

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

FILED
2015 SEP 24 AM 10:23
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US BANKRUPTCY COURT
DISTRICT OF DELAWARE

IN RE:

CHAPTER 11

ALLIED NEVADA

CASE No. 15-10503 (MFW)

GOLD CORP, et al.,¹

Jointly Administered

DEBTORS

RE: Docket No. 964

**MOTION FOR LEAVE OF COURT TO TAKE DEPOSITIONS UPON
WRITTEN QUESTIONS**

¹ The Debtors("Debtors") in these cases, along with the last 4 digits of each Debtor's federal tax identification number, are: Allied Nevada Gold Corp.(7115); Allied Nevada Gold Corp Holdings LLC (7115); Allied VGH Inc. (3601); Allied VNC Inc. (3291); ANG Central LLC (7115); ANG Cortez LLC (7115); ANG Eureka LLC(7115); ANG North LLC (7115); ANG Northeast LLC (7115); ANG Pony LLC (7115); Hasbrouck Production Company LLC (3601); Hycroft Resources and Development, Inc. (1989); Victory Exploration Inc.(8144); and Victory Gold Inc.(8139). The corporate headquarters for each of the following are located at, and the mailing address for each of the following of each of the above debtors, except Hycroft Resources & Development, Inc., is 9790 Gateway Drive, Suite 200, Reno, Nevada 89521. The mailing address for Hycroft Resources & Development, Inc. is P.O. Box 3030, Winnemucca, NV 89446.

COMES NOW, party of interest: Brian Tuttle, pro se pursuant to the applicable Federal Rules of Civil Procedure, moves this Honorable Court, for leave to serve the attached NOTICE OF TAKING DEPOSITIONS UPON WRITTEN QUESTIONS and in support thereof states the following:

STATEMENT OF FACTS

1. On 8/4/2015, the party of interest filed MOTION TO APPOINT AN EXAMINER WITH ACCESS AND AUTHORITY TO DISCLOSE PRIVILEGED MATERIALS and Noticed Debtors of a September 20th Hearing, after a status conference on the proposed Hearing this Honorable Court adjourned the previously Noticed Hearing on the till September 11th, 2015.

2. On 9/4/2015 counsel for the Ad Hoc Group of Senior Unsecured Note holders filed: NOTICE OF FILING OF DECLARATIONS IN SUPPORT OF OBJECTION OF THE AD HOC GROUP OF SENIOR UNSECEURED NOTEHOLDERS TO THE MOTION TO APPOINT AN EXAMINER WITH ACCESS AND AUTHORITY TO DISCLOSE PRIVILEGED MATERIALS(See exhibit 1).

3. Attached to the above referenced Notice were the Declarations of William Techar, Stephen Kearns, Jason Hempel, David Kirsch, Jacob Mercer, Kenneth L. Nadel.

4. In Declaration of William R. Techar (*see Techar Declaration attached in exhibit 1*), Partner at Aristeia Capital LLC Mr. Techar declared:

"I have personal knowledge of the matters set forth herein and if called to testify, I could do so competently."

5. In Declaration of Jason Hempel (*See Hempel Declaration attached in exhibit 1*), Portfolio Manager and Managing Director at High Bridge Capital Management, LLC Mr. Hempel declared:

"I have personal knowledge of the matters set forth herein and if called to testify, I could do so competently."

6. In Declaration of Jacob Mercer (See Mercer Declaration attached in exhibit 1), Senior, Portfolio Manager at Whitebox Advisors LLC, Mr. Mercer declared:

"I have personal knowledge of the matters set forth herein and if called to testify, I could do so competently."

7. On September 9th, 2015 counsel for the Ad Hoc Group of Senior Unsecured Noteholders: Ken Pasquale emailed the party of interest informing him Mr. Pasquale:

"would like to have a brief telephone call with you to discuss certain logistics in advance of the court hearing scheduled this Friday with respect to your motion to appoint an Examiner."

8. After a brief phone conversation, the party of interest informed Mr. Pasquale that he had concerns with some of the evidence he came across with regards to trades made by several of the Senior Unsecured Noteholders and the inconsistencies in the Declarations, particularly Jacob Mercer's and Jason

Hempel. The party of interest also informed Mr Pasquale that it was essential, anyone whom made a Declaration in support of the Noteholders Objection would be made available for cross examination at the 9/11/2015 Hearing.

9. On September 11th, 2015 a Hearing on Motion to Appoint an Examiner was held before this Honorable Court. Absent from the Hearing were: William R. Techar, Jason Hempel, Jonathon Segal and Jacob Mercer.

10. Due to their absence from the Hearing William R. Techar, Jason Hempel, Jason Segal and Jacob Mercer were unavailable for cross examination.

11. On September 16th, 2015 the party of interest emailed counsel for the Ad Hoc Group Ken Pasquale requesting:

"Due to their absence at the September 11th Hearing on my Motion to Appoint an Examiner, and my forthcoming Motion for (Re) Hearing, I would like to set depositions up for:

Jason Hempel

William R. Techar

Jacob Mercer

Please confer with me about their availability so we can coordinate the scheduling with a Court Reporter and send out the Notices."

12. In response to the party of interest request the availability of Jason Hempel, William R. Techar and Jacob Mercer, Mr. Pasquale responded that the party of interest had "no right to depositions...we will not make any of our clients available for depositions.."

ARGUMENT IN SUPPORT OF MOTION FOR LEAVE

13. On this date the party of interest filed: OBJECTION-DEBTORS AMENDED PLAN OF REORGANIZATION AND MOTION FOR STANDING TO PROSECUTE. The party of interest re alleges the allegations within OBJECTION-DEBTORS AMENDED PLAN OF REORGANIZATION AND MOTION FOR STANDING

TO PROSECUTE. The party of interest anticipates the discovery sought from the depositions of the above referenced gentleman is essential to these proceedings.

14. William R. Techar, Jason Hempel, Jason Segal and Jacob Mercer have declared for the record they have personal knowledge of matters encompassing these Chapter 11 proceedings and that if they were called to testify, they could do so competently.

15. Federal Rules of Civil Procedure Rule 26(b)(1) and (2) allow for This Court to grant leave to allow Depositions to be taken upon written questions if the parties have not stipulated to the deposition and if a party seeks to take a deposition before the time specified in Rule 26(d).

16. Not only do several of the note holders, singled out for alleged insider trading, have a competing interest in several classes of Debtors' securities and notes, if the proposed plan goes through unhitched they will also have controlling interest of the proposed Board of Directors *{see docket 1024 List of Reorganized Directors and Officers: David Kirsch-*

(Mudrick Capital) Jacob Mercer-(White box Advisors) and Jonathon Segal-(High Bridge).

17. Due to their absence from the September 11th many questions are left unanswered about the state of Debtors' affairs and the roles the above referenced gentleman played particularly in regards to the mining executives present at previously scheduled conferences in Colorado. Cross examination is warranted due to, amongst other things, the omission from Disclosures the questionable trading of Debtors' notes options and Equity, coupled with the contention the above referenced note holders were "temporary insiders", removing Debtors' securities arbitrarily on and off the Restricted trading lists, with no mention of the August 11th offering or negotiations with mining executives and financial advisors from the likes of Debtors' Ceo's former employer: Barrick Gold.

WHEREFORE, the party of interest respectfully requests this Court grant leave to Serve NOTICE OF TAKING DEPOSITIONS UPON WRITTEN QUESTIONS to the above listed gentleman.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email to the following this the day of , 2015:

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