

IN THE SUPREME COURT OF THE STATE OF NEVADA

NINE GROUP II, LLC, A DELAWARE
LIMITED LIABILITY COMPANY; AND
SY VEGAS PARTNERS, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MARK R. DENTON, DISTRICT JUDGE,
Respondents,
and
B IN IT, LLC, A NEW YORK LIMITED
LIABILITY COMPANY,
Real Party in Interest.

No. 65459

FILED

SEP 16 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER DISMISSING PETITION FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus challenging a district court order refusing to disqualify real party in interest's attorney.

After this court ordered real party in interest to file an answer to this petition, real party in interest sought an extension of time to file the answer, noting that it was in the process of retaining new attorneys, which would render the petition moot. This court then stayed briefing and directed real party in interest to file a status update with this court after it retained new counsel. Real party in interest subsequently filed the required status report, which indicates that it has retained new counsel and that this writ petition was therefore moot. In responding to this status report, petitioner acknowledges that real party in interest has

retained new counsel, but nonetheless argues that the petition is not moot because issues remain pending regarding whether real party in interest benefitted from its prior counsel's use of allegedly confidential information belonging to petitioner.

But here, petitioner's writ petition merely challenges the district court's refusal to disqualify real party in interest's former counsel. And because real party in interest has changed counsel, any issues regarding the propriety of the district court's decision in this regard are now moot. *Personhood Nev. v. Bristol*, 126 Nev. ___, ___, 245 P.3d 572, 574 (2010) (noting that this court does not generally consider moot issues). To the extent that petitioner now wishes to raise issues regarding real party in interest's former counsel's alleged use of petitioner's supposedly confidential information in the context of this petition, any such issues are not properly before this court absent the district court's consideration of these issues in the first instance. See NRS 34.170 (noting that mandamus relief is available only when petitioner has no speedy and adequate legal remedy available). Accordingly, we dismiss this petition.

It is so ORDERED.¹

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

¹In light of this order, we deny as moot all pending motions in this matter.

cc: Hon. Mark R. Denton, District Judge
Carbajal & McNutt, LLP
The Quinlan Law Firm, LLC
Mainor Wirth
Snell & Wilmer, LLP/Las Vegas
Eighth District Court Clerk