

SUPREME COURT OF NEVADA

Viega GmbH v. Eighth Judicial District Court

130 Nev. Adv. Op. No. 40 (Nev. 2014) · No. 59976 · Decided May 29, 2014

SUMMARY

The Nevada Supreme Court, sitting en banc, granted Viega GmbH and Viega International GmbH's petition for a writ of prohibition. The proceeding concerned personal jurisdiction in an underlying action involving Aventine-Tramonti Homeowners Association. The court denied the petitioners' motion to supplement the record and request for additional supplemental briefing.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Justice Hardesty; Justice Douglas; Justice Cherry; Justice Saitta; Justice Pickering; Chief Justice Gibbons
JURISDICTION	Nevada
DECIDED	May 29, 2014
DOCKET	59976
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Original proceeding in the Nevada Supreme Court seeking a writ of prohibition concerning personal jurisdiction.
PRECEDENTIAL VALUE	published
PARTIES	Viega GmbH, Viega International GmbH v. The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, Susan Johnson

TOPICS

- personal jurisdiction
- writ of certiorari
- appellate procedure
- civil procedure

PRACTICE AREAS

- civil procedure
- personal jurisdiction
- extraordinary writs

QUESTIONS PRESENTED

1. Whether the Nevada Supreme Court should grant Viega GmbH and Viega International GmbH's petition for a writ of prohibition concerning personal jurisdiction.

HOLDINGS

1. The petition for a writ of prohibition was granted.

KEY QUOTATIONS

"Petition granted."

FACTUAL BACKGROUND

The supplied source identifies a dispute involving Viega GmbH, Viega International GmbH, and Aventine-Tramonti Homeowners Association in a Clark County district-court proceeding. The petition challenged the exercise of personal jurisdiction over the Viega entities and sought extraordinary relief. The source does not include the merits text of the opinion or the underlying jurisdictional facts.

PROCEDURAL HISTORY

Viega GmbH and Viega International GmbH petitioned the Nevada Supreme Court for a writ of prohibition from an order or proceeding in Clark County's Eighth Judicial District Court. The Nevada Supreme Court held oral argument and, on May 29, 2014, granted the petition and issued a writ. The writ was served on Judge Susan Johnson on June 5, 2014, and the case was closed after issuance of a notice in lieu of remittitur.

DISPOSITION

writ_granted

OPINION

PER CURIAM.

59976: Case View The Supreme Court of Nevada Appellate Case Management System C-Track, the browser based CMS for Appellate Courts Case Search Participant Search Cases Case Search Participant Search Disclaimer: The information and documents available here should not be relied upon as an official record of action. Only filed documents can be viewed. Some documents received in a case may not be available for viewing. Some documents originating from a lower court, including records and appendices, may not be available for viewing. For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600.

Case Information: 59976 Short Caption: VIEGA GMBH VS. DIST. CT. (AVENTINE-TRAMONTI HOMEOWNERS' ASSOC.) Classification: Original Proceeding - Civil - Prohibition Related Case(s): 56755, 59673, 60787, 61519, 61596, 61747, 63324, 65031 Lower Court Case(s): Clark Co. - Eighth Judicial District - A555328 Case Status: Notice in Lieu of Remittitur Issued/Case Closed Disqualifications: Parraguirre Panel Assigned: En Banc Replacement: None for

Justice Parraguirre To SP/Judge:SP Status: Oral Argument:11/15/2012 at 10:00 AM Oral Argument
Location:Carson City Submission Date:11/15/2012How Submitted:After Oral Argument + Party
Information RoleParty NameRepresented By PetitionerViega GmbHKevin M. Green (Fennemore
Craig, P.C./Phoenix) Matthew J. Kemner (Carroll, Burdick & McDonough, LLP) John H.
Mowbray (Fennemore Craig Jones Vargas/Las Vegas) Janice Procter-Murphy (Fennemore Craig,
P.C./Phoenix) Nicholas B. Salerno (Lincoln, Gustafson & Cercos) Christopher A. Turtzo (Wolfe &
Wyman LLP/Phoenix) PetitionerViega International GmbHKevin M. Green (Fennemore Craig,
P.C./Phoenix) Matthew J. Kemner (Carroll, Burdick & McDonough, LLP) John H. Mowbray
(Fennemore Craig Jones Vargas/Las Vegas) Janice Procter-Murphy (Fennemore Craig,
P.C./Phoenix) Nicholas B. Salerno (Lincoln, Gustafson & Cercos) Christopher A. Turtzo (Wolfe &
Wyman LLP/Phoenix) Real Party in InterestAventine-Tramonti Homeowners AssociationScott K.
Canepa (Canepa Riedy Abele & Castello) James D. Carraway (Carraway & Associates) J. Randall
Jones (Kemp, Jones & Coulthard, LLP) Francis Lynch, II (Lynch, Hopper & Salzano, LLP) Robert
C. Maddox (Maddox, Segerblom & Canepa, LLP) Terry W. Riedy (Canepa Riedy Abele &
Castello) RespondentSusan Johnson RespondentThe Eighth Judicial District Court of the State of
Nevada, in and for the County of Clark 14-17314: This document is currently unavailable.

If you need a copy of this document, please contact Clerk's Office at (775)684-1600. Docket
Entries DateTypeDescriptionPending?Document 01/04/2012Filing FeeFiling Fee Paid. \$250.00
from Fennemore Craig, P.C. Check no. 3674. 01/04/2012Petition/WritFiled Petition for Writ of
Prohibition.12-00356 01/04/2012AppendixFiled Appendix to Petition for Writ. Volumes 1-4.12-
00357 01/04/2012OtherJustice Ron Parraguirre disqualified from participation in this matter.

Disqualification Reason: Law Firms - Kemp Jones & Coulthard. 01/05/2012Other Incoming
DocumentReceived CD containing appendix to petition for writ (12-00357).
01/12/2012Order/ProceduralFiled Order/Answer Writ Petition. Answer due: 30 days. Petitioners
shall have 15 days from service of answer to file any reply.12-01116 02/13/2012Petition/WritFiled
Real Party in Interest's Answer to Petition for Writ of Prohibition.Y12-04679
02/28/2012Petition/WritFiled Reply in Support of Petition for Writ of Prohibition.Y12-06384
04/19/2012MotionFiled Petitioners Viega GmbH and Viega International GmbH's Motion for Stay
Pending Resolution of Writ Petition.12-12565 05/02/2012MotionFiled Real Party In Interest's
Response to Petitioners Viega GmbH and Viega International GmbH's Motion for Stay Pending
Resolution of Writ Proceedings.12-13855 05/09/2012MotionFiled Petitioners; Viega GMBH and
Viega Internation GMBH's Reply In Support of Motion for Stay Pending Resolution of Writ
Petition.12-14560 06/08/2012MotionFiled Emergency Motion Under NRAP 27(e) to Stay
Proceedings Against Petitioners Pending Resolution of Writ Petition Re Personal Jurisdiction.12-
18092 06/13/2012Order/ProceduralFiled Order Granting Motions for Stay.

This stay shall remain in place pending further order of this court. Fn1[The requests for security or
other consideration if a stay is granted, which is contained in the oppositions to the stay motions

filed by real parties in interest, are denied. Petitioner's motion to strike certain documents attached to the opposition to their stay motion, which was contained in the reply brief filed in Docket No. 60015, is denied as moot.]

Nos. 59673/59976/60015.12-18617 08/24/2012Order/ProceduralFiled Order Directing Clerk to Schedule Oral Argument. The clerk of this court is directed to schedule this matter for oral argument before the Northern Nevada Panel on the next available calendar.12-26835 10/12/2012Notice/OutgoingIssued Notice Scheduling Oral Argument. Oral Argument is scheduled for Thursday, November 15, 2012, @ 10:00 a.m. in Carson City.

Argument shall be limited to 30 minutes.12-32415 10/31/2012Notice/OutgoingIssued Oral Argument Reminder Notice.12-34346 11/15/2012Case Status UpdateOral argument held this day. Case submitted for decision. To the Northern Nevada Panel. NNP12 NS/KP/JH 08/08/2013Letter/IncomingReceived Letter from pro hac vice attorney Matthew Kemner suggesting that the court delay its decision in these cases pending the USSC decision in a related matter.

Nos. 59976 and 60015. (RETURNED, UNFILED, PER ORDER OF 8/27/13). 08/20/2013MotionFiled Motion for Procedural Order and Motion to Supplement the Record on Appeal.13-24481 08/27/2013Order/ProceduralFiled Order Regarding Motion. Petitioners filed a motion seeking to withdraw a letter that they submitted to this court for filing on August 8, 2013, in both Docket No. 59976 and Docket No. 60015, and to supplement the record in these writ proceedings.

We therefore direct the clerk of this court to return, unfiled, the letter provisionally received in this court on August 8, 2013, in both docket numbers. Petitioners shall have 15 days from the date of this order to file and serve a supplement to their motion addressing the distinction between general personal jurisdiction and specific personal jurisdiction under an agency theory, and whether, to the extent that this court determines that these matters may be resolved based on the parties' arguments for and against the use of an agency theory to establish specific personal jurisdiction, delaying resolution of these petitions pending a decision from the United States Supreme Court would still be warranted, given that the parties in Bauman have briefed the issue for review in terms of general jurisdiction.

Real parties in interest may file and serve any response to the petitioners' motion and supplement thereto within 15 days from the date that the supplement is served. Nos. 59976/60015.13-25407 09/11/2013MotionFiled Supplemental Memorandum of Points and Authorities in Support of Motion to Supplement the Record on Petition for Writ of Prohibition.13-26901 09/26/2013MotionFiled Real Party in Interest's Response to Supplemental Memorandum of Points and Authorities in Support of Motion to Supplement the Record on Petition for Writ of Prohibition.13-28886 01/22/2014MotionFiled Motion to Supplement the Record on Appeal and

Request for Supplemental Briefing.14-02177 01/30/2014MotionFiled Real Party In Interest's Opposition to Motion to Supplement Record On Appeal And To Request for Supplemental Briefing.14-03163 05/29/2014Opinion/DispositionalFiled Authored Opinion.

"Petition granted." Fn1[The Honorable Ron D. Parraguirre, Justice, voluntarily recused himself from participation in the decision of this matter.] Fn2[We deny the Viega GmbH and Viega International's January 22, 2014, motion to supplement the record on appeal and request for additional supplemental briefing.]

Before the Court EN BANC. Author: Hardesty, J. Majority: Hardesty/Douglas/Cherry/Saitta. Pickering, J. Gibbons, C.J., concurring in the result only. 130 Nev. Adv. Opn. No. 40. EN BANC14-17314 05/29/2014WritIssued Writ with letter. Original and one copy of writ and copy of opinion mailed to John H. Mowbray for service upon Judge Susan Johnson.14-17366 06/10/2014WritFiled Returned Writ.

Original Writ returned. Served on Judge Susan Johnson on June 5, 2014.14-18895 06/23/2014RemittiturIssued Notice in Lieu of Remittitur.14-20592 06/23/2014Case Status UpdateNotice in Lieu of Remittitur Issued/Case Closed.