

Honorable Laurel E. Davis
United States Bankruptcy Judge



Entered on Docket
August 11, 2016

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Attorneys for Defendants
XL AMERICA, INC., XL INSURANCE AMERICA, INC.,
XL SELECT PROFESSIONAL, PEARL INSURANCE GROUP, LLC,
GREENWICH INSURANCE GROUP

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:

AMERI-DREAM REALTY, LLC

Debtor.

Case No.: 15-10110-led

Chapter 7

Adversary Proceeding No. 15-01183-led

VICTORIA NELSON, In Her Capacity As The
Chapter 7 Trustee Of AMERI-DREAM
REALTY, LLC,

Plaintiff,

**ORDER APPROVING FIFTH
STIPULATION REGARDING
DEFENDANTS' MOTION TO WITHDRAW
REFERENCE AND OTHER PENDING
MOTIONS**

v.

XL AMERICA, INC.; XL INSURANCE
AMERICA, INC.; XL SELECT
PROFESSIONAL; PEARL INSURANCE
GROUP, LLC; GREENWICH INSURANCE
COMPANY; and DOES I through X; and ROE
CORPORATE DEFENDANTS XI through XX,

Defendants.

Hearing Date: August 18, 2016
Hearing Time: 2:00 p.m.

New Hearing Date: October 31, 2016
New Hearing Time: 1:30 P.M.

1 XL America, Inc., XL Insurance America, Inc., XL Select Professional, Pearl Insurance
2 Group, LLC and Greenwich Insurance Company (collectively, the "Defendants"), by and through
3 their attorneys of record, Wilson Elser Moskowitz Edelman & Dicker LLP, and Victoria L. Nelson,
4 in her capacity as the Chapter 7 Trustee (the "Plaintiff" or the "Trustee") of Ameri-Dream, LLC (the
5 "Debtor" or the "Company"), by and through her attorneys of record, Schwartz Flansburg PLLC,
6 having stipulated and agreed as provided in the Stipulation Regarding Defendants' Motion to
7 Withdraw the Reference and Other Pending Motions (the "Stipulation"); the Court having
8 considered the Stipulation and finds that the relief requested in the Stipulation is appropriate and
9 sufficient cause exists to grant the relief; and for good cause appearing, it is hereby:

10 **ORDERED** that the Stipulation, attached hereto as Exhibit A, is approved; and it is further

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

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14 Respectfully submitted by:

15 WILSON ELSER MOSKOWITZ EDELMAN
& DICKER LLP


16 
17 Jennifer Willis Arledge, Esq.
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Attorneys for Defendants

EXHIBIT “A”

1 Jennifer Willis Arledge, Esq.
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5 Attorneys for Defendants
 6 XL AMERICA, INC., XL INSURANCE AMERICA, INC.,
 XL SELECT PROFESSIONAL, PEARL INSURANCE GROUP, LLC,
 7 GREENWICH INSURANCE GROUP

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

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

Case No.: 15-10110-led
 Chapter 7
 Adversary Proceeding No. 15-01183-led

14 VICTORIA NELSON, In Her Capacity As The
 Chapter 7 Trustee Of AMERI-DREAM
 15 REALTY, LLC,
 16
 17 Plaintiff,

**FIFTH STIPULATION REGARDING
 DEFENDANTS' MOTION TO WITHDRAW
 REFERENCE AND OTHER PENDING
 MOTIONS**

17 v.
 18 XL AMERICA, INC.; XL INSURANCE
 19 AMERICA, INC.; XL SELECT
 20 PROFESSIONAL; PEARL INSURANCE
 21 GROUP, LLC; GREENWICH INSURANCE
 COMPANY; and DOES I through X; and ROE
 CORPORATE DEFENDANTS XI through XX,
 22
 23 Defendants.

Hearing Date: August 18, 2016
 Hearing Time: 2:00 p.m.

23 XL America, Inc., XL Insurance America, Inc., XL Select Professional, Pearl Insurance
 24 Group, LLC and Greenwich Insurance Company (collectively, the "Defendants"), by and through
 25 their attorneys of record, Wilson Elser Moskowitz Edelman & Dicker LLP, and Victoria L. Nelson,
 26 in her capacity as the Chapter 7 Trustee (the "Plaintiff" or the "Trustee") of Ameri-Dream, LLC (the
 27 "Debtor" or the "Company"), by and through her attorneys of record, Schwartz Flansburg PLLC,
 28 hereby stipulate and agree to the following:

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

4 WHEREAS, on October 29, 2015, the Trustee initiated the above-captioned adversary
5 complaint (the "Complaint") against the Defendants, thereby commencing this adversary proceeding
6 (the "Adversary Proceeding");

7 WHEREAS, on December 22, 2015, the Trustee filed her Motion for Summary Judgment
8 (the "MSJ");

9 WHEREAS, on December 23, 2015, the Defendants filed their Motion to Withdraw the
10 Reference of this Adversary Proceeding (the "Withdrawal Motion");

11 WHEREAS, on December 23, 2015, Defendants XL America, Inc., XL Insurance America,
12 Inc., XL Select Professional and Pearl Insurance Group, LLC filed their Motion to Dismiss the
13 Complaint, and that same day, Defendant Greenwich Insurance Company filed its Motion to Dismiss
14 the Complaint (collectively, the "MTDs");

15 WHEREAS, on December 28, 2015, this Court entered an order shortening time (the "OST")
16 for hearing on the Withdrawal Motion, setting a hearing for January 11, 2016, at 1:30 p.m., and
17 setting opposition and reply briefing deadlines for January 4, 2016, and January 8, 2016,
18 respectively;

19 WHEREAS, on December 30, 2015, the parties filed a Stipulation Regarding Defendants'
20 Motion to Withdraw the Reference and Other Pending Motions (the "Stipulation");

21 WHEREAS, on December 31, 2015, the Court entered an Order Approving the Stipulation
22 (the "Order");

23 WHEREAS, the Order vacated the January 11, 2016 hearing on the Withdrawal Motion;

24 WHEREAS, on January 8, 2016, the Clerk of this Court transmitted the Withdrawal Motion
25 to the Clerk of the District Court;

26 WHEREAS, on January 25, 2016, the Trustee filed her Opposition to the Withdrawal Motion
27 in the district court;

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1 WHEREAS, on February 7, 2016, Defendants filed their Reply in Support of their
2 Withdrawal Motion in the district court;

3 WHEREAS, the Withdrawal Motion has not yet been ruled on by the District Court; and

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

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

10 IT IS HEREBY STIPULATED AND AGREED that pending the district court's decision on
11 the Withdrawal Motion, this Court's hearing on the MSJ and MTDs, currently scheduled for August
12 18, 2016, at 2:00 p.m., shall be vacated and continued to October 21, 2016, at 10:00 a.m., or a date
13 available as set by this Court; and

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

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1 IT IS FURTHER STIPULATED AND AGREED that the Scheduling Conference, currently
2 scheduled for August 18, 2016 at 2:00 p.m. shall be vacated and continued to October 21, 2016, at
3 10:00 a.m., or a date available as set by the court.

4 WILSON ELSER MOSKOWITZ EDELMAN SCHWARTZ FLANSBURG
5 & DICKER LLP

6
7 /s/ Jennifer W. Arledge
8 Jennifer Willis Arledge, Esq.
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13 Attorneys for Defendants

/s/ Samuel A. Schwartz
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Bryan A. Lindsey, Esq.
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6623 Las Vegas Blvd., South, Suite 300
Las Vegas, Nevada 89119
Attorneys for Chapter 7 Trustee

11 Date: August 10, 2016

Date: August 10, 2016

13 Respectfully submitted by:

14 WILSON ELSER MOSKOWITZ EDELMAN
15 & DICKER LLP

16 /s/ Jennifer W. Arledge
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