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7 *Attorneys for David M. Carlson, Enterprise Focus, Inc.,  
and Clever Capital, LLC*

9 UNITED STATES BANKRUPTCY COURT  
10 EASTERN DISTRICT OF WASHINGTON

11 In re: ) Case No. 18-03197-FPC11  
12 )  
13 GIGA WATT, INC., ) **Adv. No. 19-80012-FPC**  
14 )  
Debtor. ) Chapter 11  
15 )  
16 ) **DECLARATION OF**  
17 ) **BENJAMIN J. MCDONNELL**  
18 ) **IN SUPPORT OF OBJECTION**  
19 ) **TO CHAPTER 11 TRUSTEE'S**  
20 ) **MOTION FOR: (1)**  
21 ) **EXPEDITED DISCOVERY;**  
22 ) **AND (2) EXPEDITED**  
23 ) **CONSIDERATION**  
24 )  
25 )  
MARK D. WALDRON, in his )  
capacity as the duly-appointed )  
Chapter 11 Trustee, )  
Plaintiff, )  
v. )  
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 limited liability )

DECLARATION . . . - 1



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1 company; JEFFREY FIELD; )  
2 ROB TRAVIS; and JANE DOES )  
3 2 through 15, )  
4 )  
5 Defendants. )

6 I, Benjamin J. McDonnell, declare under penalty of perjury of the  
7 laws of the state of Washington and the United States as follows:

8 1. I am a resident of the state of Washington and over the age of  
9 eighteen. I have personal knowledge of and am competent to testify  
10 regarding the matters stated herein. I am an attorney with the law firm of  
11 Piskel Yahne Kovarik, PLLC, attorneys for Defendants David M. Carlson,  
12 Enterprise Focus, Inc., and Clever Capital, LLC. This declaration is  
13 submitted in support of the Objection to Chapter 11 Trustee's Motion for:  
14 (1) Expedited Discovery; and (2) Expedited Consideration, filed herewith.

15 2. On or about the afternoon of May 9, 2019, Piskel Yahne  
16 Kovarik, PLLC was engaged as counsel for Defendants David M. Carlson,  
17 Enterprise Focus, Inc. and Clever Capital, LLC. That same day, we  
18 received the Chapter 11 Trustee's Motion for Expedited Discovery;  
19 Expedited Consideration Thereof. Promptly, this morning, I contacted  
20 Pamela M. Egan of CKR Law LLP by telephone call. At this time, Jason T.  
21 Piskel of Piskel Yahne Kovarik, PLLC is taking a deposition in Missouri,  
22  
23  
24  
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DECLARATION . . . - 2



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1 and is scheduled to return prior to Monday, May 13, 2019. Counsel is  
2 preparing to have a productive and cooperative telephone conference with  
3 Pamela M. Egan of CKR Law LLP for purposes of conferring as to the  
4 scope and scheduling of discovery, anticipated to occur on or before this  
5 Monday, May 13, 2019.  
6

7 I declare under penalty of perjury under the laws of the state of  
8 Washington and the United States that the foregoing is true and correct.  
9

10 SIGNED in Spokane, Washington on May 10, 2019.

11 /s/ Benjamin J. McDonnell  
12 BENJAMIN J. MCDONNELL  
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19 *Attorney for Defendants David M. Carlson*  
20 *Enterprise Focus, Inc., and Clever Capital, LLC*  
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