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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.)
)

VICTORIA NELSON, In Her Capacity As The)
Chapter 7 Trustee Of AMERI-DREAM)
REALTY, LLC,) Adv. Proceeding No.: 15-01183-LED
Plaintiff,)
)
vs.)
)
XL AMERICA, INC.; XL INSURANCE)
AMERICA, INC.; XL SELECT)
PROFESSIONAL; PEARL INSURANCE)
GROUP, LLC; GREENWICH INSURANCE) Hearing Date: January 11, 2016
COMPANY; and DOES I through X; and ROE) Hearing Time: 1:30 p.m.
CORPORATE DEFENDANTS XI through)
XX,)
Defendants.)
_____)

**STIPULATION REGARDING DEFENDANTS’ MOTION TO
WITHDRAW THE REFERENCE AND OTHER PENDING MOTIONS**

Victoria L. Nelson, in her capacity as the Chapter 7 Trustee (the “**Plaintiff**” or the “**Trustee**”) of Ameri-Dream Realty, LLC (the “**Debtor**” or the “**Company**”), by and through her attorneys of record, Schwartz Flansburg PLLC, and XL America, Inc., XL Insurance

1 America, Inc., XL Select Professional, Pearl Insurance Group, LLC and Greenwich Insurance
2 Company (collectively, the “**Defendants**”), by and through their attorneys of record, Wilson,
3 Elser, Moskowitz, Edelman & Dicker LLP, hereby stipulate and agree to the following:

4 WHEREAS, on January 9, 2015, the Company filed a voluntary petition for relief
5 under Chapter 7 of the United States Bankruptcy Code, whereby the Trustee was appointed as
6 Chapter 7 Trustee;

7
8 WHEREAS, on October 29, 2015, the Trustee initiated the above-captioned adversary
9 complaint (the “**Complaint**”) against the Defendants, thereby commencing this adversary
10 proceeding (the “**Adversary Proceeding**”);

11
12 WHEREAS, December 22, 2015, the Trustee filed her Motion for Summary Judgment
13 (the “**MSJ**”);

14
15 WHEREAS, on December 23, 2015, the Defendants filed their Motion to Withdraw
16 the Reference of this Adversary Proceeding (the “**Withdrawal Motion**”);

17
18 WHEREAS, on December 23, 2015, Defendants XL America, Inc., XL Insurance
19 America, Inc., XL Select Professional and Pearl Insurance Group, LLC filed their Motion to
20 Dismiss the Complaint, and that same day, Defendant Greenwich Insurance Company filed its
21 Motion to Dismiss the Complaint (collectively, the “**MTDs**”);

22
23 WHEREAS, on December 28, 2015, this Court entered an order shortening time (the
24 “**OST**”) for hearing on the Withdrawal Motion, setting a hearing for January 11, 2016, at 1:30
25 p.m., and setting opposition and reply briefing deadlines for January 4, 2016, and January 8,
26 2016, respectively;

1 WHEREAS, as the Withdrawal Motion needs to be heard by a district court judge, the
2 parties hereby desire to stipulate and agree that all briefing deadlines for the Withdrawal
3 Motion will be set by the district court; and

4 WHEREAS, the parties also desire to stipulate and agree that once the Withdrawal
5 Motion is heard and decided by the district court, the parties will agree to appropriate hearing
6 dates and briefing deadlines for the MSJ and MTDs, either before the district court or the
7 bankruptcy court, pending the outcome of the Withdrawal Motion.
8

9 NOW, THEREFORE, the Trustee and Defendants hereby stipulate and agree to the
10 following, and concurrently seek this Court's approval of the same.

11 IT IS HEREBY STIPULATED AND AGREED that the all briefing deadlines with
12 respect to the Withdrawal Motion shall be set by the district court; and
13

14 IT IS FURTHER STIPULATED AND AGREED that this Court's hearing on the
15 Withdrawal Motion, currently scheduled for January 11, 2016, at 1:30 p.m., along with all
16 related briefing deadlines set forth in the OST, shall be vacated; and
17

18 IT IS FURTHER STIPULATED AND AGREED that pending the district court's
19 decision on the Withdrawal Motion, the parties shall address appropriate hearing dates and
20 briefing deadlines for the MSJ and MTDs; and

21 IT IS FURTHER STIPULATED AND AGREED that at the Scheduling Conference
22 on January 25, 2016, at 1:30 p.m., the parties shall discuss the status of the Withdrawal
23 Motion before the district court and if appropriate, address appropriate hearing dates and
24 briefing deadlines for the MSJ and MTD.
25
26
27
28

1 Date: December 30, 2015

Date: December 30, 2015

2 /s/ Samuel A. Schwartz

/s/ Vernon A. Nelson

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10 Attorneys for Chapter 7 Trustee

11 Submitted by:

12 Schwartz Flansburg PLLC

13 By /s/ Samuel A. Schwartz

14 SAMUEL A. SCHWARTZ, ESQ. #10985

15 Attorneys for the Chapter 7 Trustee, Victoria L. Nelson