

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

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, Appellants,
vs.
GENTING BERHAD; GENTING U.S. INTERACTIVE GAMING, INC.; GENTING NEVADA INTERACTIVE GAMING, LLC; AND RESORTS WORLD LAS VEGAS, LLC, Respondents.

No. 83197

Electronically Filed
Aug 16 2021 02:22 p.m.

Elizabeth A. Brown
State of Nevada Supreme Court

**DOCKETING STATEMENT
CIVIL APPEALS**

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department 27

County Clark Judge Nancy Alf

District Ct. Case No. A-19-795338-C

2. Attorney filing this docketing statement:

Attorney Kevin R. Hansen Telephone 702-478-7777

Firm Law Offices of Kevin R. Hansen

Address 5440 W. Sahara Ave., Ste. 206 Las Vegas, NV 89146

Client(s) Appellants Ya-Ling Hung and Wei-Hsiang Hung

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Christopher R. Miltenberger Telephone 702-792-3773

Firm Greenberg Traurig, LLP

Address 10845 Griffith Peak Dr., Ste. 600 Las Vegas, NV 89135

Client(s) Respondents Resorts World Las Vegas, Genting Berhad, Genting U.S., Genting NV

Attorney _____ Telephone _____

Firm _____

Address _____

Client(s) _____

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Judgment after bench trial | <input checked="" type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input checked="" type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input type="checkbox"/> Other disposition (specify): _____ |

5. Does this appeal raise issues concerning any of the following?

- Child Custody
- Venue
- Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

None.

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

None.

8. Nature of the action. Briefly describe the nature of the action and the result below:

This is an action for wrongful death, negligence, and intentional infliction of emotional distress against Respondents. Appellants are the surviving heirs and Co-Administrators of the Estate of their parents, Mr. Tung-Tsung Hung and Mrs. Pi-Ling Lee Hung who died in a fire at the Resorts World hotel and casino in Manila, Philippines in June 2017. Appellants filed their Amended Complaint on May 30, 2019. Respondents filed their Motion to Dismiss on February 5, 2021 claiming that the District Court lacked personal jurisdiction over the Genting Defendants, that Plaintiffs failed to plead facts to support a cognizable claim against Resorts World Las Vegas, and that the First Amended Complaint failed to join a necessary and indispensable party. The District Court granted the Motion to Dismiss, ruling that it lacked personal jurisdiction as to the Genting Defendants and that Plaintiffs could not state a prima facie claim for relief against Resorts World Las Vegas. The District Court alternatively found that an indispensable party (Resorts World Manila) was not served with process and that dismissal was proper under the doctrine of Forum Non Conveniens.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

Whether the District Court erred in granting Respondents' Motion to Dismiss by failing to assert personal jurisdiction against the Genting Defendants and failing to recognize a cognizable claim asserted against Resorts World Las Vegas. Whether the District Court erred in denying Plaintiffs' Countermotion to amend their complaint.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

None.

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A

Yes

No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

Reversal of well-settled Nevada precedent (identify the case(s))

An issue arising under the United States and/or Nevada Constitutions

A substantial issue of first impression

An issue of public policy

An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

A ballot question

If so, explain:

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This matter is not one that is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17.

14. Trial. If this action proceeded to trial, how many days did the trial last? _____

Was it a bench or jury trial? _____

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?
No.

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from Jun 30, 2021

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served Jun 30, 2021

Was service by:

Delivery

Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

NRCP 50(b) Date of filing _____

NRCP 52(b) Date of filing _____

NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

Delivery

Mail

19. Date notice of appeal filed Jul 6, 2021

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input type="checkbox"/> Other (specify) | |
-

(b) Explain how each authority provides a basis for appeal from the judgment or order:
The Order Granting Defendants' Motion to Dismiss and Denying Countermotion to Amend the Complaint resolved all claims in the case and was thus a final judgment with respect to all remaining claims.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

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

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

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

Genting Intellectual Property Pte Ltd., Resorts World Inc. Pte Ltd, Resorts World Manila, and Kok Thay Lim were not served.

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Wrongful death and negligence.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

Yes

No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

Yes

No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

Yes

No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Ya-Ling Hung, Wei-Hsiang Hung
Name of appellant

Kevin R. Hansen, Esq.
Name of counsel of record

8/16/2021
Date


Signature of counsel of record

Clark County, Nevada
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 16th day of August, 2021, I served a copy of this completed docketing statement upon all counsel of record:

- By personally serving it upon him/her; or
- By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Mark E. Ferrario, Esq.
Christopher R. Miltenberger, Esq.
GREENBERG TRAURIG, LLP
10845 Griffith Peak Dr., Ste. 600
Las Vegas, NV 89135
Attorneys for Respondents

Dated this 16th day of August, 2021

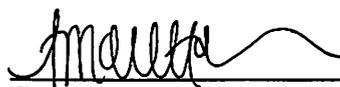
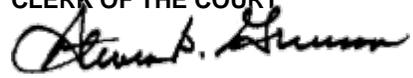

Signature

EXHIBIT 1



1 ACOM
2 Michael Kind, Esq.
3 Nevada Bar No. 13903
4 Gustavo Ponce, Esq.
5 Nevada Bar No. 15084
6 **KAZEROUNI LAW GROUP, APC**
7 6069 S. Fort Apache Rd., Ste 100
8 Las Vegas, NV 89148
9 Phone: (800) 400-6808 x7
10 mkind@kazlg.com
11 *Attorneys for Plaintiffs Ya-Ling Hung and Wei-Hsiang Hung*

12 **EIGHTH JUDICIAL DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

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

20 Plaintiffs,

21 v.

22 Genting Berhad, Genting U.S.
23 Interactive Gaming Inc., Genting
24 Nevada Interactive Gaming LLC,
25 Genting Intellectual Property Pte
26 Ltd, Resorts World Inc Pte Ltd,
27 Resorts World Las Vegas LLC,
28 Resorts World Manila, and Kok
Thay Lim,

Defendants.

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

**Amended Complaint for Damages
(Wrongful Death and Negligence)**

**EXEMPT FROM ARBITRATION
(Damages in Excess of \$50,000)**

Jury Trial Demanded

INTRODUCTION

- 1
2 1. Ya-Ling Hung and Wei-Hsiang Hung (“Plaintiffs”), individually and as Co-
3 Administrators of the Estate of Tung-Tsung Hung and Pi-Ling Lee Hung, for
4 their claims for relief against Defendants Genting Berhad, Genting U.S.
5 Interactive Gaming Inc., Genting Nevada Interactive Gaming LLC, Genting
6 Intellectual Property Pte Ltd, (jointly as the “Genting Group entities”),
7 Resorts World Inc Pte Ltd, Resorts World Las Vegas LLC (jointly as “the
8 Resorts World entities”), Resorts World Manila, and Kok Thay Lim
9 (collectively as “Defendants”), complain and allege as follows:
10 2. Plaintiffs are the surviving heirs and Co-Administrators of the Estate of their
11 parents, Mr. Tung-Tsung Hung and Mrs. Pi-Ling Lee Hung (the “Hungs” or
12 “decedents”) who died during a fire at the Resorts World hotel and casino in
13 Manila, Philippines in June 2017.
14 3. Defendants are engaged in substantial business within this District, and this
15 Court has jurisdiction to hear this case.
16 4. Defendants have publicly admitted “lapses” in their security, allowing the
17 attacks to take place, resulting in Mr. and Mrs. Hungs’ tragic and untimely
18 deaths.

JURISDICTION

- 19
20 5. This Court has jurisdiction to hear this case.
21 6. The following is some of the information Plaintiffs are currently aware of,
22 and it is expected that after Plaintiffs conduct discovery, these allegations will
23 be bolstered and enhanced.
24 7. Defendants are engaged in substantial business within this District.
25 8. Kok Thay Lim is the owner of the Genting Group entities.
26 9. The Genting Group entities own the Resorts World brand, including Resorts
27 World Las Vegas and Resorts World Manila.
28

- 1 10. Resorts World Las Vegas and Resorts World Manila are therefore, for all
2 intents and purposes, one and the same, owned by the Genting entities.
- 3 11. Genting Berhad, Genting U.S. Interactive Gaming Inc., Genting Nevada
4 Interactive Gaming LLC, and Genting Intellectual Property Pte Ltd are each
5 corporations doing business in Nevada and registered with the Nevada
6 Secretary of State.
- 7 12. Resorts World Inc Pte Ltd and Resorts World Las Vegas LLC are each
8 corporations doing business in Nevada and registered with the Nevada
9 Secretary of State.
- 10 13. In addition, Resorts World Manila is partnered with, and uses the brands of
11 Hilton, Sheraton and Marriott, all based and headquartered in the United
12 States.
- 13 14. The Genting entities, operate numerous Resorts World locations in the United
14 States, including Resorts World Las Vegas, Resorts World Casino New York
15 City, Resorts World Catskills, and Resorts World Miami.
- 16 15. Discovery will therefore show, including by piercing the corporate veil, the
17 alter ego nature of Defendants' corporate structure and that jurisdiction is
18 appropriate in this District, especially given the lack of another appropriate
19 forum to provide justice to Plaintiffs.
- 20 16. Therefore, the Eighth Judicial District Court, Clark County, Nevada has
21 personal jurisdiction over both Plaintiffs and Defendants and subject matter
22 jurisdiction pursuant to Article 6, Section 6 of the Nevada Constitution and
23 NRS 4.370.

24 **PARTIES**

- 25 17. Plaintiffs are the son and daughter of the decedents, Mr. Tung-Tsung Hung
26 and Mrs. Pi-Ling Lee Hung and live in Taiwan, Republic of China.
- 27 18. Pursuant to NRS 41.085, Plaintiffs bring this action as individuals, heirs of
28 the decedents and the personal representatives of the decedents.

1 19. Defendants operate hotels and casinos.

2 20. The Genting entities—Genting Berhad, Genting U.S. Interactive Gaming Inc.,
3 Genting Nevada Interactive Gaming LLC, and Genting Intellectual Property
4 Pte Ltd—are each corporations doing business in Nevada and registered with
5 the Nevada Secretary of State.

6 21. The Resorts World entities—Resorts World Inc Pte Ltd and Resorts World
7 Las Vegas LLC—are each corporations doing business in Nevada and
8 registered with the Nevada Secretary of State.

9 **FACTUAL ALLEGATIONS**

10 22. The following is some of the information Plaintiffs are currently aware of,
11 and it is expected that after Plaintiffs conduct discovery, these allegations will
12 be bolstered and enhanced.

13 **—THE EVENTS THAT PROXIMATELY CAUSED THE HUNGS’ DEATHS—**

14 23. On June 2, 2017 at 12:11 a.m., Jessie Javier Carlos (“Carlos”) entered the
15 Resorts World Manila casino (“the Casino”) armed with an assault rifle and
16 wearing a mask and an ammunition vest.

17 24. A detailed chronology of the events can be found in **Exhibit A**, attached to
18 this Complaint. These events are hereinafter referred to as “the Incident.”

19 25. During the Incident, 37 people (not including Carlos) lost their lives,
20 including the Hungs.

21 26. Due to certain suspected ‘cover-ups,’ families, including the Hungs, have
22 been unable to obtain more information about the Incident and the
23 circumstances leading to the Hungs’ deaths.

24 27. The Casino reached some confidential settlement agreements with other
25 families whose members died in the Incident, as a result of Defendants’
26 wrongdoing. No settlement has been reached with the claimants who seek full
27 compensation for the Casino’s highly egregious conduct.
28

—THE HUNGS—

1
2 28. The Hungs were Taiwanese nationals and among the 37 killed during the
3 Incident.

4 29. The Hungs were married and had two children: Plaintiff Wei-Hsiang and
5 Plaintiff Ya-Ling. At the time of their deaths, the Hungs had four
6 grandchildren.

7 30. At the time of the Incident, the Hungs were staying at the Casino as VVIPs
8 (very very important persons). They were in the Casino’s VVIP room at the
9 time of the Incident.

10 31. During the Incident, Defendants’ employees led the Hungs, and others, into a
11 pantry in the VIP room, to hide from the fire.

12 32. After the Incident, the Hungs were found in the VIP pantry room, where they
13 had died from smoke inhalation.

14 —DEFENDANTS’ KNOWLEDGE, DUTIES AND WRONGFUL CONDUCT—

15 33. Defendants at all material times owed a duty of care to the Hungs. Defendants
16 had a duty to:

- 17 a. take care for the safety of the Hungs as guests of the Casino;
18 b. take special care for the safety of the Hungs as “VVIP” guests of the
19 Casino;
20 c. not subject the Hungs to unnecessary risks, including the risk of death,
21 where those risks could be foreseen and guarded against by reasonable
22 measures, the convenience and expense of which were entirely
23 proportionate to the risks involved;
24 d. ensure that the Casino was reasonably staffed with the required security
25 personnel, fully trained to prevent or counter an attack such as the Incident;
26 e. put in place cameras throughout the Casino, functioning and operational
27 and ensure constant monitoring of the cameras by fully trained members of
28 security staff;

- 1 f. ensure that the security staff and the security operations were under
- 2 supervision of adequately trained security experts;
- 3 g. comply with applicable fire protection procedures, including the
- 4 availability of clear, posted escape routes in the event of a fire, as well as
- 5 the installation and maintenance of effective sprinkler systems and smoke
- 6 extraction/ventilation systems;
- 7 h. prepare emergency protocols and procedures to ensure the safe evacuation
- 8 of all guests of the Casino; and
- 9 i. ensure that staff members are sufficiently trained and aware of the
- 10 emergency protocols and procedures and how they should be implemented.

11 34. The Hungs were killed by Defendants' breach of duties, negligence and
12 recklessness through its agents or employees, for whom Defendants are
13 vicariously liable, including, but not limited to, Defendants':

- 14 a. failure to ensure that the Hungs were safe and protected from the risk of
- 15 death whilst visiting the Casino as "VVIP" guests;
- 16 b. failure to prevent Carlos from entering the Casino, despite it being obvious
- 17 from the outset he was a threat to guests in view of his combat attire and
- 18 assault rifle;
- 19 c. failure to ensure adequate security staff and/or physical barriers were in
- 20 place to prevent Carlos from entering the Casino (Carlos bypassed the
- 21 metal detector at the entrance and the lone security guard on duty without
- 22 difficulty);
- 23 d. failure to ensure the sprinkler fire safety systems at the Casino were
- 24 functioning properly, and to ensure that there were adequate sprinklers
- 25 throughout the Casino, allowing the fire to spread along with the noxious
- 26 fumes which ultimately killed the Hungs;
- 27 e. failure to ensure the smoke extraction and ventilation system at the Casino
- 28 was functioning, properly or at all, and to ensure that there were adequate

1 smoke extraction fittings and equipment, allowing noxious smoke and
2 fumes to be trapped in parts of the Casino where guests, including the
3 Hungs, had taken refuge;

4 f. failure to ensure there were adequate escape routes for the Hungs, and the
5 other guests and employees, in the event of a fire and/or to ensure the fire
6 escape route was properly posted, either through reasonably placed signs
7 or by the Casino staff;

8 g. failure to oversee the design and construction of the Casino in such a way
9 as to allow an orderly and swift evacuation in the event of a fire;

10 h. failure to commission a third party fire safety inspection or to ensure that
11 the Casino was certified to be compliant with appropriate fire safety
12 standards;

13 i. failure to take reasonable measures, the convenience and expense of which
14 were entirely proportionate, to avoid the risk of death by fire or smoke to
15 Casino guests, including the Hungs;

16 j. reckless disregard for the required fire safety procedures and regulatory
17 requirements;

18 k. failure to ensure that Casino employees, including the security team, were
19 given adequate training on how to respond to a crisis situation, armed
20 attack and outbreak of a fire in the Casino;

21 l. failure to order the release of the five available K9 units to attack and stop
22 Carlos;

23 m. failure to ensure a crisis negotiator was available or urgently brought to the
24 scene of the Incident so as to negotiate with Carlos;

25 n. failure to have any or any adequate paging or alternative communication
26 system in place to coordinate the response to the Incident and/or to use any
27 such a communication system to the extent that it was in place;
28

- 1 o. reckless direction of guests, including the Hungs, and employees into a
2 small pantry, adopting a dangerous and wholly inappropriate evacuation
3 procedure in response to the Incident and exposing Casino guests to an
4 even greater risk of loss of life;
- 5 p. failure to ensure the camera room in the Casino was constantly monitored
6 by a fully trained staff member;
- 7 q. employees' and/or agents' reckless abandonment of their posts and security
8 duties to the Hungs and other Casino guests when the Incident occurred;
- 9 r. failure to ensure "VVIP" guests had dedicated security guards to protect
10 them during their time at the Casino and staff to safely escort them from
11 the building when the Incident occurred;
- 12 s. failure to ensure an appropriate number of adequately trained and armed
13 security guards were on duty at the entrance to or elsewhere in the Casino
14 so as to apprehend Carlos and/or prevent him from setting the fires;
- 15 t. failure to take any meaningful steps in response to Carlos's presence and
16 the attack for a period of more than one hour thereby exposing the guests
17 of the Casino to further unreasonable risks;
- 18 u. failure to carry on their business operations so as not to subject the Hungs
19 to foreseeable and unreasonable risk of death; and/or
- 20 v. reckless coordination with local police and fire departments while
21 managing the Incident as it unfolded, including, but not limited to:
- 22 i. the failure to provide adequate information from the cameras, or other
23 sources, on the whereabouts of the Gunmen, the Hungs and other
24 guests, and the fires' locations;
- 25 ii. misleading local police to believe that all guests and casino patrons had
26 been evacuated without a reasonable inspection of the premise;
- 27 iii. thwarting accountability for a proper investigative report; and
28

1 40. This is an action for the wrongful deaths of the Hungs, resulting from the
2 wrongful acts of Defendants, and each of them, giving rise to liability for
3 death by wrongful act or negligence.

4 41. Plaintiffs are the legal heirs of the Hungs.

5 42. Defendants owed a duty to exercise reasonable care in safeguarding and
6 protecting the decedents, as discussed herein.

7 43. Defendants breached the duty by failing to exercise reasonable care as
8 discussed herein.

9 44. It was reasonably foreseeable that Defendants' failure to exercise reasonable
10 care would result in the deaths of the Hungs.

11 45. Defendant's wrongful actions and/or inaction, as described above, give rise to
12 a wrongful death cause of action.

13 46. As a direct and proximate result of the negligent conduct of Defendants, the
14 Hungs suffered special damages, which the Hungs incurred or sustained prior
15 to their death.

16 47. As a result of the conduct stated above, Defendants are liable to the Estate of
17 the Hungs for exemplary and punitive damages.

18 48. As a direct and proximate result of the actions set forth above, the Hungs
19 suffered conscious pain and suffering, psychological trauma, and anticipation
20 of their own death, so that Plaintiffs, as Co-Administrators of the Hungs'
21 estate, are entitled to an award of pecuniary damages and punitive damages.

22 49. Plaintiffs, as the Hungs' legal heirs, were, and continue to be, damaged as a
23 direct and proximate result of Defendants actions, including grief, sorrow,
24 loss of probable support, companionship, society, comfort and parental love,
25 affection, and advice, and damages for pain, suffering and disfigurement of
26 the decedents; compensation for the reasonably expected loss of income of
27 the decedents; the reasonable value of the loss of services, protection, care
28

1 and assistance provided by the decedents; and such other damages allowable
2 by law, for which they suffered loss and are entitled to compensation.

3 50. Due to the egregious violations alleged herein, Plaintiffs assert that
4 Defendants breached Defendants' respective duties in an oppressive,
5 malicious, despicable, gross and wantonly negligent manner. As such,
6 Defendants' conscious disregard for Plaintiffs' and the Hungs' rights entitles
7 Plaintiffs to recover punitive damages from Defendants.

8 **SECOND CAUSE OF ACTION**

9 **NEGLIGENCE**

10 51. Plaintiffs repeat, re-allege, and incorporate by reference all previous
11 paragraphs, including the attachments to this Complaint.

12 52. Defendants owed a duty to exercise reasonable care in safeguarding and
13 protecting the decedents, as discussed herein.

14 53. Defendants breached the duty by failing to exercise reasonable care as
15 discussed herein.

16 54. It was reasonably foreseeable that Defendants' failure to exercise reasonable
17 care would result in the deaths of the Hungs.

18 55. Defendants' breach was the direct and proximate cause of Plaintiffs' injuries
19 and the Hungs' injuries and death.

20 56. Defendant's wrongful actions and/or inaction, as described above, constituted
21 negligence at common law.

22 57. Plaintiffs were, and continue to be, damaged as a direct and proximate result
23 of Defendants breach of duty, including out-of-pocket expenses, mental
24 anguish, emotional distress, and other economic and non-economic harm, for
25 which they suffered loss and are entitled to compensation.

26 58. Due to the egregious violations alleged herein, Plaintiffs assert that
27 Defendants breached Defendants' respective duties in an oppressive,
28 malicious, despicable, gross and wantonly negligent manner. As such,

1 Defendants' conscious disregard for Plaintiffs' and the Hungs' rights entitles
2 Plaintiffs to recover punitive damages from Defendants.

3 **PRAYER FOR RELIEF**

4 59. WHEREFORE, for each cause of action alleged, Plaintiffs respectfully
5 requests that the Court grant relief in Plaintiffs' favor and against Defendants,
6 jointly and severally, as follows:

- 7
- 8 • Actual, compensatory, general, and special damages in excess
9 of \$50,000 to redress the harms caused to Plaintiffs and the
10 Hungs, including but not limited to, expenses, emotional
11 distress, and other economic and non-economic harms;
 - 12 • Exemplary and punitive damages;
 - 13 • Pre- and post-judgment interest;
 - 14 • Costs of suit and reasonable attorneys' fees; and
 - 15 • Such other and further relief as this Court deems just and
16 proper.

17 **TRIAL BY JURY**

18 60. Pursuant to the seventh amendment to the Constitution of the United States of
19 America and the Constitution of the State of Nevada, Plaintiffs are entitled to,
20 and demand, a trial by jury.

21 DATED this 30th day of May 2019.

22 Respectfully submitted,

23 **KAZEROUNI LAW GROUP, APC**

24
25 By: /s/ Michael Kind
26 Michael Kind, Esq.
27 6069 S. Fort Apache Rd., Ste 100
28 Las Vegas, NV 89148
Attorneys for Plaintiffs

EXHIBIT 2

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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
miltenbergerc@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 Counter-motion to Amend the Complaint (“Counter-motion to Amend”). The Motion to Dismiss and Counter-motion 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.

1 747 (1993); *see also Int'l Shoe Co. v. Washington*, 326 U.S. 310 (1945)

2 3. “Nevada’s long-arm statute, NRS 14.065, reaches the limits of due process set by the
3 United States Constitution.” *See Baker v. Dist. Ct.*, 116 Nev. 527, 531, 999 P.2d 1020, 1023
4 (2000). The Due Process Clause of the Fourteenth Amendment of the United States Constitution
5 requires a nonresident defendant to have “minimum contacts” with the forum state sufficient to
6 ensure that exercising personal jurisdiction over him would not offend “traditional notions of fair
7 play and substantial justice.” *Id.* at 531-32, 999 P.2d at 1023; *Int'l Shoe Co. v. Washington*, 326
8 U.S. 310, 316 (1945); *Arabella Mut. Ins. Co. v. District Court*, 122 Nev. 509, 134 P.3d 710 (2006).

9 4. Due process requirements are satisfied if the nonresident defendant’s contacts are
10 sufficient to obtain either (1) general jurisdiction, or (2) specific personal jurisdiction, and it is
11 reasonable to subject the nonresident defendants to suit in the forum state. *Viega GmbH v. Eighth*
12 *Jud. Dist. Ct.*, 130 Nev. 368, 375, 328 P.3d 1152, 1156 (2014) (citing *Arbella*, 122 Nev. at 512, 516,
13 134 P.3d at 712, 714; *Daimler AG v. Bauman*, 571 U.S. 117, 137 n. 20, 134 S.Ct. 746, 762 n. 20,
14 187 L.Ed.2d 624 (2014)).

15 5. In considering a motion to dismiss for lack of personal jurisdiction, the Court may
16 consider affidavits and supporting evidence proffered by a defendant. *Viega*, 130 Nev. at 374, 328
17 P.3d at 1157 (quoting *Doe v. Unocal Corp.*, 248 F.3d 915, 922 (9th Cir. 2001)). Further, “the court
18 must accept properly supported proffers of evidence as true.” *Viega*, 130 Nev. at 374, 328 P.3d at
19 1157 (citing *Trump*, 109 Nev. at 692, 857 P.2d at 743).

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

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

25 7. General jurisdiction over a defendant allows a plaintiff to assert claims against that
26 defendant unrelated to the forum. *Viega*, 328 P.3d at 1157. Courts may exercise general or “all-
27 purpose” personal jurisdiction over a defendant “to hear any and all claims against it” only when
28 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 Prof'ls, 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.

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

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

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

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

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

16 24. Specific personal jurisdiction comports with due process only where “the
17 defendant’s suit-related conduct” creates “a substantial connection with the forum state.” *Walden*
18 *v. Fiore*, 571 U.S. 277, 284 (2014); *Goodyear Dunlop Tires Operations S.A. v. Brown*, 564 U.S.
19 915 (2011).

20 25. In order to exercise specific personal jurisdiction over the Genting Defendants, the
21 Court would have to find that: (1) each of the defendants purposefully availed itself of the privilege
22 of acting in the State of Nevada or causing important consequences in the State of Nevada; (2)
23 Plaintiffs claims arose from the defendants’ contacts and activities in the State of Nevada; and (3)
24 that the activities or the consequences thereof in the State of Nevada have a substantial enough
25 connection with the State of Nevada to make the exercise of jurisdiction over each of the
26 defendants reasonable. *Consipio Holding, BV v. Carlberg*, 128 Nev. 454, 458, 282 P.3d 751, 755
27 (2012); *Viega GmbH*, 130 Nev. at 375, 328 P.3d at 1157.

28

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

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

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

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

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

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

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

19 32. “In considering a motion to dismiss pursuant to NRCP 12(b)(5)...the court accepts a
20 plaintiff’s factual allegations as true, but the allegations must be legally sufficient to constitute the
21 elements of the claims asserted.” *Sanchez ex rel. Sanchez v. Wal-Mart Stores, Inc.*, 125 Nev. 818,
22 823, 221 P.3d 1276, 1280 (2009) (citation omitted).

23 33. “To survive dismissal, a complaint must contain some ‘set of facts, which, if true,
24 would entitle the plaintiff to relief.’” *In re Amerco Derivative Litig.*, 127 Nev. 196, 211, 252 P.3d
25 681, 692 (2011) (citation omitted).

26 34. “Dismissal is proper where the allegations are insufficient to establish the elements
27 of a claim for relief.” *Stockmeier v. Nevada Dep’t of Corr.*, 124 Nev. 313, 316, 183 P.3d 133, 135
28 (2008) (citations omitted).

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

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

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

11 38. Plaintiffs were required to allege specific facts that RWLV engaged in upon which a
12 claim for relief could be asserted against RWLV if such facts were proven true and failing to
13 “meaningfully distinguish between the parties in their factual allegations” is fatal to a complaint.
14 *Volcano Developers LLC v. Bonneville Mortg.*, No. 2:11-cv-00504-GMN-PAL, 2012 WL 28838,
15 at *5 (D. Nev. Jan. 4, 2012) (dismissing complaint for plaintiffs’ failure to “meaningfully
16 distinguish between the parties in their factual allegations” and leaving defendants and the Court to
17 “guess which facts apply to which parties.”); *Robins v. Wolf Firm*, No. 2:10-cv-0424-RLH-PAL,
18 2010 WL 2817202, at *5 (D. Nev. July 15, 2010) (dismissing claims *sua sponte* because plaintiff
19 failed to distinguish between individual defendants).

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

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

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

28

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

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

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

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

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

14 46. The failure to join a necessary party to a case is "fatal to the district court's
15 judgment." *Id.* at 554; *see also Univ. of Nev. v. Tarkanian*, 95 Nev. 389, 396, 594 P.2d 1159, 1163
16 (1979).

17 47. A party *must* be joined as a party under NRCP 19(a) if (1) complete relief cannot be
18 accorded in its absence, (2) he claims an interest in the subject of the action, or (3) adjudication in
19 the party's absence potentially subjects parties to double, multiple or otherwise inconsistent
20 obligations. *Anderson v. Sanchez*, 355 P.3d 16 (Nev. 2015); *Humphries v. Eighth Jud. Dist. Ct.*,
21 312 P.3d 484, 487 (Nev. 2013).

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

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

28

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.

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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.

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

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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)
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

-DISCLAIMER-

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From: miltenbergerc@gtlaw.com <milttenbergerc@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
milttenbergerc@gtlaw.com | www.gtlaw.com | [View GT Biography](#)

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

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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

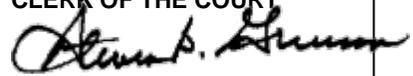
hwamin99@icloud.com

24 Rocio Leal

rocio@kevinrhansen.com

25
26
27
28

EXHIBIT 3



1 **NOEJ**
MARK E. FERRARIO, ESQ.
2 Nevada Bar No. 1625
3 CHRISTOPHER R. MILTENBERGER, ESQ.
Nevada Bar No. 10153
4 **GREENBERG TRAUIG, LLP**
10845 Griffith Peak Drive, Suite 600
5 Las Vegas, Nevada 89135
Telephone: (702) 792-3773
6 Facsimile: (702) 792-9002
Email: ferrariom@gtlaw.com
7 miltenbergerc@gtlaw.com

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

10 **DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

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

15 Plaintiffs,

16 vs.

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

21 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)

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

4 Dated this 30th day of June 2021.

5
6 /s/Christopher R. Miltenberger
7 Mark E. Ferrario (SBN 1625)
8 Christopher R. Miltenberger (SBN 10153)
9 GREENBERG TRAUIG, LLP
10 10845 Griffith Peak Drive, Ste. 600
11 Las Vegas, Nevada 89135
12 *Attorneys for Defendants Resorts World Las Vegas LLC,*
13 *Genting Berhad, Genting U.S. Interactive Gaming Inc.,*
14 *and Genting Nevada Interactive LLC*

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

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

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th 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