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7 **UNITED STATES BANKRUPTCY COURT**  
8 **EASTERN DISTRICT OF WASHINGTON**

9 In re:  
10 GIGA WATT, Inc., a Washington  
11 corporation,  
12 Debtor.

Case No. 18-03197  
The Honorable Frederick P. Corbit  
Chapter 11

13  
14 MARK D. WALDRON, in his capacity  
as the duly-appointed Chapter 11  
15 Trustee,

Adv. P. No. 19-80012

**CHAPTER 11 TRUSTEE'S MOTION  
FOR EXPEDITED DISCOVERY;  
EXPEDITED CONSIDERATION  
THEREOF**

16 vs.

17 DAVID M. CARLSON and JANE  
DOE 1, individually and on behalf of  
18 the marital estate, ENTERPRISE  
FOCUS, INC., a Washington  
19 corporation, CLEVER CAPITAL,  
LLC, a Washington LLC, JEFFREY  
20 FIELD, ROB TAVIS, JOHN DOES 1  
THROUGH 15  
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24 Chapter 11 Trustee's Motion for  
Expedited Discovery; Expedited Consideration - Page 1  
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1 Mark D. Waldron, the duly appointed Chapter 11 Trustee (“Trustee”) in  
2 the bankruptcy case of the above-captioned debtor, by and through his  
3 undersigned counsel, respectfully submits this motion (“Motion”) for entry of an  
4 order, attached hereto as **Exhibit A**, pursuant to Rules 26(d), 30 and 34 of the  
5 Federal Rules of Civil Procedure, made applicable herein by Federal Rules of  
6 Bankruptcy Procedure 7026(d), 7030 and 7034, to expedite and allow the Trustee  
7 to immediately commence discovery. In support of the Motion, the Trustee  
8 respectfully avers:

9 **RELIEF REQUESTED**

10 Despite the Trustee’s best efforts, the parties in the above-captioned  
11 adversary proceeding have not conferred regarding the scope or scheduling of  
12 discovery. Ms. Rollins informed the Trustee that she, Defendant Carlson and  
13 Defendant Clever Capital would have new counsel contact the Trustee to discuss  
14 discovery. That has yet to happen, despite multiple requests from the Trustee.  
15 Upon information and belief, Mr. Carlson has been out of the country and will be  
16 returning to Washington on or about May 11, 2019. Discovery must commence  
17 immediately.

18 Accordingly, the Trustee requests an Order in the form attached hereto  
19 pursuant to which the Trustee is immediately authorized and the Defendants, other  
20 than Rob Tavis, are compelled to allow the Trustee to:

1 (1) Take the depositions of Defendants, Vanessa Pierce Rollins, George  
2 Turner<sup>1</sup> and Altered Silicon, Inc. (described below) on not less than, but as short  
3 as, two (2) calendar days' notice. If the last day of the notice period ends on a  
4 weekend, the deposition shall occur on the first Monday after the weekend. Each  
5 of the foregoing parties are well aware of the pendency of this adversary  
6 proceeding, except for Bob Tavis whom the Trustee has not yet served and from  
7 whom the Trustee will not seek discovery at this time.

8 (2) Demand from the Defendants, Ms. Rollins, Mr. Turner, and Altered  
9 Silicon, Inc. the production of all e-mail, correspondence and documents in their  
10 possession, custody, or control pertaining to ownership of the TNT Facility.  
11 Responsive documents shall be produced within two (2) calendar days, unless  
12 otherwise agreed to in writing by the Trustee and the applicable party.

13 (3) Contact the TNT Landlord to arrange expedited production of  
14 documents and depositions of Daryl Thompson and Kelly Thompson, the  
15 principals of the TNT Landlord, with respect to the TNT Transfer Agreement and  
16 Mr. Carlson's interest in the TNT Facility

17 (4) Contact Red Team Investments, Inc. to arrange expedited production  
18 of documents and the deposition of Trevin Vaughn, who, upon information and  
19 belief is a principal of Red Team Investments, Inc., with respect to the TNT  
20 Facility;

21 \_\_\_\_\_  
22 <sup>1</sup> Mr. Turner has been cooperating with the Trustee and his deposition is currently  
23 scheduled for Monday, May 13, 2019 in Wenatchee, Washington at a time after  
1:30 p.m. to be determined.

1 (5) Serve all discovery notices and demand set forth herein by email.

2 **FACTS**

3 The Trustee incorporates by reference as if set forth fully herein all of the  
4 facts averred in the *Verified Complaint* [AP Docket No. 1]<sup>2</sup> and the *Emergency*  
5 *Application for Order to Show Cause for Temporary Restraining Order and*  
6 *Preliminary Injunction* [AP Docket No. 2].

7 On April 25, 2019, the Court entered its *Order to Show Cause for*  
8 *Preliminary Injunction and Temporary Restraining Order*, pursuant to which the  
9 Court ordered, *inter alia*, that “the parties shall immediately confer regarding the  
10 scope and scheduling of discovery.” [TRO, p. 3, lines 12-13, AP Docket No. 11]

11 On April 30, 2019, the Court entered its *Amended Order to Show Cause for*  
12 *Preliminary Injunction and Temporary Restraining Order*, which contained the  
13 same order to “immediately confer regarding the scope and scheduling of  
14 discovery.” [Amended TRO, p. 3, lines 16-17, AP Docket No. 19]

15 A show cause hearing is set for May 23, 2019. Exhibit and witness lists are  
16 due May 16, 2019. [Amended TRO, AP Docket No. 19]

17 The Trustee is informed that Mr. Carlson is “out of the country.” However,  
18 the Trustee is also informed that he has email, that Ms. Rollins has been in touch  
19 with him and that Mr. Carlson is due back in the country on or about May 11,  
20 2019. Ms. Rollins has further stated repeatedly that new counsel for Mr. Carlson,  
21 Clever Capital, LLC, Enterprise Focus, Inc. will contact the Trustee. However, no

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23 <sup>2</sup> Any capitalized terms herein shall have the meanings ascribed to them in the  
*Verified Complaint* [D.I. 1].

1 one has contacted the Trustee to confer regarding the scope and scheduling of  
2 discovery, despite multiple queries to Ms. Rollins, who is Mr. Carlson’s and  
3 Defendant Clever Capital LLC’s attorney in the main case, has appeared at almost  
4 every hearing in both the main case and this adversary proceeding, and attended  
5 the recent tour of the TNT Facility during which she advocated vigorously on  
6 behalf of Mr. Carlson.

7 Ms. Rollins who has fled or is about to flee the state, signed the TNT  
8 Transfer Agreement as an “authorized representative” of Defendant Clever  
9 Capital LLC. She has only agreed to be deposed (at a date uncertain) in Virginia.  
10 The other signatory to the TNT Transfer Agreement, George Turner, has agreed to  
11 be deposed in Wenatchee, Washington on Monday May 13, 2019. Undersigned  
12 counsel has informed Ms. Rollins, as Mr. Carlson’s and Defendant Clever  
13 Capital’s counsel, of this deposition.

14 Ms. Rollins is also general counsel to another company controlled by Mr.  
15 Carlson called Altered Silicon, Inc. Altered Silicon, Inc. is opening or has opened  
16 “high performance computing” services in the Wenatchee area.<sup>3</sup> While “high  
17 performance computer services” have applications in many areas, the Trustee is  
18 informed that they are the *sine qua non* of crypto-mining. Further, Mr. Carlson has  
19 stated, “By using mining as the fallback revenue generator, we [Altered Silicon,

20 \_\_\_\_\_  
21 <sup>3</sup> The company’s website states, “Compare our prices with anyone – you’ll find them to be  
22 almost magically cheaper!” <https://www.altered-silicon.com/>. Accessed May 9, 2019.

23 (Continued...)

1 Inc.] can generate revenue any time our servers are not performing data science  
2 tasks.”<sup>4</sup> The Trustee would like to determine whether the TNT Facility is one of  
3 the “high-performance computing” centers touted by Altered Silicon, Inc. as one  
4 of its fallback revenue generators.

5 All of these entities and persons need to be deposed and to produce  
6 documents regarding Mr. Carlson’s unsuccessful effort to obtain ownership of the  
7 TNT Facility.

8 Finally, the Trustee has recently learned that Red Team Investments, Inc. is  
9 claiming that it owns certain computers that are located on the TNT Facility. The  
10 Trustee will attempt to obtain expedited discovery from Red Team Investments,  
11 Inc. on a voluntary basis with respect to its interest, if any, in the TNT Facility or  
12 any discussions with Mr. Carlson regarding the future operations of the TNT  
13 Facility.

14 **EXPEDITED CONSIDERATION IS NECESSARY**

15 Deadlines are fast approaching. The show cause hearing is set for May 23,  
16 2019. A list of exhibits and witnesses is due on May 16, 2019. The Trustee has  
17 been trying since entry of the TRO Order to obtain Mr. Carlson’s and his  
18 companies’ cooperation in defining the scope and timing of discovery. His  
19 attorney, Ms. Rollins has acted like Mr. Carlson’s attorney in every way except  
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21 <sup>4</sup> [https://www.ktvn.com/story/39796641/altered-silicon-emerges-with-worlds-first-ravencoin-](https://www.ktvn.com/story/39796641/altered-silicon-emerges-with-worlds-first-ravencoin-mining-on-fpga)  
22 [mining-on-fpga](https://www.ktvn.com/story/39796641/altered-silicon-emerges-with-worlds-first-ravencoin-mining-on-fpga). Accessed on 5/9/19. See also [https://medium.com/@dave\\_46855/altered-](https://medium.com/@dave_46855/altered-silicon-x16r-mining-on-the-xilinx-fpga-dbc290c56909)  
[silicon-x16r-mining-on-the-xilinx-fpga-dbc290c56909](https://medium.com/@dave_46855/altered-silicon-x16r-mining-on-the-xilinx-fpga-dbc290c56909). Accessed on 5/9/19.

1 when it comes to producing discovery in which case she states that “new  
2 counsel” will replace her. However, no one has replaced her. This places the  
3 Trustee in a bind. He cannot directly contact Mr. Carlson because he is  
4 represented. However, no attorney has contacted the Trustee.

5 Given these facts, the Trustee believes it is appropriate that the Defendants  
6 be given only one day to object to this Motion. Service will be made by email  
7 upon all defendants except Defendant Bob Tavis whose address at this time is  
8 unknown. Until he is served, the Trustee is not seeking relief against Mr. Tavis.

9 **NOTICE BY EMAIL**

10 The Trustee believes that given the exigent circumstances, service upon the  
11 Defendants by email is sufficient and proper.

12 **CONCLUSION**

13 WHEREFORE, for all of the foregoing reasons, the Trustee respectfully  
14 requests that the Court (a) enter an order, substantially in the form attached hereto  
15 as **Exhibit A**, granting the relief requested herein and (b) granting such other and  
16 further relief as the Court deems just and proper.

17 Dated: May 9, 2019

CKR LAW LLP

18 /s/ Pamela M. Egan

19 Pamela M. Egan (WSBA 54736; *phv*)  
William R. Firth, III (*pro hac vice*)

20 *Attorneys for Mark D. Waldron,*  
21 *Chapter 11 Trustee*

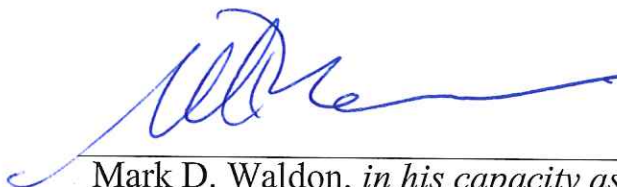
**VERIFICATION**

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I, Mark D. Waldron, am the duly-appointed Chapter 11 Trustee in the above-captioned bankruptcy case. I have reviewed the Motion. I believe the factual statements set forth herein are true based upon my personal knowledge and where applicable based on my investigation and review of documents in this case.

I declare under penalty of perjury that the foregoing is true.

Signed this 9th day of May 2019 in Tacoma, Washington.



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Mark D. Waldon, *in his capacity as the duly appointed Chapter 11 Trustee*



**EXHIBIT A**  
*Proposed Order*

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**UNITED STATES BANKRUPTCY COURT  
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In re:  
GIGA WATT, Inc., a Washington  
corporation,  
Debtor.

Case No. 18-03197  
The Honorable Frederick P. Corbit  
Chapter 11

MARK D. WALDRON, in his capacity  
as the duly-appointed Chapter 11  
Trustee,

Adv. P. No. 19-80012

vs.

**[Proposed] ORDER GRANTING  
CHAPTER 11 TRUSTEE’S MOTION  
FOR EXPEDITED DISCOVERY;  
EXPEDITED CONSIDERATION  
THEREOF**

DAVID M. CARLSON and JANE  
DOE 1, individually and on behalf of  
the marital estate, ENTERPRISE  
FOCUS, INC., a Washington  
corporation, CLEVER CAPITAL,  
LLC, a Washington LLC, JEFFREY  
FIELD, ROB TAVIS, JOHN DOES 1  
THROUGH 15.

Upon consideration of the *Motion of Mark D. Waldron, Chapter 11 Trustee,*  
*for Expedited Discovery* (“Motion”); and upon consideration of any and all

Order Granting Motion for  
Expedited Discovery, etc. - Page 1

1 objections and/or responses that were filed in opposition to the Motion; and it  
2 appearing that due and proper notice of the Motion has been given to all interested  
3 parties in this case; and after due deliberation and sufficient cause appearing  
4 therefor;

5 IT IS HEREBY ORDERED THAT:

6 1. The Motion is GRANTED;

7 2. The Trustee is authorized to immediately issue notices of depositions  
8 to the Defendants, other than Rob Tavis, and to three witnesses, Vanessa Pierce  
9 Rollins, George Turner and the TNT Landlord;

10 3. The foregoing depositions may take place on two (2) calendar days'  
11 notice or more; if the last day of the notice period lands on a weekend, the noticed  
12 deposition shall occur on the first Monday after the weekend;

13 4. The Trustee may immediately demand from the Defendants, Vanessa  
14 Pierce Rollins, George Turner, and Altered Silicon, Inc. the production of all e-  
15 mail, correspondence and documents in their possession, custody, or control  
16 pertaining to ownership of the TNT Facility. Responsive documents shall be  
17 produced within two (2) calendar days, unless otherwise agreed to in writing by  
18 the Trustee and the applicable party.

19 5. The Trustee may immediately contact the TNT Landlord and attempt  
20 to arrange expedited production of documents and depositions of Daryl Thompson  
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