

IN THE SUPREME COURT OF THE STATE OF NEVADA

BARRICK GOLD CORPORATION,

Petitioner,

vs.

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

Respondents,

BULLION MONARCH MINING, INC,

Real Party in Interest.

Electronically Filed
Case No. 82370 May 10 2021 05:14 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**NOTICE OF DISTRICT COURT'S
ORDER DENYING BARRICK
GOLD CORPORATION'S
MOTION TO DISMISS
PLAINTIFF'S THIRD AMENDED
COMPLAINT**

Petitioner Barrick Gold Corporation ("Barrick Gold") hereby notifies the Court of the district court's Notice of Entry of Order Denying Barrick Gold's Motion to Dismiss Real Party in Interest Bullion Monarch Mining, Inc.'s ("Bullion") Third Amended Complaint ("TAC"). A true and correct copy of the Notice of Entry of Order is attached. The District Court denied Barrick Gold's motion to dismiss Bullion's TAC for reasons consistent with the district court's order denying

Barrick Gold's motion to dismiss Bullion's Second Amended Complaint ("SAC") challenged in Barrick Gold's Writ of Prohibition (the "Petition").

Notice is being provided about the district court's ruling on the TAC as it may impact the Court's decision on Bullion's pending motion to dismiss the Petition and Barrick Gold's pending countermotion for stay pending decision on the Petition. Barrick Gold intends to promptly move to supplement the Petition and related appendix to make clear that Barrick Gold's Petition additionally challenges the district court's denial of Barrick Gold's motion to dismiss Bullion's TAC. The district court's denial of Barrick Gold's motion to dismiss Bullion's TAC is based on the same flawed jurisdictional grounds presented in the district court's denial of Barrick Gold's motion to dismiss Bullion's SAC at issue in the pending Petition. Both rulings can – and should – be decided in this writ proceeding.

DATED this 10th day of May, 2021.

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Attorneys for Petitioner Barrick Gold Corporation

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Pisanelli Bice PLLC, and that on the 10th day of May, 2021, I caused to be served via the Court's e-filing/e-service system a true and correct copy of the above and foregoing **NOTICE OF DISTRICT COURT'S ORDER DENYING BARRICK GOLD CORPORATION'S MOTION TO DISMISS PLAINTIFF'S THIRD AMENDED COMPLAINT** to:

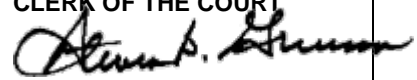
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Attorneys for Defendant Barrick Gold Corporation

DISTRICT COURT

CLARK COUNTY, NEVADA

BULLION MONARCH MINING, INC.,

Plaintiff,

v.

BARRICK GOLDSTRIKE MINES, INC.;
BARRICK GOLD EXPLORATION INC.;
BARRICK GOLD CORPORATION;
NEVADA GOLD MINES, LLC; BARRICK
NEVADA HOLDING LLC; and DOES 1
through 20,

Defendants.

Case No.: A-18-785913-B
Dept. No.: XI

**NOTICE OF ENTRY OF ORDER
DENYING BARRICK GOLD
CORPORATION'S MOTION TO DISMISS
PLAINTIFF'S THIRD AMENDED
COMPLAINT**

Date of Hearing: March 29, 2021

Time of Hearing: Chambers

PLEASE TAKE NOTICE that an "Order Denying Barrick Gold Corporation's Motion to Dismiss Plaintiff's Third Amended Complaint" was entered in the above-captioned matter on April 21, 2021, a true and correct copy of which is attached hereto.

DATED this 21st day of April, 2021.

PISANELLI BICE PLLC

By: /s/ Dustun H. Holmes

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the law firm of Pisanelli Bice PLLC, and that on the 21st day of April, 2021, I caused to be e-filed/e-served through the Court's CM/ECF system a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** which sent electronic notification to all registered users:

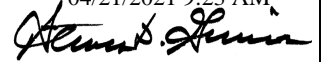
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/s/ Kimberly Peets
An employee of Pisanelli Bice PLLC


CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

BULLION MONARCH MINING, INC.,

Plaintiff,

v.

BARRICK GOLDSTRIKE MINES, INC.;
BARRICK GOLD EXPLORATION INC.;
BARRICK GOLD CORPORATION;
NEVADA GOLD MINES, LLC; BARRICK
NEVADA HOLDING LLC; and DOES 1
through 20,

Defendants.

Case No.: A-18-785913-B
Dept. No.: XI

**ORDER DENYING BARRICK GOLD
CORPORATION'S MOTION TO DISMISS
PLAINTIFF'S THIRD AMENDED
COMPLAINT**

Date of Hearing: March 29, 2021

Time of Hearing: Chambers

The Court reviewed and considered Defendant Barrick Gold Corporation's ("Barrick Gold") Motion to Dismiss Plaintiff Bullion Monarch Mining, Inc.'s (Bullion's) Third Amended Complaint ("Motion to Dismiss"), the related briefing, and being fully informed, hereby finds:

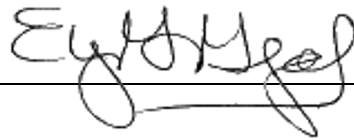
1. Consistent with the Court's November 19, 2020 order, Barrick Gold has purposefully availed itself of jurisdiction in Nevada.

2. Bullion's claims arise in part from the agreements referenced in the Court's November 19, 2020 order to which Bullion is a beneficiary.

3. The forum-selection clause in the joint venture agreement shows that it is not unreasonable for the Court to exercise its jurisdiction in this case.

In light of the foregoing, and good cause appearing, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Motion to Dismiss is DENIED.

Dated this 21st day of April, 2021



169 A42 4FD6 C98E
Elizabeth Gonzalez
District Court Judge

Respectfully Submitted by:

PISANELLI BICE

By: /s/ Dustun H. Holmes

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Attorneys for Defendant Barrick Gold Corporation

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Bullion Monarch Mining Inc,
7 Plaintiff(s)

CASE NO: A-18-785913-B

8 vs.

DEPT. NO. Department 11

9 Barrick Goldstrike Mines Inc,
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 4/21/2021

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