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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

10 In re:
11 ELEVATION GOLD MINING
12 CORPORATION, et al.,
13 Debtor in a Foreign Proceeding.

In Proceedings Under Chapter 15

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

Jointly Administered with:

Case No. 2:24-bk-06364-DPC

Case No. 2:24-bk-06367-BKM

Case No. 2:24-bk-06368-MCW

Case No. 2:24-bk-06370-EPB

Case No. 2:24-bk-06371-DPC

**PATRIOT GOLD CORP.'S JOINDER
IN NOMAD OBJECTION TO
DEBTORS' MOTION TO EXPEDITE
MOTION FOR SUMMARY
JUDGMENT AGAINST NOMAD**

Hearing Date: November 19, 2024

Hearing Time: 1:30 p.m.

22 Pursuant to this Joinder, Patriot Gold Corp. ("**Patriot Gold**") joins in *Nomad*
23 *Royalty Company Ltd.'s Objection To The Group's Motion To Expedite Motion For*
24 *Summary Judgment Against Nomad Royalty Company Limited* [Dkt. No. 93] (the "**Nomad**
25 **Objection**") filed by Nomad Royalty Company Ltd. ("**Nomad**" and, collectively with
26 Patriot Gold, the "**Royalty Holders**"). In the Nomad Objection, Nomad objects to the
27 motion to expedite [Dkt. No. 85] (the "**Motion to Expedite**") filed by the Debtors
28

1 (collectively, the “**Debtors**”) in the above-captioned Chapter 15 cases (the “**Chapter 15**
2 **Cases**”).

3 In their Motion to Expedite, the Debtors ask the Court to schedule expedited
4 proceedings on a summary judgment motion [Dkt. No. 83] (the “**Summary Judgment**
5 **Motion**”) the Debtors filed against Nomad on November 12, 2024. Through the Summary
6 Judgment Motion, the Debtors request an expedited ruling that the real property royalty
7 interest asserted by Nomad is not a valid real property interest and is subject to avoidance.

8 Patriot Gold agrees that the Motion to Expedite should be denied for the reasons
9 stated in the Nomad Objection. Patriot Gold also files this Joinder to discuss recent events
10 in these cases which create additional grounds to deny the Motion to Expedite.

11 **A. Further Proceedings Regarding The Nature, Extent, And Validity Of**
12 **The Royalty Holders’ Interests Should Be Conducted In The Adversary**
13 **Proceedings Filed By The Royalty Holders.**

14 As the Court knows, Nomad and Patriot Gold each assert a separate real property
15 royalty interest in minerals and proceeds generated therefrom at the Moss Mine in Arizona
16 (the “**Arizona Mine**”), which is owned by Debtor Golden Vertex Corp. (“**Golden Vertex**
17 **Arizona**”). The Debtors filed separate motions against Nomad [Dkt. No. 53] (the
18 “**Nomad Avoidance Motion**”) and Patriot Gold [Dkt. No. 52] (the “**Patriot Avoidance**
19 **Motion**” and, collectively with the Nomad Avoidance Motion, the “**Avoidance Motions**”) in
20 which the Debtors ask the Court to find that neither Patriot nor Nomad holds a valid
21 real property interest. The Avoidance Motions are procedurally improper, as the relief
22 requested by the Debtors (a determination of the validity and extent of the real property
23 interests asserted by the respective Royalty Holders in the Arizona Mine) can be sought
24 only through an adversary proceeding. *See* Bankruptcy Rule 7001(2). *See also Patriot*
25 *Gold Corporation’s Objection To Motion For Expedited Consideration Of Debtors’*
26 *Motions To Avoid Royalty Interests In Arizona Mine* [Dkt. No. 57] at pp. 2–3.

27 At prior hearings in these cases, the Court suggested to the Royalty Holders that if
28 they wanted affirmative relief regarding their royalty interests, including their interests in
proceeds generated from the minerals at the Arizona Mine, the Royalty Holders should

1 file an affirmative action with the Court. Accordingly, and to place further proceedings
2 regarding the Royalty Holders' interests into proper adversary proceedings with the
3 procedural rights and safeguards of same, and to seek related relief in accordance with the
4 Court's guidance, Nomad has filed and Patriot Gold is filing separate Adversary
5 Complaints in the Chapter 15 Cases seeking declaratory and other relief regarding their
6 respective royalty interests. The filing of these Complaints initiates Adversary
7 Proceedings (the "**Adversary Proceedings**") in which the disputes regarding the Royalty
8 Holders' interests can be determined in a proper procedural context.

9 The disputes raised by the Debtors regarding the respective royalty interests of the
10 Royalty Holders involve common questions of law and fact.¹ Accordingly, Patriot and
11 Nomad will be filing in the Adversary Proceedings a motion(s) to consolidate the
12 proceedings under Federal Rule of Civil Procedure 42(a) as incorporated by Federal Rule
13 of Bankruptcy Procedure 7042. Rule 42(a) is designed to provide for consolidation of
14 proceedings that involve common issues to promote efficiency and avoid repetitive or
15 potentially inconsistent rulings on common issues. *See Delvin v. Transp. Comm'n Inter.*
16 *Union*, 175 F.3d 121, 130 (2d Cir. 1999) (Rule 42 is "a valuable and important tool of
17 judicial administration, invoked to expedite trial and eliminate unnecessary repetition and
18 confusion."); *see also Dupont v. Southern Pac. Co.*, 366 F.2d 193, 195 (5th Cir. 1966)
19 ("Trial judges are urged to make good use of Rule 42(a) . . . where there is involved a
20 common question of fact and law . . . to expedite the trial and eliminate unnecessary
21 repetition and confusion.")

22 Under these circumstances, and in addition to the points already raised in the
23 Nomad Objection, there should be no further proceedings on the Debtors' Avoidance
24 Motions and further proceedings should be conducted in the Adversary Proceedings. This
25 will avoid piecemeal litigation of common issues of law and fact relating to the interests
26 of the Royalty Holders and will provide for all issues to be resolved in an appropriate

27 ¹ Among other things, the Debtors assert that a common industry metric used to calculate
28 royalty payments, which is referenced in both Royalty Holders' royalty documents, somehow
transforms their documented real property interests into a personal property interest.

1 procedural environment. This also will avoid either of the Royalty Holders being
2 prejudiced by the Debtors attempting to obtain piecemeal rulings on common issues before
3 both Royalty Holders are able to present their full case on such issues. Courts that have
4 addressed similar procedural situations have recognized that piecemeal determination of
5 common legal and/or factual issues involving multiple parties is not appropriate. Rather,
6 common issues should not be determined before all parties that could be affected by
7 determination of the issues are able to conduct appropriate discovery and present their full
8 case on the issue. *See Ware v. Circuit City Stores, Inc.*, 2009 WL 10671846, at *2 (N.D.
9 Ga. Dec. 7, 2009).

10 **B. There Is No Basis For Expedited Consideration Of The Debtors'**
11 **Disputes Regarding The Nature And Extent Of The Royalty Holders**
12 **Claims.**

13 Patriot Gold also joins in Nomad's objections to the Debtors' request for an
14 expedited hearing and briefing schedule on the (procedurally improper) Summary
15 Judgment Motion against Nomad. The Debtors' request is a rehash of a request for
16 expedited consideration previously made by the Debtors, objected to by both Patriot Gold
17 and Nomad, and denied by the Court. *See Patriot Gold Corporation's Objection To*
18 *Motion For Expedited Consideration Of Debtors' Motions To Avoid Royalty Interests In*
19 *Arizona Mine* [Dkt. No. 57] at pp. 2–3; *Minute Entry* regarding October 29, 2024 hearing
20 [Dkt. 81] and *Audio Recording* of October 29, 2024 Hearing [Dkt. 73] at 1:26:57.

21 The Debtors' second request for expedited consideration should be denied for the
22 same reasons previously briefed by Patriot Gold and Nomad and the for the reasons stated
23 in the Nomad Objection.

24 **C. Conclusion.**

25 For all of the reasons stated in the Nomad Objection and above, Patriot Gold joins
26 with Nomad in requesting that the Court deny the Motion to Expedite in its entirety.
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DATED this 19th day of November, 2024.

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