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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PROVINCIAL GOVERNMENT OF
MARINDUQUE,

Plaintiff,

vs.

PLACER DOME, INC.,

Defendant.

CASE NO. CV-S-05-1299-KJD-RJJ

(Removed from District Court, Clark County,
Nevada, Case No. A511078)

**PLAINTIFF'S SECOND AMENDED
COMPLAINT**

The Provincial Government of Marinduque ("Province" or "Marinduque"), acting by and through the undersigned counsel, complains against Defendant Placer Dome, Inc. ("Placer Dome") as follows:

I. INTRODUCTION

1. Throughout a period spanning more than 30 years, Placer Dome, a multinational mining company, conceived, designed, constructed, operated, and controlled massive open pit

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1 copper and gold mining operations (collectively the “Mines”) on the small Philippine island
2 province of Marinduque.

3 2. During most of those 30-plus years, Placer Dome intentionally dumped hundreds
4 of millions of tons (U.S.) of toxic mine waste into the traditional fishing area just off of the
5 northern coast of Marinduque. Placer Dome also recklessly introduced many tons of toxic mine
6 waste into Marinduque’s freshwater rivers and streams, both incrementally and by cataclysmic
7 and deadly floods, the two most prominent of which occurred in 1993 and 1996.

8 3. Placer Dome knew or should have known that its actions would severely injure the
9 environment and economy of the Province, the physical health of Marinduquenos, and the
10 natural, ecological, and wildlife resources within the Province. As Placer Dome knows now,
11 those injuries did occur, and they continue to occur.

12 4. Nevertheless, Placer Dome has done little to redress the injuries that it has
13 inflicted. Instead, Placer Dome has: (a) evaded efforts to bring it before the Philippine civil
14 courts and the Philippine government to answer for its transgressions; and (b) refused to appear at
15 Philippine Congressional Hearings called for the express purpose of having Placer Dome explain
16 and/or defend its actions and failures to act respecting the injuries that it has inflicted within the
17 Province.

18 5. This is an action arising under the laws of the Republic of the Philippines, in
19 which the Province seeks to: (a) recover damages for injuries to the natural, ecological and
20 wildlife resources within its territory directly and proximately caused by Placer Dome’s
21 recklessly-conducted mining operations; (b) obtain an Order from this Court compelling Placer
22 Dome to remediate, restore and balance the ecology and natural environment within the Province
23 damaged by Placer Dome’s recklessly-conducted mining operations; (c) recover damages for
24 injuries sustained by the Province caused by Placer Dome’s breaches of contracts; and (d) recover
25 damages for injuries sustained by the Province caused by Placer Dome’s failure to fulfill
26 promises on which the Province justifiably relied.

