

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. _____

In Re Application of ELMER EDUARDO CAMPOS-ÁLVAREZ for an Order Granting Leave to Issue Subpoenas for the Taking of Discovery Pursuant to 28 U.S.C. § 1782

NOTICE OF RULE 30(b)(6) DEPOSITION PURSUANT TO 28 U.S.C. § 1782

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. 1782 and Rules 26 and 30(b)(6) of the Federal Rules of Civil Procedure, Applicant will take the deposition of [Respondent] beginning [DATE TBD] at 10:00 a.m. and continuing from day to day thereafter until completed, at the offices of [PLACE TBD]. Pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Applicant requests that [Respondent] designate and produce one or more officers, directors, managing agents, or other persons most knowledgeable to testify at deposition as to each of the matters described below. The deposition shall be before a notary public or some other officer authorized by law to administer oaths and will be recorded by stenographic means. You are invited to attend and cross-examine.

Please note that all words herein have their meaning in ordinary English usage. If there is any difficulty in understanding the scope or meaning of any word, please feel free to contact Applicant's attorneys for an explanation.

Unless a contrary meaning appears in the text, the following definitions apply:

And includes the word **or** and vice-versa.

Any includes the word **all** and vice-versa.

Communication(s) as used herein shall refer to any oral, written, in person, or any other form of relay, transmission, or transference of information by any means whatsoever including but not limited to by way of mail, computer, telephone, cellular or

mobile phone, voice mail, electronic mail, radio, video, sound recordings, television, telefax, telex, or any other medium.

Document as used herein is a broadly inclusive term, referring to any and all written or other graphic matter, however produced, generated, or reproduced, of every kind and description, and to anything upon which sounds, pictures or electronic images are recorded, transferred, imprinted or depicted by photography, video, typewriting, handwriting, sound recording, or otherwise. Such terms refer to originals, copies where originals are unavailable, copies of originals which differ in any manner from the originals, and all drafts prepared in connection with such matter, including but not limited to the following: contracts, agreements, memoranda of understanding, charts, graphs, inventories, accounts, lists, transcripts, abstracts, tape recordings, video recordings, sound reproductions, summaries, files, pleadings, depositions, answers to requests for admissions, answers to interrogatories, file jackets, file covers, records, books, papers, correspondence, notes, electronic mail messages, agreements, statements, photographs, motion pictures, objects, microfilm, telegrams, telegraphs, telexes, telefaxes, facsimiles, copies, letters, memoranda, notes, notations, scratch paper, minutes of directors or committee meetings, minutes of interviews, minutes of in-person or telephonic conversations or communications, interoffice communications, shareholder reports, press releases, reports, studies, audits, reviews, assessments, statistics, stenographic notebooks, calendars, appointment books, diaries, time sheets, logs, computer disks, computer programs, databases, computer printouts, data processing cards, data processing tapes, or papers similar to any of the foregoing however denominated by the responding party, regardless of whether it was prepared in whole or in part by any Newmont Entity.

Including shall mean “including but not limited to.”

Newmont shall include Newmont Mining Corporation, Newmont Peru SRL and Newmont USA LTD.

Newmont Entity shall include any company directly or indirectly controlled by, or under common control with Newmont and shall include, without limitation, any and all operating companies, joint ventures, divisions and/or units, controlled directly or indirectly by such Entities, including, but not limited to, Minera Yanacocha S.R.L.

Private Security Providers shall refer to any private company, or its employees, hired by Newmont or any Newmont Entity, for the provision of security services.

Peruvian Government shall refer to the Peruvian National Police, and/or any other ministry, department, agency, and/or official of the Government of Peru or any local subdivision thereof.

Policy shall refer to any written or unwritten, formal or informal, policies, procedures, rules, regulations, guidelines and contracts.

Related to and **Relating to** shall mean in relation to, related to, consisting of, referring to, reflecting, concerning, discussing, describing, evidencing, commenting on, supporting, contradicting or having any logical or factual connection with the matter identified, in whole or in part.

MATTERS ON WHICH EXAMINATION IS REQUESTED

In accordance with Fed. R. Civ. P. 30(b)(6), Mr. Campos requests that [Respondent] designate and produce one or more witnesses who can provide information concerning the following matters for examination:

From January 1, 2009 to the present:

(This includes all policies, procedures, rules, guidelines, suggestions, contracts, agreements or standards that were operative on November 29, 2011, irrespective of when they were drafted.)

1. Any protest activity or civilian presence at or near the Conga Mine Concession in October and November 2011, the security response to such protest or presence and the aftermath and/or effects of such response.

2. Newmont or any Newmont Entity's policies, procedures, rules, practices or guidelines regarding the provision of security services for its operations, including the use of both Private Security Providers and the police, that relate, address, refer or apply to the security services provided at or near the Conga Mine Concession.

3. The existence, extent, content, or degree of any relationship between Newmont or any Newmont Entity and the Peruvian National Police existing on November 29, 2011 and relating to the security services provided at or near the Conga Mine Concession, including the material, economic, and logistical support provided by Newmont or any Newmont Entity to the Peruvian National Police, and the influence, control, and participation of Newmont, any Newmont Entity, or Private Security Providers, in the operations or actions of the Peruvian National Police.

4. The extent, content, or degree of any relationship between Newmont or any Newmont Entity and Private Security Providers existing on November 29, 2011 and relating to the security services provided at or near the Conga Mine Concession, including the influence, control, and participation of Newmont or any Newmont Entity in the operations or actions of the Private Security Provider.

5. Communications between Newmont or any Newmont Entity and the Peruvian National Police or Private Security Providers relating to the provision of security services and engagement with protesters or civilians at or near the Conga Mine Concession, including any orders or instructions given.

6. Minera Yanacocha's compliance or lack thereof with Newmont or any Newmont Entity's policies, procedures, rules, guidelines, suggestions or standards regarding the hiring, training, and supervision of security service providers.

7. Information received about or investigation into or representations made about the security response to protest activity and civilian presence at the Conga Mine Concession on November 28-29, 2011 and the provision of medical services in the immediate aftermath.

8. Any efforts by Minera Yanacocha, Newmont or any Newmont Entity to reduce risk of violent confrontations between protesters and mine security personnel, including members of the Peruvian National Police.

9. Any knowledge of the Peruvian National Police's compliance or lack thereof with Peruvian law pertaining to the provision of security services and the use of force in response to protest activity.

10. The existence and content of any documents relating to or containing any lists of civilians living in or around the Conga Mine Concession or suspected of protest activity relating to Newmont or the Conga Mine Concession.

11. The existence and content of any documents relating to any surveillance (video, telephonic or physical tracking) of civilians in relation to their protest activity or suspected protest activity relating to Newmont or the Conga Mine Concession.

Date:

Submitted by,

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