

1 Michael J. Gearin, WSBA # 20982
2 David C. Neu, WSBA # 33143
3 Brian T. Peterson, WSBA # 42088
4 K&L GATES LLP
5 925 Fourth Avenue, Suite 2900
6 Seattle, WA 98104-1158
7 (206) 623-7580

Honorable Christopher M. Alston
Chapter 11
Hearing Location: Telephonic
Hearing Date: Friday, June 18, 2021
Hearing Time: 9:30 a.m.
Response Date: June 11, 2021

8 UNITED STATES BANKRUPTCY COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 In re:

12 NORTHWEST TERRITORIAL MINT,
13 LLC

Debtor.

Case No. 16-11767-CMA

SUPPLEMENTAL DECLARATION OF
MICHAEL J. GEARIN IN SUPPORT OF
K&L GATES LLP FINAL APPLICATION
FOR COMPENSATION

14 I, Michael J. Gearin, declare as follows:

15 I am a partner in the law firm of K&L Gates LLP ("K&L Gates"), attorneys for Chapter 11
16 Trustee Mark Calvert ("Trustee") and am duly authorized to practice law in this Court. I submit this
17 supplemental declaration in support of the K&L Gates' Final Application for Compensation (the
18 "Final Application").

19 1. Since submitting the Final Application, K&L Gates has more carefully considered the
20 effect of *Baker Botts LLP v. ASARCO LLC*, 135 S. Ct. 2158 (2015) ("ASARCO") on the Final
21 Application. In November, 2018, K&L Gates submitted its Application for Compensation for the
22 period April 2016 through September 2018. K&L Gates incurred fees in connection with that
23 application in addressing certain responses filed by creditors and the counsel to the creditors
24 committee. Some of those fees and expenses are included in the Final Application. Attached as
25 Exhibit A is a list of time entries that are included under the "Fee/Employment Objections" category

SUPPLEMENTAL DECLARATION OF MICHAEL J. GEARIN
IN SUPPORT OF K&L GATES LLP FINAL APPLICATION
FOR COMPENSATION - 1

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1 in the Final Application and that K&L Gates believes are subject to the limitations of *ASARCO*.
2 These fees total \$26,136.50. K&L Gates hereby withdraws its application for compensation for
3 these services in acknowledgment of the *ASARCO* limitations.

4 2. K&L Gates filed its Final Application and noted the application for hearing on
5 June 18, 2021. The objection deadline was Friday June 11, 2021. No objections were served on
6 K&L Gates and, to my knowledge, no objections were filed. I received an email from a creditor on
7 Friday, June 18, 2021, which is attached hereto with my responsive emails as Exhibit B.

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

9 EXECUTED this 14th day of June, 2021, at Seattle, Washington.

10
11 /s/ Michael J. Gearin
12 Michael J. Gearin

1 **CERTIFICATE OF SERVICE**

2 The undersigned declares as follows:

3 That she is a paralegal in the law firm of K&L Gates LLP, and on June 14, 2021, she caused
4 the foregoing document to be filed electronically through the CM/ECF system which caused
5 Registered Participants to be served by electronic means, as fully reflected on the Notice of
6 Electronic Filing.

7 Also on June 14, 2021, she caused the foregoing document to be mailed to the Parties at the
8 addresses listed below:

9 Northwest Territorial Mint LLC
10 PO Box 2148
11 Auburn, WA 98071

12 I declare under penalty of perjury under the laws of the State of Washington and the United
13 States that the foregoing is true and correct.

14 Executed on the 14th day of June, 2021 at Seattle, Washington.

15 /s/ Denise A. Lentz
16 Denise A. Lentz

EXHIBIT A

Matter	Date	Name	Title	Rate	Hours	Amount	Narrative
2070561.70080	11/29/2018	Neu, David C.	Partner	\$450.00	1.00	\$450.00	Review fee application objection letters
2070561.70080	11/30/2018	Gearin, Michael J.	Partner	\$540.00	1.50	\$810.00	Review of multiple responses to fee applications
2070561.70080	11/30/2018	Lentz, Denise A.	Paralegal	\$215.00	0.30	\$64.50	Review of multiple responses to fee applications and forward to attorneys and client
2070561.70080	11/30/2018	Neu, David C.	Partner	\$450.00	2.10	\$945.00	Review objections to fee applications (.6) research related to same (1); call regarding same (.5)
2070561.70080	12/3/2018	Gearin, Michael J.	Partner	\$540.00	5.50	\$2,970.00	Review and analysis of fee application objections (2.5); review research regarding fee application standard (2.0); coordinate draft of reply and supporting evidence (1.0)
2070561.70080	12/3/2018	Peterson, Brian	Partner	\$355.00	0.70	\$248.50	Analysis, including conferences with D. Neu and M. Gearin, of arguments to make in consolidated reply to objections to fee applications
2070561.70080	12/4/2018	Gearin, Michael J.	Partner	\$540.00	8.10	\$4,374.00	Revisions to reply brief and supporting declarations; multiple calls with Trustee regarding same
2070561.70080	12/4/2018	Lentz, Denise A.	Paralegal	\$215.00	3.00	\$645.00	Work on reply to fee applications and all related documents with M. Gearin, B. Peterson and D. Neu (2.5); file documents with USBC (.5)
2070561.70080	12/4/2018	Peterson, Brian	Partner	\$355.00	0.40	\$142.00	Draft declaration of J. Gilmore in support of consolidated reply to fee application objections
2070561.70080	12/4/2018	Peterson, Brian	Partner	\$355.00	2.60	\$923.00	Draft and revise consolidated reply in support of Trustee professionals' fee applications
2070561.70080	12/4/2018	Peterson, Brian	Partner	\$355.00	5.20	\$1,846.00	Draft and revise declaration of M. Calvert in support of consolidated reply in support of Trustee professionals' fee applications
2070561.70080	12/4/2018	Neu, David C.	Partner	\$450.00	9.90	\$4,455.00	Draft, revise and edit responses to fee applications
2070561.70080	1/18/2019	Peterson, Brian	Partner	\$365.00	0.30	\$109.50	review briefing filed by Committee counsel regarding fee applications
2070561.70080	1/18/2019	Peterson, Brian	Partner	\$365.00	1.70	\$620.50	Draft supplemental brief in support of fee applications
2070561.70080	1/23/2019	Neu, David C.	Partner	\$465.00	0.80	\$372.00	Review filed objections
2070561.70080	1/25/2019	Peterson, Brian	Partner	\$365.00	0.20	\$73.00	Conference with M. Gearin regarding fee application objections
2070561.70080	1/25/2019	Neu, David C.	Partner	\$465.00	0.80	\$372.00	Review fee objections
2070561.70080	1/28/2019	Gearin, Michael J.	Partner	\$555.00	3.00	\$1,665.00	Review and analysis of fee objections
2070561.70080	1/28/2019	Peterson, Brian	Partner	\$365.00	4.40	\$1,606.00	Conference with M. Gearin regarding reply in support of professional fee applications
2070561.70080	1/28/2019	Neu, David C.	Partner	\$465.00	1.80	\$837.00	Review responses to fee applications (.4); work on information for reply (1.2)
2070561.70080	10/22/2019	Gearin, Michael J.	Partner	\$555.00	4.70	\$2,608.50	Attention to motion to amend fee application ruling
			TOTAL			\$26,136.50	

EXHIBIT B

From: [Gearin, Mike](#)
To: [Alex McQuin](#); martin.l.smith@usdoj.gov; [Roy N. Blaine](#); eva.j.temple@ojd.state.or.us
Cc: [Gould, Benee](#)
Subject: RE: Response re : Northwest Territorial mint Bankruptcy 2-16-bk-11767, 16-11767-CMA [KLG-USW_Active01.FID252395]
Date: Monday, June 14, 2021 11:29:14 AM

Mr. McQuin: We have checked the mailing list on file with the court and your mailing address is current. The address you provided below is the address on file with the court.

Michael J. Gearin
K&L Gates LLP
925 Fourth Avenue, Suite 2900
Seattle, WA 98104
(206) 370-6666 Direct
(206) 940-2500 Mobile
michael.gearin@klgates.com

From: Gearin, Mike
Sent: Monday, June 14, 2021 11:24 AM
To: 'Alex McQuin' <acmcquin69@outlook.com>; martin.l.smith@usdoj.gov; Roy N. Blaine <Roy.N.Blaine@ojd.state.or.us>; eva.j.temple@ojd.state.or.us
Subject: RE: Response re : Northwest Territorial mint Bankruptcy 2-16-bk-11767, 16-11767-CMA [KLG-USW_Active01.FID252395]

Mr. McQuin: The hearing on Friday will be conducted only by telephone. The instructions for attendance are contained in the attached notice. My offices will file a change of address for you reflecting the address you have provided:

Alex McQuin
32316 Shoop Ln.
Hermiston Or. 97838

Michael J. Gearin
K&L Gates LLP
925 Fourth Avenue, Suite 2900
Seattle, WA 98104
(206) 370-6666 Direct
(206) 940-2500 Mobile
michael.gearin@klgates.com

From: Alex McQuin <acmcquin69@outlook.com>
Sent: Friday, June 11, 2021 5:41 PM

To: martin.l.smith@usdoj.gov; Roy N. Blaine <Roy.N.Blaine@ojd.state.or.us>;
eva.j.temple@ojd.state.or.us; Gearin, Mike <michael.gearin@klgates.com>

Subject: Response re : Northwest Territorial mint Bankruptcy 2-16-bk-11767, 16-11767-CMA

External Sender:

Re : case # 2-16-bk-11767 Please forward to court clerk for Judge Christopher M Alston Courtroom ,U.S court and others in interest re: re: re: Junctive relief-other

Re: recovery of money/ property. Re: Nature of suit re: Declaratory Judgment. Re: Compensation.

WE The People rely upon the Court to follow the law. To be fair with no prejudice and no bias. Follow the colour of law.

The Law should aid the watchful not the sleeping. I have been watching. I have been thinking. I have been seeking, and might as well been sleeping, For I am Lost as ever. The proof I need is in my works. In the basic principle of the law. But the loop holes are vast and deep and preferred over the meat and potatoes. Of our Laws Seemingly a game To most! I would like to appear at the Court house to view the outcome for my self on 6/18/2021 at Judge Alston Court room 9:30 AM (Notice of appearance) Alex McQuin I am still trying to change my address Court makes it hard.

Alex McQuin
32316 Shoop Ln.
Hermiston Or. 97838
Phone # (541) 656-7005

Sent from [Mail](#) for Windows 10

1 Michael J. Gearin, WSBA # 20982
2 David C. Neu, WSBA # 33143
3 Brian T. Peterson, WSBA # 42088
4 K&L GATES LLP
5 925 Fourth Avenue, Suite 2900
6 Seattle, WA 98104-1158
7 (206) 623-7580

Honorable Christopher M. Alston
Chapter 11
Hearing Location: Telephonic
Hearing Date: Friday, June 18, 2021
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8 UNITED STATES BANKRUPTCY COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

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

Case No. 16-11767-CMA

NOTICE OF HEARING ON FINAL
APPLICATIONS FOR
COMPENSATION

13 TO: NORTHWEST TERRITORIAL MINT, LLC, Debtor;
14 AND TO: MARK D. NORTHRUP and MILLER NASH GRAHAM & DUNN, Attorneys for
OFFICIAL UNSECURED CREDITORS COMMITTEE,
15 AND TO: UNITED STATES TRUSTEE;
16 AND TO: SPECIAL NOTICE LIST including all governmental entities as required by
FRBP 7004(b)(4) and (6);

17 PLEASE TAKE NOTE that a hearing on (i) the Final Application for Compensation of
18 Cascade Capital Group LLC, as Accountants for the Chapter 11 Trustee; (ii) the Trustee's Second
19 and Final Application for Compensation; and (iii) K&L Gates LLP Final Application for
20 Compensation (collectively, the "Fee Applications") has been scheduled on **June 18, 2021, at
9:30 a.m. (PT)**. Dial in information for Judge Alston's Courtroom is as follows:

21 **Instructions**

- 22 (1) Dial: 1-888-363-4749.
23 (2) Enter Access Code: 8955076#
24 (3) Press the # sign
(4) Enter Security Code when prompted: 3564#
(5) Speak your name when prompted

25 **Guidelines**

- 26 (1) Use a land line phone and not a cell phone, if possible. Do not use a speaker phone and do not use "hands-free" if
using a cell phone.
(2) Make the call from a quiet area where background noise is minimal.

NOTICE OF HEARING ON FINAL APPLICATIONS FOR
COMPENSATION - 1

504748354.1

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1 (3) Wait until the judge calls your case before speaking.

2 (4) Do not put the phone on hold at any time after the call is connected.

3 (5) In the event you are unable to connect to the conference call after following the above procedures, please contact
4 chambers at (206) 370-5330.

5 The Trustee, Cascade Capital Group, LLC, and K&L Gates LLP have filed fee applications
6 in the amounts set forth below, for services rendered herein, as provided in greater detail in the
7 individual applications. The Fee Applications are for the time periods and amounts as indicted
8 below:

<u>Applicant</u>	<u>Fees</u>	<u>Expenses</u>	<u>Total Fees and Expenses</u>	<u>Billing Period</u>
Mark Calvert Trustee	\$141,870.00	\$0.00	\$141,870.00	October 1, 2018 through May 19, 2021
Cascade Capital Group LLC Accountants for the Chapter 11 Trustee	\$21,658.50	\$0.00	\$21,658.50	October 1, 2018 through April 30, 2021
K&L Gates LLP Attorneys for the Chapter 11 Trustee	\$562,056.50	\$28,331.46	\$590,387.96	October 1, 2018 through May 19, 2021

14 In addition, K&L Gates LLP requests an additional award of \$25,000 in estimated fees and
15 \$5,000 in estimated costs, for services rendered through dismissal of this case. The Trustee requests
16 an additional award of \$40,000 in estimated fees, and Cascade Capital Group LLC requests an
17 additional award of \$750 in estimated fees for services rendered through dismissal of this case.

18 PLEASE TAKE FURTHER NOTICE that copies of the Fee Applications and related
19 documents may be (1) reviewed and copied at the Clerk of the United States Bankruptcy Court, 700
20 Stewart Street, Seattle, WA 98101 or (2) may be obtained by submitting a written request to Ms.
Denise Lentz, Paralegal, K&L Gates, LLP, 925 Fourth Avenue, Suite 2900, Seattle, WA 98104-
1158, Email: denise.lentz@klgates.com.

21 PLEASE TAKE FURTHER NOTICE THAT IF YOU OPPOSE the Fee Applications, you
22 must file your written objection NO LATER THAN **Friday, June 11, 2021 at midnight (PT)**.
Objections must be filed with the Court, 700 Stewart Street, Seattle, WA, 98101, and a copy
delivered to

23 Michael Gearin
24 K&L Gates, LLP
25 925 Fourth Avenue, Suite 2900
Seattle, Washington 90104
26 Fax: (206) 623-7022

NOTICE OF HEARING ON FINAL APPLICATIONS FOR
COMPENSATION - 2

504748354.1

K&L GATES LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1 PLEASE TAKE FURTHER NOTICE that in accordance with Local Bankruptcy Rule 9013-
2 1(d)(7), failure to timely file and serve an objection to the Fee Applications may be deemed by the
3 Court an admission that any opposition to the Fee Applications are without merit. Further, pursuant
4 to Local Bankruptcy Rule 9013-1(e), failure to appear at the hearing on the Fee Applications may be
5 deemed by the Court to be an admission that any opposition to the Fee Applications are without
6 merit. Further, pursuant to Local Bankruptcy Rule 9013-1(f), if no opposition to the Fee
7 Applications is timely filed and served, the Court may either (a) grant the Fee Applications by
8 default at the hearing, or (2) grant the Fee Applications prior to the hearing on the Trustee's ex parte
9 presentation of a proposed order accompanied by proof of service and a declaration that no objection
10 to the Fee Applications was timely received.

11 DATED this 25th day of May, 2021.

12 K&L GATES LLP

13 By /s/ David C. Neu
14 Michael J. Gearin, WSBA #20982
15 David C. Neu, WSBA #33143
16 Brian T. Peterson, WSBA #42088
17 Attorneys for Mark Calvert, Chapter 11 Trustee

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NOTICE OF HEARING ON FINAL APPLICATIONS FOR
COMPENSATION - 3

504748354.1

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925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
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