

1 GARMAN TURNER GORDON LLP
GERALD M. GORDON, ESQ.

2 Nevada Bar No. 229

E-mail: ggordon@gtg.legal

3 KRISTIN M. TYLER, ESQ.

4 Nevada Bar No. 10254

E-mail: ktyler@gtg.legal

5 ERICK T. GJERDINGEN, ESQ.

Nevada Bar No. 11972

6 E-mail: egjerdingen@gtg.legal

650 White Drive, Suite 100

7 Las Vegas, Nevada 89119

8 Telephone (725) 777-3000

Facsimile (725) 777-3112

9 *Attorneys for Petitioning Creditors*

10
11 **UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

12 In re:

13 ROBERT C. GRAHAM, LTD, A NEVADA
PROFESSIONAL CORPORATION, D/B/A
14 ROBERT C. GRAHAM CORP. AND
LAWYERSWEST

15
16 Alleged Debtor.

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

Chapter: 7

Hearing:

Date: OST Pending

Time: OST Pending

17 **EX PARTE APPLICATION FOR ORDER SHORTENING TIME TO HEAR MOTION**
18 **TO APPOINT INTERIM TRUSTEE IN INVOLUNTARY CASE**

19 Barbara A. Macknin, executor of the Estate of Michael B. Macknin, Sharona Dagoni as
20 Trustee of the Sharona Dagoni Trust, u/t/d July 2, 2003, and Laura J. Aust as Guardian and
21 Conservator of Margueritte Owens the beneficiary of the Margueritte Owens Trust u/t/d October
22 10, 2008 (the "Petitioning Creditors"), by and through their counsel, the law firm of Garman
23 Turner Gordon LLP, hereby submit this ex parte application (the "Ex Parte Application")
24 seeking entry of an order shortening time, attached hereto as **Exhibit "A"**, to hear Petitioning
25 Creditors' *Motion to Appoint Interim Trustee in Involuntary Case* (the "Motion"),¹

26 This Ex Parte Application is made and based upon Fed. R. Bankr. P. 9006, the following
27 memorandum of points and authorities, the *Declaration of Erick T. Gjerdingen, Esq.* (the

28 ¹ All capitalized, undefined terms shall have the meanings ascribed to them in the Motion.

1 “Gjerdingen Declaration”) set forth below, the Attorney Information Sheet to be filed in support
2 of this Ex Parte Application, and the papers and pleading on file herein, judicial notice of which
3 is respectfully requested.

4 Debtors respectfully request that the Court grant this Ex Parte Application and issue an
5 order shortening time to hear the Motion, and for such other and further relief as the Court deems
6 just and proper.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 **I.**
9 **DECLARATION OF ERICK T. GJERDINGEN, ESQ.**

10 I, Erick T. Gjerdingen, Esq., hereby declare as follows:

11 1. I am over the age of 18, am mentally competent, and have personal knowledge of
12 the facts in this matter, and if called upon to testify, could and would do so.

13 2. I am an attorney at Garman Turner Gordon LLP, counsel for Debtors in the
14 above-captioned matter, and duly licensed to practice law in the State of Nevada.

15 3. Good cause exists for this Court to grant this Ex Parte Application on the basis
16 that the Motion presents good cause not only for appointing an interim trustee, but for doing so
17 as quickly as possible.

18 4. The Motion details that Mr. Graham misappropriated millions of dollars of funds
19 from client trust accounts, and that, while the location of the funds is unknown, Debtor appears
20 to have, based on evidence provided by the Nevada Bar, a number of other accounts in various
21 institutions spread across the region.

22 5. As also noted in the Motion, the faster that a Trustee can take control of these and
23 any other accounts, the greater the potential that funds will not be further transferred,
24 intentionally or unintentionally, to subsequent transferees, from whom the cost of recovery
25 would be greater or prohibitive.

26 6. As such, the appointment of a temporary trustee as quickly as possible is in the
27 best interest of Debtor’s estate, such that the hearing on the Motion to grant such relief is also
28 best heard as quickly as possible on short notice.

1 7. As a result, good cause exists to grant this Ex Parte Application and hold a
2 hearing on the Motion on shortened time.

3 DATED this 15th day of December, 2016.

4 
5 _____
6 ERICK T. GJERDINGEN, ESQ.

7 **II.**
8 **LEGAL ARGUMENT**

9 Section 105, Title 11 United States Code (the "Bankruptcy Code") allows this Court to
10 issue such orders as are necessary to carry out the provisions of this title. Fed. R. Bankr. P.
11 9006(c)(1) generally permits a Bankruptcy Court, for cause shown and in its discretion, to reduce
12 the period during which any notice is given in accordance with the Bankruptcy Rules.
13 Bankruptcy Rule 9006(c)(1) provides as follows:

14 Except as provided in paragraph (2) of this subdivision, when an
15 act is required or allowed to be done at or within a specified time
16 by these rules or by a notice given thereunder or by order of court,
17 the court for cause shown may in its discretion with or without
18 motion or notice order the period reduced.

19 11 U.S.C. § 105. Local Rule 9006 provides further authority for shortening the time for a
20 hearing. According to Local Rule 9006(b), every motion for an order shortening time must be
21 accompanied by a declaration stating the reasons for an expedited hearing. As set forth in the
22 Gjerdingen Declaration, there are compelling reasons to hear the Motion on shortened time, on
23 the basis that the recovery of all creditors is increased with the appointment of a trustee as soon
24 as possible.

25 Local Rule 9006 requires the moving party to submit an Attorney Information Sheet
26 indicating whether opposing counsel was provided with notice, whether opposing counsel
27 consented to the hearing on an order shortening time, the date counsel was provided with notice
28 and how notice was provided or attempted to be provided.

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III.
CONCLUSION

Petitioning Creditors respectfully request that this Court grant this Ex Parte Application and issue an order shortening time to hear the Motion on or shortened time. The Petitioning Creditors seek such other and further relief as the Court deems just and proper.

DATED this the 16th day of December, 2016.

GARMAN TURNER GORDON LLP

By:  _____

GERALD M. GORDON, ESQ.
KRISTIN M. TYLER, ESQ.
ERICK T. GJERDINGEN, ESQ.
Attorneys for Petitioning Creditors

EXHIBIT A

EXHIBIT A

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GARMAN TURNER GORDON LLP
GERALD M. GORDON, ESQ.
Nevada Bar No. 229
E-mail: ggordon@gtg.legal
KRISTIN M. TYLER, ESQ.
Nevada Bar No. 10254
E-mail: ktyler@gtg.legal
ERICK T. GJERDINGEN, ESQ.
Nevada Bar No. 11972
E-mail: egjerdingen@gtg.legal
650 White Drive, Suite 100
Las Vegas, Nevada 89119
Telephone (725) 777-3000
Facsimile (725) 777-3112
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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:

ROBERT C. GRAHAM, LTD, A NEVADA
PROFESSIONAL CORPORATION, D/B/A
ROBERT C. GRAHAM CORP. AND
LAWYERSWEST

Alleged Debtor.

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

Hearing:
Date: OST Pending
Time: OST Pending

**NOTICE OF HEARING AND ORDER SHORTENING TIME TO HEAR MOTION TO
APPOINT INTERIM TRUSTEE IN INVOLUNTARY CASE**

This Court, having considered the *Ex Parte Application for Order Shortening Time to Hear the Motion to Appoint Interim Trustee in Involuntary Case*, filed by Barbara A. Macknin, executor of the Estate of Michael B. Macknin, Sharona Dagani as Trustee of the Sharona Dagani Trust, u/t/d July 2, 2003, and Laura J. Aust as Guardian and Conservator of Margueritte Owens

1 and the beneficiary of the Margueritte Owens Trust u/t/d October 10, 2008 (the "Petitioning
2 Creditors"), by and through their counsel, the law firm of Garman Turner Gordon LLP, good
3 cause appearing therefore;

4 **IT IS HEREBY ORDERED AND NOTICE IS HEREBY GIVEN** that the *Motion to*
5 *Appoint Interim Trustee in Involuntary Case* (the "Motion")¹ be, and the same will be heard by a
6 United States Bankruptcy Judge on the _____, 2016, at _____.

7 A summary of the relief requested by Debtor through its Motion is as follows:

8 The Petitioning Creditors seek to have an interim trustee appointed to protect estate
9 assets, the location of much of which is unknown, in this immediate period following the filing
10 of the involuntary bankruptcy petition.

11 **NOTICE IS FURTHER GIVEN** that electronic copies of the Motion and supporting
12 declarations are available by contacting Erick T. Gjerdingen, Esq., at the address or telephone
13 number set forth above, through the Bankruptcy Court's electronic docketing system (PACER)
14 at www.ecf.nvb.uscourts.gov, or at the Bankruptcy Court's Clerk's Office, located at the Foley
15 Federal Building, 300 Las Vegas Blvd., South, Las Vegas, Nevada, 89101

16 **IT IS HEREBY FURTHER ORDERED** that service of this Order Shortening Time
17 shall be served within ___ days of entry; that any oppositions to the Motion must be filed and
18 served by _____; that replies to any oppositions filed must be filed and
19 served by _____; and that this hearing may be continued from time to time
20 without further notice except for the announcement of any adjourned dates and times at the
21 above noticed hearing or any adjournment thereof.

22 **IT IS SO ORDERED.**

23 PREPARED AND SUBMITTED:

24 GARMAN TURNER GORDON LLP

25 By: 
26 _____
27 GERALD M. GORDON, ESQ.
KRISTIN M. TYLER, ESQ.

28 ¹ All capitalized terms not otherwise defined herein shall have those meanings ascribed in the Motion.

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ERICK T. GJERDINGEN, ESQ.
Attorneys for Petitioning Creditors