

1 Kathy Bazoian Phelps, Esq. (CA Bar No. 155564)
Email: kphelps@diamondmccarthy.com
2 DIAMOND MCCARTHY LLP
1999 Avenue of the Stars, Suite 1100
3 Los Angeles, California 90067
Telephone: 310/651-2997
4 *Admitted Pro Hac Vice*

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5 Jacob L. Houmand, Esq. (NV Bar No. 12781)
Email: jhoumand@nelsonhoumand.com
6 Kyle J. Ortiz, Esq. (NV Bar No. 14252)
Email: kortiz@nelsonhoumand.com
7 NELSON & HOUMAND, P.C.
3900 Paradise Road, Suite U
8 Las Vegas, Nevada 89169-0903
Telephone: 702/720-3370
9 Facsimile: 702/720-3371

10 *[Proposed] Counsel for Victoria L. Nelson, Chapter 7 Trustee*

11
12 **UNITED STATES BANKRUPTCY COURT**

13 **DISTRICT OF NEVADA**

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

17 Debtor.

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

DECLARATION OF VICTORIA L. NELSON IN SUPPORT OF MOTION TO APPROVE SALE OF PERSONAL PROPERTY TO KEN CHUPINSKY PURSUANT TO 11 U.S.C. § 363

Date of Hearing: March 16, 2017
Time of Hearing: 11:00 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

23 I, VICTORIA L. NELSON, declare as follows:

24 1. I am over the age of 18 years and I am competent to make this declaration. I have
25 personal knowledge of the facts set forth herein, except for those facts stated on information and
26 belief and, as to those facts, I am informed and believe them to be true. If called as a witness, I
27 could and would testify as to the matters set forth below based upon my personal knowledge.

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

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

- 1 2. I am the appointed Chapter 7 Trustee in the above-captioned bankruptcy case.¹
- 2 3. I make this declaration in support of the *Motion to Approve Sale of Personal*
- 3 *Property to Ken Chupinsky Pursuant to 11 U.S.C. § 363* (the “Motion”).
- 4 4. On December 15, 2016, an *Involuntary Bankruptcy Petition* [ECF No. 1]² (the
- 5 “Involuntary Petition”) was filed against ROBERT C. GRAHAM, LTD., fdba ROB GRAHAM &
- 6 ASSOCIATES fdba LAWYERSWEST (the “Debtor”) pursuant to 11 U.S.C. § 303. The
- 7 Involuntary Petition was filed by the Estate of Michael B. Macknin, the Sharona Dagani Trust,
- 8 and the Margueritte Owens Revocable Trust (collectively, the “Petitioning Creditors”).
- 9 5. The filing of the Involuntary Petition against the Debtor followed numerous
- 10 reports that the Debtor had neglected its clients and that its principal, Robert C. Graham, Esq.
- 11 (“Mr. Graham”), had misappropriated funds from the Debtor’s IOLTA Account.
- 12 6. Specifically, on December 9, 2016, the Nevada State Bar filed an *Emergency*
- 13 *Petition for Temporary Suspension Pursuant to Supreme Court Rule 102(4)* (the “Emergency
- 14 Petition”) with the Supreme Court of the State of Nevada (Case No. 71849). The Emergency
- 15 Petition sought a temporary suspension of Mr. Graham based upon his misappropriation of
- 16 millions of dollars from more than fifty clients, guardianships, special needs trusts and estates.
- 17 The Emergency Petition further details that Mr. Graham abruptly closed his practice and
- 18 abandoned more than one hundred clients without providing them with any advance notice.
- 19 7. On December 16, 2016, the Petitioning Creditors filed a *Motion to Appoint*
- 20 *Interim Trustee in Involuntary Case* [ECF No. 3] (the “Interim Trustee Motion”), which sought
- 21 authority to appoint an interim trustee to take possession of property and to manage the business
- 22 operations and assets of the Debtor.

23 _____

24 ¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11

25 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The

26 Federal Rules of Civil Procedure will be referred to as “FRCP” and the Federal Rules of

27 Bankruptcy Procedure will be referred to as “FRBP.” The Local Rules of Practice for the United

28 States Bankruptcy Court for the District of Nevada shall be referred to as the “Local Rules”.

² All references to “ECF No.” are to the numbers assigned to the documents filed in the above-referenced case as they appear on the docket maintained by the clerk of the court.

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1 8. On December 21, 2016, the Bankruptcy Court entered an *Order on Trustee Motion*
2 *and Order for Relief under Chapter 7* [ECF No. 21] (the “Order for Relief”). The Order for Relief
3 provided that the Debtor had consented to the filing of a bankruptcy petition and that the filing of
4 the bankruptcy case was effective as of December 15, 2016 (the “Petition Date”). The Order for
5 Relief further required that the Office of the United States Trustee (the “U.S. Trustee”) appoint an
6 Interim Chapter 7 Trustee pursuant to 11 U.S.C. § 701.

7 9. On December 22, 2016, I was appointed as the Chapter 7 Trustee in the Debtor’s
8 bankruptcy case [ECF No. 22].

9 10. Since my appointment, I have visited the law offices of Mr. Graham located at
10 10000 W. Charleston Boulevard, Suite 140, Las Vegas, NV 89135 (the “Office”), and viewed
11 various office furniture and equipment and various other related items (the “Personal Property”)
12 left on the premises.

13 11. I have determined that the Personal Property is in fact property of the above-
14 referenced bankruptcy estate and, based on information and belief, that there are no liens against
15 the Personal Property.

16 12. The landlord is unwilling to permit an internet auction to be conducted at the
17 Office and has demanded that the Personal Property be removed as soon as possible.

18 13. Nellis Auction has indicated that they do not believe it is economical to be forced
19 to remove the Personal Property and schedule an auction on premises.

20 14. Under the circumstances, I seek to sell the Personal Property to Ken Chupinsky
21 (the “Purchaser”) in exchange for the payment of Two Thousand Five Hundred Dollars
22 (\$2,500.00).

23 15. I believe that the sale of the Property to the Purchaser is in the best interests of
24 creditors because it will result in a significant recovery for the bankruptcy estate and should be
25 approved pursuant to Section 363.

26 ...

27 ...

28 ...

