

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN RE: GOLD KING MINE RELEASE
IN SAN JUAN COUNTY, COLORADO,
ON AUGUST 5, 2015

No. 1:18-md-02824-WJ

This Document Relates to: No. 1:18-cv-00744-WJ

MEMORANDUM OPINION AND ORDER
DENYING AS MOOT KINROSS GOLD U.S.A., INC. AND KINROSS GOLD
CORPORATION'S MOTION FOR SUMMARY JUDGMENT AS TO CLAIMS
ASSERTED BY THE ALLEN PLAINTIFFS

THIS MATTER comes before the Court on Kinross Gold U.S.A., Inc. and Kinross Gold Corporation's (collectively "Kinross Defendants") Motion for Summary Judgment as to Claims Asserted by the *Allen* Plaintiffs, Doc. 1172, filed April 22, 2021 ("Motion").¹

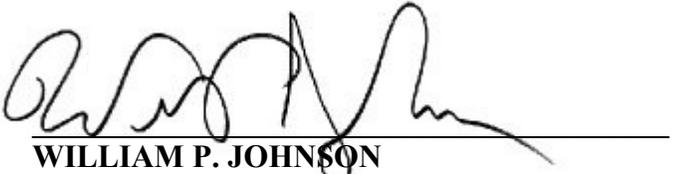
The Court granted Sunnyside Gold Corporation's motion for partial summary judgment concluding that the *Allen* Plaintiffs' tort claims against Sunnyside are barred by Colorado's statute of repose. *See* Doc. 1156, filed March 31, 2021. The Kinross Defendants subsequently filed their Motion in which they contend that the *Allen* Plaintiffs' claims against the Kinross Defendants are also barred by Colorado's statute of repose because Sunnyside was an indirect subsidiary of the Kinross Defendants. *See* Motion at 5-7.

The Court denies as moot the Kinross Defendants' Motion for summary judgment that the *Allen* Plaintiffs' claims are barred by Colorado's statute of repose because, *after* the Kinross Defendants filed their Motion now before the Court, the Court ruled that it does not have personal jurisdiction over the Kinross Defendants. *See* Doc. 1175 at 9, filed April 29, 2021 (concluding that the Kinross Defendants "do not have the minimum contacts with New Mexico to establish

¹ Counsel apparently filed the same motion twice as Documents 1171 and 1172 on April 22, 2021. The Clerk's Office administratively terminated Doc. 1171.

specific jurisdiction because the additional facts asserted by the *Allen* Plaintiffs do not meet the 'purposeful direction' and 'arising out of' requirements necessary for specific jurisdiction").

IT IS ORDERED that Kinross Gold U.S.A., Inc. and Kinross Gold Corporation's Motion for Summary Judgment as to Claims Asserted by the *Allen* Plaintiffs, Doc. 1172, filed April 22, 2021, is **DENIED as moot**.



WILLIAM P. JOHNSON
CHIEF UNITED STATES DISTRICT JUDGE