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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.

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

15 vs.

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

Case No. 18-03197

The Honorable Frederick P. Corbit

Chapter 11

Adv. P. No. 19-80012

RULE 26(f) REPORT

1 Pursuant to Federal Rule of Civil Procedure 26(f), applicable herein by
2 Federal Rule of Bankruptcy Procedure 7026, on May 29, 2019, at 3:00 p.m. via
3 telephone conference, the following parties to this adversary proceeding met and
4 conferred regarding the topics outlined in this report:

- 5 • Pamela M. Egan, counsel for Plaintiff, Mark D. Waldron, as Chapter 11
6 Trustee;
- 7 • Jason Piskel, counsel for Defendants David M. Carlson, Clever Capital
8 LLC, and Enterprise Focus, Inc.;
- 9 • Christine Davitt, counsel for Defendant Jeffrey A. Field.

10 In light of the Court's ruling and statements made at the show cause hearing
11 on May 23, 2019, the parties have agreed to not require Defendants David M.
12 Carlson, Clever Capital LLC or Enterprise Focus, Inc. to file an answer until the
13 parties confer again. They further agreed that they would confer again no later
14 than Thursday, June 6, 2019. On May 30, 2019, counsel for the Plaintiff and
15 Defendants David M. Carlson, Clever Capital LLC, and Enterprise Focus, Inc.
16 further discussed potential avenues of settlement. The parties believe that this
17 approach will avoid potentially unnecessary fees.

18 The Trustee is currently considering Defendant Field's motion to dismiss
19 and believes that until Mr. Field is dismissed or not, discovery is premature.

20 Nature of Claims and Defenses. Having recently completed an evidentiary
21 hearing, the parties and the Court are familiar with the claims and defenses of the
22 parties.

1 Initial Disclosures. Plaintiff served Initial Disclosures upon the Defendants on
2 Tuesday, May 28, 2019. Defendant Fields served Initial Disclosures upon all
3 parties on or about Friday May 24, 2019. Defendants Mr. Carlson, Clever Capital
4 LLC and Focus Enterprise, Inc. are searching for and have agreed to provide
5 insurance agreements as required by Rule 26(f).

6 A Scheduling Conference is scheduled in this proceeding for Tuesday, June
7 4, 2019 at 1:30 p.m. by telephonic conference.

8
9 Dated: May 30, 2019

CKR LAW LLP

10
11 /s/ Pamela M. Egan

Pamela M. Egan

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13 *Attorneys for Mark D. Waldron,
Chapter 11 Trustee*