

Below is the Order of the Court.



**Christopher M. Alston**  
**U.S. Bankruptcy Judge**

(Dated as of Entered on Docket date above)

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re

NORTHWEST TERRITORIAL MINT,  
LLC

Debtor.

Bankruptcy No. 16-11767-CMA

ORDER DETERMINING  
APPLICABILITY OF AUTOMATIC  
STAY

This matter came before the Court on the motion of Diane Erdmann (the “Motion”) for instruction regarding the applicability of the automatic stay to proceedings ongoing and anticipated in the Washington Superior Court for King County, case no. 16-2-05611-3 (the “State Court Proceeding”), which proceedings concern the question of ownership of property seized by the King County Sheriff pursuant to the Writ of Execution entered in the State Court Proceeding on March 30, 2016 (the “Seized Property”). The Court having considered the Motion and the accompanying Declaration of Daniel J. Bugbee and exhibits thereto, any objections and reply materials, and having heard the arguments of counsel, the Court hereby finds as follows:

1. The Seized Property includes property that the Trustee has claimed is property of the Debtor’s bankruptcy estate;

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1           2.       Any efforts to sell, dispose, or gain control of an interest in the Seized Property  
2 in the State Court Proceeding is stayed pursuant to 11 U.S.C. § 362(a); and

3           3.       All litigation, including discovery, to determine the ownership of the Seized  
4 Property is subject to the exclusive jurisdiction of this Court unless and until this Court makes a  
5 final determination that the Seized Property, or any of it, is not property of the Debtor's  
6 bankruptcy estate.

7           Based on the foregoing it is hereby:

8           ORDERED that Bradley S. Cohen and Cohen Asset Management, Inc. (the "Cohen  
9 Parties") shall immediately cease all efforts to conduct discovery in the State Court Proceeding  
10 related to the ownership of the Seized Property, and shall make no attempts to execute on  
11 property of the Debtor's estate, including property in which the Trustee claims an interest, in  
12 satisfaction of the foreign judgment entered in the State Court Proceeding pending a  
13 determination whether the Bankruptcy Estate owns an interest in the Seized Property; it is  
14 further

15           ORDERED that the King County Sheriff shall immediately turn over the Seized  
16 Property to Mark Calvert, the Chapter 11 Trustee of NWTM, who shall hold the Seized  
17 Property subject to any and all right, title and interest on the part of any person (including the  
18 Cohen Parties) in and to the Seized Property as such right, title and interest presently exists  
19 against the Seized Property as now in the possession of the Sheriff (including any personal  
20 property execution liens), pending a determination whether the Bankruptcy Estate owns an  
21 interest in the Seized Property. Upon entry of a final order by the Bankruptcy Court  
22 determining that any of the Seized Property is not property of Bankruptcy Estate, the Trustee  
23 shall return to the King County Sheriff any of the Seized Property that is determined not to be  
24 property of the Bankruptcy Estate and the stay shall cease to apply as to any such property; it is  
25 further

26  
{17065/006/01167790-1} ORDER DETERMINING APPLICABILITY  
OF STAY - 2

**DBS | LAW**

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1 ORDERED that within 3 days of the entry of this order, Ms. Erdmann shall notify both  
2 the King County Sheriff and the King County Superior Court of entry of this order, and provide  
3 a copy of the same to the assigned judge in the State Court Proceeding and any other judge  
4 before whom a motion in the State Court Proceeding is currently pending.

5 ///END OF ORDER///

6 Presented by:

7 DBS LAW

8 By /s/ Dominique R. Scalia  
9 Daniel J. Bugbee, WSBA No. 42412  
10 Dominique R. Scalia, WSBA No. 47313  
11 Attorneys for Diane Erdmann

12 K&L GATES LLP

13 By /s/ David C. Neu  
14 Michael J. Gearin, WSBA No. 20982  
15 David C. Neu, WSBA No. 33143  
16 Brian T. Peterson, WSBA No. 42088  
17 Attorneys for Mark Calvert, Chapter 11 Trustee

18 MONTGOMERY PURDUE BLANKINSHIP & AUSTIN PLLC

19 By /s/ Michael E. Gossler  
20 Michael E. Gossler, WSBA No. 11044  
21 Joseph A. Hamell, WSBA No. 29423  
22 Attorneys for the Cohen Parties