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NOV 18 2019

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

STATE OF WASHINGTON
PIERCE COUNTY SUPERIOR COURT

STATE OF WASHINGTON,

Plaintiff,

v.

VETERANS INDEPENDENT
ENTERPRISES OF WASHINGTON, a
Washington public benefit corporation
(aka VETERANS WORKSHOP);
ROSEMARY HIBBLER (aka
ROSEMARY PARGOUD, ROSEMARY
SMITH, AND ROSEMARY BARNES);
DONALD J. HUTT; and GARY
PETERSON,

Defendants.

NO. 19-2-12198-5

ORDER TO SHOW CAUSE RE:
APPOINTMENT OF GENERAL
RECEIVER AND APPOINTING
INTERIM RECEIVER

(CLERK'S ACTION REQUIRED)

THIS MATTER came before the Court upon Plaintiff's Emergency Petition for Appointment of Interim Receiver over Veterans Independent Enterprises of Washington and Order to Show Cause Re: Appointment of General Receiver (Motion). The Court has reviewed the Motion, Plaintiff's Complaint for Order Appointing Receiver, Injunctive and Other Relief, and the Declarations of Joshua Studor, Daniel J. Bugbee, and Jacqueline Franklin in support of Plaintiff's Motion, including any exhibits thereto, together with oral argument. Based upon such review, and being otherwise fully advised, the Court finds that (1) good cause exists to shorten

1 the period of notice required for an application for the appointment of a receiver and that no
2 notice is required under the circumstances, (2) that good cause exists for the appointment of an
3 interim general receiver over Defendant Veterans Independent Enterprises of Washington aka
4 Veterans Workshop (VIEW), (3) that the proposed interim receiver, Daniel J. Bugbee, is qualified
5 to serve as the interim general receiver of VIEW; and (4) other good cause has been shown for
6 the relief requested in the Motion.
7

8 Based upon the foregoing, it is hereby ORDERED, ADJUDGED AND DECREED as
9 follows:

10 Plaintiff's Motion is hereby GRANTED. It is further
11 ORDERED, ADJUDGED AND DECREED that Defendant is ordered to appear before
12 this Court on **November 27, 2019 at 1:36pm** *Courtroom 100* to show cause why Daniel J. Bugbee should
13 not be appointed as general receiver to assume control of Defendant Veterans Independent
14 Enterprises of Washington's (VIEW) personal property, real property and business operations.
15

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that

17 1. Daniel J. Bugbee (Interim Receiver) is hereby appointed as interim general
18 receiver—from the entry of this Order through the above ordered show cause hearing—to take
19 control of all personal property, real property and business operations of VIEW, including but
20 not limited to all furniture, fixtures, equipment, inventory, deposits and accounts and other items
21 of tangible and intangible personal property located at, or used in conjunction with, VIEW's
22 business, including any rents and profits thereof. Pursuant to RCW 7.60.025(5), the Interim
23 Receiver's appointment as interim general receiver is not conditioned on Plaintiff State of
24 Washington's giving of security.
25
26

1 2. The automatic stay of RCW 7.60.110 shall be in effect upon entry of this Order.

2 3. The Interim Receiver shall take charge of VIEW's business operations; have
3 exclusive possession and control over VIEW's business operation, maintain, secure, and manage
4 VIEW; review the books and records of VIEW; and collect the deposits, rents and income related
5 thereto for payment of the costs and expenses associated with operating VIEW.
6

7 4. Defendant VIEW and its members, managers, partners, officers, agents,
8 employees, representatives, trustees, beneficiaries, and attorneys are hereby directed to
9 cooperate fully with the Interim Receiver in carrying out its duties. Without limiting the
10 foregoing, such persons and entities are required to do the following:

11 a. Assist and cooperate fully with the Interim Receiver in the administration
12 of the assets and business operations of the receivership and the discharge of the Receiver's
13 duties, and comply with all orders of the Court;
14

15 b. Immediately deliver to the Interim Receiver all of VIEW's property,
16 including, but not limited to, all keys, accounts, funds, books, papers, records, other documents
17 of any nature whatsoever (to expressly include any and all files contained on any digital
18 media)—together with any and all passwords, personal identification numbers, access codes
19 and/or two-factor authentication required to access same—as well as real property and personal
20 property that as of the date of this Order are in the possession, custody or control of Defendant
21 VIEW or available to Defendant VIEW, including any of its agent, employee or affiliates;
22

23 c. Immediately turn over to the Interim Receiver all bank accounts and funds
24 in VIEW's possession, custody or control on the date of this Order or coming into its possession,
25
26

1 custody or control on or after entry of this Order that arose from VIEW's operations or are in
2 any way related thereto, including any cash proceeds; and

3 d. Submit to examination by the Interim Receiver, or by any other person,
4 upon order of this Court, under oath, concerning the acts, conduct, property, assets, liabilities,
5 and financial condition of VIEW, or any matter relating to the Interim Receiver's administration
6 of the receivership estate.
7

8 5. VIEW and its members, managers, partners, officers, directors, agents, property
9 managers, employees, representatives, trustees, beneficiaries, and attorneys are also hereby
10 prohibited from:

11 a. Interfering with the Interim Receiver, directly or indirectly, in the
12 management and operation of the receivership estate, or otherwise directly or indirectly taking
13 any actions or causing any such action to be taken which would dissipate or damage the estate
14 or negatively affect its operations.
15

16 b. Expending, disbursing, transferring, assigning, selling, conveying,
17 devising, pledging, mortgaging, creating a security interest in, or otherwise disposing of the
18 whole or part of VIEW's assets and the proceeds and profits therefrom.

19 c. Doing any act which will, or which will tend to, directly or indirectly,
20 impair, defeat, prevent, or prejudice the preservation of the receivership estate, or in any way
21 negatively impact the Interim Receiver's ability to discharge his duties under the terms of this
22 Order and RCW 7.60, *et seq.*
23

24 6. The Interim Receiver is hereby vested with all powers afforded a receiver under
25 the laws of the State of Washington. The powers vested in the Interim Receiver shall include,
26

1 without limitation, the power to present for payment any checks, money orders, and other forms
2 of payment payable to VIEW, or such similar names. The Interim Receiver shall have the sole
3 and exclusive authority to disburse funds from VIEW's bank accounts. The Interim Receiver
4 shall have the authority to take possession of bank and other deposit accounts of VIEW, and to
5 open, transfer and change all bank and trade accounts relating to VIEW, so the all such accounts
6 are under the exclusive control of the Interim Receiver.
7

8 7. The Interim Receiver's exercise of the powers set forth in this Order, unless
9 otherwise indicated, shall be in the name, and on behalf of, Defendant VIEW.

10 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that

11 In the event the Court does not appoint Daniel J. Bugbee as the Interim Receiver, a
12 temporary restraining order shall issue prohibiting VIEW, its agents and employees from the
13 following:
14

- 15 a. disposing of, transferring, secreting, encumbering, or in any way tampering with
16 VIEW's real and personal property assets, including without limitation, equipment,
17 inventory, deposits and accounts and other items of tangible and intangible personal
18 property located at, or used in conjunction with, VIEW's business, including any
19 rents and profits thereof, other than in the ordinary course of business; and
20

21 //

22 //

23 //

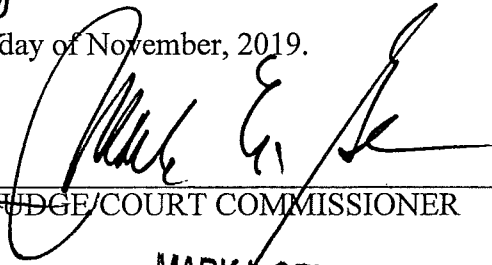
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1 b. ~~transferring, destroying, or otherwise tampering with VIEW's books, records, papers,~~
2 ~~and other documents of any nature whatsoever, however stored, except in the~~
3 ~~ordinary course of business.~~

4 This order remains in effect until modified or revoked by this Court.

5
6 DONE IN OPEN COURT this 18th day of November, 2019.

7
8 
9 JUDGE/COURT COMMISSIONER

10 MARK E. GELMAN
11 COURT COMMISSIONER


12 Presented by:

13 ROBERT W. FERGUSON
14 Attorney General

15 FILED
16 IN COUNTY CLERK'S OFFICE

17 NOV 18 2019

18 PIERCE COUNTY, WASHINGTON
19 KEVIN STOCK, County Clerk
20 BY _____ DEPUTY

21 
22 JOSHUA STUDOR, WSBA #47183
23 LYNDA ATKINS, WSBA #52396
24 HEIDI ANDERSON, WSBA #37603
25 Assistant Attorneys General
26 Attorneys for Plaintiff State of Washington
800 Fifth Avenue, Suite 2000
Seattle, WA 98104
(206) 464-6684

27 STATE OF WASHINGTON, County of Pierce
28 ss: I, Kevin Stock, Clerk of the above
29 entitled Court, do hereby certify that this
30 foregoing instrument is a true and correct
31 copy of the original now on file in my office.
32 IN WITNESS WHEREOF, I hereunto set my
33 hand and the Seal of said Court this
34 day of NOV 18 2019, 20
35 By Kevin Stock, Clerk
36 Deputy

