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Honorable Samuel J. Steiner  
Chapter 15  
Hearing Date: July 6, 2009  
Hearing Time: 1:30 p.m.  
Response Due: June 29, 2009

FILED  
Western District of Washington  
at Seattle  
JUL - 6 2009  
(SJS)  
U.S. Bankruptcy Court

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

10 In re  
11 DELOITTE & TOUCHE, INC.  
as Foreign Representative of  
12 EVERGREEN GAMING CORP., et al.  
13 Debtors in a Foreign Proceeding.

Case No. 09-13567 (SJS)  
(Main Case)

ORDER GRANTING MOTION FOR  
AMENDMENT AND MODIFICATION  
OF INTERIM ORDERS GRANTING  
FOREIGN REPRESENTATIVE'S  
EMERGENCY REQUEST FOR RELIEF  
UNDER 11 U.S.C. SECTIONS 1519,  
105, AND 362(a), FOR  
SUBSTITUTION OF RECEIVER AS  
FOREIGN REPRESENTATIVE AND  
RECOGNIZING RECEIVER AS  
FOREIGN REPRESENTATIVE IN  
MAIN PROCEEDING

18 THIS MATTER comes before the Court to consider the Motion for Amendment and  
19 Modification of Interim Orders Granting Foreign Representative's Emergency Request for Relief  
20 Under 11 U.S.C. §§ 1519, 105, and 362(a), For Substitution of Receiver as Foreign Representative  
21 and Granting Interim Authority for Administration to Foreign Representative (the "Motion"),  
22 jointly filed by Grant Thornton Limited ("GTL" or the "Receiver") and Fortress Credit  
23 Corporation ("Fortress"). By order of the British Columbia Supreme Court (the "Canadian  
24 Court") dated July 3, 2009 (as it may be amended from time to time: the "Canadian Receivership  
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ORDER GRANTING MOTION FOR  
AMENDMENT AND MODIFICATION  
OF INTERIM ORDERS - 1

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1 Order”) in British Columbia Supreme Court Action No. S092767, Vancouver Registry (the  
2 “Canadian Receivership Proceeding”), GTL was appointed as receiver and duly authorized foreign  
3 representative of Big Nevada, Inc., Little Nevada II, Inc., Little Nevada III, Inc., Silver Dollar Mill  
4 Creek, Inc., Golden Nugget Tukwila, Inc., Shoreline Gaming, Inc., Little Nevada, Inc., Snohomish  
5 Gaming, Inc., Hollydrift Gaming, Inc., Royal Casino Holdings, Inc., Gameco, Inc., Gaming  
6 Management, Inc., Gaming Consultants, Inc., Shoreline Holdings, Inc., and Mill Creek Gaming,  
7 Inc., the Washington Receivership Subsidiaries (collectively, the “Washington Receivership  
8 Subsidiaries”) of Evergreen Gaming Corporation (“Evergreen”). A copy of the Canadian  
9 Receivership Order is attached hereto as Exhibit A.

11 Pursuant to a written settlement agreement between Evergreen, Washington Gaming, Inc.  
12 (“WGI”), the Washington Receivership Subsidiaries, Mountlake Gaming, Inc. Riverside Casino,  
13 Inc., Cory Coyle, Norm Osatuik and Fortress, which was also approved by the Canadian Court on  
14 July 3, 2009, pursuant to an order (the “Settlement Approval Order”, Evergreen, WGI and  
15 subsidiaries of WGI which are not Chapter 15 debtors in this case (Mountlake Gaming, Inc. and  
16 Riverside Casino, Inc.) will not be placed under the control of the Receiver and Evergreen and  
17 WGI will propose a Plan of Arrangement (the “Evergreen/WGI Plan of Arrangement”) within the  
18 CCAA Proceeding (as defined below). Deloitte and Touche, Inc. (the “Monitor”) will continue to  
19 act as foreign representative of Evergreen and WGI in their Chapter 15 cases.

22 The Receiver and Fortress seek to amend and modify interim orders -- previously entered by  
23 this Court granting provisional relief pursuant to Bankruptcy Code §§ 1519, 105, and 362 -- to  
24 obtain emergency relief 1) substituting the Receiver for the Monitor as the foreign representative in  
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ORDER GRANTING MOTION FOR  
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1 the Chapter 15 cases for the Washington Receivership Subsidiaries<sup>1</sup> and 2) granting the Receiver  
2 authority to administer the Washington Receivership Subsidiaries' affairs in a manner consistent  
3 with the Canadian Receivership Order; and (3) recognizing the Receiver as the foreign  
4 representative in a foreign main proceeding for the Washington Receivership Subsidiaries. Counsel  
5 for Fortress has caused a Notice of Hearing on this Motion to be either electronically served via the  
6 ECF system, faxed to certain parties in interest who are represented by counsel, or mailed to  
7 creditors on the official mailing list. The Court has considered the Motion, the Declarations of Jeff  
8 Slahor and Constantine Dakolias, and the other pleadings and papers on file in this case.

9  
10        **BASED ON THE FOREGOING**, the Court makes the following findings of fact and  
11 conclusions of law:

- 12           A.     This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334.  
13           B.     This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(P).  
14           C.     Venue is properly located in this District pursuant to 28 U.S.C. § 1410.  
15           D.     These Chapter 15 cases were properly commenced on April 15, 2009 pursuant to §§  
16 1504 and 1525 of title 11 of the United States Code (the "Bankruptcy Code") by the Monitor, the  
17 monitor in the Companies Creditor's Arrangement Act Proceeding ("CCAA Proceeding") in  
18 British Columbia, Canada.

- 19  
20           E.     On July 3, 2009 GTL was appointed as the receiver of the assets and undertakings  
21

22  
23 <sup>1</sup> The case numbers affiliated with each Washington Receivership Subsidiaries are as follows: Big Nevada Inc. (Case  
24 No. 09-13569 (SJS)), Little Nevada II, Inc. (Case No. 09-13570 (SJS)), Little Nevada III, Inc. (Case No. 09-13572  
25 (SJS)), Silver Dollar Mill Creek, Inc. (Case No. 09-13573 (SJS)), Golden Nugget Tukwila, Inc. (Case No. 09-13574  
26 (SJS)), Shoreline Gaming, Inc. (Case No. 09-13576 (SJS)), Little Nevada, Inc. (Case No. 09-13577 (SJS)), Snohomish  
Gaming, Inc. (Case No. 09-13578 (SJS)), Hollydrift Gaming, Inc. (Case No. 09-13579 (SJS)), Royal Casino Holdings,  
Inc. (Case No. 09-13580 (SJS)), Gameco, Inc. (Case No. 09-13581 (SJS)), Gaming Management Inc. (Case No. 09-  
13583 (SJS)), Gaming Consultants, Inc. (Case No. 09-13584 (SJS)), Shoreline Holdings, Inc. (Case No. 09-13585  
(SJS)), and Mill Creek Gaming, Inc. (Case No. 09-13586 (SJS)).

ORDER GRANTING MOTION FOR  
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1 of the Washington Receivership Subsidiaries pursuant to Section 47(1) of the *Bankruptcy and*  
2 *Insolvency Act* (Canada) (the “BIA”) and Section 39 of the *Law and Equity Act* (British Columbia)  
3 (collectively, the “Canadian Receivership Statutes”).

4 F. The Receiver qualifies as a “foreign representative” and a person or body within the  
5 meaning of §§ 101(24) and 1517(a)(2) of the Bankruptcy Code.

6 G. The Receiver has standing to bring the Motion pursuant to Bankruptcy Rule 7025.

7 H. The Canadian Receivership Proceeding currently pending in British Columbia  
8 constitutes a “foreign proceeding” within the meaning of § 101(23) of the Bankruptcy Code, and is  
9 a “foreign main proceeding” within the meaning of § 1502(4) of the Bankruptcy Code and under §  
10 1517(b)(1) of the Bankruptcy Code.

11 I. Pursuant to the Canadian Receivership Order, the Receiver is authorized to apply to  
12 the United States Bankruptcy Court for recognition as the foreign representative of the Washington  
13 Receivership Subsidiaries, as required by §§ 101(24) and 1512 of the Bankruptcy Code.

14 J. The assets of the Washington Receivership Subsidiaries are by their nature, or  
15 because of other circumstances, perishable, susceptible to devaluation, or otherwise in jeopardy  
16 within the meaning of § 1519(a)(2) of the Bankruptcy Code.

17 K. The relief granted hereby is necessary and appropriate, in the interests of the public  
18 and international comity, consistent with the public policy of the United States, and warranted  
19 pursuant to §§ 1519, 105, and 362(a) of the Bankruptcy Code.

20 L. The relief sought by the Receiver under §1519 of the Bankruptcy Code is necessary  
21 to effectuate the purpose of Chapter 15, to protect the assets of the Washington Receivership  
22 Subsidiaries and to protect the interests of creditors.

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ORDER GRANTING MOTION FOR  
AMENDMENT AND MODIFICATION  
OF INTERIM ORDERS - 4

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1 NOW, THEREFORE, BASED ON THE FOREGOING FINDINGS OF FACT AND  
2 CONCLUSIONS OF LAW, AND GOOD CAUSE APPEARING IT IS HEREBY ORDERED AS  
3 FOLLOWS:

4 1. Pursuant to §§ 1518, 1519, and 105 of the Bankruptcy Code, the Receiver is  
5 substituted for the Monitor as foreign representative only in the cases for the Washington  
6 Receivership Subsidiaries.

7  
8 2. Pursuant to § 1519(a)(2) of the Bankruptcy Code, the Receiver is hereby entrusted  
9 with the administration or realization of all of the Washington Receivership Subsidiaries' assets  
10 within the territorial jurisdiction of the United States, and in connection therewith, is hereby  
11 specifically authorized to exercise the powers granted to it in the Canadian Receivership Order  
12 with respect to any assets and property in the territorial jurisdiction of the United States, subject to  
13 the terms and conditions contained in the Canadian Receivership Order, and without further  
14 intervention of this Court. The foregoing is without prejudice to the right of the Receiver to seek  
15 additional relief under applicable provisions of the Bankruptcy Code, including without limitation  
16 §§ 363 and 521 of the Bankruptcy Code.

17  
18 3. Pursuant to the First Interim Order, entered on April 17, 2009 (Docket # 42), the  
19 Second Interim Order, entered on April 22, 2009 (Docket # 49), the Stipulated Final Order  
20 Granting Foreign Representative's Emergency Request for Interim Relief Under 11 U.S.C. §§  
21 1519, 105, and 362(a) (the "Third Interim Order"), entered on May 4, 2009 (Docket # 63), and the  
22 Stipulated Order (1) Extending Interim Order Granting Foreign Representative's Emergency  
23 Request for Interim Relief Under 11 U.S.C. §§ 1519, 105, and 362(a) and (2) Continuing Hearing  
24 on Application for Recognition of Foreign Main Proceeding (the "Fourth Interim Order"), entered  
25  
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ORDER GRANTING MOTION FOR  
AMENDMENT AND MODIFICATION  
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1 on May 20, 2009 (Docket # 68) and the Fifth Interim Order entered on July 2, 2009 (Docket #  
2 95)(collectively, the “Interim Orders”), unless expressly modified herein all previous provisional  
3 relief ordered by this Court shall continue to apply to the proceedings for the Washington  
4 Receivership Subsidiaries, and to any property of the Washington Receivership Subsidiaries within  
5 the territorial jurisdiction of the United States.  
6

7 4. The Third Interim Order shall remain in effect, is hereby modified effective as of  
8 the date of this Order with respect only to the Washington Receivership Subsidiaries as follows:

9 A. Paragraph 10 shall be deleted in its entirety and replaced with:

10 The Receiver for the Washington Receivership Subsidiaries shall be permitted to  
11 transfer funds from normal business operations in Washington State to affiliates in Canada  
12 as needed to pay the expenses of such affiliates in Canada, *provided however*, that (i) the  
13 Washington Receivership Subsidiaries, through the Receiver, shall give Fortress not less  
14 than (3) three business days notice of the intent to transfer any funds from Washington  
15 operations to Canada, which notice shall state the specific destination, timing and the  
16 intended uses for such funds; (ii) all such funds transferred to Canada shall be deposited  
17 only in the Deposit Accounts, or other controlled bank accounts previously approved by  
18 Fortress, such approval not to be unreasonably withheld; and (iii) transferred funds shall be  
19 used only for expenses as reflected in the budget.

17 B. Paragraph 12 shall be deleted in its entirety and replaced with:

18 The Receiver shall provide copies of all reports issued with respect to the Canadian  
19 Receivership Proceeding to Fortress, and shall make reasonable efforts to provide  
20 additional information and reports as Fortress may reasonably request.

20 C. Paragraph 13 shall be deleted in its entirety.

21 D. Paragraph 14 shall be deleted in its entirety.

22 E. Paragraph 15 shall be amended so that the reference to “the Monitor” shall  
23 be replaced with “the Receiver.”

24 F. Paragraph 16 shall be deleted in its entirety.

25 G. Paragraph 17 shall be amended so that all references to “Debtors” shall be  
26

ORDER GRANTING MOTION FOR  
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1 replaced with “the Receiver” and shall reflect that the Receiver shall cause the Chapter 15  
2 Debtors to make timely payment of all monthly rent due for leases of non-residential  
3 property used in the operation of their businesses; provided however, that nothing in this  
4 Order shall obligate the receiver to cause the Debtors to make lease payments on rental  
5 property that the Receiver no longer uses or intends to use for business purposes.  
6

7 H. Paragraph 20 shall be deleted in its entirety and replaced with:

8 Fortress shall be permitted to discuss the Washington Receivership Subsidiaries’ affairs,  
9 finances and business with the Receiver, at such reasonable times during normal business  
10 hours and as often as may be reasonably requested. The Receiver and the Washington  
11 Receivership Subsidiaries shall permit Fortress and any authorized representatives  
12 designated by Fortress (including without limitation, its auditors, appraisers, and financial  
13 advisors) to visit and inspect any of the properties of the Washington Receivership  
14 Subsidiaries, including their respective financial and accounting records, and to make  
15 copies and take extracts therefrom. Nothing herein shall require the sharing of any  
16 information that may, in any way, compromise the attorney-client privilege of the Receiver  
17 or Fortress or information protected by the work product doctrine. The parties shall  
18 cooperate in seeking appropriate protections from this Court for information that they  
19 desire to be protected under seal of this court.  
20

21 I. Paragraph 21 shall be deleted in its entirety and replaced with:

22 Unless Fortress and the Receiver mutually agree to less frequent reporting, the Receiver  
23 shall deliver a cash collateral usage report to Fortress on the first Monday of each week for  
24 the prior week, which prior week shall end on Wednesday for such reporting purposes.  
25 Such report shall categorize expenditures under the major categories of rent, payroll,  
26 gambling taxes and other expenses, and shall provide a listing of expenditures under each  
category. In addition to the weekly cash collateral usage report, by the seventh day of each  
month, the Receiver shall deliver a monthly cash collateral usage report containing a  
variance analysis and reconciliation of actual results to the Budget and the budget  
projections.

5. The Fourth Interim Order, entered on May 20, 2009, is hereby modified as follows:

A. Paragraph 3 shall be deleted in its entirety and replaced with:

Fortress has asserted that it is entitled to adequate protection payments in the  
amount of any excess cash not necessary to fund the Washington Receivership  
Subsidiaries’ operations. Fortress reserves the right to move to compel such

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1 adequate protection payments which motion may be made on seven (7) business  
2 days notice.

3 6. The Receiver is hereby authorized to continue using Cash Collateral in the exercise  
4 of its powers and subject to the terms of the Canadian Receivership Order and the budgets attached  
5 to the Third Interim Order Granting Interim Relief entered May 4, 2009 as may be amended by  
6 agreement of Fortress and the Receiver. Pursuant to Bankruptcy Code § 361, as adequate  
7 protection for the use of their collateral by the Receiver and to secure any diminution of value  
8 occurring in their collateral as a result of the Receiver's use of such Cash Collateral, all creditors  
9 holding a perfected security interest in the Washington Receivership Subsidiaries' cash, including  
10 but not limited to Fortress, shall retain their security interests and liens on their collateral. As  
11 further adequate protection for the use of their collateral by the Receiver and to secure any  
12 diminution of value occurring in their cash and non-cash collateral as a result of the Receiver's use  
13 of such collateral, all creditors claiming a security interest in the Washington Receivership  
14 Subsidiaries' cash, including but not limited to Fortress, are hereby granted liens (the  
15 "Replacement Liens") on (i) all proceeds from the disposition of their Prepetition Collateral, and  
16 (ii) all assets of the Washington Receivership Subsidiaries of the same kind, type and nature as the  
17 Prepetition Collateral in which they held an interest on the Petition Date which are acquired after  
18 the Petition Date (the "Postpetition Collateral"). As further adequate protection of the Washington  
19 Receivership Subsidiaries' use of Fortress' collateral and to protect against any diminution in value  
20 occurring in its cash and non-cash collateral, Fortress is granted a security interest in all  
21 undeposited cash held by the Washington Receivership Subsidiaries (the "Undeposited Cash"),  
22 which lien shall be deemed perfected by this Order without further action by Fortress, *provided,*  
23 *however,* that any secured creditors' lien on undeposited cash shall be subordinate to the  
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ORDER GRANTING MOTION FOR  
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1 Washington Receivership Subsidiaries' obligations to individual customers in the ordinary course  
2 of payment of legitimate gambling winnings or redemption payments for chips. As further  
3 adequate protection of Fortress's interests in cash collateral, if and to the extent that the other  
4 adequate measures of this Order prove insufficient to fully protect Fortress's interest in its  
5 collateral, Fortress is hereby granted first priority administrative expenses rights of recovery from  
6 the proceeds of any unencumbered assets<sup>2</sup> of the Washington Receivership Subsidiaries' estates in  
7 the amount of any unsatisfied collateral deficiency.  
8

9 7. Pursuant to § 1521(a)(5) of the Bankruptcy Code, the Receiver is hereby  
10 empowered to administer or realize on all of the Washington Receivership Subsidiaries' assets  
11 within the territorial jurisdiction of the United States. The Receiver shall have the same powers in  
12 the United States with respect to the performance of its duties as provided for under the Canadian  
13 Receivership Order, including the following powers:  
14

15 A. Subject to paragraph 6 herein, to incur expenses, and to use the Washington  
16 Receivership Subsidiaries' cash to pay expenses, incidental to the Receiver's preservation  
17 and use of the property with respect to which the appointment applies, and otherwise in the  
18 performance of the Receiver's duties;

19 B. To do all things that the Washington Receivership Subsidiaries might do in  
20 the ordinary course of the operations of their businesses as a going concern, or in the use of  
21 their property, including, but not limited to, purchasing and selling goods or services in the  
22 ordinary course of such business and incurring and paying expenses of the business in the  
23 ordinary course;  
24

25  
26 <sup>2</sup> This provision is intended to afford Fortress rights comparable to § 507(b) of the Bankruptcy Code.

1 C. To assert any rights, claims, or interests of the Washington Receivership  
2 Subsidiaries and to operate under the auspices of any existing license or regulatory  
3 approval in the name of the Washington Receivership Subsidiaries to include rights under  
4 any liquor license issued by the Liquor Control Board and any gambling license issued by  
5 the Washington State Gambling Commission;  
6

7 D. To sell all or substantially all of the assets of the Washington Receivership  
8 Subsidiaries as a going concern or as non-operating assets, with the Court's approval after  
9 notice and a hearing;

10 E. To perform legal, accounting, consulting, and tax services with respect to  
11 the Washington Receivership Subsidiaries, as necessitated by these proceedings or by law  
12 in connection with the performance of the Receiver's duties and to complete and file such  
13 other regulatory or governmental filings and reports as may be necessary to support the  
14 ongoing operations of the Washington Receivership Subsidiaries;  
15

16 F. To bring and prosecute actions for (i) the recovery of any assets of the  
17 Washington Receivership Subsidiaries held by third parties; (ii) the collection of any sums  
18 owing to the Washington Receivership Subsidiaries; and (iii) obtaining possession or  
19 control over the Washington Receivership Subsidiaries or their assets.  
20

21 G. To open and maintain such bank accounts as may be necessary for the  
22 deposit of monies collected or received by the Receiver, and to, in its discretion, maintain  
23 in place, or renew in the name of the Receiver all existing depository relationships between  
24 the Washington Receivership Subsidiaries and their banks or other financial institutions.

25 The Receiver may obtain a federal tax identification number to provide to such banks so as  
26

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1 to establish such accounts;

2 H. After notice and a hearing, to obtain credit or incur indebtedness other than  
3 in the ordinary course of business;

4 I. To negotiate and settle claims in the ordinary course of business;

5 J. To enter into leases and contracts in the ordinary course of business;

6 K. To assume or reject any executory contract or unexpired lease of the  
7 Washington Receivership Subsidiaries upon order of the Court following notice to the  
8 other party to the contract or lease upon notice and a hearing;

9 L. To retain or dismiss any employees of the Washington Receivership  
10 Subsidiaries and deny the rights of access of any existing of former employees to the  
11 business premises, records, or information;

12 M. To employ such persons or entities as the Receiver deems appropriate,  
13 including legal and accounting professionals and gambling consultants and also including  
14 current employees of the Washington Receivership Subsidiaries, in connection with the  
15 Receiver's management and operation of the Washington Receivership Subsidiaries and  
16 their assets; and

17 N. The Receiver is hereby authorized to examine witnesses, take evidence, seek  
18 production of documents, and deliver information concerning the assets, affairs, right,  
19 obligation or liabilities of the Washington Receivership Subsidiaries to the Court, Fortress  
20 and other parties in interest in the Receiver's discretion.

21  
22  
23  
24 8. Upon the request of the Receiver, the Washington State Gambling Commission and  
25 the Washington State Liquor Control Board are hereby directed to transfer to the Receiver all liquor  
26

ORDER GRANTING MOTION FOR  
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1 or gambling licenses issued to the Washington Receivership Subsidiaries, subject to payment of  
2 transfer fees and verification of the Receiver's qualifications.

3 9. No action taken by the Receiver, the Washington Receivership Subsidiaries or any  
4 of their successors, agents, representatives, advisers or counsel, in preparing, disseminating,  
5 applying for, implementing or otherwise acting in furtherance of or in connection with the  
6 Canadian Receivership Proceeding, this Order, or this Chapter 15 case, or any adversary  
7 proceeding herein, or any further proceeding commenced hereunder, shall be deemed to constitute  
8 a waiver of the immunity afforded such person under §§ 306 and 1510 of the Bankruptcy Code.  
9

10 10. This Court shall retain jurisdiction with respect to the enforcement, amendment or  
11 modification of this Order, any requests for additional relief or any adversary proceeding brought  
12 in through this Chapter 15 case, any request by an entity for relief from the provisions of this  
13 Order, for cause shown, that is properly commenced and within the jurisdiction of this Court.  
14

15 11. Nothing in this Order shall require the Receiver to occupy or to take control, care,  
16 charge, possession or management (separately and/or collectively, "Possession") of any of the  
17 Property of the Washington Receivership Subsidiaries that might be environmentally  
18 contaminated, might be a pollutant or a contaminant, or might cause or contribute to a spill,  
19 discharge, release, or deposit of a substance contrary to any federal, provincial or other law  
20 relating to the protection, conservation, enhancement, remediation or rehabilitation of the  
21 environment or relating to the disposal of waste or other contamination including, without  
22 limitation, the Comprehensive Environmental Response Compensation and Liability Act, 42  
23 U.S.C. 9601 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq., the  
24 Clean Water Act, 33 U.S.C. 1251 et seq., the Clean Air Act, 33 U.S.C. 7470 et. seq., the  
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ORDER GRANTING MOTION FOR  
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1 Washington Model Toxics Control Act, Ch. 70.105D Rev. Code Wash., the Washington  
2 Hazardous Waste Management Act, Ch. 70.105 Rev. Code Wash., the Washington Water  
3 Pollution Control Act, Ch. 90.48 Rev. Code Wash., and the Washington Clean Air Act, Ch. 70.94  
4 Rev. Code Wash. and regulations thereunder (collectively “Environmental Legislation”),  
5 provided however that nothing herein shall exempt the Receiver from any duty to report or make  
6 disclosure imposed by applicable Environmental Legislation. The Receiver shall not, as a result of  
7 this Order or anything done in pursuance of the Receiver’s duties and powers under this Order, be  
8 construed to be in Possession of any of the Property within the meaning of any Environmental  
9 Legislation, unless the Receiver is actually in Possession.  
10

11 12. The Receiver shall incur no personal liability or obligation as a result of its  
12 appointment or the carrying out of the provisions of this Order, save and except for any gross  
13 negligence or willful misconduct on its part. Nothing in this Order shall derogate from the  
14 protections afforded the Receiver by Section §§ 306 and 1510 of the Bankruptcy Code or by any  
15 other applicable legislation.  
16

17 13. The Court recognizes the Evergreen Group CCAA Proceeding as modified by the  
18 Receiver’s appointment as a foreign main proceeding with respect to each of the Washington  
19 Receivership Subsidiaries and recognizes the Receiver as the foreign representative in the cases for  
20 those entities. Such recognition shall be effective as against any creditors and parties interest who  
21 have been afforded notice of these proceedings. The Receiver will investigate the existence of  
22 additional creditors and parties in interest who have not received such notice and will bring a  
23 subsequent motion for confirmation of its recognition on notice to those parties.  
24

25 14. Pursuant to § 1520 of the Bankruptcy Code: §§ 361 and 362 of the Bankruptcy  
26

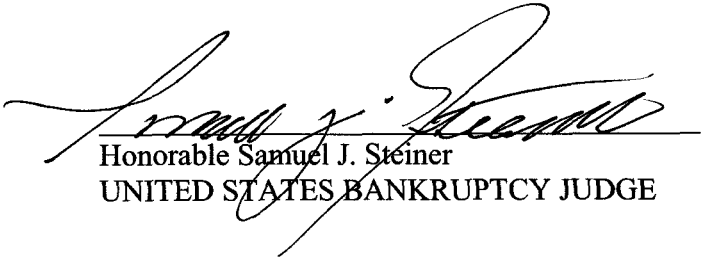
ORDER GRANTING MOTION FOR  
AMENDMENT AND MODIFICATION  
OF INTERIM ORDERS - 13

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1 Code are applicable to the proceedings and to the Washington Receivership Subsidiaries and all  
2 property of such entities in the territorial jurisdiction of the United States to the same extent that  
3 those sections would apply to property of a bankruptcy estate.  
4

5 DATED this 6 day of July, 2009.

6  
7  
8   
9 Honorable Samuel J. Steiner  
10 UNITED STATES BANKRUPTCY JUDGE

11 Presented by:

12 K&L GATES LLP

13 By \_\_\_\_\_  
14 Michael J. Gearin, WSBA # 20982  
15 David C. Neu, WSBA #33143  
16 Ramie N. O'Neill, WSBA #40689  
17 Attorneys for Fortress Credit Corporation

18 Approved as to Form;  
19 Approved for Entry:

20 DAVIS WRIGHT TREMAINE

21 By \_\_\_\_\_  
22 C. Keith Allred , WSBA # 06566  
23 Attorneys for Grant Thornton, Receiver  
24  
25  
26

ORDER GRANTING MOTION FOR  
AMENDMENT AND MODIFICATION  
OF INTERIM ORDERS - 14

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