

H&P Advisory Limited, a United Kingdom private limited liability company v. Randgold Resources Limited, a Jersey corporation, and Barrick Gold Corporation, a Canada corporation.

Wyoming Supreme Court Decision: June 12, 2020

Appellee's Counsel: Davis & Cannon, LLP
Kim D. Cannon

Representing Appellee Barrick Gold Corporation incident to its \$18 billion merger with Randgold Resources Limited, our firm won an appeal before the Wyoming Supreme Court of our successful motion to dismiss a finder's fee based on the lack of personal jurisdiction.

In this case, the Appellant claimed he was entitled to a \$18 million fee for helping broker a merger between the world's two largest gold company, and he further claimed jurisdiction was proper in Wyoming because of personal meetings concerning merger and the fee that occurred among the CEOs of the principals and the claimant at one of the CEO's homes in Jackson. Despite physical presence in Jackson Hole, Wyoming in negotiations, the Wyoming Supreme Court held there were insufficient contacts with Wyoming for the state to have jurisdiction over the case.

Not every multimillion dollar business deal negotiated in Jackson gives rise to jurisdiction in Wyoming. In making the decision, the Wyoming Supreme Court considered several nonexclusive factors: the residency of each party at the time of the contract; the location of future performances under the contract; whether the defendants owned property in Wyoming; whether they incurred obligations in Wyoming; and whether the defendants have offices, property, agents or employees in Wyoming.