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9 Attorneys for Defendant Jeffrey Field

10 UNITED STATES BANKRUPTCY COURT
11 EASTERN DISTRICT OF WASHINGTON

12 In re:

13 GIGA WATT, INC., a Washington
14 corporation,

15 Debtor.

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

18 Plaintiff,

19 vs.

20 DAVID M. CARLSON and JANE DOE 1,
21 individually and on behalf of the marital
22 estate, ENTERPRISE FOCUS, INC., a
23 Washington corporation, CLEVER CAPITAL,
24 LLC, a Washington limited liability
25 company, JEFFERY FIELD, ROB TAVIS, AND
26 JANE DOES 2 THROUGH 5,

Defendants.

Case No. 18-03197

The Honorable Frederick P. Corbit

JEFFREY FIELD'S FRCP 26(f) STATUS
CONFERENCE STATEMENT

Adv. P. No. 19-80012

1 COMES NOW Defendant Jeffrey Field ("Field"), by and through his
2 attorneys of record, Ogden Murphy Wallace, P.L.L.C., and submits the following
3 Status Conference Statement. Field submits his own statement, because Field
4 was unable to meaningfully confer with counsel for the Chapter 11 Trustee on a
5 joint status statement. Counsel for the Trustee advised she and the Trustee were
6 still assessing their case as to Field and asked to delay the parties' FRCP 16
7 conference.
8
9
10

11 I. STATUS CONFERENCE STATEMENT

12 a. Field has notified the Clerk's Office if he consents to U.S. Magistrate
13 Judge.
14

15 b. Jurisdiction and Venue appear to exist. Field resides in Washington
16 State and the issues appear to relate to a time Field worked in Grant County,
17 Washington.
18

19 c. Service of Process is complete.
20

21 d. The following is a brief description of the Trustee's claim and Field's
22 defenses:
23

24 While the Trustee's Verified Complaint names Field as a defendant, it
25 pleads no facts on which the Trustee seeks to state a claim against Field. (ECF No.
26 281). The Verified Complaint also fails to identify any alleged cause of action

1 directed to Field, or facts supporting that cause of action. Id. Rather, it
2 references Field in only three places, and reads as follows:
3

4 16. Upon information and believe [sic] Defendant, Jeffrey Field, is
5 a shareholder of Defendant Enterprise.

6 20. On January 1, 2017, Defendant Carlson, Defendant Enterprise,
7 Defendant Field and Defendant Tavis, on the one hand, and Giga
8 Watt, on the other hand, entered into that certain Bill of Sale and
9 Assignment and Assumption Agreement (the "Sale and Assignment
10 Agreement"). A copy of the Sale and Assignment Agreement is
11 attached hereto as Exhibit A.

12 22. Pursuant to the Sale and Assignment Agreement, Defendants
13 Carlson, Enterprise, Field and Tavis sold and assigned to Giga Watt all
14 of their assets, interests and good will in "MegaBigPower" for a
15 purchase price of \$3 million.

16 (ECF No. 281).

17 Field asserts that even if the above-pled facts are true, they fail to state a
18 claim against Field. Because of this, Field has filed a motion to dismiss for failure
19 to state a claim under FRCP 12(b)(6). Field has also asked the Trustee to
20 voluntarily dismiss Field. He awaits the Trustee's response.

21 e. There is no constitutional challenge to a statute.

22 f. This matter will not be pursued as a class action.

23 g. No issues need to be certified to the Washington State Supreme
24 Court.
25

26 h. Suggested deadline to amend pleadings is 120 days prior to trial.

1 i. Suggested deadline to add additional parties is 180 days prior to trial.

2 j. Field has not filed a non-governmental corporate party statement, as
3
4 one does not appear needed.

5 k. This case does not involve a minor or incompetent party.

6
7 l. Field does not propose a discovery procedure at this time because he
8 has a pending motion to dismiss for failure to state a claim, and because counsel
9 for the Chapter 11 Trustee asked to delay the parties' FRCP 16 conference.
10

11 m. There are no pending protective orders or confidentiality
12 agreements.
13

14 n. Anticipated motions and suggested dispositive motion filing
15 deadlines: Field filed a motion to dismiss for failure to state a claim on May 21,
16 2019 (ECF No. 50). The deadline for objection is June 14, 2019.
17

18 o. Trial

19 Suggested trial dates: Unknown

20 length of trial: Unknown

21 bifurcation: Unknown

22 Special audio/visual courtroom technology: None
23
24
25
26

1 p. Likelihood of settling or of meaningful dispute resolution: Mediation
2 or other dispute resolution process may be appropriate after initial discovery is
3 complete, if the Court does not dismiss Field from this case.
4

5 q. Other matters: The parties have exchanged Initial Disclosures, with
6 Field objection to having to produce full disclosures at this time due to his pending
7 motion to dismiss.
8

9 DATED this 30th day of May, 2019.
10

11 OGDEN MURPHY WALLACE, P.L.L.C.

12 By s/ Brian A. Walker

13 BRIAN A. WALKER, WSBA #26586
14 CHRISTINA M. DAVITT, WSBA #41272
15 Attorneys for Jeffrey Field
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CERTIFICATE OF SERVICE

I certify under the laws of the United States of America that on the 30th day of May, 2019, I caused to be filed **Jeffrey Field's Status Conference Statement** through CM/ECF causing a true and correct copy of the foregoing to be served electronically upon all parties of record.

DATED this 30th day of May, 2019.

s/ Brian A. Walker

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