

1 Bryce A. Suzuki (#022721)  
James G. Florentine (#034058)  
2 SNELL & WILMER L.L.P.  
One East Washington Street, Suite 2700  
3 Phoenix, Arizona 85004  
Telephone: 602.382.6506  
4 E-Mail: [bsuzuki@swlaw.com](mailto:bsuzuki@swlaw.com)  
[jflorentine@swlaw.com](mailto:jflorentine@swlaw.com)  
5 *Attorneys for Nomad Royalty Company Limited*

6 IN THE UNITED STATES BANKRUPTCY COURT  
7 FOR THE DISTRICT OF ARIZONA

8 In re: Proceedings Under Chapter 15  
9 ELEVATION GOLD MINING (Jointly Administered)  
10 CORPORATION, Case No. 2:24-bk-06359-EPB  
11 Debtor in a Foreign Proceeding.

12 In re: Case No. 2:24-bk-06364-DPC  
13 Golden Vertex Corp.,  
14 Debtor in a Foreign Proceeding.

15 In re: Case No. 2:24-bk-06367-BKM  
16 Golden Vertex (Idaho) Corp.,  
17 Debtor in a Foreign Proceeding.

18 In re: Case No. 2:24-bk-06368-MCW  
19 Eclipse Gold Mining Corporation,  
20 Debtor in a Foreign Proceeding.

21 In re: Case No. 2:24-bk-06370-EPB  
22 Alcmene Mining Inc.,  
23 Debtor in a Foreign Proceeding.

24 In re: Case No. 2:24-bk-06371-DPC  
25 Hercules Gold USA LLC,  
26 Debtor in a Foreign Proceeding.

26 **NOMAD ROYALTY COMPANY LIMITED'S (I) OBJECTION TO MOTION TO**  
27 **EXPEDITE ROYALTY DETERMINATION MOTIONS AND (II) JOINDER IN**  
28 **PATRIOT GOLD CORPORATION'S OBJECTION TO MOTION FOR**  
**EXPEDITED CONSIDERATION OF DEBTORS' MOTIONS TO AVOID**  
**ROYALTY INTERESTS IN ARIZONA MINE**

1 Nomad Royalty Company Limited (“Nomad”), by and through undersigned  
2 counsel, (i) objects to the *Motion to Expedite Royalty Determination Motions* (the  
3 “Motion to Expedite”) filed on October 14, 2024 at Dkt. No. 55 by Elevation Gold Mining  
4 Corporation (“Elevation”), Eclipse Gold Mining Corporation (“Eclipse”), and Golden  
5 Vertex Corp. (“GVC”, and together with Elevation and Eclipse, the “Debtors”) and (ii)  
6 joins in *Patriot Gold Corporation’s Objection to Motion for Expedited Consideration of*  
7 *Debtors’ Motion to Avoid Royalty Interests in Arizona Mine* (the “Patriot Objection”) filed  
8 on October 15, 2024 at Dkt. No. 57 by Patriot Gold Corporation (“Patriot”).

9 In the Motion to Expedite, the Debtors request that this Court set an expedited  
10 hearing and briefing schedule on, among other things, their Motion to Determine Nomad’s  
11 Interest.<sup>1</sup> As explained in further detail below, this Court should deny the Debtors’  
12 Motion to Expedite for two reasons. First, the Debtors’ Motion to Determine is  
13 procedurally improper as the Group must commence an adversary proceeding under Rule  
14 7001(2), Fed. R. Bankr. P., as it seeks to challenge Nomad’s interest in property.  
15 Therefore, there is no reason for this Court to set an expedited hearing or briefing  
16 schedule on such motion. Second, the Debtors fail to articulate any exigent circumstances  
17 requiring that this Court set an expedited hearing and briefing schedule on the Motion to  
18 Determine Nomad’s Interest. Therefore, as explained in further detail below and for the  
19 reasons set forth in the Patriot Objection, which Nomad incorporates herein by this  
20 reference, Nomad respectfully requests that this Court deny the Motion to Expedite. In  
21 further support of this Objection, Nomad states as follows:

22 1. On October 14, 2024, the Debtors filed the Motion to Determine Nomad’s  
23 Interest, in addition to similar motions to determine other entities’ property interests. *See*  
24 Dkt. No. 53. In the Motion to Determine Nomad’s Interest, the Debtors purportedly seek  
25 a determination of the nature of Nomad’s royalty interest. *See id.* Practically, however,  
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27 <sup>1</sup> The “Motion to Determine Nomad’s Interest” refers to the *Motion to Determine the*  
28 *Nature of Nomad Royalty Company Limited’s Interest* filed on October 14, 2024 at Dkt.  
No. 53 by the Debtors.

1 the Debtors' Motion to Determine Nomad's Interest is actually transparent attempt to  
2 invalidate Nomad's real property interests.

3 2. Also on October 14, 2024, the Debtors filed the Motion to Expedite,  
4 requesting that this Court set an expedited hearing and briefing schedule on, among other  
5 things, their Motion to Determine Nomad's Interest.

6 3. This Court should deny the Motion to Expedite (and the Motion to  
7 Determine Nomad's Interest)<sup>2</sup> in the first instance because the Debtors' request for a  
8 determination regarding the extent of Nomad's property interest can only be determined  
9 through an adversary proceeding under Rule 7001, Fed. R. Bankr. P. Specifically, Rule  
10 7001(2) provides that "a proceeding to determine the validity, priority, or extent of a lien  
11 or other interest in property" must be brought as an adversary proceeding. The Debtors'  
12 request for an order determining the extent of Nomad's property interest falls squarely  
13 within Rule 7001(2). Nomad is entitled to the procedural safeguards of an adversary  
14 proceeding, and if an expedited schedule is truly justified, the Court may consider a  
15 proper request in the context of such adversary proceeding and all of its procedural  
16 safeguards.

17 4. Additionally, even setting aside that the motion's procedural defects, the  
18 Debtor has failed to provide this Court with any reason to determine the extent of  
19 Nomad's property interests on an expedited basis. In the Motion to Expedite, the Debtors  
20 assert that an expedited hearing and briefing schedule is necessary because there is a  
21 hearing set for November 22, 2024 in the Canadian Court (as defined in the Motion to  
22 Expedite) regarding a possible sale of the Debtors' assets. The Debtors also admit,  
23 however, that the November 22, 2024 hearing was set "prospectively", as the hearing is  
24 subject "to the receipt and selection of an offer for the sale of or investment in the  
25 [Debtors' assets or business]. . . ." In other words, there is not a current sale pending  
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27 <sup>2</sup> Nomad reserves its right to object and file a fulsome response to the Debtors'  
28 Motion to Determine Nomad's Interest, as well as all jurisdictional and procedural rights  
related thereto and in these chapter 15 cases.

1 before the Canadian Court, which has no jurisdiction to effect a sale of Arizona assets in  
2 any event. Effectively, the Debtors seek to adjudicate these significant issues and divest  
3 Nomad (and others) of their protected property interests on an expedited basis for no other  
4 reason than they believe it is tactically advantageous. Rule 7001 exists to ensure that such  
5 improper tactics cannot be implemented.

6 WHEREFORE, for the foregoing reasons and for the reasons set forth in the Patriot  
7 Objection, Nomad respectfully requests that this Court deny the Debtor's Motion to  
8 Expedite.

9 DATED this 18th day of October, 2024.

10 SNELL & WILMER L.L.P.

11  
12 By: s/ BAS #022721  
13 Bryce A. Suzuki  
14 James G. Florentine  
15 One East Washington Street, Suite 2700  
16 Phoenix, AZ 85004  
17 *Attorneys for Nomad Royalty Company Limited*

1 COPY of the foregoing served  
2 by ECF notification  
3 this 18th day of October, 2024, to:  
4 Anthony W. Austin  
5 Tyler Carlton  
6 Fennemore Craig, P.C.  
7 2394 E. Camelback Rd., Ste. 600  
8 Phoenix, AZ 85016-3429  
9 Email: [aaustin@fennemorelaw.com](mailto:aaustin@fennemorelaw.com)  
10 *Attorneys for Debtor Golden Vertex Corp.*

7 Robert M. Charles, Jr.  
8 Lewis Roca Rothgerber Christie LLP  
9 1 South Church Ave., Ste. 2000  
10 Tucson, AZ 85701-1611  
11 Email: [rcharles@lewisroca.com](mailto:rcharles@lewisroca.com)

12 -and-  
13 Ken Coleman  
14 2628 Broadway  
15 New York, NY 10025  
16 Email: [ken@kencoleman.us](mailto:ken@kencoleman.us)  
17 *Attorneys for Debtors*

13 William L. Roberts  
14 Lawson Lundell LLP  
15 1600 – 925 West Georgia Street  
16 Vancouver V6C 3L2 BC  
17 Email: [wroberts@lawsonlundell.com](mailto:wroberts@lawsonlundell.com)  
18 *Attorney for Debtor*

16 Stacy Porche  
17 Fennemore Craig, P.C.  
18 2394 East Camelback Rd., Ste. 600  
19 Email: [sporche@fennemorelaw.com](mailto:sporche@fennemorelaw.com)  
20 *Attorney for Debtor Golden Vertex Corp.*

20 Bradley A. Cosman  
21 Perkins Coie  
22 2525 East Camelback Rd., Ste. 500  
23 Phoenix, AZ 85016  
24 Email: [BCosman@perkinscoie.com](mailto:BCosman@perkinscoie.com)  
25 *Attorney for Maverix Metals Inc.*

23 Amir Gamliel  
24 Perkins Coie LLP  
25 1888 Century Park East, Ste. 1700  
26 Los Angeles, CA 90067  
27 Email: [agamliel@perkinscoie.com](mailto:agamliel@perkinscoie.com)  
28 *Attorney for Maverix Metals Inc.*

1 Paul A. Loucks  
2 Deconcini McDonald Yetwin & Lacy, P.C.  
3 2525 East Broadway Blvd., Ste. 200  
4 Tucson, AZ 85716  
5 Email: [ploucks@dmyl.com](mailto:ploucks@dmyl.com)  
6 *Attorney for Patriot Gold Corp.*

7 John A. Harris  
8 Jimmie W. Pursell, Jr.  
9 Anthony F. Pusateri  
10 Quarles Brady LLP  
11 Renaissance One  
12 Two North Central  
13 Phoenix, AZ 85004  
14 Email: [John.harris@quarles.com](mailto:John.harris@quarles.com)  
15 [Jimmie.pursell@quarles.com](mailto:Jimmie.pursell@quarles.com)  
16 [Anthony.pusateri@quarles.com](mailto:Anthony.pusateri@quarles.com)  
17 *Attorneys for Patriot Gold Corp.*

18 Larry L. Watson  
19 Office of the U.S. Trustee  
20 230 North First Ave., Ste. 204  
21 Phoenix, AZ 85003-1706  
22 Email: [Larry.watson@usdoj.gov](mailto:Larry.watson@usdoj.gov)  
23 *Attorney for U.S. Trustee*

24 Jeffrey Charles Whitley  
25 Whitley Legal Group, P.C. 1  
26 7550 N. Perimeter Dr., Ste. 100  
27 Scottsdale, AZ 85255  
28 Email: [jeff@whitleylegalgroup.com](mailto:jeff@whitleylegalgroup.com)  
*Attorneys for Hartmut Baitis,  
Robert B. Hawkins and Larry L. Lackey*

18 Patrick A. Clisham  
19 Michael P. Rolland  
20 Engelman Berger, P.C.  
21 2800 North Central Avenue, Suite 1200  
22 Phoenix, Arizona 85004  
23 Email: [pac@eblawyers.com](mailto:pac@eblawyers.com)  
24 *Attorney for Mohave Electric Cooperative*

23 By: /s/\_\_\_\_\_

24 4882-1195-4929