

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

FILED

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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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**2<sup>nd</sup> MOTION TO APPOINT AN EXAMINER WITH ACCESS TO AND  
AUTHORITY TO DISCLOSE PRIVILEGED MATERIALS**

COMES NOW, party of interest, Brian Tuttle<sup>2</sup> Moves this Honorable Court for an Order appointing an examiner to investigate and report on the below allegations 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.

<sup>2</sup> Pleadings in this case are filed pro se. Pro se litigants are not subject to the same standards as practicing attorneys.

## PRELIMINARY STATEMENT

1. “Well that’s your opinion. If I take your number of 100 and I’ve got 58.6 million on my revolver and I can generate \$50 million, then I’ve got 12 months of run rate,” Debtors’ CFO and EVP Stephen Jones on November 4<sup>th</sup>, 2015. The above statement was made just 2 weeks prior to Debtors filing a S-3 form for the controversial December, 2014 public equity offering.

2. Then just 3 months after the closing of that public Equity offering, Debtors’ filed for Chapter 11 protection with This Court. Shortly thereafter, Debtors’ filed with the SEC a yearly reported earnings 10-K report. On page 40 of the report, Debtors listed a net non-cash adjustment of \$505,956,000.00 reducing assets and Equity via a previously undisclosed material write down.

(See:<http://www.sec.gov/Archives/edgar/data/1376610/000137661015000004/0001376610-15-000004-index.htm>)

The triggering event for the impairment was the Debtors’ alleged inability to raise capital for the Hycroft expansion. Moreover, the massive impairment is not in accordance with FASB accounting standards.

(see:<http://law.resource.org/pub/us/code/bean/fasb.html/fasb.360.2011.html>:

*“35-17: An impairment loss shall be recognized only if the carrying amount of the long lived asset is not recoverable and exceeds its fair value. The carrying amount of a long lived asset is not recoverable if it exceeds the sum of the*

*undiscounted cash flows expected to result from the use and eventual disposition of the asset....”*

The impairment was also in violation of Sarbanes Oxley Act since shareholders were not notified of the impairment within with good faith or in a timely manner (see Public Law 107-204- July 30 2002). Even worse, after the alleged triggering event Debtors’ published and reported positive reports to uninformed investors while the parties negotiating the bankruptcy profited from the takedown of Debtors’ Equity securities. It has been alleged while Debtors’ filed their preliminary report for the fourth quarter of 2014 (after the triggering event) with listed assets in excess of 1.4 billion dollars, and shareholder equity reportedly worth \$707,469,000.00 as of December 31<sup>st</sup> 2014 the note holders negotiating the reorganization were placing bets against Debtors’ Equity Securities and options. *(see: Preliminary Q4 2014 Balance Sheet Total assets = \$ 1,392,515 Total liabilities = \$ 40,073 + \$644,973 = \$685,046 Shareholder's equity= \$ 707,469*

*<http://www.sec.gov/Archives/edgar/data/1376610/000119312515084300/d889389dex993.htm>*)

3. On 8/4/2105 the party of interest served Debtors: MOTION TO APPOINT AN EXAMINER WITH ACCESS TO AND AUTHORITY TO DISCLOSE PRIVILEGED MATERIALS.

4. On 9/11/2015, This Honorable Court held a Hearing on the above referenced Motion to Appoint an Examiner. Pursuant to the sustaining of many of

Debtors objections much of the evidence exhibited in supporting briefs were stricken from the record. After oral arguments on the party of interest's Motion to Appoint an Examiner, This Honorable Court determined at the time an Examiner was not appropriate finding, amongst other things, that the Official Committee of Equity Security Holders completed an investigation into the party of interest's allegations.

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

6. On 9/24/2015, The Official Committee of Equity Security Holders (*Equity Committee*) served the party of interest a Response and Objections to the Party-In-Interest Brian Tuttle's Request to Produce (see attached as exhibit 1).

7. In their response the Equity Committee noted the Equity Committee was not aware of any Request by the Equity Committee for Production of discovery related to:

A) the Equity Committee's examination or investigation into the trading records of Debtors' noteholders or their representatives(*see response to Request 4*);

- B) the Equity Committee's examination or investigation into the trading records of equity security holders(*see response to Request 5*);
- C) the Equity Committee's examination or investigation into Debtors' off balance sheet Credit Default Swaps(*see response to Request 6*);
- D) the Equity Committee's examination or investigation into Debtors' Equity offerings to the public (*see response to Request 7*);
- E) the Equity Committee's examination or investigation into communications between Debtors' advisors or attorneys and the funds trading in Debtors' Equity Securities or Notes. (*see response to Request 8*);

8. On September 17<sup>th</sup> 2015, Equity Committee chairman John Connor emailed the party of interest informing him:

"Today I discussed with counsel and the other committee members my desire to contact you...to make you aware of a concern I have and perhaps solicit your help...On August 11<sup>th</sup> a notice/alert specifying "offer" in direct relation to current ANV/ANVGQ holdings appeared in the private brokerage accounts of mine as well as other ANV shareholders. This notice was supported by Broadridge Company, the same entity currently handling shareholder voting on the current plan and releases. ..This issue as well as possible significance and use of such notice only became apparent to me last week with concerns growing upon review of information you and other shareholders have made available leading up to and during the hearing this past Friday....

It does not appear that the Court appointed equity committee is in a position to address this concern to my immediate satisfaction and that you may be more able to use this issue toward the reconsideration of concerns you and others have done a great deal of work to investigate...the August 11<sup>th</sup> notice is in fact inaccurate, may constitute direct violation of current court ordered confidentiality provisions and is potentially damaging to current market participants who may rely on the accuracy and timing of such notices and accompanying information.”

9. On 9/29/2015, Debtors filed their Monthly operating Report (*see docket 1088*). In this report Debtors indicate, to date they have spent \$13,466,493.13 in professional fees and 341,357.20 in expenses.

10. In declaration in Support of Brian Tuttle the party of interest testifies to the accuracy of the spreadsheets and charts provided by Roy Lieu

#### AGRUEMENT IN SUPPORT OF AN EXAMINER

11. 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, and all briefs in support thereof.

The party of interest stands by the colorable claims alleged that in an effort to solicit capital for the Hycroft Mill expansion, an unholy allegiance was formed to transfer wealth by extinguishing current equity in an exchange for management incentive plans, sweetheart deals, inside information and unsupported claims against the Estate.

12. Since the 9/11/2015 Hearing, new facts have come to light with supporting evidence warranting the appointment of an Examiner. This Court should not overlook this record of evidence in favor of “going through the motions” due to the Global Settlement Agreement. The party of interest has since verified the accuracy of many of the exhibits to his Motion to Appoint an Examiner in DECLARATION OF BRIAN TUTTLE so these exhibits may then be admissible at any Hearing on this Motion.

13. The record of evidence reflects, not only did the Equity Committee not request discovery into the party of interest’s allegations or investigate the alleged claims of impropriety, the chairman himself is now soliciting the party of interest’s help in investigating an offer that is “inaccurate, may constitute direct violation of current court ordered confidentiality provisions and is potentially damaging to current market participants who may rely on the accuracy and timing of such notices and accompanying information”.

14. Several of the note holders, singled out for alleged insider trading, have a competing interest in multiple 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)}*. 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, yet they did not show up to offer testimony at the 9/11/2015 Hearing.

15. Due to their absence from the September 11<sup>th</sup> the record of evidence is incomplete. Many questions are left unanswered about the state of Debtors' affairs and the roles the above referenced gentleman played particularly in regards to the party of interest's un-refuted allegations of impropriety. An examination is warranted due to, amongst other things, the omission from Disclosures the questionable trading of Debtors' notes options and Equity by the notholders negotiating the restructuring removing Debtors' securities arbitrarily on and off the Restricted trading lists, and doing so with no mention of the August 11<sup>th</sup> offering.

16. To date, Debtors have spent over 14 million dollars in professional fees, yet there has been no Examiner or Trustee appointed. The Debtors are set to incur over 20 million in professional fees and expenses. Many Courts rule it is appropriate to appoint an Examiner when there is over 5 million dollars in liabilities, in this case there will be 100 times the amount of debt many Courts



determine is the threshold for the mandatory appointment of an Examiner and 4 times that in professional fees.

17. 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.

**WHEREFORE**, the party of interest, respectfully requests This Court Appoint an Examiner, that the Examiner be granted authority to review all relevant documents and information, including materials that may be subject to a privilege held by any of the Debtors, and that such information obtained shall be reported in detail to the extent appropriate under the circumstance.

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 1<sup>st</sup> day of October, 2015:

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**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

ALLIED NEVADA GOLD CORP., et al.,

Debtors.

**Chapter 11**

**Case No. 15-10503(MFW)**

**OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS'  
RESPONSE AND OBJECTIONS TO PARTY-IN-INTEREST BRIAN TUTTLE'S  
REQUEST TO PRODUCE**

Pursuant to Rules 9014, 7026, and 7034 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") and Rules 7026-1, 7026-2, and 7026-3 of the Local Rules for the United States Bankruptcy Court for the District of Delaware (the "Local Rules"), the Official Committee of Equity Security Holders ("Equity Committee"), by and through its counsel, LeClairRyan, A Professional Corporation, and Cole Schotz P.C., hereby responds to Party-in-Interest Brian Tuttle's ("Mr. Tuttle") Request To Produce dated August 22, 2015 (the "Requests").

**GENERAL OBJECTIONS**

The following objections apply to all Requests ("General Objections"):

1. The Equity Committee objects to the Requests to the extent they seek information protected by the attorney-client privilege, attorney work product doctrine, or any other privilege or immunity. Inadvertent production of such information shall not constitute a waiver. Documents withheld on privilege grounds will be specified in a log pursuant to Fed. R. Civ. P. 26(b)(5), which will be provided at a mutually agreeable time and place.
2. The Equity Committee objects to the Requests to the extent they seek production of documents and things that are not currently in the Equity Committee's possession, custody, or

control, and to the extent they require production of items in the public domain that are equally available to Mr. Tuttle. The Equity Committee also objects to the extent the Requests seek documents already produced in these matters.

3. The Equity Committee objects to the Requests to the extent they seek for the Equity Committee to engage in discovery that is duplicative of discovery Mr. Tuttle requested of Debtors.

4. The Equity Committee objects to the Requests to the extent they purport to require actions not required by the Federal Rules of Civil Procedure (the “Federal Rules”), the Bankruptcy Rules, or the Local Rules.

5. The Equity Committee objects to the Requests to the extent they are vague or ambiguous.

6. The Equity Committee objects to the Requests as being overbroad and unduly burdensome to the extent they seek the production of documents and things that are not relevant to any claims or defenses in a contested matter and not reasonably calculated to lead to the discovery of admissible evidence. Additionally, given the Court’s denial of Mr. Tuttle’s *Motion to Appoint an Examiner with Access to and Authority to Disclose Privileged Materials* [Docket No. 819] (the “Examiner Motion”), the Requests seek the production of documents and things that are not relevant to any claims or defenses in any pending contested matter and not reasonably calculated to lead to the discovery of admissible evidence.

7. The Equity Committee objects to the Requests to the extent they seek information more readily available or more efficiently obtained by other means of discovery.

8. The Equity Committee objects to any Request that seeks the production of “all” documents when the relevant information can be supplied by the production of fewer than “all” documents.

9. The Equity Committee objects to any Request that seeks the production of documents and things that are not reasonably accessible to the Equity Committee.

10. The Equity Committee objects to the Requests to the extent they seek the production of information of third parties subject to confidentiality agreements. Such documents, if any, will only be produced subject to such confidentiality agreements.

11. The Equity Committee objects to the Requests to the extent they seek information and documents from its attorneys on the grounds that such information is protected from discovery by the attorney-client privilege, the attorney work-product doctrine, common-interest privilege as well as other applicable privileges and protections.

12. The Equity Committee objects to the Requests to the extent that they seek personal, proprietary, confidential, and/or sensitive business or commercial information.

13. The Equity Committee objects to the Requests insofar as they assume disputed facts or contain legal conclusions. The Equity Committee hereby denies any such facts or legal conclusions. Any response or objection, including the identification of documents, is without prejudice to this objection and the Equity Committee’s right to dispute facts and legal conclusions assumed by the Requests.

14. The Equity Committee reserves the right to amend, supplement, delete, alter, modify, or otherwise change its responses and objections or provide additional documents, information or narrative as may become appropriate. All of the responses contained herein are based upon information that is presently available to and known by the Equity Committee and/or

its counsel. The responses provided herein are made in a good-faith effort to supply as much information as is presently known following a reasonably diligent inquiry, on an expedited time frame, but the right to add to, change, or modify responses is reserved as further discovery, research, or analysis may require.

### **OBJECTIONS TO INSTRUCTIONS**

The following objections to the instructions contained in the preliminary paragraph of the Requests apply to each Request, and shall have the same force and effect as if fully set forth in the response to each Request:

1. The Equity Committee objects to the instructions to the extent that they impose an undue burden on the Equity Committee and exceed the requirements of the Federal Rules, the Bankruptcy Rules, the Local Rules, and any other applicable law or rules, including, without limitation, the production of any privilege log beyond what is required by Federal Rule 26, made applicable by Bankruptcy Rules 7026 and 9014.

2. The Equity Committee objects to the instructions to the extent that they render the Requests overbroad and unduly burdensome and would require the Equity Committee to conduct an unreasonably broad search to find responsive documents.

### **GENERAL STATEMENTS**

The following statements apply to all responses to Mr. Tuttle's Requests.

1. All responses are made subject to the foregoing General Objections and these Statements, which may or may not be repeated in each response. To the extent specific General Objections and/or Statements are cited in a specific response, those specific citations are provided because they are believed to be particularly relevant to the specific Request and are not

to be construed as a waiver of any other General Objection or Statement applicable to information falling within the scope of the Request.

2. Where a partial response can be made to a Request that is otherwise objectionable, such will be made without waiving any stated objection.
3. These responses are made without waiver of, and with preservation of:
  - a. all questions as to competency, relevancy, materiality, privilege, and admissibility of each response herein as evidence in any further proceeding in any contested matter, including trial;
  - b. the right to object to the use of any response herein, or the subject matter thereof, in any further proceedings in any contested matter, including trial, and in any other lawsuit or proceedings;
  - c. the right to object on any ground at any time to a demand or Request for a further response to this or any other discovery request involving or relating to the subject matter of the responses herein provided; and
  - d. the right at any time to revise, correct, add to, supplement, or clarify any of the responses contained herein.
4. A response stating that responsive documents will be produced is not meant and shall not be interpreted as an admission or representation that responsive documents exist. It is solely a representation that after a reasonable search, non-objectionable documents that are located will be produced.
5. In responding to Mr. Tuttle's Requests, the Equity Committee does not concede that any of the information sought or provided is relevant, material, admissible in evidence, or reasonably calculated to lead to the discovery of admissible evidence.

## **RESPONSES AND SPECIFIC OBJECTIONS**

### **REQUEST NO. 1:**

Any and all documents, including but not limited to: account statements or trade confirmations reflecting trades made by any, current members of the Official Committee of Equity Security Holders (including James Anderson) in any note, option or stock in Debtors' estate.

### **RESPONSE:**

In addition to the General Objections, the Equity Committee objects to Request No. 1 because it seeks the production of documents from individual members of the Equity Committee in their individual capacity. The Equity Committee further objects to Request No. 1 because Request No. 1 seeks information that is not relevant to any issue in these proceedings and is thus not calculated to lead to the discovery of admissible information.

### **REQUEST NO. 2:**

Any and all documents, including emails, reflecting communications any current Official Committee of Equity Security Holders member, including but not limited to, James Anderson had with current or former holders of Debtors' notes or their representatives.

### **RESPONSE:**

In addition to the General Objections, the Equity Committee objects to Request No. 2 because it seeks the production of documents from individual members of the Equity Committee in their individual capacity. The Equity Committee further objects to Request No. 2 because Request No. 2 seeks information that is not relevant to any issue in these proceedings and is thus not calculated to lead to the discovery of admissible information.

### **REQUEST NO. 3:**

Any and all documents, related to claims any current member of the Official Committee of Equity Security Holders has against Debtors' estate.



**RESPONSE:**

In addition to the General Objections, the Equity Committee objects to Request No. 3 because it seeks the production of documents from individual members of the Equity Committee in their individual capacity. The Equity Committee further objects to Request No. 3 because Request No. 3 seeks information that is not relevant to any issue in these proceedings and is thus not calculated to lead to the discovery of admissible information.

**REQUEST NO. 4:**

Any request for production of documents, served on any party related to the Official Committee of Equity Security Holders investigation or examination into the trading records of Debtors' note holders or their representatives.

**RESPONSE:**

In addition to the General Objections, the Equity Committee deems this Request to be moot given the Court's denial of the Examiner Motion. The Equity Committee further objects to Request No. 4 because it is vague and ambiguous. Subject to the foregoing objections, the Equity Committee is not aware of any document responsive to this Request.

**REQUEST NO. 5:**

Any request for production of documents, served on any party related to the Official Committee of Equity Security Holders investigation or examination into the trading records of equity security holders.

**RESPONSE:**

In addition to the General Objections, the Equity Committee deems this Request to be moot given the Court's denial of the Examiner Motion. The Equity Committee further objects to Request No. 5 because it is vague and ambiguous. Subject to the foregoing objections, the Equity Committee is not aware of any document responsive to this Request.

**REQUEST NO. 6:**

Any request for production of documents, served on any party related to the Official Committee of Equity Security Holders investigation or examination into Debtors' off balance sheet Credit Default Swaps.

**RESPONSE:**

In addition to the General Objections, the Equity Committee deems this Request to be moot given the Court's denial of the Examiner Motion. The Equity Committee further objects to Request No. 6 because it is vague and ambiguous. Subject to the foregoing objections, the Equity Committee is not aware of any document responsive to this Request.

**REQUEST NO. 7:**

Any request for production of documents, served on any party related to the Official Committee of Equity Security Holders investigation or examination into Debtors' Equity offerings to the public.

**RESPONSE:**

In addition to the General Objections, the Equity Committee deems this Request to be moot given the Court's denial of the Examiner Motion. The Equity Committee further objects to Request No. 7 because it is vague and ambiguous. Subject to the foregoing objections, the Equity Committee is not aware of any document responsive to this Request.

**REQUEST NO. 8:**

Any request for production of documents, served on any party related to the Official Committee of Equity Security Holders investigation or examination into communications between [D]ebtors' advisors or attorneys and the funds trading in Debtors' Equity Securities or Notes.

**RESPONSE:**

In addition to the General Objections, the Equity Committee deems this Request to be moot given the Court's denial of the Examiner Motion. The Equity Committee further objects to Request No. 8 because it is vague and ambiguous. Subject to the foregoing objections, the Equity Committee is not aware of any document responsive to this Request.

**REQUEST NO. 9:**

Any request for production of documents, served on any party related to the Official Committee of Equity Security Holders investigation or examination into Debtors' financial statements and evaluations for evidence of fraudulent conveyance.

**RESPONSE:**

In addition to the General Objections, the Equity Committee deems this Request to be moot given the Court's denial of the Examiner Motion. The Equity Committee further objects to Request No. 9 because it is vague and ambiguous.

**REQUEST NO. 10:**

Any request for production of documents, served on any party related to the Official Committee of Equity Security Holders investigation or examination into Debtors' current or former management for any fraud, dishonesty, incompetence, misconduct, mismanagement or irregularity in the management of the affairs [of] Debtors' estate.

**RESPONSE:**

In addition to the General Objections, the Equity Committee deems this Request to be moot given the Court's denial of the Examiner Motion. The Equity Committee further objects to Request No. 10 because it is vague and ambiguous.

**REQUEST NO. 11:**

Any and all documents, obtained from the Official Committee of Equity Security Holders alleged investigation into insider trading.

**RESPONSE:**

In addition to the General Objections, the Equity Committee deems this Request to be moot given the Court's denial of the Examiner Motion. The Equity Committee further objects to Request No. 11 because it is vague and ambiguous. The Equity Committee further objects to Request No. 11 to the extent it seeks documents and information that are protected from disclosure by the attorney-client privilege, attorney work product, and any other applicable privileges.

**REQUEST NO. 12:**

Any and all documents, obtained **at the request** of the Official Committee of Equity Security Holders related to the Official Committee of Equity Security Holders' alleged investigation into insider trading. **Do not respond to this request with documents or emails that were received without solicitation.**

**RESPONSE:**

In addition to the General Objections, the Equity Committee deems this Request to be moot given the Court's denial of the Examiner Motion. The Equity Committee further objects to Request No. 12 because it is vague and ambiguous. The Equity Committee further objects to Request No. 12 to the extent it seeks documents and information that are protected from disclosure by the attorney-client privilege, attorney work product, and any other applicable privileges.

**REQUEST NO. 13:**

Any and all documents, obtained **at the request** of the Official Committee of Equity Security Holders related to the Official Committee of Equity Security Holders' alleged investigation into Debtors' off balance sheet Credit Default Swaps. **Do not respond to this request with documents or emails that were received without solicitation.**

**RESPONSE:**

In addition to the General Objections, the Equity Committee deems this Request to be moot given the Court's denial of the Examiner Motion. The Equity Committee further objects to Request No. 13 because it is vague and ambiguous. The Equity Committee further objects to Request No. 13 to the extent it seeks documents and information that are protected from disclosure by the attorney-client privilege, attorney work product, and any other applicable privileges.

**REQUEST NO. 14:**

Any and all documents, obtained **at the request** of the Official Committee of Equity Security Holders related to the Official Committee of Equity Security Holders' alleged

investigation into Debtors' public Equity offerings. **Do not respond to this request with documents or emails that were received without solicitation.**

**RESPONSE:**

In addition to the General Objections, the Equity Committee deems this Request to be moot given the Court's denial of the Examiner Motion. The Equity Committee further objects to Request No. 14 because it is vague and ambiguous. The Equity Committee further objects to Request No. 14 to the extent it seeks documents and information that are protected from disclosure by the attorney-client privilege, attorney work product, and any other applicable privileges.

**REQUEST NO. 15:**

Any and all documents, obtained **at the request** of the Official Committee of Equity Security Holders related to the Official Committee of Equity Security Holders' alleged investigation into Debtors' financial statements and evaluations for evidence of fraudulent conveyance. **Do not respond to this request with documents or emails that were received without solicitation.**

**RESPONSE:**

In addition to the General Objections, the Equity Committee deems this Request to be moot given the Court's denial of the Examiner Motion. The Equity Committee further objects to Request No. 15 because it is vague and ambiguous. The Equity Committee further objects to Request No. 15 to the extent it seeks documents and information that are protected from disclosure by the attorney-client privilege, attorney work product, and any other applicable privileges.

**REQUEST NO. 16:**

Any and all documents, obtained **at the request** of the Official Committee of Equity Security Holders related to the Official Committee of Equity Security Holders' alleged investigation into Debtors' current and former management for any fraud, dishonesty, incompetence, misconduct, mismanagement or irregularity in the management of the affairs [of] Debtors' estate. **Do not respond to this request with documents or emails that were received without solicitation.**

**RESPONSE:**

In addition to the General Objections, the Equity Committee deems this Request to be moot given the Court's denial of the Examiner Motion. The Equity Committee further objects to Request No. 16 because it is vague and ambiguous. The Equity Committee further objects to Request No. 16 to the extent it seeks documents and information that are protected from disclosure by the attorney-client privilege, attorney work product, and any other applicable privileges.

**REQUEST NO. 17:**

Any and all documents, related to the Official Committee of Equity Security Holders' alleged investigation into insider trading.

**RESPONSE:**

In addition to the General Objections, the Equity Committee deems this Request to be moot given the Court's denial of the Examiner Motion. The Equity Committee further objects to Request No. 17 because it is vague and ambiguous. The Equity Committee further objects to Request No. 17 to the extent it seeks documents and information that are protected from disclosure by the attorney-client privilege, attorney work product, and any other applicable privileges.

**REQUEST NO. 18:**

Any and all documents, reflecting the Official Committee of Equity Security Holders conclusions related to the Official Committee of Equity Security Holders' alleged investigations into insider trading.

**RESPONSE:**

In addition to the General Objections, the Equity Committee deems this Request to be moot given the Court's denial of the Examiner Motion. The Equity Committee further objects to Request No. 18 because it is vague and ambiguous. The Equity Committee further objects to

Request No. 18 to the extent it seeks documents and information that are protected from disclosure by the attorney-client privilege, attorney work product, and any other applicable privileges.

Dated: September 24, 2015

**LECLAIRRYAN, A Professional Corporation**

By: /s/ Gregory J. Mascitti

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