

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

7	IN RE:)	CHAPTER 11
8	NORTHWEST TERRITORIAL MINT, LLC,)	CASE NO. 16-11767-CMA
9)	OBJECTION OF ADRIENNE ATWELL TO
10)	TRUSTEE’S EX PARTE MOTION TO
11	Debtor.)	SHORTEN TIME ON TRUSTEE’S MOTION
12)	FOR AUTHORITY TO ENTER INTO KENT
13)	LEASE AND REJECT FEDERAL WAY
14)	LEASE [DOCKET NO. 541]
15)	

COMES NOW Adrienne Atwell, a creditor in the above entitled case, through her undersigned attorney and respectfully objects to the Trustee’s Ex Parte Motion to Shorten Time on Trustee’s Motion for Authority to Enter Into Kent Lease and Reject Federal Way Lease (the, “Underlying Motion”).¹ Docket No. 541.

The Trustee filed his shorten time motion at or about 5:30 pm last Friday (July 22nd). The undersigned attorney received the ECF notice thereof and reviewed it this morning (Monday, July 25th). The Trustee’s ex parte motion seeks to shorten time for a hearing on the Underlying Motion set for Thursday (July 28th) with a response/objection date of Tuesday (July 26th).

The Trustee alleges in the shorten time motion that “cause exists” to shorten time because: (a) “Court approval of the Kent Lease on shortened time will allow the Trustee to complete tenant

¹ Please see claim 1104-2 for \$281,566.18

1 improvements to the Kent Premises and move into the Kent Premises as soon as possible”; and (b) the
2 “Trustee believes that the execution of a new real property lease by the Trustee may be an ordinary
3 course transaction...that does not require Court approval.”

4 The extent to which the Trustee seeks to shorten time is extraordinary in as much as he proposes
5 to shorten time to nearly zero time – i.e., a hearing set for four (4) days from today with a response date
6 of two (2) days from today. In the undersigned’s experience it is unusual if not unprecedented to
7 shorten time to such a small if not nearly non-existent amount of lead time.
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9 Local bankruptcy rule 9013-1(d)(3)(A) states that “Motions to shorten time or limit notice are
10 disfavored.” The decision on a motion requesting shorten time is a matter within the Court’s discretion.
11 LBR 9013-1(d)(3)(C). According to the “Chambers Procedures for Cases Assigned to Judge Alston”
12 posted on the Court’s website, “Motions to shorten time are disfavored and will be granted only upon a
13 showing of exigent or exceptional circumstances. Local Rule 9013-1(d)(2)(A).”
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15 Ms. Atwell may or may not oppose the Underlying Motion but the time period anticipated for
16 reviewing said motion with supporting pleadings and records are inadequate for her and her attorneys to
17 properly consider the merits thereof. As a result, were the shorten time motion as presently proposed
18 granted, it would cause a denial of due process. The “cause” recited by the Trustee for shortening time
19 does not show “exigent or “exceptional” circumstances for shortening time. To the contrary, based upon
20 the Trustee’s submission, there is little or nothing about the “cause” cited that lends itself to the
21 characterization as “exigent” or “exceptional.”
22

23 The Trustee has failed to meet his burden to justify shortening time as he proposed; and, thus, it
24 is respectfully submitted that the Trustee has not shown cause for shortening time or, alternatively, for
25 shortening time on a more appropriate basis. Therefore, the Court should deny the motion to shorten
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27

OBJECTION - 2

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1 time.²

2 Dated this 25th day of July, 2016

3 KRIEGMAN LAW OFFICE, PLLC

4
5 /s/ Bruce P. Kriegman
6 Bruce P. Kriegman, WSBA #14228
7 Attorney for Adrienne Atwell

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9 CERTIFICATE OF SERVICE

10 The undersigned certifies that on the 25th day of July, 2016 she caused this notice to be filed
11 on the Court's case management/electronic case file system ("ECF") for the above-entitled case and
12 thereby served said notice upon all of the parties who have registered their respective e-mail addresses
13 with ECF and/or appeared or requested special notice in the case.
14

15 DATED this 25th day of July, 2016

16 KRIEGMAN LAW OFFICE, PLLC

17
18 /s/ Susan L. Blan
19 Susan L. Blan, Paralegal

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27 ² Ms. Atwell reserves the right to reconsider, modify or withdraw this objection if the Trustee can show proper cause for shortening time in accordance with applicable law.

OBJECTION - 3

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