

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 06:55 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

District Court
Case No. A785913

NRAP 44 NOTICE OF CONSTITUTIONAL ISSUES

Pursuant to NRAP 44 and NRS 30.130, real party in interest notifies the clerk of this Court and the Attorney General of Nevada, Aaron D. Ford, that this writ petition concerns the constitutionality of NRS 11.500(3). That statute restricts the recommencement of an action dismissed for lack of subject matter jurisdiction to no more than five years after the original action was commenced. In so doing, it purports to require the federal judiciary to finally determine its subject-matter jurisdiction over a case within five years.

Dated this 10th day of February, 2020.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Abraham G. Smith
DANIEL F. POLSENBERG (SBN 2376)
JOEL D. HENRIOD (SBN 8492)
ABRAHAM G. SMITH (SBN 13,250)
3993 Howard Hughes Parkway,
Suite 600
Las Vegas, Nevada 89169
(702) 949-8200

*Attorneys for Bullion
Monarch Mining, Inc.*

CERTIFICATE OF SERVICE

I certify that on February 10, 2020, I submitted the foregoing NRAP 44 NOTICE OF CONSTITUTIONAL ISSUES for filing *via* the Court's eFlex electronic filing system. Electronic notification will be sent to the following:

Michael R. Kealy
Ashley C. Nikkel
PARSONS BEHLE
& LATIMER
50 West Liberty Street,
Suite 750
Reno, NV 89501

Brandon J. Mark
PARSONS BEHLE
& LATIMER
201 S. Main Street,
Suite 1800
Salt Lake City, UT
84111

James J. Pisanelli
Debra L. Spinelli
Dustun H. Holmes
Kirill V. Mikhaylov
PISANELLI BICE PLLC
400 South 7th Street,
Suite 300
Las Vegas, NV 89101

Attorneys for Barrick Goldstrike Mines, Inc.

*Attorneys for Barrick
Gold Corporation*

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, at Las Vegas, Nevada, addressed as follows:

Honorable Elizabeth Gonzalez
Department 11
EIGHTH JUDICIAL DISTRICT COURT
200 Lewis Avenue
Las Vegas, Nevada 89155

AARON D. FORD
NEVADA ATTORNEY GENERAL
100 North Carson Street
Carson City, Nevada 89701

/s/ Lisa M. Noltie

An Employee of Lewis Roca Rothgerber Christie LLP