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Attorneys for Barrick Goldstrike Mines Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

BULLION MONARCH MINING, INC.,

Bullion Monarch,

v.

BARRICK GOLDSTRIKE MINES, INC.,

Defendant.

Case No. 03:09-cv-612-ECR-VPC
(Sub File of 3:08-cv-227-ECR-VPC)

**JOINT AND STIPULATED
MOTION FOR ENTRY OF
AMENDED BRIEFING
SCHEDULE PURSUANT TO
MAGISTRATE COOKE'S
NOVEMBER 16, 2010 ORDER
[DOC. # 100]**

ORDER GRANTING

Plaintiff Bullion Monarch Company, Inc. ("Bullion") and defendant Barrick Goldstrike Mines, Inc. ("Barrick") jointly move this Court for an amended briefing schedule as set forth in paragraphs 6(a) through 6(d) below. The motion is based on the following stipulations and agreements:

1. On September 24, 2010, Goldstrike filed a Motion for Protective Order Relating to Documents Inadvertently Disclosed by Newmont USA Limited [Doc. # 89] (the "Motion for

1
2 Protective Order”). The Motion for Protective Order explained that Goldstrike asserted privilege
3 claims with respect to certain documents that were produced to Bullion by Newmont USA
4 Limited (“Newmont”) on August 9, 2010, including documents which had been included as
5 exhibits to and discussed in “Bullion Monarch Mining, Inc.’s Opposition to Defendant Barrick
6 Goldstrike Mines Inc.’s Motion for Summary Judgment Based on a Lack of Obligation Under the
7 1979 Agreement” filed under seal on September 7, 2010 [Doc. # 67].

8 2. Magistrate Cooke held a hearing on the Motion for Protective Order on November
9 4, 2010.

10 3. On November 16, 2010, Magistrate Cooke entered an order granting in part and
11 denying in party Goldstrike’s Motion for Protective Order [Doc. # 100] (the “Order”). The Order
12 required, among other things, that Bullion “review the court’s docket to identify where in the
13 court record protected documents included in defendant’s ‘claw back log’ appear” and to “file a
14 notice with the clerk of court to strike all identified protected documents from the record.” (Order
15 at 13-14.)

16 4. On November 22, 2010, Bullion filed a notice [Doc. # 102] indicating that Bullion
17 was withdrawing Exhibits 9 and 16 of the document filed under seal and entitled “Clayton P.
18 Brust Affidavit in Support of Opposition to Barrick Goldstrike Mines, Inc.’s Motion for
19 Summary Judgment Based On A Lack of Obligation Under the 1979 Agreement” [Docket No.
20 68] pursuant to the November 16 Order, and requesting that those exhibits be stricken from the
21 record.

22 5. The Order also recognized that Bullion may wish to “amend its briefing to
23 substitute references to non-privileged material” (Order at 12), and ordered the parties to “meet
24 and confer to develop an amended briefing schedule for the case” for the Court’s approval (Order
25 at 14).

26 6. Based on the Order, and as a result of discussions between counsel, Bullion and
27 Goldstrike hereby stipulate and agree as follows:

1
2 a. Bullion shall simultaneously herewith file an “Amended Bullion Monarch Mining,
3 Inc.’s Opposition to Defendant Barrick Goldstrike Mines Inc.’s Motion for Summary Judgment
4 Based on a Lack of Obligation Under the 1979 Agreement” that redacts all reference to the
5 privileged and withdrawn exhibits (the “Amended Opposition”). The Amended Opposition shall
6 be filed under seal, and shall supersede and replace the original “Bullion Monarch Mining, Inc.’s
7 Opposition to Defendant Barrick Goldstrike Mines Inc.’s Motion for Summary Judgment Based
8 on a Lack of Obligation Under the 1979 Agreement” that was filed under seal on September 7,
9 2010 (“Original Opposition”). The clerk of the court shall retrieve from all court files and destroy
10 the original and all copies of the Original Opposition.

11 b. Goldstrike shall simultaneously herewith file an “Amended Reply Memorandum
12 in Support of Barrick Goldstrike Mines Inc.’s Motion for Summary Judgment on All Claims
13 Based on a Lack of Obligation Under the 1979 Agreement” that redacts all reference to the
14 privileged and withdrawn exhibits (the “Amended Reply”). The Amended Reply shall be filed
15 under seal, and shall supersede and replace the original “Reply Memorandum in Support of
16 Barrick Goldstrike Mines Inc.’s Motion for Summary Judgment on All Claims Based on a Lack
17 of Obligation Under the 1979 Agreement” filed under seal on September 24, 2010 (“Original
18 Reply”). The clerk of the court shall retrieve from all court files and destroy the original and all
19 copies of the Original Reply.

20 c. Bullion shall have up to and including Tuesday, December 28, 2010, to file a
21 supplement to the Amended Opposition (the “Supplemental Opposition”). The Supplemental
22 Opposition shall be limited to the proffering of new evidence in support of the points previously
23 supported with the withdrawn exhibits. The Supplemental Opposition shall be filed under seal.

24 d. Goldstrike shall have up to and including Tuesday, January 11, 2011, to file a
25 supplement to the Amended Reply (the “Supplemental Reply”). The Supplemental Reply shall
26 be limited to responding to the new evidence proffered in the Supplemental Opposition. The
27 Supplemental Reply shall be filed under seal.

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Dated: December 3, 2010.

ROBINSON, BELAUSTEGUI, SHARP & LOW


By: /s/ Clayton P. Brust
Clayton P. Brust, Esq.
(Signed with permission by Filing Attorney)
Attorneys for Bullion Monarch Mining, Inc.

Dated: December 3, 2010.

PARSONS BEHLE & LATIMER

By: /s/ Michael P. Petrogeorge
Francis M. Wikstrom
Michael R. Kealy
Michael P. Petrogeorge
Brandon J. Mark
Attorneys for Barrick Goldstrike Mines Inc.

IT IS HEREBY ORDERED that the requirements set forth in paragraphs 6(a) through 6(d) above shall be and hereby are entered as the Order of the Court on such matters.


UNITED STATES DISTRICT JUDGE
DATED: December 9, 2010 _____