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7
8 **UNITED STATES BANKRUPTCY COURT**
DISTRICT OF ARIZONA

9 In re:

10 Elevation Gold Mining Corporation, *et al.*,

11 Debtor in a Foreign Proceeding.

Chapter 15

Case No. 2:24-bk-06359-EPB

(Jointly Administered)

Monitor's Supplemental Report

Date: November 5, 2024

Time: 10:30 a.m.

Location: Telephonic

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16 This is a status report by KSV Restructuring Inc. as Monitor and Foreign
17 Representative (the “**Monitor**”) with respect to the Monitor’s Motion For Recognition and
18 Enforcement of Canadian Financing and KERP Order the “**DIP/KERP Motion**”) (Dkt. #50)
19 and objections thereto. This Court will recall that the DIP/KERP Motion seeks recognition of
20 the order of the Canadian Court approving the Group’s September 26, 2024 application (the
21 “**Approval Order**”) attached as Exhibit A to the Motion. Counsel for Patriot Gold Corporation
22 participated in the hearing before the Canadian Court.¹ In their objections to this Court, Patriot
23 and Nomad (“**Objectors**”) raise questions and objections they did not assert in the Canadian
24 Proceeding. Since the hearing before this Court, the Monitor has attempted to address those
25 concerns, and advise the Court via this report.

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28 ¹ Motion, Exhibit A, Schedule A at Dkt. #50, Exhibit A, p. 6.

1 **Confidentiality.** Objectors suggest the KERP is being offered in secret, not having
2 objected to the confidential filing in the Canadian Court. With Debtors’ consent, the Monitor
3 promptly filed the Monitor’s Motion To File Under Seal at Dkt. #75 in order to provide the
4 Court with the Confidential 4th Affidavit of Tim Swendseid sworn on September 19, 2024 (the
5 “**Confidential Swendseid Affidavit**”) under seal and to provide a copy of the same to counsel
6 for the Objectors upon request and execution of an appropriate confidentiality stipulation.

7 **Need and Timing.** Objectors want this Court to consider the Motion without regard to
8 the Approval Order and the nature of this proceeding as ancillary to a foreign main proceeding.
9 In that regard, Objectors demand information they say the Court would require under § 364 as
10 to the DIP and § 363 as to the KERP. The Monitor requested that Neville Dastoor of INFOR
11 Financial Inc. (“**INFOR**”), as Sales Agent for the Group under the sale and investment
12 solicitation process (the “**SISP**”) being conducted pursuant to an order of the Supreme Court
13 of British Columbia in Vancouver dated August 12, 2024, provide this Court with additional
14 information. Mr. Dastoor executed the Declaration attached as **Exhibit A** hereto explaining the
15 need for the DIP and the KERP.

16 *Accounting.* Objectors claim they lack information about Mine operation, having made no
17 such request in the Canadian Proceeding. All filings in the Canadian Proceeding (other than the
18 Confidential Affidavit) are not only public, but they are posted by the Monitor on the web at this
19 link: <https://www.ksvadvisory.com/experience/case/elevation-gold-mining-corporation-inc>.

20 The Canadian Court and parties have been provided with the following, which Objectors
21 therefore have received and reviewed, and the Monitor has filed with this Court:

- 22 • Elevation Gold Mining Corporation Consolidated Statements of Financial
23 Position, December 31, 2023;²
- 24 • Elevation Gold Mining Corporation Consolidated Interim Statements of Financial
25 Position, March 31, 2024;³

26 _____
27 ² Dkt. #3, at PDF pp. 201-238.

28 ³ Dkt. #3, at PDF pp. 241-265.

- 1 • Elevation Gold Mining Corporation Consolidated Statement of Financial Position,
2 June 30, 2024;⁴
- 3 • Pre-Filing Report of KSV Restructuring Inc. as Proposed Monitor dated July 30,
4 2024, including Section 4.0 Cash Flow Forecast;⁵
- 5 • First Report of KSV Restructuring Inc. as Monitor dated August 7, 2024, which,
6 among other things, included at Appendix B a Cash Flow Forecast for July 27 to
7 October 25, 2024;⁶
- 8 • Second Report of KSV Restructuring Inc. as Monitor dated September 20, 2024,
9 which, among other things, explains the DIP and the KERP and updates the
10 weekly cash flow projection through November 29, 2024;⁷
- 11 • Third Report of KSV Restructuring Inc. as Monitor dated October 23, 2024,
12 which, among other things, includes Section 5.0 Performance Against the Initial
13 Cash Flow Forecast and attaches as Appendices A and B Debtors' updated cash
14 flow forecast and the Monitor's comments thereon.⁸
- 15 • Objectors further request an accounting of revenue generated from the leach pad
16 vis a vis their claims. The Monitor asked Debtors for this information and is
17 advised as follows :

	Post-filing at 9/30/24
Patriot	205,943
Nomad	42,198

24 ⁴ Dkt. #3, at PDF p. 267.

25 ⁵ Dkt. #3, at PDF pp. 422-452.

26 ⁶ Dkt. #25, at PDF pp. 116-157.

27 ⁷ Dkt. #50, at PDF pp. 39-283.

28 ⁸ Dkt. #67, at PDF pp. 37-59.

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The Monitor is further advised that in the Superior Court of Arizona proceedings concerning Patriot’s request for appointment of a receiver, that Golden Vertex provided written discovery responses that provided requested financial information.

The Monitor requests that the Court approve the Motion.

DATED November 4, 2024.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Robert M. Charles, Jr.
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and

By: /s/ Ken Coleman
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Attorneys for KSV Restructuring Inc. as Monitor and Foreign Representative of Elevation Gold Mining Corporation, Eclipse Gold Mining Corporation, Alcmene Mining Inc., Golden Vertex Corp. Golden Vertex (Idaho) Corp. and Hercules Gold USA LLC

CERTIFICATE OF SERVICE

I certify that on this 4th day of November, 2024, I electronically transmitted the attached document to the Clerk’s office using the CM/ECF System for filing and served through the Notice of Electronic Filing automatically generated by the Court’s facilities.

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13 /s/ Renee L. Creswell

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Exhibits

A. Dastoor declaration