

IN THE SUPREME COURT OF THE STATE OF NEVADA

ZURICH AMERICAN INSURANCE COMPANY; LEXINGTON INSURANCE COMPANY; INTERSTATE FIRE & CASUALTY COMPANY; ARCH SPECIALTY INSURANCE COMPANY; NATIONAL FIRE & MARINE INSURANCE COMPANY; ACE AMERICAN INSURANCE COMPANY; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NO. BOWPN1900216; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NO. BOWPN1900217; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NO. BOWPN1900376; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NO. BOWPN1900381; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NO. BOWPN1900411; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NO. 19CVSSPNP301531; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NO. B62030BAA; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NO. PD-10319-05; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NO. BOWPN1900218; CERTAIN UNDERWRITERS AT LLOYD'S LONDON SUBSCRIBING TO POLICY NO. BNPD19AA507A; CONTINENTAL

No. 86689

FILED

JAN 09 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

CASUALTY COMPANY; EVEREST
INDEMNITY INSURANCE COMPANY;
LIBERTY MUTUAL FIRE INSURANCE
COMPANY; GREAT LAKES
INSURANCE SE; AND TOKIO MARINE
AMERICA INSURANCE COMPANY
Appellants,
vs.
HILTON WORLDWIDE HOLDINGS,
INC.,
Respondent.

ORDER DISMISSING APPEAL

This is an appeal from an order denying appellants' motion to dismiss the complaint for forum non conveniens. Eighth Judicial District Court, Clark County; Joanna Kishner, Judge.

Respondent has filed a motion to dismiss the appeal for lack of jurisdiction on the ground that no appeal lies from an order denying a motion to dismiss. *See* NRAP 3A(b) (designating orders and judgments from which an appeal may be taken); *see also First interstate Bank v. H.C.T.. Inc.*, 108 Nev, 242, 250, 828 P.2d 405, 410 (1992). Appellants Zurich American Insurance Company and Liberty Mutual Fire Insurance Company have responded¹ and argue that this court should find the challenged order appealable as "[a]n order changing or refusing to change the place of trial" as permitted by NRAP 3A(b)(6). Appellants argue that this court's decision in *Pepper v. C.R. England*, 139 Nev., Adv. Op. 11, 528 P.3d 587, 589 (2023), is like this case because in that case, as here, the defendants sought to dismiss the Nevada action in favor of litigating the parties' dispute in a

¹The remaining appellants subsequently filed a joinder in the opposition to the motion to dismiss the appeal.

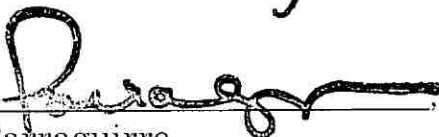
different state, and propose that this court analyzed the issues under NRS 13.050, which includes motions to “change the place of the proceeding . . . [w]hen the convenience of the witnesses and the ends of justice would be promoted by the change.” Respondent has filed a reply.

Appellants’ reliance on *Pepper* is misplaced. In that case, this court analyzed an order granting a motion to dismiss, which is a final judgment under NRAP 3A and reference to NRS 13.050 was in the context of discussing the requirement for an affidavit. Appellants here do not describe a motion to change venue under NRS 13.050, which contemplates moving the place of trial from one county to another county in Nevada; appellants filed a motion to dismiss seeking to terminate the Nevada action, in order for the parties to litigate the case in Virginia, which was denied. Accordingly, the motion to dismiss is granted. This court lacks jurisdiction over the challenged order and

ORDERS this appeal DISMISSED.


_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Parraguirre

cc: Hon. Joanna Kishner, District Judge
Kristine M. Kuzemka, Settlement Judge
DLA Piper LLP/New York
Clyde & Co US LLP/Las Vegas
Zelle LLP
Hinshaw & Culbertson LLP/Chicago
Mound Cotton Wollan & Greengrass LLP/New Jersey
Duane Morris LLP/Las Vegas
Clyde & Co US LLP/Chicago
Hutchison & Steffen, LLC/Reno
Hutchison & Steffen, LLC/Las Vegas
Lipson Neilson P.C.
Quinn Emanuel Urquhart & Sullivan, LLP/New York
McDonald Carano LLP/Las Vegas
Clyde & Co US LLP/Washington D.C.
Mound Cotton Wollan & Greengrass LLP/New York
Pillsbury Winthrop Shaw Pittman LLP/New York
Kemp Jones, LLP
Eighth District Court Clerk