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Electronically Filed On: January 12, 2017

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10 *[Proposed] Counsel for Chapter 7 Trustee*

11
12 **UNITED STATES BANKRUPTCY COURT**

13 **DISTRICT OF NEVADA**

14 In re:

15 ROBERT C. GRAHAM, LTD. fdba ROB
16 GRAHAM & ASSOCIATES fdba
LAWYERSWEST,

17 Debtor.

Case No. BK-S-16-16655-BTB
Chapter 7

**NOTICE OF SUBPOENA PURSUANT TO
FEDERAL RULE OF BANKRUPTCY
PROCEDURE 9016 AND FEDERAL
RULE OF CIVIL PROCEDURE 45 ON
THE PERSON MOST
KNOWLEDGEABLE OF FIRST BANK**

Date of Hearing: N/A
Time of Hearing: N/A

Judge: Honorable Bruce T. Beesley

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22 **PLEASE TAKE NOTICE** that a Subpoena issued pursuant to Federal Rules of
23 Bankruptcy Procedure 2004 and 9016 and Federal Rule of Civil Procedure 45 will be served on
24 the person most knowledgeable of First Bank demanding the production of certain documents (the
25 “Subpoena”). The documents must be produced on or before January 26, 2017, at 9:00 a.m.

26 ...

27 ...

28 ...

NELSON & HOUMAND, P.C.
3900 Paradise Road, Suite U, Las Vegas, Nevada 89169
Telephone: (702) 720-3370 Facsimile: (702) 720-3371

1 Attached hereto and marked as **Exhibit “1”** is a true and correct copy of the Subpoena.

2 Dated this 12th day of January, 2017.

3 **NELSON & HOUMAND, P.C.**

4 By: */s/ Jacob L. Houmand*

5 Jacob L. Houmand, Esq. (NV Bar # 12781)

6 Kyle J. Ortiz, Esq. (NV Bar # 14252)

7 3900 Paradise Road, Suite U

8 Las Vegas, Nevada 89169-0903

9 Telephone: 702/720-3370

10 Facsimile: 702/720-3371

11 —and—

12 **DIAMOND MCCARTHY LLP**

13 Kathy Bazoian Phelps, Esq. (CA Bar # 155564)

14 Email: kphelps@diamondmccarthy.com

15 1999 Avenue of the Stars, 11th Floor

16 Los Angeles, California

17 Telephone: 310/651-2997

18 *[Proposed] Counsel for Chapter 7 Trustee*

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of January 2017, I caused to be served a true and correct copy of NOTICE OF SUBPOENA PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 9016 AND FEDERAL RULE OF CIVIL PROCEDURE 45 ON THE PERSON MOST KNOWLEDGEABLE OF FIRST BANK in the following manner:

(ECF System) By electronically filing a copy of the above-referenced document with the Clerk of the Court for the United States Bankruptcy Court for the District of Nevada via the ECF System. The ECF Confirmation Sheet provides that the following parties were served with the above-referenced document:

CANDACE C CARLYON on behalf of Creditor MARKEL INSURANCE COMPANY
ccarlyon@mpplaw.com,
CRobertson@MPPLAW.com; nrodriguez@mpplaw.com; mcarlyon@mpplaw.com

DAMON K. DIAS on behalf of Creditor DIAS LAW GROUP, LTD.
ddias@diaslawgroup.com, jisselas@diaslawgroup.com; elizabethd@diaslawgroup.com

DAMON K. DIAS on behalf of Creditor EARL AND JEAN PARTON TRUST, SPECIAL NEEDS TRUST, (THANE PARTON)
ddias@diaslawgroup.com, jisselas@diaslawgroup.com; elizabethd@diaslawgroup.com

DAMON K. DIAS on behalf of Creditor THANE PARTON
ddias@diaslawgroup.com, jisselas@diaslawgroup.com; elizabethd@diaslawgroup.com

ERICK T. GJERDINGEN on behalf of Petitioning Creditor ESTATE OF MICHAEL B. MACKNIN
bknotices@gtg.legal, egjerdingen@gtg.legal

ERICK T. GJERDINGEN on behalf of Petitioning Creditor THE MARGUERITTE OWENS REVOCABLE TRUST
bknotices@gtg.legal, egjerdingen@gtg.legal

ERICK T. GJERDINGEN on behalf of Petitioning Creditor THE SHARONA DAGONI TRUST
bknotices@gtg.legal, egjerdingen@gtg.legal

GERALD M GORDON on behalf of Petitioning Creditor ESTATE OF MICHAEL B. MACKNIN
ggordon@gtg.legal, bknotices@gtg.legal

GERALD M GORDON on behalf of Petitioning Creditor THE MARGUERITTE OWENS REVOCABLE TRUST
ggordon@gtg.legal, bknotices@gtg.legal

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Telephone: (702) 720-3370 Facsimile: (702) 720-3371

1 GERALD M GORDON on behalf of Petitioning Creditor THE SHARONA DAGONI TRUST
2 ggordon@gtg.legal, bknotices@gtg.legal

3 JACOB L. HOUMAND on behalf of Trustee VICTORIA L. NELSON
4 jhoumand@nelsonhoumand.com, ynelson@nelsonhoumand.com; kortiz@nelsonhoumand.com

5 JOSEPH S. KISTLER on behalf of Interested Party THE ESTATE OF MICHAEL B. MACKNIN
6 jkistler@hutchlegal.com, bbenitez@hutchlegal.com

7 JOSEPH S. KISTLER on behalf of Petitioning Creditor ESTATE OF MICHAEL B. MACKNIN
8 jkistler@hutchlegal.com, bbenitez@hutchlegal.com

9 VICTORIA L. NELSON
10 trustee@nelsonhoumand.com,
11 cgauss@nelsonhoumand.com; vln@trustesolutions.net; nv29@ecfcbis.com; trustee2@nelsonhoumand.com
12 trustee3@nelsonhoumand.com

13 SAMUEL A. SCHWARTZ on behalf of Debtor ROBERT C. GRAHAM, LTD.
14 sam@nvfirm.com, ecf@schwartzlawyers.com; schwartzecf@gmail.com

15 U.S. TRUSTEE - LV - 7
16 USTPRegion17.LV.ECF@usdoj.gov

17 I declare under penalty of perjury of the laws of the United States that the foregoing is true
18 and correct.

19 */s/ Jacob L. Houmand*
20 _____
21 Jacob L. Houmand, Esq. (SBN 12781)

EXHIBIT “1”

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re: ROBERT C. GRAHAM, LTD. fdba ROB GRAHAM & ASSOCIATES fdba LAWYERSWEST, Debtor.	Case No. BK-S-16-16655-BTB Chapter 7 SUBPOENA FOR EXAMINATION PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004
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TO: THE PERSON MOST KNOWLEDGEABLE OF FIRST BANK
 17th & Tremont
 370 17th Street
 Denver, Colorado 80202

YOU ARE COMMANDED to appear and testify at an examination under Rule 2004, Federal Rule of Bankruptcy Procedure, at the place, date and time specified below. A copy of the court authorizing the examination is attached.

PLACE OF TESTIMONY	DATE AND TIME
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date and time specified below (list documents or objects): **SEE EXHIBIT "A" ATTACHED HERETO**

PLACE Denver Process Servers LLC 5711 W. Kentucky Ave Lakewood, CO 80226	DATE AND TIME January 26, 2017 9:00 a.m.
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ISSUING OFFICER SIGNATURE AND TITLE  [Proposed] Counsel for Victoria L. Nelson, Chapter 7 Trustee	DATE January 12, 2017
--	---------------------------------

ISSUING OFFICERS' NAME, ADDRESS AND PHONE NUMBER	
Jacob L. Houmand, Esq. (NV Bar No. 12781) Kyle J. Ortiz, Esq. (NV Bar No. 14252) Nelson & Houmand, P.C. 3900 Paradise Road; Suite U Las Vegas, Nevada 89169-0903 Telephone: 702/720-3370 Facsimile: 702/720-3371	

PROOF OF SERVICE		
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)	MANNER OF SERVICE	
SERVED BY (PRINT NAME)	TITLE	
DECLARATION OF SERVER		

I declare under penalty of perjury under the law of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on _____
(Date)

Signature of Server

Address of Server

EXHIBIT "A"

DEFINITIONS

The following definitions are to be used with respect to these documents:

A. "Document" as used herein shall mean any kind of written, digital, recorded or graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither, including originals, non-identical copies (whether different from the original because of marginal notes or other material inserted therein or attached thereto, or otherwise) and drafts and both sides thereof, including, but not limited to: papers; books; letters; correspondence; telegrams; cables; notes; facsimiles; files; file cover jackets; minutes of meetings; memoranda; interoffice communications; writings; records; studies; data compilations; analyses; reports; summaries and results of investigations and tests; reviews; contracts; affidavits; pleadings; stays; lists; tabulations; computer print-outs; data processing records; microfilm; promissory notes; loan agreements; loan files and all notes contained within loan files; deeds of trust; judgments; real estate contracts for sale or lease; appraisals; opinions; bills; agreements; working papers; tax returns; statistical records; ledgers; books of account; vouchers; bank checks; bank statements; invoices; receipts; computer data; stenographers' notebooks; manuals; directives; bulletins; desk calendars; appointment books; diaries; maps; charts; graphs; photographs; phone records; videos; plats; drawings; or other graphic representations; logs; investigators' reports or papers or any written, recorded or sound recordings of any type of conversation, meeting or conference, similar to any of the foregoing, however denominated.

B. "Relating or referring" are used in their broadest sense and shall mean and include, but shall not be limited to, advert, allude, comprise, concern, constitute, describe, discuss, mention, note, pertain, quote, recite, recount, reflect, report or state.

C. The singular shall include the plural, and the plural shall include the singular. The conjunctive "and" shall include the disjunctive "or" and the disjunctive "or" shall include the conjunctive "and."

D. Each document produced pursuant to **Exhibit "A"** shall be produced as it is kept in the usual course of business (i.e., in the file folder or binder in which such documents were located when the request was served) or shall be organized and labeled to correspond to the categories of documents requested.

E. "You" or "Your" shall refer to the person most knowledgeable of First Bank or the person most knowledgeable of either a parent or subsidiary of First Bank.

F. "Corporate Entity" shall include any entity that can be formed under the laws of any state of the United States including, but not limited to, general partnerships, limited partnerships, family partnerships, limited family partnerships, limited liability partnerships, corporations, professional corporations, or limited liability companies.

G. You are instructed to produce any and all documents which are in your possession, custody or control. Possession, custody or control includes constructive possession whereby you have a right to compel the production of a matter from a third party (including an agency, authority or representative.)

H. To the extent the location of any document called for by this Exhibit is unknown to you, so state. If any estimate can reasonably be made as to the located of an unknown document, describe the document with sufficient particularity so that it can be identified, set forth your best estimate of the documents location, and describe the basis upon which the estimate is made.

I. If any document request is deemed to call for disclosure of proprietary data, counsel for Movant is prepared to receive such data pursuant to an appropriate confidentiality order.

J. To the extent the production of any document is objected to on the basis of privilege, provide the following information about each such document: (1) describe the nature of the privilege claimed (e.g., attorney-client, work product, etc.); (2) state the factual and legal basis for the claim of such privilege (e.g., communication between attorney for corporation and outside counsel relating to acquisition of legal services); (3) identify each person who was present when the document was prepared and who has seen the document; and (4) identify every other document which refers to or describes the contents of such document.

K. If any document has been lost or destroyed, the document so lost or destroyed shall be identified by author, date, subject matter, date of loss or destruction, identity of person responsible for loss or destruction and, if destroyed, the reason for such destruction.

L. These requests relate to documents created or coming into the Estate's possession or control on or after the commencement date of these proceedings to the date of the response, unless otherwise requested.

ITEMS TO BE PRODUCED

1. Produce copies of all statements concerning any and all accounts including, but not limited to, all checking accounts, savings accounts, loans, credit card statements, safety deposit boxes, certificates of deposit, investment accounts, or money market accounts now or once held in the name of Robert C. Graham, Ltd. fdba Rob Graham & Associates fdba LawyersWest or those accounts, safety deposit boxes, certificates of deposit, investment accounts, or money market accounts now or once held under the EIN [REDACTED] 1549 commencing from January 1, 2010, to the present.

2. Produce copies of all statements concerning any and all accounts including, but not limited to, all checking accounts, savings accounts, loans, credit card statements, safety deposit boxes, certificates of deposit, investment accounts, or money market accounts now or once held in the name of Lwest Holdings, LLC or those accounts, safety deposit boxes, certificates of deposit, investment accounts, or money market accounts now or once held under

the EIN [REDACTED] 2482 commencing from January 1, 2010, to the present.

3. Produce copies of all statements concerning any and all accounts including, but not limited to, **all** checking accounts, savings accounts, loans, credit card statements, safety deposit boxes, certificates of deposit, investment accounts, or money market accounts now or once held in the name of Robert C. Graham a/k/a Rob Graham a/k/a Robert Graham, or those accounts, safety deposit boxes, certificates of deposit, investment accounts, or money market accounts now or once held under the social security number [REDACTED] 2036 commencing from January 1, 2010, to the present.

4. Produce copies of all statements concerning any and all accounts including, but not limited to, **all** checking accounts, savings accounts, loans, credit card statements, safety deposit boxes, certificates of deposit, investment accounts, or money market accounts in which Robert C. Graham a/k/a Rob Graham a/k/a Robert Graham has or once had signatory authority, or those accounts, safety deposit boxes, certificates of deposit, investment accounts, or money market accounts in which the social security number [REDACTED] 2036 now or once had signatory authority commencing from January 1, 2010, to the present.

5. Produce copies of all statements concerning any and all accounts including, but not limited to, **all** checking accounts, savings accounts, loans, credit card statements, safety deposit boxes, certificates of deposit, investment accounts, or money market accounts now or once held in the name of Linda M. Graham a/k/a Linda Graham, or those accounts, safety deposit boxes, certificates of deposit, investment accounts, or money market accounts now or once held under the social security number [REDACTED] 5532 commencing from January 1, 2010, to the present.

6. Produce copies of all statements concerning any and all accounts including, but not limited to, **all** checking accounts, savings accounts, loans, credit card statements, safety deposit boxes, certificates of deposit, investment accounts, or money market accounts in which Linda M. Graham a/k/a Linda Graham has or once had signatory authority, or those accounts, safety deposit boxes, certificates of deposit, investment accounts, or money market accounts in which the [REDACTED] 5532 now or once had signatory authority commencing from January 1, 2010, to the present.

7. Produce copies of all statements concerning any and all accounts including, but not limited to, **all** checking accounts, savings accounts, loans, credit card statements, safety deposit boxes, certificates of deposit, investment accounts, or money market accounts now or once held in the name of G and G Colorado Law Group, LLC a/k/a G & G Colorado Law Group, LLC commencing from January 1, 2010, to the present.

8. Produce of all statements concerning Account Number [REDACTED] 6139 commencing from January 1, 2010, to the present.

9. Produce of all statements concerning Account Number [REDACTED] 6147 commencing from January 1, 2010, to the present.

10. Produce copies of all signature cards for all accounts produced in response to paragraphs 1-9 above.

11. Produce copies of all applications to open or establish all accounts produced in response to paragraphs 1-9 above.

12. Produce all correspondence relating to all accounts produced in response to paragraphs 1-9 above.

13. Produce copies of all Documents (as defined above) relating to all accounts produced in response to paragraphs 1-9 above including, but not limited to, wire transfer instruction sheets, copies of the fronts and backs of all outgoing checks, deposit slips, copies of the fronts and backs of all deposited checks, and copies of all information pertaining to interbank or online transfers.

Rule 45, Federal Rules of Civil Procedure, Parts c & d:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected material and no exception or waiver applies,
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1)(A) person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If a subpoena does not specify the form or forms for producing electronically stored information, a person responding to a subpoena must produce the information in a form or forms in which the person ordinarily maintains it or in a form or forms that are reasonably usable.

(C) A person responding to a subpoena need not produce the same electronically stored information in more than one form.

(D) A person responding to a subpoena need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or to quash, the person from whom discovery is sought must show that the information sought is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial-preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

(B) If information is produced in response to a subpoena that is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, the party must promptly return, sequester, or destroy the specific information and any copies it has and may not use or disclose the information until the claim is resolved. A receiving party may promptly present the information to the court under seal for a determination of the claim. If the receiving party disclosed the information before being notified, it must take reasonable steps to retrieve it. The person who produced the information must preserve the information until the claim is resolved.