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

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

Case No. 16-11767-CMA
DECLARATION OF MICHAEL J.
GEARIN IN SUPPORT TRUSTEE'S
REPLY IN SUPPORT OF MOTION
FOR ORDER HOLDING ROSS
HANSEN IN CONTEMPT FOR
VIOLATION OF AUTOMATIC STAY

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 in this Court. I submit this declaration in support of Mark Calvert (the
18 "Trustee"), the duly appointed Chapter 11 Trustee's Reply in Support of Motion for Order
19 Holding Ross Hansen in Contempt for Violation of Automatic Stay.

20 2. The Trustee filed his motion for order holding Ross Hansen in contempt for
21 violation of automatic stay (the "Contempt Motion") on June 28, 2016 and scheduled the hearing
22 on the Contempt Motion for July 22, 2016.

23 3. On Thursday, July 7, 2016, we received a Notice of Deposition of Mark
24 Calvert in the Matter of the Trustee's Motion for Contempt from C. James Frush, attorney
25 for Ross Hansen ("Mr. Frush") setting the Calvert deposition for July 14, 2016.

DECLARATION OF MICHAEL J. GEARIN IN
SUPPORT TRUSTEE'S REPLY IN SUPPORT OF
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IN CONTEMPT FOR VIOLATION OF
AUTOMATIC STAY - 1

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1 4. On Friday, July 8, 2016, I notified Mr. Frush that the Trustee would be out
2 of the country on July 14, 2016 and suggested alternative dates for a deposition of the
3 Trustee.

4 5. On Monday, July 11, 2016, I spoke with Mr. Frush and we agreed to
5 schedule the Trustee's deposition on July 28, 2016. At Mr. Frush's request, I also agreed
6 to continue the hearing on the Contempt Motion to August 5, 2016.

7 6. In our communications of July 11 and 12 and earlier, Mr. Frush never
8 discussed conducting any depositions other than that of the Trustee.

9 7. The hearing on the Contempt Motion was continued to August 5, 2016.
10 Responses to the Contempt Motion were due on July 29, 2016 under the bankruptcy local
11 rules following the continuance of the hearing to the August 5, 2016 calendar.

12 8. On July 19, 2016 our office received deposition notices from Mr. Frush
13 setting depositions for four employees of Northwest Territorial Mint, LLC on July 29,
14 2016. Until the deposition notices were received, I was unaware that Mr. Frush intended
15 to depose any of these witnesses. All four NWTM employees were made available and
16 attended their depositions on July 29, 2016.

17 9. On July 26, 2016, Mr. Frush requested that we continue the hearing on the
18 Contempt Motion again. I told him we had already continued it once at Mr. Hansen's
19 request and that the Trustee was not in a position to continue the hearing again.

20 10. On August 1, 2016, I conducted a deposition of Mr. Hansen regarding the
21 Contempt Motion. Attached hereto as Exhibit A are highlighted excerpts from the
22 transcript of that deposition.

23 11. On July 27, 2016, our office conducted a deposition of Michael Parish.
24 Attached hereto as Exhibit B are excerpts from the transcript of that deposition.
25

DECLARATION OF MICHAEL J. GEARIN IN
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12. On July 29, 2016, Mr. Frush conducted a deposition of Destiny Krum, one of the employees from NTWM. Attached hereto as Exhibit C are excerpts from the transcript of that deposition.

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

EXECUTED this 2nd day of August, 2016, at Seattle, Washington.

/s/ Michael J. Gearin
Michael J. Gearin

DECLARATION OF MICHAEL J. GEARIN IN SUPPORT TRUSTEE’S REPLY IN SUPPORT OF MOTION FOR ORDER HOLDING ROSS HANSEN IN CONTEMPT FOR VIOLATION OF AUTOMATIC STAY - 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 August 2, 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 2nd day of August, 2016 at Seattle, Washington.

/s/ Denise A. Evans
Denise A. Evans

DECLARATION OF MICHAEL J. GEARIN IN
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