

1 CODE NO. 3370
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
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9 GRYPHON GOLD CORPORATION, a Nevada
10 Corporation,

Case No. CV18-01557

11 Plaintiff,

Dept. No. 6

12 vs.

**ORDER GRANTING EX PARTE
APPLICATION FOR TEMPORARY
RESTRAINING ORDER; ORDER
SETTING HEARING ON MOTION
FOR PRELIMINARY INJUNCTION**

13 GLOBAL RESOURCE MANAGEMENT, INC.,
14 a Canadian company based in Toronto,
Ontario; WATERTON GLOBAL VALUE, L.P., a
15 limited partnership formed under the laws of
the British Virgin Islands; WATERTON;
16 WATERTON NEVADA SPLITTER, LLC, a
17 Nevada Limited liability company, and
BOREALIS MINING COMPANY, LLC, a
18 Nevada Limited liability company, and DOES
19 1-5,

20 Defendants.
21 _____/

**ORDER GRANTING EX PARTE APPLICATION FOR TEMPORARY RESTRAINING
ORDER; ORDER SETTING HEARING ON MOTION FOR PRELIMINARY INJUNCTION**

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23 Before this Court is an *Ex Parte Application for Temporary Restraining Order and*
24 *Motion for Preliminary Injunction* ("Motion"), filed August 1, 2018 by Plaintiff GRYPHON
25 GOLD CORPORATION ("Gryphon"), by and through its counsel, Woodburn and Wedge.
26 Gryphon seeks to enjoin Defendants WATERTON GLOBAL RESOURCE MANAGEMENT,
27 INC., WATERTON GLOBAL VALUE, L.P., and WATERTON NEVADA SPLITTER, LLC
28

1 (collectively, "Waterton"), and BOREALIS MINING COMPANY, LLC ("Borealis") from
2 "removing, altering or adding any substance or material, of any kind, from the ponds located
3 at Borealis Mine (the "Ponds")" and requiring [Waterton and Borealis] to "maintain such
4 status quo and to provide access to the Ponds so that Gryphon may conduct a proper assay
5 and/or core sample of the Ponds to ascertain the presence of gold and/or silver contained
6 therein." *Motion*, p. 2. Gryphon maintains Waterton and Borealis appear to be conducting
7 operations to remove hidden gold from the Ponds, which will prevent Gryphon from
8 conducting a proper assay and/or core sample of the carbon. *Id.* Gryphon contends said
9 assay/taking of core samples will show Waterton purposely caused gold and/or silver to be
10 stores in the Ponds during the pendency of Gryphon's Bankruptcy. *Id.*, p. 14. In addition,

11
12 The Court, after reviewing the pleadings and papers on file in this matter, as well as
13 the applicable authority set forth in NRCP 65, finds Waterton and Borealis shall be enjoined
14 as requested until the merits of this action can be addressed.
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16 Accordingly, and good cause appearing,
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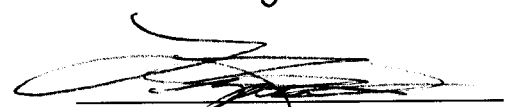
18 **IT IS HEREBY ORDERED AND DECREED:**

- 19 1. Gryphon will be irreparably harmed if Waterton and Borealis are permitted to
20 remove, alter, or add any substance or material, of any kind, from the ponds
21 located at Borealis Mine before the Court considers the merits of Gryphon's
22 *Complaint*, as well as the portion of the instant *Motion* pertaining to Gryphon's
23 request for a preliminary injunction ("Motion for Preliminary Injunction").
24 2. Waterton and Borealis are enjoined and restrained from removing, altering, or
25 adding any substance or material, of any kind, from the Ponds and shall permit
26 Gryphon access to the Ponds to conduct an assay and/or core sample of the
27 Ponds until such time as the Court rules on Gryphon's *Motion for Preliminary*
28 *Injunction* or otherwise vacates or amends this Order.

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3. Pursuant to NRCP 65(c), Gryphon shall post a security bond in the amount of \$500.00 in order for this Temporary Restraining Order to take effect.
4. This Temporary Restraining Order shall expire within fifteen (15) days after entry, unless within such time the Order is extended for good cause shown or unless Waterton and Borealis consent that it may be extended for a longer period.
5. A hearing on Gryphon's *Motion for Preliminary Injunction* shall be heard by the Court at a hearing set on the 10th day of August, 2018 at 9:00 a.m. Notice of said hearing shall be given to Waterton and Borealis no later than August 3, 2018, by serving Waterton and Borealis with a copy of this Order. Any opposition to the instant *Motion for Preliminary Injunction* shall be filed by August 8, 2018 at 4:00 p.m. Any Reply shall be filed by August 9, 2018 at 4:00 p.m.

ISSUED at 5:00 p.m. on this 2nd day of August, 2018.


DISTRICT JUDGE

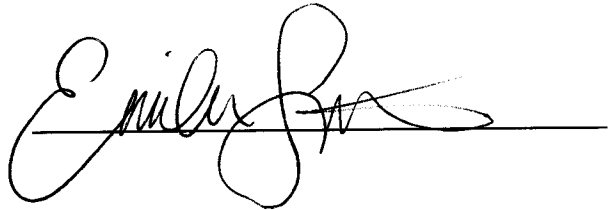
CERTIFICATE OF SERVICE

I certify that I am an employee of THE SECOND JUDICIAL DISTRICT COURT;
that on the 2nd day of August, 2018, I electronically filed the foregoing with the Clerk of
the Court system which will send a notice of electronic filing to the following:

SETH ADAMS, ESQ.

WALTER WICKER, ESQ.

And, I deposited in the County mailing system for postage and mailing with the
United States Postal Service in Reno, Nevada, a true and correct copy of the attached
document addressed as follows:

A handwritten signature in black ink, appearing to read "Emily J. Adams", is written over a horizontal line. The signature is cursive and includes a large initial "E".

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