

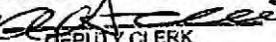
IN THE SUPREME COURT OF THE STATE OF NEVADA

BARRICK GOLD CORPORATION,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE,
Respondents,
and
BULLION MONARCH MINING, INC.,
Real Party in Interest.

No. 82370

FILED

JUL 15 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

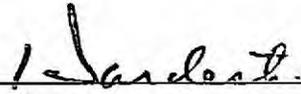
ORDER GRANTING MOTION TO DISMISS PETITION

This original petition for a writ of prohibition challenges a district court order denying petitioner's motion to dismiss for lack of personal jurisdiction. Real party in interest has filed a motion to dismiss the petition, arguing that the petition has been rendered moot due to the filing of the third amended complaint (TAC). Petitioner opposed the motion, and real party in interest filed a reply.

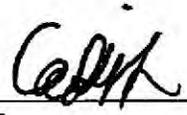
As this court's duty is to resolve justiciable controversies, we generally may not render opinions on writ petitions that are moot. *Degraw v. Eighth Judicial Dist. Court*, 134 Nev. 330, 332, 419 P.3d 136, 139 (2018); *City of Reno v. Second Judicial Dist. Court*, 58 Nev. 325, 78 P.2d 101 (1938). A case is moot if it "seeks to determine an abstract question which does not rest upon existing facts or rights." *NCAA v. Univ. of Nev., Reno*, 97 Nev. 56, 58, 624 P.2d 10, 11 (1981). "Cases presenting real controversies at the time of their institution may become moot by the happening of subsequent events." *Degraw*, 134 Nev. at 332, 419 P.3d at 139.

Here, attempting to entertain this petition would require us to resolve abstract questions. This is evident because the focus of the petition is a complaint that is no longer the operative pleading due to the subsequent filing of the TAC, which real party in interest filed with leave of the district court. Petitioner has filed a notice indicating that it filed a motion to dismiss the TAC and that the district court denied the motion. Although petitioner contends that the TAC therefore does not fundamentally impact its petition, and has filed a motion to supplement its petition to additionally challenge the denial of its motion to dismiss the TAC, we conclude that the thrust of this petition has already been rendered moot due to the filing of the TAC. Thus, any such challenge must be made via a separate writ petition. Accordingly, without reaching the merits of the petition, we grant real party in interest's motion to dismiss the petition.

It is so ORDERED.¹


_____, C.J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cadish

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Parsons Behle & Latimer/Reno
Parsons Behle & Latimer/Salt Lake City
Pisanelli Bice, PLLC
Lewis Roca Rothgerber Christie LLP/Las Vegas

¹In light of this order, we deny petitioner's motion to seal certain pages of the appendix in support of its petition, countermotion for a stay pending decision on writ petition, and motion to supplement petition and appendix thereto.

Robison, Sharp, Sullivan & Brust
Eighth District Court Clerk