

The Honorable Christopher M. Alston  
Chapter 11  
Hearing Location: Rm 7206  
Hearing Date: Friday, April 20, 2018  
Hearing Time: 9:30 am  
Response Date: April 13, 2018

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re  
NORTHWEST TERRITORIAL MINT, LLC,  
  
Debtor.

No. 16-11767-CMA

Interested Parties American Numismatic Association, National Sculpture Society, Grove Minting Company, Gary Marks, Heidi Wasteet, Bob Palmisano, Daniel Altshuler and Friedrike Merck's Objection to Trustee's Motion For Order to Authorize (1) Deadline to Assert Claims of Ownership of Coining Dies, and (2) Settlement Protocol to Resolve Claims of Such Ownership

Comes now, American Numismatic Association, National Sculpture Society, Grove Minting Company, Gary Marks, Heidi Wasteet, Bob Palmisano, Daniel Altshuler and Friedrike Merck's (collectively "Interested Parties"), by and through their attorney, John Kennedy of Morley Thomas Law and hereby submit this Objection to Trustee's Motion For Order to Authorize (1) Deadline to Assert Claims of Ownership of Coining Dies, and (2) Settlement Protocol to Resolve Claims of Such Ownership. (ECF No. 1560) (the "Die Dispute Motion")

Interested Parties herein adopt and join in the Objections filed by the United States Golf Association.

Interested Parties Objection - 1

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1 **I. ADVERSARY PROCEEDING**

2 Interested Parties, along with 11 other parties, will be filing an adversary proceeding in  
3 order to litigate the issue of ownership of the dies currently stored by both the Medallic Art  
4 Company (“MACO”) and Northwest Territorial Mint (“NWTM”). The adversary proceeding  
5 will be filed prior to the hearing on this matter. The Adversary proceeding will directly address  
6 the ownership of the dies as it relates to each of the Interested Parties and additional parties  
7 who claim ownership of dies, plasters, artwork, galvanos currently stored by MACO and  
8 NWTM. As a result, the “settlement protocol” will not be relevant to those parties involved in  
9 the adversary proceeding.  
10

11 **II. SPECIFIC OBJECTIONS**

12 A. \$300 Is Not Reasonable

13 For years, prior to the bankruptcy, clients were routinely sent their dies upon request.  
14 This practice was consistent between NWTM and MACO. Cathy Swinburg was the Archivist  
15 for NWTM/MACO from October 2012 until her termination in December, 2017. Swinburg  
16 Declaration, ¶ 1. In her Declaration, Ms. Swinburg testifies that the dies and plasters are well  
17 organized and are identified in a database maintained for both NWTM and MACO. MACO  
18 dies are identified starting with the year, *ie.* 1936-52, and NWTM dies are identified starting  
19 with a letter which corresponds to a drawer where they are stored, *ie.* B 65 (drawer B, number  
20 65). The Plasters and Galvanos are marked with the corresponding die number. Swinburg,  
21 ¶¶ 3-4.  
22

23  
24 On numerous occasions, Ms. Swinburg was asked to return dies and plasters to  
25 customers on their request. This was a simple task that Ms. Swinburg would complete. After  
26 shipping, Ms. Swinburg would update the database showing that the die had been returned to

1 the customer. The Trustee's records will show how many customer dies were returned to the  
2 customer. For example, in 2013 Jared Grove of Gove Minting Company, an Interested Party  
3 above, requested two of his Company dies from NWTM. See Declaration of Jared Grove, ¶ 1.  
4 The dies were returned to Mr. Grove and he was charged \$20 for shipping. See Exhibit A to  
5 Grove Declaration. According to the Trustee's "protocol", Mr. Grove would need to pay  
6 \$3000 for his 10 remaining dies (of which he already paid NWTM to create).  
7

8 B. Alternative Protocol

9 In the event the Court approves any protocol, Ms. Swinburg has offered her services  
10 at \$25 an hour. See Swinburg Decl. ¶ 10. Ms. Swinburg is knowledgeable with respect to  
11 both the databases of NWTM and MACO, the storage and organization of the dies and  
12 plasters, and the shipping of dies and plasters back to customers. Given the Trustee's  
13 concerns for cost, Ms. Swinburg would be the most cost-effective means of returning  
14 customer's their respective dies.  
15

16 DATED this 13<sup>th</sup> day of April 2018.  
17

18 **MORLEY THOMAS LAW**

**KAPLAN LAW PLLC**

19  
20 By /s/ John E. Kennedy  
John E. Kennedy  
21 *Pro Hac Vice* OSB 982697

By /s/ Michelle Carmody Kaplan  
Michelle Carmody Kaplan  
22 WSBA No. 27286

23 Attorneys for Interested Parties  
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