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UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF OREGON

In re **Curtis Vale Womelsdorf** & **LaVonne Mae Womelsdorf**, Debtors.	Case No. 12-62075-fra7 **TRUSTEE'S OBJECTION TO EMERGENCY MOTION TO VACATE FRBP 2004 ORDER RE: SEVEN FEATHERS CASINO RESORT**

The chapter 7 trustee, Joseph M. Charter, by and through his counsel, previously obtained from this Court an *ex parte* order (Doc. 287) (the "**Order**") directing that Seven Feathers Casino Resort (the "**Casino**") produce certain documents regarding pre- and post-petition gambling activity of debtor LaVonne Mae Womelsdorf (the "**Debtor**") under Rule 2004 of the Federal Rules of Bankruptcy Procedure ("**FRBPs**").

As described below, "Seven Feathers Hotel & Casino Resort" is the assumed business name for "Seven Feathers Hotel & Casino Resort Corp." according to the Oregon Secretary of State. The Trustee served the Order with a subpoena to the corporation's officers at its primary place of business, and also separately through the corporation's registered agent. Later, at the request of the Cow Creek tribe (and to avoid a dispute regarding service), the Trustee also served the subpoena by certified mail to the Cow Creek counsel's office.

Now the so-called "Umqua Indian Development Corporation" (the "**Corporation**") moves to vacate the Order. In preparation for the expedited hearing set on March 24, 2015, the Trustee responds to each of the Corporation's arguments in turn:

A. A bankruptcy court has jurisdiction to issue FRCP 2004 orders under 11 U.S.C. § 106(a), notwithstanding Indian tribes' sovereign immunity.

The Trustee agrees that Indian tribes have sovereign immunity. However, as the Trustee explained in the motion for a FRBP 2004 Order, this Court has jurisdiction to issue the requested Order and authorize the Trustee to subpoena the tribal-owned Casino because the Bankruptcy Code abrogates sovereign immunity of Indian tribes under 11 U.S.C. § 106(a).

The Trustee's Motion cited *Krystal Energy Co. v. Navajo Nation*, 357 F.3d 1055 (9th Cir. 2004), which the Corporation attempts to distinguish in its Motion. However, *Kristal Energy* demonstrates that the Ninth Circuit considers Indian tribes to be "governmental units" under 11 U.S.C. § 106, and thus subject to most of the Bankruptcy Code provisions – including the avoidance of pre- and post-petition transfers under Sections 548 and 549.

The parties do not dispute that Section 106(a)(1) provides, in relevant part: "Notwithstanding an assertion of sovereign immunity, sovereign immunity is abrogated as to a governmental unit to the extent set forth in this section with respect to the following: (1) Sections . . . 548, 549 [and the other avoidable transfer provisions] . . . of this title." 11 U.S.C. § 106(a)(1).

The Bankruptcy Code defines "governmental unit" as follows: "United States; State; Commonwealth; District; Territory; municipality; foreign state; department, agency, or instrumentality of the United States (but not a United States trustee while serving as a trustee in a case under this title); a State, a Commonwealth, a District, a territory, a municipality, or a foreign state; or other foreign or domestic government." 11 U.S.C. § 101(27).

The language "or other foreign or domestic government" found in 11 U.S.C. § 101(27) includes Indian tribes, as confirmed by the Ninth Circuit in *Krystal Energy* after a rigorous analysis. Therefore, at least in the Ninth Circuit, the Bankruptcy Code establishes Congress's clear and unequivocal abrogation of tribal sovereign immunity as to the enumerated provisions in Section 106(a).

The Corporation contends that because Section 106(a) does not enumerate "FRBP 2004" itself, the Court does not have jurisdiction to issue orders under FRBP 2004. In

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fact, none of the rules are referenced in Section 106(a). Therefore, presumably all FRBPs – which are established by the U.S. Supreme Court pursuant to 28 U.S.C. § 2072(a) – should apply, or else chaos would result in implementing the Code. The turnover and avoidance provisions most relevant to this case and enumerated in Section 106(a) could never be effected.

Furthermore, the breadth of Section 106(a) includes 11 U.S.C. § 105(a), which gives bankruptcy courts the powers to implement and enforce its "rules" -- which would necessarily include FRBP 2004.

However, even if the Corporation was correct that no governmental units are subject to FRBP 2004 because the FRBPs are not listed in Section 106(a), the Ninth Circuit makes it clear that the Trustee could still file an adversary proceeding against the Casino under 11 U.S.C. § 542 (as occurred in the *Krystal Energy* case) for turnover of documents "relating to the debtor's property or financial affairs." Turnover was allowed against an Indian tribe in that case, and turnover of documents would be essentially equivalent to the FRBP 2004 Order that was issued by this Court. Therefore, it seems unlikely that not including FRBP 2004 in Section 106(a) was an intentional act of Congress, intended to prevent turnover of documents from governmental units, including Indian tribes.

The Corporation's Motion contends that subjecting tribes to FRBP 2004 examination orders would be "extraordinarily dangerous." The Trustee disagrees. From a policy perspective, a bankruptcy trustee, the United States Trustee, or other interested parties should be able to investigate a debtor's assets and financial affairs – even if an Indian tribe or another governmental entity is involved. Under the Corporation's analysis, the Trustee would not be able to obtain documents from any governmental entity without an adversary proceeding – and it is unclear whether a deposition/examination could ever be taken.

The Corporation characterizes the Court's Order as "forcibly" requiring the disclosure of "highly confidential tribal financial documents." Motion at 3. The Trustee disagrees with this contention because (1) the scope of the Order is limited; (2) the Trustee has a

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right to documents regarding the Debtors' financial affairs; and (3) the Trustee does not seek "highly confidential tribal financial documents" at all.

Limited Scope of Order

In this case, the Trustee was careful to narrow the scope of the Order to alleviate burden on the Casino. The Order requires "all documents and records relating to any gambling activities involving LaVonne Mae Womesldorf ("**Mrs. Womelsdorf**") since January 1, 2011 through present, including but not limited to: (a) documents and records related to Players' Club Card No. 4465 and any other Players' Club Card used by Mrs. Womelsdorf, including an accounting of all payments to and from the Casino; and (b) all IRS Form W-2G's issued to Mrs. Womelsdorf by the Casino;" as well as correspondence or other documents relating to the Debtors or to their case from January 1, 2011 through present.

While the request could seem broad, the Trustee's counsel expects few if any records of the bankruptcy case or of the Debtors exist – other than the accounting information relating to her Player's Card account at the Casino and the tax forms that the Casino prepares. Leonard Decl. ¶ 4. Therefore, the compilation of these documents should not be burdensome.

The Debtors do not have this information, and this evidence is unavailable from other sources. Leonard Decl. ¶ 5. The information is essential to the Trustee's investigation of the arguably significant transfers by Mrs. Womelsdorf to and from the Casino – transfers which were not disclosed and ultimately resulted in the US Trustee's adversary proceeding and Mrs. Womelsdorf's waiver of discharge.

Furthermore, while the Trustee has the right to request one, the requested Order does not compel the Casino to appear for an actual FRBP 2004 examination (*i.e.,* deposition) to provide testimony regarding the Debtors' gambling activities. The Trustee wants to be efficient and believes that production of documents will be sufficient.

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Trustee's Right to Personal Information Regarding the Debtors' Financial Affairs

It appears that one of the Debtors, prior to and during the bankruptcy case, was actively transferring money to and from the Casino through gambling activity. The Trustee represents the Debtors' chapter 7 bankruptcy estates. The Trustee therefore has a right to documents and other information – however confidential and personal the information may be as to the Debtors – pertaining to the Debtors' pre- and post-petition/pre-conversion financial activities. Such documents will determine whether any transfers were made that can be avoided and recovered for the benefit of the Estate's creditors.

The Corporation suggests that the Order's scope, requesting information regarding pre-petition gambling activity within two years of the petition date, was improper. At this time, the Trustee has only limited information from the Debtors and the US Trustee regarding the Debtors' gambling activities pre- or post-petition. Leonard Decl. ¶ 5. As expressed in the Trustee's motion for the Order, the Trustee anticipates only seeking avoidance of post-petition and pre-conversion transfers to the Casino under 11 U.S.C. § 549. The Trustee contends that these apparently significant transfers were far outside the ordinary course of a debtors' business. Furthermore, they were not included in the Debtors' budgets, not authorized by the Court, and actively hidden from the creditors and not reported in the Debtors' Monthly Operating Reports to the Court. Nevertheless, the Trustee has a right to information regarding pre-petition transfers as well, and it is possible that pre-petition transfers to the Casino could be avoidable, or that pre-petition assets (such as a credit on an unused Player's Card) could still exist.

While an individual's gambling and tax information could ordinarily be considered private and confidential, the Court appropriately entered the Trustee's Order as to documents of a debtor in bankruptcy. The Debtors have been served with the Motion and Order and have not objected. Furthermore, Trustees have an independent obligation to safeguard any private information received regarding debtors, such as social security numbers. Therefore, in light of

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the Court's Order directing production, the Corporation need not concern itself with the Debtors' own rights to privacy.

No "Highly Confidential Tribal Financial Documents" Are Sought

The Corporation actually seems more concerned about its own privacy than the Debtors'. However, contrary to the Corporation's representations, the Trustee is not pursuing either "highly confidential" documents or "tribal financial documents." The Trustee's motion explained the purpose of the Trustee's investigation as to the Debtors' own gambling activities at the Casino, and transfers to and from. None of the requested documents relate at all to the Casino's or the tribe's own finances. The documents will show the extent of the Casino's transfers from and to one gambler (Ms. Womelsdorf) during a limited period of time. The Trustee has no agenda other than investigating and, if appropriate, avoiding transfers for the benefit of the creditors, and then promptly making a final distribution and closing the bankruptcy case.

The scope of the Order is therefore appropriate and does not inappropriately encroach on the Indian tribe's rights as a sovereign nation. The tribe has a right to do business with the general public through a corporation, but that corporation's own designated registered agent has been served with an Order, and the corporation now has a duty to turn over documents regarding one of its patrons – just as the corporation has to comply with other corporate requirements, such as regularly filing reports with the IRS regarding a patron's gambling activity (reports that the Trustee has requested in this case).

B. The Trustee did not violate any federal or local rules of procedure, but regardless, the Order has been entered and should not be vacated on such grounds.

The Corporation suggests that the Order must be vacated because the Trustee failed to confer with the Corporation before filing its motion. The Trustee contends that conferral was unnecessary in this situation, and as the Corporation correctly points out, the Trustee's counsel never certified that he had conferred. Leonard Decl. ¶ 6. The Court's Local

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Bankruptcy Rule 2004-1 requires a good-faith attempt to confer when actual examinations (or depositions in adversary proceedings) are to be set. The Trustee has not requested an actual examination of the Casino or Corporation – merely the production of documents under FRBP 2004.

Even if the Corporation was correct that the Court's LBR requirement to attempt to arrange a date of an "examination" pertains to document production deadlines, the goals of inter-party conferral are still met by the Order entered by the Court. The Trustee's requested Order provides a deadline for production that can be extended by agreement between the parties. It is common that an entity cannot physically produce documents by the original deadline set in a FRBP 2004 order. In those cases, the entity's representative contacts the Trustee's counsel to confer before the deadline (which occurred in this case), and after conferral, arrangements for production are made at that time. Leonard Decl. ¶ 8.

The bottom line is that the Trustee and his counsel did not make any inaccurate representations to the Court in the Trustee's motion, which was filed in good faith without conferral, and the Court entered the requested Order – which Order is now binding, effective, and not improper in any way.

Of course, a bankruptcy court has the discretionary power under Section 105(a) to reconsider, modify, or vacate its previous orders. *See Zurich Am. Ins. Co. v. Int'l Fibercom, Inc. (In re Int'l Fibercom, Inc.)*, 503 F.3d 933, 940 (9th Cir. 2007). Such relief is sought under FRBP 9024, which has incorporated FRCP 60(b) and the grounds for vacation thereunder. *See Meyer v. Lenox (In re Lenox)*, 902 F.2d 737, 739-40 (9th Cir. 1990). The Corporation has referenced no grounds for vacation under FRBP 7052 / FRCP 52(a).

As this Court is aware, a motion for relief from judgment under FRBP 9024 is a contested matter under FRBP 9014, subject to FRCP 52(a) by incorporation under FRBP 7052. Under FRBP 7052 and FRCP 52(a), if an order is to be vacated as the Corporation requests, the Court must hold an evidentiary hearing to consider FRCP 60(b). The Court must then find the

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facts specifically and state its conclusions of law separately – which the Honorable Randall L. Dunn and his Ninth Circuit BAP panel recently reiterated in the unpublished March 10, 2015 *Peabody v. Jensen (In re Jensen)* opinion.

The Trustee contends that the Corporation has not properly plead grounds under FRBP 7052 / FRCP 52(a) for vacation of the Order, and to the extent such grounds are later plead, an evidentiary hearing would be necessary.

C. The Court indeed has jurisdiction over the Casino Corporation because service was effective under the FRBPs.

FRBP 9016 incorporates FRCP 45 into bankruptcy cases and proceedings verbatim without any modifications or additions. FRCP 45(b)(1) provides that

> [a]ny person who is at least 18 years old and not a party may serve a subpoena. Serving a subpoena requires **delivering** a copy to the named person and, if the subpoena requires that person's attendance, tendering the fees for 1 day's attendance and the mileage allowed by law.... If the subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, then before it is served, a notice must be served on each party.

FRCP 45(b)(1) (emphasis added). Even outside of the bankruptcy context with its special rules, "delivery" under FRCP 45(b)(1) does not necessitate personal service – *i.e.,* hand-delivery. *See, e.g., Ultradent Prods. Inc. v. Hayman*, 2002 U.S. Dist. LEXIS 18000, 2020 WL 31119425, at *3 (S.D.N.Y. Sept. 24, 2002) (holding that the service of subpoena on registered agent of corporation or by certified mail satisfies Rule 45).

In the bankruptcy context, parties have greater options for service. FRBP 7004(b) provides that in addition to the methods of service authorized by Rule 4(e)-(j) of the FRCPs,

> [S]ervice may be made within the United States by first class mail postage prepaid as follows:
> …
> (3) Upon a domestic or foreign corporation... by mailing a copy of the summons and complaint to the attention of an officer, a

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managing or general agent, or to any other agent authorized by appointment or by law to receive service of process.

FRBP 7004(b). FRBP 7004(d) restricts application of the nationwide scope of service to subpoenas, providing "The summons and complaint and all other process **except a subpoena** may be served anywhere in the United States." However, 7004(b) still applies to extending the scope of delivery to mail service, assuming the target is properly identified and is within the Court's district. *See* 7004(b); *see also* FRBP 1001 (requiring that the Bankruptcy Rules to be construed to secure the just, speedy and inexpensive determination of every case and proceeding).

The Trustee properly served the subpoena and Order. On March 4, 2015, the Trustee's counsel served the Casino by First Class U.S. Mail pursuant to FRBP 7004, based on mailing to the following addresses:

Seven Feathers Hotel & Casino Resort
Attn: General Counsel or President,
146 Chief Miwaleta Lane
Canyonville, OR 97417

- and to –

Seven Feathers Hotel & Casino Resort
c/o Wesley Kwok, Registered Agent
Umpqua Admin. Service
2371 NE Stephens, Ste. 100
Roseberg, OR 97471

Leonard Decl. ¶ 9.

According to the Oregon Secretary of State, the name "Seven Feathers Hotel & Casino Resort" is the assumed business name for "Seven Feathers Hotel & Casino Resort Corp" (the "**Casino Corporation**"). As shown on the Oregon Secretary of State Records for the Casino and the Casino Corporation (attached hereto as **Exhibit A** and **Exhibit B** respectively), the Trustee properly served the Casino by mailing the subpoena and Order to the Casino Corporation's "General Counsel or President" at the official "Principal Place of Business" for both the Casino and the Casino Corporation. In addition, the Trustee separately served Wesley

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Kwok, the Casino's "Authorized Representative" and the Casino Corporation's "Registered Agent." Leonard Decl. ¶9- ¶13.

Then, on March 10, 2015, the Trustee's counsel received a call from Jhana McCullum, who identified herself as a paralegal for the Cow Creek Tribe. Ms. McCullum advised that she had received the Trustee's subpoena and this Court's Order. She stated that she was arranging retrieval of the documents from the Casino, so production would not be delayed. However, she advised that under Cow Creek tribal law, the Trustee had not properly served the Casino yet. Leonard Decl. ¶ 14.

The Trustee's counsel explained that the Trustee properly served the Casino through the Casino Corporation, but that the Trustee would be willing to take extra steps to comply with tribal law, rather than argue about whether federal or tribal law applied. Counsel also advised that the Order provided that the deadline for production could be extended, and that the Trustee would be willing to do so. Ms. McCullum advised that the most efficient method to properly serve the subpoena and order would be to mail it by Certified US Mail to her directly, and that she would sign for it. Leonard Decl. ¶ 15.

On March 11, 2015, the Trustee's counsel mailed the subpoena and Order to Ms. McCullum as she directed, by Certified US Mail, to the following address:

Jhana McCullum
Cow Creek Tribe
2371 NE Stephens, Ste. 100
Roseburg, OR 97470

Leonard Decl. ¶ 16. The Trustee's counsel has not yet received the signed signature card (Leonard Decl. ¶ 16), but the Trustee's counsel complied with the tribe's instructions for service. However, even if the Trustee had not taken that extra step, it is clear that "delivery" of the subpoena on the Casino and the Casino Corporation was effected under the Federal Rules of Bankruptcy Procedure.

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The "Umqua Indian Development Corporation" (defined in the Motion and this Response as the "Corporation") – and not the Casino Corporation -- has filed the present motion to vacate. It is unclear how the Umqua Indian Development Corporation (which is spelled in the Oregon Secretary State's records as "Umpqua Indian Development Corporation") has standing or how it is related to the Casino or the Casino Corporation. Movant/Corporation contends it is "federally chartered by the Cow Creek Band of Umqua Indians pursuant to Section 17 of the federal Indian Reorganization Act of 1924, 25 U.S.C. 477," an assertion that the Trustee does not have reason to dispute.

However, the Trustee disputes the Movant Corporation's contention that "'Seven Feathers Casino Resort' is a d/b/a of the Corporation." For this proposition, the Motion cites ¶ 1 of the Affidavit of Anthony S. Broadman. However, Mr. Broadman provides no supporting documentation or support for his statement that "'Seven Feathers Casino Resort' is a d/b/a of the Corporation" and it appears that the statement is not accurate.

As shown by Exhibit A and Exhibit B hereto, "Seven Feathers Hotel & Casino Resort" is an assumed business name of "Seven Feathers Hotel & Casino Resort Corporation" according to the Oregon Secretary of State – not "Umqua Indian Development Corporation" (or Umpqua Indian Development Corporation). Therefore, it is unclear how the Movant Corporation has standing to object to the Order, because the Trustee's subpoena and the Court's Order was directed to the Casino and Casino Corporation, as those entities have registered themselves with the Oregon Secretary of State.

Furthermore, even if the Trustee should have served the Umpqua Indian Development Corporation, it appears service was effected because the Corporation's "Principal Place of Business" and the "Registered Agent" (as registered with the Oregon Secretary of State) are the same as for the Casino Corporation. *See* **Exhibit C** (Secretary of State Records for the Corporation). In other words, even if the Casino was the ABN of the Corporation (which it is not), the same parties were served and service would still be effective.

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Finally, the Movant/Corporation contends that Title 3 of the Cow Creek Tribal Legal Code applies and must be satisfied. Even if that was the case, the code section that is quoted and relied on by the Corporation (T.L.C. § 3-220(a)) refers to personal process service to individuals on tribal lands.

The Trustee is not attempting to personally serve any individual on tribal lands; therefore, even if the Cow Creek Tribal Legal Code restricted the Court's jurisdiction (which the Trustee disputes), it does not appear to apply to service of a subpoena for document production on a corporation's registered agent, who has been publically identified by the Casino Corporation for service of process on the corporation.

Regardless, actual delivery and notice has been effected on the Casino through the Casino Corporation's registered agent – as well as on the Indian tribe itself, because a representative of the tribe has agreed to accept service once the subpoena and order was served by certified mail to her. Therefore, the Trustee expects that the Casino's documents will be produced as required by the Court's Order, which should not be vacated.

WHEREFORE, the Corporation's Emergency Motion to Vacate should be denied.

DATED: March 21, 2015.

LEONARD LAW GROUP LLC

By: /s/ Justin D. Leonard
Justin D. Leonard, OSB 033736
Counsel for Trustee Joseph Charter

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Counsel for Ch. 7 Trustee Joseph M. Charter

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF OREGON

In re **Curtis Vale Womelsdorf** & **LaVonne Mae Womelsdorf**, Debtors.	Case No. 12-62075-fra7 **DECLARATION OF JUSTIN D. LEONARD** **RE: TRUSTEE'S OBJECTION TO EMERGENCY MOTION TO VACATE FRBP 2004 ORDER RE: SEVEN FEATHERS CASINO RESORT**

I, Justin D. Leonard, declare and state as follows:

1. I am the Court-approved special counsel for Joseph M. Charter in his capacity as the duly appointed chapter 7 trustee in the above-referenced case.

2. I make this declaration in support of the Trustee's Objection to the Emergency Motion to Vacate the FRBP 2004 Order Re: Seven Feathers Casino Resort (the "**Motion**"), filed by the so-called "Umqua Indian Development Corporation" (the "**Corporation**").

3. I prepared and served a subpoena along with an *ex parte* order (Doc. 287) (the "**Order**"), directing that Seven Feathers Casino Resort (the "**Casino**") produce certain documents regarding pre- and post-petition gambling activity of debtor LaVonne Mae Womelsdorf (the "**Debtor**") under Rule 2004 of the Federal Rules of Bankruptcy Procedure ("**FRBPs**").

4. While the Order could seem broad, I expect few if any records of the bankruptcy case or of the Debtors exist – other than the accounting information relating to Mrs. their Player's Card account(s) at the Casino and the tax forms that the Casino prepares.

5. The Debtors represent that they do not have the requested information, and the U.S. Trustee's counsel has provided to me documentation obtained in the discharge investigation. I am not aware of any other sources for the requested evidence, which is essential to the Trustee's investigation of the arguably significant transfers by Mrs. Womelsdorf to and

from the Casino – transfers which were not disclosed and ultimately resulted in the US Trustee's adversary proceeding and Mrs. Womelsdorf's waiver of discharge.

6. The Corporation suggests that the Order must be vacated because the Trustee failed to confer with the Corporation before filing its motion. I believe conferral was unnecessary in this situation, and as the Corporation correctly points out, I never certified that I had conferred. I read the Court's Local Bankruptcy Rule 2004-1 to require a good-faith attempt to confer when actual examinations (or depositions in adversary proceedings) are to be set.

7. The Trustee has not requested an actual examination of the Casino or Corporation – merely the production of documents under FRBP 2004.

8. In my experience, it is common that an entity cannot physically produce documents by the original deadline set in a FRBP 2004 order. In those cases, the entity contacts me to confer before the deadline (which occurred in this case), and arrangements for production are made at that time.

9. On March 4, 2015, I arranged service on the Casino Corporation by First Class U.S. Mail pursuant to FRBP 7004, based on mailing to the following addresses:

Seven Feathers Hotel & Casino Resort
Attn: General Counsel or President,
146 Chief Miwaleta Lane
Canyonville, OR 97417

- and to –

Seven Feathers Hotel & Casino Resort
c/o Wesley Kwok, Registered Agent
Umpqua Admin. Service
2371 NE Stephens, Ste. 100
Roseberg, OR 97471

10. According to the Oregon Secretary of State, the name "Seven Feathers Hotel & Casino Resort" is the assumed business name for

11. Attached hereto as **Exhibit A** and **Exhibit B** respectively is a true and correct copy of the the Oregon Secretary of State Records for the Casino (an ABN) and for the "Seven Feathers Hotel & Casino Resort Corp" (the "**Casino Corporation**").

12. My office mailed the subpoena and Order to the Casino Corporation's "General Counsel or President" at the official "Principal Place of Business" for both the Casino and the Casino Corporation.

13. In addition, my office separately served Wesley Kwok, the Casino's "Authorized Representative" and the Casino Corporation's "Registered Agent."

14. On March 10, 2015, I received a call from Jhana McCullum, who identified herself as a paralegal for the Cow Creek Tribe. Ms. McCullum advised me that she had received the Trustee's subpoena and this Court's Order. She stated that she was arranging retrieval of the

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documents from the Casino, so production would not be delayed. However, she advised that under Cow Creek tribal law, the Trustee had not properly served the Casino yet.

15. I explained that I believed that the Trustee properly served the Casino through the Casino Corporation, but that the Trustee would be willing to take extra steps to comply with tribal law, rather than argue about whether federal or tribal law applied. I also advised that the Order provided that the deadline for production could be extended, and that the Trustee would be willing to do so. Ms. McCullum advised me that the most efficient method to properly serve the subpoena and order would be to mail it by Certified US Mail to her directly, and that she would sign for it.

16. On March 11, 2015, my office mailed the subpoena and Order to Ms. McCullum as she directed, by Certified US Mail, to the following address:

Jhana McCullum
Cow Creek Tribe
2371 NE Stephens, Ste. 100
Roseburg, OR 97470

We have not yet received the signed signature card.

17. The Oregon Secretary of State does not have a registration for "Umqua Indian Development Corporation" (defined in the Motion and this Response as the "Corporation"), but it lists the "Umpqua Indian Development Corporation." Attached as **Exhibit C** is a true and correct copy of that entity's records from the Oregon Secretary of State.

I declare under penalty of perjury under the laws of the State of Oregon that the foregoing is true and correct and that this Declaration was executed on this 20th day of March 2015, in Portland, Oregon.

/s/ Justin D. Leonard
Justin D. Leonard

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Business Name Search

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Business Entity Data

03-20-2015 18:06

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
205791-99	ABN	ACT		03-24-2004	03-24-2016	

Entity Name	SEVEN FEATHERS HOTEL & CASINO RESORT
Foreign Name	
Affidavit?	N

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Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	146 CHIEF MIWALETA LANE					
Addr 2						
CSZ	CANYONVILLE	OR	97417		Country	UNITED STATES OF AMERICA

The Authorized Representative address is the mailing address for this business.

Type	REP	AUTHORIZED REPRESENTATIVE	Start Date	01-16-2015	Resign Date	
Name	WESLEY		KWOK			
Addr 1	UMPQUA ADMIN SERVICE					
Addr 2	2371 NE STEPHENS, STE 100					
CSZ	ROSEBURG	OR	97471		Country	UNITED STATES OF AMERICA

Type	REG	REGISTRANT				
Of Record	601494-90	SEVEN FEATHERS HOTEL & CASINO RESORT CORP.				
Addr 1						
Addr 2						
CSZ					Country	

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Name History

EXHIBIT A
1 of 2

	Name	Name		

Business Entity Name	Type	Status	Start Date	End Date
SEVEN FEATHERS HOTEL & CASINO RESORT	EN	CUR	03-24-2004	

Please read before ordering Copies.

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Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDMENT OF REGISTRATION	01-23-2015		NF		
	AMENDMENT OF REGISTRATION	01-16-2015		FI	Representative	
	RENEWAL PAYMENT	03-06-2014		SYS		
	RENEWAL PAYMENT	02-06-2012	02-03-2012	SYS		
	RENEWAL PAYMENT	02-10-2010	02-09-2010	SYS		
	AMENDMENT OF REGISTRATION	05-18-2009		FI		
	RENEWAL PAYMENT	02-14-2008	02-13-2008	SYS		
	RENEWAL PAYMENT	02-06-2006	02-03-2006	SYS		
	APPLICATION FOR REGISTRATION	03-24-2004		FI	Representative	

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Counties

Counties Filed

Douglas

Counties Not Filed (but not necessarily available)

Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Washington, Wheeler, Yamhill

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EXHIBIT A
2 of 2

Business Name Search

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Business Entity Data

03-20-2015 18:08

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
601494-90	FBC	ACT	AMERICAN INDIAN NATION	05-18-2009	05-18-2015	

Entity Name	SEVEN FEATHERS HOTEL & CASINO RESORT CORP.
Foreign Name	

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Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	146 MILWALETA LANE					
Addr 2						
CSZ	CANYONVILLE	OR	97417		Country	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		Start Date	12-29-2014	Resign Date	
Name	WESLEY		KWOK				
Addr 1	2371 NE STEPHENS SUITE 100						
Addr 2							
CSZ	ROSEBURG	OR	97470		Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS				
Addr 1	C/O UMPQUA ADMIN SERVICES					
Addr 2	2371 NE STEPHENS SUITE 100					
CSZ	ROSEBURG	OR	97470		Country	UNITED STATES OF AMERICA

Type	PRE	PRESIDENT				Resign Date	
Name	DANIEL		COURTNEY				
Addr 1	2371 NE STEPHENS ST STE 100						
Addr 2							
CSZ	ROSEBURG	OR	97470		Country	UNITED STATES OF AMERICA	

EXHIBIT B
1 of 2

Type	SEC	SECRETARY				Resign Date	

Name	MICHAEL		RONDEAU			
Addr 1	2371 NE STEPHENS ST STE 100					
Addr 2						
CSZ	ROSEBURG	OR	97470		**Country**	UNITED STATES OF AMERICA

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Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
SEVEN FEATHERS HOTEL & CASINO RESORT CORP.	EN	CUR	08-31-2010	
UMPQUA INDIAN DEVELOPMENT CORP. SEVEN FEATHERS HOTEL & CASINO RESORT DIV	EN	PRE	05-18-2009	08-31-2010

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Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	12-29-2014		FI	Agent	
	AMENDED ANNUAL REPORT	04-02-2014		FI		
	AMENDED ANNUAL REPORT	04-23-2013		FI		
	AMENDED ANNUAL REPORT	04-19-2012		FI		
	AMENDED ANNUAL REPORT	04-13-2011		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	09-30-2010		FI		
	AMENDMENT TO AUTHORITY	08-31-2010		FI	Name	
	AMENDED ANNUAL REPORT	05-03-2010		FI		
	APPLICATION FOR AUTHORITY	05-18-2009		FI	Agent	

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Business Name Search

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Business Entity Data

03-21-2015 13:22

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
356970-93	FBC	ACT	UNITED STATES OF AMERICA	04-28-2006	04-28-2015	YES

Entity Name	UMPQUA INDIAN DEVELOPMENT CORPORATION
Foreign Name	

Online Renewal:

Renew Online

If you are unable to file online please use the link below.

Click here to generate and print an annual report New

New Search | Printer Friendly

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	146 CHIEF MIWALETA LN					
Addr 2						
CSZ	CANYONVILLE	OR	97417		Country	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		Start Date	11-15-2014	Resign Date	
Name	WESLEY		KWOK				
Addr 1	2371 NE STEPHENS ST STE 100						
Addr 2							
CSZ	ROSEBURG	OR	97470		Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS				
Addr 1	C/O UMPQUA ADMIN SERVICES					
Addr 2	2371 NE STEPHENS ST STE 100					
CSZ	ROSEBURG	OR	97470		Country	UNITED STATES OF AMERICA

EXHIBIT C
1 of 3

Type	PRE	PRESIDENT				Resign Date	
Name	DANIEL		COURTNEY				
Addr 1	2371 NE STEPHENS ST STE 100						
Addr 2							
CSZ	ROSEBURG	OR	97470		Country	UNITED STATES OF AMERICA	

Type	SEC	SECRETARY				Resign Date	
Name	MICHAEL		RONDEAU				
Addr 1	2371 NE STEPHENS ST STE 100						
Addr 2							
CSZ	ROSEBURG	OR	97470		Country	UNITED STATES OF AMERICA	

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Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
UMPQUA INDIAN DEVELOPMENT CORPORATION	EN	CUR	04-28-2006	

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Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	11-15-2014		FI	Agent	
	AMENDED ANNUAL REPORT	03-13-2014		FI		
	AMENDED ANNUAL REPORT	04-23-2013		FI		
	CHANGE OF REGISTERED AGENT/ADDRESS	04-05-2013		FI		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	04-05-2013		FI		
	CHANGE OF MAILING ADDRESS	02-13-2013		FI		
	ANNUAL REPORT PAYMENT	03-26-2012		SYS		
	ANNUAL REPORT PAYMENT	03-28-2011		SYS		
	ANNUAL REPORT	03-26-2010		FI		
	ANNUAL REPORT	03-30-2009		FI		
	ANNUAL REPORT	03-28-2008		FI		
	ANNUAL REPORT	03-26-2007		FI		
	APPLICATION FOR AUTHORITY	04-28-2006		FI	Agent	

EXHIBIT C
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CERTIFICATE OF SERVICE

I certify that on the date below, I caused notice of the filing of this **TRUSTEE'S OBJECTION TO EMERGENCY MOTION TO VACATE FRBP 2004 ORDER RE: SEVEN FEATHERS CASINO RESORT**, and the Declaration and Exhibits, to be served on interested parties requesting notice through the Court's CM/ECF system and the following parties by U.S. Mail:

GABRIEL S GALANDA on behalf of Interested Party Umqua Indian Development Corporation d/b/a Seven Feathers Casino Resort
Galanda Broadman PLLC
PO Box 15146
Seattle, WA 98115

RONALD C BECKER
405 E 8th Ave #1100
Eugene, OR 97401

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Ellie George
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ODR Bkcy
955 Center St NE
Salem, OR 97301-2555

Gary Rhinehart, MBA, LTC
Jackson County Accounting & Tax Svc Inc
1128 W Main St
Medford, OR 97501

A copy is also being emailed today to lead counsel for the Casino, Jared Miller and Anthony Broadman.

DATED: March 21, 2015.

By: /s/ Justin D. Leonard
Justin D. Leonard, OSB 033736

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