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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

In re:	)	Case No. 2:16-cv-00060-JAD-GWF
	)	
AMERI-DREAM REALTY, LLC,	)	
	)	Bankruptcy Case No.: 15-10110-LED
Debtor.	)	
	)	Chapter 7
_____	)	
VICTORIA NELSON, In Her Capacity As The	)	
Chapter 7 Trustee Of AMERI-DREAM	)	
REALTY, LLC,	)	
Plaintiff,	)	
	)	Adv. Proceeding No.: 15-01183-LED
v.	)	
	)	
XL AMERICA, INC.; XL INSURANCE	)	<b>JOINT APPLICATION FOR</b>
AMERICA, INC.; XL SELECT	)	<b>STATUS CHECK</b>
PROFESSIONAL; PEARL INSURANCE	)	
GROUP, LLC; GREENWICH INSURANCE	)	
COMPANY; and DOES I through X; and ROE	)	
CORPORATE DEFENDANTS XI through	)	
XX,	)	
Defendants.	)	
_____	)	

Plaintiff, Victoria Nelson, in her capacity as the Chapter 7 Trustee of Ameri-Dream Realty, LLC (the “**Plaintiff**”), by and through her attorneys of record Schwartz Flansburg PLLC, and XL America, Inc., XL Insurance America, Inc., XL Select Professional, Pearl Insurance Group, LLC, Greenwich Insurance Company, by an through its attorneys of record, Wilson

1 Elser Moskowitz Edelman & Dicker LLP, respectfully submits this Joint Application for Status  
2 Check (the “**Joint Application**”). The Joint Application is based upon the following  
3 memorandum of points and authorities:

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 **I. STATEMENT OF FACTS**

6 1. On October 29, 2015, Victoria Nelson (the “**Plaintiff**”), in her capacity as the  
7 Chapter 7 Trustee of Ameri-Dream Realty, Inc. filed an adversary complaint (the  
8 “**Complaint**”), denominated case no. 15-01183-led, against XL America, Inc., XL Insurance  
9 America, Inc., XL Select Professional, Pearl Insurance Group, LLC, Greenwich Insurance  
10 Company, and DOES I through X, and ROE Corporation Defendants XI through XX  
11 (collectively, the “**Defendants**”).  
12

13 2. On December 22, 2015, the Plaintiff filed a Motion for Summary Judgment  
14 (the “**Motion for Summary Judgment**”), which was scheduled to be heard on February 9,  
15 2016.

16 3. On December 23, 2015, the Defendants filed: (i) Defendants’ Motion to  
17 Withdraw the Reference of this Adversary Proceeding Pursuant to 28 U.S.C. § 157(d) and  
18 Federal Rule of Bankruptcy Procedure 5011, Jury Demand, and Supporting Memorandum of  
19 Law (the “**Withdrawal of the Reference**”); (ii) Greenwich Insurance Company’s Motion to  
20 Dismiss Pursuant to Fed. R. Civ. Pro. 12(b)(6); and (iii) XL America, Inc., XL Insurance  
21 America, Inc. XL Select Professional, Pearl Insurance Group, LLC’s Motion to Dismiss  
22 Pursuant to Fed. R. Civ. Pro. 12(b)(6). The two motions to dismiss (collectively, the  
23 “**Motions to Dismiss**”) were scheduled to be heard on January 25, 2016.  
24  
25  
26

1 4. Due to the pendency of the Withdrawal of the Reference before this Court, the  
2 parties continued the hearings on the Motion for Summary Judgment and Motions to Dismiss  
3 several times. On August 9, 2016, the parties entered into the Fifth Stipulation (the “**Fifth**  
4 **Stipulation**”) Regarding Defendants’ Motion to Withdraw Reference and Other Pending  
5 Motions thereby continuing the pending motions to October 21, 2016.

6 5. On January 8, 2016, the Withdrawal of the Reference was docketed with this  
7 Court. See Docket No. 1.

8 6. On January 25, 2016, the Plaintiff filed the Opposition to Defendants’ Motion  
9 to Withdraw the Reference of this Adversary Proceeding Pursuant to 28 U.S.C. § 157(d) and  
10 Federal Rule of Bankruptcy Procedure 5001 (the “**Opposition**”). See Docket No. 3.

11 7. On February 7, 2016, the Defendants filed the Reply Brief (the “**Reply Brief**”)  
12 in Support of Defendants’ Motion to Withdraw the Reference of this Adversary Proceeding  
13 Pursuant to 28 U.S.C. § 157(d) and Federal Rule of Bankruptcy Procedure 5001. See Docket  
14 No. 4. As such, the matter was fully briefed as of February 7, 2016.

## 15 **II. LEGAL AUTHORITY**

16 8. As the Withdrawal of the Reference is fully briefed, the Plaintiff may inquire  
17 into the status of the Motion to Dismiss. United States District Court, District of Nevada  
18 Local Rule IA 7-1(a) provides, in part:  
19

20 An attorney or pro se party may send a letter to the court at the  
21 expiration of 90 days after any matter has been, or should have  
22 been, fully briefed if the court has not entered its written ruling. If  
23 this letter was sent and a written ruling still has not been entered  
24 120 days after the matter was or should have been fully briefed, an  
25 attorney or pro se party may send a letter to the Chief Judge, who  
26 must inquire of the judge about the status of the matter. Copies of  
all such letters must be served on all other attorneys and pro se  
parties.

1 LR IA7-1.

2 9. Here, the Defendants filed the Withdrawal of the Reference on January 8,  
3 2016. Subsequently, on January 25, 2016, the Plaintiff filed her Opposition, and on February  
4 7, 2016, the Defendants filed the Reply Brief. To date, a hearing has not been set nor has a  
5 ruling been entered. As more than ninety days passed since the matter was fully briefed, the  
6 Plaintiff respectfully requests the Court set a hearing for a status check on the Withdrawal of  
7 the Reference. Additionally, the Plaintiff respectfully requests this Court treat this  
8 Application as a letter to the Court inquiring into the status of the Withdrawal of the  
9 Reference.  
10

11 **III. CONCLUSION**

12 Based upon the foregoing, the Plaintiff respectfully requests this Court set a hearing  
13 for a status check on the Withdrawal of the Reference.

14 Dated this 10th day of August, 2016.

15 Respectfully Submitted,

16 By: /s/Samuel A. Schwartz  
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Respectfully Submitted,

16 By: /s/Jennifer W. Arledge  
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Attorneys for Defendants  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent electronically via the Court's CM/ECF system on August 9, 2016, to the following:

Jennifer W. Arledge, Esq.  
jennifer.arledge@wilsonelser.com  
Attorney for Defendants

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. Regular mail on August 9, 2016, to the following:

United States Trustee  
300 Las Vegas Blvd. South  
Suite 4300  
Las Vegas, NV 89101-5803

/s/Christy L. Cahall  
Christy L. Cahall