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Honorable Christopher M. Alston  
Chapter 11  
Hearing Location: Seattle, Rm. 7206  
Hearing Date: Friday, May 6, 2016  
Hearing Time: 9:30 a.m.  
Response Date: May 2, 2016

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6  
7 UNITED STATES BANKRUPTCY COURT  
8 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

9 In re:  
10 NORTHWEST TERRITORIAL MINT, LLC,  
11  
12 Debtor.

Case No. 16-11767-CMA

MOTION FOR ORDER SETTING  
DEADLINE FOR FILING PROOFS OF  
CLAIM

**BAR DATE: September 1, 2016**

**BAR DATE: (for governmental units):  
September 28, 2016**

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14  
15 Mark Calvert, the Chapter 11 Trustee (the "Trustee"), submits this Motion for Order  
16 Pursuant to Sections 105(a), 501, 502 and 1111(a) of the Bankruptcy Code and Bankruptcy  
17 Rules 2002(a)(7), 3003(c)(3) and 5005(a), fixing bar date for filing proofs of claim and approving  
18 the form and manner of notice. In support of this Motion, the Trustee states as follows:

- 19
- 20 1. On April 1, 2016, Northwest Territorial Mint, LLC (the "Debtor") filed a voluntary  
21 bankruptcy petition under Chapter 11 of Title 11 of the United States Code.
  - 22 2. An order approving the appointment of Mark Thomas Calvert as Chapter 11 Trustee  
23 was entered on April 11, 2016.
  - 24 3. Bankruptcy Rule 3003(c)(3) provides " [t]he court shall fix and for cause shown may  
25 extend the time within which proofs of claim or interest may be filed." Neither this Court's Rules  
26

1 nor the Local Bankruptcy Rules specify a time by which proofs of claim must be filed in Chapter 11  
2 cases, except as is provided by 11 U.S.C. §502(b)(9) for governmental units.

3 4. The Trustee is in the process of attempting to ascertain the amount and scope of the  
4 claims against the Debtor, in anticipation of developing a plan. An integral component of the  
5 development of a plan is an understanding of the magnitude of claims against the Debtor.

6 5. To this end, the Trustee respectfully requests the entry of an order establishing  
7 September 1, 2016 as the deadline for filing Proofs of Claim by non-governmental entities, and  
8 September 28, 2016 as the deadline for filing Proofs of Claim by governmental entities (the "Bar  
9 Dates"), and approving the form and manner of notice.

10 6. The Trustee proposes that the Bar Dates apply to all Persons or Entities as defined in  
11 §101(41) and §101(15) of the Bankruptcy Code holding claims against the Debtor that arose prior to  
12 the bankruptcy filing.

13 7. The Trustee proposes to provide actual, written notice of the Bar Dates to (i) the  
14 known creditors and other parties-in-interest; (ii) all parties who have requested notice pursuant to  
15 Federal Rule of Bankruptcy Procedure 2002; (iii) the United States Trustee, and; (iv) the Unsecured  
16 Creditors Committee appointed in these proceedings.

17 8. The Trustee proposes to provide Notice to such parties, no later than May 20, 2016, in  
18 accordance with Federal Rule of Bankruptcy Procedure 9007, by first-class United States mail.  
19 Under the Trustee's proposal, creditors and potential creditors would receive more notice than the  
20 twenty days notice mandated by Bankruptcy Rule 2002(a)(7).

21 9. The Trustee also proposes to include, with the Notice, a proof of claim form based on  
22 Official Bankruptcy Form 410, in the form attached hereto as Exhibit B.

23 10. The Trustee believes that the proposed Notice and proposed service thereof satisfy all  
24 the requirements of Federal Rules of Bankruptcy Procedure 2002 and 3003.  
25  
26



# EXHIBIT A

1 EXHIBIT A – FORM OF NOTICE

2 **NOTICE OF DEADLINES AND PROCEDURES FOR FILING PROOFS OF CLAIM**

3 TO: All Creditors And Other Parties-In-Interest Included On The Official Mailing Matrix

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5 YOU ARE HEREBY NOTIFIED that in the above-captioned Chapter 11 cases, the United  
6 States Bankruptcy Court has entered an Order establishing September 1, 2016 as the deadline for  
7 filing Proofs Of Claim (as defined below) against Northwest Territorial Mint , LLC the Debtor  
8 herein (the “Debtor”), provided, however that the Bar Date for governmental units only shall be  
September 28, 2016.

9 Under the Bankruptcy Code and as utilized in this Notice, the term “Claim” includes any  
10 right to payment, whether in contract, tort, or by statute, and whether or not such right is reduced to  
11 unmatured, disputed, undisputed, legal, equitable, secured, priority, or unsecured existing as of the  
12 date of the filing of the bankruptcy petitions (the "Petition Dates"). “Claim” also includes (a)  
situation where acts have occurred prior to the Petition Dates, but actual injury has not yet been  
manifested, and (b) equitable remedies for breach of performance if such breach gives rise to a right  
to payment, whether or not such right to any equitable remedy is reduced to judgment, fixed,  
contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

13 **ANY PROOF OF CLAIM FILED AFTER SEPTEMBER 1, 2016 (or September 28,**  
14 **2016 for governmental units), EXCEPT AS STATED BELOW, SHALL BE DISALLOWED,**  
15 **EXCEPT IF OTHERWISE ORDERED BY THE COURT. ANY PERSON OR ENTITY THAT IS**  
16 **REQUIRED BY THE ORDER TO FILE A PROOF OF CLAIM AND THAT FAILS TO DO SO**  
17 **SHALL NOT BE TREATED AS A CREDITOR FOR PURPOSES OF VOTING ON THE**  
18 **CHAPTER 11 PLAN OR DISTRIBUTION IN THESE CASES, AND ANY CLAIM OF SUCH**  
19 **PERSON OR ENTITY SHALL BE DISCHARGED AND FOREVER BARRED, EXCEPT IF**  
20 **OTHERWISE ORDERED BY THE COURT.**

21 **PLEASE TAKE FURTHER NOTICE THAT CUSTOMERS WHO FILE A PROOF**  
22 **OF CLAIM SHOULD FILE, WITH THE PROOF OF CLAIM FORM: A)**  
23 **DOCUMENTATION ESTABLISHING ANY PAYMENT MADE TO THE DEBTOR SUCH**  
24 **AS COPIES OF CHECKS OR EVIDENCE OF WIRE TRANSFERS ; AND B) COPIES OF**  
25 **ANY PURCHASE ORDERS OR AGREEMENTS WITH THE DEBTOR. THE ABSENCE**  
26 **OF SUCH INFORMATION, COULD RESULT IN OBJECTION TO THE CLAIM BASED**  
**ON INADEQUATE DOCUMENTATION.**

27 **ANY PERSON OR ENTITY REQUIRED TO FILE A PROOF OF CLAIM WHO**  
28 **FAILS TO TIMELY DO SO WILL NEVERTHELESS BE BOUND BY THE TERMS OF**  
29 **ANY PLAN THAT MAY BE CONFIRMED IN THESE CHAPTER 11 CASES.**

30 **EACH CREDITOR OR RECIPIENT OF THIS NOTICE IS PERSONALLY**  
31 **RESPONSIBLE FOR REVIEWING THIS NOTICE AND TIMELY FILING ANY PROOF**  
32 **OF CLAIM AND SHOULD NOT RELY UPON THEIR RESPECTIVE AGENTS AND**  
33 **ATTORNEYS TO MEET THE DEADLINES SPECIFIED IN THIS NOTICE.**

1 Pursuant to §1111(a) of the Bankruptcy Code, a Proof of Claim is deemed filed for any  
2 Claim which is listed in the Schedules of Liabilities filed by the Trustee in a fixed amount and is not  
3 therein identified as being disputed, contingent or unliquidated. Any Proof of Claim filed by a  
4 creditor will supersede any scheduled claim.

5 The Trustee has reserved the right to (a) dispute and to assert offsets, counterclaims or  
6 defenses to the amount, liability and/or priority of any Claim listed in the Schedules, (b)  
7 subsequently designate any scheduled Claim as disputed, contingent, or unliquidated, and (c) to  
8 change the amount of any scheduled Claim. Following notice of any amendment to the Schedules  
9 reducing the liquidated amount of a scheduled Claim, any creditor so affected shall have the later of  
10 30 days after notice of the amendment, or the applicable deadline for filing claims within which to  
11 file a Proof of Claim. No extension of time is granted if the Trustee's amendment to the Schedules  
12 increases the Claim of a creditor deemed filed under §1111(a) of the Bankruptcy Code.  
13 Amendments to Schedules regarding creditors who previously have filed Proofs of Claim shall not  
14 affect any Claim already on file or extend the deadline for filing Proofs of Claim. Nothing set forth  
15 herein shall be deemed to preclude the Trustee from objecting to any Claim, whether scheduled or  
16 filed, on any grounds.

17 If you assert a Claim against the Debtor arising from: (a) the Debtor's rejection of an  
18 executory contract or unexpired lease; (b) recovery by the Debtor's estate of property transferred to  
19 you by the Debtor prior to the petition as a voidable transfer; or (c) certain taxes as described in  
20 §502(i) of the Bankruptcy Code, unless a date is otherwise set by the Bankruptcy Court, you must  
21 file a proof of such Claim with the Clerk of the Bankruptcy Court within 30 days after (a) notice of  
22 entry of an order approving rejection of the executory contract or unexpired lease, (b) notice of entry  
23 of an order or judgment avoiding a transfer, or (c) the date on which the relevant tax Claim arises, or  
24 September 1, 2016, whichever is later.

25 In the case of executory contracts or unexpired leases, the foregoing deadline relates only to  
26 damage claims for rejection. To the extent your Claim is based upon a prepetition arrearage under  
an executory contract or unexpired lease, a Proof of Claim must be filed by the deadline for filing  
Claims.

If you assert a Claim as a codebtor, surety, or guarantor that may be filed under §501(b) of  
the Bankruptcy Code, you must file such Claim with the Clerk of the Bankruptcy Court on or before  
September 1, 2016.

**All Proofs of Claim must be filed so that they are actually received on or before  
September 1, 2016 (or September 28, 2016 for governmental units) except as otherwise stated  
herein.**

Proofs of Claim should be filed electronically via the Court's website at:  
<http://www.wawb.uscourts.gov/eclaims.htm>. Alternatively, Proofs of Claim may be filed in person  
or by mail at:

United States Bankruptcy Court  
Attn: Clerk of the Court  
700 Stewart Street, #6301  
Seattle, Washington 98101

1            **Do not file Claims with the Trustee or the Trustee's counsel, Claims must be filed with**  
2            **the Clerk of the Bankruptcy Court to be considered filed.**

3            Any Proof of Claim properly filed with the Clerk of the Bankruptcy Court prior to the  
4            mailing of this Notice shall be deemed to be and shall be treated as a properly filed Claim subject to  
5            the right of the Debtor or any party-in-interest to object to the allowance thereof. **NO**  
6            **ADDITIONAL CLAIM IS REQUIRED.**

7            **DEADLINE FOR GOVERNMENTAL UNITS.** Pursuant to Bankruptcy Code §502(b)(9),  
8            proofs of claims by governmental units shall be filed no later than September 28, 2016 (180 days  
9            after the entry of the order for relief in this case).

10           If you have any questions concerning this Notice or the preparation of your Proof of Claim,  
11           please contact Trustee's counsel, K&L Gates LLP, c/o Ms. Denise Evans, at (206) 623-7580.  
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Exhibit B – Proof of Claim Form

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**Fill in this information to identify the case:**

Debtor 1 \_\_\_\_\_  
Debtor 2 \_\_\_\_\_  
(Spouse, if filing)  
United States Bankruptcy Court for the: \_\_\_\_\_ District of \_\_\_\_\_  
Case number \_\_\_\_\_

# Official Form 410

## Proof of Claim

04/16

**Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.**

**Filers must leave out or redact** information that is entitled to privacy on this form or on any attached documents. Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

**Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.**

### Part 1: Identify the Claim

1. **Who is the current creditor?**  
Name of the current creditor (the person or entity to be paid for this claim) \_\_\_\_\_  
Other names the creditor used with the debtor \_\_\_\_\_

2. **Has this claim been acquired from someone else?**  
 No  
 Yes. From whom? \_\_\_\_\_

3. <b>Where should notices and payments to the creditor be sent?</b>  Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	<b>Where should notices to the creditor be sent?</b>	<b>Where should payments to the creditor be sent? (if different)</b>
	Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____ Contact phone _____ Contact email _____  Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____	Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____ Contact phone _____ Contact email _____

4. **Does this claim amend one already filed?**  
 No  
 Yes. Claim number on court claims registry (if known) \_\_\_\_\_ Filed on \_\_\_\_\_  
MM / DD / YYYY

5. **Do you know if anyone else has filed a proof of claim for this claim?**  
 No  
 Yes. Who made the earlier filing? \_\_\_\_\_

Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor?  No  
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_ \_

7. How much is the claim? \$\_\_\_\_\_. Does this amount include interest or other charges?  
 No  
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.  
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).  
Limit disclosing information that is entitled to privacy, such as health care information.

9. Is all or part of the claim secured?  No  
 Yes. The claim is secured by a lien on property.

**Nature of property:**  
 Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.  
 Motor vehicle  
 Other. Describe: \_\_\_\_\_

**Basis for perfection:** \_\_\_\_\_  
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

**Value of property:** \$ \_\_\_\_\_  
**Amount of the claim that is secured:** \$ \_\_\_\_\_  
**Amount of the claim that is unsecured:** \$ \_\_\_\_\_ (The sum of the secured and unsecured amounts should match the amount in line 7.)

**Amount necessary to cure any default as of the date of the petition:** \$ \_\_\_\_\_

**Annual Interest Rate** (when case was filed) \_\_\_\_\_ %  
 Fixed  
 Variable

10. Is this claim based on a lease?  No  
 Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff?  No  
 Yes. Identify the property: \_\_\_\_\_

**12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?**

No

Yes. Check one:

Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

Up to \$2,850\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

Wages, salaries, or commissions (up to \$12,850\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

Other. Specify subsection of 11 U.S.C. § 507(a)(    ) that applies.

**Amount entitled to priority**

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

**Part 3: Sign Below**

**The person completing this proof of claim must sign and date it. FRBP 9011(b).**

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

**A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.**

Check the appropriate box:

I am the creditor.

I am the creditor's attorney or authorized agent.

I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date \_\_\_\_\_  
MM / DD / YYYY

\_\_\_\_\_  
Signature

**Print the name of the person who is completing and signing this claim:**

Name \_\_\_\_\_  
First name Middle name Last name

Title \_\_\_\_\_

Company \_\_\_\_\_  
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address \_\_\_\_\_  
Number Street

City State ZIP Code

Contact phone \_\_\_\_\_ Email \_\_\_\_\_