

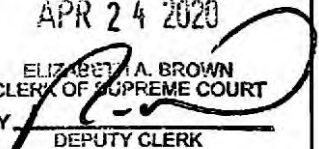
IN THE SUPREME COURT OF THE STATE OF NEVADA

SUN CITY GAMING PROMOTION
COMPANY LIMITED,
Appellant,
vs.
WENDY WENQIN LU, AN
INDIVIDUAL,
Respondent.

No. 78324

FILED

APR 24 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from a district court order granting a motion to dismiss for lack of subject matter jurisdiction in a breach of contract action. Eighth Judicial District Court, Clark County; Joanna Kishner, Judge.

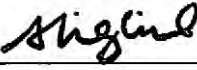
Appellant Sun City Gaming Promotion Company Limited, a Chinese corporation, filed a complaint against Respondent Wendy Wenqin Lu, a Texas resident, alleging Lu failed to repay \$498,000.00 in gaming markers it lent her in Macao, China. Lu was served in Las Vegas and did not contest personal jurisdiction. The district court dismissed the matter for lack of subject matter jurisdiction because Nevada had no interest in the subject matter of the dispute and Lu did not have sufficient minimum contacts in Nevada.¹

¹We note the record does not demonstrate that Lu made a motion to dismiss based on the doctrine of forum non conveniens or that the district court considered the applicable factors for dismissal under that doctrine. *See, e.g., Provincial Gov't Marinduque v. Placer Dome, Inc.*, 131 Nev. 296, 350 P.3d 392 (2015).

The district court erred in concluding it lacked subject matter jurisdiction over the underlying action. Sun City Gaming was seeking more than \$15,000 in damages for Lu's breach of contract. See Nev. Const. Art. 6, § 6. (providing that district courts have jurisdiction over all actions that do not fall within the jurisdiction of the justice courts); NRS 4.370(1)(b) (explaining that justice courts have jurisdiction over civil actions for breach of contract where less than \$15,000 in damages is sought). The district court's focus on minimum contacts and the location where the parties entered into the contract are relevant in determining personal jurisdiction, not subject matter jurisdiction. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.


_____, J.
Gibbons


_____, J.
Stiglich


_____, J.
Silver

cc: Hon. Joanna Kishner, District Judge
Stephen E. Haberfeld, Settlement Judge
Hamrick & Evans, LLP/Las Vegas
Sun Law Group LLC
Kenneth W. Long
Eighth District Court Clerk