

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 34763

ROBERT ALBRIGHT,

Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF WASHOE, AND THE
HONORABLE STEVEN P. ELLIOTT,
DISTRICT JUDGE,

Respondents,

and

WATCHTOWER BIBLE AND TRACT SOCIETY
OF PENNSYLVANIA,

Real Party in Interest.

FILED

JUL 07 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original petition for writ of mandamus challenging a district court order granting a motion to dismiss for lack of personal jurisdiction in a wrongful death action.

Petitioner contends that the district court erred in granting the motion of the real party in interest, Watchtower Bible and Tract Society of Pennsylvania, to dismiss for lack of personal jurisdiction. He contends that he presented a prima facie showing of both general and specific jurisdiction. We disagree. We note first, however, that a considerable portion of the argument advanced by the real party in interest focuses on conflicting evidence, particularly the affidavits of Richard E. Abrahamson and L. C. Colton. Were this a case of conflicting evidence alone, petitioner would be entitled to a writ of mandamus ordering the district court to vacate its order of dismissal, because all factual conflicts would have to be resolved in petitioner's favor for the purpose of

deciding the motion to dismiss. See *Trump v. District Court*, 109 Nev. 687, 693, 857 P.2d 740, 744 (1993). Only at a full evidentiary hearing or trial would the conflicting evidence come into play, because only then would the district court act as fact-finder and make a determination as to whether there existed a preponderance of evidence in support of jurisdiction, rather than accepting as true petitioner's proffers of proof. *Id.*

Nevertheless, we conclude that petitioner failed to make a prima facie showing of jurisdiction, even without considering the affidavits of Abrahamson and Colton. The information from the internet site operated by the real party in interest was sufficiently vague concerning whether the real party in interest, a Pennsylvania corporation, or Watchtower Bible and Tract Society of New York, a New York Corporation, supervised the religious organization within the United States, and it failed to show that the real party in interest had minimum contacts with Nevada through local congregations of Jehovah's Witnesses. William Scott's deposition testimony, by the very fact that it was retracted as misinformation, cannot contribute to petitioner's prima facie case. The remaining evidence did not connect the real party in interest with either the hospital liaison committee or any congregations of Jehovah's Witnesses in Nevada. The district court correctly concluded that petitioner failed to make a prima facie showing of general or specific jurisdiction. Accordingly, the district court did not err in granting the motion to dismiss for lack of personal jurisdiction and we deny the petition for writ of mandamus.

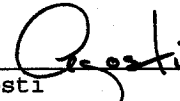
We also conclude that the district court did not err in denying petitioner's motion for jurisdictional discovery, because petitioner has failed to demonstrate that the district

court abused its "wide discretion" over pretrial discovery.
Hahn v. Yackley, 84 Nev. 49, 54, 436 P.2d 215, 218 (1968).

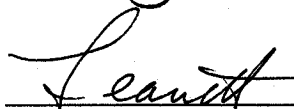
It is so ORDERED.



Young J.



Agosti J.



Leavitt J.

cc: Hon. Steven P. Elliott, District Judge
Skinner Sutton Watson & Rounds
Erickson Thorpe & Swainston, Ltd.
Laxalt & Nomura, Ltd.
Washoe County Clerk