

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

Electronically Filed On: February 8, 2017

8 Jacob L. Houmand, Esq. (NV Bar No. 12781)
9 Email: jhoumand@nelsonhoumand.com
10 Kyle J. Ortiz, Esq. (NV Bar No. 14252)
11 Email: kortiz@nelsonhoumand.com
12 NELSON & HOUMAND, P.C.
13 3900 Paradise Road, Suite U
14 Las Vegas, Nevada 89169-0903
15 Telephone: 702/720-3370
16 Facsimile: 702/720-3371

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

18 **UNITED STATES BANKRUPTCY COURT**

19 **DISTRICT OF NEVADA**

20 In re:

21 ROBERT C. GRAHAM, LTD. fdba ROB
22 GRAHAM & ASSOCIATES fdba
23 LAWYERSWEST,

24 Debtor.

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

27 **DECLARATION OF VICTORIA L.**
28 **NELSON IN SUPPORT OF NEGATIVE**
NOTICE OF TRUSTEE'S INTENT TO
ABANDON PROPERTY PURSUANT TO
11 U.S.C. § 554

Date of Hearing: N/A

Time of Hearing: N/A

Judge: Honorable Bruce T. Beesley¹

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

30 1. I am over the age of 18 years and I am competent to make this declaration. I have
31 personal knowledge of the facts set forth herein, except for those facts stated on information and
32 _____

33 ¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11
34 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The
35 Federal Rules of Civil Procedure will be referred to as "FRCP" and the Federal Rules of
36 Bankruptcy Procedure will be referred to as "FRBP." The Local Rules of Practice for the United
37 States Bankruptcy Court for the District of Nevada shall be referred to as the "Local Rules".

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

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

1 belief, and, as to those facts, I am informed and believe them to be true. If called as a witness, I
2 could and would testify as to the matters set forth below based upon my personal knowledge.

3 2. I am the appointed Chapter 7 Trustee in the above-captioned bankruptcy case.

4 3. I make this declaration in support of the *Negative Notice of Trustee's Intent to*
5 *Abandon Property Pursuant to 11 U.S.C. § 554* (the "Notice").²

6 4. On December 15, 2016, an *Involuntary Bankruptcy Petition* [ECF No. 1]³ (the
7 "Involuntary Petition") was filed against ROBERT C. GRAHAM, LTD., fdba ROB GRAHAM &
8 ASSOCIATES fdba LAWYERSWEST (the "Debtor") pursuant to 11 U.S.C. § 303. The
9 Involuntary Petition was filed by the Estate of Michael B. Macknin, the Sharona Dagani Trust,
10 and the Margueritte Owens Revocable Trust (collectively, the "Petitioning Creditors").

11 5. The filing of the Involuntary Petition against the Debtor followed numerous
12 reports that the Debtor had neglected its clients and that its principal, Robert C. Graham, Esq.
13 ("Mr. Graham"), had misappropriated funds from the Debtor's IOLTA Account.

14 6. Specifically, on December 9, 2016, the Nevada State Bar filed an *Emergency*
15 *Petition for Temporary Suspension Pursuant to Supreme Court Rule 102(4)* (the "Emergency
16 Petition") with the Supreme Court of the State of Nevada (Case No. 71849). The Emergency
17 Petition sought a temporary suspension of Mr. Graham based upon his misappropriation of
18 millions of dollars from more than fifty clients, guardianships, special needs trusts and estates.
19 The Emergency Petition further details that Mr. Graham abruptly closed his practice and
20 abandoned more than one hundred clients without providing them with any advance notice.

21 7. On December 16, 2016, the Petitioning Creditors filed a *Motion to Appoint*
22 *Interim Trustee in Involuntary Case* [ECF No. 3] (the "Interim Trustee Motion"), which sought
23 authority to appoint an interim trustee to take possession of property and to manage the business
24 operations and assets of the Debtor.

25
26
27 ² Unless otherwise expressly stated herein, all undefined, capitalized terms shall have the meaning
ascribed to them in the Notice.

28 ³ 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.

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

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. On or about January 9, 2017, Steven Holland, bankruptcy counsel for Linda
10 Graham, provided me with photographs and an inventory of all the personal property at the
11 Debtor’s Colorado Office located at 2720 Council Tree Ave, Suite 242, Fort Collins, Colorado
12 80528.

13 11. The personal property includes: (a) general office furniture; (b) miscellaneous
14 office supplies; (c) various used kitchen supplies and (d) general office equipment and electronics
15 (the “Property”).

16 12. On or about February 1, 2017, Dickensheet & Associates, an auctioneer located in
17 Denver, Colorado, reviewed the Property and informed me that it would not likely generate
18 sufficient proceeds to justify a sale for the benefit of creditors.

19 13. Accordingly, I seek to abandon the Property pursuant to Section 554 because it is
20 burdensome to the estate and is of inconsequential value.

21 14. Nothing in the Notice shall serve to abandon any of the property that the Trustee
22 seeks to sell to Ken Chupinsky as part of the *Motion to Approve Sale of Personal Property to Ken*
23 *Chupinsky Pursuant to 11 U.S.C. § 363* [ECF No. 160]. Further, nothing in this Notice shall
24 constitute the abandonment of any real or personal property, or subsequently discovered assets
25 that may comprise the Debtor’s bankruptcy estate.

26 ...

27 ...

28 ...

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

3 Dated this 8th day of February, 2017.

4
5 /s/ Victoria L. Nelson
6 Victoria L. Nelson, Chapter 7 Trustee
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28