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9 *Attorneys for Mark D. Waldron in his capacity as*  
10 *the duly-appointed Chapter 11 Trustee*

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

In re:

GIGA WATT, Inc., a Washington  
corporation,

Debtor.

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

vs.

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

Case No. 18-03197

The Honorable Frederick P. Corbit

Chapter 11

Adv. P. No. 19-80012

**PLAINTIFF'S REQUEST FOR  
JUDICIAL NOTICE OF  
ADJUDICATIVE FACTS IN  
SUPPORT OF EMERGENCY  
APPLICATION FOR ORDER TO  
SHOW CAUSE FOR TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

1 Comes now Mark D. Waldron, in his capacity as the duly-appointed  
2 Chapter 11 Trustee (the “Trustee”) in the above-captioned main case and the  
3 Plaintiff in the above-captioned adversary proceeding, and pursuant to Rule 201 of  
4 the Federal Rules of Evidence respectfully requests that the Court take judicial  
5 notice of three documents that are on record with the Washington Secretary of  
6 State and are attached as an exhibit to the *Verified Complaint for Avoidance and*  
7 *Recovery of Fraudulent Transfers and/or Preferential Transfers; Breach of*  
8 *Fiduciary Duty; Turnover; and Injunctive Relief; and the Chapter 11 Trustee’s*  
9 *Objections to Claims of David M. Carlson (Claims Nos. 318 and 319) and of*  
10 *Clever Capital LLC (Claim No. 320) (the “Verified Complaint”)* as:

11 1. Exhibit C to the Verified Complaint: Record filed on July 11, 2017  
12 by Defendant Enterprise Focus, Inc. with the Corporations and Charities Division  
13 of the Office of Secretary of State of the State of Washington.

14 2. Exhibit D to the Verified Complaint: Record filed by Giga Watt, Inc.  
15 with the Corporations and Charities Division of the Office of Secretary of State of  
16 the State of Washington on October 25, 2018.

17 3. Exhibit F to the Verified Complaint: Record filed by Defendant  
18 Clever Capital LLC with the Corporations and Charities Division of the Office of  
19 Secretary of State of the State of Washington on December 21, 2018.

1           The foregoing three documents are referred to herein collectively as the  
2 “WA SOS Documents.” The WA SOS Documents fit squarely within the ambit of  
3 Rule 201, which provides:

4                   The Court may judicially notice a fact that is not subject  
5                   to reasonable dispute because it: . . . (2) can be  
6                   accurately and readily determined from sources whose  
7                   accuracy cannot reasonably be questioned.

8 Fed.R.Evid. 201(b)(2).

9           To determine the accuracy of Exhibit C, D, and F to the Verified  
10 Complaint, one need only go to the website for the Washington Secretary of State,  
11 <https://www.sos.wa.gov/corps/>, run a business search for Enterprise Focus, Inc.,  
12 Giga Watt, Inc. and Clever Capital LLC and review the filing history for each  
13 entity. The documents are listed by date and available to the public for free.

14           Because of the ease in verifying their accuracy, courts have frequently  
15 taken judicial notice of documents filed with a secretary of state. *See e.g., In re*  
16 *Tamarack Resort, LLC*, 2010 WL 1049955, at \*4 (Bankr. D. Idaho Mar. 17, 2010)  
17 (court took judicial notice of certificates from the Delaware Secretary of State); *In*  
18 *re Bernstein*, 525 B.R. 505, 508 (Bankr. N.D. Ga. 2015) (court took judicial notice  
19 of the records of the Corporations Division of the Georgia Secretary of State).  
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1           Wherefore, the Trustee prays that the Court take judicial notice of the WA  
2 SOS Documents.

3 Dated: April 22, 2019

CKR LAW LLP

4 */s/ Pamela M. Egan*  
5 Pamela M. Egan (WSBA No. 54736)

6 *Attorneys for Mark D. Waldron, Chapter 11*  
7 *Trustee*