

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

FILED
SEP 28 AM 8:37

IN RE:
ALLIED NEVADA
GOLD CORP,et al.,¹
DEBTORS

CHAPTER 11
CASE No. 15-10503(MFW)
Jointly Administered

OBJECTION - DEBTORS AMENDED PLAN OF REORGANIZATION

COMES NOW, party of interest, JAMES H. ROBERSON *pro se*, submitting this Objection to Debtors' Amended Joint Chapter 11 Plan of Reorganization and as grounds for the Objection states the following: Upon information and belief this Bankruptcy Case is based on Frauds / Felonies against this honorable Court and the Common Shareholders of ANV securities. This honorable Court is requested to put this Case on temporary hold until these Frauds / Felonies can be investigated and resolved.

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.

To : Honorable Tilara Patton, Esquire, US DOJ Trial Attorney & Trustee, &

To : Honorable Clerk to Honorable Judge Mary F. Walrath

SUBJECT : EMERGENCY NOTIFICATION OF FELONIES

Warning - Beware – This is no joke. As Trustee and Clerk in the Allied Nevada

Gold Corporation (hereinafter, "**ANV**") Chapter 11 Bankruptcy Case , YOU – and the BANKRUPTCY COURT – are subject to being tricked / scammed into participating in probably one of the biggest Property Thefts of this decade. Please tread with caution -- great **irreparable harm** appears to be about to happen. I urgently beg both of you to take whatever steps you can to temporarily stop this Case from proceeding, until the following Charges can be properly investigated and resolved. At the trajectory that this case is now following, it may well end up as such a travesty of justice that it will be taught in Business & Law Schools in the future.

Why I come, at this late stage, with the following Charges – and, with 1st person informality of form - are explained below.

Before skepticism sets in, I would remind you that the SEC was warned numerous times about the criminal acts of Bernie Madoff - before it finally dawned on them that: yes, Bold, Blatant and Outrageous Acts can, and do, actually happen.

This old coot is NOT a lawyer, but now must argue as a lawyer would – in order to make my Charges credible and understandable. I do not intend for my arguments to sound like a lecture - I just don't want to be misunderstood. This is a very serious matter.

As I'm sure both of you know, many felons have been convicted solely on "circumstantial evidence". "Smoking gun" evidence is not always available. The accused persons (identified below) are very crafty, clever, and sophisticated; consequently, the chances of finding a "smoking gun" are pretty slim. Therefore, to establish the Frauds / Felonies, we must resort to clear **logic**, and agreed upon, **PRECISE definitions**. I believe the felonies revolve around the meanings of four key words / concepts: **"INTENT", "FIDUCIARY", "REAL DEBT", & "PHONY DEBT"**.

The venerated ancient philosopher Confucius reportedly taught us: "*The beginning of wisdom is calling things by their right names.*" So, lest there be any misunderstandings, below are the definitions that I prefer.

Since I believe that you are both Officers of the Court, I will not go into the importance of **Intent** - in the field of Law. Obviously, it is a concept of extreme importance and pertinence.

One good definition / discussion of **Fiduciary** is:

*"An individual in whom another has placed the **utmost** trust and confidence to manage and protect property or money. The relationship wherein one person **has an obligation to act for another's benefit.**"*

*A fiduciary relationship encompasses the idea of faith and confidence and is generally established only when the confidence given by one person is actually accepted by the other person. Mere respect for another individual's judgment or general trust in his or her character is ordinarily insufficient for the creation of a fiduciary relationship. The duties of a fiduciary include loyalty and reasonable care of the assets within custody. **All of the fiduciary's actions are performed for the advantage of the beneficiary.*** " (Highlighting by me, for emphasis.)

In my layman's mind, **FIDUCIARY FRAUD** occurs whenever a company officer acts in his own interest to the detriment of the other Common Shareholders.

My intended meaning for **Real Debt** is: Any funds which lawfully pass from a creditor to a company with the understanding that all company officials operate under a strict fiduciary responsibility to ascertain that said funds are used **solely** for the benefit of the Common Shareholders (the real owners). Such Real Debt is a proper "Liability" against the assets of the Common Shareholders.

My intended meaning for **Phony Debt** is : Any funds which pass from a creditor to a company under the subterfuge that said funds are to be used ostensibly for the benefit of the Common Shareholders, but in reality are ultimately intended for use by some party other than the Common Shareholders. Such Phony Debt is **NOT** a proper "Liability" against the assets of the Common Shareholders, because

it is a product of Fraud - and beyond the "intent" of how Common Shareholders want company officials to borrow / use funds. Of course, Products of Fraud are *subject to Forfeiture* - under ancient law.

A pertinent illustration of **Phony Debt**: is when an "Unsecured Bondholder" provides funds to ANV ostensibly to pay toward finishing the Mill Expansion Project, for the supposed benefit of the Current Ordinary Shareholders, but in reality said funds are "*intended*" to serve three other sinister purposes: 1.) Provide a future Phony Debt number that could be used to obtain undeserved "standing" to approach the Court and assert a phony bankruptcy (because at the time the funds were transferred to ANV it was fully capable of paying its current Real Debts in a timely manner), 2.) To provide working capital to ANV to continue working on the Mill Expansion Project (ostensibly for the benefit of the Common Shareholders), but with the expectation that after the Equity of the Common Shareholders is "scammed" over to the "Unsecured Bondholders", via a phony bankruptcy scheme, then any investment in the Mill Project will actually accrue back to the ultimate benefit of the phony creditor. This maneuver is sort of like taking money out of one pocket and putting it into another pocket - "something" has happened to the money, but its owner still has it. And, 3.) The funds are intended to be used to "buy" the "Unsecured Bondholder" a "seat at the Bankruptcy Table" - where he could assert that the funds were Debt ANV could not pay. Now, if all the above machinations seem complex and complicated: They are. Never forget that the "Unsecured Bondholder", of this example, was one of the four Hedge Funds that are identified in one of Mr. Brian Tuttle's several Briefs.

Hedge Funds are masters of such multiple use of funds transfers. They specialize in setting up complex trades in which they win whichever way the trade or deal develops. "Heads I win, Tails I win, too". Misdirection: Things may appear to be one thing; but something else is really "hidden" there.

EXAMINING MOTIVE, MEANS, and OPPORTUNITY:

My Brief (**Docket 981**) discloses how **ANV's Press Release of October 15, 2014** shows that completion its **Mill Expansion Project** is absolutely essential to the Hycroft mine's future prospects and success. It must be built; It will be built. The question remained: How does crooked ANV Management raise the \$1.13 Billion (post Optimization Study Capex) needed for the total predicted cost of the Hycroft Mill Expansion Project ??? Well, we know that ANV has been working assiduously to complete this project. Management won't disclose to us Common Shareholders exactly how much has been invested thus far. So, I'm going to guess \$400-500 Million, from Equity and Current Revenues, had been spent (as of about 1.5 – 2 years ago, when I believe the Criminal Conspiracy was first hatched) which left something like \$713-813 Million yet before it starts to gushing an average of **\$179 MILLION NET CASH FLOW** Annually – for **18 years**. And, This Project has an astounding "5.5 year Payback" period. Finally, ANV is now on the verge of exploiting an extremely valuable (**\$3.2 BILLION**) inchoate asset, and these crooks don't want to share this vast treasure. See again (**Docket 981**) and ANV's Press Release dated October 15, 2014 .

So, the **MOTIVE** is old fashioned greed. That leaves **Means** and **Opportunity**.

**THE MEANS: PHONY CHAPTER 11 BANRUPTCY SCHEME – FRAUDS
AGAINST the COURT & COMMON SHAREHOLDERS:**

Based on information and belief, circumstantial evidence indicates that about 1.5 – 2 years ago, Dr. Robert Buchan, Executive Chairman of the ANV Board of Directors met with a number of his Canadian Financial Cronies (hereinafter, "Cooperative Creditors") and they formed an "Enterprise". The overall purpose of the "Enterprise" was to provide all funds needed to complete the construction of the Hycroft Mill Expansion Project - so that the cash from the mine could start gushing. The funds would be provided in 2 stages. Stage I would be approximately \$400 Million as Phony Debt; to be used as described in the example above. Stage 2 would be the balance of the funds (estimate: \$400 - \$500 Million) needed to complete the Mills Project. It is my belief that the "cooperative creditors" are holding this amount over the heads of crooked ANV Management, to assure that they fulfill their obligations to get the Common Shareholders Equity scammed over to the "Cooperative Creditors". How this Scam works is discussed in more detail, below. To establish a Prime Suspect List, of "Cooperative Creditors", one needs only to compile the list of Creditors scheduled to get new stock under the Creditors /Debtors proposed Plan of Reorganization.

LOGIC and CIRCUMSTANTIAL EVIDENCE EXAMINED:

Now, Please copy/paste the following Internet Address on your Browser, and

take a look:

<http://www.marketvisual.com/Profile/MapFull?eid=99420a1b-c1c3-41e3-9a4c-6a4dea4f62f9>

Wow !!! Who would have ever thought that **Dr. Robert Buchan** was so well connected to Education, Financial, and Mining Circles in Canada ? Again, thinking clearly and logically, what thinking person would believe that if he wanted \$700-800 Million, to finish his "cash gusher", he could not have gotten it ? What thinking person doubts that if he really wanted to sell ANV to avert a bankruptcy, he could not have done so ? Further, a really deep thinking person wants to know: Why did he borrow only \$400 Million, which he knew, or should have known, could not be paid back on the terms agreed to – and, thus would drive ANV into certain bankruptcy ? Why would four Hedge Funds buy approximately \$400 Million worth of unsecured bonds from a company that they knew, or should have known, could not pay the interest on the terms agreed to, and which would surely drive that company into certain bankruptcy ? What logical thinking person can not see that this was to be a deliberately "structured bankruptcy" - designed to steal the equity of the Common Shareholders ?

All that was needed to administer the *Coup de gras* would be for the "valuations" to be Marked down by a "creative" Accountant, with a good "sharp pencil". (That, itself, is a second Fraud against the Court and the Common Shareholders.) At

this point, Mr. Steven Jones, Executive Vice President of Finances for ANV, needs to go stand with his friends in the dock. He was responsible for establishing "Valuations."

For the sake of brevity, I will not wander off into valuations, except to say: "That ain't just dirt and rock, that's gold ore - it has value!"

Obviously, when the \$400 Million, "Phony Debt", is backed off the Books, ANV is not really Bankrupt, at all !!! And, if honorable Judge Walrath should find poetic justice in awarding the Fraudulent "Phony Debt" as a Forfiet to ANV, then the HYCROFT MILL EXPANSION PROJECT might be closer to completion than anybody would imagine. (King Soloman would be proud.)

HOW TO EXPEDITE AN INVESTIGATION OF THIS MATTER:

I am informed that Mr. Brian Tuttle and the Ad Hoc Equity Committee has prepared a list of Parties needing Depositions. This information was allegedly given to the Official Equity Committee, who allegedly elected not to use this resource. This honorable Court may find the Ad Hoc Committee to have a vast storehouse of useful information.

WHO IS THE ACCUSER ?

WHY DO I PRESENT THESE CHARGES AT THIS LATE DATE?

WHY I CAN'T ATTEND THE HEARINGS IN PERSON:

WHY I CAN'T ATTEND BY TELEPHONE :

**WHY I BEG THIS HONORABLE COURT TO FORGIVE THE
INFORMALITY:**

**WHY I ASK THIS HONORABLE COURT TO TREAT THIS NOTICE AS A
"QUASI-DEATHBED STATEMENT":**

I am a 77 years old retired Engineer, who invested most of my life's savings in ANV – much of which I stand now on the verge of losing. At this time, I have no expectation of ever seeing any money from this Case. On 4 March 2015, both my wife and I were enrolled in Hospice. She was diagnosed as: Senile Dementia (Alzheimer Disease.). I was diagnosed as: COPD (sucked cigarettes for 43years.) I nebulize frequently, and breathe supplemental Oxygen. Am unable to travel.

From 4 March 2015 until 14 September 2015, My 78 year old - beloved wife of 57 years -- was at a stage in her illness of having great fears and hallucinations.

As her primary caregiver, she called out to me about every 15 minutes, or so, during daytime – and about every 1 -1.5 hours at night – to give her reassurances that all was well. These distractions made my compilation of data and evidence very slow. And, It was for those reasons that I have had to stop 2 Felony Reports that I have started. The Brief that I submitted on 1 September (Docket # 981) had to be truncated / abbreviated. There was a lot more that I wanted to say, but couldn't, because of interruptions.

On 14 September 2015, my darling wife "Passed" on to Heaven. It has taken

several days to clear the cobwebs of grief from my mind. MY SINCERE APOLOGIES, if I don't have the time to be very formal.

Why I have great difficulty on the telephone is explained on My Certificate of Service, see Last Page.

I ask that Mr Brian Tuttle be allowed to speak as my Attorney. He knows probably 20 to 50 times as much about this case as do I.

Finally, I ask that this honorable Court to receive this Report as a Quasi-Deathbed Statement.

"Thou shalt not bear false witness against thy neighbor." Exodus 20:16

PLAN "B" - Simple Plan of Reorganization:

Please advise honorable Judge Walrath that if Fraud (as I suspect) is found, then there is available a very **simple** Plan of Reorganization. I call it Plan "B". Under this plan: Everybody is made whole, Nobody loses any money, Nobody needs to go to jail, All the Common Shareholders (including Dr. Buchan and Mr. Stevens) keep all their Equity, Hycroft's Mill Expansion Program is rapidly finished, Hycroft Mine starts "gushing" money, even the Hedgefunds get all their money back, plus 8.75% interest. The principal change would be replacement of ANV's Top Management with a Trustee or Receiver (or whatever the Title ?). ANV's top Management would revert from Executives to Technical Advisers – to the

appointed Trustee / Receiver.

Plan "B" is "Win - Win", all the way around. Finally, Judge Walrath's name will go down into the footnotes of history (differently) - for inverting / reversing every Tactic of the Conspirators, and playing them back against the perpetrators. Plan "B" is the ultimate irony and, indeed, "Poetic Justice".

AUTHORITY for THIS NOTIFICATION:

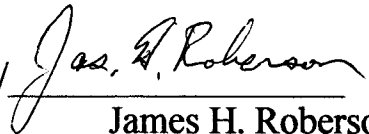
It is my understanding that any Citizen learning of a serious crime has a duty to inform an appropriate Public Official. Otherwise, that Citizen is guilty of Misprision of Felony. Since you are both Officers of the Court -- I feel compelled to notify YOU BOTH, as the "appropriate Public Official".

FILED
2015 SEP 28 AM 8:37
CLERK
US BANKRUPTCY COURT
DISTRICT OF DELAWARE

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 22nd day of September, 2015:

fatell@blankrome.com idizengoff@akingump.com pdublin@akingump.com
debaecke@blankrome.com afreeman@akingump.com mfagen@akingump.com
tarr@blankrome.com kthomas@mcdonaldcarano.com Tiiara.Patton@usdoj.gov

/s/ 

James H. Roberson
1460 Saluda Dam Road
Easley, SC 29640

Phone: 864- 386 -8825

* See note below

E-Mail : horsehair@bellsouth.net

* Note: Telephone use is very difficult for instant writer. This writer functions best with written communications – such as emails. Have significant hearing impairment due to daily pistol shooting, while on a US Army Marksmanship Team in the 1950s. Shot .45 caliber pistol for about 6 hours per day, 5 days per week, for over 3 months – without knowing the importance of wearing ear protection (then). We are all young and ignorant -- once.