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THE HON. PHILIP H. BRANDT  
Chapter 15

8 UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 In re: ) NO. 05-30432  
11 IAN GREGORY THOW, )  
12 Debtor. ) EX PARTE MOTION FOR  
13 ) AUTHORITY TO CONDUCT 2004  
EXAMINATIONS

14 COMES NOW Wolridge Mahon Ltd. (the "Foreign Representative") and moves the  
15 Court for an order authorizing it to conduct 2004 examinations as described below and in the  
16 accompanying proposed order. This Motion is supported by the accompanying Declaration  
17 of John I. McLean (the "McLean Declaration") and exhibits thereto as well as this Court's  
18 November 10, 2006 Order Recognizing Foreign Proceeding Pursuant to Chapter 15 (the  
19 "Recognition Order"). In further support of this Motion, the Foreign Representative states  
20 the following:

21 1. The Foreign Representative is the Canadian bankruptcy trustee for Ian  
22 Gregory Thow ("Thow"), the Debtor in both this Chapter 15 case and in a foreign main  
23 proceeding which remains pending in Victoria, Canada before the Supreme Court of British  
24 Columbia (the "Canadian Bankruptcy Court") under the Canadian Bankruptcy and  
25 Insolvency Act (the "BIA"), as In the Matter of the Bankruptcy of Ian Gregory Thow, 2005  
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EX PARTE MOTION FOR AUTHORITY TO CONDUCT  
2004 EXAMINATIONS - 1

No. 05-30432  
121426.0001/1347339.1

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1 BCSC 1299 (the “Thow Canadian Bankruptcy Case”). The Foreign Representative remains  
2 the duly authorized trustee and estate representative in the Thow Canadian Bankruptcy Case.

3 2. As is more particularly set forth in the McLean Declaration, the Canadian law  
4 provides that the Debtor’s post-bankruptcy property vests in the Foreign Representative  
5 unless and until the Canadian Court grants a discharge, with the exception of the Debtor’s  
6 “non-surplus” income earned after the date of bankruptcy (here, the July 21, 2005 filing date  
7 of the Thow Canadian Bankruptcy Case). McLean Declaration, paragraph 13. The Foreign  
8 Representative has opposed the Debtor’s discharge and that matter remains pending before  
9 the Canadian Bankruptcy Court. *Id.* at paragraphs 16 through 19.

10 3. Shortly after himself commencing the Thow Canadian Bankruptcy Case in the  
11 Canadian Bankruptcy Court on July 21, 2005, the Debtor, a Canadian investment advisor  
12 facing multiple lawsuits by investors, abruptly left Canada and came to this district,  
13 removing certain of his assets. See McLean Declaration, Exhibit H (Declaration of Michael  
14 Cheevers). In addition, the Debtor filed a petition for Chapter 7 relief in this Court on  
15 September 7, 2005, seeking to discharge claims of approximately \$28.0 million (Can) prior  
16 to the effective date of BAPCPA. On November 21, 2005, this Court dismissed the Debtor’s  
17 Chapter 7 case, finding its filing was in bad faith and for an improper purpose.

18 4. The Debtor has failed to respond to the Foreign Representative’s request for  
19 income information. *Id.* at paragraph 15. In addition, the Debtor has or is maintaining more  
20 than one apartment in the Seattle area (the “Thow Apartments”).

21 5. In order for the Foreign Representative to account for and recover any and all  
22 non-exempt property vested in the Foreign Representative under the BIA, the Foreign  
23 Representative requests authority, pursuant to Bankruptcy Rules 2004 and 9016, to conduct  
24 examinations as follows: a) the deposition of the Debtor and the inspection of his books and  
25 records pertaining to his financial condition and his assets; b) the physical inspection of the  
26 Thow Apartments and their contents; and c) the inspection of bank account information, tax

1 records and other financial information of the Debtor held by third parties and the  
2 examination of these parties by deposition with respect thereto.

3 DATED this 18<sup>th</sup> day of December, 2006.

4 LANE POWELL PC

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6 By /s/ Bruce W. Leaverton

7 Bruce W. Leaverton, WSBA No. 15329

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10 Attorneys for Wolrige Mahon Ltd., foreign  
11 representative