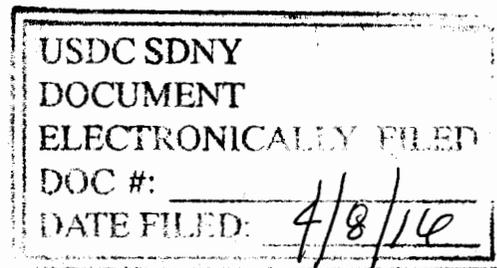


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
**IN RE BARRICK GOLD SECURITIES
LITIGATION**
----- X



ORDER

13-cv-3851 (SAS)

SHIRA A. SCHEINDLIN, U.S.D.J.:

At a conference before the Court on February 9, 2016, defendants requested, *inter alia*, that plaintiffs be compelled to produce notes from all interviews between plaintiffs’ investigator, Jerome Pontrelli, and the Confidential Witnesses (“CWs”) identified in the Amended Complaint (the “Complaint”).¹ In support of this request, defendants explained that — through the Project Manager’s deposition testimony and their conversations with two other CWs who had not been deposed (the Project Controls Manager and Field Engineering Manager) — three of the four CWs repudiated certain allegations that had been attributed to them in the Complaint. Accordingly, defendants argued that these alleged misstatements in the Complaint raise ethical concerns and create a “substantial

¹ The Complaint identifies the following CWs: the “Project Manager,” the “Project Controls Manager,” the “Field Engineering Manager,” and the “Operations Manager.”

need” for them to review Pontrelli’s interview notes.^{2, 3}

In accordance with the Court’s March 5, 2016 Order, plaintiffs submitted for *in camera* review all of Pontrelli’s notes and memoranda from his interviews with the Project Manager, Project Controls Manager, and Field Operations Manager. The Court has reviewed these materials, including by conducting a line-by-line comparison between the Complaint, the CWs’ post-Complaint “repudiations,” and the notes from the CWs’ original interviews with Pontrelli that were submitted by plaintiffs.

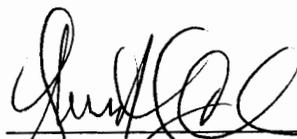
Based on this *in camera* review, the Court finds that the Complaint’s attributions to the Project Manager, Project Controls Manager, and Field Operations Manager accurately reflect the contents of Pontrelli’s interview notes. Further, each of these CWs understood at the outset that their statements could form a basis of this litigation and received a copy of the filed Complaint for

² *SEC v. Gupta*, 281 F.R.D. 169, 173 (S.D.N.Y. 2012).

³ On February 18, 2016, defendants submitted a letter renewing their request to review Pontrelli’s interview notes, along with: (1) excerpts of the Project Manager’s deposition; (2) a declaration from the Project Controls Manager; (3) a declaration from defense counsel, Ada Fernandez Johnson, attesting to Field Engineering Manager’s disavowals of allegations attributed to the him in the Complaint; and (4) a chart summarizing the “Disavowals and Clarifications” made by these three CWs. On February 23, 2016, plaintiffs submitted a letter in opposition, along with charts summarizing (1) allegations from the Complaint that were confirmed by the Project Manager during his deposition and (2) plaintiffs’ rebuttals of defendants’ proffered “Disavowals and Clarifications.”

review. Accordingly, defendants' request for Pontrelli's interview notes is DENIED.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Shira A. Scheindlin', written over a horizontal line.

Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
April 8, 2016

- Appearances -

For Plaintiffs:

Christopher F. Moriarty, Esq.
David P. Abel, Esq.
James M. Hughes, Esq.
Motley Rice, LLC
28 Bridgeside Boulevard
Mt. Pleasant, SC 29464
(843) 216-9000

Serena P. Hallowell, Esq.
Labaton Sucharow LLP
140 Broadway
New York, NY 10005
(212) 907-0884

For Defendants:

Ada Fernandez Johnson, Esq.
Bruce E. Yannett, Esq.
Elliott Greenfield, Esq.
Debevoise and Plimpton LLP
919 Third Avenue, 31st Floor
New York, NY 10022
(212) 909-6000