

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 WILLIS OF ARIZONA, INC.;
4 AND WILLIS TOWERS
5 WATSON INSURANCE
6 SERVICES WEST, INC.,

7 Petitioners,

8 vs.

9 THE EIGHT JUDICIAL DISTRICT
10 COURT OF THE STATE OF NEVADA,
11 IN AND FOR THE COUNTY OF
12 CLARK; AND THE HONORABLE
13 ELIZABETH GOFF GONZALEZ,
14 DISTRICT JUDGE,

15 Respondents,
16 and

17 HAKKASAN USA, INC.; ENDURANCE
18 AMERICAN SPECIALTY INSURANCE
19 COMPANY; AND SOMPO
20 INTERNATIONAL HOLDINGS, LTD.,

21 Real Parties in Interest

Supreme Court No. 82833
(Consolidated with Case No. 82829)
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Elizabeth A. Brown
Clerk of Supreme Court

22 **STATEMENT OF NON-POSITION OF REAL PARTIES IN INTEREST**
23 **ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY AND**
24 **ENDURANCE SERVICES, LTD.**

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2 DATED: December 6, 2021

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3 /s/ Amy M. Samberg

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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.

1
2 DATED: December 6, 2021

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3 /s/ Amy M. Samberg

4 Amy M. Samberg

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1 **CERTIFICATION OF COMPLIANCE WITH NRAP 28.2**

- 2 1. I hereby certify that the Statement of Non-Position of Real Parties in Interest
- 3 Endurance American Specialty Insurance Company and Endurance Services,
- 4 Ltd. (the “Statement of Non-Position”) complies with the formatting
- 5 requirements of NRAP 32(a)(4), the typeface requirements of NRAP32(a)(5)
- 6 and the type style requirements of NRAP 32(a)(6) because this brief has been
- 7 prepared in a proportionally spaced typeface using Microsoft Word in 14-point
- 8 font in Times New Roman typeface
- 9 2. I further certify that the Statement of Non-Position complies with the page or
- 10 type-volume limitations of NRAP 21(d) because, excluding the parts of the
- 11 brief exempted by NRAP 32(a)(7)(C), it is Proportionately spaced, has a
- 12 typeface of 14 points or more, and contains 502 words.
- 13 3. Finally, I hereby certify that I have read the Statement of Non-Position, and to
- 14 the best of my knowledge, information, and belief, it is not frivolous or
- 15 interposed for any improper purpose. I further certify that this brief complies
- 16 with all applicable Nevada Rules of Appellate Procedure, in particular NRAP
- 17 28(e)(1), which requires every assertion in the brief regarding matters in the
- 18 record to be supported by a reference to the page and volume number, if any,
- 19 of the transcript or appendix where the matter relied on is to be found. I
- 20 understand that I may be subject to sanctions in the event that the
- 21 accompanying brief is not in conformity with the requirements of the Nevada
- 22 Rules of Appellate Procedure.
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1
2 DATED: December 6, 2021

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3 CLYDE & CO. US LLP

4 /s/ Amy M. Samberg

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CERTIFICATE OF SERVICE

Pursuant to Nevada Rule of Appellate Procedure 25(b), I certify that I am an employee of Clyde & Co. US LLP, and that the foregoing **STATEMENT OF NON-POSITION** was filed with the Clerk of Court using the Supreme Court of the State of Nevada’s Eflex Filing system and served electronically to counsel for all parties with an email address on record.

DATED: December 6, 2021 /s/ Gina Brouse
CLYDE & CO. US LLP