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5 *Counsel for Victoria L. Nelson, Chapter 7 Trustee*

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8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF NEVADA**

10 In re:
11 AMERI-DREAM REALTY, LLC,
12 Debtor.

Case No. BK-S-15-10110-LED
Chapter 7

NOTICE OF HEARING ON
APPLICATION TO EMPLOY
SCHWARTZ FLANSBURG, PLLC, AS
SPECIAL BANKRUPTCY COUNSEL
FOR VICTORIA L. NELSON, CHAPTER
7 TRUSTEE PURSUANT TO 11 U.S.C.
§§ 327(a) AND 328(a) AND FEDERAL
RULE OF BANKRUPTCY PROCEDURE
2014

Date of Hearing: May 5, 2015
Time of Hearing: 2:30 p.m.
Place: Courtroom No. 3, Third Floor
Foley Federal Building
300 Las Vegas Blvd., S.
Las Vegas, NV 89101

Judge: Honorable Laurel E. Davis

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22 **NOTICE IS HEREBY GIVEN** that Victoria L. Nelson, the appointed Chapter 7 Trustee
23 in the above-captioned bankruptcy case (the "Trustee"), by and through her attorney of record
24 Jacob L. Houmand, Esq. of the law firm of Nelson & Houmand, P.C., has filed the *Application to*
25 *Employ Schwartz Flansburg, PLLC as Special Bankruptcy Counsel for Victoria L. Nelson,*
26 *Chapter 7 Trustee Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy*
27 *Procedure 2014* (the "Application"). The Application seeks to employ the law firm of Schwartz
28 Flansburg, PLLC (the "Firm") as special bankruptcy pursuant to 11 U.S.C. §§ 327(a) and 328(a)

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1 and Federal Rule of Bankruptcy Procedure 2014. Subject to Court approval, in accordance with
 2 11 U.S.C. § 330, the Trustee seeks to retain the Firm on an contingency fee basis to prosecute any
 3 and all claims arising out of the Debtor's Errors and Omissions insurance policy with XL Select
 4 Professional Claims. The Firm's fees, costs and expenses will be paid as follows:

5 **Pre-litigation activity.** The Firm shall be entitled to a contingency fee
 6 of 33 1/3% to be calculated on the gross amount of recovery (i.e., before
 7 deducting for or seeking reimbursement of any expenses paid by the
 8 Client to the Firm or otherwise) generated from **all** work performed
 9 prior to filing a lawsuit or making a formal demand for arbitration. Such
 10 work may include, but is not limited to, factual investigation, claims
 investigation and analysis, document review, factual and legal research,
 work with experts in preparation of a complaint and the requisite reports
 that must be filed with a complaint, preparation of demand letters, pre-
 suit settlement negotiations, preparation of a complaint and/or
 arbitration demand, and pre-suit mediation(s), if any.

11 **Post-filing litigation activity.** Once any litigation is initiated, either
 12 through the filing of a complaint or making a formal demand for
 13 arbitration, the Firm shall be entitled to a 40% contingency fee
 14 calculated on the gross amount of recovery (i.e., before deducting for or
 15 seeking reimbursement of any expenses paid by the Client to the Firm or
 16 otherwise). Any work performed in the context of an arbitration
 17 following a demand for arbitration shall constitute "Post-filing litigation
 18 activity."

19 **Appellate activity.** In the event that a notice of appeal is filed by any
 20 party, the Firm shall be entitled to a 50% contingency fee calculated on
 21 the gross amount of recovery (i.e., before deducting for or seeking
 22 reimbursement of any expenses paid by the Client to the Firm or
 23 otherwise).

24 **Payment of Contingency Fee.** With respect to any recovery by the
 25 Client arising out of, pertaining to, or resulting from the pursuit of the
 26 claims in the Litigation, whether through any settlement, judgment,
 27 arbitration award, or otherwise, the Client shall pay the appropriate
 28 contingency fee to the Firm within fourteen (14) days of receipt of such
 recovery or within fourteen (14) days of court approval, if any is
 required.

23 A copy of the Application, the *Declaration of Victoria L. Nelson In Support of the*
 24 *Application to Employ Schwartz Flansburg, PLLC as Special Bankruptcy Counsel for Victoria L.*
 25 *Nelson, Chapter 7 Trustee Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of*
 26 *Bankruptcy Procedure 2014, and the Declaration of Samuel A. Schwartz, Esq. In Support of the*
 27 *Application to Employ Schwartz Flansburg, PLLC as Special Bankruptcy Counsel for Victoria L.*
 28 *Nelson, Chapter 7 Trustee Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of*

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1 *Bankruptcy Procedure 2014*, with exhibits, are on file with the Clerk’s Office of the United States
2 Bankruptcy Court, 300 Las Vegas Blvd. South, Fourth Floor, Las Vegas, Nevada 89101. Copies
3 of the Application and supporting declarations may also be obtained from counsel for the Trustee
4 or through the Bankruptcy Court’s website at www.nvb.uscourts.gov.

5 **NOTICE IS FURTHER GIVEN** that if you do not want the Court to grant the relief
6 sought in the Application, or if you want the Court to consider your reviews on the Application,
7 then you must file an opposition with the Court, and serve a copy of the person making the
8 Application ***no later than fourteen (14) days preceding the hearing date for the Motion.*** The
9 opposition must state your position, set forth all relevant facts and legal authority, and be
10 supported by affidavits or declarations that conform to Local Rule 9014(c).

11 If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading
12 with the court. You *must* also serve your written response on the person who sent you this
13 notice.
14 If you do not file a written response with the court, or if you do not serve your written
15 response on the person who sent you this notice, then:
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- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* without formally calling the matter at the hearing.

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19 **NOTICE IS FURTHER GIVEN** that a hearing on said Application will be held before a
20 United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Blvd. South, Third
21 Floor, Courtroom No. 3, Las Vegas, Nevada on May 5, 2015, at 2:30 p.m.

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