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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ROBERT A. BROWN, GLENBROOK  
CAPITAL LP, GEORGE P. DRAKE, AND  
CN&L INVESTMENT CORP.,

Plaintiffs,

vs.

KINROSS GOLD U.S.A., INC., KINAM  
GOLD INC., KINROSS GOLD  
CORPORATION, AND ROBERT M.  
BUCHAN,

Defendant.

Case No. CV-S-02-0605-<sup>PMP</sup>~~KJB~~(RJJ)

**PROPOSED DISCOVERY PLAN  
AND SCHEDULING ORDER**

**“SPECIAL SCHEDULING REVIEW  
REQUESTED”**

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1 The parties, through their respective counsel of record, present the following Stipulated  
2 Discovery Plan and Scheduling Order pursuant to Fed. R. Civ. P. 26(f), LR 26-1(d) and (e)  
3 inclusive, subject to the parties' reservations of rights as specified herein.

4 **DISCOVERY PLAN AND SCHEDULING ORDER**

5 1. Plaintiffs initiated this action by filing a Class Action Complaint on April 26,  
6 2002.

7 2. Defendants, Kinross Gold U.S.A., Inc. and Kinam Gold, Inc. filed and served  
8 their Answer to Plaintiffs' Class Action Complaint on June 11, 2002, denying all claims.  
9 Defendants, Kinross Gold Corporation and Robert M. Buchan filed and served their Answer to  
10 Plaintiffs' Class Action Complaint on August 20, 2002, denying all claims.

11 3. This Court entered Pretrial Order No. 1 on August 8, 2002, which, among other  
12 things, consolidated all cases currently on file in this District, including Tsurekidis v. Kinross  
13 Gold, U.S.A., Inc., U.S.D.C. Nev. CV-S-02-0726-LDG-(LRL) and all cases filed in the future  
14 that assert allegations and claims arising out of any allegations of claims alleged in the Action.

15 4. Plaintiffs filed their Motion for Class Certification and supporting Memorandum  
16 on October 22, 2002.

17 5. On November 8, 2002, Plaintiffs' served their First Set of Requests for the  
18 Production of Defendants.

19 6. On October 25, 2002, Defendants filed a Motion for Judgment on the Pleadings as  
20 to Count IV of the Complaint (Securities Fraud) under Rule 12(c) of the Federal Rules of Civil  
21 Procedure and the provisions of the Private Securities Litigation Reform Act of 1995 (the  
22 "PSLRA"), 15 U.S.C. § 78u-4 *et seq.*

23 7. Defendants served responses and objections to Plaintiffs' First Set of Requests for  
24 the Production of Documents, but have not yet produced responsive documents.

1           8.       On January 24, 2003, Defendants filed a motion to stay both discovery and class  
2 certification pending resolution of Defendants' Motion for Judgment on the Pleadings. The  
3 Court granted Defendants' motion to stay on September 23, 2003 and granted Plaintiffs leave to  
4 file a renewed class certification motion upon resolution of Defendants' Motion for Judgment on  
5 the Pleadings.

6           9.       The Court granted Defendants' Motion for Judgment on the Pleadings as to Count  
7 IV of Plaintiffs' Complaint on September 29, 2003 with leave to amend.

8           10.      On November 21, 2003, Plaintiffs filed an Amended Complaint. Defendants filed  
9 an Answer to Plaintiffs' Amended Complaint on January 9, 2004.

10          11.      Defendants filed a Motion for Judgment on the Pleadings as to Plaintiffs'  
11 Amended Complaint on March 1, 2004, seeking judgment only on the federal securities law  
12 claims (Counts V, VI and VII). This Court granted Defendants' Motion for Judgment on the  
13 Pleadings on November 3, 2004 and dismissed Counts V, VI, and VII without further leave to  
14 amend.

15          12.      On January 6, 2005, Defendants filed a Motion for Judgment on Counts III  
16 (Nevada RICO claim) and IV (Best Price Rule Claim) of the Amended Class Action Complaint  
17 and for Correction of Basis for Dismissal of Count V (the "Supplemental Motion"). Plaintiffs  
18 intend to file a Response to Defendants' Supplemental Motion and reserve the right to cross  
19 move.

20          13.      Due to the complex nature of this Action, pursuant to LR 26-1(d), longer time  
21 periods should apply to this case.

#### 22                   Class Certification

23          14.      Plaintiffs will file a renewed Motion for Class Certification and supporting  
24 Memorandum no later than February 28, 2005. Defendants will file any Response to Plaintiffs'

1 Motion for Class Certification no later than April 4, 2005. Plaintiffs will file any Reply no later  
2 than April 25, 2005. If, however, Defendants have not completed the depositions of Plaintiffs'  
3 Class Representatives on or before March 21, 2005. Defendants' Response shall be filed on or  
4 before April 18, 2005 and Plaintiffs' Reply shall be filed not later than May 9, 2005. In such  
5 case, Plaintiffs will cooperate with Defendants in scheduling the depositions of Plaintiffs' Class  
6 Representatives so that the depositions can be completed by April 4, 2004.

7 15. Discovery Schedule

8 A. Plaintiffs and Defendants have served their initial disclosures as required  
9 by Fed. R. Civ. P. 26(a)(1), except for subsection (c) thereof. Plaintiffs will serve  
10 Defendants with initial disclosures pursuant to Rule 26(a)(1)(C) on or before March 16,  
11 2005.

12 B. Merits discovery will be completed on November 30, 2005 or ninety (90)  
13 days after the Court rules on Plaintiffs' Motion for Class Certification, whichever is later.  
14 If the deadline for the completion of merits discovery is extended beyond November 30,  
15 2005, all subsequent dates set forth herein shall be extended by the same number of days  
16 as the merits discovery period is lengthened.

17 C. The last date for filing motions to amend pleadings or to join additional  
18 parties under Rules 19 and 20 of the Federal Rules of Civil Procedure shall be July 29,  
19 2005.

20 D. Plaintiffs shall make their expert disclosures, as required, no later than  
21 January 16, 2006. Plaintiffs shall make rebuttal expert disclosures, if any, no later than  
22 March 16, 2006.

23 E. Defendants shall make their expert disclosures, as required, including any  
24 rebuttal experts, no later than February 28, 2006.

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F. Plaintiffs may file rebuttal reports on or before March 30, 2006.

G. All expert discovery will conclude no later than April 28, 2006.

H. All parties shall file a joint pretrial order no later than May 26, 2006. In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after decision of the dispositive motions or further Order of the Court.

I. The total number of depositions allowed by Rule 30 shall be expanded to twenty (20) depositions collectively for Plaintiffs and twenty (20) depositions collectively for Defendants, not including experts.

16. Other Scheduling Matters

A. All dispositive motions shall be filed no later than May 19, 2006.

B. The party or parties opposing any dispositive motion shall file opposition papers not later than forty-five (45) days from service of the motion papers, unless an extension is granted.

C. A party making such a dispositive motion will file any reply brief within thirty (30) days of service of the opposition papers, unless an extension is granted.

17. Miscellaneous Matters

A. A final pre-trial conference, as well as any oral argument on dispositive motions, shall be held on such dates as the Court will determine.

B. Henceforth, all services shall be effected by facsimile, by hand, and/or by overnight delivery. Service upon Plaintiffs shall include: Kummer, Kaempfer, Bonner & Renshaw; Berger & Montague, P.C.; and Reginald H. Howe. Service upon all Defendants shall include Jones Vargas and Parr, Waddoups, Brown, Gee & Loveless. Service made in such manner on the counsel specified above will be deemed to satisfy the

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service requirements of Rules 5(a)-(c) of the Federal Rules of Civil Procedure.

APPROVED AS TO FORM AND CONTENT:

Respectfully submitted,

DATED: January 14, 2005

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