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Bruce T Beesley

Honorable Bruce T. Beesley
United States Bankruptcy Judge



Entered on Docket
December 22, 2016

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

In re:

ROBERT C. GRAHAM, LTD, F/D/B/A ROB
GRAHAM & ASSOCIATES AND
LAWYERSWEST

Debtor.

Case No.: BK-S-16-16655 -btb
Chapter: 7

Hearing:
Date: December 21, 2016
Time: 10:00 am

ORDER ON TRUSTEE MOTION AND ORDER FOR RELIEF UNDER CHAPTER 7

Barbara A. Macknin, executor of the Estate of Michael B. Macknin, Sharona Dagoni as Trustee of the Sharona Dagoni Trust, u/t/d July 2, 2003, and Laura J. Aust as Guardian and Conservator of Margueritte Owens and the beneficiary of the Margueritte Owens Trust u/t/d October 10, 2008 (the "Petitioning Creditors"), by and through their counsel, the law firm of Garman Turner Gordon LLP, filed its *Motion to Appoint Interim Trustee in Involuntary Case*

1 (the "Motion")¹ [ECF No. 3], which came on for hearing before the above-captioned court on
2 December 21, 2016, at 10:00 a.m. (the "Hearing.") Petitioning Creditors appeared at the Hearing
3 by and through counsel, Gerald M. Gordon, Esq. and Erick T. Gjerdingen, Esq. of the law firm
4 of Garman Turner Gordon LLP, Debtor was represented by Samuel A. Schwartz, Esq. of the law
5 firm of Schwartz Flansburg, PLLC, and the United States Trustee (the "UST") was represented
6 by Edward McDonald, Esq., with no other appearances noted on the record at the Hearing.
7 During arguments, Mr. Schwartz indicated that Debtor consented to the entry of an order for
8 relief under Chapter 7 of the Bankruptcy Code in the above-referenced case, such that Mr.
9 Gordon indicated that relief sought under the Motion was moot given the pending appointment
10 of an interim trustee by the UST pursuant to Section 701.

11 The Court having read and considered the Motion, the pleadings and other papers on file,
12 as well as the argument of counsel at the Hearing and having set forth its findings of facts and
13 conclusions of law on the record at the Hearing, which findings and conclusions are incorporated
14 herein pursuant to Federal Rule of Civil Procedure 52, made applicable hereby Federal Rules of
15 Bankruptcy Procedure 7052 and 9014, and good cause appearing therefore;

16 IT IS HEREBY ORDERED that:

- 17 1. Debtor has validly and properly consented to the above-referenced Chapter 7 bankruptcy
18 by and through its counsel.
- 19 2. This Order constitutes an "Order for Relief" against the Debtor under Chapter 7 of the
20 Bankruptcy Code.
- 21 3. The date of the filing of the petition and the commencement of the case shall be
22 December 15, 2016.
- 23 4. The relief requested in the Motion is deemed moot and the Motion will not be prosecuted.
- 24 5. The UST is hereby directed to appoint an interim trustee in the above-referenced
25 bankruptcy case pursuant to the operation of Section 701.
- 26 6. This Court shall retain exclusive jurisdiction over the subject matter of this Order to

27 ¹ All capitalized, undefined terms herein shall have the meanings ascribed to them in the Motion, with the exception
28 that the Alleged Debtor is now referred to as the "Debtor."

1 resolve any dispute in connection with the rights and duties specified hereunder.

2 **IT IS SO ORDERED.**

3 PREPARED AND SUBMITTED:

4 GARMAN TURNER GORDON LLP

5 By:  _____

6 GERALD M. GORDON, ESQ.
7 KRISTIN M. TYLER, ESQ.
8 ERICK T. GJERDINGEN, ESQ.
650 White Drive, Suite 100
Las Vegas, Nevada 89119
Attorneys for Petitioning Creditors

9 APPROVED:

10 SCHWARTZ FLANSBURG PLLC

11 By: /s/ Samuel A. Schwartz

12 SAMUEL A. SCHWARTZ, ESQ.
13 6623 Las Vegas Boulevard South, Suite 300
Las Vegas, NV 89119
14 *Attorneys for Debtor*

15 APPROVED:

16 UNITED STATES DEPARTMENT OF JUSTICE

17 By: /s/ Edward M. McDonald

18 Edward M. McDonald, Jr., Trial Attorney
19 For the United States Trustee for Region 17,
Tracy Hope Davis
20 Office of the United States Trustee
300 Las Vegas Blvd., So, Suite 4300

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LR 9021 CERTIFICATION

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 waived the requirement of approval under 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]:

SAMUEL SCHWARTZ, ESQ. for Debtor [Approved]

EDWARD M. MACDONALD, ESQ. for the Office of the United States Trustee [Approved]

- 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 objection to the form or content of the order.

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