

Dated: August 16, 2024



Eddward P. Ballinger Jr., Chief Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

<p>In re: Elevation Gold Mining Corporation, Debtor in a Foreign Proceeding.</p>	<p>Chapter 15 (Jointly Administered) Case No. 2:24-bk-06359-EPB Order Granting Provisional Relief And Notice Of Hearing</p>
<p>In re: Golden Vertex Corp., Debtor in a Foreign Proceeding.</p>	<p>Case No. 2:24-bk-06364-EPB</p>
<p>In re: Golden Vertex (Idaho) Corp., Debtor in a Foreign Proceeding.</p>	<p>Case No. 2:24-bk-06367-EPB</p>
<p>In re: Eclipse Gold Mining Corporation, Debtor in a Foreign Proceeding.</p>	<p>Case No. 2:24-bk-06368-EPB</p>
<p>In re: Alcmene Mining Inc., Debtor in a Foreign Proceeding.</p>	<p>Case No. 2:24-bk-06370-EPB</p>
<p>In re: Hercules Gold USA LLC, Debtor in a Foreign Proceeding.</p>	<p>Case No. 2:24-bk-06371-EPB</p>

This matter was brought by KSV Restructuring Inc., as the court-appointed monitor (the “**Monitor**”) and authorized foreign representative of the above-captioned debtors (the “**Group**”)

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1 in a proceeding No. S-245121 (the “**Canadian Proceeding**”) under Canada’s *Companies’*
2 *Creditors Arrangement Act*, R.S.C. 1985, c. C-36, (as amended, the “**CCAA**”), pending before
3 the Supreme Court of British Columbia (the “**Canadian Court**”) with the filing of a *Motion for*
4 *Provisional Relief* (the “**Motion**”) (DE 9) seeking the entry of an order giving effect in the United
5 States to the Order of the Canadian Court dated August 1, 2020 (together with any extensions or
6 amendments thereof authorized by the Canadian Court, the “**Initial Order**”) and granting such
7 other and further relief as the Court finds appropriate under the circumstances (together, the
8 “**Provisional Relief**”).¹

9 The Monitor further filed a *Motion for Order Specifying Form and Manner of Service of*
10 *Notice and Scheduling Recognition Hearing* (DE 11).

11 After notice, the Court conducted a hearing on the motions on August 14, 2024. No
12 objections were received or filed.

13 The Monitor maintains a website for creditors and interested parties to review copies of
14 papers filed in the Canadian Proceeding or these jointly administered cases at:

15 <https://www.ksvadvisory.com/experience/case/elevation-gold-mining-corporation-inc>

16 The Court has considered and reviewed the Motion and the other pleadings and
17 documents submitted by the Monitor in support thereof, including the *Verified Petition for*
18 *Recognition of Foreign Proceeding and Related Relief* (the “**Chapter 15 Petition**”), the
19 *Memorandum of Law in Support of Verified Petition for Recognition of the Foreign*
20 *Proceeding and Related Relief*, and the *Declaration of Ken Coleman*, dated August 1, 2020, each
21 filed in this case, and the record in this case.

22 After due deliberation and sufficient cause appearing therefore, the Court finds and
23 concludes as follows:

24 (A) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334
25 and 11 U.S.C. § 1501;

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28 ¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

- 1 (B) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(P);
- 2 (C) venue is proper in this District pursuant to 28 U.S.C. § 1410;
- 3 (D) the Monitor has given appropriate, sufficient and timely notice of the Motion;
- 4 (E) the Court has the authority to grant the Provisional Relief under 11 U.S.C. §§
- 5 105(a), 1519, 1521, and 1522;
- 6 (F) the Provisional Relief is needed to protect the interests of the Group and their
- 7 creditors, employees, and other parties in interest, as permitted by 11 U.S.C. § 1519(a);
- 8 (G) the interests of the Group’s creditors and other parties in interest, including each
- 9 member of the Group, are sufficiently protected by the Court’s grant of the Provisional Relief, as
- 10 required by 11 U.S.C. § 1522(a);
- 11 (H) the Monitor has demonstrated a substantial likelihood of success that (i) the
- 12 Canadian Proceeding is entitled to recognition as a “foreign main proceeding” or a “foreign
- 13 nonmain proceeding” as those terms are defined in 11 U.S.C. § 1502(4), (ii) the Monitor is a
- 14 “foreign representative” and a “person” as those terms are defined in 11 U.S.C. §§ 101(24) and
- 15 (41), (iii) all the requirements for recognition of the Canadian Proceeding are satisfied in
- 16 accordance with 11 U.S.C. § 1517, and (iv) upon recognition, the Initial Order will be given full
- 17 force and effect in the United States on a final basis under 11 U.S.C. §§ 1507 and 1521;
- 18 (I) immediate irreparable harm will result to the Group and its creditors,
- 19 employees, and other parties in interest if the Provisional Relief is not granted on an
- 20 expedited basis pending final disposition of the Chapter 15 Petition, and no injury will result
- 21 to any party that is greater than the harm to Group in the absence of the Provisional Relief;
- 22 (J) the interests of the public will be served by the Court’s granting the Provisional
- 23 Relief; and
- 24 (K) due to the nature of the Provisional Relief, the Court finds that no security is
- 25 required under Rule 65(c) of the Federal Rules of Civil Procedure.

26 **NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:**

- 27 1. The Motion is **GRANTED**.
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1 2. The Initial Order is hereby given full force and effect in the United States,
2 effective immediately on an interim basis and until such time as the Court conducts a final
3 hearing on, and enters a final order with respect to, the relief sought by the Monitor in the
4 Chapter 15 Petition.

5 3. Nothing in this Order shall enjoin a police or regulatory act of a governmental
6 unit, including a criminal action or proceeding, to the extent set forth in 11 U.S.C. §§ 362(b)
7 and 1521(d).

8 4. Pursuant to Rule 7065 of the Federal Rules of Bankruptcy Procedure, the security
9 provision of Rule 65(c) of the Federal Rules of Civil Procedure is waived.

10 5. The Court finds good cause to conduct a final hearing in this matter on less than 21
11 days' notice and to waive the requirement that the Monitor attach a copy of the Chapter 15
12 Petition to this Order.

13 6. The Court will conduct a final hearing on the provisional relief granted in this
14 Order, as well as the Monitor's request for a recognition order concerning the Canadian
15 Proceeding, on August 27, 2024 at 1:30 p.m. (Arizona time).

16 7. Objections to the relief requested by the Monitor shall be filed with the Court and
17 served upon the Monitor's counsel on or before August 23, 2024.

18 8. Within forty-eight hours of the entry of this Order, the Monitor shall serve a
19 true and correct copy of this Order by e-mail, where practicable, and where e-mail service is
20 impracticable, by United States mail, first-class postage prepaid or by overnight courier, to:
21 (a) the Office of the United States Trustee for the District of Arizona; (b) Patriot Gold Corp;
22 (c) Maverix Metals Inc.; (d) all other parties to litigation currently pending in the United
23 States in which a member of the Group is a party; and (e) all known material U.S. creditors
24 and contract counterparties of the Group. Such service shall constitute due, adequate and
25 sufficient service and notice, and no other or further service or notice shall be required.

26 9. Notwithstanding any applicable Bankruptcy Rule, the terms and condition of this
27 Order shall be immediately effective and enforceable upon its entry.
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10. This Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

DATED AND SIGNED ABOVE

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