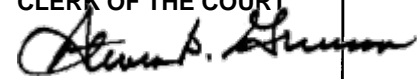


**LAW OFFICES OF KEVIN R. HANSEN**  
5440 West Sahara Avenue, Suite 206  
Las Vegas NV 89146  
Tel (702) 478-7777 Fax (702) 728-2484

1 **NOAS**  
2 **KEVIN R. HANSEN, ESQ.**  
Nevada Bar No. 6336  
3 **AMY M. WILSON, ESQ.**  
Nevada Bar No. 13421  
4 **LAW OFFICES OF KEVIN R. HANSEN**  
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Fax: (702) 728-2484  
Kevin@kevinrhansen.com  
Amy@kevinrhansen.com  
Attorneys for Plaintiffs

Electronically Filed  
7/6/2021 4:46 PM  
Steven D. Grierson  
CLERK OF THE COURT



Electronically Filed  
Jul 13 2021 11:04 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

12 YA-LING HUNG and WEI-HSIANG HUNG,  
13 each individually, as surviving heirs, and Co-  
14 Administrators of the Estate of Tung-Tsung  
Hung and Pi-Ling Lee Hung, Descendants,

15 Plaintiffs,

16 vs.

18 GENTING BERHAD; GENTINE U.S.  
19 INTERACTIVE GAMING, INC.; GENTING  
20 NEVADA INTERACTIVE GAMING, LLC;  
21 GENTING INTELLECTUAL PROPERTY  
22 PTE LTD.; RESORTS WORLD INC., PTE.,  
LTD.; RESORTS WORLD LAS VEGAS  
LLC; RESORTS WORLD MANILA; and  
KOK THAY LIM,

23 Defendants.

Case No.: A-19-795338-C  
Dept No.: XXVII

**NOTICE OF APPEAL**

24 PLEASE TAKE NOTICE that Plaintiffs YA-LING HUNG and WEI-HSIANG HUNG,  
25 each individually, as surviving heirs, and Co-Administrators of the Estate of Tung-Tsung Hung  
26 and Pi-Ling Lee Hung, Descendants by and through their counsel of record, KEVIN R. HANSEN,  
27 ESQ., and AMY M. WILSON, ESQ., of the law firm LAW OFFICES OF KEVIN R. HANSEN,  
28

appeals to the Supreme Court of Nevada from the following order and judgment:

- 1.) The District Court's Order Granting Defendants' Motion to Dismiss entered on June 30, 2021.
- 2.) The District Court's Order Denying Plaintiffs' Countermotion to Amend the Complaint entered on June 30, 2021.
- 3.) The District Court's Order Dismissing the above-captioned case in its entirety with prejudice entered on June 30, 2021.

DATED this 6<sup>th</sup> day of July 2021.

**LAW OFFICES OF KEVIN R. HANSEN**

Kevin R. Hansen, Esq.

Nevada Bar No. 6336

Amy M. Wilson, Esq.

Nevada Bar No. 13421

**LAW OFFICES OF KEVIN R. HANSEN**

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*Attorneys for Plaintiffs*

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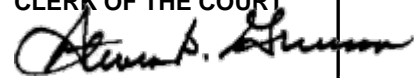
LAW OFFICES OF KEVIN R. HANSEN  
5440 West Sahara Avenue, Suite 206  
Las Vegas NV 89146  
Tel (702) 478-7777 Fax (702) 728-2484

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of THE LAW OFFICES OF KEVIN R. HANSEN, and on the 6<sup>th</sup> day of July 2021 the foregoing **NOTICE OF APPEAL** was served via Odyssey E-Serve and/or by depositing a true and correct copy into the United States Mail, postage prepaid, addressed to:

Mark E. Ferrario, Esq.  
Christopher R. Miltenberger, Esq.  
GREENBERG TRAURIG, LLP  
10845 Griffith Peak Dr., Ste. 600  
Las Vegas, NV 89135  
*Attorneys for Defendants Resorts World  
Las Vegas LLC, Genting Berhad, Genting  
U.S. Interactive Gaming Inc. and Genting  
Nevada Interactive LLC*

  
An Employee of Law Offices of Kevin R. Hansen



ASTA  
KEVIN R. HANSEN, ESQ.  
Nevada Bar No. 6336  
AMY M. WILSON, ESQ.  
Nevada Bar No. 13421  
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Kevin@kevinrhansen.com  
Amy@kevinrhansen.com  
*Attorneys for Plaintiffs*

DISTRICT COURT  
CLARK COUNTY, NEVADA

YA-LING HUNG and WEI-HSIANG HUNG,  
each individually, as surviving heirs, and Co-  
Administrators of the Estate of Tung-Tsung  
Hung and Pi-Ling Lee Hung, Descendants,

Plaintiffs,

vs.

GENTING BERHAD; GENTINE U.S.  
INTERACTIVE GAMING, INC.; GENTING  
NEVADA INTERACTIVE GAMING, LLC;  
GENTING INTELLECTUAL PROPERTY  
PTE LTD.; RESORTS WORLD INC., PTE.,  
LTD.; RESORTS WORLD LAS VEGAS  
LLC; RESORTS WORLD MANILA; and  
KOK THAY LIM,

Defendants.

Case No.: A-19-795338-C  
Dept No.: XXVII

**CASE APPEAL STATEMENT**

A.) District Court Case No.: A-19-795338-C. YA-LING HUNG and WEI-HSIANG  
HUNG, each individually, as surviving heirs, and Co-Administrators of the Estate of Tung-Tsung  
Hung and Pi-Ling Lee Hung, Descendants, Plaintiffs v. GENTING BERHAD; GENTINE U.S.  
INTERACTIVE GAMING, INC.; GENTING NEVADA INTERACTIVE GAMING, LLC;  
GENTING INTELLECTUAL PROPERTY PTE LTD.; RESORTS WORLD INC., PTE., LTD.;

1 RESORTS WORLD LAS VEGAS LLC; RESORTS WORLD MANILA; and KOK THAY LIM,  
2 Defendants.

3 B.) Judge Issuing Order Appealed from: The Appellants appeal from the District  
4 Court's Orders Granting Defendants' Motion to Dismiss; The District Court's Order Denying  
5 Plaintiffs' Countermotion to Amend the Complaint; and The District Court's Order Dismissing  
6 the above-captioned case in its entirety with prejudice entered on issued by the Honorable Nancy  
7 L. Allf entered on June 30, 2021.

9 C.) Name of the Appellants filing this Case Appeal Statement: YA-LING HUNG and  
10 WEI-HSIANG HUNG, each individually, as surviving heirs, and Co-Administrators of the Estate  
11 of Tung-Tsung Hung and Pi-Ling Lee Hung, Descendants. Counsel for Appellants:

12 Kevin R. Hansen, Esq.  
13 Amy M. Wilson, Esq.  
14 LAW OFFICES OF KEVIN R. HANSEN  
15 5440 W. Sahara Ave, Suite 206  
16 Las Vegas, Nevada 89146  
17 Phone: (702) 478-7777  
18 Fax: (702) 728-2484

19 D.) Name of Respondents: GENTING BERHAD; GENTINE U.S. INTERACTIVE  
20 GAMING, INC.; GENTING NEVADA INTERACTIVE GAMING, LLC; GENTING  
21 INTELLECTUAL PROPERTY PTE LTD.; RESORTS WORLD INC., PTE., LTD.; RESORTS  
22 WORLD LAS VEGAS LLC; RESORTS WORLD MANILA; and KOK THAY LIM. Counsel  
23 for Respondents:

24 Mark E. Ferrario, Esq.  
25 Christopher R. Miltenberger, Esq.  
26 GREENBERG TRAURIG, LLP  
27 10845 Griffith Peak Dr., Ste. 600  
28 Las Vegas, NV 89135  
Phone: (702) 792-3773  
Fax: (702) 792-9002

1 Respondents were represented in the District Court by the above listed attorneys, and  
2 appellant assumes they will also be represented by those attorneys on appeal.

3 E.) Respondents' attorneys are licensed to practice law in Nevada.

4 F.) The Appellants were represented by retained counsel in the District Court and the  
5 Appellants retained the above-listed counsel on appeal.  
6

7 G.) The Appellants were not granted leave to proceed in forma pauperis.

8 H.) The District Court proceedings commenced on May 23, 2019.

9 I.) This is an action for damages resulting from a wrongful death and negligence  
10 action. This is an appeal from the District Court's Orders Granting Defendants' Motion to  
11 Dismiss; Denying Plaintiffs' Countermotion to Amend the Complaint; and Dismissing the above-  
12 captioned case in its entirety with prejudice.  
13

14 J.) This case has not previously been subject to an appeal.

15 K.) This appeal does not involve issues of child custody or visitation.

16 L.) Appellants are willing to settle this matter and will entertain any reasonable  
17 settlement offer.  
18

19 DATED this 6<sup>th</sup> day of July 2021.

20 **LAW OFFICES OF KEVIN R. HANSEN**

21 

22 Kevin R. Hansen, Esq.

23 Nevada Bar No. 6336

24 Amy M. Wilson, Esq.

25 Nevada Bar No. 13421

26 **LAW OFFICES OF KEVIN R. HANSEN**

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28 Las Vegas, Nevada 89146

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Kevin@kevinrhansen.com

Amy@kevinrhansen.com

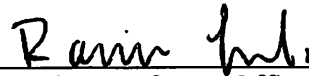
Attorneys for Plaintiffs

LAW OFFICES OF KEVIN R. HANSEN  
5440 West Sahara Avenue, Suite 206  
Las Vegas NV 89146  
Tel (702) 478-7777 Fax (702) 728-2484

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I hereby certify that I am an employee of THE LAW OFFICES OF KEVIN R. HANSEN, and on the 6<sup>th</sup> day of July 2021 the foregoing **CASE APPEAL STATEMENT** was served via Odyssey E-Serve and/or by depositing a true and correct copy into the United States Mail, postage prepaid, addressed to:

Mark E. Ferrario, Esq.  
Christopher R. Miltenberger, Esq.  
GREENBERG TRAURIG, LLP  
10845 Griffith Peak Dr., Ste. 600  
Las Vegas, NV 89135  
*Attorneys for Defendants Resorts World  
Las Vegas LLC, Genting Berhad, Genting  
U.S. Interactive Gaming Inc. and Genting  
Nevada Interactive LLC*

  
An Employee of Law Offices of Kevin R. Hansen

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. A-19-795338-C****Ya-Ling Hung, Plaintiff(s)****vs.****Genting Behad, Defendant(s)**§  
§  
§  
§  
§Location: **Department 27**Judicial Officer: **Allf, Nancy**Filed on: **05/23/2019**Cross-Reference Case **A795338**

Number:

**CASE INFORMATION****Statistical Closures**

06/30/2021 Motion to Dismiss by the Defendant(s)

Case Type: **Negligence - Other Negligence**Case  
Status: **06/30/2021 Dismissed****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number	A-19-795338-C
Court	Department 27
Date Assigned	05/23/2019
Judicial Officer	Allf, Nancy

**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>Estate of Tung-Tsung Hung and Pi-Ling Lee Hung</b>	<b>Hansen, Kevin R.</b> <i>Retained</i> 702-478-7777(W)
	<b>Hung, Wei-Hsiang</b>	<b>Hansen, Kevin R.</b> <i>Retained</i> 702-478-7777(W)
	<b>Hung, Ya-Ling</b>	<b>Hansen, Kevin R.</b> <i>Retained</i> 702-478-7777(W)
<b>Defendant</b>	<b>Behad, Genting</b>	<b>Ferrario, Mark E., ESQ</b> <i>Retained</i> 702-792-3773(W)
	<b>Genting Intellectual Property Pte Ltd</b> Removed: 06/30/2021 Dismissed	
	<b>Genting Nevada Interactive Gaming LLC</b> Removed: 06/30/2021 Dismissed	<b>Ferrario, Mark E., ESQ</b> <i>Retained</i> 702-792-3773(W)
	<b>Genting US Interactive Gaming Inc</b> Removed: 06/30/2021 Dismissed	<b>Ferrario, Mark E., ESQ</b> <i>Retained</i> 702-792-3773(W)
	<b>Lim, Kok Thay</b> Removed: 06/30/2021 Dismissed	
	<b>Resorts World Inc Pte Ltd</b> Removed: 06/30/2021 Dismissed	
	<b>Resorts World Las Vegas LLC</b> Removed: 06/30/2021 Dismissed	<b>Ferrario, Mark E., ESQ</b> <i>Retained</i> 702-792-3773(W)



**CASE SUMMARY****CASE NO. A-19-795338-C****Resorts World Manila**

Removed: 06/30/2021












Dismissed

**Administrator Hung, Wei-Hsiang****Hung, Ya-Ling****Hansen, Kevin R.***Retained*

702-478-7777(W)

**Hansen, Kevin R.***Retained*

702-478-7777(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<b><u>EVENTS</u></b>	
05/23/2019	 Complaint Filed By: Administrator Hung, Ya-Ling; Administrator Hung, Wei-Hsiang <i>Complaint</i>	
05/23/2019	 Initial Appearance Fee Disclosure Filed By: Administrator Hung, Ya-Ling; Administrator Hung, Wei-Hsiang <i>IAFD</i>	
05/23/2019	 Summons Electronically Issued - Service Pending Party: Administrator Hung, Ya-Ling; Administrator Hung, Wei-Hsiang <i>Summons</i>	
05/23/2019	 Summons Electronically Issued - Service Pending Party: Administrator Hung, Ya-Ling <i>Summons - Civil</i>	
05/23/2019	 Summons Electronically Issued - Service Pending Party: Administrator Hung, Ya-Ling <i>Summons - Civil</i>	
05/23/2019	 Summons Electronically Issued - Service Pending Party: Administrator Hung, Ya-Ling <i>Summons - Civil</i>	
05/23/2019	 Summons Electronically Issued - Service Pending Party: Administrator Hung, Ya-Ling <i>Summons - Civil</i>	
05/23/2019	 Summons Electronically Issued - Service Pending Party: Administrator Hung, Ya-Ling <i>Summons - Civil</i>	
05/23/2019	 Summons Electronically Issued - Service Pending Party: Administrator Hung, Ya-Ling <i>Summons - Civil</i>	
05/23/2019	 Summons Electronically Issued - Service Pending Party: Administrator Hung, Ya-Ling <i>Summons - Civil</i>	
05/23/2019	 Summons Electronically Issued - Service Pending	

# CASE SUMMARY

CASE NO. A-19-795338-C

Party: Administrator Hung, Ya-Ling  
Summons - Civil

05/30/2019	 Amended Complaint Filed By: Administrator Hung, Ya-Ling; Administrator Hung, Wei-Hsiang <i>Amended Complaint</i>
07/03/2019	 Affidavit of Service Filed By: Administrator Hung, Ya-Ling <i>AOS of Genting Interactive</i>
07/03/2019	 Affidavit of Service Filed By: Administrator Hung, Ya-Ling <i>AOS of Genting Nevada</i>
07/03/2019	 Affidavit of Service Filed By: Administrator Hung, Ya-Ling <i>AOS of Resorts World</i>
09/10/2019	 Motion for Order Filed By: Administrator Hung, Ya-Ling; Administrator Hung, Wei-Hsiang <i>Plaintiff's Unopposed Motion to Extend Time to Effectuate Service Pursuant to NRCP 4(e)(3) and Ex Parte Application for Order Shortening Time</i>
09/11/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/19/2019	 Motion for Order Extending Time Filed by: Administrator Hung, Ya-Ling; Administrator Hung, Wei-Hsiang <i>Plaintiffs Renewed Unopposed Motion to Extend Time to Effectuate Service Pursuant to NRCP 4(e)(3) and Ex Parte Application for Order Shortening Time</i>
09/19/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
01/17/2020	 Motion to Extend Time to Serve <i>Plaintiff's Motion to Extend Time to Effectuate Service Pursuant to NRCP 4(e)(3) and Ex Parte Application for Order Shortening Time</i>
01/17/2020	 Motion to Extend Time to Serve <i>Plaintiff's Motion to Extend Time to Effectuate Service Pursuant to NRCP 4(e)(3) and Ex Parte Application for Order Shortening Time</i>
02/04/2020	 Order Filed By: Administrator Hung, Ya-Ling; Administrator Hung, Wei-Hsiang <i>Order to Extend Time to Effectuate Service</i>
02/05/2020	 Notice of Entry of Order Filed By: Administrator Hung, Ya-Ling; Administrator Hung, Wei-Hsiang <i>Notice of Entry of Order</i>
05/19/2020	 Motion <i>Plaintiffs' Motion to Extend Time to Effectuate Service Pursuant to NRCP 4(e)(3) and Ex Parte Application for Order Shortening Time</i>

# CASE SUMMARY

CASE NO. A-19-795338-C

05/19/2020	 Motion Filed By: Administrator Hung, Ya-Ling; Administrator Hung, Wei-Hsiang <i>Plaintiffs' Motion to Extend Time to Effectuate Service Pursuant to NRC P 4(e)(3) and Ex Parte Application for Order Shortening Time</i>
05/28/2020	 Order <i>Order</i>
05/28/2020	 Notice of Entry of Order Filed By: Administrator Hung, Ya-Ling; Administrator Hung, Wei-Hsiang <i>Notice of Entry of Order</i>
06/29/2020	 Motion to Withdraw As Counsel Filed By: Administrator Hung, Ya-Ling; Administrator Hung, Wei-Hsiang <i>Motion To Withdraw As Counsel</i>
06/29/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
08/06/2020	 Order Filed By: Administrator Hung, Ya-Ling; Administrator Hung, Wei-Hsiang; Plaintiff Estate of Tung-Tsung Hung and Pi-Ling Lee Hung <i>Proposed Order</i>
08/07/2020	 Notice of Entry of Order Filed By: Administrator Hung, Ya-Ling; Administrator Hung, Wei-Hsiang <i>Notice of Entry of Order</i>
09/01/2020	 Notice of Appearance Party: Administrator Hung, Ya-Ling; Administrator Hung, Wei-Hsiang <i>Notice of Appearance</i>
02/05/2021	 Motion to Dismiss Filed By: Defendant Behad, Genting; Defendant Genting US Interactive Gaming Inc; Defendant Genting Nevada Interactive Gaming LLC; Defendant Resorts World Las Vegas LLC <i>Motion to Dismiss</i>
02/05/2021	 Initial Appearance Fee Disclosure Filed By: Defendant Behad, Genting; Defendant Genting US Interactive Gaming Inc; Defendant Genting Nevada Interactive Gaming LLC; Defendant Resorts World Las Vegas LLC <i>Initial Appearance Fee Disclosure</i>
02/09/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
03/03/2021	 Notice of Non Opposition Filed By: Defendant Behad, Genting; Defendant Genting US Interactive Gaming Inc; Defendant Genting Nevada Interactive Gaming LLC; Defendant Resorts World Las Vegas LLC <i>Notice of Non-Opposition to Motion to Dismiss</i>
05/04/2021	 Substitution of Attorney

# CASE SUMMARY

CASE NO. A-19-795338-C

Filed by: Administrator Hung, Ya-Ling; Administrator Hung, Wei-Hsiang  
*Substitution of Attorney*

05/05/2021



Stipulation and Order

Filed by: Administrator Hung, Ya-Ling; Administrator Hung, Wei-Hsiang; Plaintiff Estate of Tung-Tsung Hung and Pi-Ling Lee Hung  
*Stipulation and Order to Continue Hearing on Defendants' Motion to Dismiss*

05/05/2021



Notice of Entry

Filed By: Administrator Hung, Ya-Ling  
*Notice of Entry of Stipulation and Order to Continue Hearing on Defendants' Motion to Dismiss*

05/14/2021



Opposition and Countermotion

Filed By: Administrator Hung, Ya-Ling  
*Opposition to Motion to Dismiss and Countermotion to Amend the Complaint*

06/03/2021



Reply in Support

Filed By: Defendant Behad, Genting; Defendant Genting US Interactive Gaming Inc; Defendant Genting Nevada Interactive Gaming LLC; Defendant Resorts World Las Vegas LLC  
*Reply in Support of Motion to Dismiss and Opposition to Countermotion to Amend the Complaint*

06/16/2021



Recorders Transcript of Hearing

*Transcript of Proceedings, Motions Hearing, Heard on June 10, 2021*

06/30/2021



Order Granting Motion

*Order Granting Motion to Dismiss and Denying Countermotion to Amend the Complaint*

06/30/2021



Notice of Entry of Order

Filed By: Defendant Behad, Genting; Defendant Genting US Interactive Gaming Inc; Defendant Genting Nevada Interactive Gaming LLC; Defendant Resorts World Las Vegas LLC  
*Notice of Entry of Order*

07/06/2021



Case Appeal Statement

Filed By: Administrator Hung, Ya-Ling  
*CASE APPEAL STATEMENT*

07/06/2021



Notice of Appeal

Filed By: Administrator Hung, Ya-Ling  
*Notice of Appeal*

## **DISPOSITIONS**

06/30/2021

**Order of Dismissal With Prejudice** (Judicial Officer: Allf, Nancy)

Debtors: Ya-Ling Hung (Plaintiff), Wei-Hsiang Hung (Plaintiff), Estate of Tung-Tsung Hung and Pi-Ling Lee Hung (Plaintiff)

Creditors: Genting Behad (Defendant), Genting US Interactive Gaming Inc (Defendant), Genting Nevada Interactive Gaming LLC (Defendant), Genting Intellectual Property Pte Ltd (Defendant), Resorts World Inc Pte Ltd (Defendant), Resorts World Las Vegas LLC (Defendant), Resorts World Manila (Defendant), Kok Thay Lim (Defendant)

Judgment: 06/30/2021, Docketed: 07/01/2021

## **HEARINGS**

10/14/2019



**Minute Order** (4:30 PM) (Judicial Officer: Allf, Nancy)

# CASE SUMMARY

CASE NO. A-19-795338-C

Minute Order - No Hearing Held;

Journal Entry Details:


*COURT FINDS after review on September 10, 2019, the Motion to Extend Time to Effectuate Service Pursuant to NRCP 4(e)(3) upon Defendants Genting Berhad, Resorts World Manila, and Thay Lim was filed with the Court. A renewed motion was filed on September 19, 2019 (collectively, the Motions ). The first matter was set for hearing on October 16, 2019 at 9:00 a.m. on Motions Calendar. The renewed motion was likewise set for hearing on October 23, 2019 at 9:00 a.m. COURT FURTHER FINDS after review that a number of considerations may govern a district court's analysis of good cause under NRCP 4(i), and we emphasize that no single consideration is controlling. Appropriate considerations include: (1) difficulties in locating the defendant, (2) the defendant's efforts at evading service or concealment of improper service until after the 120 day period has lapsed, (3) the plaintiff's diligence in attempting to serve the defendant, (4) difficulties encountered by counsel, (5) the running of the applicable statute of limitations, (6) the parties' good faith attempts to settle the litigation during the 120 day period, (7) the lapse of time between the end of the 120 day period and the actual service of process on the defendant, (8) the prejudice to the defendant caused by the plaintiff's delay in serving process, (9) the defendant's knowledge of the existence of the lawsuit, and (10) any extensions of time for service granted by the district court. Scrimmer v. Eighth Judicial Dist. Court ex rel. Cty. of Clark, 116 Nev. 507, 516 (2000). COURT FURTHER FINDS after review the Motions are in compliance with NRCP 4(e)(1)(i), Scrimmer v. Eighth Judicial District Court, 998 P.2d 1190 (2000) and Plaintiff has established good cause for enlargement of time for service of process. COURT FURTHER FINDS after review EDCR 2.20(e) provides in relevant part: [f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same. COURT FURTHER FINDS after review no opposition(s) to the Motions have been filed. COURT ORDERS for good cause appearing and after review pursuant to NRCP 4(e)(1)(i), Scrimmer v. Eighth Judicial District Court the Motions are hereby GRANTED and the hearings set for October 16, 2019 and October 23, 2019 at 9:00 a.m. on Motions Calendar are hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21. CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Michael Kind, Esq.;*

10/16/2019 **CANCELED Motion** (9:00 AM) (Judicial Officer: Allf, Nancy)  
Vacated

*Plaintiff's Unopposed Motion to Extend Time to Effectuate Service Pursuant to NRCP 4(e)(3) and Ex Parte Application for Order Shortening Time*

10/23/2019 **CANCELED Motion** (9:00 AM) (Judicial Officer: Allf, Nancy)  
Vacated

*Plaintiffs Renewed Unopposed Motion to Extend Time to Effectuate Service Pursuant to NRCP 4(e)(3) and Ex Parte Application for Order Shortening Time*

01/28/2020  **Minute Order** (3:00 AM) (Judicial Officer: Allf, Nancy)

Minute Order - No Hearing Held;

Journal Entry Details:

*COURT FINDS after review on January 17, 2020, the Motion to Extend Time to Effectuate Service Pursuant to NRCP 4(e)(3) on Order Shortening Time ( Motion to Extend ) was filed with the Court, wherein Plaintiff seeks an additional 120 days to effectuate service on the remaining defendants. The Motion to Extend was set for hearing on Motions Calendar for January 30, 2020 at 9:30 a.m. COURT FURTHER FINDS after review that the Certificate of Service attached indicates that the Motion to Extend was served on January 17, 2020 upon all parties appearing in the action thus far. COURT FURTHER FINDS after review that a number of considerations may govern a district court's analysis of good cause under NRCP 4 (i), and we emphasize that no single consideration is controlling. Appropriate considerations include: (1) difficulties in locating the defendant, (2) the defendant's efforts at evading service or concealment of improper service until after the 120 day period has lapsed, (3) the plaintiff's diligence in attempting to serve the defendant, (4) difficulties encountered by counsel, (5) the running of the applicable statute of limitations, (6) the parties' good faith attempts to settle the litigation during the 120 day period, (7) the lapse of time between the end of the 120 day period and the actual service of process on the defendant, (8) the prejudice to the defendant caused by the plaintiff's delay in serving process, (9) the defendant's knowledge of the existence of the lawsuit, and (10) any extensions of time for service granted by the district court. Scrimmer v. Eighth Judicial Dist. Court ex rel. Cty. of Clark, 116 Nev. 507, 516 (2000). COURT FURTHER FINDS after review the Motion to Extend is in compliance with NRCP 4 (e)(1)(i), Scrimmer v. Eighth Judicial District Court, 998 P.2d 1190 (2000) and Plaintiff has*

# CASE SUMMARY

CASE NO. A-19-795338-C

established good cause for enlargement of time for service of process. COURT FURTHER FINDS after review EDCR 2.20(e) provides in relevant part: [f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same. COURT FURTHER FINDS after review no opposition(s) to the Motion to Extend have been filed. THEREFORE, COURT ORDERS for good cause appearing and after review pursuant to NRCP 4(e)(1)(i), Scrimmer v. Eighth Judicial District Court the Motion to Extend is hereby GRANTED and the matter set for January 30, 2020 at 9:30 a.m. on Motions Calendar is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21. CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (1/28/20 amn).;

01/30/2020

**CANCELED Motion** (9:30 AM) (Judicial Officer: Allf, Nancy)

*Vacated - per Judge*

*Plaintiff's Motion to Extend Time to Effectuate Service Pursuant to NRCP 4(e)(3) and Ex Parte Application for Order Shortening Time*

05/26/2020



**Motion** (3:00 AM) (Judicial Officer: Allf, Nancy)

*Plaintiffs' Motion to Extend Time to Effectuate Service Pursuant to NRCP 4(e)(3) and Ex Parte Application for Order Shortening Time*

Granted;

Journal Entry Details:

COURT FINDS after review on May 19, 2020, the Motion to Extend Time to Effectuate Service Pursuant to NRCP 4(e)(3) on Order Shortening Time ( Motion to Extend ) was filed with the Court, wherein Plaintiff seeks an additional 120 days to effectuate service on the remaining defendants. The Motion to Extend was set for hearing on Chambers Calendar for May 26, 2020. COURT FURTHER FINDS after review that the Certificate of Service attached indicates that the Motion to Extend was served on May 19, 2020 upon all parties appearing in the action thus far. COURT FURTHER FINDS after review that a number of considerations may govern a district court's analysis of good cause under NRCP 4(i), and we emphasize that no single consideration is controlling. Appropriate considerations include: (1) difficulties in locating the defendant, (2) the defendant's efforts at evading service or concealment of improper service until after the 120 day period has lapsed, (3) the plaintiff's diligence in attempting to serve the defendant, (4) difficulties encountered by counsel, (5) the running of the applicable statute of limitations, (6) the parties' good faith attempts to settle the litigation during the 120 day period, (7) the lapse of time between the end of the 120 day period and the actual service of process on the defendant, (8) the prejudice to the defendant caused by the plaintiff's delay in serving process, (9) the defendant's knowledge of the existence of the lawsuit, and (10) any extensions of time for service granted by the district court. Scrimmer v. Eighth Judicial Dist. Court ex rel. Cty. of Clark, 116 Nev. 507, 516 (2000). COURT FURTHER FINDS after review the Motion to Extend is in compliance with NRCP 4(e), Scrimmer v. Eighth Judicial District Court, 998 P.2d 1190 (2000) and Plaintiff has established good cause for enlargement of time for service of process. COURT FURTHER FINDS after review EDCR 2.20(e) provides in relevant part: [f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same. COURT FURTHER FINDS after review no opposition(s) to the Motion to Extend have been filed. THEREFORE, COURT ORDERS for good cause appearing and after review pursuant to NRCP 4(e), Scrimmer v. Eighth Judicial District Court the Motion to Extend is hereby GRANTED and the matter set for May 26, 2020 on Chambers Calendar is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21 and email it in both word and pdf format to DC27Inbox@ClarkCountyCourts.us. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 5/27/2020;

08/04/2020



**Motion to Withdraw as Counsel** (3:00 AM) (Judicial Officer: Allf, Nancy)

*Plaintiff's Motion To Withdraw As Counsel*

**MINUTES**

Granted;

Journal Entry Details:

COURT FINDS after review that on June 29, 2020, Gustavo Ponce, Esq., filed the Motion to Withdraw as Counsel, and the matter was set on Chambers Calendar for August 4, 2020.

COURT FURTHER FINDS after review the Motion to Withdraw as Counsel was served upon



# CASE SUMMARY

CASE NO. A-19-795338-C

Plaintiff on June 29, 2020 via UEFS and Email pursuant to the certificate of service attached thereto. COURT FURTHER FINDS after review the Motion is in compliance with EDCR 7.40 and SCR 46. COURT FURTHER FINDS after review EDCR 2.20(e) provides in relevant part: [f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same. COURT FURTHER FINDS after review no oppositions to the Motion have been filed. THEREFORE, COURT ORDERS for good cause appearing and after review pursuant to EDCR 7.40, SCR 46 and EDCR 2.20(e), the Motion to Withdraw as Counsel is hereby GRANTED and the matter set on Chambers Calendar for August 4, 2020 is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21 and email both word and pdf format to DC27Inbox@ClarkCountyCourts.us. COURT FURTHER ORDERS for good cause appearing and after a Status Check shall be set for September 1, 2020 on Chambers Calendar for Plaintiff to retain new counsel. 9/1/2020 (CHAMBERS) STATUS CHECK: RETAIN NEW COUNSEL CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/4/2020;

## SCHEDULED HEARINGS



**Status Check** (09/01/2020 at 3:00 AM) (Judicial Officer: Allf, Nancy)

Status Check: Retrain New Counsel

09/01/2020



**Status Check** (3:00 AM) (Judicial Officer: Allf, Nancy)

Status Check: Retrain New Counsel

Minute Order - No Hearing Held;

Journal Entry Details:

COURT FINDS after review that on June 29, 2020, Plaintiff filed a Motion to Withdraw as Counsel. COURT FURTHER FINDS after review that on August 6, 2020, an Order granting Plaintiff's Motion to Withdraw was filed. COURT FURTHER FINDS after review a Status Check: Retain New Counsel was set on Chambers calendar on September 1, 2020. COURT FURTHER FINDS after review a Notice of Appearance was filed on September 1, 2020. The Notice of Appearance stated that Aaron A. Aquino, Esq. of the law firm Aquino Law Group, LTD enters his appearance as counsel of record for Plaintiffs. THEREFORE, COURT ORDERS for good cause appearing and after review that Plaintiff's Motion to Withdraw as Counsel is GRANTED and new counsel has been retained. The matter set on Chambers calendar on September 1, 2020 is hereby VACATED. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 9/4/2020;

03/09/2021



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

Minute Order: BlueJeans Appearance

Minute Order - No Hearing Held;

Journal Entry Details:

Department 27 Formal Request to Appear Telephonically Re: Matter set on March 10, 2021, at 10:00 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the [bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-19-795338-C**

*CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 3/9/2021 ;*

03/10/2021



**Motion to Dismiss** (10:00 AM) (Judicial Officer: Allf, Nancy)

**03/10/2021, 06/10/2021**

*Defendant's Motion to Dismiss*

Matter Continued;

Motion Granted;

Matter Continued;

Motion Granted;

Journal Entry Details:

*All parties present via the BlueJeans Application. Mr. Aquino requested a short continuance due to his current status. Colloquy between Court and Mr. Aquino as to who is handling his cases during his suspension. Mr. Aquino stated they are still looking for a replacement counsel. Statements by Mr. Mitenberger regarding service of motion and attempts to provide notice of motion. COURT ORDERED, Defendant's Motion to Dismiss CONTINUED. CONTINUED TO: 5/12/2021 10:00 AM;*

06/08/2021



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

*Minute Order: BlueJeans Appearance*

Minute Order - No Hearing Held; Minute Order: BlueJeans Appearance

Journal Entry Details:

*Department 27 Information to Appear Telephonically Re: Matter set on June 10, 2021, 10:30 a.m. Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people. Dial the following number: 1-408-419-1715 Meeting ID: 897 138 369 Meeting URL: <https://bluejeans.com/897138369> To connect by phone dial the number provided and enter the meeting ID followed by # To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans. You may also download the Blue Jeans app and join the meeting by entering the meeting ID PLEASE NOTE the following protocol each participant will be required to follow: Place your phone on MUTE while waiting for your matter to be called. Do NOT place the call on hold since some phones may play wait/hold music. Please do NOT use speaker phone as it causes a loud echo/ringing noise. Please state your name each time you speak so that the court recorder can capture a clear record. Please be mindful of rustling papers, background noise, and coughing or loud breathing. Please be mindful of where your camera is pointing. We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing. If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing. Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/8/2021. ;*

06/08/2021

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

*Vacated - Duplicate Entry*

*Minute Order: BlueJeans Appearance*

06/10/2021

**Opposition and Countermotion** (10:30 AM) (Judicial Officer: Allf, Nancy)

*Opposition to Motion to Dismiss and Countermotion to Amend the Complaint*

Denied;

06/10/2021

**All Pending Motions** (10:30 AM) (Judicial Officer: Allf, Nancy)

DATE

FINANCIAL INFORMATION



**CASE SUMMARY**

**CASE NO. A-19-795338-C**

**Defendant** Resorts World Las Vegas LLC

Total Charges	313.00
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Total Payments and Credits	313.00
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<b>Balance Due as of 7/8/2021</b>	<b>0.00</b>
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**Administrator** Hung, Ya-Ling

Total Charges	324.00
---------------	--------

Total Payments and Credits	324.00
----------------------------	--------

<b>Balance Due as of 7/8/2021</b>	<b>0.00</b>
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# DISTRICT COURT CIVIL COVER SHEET

**Clark** County, Nevada  
 Case No. \_\_\_\_\_  
*(Assigned by Clerk's Office)*

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

Plaintiff(s) (name/address/phone):  <div style="text-align: center; font-size: 1.2em;">Ya-Ling Hung and Wei-Hsiang Hung</div>	Defendant(s) (name/address/phone):  <div style="text-align: center; font-size: 1.2em;">Genting Bernad et al</div>
<b>CASE NO. A-19-795338-C</b> <b>Department 27</b>	
Attorney (name/address/phone): <b>Michael Kind, Esq.</b> <b>6909 S. Fort Apache Rd., Ste. 100</b> <b>Las Vegas, NV 89148</b>	Attorney (name/address/phone): 

## II. Nature of Controversy *(please select the one most applicable filing type below)*

### Civil Case Filing Types

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input checked="" type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate <i>(select case type and estate value)</i></b> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <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	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <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		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

*Business Court filings should be filed using the Business Court civil coversheet.*

May 23, 2019

Date

Signature of initiating party or representative

*See other side for family-related case filings.*

*Heather S. Smith*

CLERK OF THE COURT

**ORDR**

MARK E. FERRARIO, ESQ.

Nevada Bar No. 1625

CHRISTOPHER R. MILTENBERGER, ESQ.

Nevada Bar No. 10153

**GREENBERG TRAUIG, LLP**

10845 Griffith Peak Drive, Suite 600

Las Vegas, Nevada 89135

Telephone: (702) 792-3773

Facsimile: (702) 792-9002

Email: ferrariom@gtlaw.com

miltengergerc@gtlaw.com

*Counsel for Defendants Resorts World Las Vegas LLC,  
Genting Berhad, Genting U.S. Interactive Gaming Inc.,  
and Genting Nevada Interactive LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

YA-LING HUNG and WEI-HSIANG HUNG,  
each individually, as surviving heirs, and as Co-  
Administrators of the Estate of Tung-Tsung  
Hung and Pi-Ling Lee Hung, Decedents,

Plaintiffs,

vs.

Genting Berhad, Genting U.S. Interactive  
Gaming Inc., Genting Nevada Interactive  
Gaming LLC, Genting Intellectual Property Pte  
Ltd., Resorts World Inc. Pte Ltd, Resorts World  
Las Vegas LLC, Resorts World Manila, and Kok  
Thay Lim,

Defendants.

Case No.: A-19-795338-C

Dept. No.: 27

**ORDER GRANTING  
MOTION TO DISMISS AND DENYING  
COUNTERMOTION TO AMEND THE  
COMPLAINT**

Date of Hearing: June 10, 2021

Time of Hearing: 10:30 a.m.

Presently before the Court is Defendants Resorts World Las Vegas LLC, Genting Berhad, Genting U.S. Interactive Gaming Inc., and Genting Nevada Interactive Gaming LLC's Motion to Dismiss ("Motion to Dismiss") and Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung's Countermotion to Amend the Complaint ("Countermotion to Amend"). The Motion to Dismiss and Countermotion to Amend came on for hearing before this Court on June 10, 2021 at 10:30 a.m. Mark E. Ferrario and Christopher R. Miltenberger of the law firm of Greenberg Traurig, LLP

Greenberg Traurig, LLP  
10845 Griffith Peak Drive, Suite 600  
Las Vegas, Nevada 89135  
(702) 792-3773  
(702) 792-9002 (fax)

1 appear on behalf of Defendants Resorts World Las Vegas LLC (“RWLV”) and Genting Berhad  
2 (“Genting”), Genting U.S. Interactive Gaming, Inc. (“Genting U.S.”) and Genting Nevada  
3 Interactive Gaming LLC (“Genting Nevada,” collectively, with Genting and Genting U.S., the  
4 “Genting Defendants”). Kevin R. Hansen of the Law Offices of Kevin R. Hansen appeared on  
5 behalf of Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung (“Plaintiffs”).

6 Having reviewed and considered Plaintiff’s First Amended Complaint, RWLV and the  
7 Genting Defendants’ Motion to Dismiss, Plaintiffs’ Opposition to the Motion to Dismiss and  
8 Countermotion, including the proposed Second Amended Complaint attached thereto, RWLV and  
9 the Genting Defendants’ Reply in Support of their Motion to Dismiss, the papers and pleadings on  
10 file in the above-captioned matter, and having considered the arguments of counsel at the time of  
11 hearing, the Court makes the following findings of fact, conclusions of law, and orders:

#### 12 FINDINGS OF FACT

13 1. On June 2, 2017 at 12:11 a.m., an armed individual entered Resorts World Manila in  
14 the Manila, Philippines. Amended Complaint (“FAC”), ¶¶ 1, 23.

15 2. Thereafter the individual set fire to furniture in the casino causing people to seek  
16 safety away from the individual. FAC at ¶ 24, Exhibit A.

17 3. Plaintiffs’ parents were Taiwanese nationals present at Resorts World Manila at the  
18 time of the incident. FAC at ¶¶ 1, 28, 30.

19 4. Plaintiffs are the surviving heirs and co-administrators of their parents’ estates. FAC  
20 at ¶ 2.

21 5. During the incident, Plaintiffs’ parents hid in a pantry in the casino’s VIP room to  
22 avoid the fire. FAC at ¶ 31.

23 6. After the incident concluded, Plaintiffs’ parents were discovered in the pantry in the  
24 VIP room where they had died from smoke inhalation. FAC at ¶ 32.

25 7. Plaintiffs filed their initial complaint on May 23, 2019 and amended their Complaint  
26 as a matter of right by filing the FAC on May 30, 2019.

27 8. All of the factual allegations and conduct underlying the factual allegations  
28 contained in Plaintiffs FAC occurred in Manila, Philippines at Resorts World Manila. *See generally*,

1 FAC.

2 9. Genting is a public limited liability company organized under the laws of Malaysia,  
3 with its principal place of business in Kuala Lumpur, Malaysia. Motion to Dismiss (“Mot.”),  
4 Exhibit A, Declaration of Wong Yee Fun (“Genting Decl.”), ¶4.

5 10. Genting does not, directly or indirectly, hold an ownership or management interest in  
6 Resorts World Manilla. Mot., Genting Decl., ¶ 8.

7 11. Genting first registered with the Nevada Secretary of State and appointed a  
8 registered agent on October 8, 2019. Mot., Genting Decl., ¶ 9.

9 12. Although registered with the Nevada Secretary of State, Genting does not regularly  
10 conduct business in the State of Nevada, directly own any real or personal property in the State, nor  
11 maintain any offices or bank accounts in the State. Mot., Genting Decl., ¶¶ 9-14.

12 13. None of Genting’s officers or directors are residents of the State of Nevada. Mot.,  
13 Genting Decl., ¶ 15.

14 14. Genting U.S. is a corporation organized under the laws of the State of Delaware and  
15 is managed by the officers of Resorts World Inc. Pte Ltd., a holding company, all of whom are  
16 based in Singapore and Malaysia. Mot., Genting Decl., ¶ 17.

17 15. Genting U.S. does not conduct any business in the State of Nevada. Mot., Genting  
18 Decl., ¶ 18.

19 16. Genting U.S. does not own any real or personal property in the State of Nevada, nor  
20 maintain any offices or bank accounts within the State. Mot., Genting Decl., ¶¶ 19-22.

21 17. None of Genting U.S.’s officers or directors are residents of the State of Nevada.  
22 Mot., Genting Decl., ¶ 23.

23 18. Genting U.S. does not directly or indirectly hold any ownership or management  
24 interest in RWLV. Mot., Genting Decl., ¶ 24.

25 19. Genting U.S. does not directly or indirectly hold any ownership or management  
26 interest in Resorts World Manila. Mot., Genting Decl., ¶ 25.

27 20. Genting Nevada is a limited liability company organized under the laws of the State  
28 of Delaware. Mot., Genting Decl., ¶ 26.

21. Although granted a license from the Nevada Gaming Commission in 2016 and registered with the Nevada Secretary of State, Genting Nevada has not conducted any business to date in the State of Nevada or elsewhere. Mot., Genting Decl., ¶ 27.

22. Genting Nevada does not own any real or personal property in the State of Nevada, nor maintain any offices or bank accounts within the State. Mot., Genting Decl., ¶¶ 28-31.

23. Genting Nevada does not directly or indirectly hold any ownership or management interest in RWLV. Mot., Genting Decl., ¶ 33.

24. Genting Nevada does not directly or indirectly hold any ownership or management interest in Resorts World Manila. Mot., Genting Decl., ¶ 34.

25. RWLV has no ownership or management interest in Resorts World Manila. Mot., Declaration of Peter LaVoie, ¶ 4.

26. Plaintiffs were granted an extension of time until September 16, 2020 to effectuate service on any defendants named in the FAC who were not previously served. *See* Order Granting Mot. Extend Time, filed May 28, 2020.

27. Plaintiff never effectuated service on Genting Intellectual Property Pte Ltd., Resorts World Inc. Pte, Ltd., Resorts World Manilla or Kok Thay Lim.

28. Plaintiff never sought an extension of time to effectuate service on any of the unserved defendants either prior to the September 16, 2020 deadline or at any time thereafter.

29. Other than this Motion to Dismiss, there has been no activity in this case of substance for over two years from when it was originally filed.

## CONCLUSIONS OF LAW

### **I. The FAC Must Be Dismissed as to the Genting Defendants for Lack of Personal Jurisdiction.**

1. The Court may dismiss a complaint pursuant to NRCP 12(b)(2) when the Court lacks personal jurisdiction over the parties.

2. To obtain jurisdiction over a non-resident defendant, a plaintiff must show that: (1) the requirements of the state's long-arm statute have been satisfied, and (2) due process is not offended by the exercise of jurisdiction. *Trump v. District Court*, 109 Nev. 687, 698, 857 P.2d 740,

747 (1993); *see also Int'l Shoe Co. v. Washington*, 326 U.S. 310 (1945)

3. “Nevada’s long-arm statute, NRS 14.065, reaches the limits of due process set by the United States Constitution.” *See Baker v. Dist. Ct.*, 116 Nev. 527, 531, 999 P.2d 1020, 1023 (2000). The Due Process Clause of the Fourteenth Amendment of the United States Constitution requires a nonresident defendant to have “minimum contacts” with the forum state sufficient to ensure that exercising personal jurisdiction over him would not offend “traditional notions of fair play and substantial justice.” *Id.* at 531-32, 999 P.2d at 1023; *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945); *Arabella Mut. Ins. Co. v. District Court*, 122 Nev. 509, 134 P.3d 710 (2006).

4. Due process requirements are satisfied if the nonresident defendant’s contacts are sufficient to obtain either (1) general jurisdiction, or (2) specific personal jurisdiction, and it is reasonable to subject the nonresident defendants to suit in the forum state. *Viega GmbH v. Eighth Jud. Dist. Ct.*, 130 Nev. 368, 375, 328 P.3d 1152, 1156 (2014) (citing *Arbella*, 122 Nev. at 512, 516, 134 P.3d at 712, 714; *Daimler AG v. Bauman*, 571 U.S. 117, 137 n. 20, 134 S.Ct. 746, 762 n. 20, 187 L.Ed.2d 624 (2014)).

5. In considering a motion to dismiss for lack of personal jurisdiction, the Court may consider affidavits and supporting evidence proffered by a defendant. *Viega*, 130 Nev. at 374, 328 P.3d at 1157 (quoting *Doe v. Unocal Corp.*, 248 F.3d 915, 922 (9th Cir. 2001)). Further, “the court must accept properly supported proffers of evidence as true.” *Viega*, 130 Nev. at 374, 328 P.3d at 1157 (citing *Trump*, 109 Nev. at 692, 857 P.2d at 743).

6. Although factual disputes are resolved in favor of Plaintiffs, Plaintiffs bear the burden of demonstrating the reasonableness of exercising personal jurisdiction over each of the defendants “and the burden of proof never shifts to the party challenging jurisdiction.” *Trump*, 109 Nev. at 692, 857 P.2d at 744.

***A. The Court Cannot Exercise General Jurisdiction over the Genting Defendants.***

7. General jurisdiction over a defendant allows a plaintiff to assert claims against that defendant unrelated to the forum. *Viega*, 328 P.3d at 1157. Courts may exercise general or “all-purpose” personal jurisdiction over a defendant “to hear any and all claims against it” only when the defendant’s affiliations with the forum state “are so constant and pervasive as to render it

1 essentially at home in the forum State.” *Bauman*, 571 U.S. at 120.

2 8. Simply doing business in a state does not provide a basis for general jurisdiction.  
3 *Bauman*, 571 U.S. at 137-39. Instead, the Court must look to the contacts of each individual  
4 defendant to determine if jurisdiction over each defendant is warranted under a general jurisdiction  
5 theory. *Three Rivers Provider Network, Inc. v. Med. Cost Containment Profls, LLC*, No. 2:18-CV-  
6 135 JCM (GWF), at \*5 (D. Nev. July 30, 2018) (“Affiliation with a corporation located in Nevada  
7 does not automatically support a court’s exercise of general jurisdiction over a defendant in  
8 Nevada.”)

9 9. Registration to do business and appointment of a registered agent is insufficient on  
10 its own to subject a non-resident party to the personal jurisdiction of the state. *Freeman v. Second*  
11 *Judicial Dist. Ct.*, 116 Nev. 550, 558, 1 P.3d 963, 968 (2000) (finding that appointment of a  
12 registered agent by a non-resident company does not “in itself subject a non-resident” to personal  
13 jurisdiction, requiring the court to conduct a minimum contacts analysis);

14 10. Further, in determining whether the exercise of general jurisdiction is reasonable  
15 and not offensive of due process, the Court looks to each defendant’s contacts with the forum state  
16 prior to the filing of the complaint instead of those occurring after the filing of the complaint.  
17 *Delphix Corp. v. Embarcadero Techs., Inc.*, 749 F. App’x 502, 505-06 (9th Cir. 2018) (citing 4  
18 Fed. Prac. & Proc. Civ. § 1067.5); *see also Brown v. Lockheed Martin Corp.*, 814 F.3d 619, 628 n.  
19 8 (2016).

20 11. The contacts of a parent company’s subsidiary within the state are not attributed to  
21 the foreign parent company in a general personal jurisdiction analysis. *Viega GmbH v. Eighth Jud.*  
22 *Dist. Ct.*, 130 Nev. 368, 375-77, 328 P.3d 1152, 1157-58 (2014); *see also Corcoran*, 169 F. Supp.  
23 3d at 978.

24 12. “Corporate entities are presumed separate, and thus, indicia of mere ownership are  
25 not alone sufficient to subject a parent company to jurisdiction based on its subsidiary’s contacts.”  
26 *Viega GmbH*, 130 Nev. at 378, 328 P.3d at 1158 (collecting cases).

27 13. Only “[i]n narrow circumstances [that] federal courts will find that a  
28 corporation is the alter ego of another by ‘pierc[ing] the corporate veil’ and attribut[ing] a



1 subsidiary's [contacts with] the forum state to its parent company for jurisdictional purposes."  
2 also *Corcoran v. CVS Health Corp.*, 169 F. Supp. 3d 970, 983 (N.D. Cal. 2016) (quoting *Calvert*  
3 *v. Huckins*, 875 F. Supp. 674, 678 (E.D. Cal. 1995)). To do so, a plaintiff must make a *prima facie*  
4 showing that *both* "(1) there is a unity of interest and ownership between the corporations such  
5 that their separate personalities do not actually exist, and (2) treating the corporations as  
6 separate entities would result in injustice." *Id.* (internal quotation omitted). A plaintiff must  
7 allege specifically both the elements of alter ego liability, as well as the facts supporting each."  
8 *Neilson v. Union Bank of Cal, N.A.*, 290 F. Supp. 2d 1101, 1116 (C.D. Cal. 2003); *Wady v.*  
9 *Provident Life and Accident Ins. Co. of America*, 216 F.Supp.2d 1060, 1067 (C.D.Cal.2002). The  
10 first prong of this test "requires a showing that the parent controls the subsidiary to such a  
11 degree as to render the latter the mere instrumentality of the former." *Id.*

12 14. None of the Genting Defendants have sufficient minimum contacts with the State of  
13 Nevada to be considered "at home" in the State of Nevada such that exercise of general personal  
14 jurisdiction over them would comply due process and not offend the "traditional notions of fair  
15 play and substantial justice."

16 15. None of the Genting Defendants have their principal places of business in the State  
17 of Nevada.

18 16. None of the Genting Defendants conduct substantial business in the State of  
19 Nevada.

20 17. None of the Genting Defendants own any property in the State of Nevada.

21 18. None of the Genting Defendants maintain offices or places of business in the State  
22 of Nevada.

23 19. Registrations with the Nevada Secretary of State and appointment of registered  
24 agents in the State of Nevada are insufficient contacts with the State of Nevada to establish general  
25 personal jurisdiction over any of the Genting Defendants. Regardless, registrations by Genting and  
26 Genting U.S. with the Nevada Secretary of State or licensure by Genting after the filing of the  
27 original complaint in this matter does not confer general personal jurisdiction over either of those  
28 entities.

20. Any ownership interest held by Genting in RWLV does not confer general personal jurisdiction over Genting as the Court must consider the contacts of each named defendant individually in determining if the exercise of general jurisdiction over each named defendant is appropriate.

21. Plaintiffs have not pled sufficient facts in the original complaint, the FAC, or the proposed amended complaint attached to the countermotion or otherwise presented this Court with evidence to support a *prima facie* showing of an alter ego relationship exists between any of the Genting Defendants and RWLV to possibly apply RWLV's contacts with the State of Nevada to any of the Genting Defendants for the purposes of establishing general jurisdiction.

22. Plaintiffs have neither plead sufficient facts nor otherwise presented this Court with evidence demonstrating that the financials of the named defendants are so intermixed that they should be treated as one entity.

23. Under these circumstances, it would be unreasonable and violate due process to exercise general personal jurisdiction over any of the Genting Defendants.

***B. The Court Cannot Exercise Specific Jurisdiction Over the Genting Defendants.***

24. Specific personal jurisdiction comports with due process only where "the defendant's suit-related conduct" creates "a substantial connection with the forum state." *Walden v. Fiore*, 571 U.S. 277, 284 (2014); *Goodyear Dunlop Tires Operations S.A. v. Brown*, 564 U.S. 915 (2011).

25. In order to exercise specific personal jurisdiction over the Genting Defendants, the Court would have to find that: (1) each of the defendants purposefully availed itself of the privilege of acting in the State of Nevada or causing important consequences in the State of Nevada; (2) Plaintiffs claims arose from the defendants' contacts and activities in the State of Nevada; and (3) that the activities or the consequences thereof in the State of Nevada have a substantial enough connection with the State of Nevada to make the exercise of jurisdiction over each of the defendants reasonable. *Consipio Holding, BV v. Carlberg*, 128 Nev. 454, 458, 282 P.3d 751, 755 (2012); *Viega GmbH*, 130 Nev. at 375, 328 P.3d at 1157.

26. For an exercise of specific jurisdiction to comport with due process, the suit must arise “out of contacts that the ‘defendant *himself*’ creates with the forum State.” *Walden*, 271 U.S. at 284 (*quoting Burger King Corp.*, 471 U.S. 462, 475 (1985)) (emphasis in original).

27. Plaintiffs did not oppose the Genting Defendants’ Motion to Dismiss based on the lack of specific personal jurisdiction. Pursuant to EDCR 2.20(e), “[f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.”

28. Even considering the merits of the Motion to Dismiss, it would be unreasonable for this Court to exercise specific personal jurisdiction over any of the Genting Defendants.

29. None of the allegations or the conduct underlying the allegations in the FAC took place in the State of Nevada. All of the conduct alleged and supporting the claims for relief pled by Plaintiffs to place in Manila, Philippines.

30. As the claims in the FAC do not arise out of any of the Genting Defendants’ contacts with the State of Nevada, the Court cannot exercise specific personal jurisdiction over any of them.

## **II. Plaintiff Cannot State a *Prima Facie* Claim for Relief Against RWLV.**

31. Dismissal for failure to state a claim upon which relief can be granted is proper pursuant to NRCP 12(b)(5).

32. “In considering a motion to dismiss pursuant to NRCP 12(b)(5)...the court accepts a plaintiff’s factual allegations as true, but the allegations must be legally sufficient to constitute the elements of the claims asserted.” *Sanchez ex rel. Sanchez v. Wal-Mart Stores, Inc.*, 125 Nev. 818, 823, 221 P.3d 1276, 1280 (2009) (citation omitted).

33. “To survive dismissal, a complaint must contain some ‘set of facts, which, if true, would entitle the plaintiff to relief.’” *In re Amerco Derivative Litig.*, 127 Nev. 196, 211, 252 P.3d 681, 692 (2011) (citation omitted).

34. “Dismissal is proper where the allegations are insufficient to establish the elements of a claim for relief.” *Stockmeier v. Nevada Dep’t of Corr.*, 124 Nev. 313, 316, 183 P.3d 133, 135 (2008) (citations omitted).

35. Plaintiffs did not oppose the Genting Defendants’ Motion to Dismiss based on the lack of specific personal jurisdiction. Pursuant to EDCR 2.20(e), “[f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.”

36. Even considering the merits of the Motion to Dismiss, Plaintiffs have not and cannot plead sufficient facts upon which they could state a claim against RWLV.

37. Plaintiffs do not plead any specific allegations as to any conduct engaged in by or on behalf of RWLV in connection with the incident giving rise to Plaintiffs claims. Instead, Plaintiffs only allege that the “Defendants” collectively engaged in conduct at Resorts World Manila.

38. Plaintiffs were required to allege specific facts that RWLV engaged in upon which a claim for relief could be asserted against RWLV if such facts were proven true and failing to “meaningfully distinguish between the parties in their factual allegations” is fatal to a complaint. *Volcano Developers LLC v. Bonneville Mortg.*, No. 2:11-cv-00504-GMN-PAL, 2012 WL 28838, at \*5 (D. Nev. Jan. 4, 2012) (dismissing complaint for plaintiffs’ failure to “meaningfully distinguish between the parties in their factual allegations” and leaving defendants and the Court to “guess which facts apply to which parties.”); *Robins v. Wolf Firm*, No. 2:10-cv-0424-RLH-PAL, 2010 WL 2817202, at \*5 (D. Nev. July 15, 2010) (dismissing claims *sua sponte* because plaintiff failed to distinguish between individual defendants).

39. All of the facts alleged concern conduct that took place in the Philippines.

40. Plaintiffs have not and cannot plead any factual allegations of conduct RWLV engaged in giving rise to their claims in the Philippines.

41. Plaintiffs have not pled sufficient facts in the original complaint, the FAC, or the proposed amended complaint attached to the countermotion or otherwise presented this Court with evidence to support a *prima facie* showing of an alter ego relationship exists between any of the RWLV and Resorts World Manila such that it is possible to impute the conduct of Resorts World Manila to RWLV.

42. Plaintiff failed to allege facts supporting how RWLV could be found to be an alter ego of Resorts World Manila.

43. As Plaintiffs have not and cannot plead any facts in the original complaint, the FAC, or the proposed second amended complaint demonstrating that RWLV engaged in any conduct giving rise to Plaintiffs' claims or that RWLV could be found to be the alter ego of Resorts World Manila, Plaintiffs' claims fail as a matter of law.

**III. In the Alternative, Dismissal Is Proper for Failure to Join a Necessary and Indispensable Party.**

44. Pursuant to NRCP 12(b)(6), the Court may dismiss a complaint for failure to join a party required under NRCP 19.

45. To render a complete decree in any civil action, "all persons materially interested in the subject matter of the suit [must] be made parties so that there is a complete decree to bind them all." *Olsen Family Tr. v. District Court*, 110 Nev. 548, 553, 874 P.2d 778, 781 (1994).

46. The failure to join a necessary party to a case is "fatal to the district court's judgment." *Id.* at 554; *see also Univ. of Nev. v. Tarkanian*, 95 Nev. 389, 396, 594 P.2d 1159, 1163 (1979).

47. A party *must* be joined as a party under NRCP 19(a) if (1) complete relief cannot be accorded in its absence, (2) he claims an interest in the subject of the action, or (3) adjudication in the party's absence potentially subjects parties to double, multiple or otherwise inconsistent obligations. *Anderson v. Sanchez*, 355 P.3d 16 (Nev. 2015); *Humphries v. Eighth Jud. Dist. Ct.*, 312 P.3d 484, 487 (Nev. 2013).

48. Plaintiffs did not oppose the Genting Defendants' Motion to Dismiss under to NRCP 12(b)(6). Pursuant to EDCR 2.20(e), "[f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same."

49. Even considering the merits of the Motion to Dismiss, dismissal on this alternative ground is warranted.

1           50. All of the conduct underlying Plaintiffs' claims took place at in the Philippines at  
2 Resorts World Manila.

3           51. Resorts World Manila was not served with process as required under NRCP 4(e)(2).  
4 Pursuant to NRCP 4(e)(2), "[i]f service of the summons and complaint is not made upon a  
5 defendant before the 120-day service period—or any extension thereof—expires, the court must  
6 dismiss the action, without prejudice, as to that defendant upon motion or upon the court's own  
7 order to show cause."

8           52. Further, Plaintiffs have not joined as parties to this action the owners of Resorts  
9 World Manila.

10           53. Plaintiffs failed to serve several defendants with process with the time afforded by  
11 the Court and failed to seek an extension of time to serve such defendants either before or after the  
12 expiration of the extended time previously granted by the Court. Under NRCP 41(e), the "court  
13 may dismiss an action for want of prosecution if a plaintiff fails to bring the action to trial within 2  
14 years after the action was filed." There has been no activity of substance in this case other than  
15 this Motion for over two years since the complaint was filed.

16           54. The failure to serve named parties that must be dismissed from the case pursuant to  
17 NRCP 4(e)(2) along with the failure to join by naming other parties who own and control Resorts  
18 World Manila where all of the conduct underlying Plaintiffs' claims is equally fatal to Plaintiffs'  
19 FAC and dismissal is warranted, in the alternative, under NRCP 12(b)(6).

20           **IV. In the Alternative, Dismissal Is Proper Under the Doctrine of *Forum Non Conveniens*.**

21           55. The Court may dismiss a case under the doctrine of *forum non conveniens* where  
22 litigation in a foreign forum would be more convenient for the parties. *Lueck v. Sundstrand Corp.*,  
23 236 F.3d 1137 (9th Cir. 2001) (citing *Gulf Oil Corp. v. Gilbert*, 330 U.S. 501, 504 (1947)).

24           56. Where there is an ongoing dispute between the parties as to personal jurisdiction, a  
25 factor which "weighs heavily in favor of dismissal for forum non conveniens." *Marinduque*, 350  
26 P.3d at 397 (citing *Sinochem Intern. Co. Ltd. v. Malaysia Intern. Shipping Corp.*, 549 U.S. 422,  
27 435-36 (2007)).  
28

1           57.     “When deciding a motion to dismiss for *forum non conveniens*, a court must first  
2 determine the level of deference owed to the plaintiff’s forum choice.” *Provincial Gov’t of*  
3 *Marinduque v. Placer Dome, Inc.*, 350 P.3d 392, 396 (Nev. 2015) (citing *Pollux Holding Ltd. v.*  
4 *Chase Manhattan Bank*, 329 F.3d 64, 70 (2d Cir. 2003)).

5           58.     A foreign plaintiff’s choice of a United States forum is entitled less deference and is  
6 only entitled to substantial deference where the case has “bona fide connections to” the chosen  
7 forum and “convenience favors the chosen forum.” *Marinduque*, 350 P.3d at 396.

8           59.     Plaintiffs’ choice of Nevada as a forum for their lawsuit is given little deference as  
9 they are Taiwanese nationals with no connection to the State of Nevada, the claims at issue have no  
10 bona fide connection to the State of Nevada, and litigating in Nevada is less convenient in this  
11 State than in other possible forums.

12           60.     Next, the court must determine “whether an adequate alternative forum exists.”  
13 *Marinduque*, 350 P.3d at 396 (quoting *Lueck*, 236 F.3d at 1142) (citing *Piper Aircraft Co. v.*  
14 *Reyno*, 454 U.S. 235, 254 n. 22, 102 S.Ct. 252, 70 L.Ed.2d 419 (1981)). It is only in “rare  
15 circumstances . . . where the remedy provided by the alternative forum . . . is so clearly inadequate  
16 or unsatisfactory, that it is no remedy at all,” where an available, alternative forum would be  
17 disregarded. *Lueck*, 236 F.3d at 1143 (quoting *Lockman Found.*, 930 F.2d at 768; *Piper Aircraft*,  
18 454 U.S. at 254).

19           61.     There are alternative forums for Plaintiffs to pursue their claims where they could  
20 obtain jurisdiction over the relevant parties and where the witnesses and evidence relating to their  
21 claims reside. Plaintiffs have not demonstrated that pursuing claims in the Philippines or else  
22 where is “so clearly inadequate or unsatisfactory” such that pursuing their claims in that forum or  
23 elsewhere would provide them with “no remedy at all.” *Id.*

24           62.     Finally, when “an adequate alternative forum does exist, the court must then weigh  
25 public and private interest factors to determine whether dismissal is warranted.” *Marinduque*, 350  
26 P.3d at 396 (citing *Lueck*, 236 F.3d at 1142). “Relevant public interest factors include the local  
27 interest in the case, the district court’s familiarity with applicable law, the burdens on local courts  
28 and jurors, court congestion, and the costs of resolving a dispute unrelated to the plaintiff’s chosen

forum.” *Marinduque*, 350 P.3d at 397 (citing *Lueck*, 236 F.3d at 1147; *Piper Aircraft*, 454 U.S. at 259-61). “Relevant private interest factors may include the location of a defendant corporation, access to proof, the availability of compulsory process for unwilling witnesses, the cost of obtaining testimony from willing witnesses, and the enforceability of a judgment.” *Id.* at 398 (citing *Lueck*, 236 F.3d at 1145; *Eaton*, 96 Nev. at 774, 616 P.2d at 401).

63. Neither the public nor private interest factors weigh in favor of permitting Plaintiffs’ claims to proceed in the State of Nevada.

64. There are no public interest factors that weigh in favor of proceeding in the State of Nevada. The underlying transaction upon which Plaintiffs base their claims did not occur in the State of Nevada and none of the relevant parties to the conduct at issue in Plaintiffs’ FAC are residents of the s State of Nevada. When no events underlying the claims for relief occurred in Nevada and the case lacks any genuine connection to the state, there is insufficient public interests to support proceeding in the State of Nevada. *Marinduque*, 350 P.3d at 397

65. Notably, “resolving the preliminary issue of personal jurisdiction alone w[ill] likely entail extensive discovery, briefing, and multiple court hearings,” which itself weighs “heavily in favor of dismissal” as it reflects on the lack of public interest in favor of permitting Plaintiffs’ claims to proceed in this State. *Marinduque*, 350 P.3d at 397-98 (citations and quotations omitted).

66. There are no private interest factors that weigh in favor of permitting Plaintiffs’ claims to proceed in the State of Nevada. There are no witnesses relevant to Plaintiffs’ claims in the State of Nevada. The evidence relating to the claims is not in the State of Nevada. Nor would Nevada law apply to the claim asserted by Plaintiffs.

67. In considering the factors required under the doctrine of *forum non conveniens* including Plaintiffs’ choice of forum, the availability of alternative forums, and the public and private interest factors, those factors weigh heavily in favor of dismissal. The doctrine of *forum non conveniens* is applicable in this situation and dismissal under this alternative ground is likewise warranted.



1       **V. Amendment of the Complaint Is Futile.**

2           68. Nevada Rules of Civil Procedure 15(a) provides that “a party may amend its  
3 pleading only with the opposing party’s written consent or the court’s leave.”

4           69. However, the Court has the discretion to deny leave to amend in the proper case.  
5 *Kantor v. Kantor*, 116 Nev. 886, 891, 8 P.3d 825, 828 (2000); *Connell v. Carl’s Air Conditioning*,  
6 97 Nev. 436, 634 P.2d 673 (1981).

7           70. Leave to amend is properly denied where amendment of the pleading would be  
8 futile. *Allum v. Valley Bank of Nevada*, 109 Nev. 280, 287, 849 P.2d 297, 303 (1993). An  
9 amendment would be futile and denial of leave to amend is proper when the claims asserted in the  
10 proposed amended pleading are insufficient to state a claim or otherwise seek to assert claims  
11 without a proper legal basis. *Halcrow, Inc. v. Eighth Jud. Dist. Ct.*, 302 P.3d 1148, 1152 (2013), *as*  
12 *corrected* (Aug. 14, 2013).

13           71. Here, the complaint is incapable of being remedied by another amendment.

14           72. The proposed Second Amended Complaint fails to remedy the deficiencies causing  
15 dismissal of the FAC. The proposed Second Amended Complaint fails to allege sufficient facts  
16 upon which this Court could exercise jurisdiction over the Genting Defendants or upon which  
17 Plaintiffs could base *prima facie* claims against either RWLV or the Genting Defendants.

18           73. The proposed Second Amended Complaint fails for the same reasons that the FAC  
19 fails on the merits and granting leave to amend would be futile under these circumstances.

20       ///

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law and for good cause appearing therefor,

IT IS HEREBY ORDERED that RWLV and the Genting Defendants' Motion to Dismiss is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs' Countermotion to Amend is DENIED.

IT IS FURTHER ORDERED that the above-captioned case is DISMISSED in its entirety WITH PREJUDICE.

IT IS SO ORDERED.

DATED this 25 day of June, 2021.

Dated this 30th day of June, 2021

*Nancy L Alf*

**DISTRICT COURT JUDGE**

TW

Respectfully submitted by:

**GREENBERG TRAURIG, LLP**

**F58 B7B 1B47 8453  
Nancy Alf  
District Court Judge**

/s/ Christopher R. Miltenberger  
Mark E. Ferrario (SBN 1625)  
Christopher R. Miltenberger (SBN 10153)  
10845 Griffith Peak Drive, Suite 600  
Las Vegas, NV 89135

*Counsel for Defendants Resorts World Las Vegas LLC,  
Genting Berhad, Genting U.S. Interactive Gaming Inc.,  
and Genting Nevada Interactive LLC*

Approved as to form and content:

**LAW OFFICES OF KEVIN R. HANSEN**

/s/ Kevin R. Hansen  
Kevin R. Hansen (SBN 6336)  
Amy M. Wilson (SBN 13421)  
5440 West Sahara Avenue, Suite 206  
Las Vegas, NV 89146

*Counsel for Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung*

## Rosehill, Andrea (Secy-LV-LT)

---

**From:** Kevin R. Hansen <kevin@kevinrhansen.com>  
**Sent:** Thursday, June 24, 2021 3:10 PM  
**To:** Miltenberger, Chris (Shld-LV-LT)  
**Cc:** Amanda Harmon; Amy Wilson; Ferrario, Mark E. (Shld-LV-LT); Rosehill, Andrea (Secy-LV-LT)  
**Subject:** RE: Hung v. Genting Berhad, et al. - Draft Order

**\*EXTERNAL TO GT\***

Chris,

The draft order is acceptable. You may affix my electronic signature and submit to the judge.

Sincerely,

Kevin R. Hansen, Esq.  
5440 W. Sahara Ave., Suite 206  
Las Vegas, Nevada 89146  
Phone: (702) 478-7777  
Fax: (702) 728-2484  
[kevin@kevinrhansen.com](mailto:kevin@kevinrhansen.com)

-DISCLAIMER-

This electronic mail message and any attachments are confidential and may also contain privileged attorney-client information or work product. The message and any attachments are intended only for the use of the addressee. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you may not use, disseminate, distribute or copy this communication. If you have received this email in error, please immediately notify us by reply electronic mail or by telephone at (702) 478-7777, and delete this original message. Thank you.

---

**From:** miltenbergerc@gtlaw.com <miltenbergerc@gtlaw.com>  
**Sent:** Tuesday, June 22, 2021 5:37 PM  
**To:** Kevin R. Hansen <kevin@kevinrhansen.com>  
**Cc:** Amanda Harmon <amandah@kevinrhansen.com>; Amy Wilson <amy@kevinrhansen.com>; ferrariom@gtlaw.com; rosehilla@gtlaw.com  
**Subject:** Hung v. Genting Berhad, et al. - Draft Order

Kevin,

Please find attached a draft proposed order granting the Motion to Dismiss. Let us know if you have any requested revisions. Otherwise, please let us know if we can affix your signature to the submission.

Thanks,

**Chris Miltenberger**  
Shareholder

Greenberg Traurig, LLP  
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T 702.792.3773 D 702.599.8024  
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1 **CSERV**

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5  
6 Ya-Ling Hung, Plaintiff(s)

CASE NO: A-19-795338-C

7 vs.

DEPT. NO. Department 27

8 Genting Behad, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order Granting Motion was served via the court's electronic eFile  
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 6/30/2021

15 Andrea Rosehill

rosehilla@gtlaw.com

16 Mark Ferrario

ferrariom@gtlaw.com

17 Christoper Miltenberger

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18 LVGT docketing

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19 Kevin Hansen, Esq.

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20 Amy Wilson, Esq.

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24 Rocio Leal

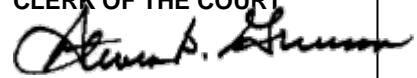
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**NOEJ**  
MARK E. FERRARIO, ESQ.  
Nevada Bar No. 1625  
CHRISTOPHER R. MILTENBERGER, ESQ.  
Nevada Bar No. 10153  
**GREENBERG TRAUIG, LLP**  
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*Counsel for Defendants Resorts World Las Vegas LLC,  
Genting Berhad, Genting U.S. Interactive Gaming Inc.,  
and Genting Nevada Interactive LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

YA-LING HUNG and WEI-HSIANG HUNG,  
each individually, as surviving heirs, and as Co-  
Administrators of the Estate of Tung-Tsung  
Hung and Pi-Ling Lee Hung, Decedents,

Plaintiffs,

vs.

Genting Berhad, Genting U.S. Interactive  
Gaming Inc., Genting Nevada Interactive  
Gaming LLC, Genting Intellectual Property Pte  
Ltd., Resorts World Inc. Pte Ltd, Resorts World  
Las Vegas LLC, Resorts World Manila, and Kok  
Thay Lim,

Defendants.

Case No.: A-19-795338-C  
Dept. No.: 27

**NOTICE OF ENTRY OF ORDER**

Greenberg Traurig, LLP  
10845 Griffith Peak Drive, Suite 600  
Las Vegas, Nevada 89135  
(702) 792-3773  
(702) 792-9002 (fax)

YOU AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the ***Order Granting Motion to Dismiss and Denying Countermotion to Amend Complaint*** was entered in the above-captioned matter on the on the 30<sup>th</sup> day of June 2021, a copy of which is attached hereto.

Dated this 30<sup>th</sup> day of June 2021.

/s/Christopher R. Miltenberger  
Mark E. Ferrario (SBN 1625)  
Christopher R. Miltenberger (SBN 10153)  
GREENBERG TRAURIG, LLP  
10845 Griffith Peak Drive, Ste. 600  
Las Vegas, Nevada 89135  
*Attorneys for Defendants Resorts World Las Vegas LLC,  
Genting Berhad, Genting U.S. Interactive Gaming Inc.,  
and Genting Nevada Interactive LLC*

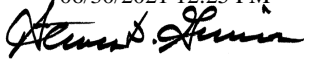
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of June, 2021, a true and correct copy of the foregoing *Notice of Entry of Order* was filed with the Clerk of the Court using the Odyssey eFileNV Electronic Service system and served on all parties with an email-address on record, pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

/s/ Andrea Lee Rosehill  
an employee of Greenberg Traurig, LLP

  
CLERK OF THE COURT

**ORDR**

MARK E. FERRARIO, ESQ.

Nevada Bar No. 1625

CHRISTOPHER R. MILTENBERGER, ESQ.

Nevada Bar No. 10153

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*Counsel for Defendants Resorts World Las Vegas LLC,  
Genting Berhad, Genting U.S. Interactive Gaming Inc.,  
and Genting Nevada Interactive LLC*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

YA-LING HUNG and WEI-HSIANG HUNG,  
each individually, as surviving heirs, and as Co-  
Administrators of the Estate of Tung-Tsung  
Hung and Pi-Ling Lee Hung, Decedents,

Plaintiffs,

vs.

Genting Berhad, Genting U.S. Interactive  
Gaming Inc., Genting Nevada Interactive  
Gaming LLC, Genting Intellectual Property Pte  
Ltd., Resorts World Inc. Pte Ltd, Resorts World  
Las Vegas LLC, Resorts World Manila, and Kok  
Thay Lim,

Defendants.

Case No.: A-19-795338-C

Dept. No.: 27

**ORDER GRANTING  
MOTION TO DISMISS AND DENYING  
COUNTERMOTION TO AMEND THE  
COMPLAINT**

Date of Hearing: June 10, 2021

Time of Hearing: 10:30 a.m.

Presently before the Court is Defendants Resorts World Las Vegas LLC, Genting Berhad, Genting U.S. Interactive Gaming Inc., and Genting Nevada Interactive Gaming LLC's Motion to Dismiss ("Motion to Dismiss") and Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung's Countermotion to Amend the Complaint ("Countermotion to Amend"). The Motion to Dismiss and Countermotion to Amend came on for hearing before this Court on June 10, 2021 at 10:30 a.m. Mark E. Ferrario and Christopher R. Miltenberger of the law firm of Greenberg Traurig, LLP



1 appear on behalf of Defendants Resorts World Las Vegas LLC (“RWLV”) and Genting Berhad  
2 (“Genting”), Genting U.S. Interactive Gaming, Inc. (“Genting U.S.”) and Genting Nevada  
3 Interactive Gaming LLC (“Genting Nevada,” collectively, with Genting and Genting U.S., the  
4 “Genting Defendants”). Kevin R. Hansen of the Law Offices of Kevin R. Hansen appeared on  
5 behalf of Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung (“Plaintiffs”).

6 Having reviewed and considered Plaintiff’s First Amended Complaint, RWLV and the  
7 Genting Defendants’ Motion to Dismiss, Plaintiffs’ Opposition to the Motion to Dismiss and  
8 Countermotion, including the proposed Second Amended Complaint attached thereto, RWLV and  
9 the Genting Defendants’ Reply in Support of their Motion to Dismiss, the papers and pleadings on  
10 file in the above-captioned matter, and having considered the arguments of counsel at the time of  
11 hearing, the Court makes the following findings of fact, conclusions of law, and orders:

#### 12 FINDINGS OF FACT

13 1. On June 2, 2017 at 12:11 a.m., an armed individual entered Resorts World Manila in  
14 the Manila, Philippines. Amended Complaint (“FAC”), ¶¶ 1, 23.

15 2. Thereafter the individual set fire to furniture in the casino causing people to seek  
16 safety away from the individual. FAC at ¶ 24, Exhibit A.

17 3. Plaintiffs’ parents were Taiwanese nationals present at Resorts World Manila at the  
18 time of the incident. FAC at ¶¶ 1, 28, 30.

19 4. Plaintiffs are the surviving heirs and co-administrators of their parents’ estates. FAC  
20 at ¶ 2.

21 5. During the incident, Plaintiffs’ parents hid in a pantry in the casino’s VIP room to  
22 avoid the fire. FAC at ¶ 31.

23 6. After the incident concluded, Plaintiffs’ parents were discovered in the pantry in the  
24 VIP room where they had died from smoke inhalation. FAC at ¶ 32.

25 7. Plaintiffs filed their initial complaint on May 23, 2019 and amended their Complaint  
26 as a matter of right by filing the FAC on May 30, 2019.

27 8. All of the factual allegations and conduct underlying the factual allegations  
28 contained in Plaintiffs FAC occurred in Manila, Philippines at Resorts World Manila. *See generally,*

1 FAC.

2 9. Genting is a public limited liability company organized under the laws of Malaysia,  
3 with its principal place of business in Kuala Lumpur, Malaysia. Motion to Dismiss (“Mot.”),  
4 Exhibit A, Declaration of Wong Yee Fun (“Genting Decl.”), ¶4.

5 10. Genting does not, directly or indirectly, hold an ownership or management interest in  
6 Resorts World Manilla. Mot., Genting Decl., ¶ 8.

7 11. Genting first registered with the Nevada Secretary of State and appointed a  
8 registered agent on October 8, 2019. Mot., Genting Decl., ¶ 9.

9 12. Although registered with the Nevada Secretary of State, Genting does not regularly  
10 conduct business in the State of Nevada, directly own any real or personal property in the State, nor  
11 maintain any offices or bank accounts in the State. Mot., Genting Decl., ¶¶ 9-14.

12 13. None of Genting’s officers or directors are residents of the State of Nevada. Mot.,  
13 Genting Decl., ¶ 15.

14 14. Genting U.S. is a corporation organized under the laws of the State of Delaware and  
15 is managed by the officers of Resorts World Inc. Pte Ltd., a holding company, all of whom are  
16 based in Singapore and Malaysia. Mot., Genting Decl., ¶ 17.

17 15. Genting U.S. does not conduct any business in the State of Nevada. Mot., Genting  
18 Decl., ¶ 18.

19 16. Genting U.S. does not own any real or personal property in the State of Nevada, nor  
20 maintain any offices or bank accounts within the State. Mot., Genting Decl., ¶¶ 19-22.

21 17. None of Genting U.S.’s officers or directors are residents of the State of Nevada.  
22 Mot., Genting Decl., ¶ 23.

23 18. Genting U.S. does not directly or indirectly hold any ownership or management  
24 interest in RWLV. Mot., Genting Decl., ¶ 24.

25 19. Genting U.S. does not directly or indirectly hold any ownership or management  
26 interest in Resorts World Manila. Mot., Genting Decl., ¶ 25.

27 20. Genting Nevada is a limited liability company organized under the laws of the State  
28 of Delaware. Mot., Genting Decl., ¶ 26.

21. Although granted a license from the Nevada Gaming Commission in 2016 and registered with the Nevada Secretary of State, Genting Nevada has not conducted any business to date in the State of Nevada or elsewhere. Mot., Genting Decl., ¶ 27.

22. Genting Nevada does not own any real or personal property in the State of Nevada, nor maintain any offices or bank accounts within the State. Mot., Genting Decl., ¶¶ 28-31.

23. Genting Nevada does not directly or indirectly hold any ownership or management interest in RWLV. Mot., Genting Decl., ¶ 33.

24. Genting Nevada does not directly or indirectly hold any ownership or management interest in Resorts World Manila. Mot., Genting Decl., ¶ 34.

25. RWLV has no ownership or management interest in Resorts World Manila. Mot., Declaration of Peter LaVoie, ¶ 4.

26. Plaintiffs were granted an extension of time until September 16, 2020 to effectuate service on any defendants named in the FAC who were not previously served. *See* Order Granting Mot. Extend Time, filed May 28, 2020.

27. Plaintiff never effectuated service on Genting Intellectual Property Pte Ltd., Resorts World Inc. Pte, Ltd., Resorts World Manilla or Kok Thay Lim.

28. Plaintiff never sought an extension of time to effectuate service on any of the unserved defendants either prior to the September 16, 2020 deadline or at any time thereafter.

29. Other than this Motion to Dismiss, there has been no activity in this case of substance for over two years from when it was originally filed.

## CONCLUSIONS OF LAW

### **I. The FAC Must Be Dismissed as to the Genting Defendants for Lack of Personal Jurisdiction.**

1. The Court may dismiss a complaint pursuant to NRCP 12(b)(2) when the Court lacks personal jurisdiction over the parties.

2. To obtain jurisdiction over a non-resident defendant, a plaintiff must show that: (1) the requirements of the state's long-arm statute have been satisfied, and (2) due process is not offended by the exercise of jurisdiction. *Trump v. District Court*, 109 Nev. 687, 698, 857 P.2d 740,

747 (1993); *see also Int'l Shoe Co. v. Washington*, 326 U.S. 310 (1945)

3. “Nevada’s long-arm statute, NRS 14.065, reaches the limits of due process set by the United States Constitution.” *See Baker v. Dist. Ct.*, 116 Nev. 527, 531, 999 P.2d 1020, 1023 (2000). The Due Process Clause of the Fourteenth Amendment of the United States Constitution requires a nonresident defendant to have “minimum contacts” with the forum state sufficient to ensure that exercising personal jurisdiction over him would not offend “traditional notions of fair play and substantial justice.” *Id.* at 531-32, 999 P.2d at 1023; *Int'l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945); *Arabella Mut. Ins. Co. v. District Court*, 122 Nev. 509, 134 P.3d 710 (2006).

4. Due process requirements are satisfied if the nonresident defendant’s contacts are sufficient to obtain either (1) general jurisdiction, or (2) specific personal jurisdiction, and it is reasonable to subject the nonresident defendants to suit in the forum state. *Viega GmbH v. Eighth Jud. Dist. Ct.*, 130 Nev. 368, 375, 328 P.3d 1152, 1156 (2014) (citing *Arbella*, 122 Nev. at 512, 516, 134 P.3d at 712, 714; *Daimler AG v. Bauman*, 571 U.S. 117, 137 n. 20, 134 S.Ct. 746, 762 n. 20, 187 L.Ed.2d 624 (2014)).

5. In considering a motion to dismiss for lack of personal jurisdiction, the Court may consider affidavits and supporting evidence proffered by a defendant. *Viega*, 130 Nev. at 374, 328 P.3d at 1157 (quoting *Doe v. Unocal Corp.*, 248 F.3d 915, 922 (9th Cir. 2001)). Further, “the court must accept properly supported proffers of evidence as true.” *Viega*, 130 Nev. at 374, 328 P.3d at 1157 (citing *Trump*, 109 Nev. at 692, 857 P.2d at 743).

6. Although factual disputes are resolved in favor of Plaintiffs, Plaintiffs bear the burden of demonstrating the reasonableness of exercising personal jurisdiction over each of the defendants “and the burden of proof never shifts to the party challenging jurisdiction.” *Trump*, 109 Nev. at 692, 857 P.2d at 744.

***A. The Court Cannot Exercise General Jurisdiction over the Genting Defendants.***

7. General jurisdiction over a defendant allows a plaintiff to assert claims against that defendant unrelated to the forum. *Viega*, 328 P.3d at 1157. Courts may exercise general or “all-purpose” personal jurisdiction over a defendant “to hear any and all claims against it” only when the defendant’s affiliations with the forum state “are so constant and pervasive as to render it

1 essentially at home in the forum State.” *Bauman*, 571 U.S. at 120.

2 8. Simply doing business in a state does not provide a basis for general jurisdiction.  
3 *Bauman*, 571 U.S. at 137-39. Instead, the Court must look to the contacts of each individual  
4 defendant to determine if jurisdiction over each defendant is warranted under a general jurisdiction  
5 theory. *Three Rivers Provider Network, Inc. v. Med. Cost Containment Profls, LLC*, No. 2:18-CV-  
6 135 JCM (GWF), at \*5 (D. Nev. July 30, 2018) (“Affiliation with a corporation located in Nevada  
7 does not automatically support a court’s exercise of general jurisdiction over a defendant in  
8 Nevada.”)

9 9. Registration to do business and appointment of a registered agent is insufficient on  
10 its own to subject a non-resident party to the personal jurisdiction of the state. *Freeman v. Second*  
11 *Judicial Dist. Ct.*, 116 Nev. 550, 558, 1 P.3d 963, 968 (2000) (finding that appointment of a  
12 registered agent by a non-resident company does not “in itself subject a non-resident” to personal  
13 jurisdiction, requiring the court to conduct a minimum contacts analysis);

14 10. Further, in determining whether the exercise of general jurisdiction is reasonable  
15 and not offensive of due process, the Court looks to each defendant’s contacts with the forum state  
16 prior to the filing of the complaint instead of those occurring after the filing of the complaint.  
17 *Delphix Corp. v. Embarcadero Techs., Inc.*, 749 F. App’x 502, 505-06 (9th Cir. 2018) (citing 4  
18 Fed. Prac. & Proc. Civ. § 1067.5); *see also Brown v. Lockheed Martin Corp.*, 814 F.3d 619, 628 n.  
19 8 (2016).

20 11. The contacts of a parent company’s subsidiary within the state are not attributed to  
21 the foreign parent company in a general personal jurisdiction analysis. *Viega GmbH v. Eighth Jud.*  
22 *Dist. Ct.*, 130 Nev. 368, 375-77, 328 P.3d 1152, 1157-58 (2014); *see also Corcoran*, 169 F. Supp.  
23 3d at 978.

24 12. “Corporate entities are presumed separate, and thus, indicia of mere ownership are  
25 not alone sufficient to subject a parent company to jurisdiction based on its subsidiary’s contacts.”  
26 *Viega GmbH*, 130 Nev. at 378, 328 P.3d at 1158 (collecting cases).

27 13. Only “[i]n narrow circumstances [that] federal courts will find that a  
28 corporation is the alter ego of another by ‘pierc[ing] the corporate veil’ and attribut[ing] a

1 subsidiary's [contacts with] the forum state to its parent company for jurisdictional purposes."  
2 also *Corcoran v. CVS Health Corp.*, 169 F. Supp. 3d 970, 983 (N.D. Cal. 2016) (quoting *Calvert*  
3 *v. Huckins*, 875 F. Supp. 674, 678 (E.D. Cal. 1995)). To do so, a plaintiff must make a *prima facie*  
4 showing that *both* "(1) there is a unity of interest and ownership between the corporations such  
5 that their separate personalities do not actually exist, and (2) treating the corporations as  
6 separate entities would result in injustice." *Id.* (internal quotation omitted). A plaintiff must  
7 allege specifically both the elements of alter ego liability, as well as the facts supporting each."  
8 *Neilson v. Union Bank of Cal, N.A.*, 290 F. Supp. 2d 1101, 1116 (C.D. Cal. 2003); *Wady v.*  
9 *Provident Life and Accident Ins. Co. of America*, 216 F.Supp.2d 1060, 1067 (C.D.Cal.2002). The  
10 first prong of this test "requires a showing that the parent controls the subsidiary to such a  
11 degree as to render the latter the mere instrumentality of the former." *Id.*

12 14. None of the Genting Defendants have sufficient minimum contacts with the State of  
13 Nevada to be considered "at home" in the State of Nevada such that exercise of general personal  
14 jurisdiction over them would comply due process and not offend the "traditional notions of fair  
15 play and substantial justice."

16 15. None of the Genting Defendants have their principal places of business in the State  
17 of Nevada.

18 16. None of the Genting Defendants conduct substantial business in the State of  
19 Nevada.

20 17. None of the Genting Defendants own any property in the State of Nevada.

21 18. None of the Genting Defendants maintain offices or places of business in the State  
22 of Nevada.

23 19. Registrations with the Nevada Secretary of State and appointment of registered  
24 agents in the State of Nevada are insufficient contacts with the State of Nevada to establish general  
25 personal jurisdiction over any of the Genting Defendants. Regardless, registrations by Genting and  
26 Genting U.S. with the Nevada Secretary of State or licensure by Genting after the filing of the  
27 original complaint in this matter does not confer general personal jurisdiction over either of those  
28 entities.

20. Any ownership interest held by Genting in RWLV does not confer general personal jurisdiction over Genting as the Court must consider the contacts of each named defendant individually in determining if the exercise of general jurisdiction over each named defendant is appropriate.

21. Plaintiffs have not pled sufficient facts in the original complaint, the FAC, or the proposed amended complaint attached to the countermotion or otherwise presented this Court with evidence to support a *prima facie* showing of an alter ego relationship exists between any of the Genting Defendants and RWLV to possibly apply RWLV's contacts with the State of Nevada to any of the Genting Defendants for the purposes of establishing general jurisdiction.

22. Plaintiffs have neither plead sufficient facts nor otherwise presented this Court with evidence demonstrating that the financials of the named defendants are so intermixed that they should be treated as one entity.

23. Under these circumstances, it would be unreasonable and violate due process to exercise general personal jurisdiction over any of the Genting Defendants.

***B. The Court Cannot Exercise Specific Jurisdiction Over the Genting Defendants.***

24. Specific personal jurisdiction comports with due process only where "the defendant's suit-related conduct" creates "a substantial connection with the forum state." *Walden v. Fiore*, 571 U.S. 277, 284 (2014); *Goodyear Dunlop Tires Operations S.A. v. Brown*, 564 U.S. 915 (2011).

25. In order to exercise specific personal jurisdiction over the Genting Defendants, the Court would have to find that: (1) each of the defendants purposefully availed itself of the privilege of acting in the State of Nevada or causing important consequences in the State of Nevada; (2) Plaintiffs claims arose from the defendants' contacts and activities in the State of Nevada; and (3) that the activities or the consequences thereof in the State of Nevada have a substantial enough connection with the State of Nevada to make the exercise of jurisdiction over each of the defendants reasonable. *Consipio Holding, BV v. Carlberg*, 128 Nev. 454, 458, 282 P.3d 751, 755 (2012); *Viega GmbH*, 130 Nev. at 375, 328 P.3d at 1157.

26. For an exercise of specific jurisdiction to comport with due process, the suit must arise “out of contacts that the ‘defendant *himself*’ creates with the forum State.” *Walden*, 271 U.S. at 284 (*quoting Burger King Corp.*, 471 U.S. 462, 475 (1985)) (emphasis in original).

27. Plaintiffs did not oppose the Genting Defendants’ Motion to Dismiss based on the lack of specific personal jurisdiction. Pursuant to EDCR 2.20(e), “[f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.”

28. Even considering the merits of the Motion to Dismiss, it would be unreasonable for this Court to exercise specific personal jurisdiction over any of the Genting Defendants.

29. None of the allegations or the conduct underlying the allegations in the FAC took place in the State of Nevada. All of the conduct alleged and supporting the claims for relief pled by Plaintiffs to place in Manila, Philippines.

30. As the claims in the FAC do not arise out of any of the Genting Defendants’ contacts with the State of Nevada, the Court cannot exercise specific personal jurisdiction over any of them.

## **II. Plaintiff Cannot State a *Prima Facie* Claim for Relief Against RWLV.**

31. Dismissal for failure to state a claim upon which relief can be granted is proper pursuant to NRCP 12(b)(5).

32. “In considering a motion to dismiss pursuant to NRCP 12(b)(5)...the court accepts a plaintiff’s factual allegations as true, but the allegations must be legally sufficient to constitute the elements of the claims asserted.” *Sanchez ex rel. Sanchez v. Wal-Mart Stores, Inc.*, 125 Nev. 818, 823, 221 P.3d 1276, 1280 (2009) (citation omitted).

33. “To survive dismissal, a complaint must contain some ‘set of facts, which, if true, would entitle the plaintiff to relief.’” *In re Amerco Derivative Litig.*, 127 Nev. 196, 211, 252 P.3d 681, 692 (2011) (citation omitted).

34. “Dismissal is proper where the allegations are insufficient to establish the elements of a claim for relief.” *Stockmeier v. Nevada Dep’t of Corr.*, 124 Nev. 313, 316, 183 P.3d 133, 135 (2008) (citations omitted).



35. Plaintiffs did not oppose the Genting Defendants’ Motion to Dismiss based on the lack of specific personal jurisdiction. Pursuant to EDCR 2.20(e), “[f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.”

36. Even considering the merits of the Motion to Dismiss, Plaintiffs have not and cannot plead sufficient facts upon which they could state a claim against RWLV.

37. Plaintiffs do not plead any specific allegations as to any conduct engaged in by or on behalf of RWLV in connection with the incident giving rise to Plaintiffs claims. Instead, Plaintiffs only allege that the “Defendants” collectively engaged in conduct at Resorts World Manila.

38. Plaintiffs were required to allege specific facts that RWLV engaged in upon which a claim for relief could be asserted against RWLV if such facts were proven true and failing to “meaningfully distinguish between the parties in their factual allegations” is fatal to a complaint. *Volcano Developers LLC v. Bonneville Mortg.*, No. 2:11-cv-00504-GMN-PAL, 2012 WL 28838, at \*5 (D. Nev. Jan. 4, 2012) (dismissing complaint for plaintiffs’ failure to “meaningfully distinguish between the parties in their factual allegations” and leaving defendants and the Court to “guess which facts apply to which parties.”); *Robins v. Wolf Firm*, No. 2:10-cv-0424-RLH-PAL, 2010 WL 2817202, at \*5 (D. Nev. July 15, 2010) (dismissing claims *sua sponte* because plaintiff failed to distinguish between individual defendants).

39. All of the facts alleged concern conduct that took place in the Philippines.

40. Plaintiffs have not and cannot plead any factual allegations of conduct RWLV engaged in giving rise to their claims in the Philippines.

41. Plaintiffs have not pled sufficient facts in the original complaint, the FAC, or the proposed amended complaint attached to the countermotion or otherwise presented this Court with evidence to support a *prima facie* showing of an alter ego relationship exists between any of the RWLV and Resorts World Manila such that it is possible to impute the conduct of Resorts World Manila to RWLV.

42. Plaintiff failed to allege facts supporting how RWLV could be found to be an alter ego of Resorts World Manila.

43. As Plaintiffs have not and cannot plead any facts in the original complaint, the FAC, or the proposed second amended complaint demonstrating that RWLV engaged in any conduct giving rise to Plaintiffs' claims or that RWLV could be found to be the alter ego of Resorts World Manila, Plaintiffs' claims fail as a matter of law.

**III. In the Alternative, Dismissal Is Proper for Failure to Join a Necessary and Indispensable Party.**

44. Pursuant to NRCP 12(b)(6), the Court may dismiss a complaint for failure to join a party required under NRCP 19.

45. To render a complete decree in any civil action, "all persons materially interested in the subject matter of the suit [must] be made parties so that there is a complete decree to bind them all." *Olsen Family Tr. v. District Court*, 110 Nev. 548, 553, 874 P.2d 778, 781 (1994).

46. The failure to join a necessary party to a case is "fatal to the district court's judgment." *Id.* at 554; *see also Univ. of Nev. v. Tarkanian*, 95 Nev. 389, 396, 594 P.2d 1159, 1163 (1979).

47. A party *must* be joined as a party under NRCP 19(a) if (1) complete relief cannot be accorded in its absence, (2) he claims an interest in the subject of the action, or (3) adjudication in the party's absence potentially subjects parties to double, multiple or otherwise inconsistent obligations. *Anderson v. Sanchez*, 355 P.3d 16 (Nev. 2015); *Humphries v. Eighth Jud. Dist. Ct.*, 312 P.3d 484, 487 (Nev. 2013).

48. Plaintiffs did not oppose the Genting Defendants' Motion to Dismiss under to NRCP 12(b)(6). Pursuant to EDCR 2.20(e), "[f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same."

49. Even considering the merits of the Motion to Dismiss, dismissal on this alternative ground is warranted.

1           50. All of the conduct underlying Plaintiffs' claims took place at in the Philippines at  
2 Resorts World Manila.

3           51. Resorts World Manila was not served with process as required under NRCP 4(e)(2).  
4 Pursuant to NRCP 4(e)(2), "[i]f service of the summons and complaint is not made upon a  
5 defendant before the 120-day service period—or any extension thereof—expires, the court must  
6 dismiss the action, without prejudice, as to that defendant upon motion or upon the court's own  
7 order to show cause."

8           52. Further, Plaintiffs have not joined as parties to this action the owners of Resorts  
9 World Manila.

10          53. Plaintiffs failed to serve several defendants with process with the time afforded by  
11 the Court and failed to seek an extension of time to serve such defendants either before or after the  
12 expiration of the extended time previously granted by the Court. Under NRCP 41(e), the "court  
13 may dismiss an action for want of prosecution if a plaintiff fails to bring the action to trial within 2  
14 years after the action was filed." There has been no activity of substance in this case other than  
15 this Motion for over two years since the complaint was filed.

16          54. The failure to serve named parties that must be dismissed from the case pursuant to  
17 NRCP 4(e)(2) along with the failure to join by naming other parties who own and control Resorts  
18 World Manila where all of the conduct underlying Plaintiffs' claims is equally fatal to Plaintiffs'  
19 FAC and dismissal is warranted, in the alternative, under NRCP 12(b)(6).

20           **IV. In the Alternative, Dismissal Is Proper Under the Doctrine of *Forum Non Conveniens*.**

21          55. The Court may dismiss a case under the doctrine of *forum non conveniens* where  
22 litigation in a foreign forum would be more convenient for the parties. *Lueck v. Sundstrand Corp.*,  
23 236 F.3d 1137 (9th Cir. 2001) (citing *Gulf Oil Corp. v. Gilbert*, 330 U.S. 501, 504 (1947)).

24          56. Where there is an ongoing dispute between the parties as to personal jurisdiction, a  
25 factor which "weighs heavily in favor of dismissal for forum non conveniens." *Marinduque*, 350  
26 P.3d at 397 (citing *Sinochem Intern. Co. Ltd. v. Malaysia Intern. Shipping Corp.*, 549 U.S. 422,  
27 435-36 (2007)).  
28

1           57.     “When deciding a motion to dismiss for *forum non conveniens*, a court must first  
2 determine the level of deference owed to the plaintiff’s forum choice.” *Provincial Gov’t of*  
3 *Marinduque v. Placer Dome, Inc.*, 350 P.3d 392, 396 (Nev. 2015) (citing *Pollux Holding Ltd. v.*  
4 *Chase Manhattan Bank*, 329 F.3d 64, 70 (2d Cir. 2003)).

5           58.     A foreign plaintiff’s choice of a United States forum is entitled less deference and is  
6 only entitled to substantial deference where the case has “bona fide connections to” the chosen  
7 forum and “convenience favors the chosen forum.” *Marinduque*, 350 P.3d at 396.

8           59.     Plaintiffs’ choice of Nevada as a forum for their lawsuit is given little deference as  
9 they are Taiwanese nationals with no connection to the State of Nevada, the claims at issue have no  
10 bona fide connection to the State of Nevada, and litigating in Nevada is less convenient in this  
11 State than in other possible forums.

12           60.     Next, the court must determine “whether an adequate alternative forum exists.”  
13 *Marinduque*, 350 P.3d at 396 (quoting *Lueck*, 236 F.3d at 1142) (citing *Piper Aircraft Co. v.*  
14 *Reyno*, 454 U.S. 235, 254 n. 22, 102 S.Ct. 252, 70 L.Ed.2d 419 (1981)). It is only in “rare  
15 circumstances . . . where the remedy provided by the alternative forum . . . is so clearly inadequate  
16 or unsatisfactory, that it is no remedy at all,” where an available, alternative forum would be  
17 disregarded. *Lueck*, 236 F.3d at 1143 (quoting *Lockman Found.*, 930 F.2d at 768; *Piper Aircraft*,  
18 454 U.S. at 254).

19           61.     There are alternative forums for Plaintiffs to pursue their claims where they could  
20 obtain jurisdiction over the relevant parties and where the witnesses and evidence relating to their  
21 claims reside. Plaintiffs have not demonstrated that pursuing claims in the Philippines or else  
22 where is “so clearly inadequate or unsatisfactory” such that pursuing their claims in that forum or  
23 elsewhere would provide them with “no remedy at all.” *Id.*

24           62.     Finally, when “an adequate alternative forum does exist, the court must then weigh  
25 public and private interest factors to determine whether dismissal is warranted.” *Marinduque*, 350  
26 P.3d at 396 (citing *Lueck*, 236 F.3d at 1142). “Relevant public interest factors include the local  
27 interest in the case, the district court’s familiarity with applicable law, the burdens on local courts  
28 and jurors, court congestion, and the costs of resolving a dispute unrelated to the plaintiff’s chosen

1 forum.” *Marinduque*, 350 P.3d at 397 (citing *Lueck*, 236 F.3d at 1147; *Piper Aircraft*, 454 U.S. at  
2 259-61). “Relevant private interest factors may include the location of a defendant corporation,  
3 access to proof, the availability of compulsory process for unwilling witnesses, the cost of  
4 obtaining testimony from willing witnesses, and the enforceability of a judgment.” *Id.* at 398  
5 (citing *Lueck*, 236 F.3d at 1145; *Eaton*, 96 Nev. at 774, 616 P.2d at 401).

6 63. Neither the public nor private interest factors weigh in favor of permitting Plaintiffs’  
7 claims to proceed in the State of Nevada.

8 64. There are no public interest factors that weigh in favor of proceeding in the State of  
9 Nevada. The underlying transaction upon which Plaintiffs base their claims did not occur in the  
10 State of Nevada and none of the relevant parties to the conduct at issue in Plaintiffs’ FAC are  
11 residents of the s State of Nevada. When no events underlying the claims for relief occurred in  
12 Nevada and the case lacks any genuine connection to the state, there is insufficient public interests  
13 to support proceeding in the State of Nevada. *Marinduque*, 350 P.3d at 397

14 65. Notably, “resolving the preliminary issue of personal jurisdiction alone w[ill] likely  
15 entail extensive discovery, briefing, and multiple court hearings,” which itself weighs “heavily in  
16 favor of dismissal” as it reflects on the lack of public interest in favor of permitting Plaintiffs’  
17 claims to proceed in this State. *Marinduque*, 350 P.3d at 397-98 (citations and quotations omitted).

18 66. There are no private interest factors that weigh in favor of permitting Plaintiffs’  
19 claims to proceed in the State of Nevada. There are no witnesses relevant to Plaintiffs’ claims in  
20 the State of Nevada. The evidence relating to the claims is not in the State of Nevada. Nor would  
21 Nevada law apply to the claim asserted by Plaintiffs.

22 67. In considering the factors required under the doctrine of *forum non conveniens*  
23 including Plaintiffs’ choice of forum, the availability of alternative forums, and the public and  
24 private interest factors, those factors weigh heavily in favor of dismissal. The doctrine of *forum*  
25 *non conveniens* is applicable in this situation and dismissal under this alternative ground is likewise  
26 warranted.

**V. Amendment of the Complaint Is Futile.**

68. Nevada Rules of Civil Procedure 15(a) provides that “a party may amend its pleading only with the opposing party’s written consent or the court’s leave.”

69. However, the Court has the discretion to deny leave to amend in the proper case. *Kantor v. Kantor*, 116 Nev. 886, 891, 8 P.3d 825, 828 (2000); *Connell v. Carl’s Air Conditioning*, 97 Nev. 436, 634 P.2d 673 (1981).

70. Leave to amend is properly denied where amendment of the pleading would be futile. *Allum v. Valley Bank of Nevada*, 109 Nev. 280, 287, 849 P.2d 297, 303 (1993). An amendment would be futile and denial of leave to amend is proper when the claims asserted in the proposed amended pleading are insufficient to state a claim or otherwise seek to assert claims without a proper legal basis. *Halcrow, Inc. v. Eighth Jud. Dist. Ct.*, 302 P.3d 1148, 1152 (2013), *as corrected* (Aug. 14, 2013).

71. Here, the complaint is incapable of being remedied by another amendment.

72. The proposed Second Amended Complaint fails to remedy the deficiencies causing dismissal of the FAC. The proposed Second Amended Complaint fails to allege sufficient facts upon which this Court could exercise jurisdiction over the Genting Defendants or upon which Plaintiffs could base *prima facie* claims against either RWLV or the Genting Defendants.

73. The proposed Second Amended Complaint fails for the same reasons that the FAC fails on the merits and granting leave to amend would be futile under these circumstances.

///

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law and for good cause appearing therefor,

IT IS HEREBY ORDERED that RWLV and the Genting Defendants' Motion to Dismiss is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs' Countermotion to Amend is DENIED.

IT IS FURTHER ORDERED that the above-captioned case is DISMISSED in its entirety WITH PREJUDICE.

IT IS SO ORDERED.

DATED this 25 day of June, 2021.

Dated this 30th day of June, 2021

*Nancy L Alf*

DISTRICT COURT JUDGE

TW

Respectfully submitted by:

**GREENBERG TRAUIG, LLP**

**F58 B7B 1B47 8453  
Nancy Alf  
District Court Judge**

/s/ Christopher R. Miltenberger  
Mark E. Ferrario (SBN 1625)  
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and Genting Nevada Interactive LLC*

Approved as to form and content:

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Amy M. Wilson (SBN 13421)  
5440 West Sahara Avenue, Suite 206  
Las Vegas, NV 89146

*Counsel for Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung*

## Rosehill, Andrea (Secy-LV-LT)

---

**From:** Kevin R. Hansen <kevin@kevinrhansen.com>  
**Sent:** Thursday, June 24, 2021 3:10 PM  
**To:** Miltenberger, Chris (Shld-LV-LT)  
**Cc:** Amanda Harmon; Amy Wilson; Ferrario, Mark E. (Shld-LV-LT); Rosehill, Andrea (Secy-LV-LT)  
**Subject:** RE: Hung v. Genting Berhad, et al. - Draft Order

**\*EXTERNAL TO GT\***

Chris,

The draft order is acceptable. You may affix my electronic signature and submit to the judge.

Sincerely,

Kevin R. Hansen, Esq.  
5440 W. Sahara Ave., Suite 206  
Las Vegas, Nevada 89146  
Phone: (702) 478-7777  
Fax: (702) 728-2484  
[kevin@kevinrhansen.com](mailto:kevin@kevinrhansen.com)

-DISCLAIMER-

This electronic mail message and any attachments are confidential and may also contain privileged attorney-client information or work product. The message and any attachments are intended only for the use of the addressee. If you are not the intended recipient, or the person responsible to deliver it to the intended recipient, you may not use, disseminate, distribute or copy this communication. If you have received this email in error, please immediately notify us by reply electronic mail or by telephone at (702) 478-7777, and delete this original message. Thank you.

---

**From:** miltenbergerc@gtlaw.com <miltenbergerc@gtlaw.com>  
**Sent:** Tuesday, June 22, 2021 5:37 PM  
**To:** Kevin R. Hansen <kevin@kevinrhansen.com>  
**Cc:** Amanda Harmon <amandah@kevinrhansen.com>; Amy Wilson <amy@kevinrhansen.com>; ferrariom@gtlaw.com; rosehilla@gtlaw.com  
**Subject:** Hung v. Genting Berhad, et al. - Draft Order

Kevin,

Please find attached a draft proposed order granting the Motion to Dismiss. Let us know if you have any requested revisions. Otherwise, please let us know if we can affix your signature to the submission.

Thanks,

**Chris Miltenberger**  
Shareholder

Greenberg Traurig, LLP  
10845 Griffith Peak Drive  
Suite 600 | Las Vegas, NV 89135  
T 702.792.3773 D 702.599.8024  
[miltenbergerc@gtlaw.com](mailto:miltenbergerc@gtlaw.com) | [www.gtlaw.com](http://www.gtlaw.com) | [View GT Biography](#)



1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Ya-Ling Hung, Plaintiff(s)

CASE NO: A-19-795338-C

7 vs.

DEPT. NO. Department 27

8 Genting Behad, Defendant(s)

9  
10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order Granting Motion was served via the court's electronic eFile  
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 6/30/2021

15 Andrea Rosehill

rosehilla@gtlaw.com

16 Mark Ferrario

ferrariom@gtlaw.com

17 Christoper Miltenberger

miltenbergerc@gtlaw.com

18 LVGT docketing

lvlitdock@gtlaw.com

19 Kevin Hansen, Esq.

kevin@kevinrhansen.com

20 Amy Wilson, Esq.

amy@kevinrhansen.com

21 Amanda Harmon

amandah@kevinrhansen.com

22 Gustavo Ponce

gustavo@kazlg.com

23 Hwa-Min Hsu

hwamin99@icloud.com

24 Rocio Leal

rocio@kevinrhansen.com

25

26

27

28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**October 14, 2019**

---

A-19-795338-C      Ya-Ling Hung, Plaintiff(s)  
vs.  
Genting Behad, Defendant(s)

---

**October 14, 2019**

**4:30 PM**

**Minute Order**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Shannon Emmons

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review on September 10, 2019, the Motion to Extend Time to Effectuate Service Pursuant to NRCP 4(e)(3) upon Defendants Genting Berhad, Resorts World Manila, and Thay Lim was filed with the Court. A renewed motion was filed on September 19, 2019 (collectively, the Motions ). The first matter was set for hearing on October 16, 2019 at 9:00 a.m. on Motions Calendar. The renewed motion was likewise set for hearing on October 23, 2019 at 9:00 a.m.

COURT FURTHER FINDS after review that a number of considerations may govern a district court's analysis of good cause under NRCP 4(i), and we emphasize that no single consideration is controlling. Appropriate considerations include: (1) difficulties in locating the defendant, (2) the defendant's efforts at evading service or concealment of improper service until after the 120 day period has lapsed, (3) the plaintiff's diligence in attempting to serve the defendant, (4) difficulties encountered by counsel, (5) the running of the applicable statute of limitations, (6) the parties' good faith attempts to settle the litigation during the 120 day period, (7) the lapse of time between the end of the 120 day period and the actual service of process on the defendant, (8) the prejudice to the defendant caused by the plaintiff's delay in serving process, (9) the defendant's knowledge of the existence of the lawsuit, and (10) any extensions of time for service granted by the district court. Scrimmer v. Eighth Judicial Dist. Court ex rel. Cty. of Clark, 116 Nev. 507, 516 (2000).

COURT FURTHER FINDS after review the Motions are in compliance with NRCP 4(e)(1)(i), Scrimmer v. Eighth Judicial District Court, 998 P.2d 1190 (2000) and Plaintiff has established good cause for enlargement of time for service of process.

COURT FURTHER FINDS after review EDCR 2.20(e) provides in relevant part: [f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.

COURT FURTHER FINDS after review no opposition(s) to the Motions have been filed.

COURT ORDERS for good cause appearing and after review pursuant to NRCP 4(e)(1)(i), Scrimmer v. Eighth Judicial District Court the Motions are hereby GRANTED and the hearings set for October 16, 2019 and October 23, 2019 at 9:00 a.m. on Motions Calendar are hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Michael Kind, Esq.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**January 28, 2020**

---

A-19-795338-C      Ya-Ling Hung, Plaintiff(s)  
vs.  
Genting Behad, Defendant(s)

---

**January 28, 2020      3:00 AM      Minute Order**

**HEARD BY:** Allf, Nancy

**COURTROOM:** Chambers

**COURT CLERK:** Andrea Natali

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review on January 17, 2020, the Motion to Extend Time to Effectuate Service Pursuant to NRCP 4(e)(3) on Order Shortening Time ( Motion to Extend ) was filed with the Court, wherein Plaintiff seeks an additional 120 days to effectuate service on the remaining defendants. The Motion to Extend was set for hearing on Motions Calendar for January 30, 2020 at 9:30 a.m.

COURT FURTHER FINDS after review that the Certificate of Service attached indicates that the Motion to Extend was served on January 17, 2020 upon all parties appearing in the action thus far.

COURT FURTHER FINDS after review that a number of considerations may govern a district court's analysis of good cause under NRCP 4(i), and we emphasize that no single consideration is controlling. Appropriate considerations include: (1) difficulties in locating the defendant, (2) the defendant's efforts at evading service or concealment of improper service until after the 120 day period has lapsed, (3) the plaintiff's diligence in attempting to serve the defendant, (4) difficulties encountered by counsel, (5) the running of the applicable statute of limitations, (6) the parties' good faith attempts to settle the litigation during the 120 day period, (7) the lapse of time between the end of the 120 day period and the actual service of process on the defendant, (8) the prejudice to the

defendant caused by the plaintiff's delay in serving process, (9) the defendant's knowledge of the existence of the lawsuit, and (10) any extensions of time for service granted by the district court. Scrimmer v. Eighth Judicial Dist. Court ex rel. Cty. of Clark, 116 Nev. 507, 516 (2000).

COURT FURTHER FINDS after review the Motion to Extend is in compliance with NRCP 4(e)(1)(i), Scrimmer v. Eighth Judicial District Court, 998 P.2d 1190 (2000) and Plaintiff has established good cause for enlargement of time for service of process.

COURT FURTHER FINDS after review EDCR 2.20(e) provides in relevant part: [f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.

COURT FURTHER FINDS after review no opposition(s) to the Motion to Extend have been filed.

THEREFORE, COURT ORDERS for good cause appearing and after review pursuant to NRCP 4(e)(1)(i), Scrimmer v. Eighth Judicial District Court the Motion to Extend is hereby GRANTED and the matter set for January 30, 2020 at 9:30 a.m. on Motions Calendar is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21.

CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (1/28/20 amn).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**May 26, 2020**

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A-19-795338-C	Ya-Ling Hung, Plaintiff(s)
	vs.
	Genting Behad, Defendant(s)

---

**May 26, 2020**

**3:00 AM**

**Motion**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review on May 19, 2020, the Motion to Extend Time to Effectuate Service Pursuant to NRCP 4(e)(3) on Order Shortening Time ( Motion to Extend ) was filed with the Court, wherein Plaintiff seeks an additional 120 days to effectuate service on the remaining defendants. The Motion to Extend was set for hearing on Chambers Calendar for May 26, 2020.

COURT FURTHER FINDS after review that the Certificate of Service attached indicates that the Motion to Extend was served on May 19, 2020 upon all parties appearing in the action thus far.

COURT FURTHER FINDS after review that a number of considerations may govern a district court's analysis of good cause under NRCP 4(i), and we emphasize that no single consideration is controlling. Appropriate considerations include: (1) difficulties in locating the defendant, (2) the defendant's efforts at evading service or concealment of improper service until after the 120 day period has lapsed, (3) the plaintiff's diligence in attempting to serve the defendant, (4) difficulties encountered by counsel, (5) the running of the applicable statute of limitations, (6) the parties' good faith attempts to settle the litigation during the 120 day period, (7) the lapse of time between the end of the 120 day period and the actual service of process on the defendant, (8) the prejudice to the

defendant caused by the plaintiff's delay in serving process, (9) the defendant's knowledge of the existence of the lawsuit, and (10) any extensions of time for service granted by the district court. Scrimmer v. Eighth Judicial Dist. Court ex rel. Cty. of Clark, 116 Nev. 507, 516 (2000).

COURT FURTHER FINDS after review the Motion to Extend is in compliance with NRCP 4(e), Scrimmer v. Eighth Judicial District Court, 998 P.2d 1190 (2000) and Plaintiff has established good cause for enlargement of time for service of process.

COURT FURTHER FINDS after review EDCR 2.20(e) provides in relevant part: [f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.

COURT FURTHER FINDS after review no opposition(s) to the Motion to Extend have been filed.

THEREFORE, COURT ORDERS for good cause appearing and after review pursuant to NRCP 4(e), Scrimmer v. Eighth Judicial District Court the Motion to Extend is hereby GRANTED and the matter set for May 26, 2020 on Chambers Calendar is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21 and email it in both word and pdf format to DC27Inbox@ClarkCountyCourts.us.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 5/27/2020

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**August 04, 2020**

---

A-19-795338-C	Ya-Ling Hung, Plaintiff(s)
	vs.
	Genting Behad, Defendant(s)

---

<b>August 04, 2020</b>	<b>3:00 AM</b>	<b>Motion to Withdraw as Counsel</b>
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**HEARD BY:** Alf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- COURT FINDS after review that on June 29, 2020, Gustavo Ponce, Esq., filed the Motion to Withdraw as Counsel, and the matter was set on Chambers Calendar for August 4, 2020.

COURT FURTHER FINDS after review the Motion to Withdraw as Counsel was served upon Plaintiff on June 29, 2020 via UEFS and Email pursuant to the certificate of service attached thereto.

COURT FURTHER FINDS after review the Motion is in compliance with EDCR 7.40 and SCR 46.

COURT FURTHER FINDS after review EDCR 2.20(e) provides in relevant part: [f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.

COURT FURTHER FINDS after review no oppositions to the Motion have been filed.

THEREFORE, COURT ORDERS for good cause appearing and after review pursuant to EDCR 7.40,



SCR 46 and EDCR 2.20(e), the Motion to Withdraw as Counsel is hereby GRANTED and the matter set on Chambers Calendar for August 4, 2020 is hereby VACATED. Movant to prepare the Order in compliance with EDCR 7.21 and email both word and pdf format to DC27Inbox@ClarkCountyCourts.us.

COURT FURTHER ORDERS for good cause appearing and after a Status Check shall be set for September 1, 2020 on Chambers Calendar for Plaintiff to retain new counsel.

9/1/2020 (CHAMBERS) STATUS CHECK: RETAIN NEW COUNSEL

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 8/4/2020

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

## Negligence - Other Negligence

# COURT MINUTES

September 01, 2020

A-19-795338-C                      Ya-Ling Hung, Plaintiff(s)  
vs.  
Genting Behad, Defendant(s)

**September 01, 2020      3:00 AM      Status Check**

**HEARD BY:** Allf, Nancy

**COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

## PARTIES

**PRESENT:**

## JOURNAL ENTRIES

- COURT FINDS after review that on June 29, 2020, Plaintiff filed a Motion to Withdraw as Counsel.

COURT FURTHER FINDS after review that on August 6, 2020, an Order granting Plaintiff s Motion to Withdraw was filed.

COURT FURTHER FINDS after review a Status Check: Retain New Counsel was set on Chambers calendar on September 1, 2020.

COURT FURTHER FINDS after review a Notice of Appearance was filed on September 1, 2020. The Notice of Appearance stated that Aaron A. Aquino, Esq. of the law firm Aquino Law Group, LTD enters his appearance as counsel of record for Plaintiffs.

THEREFORE, COURT ORDERS for good cause appearing and after review that Plaintiff s Motion to Withdraw as Counsel is GRANTED and new counsel has been retained. The matter set on Chambers calendar on September 1, 2020 is hereby VACATED.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 9/4/2020

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**March 09, 2021**

---

A-19-795338-C	Ya-Ling Hung, Plaintiff(s)
	vs.
	Genting Behad, Defendant(s)

---

**March 09, 2021      3:00 AM      Minute Order**

**HEARD BY:** Allf, Nancy      **COURTROOM:** No Location

**COURT CLERK:** Nicole McDevitt

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Formal Request to Appear Telephonically

Re: Matter set on March 10, 2021, at 10:00 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. You have the choice to appear either by phone or computer/video.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the Bluejeans.com website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 3/9/2021

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence**

**COURT MINUTES**

**March 10, 2021**

---

A-19-795338-C	Ya-Ling Hung, Plaintiff(s)
	vs.
	Genting Behad, Defendant(s)

---

**March 10, 2021      10:00 AM      Motion to Dismiss**

**HEARD BY:** Allf, Nancy      **COURTROOM:** RJC Courtroom 03A

**COURT CLERK:** Nicole McDevitt

**RECORDER:** Brynn White

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Aquino, Aaron A	Attorney
	Miltenberger, Chris	Attorney

**JOURNAL ENTRIES**

- All parties present via the BlueJeans Application.

Mr. Aquino requested a short continuance due to his current status. Colloquy between Court and Mr. Aquino as to who is handling his cases during his suspension. Mr. Aquino stated they are still looking for a replacement counsel. Statements by Mr. Miltenberger regarding service of motion and attempts to provide notice of motion. COURT ORDERED, Defendant's Motion to Dismiss CONTINUED.

CONTINUED TO: 5/12/2021 10:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Other Negligence****COURT MINUTES****June 08, 2021**

A-19-795338-C      Ya-Ling Hung, Plaintiff(s)  
vs.  
Genting Behad, Defendant(s)

**June 08, 2021****3:00 AM****Minute Order**

**Minute Order:  
BlueJeans  
Appearance**

**HEARD BY:** Allf, Nancy**COURTROOM:** No Location**COURT CLERK:** Nicole McDevitt**RECORDER:****REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Department 27 Information to Appear Telephonically

Re: Matter set on June 10, 2021, 10:30 a.m.

Please be advised that due to the COVID-19 pandemic, Department 27 will continue to conduct Court hearings REMOTELY using the Blue Jeans Video Conferencing system. Counsel have the choice to appear either by phone or computer/video, however, if appearing remotely via BlueJeans, please appear by audio AND video. Also, in person hearings are now being held in Department 27, at the option of counsel. Mask wearing protocols will be strictly enforced. As of May 1, 2021, the Governor has relaxed the capacity to 80%, so that the courtroom can now accommodate up to 32 people.

Dial the following number: 1-408-419-1715

Meeting ID: 897 138 369

Meeting URL: <https://bluejeans.com/897138369>

To connect by phone dial the number provided and enter the meeting ID followed by #

To connect by computer if you do NOT have the app, copy the URL link into a web browser. Google Chrome is preferred but not required. Once you are on the BlueJeans website click on Join with Browser which is located on the bottom of the page. Follow the instructions and prompts given by BlueJeans.

You may also download the Blue Jeans app and join the meeting by entering the meeting ID

PLEASE NOTE the following protocol each participant will be required to follow:

Place your phone on MUTE while waiting for your matter to be called.

Do NOT place the call on hold since some phones may play wait/hold music.

Please do NOT use speaker phone as it causes a loud echo/ringing noise.

Please state your name each time you speak so that the court recorder can capture a clear record.

Please be mindful of rustling papers, background noise, and coughing or loud breathing.

Please be mindful of where your camera is pointing.

We encourage you to visit the [Bluejeans.com](https://bluejeans.com) website to get familiar with the Blue Jeans phone/videoconferencing system before your hearing.

If your hearing gets continued to a different date after you have already received this minute order please note a new minute order will issue with a different meeting ID since the ID number changes with each meeting/hearing.

Please be patient if you call in and we are in the middle of oral argument from a previous case. Your case should be called shortly. Again, please keep your phone or computer mic on MUTE until your case is called.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Nicole McDevitt, to all registered parties for Odyssey File & Serve. /nm 6/8/2021.





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

KEVIN R. HANSEN, ESQ.  
5440 W. SAHARA AVE., STE 206  
LAS VEGAS, NV 89146

DATE: July 8, 2021  
CASE: A-19-795338-C

**RE CASE:** YA-LING HUNG; WEI-HSIANG HUNG individually and as surviving heirs and Co-Administrators of the Estate of Tung-Tsung Hung and Pi-Ling Lee Hung vs. GENTING BERHAD; GENTINE U.S. INTERACTIVE GAMING, INC.; GENTING NEVADA INTERACTIVE GAMING, LLC; GENTING INTELLECTUAL PROPERTY PTE, LTD; RESORTS WORLD INC., PTE., LTD; RESORT WORLD LAS VEGAS, LLC; RESORTS WORLD MANILA; KOK THAY LIM

NOTICE OF APPEAL FILED: July 6, 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; ORDER GRANTING MOTION TO DISMISS AND DENYING COUNTERMOTION TO AMEND THE COMPLAINT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

YA-LING HUNG; WEI-HSIANG HUNG  
individually and as surviving heirs and Co-  
Administrators of the Estate of Tung-Tsung  
Hung and Pi-Ling Lee Hung,

Plaintiff(s),

vs.

GENTING BERHAD; GENTINE U.S.  
INTERACTIVE GAMING, INC.; GENTING  
NEVADA INTERACTIVE GAMING, LLC;  
GENTING INTELLECTUAL PROPERTY PTE,  
LTD; RESORTS WORLD INC., PTE., LTD;  
RESORT WORLD LAS VEGAS, LLC;  
RESORTS WORLD MANILA; KOK THAY  
LIM,

Defendant(s),

Case No: A-19-795338-C

Dept No: XXVII

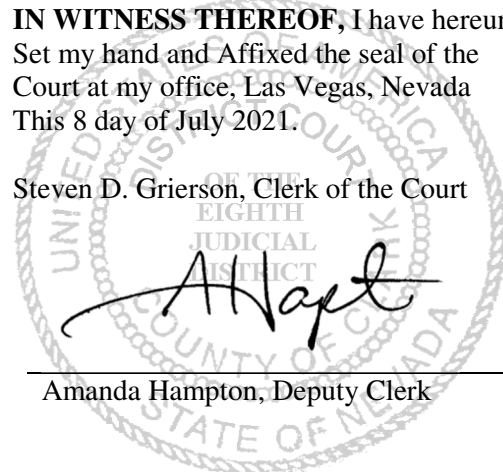
now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 8 day of July 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk





**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

July 8, 2021

Elizabeth A. Brown  
Clerk of the Court  
201 South Carson Street, Suite 201  
Carson City, Nevada 89701-4702

RE: YA-LING HUNG; WEI-HSIANG HUNG individually and as surviving heirs and Co-Administrators of the Estate of Tung-Tsung Hung and Pi-Ling Lee Hung vs. GENTING BERHAD; GENTINE U.S. INTERACTIVE GAMING, INC.; GENTING NEVADA INTERACTIVE GAMING, LLC; GENTING INTELLECTUAL PROPERTY PTE, LTD; RESORTS WORLD INC., PTE., LTD; RESORT WORLD LAS VEGAS, LLC; RESORTS WORLD MANILA; KOK THAY LIM  
D.C. CASE: A-19-795338-C

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed July 6, 2021. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

June 10, 2021

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,  
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "A Hampton".

Amanda Hampton, Deputy Clerk