

APPEAL HEARING
BEFORE THE STATE ENVIRONMENTAL COMMISSION
STATE OF NEVADA

In Re:)	
)	
Appeal of Water Pollution Control Permit:)	MOTION OF INTERVENOR
NEV0087001, Big Springs Mine)	ANGLOGOLD ASHANTI (NEVADA)
)	CORP. TO RESET HEARING
_____)	

AngloGold Ashanti (Nevada) Corp. ("AngloGold Ashanti") requests that the hearing in this matter be reset to early April, 2006 (after April 7, 2006), and as grounds therefor states as follows:

1. At the request of counsel for Great Basin Mine Watch ("GBMW"), without objection from the other parties, the date for the permit appeal hearing ("Hearing") was postponed beyond the "20 days after receipt of the request for a hearing" set out in the regulations, *see* NAC 445B.891(1), to allow GBMW the opportunity to brief the matter. The Hearing was scheduled for December 8-9, 2005.
2. At the request of counsel for the Nevada Division of Environmental Protection ("NDEP"), without objection from the other parties, the Hearing was rescheduled for February 8-9, 2006 to accommodate a trial scheduling conflict.
3. At the time the Hearing was rescheduled to February, 2006, there was no conflict in AngloGold Ashanti's or its counsel's schedule. That has recently changed. On November 15, 2005, a federal district court judge in Denver, Colorado set a two week trial to begin on February 13, 2006 in a separate matter ("Federal Court case") that requires substantive attention by persons who also need to participate in the Hearing in this matter. Specifically:

- a. Mr. Scott Lewis is a key witness in the Federal Court case as well as the Hearing in this matter;
- b. Mr. Gene Riordan is the lead attorney of record in the Federal Court case as well as this permit appeal who, along with trial counsel, is responsible for trying the Federal Court case as well as this permit appeal; and
- c. Mr. Peter O'Connor is the general counsel of AngloGold Ashanti as well as two of the named Defendants in the Federal Court case and is responsible for overseeing both matters.

Given the nature and duration of the Federal Court case, Messrs. Lewis, Riordan, and O'Connor will need a number of weeks before that two week trial begins (including, in particular, the week before the trial begins) to adequately prepare for that case. As such, they would be unable to give substantive attention to this permit appeal or to adequately prepare for the Hearing if it remains scheduled for February, 2006.

4. AngloGold Ashanti has discussed this request with Bill Frey — counsel for NDEP — who has authorized AngloGold Ashanti to state that NDEP has no objection to the request. In fact, Mr. Frey also now has a conflict with the February, 2006 hearing date. On November 9, 2005, a Nevada district court judge set a two week trial to begin on February 6, 2006 in which Mr. Frey is the lead attorney.

5. AngloGold Ashanti has also discussed this request with Nicole Rinke — counsel for GBMW. She informed AngloGold Ashanti that GBMW is opposed to rescheduling the Hearing to a later date.

6. AngloGold Ashanti does not believe that GBMW is prejudiced in any way by AngloGold Ashanti's request to reset the Hearing because the Big Springs Mine remains

regulated by the Water Pollution Control Permit ("WPCP") during the permit appeal process. In fact, retaining regulation of the Mine through the WPCP is actually more protective of the environment than the relief requested by GBMW in this permit appeal to set aside the WPCP.

WHEREFORE, AngloGold Ashanti respectfully requests that the Hearing in this matter be reset to early April, 2006; after April 7, 2006 to accommodate a prior commitment of Mr. Butler — co-counsel for AngloGold Ashanti.

Respectfully submitted this 23rd day of November, 2005.

PARSONS BEHLE & LATIMER

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ATTORNEYS FOR ANGLOGOLD ASHANTI
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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of November, 2005, I caused to be mailed, first class, postage prepaid, a true and correct copy of the foregoing MOTION OF INTERVENOR ANGLOGOLD ASHANTI (NEVADA) CORP. TO RESET HEARING to:

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