

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

OFFICE OF ADMINISTRATIVE LAW JUDGES
721 19th St. Suite 443
Denver, CO 80202-2500
TELEPHONE: 303-844-5266 / FAX: 303-844-5268

March 27, 2017

DANIEL B. LOWE,
Complainant,

v.

VERIS GOLD USA, INC., and JERRITT
CANYON GOLD, LLC,
Respondents.

MATTHEW A. VARADY,
Complainant,

v.

VERIS GOLD USA, INC., and JERRITT
CANYON GOLD, LLC,
Respondents.

DISCRIMINATION PROCEEDINGS

Docket No. WEST 2014-614-DM
WE-MD 14-04

Docket No. WEST 2014-307-DM
WE-MD 14-03

Mine: Jerritt Canyon Mill
Mine ID: 26-01621

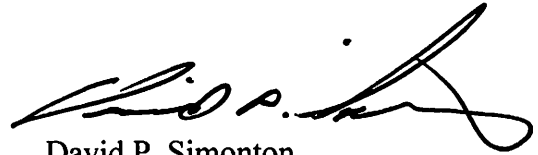
ORDER OF DISMISSAL

These cases are before me upon complaints of discrimination under section 105(c) of the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 815(c) by Daniel Lowe and Matthew Varady (“Complainants”) against Veris Gold USA, Inc. (“Veris”) and Jerritt Canyon Gold LLC (“JCG”).

On March 20, 2017, this court issued an Order granting JCG’s Motion to Dismiss and Denying the Complainants’ motion to add additional parties as successors in interest to Veris Gold. The court found that while the Complainants established their discrimination claims against Veris Gold, the Bankruptcy Court’s Sale Order and Enforcement Order barred their claims against JCG and other entities as successors in interest to the sale of Veris’s assets. The Order instructed the Complainants that should they choose to do so, they may obtain an order of payment against Veris Gold by resubmitting claims for personal relief. If the Complainants elected not to so, they were to inform the court, and the Court would immediately issue an Order of Dismissal.

On March 21, 2017, the Complainants notified the Court via email that they “d[id] not seek to make claims against Veris Gold USA, Inc., at this time because to do so would be futile as there are no assets left to make claims against due to the sale of Veris Gold USA, Inc. in accordance with the Bankruptcy Order.”

Accordingly, **IT IS ORDERED** that these cases be **DISMISSED**. The Complainants have 30 days from the date of this Order to appeal the March 20, 2017 decision to the Commission for discretionary review.



David P. Simonton
Administrative Law Judge

Distribution: (U.S. First Class Mail)

Cathy L. Reece, Fennemore Craig, P.C., 239 East Camelback Rd., Suite 600, Phoenix, AZ 85016

Mark Kaster, Dorsey & Whitney, 1500 South 6th Street, Minneapolis, MN 55402

Annette Jarvis, Dorsey & Whitney, 136 South Main Street, Suite 1000, Salt Lake City, UT 54101

Eric Sprott, 200 Bay Street Suite 2700, P.O. Box 27, Toronto, Ontario, Canada M5J 2J1

Matthew A. Varady, 701 South 5th Street, #6, Elko, NV 89801

Daniel Lowe, P.O. Box 2608, Elko, NV 89803

Shaun Heinrichs, Veris Gold, 688 West Hastings Street, Suite 900, Vancouver, BC V6B 1P1, Canada

Tevia Jeffries, Dentons Canada LLP, 250 Howe Street, 20th Fl., Vancouver, BC V6C 3R8, Canada

Brad J. Mantel, Office of the Solicitor, U.S. Department of Labor, 201 12th Street South, Suite 401, Arlington, VA 22202

Benjamin R. Botts, Office of the Solicitor, U.S. Department of Labor, 90 7th Street, Suite 3-700, San Francisco, CA 94103

W. Christian Schumann, Office of the Solicitor, U.S. Department of Labor, 201 12th Street South, Suite 401, Arlington, VA 22202