| 1 | Michael J. Gearin, WSBA # 20982 David C. Neu, WSBA # 33143 | Honorable Christopher M. Alston |
|----------|---|--|
| 2 | Brian T. Peterson, WSBA # 42088 | Chapter 11 Ex Parte |
| 3 | K&L GATES LLP 925 Fourth Avenue, Suite 2900 Seattle, WA 98104-1158 | |
| 4 | (206) 623-7580 | |
| 5 | | |
| 6 | | |
| 7 8 | WESTERN DISTR | BANKRUPTCY COURT RICT OF WASHINGTON SEATTLE |
| 9 | In re: | Case No. 16-11767-CMA |
| 10 | | |
| 11 | NORTHWEST TERRITORIAL MINT, LLC, | DECLARATION OF DAVID C. NEU IN SUPPORT OF EX PARTE MOTION FOR |
| 12 | | EXAMINATIONS OF ROSS B. HANSEN AND DIANE ERDMANN PURSUANT |
| 13 | | TO RULE 2004 AND SUBPOENAS PURSUANT TO RULE 9016 |
| 14 | | |
| 15 | David C. Neu declares as follows: | |
| 16 | 1. I am a partner at K&L Gates, LI | P, counsel for Mark Calvert, Trustee for the |
| 17 | Northwest Territorial Mint, LLC ("NWTM"), it | n the above-captioned proceeding. |
| 18 | 2. On May 16th, 2017, I issues sub | poenas to the Renton Coin Shop, Inc., Bryan D. |
| 19 20 | Geraghty d/b/a Northgate Rare Coin, the Gold | Center, Inc., and Victoria Diamonds, LLC d/b/a Cash |
| 20 | 4 Gold (the "Coin Shops") | |
| 21 22 | 3. On May 30 and May 31, I receiv | ved the documents, attached hereto as Exhibits A-C in |
| 22 | response to the subpoenas. | |
| 23 24 | I declare under the penalty of perjury ur | nder the laws of the State of Washington that the |
| 24 25 | foregoing is true and correct to the best of my k | znowledge. |
| 23 26 | | |
| 20 | | |
| | DECLARATION OF DAVID C. NEU IN SUPPORT OF <i>EX PARTE</i> MOTION FOR SUBPOENA PURSUANT TO RULES 2004 AND 9016 - 1 | F K&L Gates LLP 925 Fourth Ave., Suite 2900 SEATTLE, WASHINGTON 98104-1158 TELEPHONE: (206) 623-7580 FACSIMILE: (206) 623-7022 |

Case 16-11767-CMA Doc 1053 Filed 06/02/17 Ent. 06/02/17 16:01:24 Pg. 1 of 3

| 1 | EXECUTED this 2nd day of June, 2017, at Seattle, Washington. |
|----------|---|
| 2 | |
| 3 | /S/ David C. Neu |
| 4 | /S/ David C. Neu David C. Neu |
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| | DECLARATION OF DAVID C. NEU IN SUPPORT OF EX PARTE MOTION FOR SUBPOENAK&L Gates LLP 925 Fourth Ave., Suite 2900 SEATTLE, WASHINGTON 98104-1158 TELEPHONE: (206) 623-7580 FACSIMILE: (206) 623-7022 |

Case 16-11767-CMA Doc 1053 Filed 06/02/17 Ent. 06/02/17 16:01:24 Pg. 2 of 3

| 1 | CERTIFICATE OF SERVICE | | | | |
|--------|---|--|--|--|--|
| 2 3 | The undersigned declares as follows: | | | | |
| | That she is a paralegal in the law firm of K&L Ga | | | | |
| 4 5 | Registered Participants to be served by electronic means, | | | | |
| 6 | 6 Also on June 2, 2017, she caused to be deposited | in the mail of the United States of America, | | | |
| 7 | by first class postage prepaid, addressed envelopes contaimailed to the following addresses: | ning copies of the foregoing document and | | | |
| 8 | | Hansen | | | |
| 9 | 9 PO Box 2148 | 3ox 4024 | | | |
| | Auburn, WA 98071-2148 Feder | al Way, WA 98063 | | | |
| 10 | | Hansen | | | |
| 11 | PO Box 4024 3544 | 7 34th Ave S | | | |
| 12 | Aub | urn, WA 98001 | | | |
| 13 | 13 Diane Erdmann | | | | |
| 14 | | | | | |
| | Auburn, WA 98001 | | | | |
| 15 | I declare under penalty of periury under the laws | of the State of Washington and the United | | | |
| 16 | States that the foregoing is true and correct. | | | | |
| 17 | Executed on the 2nd day of June, 2017 at Seattle, | Washington. | | | |
| 18 | Dent | se A. Lentz | | | |
| 19 | 19 Deni | se A. Lentz | | | |
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| | DECLARATION OF DAVID C. NEU IN SUPPORT OF <i>EX PARTE</i> MOTION FOR SUBPOENA PURSUANT TO RULES 2004 AND 9016 - 3 | K&L Gates LLP 925 Fourth Ave., Suite 2900 SEATTLE, WASHINGTON 98104-1158 TELEPHONE: (206) 623-7580 FACSIMILE: (206) 623-7022 | | | |

Case 16-11767-CMA Doc 1053 Filed 06/02/17 Ent. 06/02/17 16:01:24 Pg. 3 of 3

EXHIBIT A

Case 16-11767-CMA Doc 1053-1 Filed 06/02/17 Ent. 06/02/17 16:01:24 Pg. 1 of 40



GATES WISE SCHLOSSER & GOEBEL

Gordon W. Gates D. Peter Wise Frederick J. Schlosser Todd M. Goebel Bradley B. Wilson Jam

James R. Enlow

May 26, 2017

Mr. David C. Neu 925 4th Avenue Suite 2900 Seattle, WA 98105

Re: Northwest Territorial Mint, LLC Case No. 16-11767-CMA

Dear Mr. Neu:

I represent The Gold Center, Inc. We received a subpoena from your office regarding the above case pending in the U.S. Bankruptcy Court for the Western District of Washington.

Attached find nine pages of records that are responsive to paragraphs 1-3 of the subpoena. My client was unable to locate any material responsive to paragraph 4 of the subpoena.

To the best of my client's knowledge, the above constitutes a full and complete response to the subpoena. If you wish to discuss this matter further, please advise. Furthermore, please advise if this letter does not satisfy the subpoena and you require my client to deliver these same records to Midwest Litigation Services per the subpoena.

Sincered ordon W. Gat

GWG/tac Enclosures

> 1231 South Eighth Street • Springfield, IL 62703 ph 217.522.9010 • fax 217.522.9020 • www.gwspc.com

Case 16-11767-CMA

Doc 1053-1 A Professional Corporation Filed 06/02/17 Ent. 06/02/17 16:01:24 Pg. 2 of 40 Form 254 - Subpoena for Rule 2004 Examination (12/06)

| Western | District of Washington |
|---|--|
| n re NORTHWEST TERRITORIAL MINT LLC Debtor | SUBPOENA FOR RULE 2004 EXAMINATION Case No.* 16-11767-CMA |
| The Gold Center, Inc. fo: | Chapter 11 |
| c/o Gordon W. Gates 1231 South 8th Street Springfield, IL 62703 | |
| | |

| date, and time specified below. A copy of the court order authorizing the examination is attached. | | | | |
|--|---|--|--|--|
| PLACE OF TESTIMONY DATE AND TIME | | | | |
| | | | | |
| | | | | |
| | 8 | | | |

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Please see Exhibit A.

| PLACE | DÀTE AND TIME |
|--|--|
| Midwest Litigation Services, 15 South Old State Capitol Plaza, | |
| Springfield, IL 62701 | June 6, 2017 |
| | ************************************** |

| and the second sec | | | |
|--|---------|---------------------|--|
| ISSUING OFFICER SIGNATURE AND TITLE | | DATE | |
| | | 1 1 | |
| | Partner | 23/17</td <td></td> | |
| ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER | | | |

David C. Neu, 925 4th Ave, Suite 2900, Seattle, WA 98105 (206) 370-7893

* If the bankruptey case is pending in a district other than the district in which the subpoena is issued, state the district under the case number.

Form 254 - Subpoena for Rule 2004 Examination (12/06)

PROOF OF SERVICE

| | DATE . | PLACE | |
|-------------------------|--------|--------|-------------------|
| SERVED | | | |
| SER VED ON (PRINT NAME) | | | MANNER OF SERVICE |
| | | | |
| SERVED BY (PRINT NAME) | | | TITLE |
| | | | |
| | DECI | ARATIC | N OF SERVER |

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

SIGNATURE OF SERVER

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Subdivisions (c), (d), and (c), as amended on December 1, 2006, made applicable in cases under the Bankruptcy Code by Rule 9016, Federal Rules of Bankruptcy Procedure:

DATE

(e) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS. (1) A party or an altorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and imposes upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee. (2) (A) A person commanded to produce and permit inspection, copying, testing, or sampling of designated electronically stored information, books, papers, documents or tangeble things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to produce in the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspection of premises — or to produce in geterronically stored information, books, papers, and or and the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to producing any or all of the designated materials or inspect the premises — or to produce geterronically stored information in the form or forms requested. If objection is made, the party serving the subpoena at an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, nove at any time for an order to comple the production, inspection, copying, testing, or sampling. Such an order to comple the production y may first or an officer of aparty from significant expense resulting from the inspection, copying, testing, or sampling. Such an order to comple the production, inspection, copying, testing, or s

commanded. (3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the

subpoena if it (i) fails to allow reasonable time for compliance; (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held; (iii) requires disclosure of provident to the state in which the trial is held;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or

(iv) subjects a person to undue burden.
 (B) If a subpoeta

 (i) requires disclosure of a trade secret or other confidential research, development,
 (i) requires disclosure of a trade secret or other confidential research, development,

or commercial information, or (u) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at

the request of any party, or (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject

to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTTES DN RESPONDING TO SUPPOENA. (1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the

(1) (A) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand. (B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena nuest produce the information in a form or forms in which the person orfammally maintains it or in a form or forms that are reasonably usable. (C) A person responding to a subpoena need not produce the same electronically stored information in more than one form. (D) A person responding to a subpoena need not provide discovery of electronically under the discovery of that the person indentifies as not reasonably accessible because of under sought must show that the information sought is not reasonably accessible because of requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery. (2) (A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made capressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is subject to a subpoena is withheld on a claim that it is privileged that is sufficient to enable the demanding party to contest the elim. (B) If information is produced in is resolved. A receiving party may put that received the information of the claim is resolved. A receiving party may promptly present the information and the basis for it. After being notified, a party must promptly present the information of the claim is take reasonable steps to receive it. The receiving party must promptly present the information is produced in response to relieve or it. The receives the show that is contest the elim.

(e) CONTEMPT. Failure of any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court from which the subpoena issued. An adequate cause for failure to obey exists when a subpoena purports to require a nonparty to attend or produce at a place not within the limits provided by clause (ii) of subparagraph (c)(3)(A).

Case 16-11767-CMA Doc 1053-1 Filed 06/02/17 Ent. 06/02/17 16:01:24 Pg. 4 of 40

EXHIBIT A

DOCUMENTS TO BE PRODUCED

1. All documents which relate to, reference, or evidence any purchase of bullion, coins, or precious metal of any sort by The Gold Center, Inc. from Diane R. Erdmann or Ross Hansen, or any other party, in exchange for which The Gold Center, Inc. issued a check or wire to Bucknell Stehlik Sato & Orth, LLP;

2. All documents which relate to, reference, evidence, or constitute communications between The Gold Center, Inc. and Diane Erdmann or Ross Hansen;

3. All documents which relate to, reference, evidence, or constitute communications related to any transaction in which The Gold Center, Inc. issued a check or wire to Bucknell Stehlik Sato & Orth, LLP;

4. Any video recordings or photographs depicting or related to any purchase of bullion, coins, or precious metal of any sort by The Gold Center, Inc. from Diane R. Erdmann or Ross Hansen, or any other party, in exchange for which The Gold Center, Inc. issued a check or wire to Bucknell Stehlik Sato & Orth, LLP.

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CORPORATION FILE DETAIL REPORT

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| Entity Name | THE GOLD CENTER, INC. | | | | |
| Status | ACTIVE | | | | |
| Entity Type | CORPORATION | Type of Corp | DOMESTIC BCA | | |
| Incorporation Date (Domestic) | 06/01/1978 | Støte | ILLINOIS | | |
| Agent Name | GORDON W GATES | Agent Change Date | 04/28/2016 | | |
| Agent Street Address | 1231 S 8TH ST | President Name & Address | TODD GREEN 3000 W. ILES SPRINGFIELD IL 60704 | | |
| Agent.City | SPRINGFIELD | Secretary Name & Address | JOSH WAGONER 3000 W. ILES SPRINGFIELD IL 62704 | | |
| AgentZip | 62703 | Duration Date | PERPETUAL | | |
| Annual Report Filling Date | 05/10/2017 | For Year | 2017 | | |
| Assumed Name | ACTIVE - SPRINGFIELD RARE COIN GALLERIES, INC. | | | | |
| Old Corp Name | 03/04/1993 - SPRINGFIELD RARE COIN GALLERIES, INC. | | | | |

Return to the Search Screen

Select Certificate of Good Standing for Purchase

(One Certificate per Transaction)

OTHER SERVICES

File Annual Report

Adopting Assumed Name

Articles of Amendment Effecting A Name Change

Change of Registered Agent and/or Registered Office Address

BACK TO CYBERDRIVEILLINOIS.COM HOME PAGE

3000 WEST ILES · SPRINGFIELD, ILLINOIS 62704 · PHONE (217) 793-8000

THE GOLD CENTER, INC.

The Gold Center Refining Services

CUSTOMER:

PLATINUM MELT/ASSAY

Diane Stark

118.302-OUNCE LOT-FINAL

ILLINOIS

N ILLINCIS

Armored Transport, Inc.

Depository Corporation

Phone: 253-258-1508 EMAIL: DIANE_ET_AL@HOTMAIL.COM

DATE 03/07/17 SETTLED 03/09/17 LOT NUMBER: 127877

| WEI | GHT: | | GRAMS | TRO | Y OUNCES |
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The Gold Center Refining Services

CUSTOMER: Diane Stark

PALLADIUM MELT/ASSAY

29.975-OUNCE LOT-FINAL

Phone: 253-258-1508 EMAIL: DIANE_ET_AL@HOTMAIL.COM

DATE 03/07/17 SETTLED 03/09/17

LOT NUMBER: 129073

| WEIGHT: | GRAMS | TROY OUNCES |
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DUE DIANE STARK TO BE CREDITED TO LOT# 127877

\$ 22,730.88

Armored Transport, Inc.

3000 WEST ILES · SPRINGFIELD, ILLINOIS 62704 · PHONE (217) 793-8000

THEOLONGENIES

3000 WESTILES · SPRINGFIELD, ILLINOIS 62704 · PHONE (217) 793-8000

THE GOLD CENTER, INC.

The Gold Center Refining Services

Armored Transport, Inc.

CUSTOMER:

GOLD MELT/ASSAY

Diane Erdmann 1210 AUBURN WAY N. SUITE B-115 AUBURN, WA 98002

32.374-OUNCE LOT-FINAL

Phone: 253-258-1508 EMAIL: DIANE_ET_AL@HOTMAIL.COM

DATE 03/30/17 SETTLED 03/31/17

LOT NUMBER: 128400

 WEIGHT:
 GRAMS
 TROY OUNCES

 BEFORE MELT
 2,031.00
 65.298

 AFTER MELT
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Page 1 of 1

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Zimbra: Inbox

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Mike,

It was a pleasure speaking with you yesterday. Please send two wires for the platinum and palladium if you would be so kind.

\$75,000 to:

Bucknell Stehlik Sato & Stubner, LLP (206) 587-0144

IOLTA Account

ABA #: 25 ONE OLA

Account #:

EIN #: 91-1598745

The Commerce Bank of Washington

601 Union Street

Suite 3600

Seattle, WA 98101

And \$58,529.85 to:

Diane Erdmann

routing number: 325272021

account number:

Alaska USA Federal Credit Union

1207 S. 320th St.

Federal Way, WA 98003

(253) 941-1507

Thank you,

Diane

Thank you,

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Diane

EXHIBIT B

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30 may 2017 TO: KOL Gates ULP From: Renton Coin Shop 425-226-3890 fe: Case NO. 16-11767. CMA Pases: 19 + cover

5/25/2017

In searching our records, Diane Erdmann, sold us Gold, Platinum, &/or Silver bullion on the following dates.

1/31/17, 11/27/16, 10/19/16 two checks dated (10/21/16 two dated 10/19/16), & 6/20/2016. Lissued checks without payees. Ross Hansen never appeared but I did talk with him on the phone on one or possibly two of these visits.

The only time Diane took any cash payment from our till was 1/31/2017. \$1010.00 It does look like some of the checks were cashed.

See attached checks.

Steven Campau President Renton Coin Shop, Inc.

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EXHIBIT C

Northgate Rare Coin

Bryan Geraghty Owner NRCPM

11319 Pinehurst Way NE Seattle Wa 98125 206-364-0090 BryanGeraghty@outlook.com David Neu 925 4th ave Suite 2900 Seattle 98105 Email (206) 370-7893

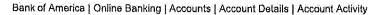
5-31-2017

Dear David Neu,

In response to your subpoena #27951 I have attached a copy of the check # 6984, #6985 I wrote for the purchase of materials from a woman who asked me to leave the payee line blank. The goods I purchased were purchased at fair market value. In the course of my daily business.

Sincerely,

Bryan Geraghty





Online Banking

Business Fundamentals Chk - 7509: Account Activity Transaction Details

Check number: 0000006985

Post date: 01/10/2017

Amount: -57,350.00

> Type: Check

Description: Check

Merchant name: Check

> Transaction category:

Cash, Checks & Misc: Checks

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Business Fundamentals Chk - 7509: Account Activity Transaction Details

Check number: 0000006984

Post date: 01/10/2017

Amount: -20,000.00

Type: Check

Description: Check

Merchant name: DAVIS WRIGHT TREMAINE LLP

Transaction Business Expenses: Business Miscellaneous category:

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