

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)
Electronically Filed
Dec 29 2021 01:10 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

22 **STATEMENT OF NON-POSITION OF REAL PARTY IN INTEREST**
23 **SOMPO INTERNATIONAL HOLDINGS LTD.**

24 On April 23, 2021, Willis of Arizona, Inc. and Willis Towers Watson
25 Insurance Services West, Inc. (collectively, “Petitioners”) filed a petition with this
26 Court seeking a writ of mandamus directing the district court to strike Real Party in
27 Interest Hakkasan USA Inc.’s (“Hakkasan”) demand for jury trial as it pertains to
28 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. On December 6, EASIC and its co-

1 defendant in the underlying action, Endurance Services, Ltd. (“ESL”) filed a
2 Statement of Non-Position as to the Petition, noting that SIH was no longer a party
3 to the underlying action. In an Order dated December 16, 2021, this Court declared
4 it would take no action on the December 6, 2021 filing to the extent submitted on
5 behalf of ESL, and ordered SIH to respond by December 23. The Court stated,
6 “Counsel may not unilaterally modify the parties to an action within an answer to a
7 writ petition.” *See*, December 16, 2021 Order, at 2.

8 As a preliminary matter, SIH begs the Court’s pardon for any inadvertent
9 miscommunication that was presented in EASIC’s and ESL’s Notice of Non-
10 Position. On July 13, 2021, the District Court issued an Order dismissing SIH from
11 the litigation. On August 6, 2021, Plaintiff/Real Party in Interest Hakkasan USA,
12 Inc. filed a Third Amended Complaint which did not include SIH, but added ESL as
13 a newly named party. Both the Order dismissing SIH and the Third Amended
14 Complaint naming ESL occurred after this appeal was filed but before any response
15 to the opening brief was due. These events were the basis for the statements
16 regarding the Real Parties in Interest in the December 6, 2021 pleading.

17 Notwithstanding and for the reasons set forth in EASIC’s December 6, 2021
18 Statement of Non-Position, SIH takes no position as to the Petition or Petitioners’
19 entitlement to the relief requested therein.

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1 DATED: December 29, 2021

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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 OF REAL PARTY IN INTEREST SOMPO INTERNATIONAL HOLDINGS LTD.** 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 22, 2021

/s/ Gina Brouse
CLYDE & CO. US LLP