Inc*

Exhibit 2

(Berk Order)



ORAP

Patrick J. Reilly
Nevada Bar No. 6103
preilly@bhfs.com
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: 702.382.2101
Facsimile: 702.382.8135

Edward J. Baines (*pro hac vice* pending)
ted.baines@saul.com
SAUL EWING ARNSTEIN & LEHR LLP
500 E. Pratt Street, Suite 900
Baltimore, MD 21202-3133
Telephone: 410.332.8954

Zachary W. Berk (*pro hac vice* pending)
zachary.berk@saul.com
SAUL EWING ARNSTEIN & LEHR LLP
131 Dartmouth Street, Suite 501
Boston, MA 02116
Telephone: 617.912.0927

*Attorneys for Willis of Arizona, Inc. and
Willis Towers Watson Insurance Services West, Inc.*

DISTRICT COURT

CLARK COUNTY, NEVADA

HAKKASAN USA, INC., a Delaware
Corporation,

Plaintiff,

v.

ENDURANCE AMERICAN SPECIALTY
INSURANCE COMPANY, a Delaware
Corporation; SOMPO INTERNATIONAL
HOLDINGS, LTD., a Bermuda
Corporation; WILLIS OF ARIZONA,
INC., an Arizona Corporation; and
WILLIS TOWERS WATSON
INSURANCE SERVICES WEST, INC., a
California Corporation,

Defendants.

Case No. A-20-816145-B

Dept No. XI

ORDER ADMITTING TO PRACTICE

Zachary W. Berk, Esq. having filed his Motion to Associate Counsel under Nevada Supreme Court Rule 4, together with a Verified Application for Association of Counsel, Certificate of Good Standing for the State of Massachusetts; said application having been noticed, no objections having been made, and the Court being fully apprised in the premises, and good cause appearing,

IT IS HEREBY ORDERED that said application is hereby GRANTED, and Zachary W. Berk, Esq. is hereby admitted to practice in this Court for the purposes of this case only, pursuant to Nevada Supreme Court Rule 42. By accepting this admission, counsel agrees to submit to the jurisdiction and appear without subpoena for any proceedings required by the Court which relate to counsel's conduct in this matter, including motions, depositions, and evidentiary hearings.

IT IS SO ORDERED.

DATED this 18th day of August, 2020


DISTRICT JUDGE

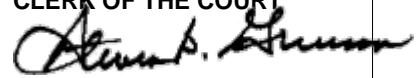
Respectfully submitted by:

/s/ Patrick J. Reilly, Esq.
Patrick J. Reilly
BROWNSTEIN HYATT FARBER
SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106

*Attorneys for Willis of Arizona, Inc. and
Willis Towers Watson Insurance Services West, Inc*

Exhibit 3

(Gilmore Order)



ORAP

JAMES E. WHITMIRE (NV BAR NO. 6533)

SANTORO WHITMIRE

10100 W. Charleston Blvd., Suite 250

Las Vegas, Nevada 89135

Tel. (702) 948-8771 / fax: (702) 948-8773

Email: jwhitmire@santoronevada.com

QUINN EMANUEL URQUHART & SULLIVAN, LLP

DANIELLE L. GILMORE (*pro hac vice* application pending)

865 South Figueroa Street

10th floor

Los Angeles, California 90017

Telephone: (213) 443-3000/fax: (213) 443-3100

Email: daniellegilmore@quinnemanuel.com

ALLISON HUEBERT (*pro hac vice* application pending)

ATHENA DALTON (*pro hac vice* application pending)

191 n. Wacker drive suite 2700

Chicago, Illinois 60606

Telephone: (312) 705-7400/fax: (312) 705-7401

Email: allisonhuebert@quinnemanuel.com

Athenadaltont@quinnemanuel.com

Attorney for Plaintiff Hakkasan USA, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

HAKKASAN USA, INC., a Delaware
Corporation;

Plaintiff,

vs.

ENDURANCE AMERICAN SPECIALITY
INSURANCE COMPANY, a Delaware
Corporation; SOMPO INTERNATIONAL
HOLDINGS, LTD., a Bermuda Corporation;
WILLIS OF ARIZONA, INC., an Arizona
Corporation; and WILLIS TOWERS WATSON
INSURANCE SERVICES WEST, INC., a
California Corporation

Defendants.

Case No.: A-20-816145-B

Dept. No.: 11

ORDER ADMITTING TO PRACTICE
(DANIELLE L. GILMORE)

DANIELLE L. GILMORE, ESQ. having filed her Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, Certificate of Good Standing for the State of California; said application having been noticed, no objections having been made, and the Court being fully apprised in the premises, and good cause appearing,

IT IS HEREBY ORDERED that said application is hereby GRANTED, and DANIELLE L. GILMORE, ESQ. is hereby admitted to practice in the above-entitled Court for the purposes of the above-entitled matter only. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a).

Dated this 20th day of August, 2020.


DISTRICT COURT JUDGE

Respectfully submitted:

SANTORO WHITMIRE

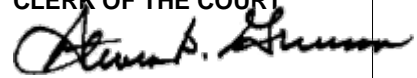
/s/ James E. Whitmire

JAMES E. WHITMIRE (NBN 6533)
10100 W. Charleston Blvd., Suite 250
Las Vegas, Nevada 89135
Tel. (702) 948-8771 / Fax: (702) 948-8773
Email: jwhitmire@santoronevada.com

Attorneys for Plaintiff Hakkasan USA, Inc.

Exhibit 4

(Huebert Order)



ORAP

JAMES E. WHITMIRE (NV BAR NO. 6533)

SANTORO WHITMIRE

10100 W. Charleston Blvd., Suite 250

Las Vegas, Nevada 89135

Tel. (702) 948-8771 / fax: (702) 948-8773

Email: jwhitmire@santoronevada.com

QUINN EMANUEL URQUHART & SULLIVAN, LLP

DANIELLE L. GILMORE (*pro hac vice* application pending)

865 South Figueroa Street

10th floor

Los Angeles, California 90017

Telephone: (213) 443-3000/fax: (213) 443-3100

Email: daniellegilmore@quinnemanuel.com

ALLISON HUEBERT (*pro hac vice* application pending)

ATHENA DALTON (*pro hac vice* application pending)

191 n. Wacker drive suite 2700

Chicago, Illinois 60606

Telephone: (312) 705-7400/fax: (312) 705-7401

Email: allisonhuebert@quinnemanuel.com

Athenadaltont@quinnemanuel.com

Attorney for Plaintiff Hakkasan USA, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

HAKKASAN USA, INC., a Delaware
Corporation;

Plaintiff,

vs.

ENDURANCE AMERICAN SPECIALITY
INSURANCE COMPANY, a Delaware
Corporation; SOMPO INTERNATIONAL
HOLDINGS, LTD., a Bermuda Corporation;
WILLIS OF ARIZONA, INC., an Arizona
Corporation; and WILLIS TOWERS WATSON
INSURANCE SERVICES WEST, INC., a
California Corporation

Defendants.

Case No.: A-20-816145-B

Dept. No.: 11

**ORDER ADMITTING TO PRACTICE
(ALLISON HUEBERT)**

1 ALLISON HUEBERT, ESQ. having filed her Motion to Associate Counsel under
2 Nevada Supreme Court Rule 42, together with a Verified Application for Association of
3 Counsel, Certificate of Good Standing for the State of California; said application having been
4 noticed, no objections having been made, and the Court being fully apprised in the premises, and
5 good cause appearing,

6 **IT IS HEREBY ORDERED** that said application is hereby GRANTED, and ALLISON
7 HUEBERT, ESQ. is hereby admitted to practice in the above-entitled Court for the purposes of
8 the above-entitled matter only. By accepting this admission, Counsel agrees to submit to
9 jurisdiction and appear without subpoena for any proceedings required by the Court which relate
10 to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings.
11 SCR 42(13)(a).

12 Dated this 20th day of August, 2020.

13 
14 DISTRICT COURT JUDGE
15

16 Respectfully submitted:

17 **SANTORO WHITMIRE**

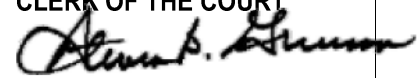
18 /s/ James E. Whitmire

19 JAMES E. WHITMIRE (NBN 6533)
20 10100 W. Charleston Blvd., Suite 250
21 Las Vegas, Nevada 89135
22 Tel. (702) 948-8771 / Fax: (702) 948-8773
23 Email: jwhitmire@santoronevada.com

24 *Attorneys for Plaintiff Hakkasan USA, Inc.*
25
26
27
28

Exhibit 5

(Dalton Order)



ORAP

JAMES E. WHITMIRE (NV Bar No. 6533)

SANTORO WHITMIRE

10100 W. Charleston Blvd., Suite 250

Las Vegas, Nevada 89135

Tel. (702) 948-8771 / Fax: (702) 948-8773

Email: jwhitmire@santoronevada.com

QUINN EMANUEL URQUHART & SULLIVAN, LLP

DANIELLE L. GILMORE (*pro hac vice* application pending)

865 South Figueroa Street

10th Floor

Los Angeles, California 90017

Telephone: (213) 443-3000/Fax: (213) 443-3100

Email: daniellegilmore@quinnemanuel.com

ALLISON HUEBERT (*pro hac vice* application pending)

ATHENA DALTON (*pro hac vice* application pending)

191 N. Wacker Drive Suite 2700

Chicago, Illinois 60606

Telephone: (312) 705-7400/Fax: (312) 705-7401

Email: allisonhuebert@quinnemanuel.com

athenadalton@quinnemanuel.com

Attorney for Plaintiff Hakkasan USA, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

HAKKASAN USA, INC., a Delaware
Corporation;

Plaintiff,

vs.

ENDURANCE AMERICAN SPECIALITY
INSURANCE COMPANY, a Delaware
Corporation; SOMPO INTERNATIONAL
HOLDINGS, LTD., a Bermuda Corporation;
WILLIS OF ARIZONA, INC., an Arizona
Corporation; and WILLIS TOWERS WATSON
INSURANCE SERVICES WEST, INC., a
California Corporation

Defendants.

Case No.: A-20-816145-B

Dept. No.: 11

ORDER ADMITTING TO PRACTICE
(ATHENA DIANE DALTON)

1 ATHENA DIANE DALTON, ESQ. having filed her Motion to Associate Counsel under
2 Nevada Supreme Court Rule 42, together with a Verified Application for Association of
3 Counsel, Certificate of Good Standing for the State of Illinois; said application having been
4 noticed, no objections having been made, and the Court being fully apprised in the premises, and
5 good cause appearing,

6 **IT IS HEREBY ORDERED** that said application is hereby GRANTED, and ATHENA
7 DIANE DALTON, ESQ. is hereby admitted to practice in the above-entitled Court for the
8 purposes of the above-entitled matter only. By accepting this admission, Counsel agrees to
9 submit to jurisdiction and appear without subpoena for any proceedings required by the Court
10 which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary
11 hearings. SCR 42(13)(a).

12 Dated this 20th day of August, 2020.

13
14 
15 _____
16 DISTRICT COURT JUDGE

16 Respectfully submitted:

17 **SANTORO WHITMIRE**

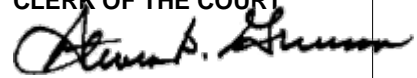
18 /s/ James E. Whitmire

19 JAMES E. WHITMIRE (NBN 6533)
20 10100 W. Charleston Blvd., Suite 250
21 Las Vegas, Nevada 89135
22 Tel. (702) 948-8771 / Fax: (702) 948-8773
23 Email: jwhitmire@santoronevada.com

24 *Attorneys for Plaintiff Hakkasan USA, Inc.*
25
26
27
28

Exhibit 6

(Burck Order)



ORAP

JAMES E. WHITMIRE (NV BAR NO. 6533)
SANTORO WHITMIRE
10100 W. Charleston Blvd., Suite 250
Las Vegas, Nevada 89135
Tel. (702) 948-8771 / fax: (702) 948-8773
Email: jwhitmire@santoronevada.com

QUINN EMANUEL URQUHART & SULLIVAN, LLP
DANIELLE L. GILMORE (*pro hac vice*)
865 South Figueroa Street
10th floor
Los Angeles, California 90017
Telephone: (213) 443-3000/fax: (213) 443-3100
Email: daniellegilmore@quinnemanuel.com

ALLISON HUEBERT (*pro hac vice*)
ATHENA DALTON (*pro hac vice*)
191 n. Wacker drive suite 2700
Chicago, Illinois 60606
Telephone: (312) 705-7400/fax: (312) 705-7401
Email: allisonhuebert@quinnemanuel.com
Athenadaltont@quinnemanuel.com

Attorney for Plaintiff Hakkasan USA, Inc.

DISTRICT COURT

CLARK COUNTY, NEVADA

HAKKASAN USA, INC., a Delaware
Corporation;
Plaintiff,

vs.

ENDURANCE AMERICAN SPECIALITY
INSURANCE COMPANY, a Delaware
Corporation; SOMPO INTERNATIONAL
HOLDINGS, LTD., a Bermuda Corporation;
WILLIS OF ARIZONA, INC., an Arizona
Corporation; and WILLIS TOWERS WATSON
INSURANCE SERVICES WEST, INC., a
California Corporation

Defendants.

Case No.: A-20-816145-B
Dept. No.: XI

ORDER ADMITTING TO PRACTICE
(William Anthony Burck)

1 WILLIAM ANTHONY BURCK, ESQ. having filed his Motion to Associate Counsel
2 under Nevada Supreme Court Rule 42, together with a Verified Application for Association of
3 Counsel, and Certificate(s) of Good Standing; said application having been noticed, no
4 objections having been made, and the Court being fully apprised in the premises, and good cause
5 appearing,

6 **IT IS HEREBY ORDERED** that said application is hereby GRANTED, and WILLIAM
7 ANTHONY BURCK, ESQ. is hereby admitted to practice in the above-entitled Court for the
8 purposes of the above-entitled matter only. By accepting this admission, Counsel agrees to
9 submit to jurisdiction and appear without subpoena for any proceedings required by the Court
10 which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary
11 hearings. SCR 42(13)(a).

12
13  October 6, 2020
14 DISTRICT COURT JUDGE
15

16 Respectfully submitted:

17 **SANTORO WHITMIRE**

18 /s/ James E. Whitmire

19 JAMES E. WHITMIRE (NBN 6533)
20 10100 W. Charleston Blvd., Suite 250
21 Las Vegas, Nevada 89135
22 Tel. (702) 948-8771 / Fax: (702) 948-8773
23 Email: jwhitmire@santoronevada.com

24 *Attorneys for Plaintiff Hakkasan USA, Inc.*
25
26
27
28

CASE SUMMARY**CASE NO. A-20-816145-B**

Hakkasan Usa Inc, Plaintiff(s)
vs.
Endurance American Specialty Insurance Company,
Defendant(s)

§
§
§
§
§
§

Location: **Department 11**
 Judicial Officer: **Gonzalez, Elizabeth**
 Filed on: **06/05/2020**
 Case Number History: **A-20-816145-C**
 Cross-Reference Case Number: **A816145**

CASE INFORMATIONCase Type: **Other Business Court Matters**

Case Status: **06/05/2020 Open**

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

Case Number A-20-816145-B
 Court Department 11
 Date Assigned 06/08/2020
 Judicial Officer Gonzalez, Elizabeth

PARTY INFORMATION

| | | |
|--------------------------|--|--|
| Plaintiff | Hakkasan Usa Inc | <i>Lead Attorneys</i> Whitmire III, James E. <i>Retained</i> 702-948-8771(W) |
| | | |
| Defendant | Endurance American Specialty Insurance Company | Samberg, Amy <i>Retained</i> 702-827-1510(W) |
| | Sompo International Holdings, LTD | Samberg, Amy <i>Retained</i> 702-827-1510(W) |
| | Willis Of Arizona Inc | Reilly, Patrick J. <i>Retained</i> 702-382-2101(W) |
| | Willis Towers Watson Insurance Services West, Inc | Reilly, Patrick J. <i>Retained</i> 702-382-2101(W) |
| | | |
| Counter Claimant | Endurance American Specialty Insurance Company | Samberg, Amy <i>Retained</i> 702-827-1510(W) |
| Counter Defendant | Hakkasan Usa Inc | Whitmire III, James E. <i>Retained</i> 702-948-8771(W) |

DATE**EVENTS & ORDERS OF THE COURT****INDEX**

06/05/2020

EVENTS

Complaint (Business Court)

Filed By: Counter Defendant Hakkasan Usa Inc
Complaint and Demand for Jury Trial














CASE SUMMARY

CASE NO. A-20-816145-B

| | |
|------------|--|
| 06/05/2020 |  Initial Appearance Fee Disclosure Filed By: Counter Defendant Hakkasan Usa Inc <i>Initial Appearance Fee Disclosure</i> |
| 06/05/2020 |  Summons Electronically Issued - Service Pending Party: Counter Defendant Hakkasan Usa Inc <i>Summons - Endurance American Specialty Insurance Company</i> |
| 06/05/2020 |  Summons Electronically Issued - Service Pending Party: Counter Defendant Hakkasan Usa Inc <i>Summons - Somo International Holdings, Ltd.</i> |
| 06/05/2020 |  Summons Electronically Issued - Service Pending <i>Summons - Willis of Arizona, Inc.</i> |
| 06/05/2020 |  Summons Electronically Issued - Service Pending Party: Counter Defendant Hakkasan Usa Inc <i>Summons - Willis Towers Watson Insurance Services West, Inc.</i> |
| 06/08/2020 |  Notice of Department Reassignment <i>Notice of Department Reassignment</i> |
| 06/15/2020 |  Summons Filed by: Counter Defendant Hakkasan Usa Inc <i>Summons</i> |
| 07/02/2020 |  Stipulation and Order Filed by: Counter Claimant Endurance American Specialty Insurance Company <i>Stipulation and Order to Extend Time for Defendant to File Responsive Pleading by 14 Days</i> |
| 07/07/2020 | Motion to Dismiss Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc <i>Motion to Dismiss by Defendants Willis of Arizona, Inc. and Willis Towers Watson Insurance Services West, Inc.</i> |
| 07/07/2020 |  Initial Appearance Fee Disclosure Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc <i>Initial Appearance Fee Disclosure</i> |
| 07/07/2020 |  Redacted Version <i>PER ORDER 08/17/20 Redacted version of Motion to Dismiss removing Exhibit B and sealing it</i> |
| 07/07/2020 |  Filed Under Seal <i>Exhibit B</i> |
| 07/10/2020 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 07/10/2020 |  Order Shortening Time <i>Order Shortening Time on Motion to Associate Counsel</i> |

CASE SUMMARY

CASE NO. A-20-816145-B

| | |
|------------|---|
| 07/13/2020 |  Motion to Seal/Redact Records Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc <i>Motion to Seal Exhibit "B" to Willis' Motion to Dismiss</i> |
| 07/14/2020 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 07/20/2020 |  Motion to Dismiss Filed By: Counter Claimant Endurance American Specialty Insurance Company <i>Defendant Endurance American Specialty Insurance Company's Motion to Dismiss</i> |
| 07/20/2020 |  Stipulation and Order Filed by: Defendant Sampo International Holdings, LTD <i>Stipulation and Order to Extend Time for Defendant Sampo to Respond to Complaint</i> |
| 07/20/2020 |  Stipulation and Order Filed by: Defendant Sampo International Holdings, LTD <i>Stipulation and Order to Extend Time for Defendant Sampo to Respond to Complaint (First Request)</i> |
| 07/21/2020 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 07/24/2020 |  Stipulation and Order <i>Stipulation and Order to Extend Time to Respond to Willis' Motion to Dismiss</i> |
| 07/27/2020 |  Motion to Dismiss Filed By: Defendant Sampo International Holdings, LTD <i>Defendant Sampo International Holdings, Ltd.'s Motion to Dismiss</i> |
| 07/28/2020 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 08/03/2020 |  Motion to Associate Counsel Filed By: Counter Claimant Endurance American Specialty Insurance Company; Defendant Sampo International Holdings, LTD <i>Motion to Associate Counsel Steven J. Brodie, Esq.</i> |
| 08/03/2020 |  Motion to Associate Counsel Filed By: Counter Claimant Endurance American Specialty Insurance Company; Defendant Sampo International Holdings, LTD <i>Motion to Associate Counsel Amanda D. Proctor, Esq.</i> |
| 08/03/2020 |  Motion to Associate Counsel Filed By: Counter Claimant Endurance American Specialty Insurance Company; Defendant Sampo International Holdings, LTD <i>Motion to Associate Counsel Heidi H. Raschke, Esq.</i> |
| 08/04/2020 |  Order Shortening Time Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc <i>Motion to Associate Counsel on Order Shortening Time</i> |



CASE SUMMARY

CASE NO. A-20-816145-B

| | |
|------------|---|
| 08/05/2020 |  Notice of Entry of Stipulation and Order Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc <i>Notice of Entry of Stipulation and Order</i> |
| 08/05/2020 |  Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i> |
| 08/05/2020 |  Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i> |
| 08/05/2020 |  Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i> |
| 08/06/2020 |  Clerk's Notice of Nonconforming Document and Curative Action <i>Clerk's Notice of Curative Action</i> |
| 08/06/2020 |  Clerk's Notice of Nonconforming Document and Curative Action <i>Clerk's Notice of Curative Action</i> |
| 08/06/2020 |  Clerk's Notice of Nonconforming Document and Curative Action <i>Clerk's Notice of Curative Action</i> |
| 08/07/2020 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 08/07/2020 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 08/10/2020 |  Opposition to Motion to Dismiss Filed By: Counter Defendant Hakkasan Usa Inc <i>Plaintiff Hakkasan's Opposition to Willis of Arizona, Inc. and Willis Towers Watson Insurance Services West, Inc's Motion to Dismiss</i> |
| 08/10/2020 |  Opposition to Motion to Dismiss Filed By: Counter Defendant Hakkasan Usa Inc <i>Plaintiff Hakkasan's Opposition To Endurance American Specialty Insurance Company's Motion to Dismiss</i> |
| 08/10/2020 |  Opposition to Motion to Dismiss Filed By: Counter Defendant Hakkasan Usa Inc <i>Plaintiff Hakkasan's Opposition To Motion To Dismiss By Sampo International Holdings, Ltd.</i> |
| 08/17/2020 |  Stipulation and Order Filed by: Counter Claimant Endurance American Specialty Insurance Company; Defendant Sampo International Holdings, LTD <i>Stipulation and Order to Extend Time for Defendants Endurance and Sampo to File Replies In Support of Their Respective Motions to Dismiss and to Request New Hearing Date on the Motions to Dismiss (First Request)</i> |
| 08/18/2020 |  Order Admitting to Practice <i>Order Admitting To Practice -Baines</i> |
| 08/18/2020 | |

CASE SUMMARY

CASE NO. A-20-816145-B

| | |
|------------|---|
| |  Order Admitting to Practice <i>ORDER ADMITTING TO PRACTICE - Berk</i> |
| 08/18/2020 |  Notice of Entry of Order Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc <i>Notice of Entry of Order</i> |
| 08/18/2020 |  Notice of Entry of Order Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc <i>Notice of Entry of Order</i> |
| 08/20/2020 |  Order <i>Order Admitting to Practice - Dalton</i> |
| 08/20/2020 |  Order <i>Order Admitting to Practice - Gilmore</i> |
| 08/20/2020 |  Order <i>Order Admitting to Practice - Huebert</i> |
| 08/20/2020 |  Notice of Entry of Order Filed By: Counter Claimant Endurance American Specialty Insurance Company; Defendant Sompo International Holdings, LTD <i>Notice of Entry of Order</i> |
| 08/20/2020 |  Notice of Entry of Order Filed By: Counter Defendant Hakkasan Usa Inc <i>Notice of Entry of Order Admitting to Practice</i> |
| 08/20/2020 |  Notice of Entry of Order Filed By: Counter Defendant Hakkasan Usa Inc <i>Notice of Entry of Order Admitting to Practice</i> |
| 08/20/2020 |  Notice of Entry of Order Filed By: Counter Defendant Hakkasan Usa Inc <i>Notice of Entry of Order Admitting to Practice</i> |
| 08/21/2020 |  Notice of Non Opposition Filed By: Counter Claimant Endurance American Specialty Insurance Company; Defendant Sompo International Holdings, LTD <i>Notice of No Opposition to Motion to Associate Counsel Steven J. Brodie, Esq.</i> |
| 08/21/2020 |  Notice of Non Opposition Filed By: Counter Claimant Endurance American Specialty Insurance Company; Defendant Sompo International Holdings, LTD <i>Notice of No Opposition to Motion to Associate Counsel Amanda D. Proctor, Esq.</i> |
| 08/21/2020 |  Notice of Non Opposition Filed By: Counter Claimant Endurance American Specialty Insurance Company; Defendant Sompo International Holdings, LTD <i>Notice of No Opposition to Motion to Associate Counsel Heidi H. Raschke, Esq.</i> |

CASE SUMMARY

CASE NO. A-20-816145-B

| | |
|------------|---|
| 08/24/2020 |  Reply in Support Filed By: Defendant Somp International Holdings, LTD <i>Defendant Somp International Holdings, Ltd.'s Reply in Support of Its Motion to Dismiss</i> |
| 08/24/2020 |  Reply in Support Filed By: Counter Claimant Endurance American Specialty Insurance Company <i>Defendant Endurance American Specialty Insurance Company's Reply in Support of Its Motion to Dismiss</i> |
| 08/25/2020 |  Stipulation and Order Filed by: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc <i>Stipulation and Order Resetting Hearing on Willis Motion to Dismiss</i> |
| 08/25/2020 |  Status Report Filed By: Counter Defendant Hakkasan Usa Inc <i>Status Report</i> |
| 08/26/2020 |  Filing Fee Remittance Filed By: Defendant Somp International Holdings, LTD <i>Filing Fee Remittance</i> |
| 08/27/2020 |  Motion to Associate Counsel Filed By: Counter Defendant Hakkasan Usa Inc <i>Motion to Associate Counsel</i> |
| 08/27/2020 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 08/29/2020 |  Stipulation and Order Filed by: Defendant Somp International Holdings, LTD <i>Stipulation and Order to Grant Somp s and Endurance s Motions to Associate Counsel and Permit Counsel to Argue Motions to Dismiss at August 31, 2020 Hearing</i> |
| 08/31/2020 |  Notice of Entry of Order Filed By: Counter Claimant Endurance American Specialty Insurance Company; Defendant Somp International Holdings, LTD <i>Notice of Entry of Order Granting Somp and Endurance's Motions to Associate Counsel and Permit Counsel to Argue Motions to Dismiss at August 31, 2020 Hearing</i> |
| 09/04/2020 |  Reply in Support Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc <i>Reply Memorandum in Support of Willis's Motion to Dismiss</i> |
| 09/15/2020 |  Order Filed By: Counter Defendant Hakkasan Usa Inc <i>Order re Defendant Endurance American Specialty Insurance Company</i> |
| 09/15/2020 |  Order Filed By: Counter Defendant Hakkasan Usa Inc <i>Order re Defendant Somp International Holdings, LTD. S Motion to Dismiss</i> |
| 09/15/2020 |  Stipulation and Order Filed by: Counter Defendant Hakkasan Usa Inc |

CASE SUMMARY

CASE NO. A-20-816145-B

Stipulation and Order Extending Time to File Amended Complaint

09/19/2020



Order Granting Motion

Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc

Order Granting Motion to Seal Exhibit B to Willis' Motion to Dismiss

09/21/2020



Notice of Entry of Order

Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc

Notice of Entry of Order

09/28/2020



Amended Complaint

Filed By: Counter Defendant Hakkasan Usa Inc

Amended Complaint and Demand for Jury Trial

10/07/2020



Order Admitting to Practice

Filed By: Counter Defendant Hakkasan Usa Inc

Order Admitting to Practice - William Anthony Burck

10/12/2020



Answer (Business Court)

Filed By: Counter Claimant Endurance American Specialty Insurance Company

Defendant Endurance American Specialty Insurance Company's Answer to Plaintiff's Amended Complaint and Demand for Jury Trial; and Counter-Claims

10/13/2020



Stipulation and Order

Filed by: Defendant Somp International Holdings, LTD

Stipulation and Order to Stay Defendant Somp International Holdings, LTD's Respond to Amended Complaint Pending Outcome of Jurisdictional Discovery Per Court's August 31, 2020 Ruling (First Request)

10/15/2020



Notice of Entry of Order

Filed By: Defendant Somp International Holdings, LTD

Notice of Entry of Order Granting Stipulation and Order to Stay Defendant Somp International Holdings, Ltd.'s Response to Amended Complaint Pending Outcome of Jurisdictional Discovery Per Court's August 31, 2020 Ruling

10/20/2020



Order Denying Motion

Filed By: Counter Defendant Hakkasan Usa Inc

Order re Willis Defendants' Motion to Dismiss

11/02/2020



Answer to Counterclaim

Filed By: Counter Defendant Hakkasan Usa Inc

Plaintiff Hakkasan USA Inc. s Answer and Affirmative Defenses to Defendant Endurance American Specialty Insurance Company s Counterclaims

11/02/2020



Motion for Protective Order

Filed By: Counter Claimant Endurance American Specialty Insurance Company

Defendant Endurance American Specialty Insurance Company's Motion for a Protective Order

11/03/2020



Clerk's Notice of Hearing

Notice of Hearing

11/03/2020



Order Setting Hearing

CASE SUMMARY

CASE NO. A-20-816145-B

Business Court Order Scheduling a Rule 16 Conference

11/16/2020



Opposition to Motion

Filed By: Counter Defendant Hakkasan Usa Inc
Plaintiff Hakkasan USA Inc.'s Opposition to Defendant Endurance American Specialty Insurance Company's Motion for a Protective Order

11/30/2020



Reply in Support

Filed By: Counter Claimant Endurance American Specialty Insurance Company
Reply in Support of Defendant Endurance American Specialty Insurance Company's Motion for Protective Order

12/01/2020



Stipulation and Order to Extend Discovery Deadlines

Filed By: Counter Defendant Hakkasan Usa Inc
Stipulation and Order to Extend the Deadline to Complete Jurisdictional Discovery by 60 Days

12/01/2020



Stipulated Protective Order

Filed By: Counter Claimant Endurance American Specialty Insurance Company; Defendant Sampo International Holdings, LTD
Stipulated Protective Order

12/02/2020



Notice of Entry of Order

Filed By: Counter Claimant Endurance American Specialty Insurance Company; Defendant Sampo International Holdings, LTD
Notice of Entry of Order Granting Stipulated Protective Order

12/16/2020



Answer

Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc
Defendants Willis of Arizona Inc.'s and Willis Towers Watson Insurance Services West, Inc.'s Answer to Plaintiff's Amended Complaint and Response to Demand for Jury Trial

01/22/2021



Status Report

Filed By: Counter Defendant Hakkasan Usa Inc
Joint Status Report

02/03/2021



Scheduling and Trial Order

Business Court Scheduling Order and Order Setting Civil Jury Trial, Calendar Call and Pre-Trial Conference 01-03-22

02/09/2021



Stipulation and Order

Filed by: Counter Defendant Hakkasan Usa Inc
Stipulation and Order Approving the Protocol for Producing Documents and ESI

02/11/2021

Motion

Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc
Motion to Strike Plaintiff's Jury Demand as to its Claims Against the Willis Defendants or, in the Alternative, to Compel Arbitration

02/11/2021







Motion to Seal/Redact Records

Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc
Motion to Seal Exhibit "B" to Willis' Motion to Strike Jury Demand or, Alternatively, to Compel Arbitration

CASE SUMMARY

CASE NO. A-20-816145-B

| | |
|------------|--|
| 02/11/2021 |  Redacted Version <i>Redacted version of Motion removing Exhibit B and sealing it per Order 3/22/21</i> |
| 02/11/2021 |  Filed Under Seal <i>Sealed Exhibit B of Motion</i> |
| 02/12/2021 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 02/12/2021 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 02/12/2021 |  Clerk's Notice of Hearing <i>Notice of Change of Hearing</i> |
| 02/25/2021 |  Opposition to Motion Filed By: Counter Defendant Hakkasan Usa Inc <i>Opposition to Motion to Strike Plaintiff's Jury Demand as to its Claims Against the Willis Defendants or, in the Alternative, to Compel Arbitration</i> |
| 03/08/2021 |  Temporary Seal Pending Court Approval Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc <i>Reply Memorandum in Support of Willis's Motion to Strike Plaintiff's Jury Demand or, in the Alternative, to Compel Arbitration</i> |
| 03/08/2021 |  Motion to Seal/Redact Records Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc <i>Motion to Seal Exhibits "G" and "I" to Reply Memorandum in Support of Willis's Motion to Strike Plaintiff's Jury Demand or, Alternatively, to Compel Arbitration</i> |
| 03/09/2021 |  Clerk's Notice of Hearing <i>Notice of Hearing</i> |
| 03/22/2021 |  Order <i>Order Granting Motion to Seal Ex-B to Mtn to Strike Pltfs Jury Demand or Alternatively to Compel Arbitration</i> |
| 03/22/2021 |  Notice of Entry of Order Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc <i>Notice of Entry of Order</i> |
| 03/24/2021 |  Notice of Withdrawal of Attorney Filed by: Counter Claimant Endurance American Specialty Insurance Company <i>Notice of Disassociation and Withdrawal of Counsel Amanda D. Proctor as Counsel of Record for Defendants</i> |
| 03/24/2021 |  Motion to Associate Counsel Filed By: Counter Defendant Hakkasan Usa Inc <i>Motion to Associate Counsel</i> |
| 03/24/2021 |  Clerk's Notice of Hearing |

CASE SUMMARY

CASE NO. A-20-816145-B

Notice of Hearing

03/26/2021



Order

Filed By: Counter Defendant Hakkasan Usa Inc
Order Re Willis Motion Defendants' Motion to Strike Plaintiff's Jury Demand as to its Claims Against the Willis Defendants or, in the Alternative, to Compel Arbitration

04/08/2021



Stipulation and Order

Stipulation and Order regarding Additional Briefing Schedule Concerning Deft SIH Motion to Dismiss filed 07-27-2020

04/14/2021



Notice of Entry of Order

Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc
Notice of Entry of Order

04/21/2021



Stipulation and Order

Filed by: Defendant Sompo International Holdings, LTD
Stipulation and Order to Reschedule Defendants's Motion to Dismiss

04/23/2021



Notice of Appeal

Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc
Notice of Appeal

04/23/2021



Case Appeal Statement

Filed By: Defendant Willis Of Arizona Inc; Defendant Willis Towers Watson Insurance Services West, Inc
Case Appeal Statement

04/23/2021



Notice

Filed By: Defendant Willis Of Arizona Inc
Notice of Filing Petition for Writ of Mandamus - NRAP21(a)(1)

HEARINGS

07/24/2020



Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiff's Motion to Associate Counsel on Order Shortening Time
Granted;

Journal Entry Details:

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e), the Motion to Associate (Gilbert, Huebert and Dalton) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 7-27-20;

08/10/2020



Motion to Dismiss (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

08/10/2020, 09/21/2020

Motion to Dismiss by Defendants Willis of Arizona, Inc. and Willis Towers Watson Insurance Services West, Inc.

Matter Continued; status check set on briefing and new hearing date

Denied;

Journal Entry Details:

APPEARANCES CONTINUED: Attorney Brandon Roos, in-house counsel for Plaintiff.

CASE SUMMARY

CASE NO. A-20-816145-B

Parties appeared by telephone. Following arguments by Mr. Baines and Mr. Whitmire, COURT ORDERED, motion DENIED; the Court previously granted jurisdiction on Rocker discovery related to the Sompso issues for a period of 90 days from August 31st; while it does not appear that any of the claims here are subject to dismissal, the economic loss doctrine does not apply here because of the special relationship, and the issue related to the pleading will be fleshed out following the discovery related to the Sompso motions; however, the issues related to Willis are STAYED for a period 60 days for the parties to participate in mediation with JAMS. Court noted that if the parties choose not to, the Court may take further action, but the parties need to go to mediation even if it is a waste of time. 10-2-20 CHAMBERS PLAINTIFF'S MOTION TO ASSOCIATE COUNSEL (WILLIAM ANTHONY BURCK, ESQ.); Matter Continued; status check set on briefing and new hearing date

Denied;

Journal Entry Details:

COURT NOTES this motion has been continued by stipulation but does not have a new date. COURT ORDERED, counsel to NOTIFY Court when fully briefed. Matter SET for Status Check in 2 weeks on the chambers calendar. 8-14-20 CHAMBERS DEFENDANT'S MOTION TO ASSOCIATE COUNSEL ON ORDER SHORTENING TIME 8-17-20 9:00 AM MOTION TO SEAL EXHIBIT "B" TO WILLIS' MOTION TO DISMISS 8-24-20 9:00 AM MOTION TO DISMISS BY DEFENDANTS WILLIS OF ARIZONA, INC. AND WILLIS TOWERS WATSON INSURANCE SERVICES WEST, INC... ...STATUS CHECK: BRIEFING AND NEW HEARING DATE ON MOTION TO DISMISS BY DEFENDANTS WILLIS OF ARIZONA, INC. AND WILLIS TOWERS WATSON INSURANCE SERVICES WEST, INC.... ...DEFENDANT ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY'S MOTION TO DISMISS... ...DEFENDANT SOMPO INTERNATIONAL HOLDINGS, LTD.'S MOTION TO DISMISS 9-4-20 CHAMBERS DEFENDANT'S MOTION TO ASSOCIATE COUNSEL HEIDI H. RASCHKE, ESQ... ...DEFENDANTS' MOTION TO ASSOCIATE COUNSEL STEVEN J. BRODIE, ESQ.... ...DEFENDANTS' MOTION TO ASSOCIATE COUNSEL AMANDA D. PROCTOR, ESQ. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-10-20;

08/14/2020



Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendant's Motion to Associate Counsel on Order Shortening Time

Granted;

Journal Entry Details:

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the Motion o Associate (Baines and Berk) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-17-20;

08/17/2020



Motion to Seal/Redact Records (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Motion to Seal Exhibit "B" to Willis' Motion to Dismiss

Granted;

Journal Entry Details:

Pursuant to Administrative Order 20-01, the Court decides this matter without the necessity of oral argument. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the motion to seal is deemed unopposed. As the proposed sealing and redaction of Exhibit B to the motion to dismiss is narrowly tailored to protect sensitive commercial information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-18-20;

08/24/2020

CANCELED Status Check (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated

Status Check: Briefing and New Hearing Date on Motion to Dismiss by Defendants Willis of Arizona, Inc. and Willis Towers Watson Insurance Services West, Inc.

08/31/2020

CASE SUMMARY

CASE NO. A-20-816145-B

| | |
|------------|---|
| | <p>Motion to Dismiss (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant Endurance American Specialty Insurance Company's Motion to Dismiss</i></p> |
| 08/31/2020 | <p>Motion to Dismiss (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant Sampo International Holdings, Ltd.'s Motion to Dismiss</i> Deferred Ruling;</p> |
| 08/31/2020 | <p> All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant Endurance American Specialty Insurance Company's Motion to Dismiss ;</i> <i>Defendant Sampo International Holdings, Ltd.'s Motion to Dismiss</i> Matter Heard; Journal Entry Details: <i>Heidi H. Raschke, Esq., Pro Hac Vice, Attorney for Sampo International Holdings, Ltd. and</i> <i>Endurance American Specialty Insurance Company, also present. In accordance with</i> <i>Administrative Orders, the parties appeared remotely via Court Call. DEFENDANT SOMPO</i> <i>INTERNATIONAL HOLDINGS, LTD.'S MOTION TO DISMISS</i> Court stated the parties <i>stipulated to allow out-of-state counsel to argue. Court further stated it appears that</i> <i>jurisdictional discovery may be appropriate prior to making a determination on jurisdiction</i> <i>over the Sampo entity. Upon inquiry, Ms. Raschke advised she would prefer to argue the</i> <i>Motion. Ms. Raschke argued the matter was a contract dispute over a policy issued by</i> <i>Endurance and Further, Ms. Raschke argued Sampo is the successor-in-interest to Endurance</i> <i>Specialty Holdings, a Delaware entity and not a successor-in-interest to Endurance American</i> <i>Specialty Insurance Company, and therefore, not the appropriate party to the Complaint. Mr.</i> <i>Whitmire advised it agreed with the Court's opening assessment that jurisdiction discovery is</i> <i>appropriate. COURT ORDERED, Motion DEFERRED; parties have 90 days for jurisdictional</i> <i>discovery; after 90 days of jurisdictional discovery, the Court will conduct an evidentiary</i> <i>hearing or the parties are to submit deposition transcripts or other evidence for the Court to</i> <i>make a determination as to the Motion. Mr. Whitmore to prepare the order. DEFENDANT</i> <i>ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY'S MOTION TO DISMISS</i> <i>Ms. Raschke argued for the dismissal of civil conspiracy and constructive fraud claims Sampo</i> <i>and Willis as improper and required justifiable reliance in order to properly plead the claims.</i> <i>Ms. Gillmore argued in regards to constructive fraud, Hakkasan plead the requisite</i> <i>particularity, including the time, place, the identity of the parties involved and the nature of</i> <i>the fraud pursuant to Rule 9(b). Further, Ms. Gillmore that justifiable reliance in constructive</i> <i>fraud is not required and civil conspiracy is not limited to conspiracy to fraud. Upon Court's</i> <i>inquiry, Ms. Gillmore advised the Plaintiff was requesting Rocker discovery prior to Amending</i> <i>Complaint. Following arguments of Ms. Raschke and Ms. Gillmore, COURT ORDERED,</i> <i>Motion GRANTED IN PART; Plaintiff has 15 days to file an amendment to better allege the</i> <i>reliance issues given the special relationship alleged in the Complaint. Motion is DENIED in</i> <i>all other respects.;</i></p> |
| 09/04/2020 | <p>Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendant's Motion to Associate Counsel Heidi H. Raschke, Esq.</i> Granted;</p> |
| 09/04/2020 | <p>Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendants' Motion to Associate Counsel Steven J. Brodie, Esq.</i> Granted;</p> |
| 09/04/2020 | <p>Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Defendants' Motion to Associate Counsel Amanda D. Proctor, Esq.</i> Granted;</p> |
| 09/04/2020 | <p> All Pending Motions (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) Minute Order - No Hearing Held; Journal Entry Details: <i>DEFENDANTS' MOTION TO ASSOCIATE COUNSEL STEVEN J. BRODIE, ESQ....</i> <i>...DEFENDANTS' MOTION TO ASSOCIATE COUNSEL AMANDA D. PROCTOR, ESQ....</i> <i>...DEFENDANT'S MOTION TO ASSOCIATE COUNSEL HEIDI H. RASCHKE, ESQ. Upon</i> <i>review of the papers and pleadings on file in this Matter, as proper service has been provided,</i> <i>this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the</i> <i>Motions to Associate (Brodie, proctor, Raschke) are deemed unopposed. Therefore, good</i> <i>cause appearing, COURT ORDERED, motions are GRANTED. By accepting this admission,</i></p> |

CASE SUMMARY

CASE NO. A-20-816145-B

Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. 9-21-20 9:00 AM MOTION TO DISMISS BY DEFENDANTS WILLIS OF ARIZONA, INC. AND WILLIS TOWERS WATSON INSURANCE SERVICES WEST, INC. 10-2-20 CHAMBERS PLAINTIFF'S MOTION TO ASSOCIATE COUNSEL (WILLIAM ANTHONY BURCK, ESQ.) CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 9-15-20;

09/21/2020



Minute Order (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order - No Hearing Held;

Journal Entry Details:

COURT FINDS after review that on September 18, 2020, District Court Judge Nancy L. Allf erroneously signed an Order Granting Motion to Seal Exhibit "B" to Willis' Motion to Dismiss ("Order") which was sent to Department 27's Inbox. COURT FURTHER FINDS after review that this case was assigned to Department 11. THEREFORE, COURT ORDERS for good cause appearing and after review that the Order shall be STRICKEN from the record. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 09/21/20 ;

09/21/2020

CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated - Duplicate Entry

Motion to Dismiss by Defendants Willis of Arizona, Inc. and Willis Towers Watson Insurance Services West, Inc.

09/21/2020

All Pending Motions (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacate; error -- see 9/21/20 motion to dismiss

10/01/2020



Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Plaintiff Motion to Associate Counsel (William Anthony Burck, Esq)

Granted;

Journal Entry Details:

Matter ADVANCED from October 2, 2020. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Associate (Burck) is deemed unopposed. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 10-1-20;

12/07/2020

CANCELED Motion for Protective Order (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Vacated

Defendant Endurance American Speciality Insurance Company's Motion for a Protective Order

12/16/2020



Minute Order (9:38 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order Continuing Mandatory Rule 16 Conference

Minute Order - No Hearing Held;

Journal Entry Details:

At request of the Court, the Mandatory Rule 16 Conference on Monday, December 21, 2020 is CONTINUED to Monday, January 25, 2021 at 9:00 am. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-16-20;

01/19/2021



Minute Order (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Minute Order Requesting Status Report

Minute Order - No Hearing Held;

Journal Entry Details:

CASE SUMMARY**CASE NO. A-20-816145-B**

At request of the Court, parties to FILE a status report by Friday, January 22, 2021 in anticipation of the Mandatory Rule 16 Conference scheduled for Monday, January 25, 2021. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-19-21;

01/25/2021

**Mandatory Rule 16 Conference (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Trial Date Set;

Journal Entry Details:

Parties appeared by telephone. Court noted depositions are being done on jurisdictional discovery and that there have been some delays. Mr. Whitmire explained that the remaining portions are related to Endurance, the lead underwriting company; after significant meet-and-confer there was ultimately document production and haggling as to whether a 30(b)(6) witness would be produced by Endurance; they agreed to put up one recently; the cut-off is this week; parties agreed to a short extension of time; they are seeking 30 more days to complete the 30(b)(6) deposition; there are some deficiencies on document production and questions on the scope of redactions and relevancy; however, progress has been made on jurisdictional discovery and they do see a light at the end of the tunnel; Hakkasan is seeking a short addition of time, i.e. 30 days to complete 30(b)(6) depositions and the Court may ultimately need to rule on the scope of production issues. Ms. Raschke advised they produced documents and made a corporate representative available for Somo; they disagree that producing documents as to Endurance were necessary for jurisdictional discovery over Somo; she does think there is a difference between what they are seeking with regards to jurisdictional discovery. COURT ORDERED, the request for a 30-day jurisdictional discovery extension is GRANTED on the deposition only; motion practice related to documents can be done any time. With regards to experts, parties advised they may have claims experts, damages experts, and possibly a bad faith expert as well. Colloquy regarding splitting / phasing discovery. COURT ORDERED as follows: Initial disclosures pursuant to rule 16.1 to be exchanged within 30 days; A draft ESI protocol be distributed in 2 weeks; Initial expert disclosures where a party bears the burden of proof DUE by May 21, 2021; Rebuttal expert disclosures where a party does not bear the burden of proof DUE by July 16, 2021; Discovery cut-off SET for September 10, 2021; Dispositive motions and motions in limine TO BE FILED by November 5, 2021; Matter SET for trial on the stack beginning on January 3, 2022. Jury DEMANDED. Trial Setting Order will ISSUE. Parties declined a settlement conference at this time as premature.;

03/15/2021

**Motion to Strike (9:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Defendants' Motion to Strike Plaintiff's Jury Demand as to its Claims Against the Willis Defendants or, in the Alternative, to Compel Arbitration

Clerical Error

Denied;

Journal Entry Details:

Pursuant to Administrative Order 21-03, the Court decides this matter without the necessity of oral argument. The Court, having reviewed the motion to strike and the related briefing and being fully informed, DENIES the motion. Issues related to the proposal are distinct with those which remain at issue in this matter. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order. CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 3-15-21;

03/18/2021

**Motion to Seal/Redact Records (3:00 AM)** (Judicial Officer: Gonzalez, Elizabeth)

Defendants' Motion to Seal Exhibit "B" to Willis' Motion to Strike Jury Demand or, Alternatively, to Compel Arbitration

Granted;

Journal Entry Details:

Matter ADVANCED from the March 19, 2021 chambers calendar. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect sensitive commercial information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: A copy of this minute order was

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-20-816145-B

distributed via Odyssey File and Serve. / dr 3-18-21;

04/09/2021



Motion to Seal/Redact Records (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendant's Motion to Seal Exhibits "G" and "I" to Reply Memorandum in Support of Willis's Motion to Strike Plaintiff's Jury Demand or, Alternatively, to Compel Arbitration
Granted;

Journal Entry Details:

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20 (e) the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect sensitive commercial information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter. CLERK'S NOTE: The above minute order has been distributed to counsel by the Court Clerk via electronic service. sm//04-09-21 ;

04/30/2021

Motion to Associate Counsel (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Motion to Associate Counsel

06/14/2021

Motion to Dismiss (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

Defendant Sompo International Holdings, LTD's Motion to Dismiss

09/13/2021

Status Check (9:00 AM) (Judicial Officer: Gonzalez, Elizabeth)

12/09/2021

Pre Trial Conference (9:15 AM) (Judicial Officer: Gonzalez, Elizabeth)

12/21/2021

Calendar Call (9:30 AM) (Judicial Officer: Gonzalez, Elizabeth)

01/03/2022

Jury Trial (1:30 PM) (Judicial Officer: Gonzalez, Elizabeth)

DATE

FINANCIAL INFORMATION

Counter Claimant Endurance American Specialty Insurance Company

Total Charges

1,483.00

Total Payments and Credits

1,483.00

Balance Due as of 4/27/2021

0.00

Defendant Sompo International Holdings, LTD

Total Charges

1,483.00

Total Payments and Credits

1,483.00

Balance Due as of 4/27/2021

0.00

Defendant Willis Of Arizona Inc

Total Charges

277.00

Total Payments and Credits

277.00

Balance Due as of 4/27/2021

0.00

Counter Defendant Hakkasan Usa Inc

Total Charges

1,533.00

Total Payments and Credits

1,533.00

Balance Due as of 4/27/2021

0.00

BUSINESS COURT CIVIL COVER SHEET

County, Nevada

Case No. _____
(Assigned by Clerk's Office)

CASE NO: A-20-816145-C
Department 26

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

| | |
|--|---|
| Plaintiff(s) (name/address/phone): <div style="text-align: center;">HAKKASAN USA, INC.</div> | Defendant(s) (name/address/phone): ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY SOMPO INTERNATIONAL HOLDINGS, LTD. WILLIS OF ARIZONA, INC. WILLIS TOWERS WATSON INSURANCE SERVICES WEST, INC. |
| Attorney (name/address/phone): James E. Whitmire, Esq. (Nev. Bar No. 6533) SANTORO WHITMIRE 10100 W. Charleston Blvd., Suite 250, Las Vegas, NV 89135 Tel.: (702) 948-8771 | Attorney (name/address/phone): |

II. Nature of Controversy *(Please check the applicable boxes for both the civil case type and business court case type)*

☐ Arbitration Requested

| Civil Case Filing Types | | Business Court Filing Types | | |
|--|--|--|--|--|
| Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property | Torts Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input checked="" type="checkbox"/> Other Tort | CLARK COUNTY BUSINESS COURT <input type="checkbox"/> NRS Chapters 78-89 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Mergers (NRS 92A) <input type="checkbox"/> Uniform Commercial Code (NRS 104) <input type="checkbox"/> Purchase/Sale of Stock, Assets, or Real Estate <input type="checkbox"/> Trademark or Trade Name (NRS 600) <input checked="" type="checkbox"/> Enhanced Case Management <input type="checkbox"/> Other Business Court Matters | | |
| Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract | Civil Writs <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ | WASHOE COUNTY BUSINESS COURT <input type="checkbox"/> NRS Chapters 78-88 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Investments (NRS 104 Art.8) <input type="checkbox"/> Deceptive Trade Practices (NRS 598) <input type="checkbox"/> Trademark/Trade Name (NRS 600) <input type="checkbox"/> Trade Secrets (NRS 600A) <input type="checkbox"/> Enhanced Case Management <input type="checkbox"/> Other Business Court Matters | | |
| Judicial Review/Appeal/Other Civil Filing <table style="width: 100%;"> <tr> <td style="width: 50%;"> Judicial Review <input type="checkbox"/> Foreclosure Mediation Case Appeal Other <input type="checkbox"/> Appeal from Lower Court </td> <td style="width: 50%;"> Other Civil Filing <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters </td> </tr> </table> | | Judicial Review <input type="checkbox"/> Foreclosure Mediation Case Appeal Other <input type="checkbox"/> Appeal from Lower Court | Other Civil Filing <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters | |
| Judicial Review <input type="checkbox"/> Foreclosure Mediation Case Appeal Other <input type="checkbox"/> Appeal from Lower Court | Other Civil Filing <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters | | | |

June 5, 2020

Date

Signature of initiating party or representative

BUSINESS COURT CIVIL COVER SHEET

Clark
County, Nevada
Case No. A-20-816145-B, Dept. 11
(Assigned by Clerk's Office)

CASE NO: A-20-816145-B
Department 11

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

| | |
|--|---|
| Plaintiff(s) (name/address/phone): <div style="text-align: center;">HAKKASAN USA, INC.</div> | Defendant(s) (name/address/phone): ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY SOMPO INTERNATIONAL HOLDINGS, LTD. WILLIS OF ARIZONA, INC. WILLIS TOWERS WATSON INSURANCE SERVICES WEST, INC. |
| Attorney (name/address/phone): James E. Whitmire, Esq. (Nev. Bar No. 6533) SANTORO WHITMIRE 10100 W. Charleston Blvd., Suite 250, Las Vegas, NV 89135 Tel.: (702) 948-8771 | Attorney (name/address/phone): |

II. Nature of Controversy *(Please check the applicable boxes for both the civil case type and business court case type)*

☐ Arbitration Requested

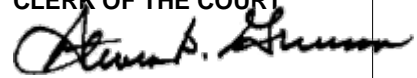
| Civil Case Filing Types | | Business Court Filing Types | | |
|--|--|--|--|--|
| Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property | Torts Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input checked="" type="checkbox"/> Other Tort | CLARK COUNTY BUSINESS COURT <input type="checkbox"/> NRS Chapters 78-89 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Mergers (NRS 92A) <input type="checkbox"/> Uniform Commercial Code (NRS 104) <input type="checkbox"/> Purchase/Sale of Stock, Assets, or Real Estate <input type="checkbox"/> Trademark or Trade Name (NRS 600) <input type="checkbox"/> Enhanced Case Management <input checked="" type="checkbox"/> Other Business Court Matters | | |
| Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract | Civil Writs <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ | WASHOE COUNTY BUSINESS COURT <input type="checkbox"/> NRS Chapters 78-88 <input type="checkbox"/> Commodities (NRS 91) <input type="checkbox"/> Securities (NRS 90) <input type="checkbox"/> Investments (NRS 104 Art.8) <input type="checkbox"/> Deceptive Trade Practices (NRS 598) <input type="checkbox"/> Trademark/Trade Name (NRS 600) <input type="checkbox"/> Trade Secrets (NRS 600A) <input type="checkbox"/> Enhanced Case Management <input type="checkbox"/> Other Business Court Matters | | |
| Judicial Review/Appeal/Other Civil Filing <table style="width: 100%;"> <tr> <td style="width: 50%;"> Judicial Review <input type="checkbox"/> Foreclosure Mediation Case Appeal Other <input type="checkbox"/> Appeal from Lower Court </td> <td style="width: 50%;"> Other Civil Filing <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters </td> </tr> </table> | | Judicial Review <input type="checkbox"/> Foreclosure Mediation Case Appeal Other <input type="checkbox"/> Appeal from Lower Court | Other Civil Filing <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters | |
| Judicial Review <input type="checkbox"/> Foreclosure Mediation Case Appeal Other <input type="checkbox"/> Appeal from Lower Court | Other Civil Filing <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters | | | |

June 5, 2020

Date

/s/James E. Whitmire

Signature of initiating party or representative

**ORDR**

JAMES E. WHITMIRE (NV Bar No. 6533)

SANTORO WHITMIRE

10100 W. Charleston Blvd., Suite 250

Las Vegas, Nevada 89135

Tel. (702) 948-8771 / Fax: (702) 948-8773

Email: jwhitmire@santoronevada.com

QUINN EMANUEL URQUHART & SULLIVAN, LLPDANIELLE L. GILMORE (*admitted pro hac vice*)DAKOTA S. SPEAS (*pro hac vice pending*)865 South Figueroa Street, 10th Floor

Los Angeles, California 90017

Telephone: (213) 443-3000/Fax: (213) 443-3100

Email: daniellegilmore@quinnemanuel.com

dakotaspeas@quinnemanuel.com

ALLISON HUEBERT (*admitted pro hac vice*)ATHENA DALTON (*admitted pro hac vice*)

191 N. Wacker Drive Suite 2700

Chicago, Illinois 60606

Telephone: (312) 705-7400/Fax: (312) 705-7401

Email: allisonhuebert@quinnemanuel.com

athenadalton@quinnemanuel.com

*Attorneys for Plaintiff Hakkasan USA, Inc.***DISTRICT COURT****CLARK COUNTY, NEVADA**HAKKASAN USA, INC., a Delaware
Corporation;

Plaintiff,

vs.

ENDURANCE AMERICAN SPECIALITY
INSURANCE COMPANY, a Delaware
Corporation; SOMPO INTERNATIONAL
HOLDINGS, LTD., a Bermuda Corporation;
WILLIS OF ARIZONA, INC., an Arizona
Corporation; and WILLIS TOWERS WATSON
INSURANCE SERVICES WEST, INC., a
California Corporation

Defendants.

Case No.: A-20-816145-B

Dept. No.: ● XI

(Business Court)

**~~PROPOSED~~ ORDER RE WILLIS
DEFENDANTS' MOTION TO STRIKE
PLAINTIFF'S JURY DEMAND AS TO
ITS CLAIMS AGAINST THE WILLIS
DEFENDANTS OR, IN THE
ALTERNATIVE, TO COMPEL
ARBITRATION**

1 Defendants WILLIS OF ARIZONA, INC. AND WILLIS TOWERS WATSON
2 INSURANCE SERVICES WEST, INC.'S MOTION TO STRIKE PLAINTIFF'S JURY
3 DEMAND AS TO ITS CLAIMS AGAINST THE WILLIS DEFENDANTS OR, IN THE
4 ALTERNATIVE, TO COMPEL ARBITRATION ("Willis Defendants' Motion to Strike") was
5 fully briefed and, pursuant to Administrative Order 21-03, decided without oral argument.
6 Having reviewed the Motion filed by Defendants on February 11, 2021, the Opposition filed by
7 Plaintiff on February 25, 2021, and the Reply in support of the Motion filed on March 8, 2021,
8 the Court DENIES the Willis Defendants' Motion to Strike.

10 On March 29, 2019 Defendants Willis of Arizona, Inc. and Willis Towers Watson
11 Insurance Services West, Inc. (collectively, "Willis") presented a proposal to Hakkasan to
12 procure various insurance policies for the 2019-20 policy term (the "Proposal"). The Proposal
13 included a nine-page document entitled "Brokerage Terms, Conditions & Disclosures" (the
14 "T&Cs"). Section 1.13 of the T&Cs reads as follows:

16 **Dispute Resolution.** The parties agree to work in good faith to
17 resolve any disputes arising out of or in connection with the
18 services provided under these Terms, Conditions & Disclosures. If
19 a dispute cannot be resolved it will be submitted to non-binding
20 mediation to be conducted by Judicial Arbitration and Mediation
21 Services (JAMS) before either party pursues other remedies
22 hereunder. If the mediation does not resolve the dispute and a
23 party or both parties wish to pursue other remedies, the parties
24 agree that their legal dispute will be resolved without a jury trial
25 and agree not to request or demand a jury trial. To the fullest
26 extent permitted by applicable law, the parties hereby irrevocably
27 waive any right they may have to demand a jury trial.

28 To the extent the foregoing jury trial waiver is not enforceable
under the governing law, except as provided below, any dispute
arising out of or in connection with these Terms, Conditions &
Disclosures which the parties are unable to resolve between
themselves or through mediation as provided above, will be
resolved by binding arbitration in the state as provided for in
paragraph 14 below, or other mutually agreed location, before a
panel of three arbitrators in accordance with the Commercial
Arbitration Rules of the American Arbitration Association. . . .

Willis contends that the foregoing section of the T&Cs precludes Hakkasan from trying its present claims for civil conspiracy, constructive fraud, negligence, and intentional interference with contractual relations against Willis to a jury. Willis further contends that Hakkasan's claims against Willis in this case should be compelled to arbitration in accordance with the T&Cs if the jury waiver provision is not enforceable under Nevada law. In response, Hakkasan argues *inter alia* the T&Cs only govern Hakkasan's purchase of insurance through Willis, and Hakkasan's present tort claims do not "aris[e] out of or in connection with" that transaction. The Court agrees with Hakkasan and concludes that Hakkasan's present claims against Willis for civil conspiracy, constructive fraud, negligence, and intentional interference with contractual relations are outside the scope of the Dispute Resolution clause in Section 1.13 of the T&Cs.

For the aforementioned reasons, IT IS HEREBY ORDERED that the Willis Defendants' Motion to Strike is DENIED.

Dated this 25th day of March, 2021.


DISTRICT COURT JUDGE

Respectfully Submitted By:

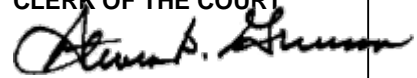
Approved as to form by:

SANTORO WHITMIRE

**BROWNSTEIN HYATT FARBER
SCHRECK, LLP**

/s/ James E. Whitmire
JAMES E. WHITMIRE, ESQ. (NBN 6533)
10100 W. Charleston Blvd., Suite 250
Las Vegas, Nevada 89135
Attorneys for Plaintiff Hakkasan USA, Inc.

/s/ Patrick J. Reilly
PATRICK J. REILLY, ESQ. (NBN 6103)
100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106
*Attorneys for Defendants Willis of Arizona,
Inc. and Willis Tower Watson Insurance
Services West, Inc.*



NEOJ

Patrick J. Reilly
Nevada Bar No. 6103
preilly@bhfs.com

BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: 702.382.2101
Facsimile: 702.382.8135

Edward J. Baines (admitted *pro hac vice*)
ted.baines@saull.com
SAUL EWING ARNSTEIN & LEHR LLP
500 E. Pratt Street, Suite 900
Baltimore, MD 21202-3133
Telephone: 410.332.8954

Zachary W. Berk (admitted *pro hac vice*)
zachary.berk@saull.com
SAUL EWING ARNSTEIN & LEHR LLP
131 Dartmouth Street, Suite 501
Boston, MA 02116
Telephone: 617.912.0927

*Attorneys for Willis of Arizona, Inc. and
Willis Towers Watson Insurance Services West, Inc.*

DISTRICT COURT

CLARK COUNTY, NEVADA

HAKKASAN USA, INC., a Delaware
Corporation,

Plaintiff,

v.

ENDURANCE AMERICAN SPECIALTY
INSURANCE COMPANY, a Delaware
Corporation; SOMPO INTERNATIONAL
HOLDINGS, LTD., a Bermuda
Corporation; WILLIS OF ARIZONA,
INC., an Arizona Corporation; and
WILLIS TOWERS WATSON
INSURANCE SERVICES WEST, INC., a
California Corporation,

Defendants.

Case No. A-20-816145-B

Dept. No. XI

NOTICE OF ENTRY OF ORDER

1 Please take notice that an Order Re Willis Defendants' Motion to Strike Plaintiff's Jury
2 Demand as to its Claims Against the Willis Defendants or, in the Alternative, to Compel Arbitration
3 was entered on the 26th day of March, 2021 in the above-entitled matter, a copy of which is attached
4 hereto.

5 DATED this 14th day of April, 2021.

7 /s/ Patrick J. Reilly

8 Patrick J. Reilly
9 BROWNSTEIN HYATT FARBER
10 SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614

11 Edward J. Baines
12 SAUL EWING ARNSTEIN & LEHR LLP
500 E. Pratt Street, Suite 900
Baltimore, MD 21202-3133

13 Zachary W. Berk
14 SAUL EWING ARNSTEIN & LEHR LLP
131 Dartmouth Street, Suite 501
Boston, MA 02116

15 *Attorneys for Willis of Arizona, Inc. and*
16 *Willis Towers Watson Insurance Services*
17 *West, Inc.*

CERTIFICATE OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b), I certify that I am an employee of BROWNSTEIN HYATT FARBER SCHRECK, LLP, and that the foregoing **NOTICE OF ENTRY OF ORDER** was served by submitting electronically for filing and/or service with the Eighth Judicial District Court's Odyssey eFileNV Electronic Filing system and serving all parties with an email address on record, as indicated below, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R. on the 14th day of April, 2021, to the addresses shown below:

James E. Whitmire, III
SANTORO WHITMIRE
10100 West Charleston Blvd., Suite 250
Las Vegas, NV 89135
email: jwhitmire@santoronevada.com

Amy M. Samberg
FORAN GLENNON PALANDECH PONZI
& RUDLOFF PC
400 East Van Buren Street, Suite 550
Phoenix, AZ 85004
email: asamberg@fgppr.com

Danielle L. Gilmore
Dahot S. Speas
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017
email: daniellegilmoe@quinnemanuel.com
dakotaspeas@quinnemanuel.com

Dylan P. Todd
FORAN GLENNON PALANDECH PONZI
& RUDLOFF PC
2200 Paseo Verde Parkway, Suite 280
Henderson, NV 89052
email: dtodd@fgppr.com

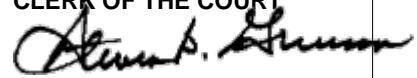
*Attorneys for Somp International Holdings
Ltd. and Endurance American Specialty
Insurance Company*

Allison Huebert
Athena Dalton
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
191 N. Wacker Drive, Suite 2700
Chicago, IL 60606
email: allisonhuebert@quinnemanuel.com
athenadalton@quinnemanuel.com

Attorneys for Plaintiff Hakkasan USA, Inc.

/s/ Mary Barnes

An employee of Brownstein Hyatt Farber Schreck, LLP

**ORDR**

JAMES E. WHITMIRE (NV Bar No. 6533)

SANTORO WHITMIRE

10100 W. Charleston Blvd., Suite 250

Las Vegas, Nevada 89135

Tel. (702) 948-8771 / Fax: (702) 948-8773

Email: jwhitmire@santoronevada.com

QUINN EMANUEL URQUHART & SULLIVAN, LLPDANIELLE L. GILMORE (*admitted pro hac vice*)DAKOTA S. SPEAS (*pro hac vice pending*)865 South Figueroa Street, 10th Floor

Los Angeles, California 90017

Telephone: (213) 443-3000/Fax: (213) 443-3100

Email: daniellegilmore@quinnemanuel.com

dakotaspeas@quinnemanuel.com

ALLISON HUEBERT (*admitted pro hac vice*)ATHENA DALTON (*admitted pro hac vice*)

191 N. Wacker Drive Suite 2700

Chicago, Illinois 60606

Telephone: (312) 705-7400/Fax: (312) 705-7401

Email: allisonhuebert@quinnemanuel.com

athenadalton@quinnemanuel.com

*Attorneys for Plaintiff Hakkasan USA, Inc.***DISTRICT COURT****CLARK COUNTY, NEVADA**HAKKASAN USA, INC., a Delaware
Corporation;

Plaintiff,

vs.

ENDURANCE AMERICAN SPECIALITY
INSURANCE COMPANY, a Delaware
Corporation; SOMPO INTERNATIONAL
HOLDINGS, LTD., a Bermuda Corporation;
WILLIS OF ARIZONA, INC., an Arizona
Corporation; and WILLIS TOWERS WATSON
INSURANCE SERVICES WEST, INC., a
California Corporation

Defendants.

Case No.: A-20-816145-B

Dept. No.: ● XI

(Business Court)

**~~PROPOSED~~ ORDER RE WILLIS
DEFENDANTS' MOTION TO STRIKE
PLAINTIFF'S JURY DEMAND AS TO
ITS CLAIMS AGAINST THE WILLIS
DEFENDANTS OR, IN THE
ALTERNATIVE, TO COMPEL
ARBITRATION**

Defendants WILLIS OF ARIZONA, INC. AND WILLIS TOWERS WATSON INSURANCE SERVICES WEST, INC.'S MOTION TO STRIKE PLAINTIFF'S JURY DEMAND AS TO ITS CLAIMS AGAINST THE WILLIS DEFENDANTS OR, IN THE ALTERNATIVE, TO COMPEL ARBITRATION ("Willis Defendants' Motion to Strike") was fully briefed and, pursuant to Administrative Order 21-03, decided without oral argument. Having reviewed the Motion filed by Defendants on February 11, 2021, the Opposition filed by Plaintiff on February 25, 2021, and the Reply in support of the Motion filed on March 8, 2021, the Court DENIES the Willis Defendants' Motion to Strike.

On March 29, 2019 Defendants Willis of Arizona, Inc. and Willis Towers Watson Insurance Services West, Inc. (collectively, "Willis") presented a proposal to Hakkasan to procure various insurance policies for the 2019-20 policy term (the "Proposal"). The Proposal included a nine-page document entitled "Brokerage Terms, Conditions & Disclosures" (the "T&Cs"). Section 1.13 of the T&Cs reads as follows:

Dispute Resolution. The parties agree to work in good faith to resolve any disputes arising out of or in connection with the services provided under these Terms, Conditions & Disclosures. If a dispute cannot be resolved it will be submitted to non-binding mediation to be conducted by Judicial Arbitration and Mediation Services (JAMS) before either party pursues other remedies hereunder. If the mediation does not resolve the dispute and a party or both parties wish to pursue other remedies, the parties agree that their legal dispute will be resolved without a jury trial and agree not to request or demand a jury trial. To the fullest extent permitted by applicable law, the parties hereby irrevocably waive any right they may have to demand a jury trial.

To the extent the foregoing jury trial waiver is not enforceable under the governing law, except as provided below, any dispute arising out of or in connection with these Terms, Conditions & Disclosures which the parties are unable to resolve between themselves or through mediation as provided above, will be resolved by binding arbitration in the state as provided for in paragraph 14 below, or other mutually agreed location, before a panel of three arbitrators in accordance with the Commercial Arbitration Rules of the American Arbitration Association. . . .

Willis contends that the foregoing section of the T&Cs precludes Hakkasan from trying its present claims for civil conspiracy, constructive fraud, negligence, and intentional interference with contractual relations against Willis to a jury. Willis further contends that Hakkasan's claims against Willis in this case should be compelled to arbitration in accordance with the T&Cs if the jury waiver provision is not enforceable under Nevada law. In response, Hakkasan argues *inter alia* the T&Cs only govern Hakkasan's purchase of insurance through Willis, and Hakkasan's present tort claims do not "aris[e] out of or in connection with" that transaction. The Court agrees with Hakkasan and concludes that Hakkasan's present claims against Willis for civil conspiracy, constructive fraud, negligence, and intentional interference with contractual relations are outside the scope of the Dispute Resolution clause in Section 1.13 of the T&Cs.

For the aforementioned reasons, IT IS HEREBY ORDERED that the Willis Defendants' Motion to Strike is DENIED.

Dated this 25th day of March, 2021.


DISTRICT COURT JUDGE

Respectfully Submitted By:

Approved as to form by:

SANTORO WHITMIRE

**BROWNSTEIN HYATT FARBER
SCHRECK, LLP**

/s/ James E. Whitmire
JAMES E. WHITMIRE, ESQ. (NBN 6533)
10100 W. Charleston Blvd., Suite 250
Las Vegas, Nevada 89135
Attorneys for Plaintiff Hakkasan USA, Inc.

/s/ Patrick J. Reilly
PATRICK J. REILLY, ESQ. (NBN 6103)
100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106
*Attorneys for Defendants Willis of Arizona,
Inc. and Willis Tower Watson Insurance
Services West, Inc.*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

July 24, 2020

| | |
|---------------|---|
| A-20-816145-B | Hakkasan Usa Inc, Plaintiff(s) vs. Endurance American Specialty Insurance Company, Defendant(s) |
|---------------|---|

| | | |
|----------------------|----------------|--|
| July 24, 2020 | 3:00 AM | Motion to Associate Counsel |
|----------------------|----------------|--|

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e), the Motion to Associate (Gilbert, Huebert and Dalton) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 7-27-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters**COURT MINUTES****August 10, 2020**

A-20-816145-B Hakkasan Usa Inc, Plaintiff(s)
 vs.
 Endurance American Specialty Insurance Company, Defendant(s)

**August 10, 2020 9:00 AM Motion to Dismiss status check set on
 briefing and new
 hearing date**

HEARD BY: Gonzalez, Elizabeth**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Dulce Romea**RECORDER:****REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT NOTES this motion has been continued by stipulation but does not have a new date.
 COURT ORDERED, counsel to NOTIFY Court when fully briefed. Matter SET for Status Check in 2
 weeks on the chambers calendar.

8-14-20 CHAMBERS DEFENDANT'S MOTION TO ASSOCIATE COUNSEL ON ORDER
 SHORTENING TIME

8-17-20 9:00 AM MOTION TO SEAL EXHIBIT "B" TO WILLIS' MOTION TO DISMISS

8-24-20 9:00 AM MOTION TO DISMISS BY DEFENDANTS WILLIS OF ARIZONA, INC.
 AND WILLIS TOWERS WATSON INSURANCE SERVICES WEST, INC...

...STATUS CHECK: BRIEFING AND NEW HEARING DATE ON MOTION TO DISMISS BY
 DEFENDANTS WILLIS OF ARIZONA, INC. AND WILLIS TOWERS WATSON INSURANCE
 SERVICES WEST, INC....

...DEFENDANT ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY'S MOTION TO

DISMISS...

...DEFENDANT SOMPO INTERNATIONAL HOLDINGS, LTD.'S MOTION TO DISMISS

9-4-20 CHAMBERS DEFENDANT'S MOTION TO ASSOCIATE COUNSEL HEIDI H. RASCHKE, ESQ...

...DEFENDANTS' MOTION TO ASSOCIATE COUNSEL STEVEN J. BRODIE, ESQ....

...DEFENDANTS' MOTION TO ASSOCIATE COUNSEL AMANDA D. PROCTOR, ESQ.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-10-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

August 14, 2020

A-20-816145-B Hakkasan Usa Inc, Plaintiff(s)
vs.
Endurance American Specialty Insurance Company, Defendant(s)

**August 14, 2020 3:00 AM Motion to Associate
Counsel**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion o Associate (Baines and Berk) is deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-17-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

August 17, 2020

| | |
|---------------|---|
| A-20-816145-B | Hakkasan Usa Inc, Plaintiff(s) vs. Endurance American Specialty Insurance Company, Defendant(s) |
|---------------|---|

| | | |
|------------------------|----------------|--|
| August 17, 2020 | 9:00 AM | Motion to Seal/Redact Records |
|------------------------|----------------|--|

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Pursuant to Administrative Order 20-01, the Court decides this matter without the necessity of oral argument. Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the motion to seal is deemed unopposed. As the proposed sealing and redaction of Exhibit B to the motion to dismiss is narrowly tailored to protect sensitive commercial information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 8-18-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

August 31, 2020

A-20-816145-B Hakkasan Usa Inc, Plaintiff(s)
vs.
Endurance American Specialty Insurance Company, Defendant(s)

August 31, 2020 9:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Carolyn Jackson

RECORDER: Jill Hawkins

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Heidi H. Raschke, Esq., Pro Hac Vice, Attorney for Sompo International Holdings, Ltd. and Endurance American Specialty Insurance Company, also present.

In accordance with Administrative Orders, the parties appeared remotely via Court Call.

DEFENDANT SOMPO INTERNATIONAL HOLDINGS, LTD.'S MOTION TO DISMISS

Court stated the parties stipulated to allow out-of-state counsel to argue. Court further stated it appears that jurisdictional discovery may be appropriate prior to making a determination on jurisdiction over the Sampo entity. Upon inquiry, Ms. Raschke advised she would prefer to argue the Motion. Ms. Raschke argued the matter was a contract dispute over a policy issued by Endurance and Further, Ms. Raschke argued Sompo is the successor-in-interest to Endurance Specialty Holdings, a Delaware entity and not a successor-in-interest to Endurance American Specialty Insurance Company, and therefore, not the appropriate party to the Complaint. Mr. Whitmire advised it agreed with the Court's opening assessment that jurisdiction discovery is appropriate.

COURT ORDERED, Motion DEFERRED; parties have 90 days for jurisdictional discovery; after 90

days of jurisdictional discovery, the Court will conduct an evidentiary hearing or the parties are to submit deposition transcripts or other evidence for the Court to make a determination as to the Motion. Mr. Whitmore to prepare the order.

DEFENDANT ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY'S MOTION TO DISMISS

Ms. Raschke argued for the dismissal of civil conspiracy and constructive fraud claims Sompso and Willis as improper and required justifiable reliance in order to properly plead the claims. Ms. Gillmore argued in regards to constructive fraud, Hakkasan plead the requisite particularity, including the time, place, the identity of the parties involved and the nature of the fraud pursuant to Rule 9(b). Further, Ms. Gillmore that justifiable reliance in constructive fraud is not required and civil conspiracy is not limited to conspiracy to fraud. Upon Court's inquiry, Ms. Gillmore advised the Plaintiff was requesting Rocker discovery prior to Amending Complaint.

Following arguments of Ms. Raschke and Ms. Gillmore, COURT ORDERED, Motion GRANTED IN PART; Plaintiff has 15 days to file an amendment to better allege the reliance issues given the special relationship alleged in the Complaint. Motion is DENIED in all other respects.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

September 04, 2020

A-20-816145-B Hakkasan Usa Inc, Plaintiff(s)
vs.
Endurance American Specialty Insurance Company, Defendant(s)

September 04, 2020 3:00 AM All Pending Motions

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- DEFENDANTS' MOTION TO ASSOCIATE COUNSEL STEVEN J. BRODIE, ESQ....
...DEFENDANTS' MOTION TO ASSOCIATE COUNSEL AMANDA D. PROCTOR, ESQ....
...DEFENDANT'S MOTION TO ASSOCIATE COUNSEL HEIDI H. RASCHKE, ESQ.

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motions to Associate (Brodie, proctor, Raschke) are deemed unopposed. Therefore, good cause appearing, COURT ORDERED, motions are GRANTED. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

9-21-20 9:00 AM MOTION TO DISMISS BY DEFENDANTS WILLIS OF ARIZONA, INC.
AND WILLIS TOWERS WATSON INSURANCE SERVICES WEST, INC.

10-2-20 CHAMBERS PLAINTIFF'S MOTION TO ASSOCIATE COUNSEL (WILLIAM
ANTHONY BURCK, ESQ.)

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 9-15-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

September 21, 2020

A-20-816145-B Hakkasan Usa Inc, Plaintiff(s)
vs.
Endurance American Specialty Insurance Company, Defendant(s)

September 21, 2020 3:00 AM Minute Order

HEARD BY: Allf, Nancy

COURTROOM: No Location

COURT CLERK: Carolyn Jackson

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT FINDS after review that on September 18, 2020, District Court Judge Nancy L. Allf erroneously signed an Order Granting Motion to Seal Exhibit "B" to Willis' Motion to Dismiss ("Order") which was sent to Department 27's Inbox.

COURT FURTHER FINDS after review that this case was assigned to Department 11.

THEREFORE, COURT ORDERS for good cause appearing and after review that the Order shall be STRICKEN from the record.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Carolyn Jackson, to all registered parties for Odyssey File & Serve. /cj 09/21/20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

September 21, 2020

A-20-816145-B Hakkasan Usa Inc, Plaintiff(s)
vs.
Endurance American Specialty Insurance Company, Defendant(s)

September 21, 2020 9:00 AM Motion to Dismiss

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

| | | |
|-----------------|------------------------|----------|
| PRESENT: | Baines, Edward J | Attorney |
| | Gillmore, Danielle L | Attorney |
| | Raschke, Heidi | Attorney |
| | Reilly, Patrick J. | Attorney |
| | Todd, Dylan P. | Attorney |
| | Whitmire III, James E. | Attorney |

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Attorney Brandon Roos, in-house counsel for Plaintiff.

Parties appeared by telephone.

Following arguments by Mr. Baines and Mr. Whitmire, COURT ORDERED, motion DENIED; the Court previously granted jurisdiction on Rocker discovery related to the Sompso issues for a period of 90 days from August 31st; while it does not appear that any of the claims here are subject to dismissal, the economic loss doctrine does not apply here because of the special relationship, and the issue related to the pleading will be fleshed out following the discovery related to the Sompso motions; however, the issues related to Willis are STAYED for a period 60 days for the parties to participate in mediation with JAMS. Court noted that if the parties choose not to, the Court may take further action, but the parties need to go to mediation even if it is a waste of time.

10-2-20 CHAMBERS PLAINTIFF'S MOTION TO ASSOCIATE COUNSEL (WILLIAM
ANTHONY BURCK, ESQ.)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

October 01, 2020

A-20-816145-B Hakkasan Usa Inc, Plaintiff(s)
vs.
Endurance American Specialty Insurance Company, Defendant(s)

**October 01, 2020 3:00 AM Motion to Associate
Counsel**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Matter ADVANCED from October 2, 2020.

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the Motion to Associate (Burck) is deemed unopposed. By accepting this admission, Counsel agrees to submit to jurisdiction and appear without subpoena for any proceedings required by the Court which relate to Counsel's conduct in this matter including motions, depositions, and evidentiary hearings. SCR 42(13)(a). Therefore, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 10-1-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

December 16, 2020

A-20-816145-B Hakkasan Usa Inc, Plaintiff(s)
vs.
Endurance American Specialty Insurance Company, Defendant(s)

December 16, 2020 9:38 AM Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- At request of the Court, the Mandatory Rule 16 Conference on Monday, December 21, 2020 is CONTINUED to Monday, January 25, 2021 at 9:00 am.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 12-16-20

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

January 19, 2021

A-20-816145-B Hakkasan Usa Inc, Plaintiff(s)
vs.
Endurance American Specialty Insurance Company, Defendant(s)

January 19, 2021 3:00 AM Minute Order

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- At request of the Court, parties to FILE a status report by Friday, January 22, 2021 in anticipation of the Mandatory Rule 16 Conference scheduled for Monday, January 25, 2021.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 1-19-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

January 25, 2021

A-20-816145-B Hakkasan Usa Inc, Plaintiff(s)
vs.
Endurance American Specialty Insurance Company, Defendant(s)

**January 25, 2021 9:00 AM Mandatory Rule 16
Conference**

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER: Jill Hawkins

REPORTER:

PARTIES

PRESENT: Baines, Edward J Attorney
 Gilmore, Danielle Lida Attorney
 Raschke, Heidi Attorney
 Reilly, Patrick J. Attorney
 Todd, Dylan P. Attorney
 Whitmire III, James E. Attorney

JOURNAL ENTRIES

- Parties appeared by telephone.

Court noted depositions are being done on jurisdictional discovery and that there have been some delays. Mr. Whitmire explained that the remaining portions are related to Endurance, the lead underwriting company; after significant meet-and-confers there was ultimately document production and haggling as to whether a 30(b)(6) witness would be produced by Endurance; they agreed to put up one recently; the cut-off is this week; parties agreed to a short extension of time; they are seeking 30 more days to complete the 30(b)(6) deposition; there are some deficiencies on document production and questions on the scope of redactions and relevancy; however, progress has been made on jurisdictional discovery and they do see a light at the end of the tunnel; Hakkasan is seeking a short addition of time, i.e. 30 days to complete 30(b)(6) depositions and the Court may ultimately need to rule on the scope of production issues. Ms. Raschke advised they produced documents and made a

corporate representative available for Sompco; they disagree that producing documents as to Endurance were necessary for jurisdictional discovery over Sompco; she does think there is a difference between what they are seeking with regards to jurisdictional discovery. COURT ORDERED, the request for a 30-day jurisdictional discovery extension is GRANTED on the deposition only; motion practice related to documents can be done any time. With regards to experts, parties advised they may have claims experts, damages experts, and possibly a bad faith expert as well. Colloquy regarding splitting / phasing discovery.

COURT ORDERED as follows:

Initial disclosures pursuant to rule 16.1 to be exchanged within 30 days;

A draft ESI protocol be distributed in 2 weeks;

Initial expert disclosures where a party bears the burden of proof DUE by May 21, 2021;

Rebuttal expert disclosures where a party does not bear the burden of proof DUE by July 16, 2021;

Discovery cut-off SET for September 10, 2021;

Dispositive motions and motions in limine TO BE FILED by November 5, 2021;

Matter SET for trial on the stack beginning on January 3, 2022. Jury DEMANDED.

Trial Setting Order will ISSUE.

Parties declined a settlement conference at this time as premature.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

March 15, 2021

| | |
|---------------|--|
| A-20-816145-B | Hakkasan Usa Inc, Plaintiff(s) |
| | vs. |
| | Endurance American Specialty Insurance Company, Defendant(s) |

March 15, 2021 9:00 AM Motion to Strike

HEARD BY: Gonzalez, Elizabeth **COURTROOM:** RJC Courtroom 03E

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Pursuant to Administrative Order 21-03, the Court decides this matter without the necessity of oral argument.

The Court, having reviewed the motion to strike and the related briefing and being fully informed, DENIES the motion. Issues related to the proposal are distinct with those which remain at issue in this matter. Counsel for Plaintiff is directed to submit a proposed order approved by opposing counsel consistent with the foregoing within ten (10) days and distribute a filed copy to all parties involved in this matter. Such order should set forth a synopsis of the supporting reasons proffered to the Court in briefing. This Decision sets forth the Court's intended disposition on the subject but anticipates further order of the Court to make such disposition effective as an order.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 3-15-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

March 18, 2021

| | |
|---------------|---|
| A-20-816145-B | Hakkasan Usa Inc, Plaintiff(s) vs. Endurance American Specialty Insurance Company, Defendant(s) |
|---------------|---|

| | | |
|-----------------------|----------------|--|
| March 18, 2021 | 3:00 AM | Motion to Seal/Redact Records |
|-----------------------|----------------|--|

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Dulce Romea

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Matter ADVANCED from the March 19, 2021 chambers calendar.

Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect sensitive commercial information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: A copy of this minute order was distributed via Odyssey File and Serve. / dr 3-18-21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Business Court Matters

COURT MINUTES

April 09, 2021

| | |
|---------------|---|
| A-20-816145-B | Hakkasan Usa Inc, Plaintiff(s) vs. Endurance American Specialty Insurance Company, Defendant(s) |
|---------------|---|

| | | |
|-----------------------|----------------|--|
| April 09, 2021 | 3:00 AM | Motion to Seal/Redact Records |
|-----------------------|----------------|--|

HEARD BY: Gonzalez, Elizabeth

COURTROOM: Chambers

COURT CLERK: Sandra Matute

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Upon review of the papers and pleadings on file in this Matter, as proper service has been provided, this Court notes no opposition has been filed. Accordingly, pursuant to EDCR 2.20(e) the motion to seal is deemed unopposed. As the proposed sealing and redaction is narrowly tailored to protect sensitive commercial information, good cause appearing, COURT ORDERED, motion is GRANTED. Moving Counsel is to prepare and submit an order within ten (10) days and distribute a filed copy to all parties involved in this matter.

CLERK'S NOTE: The above minute order has been distributed to counsel by the Court Clerk via electronic service. sm//04-09-21



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

PATRICK J. REILLY
100 N. CITY PKWY., SUITE 1600
LAS VEGAS, NV 89106-4614

DATE: April 27, 2021
CASE: A-20-816145-B

RE CASE: HAKKASAN USA, INC. vs. ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY;
SOMPO INTERNATIONAL HOLDINGS, LTD.; WILLIS OF ARIZONA, INC.; WILLIS TOWERS WATSON
INSURANCE SERVICES WEST, INC.

NOTICE OF APPEAL FILED: April 23, 2021

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
 - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ 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; CIVIL COVER SHEET; ORDER RE WILLIS DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S JURY DEMAND AS TO ITS CLAIMS AGAINST THE WILLIS DEFENDANTS OR, IN THE ALTERNATIVE, TO COMPEL ARBITRATION; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

HAKKASAN USA, INC.,

Plaintiff(s),

vs.

ENDURANCE AMERICAN SPECIALTY
INSURANCE COMPANY; SOMPO
INTERNATIONAL HOLDINGS, LTD.;
WILLIS OF ARIZONA, INC.; WILLIS
TOWERS WATSON INSURANCE SERVICES
WEST, INC.,

Defendant(s),

Case No: A-20-816145-B

Dept No: XI

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 27 day of April 2021.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

