

Case No. 79652

In the Supreme Court of Nevada

BARRICK GOLDSTRIKE MINES, INC.,

Petitioner,

vs.

EIGHTH JUDICIAL DISTRICT COURT of the
State of Nevada, in and for the County of
Clark; and the Honorable ELIZABETH
GOFF GONZALEZ, District Judge,

Respondents,

and

BULLION MONARCH MINING, INC.,

Real Party in Interest.

Electronically Filed
Feb 10 2020 05:38 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

District Court
Case No. A785913

**BULLION'S APPENDIX TO ANSWER
VOLUME 5
PAGES 1001-1016**

DANIEL F. POLSENBERG (SBN 2376)

J. CHRISTOPHER JORGENSEN (SBN 5382)

JOEL D. HENRIOD (SBN 8492)

ABRAHAM G. SMITH (SBN 13,250)

LEWIS ROCA ROTHGERBER CHRISTIE LLP

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169

(702) 949-8200

CLAYTON R. BRUST (SBN 5234)

KENT ROBISON (SBN 1167)

ROBISON, SHARP,

SULLIVAN & BRUST, P.C.

71 Washington Street

Reno, Nevada 89503

(775) 329-3151

Attorneys for Real Party in Interest Bullion Monarch Mining, Inc.

CHRONOLOGICAL TABLE OF CONTENTS TO APPENDIX

Tab	Document	Date	Vol.	Pages
01	Order, filed in <i>Bullion Monarch Mining, Inc. v. Barrick Goldstrike Mines, Inc.</i> , United States District Court Case No. 3:09-cv-00612-MMD-WGC	09/30/16	1	1–17
02	Order, filed in <i>Bullion Monarch Mining, Inc. v. Barrick Goldstrike Mines, Inc.</i> , United States District Court Case No. 3:09-cv-00612-MMD-WGC	11/01/18	1	18–26
03	Notice of Motion and Defendants’ Motion to Stay Proceedings	02/12/19	1	27–131
04	Opposition to Motion for Stay	03/04/19	1 2	132–250 251–488
05	Defendant Goldstrike’s Reply Memorandum in Support of Motion to Stay Proceedings	03/08/19	2 3	489–500 501
06	Appellant’s Request for Judicial Notice, filed in <i>Bullion Monarch Mining, Inc. v. Barrick Goldstrike Mines, Inc.</i> , Ninth Circuit Case No. 18-17246	12/09/19	3	502–536
07	Appellant’s Opening Brief, filed in <i>Bullion Monarch Mining, Inc. v. Barrick Goldstrike Mines, Inc.</i> , Ninth Circuit Case No. 18-17246	01/03/20	3	537–591
08	Appellant’s Excerpts of Record, Volume 8 of 9, filed in <i>Bullion Monarch Mining, Inc. v. Barrick Goldstrike Mines, Inc.</i> , Ninth Circuit Case No. 18-17246	01/03/20	3 4	592–750 751–875
09	Appellant’s Excerpts of Record, Volume 9 of 9, filed in <i>Bullion Monarch Mining, Inc. v. Barrick Goldstrike Mines, Inc.</i> , Ninth Circuit Case No. 18-17246	01/03/20	4 5	876–1000 1001–1016

Filed Under Seal

10	Opposition to Renewed Motion to Dismiss, filed in <i>Bullion Monarch Mining, Inc. v. Barrick Goldstrike Mines, Inc.</i> , United States District Court Case No. 3:09-cv-00612-MMD-WGC (FILED UNDER SEAL)	05/11/18	6	1017–1034
11	Complaint (FILED UNDER SEAL)	12/12/18	6	1035–1075
12	Opposition to Motion for Summary Judgment on Savings Statute (NRS 11.500) (FILED UNDER SEAL)	07/27/19	6	1076–1106
13	Reply in Support of Goldstrike’s Motion for Summary Judgment (FILED UNDER SEAL)	08/14/19	6	1107–1144
14	Second Declaration of Brandon Mark in Support of Motion for Summary Judgment (FILED UNDER SEAL)	08/14/19	6	1145–1186

ALPHABETICAL TABLE OF CONTENTS TO APPENDIX

Tab	Document	Date	Vol.	Pages
08	Appellant's Excerpts of Record, Volume 8 of 9, filed in <i>Bullion Monarch Mining, Inc. v. Barrick Goldstrike Mines, Inc.</i> , Ninth Circuit Case No. 18-17246	01/03/20	3 4	592–750 751–875
09	Appellant's Excerpts of Record, Volume 9 of 9, filed in <i>Bullion Monarch Mining, Inc. v. Barrick Goldstrike Mines, Inc.</i> , Ninth Circuit Case No. 18-17246	01/03/20	4 5	876–1000 1001–1016
07	Appellant's Opening Brief, filed in <i>Bullion Monarch Mining, Inc. v. Barrick Goldstrike Mines, Inc.</i> , Ninth Circuit Case No. 18-17246	01/03/20	3	537–591
06	Appellant's Request for Judicial Notice, filed in <i>Bullion Monarch Mining, Inc. v. Barrick Goldstrike Mines, Inc.</i> , Ninth Circuit Case No. 18-17246	12/09/19	3	502–536
11	Complaint (FILED UNDER SEAL)	12/12/18	6	1035–1075
05	Defendant Goldstrike's Reply Memorandum in Support of Motion to Stay Proceedings	03/08/19	2 3	489–500 501
03	Notice of Motion and Defendants' Motion to Stay Proceedings	02/12/19	1	27–131
04	Opposition to Motion for Stay	03/04/19	1 2	132–250 251–488
12	Opposition to Motion for Summary Judgment on Savings Statute (NRS 11.500) (FILED UNDER SEAL)	07/27/19	6	1076–1106
10	Opposition to Renewed Motion to Dismiss, filed in <i>Bullion Monarch Mining, Inc. v. Barrick Goldstrike Mines, Inc.</i> , United	05/11/18	6	1017–1034

	States District Court Case No. 3:09-cv-00612-MMD-WGC (FILED UNDER SEAL)			
01	Order, filed in <i>Bullion Monarch Mining, Inc. v. Barrick Goldstrike Mines, Inc.</i> , United States District Court Case No. 3:09-cv-00612-MMD-WGC	09/30/16	1	1–17
02	Order, filed in <i>Bullion Monarch Mining, Inc. v. Barrick Goldstrike Mines, Inc.</i> , United States District Court Case No. 3:09-cv-00612-MMD-WGC	11/01/18	1	18–26
13	Reply in Support of Goldstrike’s Motion for Summary Judgment (FILED UNDER SEAL)	08/14/19	6	1107–1144
14	Second Declaration of Brandon Mark in Support of Motion for Summary Judgment (FILED UNDER SEAL)	08/14/19	6	1145–1186

BARRICK GOLDSTRIKE MINES INC.

Business Entity Information

Status:	Active	File Date:	3/18/1976
Type:	Foreign Corporation	Entity Number:	C1001-1976
Qualifying State:	CO	List of Officers Due:	3/31/2019
Managed By:		Expiration Date:	
NV Business ID:	NV19761001672	Business License Exp:	3/31/2019

Additional Information

Central Index Key:	
--------------------	--

Registered Agent Information

Name:	THE CORPORATION TRUST COMPANY OF NEVADA	Address 1:	701 S CARSON ST STE 200
Address 2:		City:	CARSON CITY
State:	NV	Zip Code:	89701
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent - Corporation		
Jurisdiction:	NEVADA	Status:	Active

Financial Information

No Par Share Count:	0	Capital Amount:	\$ 200,000.00
Par Share Count:	20,000,000.00	Par Share Value:	\$ 0.01

Officers

☐ Include Inactive Officers

Director - PAUL JUDD

Address 1:	460 WEST 50 NORTH SUITE 500	Address 2:	
City:	SALT LAKE CITY	State:	UT
Zip Code:	84101	Country:	
Status:	Active	Email:	

President - WILLIAM MACNEVIN

Address 1:	3511 AUTUMN COLOUR	Address 2:	
City:	ELKO	State:	NV
Zip Code:	89803	Country:	
Status:	Active	Email:	

Secretary - DANA STRINGER

--	--	--	--

Address 1:	161 BAY STREET, SUITE 3700 P.O. BOX 212	Address 2:	
City:	TORONTO ON	State:	
Zip Code:	M5J 2S1	Country:	CAN
Status:	Active	Email:	
Treasurer - LEO VAN WYK			
Address 1:	161 BAY STREET SUITE 3700	Address 2:	
City:	TORONTO	State:	
Zip Code:	M5J 2S1	Country:	CAN
Status:	Active	Email:	
Director - LEO VAN WYK			
Address 1:	161 BAY STREET SUITE 3700	Address 2:	
City:	TORONTO	State:	
Zip Code:	M5J 2S1	Country:	CAN
Status:	Active	Email:	
Director - PETER WEBSTER			
Address 1:	460 WEST 50 NORTH SUITE 500	Address 2:	
City:	SALT LAKE CITY	State:	UT
Zip Code:	84101	Country:	
Status:	Active	Email:	

Actions\Amendments

Action Type:	Foreign Qualification		
Document Number:	C1001-1976-001	# of Pages:	10
File Date:	3/17/1976	Effective Date:	
(No notes for this action)			
Action Type:	Amendment		
Document Number:	C1001-1976-003	# of Pages:	4
File Date:	5/15/1984	Effective Date:	
CAPITAL STOCK WAS: \$50,000.00 = 5,000 @ \$10.00			
PANCANA INDUSTRIES, INC. B v 001			
Action Type:	Amendment		
Document Number:	C1001-1976-004	# of Pages:	4
File Date:	1/13/1987	Effective Date:	
CAPITAL STOCK WAS 200000			
Action Type:	Amendment		
Document Number:	C1001-1976-005	# of Pages:	3
File Date:	1/19/1989	Effective Date:	
PANCANA MINERALS, INC. B w 002			
Action Type:	Amendment		
Document Number:	C1001-1976-006	# of Pages:	5

File Date: 4/5/1989		Effective Date:	
AGREEMENT OF MERGER: MERGING BARRICK GOLDSTRIKE MINES INC., (A DELAWARE CORP.)			
#9057-86...CHANGING NAME...			
BARRICK NEVADA MINES INC. B b 003			
Action Type:	Amendment		
Document Number:	C1001-1976-007	# of Pages:	4
File Date:	4/11/1989	Effective Date:	
CERTIFICATE OF OFFICER FILED PURSUANT TO MERGER, REQUESTED FILED BY COUNCIL.			
Action Type:	Registered Agent Change		
Document Number:	C1001-1976-008	# of Pages:	1
File Date:	12/3/1997	Effective Date:	
CORPORATION TRUST CO. OF NEVADA			
ONE EAST FIRST STREET RENO NV 89501 TMM			
Action Type:	Annual List		
Document Number:	C1001-1976-013	# of Pages:	3
File Date:	3/17/1998	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Change		
Document Number:	C1001-1976-009	# of Pages:	1
File Date:	5/27/1998	Effective Date:	
BARRICK GOLDSTRIKE MINES INC.			
790 COMMERCIAL ST ELKO NV 89801 MJM			
Action Type:	Annual List		
Document Number:	C1001-1976-014	# of Pages:	3
File Date:	3/6/1999	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	C1001-1976-015	# of Pages:	3
File Date:	2/11/2000	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	C1001-1976-011	# of Pages:	3
File Date:	3/14/2001	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	C1001-1976-012	# of Pages:	3
File Date:	3/24/2002	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	C1001-1976-010	# of Pages:	2
File Date:	3/9/2003	Effective Date:	

(No notes for this action)			
Action Type:	Annual List		
Document Number:	C1001-1976-002	# of Pages:	3
File Date:	2/20/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Annual List		
Document Number:	20050056314-86	# of Pages:	3
File Date:	2/22/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060290461-40	# of Pages:	3
File Date:	5/4/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070036341-36	# of Pages:	2
File Date:	1/19/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080068814-47	# of Pages:	2
File Date:	1/31/2008	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20090315906-25	# of Pages:	2
File Date:	4/2/2009	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100215680-05	# of Pages:	2
File Date:	4/5/2010	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Change		
Document Number:	20100926366-65	# of Pages:	1
File Date:	12/15/2010	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20110035699-16	# of Pages:	2
File Date:	1/18/2011	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20120089653-26	# of Pages:	2
File Date:	2/7/2012	Effective Date:	
(No notes for this action)			

001004
000357001004
000357

Action Type:	Annual List		
Document Number:	20130013847-99	# of Pages:	2
File Date:	1/9/2013	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20140013897-15	# of Pages:	2
File Date:	1/8/2014	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20150136441-37	# of Pages:	2
File Date:	3/26/2015	Effective Date:	
(No notes for this action)			
Action Type:	Amended List		
Document Number:	20150367468-32	# of Pages:	2
File Date:	8/18/2015	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20160149394-49	# of Pages:	2
File Date:	3/31/2016	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20170140617-89	# of Pages:	2
File Date:	3/31/2017	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20180203313-73	# of Pages:	2
File Date:	5/3/2018	Effective Date:	
(No notes for this action)			

Elko Daily Article

37
001006

37
001006

001997
000359

001997
000359

BREAKING Special weather statement: 'Cold air funnels' spotted in northern Nevada

https://elkodaily.com/mining/goldstrike-focused-on-being-best-in-class/article_dbecffd6-a6f2-5ddb-9312-dda696dfa750.html

Goldstrike focused on being best in class

MARIANNE KOBAK McKOWN mkobak@elkodaily.com Jun 11, 2016

SUBSCRIBE FOR 33¢ / DAY





Goldstrike Roaster Superintendent Sam Marich, right, talks about the improvements made in processing.
Marianne Kobak McKown, Mining Quarterly

CARLIN – Barrick Gold Corp.’s Goldstrike Mine isn’t working on just one project, but focusing on becoming the best they can in what they do.

“Goldstrike has a long, strong and proud history,” said Bill MacNevin, who began as the site’s new general manager in February. “... We’ve got a great outlook for ourselves ahead, for the future. We’ve got a very strong, experienced workforce, a lot of talent on this property. We’re also still sitting in some of the best gold country in the world. Always has been, always will be, and so we’ve got lots of opportunities in our ore bodies, but what our focus predominantly is about is improving our operations.”

Barrick as a whole is putting an emphasis on being “best in class.”

This program is about finding ways to improve in all aspects of the operation.

“What that takes is just relentless and continuous pursuit of excellence, operations excellence,” he said.

This isn’t a new concept for the mine.

“Goldstrike has always been improving,” MacNevin said. “It’s got a fabulous history of improving. What we’re doing is putting considerably more focus on that. We need to put more of our efforts towards that operations excellence and improve at a faster rate.”

Best in class is the overall company program and the mine is calling it the Goldstrike Optimization Program.

MacNevin said Goldstrike kicked off this new approach in March. The mine will spend some capital, but the new approach is about “doing more with what we have,” he said. The site already has “talented” employees and the new program isn’t about “doing massive changes,” MacNevin said.

“Every single production area, as well as support areas, are doing different projects,” he said.

A few of the projects are about increasing tons out of the roaster and improving operations in the underground.



“But effectively most of them are still at the simple phase of doing things better, faster, smarter,” he said.

He said everyone is contributing to the programs

“Mining’s a very simple business,” he said. “All we do is dig stuff up and make it small and mix it to get the gold out. It’s simple. What makes it work is the people.”

The project leaders are from the site and part of their job is making sure everyone in their team understands why the changes are being done. He said, “it’s site owned and site led,” so “the improvement comes from within.”

By becoming more efficient, the site creates more opportunities for itself. MacNevin said watching the gold price doesn’t help. The site will focus on making sure it delivers at its most efficient level. He said operations excellence or best in class is in everything – safety, environmental performance, working with the community and all the things involving the business.

MacNevin said Barrick’s chairman gave a good quote that explains the company. “He said ‘we don’t do victory laps, we simply raise the bar and get on and do more work.’”

MacNevin said the people at Goldstrike, which includes 1,780 employees, make the programs easy.

Process Improvements

Employees at Goldstrike have found ways to improve throughput and recovery at the process facility.



Goldstrike has a mill and a roaster. After being mined, the rock is sent to the crusher and then to the mill. The material goes from about a 4- or 2-inch diameter down to the consistency of talcum powder. The material is sent to the roaster and then to carbon in leach columns.

Bart Beatty, general supervisor of operations, said the site changed the shutdown schedule for the mill and roaster to optimize storage. The process facility's original scope was for 12,500 tons a day, but now the site is running 17,000-plus through the mill.

Being able to get more tons through the mill meant Goldstrike employees had to find a way to increase the recovery or how much gold they got out of the material, said Sam Marich, roaster superintendent. Metallurgists tested to see if adding some additional CIL tanks would make a difference in the recovery. Instead of six tanks, the site will have eight tanks. These additional tanks – which were a \$14 million investment -- should improve recovery by 1 percent.

They improve the recovery by increasing the amount of time the ore sits in the tanks. The residence time in the tanks is about 12 hours now, but once the tanks are finished the residence time will increase to 16 hours, Marich said.

Underground Improvements

The underground at Goldstrike, which consists of Meikle and Rodeo, has been improving over the years, but this year the mines have a renewed focus, said Roger Hoops, manager of the underground division.

"You've got to be productive and efficient during these times," Hoops said. "You've still got to be safe. We still got to do everything right. We just got to get better at what we do. We're very good. It's not like we're starting from zero."

The underground is focusing on mass blasts and controlling overbreak.



“We have two different mining methods in this mine,” said Miguel Lamadrid, superintendent of technical services for underground. “We have drift and fill and long-hole stope.”

Long-hole stope is the primary method, about 70 to 75 percent of the mining in Goldstrike’s underground, Lamadrid said. The biggest stope they could blast was 2,000 to 3,000 tons at a time.

The miners would blast in the underground, the debris would be mucked out from the bottom and then they would blast again and take the rest of the material. The entire hole or stope would be about 6,000 to 7,000 tons.

“With the mass blast concept, we would drill the whole thing and blast it one time and go big or go home,” Lamadrid said.

The mass blast allows the miners to blast it all in one go and they could increase the size of the stope, said Jim Bailey, senior supervisor for blasting.

The size of a stope was 80 feet and now it goes up to 150-foot stope, Lamadrid said.

“So we went from 7,000 (tons) to up to 14,000, one of the biggest stopes we have in one shot,” he said.

Since they changed how they blast, the miners had to alter how the stopes are designed, Lamadrid said. They also use remote muckers so employees are not exposed to unsupported ground. It took them about three years to develop how the mass blasts are done and about 90 to 93 percent of the mining is done in mass blasts, Lamadrid said.

Changing how they mined also increased how fast the mining is done.

“A stope this dimension used to take us around a month to get it out,” he said.

“We can take it out in seven days now.”

Hoops said another benefit of a mass blast is it is less volatile.

Bailey said they used about 20,000 pounds of explosive in a blast. The vibration of a mass blast is less than doing several smaller ones, he said. The timing of the blast decreases the vibration.

To make this change the employees had to be involved from day one, Hoops said.

Another improvement in the underground is the paste fill, he said. Once an area is mined, it has to be filled back in.

“Basically it does the same thing as rock fill; it’s the transportation means that’s different,” Hoops said.

The underground is very hot at the lower levels and the heat comes from the geology of the rock and the diesel trucks, he said. Piping the paste underground, instead of driving the rock, eliminates part of the heat. The paste also reaches the areas to fill faster than taking the rockfill there by truck.

“We would like to have paste everywhere,” Hoops said.



The Rodeo side of the mine is filled with paste, Lamadrid said. Pipes were put in to transport the paste, which is a combination of cement and treated tailings.

Once an area is mined, a bulkhead or wall is put into the drift or tunnel that goes to the stope. They put in paste about seven feet above the bulkhead and let it cure to lessen the pressure on the wall. After it is cured, the rest of the stope is filled. Then the lines are cleaned.

It takes about three days to fill the stope with paste versus taking 10 days to fill it with rock, said Evan Verkade, chief engineer for underground.

“When we talk about mining efficiencies it’s not just one thing,” Hoops said. “If we mine faster, we’ve got to fill faster. Actually, we’ve got to mine faster; we’ve got to haul faster, we’ve got to fill faster. Everything speeds up.”

Reducing Overbreak

The next study being worked on in the underground is overbreak.

When an area is mined, they want it to blast apart as it is designed, Bailey said.

“Some of the overbreak problem is due to drilling and some of it’s due to blasting,” he said.

If a drift is designed to be 15 feet by 15 feet the miners want it to shoot at 15 by 15, Hoops said.

“If we shoot at 17 by 19 we’re taking a lot -- either waste we don’t need to take or if it’s ore we’re mining at a much higher cost than stope” he said. “So we want to blast it and drill it just to the design, no more, no less.”



Underground Chief Engineer Evan Verkade said they are changing one thing at a time and measuring the headings every day to see how the different variables affect the size of the drift.

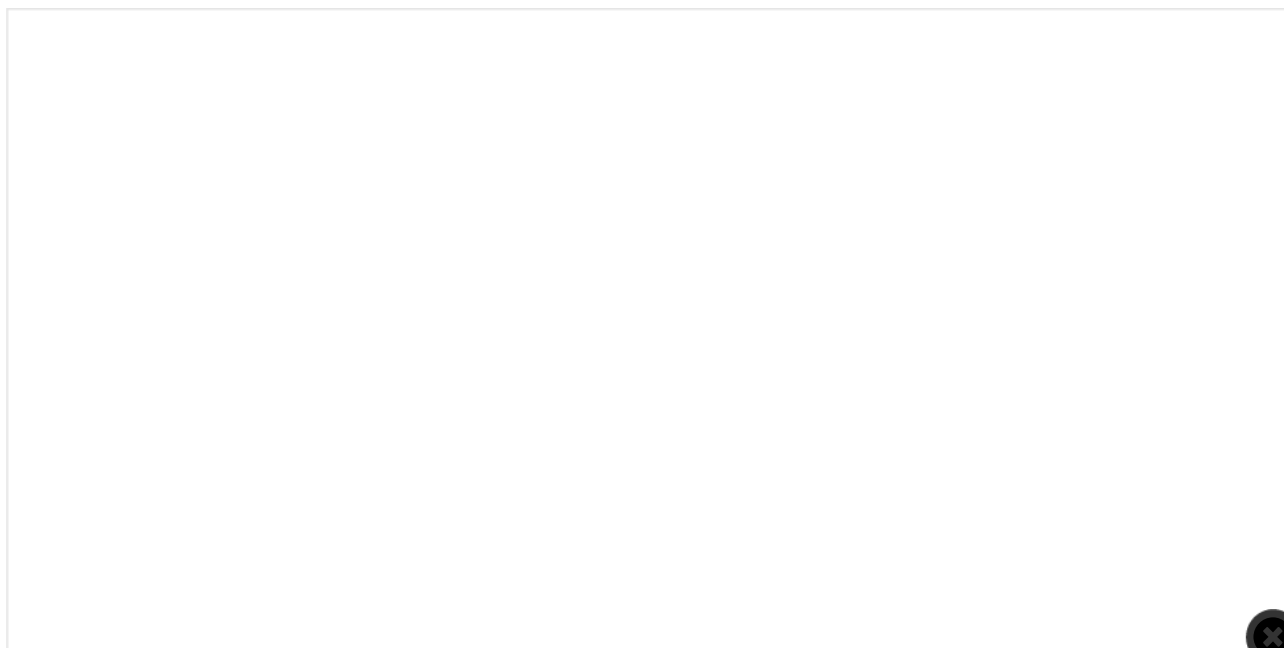
“The drillers right now are shrinking down their pattern,” Bailey said. “So we measure everyday to see where we’re at there, and then I go down and I check the blasters every other day to see how they’re loading. You don’t want to change everything at once. We’ve got all of us working together right now.”

Verkade said they hope it leads to a more standardized procedure. They’ve been doing the study for about six weeks.

“It’s going to be a little bit of time to get this, but we’re already seeing improvements,” Bailey said.

Hoops said it is never just one thing to improve efficiency. Once one problem is conquered, another will pop up.

“Of course somebody is gonna be the next bottleneck, that’s not a bad thing,” he said. “... It’s a cycle. Don’t be afraid to take that on, we’ll find the next issue.”





+12

Goldstrike focused on being best in class
Jun 10, 2016

Marianne Kobak McKown

