

IN THE SUPREME COURT OF THE STATE OF NEVADA

HARRAH'S OPERATING COMPANY,  
INC., A DELAWARE CORPORATION,  
D/B/A HARRAH'S CASINO HOTEL  
RENO,  
Appellant,  
vs.  
NATASHA A. CRAWFORD,  
Respondent.

No. 37202

FILED

MAR 28 2002

JANE E. M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER OF REVERSAL

This is an appeal from a district court order denying a motion for a change of venue from Clark County to Washoe County. Appellant Harrah's Operating Company, Inc., d/b/a Harrah's Casino Hotel Reno (Harrah's) raises two arguments on appeal.

First, Harrah's argues that it did not reside in Clark County and the court was therefore required to grant its motion for a change venue to Washoe County. We disagree.

NRS 13.040 provides that venue may be proper in any county where a domestic corporation resides.<sup>1</sup> A domestic corporation's residence is "generally regarded as being the one at which the principal office or place of business is located."<sup>2</sup> NRS 13.050(1) and NRS 13.050(2)(a)

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<sup>1</sup>See Flournoy v. McKinnon Ford Sales, 90 Nev. 119, 121 n.2, 520 P.2d 600, 601 n.2 (1974).

<sup>2</sup>Id.

provide that a district court must change the venue if the county designated in the complaint is not the proper county.<sup>3</sup>

In Flournoy,<sup>4</sup> we upheld the denial of a domestic corporation's motion for change of venue from Washoe County to Pershing County. Even though the corporation's business was conducted in Pershing County, it listed its principal office or place of business address as Washoe County. One of the reasons the legislature requires a domestic corporation to list its principal business address in its articles of incorporation is to fix its place of residence for venue purposes.<sup>5</sup>

Here, unlike the facts in Flournoy, Harrah's has not filed any articles of incorporation in Nevada. However, Harrah's does list its principal address on its Nevada Business Registration as being in Las Vegas. Applying our reasoning in Flournoy, we conclude that a principal business address listed on a business registration form is similar in purpose to one listed in articles of incorporation. Moreover, as evident by its business registration, Harrah's operates hotels and casinos in Las Vegas. Accordingly, we conclude that venue is proper there.

Second, Harrah's argues that the court abused its discretion in denying a motion for a change of venue in the interests of witness convenience and ends of justice. We agree.

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<sup>3</sup>Western Pacific Railroad v. Krom, 102 Nev. 40, 42-43, 714 P.2d 182, 184 (1986).

<sup>4</sup>90 Nev. at 122, 520 P.2d at 602.

<sup>5</sup>Id.

A court's denial of a motion for a change of venue is independently reviewed for a manifest abuse of discretion.<sup>6</sup> Manifest abuse of discretion occurs "[w]hen the evidence is clear, unconflicting in the essentials, and points unerringly to one result."<sup>7</sup> The denial of a motion for a change of venue will not be disturbed on appeal unless it appears unreasonable or arbitrary.<sup>8</sup>

NRS 13.050(2)(c) provides that a district court may change the venue of trial "[w]hen the convenience of the witnesses and the ends of justice would be promoted by the change."

In Pearce v. Boberg,<sup>9</sup> we affirmed a district court's denial of a motion to change venue from Washoe County to Pershing County pursuant to NRS 13.050(2)(c). There, we noted that "[w]hile some considerations might favor a trial in Lovelock, others favor a trial in Reno, and we are therefore unable to perceive a manifest abuse of discretion on the part of the lower court."<sup>10</sup>

Here, unlike the facts in Pearce, there appears to be overwhelming evidence to support a change of venue from Clark County to Washoe County. According to Harrah's, there may be as many as

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<sup>6</sup>Nat'l Collegiate Athletic Ass'n v. Tarkanian, 113 Nev. 610, 613, 939 P.2d 1049, 1051 (1997).

<sup>7</sup>Fabbi v. First National Bank, 62 Nev. 405, 414, 153 P.2d 122, 125 (1944) (quoting State ex rel. Merritt v. Superior Court for Kitsap County, 267 P. 503, 505 (Wash. 1928)).

<sup>8</sup>Id.

<sup>9</sup>87 Nev. 255, 255-57, 485 P.2d 101, 101-02 (1971).

<sup>10</sup>Id. at 256, 485 P.2d at 101.

seventeen witnesses called to testify in this case, including law enforcement and medical personnel. None of these potential witnesses reside in Clark County.<sup>11</sup> Rather, according to an affidavit by the senior vice president of Harrah's, nearly all potential witnesses resided in Washoe County. Although respondent Crawford contends that these witnesses number as few as four and may be deposed, these contentions remain unsupported.

Crawford and her doctors reside in California. Whether the venue is in Clark County or Washoe County, Crawford and her doctors would have to travel to Nevada. The only reason Crawford has given to maintain the venue of her lawsuit in Clark County is that it would suit her own convenience. Yet, given that Crawford resides in Sacramento, which is closer in proximity to Reno than Las Vegas, we find her concerns unpersuasive in light of the needs of other potential witnesses. As Las Vegas is hundreds of miles from Reno and many of the potential witnesses are employed in important public service positions, we conclude that the convenience of these witnesses is best served by a change of venue to Washoe County.<sup>12</sup>

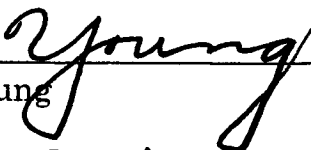
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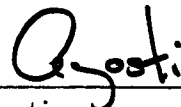
<sup>11</sup>We note that corporate executives of Harrah's Operating Company may reside in Clark County. However, Crawford fails to discuss these potential witnesses in her brief and their relevance is questionable.


<sup>12</sup>Crawford correctly notes that Harrah's business registration lists Las Vegas as the location of corporate records. However, we conclude that Harrah's senior vice president's affidavit sufficiently rebuts this generic indication and specifies that the documents pertaining to the security of Harrah's Casino Hotel Reno and Crawford's lawsuit are located in Washoe County. We also note that Washoe County is the location of the alleged incident, as well as the location of Washoe Medical Center and the Reno Police Department, which likely contain additional relevant documents.

The court did not explain the basis of its decision at either the hearing or in its order. Although venue was proper in Clark County, we conclude that there was no reasonable basis to deny Harrah's motion to change venue in the interests of witness convenience and the ends of justice. Accordingly, we

REVERSE the order of the district court.

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Nancy M. Saitta, District Judge  
Piscevich & Fenner  
Calvin R.X. Dunlap  
Goodman Chesnoff & Keach  
Murdock & Associates, Chtd.  
Clark County Clerk