

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Bruce T Beesley

Honorable Bruce T. Beesley
United States Bankruptcy Judge



Entered on Docket
May 25, 2017

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

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

*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

**ORDER GRANTING 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

1 This matter came before this Court on the *Application to Employ Andersen Law Firm, Ltd.*
 2 *as 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”) [ECF No.
 4 35]¹, by VICTORIA L. NELSON, the Chapter 7 Trustee in the above-captioned bankruptcy case
 5 (the “Trustee”), by and through her general bankruptcy counsel of record, Jacob L. Houmand,
 6 Esq. and Kyle J. Ortiz, Esq. of the Law Firm of Nelson & Houmand, P.C.² The Application
 7 sought authority to employ the Andersen Law Firm, Ltd (the “Firm”) as special litigation counsel
 8 pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy Procedure 2014.

9 Jacob L. Houmand, Esq. and Ryan A. Andersen, Esq. appeared on behalf of the Trustee.
 10 Candace C. Carlyon, Esq. appeared on behalf of Markel Insurance Company. No other
 11 appearances were noted on the record at the hearing on the Application.

12 The Court reviewed the Application, the *Declaration of Ryan A. Andersen, Esq. In*
 13 *Support of Application to Employ Andersen Law Firm, Ltd. as Special Litigation Counsel for*
 14 *Victoria L. Nelson, Chapter 7 Trustee Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal*
 15 *Rule of Bankruptcy Procedure 2014* [ECF No. 236], the *Declaration of Victoria L. Nelson In*
 16 *Support of Application to Employ Andersen Law Firm, Ltd. as Special Litigation Counsel for*
 17 *Victoria L. Nelson, Chapter 7 Trustee Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal*
 18 *Rule of Bankruptcy Procedure 2014* [ECF No. 237], the *Notice of Entry of Order Shortening Time*
 19 *for Hearing On Application to Employ Andersen Law Firm, Ltd. as Special Litigation Counsel for*
 20 *Victoria L. Nelson, Chapter 7 Trustee Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal*
 21 *Rule of Bankruptcy Procedure 2014* [ECF No. 242], the *Notice of Hearing On Application to*
 22 *Employ Andersen Law Firm, Ltd. as Special Litigation Counsel for Victoria L. Nelson, Chapter 7*
 23 *Trustee Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy Procedure*
 24 *2014* [ECF No. 243], the *Certificate of Service of Application to Employ Andersen Law Firm, Ltd.*

25 _____
 26 ¹ All references to “ECF No.” are to the numbers assigned to the documents filed in the case as
 27 they appear on the docket maintained by the clerk of the court.

28 ² All defined terms in this Order shall have the same meaning ascribed to them in the Application
 unless otherwise provided herein.

1 as Special Litigation Counsel for Victoria L. Nelson, Chapter 7 Trustee Pursuant to 11 U.S.C. §§
2 327(a) and 328(a) and Federal Rule of Bankruptcy Procedure 2014 [ECF No. 244], the Response
3 of Markel Insurance Company to Trustee’s Application to Employ Andersen Law Firm, Ltd. As
4 Special Counsel [ECF No. 246], the exhibits attached thereto, and all of the papers on file herein.

5 Based upon this review and the findings of fact and conclusions of law placed on the
6 record at the hearing, and incorporated herein pursuant to Federal Rule of Civil Procedure 52,
7 made applicable to this matter pursuant to Federal Rules of Bankruptcy Procedure 9014(c) and
8 7052, and good cause appearing,

9 **IT IS HEREBY ORDERED** that:

10 (1) The Application is GRANTED as modified herein;

11 (2) The Trustee appointed in the above-referenced bankruptcy case is hereby
12 authorized pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy Procedure
13 2014 only to employ the Firm as her special litigation counsel to defend against any and all claims
14 alleged against the Trustee by Markel Insurance Company (“MIC”) or any other party in the
15 litigation captioned *Markel Insurance Company v. Robert C. Graham, Ltd. et al.* (Case Number
16 2:17-cv-00975-RFB-GWF) (the “District Court Action”) and to investigate whether the Trustee
17 holds any claims that can be asserted against MIC or any other third parties related to the Debtor’s
18 Malpractice Insurance Policy with MIC (Policy Number LA303-630 (collectively, the “Claims”);

19 (3) If the Trustee seeks to utilize the Firm for any other purpose, additional
20 authorization to expand the scope of the Firm’s employment must be sought from this Court;

21 (4) Although the Court approves the contingency fee arrangement described in the
22 Application, the Court makes no finding as to whether or to what extent the Trustee has any
23 interest in the proceeds of the MIC Policy (Policy Number LA 303 630) to which such a
24 contingency fee could attach; and

25 ...

26 ...

27 ...

28 ...

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

1 (5) Any payment to special counsel is subject to approval by the Court.

2 **IT IS SO ORDERED.**

3 Prepared and Submitted By:

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

5 By: /s/ Jacob L. Houmand
Jacob L. Houmand, Esq. (NV Bar No. 12781)

6 Kyle J. Ortiz, Esq. (NV Bar No. 14252)
3900 Paradise Road, Suite U

7 Las Vegas, Nevada 89169-0903

8 Telephone: 702/720-3370

9 Facsimile: 702/720-3371

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

11 Approved:

12 

13 Candace C. Carlyon, Esq.
14 Counsel for MIC

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

15

16

17

18

19

20

21

22

23

24

25

26

27

28

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

LOCAL RULE 9021 CERTIFICATE

In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately reflects the court’s ruling and that:

The Court has waived the requirements set forth in Local Rule 9021(b)(1).

No party appeared at the hearing or filed an objection to the Application.

I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below:

Approved

By: /s/ Candace C. Carlyon
Nicholas M. Wieczorek Esq.
(NV Bar No. 6170)
Candace C. Carlyon, Esq.
(NV Bar No. 2666)
MORRIS POLICH & PURDY LLP
3800 Howard Hughes Parkway, Suite 500
Las Vegas, Nevada 89169

Attorneys for Markel Insurance Company

I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the Application pursuant to Local Rule 9014(g), and that no party has objected to the form or content of the order.

Dated this 24th day of May, 2017.

NELSON & HOUMAND, P.C.

By: /s/ Jacob L. Houmand
Jacob L. Houmand, Esq. (NV Bar # 12781)
Kyle J. Ortiz, Esq. (NV Bar # 14252)
3900 Paradise Road, Suite U
Las Vegas, Nevada 89169-0903
Telephone: 702/720-3370
Facsimile: 702/720-3371

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

###