

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. 83415

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Elizabeth A. Brown
Clerk of Supreme Court

**MOTION TO SEAL CERTAIN
PAGES OF APPENDIX IN SUPPORT
OF PETITIONER BARRICK GOLD
CORPORATION'S PETITION FOR
WRIT OF PROHIBITION**

I. INTRODUCTION

Petitioner Barrick Gold Corporation ("Barrick Gold") hereby moves in this Court to file certain pages of Volumes I, II, III, and VI of the Appendix in support of its Petition for Writ of Prohibition under seal, pursuant to Part VII of the Supreme Court Rules Governing Sealing and Redacting Court Records. Specifically, Barrick Gold requests pages PA00001-00041, PA00129-00185, PA00186-00329, PA00344-00390, PA00632-00658, and PA01296-01346 contained in Volumes I, II, III, and VI of the Appendix be filed under seal. These portions of the Appendix contain court records that were sealed and/or redacted 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, the portions of the Appendix Barrick Gold seeks to file under seal contain records that were sealed and or filed in redacted form in the district court:

- PA00001-00041 of the Appendix contain the unredacted complaint Bullion Monarch Mining Inc. ("Bullion") filed under seal with the district court on December 12, 2018. The complaint was filed under seal as it contained information that had been designated as Confidential pursuant to the Protective

Order entered in the prior federal litigation. The district court granted Bullion's motion to seal and redact the complaint with Bullion subsequently filing the redacted version of the complaint

- PA00129-00185 of the Appendix contains the unsealed and unredacted version of Bullion's motion for leave to file an amended complaint. The district court granted Bullion's motion to seal and redact the motion as it contained information designated as confidential under the terms of the Protective Order.

- PA00482-00658 of the Appendix contains a Sealed Order from the prior federal litigation. The district court granted a motion seal this document because it had been sealed by the federal court.

- PA01296-01346 of the Appendix contains the unsealed and unredacted version of Bullion's Third Amended Complaint. The district court granted Bullion's motion to seal and redact the complaint as it contained information designated as confidential under the terms of the Protective Order.

The portions of the Appendix that Barrick Gold seeks to seal contain records sealed and/or redacted in the district court. The sealing of the above portions 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). SRCR3(4)(b).

III. CONCLUSION

Based upon the foregoing, Barrick Gold respectfully requests that the Court permit it to file pages PA00001-00041, PA00129-00185, PA00186-00329, PA00344-00390, PA00632-00658, and PA01296-01346 contained in Volumes I, II, III, and VI of the Appendix in support of its Petition for Writ of Prohibition under seal.

DATED this 24th day of August, 2021.

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Pisanelli Bice PLLC, and that on the 24th day of August, 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 SEAL CERTAIN PAGES OF APPENDIX IN SUPPORT OF PETITIONER BARRICK GOLD CORPORATION'S PETITION FOR WRIT OF PROHIBITION** to:

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