



No. S-228723
Vancouver Registry

~~IN THE SUPREME COURT OF BRITISH COLUMBIA~~

IN THE MATTER OF THE *COMPANIES' CREDITORS ARRANGEMENT ACT*, R.S.C. 1985, c.
C-36

AND

IN THE MATTER OF THE *BUSINESS CORPORATIONS ACT*, S.B.C. 2002, c. 57

AND

IN THE MATTER OF THE PLAN OF COMPROMISE AND ARRANGEMENT OF
PURE GOLD MINING INC.

**APPLICATION RESPONSE OF PURE GOLD MINING INC.
(In Response to Class Action Plaintiff's
Application for Production of Documents)**

Application response of: Pure Gold Mining Inc., ("Pure Gold")

THIS IS A RESPONSE TO the notice of application of Linda Larouche (the "**Applicant**"), in her capacity as the proposed representative plaintiff in the shareholder class action File No. S-222826 (the "**Action**"), filed May 23, 2023.

Part 1: ORDER CONSENTED TO

Pure Gold does not consent to the granting of any orders sought in Part 1 of the notice of application.

Part 2: ORDERS OPPOSED

Pure Gold opposes the granting of all orders sought in Part 1 of the notice of application.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

Pure Gold takes a position on the granting of all orders sought in Part 1 of the notice of application.

Part 4: FACTUAL BASIS

1. The Applicant is a putative class action plaintiff in a class action proceeding that has not been certified. All claims made by the Applicant on behalf of the putative class are at the pre-certification stage.
2. The Applicant is not a secured creditor of Pure Gold.
3. The Applicant is not even an unsecured creditor of Pure Gold.

4. Rather, the Applicant (and the potential members of the putative class) are at best equity claimants with an unknown equity claim pursuant to the *Companies' Creditors Arrangement Act* (Canada).

5. The stated basis for the disclosure of documents sought by the Applicant on this application is that the Applicant claims these documents are relevant to the relief sought in Pure Gold's pending application for an Approval and Reverse Vesting Order that allegedly affects the Applicant.

6. In fact, however, the documents sought by the Applicant have no relevance to the Applicant with respect to the relief sought by Pure Gold in this proceeding. The Applicant is not affected and the documents sought have no bearing on the relevant issues.

7. Rather, the Applicant is attempting to leverage her opposition to Pure Gold's application for the Approval and Reverse Vesting Order to gain an advantage in its uncertified class action by obtaining documents that are irrelevant to her position in the CCAA proceedings and which she is not otherwise entitled to. In other words, the Applicant is attempting to "throw the fox in the chicken coop" in the hopes that her opposition will yield a surrender.

Part 5: LEGAL BASIS

8. The documents sought by the Applicant are not relevant to the matters before the Court.

9. The Applicant is not entitled at law to disclosure of the Pure Gold insurance policies or the Scoping Study at this time and in this context.


Part 6: MATERIAL TO BE RELIED ON

1. The evidence and materials previously filed in these proceedings.
2. Affidavit No. 2 of J. Singh affirmed on May 18, 2023.
3. Such other material as Counsel may direct and this Honourable Court may permit.

Pure Gold estimates that the application will take 30 minutes.

Pure Gold has filed in this proceeding a document that contains the application respondent's address for service.

Date: May 24, 2023


Signature of lawyer for Pure Gold
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