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Electronically Filed On: May 1, 2017

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

8 **UNITED STATES BANKRUPTCY COURT**

9 **DISTRICT OF NEVADA**

10 In re:
11 ROBERT C. GRAHAM, LTD. fdba ROB
12 GRAHAM & ASSOCIATES fdba
13 LAWYERSWEST,
14 Debtor.

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

**NOTICE OF HEARING 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: May 9, 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

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22 **NOTICE IS HEREBY GIVEN** that the *Application to Employ Andersen Law Firm, Ltd.*
23 *as Special Litigation Counsel for Victoria L. Nelson, Chapter 7 Trustee Pursuant to 11 U.S.C. §§*
24 *327(a) and 328(a) and Federal Rule of Bankruptcy Procedure 2014* (the "Application") was filed
25 by VICTORIA L. NELSON, the Chapter 7 Trustee in the above-captioned bankruptcy case, by
26 and through her proposed general bankruptcy counsel of record, Jacob L. Houmand, Esq. and
27 Kyle J. Ortiz, Esq. of the law firm of Nelson & Houmand, P.C.

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1 The Application seeks to employ Andersen Law Firm, Ltd. (the “Firm”) as special
2 litigation counsel pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy
3 Procedure 2014. Subject to Court approval, in accordance with 11 U.S.C. § 330, the Trustee seeks
4 to retain the Firm on a contingency fee basis to defend against rescission of the Debtor’s
5 Malpractice Insurance Policy with Markel Insurance Company (the “Malpractice Insurance
6 Policy”) and to pursue claims and exercise any and all rights held by the Debtor’s bankruptcy
7 estate against the Malpractice Insurance Policy. The Firm’s fees, costs and expenses will be paid
8 as follows:

9 **Pre-litigation activity.** The Firm shall be entitled to a contingency fee of
10 33 1/3% to be calculated on the gross amount of recovery generated from all
11 work performed prior to filing a lawsuit or making a formal demand for
12 arbitration. Such work may include, but is not limited to, factual
13 investigation, claims investigation and analysis, document review, factual and
14 legal research, work with experts in preparation of a complaint and the
15 requisite reports that must be filed with a complaint, preparation of demand
16 letters, pre-suit settlement negotiations, preparation of a complaint and/or
17 arbitration demand, and pre-suit mediation(s), if any.

18 **Post-filing litigation activity.** Post-filing litigation activity. Once the
19 Litigation is initiated, either through the filing of a complaint or making a
20 formal demand for arbitration, the Firm shall be entitled to a 40%
21 contingency fee calculated on the gross amount of recovery. Any work
22 performed in the context of an arbitration following a demand for arbitration
23 shall constitute “Post-filing litigation activity.”

24 **Appellate activity.** In the event that a notice of appeal is filed by any party,
25 the Firm shall be entitled to a 45% contingency fee calculated on the gross
26 amount of recovery.

27 **Payment of Contingency Fee.** With respect to any recovery by the Client or
28 the Bankruptcy Estate rising out of, pertaining to, or resulting from the
pursuit of the Claims in the Litigation, whether through any settlement,
judgment, arbitration award, or otherwise, the Client shall pay the appropriate
contingency fee to the Firm within fourteen (14) days of court approval of
such fee.

Except as otherwise specified herein, the Firm’s fees in the Matter will only
be payable out of amounts recovered. If no recovery is obtained, the Client
will not owe any fees to the Firm.

In the event that there are any conflicts in the employment and compensation terms
set forth above and the Application, the employment and compensation terms in the Application
shall control.

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1 A copy of the Application, the *Declaration of Victoria L. Nelson In Support of Application*
2 *to Employ Andersen Law Firm, Ltd. as Special Litigation Counsel for Victoria L. Nelson, Chapter*
3 *7 Trustee Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy Procedure*
4 *2014*, and the *Declaration of Ryan A. Andersen, Esq. In Support of Application to Employ*
5 *Andersen Law Firm, Ltd. as Special Litigation Counsel for Victoria L. Nelson, Chapter 7 Trustee*
6 *Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy Procedure 2014*,
7 with exhibits, are on file with the Clerk’s Office of the United States Bankruptcy Court, 300 Las
8 Vegas Blvd. South, Fourth Floor, Las Vegas, Nevada 89101. Copies of the Application and
9 supporting declarations may also be obtained from counsel for the Trustee or through the
10 Bankruptcy Court’s website at www.nvb.uscourts.gov.

11 **NOTICE IS FURTHER GIVEN** that if you do not want the Court to grant the relief
12 sought in the Application, or if you want the Court to consider your views on the Motion, then
13 you must file an opposition with the Court, and serve a copy of the person making the Motion *no*
14 *later than May 7, 2017*.

15 The opposition must state your position, set forth all relevant facts and legal authority, and
16 be supported by affidavits or declarations that conform to Local Rule 9014(c).

17 If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading
18 with the court. You *must* also serve your written response on the person who sent you this
19 notice.

20 If you do not file a written response with the court, or if you do not serve your written
21 response on the person who sent you this notice, then:

- 22 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
- 23 • The Court may *rule against you* without formally calling the matter at the hearing.

24
25 **NOTICE IS FURTHER GIVEN** that a hearing on said Motion will be held before a
26 United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Blvd. South,
27 Second Floor, Courtroom No. 4, Las Vegas, Nevada on May 9, 2017, at 11:00 a.m.

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1 **NOTICE IS FURTHER GIVEN** that this hearing may be continued from time to time
2 without further notice except for the announcement of any adjourned dates and times at the
3 above-noted hearing or any adjournment thereof.

4 Dated this 1st day of May, 2017.

5 **NELSON & HOUMAND, P.C.**

6 By: /s/ Kyle J. Ortiz
7 Jacob L. Houmand, Esq. (NV Bar No. 12781)
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