

**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 Parties in Interest.

Case No. 82370

Electronically Filed  
May 28 2021 02:49 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION TO FILE APPENDIX  
VOLUME I IN SUPPORT OF  
BARRICK GOLD CORPORATION'S  
SUPPLEMENT TO PETITION  
FOR WRIT OF PROHIBITION  
UNDER SEAL**

**I. INTRODUCTION**

Petitioner Barrick Gold Corporation ("Barrick Gold") hereby moves this Court to file Volume I of the Appendix in support of its Supplement to Petition for Writ of Prohibition under seal, pursuant to Part VII of the Supreme Court Rules Governing Sealing and Redacting Court Records. Barrick Gold's Supplemental Appendix Volume I contains court records that were filed under seal in the district court as they contain information designated as Confidential pursuant to the Protective Order entered by the district court on May 15, 2019, as well as information designated as Confidential pursuant to the Protective Order entered in the prior federal litigation. As such, Barrick Gold respectfully requests this Court grant its request to seal.

## II. ANALYSIS

Rule 7 of Part VII of the Supreme Court Rules provides that sealed district court records shall be made available to this Court on appeal but that those records "shall be sealed from public access" subject to further order of this Court. This Court will keep the documents under seal if there is an appropriate basis to do so under SRCR 3(4). SRCR 3(4) permits the sealing or redaction of the record when justified by compelling privacy or safety interests that outweigh the public interest in access to the court record. The public interest in privacy outweighs the public interest in open court records when the sealing or redaction furthers a protective order entered under NRCP 26(c). SRCR 3(4)(b).

As discussed below, Volume I of the Supplemental Appendix Barrick Gold seeks to file under seal contains Bullion Monarch Mining, Inc.'s Third Amended Complaint that was filed under seal in the district court. The sealing of Volume I of the Supplemental Appendix is justified. The public interest in privacy outweighs the public interest in open court records as the sealing furthers a protective order entered under NRCP 26(c). SRCR 3(4)(b).

### III. CONCLUSION

Based upon the foregoing, Barrick Gold respectfully requests that the Court permit it to file Volume I of its Appendix in support of its Supplement to Petition for Writ of Prohibition under seal.

DATED this 28th day of May, 2021.

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## **CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of Pisanelli Bice PLLC, and that on the 28th 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 **MOTION TO FILE APPENDIX VOLUME I IN SUPPORT OF BARRICK GOLD CORPORATION'S SUPPLEMENT TO PETITION FOR WRIT OF PROHIBITION UNDER SEAL** to:

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