

Honorable Christopher M. Alston  
Chapter 11  
Hearing Location: Room 7206  
Hearing Date: September 2, 2016  
Hearing Time: 9:30 a.m.  
Response Date: August 26, 2016

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re:

NORTHWEST TERRITORIAL MINT, LLC,  
  
Debtor.

Case No. 16-11767-CMA

RESPONSE TO TRUSTEE'S MOTION FOR  
CONTEMPT

The Trustee's new motion for contempt is more waste of estate resources on litigation tactics. It should be denied.

The Trustee obtained an Ex Parte 2004 Order on April 26, 2016. The order provides:

Ross B. Hansen will produce, and permit inspection and copying of the documents described in Exhibit A on or before May 15, 2016 at the offices of K&L Gates, 925 Fourth Ave., Suite 2900, Seattle, WA 98104. For the purposes of this order, "documents" shall include all electronically stored information including, without limitation, electronic data or data compilations, electronic files, e-mail, and other electronic communications saved to or located on hard disks, file servers, floppy disks, CDs, DVDs, backup tapes, thumb drives, or any other electronic media, whether or not in tangible or electronic form.

The order further provided:

The Trustee's motion for subpoenas is GRANTED. The production of documents from any third party which may hold the documents and records identified in Exhibit A may be compelled via Rules 2004(c) and 9016, F.R.B.P

1 As the Court will recall from the June 3 hearing, Mr. Hansen agreed to produce records  
2 in his possession, although it was clear that he did not have much in his possession. Since the  
3 Trustee prohibited Mr. Hansen from going to Northwest Territorial Mint's offices, and his  
4 rental home had been the subject of a break and enter order obtained by Mr. Cohen, Mr.  
5 Hansen plainly did not have much that he could produce. Subsequent to the June 3 hearing,  
6 Mr. Hansen produced responsive records that were in his possession, including emails from a  
7 laptop computer that had not been seized.

8 Continuing the gambit that the Trustee had earlier used, the Trustee's counsel again  
9 demanded that Mr. Hansen produce records that Mr. Hansen does not have, including bank  
10 account statements. When advised that the records were at NWTM, the Trustee initially denied  
11 the records were at NWTM. After additional prodding, the Trustee admitted that Mr. Hansen's  
12 bank account records going back to 2010 were at NWTM, and claimed to be missing the  
13 records from November 2010 through the filing date. Mr. Hansen retrieved copies of those  
14 records for the Trustee from Columbia Bank, and they were delivered on August 8.

15 With respect to investment accounts (which were closed years ago), the Trustee's  
16 counsel was advised that the records were at NWTM and that Mr. Hansen did not have them.  
17 The Trustee's counsel at first claimed that no account statements were available. Mr. Hansen's  
18 counsel suggested that it would be most efficient for the Trustee to use his subpoena power to  
19 obtain them because Mr. Hansen does not have them and has no account numbers. Not  
20 surprisingly, the Trustee then located an account statement at NWTM. The account records  
21 have now been requested, although it will take several weeks for the brokerage company to  
22 retrieve them and provide copies. The delay could have been avoided if the Trustee had used  
23 his subpoena power in the first place.

24 As a practical matter, this motion was completely unnecessary. The Trustee already  
25 had some of the documents he demanded (i.e., the bank statements), and could have simply  
26 obtained anything else he wanted through the subpoenas he was authorized to issue. The cost  
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1 to this estate would have been far less than the cost of drafting and filing an unnecessary  
2 motion.

3 Respectfully submitted this 26<sup>th</sup> day of August, 2016.

4 Davis Wright Tremaine LLP  
5 Attorneys for Ross Hansen

6  
7 By /s/ Ragan L. Powers  
8 Ragan L. Powers, WSBA No. 11935  
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