

FILED ENTERED	RECEIVED SERVED ON COUNSEL/PARTIES OF RECORD
1	JUN 15 2005
2	
3	
4	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	DEPUTY

**DOCKETED**

JUN 16 2005

By [Signature]

FILED RECEIVED  
ENTERED SERVED ON  
COUNSEL/PARTIES OF RECORD

2005 JUN 14 P 3: 56

CLERK US DISTRICT COURT  
DISTRICT OF NEVADA

DEPUTY [Signature]

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\*\*\*

ROBERT A. BROWN; GLENBROOK  
CAPITAL L.P.; GEORGE P. DRAKE;  
CN&L INVESTMENT CORP.; and  
ANDREW KAUFMAN,

Plaintiffs,

v.

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

Defendants.

CV-S-02-0605-PMP (RJJ)

ORDER

Received by KKB&R

Received by: [Signature]

Time Received: [Signature]

JUN 16 2005

Having read and considered Plaintiffs' Renewed Motion for Class Certification (Doc. #98), and Defendants' Notice of Non-Opposition to Plaintiffs' Renewed Motion for Class Certification (Doc. #104), and for good cause appearing, it is hereby ORDERED AND ADJUDGED that Plaintiffs have sustained their burden of satisfying the elements required for class certification.

1. Lead Plaintiffs Robert A. Brown, Glenbrook Capital LP, Andrew D. Kaufman, George P. Drake, and CN&L Investment Corp. have met the requirements of Rule 23(a) of the Federal Rules of Civil Procedure as follows:

- a. Members of the Class and Subclasses, defined below, are so numerous that joinder is impracticable.
- b. The claims of the Class and the respective Subclasses are common.
- c. The claims of the Lead Plaintiffs are typical as follows:

|||

- (1) The claims of Robert A. Brown are typical of those of the "Holder Subclass" defined below; and
- (2) The claims of Andrew D. Kaufman, George P. Drake, and CN&L Investment Corp., are typical of those of the "Tenderor Subclass" defined below; and
- (3) The claims of Plaintiff Glenbrook are typical of those of the Class and the "Late Tenderor Subclass" defined below.

2. Lead Plaintiffs are adequate representatives of the Class and of their respective Subclasses.

3. Further, Lead Plaintiffs have satisfied the requirements of Rule 23(b) of the Federal Rules of Civil Procedure as follows:

- a. Common claims predominate over individual claims such that significant aspects of this case can be resolved in a single action; and
- b. The class action device is a superior means to adjudicate the claims of the members of the Class and the respective Subclasses.

4. Having satisfied the elements of Federal Rule of Civil Procedure 23, for certification, the following Class is certified:

All persons and entities who: (1) tendered shares of the \$3.75 Series B Convertible Preferred Stock of Kinam Gold Inc. ("Kinam") to Kinross Gold Corporation ("Kinross") pursuant to the February 20, 2002 cash tender offer (as amended February 22, 2002) made by Kinross; (2) continue to hold shares of the \$3.75 Series B Convertible Preferred Stock of Kinam; or (3) did not tender shares of the \$3.75 Series B Convertible Preferred Stock of Kinam pursuant to the February 20, 2002 cash tender offer (as amended February 22, 2002) made by Kinross but have since sold such shares directly to Kinross, Kinam or Kinross Gold U.S.A. Inc. ("Kinross U.S.A.").<sup>1</sup>

///

///

///

---

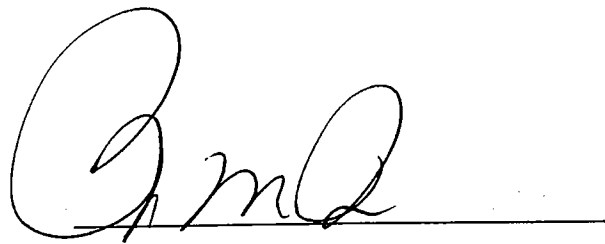
<sup>1</sup> Excluded from the Class are Kinross, Kinam and Kinross U.S.A. (collectively "Defendants"), their officers and directors (including Robert M. Buchan), affiliates, legal representatives, heirs, predecessors, successors and assigns, and any entity in which any Defendant has a controlling interest or of which any Defendant is a parent or subsidiary.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

5. Also certified are the following "Subclasses" consisting of all persons who:

- (a) held shares of the Preferred which they tendered to the Offer (the "Tenderor" subclass);
- (b) continue to hold shares of the Preferred (the "Holder" subclass);
- (c) sold shares of the Preferred to Kinross or any of its controlled entities after the closure of the Offer and the delisting of the Preferred (the "Late Tenderor" subclass).

DATED: June 14, 2025



PHILIP M. PRO  
Chief United States District Judge