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Honorable Christopher M. Alston
Chapter 11
Ex Parte

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

10 In re:

11 NORTHWEST TERRITORIAL MINT, LLC,

Case No. 16-11767-CMA

CHAPTER 11 TRUSTEE'S RESPONSE
TO MEDALLIC ART COMPANY LLC'S
EX PARTE APPLICATION FOR ORDER
AUTHORIZING DISCOVERY OF
ALLISON MACKENZIE PURSUANT TO
BANKRUPTCY RULE 2004

15 Mark Calvert, Trustee (the "Trustee") for the Northwest Territorial Mint, LLC ("NWTM"),
16 in the above-captioned proceeding, by and through his attorneys, K&L Gates, LLP, hereby files this
17 response to the Ex Parte Motion for Order Authorizing Discovery Pursuant to Bankruptcy Rule 2004
18 (the "Motion") (Dkt. No. 428). By the Motion, Medalliac Art Company LLC ("Medalliac") seeks an
19 order directing the law firm Allison MacKenzie Ltd. ("Allison MacKenzie") to produce, among
20 other things, all documents that refer or relate to the Debtor, Ross Hansen, Medalliac and any
21 affiliates of Medalliac.

22 In the Motion, Medalliac asserts that Allison Mackenzie represented Mr. Hansen, Mr. Bressler
23 and/or Medalliac. However, Medalliac does not disclose that Allison & MacKenzie is the Debtor's
24 former legal counsel. The Debtor engaged Allison MacKenzie in June of 2009 to represent it with
25 regard to its purchase of the assets of Medalliac Art Company Ltd., located in Dayton, Nevada and
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TRUSTEE'S RESPONSE TO EX PARTE APPLICATION
FOR ORDER AUTHORIZING DISCOVERY - 1

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1 owned by Robert and Connie Hoff. The Allison MacKenzie firm also represented the Debtor in an
2 employment matter which is unrelated to the Medallic affairs. As such, the firm has in its possession
3 documents related to its representation of the Debtor that are subject to the Debtor's attorney-client
4 privilege. The Trustee holds the attorney-client privilege with respect to any such documents. *CFTC*
5 *v. Weintraub*, 471 U.S. 343 (1985) (concluding that the trustee of a corporation in bankruptcy is
6 vested with the attorney-client privilege of the corporation with respect to pre-bankruptcy
7 communications).

8 The Trustee does not know whether Allison MacKenzie represented Mr. Hansen, Mr.
9 Bressler or Medallic. The Trustee files this response to ensure that the Court's order expressly
10 preserves the attorney-client privilege held by the Trustee and instructs Allison MacKenzie to
11 withhold such privileged documents and communications. The Trustee also objects to Medallic's
12 2004 request to the extent it seeks the discovery of matters unrelated to Medallic as those matters are
13 irrelevant to the financial affairs between the estate and Medallic.

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15 DATED this 23rd day of June, 2016.

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17 K&L GATES LLP

18
19 By /s/ Michael J. Gearin
20 Michael J. Gearin, WSBA #20982
21 David C. Neu, WSBA #33143
22 Brian T. Peterson, WSBA #42088
23 Attorneys for Mark Calvert, Chapter 11 Trustee
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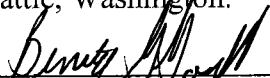
CERTIFICATE OF SERVICE

The undersigned declares as follows:

That she is an assistant with the law firm of K&L Gates LLP, and on June 23, 2016, she caused the foregoing document to be filed electronically through the CM/ECF system which caused Registered Participants to be served by electronic means, as fully reflected on the Notice of Electronic Filing.

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

Executed on the 23rd day of June, 2016 at Seattle, Washington.


Benita G. Gould