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The Honorable Philip H. Brandt  
Chapter 15  
Hearing Date: November 8, 2007  
Hearing Time: 9:30 a.m.  
Hearing Location: Seattle-Room 8106

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re: ) NO. 05-21675-KAO  
IAN GREGORY THOW, )  
Debtor. )  
DECLARATION OF MICHAEL T.  
CHEEVERS IN SUPPORT OF  
CANADIAN TRUSTEE'S OPPOSITION  
TO NEWS MEDIA'S MOTION TO  
INTERVENE

Michael T. Cheevers declares as follows:

1. I am the President of Wolrige Mahon Limited, the trustee (the "Trustee") under the proposal [and the resulting bankruptcy] (the "Canadian Case") that Ian Gregory Thow ("Thow") filed in Vancouver, British Columbia under the Canadian *Bankruptcy and Insolvency Act* (the "BIA"). I have personal knowledge of the facts set forth herein and am competent to testify thereto.

1           2.       The Trustee has conducted an investigation into Mr. Thow's affairs and the  
2 affairs of companies that he controlled. The purpose of these examinations and investigations  
3 has been to determine the extent of Mr. Thow's assets in Canada and elsewhere, principally in  
4 the Caribbean.

5           3.       Mr. Thow had been a long-time resident of Victoria, British Columbia before  
6 he moved to Seattle in the Summer of 2005, after having initiated insolvency proceedings in  
7 British Columbia that ultimately resulted in his bankruptcy.

8           4.       Prior to his bankruptcy filing in Canada, Mr. Thow received substantial  
9 payments, either in his personal name or in the name of one or more corporations which he  
10 controlled. Those payments were made by a group of "investors" and totalled approximately  
11 \$31 million. These parties are creditors in Mr. Thow's British Columbia bankruptcy  
12 proceeding and continue to be owed in excess of \$30.0 million by Mr. Thow.

13          5.       With the exception of one or two very small amounts owing, Mr. Thow's  
14 creditors are all Canadian.

15          6.       Under the Canadian bankruptcy proceedings, there is an automatic statutory  
16 stay of proceedings that would prevent creditors from seizing Mr. Thow's assets in Canada.  
17 Such a stay will not prevent creditors from attaching assets that they may find in other  
18 jurisdictions.

19          7.       In the Canadian bankruptcy process the creditors, at a meeting of creditors,  
20 elect up to five inspectors (the "Inspectors"). The Inspectors represent the body of the  
21 creditors and provide direction to the Trustee. In this case there are five Inspectors.

22          8.       I attended the US Bankruptcy Court in Seattle on Monday, October 29, 2007 at  
23 the examination of Mr. Thow, and at that time became aware of the press's interest in  
24 attending the examination of Mr. Thow in the United States.

25          9.       The Trustee is opposed to the press being in attendance at any examination of  
26 Mr. Thow or being provided copies of transcripts of an examination prior to the conclusion of

1 the Trustee's full investigation of Mr. Thow's affairs and any assets available for creditors'  
2 recoveries in the British Columbia bankruptcy proceeding.

3 10. The Trustee's opposition is based on a number of factors including: the British  
4 Columbia bankruptcy estate has expended a significant amount of creditors' money in  
5 conducting examinations and investigations and the Trustee is concerned that these efforts  
6 may be thwarted by the premature disclosure of the details of the Trustee's search for assets;  
7 Creditors may be able to determine on their own the location or existence of offshore assets  
8 and be able to seize those assets to the prejudice of the general body of creditors; and  
9 premature disclosure of Mr. Thow's evidence may prejudice further examinations of other  
10 parties by the Trustee. Based on these considerations, I have determined it would be in the  
11 best interests of Mr. Thow's creditors to oppose the media's requested access to the Thow  
12 examinations conducted in this Chapter 15 case.

13 11. The Trustee has reviewed its position regarding the media as stated herein with  
14 the Inspectors and the Trustee's position has the support of the Inspectors.

15 I declare under penalty of perjury under the laws of the State of Washington and the  
16 laws of the Province of British Columbia that the foregoing is true and correct, to the best of  
17 my knowledge.

18 EXECUTED this 6th day of November, 2007 at Vancouver, British Columbia,  
19 CANADA.

21 /s/ Michael T. Cheevers  
22 Michael T. Cheevers, president of Wolrige  
23 Mahon, Ltd., Trustee  
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