

IN THE SUPREME COURT OF THE STATE OF NEVADA

STARR SURPLUS LINES ISURANCE CO.,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT of the State of Nevada, in and for the
County of Clark, and THE HONORABLE
MARK DENTON, District Judge,

Respondents,

JGB VEGAS RETAIL LESSEE, LLC

Real Party in Interest.

Supreme Court Electronically Filed
District Court Case No. 22-01232 Sep 30 2022 03:32 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

MOTION TO FILE AMICUS CURIAE BRIEF

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I. INTRODUCTION

Pursuant to Rule 29 of the Nevada Rules of Appellate Procedure, Panda Restaurant Group, Inc. (“Panda”) moves this Court for leave to file the accompanying *amici curiae* brief in support of the Respondents and Real-Party-in-Interest.

II. INTEREST OF PANDA RESTAURANT GROUP, INC.

Panda is a global leader in Asian dining experiences. Panda has no parent corporation and there is no publicly held corporation that owns 10% or more of its stock. Since opening its first restaurant in 1973, Panda, along with its affiliates and subsidiaries, has grown to operate over 2,000 restaurants, including nearly 100 in Nevada. Panda employs tens of thousands of people, including hundreds of people here in Nevada, and welcomes millions of guests into its restaurants annually. To date, Panda remains family owned and operated by its founders, Nevada residents.

III. REASONS AND AMICUS BRIEF IS DESIRABLE

Proposed *Amicus* Panda brings expertise and experience relevant to the core issues pending before this Court. Panda also has a strong interest in the outcome of this matter. The restaurant industry is one of the largest private employers in Nevada, representing over 200,000 jobs and generating over \$9.9 billion in sales annually. As an industry leader, both in Nevada and nationally, Panda seeks to

ensure the interests of the restaurant industry are represented where the Court's decision will have a wide-ranging impact on it. Here, SARS-CoV-2 and COVID-19 crippled the restaurant industry in Nevada, forcing innumerable restaurants to close its doors, many permanently, and radically reshaping those that remained. This had an unprecedented and catastrophic effect not only Panda but on the Nevada restaurant industry as a whole, including the hundreds of thousands of people it employees. Panda believes the interests of justice will be served by the Court receiving input from Panda, whose interests, along with the broader Nevada restaurant industry, may be materially affected by the Court's decision, and whose interests and perspectives go beyond the immediate concerns of the parties to the writ petition.

Given its experience and expertise, Panda is well positioned to supply context and information that may assist the Court in assessing the true impact of COVID-19 on policyholders such as JGB Vegas. Specifically, Panda seeks to assist the Court on an issue of immense importance both to Panda and to the public – coverage for losses caused by SARS-CoV-2 and COVID-19 – by identifying arguments and authority that may have escaped the Court's attention to date and highlighting the unique challenges the restaurant industry faced from SARS-CoV-2 and COVID-19.

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IV. CONCLUSION

For these reasons, Proposed *Amicus* Panda respectfully asks the Court to grant this motion and accept the accompanying brief.

Dated this 30th day of September, 2022.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the 30th day of September, 2022, I caused to be served via the Nevada Supreme Court's e-filing system and pursuant to NRAP 25(b) and NEFCR 9, and electronically filed the foregoing **MOTION TO FILE AMICUS CURIAE BRIEF** with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-filing system (Eflex). Participants in the case who are registered Eflex users will be served by the Eflex system.

/s/Ali Lott
An employee of Kemp Jones, LLP