

In The Supreme Court of Nevada

STARR SURPLUS LINES
INSURANCE 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,

and

JGB VEGAS RETAIL LESSEE, LLC,

Real Party in Interest.

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Sep 30 2022 04:27 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 84986

Eighth Judicial District Court
Case No.: A-20-816628-B

On Petition for Writ of Mandamus or, in the Alternative, Prohibition

**MOTION OF CAESARS ENTERTAINMENT, INC., GOLDEN
ENTERTAINMENT, INC., WYNN RESORTS, LIMITED, AND HILTON
WORLDWIDE HOLDINGS INC. FOR LEAVE TO FILE *AMICUS CURIAE*
BRIEF IN SUPPORT OF REAL PARTY IN INTEREST JGB VEGAS
RETAIL LESSEE, LLC, AND DENIAL OF THE PETITION**

Pursuant to Rule 29 of the Nevada Rules of Appellate Procedure, Caesars
Entertainment, Inc. (“Caesars”), Golden Entertainment, Inc. (“Golden”), Wynn
Resorts, Limited (“Wynn Resorts”), and Hilton Worldwide Holdings Inc. (“Hilton”)

(together, “*Amici*”) hereby move for leave to file a brief as *Amici* in support of Real Party in Interest JGB Vegas Retail Lessee, LLC’s (“JGB”) Answer to Petitioner’s Writ of Mandamus or, in the Alternative, Prohibition, and in support of Denial of the Petition. The proposed brief is filed conditionally with this motion. In support of this motion, *Amici* respectfully state the following:

1. Caesars is a Nevada-based hospitality and gaming company that, through various subsidiaries, owns, manages, and operates casinos, hotels, dining and entertainment venues, arenas, retail shops, racetracks, meeting and conference venues, and other locations. Among its portfolio, Caesars owns and operates seventeen properties in Nevada, including Caesars Palace and The Row.

2. Golden is a Nevada-headquartered gaming and entertainment company that owns and operates a diversified entertainment platform. Golden owns and operates The STRAT Hotel, Casino & SkyPod, and other resort properties in Nevada and Maryland, including casinos, hotels, dining and entertainment venues, retail shops, meeting and entertainment venues, a golf course, and other locations that host large numbers of people.

3. Wynn Resorts is a Nevada-based hotel and gaming company that designs, develops, and operates integrated resorts featuring luxury hotel rooms, meeting and convention facilities, an array of dining and entertainment options, high-end retail space, and gaming. Among its global portfolio of luxury resorts in

the United States, Wynn Resorts owns and operates Wynn Las Vegas and Encore at Wynn Las Vegas, respectively, the largest and second largest *Forbes* Travel Guide Five-Star resorts in the world.

4. Hilton is a leading global hospitality company, spanning the lodging sector from luxury and full-service hotels and resorts to extended-stay suites and focused-service hotels. Hilton's 18-brand portfolio includes Hilton Hotels & Resorts, Waldorf Astoria Hotels & Resorts, LXR Hotels & Resorts, Conrad Hotels & Resorts, Canopy by Hilton, Signia by Hilton, Curio Collection by Hilton, DoubleTree by Hilton, Tapestry Collection by Hilton, Embassy Suites by Hilton, Tempo by Hilton, Motto by Hilton, Hilton Garden Inn, Hampton by Hilton, Tru by Hilton, Homewood Suites by Hilton, Home2 Suites by Hilton, and Hilton Grand Vacations. Hilton maintains a major presence in Nevada's hospitality industry. Specifically, Hilton owns, leases, operates, manages, and/or franchises nearly 50 properties in the State of Nevada comprising over 15,000 hotel rooms combined.

5. *Amici's* businesses suffered significant physical loss and damage caused by SARS-CoV-2 and/or COVID-19, and their "all-risks" property insurers refused to provide the bargained-for insurance coverage. *Amici* each have filed insurance coverage actions against their insurers, and these litigations are pending. Accordingly, *Amici* take a special and particularized interest in the development of

insurance law in Nevada as to “all-risks” policies, including the interpretation of the phrase “physical loss or damage.”

6. This is a case of great importance to gaming and hospitality companies such as Caesars, Golden, Wynn Resorts and Hilton, and *Amici* seek leave to file the enclosed brief to assist the Court by supplementing the efforts of counsel and the relevant legal arguments and ensuring a complete and plenary presentation of difficult issues so that the Court may reach a proper decision. Specifically, *Amici* seek leave to file an amicus brief demonstrating why, based on nearly 70 years of precedent and this Court’s well-established canons of insurance policy interpretation, policyholders like JGB and *Amici* reasonably expected that their business interruption losses and damages caused by the physical peril of SARS-CoV-2/COVID-19 would be covered by their “all-risks” policies. *Amici* submit that this brief will help facilitate the proper disposition of the case. As such, *Amici* participation is advisable to reach a full exploration and adjudication of the issues before the Court.

For these reasons, *Amici* respectfully request that the Court grant the Motion and allow filing of the brief submitted herewith.

DATED: September 30, 2022

Respectfully submitted,

BROWNSTEIN HYATT FARBER SCHRECK, LLP

By: /s/ Frank F. Flansburg
Frank M. Flansburg III (Nev. Bar No. 6974)
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614
Telephone: (702) 382-2101
fflansburg@bhfs.com

*Counsel for Amici Curiae Caesars Entertainment, Inc.
and Golden Entertainment, Inc.*

By: /s/ Patrick G. Byrne
Patrick G. Byrne, P.C. (Nevada Bar No. 7636)
SNELL & WILMER LLP
3883 Howard Hughes Parkway,
Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5201
pbyrne@swlaw.com

Counsel for Amicus Curiae Wynn Resorts, Limited

By: /s/ Michael J. Gayan
Michael J. Gayan (Nev. Bar No. 11135)
KEMP JONES, LLP
Wells Fargo Tower
3800 Howard Hughes Parkway, 17th Floor
Las Vegas, NV 89169
Telephone: (702) 385-6000
m.gayan@kempjones.com

*Counsel for Amicus Curiae Hilton
Worldwide Holdings*

CERTIFICATE OF SERVICE

I certify that on September 30, 2022, I submitted the foregoing “Motion of Caesars Entertainment, Inc., Golden Entertainment, Inc., Wynn Resorts, Limited, and Hilton Worldwide Holdings Inc. for Leave to File Amicus Curiae Brief in Support of Real Party in Interest JGB Vegas Retail Lessee, LLC, and Denial of the Petition” for filing via the Court’s efflux electronic filing system. Electronic notification will be sent to the following:

**LEWIS ROCA ROTHGERBER
CHRISTIE LLP**

Daniel F. Polsenberg
Joel D. Henriod
Abraham G. Smith
3993 Howard Hughes Parkway,
Suite 600
Las Vegas, Nevada 89169

CLYDE & CO US LLP

Lee H. Gorlin
Amy M. Samberg
7251 W. Lake Mead Boulevard,
Suite 430
Las Vegas, Nevada 89128

Attorneys for Petitioner

LEMONS, GRUNDY & EISENBERG

Robert L. Eisenberg
6005 Plumas Street, Third Floor
Reno, Nevada 89519

Attorney for Real Party in Interest

I further certify that I served a copy of this document by emailing a true and correct copy thereof, as follows:

The Honorable Mark Denton
EIGHT JUDICIAL DISTRICT COURT – DEPT. NO. 13
Regional Justice Center, Courtroom 16D
200 Lewis Avenue
Las Vegas, NV 89155
Dept13LC@ClarkCountyCourts.us
Trial Court Judge

Respondent

By: /s/ Mercedes Mosher
Mercedes Mosher