



Honorable Laurel E. Davis
United States Bankruptcy Judge



Entered on Docket
October 27, 2015

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UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA

In re:) Case No.: 15-10110-LED
)
AMERI-DREAM REALTY, LLC,) Chapter 7
)
Debtor.)

_____)
) Adv. No.: 15-01087-LED
VICTORIA NELSON, In her Capacity As The)
Chapter 7 Trustee of AMERI-DREAM)
REALTY, LLC,)

Plaintiff,) Hearing Date: October 26, 2015
v.) Hearing Time: 1:30 p.m.
)

ELSIE PELADAS-BROWN,)
)
Defendant.)

ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

1 Upon consideration of the Motion (the “**Motion**”) of Victoria L. Nelson, in her capacity
2 as the Chapter 7 Trustee (the “**Plaintiff**” or the “**Trustee**”) of Ameri-Dream Realty, LLC (the
3 “**Debtor**” or the “**Company**”), for summary judgment against defendant Elsie Peladas-Brown
4 (“**Brown**” or the “**Defendant**”) on all claims for relief set forth in that certain adversary
5 complaint filed on May 21, 2015 (the “**Complaint**”); and the Motion being supported by the
6 Plaintiff’s Statement of Undisputed Facts, as amended, and the declarations in support thereof;
7 and due and proper notice of the Motion having been given; and the Court having considered
8 the Motion and pleadings in support thereof and the arguments of counsel at the hearing on the
9 Motion; and after due deliberation thereon; and the Court having entered its written findings of
10 fact and conclusions of law concurrently with the entry of this Order; and for good cause
11 appearing:
12

13 **IT IS HEREBY ORDERED** that the Plaintiff’s Motion for Summary Judgment
14 against the Defendant is Granted; and it is further
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16 **ORDERED** that the Plaintiff is entitled to summary judgment against the Defendant on
17 all claims for relief set forth in the Complaint; and it is further
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19 **ORDERED** that judgment shall be entered against the Defendant in the amount of the
20 Security Deposits, or \$1,174,373.63, together with prejudgment interest at the rate of 5.75%,
21 compounded annually and compounded from February 1, 2013, and post-judgment interest at
22 the rate established by 28 U.S.C. § 1961, compounded annually; and it is further
23

24 **ORDERED** that both the Company and Mr. John Brown, the Defendant’s ex-husband,
25 are innocent of the claims set forth in the Complaint and shall have no liability for the
26 Defendant’s wrongful conduct; and it is further
27

1 **ORDERED** that pursuant to Fed. R. Civ. P. 54(b), made applicable to his adversary
2 proceeding pursuant to Fed. R. Bankr. P. 7054(a), there is no just reason for delay and directs
3 the entry of final judgment as to all claims and matters set forth in the Complaint against the
4 Defendant; and it is further

5 **ORDERED** that the Plaintiff may file a separate motion for her fees and costs incurred
6 in this matter; and it is further

7 **ORDERED** that this Court shall retain jurisdiction to hear and determine all matters
8 arising from the implementation of this Order.
9

10
11 Submitted by:

12 SCHWARTZ FLANSBURG PLLC

13 By: /s/Samuel A. Schwartz

14 Samuel A. Schwartz, Esq., NBN 10985

15 Bryan A. Lindsey, Esq., NBN 10662

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18 Attorneys for the Chapter 7 Trustee, Victoria L. Nelson
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SUBMISSION TO COUNSEL FOR APPROVAL PURSUANT TO LR 9021

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

The court has waived the requirement set forth in LR 9021(b)(1).

No party appeared at the hearing or filed an objection to the motion.

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of this order.

APPROVED:

DISAPPROVED:

FAILED TO RESPOND:

SCHWARTZ FLANSBURG PLLC

By: /s/Samuel A. Schwartz
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