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10 *[Proposed] Counsel for Chapter 7 Trustee*

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11
12 UNITED STATES BANKRUPTCY COURT
13 DISTRICT OF NEVADA

14 In re:
15 ROBERT C. GRAHAM, LTD. fdba ROB
16 GRAHAM & ASSOCIATES fdba
17 LAWYERSWEST,
18 Debtor.

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

DECLARATION OF JACOB L. HOUMAND, ESQ. IN SUPPORT OF APPLICATION TO EMPLOY NELSON & HOUMAND, P.C., NUNC PRO TUNC, AS GENERAL BANKRUPTCY COUNSEL FOR VICTORIA L. NELSON, CHAPTER 7 TRUSTEE PURSUANT TO 11 U.S.C. §§ 327(a) AND 328(a) AND FEDERAL RULE OF BANKRUPTCY PROCEDURE 2014

Date of Hearing: February 15, 2017
Time of Hearing: 10:00 a.m.
Place: Courtroom No. 4, Second Floor
Foley Federal Building
300 Las Vegas Blvd., S.
Las Vegas, NV 89101

Judge: Honorable Bruce T. Beesley

26 I, JACOB L. HOUMAND, Esq., hereby declare as follows:

27 1. I am over the age of 18 and mentally competent. Except where stated on
28 information and belief, I have personal knowledge of the facts in this matter and if called upon to

1 testify, could and would do so. I make this declaration in support of the *Application to Employ*
2 *Nelson & Houmand, P.C., Nunc Pro Tunc, as General Bankruptcy Counsel for Victoria L.*
3 *Nelson, Chapter 7 Trustee Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of*
4 *Bankruptcy Procedure 2014* (the "Application").¹

5 2. I am an attorney licensed to practice law in the State of Nevada and admitted to
6 practice before this Court. I am a shareholder with the law firm of Nelson & Houmand, P.C. (the
7 "Firm"). The Firm maintains offices at 3900 Paradise Road, Suite U, Las Vegas, Nevada 89169-
8 0903.

9 3. This Declaration is made pursuant to 11 U.S.C. § 329 and Federal Rule of
10 Bankruptcy Procedure 2014(b) and is in support of the Application.

11 4. The Firm is well suited for the type of representation required by Victoria L.
12 Nelson, the Chapter 7 Trustee (the "Trustee"). The Firm specializes in insolvency and
13 reorganization matters, particularly the representation of Chapter 7 Trustees in bankruptcy cases.
14 Attorneys associated with the Firm have represented debtors, Chapter 7 Trustees, various
15 committees and other parties-in-interest, and is qualified to act as attorneys for the Trustee.
16 Accordingly, the Trustee has determined that the Firm has the resources and experience necessary
17 to represent it in this case.

18 5. The attorneys of the Firm that will render services in relation to the above-
19 captioned bankruptcy case are familiar with the United States Bankruptcy Code, the Federal
20 Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, and the Local Rules of
21 Practice for the United States Bankruptcy Court for the District of Nevada (the "Local Rules")
22 and will comply with them, as well as the procedures set forth in the "Guide to Applications for
23 Professional Compensation," promulgated by the Office of the United States Trustee (the "U.S.
24 Trustee") with regard to compensation of professionals.

25 _____
26 ¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11
27 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The
28 Federal Rules of Civil Procedure will be referred to as "FRCP" and the Federal Rules of
Bankruptcy Procedure will be referred to as "FRBP." Unless otherwise stated herein, all
undefined, capitalized terms shall have the meaning ascribed to them in the Application.

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1 6. Following the Trustee's request that the Firm represent her in this case as general
2 bankruptcy counsel, a conflicts check was undertaken, utilizing the Firm's client list. Based upon
3 the conflicts check and my information and belief, I believe that the Firm and its attorneys are
4 "disinterested persons" as defined by 11 U.S.C. § 101 and do not hold or represent any interest
5 adverse to the bankruptcy estate.

6 7. The conclusion that the Firm is a "disinterested" person within the meaning of 11
7 U.S.C. § 101(14) for purposes of 11 U.S.C. § 327(a) is based upon the fact neither the Firm nor
8 any of its attorneys:

- 9 (a) Are or were a creditor, equity security holder, or insider of
10 the Debtor;
- 11 (b) Are or were, within two (2) years before the date of the
12 filing the bankruptcy petition, a director, officer or
13 employee of Debtor as specified in subparagraph (c) of
14 Section 101(14);
- 15 (c) Hold, or have ever held, an interest materially adverse to the
16 interest of the estate or of any class of creditors, equity
17 holders, or parties in interest, by reason of any direct or
18 indirect relationship to, or interest in, the Debtor or for any
19 other reason except as stated herein;
- 20 (d) Represent, or have ever represented, the Debtor, insiders of
21 the Debtor, creditors of the Debtor, any other party in
22 interest, or their respective attorneys and accountants except
23 as set forth herein; and
- 24 (e) Is a relative or employee of the U.S. Trustee or a
25 Bankruptcy Judge except as stated herein.

26 8. To the best of my knowledge and belief, the Firm represents no interest that is
27 adverse to the Trustee, to the Debtor's estate, any creditor, any party in interest, the U.S. Trustee,
28 or any attorney or accountant employed by the foregoing, in matters upon which it will be
engaged as counsel.

 9. **The Trustee is a member of the Firm and regularly employs the Firm to
represent bankruptcy estates in other unrelated bankruptcy cases in which she is the
Trustee. The Trustee will not personally bill any legal fees in this case.**

1 10. Except as set forth herein, to the best of my information and belief, neither the
2 Firm nor any of its attorneys has any connection with the Debtor, the creditors, any other parties
3 in interest, their respective attorneys and accountants, the Office of the United States Trustee, or
4 any person employed in the Office of the United States Trustee and that the Firm and each of its
5 attorneys are all disinterested persons pursuant to 11 U.S.C. § 101(14).

6 11. The Firm also represents Chapter 7 Trustees in unrelated bankruptcy cases pending
7 before the United States Bankruptcy Court for the District of Nevada.

8 12. The Trustee desires to employ the Firm as her general counsel in the above-
9 captioned case to render the following professional services:

- 10 (a) To investigate the financial affairs of the Debtor and
11 determine if there are any preferential transfers, fraudulent
12 conveyances, or turnover actions that may be filed on behalf
13 of the bankruptcy estate pursuant to 11 U.S.C. §§ 542, 544,
14 547, and 548.
- 15 (b) To prosecute any and all preferential transfers, fraudulent
16 conveyances, or turnover actions that may be filed on behalf
17 of the bankruptcy estate pursuant to 11 U.S.C. §§ 542, 544,
18 547, and 548.
- 19 (c) To advise the Trustee of her rights and obligations and
20 performance of his duties during the administration of this
21 bankruptcy case;
- 22 (d) To represent the Trustee in all proceedings before this Court
23 and any other court which assumes jurisdiction of a matter
24 related to or arising in this bankruptcy case;
- 25 (e) To assist the Trustee in the performance of her duties as set
26 forth in 11 U.S.C. § 704;
- 27 (f) To assist the Trustee in developing legal positions and
28 strategies with respect to all facets of these proceedings; and
- (g) To provide such other counsel and advice as the Trustee
may require in connection with this bankruptcy case
including, but not limited to, serving as co-counsel and local
bankruptcy counsel for Diamond McCarthy, LLP.

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1 13. Subject to Court approval, in accordance with 11 U.S.C. § 330, the Trustee seeks
2 to retain the Firm on an hourly basis at the customary and standard rates that the Firm charges for
3 similar representation, plus reimbursement of actual and necessary expenses incurred by the Firm
4 in performing its duties.

5 14. The Firm proposes the compensation of said attorneys be at varying rates currently
6 ranging from \$250 per hour to \$325 per hour for the services of attorneys, subject to change from
7 time to time, and all subject to application to, and approval by, this Court pursuant to Sections
8 330 and 331 of the Bankruptcy Code. These rates are the standard billing rates generally charged
9 to other Firm clients.

10 15. The Firm proposes the compensation of said paraprofessionals be at varying rates
11 currently ranging from \$175 per hour for paraprofessionals, subject to change from time to time,
12 and all subject to application to, and approval by, this Court pursuant to Sections 330 and 331 of
13 the Bankruptcy Code. A true and correct copy of the proposed Retainer Agreement entered into
14 with the Trustee is attached hereto as **Exhibit "1"**.

15 16. The Firm contemplates that it may seek interim compensation during this case as
16 permitted by 11 U.S.C. § 331 and Federal Rule of Bankruptcy Procedure 2016. The Firm
17 understands that its compensation is subject to prior Court approval.

18 17. The Firm further requests that its employment be approved *nunc pro tunc* as of
19 December 22, 2016, in order to account for time in order to account for time expended reviewing
20 the docket in the Debtor's bankruptcy case, conducting legal research, and coordinating
21 conference calls with counsel for the Nevada State Bar and the Petitioning Creditors.

22 18. Finally, the request for *nunc pro tunc* employment only covers a thirteen (13) day
23 period of time from when the Firm first began working on issues related to the Debtor's
24 bankruptcy case and the filing of the Application.

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1 19. No promises have been received by the Firm or any attorney of the Firm, as to
2 payment or compensation in connection with the above-referenced bankruptcy case in accordance
3 with the provisions of the Bankruptcy Code, FRBP and the Local Rules (the "Local Rules") and
4 orders of the Court. The Firm has no agreement with any other entity to share with such entity
5 any compensation received by the Firm, except as permitted under Section 504(b)(1).

6 20. The Firm has not shared, or agreed to share, with any other individual or entity,
7 other than with members of the Firm, any compensation paid or to be paid.

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

10 Dated this 4~~th~~ day of January, 2017.

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12 _____
13 Jacob L. Houmand, Esq.

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