

I. Agree Everyone please be seated in the morning. OK this is in the matter of Northwest territorial minutes we are here today on. The issue of whether the state may sell dyes and related items tooling. Will generally refer to dyes but as Mr Hyatt points points out it's it's broader than just dyes so but to be clear when I use the term dyes I'm referring to everything in mining compass the intellectual property of customers or others and that's the issue for this morning trying to separate it from the question of ownership of the dyes itself which will be resolved for another day sort of the extent you made those arguments those are preserved for another day but I'm going to try to separate it just from the intellectual property issues so I did see the briefing and. I guess we'll hear from Mr new first and then we'll hear from any parties that may have checked is no one's on the phone is there any one phone wasn't expecting anyone so I'll start with you Mr New Good morning good morning honored and first let me apologize to you to a miscommunication with my my staff I think my brief yesterday was filed a couple of hours late I mean I was but I didn't I mean not to be I don't need to be dismissive but I didn't say a whole lot but. I did as you know I just said and I understand the argument with you but you're making so yeah it was light but it you no harm no foul really and I do need to relate to the court Your Honor that we have resolved our issues with the Boy Scouts of America all right Brooklyn gardens and Mr Hyatt's Clance Pan-American Oh no I don't I know Mr chickenshit I'm going to be here as my understanding all right even represents the Boy Scouts we reached an agreement correct with them all right all right thank you we'll bring those before the court for All right then please proceed absolutely on. So you know the issue really as I understand it is the argument that had been raised in some of the earlier briefing that somehow because underlying artwork that is embodied in a dye that's when they have an intellectual property interest in that work that that is so intrinsic in the die that the dye cannot be separated from the work and so we've we've briefed the law on the issue your honor and I think it's fairly subtle it's it's really black letter law we we cited seventeen U.S.C. two zero zero two which is the section of the Copyright Act the political section which provides that ownership of a copyright or exclusive rights under a copyright is distinct from ownership of any material object in which the work is embodied and we cited case law to that same effect. Than you can see in which that the court had allowed it or at least to determine. That certain I believe their master recordings This was Miss only we were going to tame a case where property of the estate and could be sold by the state it was a similar argument that I've been raised in in that particular case. The response of briefing I think that was submitted by the parties who objected doesn't cite any case law or any statutory lot of the contrary and I think the argument really that they raise is this issue of do they have an intellectual property rights in the in the work itself and that really is not I think a relevant issue to the question of can a material object I.E. the die. Be sold I mean clearly a object that embodies intellectual property can be sold and I think I cited some examples albums those sorts of things and frankly all those can be used to infringe on intellectual property rights I can take a CD and I can you ripped out of my computer and pirate it that doesn't mean the CD can't be sold and I think those are two separate and distinct issues we're not. Arguing that any. But he doesn't have does or doesn't have an intellectual property right in the in the work itself certainly there are circumstances where the mince artists are metallics artists created the work and in those situations the intellectual property rights unless it was work for hire would best in the in the meant. But undoubtedly there are circumstances where the work was created by a third party artists or by by customers and they would have an intellect and intellectual property right in the work itself out we're not seeking to sell that that dies for the purpose of somebody infringing on those intellectual property rights and frankly a metal craft if you look at the metal craft sale motion that explicitly agreed that they would not use the dyes for any to create any product without the express consent of the customer of the value in the guy's particular owner is a good think of it almost as a as a customer list it's the value of the diet as being able to. Form a relationship with a potential customer and then at the request of that customer if they want to produce a product from those dyes that that we didn't use with so there's really not any. QUESTION And I think we're in agreement that metal crafter were the off the purchaser just can't use the dice to infringe on intellectual property rights but that's that's not the issue. You know that

the fact of the matter is that these guys material objects whether or not they embody copyrighted work. They are to the extent that the estate owns the estate and so all right thank you Mr little I do have a lot of questions what I'll do is I'll hear from the other parties and then I'll ask all my questions so who would like to connect me is Kaplan All right. Given what I have yes and yes you know you can even sit down if you know parameter and OK and I have a sinus infection and threats of I mean and I'm sorry about that I want to keep your distance that no it's not it's not OK just I don't have and I would not and you know that. The trustee has a sigh of forgotten I'm sorry before it ever started up but so Mr YOU SAID THAT least one of your clients reached an agreement when garden all right Perez reached an agreement All right so you're here behalf can just for the record I will represent the army captain and representing him he was asleep Gary Marx and the New York in this matter when I think with respect to and the trust the international briefing said that and made a blanket statement that in his backtracked on that and no one else has any intellectual property interest in these guys citing the any dies that were created by the I'm sneeze meant to encompass everything right by their artists but in fact the U.S. copyright laws prior to January first of one nine hundred seventy eight did not state that So for the New York numismatic any dies even if the mint commission if they were if they commissioned the mint to create the dye under the black letter law applicable at the time the copyright vested with the New York numismatic lab and that our client's biggest issue is I don't want a court order that's selling these guys free and they're. You know we've been told talk to Mr Moran. Mr Moran may be a very honorable lovely person but we want. We can't guarantee that he's going to be running the company forever he's not a moral bankruptcy as we all know bankruptcies and receivership do happen so there is a possibility that somebody else could come in and control these guys and they may not be as honorable and respectful of IP rights and be selling them overseas and another class of analysts the creditors interested parties would be the actual coin collectors we haven't talked about them but a lot of these are limited edition limited edition runs and they're they're actually worth quite a bit of money and so of all the sudden the dyes were to fall into. Less respectful hands and I P rights are violated their value of their collection could go down and there have they want to I want we would like our clients to have the right to be able to go back to any purchaser and say we can sue you because our intellectual property rights have been. Violated the guys themselves are really just useful artifacts and they want to display the art that was created and the trustee has already conceded that others. May have intellectual property rights in the copyrights verily I don't believe we had any trademark. Issues. And so I guess that we did propose some language at the back of our motion that came to be kind of just lift the bat from the borders of C. In the southern district of New York. And I believe Mr Powers maybe pop or so on but it came from that order. Just something to protect the intellectual property rights of the individuals or a thank if you have. Points to the I have questions I hear from so high and then I'll hear from Mr Newman reply and then I'll ask my questions astride anything you like then Your Honor it is Mr New indicated we resolve our issues it was done proximately ten o'clock last night we've got a few other things that we're discussing if for some reason that the settlement is not approved or or we have problems I just wanted to make sure that I was here to ask the court if we if we could preserve the issues relating to an American so over I think that their unique from. Most of the things that the court's going to hear we had actual agreements that. Discuss the rights of the parties we had a program that was a limited program. And the guys were supposed to be returned so if it's I think it's different from the rest of the issues that I've heard and while I think the legal issues are very interesting if the court would have now asked to to reserve. Those rights and those claims. Pending approval of a settlement. That would be the reason I'm here today oh I will thank you Mr Hyde and and I and I think that's fair fair our resolution and as I said the ownership issues are not being desired it today and I think a lot of your issues you raised your brief are unique to your client because you have written agreements and I think gold more toward the ownership of the DI today is more generally can any of the dyes be sold given the IP issues so yes are all your arguments wrist reserved in the in the event hopefully unlikely event you are not able to reach your final resolution so thank you Ms Carey you just walked in would you like to. We heard this morning all right well

please please come on up. With that Your Honor if I can be you may be Krrish may be excused right thank you. All right good morning this carry the morning and can you to state your name for the record Betty Carey Yeah but and Miss Cary you did file a response to the motion let me just make clear what we're talking about today because I did read what you what you wrote and I understand your concerns and your objections today's issue though is it is a lot more narrow and it is really whether or not the trustee can sell dyes that have intellectual property associated with it that's the only issue I'm hearing this morning. You have other concerns about whether the trustee owns it you also have concerns about your claims and the inventory that's not going to be argued this morning not about is going to be argued this morning so do you have any arguments regarding intellectual property issues copyright trademark issues that relate to the dyes that you had produced by the mint or metallic. But yes I do I had a an agreement also I don't know if it was the same with everybody but my agreement was that I owned the. The intellectual properties of my tie and the dye itself and that it was. Stored there if I wanted it to be stored there which I did for safekeeping and for further usage. And. And then without stepping on the toes of what you just told. Me. My. Further issue is that. I believe there is fraud within the court. Within the trustees position. And that might very well overlap into the dies as well. Was I as I read what you state what you wrote and what I heard you say last time it's not related to the issues this morning I understand you think that you've not been received accurate or honest responses regarding the inventory. But that's not an issue today. You believe that you own your dyes that's another issue that is going to be decided another day that's we have a sale hearing on Friday and people who believe that the dyes can't be sold still can make that argument on Friday but today is very is just very limited to whether or not if you have intellectual property in a dye can the trustee sell that and this will this applies to everybody's died not just yours all right so that's the fraud issues are not before me today all right. Yes you're OK. All right thank you thank you alright. Whatever gov Ana was by the way I was a word I'd seen in the briefing I got heard of before and I saw on the amended metal craft motion is that another type of it what it is it's a piece of my understand and it to be honest I just learned this lesson as well as with my understanding is it is a plaster. That is then used to make the make the dye and so it's you what whatever image is embodied in the diet's of it's a big plaster that somehow is then and that's what used to be passionate I think that's what is given so I think of an artist like a boss really a sculptor OK makes it they're going to make an album house and then if they own the copyright they're in a stand back and meant and meant to be used that aren't be able to create the by that and will strike the points All right so it's my understanding. And my OK And so the mentor modality and again when I say they meant I mean both mental and modality at all prior erections of those two entities. They they put retain possession of the Galvan Oh yes in the sculpts and specimen of them I'm reading through here so is that it does matter to me that they have some I don't know today they have are ones for every every die all right it's a question in there but those are to be sold as well so we used to meddle crop threat as minor to the OK thank you that was just a technical issue Mr Know what I hear from you and then he reply sure and then I'll ask my question yes I actually want I'll just keep it brief I just wanted a one point of clarification I think Kaplan had indicated were you know we backtracked on this assertion that that people don't have intellectual property rights in the ties and I just wanted to clarify that wasn't what I meant to express by that assertion what I was just saying is that there are certainly instances where people may think that they have intellectual property rights in the work and they and they don't write so as a person. Threshold issue the object and parties may or may not have intellectual property rights in that in the in the work itself I don't think that's particularly relevant for that. You know ultimately the issue at hand is can the material object the soul of the die right and I would just. You know quote from the Clarke entertainment case where the court says it's well settled intellectual property rights are separate misting from the material objects in which the work is embodied so that the author has the power to convey ownership of the material object if E.G. a book always or in common law copyright E.G. the right to publish reproduce or exploited the prose so in this circumstance that it does to the extent some have copyright interest in the work itself it would retain a copyright interest we're not seeking to sell these dyes free and clear

of underlying intellectual property rights in the in the words of our thank you Mr New This is a this is a very interesting issue. And. Let me just say we were I'm coming from and then I'll ask you some questions primarily to you Mr New I see this is coming down to whether this is a situation is closer to the Clark entertainment case or the audio fidelity case. And just as a as a baseline unlike a tape or a CD when I buy that CD or tape I can listen to it and has value just from listening to it and I sell to somebody else they can get value from it just by listening to it. That seems different from the DOT now maybe maybe the die or or those related type items have some cult to bull value but my understanding is really the value is only in the use of them and reproducing corns and that's different from an audio tape or an audio recording or CD or a book and I guess I. You know a book you can pick it up and read you can't now if I resell it to you Mr New You can't then reproduce it but you can get value from it from reading it if I sell you the dye though what good is the die unless you reproduce something or use it for something and if someone owns the IP then you may be violating their rights I fully agree and understand that and you make it make a good point if you can't sell the underlying item because there's IP associated with it probably perhaps but a lot of three sixty three sales just a ton. Great example books tapes cars most everything has some sort of IP and associated with it and trustees and people outside of bankruptcy sell those all the time but this is just strikes me just the item itself is different than the book or the tape that can be used and and value retain just by using it for its intended purpose the issue in and Clark entertainment was I recall the corded issued an injunction at the request of Sony to not reproduce these items and the courts said that's fine you trustee can sell these things but still still subject to the injunction just like you'd sell the tape audio fidelity though it was different in that. The There was a ruling that no one could ever listen to what was on the tapes and I don't recall life was something really awful but no one was allowed to ever and the court said because putting that into the stream of market would just be inviting somebody to violate the core of the court said I'm sorry you got to destroy these things you can't resolve. And I've got to admit I'm somewhere in between. Those two cases because if if Mr Moran and we were using some rabbits metal metal craft and as Mr Herman is a Mr Moran We don't know him but take a Matters word that he is agreeing not to violate anyone's intellectual property rights and will not reproduce or use the dies in violation of their rights without their. Strike that would not use the dies without their express written cent plus you. Know what if he sells the company or what if he resells the dives and I know Mr Hyatt is here but he is it his responses that said he wanted a prohibition on the buyer from me selling them. I'm not sure that one is feasible and two how that how I got this court could enforce that and three what if Mr Moran sells his business and decides to retire on the shores of South America there's really it would be hard to enforce it so that's kind of the concern I have so help me through with this his issue and it's really the the the idea of putting this into the market these guys in the market were the only purpose is to to strike objects from them and you need the consent I think from the the IP owner every time your honor and I would. I think I would maybe take exception is the right right turn but that the only use of these dyes obviously dyes are used to produce claims that that's correct but that's not the interest that metal craft or other potential buyers have in the dyes the interest is the ability to create a relationship with the customer. These guys are our significant value. To the state and to the extent the state owns them. What And they then they were transferred to metal craft the value to metal craft is then being able to say All right Brooke green gardens you know you've you want to reproduce a metal we've got the dye you know what we we can create that metal for you build that customer relationship otherwise that you know and you would have to be manufactured manufactured somewhere else so it really is not a situation where metal practice looking to purchase these dyes just to use them to produce coins it's a situation where the value is building a customer relationship so that's that's the inherent value I would also note that there are you know certainly circumstances and I I do think that Mark entertainment is is a it's a good example where it's a master recording and a purpose of master recording is to make additional recordings No those were the tapes that were at issue and in Clark entertainment and that really isn't the only purpose of the Mass recording if I don't think Mr recordings but they're you know on you know a big Sony tape

desk and it's not the kind of thing you can just plug in to hear you know your stereo system and and listen to so I think it is inherently very similar All right I guess I did get that nuance but that's an important. A similar situation and you know you know frankly a lot of the I do appreciate the concern that the court has in terms of violations of of intellectual property and I think you know that's that's a concern that's that's always going to exist when something is sold that embodies intellectual property because someone can always infringe on intellectual property I think there may be ways to to craft around it such as happened in Clark entertainment through you know some sort of language in the. In the order the other issue I would like to point out that it's you know there's I've managed things about three hundred fifty thousand dies in total that are held by North as territorial net These are. You know twenty five pound. Pieces of ones about twenty five pounds yet they're there and so something's going to have to be done for them right you know it's the a stake in it paid to destroy them I don't know that there's you know a lot of the funds available to destroy three hundred eighty thousand or three hundred fifty thousand dies you know the consequence that is it I guess you would read asked in the. You know either in in Mr Hanssen or in the the mid itself and you know the consequences that would be you know Frank we've got it uncontrolled situation where you know who knows what happens to the ties of that are dealt with in some reasonable fashion. Or All right you're on Americans heard on distinction on the car containment Yes I thought the Clarke entertainment it was very clear that they owned the tapes that the master recordings were made on and that was very clear that Clarke owned the tapes the master recordings were on those tapes there was no underlying issue of ownership and so I think that this case of the under ship is not before the court today but ownership is an issue on does the mend own these ties or not. Our position we are not conceiving any of the ownership arguments but in these instances or in some instances I think that the customer isn't interested parties actually do own the ties which is different than the Clark entertainment I agree but I think for purposes I know you've never say I'm assuming that the trustee has an asset to sell we're not going to assume that I just want to leave and I got one that we're all over and see the ownership now I don't know what everyone's preserve that but that purpose of the day it's a source as a member assuming the trustee hasn't asked them to because a trustee doesn't own it and you can't say we don't get that every sixty three after we've got a three sixty three B. Right it's an asset to be sold but assuming it is where I want to resolve that this issue first is again is this more like the audio of. The delicate Mormon park entertainment case. You know you know the reality is even if the buyer whether it's metal craft or anybody else knows that they. Can't use these without customer permission the dye still may have some value I mean that is I I guess I look at it this way it would be like if a book had there was hermetically sealed and you couldn't read it unless you got permission of the copyright owner book still might have some value sitting on the shelf with the seal on that to me is like the Clark entertainment case the audio fidelity case would be the book is for men it was sealed and there's a quarter saying no one can ever read the contents and you can never unlock it even with the copyright owner. And the and the court said what's the point in putting that in the commerce you're just you're just taunting someone to break the seal and violate someone's rights. And and this this is the hard question is going forward there's no there's no you know for some reason the middle perhaps sale want to weigh what I'm left with is an auction where it would I assume bid it up would sell the dies to the highest bidder who the court would have no control or or relationship with or ability to to make sure that there aren't any violations going forward. Holing up here it if not instant yet if it helps I would. Suggest that I. We did receive an overbid yesterday. From the it would be the same for purchases over you know it was in agreements that metal craft agreed to so I don't think we're going to get to the bit up oh. It's in a game that might help a little bit now that in that we will have the party. Who is acquiring who is going to be next in the chain of title will at least be before this court and if that's not a craft or some over better we go through the rest of my questions. So I did look at the amended metal craft agreement and it's a slightly different from what you said in oral argument it says that to the extent any DI purchased under this agreement contains images that are the intellectual property of a prior metallic customer Lyra will not produce a product using such ties without the express consent of the

customer is that to that extent language that gives me a little bit of concern because who is going to decide that is the buyer going to unilaterally decide that there isn't any IP or buyer is going to come to this court and ask first. I mean I think I can address yeah I don't think that was the attack OK I think that and if you read just Moran's declaration I think what he says in there is that they won't use the DI at the express rate was and I think that that can be clarified in the in the order I think so to I just wanted to make sure because I again I saw that that to the extent and walk I want Mr Moran or any buyer to understand that if I if I would go forward and agree I think I think whoever buys it has to be subject to the minutes on stated policy on its website which is. Northwest territorial meant splashing Bellecourt will not use its customers dies or without express were in permission of its customers over future customer orders think at a minimum that's what would have to be in there. And again based on just Moran's declaration he didn't doesn't seem to have an objection to that right now I will represent that you know certainly that's the. The trustee has been very upfront with potential buyers Well that would be a restriction all right and if it's of anybody buying them it at least was in discussions right now I think is under the no is that they would have to abide by that right so what do we deal do though with the prospect of you get Mr Moore or anyone of the buy. Or deciding that they want to turn around and sell the dies to somebody else next week or next year. How do we how do we. Make sure that the modality and mint customers are protected well you're out there and that's a you know I understand their concern at the end and that the one thing I would say I guess is that. I'm not sure that that's a concern that necessarily this caller and anybody can resolve in the sense that. There's always a danger if somebody has intellectual property that somebody is going to infringe on so by way of example the MIT hadn't gone into bankruptcy and just sold itself through you know for a standard you know asset sale outs outside of a court proceeding you know there would have been there would have met inherent risk frankly there's always an inherent risk that the mint itself would use these guys in an improper fashion so I'm not sure that there is any greater risk. Being. That the IP holders are bearing any rate or gris risk based on the sale then they've always the risk that's always existed there's there's always that there's that IP has to be infringed and I think we can do the best we can at least on the on this sale to make sure that. You know there's there's that the right protections built into the into the sale or. I don't know that. To address your question if there's an out of court sale it's at some point in the future. In some sense that is what it is all right. We make a good point I mean there's always that risk. And I probably with a court order kid can scare a buyer to. Comply more so than outside of a court proceeding. Is Kaplan let me turn to questions that I have if any. You had raised in your objection that the sale should not be free of existing claims for copyright infringement if. You're not arguing that those copyright and the existing copyright infringement claim should follow the dies are you now now we're just saying that we want to be able to pursue if the fire infringes on the copyright they want to be able to pursue. The buyer for any copyright damages All right well I think that I think that would that clearly should be the case and not off I need to clarify that. You know. Any existing copyright claims or infringement claims or trademark violation claims are going to remain that that have occurred today it will remain with state and the buyer are responsible for anything going forward but I I don't hear Mr New arguing for anything different than that I don't think any bar would expect anything different from that right Mr knew that you are exactly right are. All right well. I think ultimately I think this case is closer to the Clark entertainment and to the audio fidelity case and I think Mr news most recent point is a valid one in that. There's always going to be some risk when an item that in bodies intellectual property is resold or sold in the first insurance that someone might violate. The Holder's rights intellectual property holders rights whether it be CD that someone improperly copies or a book that someone improperly reproduces that's always the risk and the owner of the copyright has to find the infringement and then bring appropriate action against the infringing party. I think Mr news correct that risk is probably greater outside of a bankruptcy context because at least with a sale order I can make clear that the buyer shall not. Infringe on any. Customer's intellectual property rights and I can put in the sale order that doing so will subject the buyer to contempt proceedings in addition to any. Claims for violations of non

bankruptcy laws so that could be in the order when I go back and look at. What you had suggested is happen. And I can I can. You know put some language in here I'm not going to I'm not going to follow this to the team but ultimately what I'm going to do is I'm going to rule today that the trustee may sell. The dies the Galvan of the office and related items to a purchaser. It will it will not be freeing clear of the intellectual property rights. But existing claims for tortious conduct or violations of an intellectual property laws will not follow the dies so you can give that comfort to your buyers. Are the language that I came up with. And by the way Miss Manners is going to be all right so we've got a new program it's called course because that was called so this is the first time I'm going to have it published it's a few practice in eastern Washington and you can click on a little button and you can hear the audio recording of the hearing and this will be up I hope by this afternoon so you don't have to like order an emergency transcript. Or you know. You know if there's no guesswork and I say I'm a big proponent of that when I practiced I love being able to download hearings in Eastern Washington we're just experimenting with it but it it avoids I mean I think there's still some charge. It's rip a certain sort of those little they'll still be a charge but have certainly be cheaper and quicker than getting. The transcript. I don't mean to put those folks out of business and it's certainly not going to replace transcripts for for purposes of appeal but for purposes of being able to have what the court said you'll be able to be able to hear that and use it as part of your auction is tomorrow is that right Mr New That's right it's me tomorrow afternoon OK So here's the language that I generally come up with and this is ultimately subject to further review at the in the final order but. But it's going to be something along these lines of I want the buyer to warrant and to guarantee. That the coining dyes and that's that's kind of a defined term and you'll have to define that but the guys will not be used without the express consent. Of of customers. And again you might have to define that term and that the buyer acknowledges and agrees to submit to the jurisdiction of this court. To resolve any claim. Of unauthorized use of the coining ties. And acknowledges and agrees. Than that unauthorized use. Of the coining dyes. Whether by the buyer. Or any agent or employee of the buyer. Or any person who subsequently acquires title or possession of according to I will subject the buyer. And all officers directors and managers of the buyer to sanctions for contempt. In addition to any other claims or penalties that may be imposed. Under no non bankruptcy law. All right so let me let me say we were aware that thought is coming from is I want to impress upon Mr Moran whoever buys that they're responsible going forward now. Doesn't mean they will be held in contempt but they need to impress upon any subsequent buyers. That they'd better not violate this court order. Because they're going to be held subject to it now I'm willing to sue Mr Doom talking I'm willing to discuss this type of language further and in the final order that gets entered and maybe there's some softening it. You know I I don't have the authority to prevent the future sale of these items and frankly Mr Moran asked the business on to another seller to a family whoever. You know that's going to happen these guys are going to live on but I there needs to be some impression made upon the your buyer and then that that person needs to impress upon any subsequent owner of these dyes that they need to deal with the customers. All right so that's that's the general idea behind that language and I'll again for the record not wed to that entire language I wrote it out but that's generally what I have in mind that will be in the final order. And of course this ruling is not precluding anyone from asserting ownership of any dives. All. And obviously this Kaplan your You'll be free to work on the form of the order to you and maybe you and Mr New might want to start working on it at all Ms Carey you're back there you're raising your hand want to come forward if you'd like to stay to say something about this issue that it and when you're done you can you can sit up at the table with MS Kaplan So you don't need to come back and forth are OK all right yes. I actually have a question yes. All. This from you said there were three hundred fifty thousand dies and Mr Calvert had told me there were four hundred thousand. And Mr Henson had told me there were over four hundred thousand dies so my question is what happened to the fifty some thousand guys that would be in that gap and right right and I think everyone is using rough numbers Well these weren't rough numbers they'll. Says who says they're not rough numbers well. This four hundred thousand was verified by the two people Mr Calvert That was early on and. Leave it that's

why it's important to watch the inventory because if if dyes say disappeared then I'd like to know if mine was one of them that disappeared sure. I I don't know what to say and that there are hundreds of thousands of dies whether it's two hundred thousand or four hundred thousand that's not the issue today OK if your die is being sold you want to assert ownership of your die then you'll be here on Friday arguing that your die can't be sold and I'll rule on that and if you die can't be sold then it won't be sold if it can't be sold then whether there's three hundred thousand or four hundred thousand five hundred thousand I don't know why that would matter to you Well I don't know if mine is one of those things I just said if your guy can't be sold then it won't be sold if it can't be sold then it will be sold and whether there's three hundred thousand or four hundred thousand shouldn't matter to you. I feel that you're here just trying to make a case against Mr Calvert that's not for today it no one is. Verified the number that's why I'm asking you who's verify no one is verified it and it's not relevant this morning is Kerry it's not relevant this morning that's not the issue whether there's three hundred thousand five hundred thousand the question today is can the trustees sell any of them because there is intellectual property associated with them and I'm ruling that he can't that means though if you believe that your dies you have some ownership interest that can't be sold you can make that argument on Friday and if I agree with you then your guy will not be sold or dies i know how many you you've you ordered how many are there oh I have. At least two All right so your two dies you'll paid for right and you'll you will you will need to demonstrate that you that you own them on that I don't know what have you put in the record your proof of ownership. I sent everything to Mr Calvert and. I don't know if it has made it to the record but you would need to file it with the court he's not going to file it so you know if you want me to consider it you need to you need to file it with the court and you have filed things with the court have you right I filed things recently with the yes and so if you have proof that you own one or more guys you will want to put that in the whole record and see I'm going to pull up what you filed the other day again so you filed. Your a little. And then you attach the anonymous letter and that was not me who wrote that anonymous letter you attached it but that's that's not proof that you own the dies. You that's that was I. I have a trademark name. On the on the coin product itself are my initials. All right. All right so the only thing that's right so the only thing that you have filed is your what you call the notice of liens that you filed last week Wednesday that's what you have and I know that you're saying under penalty of perjury these are your dies. But if you have other written proof you need to file that with the court as well OK. If you do and if you if you you know it might take me more than that amount of time to get some hard copies I do believe I recall e-mails going back and forth with the dyes in pictures of the dyes and I can perhaps retrieve an e-mail faster than I could a hard copy of something. And when did you have these e-mail exchanges two thousand and five All right. And you think that you might have your e-mails I. Just that it would that I could more readily access access the e-mails than I could the hard copies of you know going through the files that all right OK Are age files right. Let me ask Mr new so don't don't don't leave yet Ms Carey So you know again today whether there's two hundred thousand or five hundred thousand doesn't matter. What does matter is. How would suit me how would we identify them as Kerry's dies I certainly can can have you know every every guy has a associated customer number all right and so I could find those guys one of the one of the issues I couldn't but I can I can have someone it all right so there is a customer number associate with every right every day has a number and it's associated with a customer so there's. We should be able to find him especially if there's if it's only two thousand and five one issue I should mention that Your Honor is what we're seeking to sell in the in the hearing on Friday is just that the metallic art dies produced in the last twenty years so I think you know this could be a number of potentially objecting parties will have to certainly. Clarify this that they're dies or are not being sold as part of the sales or example I think missed Kaplan's clients that were Northwest territorial Mint dies so those are not in our part of history sale so that's it's certainly possible that miscarries and I will when I get back to the office have them look through that look for the all right and is carried to do deal with Northwest territorial meant or or modality arcs. I'm not sure I thought they might be one in the same I know one that Northwest territorial Mint bought modally right pope who did you deal with in two



thousand and five well I hired Theresa where it Northwest territorial mint at the time OK to the artwork OK so so Northwest territorial meant you so you dealt with it not not not in the dollar Whiteman Mr Newman I'm saying I when I locate have to look at it as I can also have them verify you know when you start those territorial nature of these modalities modally guys and I can certainly let us carry you know what the what the records reflect all right but you don't want some winning Teresa Yes I was a member to Reese's last name artist I don't remember her last name all right well and Mr new if you could take that down as well I mean you probably with the employee records config. You're figure out so what Mr New is saying is that for this Friday the trustee is seeking to sell certain dyes not all of them only the dyes that were with customers of modality art which is in the Nevada company. Northwest Territory Mint Well I mean there's some argument that they were going back and forth but these were these are different dyes that are not being sold on Friday Nonetheless if you have evidence that you own some dyes you should get that into the court record off for this Friday. Well I do have the call I have some coins all right would that be evidence and well with my initials on them and well I mean it would it would be some evidence that you have some coins that were made by that died but I'm trying to get proof that you own the dye for instance Ms Carmody the client submitted copies of invoices and that showed die you know for seven hundred dollars for producing a DI. That's the evidence that some evidence Mr Hyatt who was sitting here I think he left just before you ride you represent another company and they had even more extensive agreements between the mint and his clients so I'm looking for some evidence that you were the customer or that you are you that you assert that you own the dies because even if you're the customer the position of the trustee and I'm not ruled on this but the position of the trustee is that doesn't mean used that you own the dye. Well OK. And I also submitted my proof of claim which I submit it to Mr Calvert is as he told me to do he told me what to do and. I wrote. In there about the dice what they look like. That I have ownership of that in that's under penalty of perjury he has you know you did you file a proof of claim I did all right September of two thousand and sixteen but apparently the i Pad filed a hard copy and sent it certified mail All right I'm going to I'm going to check that out because if you've got that if you got it and I have a copy of it I'm sorry I have a copy of the well if I so just so you know I can only consider things that are part of the court record and that's just a fancy way of saying that they've been filed because if it's if it's not in the record I'm not supposed to consider it needs to be in the file because if there's an appeal the court upstairs literally upstairs reviews it they can only review what's in the file they can't review what you told me you filed so I'm pulling up I just wrote in Carey is Matthew Stewart Carrie related to you know Stewart you said you filed. Is that under your name the proof of claim. Yes C A R E Y That's correct. I have spoken with C. If the F.B.I. and they cannot find that cannot find what that proof of claim it I filed it with Mr Calvert will that well that's that's not that that's like I mean that's not filing it filing it well I mean I I sent it to him and then I thought that I said if I'm satisfied. Well there's management I'm sorry Well there's been a a lot of. A lot of information out there saying how you file a claim you can file a paper copy you can do electronic copy all giving it to Mr Calvert's not one of the ways of filing a proof of claim and three three one hundred people were able to file a proof of crime wealth I'm. I know what the F.B.I. is not going to find if you didn't file it. And I'm not seeing it I'm saying that they that they mentioned that just recently who mentioned what recently. Ben Williamson mentioned that. Would I filed with Mr Calvert if he does not see it yet another do why giving it to Mr Calvert just so you know is not filing it with the court I now know that OK yeah well you you elect as I don't see proof of claim so as of right now the only thing I have. From you in the court file is what you submitted on February twenty eighth your document that you found in Feb twenty eighth that's the only evidence that I have that I can consider that relates or would would relate to your your ownership claim are you also you're asserting that you're also owed money yes well I'm owed my my medals precious metals and right right right so that you can get you are just you purchased precious metals I have purchased precious metals from other entities. And stored them and. And I sent a notice of storage as well and. That you send that to I sent it both to Northwest territorial mint and Mr Calvert and when did you do that step before September first right right in that time frame I

spoke to Mr Calvert and he said that he wasn't sticking to that September first deadline did this with the matter is going to probably take five or six years to completely and and well you know Miss Carey you know he's Mr Calvert I'm sure he's going to say he's going to have a different recollection of the conversation the deadline was. Well know like I said over three thousand people filed proofs of claim there's a way to do it if you didn't follow the rules I can't help you. Well it's all good he told me well in the but the rules say what to do and you know if you I mean I want to get him you want to start I believe I mailed it in in time but you mailed it to him yes but. The well the the form says that you don't mail it in him you need to file it. So I don't know what to say if you you say that you gave it to Mr Mr Calvert I'm a you know it's not a record it's not timely You can file a claim if you want but that's a different issue. By the way that's that's the issue of whether you're going to get paid is another question all right and that's not I'm not going to decide that on Friday at all your claims are not at issue the only reason I'm looking for your claim is if you attached some proof that you owned the dyes that's the only issue I'm dealing with on Friday OK OK but I'd like to reserve the right to file an injunction against selling any of my my medals or. What I claim as my medals or die you can reserve that right if you take any action that you that the law the rules and the code authorize. OK OK All right thank you Ms Kerry. I believe that takes care of the issues for this morning. Let me turn to Mr Newman is Kaplan do you have any further questions I do know you are already very clear in his I want your honor All right so let me so before we. Leave them let me just recap or or get a summary of where we're at this week Mr news I imagine things are kind of moving along to the best you know so tomorrow morning you've got auctions set can all gates right it's actually be tomorrow afternoon tomorrow afternoon all right and and so at least that that as of this morning matters any there will be an auction so we did get a one over bad where the process of qualifying that make sure it's a qualified overbid it looks looks like it is all right is to me that there is they'll be an auction tomorrow morning I'm sorry tomorrow afternoon and then we would obviously present the the party over wins the auction would be the party would be seeking entry of an order authorized this is and but there are two separate sale motions correct Well that's actually three the auction one though is is the kind of the back up on the back up you've got the metal craft one and then the industrialize duster assets and that So who had the over bid I'm sorry no no what overbid industrial OK so it's only on the metal perhaps it's on the other on the middle class are still assets will be coming forward with it all right so and you know and has been auction on on the industrial purchaser All right. You have enough guidelines a guidance from this morning absolutely all right. All right then Kaplan you have any further questions now I'm I'm I think a lot of work between now and I. Think what people started receiving notices on over the weekend and well and I guess for the record I should also address the the due process issue what you did raise and I and I obviously took very seriously I didn't I don't think the issue this morning implicates due process concerns. As the trustee has pointed out the trustee has the right to sell the the property that. In bodies intellectual property. But the owners of those intellectual properties are not having their rights affected that I'm going to make clear that the buyer is not going to be allowed to use their IP without their permission so I don't believe that they're being harmed it's that's distinct from the people that claim I owned the dies right because as a threshold matter a trustee can't sell what he doesn't know and so those folks who might assert that they own the dyes like Ms Cary or your clients need to be able to sue to be on notice that the dyes may be sold and the trustee did send out the notice. I was not going to put March second as a deadline obviously so. You may not know until five o'clock on Thursday I fully expect that I won't All right well I mean I think the practical matter is that there are not going to be lots and lots of people coming forward I think the benefit of doing this way maybe a little more little extra cost him he'd be a little more pain but identifying those people who do have some concerns. Mr Calvert and Mr Moran can address them individually and have been doing so and at least the two two folks three folks have been resolved at least maybe for Mr if you can Mr ill one of your clients Pan-American and Boy Scouts maybe there's something to be resolved when this carry but I think it's for the buyers ultimate benefit to know who these potential challenges are getting ahead of them and addressing them now so I think this is the the way to proceed and maybe a few more come out

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but I think I at worst comes to worst I could exempt those for another day and probably doesn't. Prevent the sale from going forward if you're if you're down to a half dozen or even a dozen folks that may object to some dives being transferred to a group that Mr I do and I'm optimistic if there's you know obviously just a handful of objections will be able to resolve those aren't. Running on a case by case basis All right thank you all this morning appreciate your work and we'll see you on Friday and we recess.