

So Ordered.

Dated: June 5th, 2019



*Frederick P. Corbit*

Frederick P. Corbit  
Bankruptcy Judge

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

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

In re:  
  
GIGA WATT, Inc., a Washington  
corporation,  
  
Debtor.

Case No. 18-03197  
  
The Honorable Frederick P. Corbit  
  
Chapter 11

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 limited liability  
company, JEFFREY FIELD, ROB  
TAVIS, and JANE DOES 2  
THROUGH 15

Adv. Pro. No. 19-80012  
  
**ORDER GRANTING  
PRELIMINARY INJUNCTION**

1 This matter came before the Court on May 23, 2019 (the “**Show Cause**  
2 **Hearing**”) pursuant to the (i) *Amended Order to Show Cause for Preliminary*  
3 *Injunction and Temporary Restraining Order*, entered in this proceeding on April  
4 30, 2019 [AP Docket No. 19], (ii) *Motion of the Chapter 11 Trustee for Order to*  
5 *Show Cause for Preliminary Injunction and Temporary Restraining Order*, filed  
6 on April 22, 2019, and (iii) *Verified Complaint for Avoidance and Recovery of*  
7 *Fraudulent Transfers and/or Preferential Transfers; Breach of Fiduciary Duty;*  
8 *Turnover; and Injunctive Relief; and the Chapter 11 Trustee’s Objections to*  
9 *Claims of David M. Carlson (Claims Nos. 318 and 319) and of Clever Capital*  
10 *LLC (Claim No. 320) (the “Verified Complaint”)*, filed on April 22, 2019.

11 Pursuant to Federal Rule of Civil Procedure 7052, applicable herein by  
12 Federal Rule of Bankruptcy Procedure 7052, the Court’s oral ruling at the Show  
13 Cause Hearing constitutes its findings of fact and conclusions of law and such  
14 findings of fact and conclusions of law are incorporated herein by reference as if  
15 set forth fully herein.

16 Accordingly, it is hereby:

17 **ORDERED** that management and control of the Debtor’s business  
18 operations and interests located at 474 Highline Drive, Buildings A, B, C, H1, H2,  
19 East Wenatchee, Washington (the “**TNT Facility**”) are placed with Mark D.  
20 Waldon, in his official capacity as the duly-authorized trustee in this bankruptcy  
21 case (the “**Trustee**”).

22 **ORDERED** that (i) David M. Carlson, Clever Capital LLC, and Enterprise  
23 Focus, Inc., (ii) those who receive actual notice of this Order and are the officers,

1 agents, servants, employees of David M. Carlson, Clever Capital LLC and/or  
2 Enterprise Focus, Inc.; and (iii) those who receive actual notice of this Order and  
3 are in active concert or participation with David M. Carlson, Clever Capital LLC  
4 and/or Enterprise Focus, Inc., are enjoined during the pendency of this adversary  
5 proceeding from controlling, disposing of, transferring, encumbering or  
6 possessing the TNT Facility, including, without limitation (i) the leases pertaining  
7 to the TNT Facility, (ii) the *Interconnection and Service Agreement*, dated May  
8 14, 2018 between Public Utility District No. 1 of Douglas County and Giga Watt,  
9 Inc., and (iii) all personal property, whether tangible or intangible, used by the  
10 Debtor in its business operations that it has maintained at the TNT Facility,  
11 including, computers, cables, power strips, racks and infrastructure.

12           **ORDERED** that the parties shall cooperate to allow Mr. Carlson to remove  
13 from Building C at 464 Highline Drive, East Wenatchee, Washington, certain  
14 personal property belonging to Mr. Carlson, including a 2008 Toyota FJ Cruiser.

15   *[This Order follows on the next page.]*  
16  
17  
18  
19  
20  
21  
22  
23  
24



## Notice Recipients

District/Off: 0980-2  
Case: 19-80012-FPC

User: notice  
Form ID: pdf002

Date Created: 6/5/2019  
Total: 5

### Recipients of Notice of Electronic Filing:

aty	Benjamin J McDonnell	ben@pyklawyers.com
aty	Brian A. Walker	bwalker@omwlaw.com
aty	Jason T Piskel	jtp@pyklawyers.com
aty	Pamela Marie Egan	pegan@ckrlaw.com

TOTAL: 4

### Recipients submitted to the BNC (Bankruptcy Noticing Center):

pla	Mark D. Waldron	Law Offices of Mark D. Waldron, PLLC	6711 Regents Blvd. W.	Suite
	B	Tacoma, WA 98466		

TOTAL: 1