1	IN THE SUPREME COURT OF THE STATE OF NEVADA		
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3	WILLIS OF ARIZONA, INC.; AND WILLIS TOWERS	Supreme Court No. 82833	
	WATSON INSURANCE	(Consolidated with Case No. 82829) Electronically Filed	
4	SERVICES WEST, INC.,	Dec 06 2021 04:09 p.m.	
5	D	Elizabeth A. Brown Clerk of Supreme Court	
6	Petitioners,	Clerk of Supreme Court	
7	vs.		
8	THE EIGHT JUDICIAL DISTRICT		
	COURT OF THE STATE OF NEVADA,		
9	IN AND FOR THE COUNTY OF		
10	CLARK; AND THE HONORABLE ELIZABETH GOFF GONZALEZ,		
11	DISTRICT JUDGE,		
12	Respondents,		
13	and		
	HAWKAGANINGA DIG ENDUDANGE		
14	HAKKASAN USA, INC.; ENDURANCE AMERICAN SPECIALTY INSURANCE		
15	COMPANY; AND SOMPO		
16	INTERNATIONAL HOLDINGS, LTD.,		
17	Real Parties in Interest		
18	- Real Farties III Interest		
19	STATEMENT OF NON-POSITION (OF REAL PARTIES IN INTEREST	
	ENDURANCE AMERICAN SPECIAL		
20	ENDURANCE SE	RVICES, LTD.	
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28	Counsel for Endurance American Specialty services, Ltd.	Insurance Company and Endurance	
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NRAP 26.1 DISCLOSURE STATEMENT The undersigned counsel of record certifies that the following are persons and entities as described in NRAP 26.1(a), and must be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal. **Endurance Assurance Corporation** Endurance U.S. Holdings Corp. Endurance Specialty Insurance Ltd. Sompo International Holdings Ltd. Sompo Japan Insurance Inc. Sompo Holdings, Inc. No entity owns more than 10% or more of the stock of Sompo Holdings, Inc, a publicly traded entity. The following are law firms whose partners or associates have appeared for Endurance American Specialty Insurance Company and Endurance Services, Ltd. in the case (including proceedings in the district court): (1) Clyde & Co US LLP; and (2) Carlton Fields, P.A.

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INTRODUCTION

On April 23, 2021, Willis of Arizona, Inc. and Willis Towers Watson
Insurance Services West, Inc. (collectively, "Petitioners") filed a petition with this
Court seeking a writ of mandamus directing the district court to strike Real Party in
Interest Hakkasan USA Inc.'s ("Hakkasan") demand for jury trial as it pertains to
Hakkasan's claims against Petitioners (the "Petition"). On November 16, 2021, this
Court entered an Order requiring that Real Parties in Interest Endurance American
Specialty Insurance Company ("EASIC") and Sompo International Holdings, Ltd.
("SIH") file and serve an answer to the Petition. However, SIH was dismissed from
the underlying action by order of the District Court dated July 13, 2021, and is no
longer a Real Party in Interest to this action. Additionally, on August 6, 2021,
Plaintiff Hakkasan USA Inc. filed a Third Amended Complaint asserting claims
against Endurance Services, Ltd. ("ESL") for the first time. Accordingly, this
Statement of Non-Position is filed in response to this Court's November 16, 2021
Order on behalf of remaining Real Parties in Interest EASIC and ESL.

As set forth below, remaining Real Parties in Interest EASIC and ESL take no position as to the Petition or the relief sought by Petitioners therein.

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ARGUMENT

Petitioners seek a writ of mandamus directing the district court to strike Hakkasan's jury demand as it relates to Petitioners. Petition at 2. In support, Petitioners cite to the terms of the "Brokerage Terms, Conditions & Disclosures," ("T&Cs") which apply to "any disputes arising out of or in connection with" certain services provided by Petitioners to Hakkasan. Petition at 3. Specifically, Petitioners point to a jury waiver contained in the "Dispute Resolution" provision of the T&Cs, arguing that the waiver is applicable to Hakkasan's claims against them in the underlying litigation. Petition at 23. Petitioners argue that this Court should order the district court to enforce the Dispute Resolution provision of the T&Cs by striking Hakkasan's jury demand as it relates to Petitioners. Petition at 30-31.

Significantly, Petitioners seek only to enforce the terms of the T&Cs against Hakkasan with respect to claims asserted by Hakkasan against Petitioners in the underlying litigation. Petitioners do not argue that EASIC or ESL are parties to the T&Cs, and Petitioners do not argue that EASIC or ESL are otherwise bound by the T&Cs' terms. Nor do Petitioners seek any relief from this Court involving claims asserted against EASIC or ESL, or any relief involving the counterclaims asserted by EASIC against Hakkasan. Because of this, the Petition does not have a material effect on the ability of EASIC or ESL to defend the claims asserted against them by Hakkasan in the underlying litigation, or on EASIC's ability to prosecute its counterclaims against Hakkasan. Accordingly, EASIC and ESL take no position as to the Petition or Petitioners' entitlement to the relief requested therein.

23 CONCLUSION

For the foregoing reasons, EASIC and ESL take no position as to the Petition or Petitioners' entitlement to the relief requested therein.

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CERTIFICATION OF COMPLIANCE WITH NRAP 28.2

- 1. I hereby certify that the Statement of Non-Position of Real Parties in Interest Endurance American Specialty Insurance Company and Endurance Services, Ltd. (the "Statement of Non-Position") complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point font in Times New Roman typeface
- 2. I further certify that the Statement of Non-Position complies with the page or type-volume limitations of NRAP 21(d) because, excluding the parts of the brief exempted by NRAP 32(a)(7)(C), it is Proportionately spaced, has a typeface of 14 points or more, and contains 502 words.
- 3. Finally, I hereby certify that I have read the Statement of Non-Position, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires every assertion in the brief regarding matters in the record to be supported by a reference to the page and volume number, if any, of the transcript or appendix where the matter relied on is to be found. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

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2	CERTIFICATE OF SERVICE
3	Pursuant to Nevada Rule of Appellate Procedure 25(b), I certify that I am an
4	employee of Clyde & Co. US LLP, and that the foregoing STATEMENT OF NON-
5	POSITION was filed with the Clerk of Court using the Supreme Court of the State
6	of Nevada's Eflex Filing system and served electronically to counsel for all parties
7	with an email address on record.
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9	DATED: December 6, 2021 /s/ Gina Brouse
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