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7 Attorneys for The Kavli Foundation

HON. CHRISTOPHER M. ALSTON
Chapter 11
Hearing Date: Friday, August 19, 2016
Hearing Time: 9:30 a.m.
Hearing Location: Seattle, Rm. 7206
Response Date: August 12, 2016

8 UNITED STATES BANKRUPTCY COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 In re:

12 NORTHWEST TERRITORIAL MINT LLC
13 Debtor.

Case No. 16-11767-CMA

THE KAVLI FOUNDATION'S
LIMITED JOINDER IN TRUSTEE'S
MOTION FOR ORDER GRANTING
AUTHORITY TO RETURN STORED
INVENTORY, OTHER CUSTOMER
OWNED INVENTORY AND
COINING DIES

15 Creditor The Kavli Foundation ("**Kavli**"), by and through its attorneys, Bruce
16 Leaverton and Lane Powell PC, hereby files this limited joinder (the "**Joinder**") to the
17 Trustee's Motion for Order Granting Authority to Return Stored Inventory, Other Customer
18 Owned Inventory and Coining Dies [Dkt. No. 457] (the "**Motion**"). This Joinder is supported
19 by the Declaration of Nadine Stern ("**Stern Decl.**") filed herewith.

20 Kavli supports the Motion and further offers proof of its ownership of certain coining
21 dies, plaster casts, and stored gold in the Debtor's possession as of the petition date. Kavli
22 respectfully requests the return of its property in Debtor's possession as of the petition date,
23 as detailed herein, to the extent the Trustee is able to identify the Kavli property.

24 A. Initial Transaction Between Kavli and Northwest Territorial Mint.

25 The initial transaction between Kavli and Northwest Territorial Mint (the "**Debtor**")
26 or "**NW Mint**") called for the production of four (4) coining dies to be made from plaster

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1 casts provided to the Debtor by Kavli and the production of a certain number of medals. *See*
2 Stern Decl. at ¶¶ 3-4, Exs. A-B. The quotation provided by NW Mint to Kavli for this initial
3 transaction stated that all “dies will become the property of the Kavli Foundation upon full
4 payment of the project.” *See* Stern Decl. at ¶3, Ex. A. Kavli provided its four (4) plaster casts
5 for NW Mint’s use in creating the Kavli coining dies, and upon completion of the project,
6 remitted final payment to NW Mint on September 28, 2008. *See* Stern Decl. at ¶¶ 5-7, Exs.
7 C-D. The four (4) plaster casts and four (4) coining dies are therefore the property of Kavli,
8 and were merely in possession of the Debtor at the time of filing. *See* Stern Decl. at ¶ 10.

9 B. Purchase and Storage of Gold.

10 Since the initial transaction between Kavli and NW Mint, Kavli has purchased and
11 deposited gold from and with NW Mint. Once purchased, NW Mint would store Kavli’s gold
12 until such time that it was needed for the production of the bi-annual Kavli Prize medals. *See*
13 Stern Decl. at ¶¶ 1, 8. Kavli’s last purchased gold from NW Mint on April 19, 2013. On
14 April 19, 2013, Kavli purchased 196 troy ounces of gold for \$274,251.04, which brought the
15 amount of gold being stored by NW Mint for Kavli at the time of purchase to 216 troy
16 ounces. *See* Stern Decl. at ¶ 8, Exs. E-F. After this purchase, Kavli received regular storage
17 statements and invoices for its gold in NW Mint’s possession. *See* Stern Decl. at ¶ 9, Ex. G.
18 In 2014, NW Mint produced the Kavli bi-annual prize medals using a portion of Kavli’s
19 gold. *Id.* After this production, the remaining gold being stored by NW Mint for Kavli was
20 108 troy ounces. *Id.* As of the Debtor’s petition date, the Debtor should have been storing
21 108 troy ounces of gold for Kavli. However, according to the Trustee, this estate has no gold
22 identifiable as Kavli stored gold.

23 It therefore appears that the Debtor converted the Kali gold stored at its premises, or,

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1 perhaps, the Debtor never purchased and held gold for Kavli.

2 DATED this 11th day of August 2016.

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4 LANE POWELL PC

5 BY /s/ Bruce W. Leaverton
6 Bruce W. Leaverton, WSBA No. 15329
7 Attorneys for The Kavli Foundation
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1 **CERTIFICATE OF SERVICE**

2 I, Karly A. Stevens, declare as follows:

3 1. On August 11, 2016, I caused the foregoing document (“Joinder”) and the
4 accompanying Declaration of Nadine L. Stern (“Stern Declaration”), to be electronically
5 filed with the Clerk of the Court, in accordance with the Electronic Filing Procedures,
6 through the CM/ECF system, which, pursuant to Local Rule 5005-1(c)(1), caused parties
7 who are registered ECF participants to be served by electronic means.

8 2. On that same day, I caused true and correct copies of the Joinder and Stern
9 Declaration to be served via U.S. Mail (or International Mail where relevant), postage
10 prepaid, on those non-ECF Special Request Parties listed below:

11 James Buck 1102 Blevins Abbott Rd Violet Hill, AR 72584-7518	Jeffrey Mark McMeel c/o 900 Jefferson St SE Olympia, WA 98501	Northwest Territorial Mint LLC P.O. Box 2148 Auburn, WA 98071-2148
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13 Norma Buck 4226 Easy K Rd Franklin, AR 72536	Allen Larson 114 Elm St Grandview, WA 98930	Brian Mehlbrech 10669 Mohave Court Moreno Valley, CA 92557
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15 Mark Thomas Calvert 1420 5th Ave #3382 Seattle, WA 98101	Brandan Mathus 211 W Garfield Ave Bartonville, IL 61607	Eloise P Melillo 16 Wanamaker Avenue Mahwah, NJ 07430
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17 Cascade Capital Group LLC K&L Gates LLP 925 Fourth Ave #2900 Seattle, WA 98104-1158	Eva Rosman c/o Marc S. Stern 1825 NW 65th Street SEATTLE, WA 98117	Jim Paneris c/o G Jalbert 1001 Fourth Ave #3200 Seattle, WA 98199
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19 James Dart 20 Shoemaker & Dart, PS, Inc 1944 Pacific Avenue #307 21 Tacoma, WA 98402	Bruce Ellis c/o William Campbell Esq 805 N Brown St Mt Pleasant, MI 48858	Lawrence Kotler Duane Morris LLP 30 South 17th Street Philadelphia, PA 19103
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22 State of Nevada c/o Micheline N Fairbank 23 Nevada Office of The Atty General 100 North Carson St 24 Carson City, NV 89701-4717	Unsecured Creditors Committee c/o Miller Nash Graham & Dunn LLP 2801 Alaskan Way #300 Pier 70 Seattle, WA 98121	Ira Green, Inc. c/o James C Thoman Hodgson Russ LLP 140 Pearl Street Suite 100 Buffalo, NY 14202
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1 Mark Thomas Calvert Unsecured Creditors Committee
2 c/o K&L Gates LLP c/o Miller Nash Graham & Dunn LLP
3 925 4th Ave Ste 2900 2801 Alaskan Way #300
Seattle, WA 98104-1158 Seattle, WA 98121-1128

4 I declare under penalty of perjury under the law of the United State of America that
5 the foregoing is true and correct.

6 DATED this 11th day of August 2016.

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8 /s/ Karly Stevens
Karly Stevens, Paralegal

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