

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

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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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**OMNIBUS-BRIEF IN SUPPORT**

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COMES NOW, Brian Tuttle pro se, files this Omnibus brief in support of matters  
set to be heard January 20<sup>th</sup>, 2015.

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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.

PRELIMINARY STATEMENT

1. Throughout these proceedings the party of interest has chronicled and exhibited relevant information related to these proceedings. This Omnibus Brief offers additional evidence and arguments for consideration in support of matters set to be heard on the 20<sup>th</sup> of January 2016. The party of interest offers the following evidence while preserving all arguments formerly brought before This Court.

2. Prior to confirmation, the party of interest moved This Court for a Stay of the proceedings until the party of interest's OBJECTION-DEBTORS AMENDED PLAN OF REORGANIZATION AND MOTION FOR STANDING TO PROSECUTE was heard (*see docket 1174*). After an oral ruling denying the party of interest's request to stay the proceedings The Court notified the party of interest a written Order denying the party of interest's Oral Motion to Stay the Proceedings (*see docket 1232 Exhibit 5 page 124 lines 7-13*). The party of interest requests This Court reconsider the denying of the party of interest's Motion to Stay and asks The Court set aside the confirmation until the Motion to for Standing to Prosecute is heard.

3. As outlined in the party of interest's MOTION TO COMPEL NON PARTY TO PRODUCE DOCUMENTS (*see docket 1348*) the party of interest served Court ordered Subpoenas on Computershare to obtain further documentation in support of unresolved matters before This Court. To date,

Computershare is not in compliance with the Court ordered Subpoenas. This Court should also note there was a substantial delay incurred in the service of the Subpoenas due to the Clerk of Court's and Equity Committee's handling of the party of interest's request to have the Subpoenas signed (*see dockets 817, 942*).

4. The party of interest has been subjected to similar difficulties obtaining relevant discovery from Debtors (*see docket 1343 2<sup>nd</sup> Motion to Compel*). As recently as January 8<sup>th</sup> 2016, after requesting a brief response "into the status of the January 1<sup>st</sup> 2016 strategic transaction referenced in the financial projections" or "any insight "on any possible sale or merger?", the reorganized Debtors informed the party of interest they had "no intention" of providing discovery.

5. Even while faced with numerous obstacles in the discovery and disclosure process, the party of interest has still offered a mountain of facts supporting the Ad Hoc Committee's request for an Examination. In fact the concealment of evidence, omissions, and lack of revelation hindering the Ad Hoc Committee's independent investigation is further grounds supporting the request for an independent inquiry into Debtors' affairs by a professional with access to privileged information and subpoenaing powers.

## SARBANES OXLEY VIOLATIONS

6. In 2002 Congress passed Public Law 107-204 often referred to as the Sarbanes Oxley Act. The legislation was passed by the U.S. Congress to protect shareholders and the general public from accounting errors and the fraudulent practices in the enterprise, as well as improve accuracy of corporate disclosures. The U. S. Securities and Exchange Commission (SEC) administers the act, which sets deadlines for compliance and publishes rules on requirements.

### A. DEBTORS VIOLATED SECTION 409 OF THE SARBANES OXLEY ACT

7. Section 409 of the Sarbanes Oxley Act obligates public companies to disclose “on a rapid and current basis such additional information concerning material changes in the financial condition or operations of the issuer...as the Commission determines, by rule, is necessary or useful in the protection of investors and in the public interest.” Pursuant to the Sarbanes Oxley Act, in addition to filing annual reports on form 10-K and quarterly reports on Form 10-Q, public companies must report certain material corporate events on a more current basis. Form 8-K describes the types of events that trigger a public company’s obligation to file a current report including Material impairments (*see Item 2.06*), Triggering events that accelerate or increase a Direct Financial Obligation or an Obligation under an Off- Balance Sheet Arrangement (*see Item 2.04*), Results of Operations and Financial Conditions (*see Item 2.02*) and Financial Statements and Exhibits (*see Item 9.01*).

8. Pursuant to the Sarbanes Oxley Act the SEC requires **Companies file an 8-K report within four business days in the event any of the including occur:**

**Material impairments** (*see Item 2.06*),

**Triggering events that accelerate or increase a Direct Financial Obligation or an Obligation under an Off- Balance Sheet Arrangement** (*see Item 2.04*),

**Results of Operations and Financial Conditions** (*see Item 2.02*) and

**Financial Statements and Exhibits** (*see Item 9.01*)

9. On January 21<sup>st</sup> 2015, Debtors filed with the SEC a 8-K form in conjunction with a press release titled: "Allied Nevada Announces Preliminary Full Year 2014 Gold and Silver Sales Increase 19% and 115%, Respectively Year-Over-Year" (see docket 1310 exhibits 5) indicating Debtors **"Anticipate 2015 operating results to be very similar to 2014 in terms of production and sales...."**. The release also quoted CEO Randy Buffington as stating **"I believe the work done in 2014 will position us well into 2015 as we continue to concentrate on operational improvements and cash generation."**

Moreover below is a Comparison of 8-K reports of Jan 21 2015 with Jan 9 2014, Oct 15 2014, July 11 2014 suggesting Debtors' deliberately omitted the quarterly comparison misleading potential investors. Notice the **deliberate omission of the quarterly comparison** in the 8-K report of Jan 21 2015.



Allied Nevada Gold Corp.  
9790 Gateway Drive  
Suite 200  
Reno, NV 89521 USA

## NEWS RELEASE

### Allied Nevada Announces Preliminary Full Year 2014 Gold and Silver Sales Increase 19% and 115%, Respectively, Year-Over-Year

January 21, 2015 | Reno, Nevada - Allied Nevada Gold Corp. ("Allied Nevada" or the "Company") (TSX: ANV; NYSE-MKT: ANV) provides full year preliminary production and sales for 2014 and an update on the status of the mill expansion financing process. In 2014, we increased production by 12% for gold and more than doubled the silver production compared with 2013. Full year 2014 production and sales, as compared with 2013, were as follows:

	Years ended December 31,		2014 vs 2013 Increase
	2014	2013	
<b>SALES</b>			
Gold ounces	216,937	181,941	19%
Silver ounces	1,841,737	858,073	115%
<b>PRODUCTION</b>			
Gold ounces	214,345	190,831	12%
Silver ounces	1,818,637	882,225	106%

### Jan 21 2015 8-K Report On Gold And Silver Sales And Production



Allied Nevada Gold Corp.  
9790 Gateway Drive  
Suite 200  
Reno, NV 89521 USA

## NEWS RELEASE

### Allied Nevada Achieves Fourth Quarter and Full Year Record Sales and Production in 2013 and Provides 2014 Guidance

January 9, 2014 | Reno, Nevada - Allied Nevada Gold Corp. ("Allied Nevada" or the "Company") (TSX: ANV; NYSE-MKT: ANV) provides fourth quarter and full year preliminary production and sales for 2013 and guidance for 2014. Preliminary fourth quarter and full year 2013 production and sales, as compared with the similar 2012 periods, are as follows:

	Three months ended December 31,		2013 vs 2012 Increase	Years ended December 31,		2013 vs 2012 Increase
	2013	2012		2013	2012	
<b>SALES</b>						
Gold ounces	60,460	41,745	45%	181,941	114,705	59%
Silver ounces	352,922	215,258	64%	858,073	696,144	23%
<b>PRODUCTION</b>						
Gold ounces	61,419	45,613	35%	190,831	136,930	39%
Silver ounces	377,314	234,129	61%	882,225	794,097	11%

### Jan 9 2014 8-K Report On Gold And Silver Sales And Production



Allied Nevada Gold Corp.  
9790 Gateway Drive  
Suite 200  
Reno, NV 89521 USA

## NEWS RELEASE

### Allied Nevada Announces Preliminary Q3 Production and Sales

October 15, 2014 | Reno, Nevada - Allied Nevada Gold Corp. ("Allied Nevada" or the "Company") (TSX: ANV; NYSE-MKT: ANV) reports that third quarter 2014 production and sales targets were achieved at its wholly owned Hycroft mine in Nevada. Preliminary third quarter and year to date 2014 production and sales, as compared with production and sales in the comparative 2013 periods, were as follows:

		Three months ended September 30,		Nine months ended September 30,	
		2014	2013	2014	2013
Ounces produced	Gold	49,630	52,198	166,608	129,412
	Silver	525,942	184,070	1,419,599	504,911
Ounces sold	Gold	52,176	52,713	168,696	121,481
	Silver	535,407	184,082	1,416,473	505,151

### Oct 15 2014 8-K Report On Gold And Silver Sales And Production



Allied Nevada Gold Corp.  
9790 Gateway Drive  
Suite 200  
Reno, NV 89521 USA

## NEWS RELEASE

### Allied Nevada Announces Preliminary Q2 Production and Sales; On Track to Meet Annual Guidance

July 11, 2014 | Reno, Nevada - Allied Nevada Gold Corp. ("Allied Nevada" or the "Company") (TSX: ANV; NYSE-MKT: ANV) reports that second quarter 2014 production and sales targets were achieved at its wholly owned Hycroft mine in Nevada. Preliminary second quarter and year to date 2014 production and sales, as compared with production and sales in the comparative 2013 periods, were as follows:

		Three months ended June 30,		Six months ended June 30,	
		2014	2013	2014	2013
Ounces produced	Gold	56,864	39,195	116,978	77,214
	Silver	481,151	132,841	893,657	320,841
Ounces sold	Gold	57,050	41,512	116,520	68,768
	Silver	474,832	146,303	881,066	321,069

### Jul 11 2014 8-K Report On Gold And Silver Sales And Production

10. Although Debtors did file an 8-K Debtors on January 21<sup>st</sup> 2015 the report and press release, failed to disclose any material impairments, their deteriorating financial conditions or the fact they were currently not in compliance debt covenants that contained cross-default and cross-acceleration clauses. Not only did Debtors' fail to disclose material information in accordance with public law, the report highlighted Debtors' increase in production while painting an optimistic representation of the state of Debtors' then current and future affairs.

(1) DEBTORS FAILED TO NOTIFY SHAREHOLDERS WITHIN 4  
BUSINESS DAYS OF MATERIAL IMPAIRMENTS

11. On page 35 of Debtors' 10 K annual report for the fiscal year that ended in December 31 2014 filed March 27<sup>th</sup> 2015 (*see docket 1310 exhibit 4*) under the section entitled "Write-down of long-lived assets and stockpiles" Debtors reported that:

*"During 2014, write-down of long-lived assets and stockpiles totaled \$429.9 million. We were unable to secure the financing required to begin construction of the mill expansion project which significantly decreased the overall near-term probability of completing the mill expansion project and resulted in an impairment write-down of long-lived assets of \$387.9 million and a write-down of stockpiles of \$42.1 million. Despite our 2014 mill-related write-downs, our long term goal remains the construction of a mill at Hycroft to enable us to recover metals contained in mill ores and extend the operating life of the mine."*

12. Debtors violated Section 409 of the Sarbanes Oxley Act by failing to timely file the required 8-K to report the \$387.9 million dollar impairment within 4 business days. Although never reported in Debtors' Q4 2014 Preliminary Balance Sheet, Debtors' claimed a net non-cash adjustment of \$505,956,000 for the year 2014 after they filed for Chapter 11 protection nearly 3 months after the impairments were "triggered". The above referenced report also brings into question the legality of the impairment write-down of long-lived assets of \$387.9 million and a write-down of stockpiles of \$42.1 million as Debtors admit they still intend on constructing the proposed mill, as also evident by recent permit



applications previously chronicled in the party of interest's objections to the plan confirmation. The Court should also note for the first nine months of 2014 the company received a tax benefit of 20.5 million dollars (*see docket 1310 Exhibit 2 page 12*). For the first 6 months ending in June 2015 Debtors recorded an income tax benefit of nil (*see docket 1310 Exhibit 3 page 21*).

(2) DEBTORS FAILED TO NOTIFY SHAREHOLDERS WITHIN 4  
BUSINESS DAYS OF TRIGGERING EVENTS THAT ACCERALTED  
DIRECT FINANCIAL OBLIGATIONS AND OFF-BALANCE SHEET  
ARRANGEMNETS

13. Debtors violated Section 409 of the Sarbanes Oxley Act by failing to file the required 8-K to report they were not in compliance with all debt covenants and faced an accelerated obligation under the Off- Balance Sheet Arrangement. Instead of timely filing the required 8-K in accordance within the required 4 business day provision of the Sarbanes Oxley Act. Debtors waited until March 27th 2014, to file with the Security and Exchange Commission a form 10K annual report for the fiscal year that ended December 31st 2014, to disclose that they:

**"were not in compliance with all debt covenants as of December 31, 2014, which are discussed below in additional detail. Our debt agreements contain cross-default and cross-acceleration clauses, which means that an event of default or covenant violation under any of our debt agreements may result in the acceleration of substantially all of our**

**outstanding debt. As of December 31, 2014, we were not in compliance with the Tangible Net Worth covenant** contained in the Revolver and certain capital lease obligations." (*see docket 1310 Exhibit 4 page 41*)

14. On 3/18/2015, Debtors filed with the United States Securities and Exchange Commission a form 8-K informing the public of: *"Triggering Events That Accelerate or Increase a Direct Financial Obligation or an Obligation under an Off-Balance Sheet Agreement"* reporting:

*"the Company received a Notice Designating Early Termination Date from the Bank of Nova Scotia dated March 10<sup>th</sup> 2015, in respect to the ISDA Master Agreement, dated May 15<sup>th</sup>, 2012... The close-out amount relating to the Scotiabank Master Agreement (and related cross currency and diesel swaps) is 86.3 million..."*

*"The Company received a Notice to Terminate all Outstanding Transactions Following Event of Default from National Bank of Canada...NBC has claimed that the Company owes approximately \$371,000 after realization of the collateral."*

*"The Company received a Notice Designating an Early Termination Event Following an Event of Default from Societe Generale, dated March 10<sup>th</sup>, 2015...the related cross currency swap as of such early termination date is 10.37 million.."*

**B. DEBTORS VIOLATED SECTION 302 OF THE SARBANES OXLEY ACT**

15. Section 302 of the Sarbanes Oxley listed under Title III of the act pertains to 'Corporate Responsibility for Financial Report. Section 302 requires periodic statutory financial reports are to include certifications that, amongst other things:

**The signing officers have reviewed the report;**

**The report does not contain any material untrue statements or material omission or be considered misleading;**

**The financial statements and related information fairly present the financial condition and the results in all material respects;**

The signing officers are responsible for internal controls and have evaluated these internal controls within the previous ninety days and have reported their findings;

A list of deficiencies in the internal controls and information on any fraud that involves employees who are involved with internal activities;

Any significant changes in internal controls or related factors that could have a negative impact on the internal controls.

16. As detailed in the original Examiner Motion, on November 18<sup>th</sup> 2014, just 15 days after Debtors stated they had: "sufficient resources and access to sources of liquidity to fund our operations, remaining expansion product obligations, and other contractual obligations for at least the next 12 months"(see

*docket 1310 exhibit 2 page 28 10k for 3<sup>rd</sup> quarter Earnings*), Debtors registered shares of the company, with the United States Securities and Exchange Commission, to be sold in a December 2014 Public Offering.

17. Under the provisions of the Sarbanes Oxley Act, Section 302, paragraph (a) (2) and (a) (3) of the Sarbanes Oxley Act, Debtors were obligated to provide true information about the financial condition of the company and disclose all facts of material significance. Obviously Debtors did not have “sufficient resources and access to sources of liquidity to fund our operations, remaining expansion product obligations, and other contractual obligations for at least the next 12 months” or the company would of not A) had to issue shares via a public offering within 15 days; or B) file for Bankruptcy protection 3 months later. Still Debtors failed to disclose or update information pertaining to the true financial condition of the company.

18. On page 5 of Debtor’s Management and Discussion analysis Three and Nine months Ended September 30<sup>th</sup> 2015 (*see docket 1347 exhibit 2*), Debtors blamed the nearly 50 percent decrease in production of Gold and Silver on “(1) the **decision made to focus on moving additional waste in the latter half of 2014 and early 2015 to open up mining areas for the remainder of 2015** (2) slower than expected leaching of the acid leach material which was placed on the leach pads in the fourth quarter (3) employee attrition as a result of the bankruptcy and (4) the discontinuance of mining on July 8<sup>th</sup>”.

19. Clearly Debtors' officers had to know the "decision made to focus on moving additional waste in the latter half of 2014 and early 2015 to open up mining areas for the remainder of 2015" would impact production of the metals they mined. Instead of disclosing this decision, and the potential side effects from such a choice, Debtors portrayed an optimistic view of production estimates for 2015 and even issued a press release with CEO Randy Buffington proclaiming "the work done in 2014 will position us well into 2015 as we continue to concentrate on operational improvements and cash generation."

#### UNAUTHORIZED LEAKS

20. Although the Debtors failed to comply with the provisions of the Sarbanes Oxley Act regarding disclosure of material information in favor of releasing positive press releases, certain unnamed people, who were not authorized to speak publicly did disclose information about the financial condition of the company by releasing facts of material significance via leaks to the press.

21. On February 6<sup>th</sup> 2015, Bloomberg Business reporters, Laura Keller and Cecile Gutcher, published an entitled "Swap Gone Bad Said to Push Allied Nevada Gold to Hire Moelis" on bloomberg.com (*see docket 1347 exhibit 3*). In the second paragraph of the article the authors reference an authorized leak as a source for the report. "Moelis and Co., the New York-based investment bank, is set to lead talks for the Reno, Nevada-based company as it prepares to restructure

\$543 million of borrowings, **said the people, who weren't authorized to speak publicly.**"(see page 1)

22. On February 17<sup>th</sup> 2015, Bloomberg Business reporter Laura Keller published an article entitled "Gold Miner Allied Nevada Said Seeking Rescue as Cash Drops" on bloomberg.com (see docket 1347 exhibit 5). In the article Laura Keller discloses material non-public information acquired by sources **"who asked not to be identified because the information isn't public."** These unnamed sources provided intimate details of material non-public financial information including the amount of cash the company had and access to credit. (see paragraph 2 page 1:

*"The company is asking potential providers of a rescue loan to examine its financial records as its cash balance dwindles to about 9.5 million and its used almost all of its revolving credit line, said the people, who asked not to be identified because the information isn't public")*

The report also disclosed the Note Holders hiring of Stroock & Stroock counsel for the Ad Hoc Group of Senior Unsecured Note holders (see page 2 paragraph 1:

*"Investors have also begun preparing for restructuring talks, according to five people familiar with the matter who didn't want to be indentified discussing negotiations. Holders of C\$400 million (\$323 million) of 8.75 percent senior unsecured notes due June 2019 have hired law firm Stroock & Stroock & Lavan LLP to represent them, said three of the people.")*

23. On February 26<sup>th</sup> 2015, Bloomberg Business reporter Laura Keller publish an article entitled "Allied Nevada Gold's Bondholders Said to Consider Injection" on bloomberg.com (*see docket 1347 exhibit 4*). In the article Laura Keller again references sources **"who asked not to be identified because the information isn't public."** (*see page 1 second paragraph: "Houlihan Lokey Inc. a New York-based investment bank, will advice investors owning Allied Nevada's ...unsecured 8.75 percent notes...said the people, who asked not to be identified because the information isn't public."*) These unnamed sources also leaked material non-public financial information as reported on page 2 of the article: **"Allied Nevada had just \$50,000 available to borrow last week on its 75 million revolver due April 2016, a person familiar with the matter told Bloomberg news."**

24. As outlined above, Debtors violated Public Law by failing to adequately disclose material facts to the public. Instead of filing the then appropriate 8-K reports, Debtors issued a press releases painting an optimistic portrait of future financial projections and production estimates that we now know were impossible due to decisions made by the Directors(*ie: mining waste*). Making matters worse, inside information was leaked to Bloomberg Business reporter Laura Keller through unnamed sources not authorized to speak about the private negotiations. The party of interest reminds This Court the CFO and CEO required to review and sign the SEC reports which we now know were misleading at best, were given retention bonuses and will direct and oversee the reorganized Debtors.

### INSIDER TRADING

25. Due to the Debtors' voluntarily filed restructuring and failure to timely file the required SEC filings Debtors securities were removed from the NYSE. Given that Debtors securities are traded over the counter, funds trading in Debtors securities no longer have been required to report holdings in Debtors' securities. This removal has stymied shareholders investigations into the trading of Debtors' securities, as an inquiry is limited by the reliance on the limited public data available and voluntarily disclosure by funds trading in Debtors' securities.

26. Insider trading is defined as a person trading a security while in possession of material nonpublic information in violation of a duty to withhold the information or refrain from trading. The disclosure of private information via leaks to Bloomberg business reporters is evidence someone illegally disclosed material information about the restructuring negotiations, the hiring of bankruptcy attorneys and even the amount of cash and access to credit Debtors had.

27. The party of interest has exhibited evidence showing the open interest in options trading increased exponentially in the weeks just prior to Debtors voluntarily filing for Chapter 11 protection (*see docket 819 Exhibit B see also docket 970 Exhibit 1*). The abnormalities in the trading of Debtors' Equity Securities and options strongly suggest trades were made with the advantage of certain investors on the short side benefitting from the possession of material nonpublic information.



28. On September 4<sup>th</sup> 2015, the Ad Hoc Group of Senior Unsecured Note Holders filed their 4<sup>th</sup> Supplemented Verified Statement (*see Docket 959*). This time the Verified Statement did include the Ad Hoc Group of Senior Unsecured Note holders Economic Interests in: Secured Loans “Other” Disclosable Economic Interests. The report indicated White Box Advisors was “Short 3,764 equity call options” while Wolverine Asset was “Short 510 call options, Long 1,424 equity put options, Long 350 shares” while the rest of the Ad Hoc Group of Senior Unsecured Note holders “other” Economic Interests were reported as “n/a”. According to the statement, other than the 350 shares Wolverine Asset held, all other Disclosable Economic Interests were bets against Debtors’ Equity securities.

29. On September 4<sup>th</sup> 2015, 6 members of the Ad Hoc Group of Senior Unsecured Note holders submitted Declarations in support of their Objection to the original Examiner Motion (*see docket 964*).

30. In the Declaration of Jacob Mercer, portfolio manager for White Box Advisors testified:

“Since September 1<sup>st</sup>, 2014 the Whitebox ANV funds have collectively purchased an additional \$43,221,000 in principal amount of notes.”

“Between September 1, 2014... Whitebox has placed ANV on its RTL three times. The first period Whitebox placed ANV on its RTL lasted from February 12, 2015 to March 10, 2015. Whitebox placed ANV on its RTL

during this period because Whitebox entered into a written confidentiality agreement with ANV.”

31. On October 1<sup>st</sup> 2015, Debtors’ provided the party of interest with a file containing 14 Non Disclosure agreements previously requested. The above reference Non Disclosure statement Whitebox allegedly signed was not included in the file Debtors provided.

32. In the Declaration of Jason Hempel, portfolio manager for Highbridge Capital testified:

“Highbridge initially acquired Notes on March 12<sup>th</sup>, 2015 and purchased additional Notes before joining the Ad Hoc Group, with an aggregate principal amount of \$23,294,000.”

“Highbridge received non-public confidential information on June 8<sup>th</sup> 2015 after Highbridge attended a meeting with ANV in Denver, Colorado.”

“On August 4th 2015, ANV filed a form 8-K with the SEC.”

“Based on the August 8-K, Highbridge determined it was no longer in possession of nonpublic confidential information.”

“Highbridge purchased additional Notes following the August 4 8-K, during a period in which Highbridge was not in possession of material nonpublic information, and today holds \$49,877,000 in principal notes.”

33. After review of the 4<sup>th</sup> Supplemented Verified Statement and Declarations filed by the Ad Hoc Group of Senior Note Holders the party of interest researched the public record to verify the accuracy of the reporting. The party of interest noticed High Bridge Capital reportedly held 100% of the available put options of Debtors' Equity Securities as of the 2<sup>nd</sup> quarter of 2015, according to the website fundstr.factor.de (*see Exhibit 1*).

34. It would not take much for a qualified Examiner to verify the spike in open interest just prior to bankruptcy or fundstr.factor.de report indicating Highbridge Capital held major positions in bets against Debtors' Equity; but if the report was to be confirmed the impact on these proceedings would be tremendous. The party of interest requests, in the event an Examiner is appointed, all data history related to the trading of Debtors' Equity options in the 1<sup>st</sup> quarter of 2015 and 4<sup>th</sup> quarter of 2014 is published in the docket for transparency purposes.

35. It has been disclosed certain Note holders such as High Bridge, Whitebox Advisors and Wolverine Asset traded in Debtors notes after the Chapter 11 filing, even substantially increasing their positions. These note holders had access to private material information due to the role they played in negotiating the bankruptcy and increased their holdings of debt after coming into possession of inside information. We know Whitebox Advisors and Wolverine Assets Management held huge un-hedged bets against Debtors' Equity. What we do not know is when these bets were placed or if they were made with the benefit of insider trading in the weeks prior to the Chapter 11 filing, when open interest in Debtors' options exponentially increased.

36. At the September 11<sup>th</sup> Hearing, there was a bit of a misunderstanding related to the admission into evidence of the entering into evidence docket 964. It is still the party of interest's position that the Declarations of Jason Hempel, Jacob Mercer, and Mr. Techar should not have been entered into evidence at the September 11<sup>th</sup> Hearing since they were unavailable for cross examination. Due to their absence from the September 11<sup>th</sup> Hearing, the above referenced gentleman were un-available to offer testimony regarding specifics in the trading of debtors' equity options, leaving the record of evidence incomplete. Furthermore, had the Declarations been omitted from the record, the party of interest's allegations that Whitebox, Highbridge and Wolverine traded on private information would have been un-refuted.

DEBTORS' PLAN OF REORGANIZATION IS IN ADEQUETE DUE TO A  
LACK OF DISCLOSURE

*A. DEBTORS' PLAN OF REORGANIZATION WAS NOT IN COMPLIANCE  
WITH U.S.C. 1129*

37. U.S.C. 1129 explicably states:

**"The Court shall confirm a plan only if all of the following requirements are met:**

(5)

(A)

**(i) The proponent of the plan has disclosed the identity and affiliations of any individual proposed to serve, after confirmation of the plan, as a director, officer, or voting trustee of the debtor, an affiliate of the debtor participating in a joint plan with the debtor, or a successor to the debtor under the plan; and**

**(ii) the appointment to, or continuance in, such office of such individual, is consistent with the interests of creditors and equity security holders and with public policy; and**

**(B) the proponent of the plan has disclosed the identity of any insider that will be employed or retained by the reorganized debtor, and the nature of any compensation for such insider.**

38. Pursuant to U.S.C. 1129 Debtors' plan of reorganization is deficient in that Debtors failed to adequately disclose the identity and affiliation of any and all directors, officers, voting trustee of the debtor, and affiliate of the debtor participating in a joint plan with the debtor, any other successor to the debtor under the plan, the identity of an insider that will be employed or retained by the reorganized debtor, or even the nature of any compensation for such insider. Moreover, since the identities were not properly disclosed it is impossible for this Court to determine if such an appointment is consistent with the interests of creditors and equity security holders and with public policy.

39. As outlined in paragraph 6 of the party of interest's SUPPLEMENT IN SUPPORT OF-OBJECTION TO PROFFESIONAL COMPENSATION (*see docket 1344*) the identity of reorganized Debtors' previously undisclosed Director: Mike Feehan is now known (*see exhibit 2 FORM D*). No party could have known this or attempted to obtain relevant discovery on the director prior to confirmation, to ascertain whether or not Mr. Feehan's appointment is consistent with the interests of creditors and equity security holders or public policy in light of the fact his identity had not been disclosed in the proposed plan. It was only after confirmation and a subsequent shareholder investigation that Mr. Feehan and his affiliation with Barrick Gold was identified. The concealment of Mr. Feehan's identity and affiliation, coupled other anomalies (*ie: the removal of reference's to Barrick Gold from stalking horse purchaser Waterton Global's website, see docket 423, see also docket 1344*) and the Debtors'/Computershare's approach to discovery are consistent with the need for an examination into these proceedings.

40. As noted in several pleadings Stephen Jones and Barak Klein failed to name their previous financial adviser (Scotiabank) whom happened to also be cross-party to the currency swap that bankrupted the company and of the credit revolver.

#### *B. STRATEGIC TRANSACTION?*

41. As outlined in the party of interest's MOTION FOR RECONSIDERATION ON FINDINGS OF FACT, CONCLUSIONS OF LAW

AND ORDER CONFIRMING DEBTORS' AMENDED JOINT CHAPTER 11 PLAN OF REORGANIZATION(see docket 1173) the success of Debtors' plan of reorganization hinged on an undisclosed 985 million dollar "strategic transaction" Debtors assumed would take place on January 1<sup>st</sup> 2016.

{ See docket 1173 paragraph 8:

"Debtors' financial projections assume a "strategic transaction" (see below excerpt from Debtor's financial projections included in the proposed plan:

### "C. Financial Projections

#### Summary Projected EBITDA

Prices per oz									
Gold	\$1,200	\$1,200	\$1,200	\$1,300	\$1,300	\$1,300	\$1,300	\$1,300	
Silver	16.00	16.00	16.00	21.67	21.67	21.67	21.67	21.67	
Ounces Sold (koz)									
Gold	19	66	61	273	268	291	287	5,926	-
Silver	138	398	374	20,305	17,166	23,799	16,634	257,206	-
Revenue									
Gold	\$23	\$80	\$73	\$355	\$348	\$379	\$373	\$7,704	\$ -
Silver	2	6	6	440	372	516	360	5,573	-
<b>Total Revenue</b>	<b>\$26</b>	<b>\$86</b>	<b>\$79</b>	<b>\$795</b>	<b>\$720</b>	<b>\$894</b>	<b>\$733</b>	<b>\$13,277</b>	
Total Operating Costs	(20)	(80)	(101)	(464)	(503)	(488)	(456)	(10,060)	(9)
<b>Gross Profit</b>	<b>\$5</b>	<b>\$6</b>	<b>(\$23)</b>	<b>\$331</b>	<b>\$217</b>	<b>\$406</b>	<b>\$277</b>	<b>\$3,217</b>	<b>(\$9)</b>
Gross Margin	21.4%	7.4%	(28.6%)	41.6%	30.2%	45.4%	37.8%	24.2%	
Corporate G&A	(1)	(10)	(10)	(16)	(16)	(16)	(16)	(400)	(16)
<b>Allied Nevada EBITDA</b>	<b>\$4</b>	<b>(\$3)</b>	<b>(\$32)</b>	<b>\$315</b>	<b>\$201</b>	<b>\$390</b>	<b>\$261</b>	<b>\$2,817</b>	<b>(\$25)</b>
EBITDA Margin	15.9%	(3.9%)	(41.0%)	39.6%	27.9%	43.6%	35.6%	21.2%	

#### Summary Projected Free Cash Flow

<u>Operating Activities:</u>									
EBITDA	\$4	(\$3)	(\$32)	\$315	\$201	\$390	\$261	\$2,817	(\$25)
Other Expenses	-	(4)	-	-	-	-	-	-	(102)
Change in Working Capital	-	-	-	(15)	-	-	-	15	-
(Increase) / Decrease in WIP	10	30	24	(28)	35	10	2	105	-
Cash Interest	(1)	(0)	-	-	-	-	-	-	-
Income Taxes	-	-	-	-	(2)	(59)	(35)	(533)	-
<b>Cash Flow from Operating Activities</b>	<b>\$13</b>	<b>\$22</b>	<b>(\$8)</b>	<b>\$272</b>	<b>\$234</b>	<b>\$342</b>	<b>\$228</b>	<b>\$2,404</b>	<b>(\$127)</b>

Investing Activities:

Heap Leach Capex	(\$0)	(\$7)	(\$2)	(\$2)	(\$1)	(\$2)	(\$1)	(\$12)	-
Sulfide Mill Expansion	-	(364)	(487)	(110)	(13)	(13)	(13)	(265)	-
Cash Flow from Investing Activities	(\$0)	(\$371)	(\$488)	(\$111)	(\$15)	(\$15)	(\$14)	(\$277)	\$ -

Financing Activities:

Lease Repayments	(\$1)	(\$4)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Paydown of New 1st-Lien Term Loan	(9)	(118)	-	-	-	-	-	-	-
Transfer from Expansion Project Cash	-	481	487	17	-	-	-	-	-
Paydown of Jacobs Note	-	(5)	-	-	-	-	-	-	-
Cash Flow from Financing Activities	(\$9)	\$355	\$487	\$17	\$ -	\$ -	\$ -	\$ -	\$ -

<b>Total Increase / (Decrease) in Cash</b>	<b>\$3</b>	<b>\$5</b>	<b>(\$10)</b>	<b>\$177</b>	<b>\$220</b>	<b>\$327</b>	<b>\$213</b>	<b>\$2,127</b>	<b>(\$127)</b>
--	------------	------------	---------------	--------------	--------------	--------------	--------------	----------------	----------------

Beginning Cash - Unrestricted	\$8	\$11	\$16	\$6	\$184	\$403	\$730	\$943	\$3,070
Increase / (Decrease) in Cash- Unrestricted	3	5	(10)	177	220	327	213	2,127	(127)
Ending Cash - Unrestricted	\$11	\$16	\$6	\$184	\$403	\$730	\$943	\$3,070	\$2,944

Expansion Project Cash Account Beginning	\$ -	\$504	\$17	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Proceeds from Strategic Transaction		985	-	-	-	-	-	-	-
Paydown of New 1st-Lien Term Loan		(118)	-	-	-	-	-	-	-
Sulfide Mill Expansion		(364)	(487)	(17)	-	-	-	-	-
Expansion Project Cash Account Closing		\$504	\$17	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

See also docket 1173 paragraph 9:

*““Other than the financial projections there are no details given about the close to a billion dollar transaction other than in Debtors’ Amended Disclosure Statement:*

*“For purposes of the projections, the Debtors assume the strategic transaction (worth \$985 million) occurs on January 1, 2016. There can be no assurance that the transaction is achieved.”*  
*(SEE Doc 933-3 Filed 08/27/15 Page 4 of 8) “”}*

42. In a paragraph 16 of MOTION FOR RECONSIDERATION ON FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER CONFIRMING DEBTORS’ AMENDED JOINT CHAPTER 11 PLAN OF REORGANIZATION the party of interest argued:

*“Debtors’ innuendos of “strategic transactions” and “demonstration plants” failed to meet the burden required by the Bankruptcy Code to obtain*



*confirmation of the proposed plan. The lack of planning is partially responsible for the need for restructuring; the lack of adequate disclosure of the plan's viability should be the death of it. The suppositions offered at the Hearing are not a workable restructuring as they are at best a guess and should be treated as such."*

43. As detailed in 2<sup>nd</sup>-MOTION FOR TO COMPEL (*see docket 1343*) Debtors' have not responded to the party of interest's request for "Any and all documents related to the "strategic transaction" referenced in Debtors' financial projections". Moreover Debtors informed the party of interest, on January 8<sup>th</sup> 2016, via email, they have no intentions of providing any discovery into the party of interest's request for "any insight into the status of the January 1<sup>st</sup> 2016 strategic referenced in the financial projections."

44. **To date there have been no reports of any strategic transaction and it is unknown if any transaction has taken place.**

45. The "strategic transaction" assumed in Debtors' financial projections was just another disingenuous allusion to deceive This Court into granting the plan of reorganization; similar to deceitful SEC reports investors relied upon when considering Equity options the note holders short sold them. Debtors' CFO Stephen Jones was responsible for the submission of Debtors' financial projections which were then relied upon by Barak Klein to evaluate the NPV of Debtors' assets. The Moelis evaluation was only as accurate as the financial projections in

which the evaluation relied upon, since there is no strategic transaction This Court can now presume the financial the projections and thereby the evaluation were falsely represented.

### CONCLUSION

46. Prior to the bankruptcy filing, Debtors violated laws set in place to protect the public. Instead of filing the required 8-K reports for material impairments and acceleration events, Debtors maintained they had significant liquidity and even issued a misleading press release portraying an optimistic picture of anticipated production results while they negotiated a voluntarily restructuring and implemented a plan to mine waste that halved production. Contrary to Debtors' press releases and SEC reports were Bloomberg articles citing certain unnamed individuals that disclosed material non-public information from within the negotiation process.

47. While the Debtors' official SEC reports boosted investor confidence, victims relying on those disclosures were sold stock and options from the very note holders financing the Debtor in Possession and Exit Facilities. These note holders then took the profits from bets against Debtors' equity and purchased additional notes while in possession of private material non-public information after the Chapter 11 filing.

48. The lack of adequate disclosure and inconsistencies in discovery were not isolated incidents confined to pre-bankruptcy reporting. These proceedings have been plagued with numerous omissions of material facts and crucial information; coupled with fraudulent write-downs and bonus financial projections. Debtors took an impairment of long-lived assets in excess of 400 million dollars after taking nearly a billion dollars from the public to finance a mill expansion project they intend on going forward with at the direction of executives that signed off on SEC reports in violation of the Sarbanes Oxley Act and directors whose affiliations with Barrick Gold were concealed.

49. Certain note holders are set to profit considerably from the Debtors' breaches of public trust, walking away with a company valued at nearly 1.5 billion purchased with pennies on the dollar made betting against company stock. The note holders controlling the negotiations were then afforded the opportunity to finance the New Second Lien Convertible Notes at an interest rate not subject to market conditions (15%) while the company transfers assets previously impaired back onto the balance sheet.

49. The confirmation of Debtors' plan of reorganization was based on the viability of the plan. Since the strategic transaction that was assumed to take place on January 1<sup>st</sup> never came to fruition, the plan of reorganization is no longer feasible. The plan has not been successfully implemented so it is no consequence to the reorganized Debtors if this Court were to stay the confirmation order and afford Class 8 holders opportunity to seek standing to prosecute.

50. There are safe guards set in place to protect the interest of parties to bankruptcy filings. The Bankruptcy Code offers remedies to investigate and prosecute misdeeds like those chronicled in the brief. The Debtors, Computer share, and certain note holders have significantly impeded the discovery and disclosure process. It is certainly now more appropriate than ever a qualified Examiner is appointed to gain access to relevant information the party of interest has been summarily denied. Much of the investigation is completed so all that is needed now is a brief examination, by a seasoned investigator with access to trading records and privileged, to review the record of evidence with a fine tooth comb.

51. The still mounting record of evidence, strongly suggests Debtors past history, of misleading in the reporting and omissions of crucial information, is a pattern of behavior not confined to isolated incidents. In considering the unresolved matters before this Court, the party of interest respectfully requests This Court review the record brought forth to take under advisement the evidence present thus far regarding the approach parties to this bankruptcy have taken and the consequences those actions have on a public trusting justice will inevitably served.

Respectfully submitted,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.

**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 10 day of January, 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

jgoldstein@stroock.com mkeats@stroock.com gsasson@stroock.com

kpasquale@stroock.com Gregory.Mascitti@leclairryan.com



Brian Tuttle, pro se

3424 Belmont Blvd

Sarasota, Fl 34232

(941) 328 9015

K6v9581k3@gmail.com

Alpha Index 1 (./././././././)

Search for subject or security...

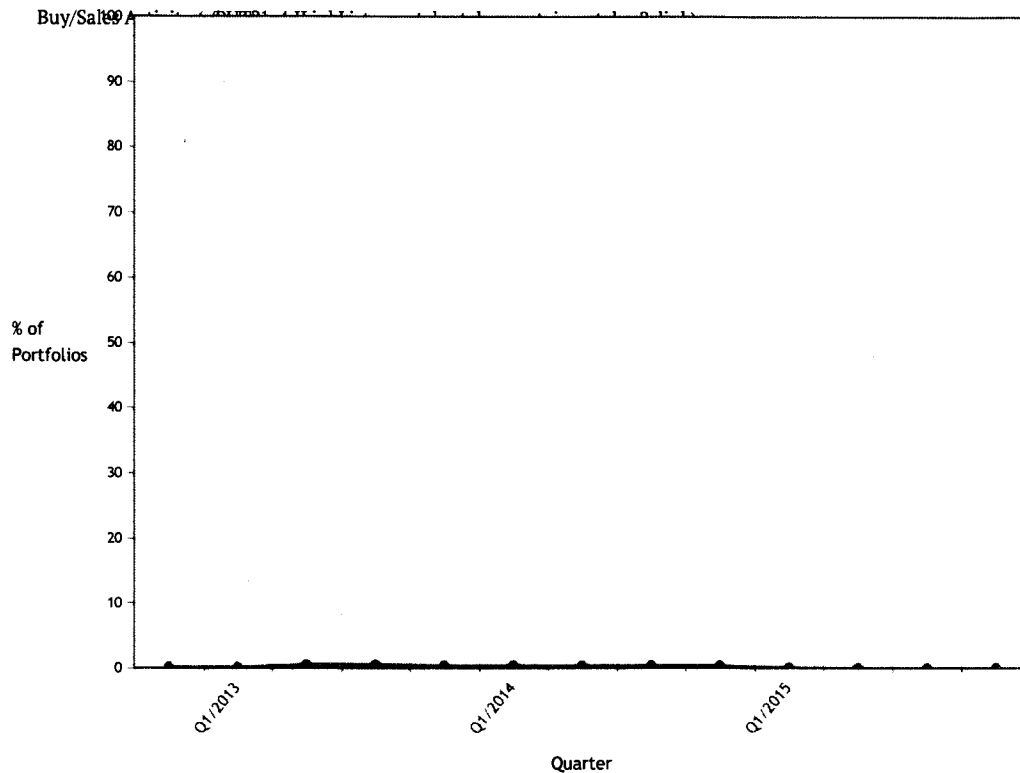
Search

Analysis

## ALLIED NEVADA GOLD CORP / PUT

Quotes & Symbols (./PUT?1-4.ILinkListener-tabs-tabs-container-tabs-0-link)

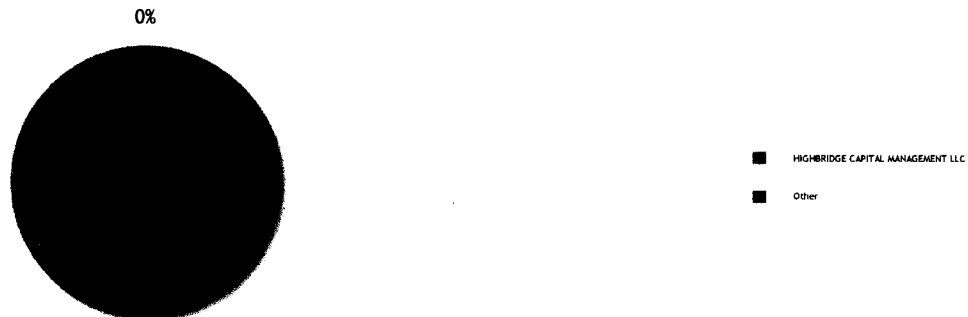
Holding Information (./PUT?1-4.ILinkListener-tabs-tabs-container-tabs-1-link) Holders



The **percentage of holders** (for all tracked portfolios) over time. Note that this data may contain estimates for confidential holdings and for portfolios for which no report has been filed yet.

Details for Quarter Q2/2015

Biggest Holders



The subjects that held the most of this security in this quarter.

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(.././.././.././.;jsessionid=D2E5FBD4753CABBE2115A7C9218D26E6)

~~Search for subject of security...~~

## Analysis

Quotes & Symbols (./PUT;jsessionid=D2E5FBD4753CABBF2115A7C9218D26E6?  
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Buy/Sales Activity (./PUT;jsessionid=D2E5FBD4753CABBF2115A7C9218D26E6?0-1.ILinkListener-tabs-tabs~container-tabs-2-link)

There is no non-retired trading symbol for this security in our database. This means that either the security isn't traded anymore, or that we simply don't know its symbol.

We currently don't have any symbols, retired or not, for this security in our database. This security is either not traded, or we simply don't know any of its symbols.

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Alpha Index 1 (././././././)

Search for subject or security...

Search

## Analysis

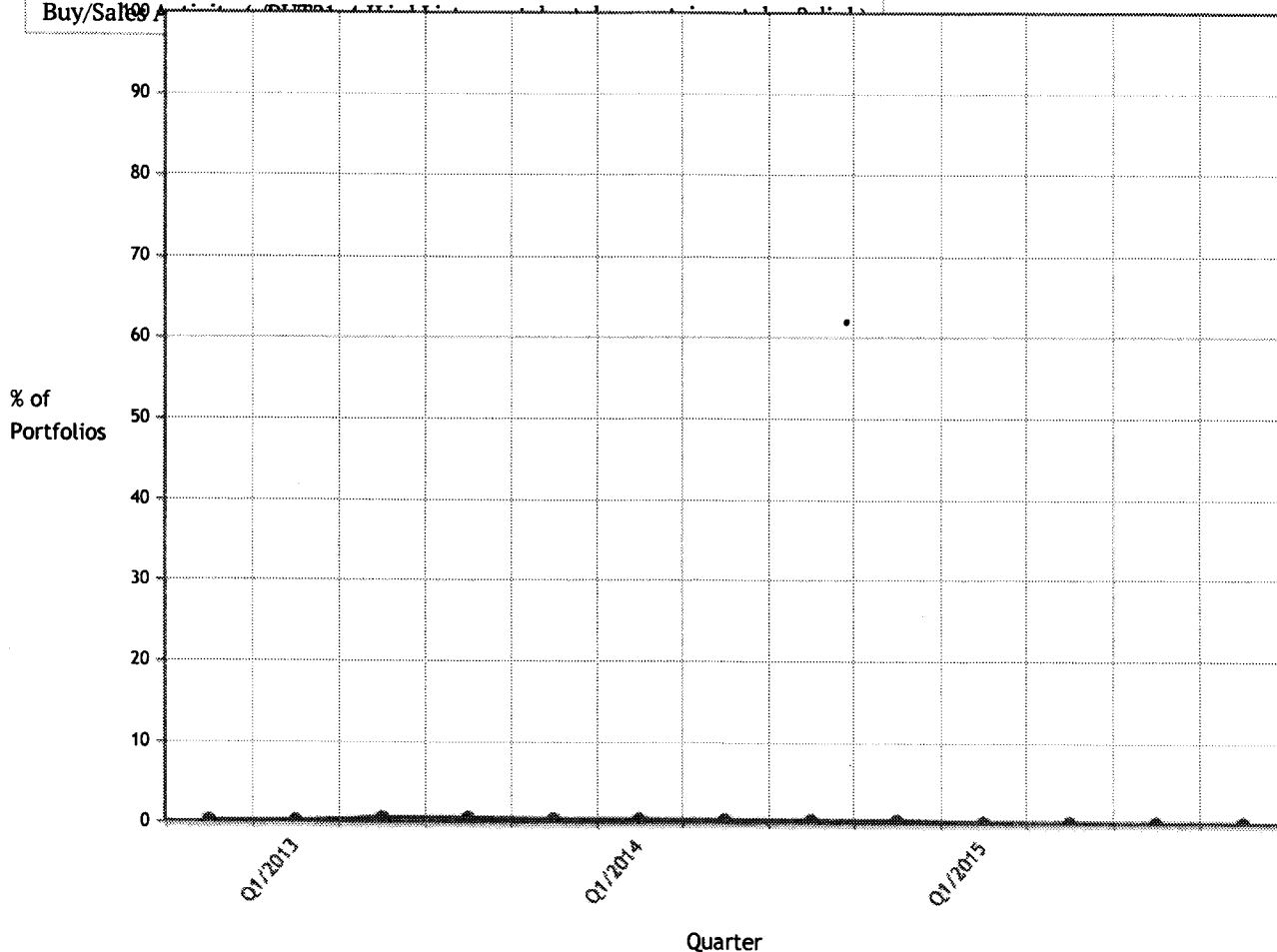
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Holding Information (./PUT?1-4.ILinkListener-tabs-tabs-container-tabs-1-link)

Holders

Buy/Sales

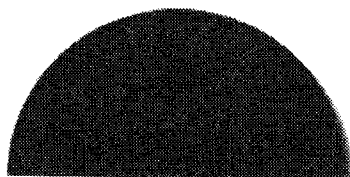


The **percentage of holders** (for all tracked portfolios) over time. Note that this data may contain estimates for confidential holdings and for portfolios for which no report has been filed yet.

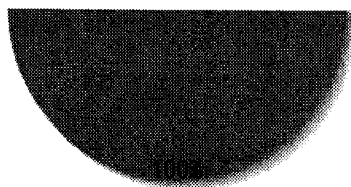
Details for Quarter Q2/2015

Biggest Holders

0%



HIGHBRIDGE CAPITAL MANAGEMENT LLC



The subjects that held the most of this security in this quarter.

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**UNITED STATES SECURITIES  
AND EXCHANGE COMMISSION  
Washington, D.C.**

<b>OMB APPROVAL</b>
OMB Number: 3235-0076
Estimated Average burden hours per response: 4.0

## FORM D

### Notice of Exempt Offering of Securities

#### 1. Issuer's Identity

CIK (Filer ID Number)

0001376610

Name of Issuer

Hycroft Mining Corp

Jurisdiction of  
Incorporation/Organization

DELAWARE

Previous Name(s) ☐ None

Allied Nevada Gold Corp.

Allied Nevada Gold Corp

Entity Type

- ☒ Corporation  
☐ Limited Partnership  
☐ Limited Liability Company  
☐ General Partnership  
☐ Business Trust  
☐ Other

Year of Incorporation/Organization

- ☒ Over Five Years Ago  
☐ Within Last Five Years (Specify Year)  
☐ Yet to Be Formed

#### 2. Principal Place of Business and Contact Information

Name of Issuer

Hycroft Mining Corp

Street Address 1

9790 GATEWAY DRIVE, SUITE 200

Street Address 2

City

RENO

State/Province/Country

NEVADA

ZIP/Postal Code

89521

Phone No. of Issuer

775-358-4455

### 3. Related Persons

Last Name	First Name	Middle Name
Buffington	Randy	
Street Address 1	Street Address 2	
9790 Gateway Drive	Suite 200	
City	State/Province/Country	ZIP/Postal Code
Reno	NEVADA	89521
Relationship:	<input checked="" type="checkbox"/> Executive Officer	<input checked="" type="checkbox"/> Director <input type="checkbox"/> Promoter
Clarification of Response (if Necessary)		

---

Last Name	First Name	Middle Name
Kirsch	David	
Street Address 1	Street Address 2	
9790 Gateway Drive	Suite 200	
City	State/Province/Country	ZIP/Postal Code
Reno	NEVADA	89521
Relationship:	<input type="checkbox"/> Executive Officer	<input checked="" type="checkbox"/> Director <input type="checkbox"/> Promoter
Clarification of Response (if Necessary)		

---

Last Name	First Name	Middle Name
Mercer	Jacob	
Street Address 1	Street Address 2	
9790 Gateway Drive	Suite 200	
City	State/Province/Country	ZIP/Postal Code
Reno	NEVADA	89521
Relationship:	<input type="checkbox"/> Executive Officer	<input checked="" type="checkbox"/> Director <input type="checkbox"/> Promoter
Clarification of Response (if Necessary)		

---

Last Name	First Name	Middle Name
Segal	Jonathan	
Street Address 1	Street Address 2	
9790 Gateway Drive	Suite 200	
City	State/Province/Country	ZIP/Postal Code
Reno	NEVADA	89521
Relationship:	<input type="checkbox"/> Executive Officer	<input checked="" type="checkbox"/> Director <input type="checkbox"/> Promoter
Clarification of Response (if Necessary)		

---

**Last Name**  
Feehan  
**First Name**  
Michael  
**Middle Name**  
  
**Street Address 1**  
9790 Gateway Drive  
**Street Address 2**  
Suite 200  
**City**  
Reno  
**State/Province/Country**  
NEVADA  
**ZIP/Postal Code**  
89521  
**Relationship:** ☐ Executive Officer ☒ Director ☐ Promoter  
**Clarification of Response (if Necessary)**

---

**Last Name**  
Jones  
**First Name**  
Stephen  
**Middle Name**  
M  
**Street Address 1**  
9790 Gateway Drive  
**Street Address 2**  
Suite 200  
**City**  
Reno  
**State/Province/Country**  
NEVADA  
**ZIP/Postal Code**  
89521  
**Relationship:** ☒ Executive Officer ☐ Director ☐ Promoter  
**Clarification of Response (if Necessary)**

---

#### 4. Industry Group

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Agriculture<br><br><input type="checkbox"/> Banking & Financial Services<br><input type="checkbox"/> Commercial Banking<br><input type="checkbox"/> Insurance<br><input type="checkbox"/> Investing<br><input type="checkbox"/> Investment Banking<br><input type="checkbox"/> Pooled Investment Fund<br><br><input type="checkbox"/> Other Banking & Financial Services | <input type="checkbox"/> Health Care<br><input type="checkbox"/> Biotechnology<br><input type="checkbox"/> Health Insurance<br><input type="checkbox"/> Hospitals & Physicians<br><input type="checkbox"/> Pharmaceuticals<br><input type="checkbox"/> Other Health Care<br><br><input type="checkbox"/> Manufacturing<br><br><input type="checkbox"/> Real Estate<br><input type="checkbox"/> Commercial<br><input type="checkbox"/> Construction<br><input type="checkbox"/> REITS & Finance<br><input type="checkbox"/> Residential<br><input type="checkbox"/> Other Real Estate | <input type="checkbox"/> Retailing<br><input type="checkbox"/> Restaurants<br><br><input type="checkbox"/> Technology<br><input type="checkbox"/> Computers<br><input type="checkbox"/> Telecommunications<br><input type="checkbox"/> Other Technology<br><br><input type="checkbox"/> Travel<br><input type="checkbox"/> Airlines & Airports<br><input type="checkbox"/> Lodging & Conventions<br><input type="checkbox"/> Tourism & Travel Services<br><input type="checkbox"/> Other Travel<br><input checked="" type="checkbox"/> Other |
|---|--|--|
- 
- ☐ Business Services  
   Energy  
     ☐ Coal Mining  
     ☐ Electric Utilities  
     ☐ Energy Conservation  
     ☐ Environmental Services  
     ☐ Oil & Gas  
     ☐ Other Energy

#### 5. Issuer Size

- | Revenue Range   | Aggregate Net Asset Value Range                       |
|---|---|
| <input type="checkbox"/> No Revenues                    | <input type="checkbox"/> No Aggregate Net Asset Value |
| <input type="checkbox"/> \$1 - \$1,000,000              | <input type="checkbox"/> \$1 - \$5,000,000            |
| <input type="checkbox"/> \$1,000,001 - \$5,000,000      | <input type="checkbox"/> \$5,000,001 - \$25,000,000   |
| <input type="checkbox"/> \$5,000,001 - \$25,000,000     | <input type="checkbox"/> \$25,000,001 - \$50,000,000  |
| <input type="checkbox"/> \$25,000,001 - \$100,000,000   | <input type="checkbox"/> \$50,000,001 - \$100,000,000 |
| <input type="checkbox"/> Over \$100,000,000             | <input type="checkbox"/> Over \$100,000,000           |
| <input checked="" type="checkbox"/> Decline to Disclose | <input type="checkbox"/> Decline to Disclose          |
| <input type="checkbox"/> Not Applicable                 | <input type="checkbox"/> Not Applicable               |

**6. Federal Exemption(s) and Exclusion(s) Claimed (select all that apply)**

- |  |  |
|--|--|
| <input type="checkbox"/> Rule 504(b)(1) (not (i), (ii) or (iii)) | <input type="checkbox"/> Rule 505                            |
| <input type="checkbox"/> Rule 504 (b)(1)(i)                      | <input checked="" type="checkbox"/> Rule 506(b)              |
| <input type="checkbox"/> Rule 504 (b)(1)(ii)                     | <input type="checkbox"/> Rule 506(c)                         |
| <input type="checkbox"/> Rule 504 (b)(1)(iii)                    | <input type="checkbox"/> Securities Act Section 4(a)(5)      |
|  | <input type="checkbox"/> Investment Company Act Section 3(c) |

**7. Type of Filing**

- ☒ New Notice      Date of First Sale 2015-10-22      ☐ First Sale Yet to Occur
- ☐ Amendment

**8. Duration of Offering**

Does the Issuer intend this offering to last more than one year?      ☐ Yes      ☒ No

**9. Type(s) of Securities Offered (select all that apply)**

- |   |   |
|---|---|
| <input type="checkbox"/> Pooled Investment Fund Interests   | <input type="checkbox"/> Equity   |
| <input type="checkbox"/> Tenant-in-Common Securities  | <input checked="" type="checkbox"/> Debt  |
| <input type="checkbox"/> Mineral Property Securities  | <input type="checkbox"/> Option, Warrant or Other Right to Acquire Another Security |
| <input checked="" type="checkbox"/> Security to be Acquired Upon Exercise of Option, Warrant or Other Right to Acquire Security | <input type="checkbox"/> Other (describe)   |

**10. Business Combination Transaction**

Is this offering being made in connection with a business combination transaction, such as a merger, acquisition or exchange offer?      ☐ Yes      ☒ No

Clarification of Response (if Necessary)

**11. Minimum Investment**

Minimum investment accepted from any outside investor      \$ 0 USD

## 12. Sales Compensation

Recipient

Recipient CRD Number

☐ None

(Associated) Broker or Dealer

☐ None

(Associated) Broker or Dealer CRD Number

☐ None

Street Address 1

Street Address 2

City

State/Province/Country

ZIP/Postal Code

State(s) of Solicitation

☐ All States



### 13. Offering and Sales Amounts

Total Offering Amount \$ 95000000 USD ☐ Indefinite  
Total Amount Sold \$ 95000000 USD  
Total Remaining to be Sold \$ 0 USD ☐ Indefinite

Clarification of Response (if Necessary)

### 14. Investors

- ☐ Select if securities in the offering have been or may be sold to persons who do not qualify as accredited investors,  
Number of such non-accredited investors who already have invested in the offering

Regardless of whether securities in the offering have been or may be sold to persons who do not qualify as accredited investors, enter the total number of investors who already have invested in the offering: 19

### 15. Sales Commissions & Finders' Fees Expenses

Provide separately the amounts of sales commissions and finders' fees expenses, if any. If the amount of an expenditure is not known, provide an estimate and check the box next to the amount.

Sales Commissions \$ 0 USD ☐ Estimate  
Finders' Fees \$ 0 USD ☐ Estimate

Clarification of Response (if Necessary)

### 16. Use of Proceeds

Provide the amount of the gross proceeds of the offering that has been or is proposed to be used for payments to any of the persons required to be named as executive officers, directors or promoters in response to Item 3 above. If the amount is unknown, provide an estimate and check the box next to the amount.

\$ 0 USD ☐ Estimate

Clarification of Response (if Necessary)

## Signature and Submission

Please verify the information you have entered and review the Terms of Submission below before signing and clicking SUBMIT below to file this notice.

### Terms of Submission

In submitting this notice, each Issuer named above is:

- Notifying the SEC and/or each State in which this notice is filed of the offering of securities described and undertaking to furnish them, upon written request, the information furnished to offerees.
- Irrevocably appointing each of the Secretary of the SEC and, the Securities Administrator or other legally designated officer of the State in which the Issuer maintains its principal place of business and any State in which this notice is filed, as its agents for service of process, and agreeing that these persons may accept service on its behalf, of any notice, process or pleading, and further agreeing that such service may be made by registered or certified mail, in any Federal or state action, administrative proceeding, or arbitration brought against it in any place subject to the jurisdiction of the United States, if the action, proceeding or arbitration (a) arises out of any activity in connection with the offering of securities that is the subject of this notice, and (b) is founded, directly or indirectly, upon the provisions of: (i) the Securities Act of 1933, the Securities Exchange Act of 1934, the Trust Indenture Act of 1939, the Investment Company Act of 1940, or the Investment Advisers Act of 1940, or any rule or regulation under any of these statutes, or (ii) the laws of the State in which the issuer maintains its principal place of business or any State in which this notice is filed.
- Certifying that the Issuer is not disqualified from relying on any Regulation D exemption it has identified in Item 6 above for one of the reasons stated in Rule 505(b)(2)(iii).

Each Issuer identified above has read this notice, knows the contents to be true, and has duly caused this notice to be signed on its behalf by the undersigned duly authorized person.

For signature, type in the signer's name or other letters or characters adopted or authorized as the signer's signature.

Issuer	Signature	Name of Signer	Title	Date
Hycroft Mining Corp	/s/ Stephen M. Jones	Stephen M. Jones	Executive Vice President, Secretary, Chief Financial Officer	2015-10-22

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

FILED  
2016 JAN 13 AM 10:34

CLERK  
US BANKRUPTCY COURT  
DISTRICT OF DELAWARE

IN RE:

CHAPTER 11

ALLIED NEVADA

CASE No. 15-10503(MFW)

GOLD CORP,et al.,<sup>1</sup>

Jointly Administered

DEBTORS

**NOTICE OF FILING EXHIBITS**

**PLEASE TAKE NOTICE**, Brian Tuttle pro se, hereby gives Notice that the attached exhibits have been filed in the above styled Court.

**PLEASE TAKE FURTHER NOTICE** the attached exhibits may be entered into evidence pursuant to the applicable rules of law.

Respectfully submitted,



<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.

**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 11 day of January, 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

jgoldstein@stroock.com mkeats@stroock.com gsasson@stroo.com

kpasquale@stroock.com Gregory.Mascitti@leclairryan.com



Brian Tuttle, pro se

3424 Belmont Blvd

Sarasota, Fl 34232

(941) 328 9015

K6v9581k3@gmail.com

FILED  
2016 JAN 13 AM 10:34  
U.S. BANKRUPTCY COURT  
DISTRICT OF FLORIDA

DEPOSITION QUESTIONS

1. Your declaration indicates you were personally responsible for positions in Allied Nevada's senior unsecured notes, did you also manage positions in Allied Nevada's Equity Securities?
2. If it was not you responsible for trading in Allied Nevada's Equity Securities can you name the person who was?
3. What about options, or derivatives?
4. Did your fund trade in options in Allied Nevada?
5. Please give a synopsis of your fund's trading of options in Allied Nevada?
6. What is the total amount of options your fund has as of today in Allied Nevada options?
7. Did Your fund purchase options in Allied Nevada in the first quarter of 2014?

8. When were the options initially traded?
9. Please disclose to me the positions your fund has held in allied Nevada options?
10. In your declaration you indicate additional notes were purchased?
11. When were initially purchase unsecured notes in Allied Nevada?
12. Did you or anyone at your fund sign a confidentially agreement with Allied Nevada?
13. When was the confidentiality agreement entered into?
14. Since the confidentiality was entered into has your fund traded in any of Allied Nevada's notes or securities?
15. When was the DIP facility first negotiated?

16. Was your fund involved in negotiations with Allied Nevada prior to the consensual restructuring?
17. Did you or any other representative of your fund attend any meeting with any representatives from Allied Nevada?
18. Please tell me the date and location of all meetings or phone conferences you or members of your firm attended and which representatives were at those meeting and or conferences?
19. Who else was at these meeting?
20. Were there any other executives or representatives of other mining companies in attendance at these meetings and or conferences?
21. Have you or your representatives been in communication with Mike Feehan or any other affiliate of Barrick Gold?
22. When did you initially communicate with Mike Feehan?
23. What were the topics of the meeting with ANV in Denver, Colorado on June 8, 2015?
24. What information did you get from June 8, 2015 to August 4, 2015?

25. Did an independent manager in your company tell you that you can trade again or you just decide that you can trade again?

26. What was the decision process to make such conclusion?





6383 Arizona Circle  
Los Angeles, CA 90045  
Phone (888) 882-6878  
Fax (888) 893-2746  
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Court Conference? Yes No CourtCall?

# INVOICE / RECEIPT

10/02/2015 10:54 AM

COURTCALL ID: 6987748  
CASE NUMBER/NAME: 15-10503 / Allied Nevada Gold Corp.

CUSTOMER REF. NUMBER:

DATE OF HEARING: Thursday, June 18th, 2015 at 2:00 PM ET

FIRM NAME: Brian T. Tuttle - In Pro Per/Pro Se

ATTORNEY/PARTY APPEARING: Brian T. Tuttle

TELEPHONE: (941) 328-9015

FAX/EMAIL:

BASIC FEE/LATE FEE: \$65.00

AMOUNT PAID: \$65.00

PAYMENT NOW DUE: \$0.00

## Payment Details

Method	Type	Amount	Reference	Date/Time
Credit	Charge	\$30.00	Visa ending in 5271	6/16/2015 7:40:56AM
Credit	Charge	\$35.00	Visa ending in 5271	6/30/2015 10:59:43AM

If the "Payment Now Due" indicated above is zero, no payment is due and this receipt is for your records only; otherwise, the amount indicated is now due.

If there is an amount due, please remit your payment upon receipt of this notice. If you have already sent payment please contact our Accounting Department as our records do not reflect receipt of payment at the time this notice was sent. IF PAYMENT IS NOT RECEIVED, FUTURE SERVICE MAY BE DENIED AND/OR THE COURT MAY BE ADVISED OF YOUR REFUSAL TO PAY.

**PAYMENT BY CREDIT CARD or COURTCALL DEBIT ACCOUNT:** Payment can be made online by registering and logging in at [www.courtcall.com](http://www.courtcall.com) or by calling (888) 882-6878 and selecting option "5" for the Accounting Department. Please have your CourtCall Debit Account number or complete credit card billing address in addition to the credit card number, expiration date and cardholder's full name available when making payment.

## PLEASE DETACH AND RETURN THE PORTION BELOW IF PAYING BY CHECK OR MONEY ORDER

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COURTCALL ID: 6987748

CASE NAME/NUMBER: 15-10503 / Allied Nevada Gold Corp.

CUSTOMER REF. NUMBER:

DATE OF HEARING: Thursday, June 18th, 2015 at 2:00 PM ET

FIRM NAME: Brian T. Tuttle - In Pro Per/Pro Se

ATTORNEY/PARTY APPEARING: Brian T. Tuttle

TELEPHONE: (941) 328-9015



6383 Arizona Circle  
Los Angeles, CA 90045  
Phone: (888) 882-6878  
Fax: (888) 883-2946  
CourtCall.com

CourtCall Reference: 15-10503 - CourtCall

# INVOICE / RECEIPT

10/02/2015 10:52 AM

COURTCALL ID: 7105467  
CASE NUMBER/NAME: 15-10503 / Allied Nevada Gold Corp.

## CUSTOMER REF. NUMBER:

DATE OF HEARING: Thursday, August 20th, 2015 at 11:30 AM ET

FIRM NAME: Brian T. Tuttle - In Pro Per/Pro Se

ATTORNEY/PARTY APPEARING: Brian T. Tuttle

TELEPHONE: (941) 328-9015

FAX/FMAIL:

BASIC FEE/LATE FEE: \$30.00

AMOUNT PAID: \$30.00

PAYMENT NOW DUE: \$0.00

## Payment Details

Method	Type	Amount	Reference	Date/Time
Credit	Charge	\$30.00	Visa ending in 5271	8/18/2015 11:04:56AM

If the 'Payment Now Due' indicated above is zero, no payment is due and this receipt is for your records only; otherwise, the amount indicated is now due.

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COURTCALL ID: 7105467

CASE NAME/NUMBER: 15-10503 / Allied Nevada Gold Corp.

## CUSTOMER REF. NUMBER:

DATE OF HEARING: Thursday, August 20th, 2015 at 11:30 AM ET

FIRM NAME: Brian T. Tuttle - In Pro Per/Pro Se

ATTORNEY/PARTY APPEARING: Brian T. Tuttle

TELEPHONE: (941) 328-9015



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10/02/2015 10:52 AM

COURTCALL ID: 7120296  
CASE NUMBER/NAME: 15-10503 / Allied Nevada Gold Corp.

## CUSTOMER REF. NUMBER:

DATE OF HEARING: Thursday August 27th, 2015 at 2:00 PM ET

FIRM NAME: Brian T. Tuttle - In Pro Per/Pro Se

ATTORNEY/PARTY APPEARING: Brian T. Tuttle

TELEPHONE: (941) 328-9015

FAX/EMAIL:

BASIC FEE/LATE FEE \$44.00

AMOUNT PAID \$44.00

PAYMENT NOW DUE: \$0.00

## Payment Details

Method	Type	Amount	Reference	Date/Time
Credit	Charge	\$30.00	Visa ending in 5271	8/28/2015 8:45:02AM
Credit	Charge	\$14.00	Visa ending in 5271	9/2/2015 5:01:36PM

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If there is an amount due, please remit your payment upon receipt of this notice. If you have already sent payment please contact our Accounting Department as our records do not reflect receipt of payment at the time this notice was sent. IF PAYMENT IS NOT RECEIVED, FUTURE SERVICE MAY BE DENIED AND/OR THE COURT MAY BE ADVISED OF YOUR REFUSAL TO PAY.

**PAYMENT BY CREDIT CARD or COURTCALL DEBIT ACCOUNT:** Payment can be made online by registering and logging in at [www.courtcall.com](http://www.courtcall.com) or by calling (888) 882-8878 and selecting option '5' for the Accounting Department. Please have your CourtCall Debit Account number or complete credit card billing address in addition to the credit card number, expiration date and cardholder's full name available when making payment.

## PLEASE DETACH AND RETURN THE PORTION BELOW IF PAYING BY CHECK OR MONEY ORDER

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COURTCALL ID: 7120296

CASE NAME/NUMBER: 15-10503 / Allied Nevada Gold Corp.

## CUSTOMER REF. NUMBER:

DATE OF HEARING: Thursday August 27th, 2015 at 2:00 PM ET

FIRM NAME: Brian T. Tuttle - In Pro Per/Pro Se

ATTORNEY/PARTY APPEARING: Brian T. Tuttle

TELEPHONE: (941) 328-9015



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10/02/2015 10:51 AM

### INVOICE / RECEIPT

COURTCALL ID: 7144259  
CASE NUMBER/NAME: 15-10503 / Allied Nevada Gold Corp.

**CUSTOMER REF. NUMBER:**

DATE OF HEARING: Friday, September 11th, 2015 at 10:00 AM ET

FIRM NAME: Brian T. Tuttle - In Pro Per/Pro Se

ATTORNEY/PARTY APPEARING: Brian T. Tuttle

TELEPHONE: (941) 328-9015

FAX/EMAIL:

BASIC FEE/LATE FEE: \$65.00

AMOUNT PAID: \$65.00

PAYMENT NOW DUE: \$0.00

The duration of this call was 116 minutes. The 'Basic Fee' above was calculated as follows:  
\$30.00 base fee for the first 45 minutes plus 5 x 15-minute increment(s) at \$7.00 each.

**Payment Details**

Method	Type	Amount	Reference	Date/Time
Credit	Charge	\$65.00	Visa ending in 5271	9/17/2015 4:51:52PM

If the 'Payment Now Due' indicated above is zero, no payment is due and this receipt is for your records only; otherwise, the amount indicated is now due.

If there is an amount due, please remit your payment upon receipt of this notice. If you have already sent payment please contact our Accounting Department as our records do not reflect receipt of payment at the time this notice was sent. IF PAYMENT IS NOT RECEIVED, FUTURE SERVICE MAY BE DENIED AND/OR THE COURT MAY BE ADVISED OF YOUR REFUSAL TO PAY.

**PAYMENT BY CREDIT CARD or COURTCALL DEBIT ACCOUNT:** Payment can be made online by registering and logging in at [www.courtcall.com](http://www.courtcall.com) or by calling (888) 882-6878 and selecting option '5' for the Accounting Department. Please have your CourtCall Debit Account number or complete credit card billing address in addition to the credit card number, expiration date and cardholder's full name available when making payment.

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COURTCALL ID: 7144259

CASE NAME/NUMBER: 15-10503 / Allied Nevada Gold Corp.

**CUSTOMER REF. NUMBER:**

DATE OF HEARING: Friday, September 11th, 2015 at 10:00 AM ET

FIRM NAME: Brian T. Tuttle - In Pro Per/Pro Se

ATTORNEY/PARTY APPEARING: Brian T. Tuttle

TELEPHONE: (941) 328-9015



# INVOICE

eScribers, LLC  
 700 W. 192nd St, Suite 607  
 New York, NY 10040  
 Phone: (973) 964-2250  
 Fax: (973) 964-5619  
 Website: www.escribers.net

Date: October 28, 2015

Invoice #: 58600

Delivery Type: Copy

To:  
 Brian Tuttle  
 3424 Belmont Blvd  
 Sarasota  
 Florida 34232

Requested by: Brian Tuttle

Assignment Number: BKDE00404 -Copy 3

In Reference To: Allied Nevada; 15-10503; 8-20-15

Description	Quantity	Each	Total
Copy	44	\$1.20	\$52.80
Federal Court Surcharge			\$20.00
Invoice Total			\$72.80

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 phone | (973) 406-2250  
 fax | (973) 964-5619  
 website | [www.escribers.net](http://www.escribers.net)  
 e-mail | [escribers-billing@escribers.net](mailto:escribers-billing@escribers.net)



# INVOICE

eScribers, LLC  
700 W. 192nd St. Suite 507  
New York, NY 10040  
(973) 406-3250  
Tax ID # 20-055-3707

Date: October 28, 2015

Invoice #: 58601

Delivery Type: Copy

To:  
Brian Tuttle  
3424 Belmont Blvd  
Sarasota  
Florida 34232

Requested by: Brian Tuttle

Assignment Number: BKOE00408-Copy 4  
In Reference To: Allied Nevada 15-10503: 8-27-15

Description	Quantity	Each	Total
Copy	57	\$1.20	\$68.40
Invoice Total			\$68.40

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phone | (973) 406-3250  
fax | (973) 954-5619  
website | [www.escribers.net](http://www.escribers.net)  
e-mail | [escribers-billing@escribers.net](mailto:escribers-billing@escribers.net)



# INVOICE

Attention: Billing  
Allied Nevada 15-10503: 10-6-15  
Law Office, NY 10040  
(973) 406-2250  
Fax (973) 354-5619

Date: October 29, 2015

Invoice #: 58696

Delivery Type: Copy

To:  
Brian Tuttle  
3424 Belmont Blvd  
Sarasota  
Florida 34232

Requested by: Brian Tuttle

Assignment Number: BKDE00424-Copy 2

In Reference To: Allied Nevada 15-10503: 10-6-15

Description	Quantity	Each	Total
Copy	188	\$0.90	\$169.20
Invoice Total			\$169.20

Payable to: eScribers, LLC  
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phone | (973) 406-2250  
fax | (973) 354-5619  
website | [www.escribers.net](http://www.escribers.net)  
e-mail | [escribers-billing@escribers.net](mailto:escribers-billing@escribers.net)

## BILLING STATEMENT

TO: Mr. Brian N Tuttle  
3424 Belmont Blvd  
Sarasota, Florida 34232

REQ. #: C-2016-0200

DATE: 11/10/2015

ATTN.: Brian N Tuttle

FOR: CERTIFICATION CHARGES  
NUMBER OF DOCUMENTS 5  
(\$4.00 per document)

TOTAL CHARGES \$ 20.00

If payment is not received within 30 days from the bill date on the billing statement, processing of new and existing requests will be suspended. Pursuant to 31 USC 3717, charges will be assessed on payments received after the due date, including interest accruing from the date the debt is owed.

Name of Company and Filing: Allied Nevada Gold Corp., 8-K, 10-Q (8/7/15 and 11/3/14), 10-K and 10-K/A.

SEC 91 (1-13)

-----  
Cut along this line

### Online Payments

Payments can now be submitted directly from a bank account or by credit/debit card using Pay.gov. The Pay.gov website allows remitters to make secure payments electronically to the SEC. It is an easy and convenient system that is available 7 days a week, 24 hours a day. The following link directs you to the Pay.gov website: <https://pay.gov/paygov/>. Please refer to the following link for detailed instructions to debtors on how to remit payments online using the Pay.gov website: [http://www.sec.gov/about/offices/ofm/pay.gov\\_instructions.pdf](http://www.sec.gov/about/offices/ofm/pay.gov_instructions.pdf)

### Payments by Mail

If paying by mail, checks or money orders should be made payable to the SEC and a copy of the invoice should be mailed to our new payment address noted below. Please refer to the following link for detailed instructions on how to remit payments: <http://www.sec.gov/about/offices/ofm.htm>.

Payable to: Securities and Exchange Commission

Mail to: Enterprise Service Center  
IIQ Bldg, Room 181, AMZ-341  
6500 South MacArthur Boulevard  
Oklahoma City, OK 73169



**UNITED STATES  
BANKRUPTCY COURT**  
DISTRICT OF DELAWARE  
CLAIMS DIVISION

8 87298 - CH

October 27, 2015  
14:04:38

**APPEAL**

15-10503-MFW11

Debtor: **ALBANY LLC**

As: **ALBANY LLC**

As: **ALBANY LLC**

**AMSCOT**

**Purchaser's Receipt**

10/25/15

Fee: 0.00

\$298.00

2172010837

**AMSCOT**

**Purchaser's Receipt**

09/23/15

Fee: 0.00

\$550.00

2172008507

AMSCOT CORPORATION

P.O. BOX 5000

TAMPA, FL 33600-5000

Total > \$298.00

FROM: BRIAN TUTTLE

**FedEx**

**CUSTOMER RECEIPT**

**STORE**

2400  
3600 South Tuttle Ave.  
Tuttle - Bee Plaza  
Sarasota, FL 34239 (US)  
Telephone: 941-922-3530  
Processed At: Aug 31, 16:26

**CUSTOMER**

Brian Tuttle  
3424 Belmont Blvd.  
Sarasota, FL 34232 (US)  
Telephone: 941-328-9015

**SHIPMENT INFORMATION**

Service: FedEx Express Saver®  
Ship Date: Aug 31, 2015  
Delivery Date: Sep 03, 2015  
Packaging: Customer Packaging  
Dims: 14x11x1 inches  
Weight: 0.80 lb  
Declared Value: \$300.00  
Spec. Handling:

**RECIPIENT**

Attn: Clerk  
3rd Floor  
824 N MARKET ST  
WILMINGTON, DE 19801-3024 (US)  
Telephone: 302-252-2906

The following information is provided for your reference only. It is not intended to be a contract. The actual service provided may vary from the information provided. The actual service provided may vary from the information provided. The actual service provided may vary from the information provided.

Tracking #  
7812 4887 5139

Billing Information:  
Pay at register

PAID USD

4 00212 58461 7

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**CUSTOMER RECEIPT**

**STORE**

2400  
3600 South Tuttle Ave.  
Tuttle - Bee Plaza  
Sarasota, FL 34239 (US)  
Telephone: 941-922-3530  
Processed At: Jul 21, 11:20

**CUSTOMER**

Brian Tuttle  
3424 Belmont Blvd.  
Sarasota, FL 34232 (US)  
Telephone: 941-328-9015

**SHIPMENT INFORMATION**

Service: FedEx Express Saver®  
Ship Date: Jul 21, 2015  
Delivery Date: Jul 24, 2015  
Packaging: FedEx® Envelope  
Weight: 0.80 lb  
Declared Value: \$300.00  
Spec. Handling:

**RECIPIENT**

Clerk of Court  
824 N MARKET ST 3rd Floor  
WILMINGTON, DE 19801-3024 (US)  
Telephone: 302-252-2906

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Tracking #  
7810 1423 2798

Billing Information:  
Pay at register

PAID USD

4 00212 58461 7

**FedEx****CUSTOMER RECEIPT**

STORE	CUSTOMER
OfficeMax 3580 South Tuttle Ave. Tuttle-See Plaza Sarasota, FL 34239 (US) Telephone: 941-322-3500 Processed At: Sep 22, 15:53	Brian Tuttle 3424 Belmont Blvd. Sarasota, FL 34232 (US) Telephone: 941-326-9015

SHIPMENT INFORMATION	RECIPIENT
Service: FedEx 2Day® Ship Date: Sep 22, 2015 Delivery Date: Sep 24, 2015 Packaging: FedEx Box Weight: 1.75 lb Declared Value: 0.00 USD Spec. Handling: Shipment Notifications	Attn: Clerk 324 N MARKET ST WILMINGTON, DE 19801-3324 (US) Telephone: 302-252-2900

You acknowledge and agree that each FedEx shipment you tender to shipping is covered by the applicable FedEx Express Terms and Conditions and/or FedEx Ground Terms and Conditions, as applicable, and that you warrant that the contents of the shipment are as described on the label and that you are not shipping any prohibited, restricted, or hazardous materials.

Tracking #  
7813 7773 7752

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Pay at register

27.03 USD



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STORE	CUSTOMER
OfficeMax 3580 South Tuttle Ave. Tuttle-See Plaza Sarasota, FL 34239 (US) Telephone: 941-322-3500 Processed At: Oct 19, 15:14	Brian Tuttle 3424 Belmont Blvd. Sarasota, FL 34232 (US) Telephone: 941-326-9015

SHIPMENT INFORMATION	RECIPIENT
Service: FedEx 2Day® Ship Date: Oct 19, 2015 Delivery Date: Oct 20, 2015 Packaging: FedEx Box Weight: 1.00 lb Declared Value: 0.00 USD Spec. Handling: Shipment Notifications	Attn: Clerk 324 N MARKET ST WILMINGTON, DE 19801-3324 (US) Telephone: 302-252-2900

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Tracking #  
7815 4196 7126

Billing Information:  
Pay at register

23.94 USD



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**STORE**

OfficeMax  
3580 South Tuttle Ave.  
Tuttle-See Plaza  
Sarasota, FL 34239 (US)  
Telephone: 941-322-3500  
Processed At: Aug 04, 17:58

**CUSTOMER**

Brian Tuttle  
3424 Belmont Blvd.  
Sarasota, FL 34232 (US)  
Telephone: 941-326-9015

**SHIPMENT INFORMATION**

Service: FedEx 2Day®  
Ship Date: Aug 04, 2015  
Delivery Date: Aug 05, 2015  
Packaging: FedEx Box  
Weight: 1.00 lb  
Declared Value: 0.00 USD  
Spec. Handling: Shipment Notifications

**RECIPIENT**

Attn: Clerk  
324 N MARKET ST  
WILMINGTON, DE 19801-3324 (US)  
Telephone: 302-252-2900

Tracking #  
7808 9590 3805

Billing Information:  
Pay at register

8.50 USD



Thank you for shipping with FedEx.

**FedEx****CUSTOMER RECEIPT**

STORE	CUSTOMER
OfficeMax 3580 South Tuttle Ave. Tuttle-See Plaza Sarasota, FL 34239 (US) Telephone: 941-322-3500 Processed At: Oct 19, 15:14	Brian Tuttle 3424 Belmont Blvd. Sarasota, FL 34232 (US) Telephone: 941-326-9015

SHIPMENT INFORMATION	RECIPIENT
Service: FedEx 2Day® Ship Date: Oct 02, 2015 Delivery Date: Oct 04, 2015 Packaging: FedEx Envelope Weight: 0.30 lb Declared Value: 0.00 USD Spec. Handling:	Attn: Clerk 324 N MARKET ST WILMINGTON, DE 19801-3324 (US) Telephone: 302-252-2900

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Tracking #  
7807 4776 3659

Billing Information:  
Pay at register

19.93 USD



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3680 S. Tuttle Ave.,  
Sarasota, FL 34239

08/04/2015 15:25 5:52 PM  
STR 6130 REG4 TRN 7841 EMP 286044

SALE  
Product ID Description Total  
167060 Bw SS Letter  
90 @ 0.13 11.70  
You Pay 11.70S  
954019 FOLDER BROWN  
FORM # 78109690 8.50 E  
Subtotal: 20.20  
Sales Tax: 0.82  
Total: 21.02  
Cash: 40.00  
CHANGE: (18.98)

Shop online at [www.officedepot.com](http://www.officedepot.com)

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Survey Code:

6130-04-7841-5



2PW59XP55U4YVPC8

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subsidiary OfficeMax Incorporated

# Office DEPOT OfficeMax

OFFICE DEPOT STORE 6130  
3680 S. Tuttle Ave.,  
Sarasota, FL 34239

08/31/2015 15:25 3:26 PM  
STR 6130 REG4 TRN 3229 EMP 286064

SALE  
Product ID Description Total  
3532509 FOX Saver 3DAY  
167060 Bw SS Letter  
76 @ 0.14 10.64  
You Pay 10.64S  
166962 Color SS Letter  
3 @ 0.66 1.98  
You Pay 1.98S  
Subtotal: 27.50  
Sales Tax: 0.89  
Total: 28.39  
Cash: 40.40  
CHANGE: (12.01)

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Visit [www.officemaxfeedback.com](http://www.officemaxfeedback.com) and enter the survey code below.

Survey Code:

6130-04-9229-10



29VT99XP05Y48Y4F8

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subsidiary OfficeMax Incorporated

# Office DEPOT OfficeMax

OFFICE DEPOT STORE 6130  
3680 S. Tuttle Ave.,  
Sarasota, FL 34239

15:49 3:15 PM  
REG 4 TRN 7809 EMP 286044

Description Total  
2DAY AM 23.94 E  
SS Letter  
13.44  
You Pay 13.44S  
Subtotal: 37.38  
Sales Tax: 0.95  
Total: 38.33  
Cash: 40.00

CHANGE: (1.67)

Shop online at [www.officedepot.com](http://www.officedepot.com)

## WE WANT TO HEAR FROM YOU!

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Visit [www.officemaxfeedback.com](http://www.officemaxfeedback.com) and enter the survey code below.

Survey Code:

6130-04-1809-5



2PT599PAE348YU68

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Office Depot, Inc., including its  
subsidiary OfficeMax Incorporated

# Office DEPOT OfficeMax

# Office DEPOT OfficeMax

CPU Children's World Bee Ridge

4525 Bee Ridge Rd

Sarasota, FL, 34234-2517

118430-8009

10/26/2015

09:46 AM

OFFICE DEPOT STORE #130

3680 S. Tuttle Ave.

Sarasota, FL 34234

10/26/2015 15:24 3:58 PM

OFFICE DEPOT STORE #130

OFFICE DEPOT STORE #130

3680 S. Tuttle Ave.

Sarasota, FL 34234

10/21/2015 15:24 11:24 AM

STR 6130 REGA STR 7202 STR 286064

SALE  
Product ID Description Total  
167191 BL SS Letter 3.90  
Description Qty Price 1597098 11.99 Mailer 3.90S  
You Pay 3.90S  
1.99 S

SALE  
Product ID Description Total  
167191 BL SS Letter 2.86  
22 8 13 2.86  
You Pay 2.86S  
3532539 FOX Saver 3DAY 15.00 E

PM Express 1 \$19.97 Sales Tax  
(Flat Rate Env)  
(Scheduled Deliv Day: Tue 10/27 03:00)  
(WILMINGTON, DE 19801)  
(Money Back Guarantee)  
(Signature waiver)  
(USPS Tracking #)  
(EX976286529US)  
(Includes \$100 Insurance)

Total \$19.97  
Cash \$20.00  
Change \$0.03

Save this receipt as evidence of ins.  
For information on filing an insurance  
claim go to  
usps.com/ship/file-domestic-claims.htm  
(domestic) or  
usps.com/ship/file-international-claims.htm  
(international).

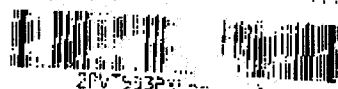
Thank you!

Bill #: 1-14414 1-8137783-2

Glax: CHRISJ

All sales final on stamps and po

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2PV793PXC

Shop online at [www.officedepot.com](http://www.officedepot.com)

WE WANT TO HEAR FROM YOU!

Participate in our online customer survey  
and receive a coupon for \$10 off your  
next qualifying purchase of \$50 or more on  
office supplies, furniture and more. (Excludes Technology. Limit 1 coupon per household/business.)  
Visit [www.officemaxfeedback.com](http://www.officemaxfeedback.com)  
and enter the survey code below

Survey Code

6130-04-7202-5



2PV793YPA664XY4C8

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Office Depot, Inc., including its  
subsidiary OfficeMax Incorporated.

# Office DEPOT OfficeMax

OFFICE DEPOT STORE 6130

3680 S. Tuttle Ave.

Sarasota, FL 34239

10/01/2015 15:24 2:01 PM

STR 6130 REG4 TRN 4836 EMP 29983

Description	Qty	Price
SUPSTIGUS	9.82	
Letter		

You Pay	4.68
---------	------

Subtotal: 14.48

Sales Tax: 0.33

Total: 14.81

Cash: 20.00

CHANGE: 5.19

\*\*\*\*\*

See at www.officedepot.com

\*\*\*\*\*  
WE WANT TO HEAR FROM YOU!

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www.officemaxfeedback.com

Enter the survey code below.

Survey Code:

6130-04-6030-4

\*\*\*\*\*



2PVT59535445V448

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# Office DEPOT OfficeMax

OFFICE DEPOT STORE 6130

3680 S. Tuttle Ave.

Sarasota, FL 34239

10/01/2015 15:24 2:01 PM

STR 6130 REG4 TRN 4836 EMP 29983

SALE

Product ID	Description	Total
3532500	FDX 20BY 6M	22.75
167060	BW 55 Letter	

44 2.0 14	6.16
-----------	------

You Pay	6.16
---------	------

Subtotal: 28.91

Sales Tax: 0.44

Total: 29.35

Cash: 110.65

CHANGE: 81.30

\*\*\*\*\*

Show online at www.officedepot.com

\*\*\*\*\*  
WE WANT TO HEAR FROM YOU!

Participate in our online customer survey and receive a coupon for \$10 off your next qualifying purchase of \$50 or more on office supplies, furniture and more. (Excludes Technology. Limit 1 coupon per household/business.)

Visit www.officemaxfeedback.com

and enter the survey code below.

Survey Code:  
6130-04-0840-10

\*\*\*\*\*



2PVT59535445V448

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# Office DEPOT OfficeMax

OFFICE DEPOT STORE 6130

3680 S. Tuttle Ave.

Sarasota, FL 34239

09/01/2015 15:24 5:11 PM

STR 6130 REG4 TRN 4836 EMP 29983

SALE

Product ID	Description	Total
3532410	FDX 20BY 4 30	19.93
167060	BW 55 Letter	

10 2 0.13	1.30
-----------	------

You Pay	1.30
---------	------

Subtotal: 21.23

Sales Tax: 0.10

Total: 21.33

Cash: 30.00

CHANGE: 8.67

\*\*\*\*\*

CARD: 5110001943510956

Please create your online rewards account at [officedepot.com/rewards](http://officedepot.com/rewards). You must complete your account in order to use your rewards card.

Show online at www.officedepot.com

\*\*\*\*\*  
WE WANT TO HEAR FROM YOU!

Participate in our online customer survey and receive a coupon for \$10 off your next qualifying purchase of \$50 or more on office supplies, furniture and more. (Excludes Technology. Limit 1 coupon per household/business.)

www.officemaxfeedback.com

and enter the survey code below.

Survey Code:  
6130-04-4836-7

\*\*\*\*\*



2PVT59535445V448

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# Office DEPOT OfficeMax

OFFICE DEPOT STORE 6130  
3680 S. Tuttle Ave.  
Sarasota, FL 34239

08/20/15 10:49 4:02 PM  
5130 REG 4 TRN 4921 EMP 259815

Product ID	Description	Total
32600	FDX 2DAY AM	27.90
360	BW SS Letter	0.98
You Pay		0.98
Subtotal:		28.93
Sales Tax:		0.07
Total:		29.00
Cash:		30.00
CHANGE:		(1.00)

Shop online at [www.officedepot.com](http://www.officedepot.com)

# Office DEPOT OfficeMax

OFFICE DEPOT STORE 6130  
3680 S. Tuttle Ave.  
Sarasota, FL 34239

10/30/2015 10:49 1:45 PM  
STR 6130 REG 4 TRN 2514 EMP 286064

Product ID	Description	Total
37060	BW SS Letter	60.34
431	BW 14	-8.62
You Pay		51.72
32600	FDX 2DAY AM	34.19
Subtotal:		85.91
Sales Tax:		3.63
Total:		89.54
Cash:		100.00

CHANGE (10.46)

Total Savings:  
\$8.62

## WE WANT TO HEAR FROM YOU!

Participate in our online customer survey and receive a coupon for \$10 off your next qualifying purchase of \$50 or more on office supplies, furniture and more. (Excludes Technology. Limit 1 coupon per household/business.)  
Visit [www.officemaxfeedback.com](http://www.officemaxfeedback.com) and enter the survey code below.

Survey Code  
6130-04-2514-C



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Office Depot, Inc. including its  
subsidiary OfficeMax Incorporated

# Office DEPOT OfficeMax

OFFICE DEPOT STORE 6130  
3680 S. Tuttle Ave.  
Sarasota, FL 34239

09/22/2015 15:25 3:35  
STR 6130 REG 4 TRN 350 EMP 287044

Product ID	Description	Total
347	BW 14	48.58
347	BW 14	5.94
You Pay		41.6
3532410	FDX 2DAY 4 30	27.31
Subtotal:		68.61
Sales Tax:		2.92
Total:		71.53
Cash:		72.00
CHANGE:		(0.47)

Total Savings:  
\$6.94

## WE WANT TO HEAR FROM YOU!

Participate in our online customer survey and receive a coupon for \$10 off your next qualifying purchase of \$50 or more on office supplies, furniture and more. (Excludes Technology. Limit 1 coupon per household/business.)  
Visit [www.officemaxfeedback.com](http://www.officemaxfeedback.com) and enter the survey code below.

Survey Code  
6130-04-0350-4



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Office Depot, Inc. including its  
subsidiary OfficeMax Incorporated

CPU Children's World Bee Ridge

4525 Bee Ridge Rd

Sarasota, FL 34233-2517

118430-8003

015

02:14:48 PM

## Sales Receipt

Item	Qty	Price
------	-----	-------

Mass Parcel	1	\$2.54
-------------	---	--------

Expected Delivery Day Sat 09/26

WILSON, MA 02780

Weight: 0 Lb 1.90 Oz

SPS Tracking #

01214 4141 5266 0003 37

\$2.54

\$2.54

Tracking or inquiries go to USPS.com  
1-800-222-1811.

Thank you!

1-14414-1-3084700-2

MICHAEL

Sales final on stamps and postage.

Jersey Mike's Subs 13015

111 Maxx Plaza

Sarasota, FL 34233

Phone: 941-921-8111

Fax: 941-921-7344

## Dine In

Jersey Mike's Subs 13015

111 Maxx Plaza

Sarasota, Florida 34233

Phone: 941-921-8111

Fax: 941-921-7344

Ticket: 01-000161-01-366791

Server: Cody 12/08/15 4:56 PM

Regular: #8 7.99

Sub Total:	\$7.99
Taxable:	\$7.99
7% Tax:	\$0.56
Total:	\$8.55

Tendered cash:	\$9.00
Change:	\$0.45

## Items sold: 1

JM Club #: \*\*\*\*\*2875

Registration Code: 2875

Purchase points: 6

Bonus points: 0

Current balance: 42 points

Download our Mobile App

<http://www.skyyapp.com/jm>Text JOIN TO JMBUS to receive weekly  
text message offers for  
Jersey Mike's Subs.



UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE

-----X  
In re: : Chapter 11  
GT Advanced Technologies Inc., et al., : Case No. 14-11916-HJB  
Debtors.<sup>1</sup> : (Jointly Administered)  
-----X

FOURTH AMENDED VERIFIED STATEMENT PURSUANT TO  
BANKRUPTCY RULE 2019

Akin Gump Strauss Hauer & Feld LLP ("Akin Gump") and Drummond Woodsum ("Drummond") hereby submit this fourth amended verified statement (the "Fourth Amended Verified Statement") pursuant to Rule 2019 of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rule 2019") and respectfully state as follows:

1. Akin Gump and Drummond represent certain unaffiliated holders (the "Noteholders") of obligations arising from (a) 3% Convertible Senior Notes due 2017 (the "2017 Notes") issued pursuant to (i) that certain Indenture (the "Base Indenture"), dated as of September 28, 2012, among GT Advanced Technologies Inc. ("GTAT"), as issuer, and U.S. Bank National Association, as trustee (in such capacity, the "Trustee") and (ii) that certain First Supplemental Indenture to the Base Indenture, dated as of September 28, 2012, among GTAT, as issuer, and the Trustee, with respect to the 2017 Notes, and (b) 3% Convertible Senior Notes due 2020 (the "2020 Notes" and, together with the 2017 Notes, the "Notes") issued pursuant to (i) the Base Indenture and (ii) that certain Second Supplemental Indenture to the Base Indenture, dated

<sup>1</sup> The Debtors, along with the last four digits of each debtor's tax identification number, as applicable, are: GT Advanced Technologies Inc. (6749), GTAT Corporation (1760), GT Advanced Equipment Holding LLC (8329), GT Equipment Holdings, Inc. (0040), Lindbergh Acquisition Corp. (5073), GT Sapphire Systems Holding LLC (4417), GT Advanced Cz LLC (9815), GT Sapphire Systems Group LLC (5126), and GT Advanced Technologies Limited (1721). The Debtors' corporate headquarters are located at 243 Daniel Webster Highway, Merrimack, NH 03054.



as of December 10, 2013, among GTAT, as issuer, and the Trustee, with respect to the 2020 Notes.

2. On October 30, 2014, Akin Gump and Drummond filed the *Verified Statement Pursuant to Bankruptcy Rule 2019* [ECF No. 378], listing the nature and amounts of all “disclosable economic interests” (as defined by Bankruptcy Rule 2019(a)(1)) in relation to the Debtors that each of the Noteholders held as of October 30, 2014.

3. On October 31, 2014, Akin Gump and Drummond filed the *Amended Verified Statement Pursuant to Bankruptcy Rule 2019* [ECF No. 400].

4. On February 13, 2015, Akin Gump and Drummond filed the *Second Amended Verified Statement Pursuant to Bankruptcy Rule 2019* [ECF No. 1275] and the *Modified Second Amended Verified Statement Pursuant to Bankruptcy Rule 2019* [ECF No. 1276].

5. On April 29, 2015, Akin Gump and Drummond filed the *Third Amended Verified Statement Pursuant to Bankruptcy Rule 2019* [ECF No. 1731].

6. In connection with these chapter 11 cases, Akin Gump and Drummond do not represent or purport to represent any other entities in connection with the chapter 11 cases, except that (a) Akin Gump and Drummond represent certain of the Noteholders as lenders that provided the Debtors with a postpetition financing facility (the “DIP Loans”) pursuant to that Senior Secured Superpriority Debtor-In-Possession Credit Agreement, dated as of July 27, 2015 and (b) Drummond represented Fidelity Convertible Securities Investment Trust as local counsel on a limited matter that has now been concluded. Akin Gump and Drummond do not represent the Noteholders as a “committee” (as such term is employed in the Bankruptcy Code and Bankruptcy Rules) and do not undertake to represent the interests of, and are not fiduciaries for,

any creditor, party in interest, or entities other than the Noteholders. In addition, the Noteholders do not represent or purport to represent any other entities in connection with the chapter 11 cases.

7. The Noteholders hold claims or manage accounts that hold claims against the Debtors' estates arising from the purchase of the Notes. In accordance with Bankruptcy Rule 2019, a list of the names, addresses, and "the nature and amount of all disclosable economic interests" in relation to the Debtors reported to Akin Gump and/or Drummond to be held as of the date of this Verified Statement by each of the Noteholders is attached hereto as Exhibit A.

8. Nothing contained in this Fourth Amended Verified Statement (or the exhibits hereto) should be construed as a limitation upon, or waiver of, the rights of any Noteholder to assert, file and/or amend any claim in accordance with applicable law and any orders entered in these cases.

9. Additional holders of Notes may become Noteholders, and certain of the Noteholders may cease to be Noteholders in the future. Akin Gump and Drummond reserve the right to amend or supplement this Fourth Amended Verified Statement in accordance with the requirements set forth in Bankruptcy Rule 2019.

Dated: August 20, 2015

Respectfully submitted,

/s/ Jeremy R. Fischer

Benjamin E. Marcus (BNH # 06561)

Jeremy R. Fischer (BNH # 07143)

DRUMMOND WOODSUM

1001 Elm Street, #303

Manchester, New Hampshire 03101

Telephone: (603) 716-2895

E-mail: bmarcus@dwmlaw.com

jfischer@dwmlaw.com

- and -

Michael S. Stamer (admitted *pro hac vice*)

Brad M. Kahn (admitted *pro hac vice*)

AKIN GUMP STRAUSS HAUER & FELD LLP

One Bryant Park

New York, New York 10036

Telephone: (212) 872-1000

E-mail: mstamer@akingump.com

bkahn@akingump.com

**Exhibit A**

NAME	ADDRESS	NATURE AND AMOUNT OF DISCLOSABLE ECONOMIC INTEREST
Advantage Capital Management	1221 Brickell Ave Unit 2660 Miami, FL 33131	\$2,621,000.00 of 2017 Notes \$1,120,000.00 of 2020 Notes \$180,981.97 of DIP Loans
AQR Capital Management, LLC, as investment manager on behalf of the funds and accounts it manages	Two Greenwich Plaza, 3 <sup>rd</sup> Floor Greenwich, CT 06830	\$6,705,000.00 of 2017 Notes \$3,505,797.23 of DIP Loans
Aristeia Capital, LLC	136 Madison Avenue, 3 <sup>rd</sup> Floor New York, NY 10016	\$12,367,000.00 of 2017 Notes \$23,175,000.00 of 2020 Notes \$16,029,493.67 of DIP Loans
BNP Paribas Securities Corp.	787 Seventh Avenue, 8 <sup>th</sup> Floor New York, NY 10019	\$4,220,000.00 of 2017 Notes \$11,275,000.00 of 2020 Notes Short position of 298,529 shares of common stock
Castle Creek Arbitrage LLC	227 W. Monroe, Suite 3550 Chicago, IL 60606	\$2,750,000.00 of 2017 Notes \$3,500,000.00 of 2020 Notes
CNH Partners, LLC, as investment manager on behalf of the funds and accounts it manages	Two Greenwich Plaza, 3 <sup>rd</sup> Floor Greenwich, CT 06830	\$1,215,000.00 of 2017 Notes
Jefferies LLC	520 Madison Ave New York, NY 10022	\$2,000,000.00 of 2017 Notes \$7,500,000.00 of 2020 Notes \$5,227,810.03 of DIP Loans
Latigo Partners, L.P.	450 Park Avenue, 12 <sup>th</sup> Floor New York, NY 10022	\$9,000,000.00 of 2017 Notes \$16,265,000.00 of 2020 Notes \$4,524,549.36 of DIP Loans 600,000 shares of common stock
New Generation Advisors, LLC	49 Union St. Manchester, MA 01944	\$25,550,000.00 of 2017 Notes \$11,400,000.00 of 2020 Notes \$11,161,217.66 of DIP Loans

Pine River Capital Management L.P., on behalf of the funds and accounts it manages	601 Carlson Parkway, Suite 330 Minnetonka, MN 55305	\$11,848,000.00 of 2017 Notes \$6,500,00.00 of 2020 Notes \$6,953,684.94 of DIP Loans
Privet Fund Management LLC	79 West Paces Ferry Road 2nd Floor Atlanta, GA 30305	\$17,176,000.00 of 2017 Notes \$10,938,000.00 of 2020 Notes \$4,378,670.45 of DIP Loans
Putnam Investment Management, LLC and The Putnam Advisory Company, LLC	One Post Office Square Boston MA 02109	\$3,880,00.00 of 2020 Notes
Quantum Partners LP	888 Seventh Avenue, 33 <sup>rd</sup> Fl. New York, NY 10106	\$3,750,000.00 of 2017 Notes \$17,738,000.00 of 2020 Notes \$9,122,027.04 of DIP Loans 889,120 shares of common stock Unsecured claims totaling \$5,000,000
Scoggin Capital Management LLC	660 Madison Avenue 20 <sup>th</sup> Floor New York, NY 10065	\$12,000,000.00 of 2017 Notes \$4,350,000.00 of 2020 Notes Unsecured claims totaling \$3,000,000.00
Whitebox Advisors LLC	3033 Excelsior Boulevard Suite 300 Minneapolis, MN 55416	\$1,049,000.00 of 2020 Notes \$13,633,136.04 of DIP Loans Unsecured claims totaling \$3,406,024.39
Wilfrid Aubrey LLC	405 Lexington Avenue Suite 3503 New York, NY 10174	\$3,000,000.00 of 2017 Notes \$4,000,000.00 of 2020 Notes \$750,135.42 of DIP Loans
Wolverine Flagship Fund Trading Limited	c/o Wolverine Asset Management, LLC 175 W. Jackson Blvd., Suite 340 Chicago, IL 60604	\$30,400,000.00 of 2017 Notes \$11,730,215.38 of DIP Loans Short position of 317,616 shares of common stock, long position in 3,553 put option contracts, net short position in 2,327 call option contracts

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CNBC  
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# GTAT Put Activity Was Off The Charts Prior to BK Filing

October 6, 2014 10:41 AM



Najarian Brothers

1 notes



With GT Advanced Technologies down more than 90 percent today on its bankruptcy filing, we did some forensics on recent trading to see what it showed.

GTAT shares were slammed on Sept. 9 as sapphire glass, its alternative to Corning's Gorilla Glass, would not be part of Apple's iPhone 6 line.

Shares closed at \$17.15 on Sept. 8 on turnover of 8.8 million shares. The introduction of iPhone 6 without sapphire screens spiked shares down to \$14.95 on a turnover of 38 million shares. In the following session, GTAT hit \$12.78 on 41 million shares as institutions fled as fast as their fiber-optic lines could carry the sell orders.

The stock eventually made it to the \$11 area, which seemed to support shares and exhaust sellers, that is until today's bankruptcy announcement. Shares broke a dollar on the swoon as shocked traders/investors hit the exits. But now, as Paul Harvey would famously say, the rest of the story.

In August, robust trading in GTAT puts would average 14,883 contracts.

I imagine that none of us would be surprised to see that the GTAT put would be above normal on the Sept. 9, when the new iPhone was introduced. Sure enough, some 48,500 puts changed hands that day. However, on Wednesday last week, Oct. 1, GTAT puts traded even more than on Sept. 9, turning over 51,000 contracts! Then last Thursday, Oct. 2, another 63,000 puts hit our systems.

Puts with the largest bets that GTAT would hit the skids included:

- Oct. 10 expiry 10 strike puts
- Nov expiry 11 strike puts
- Oct. 24 expiry 13 strike puts

Each of these puts surged as shares broke a dollar today, providing returns of up to 20 times the original investment.

On Oct. 2 GTAT did postpone its previously announced business update conference call until this week, taking shares briefly to a low of \$9.70 that day, but they closed above \$11 in that session and again the next day.

t 1 notes



View Comments (14)



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VIX Sonar Report, CNBC stuff, Cool things

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Big 1x2 Call spread for Vega on VIX Sonar Report

smaller volumes on VIX Sonar Report today

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0.00%

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0.0000 (0.00%)

NASDAQ



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