

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA GOLD MINES, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY; LANDER COUNTY, A
POLITICAL SUBDIVISION OF THE
STATE OF NEVADA; PERSHING
COUNTY, A POLITICAL SUBDIVISION
OF THE STATE OF NEVADA; WHITE
PINE COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA; ELKO COUNTY, A
POLITICAL SUBDIVISION OF THE
STATE OF NEVADA, EX REL. ELKO
COUNTY BOARD OF
COMMISSIONERS,

Appellants,

vs.

THE LEGISLATURE OF THE STATE
OF NEVADA; THE STATE OF
NEVADA; AND BARBARA K.
CEGAVSKE, IN HER OFFICIAL
CAPACITY AS SECRETARY OF STATE
OF THE STATE OF NEVADA,

Respondents.

No. 82561

FILED

AUG 27 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *S. Young*
DEPUTY CLERK

ORDER DISMISSING APPEAL

Appellants Lander County, Pershing County, White Pine County, and Elko County ex rel. Elko County Board of Commissioners (the County appellants) have filed a motion to voluntarily dismiss their appeal, informing this court that occurrences since the filing of the notice of appeal have rendered their appeal moot. The County appellants also argue in their motion that this court should vacate the order challenged on appeal. Appellant Nevada Gold Mines, LLC joins in the motion. Respondents do not oppose the motion to dismiss the appeal, but argue that vacatur is not

appropriate. The County appellants have filed a reply, in which Nevada Gold Mines joins.

As it appears that this appeal has been rendered moot, the County appellants' motion to dismiss this appeal is granted. This appeal is dismissed.

The County appellants argue that the lower court's order challenged on appeal should be vacated pursuant to *United States v. Munsingwear, Inc.*, 340 U.S. 36, 39-40 (1950), so they are not "deprived of their appellate rights and subjected to the preclusive effect of the judgment that they sought to challenge." In determining that vacatur is not necessary, this court has concluded that when an appeal is dismissed as moot by no fault of appellant, the lower court's determination of an issue in the matter will have no preclusive effect in future litigation. *Personhood Nev. v. Bristol*, 126 Nev. 599, 604-06, 245 P.3d 572, 575-76 (2010). Accordingly, the County appellants' request that this court vacate the lower court's order challenged on appeal is denied.

It is so ORDERED.¹


_____, J.
Parraguirre


_____, J.
Stiglich


_____, J.
Silver

¹The clerk of this court shall amend the caption on this court's docket to conform with the caption on this order.

cc: Hon. James E. Wilson, District Judge
Marquis Aurbach Coffing
Pisanelli Bice, PLLC
Elko County District Attorney
Attorney General/Carson City
Attorney General/Las Vegas
Legislative Counsel Bureau Legal Division
Carson City Clerk