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*General Bankruptcy Counsel for
Victoria L. Nelson, Chapter 7 Trustee*

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

ROBERT C. GRAHAM, LTD. fdba ROB
GRAHAM & ASSOCIATES fdba
LAWYERSWEST,

Debtor.

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

**EX PARTE APPLICATION FOR ORDER
SHORTENING TIME ON APPLICATION
TO EMPLOY ANDERSEN LAW FIRM,
LTD. AS SPECIAL LITIGATION
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: *OST Pending*
Time of Hearing: *OST Pending*
Place: Courtroom No. 4, Second Floor
Foley Federal Building
300 Las Vegas Blvd., S.
Las Vegas, NV 89101

Judge: Honorable Bruce T. Beesley¹

VICTORIA L. NELSON, the duly appointed Chapter 7 Trustee in the above-captioned bankruptcy case (the “Trustee”), by and through her counsel of record, Jacob L. Houmand, Esq. and Kyle J. Ortiz, Esq. of the law firm of Nelson & Houmand, P.C., hereby submits this *Ex Parte*

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

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1 *Application for Order Shortening Time On Application to Employ Andersen Law Firm, Ltd. as*
 2 *Special Litigation Counsel for Victoria L. Nelson, Chapter 7 Trustee Pursuant to 11 U.S.C. §§*
 3 *327(a) and 328(a) and Federal Rule of Bankruptcy Procedure 2014 (the “Application for OST”).*

4 This Application for OST is made and based upon FRBP 9006 and Local Rule 9006, the
 5 following memorandum of points and authorities, the *Affidavit of Kyle J. Ortiz, Esq. In Support of*
 6 *the Ex Parte Application for Order Shortening Time On Application to Employ Andersen Law*
 7 *Firm, Ltd. as Special Litigation Counsel for Victoria L. Nelson, Chapter 7 Trustee Pursuant to 11*
 8 *U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy Procedure 2014 (the “Ortiz*
 9 *Affidavit”)*, and the Attorney Information Sheet, all of which are filed separately and concurrently
 10 with this Court pursuant to Local Rule 9014(c)(2).

11 WHEREFORE, the Trustee respectfully requests that this Honorable Court grant this
 12 Application and issue an order shortening time to hear the *Application to Employ Andersen Law*
 13 *Firm, Ltd. as Special Litigation Counsel for Victoria L. Nelson, Chapter 7 Trustee Pursuant to 11*
 14 *U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy Procedure 2014 (the “Application”)*
 15 and for such other relief as is just and proper.²

16 **MEMORANDUM OF POINTS AND AUTHORITIES**

17 **I. INTRODUCTION**

18 On April 5, 2017, Markel Insurance Company (“MIC”) filed a *Complaint for Rescission*
 19 *and Declaratory Relief* in the United States District Court for the District of Nevada (the “District
 20 Court Action”) that seeks declaratory relief and to rescind the Malpractice Insurance Policy.³ The
 21 Application seeks to employ Andersen Law Firm, Ltd. (the “Firm”) on a contingency fee basis as
 22 special litigation counsel for the Trustee for the purpose of defending against rescission of the
 23 Malpractice Insurance Policy in the District Court Action and pursuing the Claims and exercising
 24

25 _____
 26 ² The Trustee also requests that the Court take judicial notice of all pleadings filed in the above-
 27 captioned bankruptcy case pursuant Rule of Evidence 201, incorporated by reference by Federal
 28 Rule of Bankruptcy Procedure 9017.

³ Unless otherwise provided herein, all defined terms shall have the same meaning ascribed to
 them in the Application.

1 any and all rights held by the Debtor’s bankruptcy estate against the Malpractice Insurance
2 Policy. The Trustee requests that the Motion be set for hearing on shortened time so that the Firm
3 can be retained to timely defend against the rescission of the Malpractice Insurance Policy in the
4 District Court Action. The Trustee respectfully requests that the Application be set for hearing on
5 shortened so that it can be heard as the same time as the Status Hearing [ECF No. 183]⁴, which is
6 currently scheduled for May 9, 2017, at 11:00 a.m.

7 **II. STATEMENT OF FACTS**

8 In the interests of brevity, the Trustee expressly incorporates the factual background set
9 forth in the Application, and the Nelson Declaration as though set forth herein.

10 **II. LEGAL ARGUMENT**

11 Section 105 allows this Court to issue such orders as are necessary to carry out the
12 provisions of this title. FRBP 9006(c)(1) generally permits a Bankruptcy Court, for cause shown
13 and in its discretion, to reduce the period during which any notice is given in accordance with the
14 Bankruptcy Rules. FRBP 9006(c)(1) provides as follows:

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

18 FED. R. BANKR. P. 9006(c)(1).

19 Local Rule 9006 provides further authority for shortening the time for a hearing. Under
20 Local Rule 9006(b), every Application for an order shortening time must be accompanied by an
21 affidavit stating the reasons for a shortened deadline.

22 Here, the Trustee seeks the Application to be heard on shortened time so the Firm can be
23 retained with sufficient time to defend against rescission of the Debtor’s Malpractice Insurance
24 Policy in the District Court Action. Finally, the Debtor and the Office of the United States Trustee
25 (the “U.S. Trustee”) have agreed to have the Application heard on shortened time.

26 ...

27 _____

28 ⁴ All references to “ECF No.” are to the numbers assigned to the documents filed in the case as they appear on the docket maintained by the clerk of the court.

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III. CONCLUSION

For the foregoing reasons, the Trustee respectfully requests that this Court issue an order shortening time to hear the Application on the terms set forth herein and for such other relief as is just and proper.

Dated this 1st day of May, 2017.

NELSON & HOUMAND, P.C.

By: /s/ Kyle J. Ortiz
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