

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Raymond P. Moore**

Civil Action No. 16-cv-02547-RM-KMT

GOLDGROUP RESOURCES, INC.,

Applicant,

v.

DYNARESOURCE DE MEXICO, S.A. DE C.V., and  
DYNARESOURCE, INC.,

Respondents.

---

**ORDER**

---

This matter is before the Court on Respondents' Motion to Strike (the "Motion") (ECF No. 58) seeking to preclude Applicant from relying on Exhibit A, referenced in footnote 3 of its objection to the Magistrate Judge's Recommendation to grant Respondents' petition to vacate an arbitration award. Exhibit A is stated to be the appeal of the Amparo Order upon which the Magistrate Judge relied in issuing the Recommendation. Applicant filed a response to the Motion, to which Respondents filed a reply. The matter is ripe for resolution.

Respondents raise three arguments in support of their Motion: (1) Applicant allegedly waived any ability to use Exhibit A as it was never presented to the Magistrate Judge before issuing the Recommendation; (2) Exhibit A is written in Spanish and has not been translated; and (3) Exhibit A's authenticity, reliability, and completeness are "highly questionable." Applicant responds that (1) there has been no waiver as the Amparo appeal became relevant in light of the Magistrate Judge's reliance on the Amparo Order; (2) the Court may rely on the Amparo appeal,

even if in Spanish, for the limited purpose of showing an appeal is pending, plus Applicant is submitting a partial translation and Declaration verifying the fact of the appeal; and (3) Applicant has provided ample information to show the Amparo Order is on appeal and non-final.

Respondents' reply raises the same matters as their Motion, and argues the additional papers Applicant submitted to show the Amparo Order is on appeal should be stricken or disregarded. Upon review, the Court rejects Respondents' arguments.

First, Fed. R. Civ. P. 72(b)(3) specifically states, that in resolving objections, "the district judge may ... receive further evidence." Thus, the Court may receive Exhibit A.

Next, considering the Magistrate Judge's reliance on the Amparo Order, the Court finds it should receive Exhibit A. The effect, if any, of Exhibit A on the issues is another matter and will be addressed in the order resolving Applicant's objection.

Third, it was Respondents who challenged the authenticity, reliability, and completeness of Exhibit A, and Applicant responded by presenting evidence to address that challenge.

It is therefore ORDERED that Respondents' Motion to Strike (ECF No. 58) is DENIED.

DATED this 22nd day of March, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Raymond P. Moore", written over a horizontal line.

RAYMOND P. MOORE  
United States District Judge