

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 32**

**NEVADA GOLD MINES LLC AND NEWMONT  
USA LIMITED DBA NEWMONT MINING CORP,  
A WHOLLY OWNED SUBSIDIARY OF  
NEWMONT GOLDCORP CORP, FORMERLY  
NEWMONT MINING CORP, A SINGLE  
EMPLOYER**

**And**

**Cases 32-CA-254059  
32-CA-256917**

**INTERNATIONAL UNION OPERATING  
ENGINEERS, [IUOE] LOCAL 3**

**JOINT STIPULATION AND [PROPOSED] ORDER TO OPEN HEARING  
TELEPHONICALLY**

Counsel for the General Counsel of the National Labor Relations Board (the Board), the International Union of Operating Engineers, Local 3, and Respondents Nevada Gold Mines LLC dba Nevada Gold Mines (NGM) and Newmont USA Limited dba Newmont Mining Corp., a wholly owned subsidiary of Newmont Goldcorp Corp., formerly Newmont Mining Corp (Newmont) (collectively the “Parties”), by and through their respective attorneys of record, hereby stipulate and agree, subject to the approval of the Administrative Law Judge, as follows:

1. WHEREAS, on March 27, 2020 the Regional Director of Region 32 of the National Labor Relations Board issued a Complaint and Notice of Hearing establishing that a hearing in Case 32-CA-254059 would commence on June 9, 2020 at a location in Reno, Nevada to be determined.

2. WHEREAS, on April 24, 2020, the Regional Director of Region 32 of the National Labor Relations Board issued an Order Consolidating Cases and Consolidated Complaint in Cases

32-CA-254059 and 32-CA-256917 and continued to establish that a hearing in these cases would commence on June 9, 2020.

3. WHEREAS, as of this writing there have been over a million recorded cases of COVID-19 and over 56,329 deaths in the United States.

4. WHEREAS, the measures recommended by the Federal and state governments to prevent the spread of the COVID-19 virus include maintaining a 6-foot distance between individuals, working from home where possible, avoiding social gatherings, avoiding discretionary travel and practicing good hygiene. See *The President's Coronavirus Guidelines for America*; Centers for Disease Control and Prevention, *How to Protect Yourself and Others*.

5. WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order N-33-20 ordering all individuals living in the State of California to stay home until further notice, except for the conduct of essential activities, and permitting individuals to perform work remotely where possible.

6. WHEREAS on March 16, 2020, the Counties of Alameda, Contra Costa, Marin, San Francisco and Santa Clara issued shelter in place orders, except for the conduct of essential activities, and permitting individuals to perform work remotely where possible, and WHEREAS on April 27, 2020 the Counties of Alameda, Contra Costa, Marin, San Francisco and Santa Clara extended their shelter in place orders through May 31, 2020.

7. WHEREAS the Governor of the State of Nevada issued a Declaration of Emergency to facilitate Nevada's response to the COVID-19 pandemic, on March 12, 2020; directed Nevadans to implement physical distancing measures to minimize opportunities for COVID-19 to spread on March 17, 2020, and closed all non-essential business on March 20, 2020, until at least May 14, 2020.

8. WHEREAS the circumstances described above indicate the presence of extraordinary and serious issues and risks with respect to the health and safety of witnesses, parties, attorneys, court reporters and/or other interested persons if the hearing in these cases were to convene in person on June 9, 2020, but do not preclude convening a hearing by telephonic or other remote means in order to facilitate the expeditious resolution of the case.

**THEREFORE**, in light of the above circumstances, the parties hereby jointly request, and agree to open the hearing in these cases by telephone on June 9, 2020, at 9:00 a.m. Pacific Standard Time, and, as necessary, from day to day thereafter, in order to: 1) introduce the formal papers, any joint exhibits, any documents whose authenticity is not in question, and any factual stipulations into the record, without waiver by any party of its right to urge lack of relevance, weight or materiality of any exhibit, document or factual stipulation; 2) seek production of subpoenaed documents and adequate time to review any production; and 3) address any outstanding issues with respect to any subpoenas duces tecum issued by any party, including obtaining of rulings from the Administrative Law Judge on any petitions to revoke.

**DATED AT** Oakland, California this 5th day of May 2020.

RESPECTFULLY SUBMITTED

/S/ Coreen Kopper

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[PROPOSED] ORDER

For the reasons stated above, and good cause having been shown, IT IS ORDERED that the hearing in these cases shall be opened telephonically on June 9, 2020 at 9:00 a.m. Pacific Standard Time in order to open the record, enter appearances, introduce the formal papers, introduce joint exhibits and/or documents the authenticity of which is not in question, enter into factual stipulations, seek production of subpoenaed documents and adequate time to review any production, and to address any outstanding issues with respect to any subpoenas duces tecum issued by any party, including the potential obtaining of rulings from the Administrative Law Judge on any petitions to revoke, after which the hearing will temporarily adjourn, and then resume on a date and at a location to be determined.

Dated: May, 2020

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The Honorable John T. Giannopoulos  
Administrative Law Judge