

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
Ex Parte

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

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

Case No. 16-11767-CMA

DECLARATION OF MICHAEL J.
GEARIN IN SUPPORT OF *EX PARTE*
APPLICATION FOR ORDER
AUTHORIZING EMPLOYMENT OF
K&L GATES LLP AS ATTORNEYS
FOR TRUSTEE ON AN INTERIM
BASIS

15 I, Michael J. Gearin, hereby declare as follows:

16 1. I am a partner in the law firm of K&L Gates LLP (“K&L Gates”) and am duly
17 authorized to practice law in this Court. I submit this declaration in support of the application to
18 employ K&L Gates as counsel for Mark Calvert, the duly appointed Chapter 11 Trustee.

19 2. K&L Gates has been asked to represent the Trustee in this case. K&L Gates and
20 its partners and associates are not creditors, equity security holders or insiders of the Debtors.
21 The Firm has not taken a security interest in any assets of the bankruptcy estate to secure fees
22 and no retainer has been provided to the firm or promised by the Debtor or the estate. The Firm
23 expects to be paid from the assets of the bankruptcy estate. To my knowledge, K&L Gates does
24 not have an interest materially adverse to the interests of the estate or of any class of creditors or
25 equity security holders.

DECLARATION OF MICHAEL J. GEARIN IN
SUPPORT OF *EX PARTE* APPLICATION TO
EMPLOY K&L GATES AS ATTORNEYS FOR
TRUSTEE ON AN INTERIM BASIS- 1

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SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1 3. I have caused a review of the firms' computerized conflicts data based to be
2 conducted for relationships between the firm and the Debtor, its principal Mr. Ross B. Hansen,
3 and the list of twenty largest unsecured creditors. In addition, our firm reviewed our firm's
4 relationships, if any, with Steven Earl Firebaugh, a co-defendant in a lawsuit against the
5 principal, as well as two entities the Trustee believes may be affiliated with the Debtor: Medallic
6 Art Company LLC and Medallic Art Corporation.

7 4. The conflicts search revealed that the firm, through a lawyer who is no longer
8 with the firm, opened a matter to represent the Debtor which was closed in 2007. It does not
9 appear that the firm ever provided services to the Debtor as no time for legal work was ever
10 billed. K&L Gates has no current relationship with the Debtor.

11 5. Mark Calvert is a principal of Cascade Capital Group, Inc. ("Cascade"). K&L
12 Gates currently represents Mark Calvert, individually, and Cascade, on matters that are unrelated
13 to this bankruptcy case and currently represents Mr. Calvert in his capacity as a trustee or
14 receiver in other cases unrelated to this bankruptcy case.

15 6. I was contacted by and spoke with four customer creditors of the Debtor via
16 telephone regarding this case. At their request, I appeared on their behalf at a hearing held by this
17 Court on April 7, 2016, for the limited purposes of stating their preference that a chapter 11
18 trustee be appointed in this case. In my discussions with these individual creditors, I informed
19 them that I would seek to be employed as the Trustee's counsel in the event one was appointed. I
20 did not charge the creditors for my time, and did not agree to represent them for any other
21 purpose in the case. The Firm will not represent the individual interests of any individual creditor
22 in the case.

23 7. K&L Gates does not, to the best of my knowledge, have a relationship with the
24 United States Trustee, or any person employed in the office of the United States Trustee.

25 8. I have practiced in this jurisdiction and have professional and social relationships
with a number of professionals who have and who may appear for parties in this case. I do not

DECLARATION OF MICHAEL J. GEARIN IN
SUPPORT OF *EX PARTE* APPLICATION TO
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1 have any relationships with counsel which would preclude me from being disinterested within
2 the meaning of 11 U.S.C. 101(14).

3 9. To the extent that I become aware of any relationships between K&L Gates and
4 creditors or parties in interest to the case affecting K&L Gates' disinterestedness, I will provide a
5 supplemental declaration to the Court.

6 10. I have reviewed and am familiar with Local Bankruptcy Rule 2016-1 in
7 compliance with Local Bankruptcy Rule 2014.

8 11. The following individuals are likely to render the majority of legal services to the
9 Trustee:

<u>Professional</u>	<u>Hourly Rate</u>
Michael Gearin	\$525.00
David Neu	\$430.00
Brian Peterson	\$335.00
Denise Evans, Paralegal	\$205.00

13 Other attorneys and professionals will provide services to the estate at hourly rates ranging from
14 \$75 to \$900 per hour, subject to adjustments to reflect economic and other conditions, including
15 increases in experience and expertise of members of the firm.

16 12. I provided copies of the application for employment, proposed order and this
17 declaration to Martin Smith of the U.S. Trustee's office in compliance with LBR 2014-1(b). I
18 understand that Mr. Smith has consented to the submission of the application in advance of the
19 7 day notice period provided by that rule.

20 13. Attached hereto as Exhibit A is a form of engagement letter between K&L Gates
21 and the Trustee.

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

23 EXECUTED this 12th day of April, 2016, at Seattle, Washington.

24
25 /s/ Michael J. Gearin
Michael J. Gearin

DECLARATION OF MICHAEL J. GEARIN IN
SUPPORT OF *EX PARTE* APPLICATION TO
EMPLOY K&L GATES AS ATTORNEYS FOR
TRUSTEE ON AN INTERIM BASIS- 3

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CERTIFICATE OF SERVICE

The undersigned declares as follows:

That she is a paralegal in the law firm of K&L Gates LLP, and on April 12, 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 12th day of April, 2016 at Seattle, Washington.

/s/ Denise A. Evans
Denise A. Evans

DECLARATION OF MICHAEL J. GEARIN IN
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