

FILED

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

2015 OCT 21 AM 10:29

CLERK  
US BANKRUPTCY COURT  
DISTRICT OF DELAWARE

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IN RE:	CHAPTER 11
ALLIED NEVADA	CASE No. 15-10503(MFW)
GOLD CORP,et al., <sup>1</sup>	Jointly Administered
DEBTORS	

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**MOTION FOR RECONSIDERATION ON BRIAN TUTTLE'S ORAL  
MOTION TO STAY THE PROCEEDINGS**

**COMES NOW**, party of interest: Brian Tuttle pro se, moves this Honorable a Re-  
Hearing on Brian Tuttle's oral Motion to Stay the Proceeding until or, in the  
alternative an order staying This Court's Order Confirming Debtors' Amended  
Joint Chapter 11 Plan of Reorganization (see docket 1136) and as grounds states  
the following:

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<sup>1</sup> 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.

1. The party of interest re-alleges the facts and arguments raised in OBJECTION-DEBTORS AMENDED PLAN OF REORGANIZATION AND MOTION FOR STANDING TO PROSECUTE, OBJECTION-DEBTORS AMENDED PLAN OF REORGANIZATION, MOTION TO APPOINT AN EXAMINER WITH ACCESS TO AND AUTHORITY TO DISCLOSE PRIVILEGED MATERIALS, 2<sup>nd</sup> MOTION TO APPOINT AN EXAMINER WITH ACCESS TO AND AUTHORITY TO DISCLOSE PRIVILEGED MATERIALS and all briefs in support thereof.

2. On 9/24/2015, the party of interest filed OBJECTION-DEBTORS AMENDED PLAN OF REORGANIZATION AND MOTION FOR STANDING TO PROSECUTE (see docket 1049). In said document the party of interest attempted to:

**“move(s) This Honorable Court for standing to prosecute inequitable conduct for equitable subordination or disallowance...the party of interest respectfully requests This Honorable Court sustain the above objection and enter an order allowing Class 8 Equity Holders standing to prosecute inequitable conduct for equitable subordination or disallowance”**

3. In OBJECTION-DEBTORS AMENDED PLAN OF REORGANIZATION AND MOTION FOR STANDING TO PROSECUTE the party of interest outlined:

““The appropriate standard for establishing a colorable claim is a low threshold mirroring the standard applicable to a motion to dismiss a complaint for failure to state a claim is **“merely a preliminary ruling ...in contrast to a ruling on the merits based upon a fully developed factual record after a full trial and discovery”** (see *Centaur LLC, No 10-10799, 2010 WL 462-4910*)””

4. On 10/2/2015, Debtors filed NOTICE OF AGENDA FOR MATTERS SCHEDULED FOR HEARING ON OCTOBER 6<sup>TH</sup> 2015 AT 10:00 A.M. (see docket 1097). In the Notice Debtors listed the party of interest's:

“OBJECTION-DEBTORS AMENDED PLAN OF REORGANIZATION AND MOTION FOR STANDING TO PROSECUTE as a related document to the “CONTESTED MATTERS GOING FORWARD” on October 6<sup>th</sup> 2015.

5. On 10/5/2015, the party of interest filed 2<sup>nd</sup> MOTION TO APPOINT AN EXAMINER WITH ACCESS TO AND AUTHORITY TO DISCLOSE PRIVILEGED MATERIALS (see docket 1110). In the 2<sup>nd</sup> Motion to Appoint an Examiner the party of interest stated:

“Due to the new facts presented to This Court, and absence of William R. Techar, Jason Hempel, Jason Segal and Jacob Mercer from the

September 11<sup>th</sup> Hearing, it is appropriate This Court appoint an Examiner to investigate the party of interest's allegations.”

6. On 10/6/2015, the party of interest moved This Court for a stay of the Debtors' confirmation Hearing until This Court could consider the party of interest's Motion For Standing To Prosecute and 2<sup>nd</sup> Motion To Appoint An Examiner With Access To and Authority to Disclose Privileged Materials on grounds any confirmation order could severely prejudice, not only the party of interest but, the impaired and dissenting class 8 holders. After the Court denied the oral motion on grounds it would only hear matters that were set to be heard that day, the party of interest requested a written order denying the Motion to Stay.

7. The party of interest contends as a practical matter the Debtors' listing the party of interest's OBJECTION-DEBTORS AMENDED PLAN OF REORGANIZATION AND MOTION FOR STANDING TO PROSECUTE as a contested matter going forward set forth the Motion to be heard at the October 6<sup>th</sup> Hearing.

8. Even if the Court determines the MOTION FOR STANDING TO PROSECUTE or 2<sup>nd</sup> MOTION TO APPOINT AN EXAMINER WITH ACCESS TO AND AUTHORITY TO DISCLOSE PRIVILEGED MATERIALS were not officially set to be heard, This Court denying the party of interest's oral motion to stay and then rendering an Order on the confirmation Hearing was extremely

prejudicial to the party of interest and dissenting impaired stakeholders seeking **“merely a preliminary ruling”**.

9. On 10/8/2015, This Court signed Order Confirming Debtors' Amended Joint Chapter 11 Plan of Reorganization (see docket 1136). This Court has the jurisdiction to stay the confirmation Order and allow the party of interest's previously filed Motions to be heard.

10. To date no written Order has been docketed with the Clerk of This Court or served upon the party of interest.

11. Pro se litigants are not held to the same high standards as professional attorneys. The party of interest is only seeking what is in the best interest for impaired class 8 stakeholders who have dissented against the plan.

**WHEREFORE**, party of interest, Brian Tuttle respectfully requests this Court Reconsider the denying of the party of interest's oral Motion to Stay the proceedings and enter an Order staying this Court's Order Confirming Debtors' Amended Joint Chapter 11 Plan of Reorganization till the party of interest's previously filed Motions are heard.

Respectfully submitted,



**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 17 day of October, 2015:

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