

1 JASON T. PISKEL, WSBA #35398
Email: jtp@pyklawyers.com
2 BENJAMIN J. MCDONNELL, WSBA #45547
Email: ben@pyklawyers.com
3 PISKEL YAHNE KOVARIK, PLLC
4 522 West Riverside Ave., Suite 700
Spokane, WA 99201
5 Telephone: (509) 321-5930
6 Facsimile: (509) 321-5935

7 *Attorneys for David M. Carlson,*
8 *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 MARK D. WALDRON, in his) **DEFENDANTS DAVID M.**
17 capacity as the duly-appointed) **CARLSON, ENTERPRISE**
Chapter 11 Trustee,) **FOCUS, INC. AND CLEVER**
18) **CAPITAL, LLC'S: (1) MOTION**
Plaintiff,) **IN LIMINE AND FOR**
19) **STATUS CONFERENCE AND**
v.) **(2) MOTION TO REDUCE**
20) **TIME TO OBJECT; AND**
21) **NOTICE**
22)
23 DAVID M. CARLSON and)
24 JANE DOE 1, individually and)
on behalf of the marital estate;)
25 ENTERPRISE FOCUS, INC., a)
Washington corporation;)
CLEVER CAPITAL, LLC, a)
Washington limited liability)
company; JEFFREY FIELD;)

DEFENDANTS' MOTIONS . . . - 1



Piskel Yahne Kovarik, PLLC
522 W. Riverside Avenue Ste. 700
Spokane, Wa 99201
P 509.321.5930 / F 509.321.5935

1 ROB TRAVIS; and JANE DOES)
2 2 through 15,)
3 Defendants.)

4 **MOTIONS**

5 Defendants David M. Carlson, Enterprise Focus, Inc., and Clever
6 Capital, LLC, by and through their attorneys of record, Piskel Yahne
7 Kovarik, PLLC, respectfully move the Court for an order in limine,
8 precluding Plaintiff from offering into evidence at the time of the show
9 cause hearing certain testimony and Plaintiffs Exhibits numbered 7-10,
10 and 36-38, as referenced in his Amended Exhibit Index (ECF No. 39), for
11 status conference, and to reduce the time to object and respond to the
12 relief requested to **on or before May 21, 2019** (“Motions”). These
13 Motions are based on the Memorandum of Points and Authorities in
14 Support of the Motions; the Declaration of Benjamin J. McDonnell in
15 Support of the Motions; and all pleadings and papers of record filed in this
16 adversary proceeding.
17
18
19
20
21
22
23
24
25



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NOTICE

**TO: PLAINTIFF MARK D. WALDRON IN HIS CAPACITY AS
CHAPTER 11 TRUSTEE**

Your rights may be affected. You should read these papers
carefully and discuss them with your attorney.

Notice is hereby given that Defendants David M. Carlson,
Enterprise Focus, Inc., and Clever Capital, LLC have filed the above
Motions in Limine, and for Status Conference, and to Reduce Time to
Object. These defendants have requested: (1) that the Court preclude the
Plaintiff from offering into evidence at the time of the show cause hearing,
presently set for May 23, 2019, Plaintiff's Exhibits 7-10, and 36-38,
testimony disclosing attorney-client privileged communications with
Vanessa Pierce Rollins, and testimony regarding Altered Silicon, any SEC
Investigation, Class Action, or ICO Litigation, and any non-compete, and
for a status conference, and (2) to reduce the time within which to object
or respond to the relief requested **to on or before May 21, 2019.** The
basis for the requested relief is set forth in further detail in the
Memorandum of Points and Authorities in Support of Defendants'
Motions, and the Declaration of Benjamin J. McDonnell in Support of the
Motions, filed and served concurrently herewith.

DEFENDANTS' MOTIONS . . . - 3



Piskel Yahne Kovarik, PLLC
522 W. Riverside Avenue Ste. 700
Spokane, Wa 99201
P 509.321.5930 / F 509.321.5935

1 If you object to an act or the entry of an order contemplated by this
2 motion and notice, or if you want the Court to consider your views on the
3 Motions, then **on or before May 21, 2019**, you must file with the Clerk a
4 written objection or response that briefly states the grounds therefore, and
5 serve a copy of the same, to the attorneys for the moving parties via each of
6 the following emails at Piskel Yahne Kovarik, PLLC: ben@pyklawyers.com
7 and jason@pyklawyers.com. If no objection is timely and properly filed
8 and served, an order may be presented to the Court, and the Court may
9 grant the relief requested, ex parte, without further notice.
10
11

12 DATED this 20th day of May 2019.

13 PISKEL YAHNE KOVARIK, PLLC
14

15
16 /s/ Benjamin J. McDonnell
17 JASON T. PISKEL, WSBA #35398
18 Email: jtp@pyklawyers.com
19 BENJAMIN J. MCDONNELL, WSBA #45547
20 Email: ben@pyklawyers.com
21 PISKEL YAHNE KOVARIK, PLLC
22 522 West Riverside Ave., Suite 700
23 Spokane, WA 99201
24 Telephone: (509) 321-5930
25 Facsimile: (509) 321-5935

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