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8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 JESSICA HENNING,
 11 Plaintiff,

CASE NO. 2:14-cv-00979-RFB-GWF

12 vs.

13 CHEERAG B. ARYA,
 14 Defendant.

**PLAINTIFF’S OPPOSITION TO
 DEFENDANT’S RENEWED MOTION
 TO DISMISS (DKT 130)**

16 COMES NOW Plaintiff, JESSICA HENNING (hereinafter “Plaintiff” or “Henning”), by
 17 and through her undersigned counsel of record, and hereby responds to and files the herein Points
 18 and Authorities in opposition to “Defendant’s Renewed Rule 12 Motion to Dismiss” [Dkt. 130]
 19 filed by Defendant Cheerag B. Arya (hereinafter “Defendant,” “Movant” or “Arya”) on June 13,
 20 2016.

21 **POINTS AND AUTHORITIES IN OPPOSITION TO**
 22 **DEFENDANT’S RENEWED MOTION TO DISMISS**

23 **I. OVERVIEW OF ARGUMENT**

24 After extensive jurisdictional discovery, the facts clearly illustrate that Defendant Arya is
 25 subject to the specific personal jurisdiction of this Nevada Court. Indeed, as a result of the doctrine
 26 of pendent jurisdiction, if this Court finds jurisdiction over a single claim, then all remaining
 27 causes of action should be tried before this Court as well. As detailed herein, Plaintiff’s conversion
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1 claim (in addition to certain of her other claims) warrants the exercise of jurisdiction over
2 Defendant, who provided certain personal property to Henning in Nevada, and then retook this
3 personal property from Henning, including, in two instances, taking the property directly from her
4 in Nevada. The district court certainly has jurisdiction over Arya with respect to these conversion
5 claims, and, therefore, with respect to the other claims as well.

6 **II. STATEMENT OF FACTS**

7 **A. The Parties.**

8 Plaintiff has resided in Clark County, Nevada since 2001. (Henning Affidavit, attached
9 hereto as **Exhibit “1,”** at ¶ 2). *See also*, Deposition Transcript of Anne Henning, Plaintiff’s sister,
10 relevant portions of which are attached hereto as **Exhibit “2,”** at 53:12–56:7.

11 Defendant Arya is a wealthy international businessman, who resides in Dubai in the United
12 Arab Emirates. He is the CEO of JBF RAK, a manufacturer of textile, polyester and other
13 products, with offices in Dubai, Bahrain, Brazil, India and Charleston, South Carolina. He travels
14 to these places frequently. Henning Aff. at ¶ 3. Plaintiff, by contrast, is a person of substantially
15 less financial resources than Defendant. The Defendant owns Ferrari racing teams and recently
16 became one of only eight people in the world to have a custom Ferrari named after him (Henning
17 Affidavit at ¶ 4), and made headlines when he purchased one of the most expensive automobiles in
18 the world, a Bugati, for \$2,400,000. Henning Aff. at ¶ 5. The hardship to Defendant if he were
19 required to litigate in Nevada is minimal compared to the hardship to Henning if she were required
20 to litigate this action in the UAE.

21 Although the Defendant resides in the Middle East, he sought an American bride. Henning
22 Aff. at ¶ 6. Both the Defendant and Plaintiff signed up with Selective Search, a matchmaking
23 agency. The Defendant paid a fee of \$500,000.00 to join (Arya Deposition Transcript, relevant
24 portions of which are attached hereto as **Exhibit “3,”** at 42:23–43:1 – hereinafter “Arya Depo.”),
25 but Plaintiff did not have to pay a fee. Henning Aff. at ¶ 7. Plaintiff listed Las Vegas, Nevada as
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1 her place of residence in her paperwork with Selective Search; this contact and profile information
2 was then provided to Defendant. Henning Aff. at ¶ 8. Defendant admitted that Plaintiff's Las
3 Vegas, Nevada place of residence was referenced in Henning's Selective Search profile. Arya
4 Depo. at 51:16-24; 66:22-67:1; 68:25-69-13; 166:5-16.

5 **B. The Defendant's Three Meetings with Plaintiff in Las Vegas, Nevada.**

6 After receiving her contact information, the Defendant called the Plaintiff in Las Vegas,
7 Nevada on November 12, 2012. Henning Aff. at ¶ 9. Thereafter, Plaintiff and Arya continued to
8 speak on the phone and to exchange emails and text messages, eventually discussing plans for a
9 face-to-face meeting in Plaintiff's city of residence, Las Vegas, Nevada. (Henning Aff. at ¶ 10). In
10 an email dated January 24, 2013, Defendant Arya instructed Plaintiff to choose a restaurant for
11 their first meeting in Las Vegas, Nevada, since "it's ur city". (Exhibit "4").

12 Defendant Arya came to Las Vegas from January 24 to 27, 2013, with the purpose of
13 courting the Plaintiff and persuading her to move to Dubai. Henning Aff. at ¶ 11; Arya Depo. at
14 21:3-6; 79:4-7. Plaintiff and Defendant's first face-to-face meeting during Arya's four-day visit to
15 Nevada was on January 24, 2013, when they went to dinner at India Palace located at 505 E Twain
16 Ave, Las Vegas, Nevada 89169. At this meeting, the Defendant gave Plaintiff a Cartier watch,
17 with an approximate value of \$50,000. Henning Aff. at ¶ 12; Arya Depo. at 87:20-88:25.

18 On January 25, 2013, a second meeting occurred at the Cosmopolitan Sushi Bar, located at
19 3708 Las Vegas Boulevard South, Las Vegas, Nevada 89109, where the Defendant drank alcohol
20 to excess, undressed himself, and passed out on the bathroom floor of the Sushi Bar Restroom.
21 The Sushi Bar staff contacted Cosmopolitan's security and a team of agents picked him up and
22 assisted him in dressing and then had him removed from the restaurant and the hotel. Henning Aff.
23 at ¶ 13. Plaintiff, embarrassed, was left alone to pay the over \$400.00 bill, and then hired a taxi
24 and returned home. Defendant agreed that he met Plaintiff on this date at this Las Vegas Nevada
25 location and admitted to "not feeling well" in the restroom. Arya Depo. at 89:1-90:17.
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1 Defendant, still in Nevada, then contacted the Plaintiff and apologized for his behavior and
2 asked for an opportunity to make amends. On January 26, 2013, Plaintiff and Defendant met for a
3 third time in Nevada, and had dinner at Wing Lei at the Wynn, located at 3131 Las Vegas
4 Boulevard South, Las Vegas, Nevada 89109. Henning Aff. at ¶ 14; Arya Depo. at 99:15-19.
5 During that evening, the Defendant gave Plaintiff three Chanel bags having an approximate value
6 of over \$31,000, which he purchased in Las Vegas, Nevada, with the intent that she would keep
7 them as gifts which would be her property. Arya Depo. at 05:14-25.

8
9 In addition to these three Las Vegas, Nevada face-to-face meetings, (during which
10 Defendant Arya had given the Plaintiff approximately \$80,000 worth of personal property gifts,
11 including gifts he purchased in Nevada), various phone calls and text messages were exchanged
12 between the parties during Arya’s four day visit to Nevada. Despite her phone number having an
13 858 area code, the Defendant knew very well and understood that the Plaintiff resided here.

14 On January 26, 2013, while in Las Vegas, the Defendant described the glamorous travel
15 and first-class accommodations he wished to provide to Plaintiff, and he insisted that she leave the
16 United States to travel with him. In an email he sent on January 27, 2013, the Defendant stated,
17 “I’ve been thinking of dates and 7-8-9 march we’re racing in abudhabi, its going to be a big event
18 with f1 cars etc etc, so I’d really like u to be there for that. So let’s plan to be in europe around
19 24th. 2days belgium, 4days swiss and then sunday we come back to uae, and a week with me in
20 uae. Then I’ll be praying u tell me, babe I never want to go back”. See, **Exhibit “5”** attached
21 hereto.
22

23 **C. The Defendant’s Ongoing Contacts with Plaintiff in Nevada After He Left Nevada.**

24 The Defendant then made these promised travel arrangements, and Henning went on this
25 and other exotic trips with the Defendant at various times during 2013. Henning Aff. at ¶ 15 et
26 seq. The travel tickets were sent via FedEx to the Plaintiff’s Nevada address. But for these initial
27 promises and enticements made by Defendant to Plaintiff in the state of Nevada to fly her out of
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1 the country, no harm or injury would have been experienced. To arrange for Plaintiff to drive in
2 Europe and Dubai, the Defendant requested her current Nevada Driver's License, which the
3 Plaintiff emailed (and which showed her Las Vegas, Nevada address) on February 11, 2013.
4 Henning Aff. at ¶ 19, and **Exhibit "6"**.

5 For Valentine's Day of 2013, the Defendant had a card sent via Fed-Ex to the Plaintiff's
6 Las Vegas office address at 9500 Hillwood Dr, Ste 201, Las Vegas, NV 89134. Defendant further
7 advised Henning that a flower delivery would occur. Plaintiff then provided the Defendant with
8 her personal mailing address via email and the Defendant agreed to use that address (2251 N
9 Rampart Blvd., Ste. 228, Las Vegas, NV 89128) for all future mailings. Henning Aff. at ¶ 19. In
10 an email, Defendant wrote to his assistant "Pls direct the flowers to the add mentioned below
11 ASAP" and sent an email to Plaintiff which said, "Baby the fedex I cannot change" to which
12 Henning responded "Don't be sorry!! Just use the 2251 address in the future" which he
13 acknowledged. Henning Aff. at ¶ 19. At no point in time thereafter was any other address utilized
14 by Arya to send any items to Henning, as, over the course of the next year, he sent numerous gifts,
15 cards, flowers, cars, an employment contract, jewelry, etc. to Henning in Nevada, via her North
16 Rampart address, which the pair had agreed should be used for sending any items to her. Henning
17 Aff. at ¶ 20.

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19
20 Examples of items Defendant sent to this Nevada address include a Franck Muller Crazy
21 Watch, valued at approximately \$30,000, shipped on April 9, 2013, via UPS – Tracking number
22 1Z1Y303EA298404760, with respect to which, Arya's email correspondence to the watch dealer
23 (forwarded to Plaintiff) stated "She leaves vegas thursday mrng, thus I had said before thursday
24 she must receive it. . . ." Henning Aff. at ¶ 30; Arya Depo. at 139:7-19. On April 2, 2013,
25 Defendant sent a suitcase full of saris and clothing by express courier to Henning's Nevada
26 Rampart address via DHL Waybill #7824675692. See **Exhibit "7"**.

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1 On April 28, 2013, while visiting with each other in Newport Beach, the Defendant bought
2 Plaintiff a Porsche 911 Turbo with an approximate value of \$130,000.00 and put it in her name,
3 promising to wire the funds to pay for it and arrange to have it delivered to Plaintiff's home in
4 Nevada. Henning Affidavit at ¶ 38; Arya Dep. Tr. at 176:8-9; Anne Henning Dep. Tr. at 45:4-16.
5 On May 2, 2013 the Porsche dealership sent an email confirming the wire and stating "Good
6 Afternoon Cheerag, The money is in and I'm arranging shipping to Las Vegas.... Sincerely,
7 Robert Fische. " Henning Aff. at ¶ 39. This vehicle was then registered and insured in Plaintiff's
8 name in Las Vegas, Nevada. Travel arrangements and tickets for trips to Europe and the UAE
9 were also directed to Henning in Las Vegas during this time period.

11 On May 1, 2013 the Defendant asked Plaintiff to come visit him and again spend more
12 time with him overseas. Plaintiff advised him via email that it would be difficult for her to travel
13 again and to take so much time away from her work in Las Vegas as a real estate broker. The
14 Defendant assured Plaintiff that he would make it up to her and would have his company, JBF
15 RAK LLC hire Plaintiff to work for him overseas. Henning Aff. at ¶ 42. Thereafter, while Plaintiff
16 was in Las Vegas, the Defendant discussed the details of this employment with Plaintiff, and sent
17 her a contract for employment by his company, on his company's letterhead, in order to induce her
18 to leave Nevada. The contract was signed by both of the parties, but was later breached by the
19 Defendant. The "Date to Join" was listed as September 15, 2013 with a duration of 3 years, at a
20 salary of 36,500 AED (approximately \$10,000 USD) per month. Id. at ¶ 43; Arya Depo. at 163-
21 164.

23 As part of these arrangements, the Defendant advised that Plaintiff would need to abandon
24 her Nevada residency and take up legal residency in Dubai, UAE. Marawan Elmadiob, the
25 Defendant's legal counsel, assisted in the paperwork to process Plaintiff's Dubai residency
26 application, and Defendant Arya instructed Plaintiff to email all of her then current IDs (all of
27 which showed her Nevada residency), as part of this process. Henning Aff. at ¶ 44. In addition, all
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1 the details of Plaintiff's residence and education background (such as her University of Nevada,
 2 Las Vegas bachelor's degree) were requested by and provided to Defendant and his company. *Id.*
 3 Plaintiff also had blood drawn and fingerprints submitted, through Defendant's company as part of
 4 this process, as the Defendant, his legal counsel, and his company worked to secure employment
 5 cards, health cards, and UAE residency cards for the Plaintiff, in accordance with UAE law, which
 6 requires any working age adult who wants to reside in the UAE to demonstrate suitable
 7 employment. (See **Exhibit "8,"** including copies of certain of these documents). Plaintiff has
 8 produced the emails exchanged between herself and the Defendant or his company, with her
 9 identification documents and information *See, e.g., Exhibit "9"* hereto. Yet none of the emails
 10 between the Defendant and his staff have ever been produced by the Defendant. Henning Aff. at ¶
 11 44.

12
 13 On May 25, 2013, the Defendant apologized for certain recent abusive behavior and
 14 thereafter gave Plaintiff, as a gift, a Ferrari 458 Italia automobile (hereinafter the "First Ferrari")
 15 that was valued at approximately \$240,000. Henning Affidavit at ¶ 50-53. Pictures of the vehicle
 16 wrapped in a bow and video of Plaintiff Henning unwrapping the car and the Defendant saying it
 17 was Plaintiff's gift demonstrated that this was in fact a present to Henning. *Id.* Defendant failed to
 18 ever ship this vehicle to Henning in Nevada, as had been promised. *Id.*

19
 20 **D. Conversion of a Ferrari from Nevada and Other Conduct Aimed at Nevada.**

21 On or about June 21, 2013, a Ferrari 575 SuperAmerica automobile (hereinafter the
 22 "Second Ferrari"), valued at approximately \$500,000 was also gifted to Plaintiff in Las Vegas,
 23 Nevada as a gift of Defendant's appreciation. Plaintiff stored the Second Ferrari in her garage in
 24 Nevada and was told it would be titled in her name. Later, the Plaintiff was coerced by the
 25 Defendant to hand over the Second Ferrari to be shipped away from Nevada to New York through
 26 a company with whom the Defendant contracted. Although the vehicle still belonged to the
 27 Plaintiff, the Defendant has converted the vehicle and has instructed the entity now in purported
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1 possession of the vehicle (Berlinetta), to refuse to return the vehicle to the Plaintiff. Henning Aff.
 2 at ¶ 55. Thus, Plaintiff's cause of action for conversion of this Second Ferrari arises out of a
 3 fact pattern in which personal property was given to the Plaintiff in Nevada, and then
 4 converted away from her and from Nevada, with all relevant events occurring in and
 5 directed at Nevada. Clearly, specific jurisdiction in Nevada thus exists over the Defendant
 6 for the conversion claim arising out of this converted item.

7
 8 Various issues thereafter arose in the parties' relationship based on Defendant's ongoing
 9 drinking problem and inappropriate behavior while under the influence of alcohol. Henning Aff. at
 10 ¶¶ 46-74. Nevertheless, the couple stayed in touch throughout 2013, during which time period the
 11 Defendant directed and sent 1,040 emails to Henning (68% of the total emails sent), on dates
 12 while Henning was located in Nevada. Henning Aff. at ¶ 121.

13 On or about September 10, 2013, Plaintiff agreed to travel to Dubai to meet with the
 14 Defendant. While Plaintiff was reluctant to reconcile with the Defendant, she agreed as a result of
 15 and in reliance upon his promises to correct his behavior. Henning Aff. at ¶ 74. This visit did not
 16 end well, and therefore, on October 2, 2013, the Defendant sent his assistant, Annie DeSouza,
 17 from Dubai to Las Vegas, Nevada to give Plaintiff an emerald cut diamond ring, having an
 18 approximate value of \$750,000 (Henning Affidavit at ¶ 87) and a handwritten letter of apology
 19 (**Exhibit "10"**). Defendant prefaced his assistant's visit with an email explaining that when Annie
 20 handed Plaintiff what he had sent, that Plaintiff would understand his commitment to her (**Exhibit**
 21 **"11"**).

22
 23 **E. Conversion of a Diamond Ring from Nevada and Other Conduct Aimed at Nevada.**

24 As promised, Defendant's assistant, Ms. DeSouza came to Las Vegas, Nevada at the
 25 Defendant's direction and made the delivery of the diamond ring to try to convince Plaintiff to
 26 forgive the Defendant. Henning Aff. at ¶ 87; Arya Depo. at 225:20-23. However, after gifting the
 27 diamond ring to Plaintiff, the Defendant then demanded only days later that Plaintiff send the ring
 28

1 back to Defendant. (Henning Aff. at ¶ 88). Under duress and coercion, the Plaintiff was forced to
2 send the ring from Nevada to the Defendant in Dubai. Defendant’s assistant acknowledged receipt
3 of the envelope to their office address and sent an email advising that she would deliver the
4 envelope to the Defendant. *Id.*

5 **Thus, Plaintiff’s cause of action for conversion of this diamond ring (as well as her**
6 **cause of action with respect to the Second Ferrari) arises out of a fact pattern in which**
7 **personal property was given to the Plaintiff in Nevada, and then converted away from her**
8 **and from Nevada, with all relevant facts occurring in and being directed at Nevada. Clearly,**
9 **specific jurisdiction in Nevada thus exists over the Defendant for the claims arising out of**
10 **(both such converted item(s).**

11
12 On October 19, 2013, the Defendant emailed Plaintiff, advising her that he had purchased
13 for her a brand new white Ferrari automobile (the “Third Ferrari”), having an approximate value
14 of \$200,000 that would be titled in her name. Defendant later delivered the vehicle to Plaintiff
15 while she was in Dubai with a celebration at the Ferrari dealership where pictures and video were
16 taken, but the Defendant failed to ever ship the vehicle to Henning in Nevada, as he had promised.

17 Henning Aff. at ¶ 90.

18
19 After the parties returned to Dubai, on November 23, 2013, they had a fight after
20 Defendant drank excessively. When Plaintiff told him she would be leaving him, he attempted to
21 strangle her in the back of his Bentley. The driver of the Bentley pulled over and the Plaintiff ran
22 from the car and called the police. When the police saw the marks on Plaintiff’s neck, they began
23 to take the Defendant into custody. Plaintiff somehow felt sympathy for the Defendant and he
24 convinced her not to file a case and promised he would never hurt her again and would refrain
25 from alcohol consumption. Defendant begged the Plaintiff to stay for their upcoming anniversary
26 and his birthday and she did so. Henning Aff. at ¶ 94.

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1 **F. The Defendant Lures the Plaintiff into Leaving Nevada with her Personal Property.**

2 In December of 2013, Defendant again used his money and expensive gifts to lure Plaintiff
3 back to the Middle East when he bought her jewelry, having an approximate value of \$271,000
4 and shipped the gifts via Fed Ex to Plaintiff in Las Vegas, Nevada. Henning Aff. at ¶ 96. The
5 Defendant purchased first-class tickets on Emirates valued at approximately \$20,000 for the
6 Plaintiff and insisted that she pack up the majority of her belongings as he would be purchasing a
7 penthouse at the Palm in Dubai for her to move into. With seven suitcases filled with her favorite
8 possessions, including gifts Defendant had given to her in Nevada, the Plaintiff flew to Dubai.
9 Henning Aff. at ¶ 100. She was unaware that she would be forced to leave many of these items of
10 personal property behind upon her later departure from Dubai.

11 **G. The Sexual Assault of Plaintiff and the Theft of Plaintiff's Property.**

12 The Defendant insisted that the Plaintiff stay in a separate room in his apartment until the
13 penthouse had been purchased. Then, over the course of her stay, the Defendant again became
14 intoxicated and at approximately 5:45 a.m. on January 30, 2014, after a full night of drinking, the
15 Defendant entered Plaintiff's separate bedroom within the Defendant's apartment without
16 warning. He stated "I want to fuck you. . ." and then proceeded to physically attack her and
17 attempted to sexually assault her. Plaintiff attempted to fight off the Defendant by biting him on
18 the wrists, but the Defendant continued to physically restrain her, attempting to have forced sex
19 with her. Plaintiff yelled and screamed for the Defendant to stop, and while she was fighting him
20 off, the bed broke and she was able to escape and immediately called the police. After Defendant
21 departed, Plaintiff was able to lock herself in her bedroom, and called the police two more times.
22 The police arrived and interviewed the parties and a police photographer took pictures of the
23 broken bed. The Defendant lied to the police, stating that he did not touch Plaintiff. Henning Aff.
24 at ¶ 105.

25 The Defendant then contacted his friend, Amit Gandhi, who arrived at the apartment while
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1 the police were present. Gandhi attempted to convince the Plaintiff to not file a case or complaint
2 with the police, threatening Plaintiff's life. Henning Affidavit at ¶ 106. Plaintiff was shaking when
3 the police came to interview her after they were done speaking to the Defendant. Upon seeing her
4 injuries, they told her to go to Rashid Hospital for immediate emergency medical treatment.
5 Henning Aff. at ¶ 107. At the hospital, the medical staff saw the deep scratches on Plaintiff's
6 abdomen, back, breasts, and buttock. Her hair had been pulled violently and her neck was in pain.
7 She had extreme tenderness in her muscles and soreness in her joints as a result of the attack.
8 Because her skin was broken and bleeding, the doctor gave her a Tetanus shot, and advised
9 Plaintiff she needed to follow up on her claims against the man who did this to her, and she should
10 go to the Bur Dubai police station. Henning Aff. at ¶ 108.

12 Plaintiff then traveled to the police station via taxi and completed her report with Major
13 Ahmed. Henning Aff. at ¶109. The police then informed the Defendant that he would have to
14 appear at the police station, and he ultimately arrived with his legal counsel. Henning Aff. at ¶
15 110. The police advised Plaintiff that the drinking test given to the Defendant showed excess
16 alcohol in his system, that he was "definitely drunk," and that he kept changing his story, but had
17 not filed his official statement at that time. Henning Aff. at ¶ 111.

19 After filing her statement and signing the Police Report at approximately 1:30 p.m.,
20 Plaintiff was advised by the police to collect her things from the Defendant's apartment and go to
21 a safe place. Henning Aff. at ¶¶ 112-114. When Plaintiff arrived at the apartment, hoping to
22 collect her belongings while Defendant was in custody, she was not allowed to enter per the
23 Defendant's direction to the butler. Although Plaintiff sent text messages to the Defendant asking
24 him to please let her have her things, he did not respond. Out of desperation, Plaintiff sent an
25 email to the Defendant's mother asking for her help. The Defendant's mother said that he was not
26 acting rationally and that there was nothing she could do to help the Plaintiff from India. Plaintiff
27 left with only the clothing on her body and her purse, and went to a hotel to spend the night
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1 without her belongings, still in pain from the physical attacks. *Id.*

2 On the morning of January 31, 2014, Plaintiff returned to the Bur Dubai police station and
3 asked for assistance in collecting her belongings. The police contacted the Defendant, who arrived
4 at the police station with his attorneys and Amit Gandhi. After some negotiations, the Defendant
5 agreed that Plaintiff could enter the property to retrieve her things. Since Plaintiff feared for her
6 safety, she requested a police escort. *Id.* Two police officers were then sent to monitor the
7 situation so that Plaintiff could get her belongings out of the apartment safely. The Defendant
8 instructed Plaintiff to leave behind all items that he had given to her as gifts. This included gifts
9 which had been provided to her in Las Vegas, Nevada. As Plaintiff was packing, she noticed that
10 several things were missing from her possessions, including not only certain of the gifts, but also
11 some of her belongings which had not been gifts and which she had brought with her from Las
12 Vegas, Nevada. Plaintiff mentioned this to the police officers, who again stated that Plaintiff
13 would need to go back to the police station with a list of the missing items. Amit Gandhi made
14 more verbal threats such as “you better watch your back” and “I’ll have you killed for this” and
15 the police instructed Amit to leave. Henning Aff. at ¶ 115.

17 After packing what was left of her belongings, the Plaintiff left the apartment and took a
18 taxi to a separate hotel. Henning Aff. at ¶ 116. After resting on February 1, 2014 and tending to
19 her injuries which still ached, on February 2, 2014, Plaintiff spoke to the United States Embassy
20 and was advised to get legal assistance.

22 Thus, after using gifts worth over \$1.5 million directed to Nevada to lure Plaintiff to
23 relocate to the Middle East, where he could attack and assault her, the Defendant intentionally
24 converted many of these gifts on or about January 30, 2014, including the watches, handbags, and
25 other jewelry. Defendant continues to refuse to release the Ferrari which he has moved to New
26 York from Las Vegas. A chart/list of the converted items which were delivered to Las Vegas,
27 Nevada and then converted away from Plaintiff is set forth at the Henning Affidavit at ¶ 122. This
28

1 list demonstrates that most of the key facts related to Henning's conversion claims (and *all* of the
 2 facts as to two of the converted items) occurred in and were directed towards Nevada, based on
 3 Defendant's conduct in Nevada. Additionally, the Defendant's Nevada conduct lured Plaintiff
 4 from Nevada where other torts were committed.

5 III. LEGAL ARGUMENT

6 A. The Plaintiff Has Established a Prima Facie Showing of Jurisdiction.

7
 8 When a court reviews a motion to dismiss for alleged lack of personal jurisdiction, the
 9 Plaintiff must make a prima facie showing of jurisdiction. *Harris Rutsky & Co v. Bell & Clements*
 10 *Ltd.*, 328 F.3d 1122, 1129 (9th Cir. 2003). "The general rule is that personal jurisdiction over a
 11 defendant is proper if it is permitted by the state long-arm statute and if the court's exercise of that
 12 jurisdiction does not violate federal due process." *Pebble Beach Co. v. Caddy*, 435 F.3d 1151,
 13 1154 (9th Cir. 2006). When no federal statute specifically defines the extent of personal
 14 jurisdiction, the district court will look to the law of the state where it sits. *CE Distribution, LLC v.*
 15 *New Sensor Corp.*, 380 F.3d 1107 (9th Cir. 2004). Pursuant to Nevada's long-arm statute, a
 16 federal district court is permitted to assert personal jurisdiction over a defendant so long as doing
 17 so is "not inconsistent with the Constitution of this state or the Constitution of the United States."
 18 NRS 14.065; FRCP (k)(1)(A). Thus, exercise of jurisdiction must comport with the limits of
 19 federal due process which are imposed on Nevada, and that, in turn, revolves on the constraints
 20 imposed by the Due Process Clause of the Fourteenth Amendment on a state's authority to bind a
 21 non-resident defendant. *World-Wide Volkswagen Corp. v. Woodson*, 414 U.S. 286, 294 (1980).

22
 23 Furthermore, in order for a federal court sitting in diversity to exercise personal
 24 jurisdiction over a non-resident defendant, federal due process requires that the defendant "have
 25 certain minimum contacts with the forum state such that the assertion of jurisdiction does not
 26 offend traditional notions of fair play and substantial justice." *Int'l Shoe Co. v. State of Wash.*, 326
 27 U.S. 310, 316 (1945) (internal quotations and citations omitted). Thus, due process protects a
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1 defendant who has established no meaningful “contacts, ties or relations” with the forum state.
2 *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472 (1985). The Court’s analysis should not be a
3 merely “mechanical” process; but should involve a “realistic approach” that emphasizes the entire
4 relationship of the parties. *Id.* at 479. This includes the relationship among the defendant, the
5 forum, and the litigation. *Shaffer v. Heitner*, 433 U.S. 186, 204 (1977).

6 Plaintiff does not contend that Defendant is subject to the general jurisdiction of Nevada
7 courts; however, even if a defendant has not had continuous and systematic contacts with the state
8 sufficient enough to confer “general jurisdiction,” a court may still exercise “specific jurisdiction”
9 over a defendant with respect to his contacts that relate to the claims for which he is being sued.
10 *Dole Food Co., Inc. v. Watts*, 303 F.3d 1104, 1111 (9th Cir. 2002). In this case, Defendant had
11 numerous purposeful contacts with Nevada that give rise to this Court’s specific personal
12 jurisdiction over the Defendant, including, without limitation, as to the claims of conversion that
13 Plaintiff has brought against Defendant in the District of Nevada. For example and without
14 limitation: (1) Defendant contacted a Nevada resident and (2) arranged to meet her in Nevada and
15 (3) communicated with her in Nevada. (4) He then flew to Nevada to meet with her, (5) stayed in
16 Nevada, (6) ate and drank in Nevada, (7) shopped in Nevada, (8) met with Plaintiff in Nevada, (9)
17 and then met with her again in Nevada, (10) and then met with her a third time in Nevada; (11)
18 sent her text messages and called her while they were both in Nevada; (12) and personally and
19 directly provided her with \$80,000 worth of separate gifts while they were both in Nevada, (13)
20 during which time he also invited her to travel with him in the hopes of luring her away from
21 Nevada.

22 Thereafter, (14) he continued to maintain contact with her in Nevada and sent her travel
23 tickets in Nevada including for travel she usually initiated from Nevada; (15) he mailed and
24 directed the shipment of cards and flowers to Nevada, including shipments to both the Plaintiff’s
25 Nevada business address and to her Nevada personal address; (16) he arranged to have a Porsche
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1 shipped to Nevada; (17) he arranged to have a Ferrari shipped to Nevada, (18) he flew his personal
2 assistant into Nevada to deliver a diamond ring to Nevada. (19) He sent hundreds of emails and
3 text messages and physical cards and letters to Plaintiff in Nevada. (20) He made an offer of
4 employment to Plaintiff while she was in Nevada and negotiated its terms. (21) He provided
5 Plaintiff with a proposed written contract of employment which he delivered to her in Nevada and
6 which he later breached.

7
8 (22) Furthermore, the Defendant had Plaintiff communicate to him and his staff
9 information regarding her residency in Nevada and her education in Nevada. (23) He directed his
10 staff to guide her through the process of applying for legal residency in Dubai from Nevada with
11 the intent of convincing her to leave the state and enter into a personal relationship and a work
12 contract with him. (24) He arranged for the Ferrari which had been shipped to Nevada to be taken
13 away from Nevada and thereby converted it from Nevada and from a Nevada resident. (25) He
14 arranged to have the diamond ring his assistant had hand delivered to Nevada shipped back from
15 Nevada and thereby converted it away from Nevada and from a Nevada resident. (26) He then
16 talked the Plaintiff into leaving Nevada and bringing all of her personal items with her, from
17 Nevada, to Dubai, under a false promise made and directed at her while she was in Nevada, that he
18 would be purchasing her a penthouse where her personal items could be stored; (27) but, after she
19 packed up her belongings in Nevada and flew with them to the Middle East in detrimental reliance
20 on these promises, he instead stole those items from her after her arrival.

21
22 If this Court does not have personal specific jurisdiction over Defendant Arya under these
23 facts, it is difficult to fathom this Court ever having any specific jurisdiction over any non-resident
24 Defendant.

25 In *Trump v. District Court*, 109 Nev. 687, 701-02, 857 P.2d 740, 749-50 (1993), the
26 Nevada Supreme Court found that Nevada could reasonably exercise specific personal jurisdiction
27 over a nonresident defendant who (together with his agent) had actively pursued a future employee
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1 who lived in Nevada, negotiated an employment agreement with the employee over a period of
2 months while the employee lived in Nevada, and set up a trust in Nevada as part of the agreement.
3 As outlined above, far more facts exist in this case, than did in *Trump*, to justify this Court’s
4 assertion of jurisdiction over the Defendant.

5 The Ninth Circuit has implemented the following three prong test for determining whether
6 an exercise of specific jurisdiction comports with due process requirements:

- 7 (1) the non-resident defendant must purposefully direct his activities **or**
- 8 consummate some transaction with the forum **or** resident thereof; **or** perform
- 9 some act by which he purposefully avails himself of the privileges of
- 10 conducting activities in the forum, thereby invoking the benefits and protections
- 11 of its laws;
- 12 (2) the claim must be one which arises out of **or** relates to the defendant’s forum-
- 13 related activities; and
- 14 (3) the exercise of jurisdiction must comport with fair play and substantial justice,
- 15 i.e. it must be reasonable.

16 *Harris Rutsky*, 328 F.3d 1122, 1129. [Emphasis added.] The burden of satisfying the first two
17 prongs is on the plaintiff, and, if satisfied, “[t]he burden then shifts to the defendant to ‘present a
18 compelling case’ that the exercise of jurisdiction would not be reasonable.” *Schwarzenegger v.*
19 *Martin*, 374 F.3d 797, 802 (9th Cir. 2004).

20 In applying this test, the court is concerned with the quality and nature of the defendant’s
21 contacts with the forum state in relation to the cause of action. Even a single contact with the
22 forum state can support jurisdiction if “the cause of action ... arise[s] out of that particular
23 purposeful contact of the defendant with the forum state.” *Lake v. Lake*, 817 F.2d 1416, 1421 (9th
24 Cir. 1987). In the present case, far more than a single contact with Nevada exists, and Henning is
25 suing, among other things, for conversion of multiple gifts given to her in Nevada, at least two of
26 which were also converted from her while she and the gifts were physically located in Nevada.
27 Plaintiff has clearly established a prima facie showing of jurisdiction.

28 **B. Defendant Has not Met His Burden to Show that Jurisdiction would be Unreasonable.**

The Plaintiff having established a prima facie case, the burden to prove unreasonableness

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1 now shifts to the Defendant. His arguments however fail. For example, Defendant’s claim that the
 2 *Walden v. Fiore* case, 134 S. Ct. 1115 (2014), requires dismissal of this action, is based on a
 3 misreading of that very distinguishable decision. In *Walden*, the plaintiffs, Nevada residents, were
 4 on their way back from a trip to Puerto Rico with a large amount of gambling winnings. *Id.* at
 5 1119. The defendant, acting under the authority of the DEA, stopped the plaintiffs during a
 6 layover in Atlanta and seized this money. *Id.* The plaintiffs sued in Nevada, and the district court
 7 dismissed the claim for want of jurisdiction. Although the Ninth Circuit reversed, the U.S.
 8 Supreme Court reinstated the original dismissal (*id.* at 1120) reasoning that the relationship
 9 between the defendant and the forum state must arise out of the “contacts that the ‘defendant
 10 himself’ creates with the forum state.” *Id.* at 1122. Furthermore, a district court must look to the
 11 “defendant’s conduct” to determine whether there has been a sufficient “connection with the
 12 forum state.” *Id.* Thus, the Court considers jurisdiction proper where the “contacts proximately
 13 result from actions by the defendant ... that create a ‘substantial connection’ with the forum state.
 14 *Burger King Corp.*, 471 U.S. at 475. In the *Walden* case, there was no contact whatsoever between
 15 the defendant and the forum state of Nevada to create any “judicially relevant contacts with
 16 Nevada” as the defendant in that case had never traveled to Nevada nor conducted any activity
 17 here. *Walden* at 1124.

18
 19
 20 In the present case, by contrast, the Defendant repeatedly formed and created many
 21 “judicially relevant contacts with Nevada” as outlined, for example, as items 1-27 above (See also,
 22 Arya Depo. at 21:5-6, 79:4-7; 87:20-25, 88:1-25, 89:1-11, 90:14-17, 96:7-13, 99:15-19; 100:20-
 23 25, 101:1-24, 105:4-25, 139:7-19, 141:18-20, 143:14-17, 174:6-12, 175:23-25, 176:1-14, 180:4-
 24 25, 225:10-25, 226:1-20, 275:20-25, 276:1-15).

25 These are all contacts that the “defendant himself” created with the forum state and such
 26 conduct by the Defendant can be utilized to determine that Defendant has a “substantial
 27 connection” with the State of Nevada, all of which was lacking in the *Walden* case. Each of the
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1 above-listed examples constituted affirmative acts by which the Defendant associated himself with
2 the State of Nevada. As even a “single act can support jurisdiction” if relevant to the claim arising
3 therefrom (*Burger King*, 471 U.S. at 475, n.18), the multiple acts outlined in this brief which
4 occurred in or were directed to Nevada overwhelmingly demonstrate this Court’s jurisdiction.

5 Defendant misreads *Walden* as requiring contacts unrelated to the subject claims to support
6 personal jurisdiction. This reading however confuses and would collapse the distinctions between
7 specific and general jurisdiction. Additionally, the *Walden* decision did not indicate that it was
8 overturning any of the string of Supreme Court cases where the Court allowed the exercise of
9 specific jurisdiction even though the only evidence in the record involved contacts related to the
10 claims. See *McGee v. International Life Insurance Company*, 78 S.Ct. 199, 201 (1957)
11 (jurisdiction existed on the basis of only contacts *related to the claim*); *Burger King Corp.*, 471
12 U.S. at 478-79 (jurisdiction existed where the defendant-franchisee’s only contact with the forum
13 state was the contract at issue in the claim); and *Calder*, 465 U.S. at 786 (jurisdiction existed
14 where defendant “ha[d] no other relevant contacts” apart from the defendant’s business trips and
15 phone calls to sources in the forum which were part of the claims against him).
16

17 Similarly, the Defendant’s reliance on *Picot v. Weston*, 780 F.3d 1206 (9th Cir. 2015), and
18 *Agahi v. Khorrami*, No. CV-15-01640-PHX-JJT, 2016 WL 492630 (D. Ariz. Feb. 9, 2016), is also
19 misplaced. In *Picot*, the defendant negotiated and reached a deal with the plaintiff in Michigan,
20 and the defendant worked up to 70 hours a week on the technology in Michigan. *Picot* at 1210.
21 Upon receiving a threatening email from the defendant’s lawyer, the plaintiff sued in California.
22 *Id.* The Court held jurisdiction was improper because the defendant’s two visits to California to
23 make prospective customer presentations were random and fortuitous. *Id.* at 1213. Further, the
24 court reasoned that the defendant committed all of his tortious actions from “his residence in
25 Michigan, without entering California, contacting any person in California, or otherwise reaching
26 out to California.” In short, none of Weston’s challenged conduct had anything to do with
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1 California. *Id.*

2 The Arizona District Court decision in *Agahi*, which is not mandatory authority herein,
3 involved a consensual relationship between an Arizona resident, and a California resident. In
4 determining that Arizona had no jurisdiction over the California Defendant, the decision noted
5 that, over the course of the relationship, the Plaintiff had traveled to California over thirty times,
6 whereas **the defendant never came to Arizona.** *Agahi*. at *4. In the present case, by contrast,
7 Defendant Arya met Henning three times in Nevada and also sent his personal assistant to Nevada
8 as well as his other actions directed at Nevada.

9
10 Properly understood, the principles set forth in the *Picot*, *Agahi*, and *Walden* decisions
11 actually support specific jurisdiction over Defendant Arya in Nevada under the facts of this matter.

12 **Defendant purposefully directed his activities at Nevada.**

13 **C. The Purposeful Direction Test Is Met.**

14 As noted, the first prong of the Ninth Circuit’s test for specific jurisdiction is satisfied by
15 either purposeful availment or purposeful direction. Although the terms “purposeful availment”
16 and “purposeful direction” are sometimes “clustered” together and confused, they “are, in fact,
17 two distinct concepts.” *Schwarzenegger*, 374 F.3d 797, 802. A “purposeful availment” analysis is
18 typically used for claims sounding in contract; while a “purposeful direction” analysis, typically
19 used in suits sounding in tort, considers whether the defendant has directed his actions at the
20 forum state, even if those actions took place elsewhere. *Id.*

21
22 As an example, one of the causes of action for which Plaintiff sues herein is conversion.
23 Since conversion is typically characterized as an intentional tort, Nevada’s specific jurisdiction
24 over Defendant arising out of this claim is evaluated under the “purposeful direction” analysis.
25 This analysis includes a three-part test, articulated by the United States Supreme Court in *Calder*
26 *v. Jones*, that looks to whether the defendant: “(1) committed an intentional act; (2) expressly
27 aimed at the forum state; (3) causing harm the defendant knows is likely to be suffered in the
28

1 forum state.” *Schwarzenegger*, 374 F.3d at 803 (discussing the “effects test” in *Calder v. Jones*,
 2 465 U.S. 783 (1984). Upon showing that all three elements of the *Calder* “effects test” has been
 3 satisfied, the first prong of the Ninth Circuit’s specific jurisdiction test is satisfied. Here Defendant
 4 purposefully directed his numerous activities both toward a Nevada resident and towards the
 5 forum of Nevada itself. *Harris Rutsky*, Id. at 1129.

6 **The first, “intentional act” element under the *Calder* “effects test”** is satisfied by
 7 showing the defendant acted with “an intent to perform an actual, physical act in the real world,
 8 rather than an intent to accomplish a result or consequence of that act.” *Schwarzenegger*, 374 F.3d
 9 at 806. Moreover, in *Calder*, the Supreme Court distinguished untargeted negligence, which will
 10 not amount to purposeful availment, from intentional and allegedly tortious acts expressly and
 11 specifically aimed at the forum and the Plaintiff. 465 U.S. at 789-90. For instance, the intentional
 12 acts considered sufficient under the first element of the *Calder* test have included, but are not
 13 limited to: placement of an advertisement in a newspaper in the forum state, *Schwarzenegger*, 374
 14 F.3d at 806; sending a letter expressly targeted and aimed at the forum and its resident, *Bancroft &*
 15 *Masters, Inc. v. Augusta Nat’l Inc.*, 223 F.3d 1082, 1087 (9th Cir. 2000); intentional interference
 16 with business and contract relations in the forum state, *Harris Rutsky*, 328 F.3d at 1131.

17
 18 In this case, Defendant’s conduct aimed at Nevada far exceeds that which was found
 19 sufficient in the aforementioned cases. Defendant’s forum related conduct was not based on a
 20 fortuitous meeting at a bar, or an accidental encounter at an airport. Defendant paid “half a million
 21 U.S.” dollars to Selective Search in order to pursue his mission of finding a woman, and then he
 22 flew to the state where she resided to meet her three times, bringing a Cartier watch with him to
 23 provide as part of his plan, and then spending tens of thousands of additional dollars while he was
 24 here, during his four days in Nevada, to further that plan; and then directing over \$1.5M in goods
 25 to the Plaintiff in the State of Nevada, and even sending an employment contract to her, to
 26 persuade her to leave her Nevada work and residence. These premeditated actions were part of a
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1 focused plan on behalf of the Defendant. Arya Dep. Tr. at 40:8-22, 41:9-12, 42:8-12, 42:23-25,
2 43:1; 21:5-6, 79:4-7; 87:20-25, 88:1-25, 89:1-11, 90:14-17, 96:7-13, 99:15-19; 52:11-25, 53:1-10,
3 66:9-25, 67:1, 116:14-20).

4 Defendant intentionally gifted over \$1.5 million dollars worth of personal property to the
5 Plaintiff in the State of Nevada, most of which were later converted by the Defendant, forming the
6 crux of her conversion claims. **The gifts sent to Nevada** include a gift of a 2012 Porsche 911
7 Turbo (valued at \$130,000); a gift of a 575 Ferrari SuperAmerica (valued at \$300,000); a gift of a
8 Franck Muller Crazy Watch (valued at \$32,000); a gift of a Cartier watch (valued at \$50,000); a
9 gift of a Chanel purse – silver/gold (valued at \$3,700); a gift of a Chanel purse – beige (valued at
10 \$8,000); a gift of a Chanel purse – white python (valued at \$17,000); a gift of jewelry (a watch
11 from Motion in Time listed on the paperwork as valued at \$71,000); a gift of jewelry (from
12 Motion in Time listed on the paperwork as valued at \$200,000); and a hand-delivered diamond
13 ring from Defendant’s agent (valued at \$750,000); a suitcase of clothing sent by Express shipment
14 (valued at \$1,000) **for a total of \$1,760,700**. All of these items were sent by the Defendant and
15 delivered to Plaintiff in Nevada and received by her in Nevada. Moreover, Defendant admitted in
16 his own deposition that the various gifts were Plaintiff’s to keep. (*Id.* at 100:20-25, 101:1-24,
17 105:4-25, 139:7-19, 141:18-20, 143:14-17, 174:6-12, 175:23-25, 176:1-14, 180:4-25). In spite of
18 these admissions, Defendant took these gifts from the Plaintiff by coercion or when he became
19 intoxicated and physically assaulted her. Two of the gifts were removed directly from Nevada
20 while the gift and Ms. Henning were in Nevada

23 During the entire relationship between Plaintiff and Defendant, Defendant directed and
24 sent 1,040 emails (68% of total emails) to the Plaintiff while Plaintiff was located in Nevada,
25 including emails related to their relationship and to her employment. (Henning Affidavit at ¶ 121).
26 All of his intentional conduct easily satisfies the “intentional act” requirements under the *Calder*
27 test., and are “meaningful contacts” under *Walden*.
28

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1 **The second element of the *Calder* “effects” test, “express aiming” is satisfied.** The
 2 “express aiming” element of the effects test is satisfied when “the defendant is alleged to have
 3 engaged in wrongful conduct targeted at a plaintiff whom the defendant knows to be a resident of
 4 the forum state.” *Bancroft & Masters, Inc.*, 223 F.3d at 1087. In *Dole Food Co., Inc. v. Watts*, the
 5 court found that this targeting element was satisfied because the defendants knew that the plaintiff
 6 was a resident of California and located in California. 303 F.3d 1104, 1111 (finding the “express
 7 aiming” element satisfied where defendants knew that plaintiff’s principal place of business was in
 8 the forum, decision makers were located in the forum, and where defendants directly
 9 communicated with those decision makers in the forum). Moreover, the court noted that the
 10 defendants used “those very communications” to “induce” the plaintiff into making certain
 11 decisions, which ultimately caused detrimental injuries to the plaintiff. *Id.* at 1112 (defendants
 12 communicated with plaintiff directly in order to “induce” plaintiff to implement “a new importing
 13 system ... and enter into ... detrimental contractual agreements”); *See Bancroft & Masters, Inc.* at
 14 1087 (holding in non-copyright case that defendant “expressly aimed” at the forum when
 15 defendant directed and targeted plaintiff whom defendant knew was a resident of the forum); *See*
 16 *Microsoft Corp. v. Mountain West Computers, Inc.*, No. C14-1772RSM, 2015 WL 4479490, at *7
 17 (W.D. Wash. July 22, 2015) (holding that defendant satisfied the “expressly aimed” element even
 18 though all of the defendant’s contacts occurred through internet transactions).

19
 20
 21 Here, as set forth above, the Defendant knew that the Plaintiff lived, worked and resided in
 22 Las Vegas, Nevada, having been so advised by Selective Search and having directed his visits, his
 23 assistant’s visit, and his cards, letters, employment contract, and gifts here. Indeed, at a recent
 24 discovery motion hearing in this case, the Court denied the Plaintiff’s motion for additional
 25 discovery to establish the Defendant’s knowledge because the Defendant conceded having this
 26 knowledge and argued that therefore the discovery was not necessary as he would not claim
 27 otherwise. Therefore, the second element of “express aiming” is clearly satisfied.
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1 **The third and final element under the *Calder* “effects test”** looks to evaluate **whether**
2 **the defendant’s conduct caused harm that the defendant knew was likely to be suffered in**
3 **the forum state.** *Harris Rutsky*, 328 F.3d 1122, 1132. However, this does not require that all of
4 plaintiff’s harm is suffered in the forum; as discussed in *Keeton v. Hustler Magazine*, 465 U.S.
5 770, 780 (1984) jurisdiction was proper although “the bulk of the harm done to petitioner occurred
6 outside [the forum state]” where defendant “continuously and deliberated exploited the [forum’s]
7 market”.

8 In this case, Plaintiff has suffered requisite harm which was caused by the Defendant.
9 Here, continuing with an analysis of the conversion claim, the Defendant shipped the
10 aforementioned Second Ferrari, to Plaintiff in Las Vegas, Nevada as well as having his assistant
11 deliver a diamond ring to Las Vegas, Nevada, both of which he then converted from Nevada, prior
12 to which time said items were enjoyed in Nevada. Henning Aff. at ¶ 117; Arya Depo. at 100:20-
13 25, 101:1-24, 105:4-25, 139:7-19, 141:18-20, 143:14-17, 174:6-12, 175:23-25, 176:1-14, 180:4-
14 25. Clearly, when the Defendant ordered that the Ferrari be removed from Plaintiff’s possession
15 and converted back to him, and compelled the return of the ring, the Defendant knew that the
16 Plaintiff would suffer harm in the State of Nevada, from which these items of personal property
17 were removed. Also, the Defendant knew that if Plaintiff abandoned her real estate business in the
18 State of Nevada on the basis of her detrimental reliance on a new employment contract, that she
19 would then experience harm in the State of Nevada when that employment contract was breached.
20 Therefore, the final element of the *Calder* test is clearly satisfied.

21 Thus, after showing each element of the *Calder* test, the first prong of the Ninth Circuit’s
22 test is satisfied because the Defendant purposefully directed his actions toward the Plaintiff.

23 **D. The Relation Test Is Met.**

24 Plaintiff’s claims arise out of or relate to Defendant’s forum-related activities in Nevada.
25 The second prong of the Ninth Circuit’s test for specific jurisdiction is that the claim arises out of
26
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1 the defendant's actions in the forum state. This element is satisfied upon a showing by the plaintiff
 2 that "but for" the defendant's actions with the forum state, the plaintiff would not have been
 3 injured, thus, the cause of action would not have arisen. *Ballard v. Savage*, 65 F.3d 1495, 1500
 4 (9th Cir. 1995). *See Shute v. Carnival Cruise Lines*, 897 F.2d 377 (9th Cir. 1990), *rev'd on other*
 5 *grounds* 499 U.S. 585 (1991). Therefore, in the context of this prong, the question is: but for the
 6 defendant's contacts with the State of Nevada, would plaintiff's claims have arisen?

7
 8 In *Bancroft & Masters*, the Ninth Circuit found that "but for" the letter sent by the
 9 defendant into the forum, "it [was] clear that [plaintiff] would have no need for judicial
 10 [intervention]." 223 F.3d 1082, 1088 (holding that the second requirement of specific jurisdiction
 11 was satisfied when defendant sent a letter forcing the plaintiff to make an unwanted decision).
 12 Similarly, in *Harris Rutsky*, the Ninth Circuit also noted that "but for [the defendant's] conduct,
 13 this injury would not have occurred." 328 F.3d 1122, 1131 (using a "but for" test to determine that
 14 plaintiff's claims "arise out of [defendant's forum] related activities"). *See Dole Food Co., Inc. v.*
 15 *Watts*, 303 F.3d 1104, 1114 (9th Cir. 2002) (holding that the contacts between the defendant and
 16 the forum state "are integral and essential parts" of the suit where the defendant knew that
 17 plaintiff's principal place of business was in the forum, decision makers were located in forum,
 18 and defendants directed communications towards the forum and those decision makers).

19
 20 In the present case, but for the face-to-face meetings in Nevada over the course of several
 21 days, the numerous and lavish gifts sent and directed by Defendant to Plaintiff in the State of
 22 Nevada, other gifts purchased in Nevada, the numerous fraudulent misrepresentations made in
 23 Nevada, and the hundreds of emails and phone calls directed to Plaintiff in Nevada, none of the
 24 Plaintiff's harm would have occurred. Indeed, these contacts, not to mention an employment
 25 contract sent by the Defendant to Nevada, were the root of all subsequent harm caused to Plaintiff,
 26 and justify this court's jurisdiction over the Defendant as to all the claims for relief, all of which
 27 arise out of the same common nucleus of operative facts. Therefore, the second prong of the Ninth
 28

1 Circuit’s test for specific jurisdiction is obviously satisfied.

2 **E. The Reasonableness Test Is Met.**

3 As previously stated, after satisfying the first two prongs under the Ninth Circuit’s test for
4 specific jurisdiction, the burden shifts to the Defendant to show a “compelling case that the
5 presence of some other considerations would render jurisdiction unreasonable.” *Burger King*
6 *Corp. v. Rudzewicz*, 471 U.S. 462, 744. In determining reasonableness, this Court is to consider
7 seven factors, none of which are dispositive.¹

8 In this case, factor one weighs in favor of the Plaintiff. The Defendant purposefully
9 interjected himself into the forum state’s affairs as demonstrated by the above recitation of facts.
10 Subsequently, the same can be said concerning the second and third factors. Although it is true
11 that Defendant resides in the Middle East, the Ninth Circuit has stated, “[M]odern advances in
12 communications and transportation have significantly reduced the burden of litigating in another
13 country.” *Sinatra v. Nat’l Enquirer, Inc.*, 854 F.2d 1191 (9th Cir. 1988) (citing *Ins. Co. of N. Am.*
14 *v. Marina Salina Cruz*, 649 F.2d 1266, 1271 (9th Cir. 1981)); *CE Distrib., LLC v. New Sensor*
15 *Corp.*, 380 F.3d 1107, 1112 (9th Cir. 2004). In this case, the burden on the Defendant is minimal.

16 **The Defendant, a powerful and wealthy individual, has already demonstrated that he has the**
17 **resources to hire multiple attorneys in multiple states to litigate on his behalf.** Furthermore,
18 Plaintiff’s interest in adjudicating her claims weigh in favor of them being addressed in the United
19 States. Thus, the third factor also favors the Plaintiff.

20 The fourth factor, the forum state’s interest in adjudicating the dispute, also favors the
21 Plaintiff. Here, the Plaintiff is a citizen of and licensed broker in Nevada and a citizen of the
22 United States. Thus, the United States District Court, in the District of Nevada has a strong interest

23
24
25 _____
26 ¹ (1) the extent of the defendants' purposeful interjection into the forum state's affairs; (2) the burden on the defendant
27 of defending in the forum; (3) the extent of conflict with the sovereignty of the defendant's state; (4) the forum state's
28 interest in adjudicating the dispute; (5) the most efficient judicial resolution of the controversy; (6) the importance of
the forum to the plaintiff's interest in convenient and effective relief; and (7) the existence of an alternative forum.
Harris Rutsky, 328 F.3d 1122, 1132.

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1 in adjudicating Plaintiff’s claims in Las Vegas and protecting its citizens from such behavior,
2 rather than in the UAE. The Defendant converted \$1,250,000 worth of the Plaintiff’s personal
3 property, which he had originally directed into the state of Nevada to the Plaintiff, back out of the
4 state to himself. Subsequently, Plaintiff has suffered physical, financial, and emotional injuries as
5 a result of Defendant’s actions. *Judas Priest v. Dist. Ct.*, 104 Nev. 424, 760 P.2d 137 (1988) (“The
6 exercise of jurisdiction in this case is not unreasonable, because the state has a strong interest in
7 protecting its citizens from personal injury”). The United States and Nevada courts need to protect
8 its citizens from foreigners purposefully availing themselves to a jurisdiction, targeting its citizens
9 and causing a resident harm in their home state.

11 Concerning the fifth factor, here, this Honorable Court is already familiar with the
12 underlying allegations against the Defendant. Moreover, Defendant has already litigated many
13 issues in this dispute including a request to strike portions of the Complaint as well as Plaintiff’s
14 ability to proceed anonymously. Interestingly, and perhaps most telling, is that the Defendant
15 hired a team of attorneys in the State of Illinois to fight a protective order directing him to stay
16 away from the Plaintiff. On May 21, 2014, the Defendant submitted in a written Motion to
17 Dismiss to the Eighteenth Judicial Circuit Court in Illinois over a Protective Order, **where the**
18 **Defendant stated that Ms. Henning should pursue her claims in Clark County, Nevada since**
19 **that is where she resides.** This honorable court should simply oblige the Defendant’s first request
20 to have her pursue her claims in the Nevada jurisdiction, “a request for relief is only proper in the
21 county where the residence is located; in this case Clark County, NV”. Thus, by the Defendant’s
22 own suggestion, the most efficient resolution would be to resolve the case in Nevada.

24 The sixth factor, the importance of the forum to the plaintiff’s interest in convenient and
25 effective relief, also favors Plaintiff. The UAE, where Defendant contends Plaintiff should be
26 required to file her suit, is totally inadequate to fairly address Plaintiff’s claims. The UAE does not
27 have jury trials, contingency fees, discovery procedures, cross-examination, or the ability to
28

1 subpoena witnesses and documents. *See generally Boyle v. Starwood Hotels & Resorts*
 2 *Worldwide, Inc.*, 973 N.Y.S.2d 728 (2014) (dissenting argument that certain procedural measures
 3 available in the United States are not available in the UAE). Further, the UAE courts are not
 4 independent but rather subject to government oversight and nepotism. Further still, according to an
 5 official report regarding the UAE from the U.S. State Department:

6
 7 In general the government did not enforce domestic abuse laws effectively,
 8 and domestic abuse against women, including spousal abuse, remained a problem.
 9 There were reports that employers raped or sexually assaulted foreign domestic
 10 workers. These cases rarely went to court, and those that did had a low conviction
 11 rate. In sharia courts, which are primarily responsible for civil matters between
 12 Muslims, the extremely high burden of proof for a rape case contributed to a low
 13 conviction rate. Additionally, female victims of rape or other sexual crimes faced
 14 the possibility of prosecution for consensual sex instead of receiving assistance
 15 from government authorities....

16 According to international media, an Austrian tourist reported rape
 17 allegations to Dubai authorities in December 2013. The woman later retracted her
 18 statement and confessed to having consensual sex after the man and his father
 19 allegedly pressured her to do so. She returned to Vienna, and authorities sentenced
 20 her in her absence on April 28 for consensual sex outside of wedlock and illegal
 21 alcohol consumption.

22 U.S. Department of State, *United Arab Emirates 2014 Human Rights Report*,
 23 <http://www.state.gov/documents/organization/236838.pdf>. Quite disturbingly, then, Plaintiff may
 24 face criminal prosecution if she tried to litigate this case in the UAE, given that the Defendant
 25 compelled her to stay in his apartment, which is against the law in the UAE, as they were
 26 unmarried. Surely, then, the UAE is not an adequate alternative forum.² *See generally Lowry v.*
 27 *Aldar Properties*, unpubl., 2009 WL 3672754 (C.D. Cal. Oct. 30, 2009) (holding that jurisdiction
 28 in California over UAE defendant was proper and noting that the UAE was an inadequate
 alternative forum). Accordingly, personal jurisdiction in Nevada over Defendant for this
 conversion claim and the other related claims is proper.

² In 2013, UAE was widely criticized by human rights organizations and the western media for the prosecution of Marte Dalelv, a Norwegian woman who contacted the Dubai police to report a man for an alleged rape, but instead Dalelv received a prison sentence for perjury, consensual extramarital sex, and alcohol consumption. Ultimately, she was eventually pardoned. See <http://www.nydailynews.com/news/world/norwegian-woman-pardon-dubai-16-months-jail-alleged-rape-article-1.1405441>.

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1 **F. Pendent Jurisdiction Should Be Granted for Any Additional Causes of Action**

2 If this Honorable Court finds personal jurisdiction to have been shown as to any claim, the
3 Court can then exercise pendent jurisdiction over *all* of Plaintiff’s claims. In *Action Embroidery*
4 *Corp. v. Action Embroidery, Inc.*, 368 F.3d 1174, 1181 (9th Cir. 2004), the Ninth Circuit adopted
5 the doctrine of pendent personal jurisdiction. Under this doctrine, a court may assert personal
6 jurisdiction over a defendant for a claim of which there is “no independent basis of personal
7 jurisdiction so long as it arises out of a common nucleus of operative facts” from the claim of
8 which jurisdiction does exist. *Id.* Furthermore, the circuit noted it is reasonable for a defendant,
9 when required to defend one claim, to defend all other claims arising out of the same “common
10 nucleus of operative facts.” *Id.*

11
12 In this case, jurisdiction is clearly established as to the claim for conversion of the diamond
13 ring and the claim of conversion of the Second Ferrari. All of Plaintiff’s other claims arise from
14 the same “common nucleus of operative facts.” There is no basis to dismiss the conversion claim.
15 In general, a claim for conversion requires that the plaintiff prove only four (4) elements, those
16 being: (1) a possessory interest; (2) that the defendant interfered with that interest; (3) defendant
17 intended to do so; and (4) defendant’s actions were the legal cause of such loss. *See* Ronald W.
18 Eades, *Jury Instructions in Commercial Litigation*, 61 (1996).

19
20 The Plaintiff had a possessory interest in the various chattels given to her in Nevada by
21 Defendant, as listed in Paragraph 122 of the Henning Affidavit. Subsequently, the Defendant
22 wrongfully interfered with or exerted dominion over the Plaintiff’s rights to possess the chattel.³
23 Further, the Defendant intended to interfere with or exert dominion over the Plaintiff’s possession
24 when he demanded return of the gifts or refused to let Plaintiff take her property with her when
25 she returned to Nevada. Finally, the Defendant’s actions were the legal cause of the Plaintiff’s loss

26 _____
27 ³ A 2008 575 Ferrari SuperAmerica was also gifted to Plaintiff in Nevada which she stored in her garage in Nevada.
28 Plaintiff later shipped the vehicle to New York to be maintained by Berlinetta Motorcars, a company contracted by Defendant. The vehicle still belonged to Plaintiff; however, Defendant directed Berlinetta to refuse returning vehicle to Plaintiff.

1 of chattel. Plaintiff's conversion (and other intentional torts) claims should be subject to
2 jurisdiction in Nevada. Moreover, all other causes of action that arose thereafter derive from this
3 same "common nucleus of operative facts." Therefore, because Plaintiff's claims all arise out of
4 the same "common nucleus of operative facts," all other claims should proceed in Nevada under
5 this Court's jurisdiction over the Defendant as to any other claims.

6 **G. Henning's complaint should not be dismissed for insufficient service.**

7
8 Alternatively, Defendant argues that Plaintiff's complaint should be dismissed because of
9 claims of improper service. However, service of process was properly executed upon Arya on
10 three separate times, and contrary to Defendant's argument, service is therefore valid according to
11 both federal and UAE law. Initial service of process was effectuated on July 16, 2014 (see **Exhibit**
12 **"12"**); service was again effectuated on October 16, 2014 (see **Exhibit "13"**) (his sister refused to
13 sign a receipt); and further service was effectuated upon Defendant a third time on December 15,
14 2015, during a break in his Las Vegas deposition (see **Exhibit "14"**).

15
16 Moreover, in order to satisfy Defendant's concerns of no Declaration submitted with
17 respect to service of process and why no receipt was signed by a resident at Defendant's home
18 while effecting service upon Defendant, Plaintiff's process server has submitted an Official
19 Declaration of Proof of Service, a copy of which is attached hereto as **Exhibit "15."** Further still,
20 although this issue is mentioned in Defendant's Motion to Dismiss, Defendant's counsel never
21 mentioned the issue of defective service during oral argument before this Honorable Court or
22 while conducting jurisdictional discovery. *See* trial transcript [Dkt.90]. Finally, Defendant's
23 counsel expressly stated to Plaintiff's counsel after Arya received service for the third time at
24 Arya's deposition in Nevada that "I would have accepted service" and that the issue of defective
25 service was "abandoned." See Declaration of Rosemary Reyes, attached hereto as **Exhibit "16."** If
26 Plaintiff knew that this issue continued nearly two years later, Plaintiff would have moved to serve
27 by publication. Thus, in light of the foregoing, Defendant's motion to dismiss for inadequate
28

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1 service must necessarily fail. If the court wants Defendant to be served a fourth time, Plaintiff
2 hereby countermoves to serve via publication.

3 Remarkably, Defendant argues that Plaintiff's Claims 7 (Dubai cohabitation), 8
4 (negligence per se) and 17 (fraudulent misrepresentation), 18 (conversion), 19 (fraudulent
5 misrepresentation), 20 (negligence) and 21 (interference) should be dismissed for failure to state a
6 claim. Under Rule 8 of the Federal Rules of Civil Procedure, a plaintiff need only allege facts
7 sufficient to raise "a plausible entitlement to relief." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544
8 (2007). If Defendant feels that somehow there is inadequate specificity in the 42 page First
9 Amended Complaint, containing 380 paragraphs, with 85 pages of exhibits, then Plaintiff hereby
10 countermoves to amend the Complaint to add the additional specificity set forth in the attached
11 affidavit of Plaintiff or as otherwise instructed by this Honorable Court.
12

13 In *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 127 S. Ct 12955 (2007), the court stated:

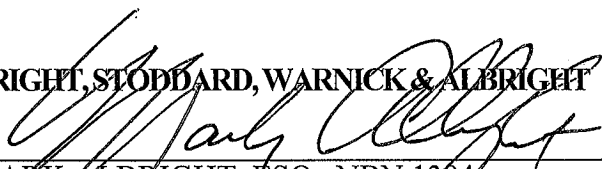
14 Federal Rule of Civil Procedure 8(a)(2) requires only "a short and plain statement of
15 the claim showing that the pleader is entitled to relief," in order to "give the defendant
16 fair notice of what the ... claim is and the grounds upon which it rests." *Conley v.*
17 *Gibson*, 55 U.S. 41, 47, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957)... Factual allegations must
18 be enough to raise a right to relief above the speculative level, see 5 *C. Wright & A.*
19 *Miller, Federal Practice and Procedure* §1216, pp. 235-236 (3 ed 2004) (hereinafter
20 *Wright & Miller*) ("[T]he pleading must contain something more ... than ... a
statement of facts that merely creates a suspicion [of] a legally cognizable right of
action"), on the assumption that all the allegations in the complaint are true (even if
doubtful in fact), see, e.g., *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 508, N.1, 122
S.Ct. 992, 152 L.Ed.2d 1 (2002).

21 **CONCLUSION**

22 For the reasons set forth above, Defendant's Motion to Dismiss should be denied.

23 DATED this 27 day of June, 2016.

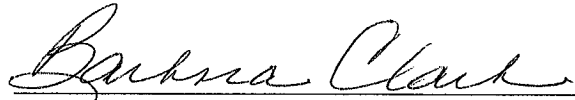
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25 
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of ALBRIGHT, STODDARD, WARNICK, ALBRIGHT, and that on the 27 day of June, 2016, I served a true and correct copy of the foregoing **PLAINTIFF'S OPPOSITION TO DEFENDANT'S RENEWED MOTION TO DISMISS** upon all counsel of record by electronically serving the document using the Court's electronic filing system.


An Employee of Albright, Stoddard, Warnick & Albright

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