

IN THE SUPREME COURT OF THE STATE OF NEVADA

BARRICK GOLDSTRIKE MINES,
INC.,

Petitioner

vs.

Supreme Court Case No. 79652

District Court Case No. 18-A-785913

Electronically Filed
Oct 18 2019 11:48 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

EIGHTH JUDICIAL DISTRICT
COURT FOR THE STATE OF
NEVADA IN AND FOR THE COUNTY
OF CLARK, AND THE HONORABLE
ELIZABETH GONZALEZ, DISTRICT
JUDGE,

Respondents,

and

BULLION MONARCH MINING, INC.,

Real Party in Interest.

/

PETITIONER'S SUPPLEMENTAL APPENDIX

PARSONS BEHLE & LATIMER

Michael R. Kealy, Nevada State Bar No. 971

Ashley C. Nikkel, Nevada State Bar No. 12838

50 West Liberty Street, Suite 750, Reno, Nevada 89501

Telephone: 775.323.1601

mkealy@parsonsbehle.com

anikkel@parsonsbehle.com

Kristine E. Johnson (Admitted Pro Hac Vice)

Brandon J. Mark (Admitted Pro Hac Vice)

201 S. Main Street, Suite 1800, Salt Lake City, Utah 84111

Telephone: 801-532-1234

kjohnson@parsonsbehle.com

bmark@parsonsbehle.com

Attorneys for Petitioner

BARRICK GOLDSTRIKE MINES, INC.

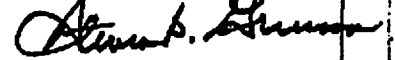
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PETITIONER'S SUPPLEMENTAL APPENDIX INDEX

Vol. No. Page Nos.

Order Denying Barrick Goldstrike Mines Inc.'s
Motion for Summary Judgment

Supp. PA_1313 –
Appx. PA_1314



ODM
PARSONS BEHLE & LATIMER
Michael R. Kealy, Nevada Bar No. 971
Ashley C. Nikkel, Nevada Bar No. 12838
50 West Liberty Street, Suite 750
Reno, Nevada 89501
Telephone: (775) 323-1601
Facsimile: (775) 348-7250
MKealy@parsonsbehle.com
ANikkel@parsonsbehle.com

Kristine E. Johnson (Admitted Pro Hac Vice)
Brandon J. Mark (Admitted Pro Hac Vice)
201 South Main Street, Suite 1800
Salt Lake City, Utah 84111
Telephone: (801) 532-1234
KJohnson@parsonsbehle.com
BMark@parsonsbehle.com

Attorneys for Defendant Barrick Goldstrike Mines, Inc.

DISTRICT COURT
CLARK COUNTY, NEVADA

BULLION MONARCH MINING, INC.,

Plaintiff,

vs.

BARRICK GOLDSTRIKE MINES, INC.; BAR-
RICK GOLD EXPLORATION INC.; ABX FI-
NANCECO INC.; BARRICK GOLD CORPORA-
TION; and DOES 1 through 20,

Defendants.

Case No. A-18-785913-B

Dept. No. XI

Hearing Date: August 19, 2019

Hearing Time: 9:00 a.m.

**ORDER DENYING BARRICK GOLDSTRIKE MINES INC.'S
MOTION FOR SUMMARY JUDGMENT**

The Court has reviewed and considered Defendant Barrick Goldstrike Mines Inc.'s ("Goldstrike") Motion for Summary Judgment and Bullion Monarch Mining, Inc.'s ("Bullion") response. Following arguments by Goldstrike's counsel, Ms. Kristine Johnson, and Bullion's counsel, Mr. Daniel Polsenberg, the COURT ORDERS that equitable tolling and NRS 11.500 are

1 not mutually exclusive. If counsel wishes to address the facial constitutionality of portions of
2 NRS 11.500, the Nevada Attorney General's office must be given notice so that can be fully ad-
3 dressed. Given the allegation of continuing breaches, the motion is DENIED. After the Ninth Cir-
4 cuit Court of Appeals rules, there may be certain other factual issues related to earlier breaches
5 that can be raised by a motion for summary judgment, but by the way it has been presented, it is
6 DENIED.
7

8
9 Dated this 16 day of October 2019


DISTRICT COURT JUDGE

10
11
12 Respectfully submitted by:
13 PARSONS BEHLE & LATIMER
14

15 Michael R. Kealy, Nevada Bar No. 971
16 Ashley C. Nikkel, Nevada Bar no. 12838
17 50 W. Liberty Street, Suite 750
18 Reno, Nevada 89501
19 Telephone: (775) 323-1601
Facsimile: (775) 348-7250
MKealy@parsonsbehl.com
ANikkel@parsonsbehle.com

20 Kristine E. Johnson (Admitted Pro Hac Vice)
21 Brandon J. Mark (Admitted Pro Hac Vice)
22 201 South Main Street, Suite 1800
23 Salt Lake City, Utah 84111
Telephone: (801) 532-1234
KJohnson@parsonsbehle.com
BMark@parsonsbehle.com
Attorneys for Defendant Barrick Goldstrike Mines, Inc.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Daniel F. Polsenberg
Joel D. Henriod
Abraham G. Smith
Lewis and Roca LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
DPolsenberg@LRLaw.com
JHenriod@LRLaw.com
ASmith@LRRC.com

Clayton P. Brust, Esq.
Robison, Sharp, Sullivan & Brust, P.C.
71 Washington Street
Reno, Nevada 89503
CBrust@RSSBLaw.com

*Attorneys for Appellant
Bullion Monarch Mining, Inc.*

/s/ Tracy L. Brown
Employee of Parsons Behle & Latimer