

SUPREME COURT OF NEVADA

Trump v. Eighth Judicial District Court, 109 Nev. 687

857 P.2d 740 (1993) · No. No. 23912 · Decided July 27, 1993

SUMMARY

The Supreme Court of Nevada considered whether Nevada could exercise personal jurisdiction over Donald J. Trump in an action alleging intentional interference with contractual relations. The court held that the plaintiff made a prima facie showing that Trump's contacts with Nevada, including contacts attributable through his alleged personal agent, satisfied due process requirements for specific personal jurisdiction. The court denied Trump's petition for a writ of prohibition seeking to quash service of process.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Per Curiam; Rose, C.J.; Steffen, J.; Young, J.; Springer, J.; Charles M. McGee, District Judge, designated
JURISDICTION	Nevada
DECIDED	July 27, 1993
DOCKET	No. 23912
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Trump petitioned the Supreme Court of Nevada for a writ of prohibition after the district court denied his motion to quash service of process for lack of personal jurisdiction. The Supreme Court denied the writ.
STANDARD OF REVIEW	A writ of prohibition is the appropriate remedy for a district court's erroneous refusal to quash service of process. On a pretrial, non-evidentiary personal-jurisdiction motion, the plaintiff must make a prima facie showing through competent evidence; properly supported proffers are accepted as true and factual disputes are resolved in the plaintiff's favor.
PRECEDENTIAL VALUE	Published Nevada Supreme Court opinion; precedential.
PARTIES	Donald J. Trump, petitioner v. The Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, and the Honorable

Nancy A. Becker, District Judge, respondents, GNLV Corp., real party in interest

TOPICS

personal jurisdiction

service of process

writ of certiorari

appellate procedure

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether a writ of prohibition was an appropriate remedy to review the district court's refusal to quash service of process for lack of personal jurisdiction.
2. Whether GNLV made a prima facie showing that Ribis acted as Trump's personal agent, permitting Ribis's Nevada contacts to be attributed to Trump individually.
3. Whether Nevada could exercise general or specific personal jurisdiction over Trump consistent with the Nevada long-arm statute and federal due process.
4. Whether exercising specific personal jurisdiction over Trump would be unreasonable or offend traditional notions of fair play and substantial justice.

HOLDINGS

1. A writ of prohibition is an appropriate remedy for a district court's erroneous refusal to quash service of process for lack of personal jurisdiction.
2. When a personal-jurisdiction challenge is decided on a pretrial, non-evidentiary motion, the plaintiff must present competent evidence establishing a prima facie case of jurisdiction; the burden does not shift to the defendant, and factual disputes are resolved in the plaintiff's favor.
3. For purposes of the pretrial prima facie jurisdiction determination, GNLV sufficiently showed that Ribis acted at least in part as Trump's personal agent, so Ribis's Nevada contacts could be attributed to Trump individually.
4. Nevada could exercise specific personal jurisdiction over Trump because he purposefully directed conduct toward Nevada and purposefully availed himself of Nevada's laws, and GNLV's interference claim arose from or directly related to those contacts.
5. Nevada did not have general personal jurisdiction over Trump because he lacked continuous and systematic contacts with Nevada.
6. Exercising specific personal jurisdiction over Trump in Nevada was reasonable and did not offend traditional notions of fair play and substantial justice.

KEY QUOTATIONS

“When a challenge to personal jurisdiction is made, the plaintiff has the burden of introducing competent evidence of essential facts which establish a prima facie showing that personal jurisdiction exists.” (743)

“Absent general jurisdiction, specific personal jurisdiction over a defendant may be established only where the cause of action arises from the defendant's contacts with the forum.” (748)

“For Trump to be haled into court in Nevada, he must have purposefully availed himself of Nevada's laws or markets or affirmatively directed his conduct toward Nevada, and any connection with Nevada must be more than fortuitous.” (748-749)

“Requiring him to respond to GNLV's charges in the state of Nevada is entirely reasonable and not offensive to traditional notions of fair play and substantial justice.” (751)

FACTUAL BACKGROUND

Dennis Gomes was employed as president and CEO of GNLV's Golden Nugget in Las Vegas when Trump's business interests recruited him to become president and COO of the Trump Taj Mahal. Trump authorized negotiations, briefly discussed the employment terms with Gomes, signed Gomes's employment contract, and signed a related irrevocable trust agreement. The contract and trust involved a Nevada resident, Nevada counsel, a Nevada trustee, a Nevada choice-of-law provision in the trust, and wire transfers into Nevada. GNLV alleged that Trump intentionally induced Gomes to breach his Nevada employment contract, then served Trump in New York.

PROCEDURAL HISTORY

GNLV sued Trump in Nevada for intentional interference with contractual relations and served him in New York. After the corporate defendants were voluntarily dismissed, Trump specially appeared and moved to quash service, arguing that Nevada lacked personal jurisdiction. Following a non-evidentiary jurisdictional hearing, the district court denied the motion and ordered Trump to answer. Trump sought a writ of prohibition, and the Supreme Court stayed the district court proceedings pending review.

DISPOSITION

writ_denied

CASES CITED

- Budget Rent-A-Car v. District Court, 108 Nev. 483, 835 P.2d 17 (1992)
- Price and Sons v. District Court, 108 Nev. 387, 831 P.2d 600 (1992)
- Abbott-Interfast v. District Court, 107 Nev. 871, 821 P.2d 1043 (1991)
- Levinson v. District Court, 103 Nev. 404, 742 P.2d 1024 (1987)
- Boit v. Gar-Tec Products, Inc., 967 F.2d 671 (1st Cir. 1992)
- Rano v. Sipa Press, Inc., 987 F.2d 580 (9th Cir. 1993)
- Green v. McCall, 710 F.2d 29 (2d Cir. 1983)
- Trident Construction v. West Electric, 105 Nev. 423, 776 P.2d 1239 (1989)

- Grand Hotel Gift Shop v. Granite St. Ins., 108 Nev. 811, 839 P.2d 599 (1992)
- World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 100 S. Ct. 559, 62 L. Ed. 2d 490 (1980)
- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310, 66 S. Ct. 154, 90 L. Ed. 95 (1945)
- Burger King Corp. v. Rudzewicz, Burger King v. Rudzewicz, 471 U.S. 462, 105 S. Ct. 2174, 85 L. Ed. 2d 528 (1985)
- Helicopteros Nacionales de Colombia, S.A. v. Hall, 466 U.S. 408, 104 S. Ct. 1868, 80 L. Ed. 2d 404 (1984)
- MGM Grand, Inc. v. District Court, 107 Nev. 65, 807 P.2d 201 (1991)
- Gates Learjet Corp. v. Jensen, 743 F.2d 1325 (9th Cir. 1984)
- Certain-Teed Prods. v. District Court, 87 Nev. 18, 479 P.2d 781 (1971)
- Jarstad v. National Farmers Union, 92 Nev. 380, 552 P.2d 49 (1976)

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