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The Honorable Christopher M. Alston
Chapter 11
Hearing Date: June 13, 2018
Hearing Time: 9:30 a.m.
Location: Courtroom 7206
Response Date: June 6, 2018

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re
NORTHWEST TERRITORIAL MINT, LLC,

Debtor.

No. 16-11767-CMA

RESPONSE TO THE TRUSTEE’S
MOTION FOR ORDER
ESTABLISHING DEADLINE
REGARDING DISPOSITION OF ROSS
HANSEN’S PERSONAL PROPERTY

This memorandum is filed in response to the Trustee’s Motion for Order Establishing
Deadline Regarding Disposition of Ross Hansen’s Personal Property. ECF 1662. The Trustee’s
motion misstates and omits facts related to this issue. The bottom line is that the Trustee
“adamantly” refuses to permit Mr. Hansen to accompany his criminal counsel into the Dayton
facility, thereby preventing him from (i) identifying documents needed for defense of the
criminal charges against him, (ii) identifying and removing records that are not property of the
estate (his personal records and records of other businesses he owned), and (iii) removing his
other personal property. Access to the Dayton facility for purposes of identifying records to be
retained for the criminal case is pending in the United States District Court for the Western
District of Washington, before Judge Richard Jones in *U.S. v Hansen*, case no. 2:18-00092 (the
“Criminal Case”) (*see* docket no. 30). This Court can help shorten the process by ordering the

RESPONSE TO THE TRUSTEE’S MOTION FOR ORDER
ESTABLISHING DEADLINE REGARDING DISPOSITION OF
ROSS HANSEN’S PERSONAL PROPERTY - 1

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1 Trustee to grant Mr. Hansen and his criminal defense counsel access to the premises to review
2 records and for Mr. Hansen to identify and retrieve his personal records and other personal
3 property. Alternatively, the Court can await the outcome of the motion in the Criminal Case
4 and then deal with any issues not resolved by the District Court.

5 **BACKGROUND**

6 The Trustee's approach to this issue and its motion is emblematic of his approach to this
7 case. The Trustee's motion relies on a declaration signed by his counsel, which attaches one
8 self-serving email written by his counsel. The undersigned counsel has no desire to engage in a
9 he said/he said exchange with counsel for the Trustee. A series of recent emails between
10 counsel is attached to Mr. Powers' declaration addressing the issues in general – but only if the
11 Court wants to read them. As the Court is aware, Mr. Hansen was indicted on April 12, 2018,
12 and his ability to travel to Dayton to retrieve non-NWTM and other personal property has been
13 restricted. Mr. Powers' declaration attaches as Exhibit 2 recent emails from U.S. Probation and
14 Pretrial Services stating that, while it is prepared to authorize Mr. Hansen to go with his
15 criminal defense counsel to the Dayton facility, the Trustee "is adamant that Mr. Hansen cannot
16 enter the building." Simply put, it appears that the Trustee setting up barriers to the ability of
17 Mr. Hansen's criminal defense counsel ability to defend him, and for Mr. Hansen to ensure that
18 the Trustee gives him his personal records and property.

19 At the last hearing, counsel for the Trustee claimed that there is a large volume of boxes
20 of documents in the Dayton facility. Apparently, they have not been inventoried. There is no
21 dispute that some of those documents are Mr. Hansen's personal records, and some are records
22 of businesses that predate NWTM or Medallie Art Company and therefore not property of the
23 estate. If they have not been inventoried, it is unclear how the Trustee could have decided
24 which documents belong to the estate, and which documents do not. It simply defies logic that
25 Mr. Hansen would be able to identify boxes with personal or other business records (let alone
26 assist his criminal defense counsel in identifying NWTM documents necessary for his defense)
27

1 without being permitted on the premises. Nor is it conceivable that the Trustee can come up
2 with a justification for his refusal to allow Mr. Hansen on the “premises,” given that the
3 business is now shut down.

4
5 **DISCUSSION**

6 The Trustee may feign a cooperative attitude on this issue, but in reality is setting up
7 unnecessary obstacles to resolution of them. The Court can and should put an end to this saga
8 by entering an order that provides as follows:

9 The Trustee shall afford reasonable access to Mr. Hansen, accompanied by his
10 criminal defense counsel, to enter the Dayton premises for the purposes of
11 reviewing and cataloging documents held in that facility, and retrieving Mr.
12 Hansen’s personal records and records of his other businesses, along with his
13 other personal property, all on dates and at times approved U.S. Probation and
14 Pretrial Services or as otherwise ordered in *U.S. v. Hansen*.

15 The alternative is for the Court to await a decision from the District Court, but that may
16 take some time – if the Trustee will not agree to the above, he should not be heard to complain
17 about delays in removing documents and other property from the Dayton facility.

18 DATED this 6th day of June, 2018 at Seattle, Washington.

19 Davis Wright Tremaine LLP
20 Attorneys for Ross Hansen

21
22 By /s/ Ragan L. Powers
23 Ragan L. Powers, WSBA #11935

1 **PROOF OF SERVICE**

2 I certify that on June 6th, 2018, I electronically filed the foregoing with the Clerk of the
3 Court using the CM/ECF system, which will send notification of such filing to those attorneys
4 of record registered on the CM/ECF system:

5
6 DATED this 6th day of June, 2018.

7 By: /s/ Ragan L. Powers
8 Ragan L. Powers, WSBA #11935
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