Judge Finds Aiding Abetting Tortious Interference With A Contract Is Unrecognizable In Nevada

Allen Matkins

Article By

Keith Paul Bishop

Allen Matkins Leck Gamble Mallory & Natsis LLP
California Corporate and Securities Law

Related Practices & Jurisdictions

- Environmental, Energy & Resources
- Litigation / Trial Practice
- Nevada

Thursday, December 9, 2021

Hay and solar power must needs be made whilst the sun shines. Demand for electricity, however, does not end when the sun sets. The Crescent Dunes Solar Energy Project sought to overcome this problem by using heliostats to focus the sun's heat on a tower encasing molten salt. The heat stored in the hot salt can then be used to generate steam to drive generators. U.S. District Court Judge Jennifer A. Dorsey the project's denouement:

The Crescent Dunes Project brought together numerous Nevadan, Texan, Californian, Delawarean, and Spanish entities and their subsidiaries; the United States Department of Energy; the Nevada Power Company; and hundreds of millions of dollars through a series of contracts and guaranties to fund, construct, and operationalize a solar-thermal power plant in Tonopah, Nevada. As a result of alleged misfeasance, nonfeasance, and malfeasance, the project failed, and the plant is now nonoperational.
In her ruling, Judge Dorsey addressed a great number of issues. One was whether the plaintiffs had adequately stated a claim for aiding and abetting tortious interference with a contract. She decided no such cause exists under Nevada law: "plaintiffs cannot state a claim for aiding and abetting tortious interference because such a cause of action is not cognizable under Nevada law".

For those interested in seeing what the project actually looks like, see this [story](https://www.natlawreview.com/article/judge-finds-aiding-abetting-tortious-interference-contract-unrecognizable-nevada) from the *Pahrump Valley Times*. For those not familiar with Tonopah, it is situated about halfway between Reno and Las Vegas. Once a mining boomtown, it remains the county seat of Nye County (a status that inherited from Belmont and before that Ione). For me it is the jumping off point for my hiking trips in the spectacular Toquima and Toiyabe mountain ranges, which include Nevada's 4th and 7th highest peaks. These two peaks, Mt. Jefferson and Arc Dome top out at just under 12,000 feet above sea level. A very long way from anywhere, Tonopah is a stargazer's mecca. In fact *USA Today* rated the town as its #1 stargazing destination. The town has its own [stargazing park](https://www.natlawreview.com/article/judge-finds-aiding-abetting-tortious-interference-contract-unrecognizable-nevada).