

1 Michael J. Gearin, WSBA # 20982
David C. Neu, WSBA #33143
2 Brian T. Peterson, WSBA #42088
K&L GATES LLP
3 925 Fourth Avenue, Suite 2900
Seattle, WA 98104-1158
4 (206) 623-7580

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

9 In re:

10 NORTHWEST TERRITORIAL MINT, LLC,
11 Debtor.

Case No. 16-11767-CMA

**STIPULATION FOR APPOINTMENT
OF MEDIATOR AND ASSIGNMENT
TO THE HONORABLE THOMAS T.
GLOVER MEDIATION PROGRAM**

14 IT IS HEREBY STIPULATED by and between all parties to this stipulation involving the
15 above-captioned chapter 11 case, that pursuant to Local Bankruptcy Rule 9044-1, this matter be
16 referred to the Honorable Thomas T. Glover Mediation Program. The parties have conferred and
17 have agreed that the following individual is mutually acceptable for appointment as mediator in this
18 matter:

19 Lawrence R. Ream
20 Schwabe, Williams & Wyatt
1420 5th Ave Suite 3400
21 Seattle WA 98101
(206) 407-1551
22 lream@schwabe.com

23 The parties seek the appointment of Mr. Ream as mediator with respect to the existing
24 dispute regarding certain WARN Act claims between the Trustee and Brittany Konkel, on behalf of
25 herself and all others similarly situated. The parties further seek the Court's approval of the Trustee's
26 payment of his share of any fees owed to the mediator in connection with the mediation as provided

27 STIPULATION FOR APPOINTMENT OF MEDIATOR AND
28 ASSIGNMENT TO THE HONORABLE THOMAS T.
GLOVER MEDIATION PROGRAM - 1

K&L GATES LLP
925 FOURTH AVE, SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

501415176 v5

1 in Local Bankruptcy Rule 9050-1(b). In support of this Stipulation, the parties stipulate as follows:

2 1. On April 1, 2016, Northwest Territorial Mint, LLC (the “Debtor” or “NWTM”) filed
3 a voluntary bankruptcy petition under Chapter 11 of Title 11 of the United States Code.

4 2. An order appointing Mark Thomas Calvert as Chapter 11 Trustee was entered on
5 April 11, 2016.

6 3. On January 31, 2018, Brittany Konkel, on behalf of herself and all others similarly
7 situated (“Konkel”), filed a class action adversary proceeding complaint (the “Complaint”) for the
8 recovery of damages arising from the Debtor’s alleged violation of the Worker Adjustment and
9 Retraining Notification Act, 29 U.S.C. § 2101 et seq. (the “WARN Act”). Ms. Konkel alleges that
10 the Debtor failed, under the requirements of the WARN Act, to provide adequate notice to
11 employees of the closure of the Debtor’s Dayton, Nevada, facility.

12 4. Konkel voluntarily dismissed the Complaint without prejudice, but has indicated that,
13 if the mediation is unsuccessful, she will file a motion for allowance of a WARN Act class
14 administrative priority claim, and seek class certification for others similarly situated.

15 5. Konkel and the Trustee previously sought the appointment, via *ex parte* motion, of
16 Jay Kornfeld as mediator. Subsequently, it was determined that Mr. Kornfeld would no longer act as
17 mediator for this dispute and the parties agreed upon Mr. Ream as mediator.

18 6. Mr. Ream has agreed to act as mediator under the Thomas T. Glover protocol under
19 the fee structure of Local Bankruptcy Rule 9050-1.

20 7. The parties seek entry of an order appointing Mr. Ream as mediator and authorizing
21 the Trustee to pay his ½ share of mediator fees in connection with this mediation.

22 //

23 //

24 //

25 //

26 //

27 STIPULATION FOR APPOINTMENT OF MEDIATOR AND
28 ASSIGNMENT TO THE HONORABLE THOMAS T.
GLOVER MEDIATION PROGRAM - 2

501415176 v5

K&L GATES LLP
925 FOURTH AVE, SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8. The attorneys for the parties are:

Attorneys for the Trustee

Michael J. Gearin
David C. Neu
Brian T. Peterson
K&L Gates LLP
925 4th Avenue, Suite 2900
Seattle, WA 98104
206 623 7580

/s/Michael J. Gearin

Michael J. Gearin, WSBA # 20982
David C. Neu, WSBA #33143
Brian T. Peterson, WSBA #42088

June 27, 2018
DATED

Attorneys for Brittany Konkel

Lawrence R Cock
Jack M Lovejoy
CFL LAW GROUP, LLP
1001 4th Avenue, Suite 3900
Seattle, WA 98154
206-812-0836

Lawrence R Cock WSBA # 20326
Jack M Lovejoy WSBA # 36962

Mary E Olsen
Vance McCrary
The Gardner Firm PC
PO Drawer 3103
Mobile, AL 36652
(251) 433-8100

/s/Mary E. Olsen
Mary E. Olsen

Stuart J Miller
Lankenau & Miller, LLP
132 Nassau Street, Suite 1100
New York, NY 10038
(212) 581-5003

June 27, 2018
DATED

STIPULATION FOR APPOINTMENT OF MEDIATOR AND
ASSIGNMENT TO THE HONORABLE THOMAS T.
GLOVER MEDIATION PROGRAM - 3

501415176 v5

K&L GATES LLP
925 FOURTH AVE, SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

1 **CERTIFICATE OF SERVICE**

2 The undersigned declares as follows:

3 That she is a paralegal in the law firm of K&L Gates LLP, and on June 27, 2018, she caused
4 the foregoing document to be filed electronically through the CM/ECF system which caused
5 Registered Participants to be served by electronic means, as fully reflected on the Notice of
6 Electronic Filing.

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

9 Executed on the 27th day of June, 2018 at Seattle, Washington.

10 /s/ Denise A. Lentz
11 Denise A. Lentz

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27 STIPULATION FOR APPOINTMENT OF MEDIATOR AND
28 ASSIGNMENT TO THE HONORABLE THOMAS T.
GLOVER MEDIATION PROGRAM - 4

K&L GATES LLP
925 FOURTH AVE, SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

501415176 v5