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**UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF NEVADA**

In re:	)	Case No.: 15-10110-GS
	)	
AMERI-DREAM REALTY, LLC,	)	Chapter 7
	)	
Debtor.	)	Hearing Date: February 19, 2019
	)	Hearing Time: 1:30 p.m.

**FINAL APPLICATION OF SCHWARTZ FLANSBURG PLLC  
FOR ALLOWANCE OF COMPENSATION FOR SERVICES RENDERED AND  
REIMBURSEMENT OF EXPENSES INCURRED AS ATTORNEYS FOR THE TRUSTEE**

Pursuant to sections 330 and 331 of title 11 of the United States Code, 11 U.S.C. §§ 101, *et al.* (the “**Bankruptcy Code**”), and Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), Schwartz Flansburg PLLC (“**SF**”), attorneys for the Chapter 7 Trustee Shelley D. Krohn (the “**Trustee**”), files its application (the “**Application**”) for final allowance of compensation for services rendered in the aggregate amount of \$6,000.00 and of expenses of \$3,893.28 incurred on behalf of the Trustee during SF’s representation of the Trustee (the “**Compensation Period**”), and respectfully represents as follows:

**I. OVERVIEW**

1. SF is a corporation engaged in the general practice of law. This Application is made by SF pursuant to: (a) sections 330 and 331 of the Bankruptcy Code; (b) Bankruptcy Rule 2016; (c)

1 Local Bankruptcy Rule 2016; and upon its entry, (d) the Court's Order Authorizing the Employment  
2 and Retention of Attorneys for the Trustee (the "**Retention Order**"). See Docket No. 164.

3 2. In the Retention Order, entered May 7, 2015, the Court granted the prior Trustee  
4 Victoria Nelson's application pursuant to section 327(e) of the Bankruptcy Code to retain SF as her  
5 attorneys.

6 3. On or about January 19, 2018, Trustee Shelley D. Krohn was appointed as the  
7 Successor Chapter 7 Trustee of the Debtor, in the place and stead of Victoria L. Nelson.

8 4. Pursuant to this Application, therefore, SF requests the allowance of final  
9 compensation for the Compensation Period in the aggregate amount of \$9,893.28, inclusive of  
10 expenses incurred in connection with the performance of such services on behalf of the Trustee.<sup>1</sup>  
11 Accordingly, SF requests final approval of this fee application.

12 5. SF has not submitted any prior applications for compensation and reimbursement of  
13 expenses incurred on behalf of the Trustee in this matter.

14 6. Each professional working on behalf of the Trustee in this matter brought a high level  
15 of expertise and experience which inured to the benefit of the Trustee and the Debtor's estate.

16 7. Indeed, SF submits the fees sought by way of this Application are lower than the  
17 rates charged by other firms in Nevada for bankruptcy and restructuring matters. As a result, SF  
18 believes the rates charged in these case are reasonable and justified.

19 8. Specifically, Samuel A. Schwartz has over 21 years of experience in corporate  
20 bankruptcy and restructuring matters. Mr. Schwartz graduated law school in 1997 and prior to  
21 founding SF, worked for large law firms in Chicago and Miami, serving as general bankruptcy and

22  
23  
24  
25 <sup>1</sup> Further, certain invoices for disbursements incurred by SF on behalf of the Trustee during the  
26 Compensation Period may not have been received and/or processed by SF as of the date hereof, and  
27 SF reserves the right to supplement this Application in respect of both the fees and expenses before  
the formal hearing thereof.

1 restructuring counsel for clients such as: W.R. Grace and Company, Trans World Airlines, Zenith  
2 Electronics and Jitney-Jungle Stores of America, Inc., among others. Mr. Schwartz is admitted to the  
3 state bars in Nevada, Arizona, Florida and Illinois.

4 9. Frank M. Flansburg III is rated AV Preeminent by Martindale Hubbell, is recognized  
5 by Best Lawyers, and ranked in the top 100 of lawyers in Super Lawyers' Mountain West list. Mr.  
6 Flansburg has 18 years of legal experience representing clients in commercial, real estate,  
7 construction, and general civil litigation matters Mr. Flansburg is admitted to the State Bar of  
8 Nevada.  
9

10 10. Bryan A. Lindsey has over 11 years of experience representing both commercial and  
11 individual clients in all aspects of bankruptcy, restructuring, short sales, corporate matters and real  
12 estate transactions. Mr. Lindsey has extensive experience representing both corporate and individual  
13 debtors in all aspects of their Chapter 11 proceedings. Mr. Lindsey is admitted to the State Bar of  
14 Nevada.  
15

16 11. Michelle Nisce has 5 years of experience in all aspects of bankruptcy and restructuring  
17 matters. Ms. Nisce worked as a Judicial Law Clerk to the United States Bankruptcy Court for the  
18 District of Nevada and as a Judicial Law Clerk to Honorable Jerome Tao in the Nevada Court of  
19 Appeals. Ms. Nisce focuses her practice in bankruptcy. Ms. Nisce is admitted to the State Bar of  
20 Nevada.  
21

22 12. Emily Anderson earned her Juris Doctor in 2015. After obtaining her law degree, Ms.  
23 Anderson served as a Judicial Law Clerk Honorable Nancy L. Allf in the Eighth Judicial District  
24 Court of Nevada. Ms. Anderson focuses her practice in areas of bankruptcy and in civil and  
25 commercial litigation. Ms. Anderson is admitted to the State Bar of Nevada.  
26  
27

1 13. Connor H. Shea earned his Juris Doctor in 2017. Mr. Shea previously served as a  
2 Judicial Extern for the Honorable Judge Mike K. Nakagawa of the United States Bankruptcy Court,  
3 District of Nevada. Thereafter, Mr. Shea joined SF as an attorney where he focused his practice on  
4 commercial litigation as well as bankruptcy and restructuring matters. Mr. Shea is admitted to the  
5 State Bar of Nevada.

6 14. Indeed, SF submits that the above-listed professionals provided significant value to the  
7 Trustee and, by extension, the Debtor's estate during the Compensation Period, which included the  
8 prosecution and settlement of an adversary case ("the **Adversary**").  
9

## 10 **II. BACKGROUND**

11 15. On January 9, 2015, the Debtor filed a voluntary petition for relief under Chapter 7 of  
12 the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Nevada  
13 (the "**Bankruptcy Court**"), Bankruptcy Case No. 15-10110-GS (the "**Bankruptcy Case**").  
14

15 16. The Debtor was a real estate sales and property management company based in Las  
16 Vegas, Nevada.

17 17. On May 21, 2015, the former Trustee, Victoria Nelson, in her capacity as Chapter 7  
18 Trustee for the Debtor, initiated the Adversary proceeding against Elise Peladas-Brown ("**Ms.**  
19 **Peladas-Brown**"), a former manager of the company, in the United States Bankruptcy Court for the  
20 District of Nevada, Adversary Case No. 15-01087-GS, due to Ms. Peladas-Brown's secret  
21 embezzlement of over \$1 million in security deposits from the Debtor.  
22

23 18. After substantial negotiations among the parties, which included a discussion of the  
24 legal merits of the Trustee's claims, the Trustee negotiated a settlement agreement (the "**Settlement**  
25 **Agreement**") that resolves all claims and disputes that now exist or in the future may arise between  
26 the parties.  
27

1           19. As a result, on December 3, 2018, the Trustee filed a motion to obtain court approval  
2 of the Settlement Agreement pursuant to FRBP 9019, which was granted on December 17, 2018. See  
3 Docket Nos. 289, 295.<sup>2</sup>

4           20. Importantly, from the outset of this engagement and in accordance with section 330(a)  
5 of the Bankruptcy Code, the Trustee proposed to compensate SF on a contingency basis from any  
6 settlement or recovery from any third party at a rate of forty percent (40%) of the total amount  
7 recovered, plus reimbursement of actual and necessary expenses incurred.  
8

9           21. The aforementioned Settlement Agreement resolved the Trustee's remaining claims in  
10 exchange for \$15,000.

11           **A. The Importance and Value of SF's Services**

12           22. As more fully described herein, SF rendered extensive professional services in  
13 fulfillment of its professional responsibilities to the Trustee and to the benefit of the Debtor's estate in  
14 this Chapter 7 Case.  
15

16           23. As a consequence, SF brought to this case a high level of expertise and experience  
17 which inured to the benefit of the Plaintiff and the Debtor's estate. Often, the time spent on this case  
18 was to the preclusion of other firm matters. Specifically, SF shareholder, Samuel A. Schwartz, Esq.  
19 has over 20 years of experience in bankruptcy and restructuring matters, and his expertise in this case  
20 proved extremely valuable, considering the fact that the settlement agreement provides for the  
21 payment of \$15,000.  
22  
23  
24

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25           <sup>2</sup> On July 16, 2018, SF agreed in principle to merge with Brownstein Hyatt Farber Schreck, LLP  
26 ("BHFS"). SF inadvertently filed the motion to approve comprise pursuant to Federal Rule of  
27 Bankruptcy Procedure 9019 on BHFS pleading paper.

### 1 **III. JURISDICTION**

2 24. This Court has jurisdiction to consider this matter pursuant to 28 U.S.C. §§ 157 and  
3 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b). Venue is proper before this Court  
4 pursuant to 28 U.S.C. §§ 1408 and 1409.

### 5 **IV. REOUEST FOR ALLOWANCE OF COMPENSATION**

#### 6 **A. Overview**

7 25. SF hereby seeks allowance of final compensation for professional services rendered  
8 and expenses incurred to the Trustee during the Compensation Period in the aggregate amount of  
9 \$9,893.28.<sup>3</sup>

#### 10 **B. Expenses Incurred By SF during the Compensation Period**

11 26. Section 330 of the Bankruptcy Code authorizes “reimbursement for actual, necessary  
12 expenses” incurred by attorneys and paraprofessionals employed in a chapter 11 case. Accordingly,  
13 SF seeks reimbursement and final approval for expenses (“**Expenses**”) incurred in connection with  
14 services rendered to the Debtor during the Compensation Period as set forth in **Exhibit 1**, in the  
15 fixed amount of \$9,893.28.  
16  
17

### 18 **V. RELEVANT LEGAL STANDARDS**

19 27. As stated, SF is a law firm with a recognized expertise in the area of bankruptcy.  
20 Given the complexity of the Adversary and this Chapter 7 Case, the professional services rendered  
21 by SF during the Compensation Period required a high degree of legal services resulting in efficient  
22 administration of this Case. Thus, SF respectfully submits the compensation and reimbursement  
23 sought in this Application are reasonable, actual and necessary.  
24

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25 <sup>3</sup> The hours devoted to this case by the SF professionals and paraprofessionals during the  
26 Compensation Period, the hourly rate for each professional and paraprofessional and the resulting  
27 fees and expenses are itemized as set forth on **Exhibit 1**, attached hereto.

1 **VI. STANDARDS FOR ALLOWANCE OF COMPENSATION**

2 28. Under section 330(a)(1) of the Bankruptcy Code, the Court may award the debtor's  
3 attorneys the reasonable compensation for all actual, necessary services rendered by such attorneys  
4 and paraprofessionals employed by them based on the nature, extent and value of the services  
5 rendered, time spent on such services and the cost of comparable services other than in a bankruptcy  
6 case. The Court may also award reimbursement for all actual, necessary expenses incurred.

7 29. To determine a reasonable attorney fee in a bankruptcy case, bankruptcy courts  
8 frequently consider the specific lodestar factors set forth in Johnson v. Georgia Highway Express,  
9 Inc., 488 F.2d 714 (5th Cir. 1974) as applied to bankruptcy cases. Id. The Ninth Circuit Court of  
10 Appeals endorsed the Johnson tests in In re Yermakov, 718 F.2d at 1471. In In re Pacific Exp., Inc.,  
11 56 B.R. 859 (Bkrtcy. E.D. Cal. 1985), the Bankruptcy Court for the Eastern District of California  
12 stated Courts should apply the Johnson factors and then adjust the fee as necessary. The following  
13 are the Johnson factors:

- 14
- 15 (i) the time and labor required;
  - 16 (ii) the novelty and difficulty of the questions;
  - 17 (iii) the skill requisite to perform the legal service properly;
  - 18 (iv) the preclusion of other employment by the attorney due to acceptance of the
  - 19 case;
  - 20 (v) the customary fee;
  - 21 (vi) whether the fee is fixed or contingent;
  - 22 (vii) time limitations imposed by the client or the circumstances;
  - 23 (viii) the amount involved and the results obtained;
  - 24 (ix) the experience, reputation, and ability of the attorneys;
  - 25 (x) the "undesirability" of the case;
  - 26
  - 27

(xi) the nature and length of the professional relationship with the client; and

(xii) awards in similar cases.

Pacific Exp., 56 B.R. at 862– 63, quoting Johnson, 488 F.2d at 717–19.

## **VII. THE LODESTAR ANALYSIS**

30. The legal standards for approval of compensation to counsel in the Eighth Circuit require counsel to provide an analysis that applies the legal standards, set forth in Section VII above, to the services rendered and disbursements made. SF submits the following lodestar and Johnson factor analysis in support of its request for allowance of fees and disbursements:

a. The time and labor required. SF expended a considerable amount of time preparing for, prosecuting, and ultimately facilitating a timely and equitable settlement. SF spent time pursuing the Adversary on the Trustee's behalf while bearing the risk that it would receive no compensation if it had not recovered any monies.

b. Novelty and difficulty of the questions involved and skill applied. The prosecution of the case and the negotiation of the Settlement Agreement during the Compensation Period involved numerous and complex bankruptcy issues concerning the estate's claims against the several insurance companies, as well as the Debtor's financial structure. SF also performed necessary legal research and advised the Trustee with respect to each of the aforementioned, as well as other matters. Moreover, due to the changes in the Bankruptcy Code since the 2005 Amendments, this case presented novel issues of law that required special consideration.

c. The preclusion of other employment by the firm due to acceptance of this case. SF devoted valuable resources to its representation of the Trustee in this case. SF was required to devote considerable amounts of time and effort to the adequate representation of the Trustee, as



1 evidenced by the time expended by the professionals involved. Due to the unique nature of this case,  
2 SF was diverted from other matters in which it was, or might have been, involved in order to  
3 devote itself to the competent representation of the Trustee in the instant case.

4 d. The customary fee for similar work. SF submits that the fees sought herein are  
5 warranted, and are competitive with fees in the legal market for firms with comparable practices,  
6 given the complex nature of these proceedings, and the contingency nature of the fee award.

7 e. Whether the fee is fixed or contingent. Pursuant to the Bankruptcy Code, all  
8 fees sought by SF are subject to final approval of this Court. In this case, the fees of SF are on a  
9 contingency basis from any settlement or recovery from any third party at a rate of forty percent  
10 (40%) of the total amount recovered, plus reimbursement of actual and necessary expenses incurred  
11 by SF. The Settlement Agreement resulted in a significant recovery and thus the contingency fee  
12 earned in this case is warranted. Although the amount of the contingency fee earned in this case is not  
13 outside the range of anticipated possible outcomes given the complexity of the case, the difficulty of  
14 the work performed, the significant investment of professional time and the high level of skill and  
15 expertise exhibited by SF's professionals, further justifies approval of the fees sought in this  
16 Application.  
17

18 f. Time limitations imposed by the client or circumstances. Often times during  
19 the Compensation Period, the exigencies of these cases required that SF provide services on behalf of  
20 the Trustee on a highly expedited basis.  
21

22 g. The amounts involved and the results obtained. The fee requested by SF is  
23 reasonable given the size and complexity of this case, particularly given the amount of time and  
24 expense SF incurred in prosecuting this matter. Moreover, SF played a key role in obtaining  
25 excellent results for the Trustee by, among other things, facilitating the Settlement Agreement.  
26  
27

1 h. Experience, reputation and ability of attorneys. SF enjoys an excellent  
2 reputation in the bankruptcy field. The SF shareholder supervising these cases, Samuel A. Schwartz,  
3 has years of experience in dealing with complex cases such as this.

4 i. The nature and length of the firm's professional relationship with the client.  
5 SF represented the Trustee in this matter since April of 2015.

6 j. Awards in similar cases. SF submits that its request for compensation is well  
7 within the usual and customary awards granted in similar cases.  
8

9 31. Also, although duplication of effort has been avoided to the greatest extent possible,  
10 some duplication may have occurred as a result of the size and complexity of the Settlement  
11 Agreement, the intensity and time-sensitivity of the matters in which SF was engaged and the  
12 complexity of the issues that arose during the Compensation Period. SF believes that any duplication  
13 of effort was *de minimis* and unavoidable, and beneficial to the Trustee in that thorough knowledge  
14 of the background and the history of these cases makes each successive task more efficient.  
15

16 32. SF believes it has satisfied the requirements for fee applications in this District.  
17 Further, the fees and the expenses rendered by SF on behalf of the Trustee for which SF seeks  
18 compensation and reimbursement are reasonable.

19 33. In summary, SF believes that the services rendered to the Trustee and the out-of-  
20 pocket expenses incurred in connection therewith were necessary and reasonable in view of the  
21 nature of the Trustee's interest in this case and the number of the matters in which SF was  
22 necessarily involved.  
23

24 34. Pursuant to Bankruptcy Rule 2016, SF states that, except as disclosed herein, no  
25 payments have heretofore been made or promised to SF for services rendered on behalf of the  
26 Trustee. Additionally, no agreement or understanding exists between SF and any other person for a  
27

1 sharing of compensation received or to be received for services rendered in or in connection with the  
2 Adversary, nor shall SF share or agree to share such compensation with any other person.

3 WHEREFORE, SF respectfully requests that the Court enter an order: (i) awarding SF the  
4 amount of \$9,893.28 as compensation for professional services rendered during the Compensation  
5 Period, inclusive of the expenses incurred by SF during the Compensation Period; (ii) granting final  
6 approval of this Application, and awarding SF final compensation and reimbursement of expenses  
7 incurred as attorneys for the Trustee during the Compensation Period; and (iii) granting SF such relief  
8 other relief as the Court deems just or proper as set forth in the form of order attached hereto as  
9

10 **Exhibit 2.**

11 Dated this 14th day of January, 2019.

12 Respectfully submitted,

13 /s/Samuel A. Schwartz  
14 Samuel A. Schwartz, Esq.  
15 Nevada Bar No. 10985  
16 Schwartz Flansburg PLLC  
17 100 North City Parkway  
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19 Las Vegas, NV 89106-4614  
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21 Facsimile: 702.382.8135  
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24  
25  
26  
27 Attorneys for the Chapter 7 Trustee

# **EXHIBIT 1**

# **EXHIBIT 1**

**Schwartz Flansburg, PLLC**6623 Las Vegas Blvd. South Ste. 300  
Las Vegas, NV 89119 USA

Ph:702-385-5544

Fax:702-385-2741

Victoria Nelson  
3900 Paradise Rd., Ste.U  
Las Vegas, NV 89169 USA

January 10, 2019

**RE:** Nelson, Victoria L. - Amer-Dream Realty, LLCFile #: 2480-001  
Inv #: Settle**Total Due: \$198,024.06**

DATE	DESCRIPTION	HOURS	AMOUNT	
Apr-02-15	Attention to the stipulation re: insurance reinstatement and status of the case	1.10	605.00	SAS
Apr-15-15	Assess, analyze and review documents from attorney R Works regarding policies, exclusions, demands, and correspondence.	2.00	1,000.00	FMF
Apr-23-15	Draft, prepare and file notice of appearance/request for special notice	0.50	102.50	JL
Apr-26-15	Review of file and drafting of complaint	6.00	3,300.00	SAS
May-05-15	Prepare for and attend hearing on application to employ the Schwartz Flansburg firm (1.5). Review and revision of order granting the same (0.2).	1.70	595.00	BL
May-08-15	Drafting of the Complaint	4.25	2,337.50	SAS
May-12-15	Assess, analyze and review complaint. Review and revision of same. Strategize regarding same. Draft memorandum regarding same.	0.50	250.00	FMF
	Attention to the complaint, police report and preparation for filing	0.75	412.50	SAS
May-13-15	Telephone call with client regarding complaint.	0.30	150.00	FMF
	Telephone conference w/ Vicki and Jacob re: complaint, investigation and filing	0.50	275.00	SAS
May-21-15	Attention to the filing of the complaint	1.50	825.00	SAS
	Attention to complaint and review and revision of the same.	0.50	175.00	BL

	Research document in file, entities on NV Secretary of State website, and personal records on Westlaw and Google; Review docket and complaint; Confer with BAL, BB, SAS and staff re: service, publication, correspondence, etc; Revise, prepare and file complaint.	3.00	615.00	JL
May-22-15	Begin draft of letter to Lance Maningo re: acceptance of service; Research contact information re: same	0.25	51.25	JL
May-26-15	Finalize correspondence to opposing attorney. Telephone call with opposing attorney office regarding same.	0.20	100.00	FMF
	Confer with SAS and staff re: service upon defendant and notice to other parties; Complete letter to Lance Maningo; prepare and email same.	1.00	205.00	JL
May-27-15	Draft letters to Insurance Company and Real Estate Division; Obtain signatures and prepare letters for service; Prepare summons and complaint for service to Defendant at last known address; Confer with staff re: same.	1.25	256.25	JL
Jun-01-15	Assess, analyze and review email from adjuster. Strategize regarding same. Assess, analyze and review policy regarding same.	0.20	100.00	FMF
Jun-12-15	Attention to service by publication.	0.50	175.00	BL
	Prepare and email complaint and summons to defendant; Confer with BAL re: same	0.25	51.25	JL
Jun-18-15	Draft motion to serve by publication and supporting declaration.	2.00	700.00	BL
	Research local rules and FRBP re: service by publication; Confer with staff re: service by publication; Confer with BAL re: same; draft email to BAL re: outline of all service and notice of complaint and summons; Meet with BAL to review and discuss rules and service.	1.25	256.25	JL
Jun-19-15	Phone calls to court re: motion for publication, research local rules re: same	0.25	51.25	JL
Jun-20-15	Revise, update and finalize motion to serve by publication and draft corresponding order.	1.00	350.00	BL
Jun-22-15	Prepare, file and upload Motion for Publication and order; Confer with BAL re: same	0.25	51.25	JL
Jun-25-15	Phone call to Las Vegas Review Journal re: publication; research same online; Prepare and email summons and complaint to Las Vegas Review Journal; Review quote re: same.	0.50	102.50	JL



Jun-26-15	Phone calls with Filipino news papers and Review Journal regarding publication of summons; Confer with staff re; same	1.00	205.00	JL
Aug-03-15	Complete, prepare and file Affidavit of Service; Review/organize documents in file, confer with BAL re: same.	0.50	102.50	JL
Aug-13-15	Attention to adversary complaint, service and begin drafting motion for summary judgment. Review relevant documents regarding the same.	2.50	875.00	BL
Aug-14-15	Research documents in file and docket; Prepare documents for hearing, confer with BAL and SAS re: same.	0.50	102.50	JL
Aug-17-15	Prepare for and attend the status conference	1.25	687.50	SAS
Aug-24-15	Attention to motion for entry of default, and corresponding order and declaration. Review docket, service documents, affidavit of publication and other relevant documents for motion for summary judgment and drafting of the same.	2.80	980.00	BL
	Research adversary cases online re: Motions for Summary Judgment; Confer with BAL re: same	0.25	51.25	JL
Aug-25-15	Legal research regarding fiduciary obligations in LLCs and legal standards for claims set forth in the complaint. Continue drafting motion for summary judgment.	3.80	1,330.00	BL
Aug-26-15	Draft, revise, update and finalize motion for summary judgment, statement of undisputed facts, request for default and declaration in support of request for default.	4.50	1,575.00	BL
Aug-27-15	Attention to MSJ and default documents.	0.80	280.00	BL
Aug-28-15	Phone calls and email with court regarding hearing date; confer with SAS re: same; Revise, prepare and file Motion for Summary Judgment and COS.	0.75	153.75	JL
Aug-31-15	Attention to default documents, declarations and notice of hearing on MSJ.	1.00	350.00	BL
	Research documents and files re: default; Draft order/clerk's entry of default; Draft NOH for MSJ. Prepare and file notice, Request for Default, Declaration and Order; Confer with BAL re; same.	1.25	256.25	JL
Sep-01-15	Prepare and file Statement of Undisputed Facts; Draft COS and prepare exhibits for same; confer with staff re: same.	0.50	102.50	JL
Sep-04-15	Attention to ECF documents and filings	0.25	51.25	JL

Sep-17-15	Phone call to real estate division re: transcript; Confer with BAL re: same	0.25	51.25	JL
Sep-18-15	Phone call with real estate division re: transcripts; Phone call with Depot International re: same.	0.50	102.50	JL
Sep-21-15	Phone calls to Depot International re: transcript; Confer with BAL re: same	0.50	102.50	JL
Sep-22-15	Phone calls and emails with Depot International re: transcript; Confer with BAL re: same	0.50	102.50	JL
Sep-30-15	Receive and review transcript from Real Estate Commission Hearing regarding conduct of Elsie Brown.	1.00	350.00	BL
	Emails with transcription company; Review/organize transcripts in file	0.25	51.25	JL
Oct-02-15	Emails with transcript company re: invoice; Confer with billing department re: same	0.25	51.25	JL
Oct-06-15	Receive and review transcript from Nevada Real Estate Commission hearing. Update and revise statement of undisputed facts.	2.00	700.00	BL
Oct-07-15	Review and revision of the amendment to the undisputed statement of facts	1.50	825.00	SAS
Oct-08-15	Revise and prepare amended statement of undisputed facts and exhibits; Prepare and file same; Confer with BAL re: same; confer with staff re: service of same.	1.00	205.00	JL
Oct-22-15	Review relevant insurance documents and correspondence and draft complaint against insurance.	1.50	525.00	BL
Oct-23-15	Review and revision of the insurance complaint	2.50	1,375.00	SAS
	Review relevant insurance policies and update, revise and finalize complaint against insurance.	3.00	1,050.00	BL
Oct-26-15	Review and revision of draft complaint.	0.70	350.00	FMF
	Prepare for and attend the hearing re: summary judgment; review and revision of the order approving summary judgment and the undisputed statement of facts	3.20	1,760.00	SAS
	Draft proposed findings of fact and conclusions of law and summary judgment order for claims against Peladas-Brown. Review and revision of supplemental certificate of service.	2.50	875.00	BL
	Research emails, file and documents re: service of pleadings to defendant; Draft, prepare and file COS re: same; Prepare and upload orders; Confer with BAL re: same.	1.50	307.50	JL



Oct-28-15	Receive and review comments to draft complaint against insurance companies and attention to various insurance entities and other outstanding issues.	1.50	525.00	BL
	Draft, prepare and file notices of entry of order; confer with BAL re: same; Prepare and email same to defendant; Review/revise complaint; Research insurance companies online and in documents/file; Confer with BAL re: same; Prepare exhibits; confer with staff re: same.	2.75	563.75	JL
Oct-29-15	Research defendants on secretary of state websites and google; Revise, prepare and file adversary complaint; Request summons for defendants; Confer with BAL re: same.	2.00	410.00	JL
Nov-06-15	Legal research regarding insurer's duty to defend.	2.00	410.00	SO
Nov-13-15	Legal research and review relevant case law regarding an insurance company's duty to defend its insureds.	1.50	525.00	BL
Nov-18-15	Attention to lawsuit against insurance carriers and service of the same.	0.50	175.00	BL
Nov-19-15	Reviewed and organized summons and complaints for service (2.5) and prepared and finalized executed summons (.5)	3.00	615.00	CC
Dec-07-15	Attention to adversary complaint against insurance.	0.50	175.00	BL
	Attention to case status and entry of default (Adv. Proceeding No. 15-01183); reviewed letter from The Corporation Trust Company re: XL Select Professional (.25)	0.50	102.50	CC
	Reviewed and organized summons, complaint, adversary packet, and discovery plan (.25); drafted, revised, and finalized correspondence to L Santos enclosing same (.25)	0.50	102.50	CC
Dec-15-15	Reviewed insurance policies (1.0); conferred with SAS and BAL re: motion for summary judgment and service (.5)	1.50	307.50	CC
Dec-16-15	Email correspondence to xlgs.compliance@xlcatlin.com attaching summons and complaint	0.25	0.00	CC
	Email exchange with L. Santos re: summons and complaint	0.25	51.25	CC
Dec-17-15	Coordination of hearing re: motion for summary judgment	0.25	51.25	CC
Dec-18-15	Draft statement of undisputed facts in support of motion for summary judgment against insurance (1.5).	5.00	1,750.00	BL

	Draft motion for summary judgment against insurance and review relevant case law (3.5).			
	Conferred with BAL re: motion for summary judgment (.25) begin drafting motion for summary judgment and related pleadings (2.75); legal research re: NRS 686A.310 (.25)	3.25	666.25	CC
Dec-19-15	Review and revision of the motion for summary judgment	2.60	1,430.00	SAS
Dec-20-15	Review and revision of the MSJ (.4) and statement of facts (1.9)	2.30	1,265.00	SAS
Dec-21-15	Revision of the MSJ and statement of undisputed facts	2.50	1,375.00	SAS
Dec-22-15	Attention to the filing of the MSJ	1.20	660.00	SAS
	Researched local and federal rules re: motions for summary judgment	0.25	51.25	CC
	Revised and finalized motion for summary judgment against insurance carrier, statement of undisputed facts, and notice of hearing	1.25	256.25	CC
Dec-23-15	Reviewed notice to withdrawal reference (.25) conferred with SAS re: same and service of complaint (.25);	0.50	102.50	CC
Dec-28-15	Receive and review motions for reconsideration, to dismiss case and to withdraw the reference in adversary proceeding against insurance.	1.50	525.00	BL
Dec-29-15	Legal research regarding motion to withdraw the reference and attention to procedural issues regarding the same (2.0). Begin drafting opposition to motion to withdraw the reference (2.0).	4.00	1,400.00	BL
	Researched PACER for actions re: withdrawal of reference (.25); conferred with BAL and bankruptcy court re: same (.25)	0.50	102.50	CC
Dec-30-15	Continue drafting opposition to motion to withdraw the reference (1.0). Draft stipulation with counsel for insurance regarding various pending motions and briefing deadlines.	2.50	875.00	BL
	Conferred with BAL and court re: motion to withdraw reference (.5); revised and finalized stipulation and order vacating hearings re: pending motions (.25)	0.75	153.75	CC
Jan-07-16	Researched docket from adversary case no. 15-01087 (.25); drafted, revised, and finalized supplemental designation of record re: motion to withdraw the reference (.75)	1.00	205.00	CC

Jan-11-16	Receive motion to withdraw the refernce and attention to designation of record from bankruptcy court docket.	1.00	350.00	BL
	Drafted, revised, and finalized corrected supplemental designamtion of record	0.50	102.50	CC
Jan-12-16	Attention to briefing deadlines and pending motions.	0.50	175.00	BL
	Email exchange with SAS and BAL re: opposition to motion ti withdraw reference (.25); researched US Dist. Court's local rules re: opposition and withdrawal of reference (.25) reviewed US Dist. Court's minute order and begin drafting opposition (.5)	1.00	205.00	CC
Jan-14-16	Legal research regarding motion to withdraw the reference.	1.00	350.00	BL
	Legal research re: insured versus insured third party policy exclusions	1.00	205.00	CC
Jan-19-16	Review of the Greenwich policy and the motion to disms the case	2.00	1,100.00	SAS
	Attention to adversary case against insurance, pending motions to dismiss and opposition to motion to withdraw the reference.	0.50	175.00	BL
Jan-20-16	Draft opposition to motion to withdraw the reference.	1.50	525.00	BL
Jan-21-16	Research relevant case law and draft and finalize opposition to motion to withdraw the reference.	4.00	1,400.00	BL
Jan-22-16	Review and revision of the opposition to removal	2.50	1,375.00	SAS
	Reviewed insurance policies for provisions re: jury trials (1.0) and conferred with BAL re: same (.25)	1.25	256.25	CC
	Email exchange with V. Nelson, Esq., SAS, BAL, and bankruptcy court re:continued hearings on motion to dismiss and scheduling conference	0.25	51.25	CC
Jan-25-16	Attention to the filing of the opposition to removal	1.70	935.00	SAS
	Legal research re: demand for jury trial (.25) revised and finalized opposition to motion to withdraw the reference (.25)	0.50	102.50	CC
Jan-26-16	Attention to motions to dismiss and outstanding issues.	0.50	175.00	BL
Feb-03-16	Email exchange with court re: hearing on motion for summary judgement (Nelson v. XL America)	0.25	51.25	CC
Apr-29-16	Attention to adversary case and correspondence with client and counsel for insurance (0.5). Attention to	1.00	350.00	BL



	upcoming status hearing and stipulation regarding the same (0.5).			
May-02-16	Attention to the stipulation to continue the hearings pending the DC ruling	0.50	275.00	SAS
	Receive, review and revise stipulation to extend status hearing and briefing deadlines.	0.40	140.00	BL
May-12-16	Prepared judgment interest calculation (.6); drafted writ of execution 1.0)	1.60	328.00	CC
May-13-16	Drafted affidavit and request for issuance of writ of execution (1.0); research regarding same (.5)	1.50	307.50	CC
May-17-16	Attention to adversary proceeding and correspondence with client and opposing counsel regarding the same.	0.40	140.00	BL
	Revised and finalized affidavit and request for issuance of writ of execution (.5); drafted email to V. Nelson regarding same (.1)	0.60	123.00	CC
Jul-07-16	Attention to and coordination with US Marshall's office regarding writ of execution	0.80	164.00	CC
Aug-09-16	Drafted, revised, and finalized joint application for status check filed in USDC (1.0); drafted status letter to Chief Judge at USDC (.5)	1.50	307.50	CC
Oct-31-16	Prepare for and attend status hearing in adversary proceeding against insurance.	1.40	490.00	BL
Nov-15-16	Reviewed order granting motion to withdraw reference	0.10	20.50	CC
Dec-05-16	Prepare for and attend the status hearing w/ the DC	1.70	935.00	SAS
	Review relevant pleadings and status of case in preparation for District Court status conference.	0.50	175.00	BL
Dec-15-16	Update and revise complaint and motion for summary judgment to be filed in district court.	1.00	350.00	BL
	T/C with J. Dorsey's chambers regarding procedure on re-filing complaint and MSJ in District Court.	0.20	59.00	MN
	Strategize with BAL regarding filing of MSJ in District Court.	0.20	59.00	MN
Dec-16-16	Attention to updated pleadings for district court.	0.50	175.00	BL
	Strategize with BAL regarding opposing party's motions to dismiss (0.3); Review case docket (0.3).	0.60	177.00	MN
Dec-19-16	Update and revise complaint and MSJ and relevant exhibits for district court.	1.30	455.00	BL
	Review Greenwich's motion to disimiss and exhibits(2.0), review Plaintiff's MSJ (0.5), and review	3.00	885.00	MN

	Plaintiff's complaint (0.5) in preparation of amended MSJ			
Dec-20-16	Review relevant insurance policies and update MSJ for district court.	0.80	280.00	BL
	Review XL America and Pearl's motion to dismiss (0.8), review documents in preparation of amended motion for summary judgment (4.5); strategize with SAS on amending MSJ (0.1) strategize with BB on amending MSJ (0.3)	5.70	1,681.50	MN
Dec-21-16	Review policies and update, revise and finalize MSJ for district court (1.1). Update and revise statement of undisputed facts for MSJ (0.8).	1.90	665.00	BL
	Review insurance policy to include in amended MSJ.	0.10	29.50	MN
Dec-22-16	Update, revise and finalize complaint and MSJ for district court.	1.10	385.00	BL
	Locate and upload to netdocs insurance policies.	0.30	88.50	MN
	Revise and finalize complaint, motion for summary judgment, and statement of undisputed facts for US Dist. Court	0.60	123.00	CC
	Email exchange with BAL and MN regarding insurance policies	0.40	82.00	CC
Dec-23-16	Conferred with BAL regarding exhibits to complaint	0.20	41.00	CC
Dec-28-16	Draft revise and finalize certificate of interested parties	0.50	102.50	CC
Dec-29-16	Prepare trial binders	1.50	307.50	CC
Jan-03-17	Draft, revise, and finalize errata to complaint	0.50	107.50	CC
Jan-06-17	Review motions to dismiss and begin drafting oppositions to the same.	0.70	297.50	BL
Jan-07-17	Draft opposition to motions to dismiss.	0.50	212.50	BL
Jan-09-17	Correspondence with counsel for insurance companies and draft stipulation continuing briefing deadlines.	1.10	467.50	BL
	Research for the opposition to motion to dismiss	4.50	1,192.50	EA
	Legal research for opposition to motion to dismiss.	0.80	236.00	MN
Jan-10-17	Attention to oppositions to motions to dismiss.	0.60	255.00	BL
	Research insurance exclusions and ambiguity in same for Opp to MSJ	1.10	291.50	EA
Jan-11-17	Research and draft law sections of opposition to motion to dismiss	4.30	1,139.50	EA

Jan-12-17	Review and revision to the opposition to the motion to dismiss	2.60	1,625.00	SAS
	Draft opposition to motion to dismiss of Greenwich Insurance and review and analyze relevant case law regarding the same.	5.70	2,422.50	BL
Jan-13-17	Review and revision to the opposition to the motion to dismiss	1.20	750.00	SAS
	Draft opposition to XL defendants' motion to dismiss (2.7). Update, revise and finalize opposition to Greenwich motion to dismiss (0.7).	3.40	0.00	BL
Jan-20-17	Receive and review replies to oppositions to motions to dismiss lawsuit against insurance.	0.50	212.50	BL
Jan-24-17	Receive and review replies to oppositions to motion to dismiss and opposition to motion for summary judgment.	1.10	467.50	BL
	Review Opposition to MSJ	0.20	53.00	EA
Jan-25-17	Review opposition to motion for summary judgment in preparation for drafting a reply	0.50	132.50	EA
	Discuss opposition to MSJ with BAL	0.20	53.00	EA
	Begin drafting Reply to our MSJ	0.60	159.00	EA
Jan-26-17	Review and revision of the oppositions to the motions to dismiss	1.20	660.00	SAS
	Continue drafting reply in support of our MSJ	2.00	530.00	EA
Jan-28-17	Review and revision of reply to opposition to motion for summary judgment.	2.40	1,020.00	BL
Jan-29-17	Review and revision of the reply to the opposition to summary judgment	2.10	1,155.00	SAS
Jan-30-17	Attention to reply to opposition to MSJ and correspondence with client regarding the same.	0.50	212.50	BL
	Draft Response to Defendants' statement of undisputed facts	2.10	556.50	EA
Jan-31-17	Review and revision of response to statement of additional undisputed facts and finalize response to opposition to motion for summary judgment.	1.30	552.50	BL
Feb-10-17	Warn Act research and supplement	0.60	0.00	EA
Feb-13-17	Research breach of fiduciary duty and how it has been applied to recover from D&O insurance policies	2.40	0.00	EA
	Legal research on breach of fiduciary duties.	0.50	147.50	MN
Mar-09-17	Review and revise supplemental disclosure.	0.20	59.00	MN



Mar-10-17	Review and revise supplemental disclosure.	0.10	29.50	MN
Jun-29-17	Teleconference with creditor regarding POC filed and case status	0.20	59.00	MN
Sep-25-17	Receive, review and analyze order on motions to dismiss and motions for summary judgment from district court.	0.60	255.00	BL
Sep-27-17	Confer with SAS and BAL Regarding District Court Order	0.20	33.00	CS
Sep-28-17	Confer with SAS Regarding Case Strategy Going Forward	0.20	33.00	CS
	Review Order Dismissing Claims for Potential Appealable Issues	1.80	297.00	CS
	Analyze District Court Complaint, Motion for Summary Judgment, and Reply for Additional Arguments	3.30	544.50	CS
Sep-29-17	Analyze Insurance Agreement for Additional Arguments	1.10	181.50	CS
	Review Bankruptcy Court Complaint, LED Findings and Order	0.70	115.50	CS
Oct-01-17	Research NRS 686A	2.10	346.50	CS
Oct-02-17	Review and revision of stipulation regarding briefing and answer deadlines and correspondence with opposing counsel regarding the same.	0.80	340.00	BL
	Review Insurance Contract/ Communications with Insurer	3.30	544.50	CS
	Research NRS 686 Case Law	1.30	214.50	CS
	Research Nevada Bad Faith Insurance Case Law	1.30	214.50	CS
	Review Insurance Policies	2.20	363.00	CS
	Review Correspondence between McDonald Carano and XL Insurance	1.80	297.00	CS
	Draft Research Memo to SAS	1.70	280.50	CS
Oct-06-17	Research relevant case law regarding breach of fiduciary duty and begin drafting amended complaint.	0.70	297.50	BL
Oct-07-17	Review and Analyze Insurance Contract	0.80	132.00	CS
Oct-11-17	Review relevant case law, review district court order and draft first amended complaint.	2.20	935.00	BL
	Review and Analyze Insurance Contracts	3.30	544.50	CS

	Draft Timeline of Correspondence with XL Insurance for Complaint	2.70	445.50	CS
	Research NRED Decisions	1.10	181.50	CS
Oct-12-17	Review and research breach of fiduciary duty claims (0.8), review specifics of insurance protocol violations (0.7) and draft first amended complaint (2.8).	4.30	1,827.50	BL
Oct-31-17	Receive and review Greenwich's motions to dismiss first amended complaint.	1.30	552.50	BL
Nov-10-17	Review and analyze motions to dismiss amended complaint.	1.10	467.50	BL
Nov-13-17	Receive and review insurance company's motions to dismiss amended complaint (0.8). Review and revise opposition to XL's motion to dismiss (1.5). Review and revise opposition to Greenwich's motion to dismiss (1.6).	3.90	1,657.50	BL
Nov-17-17	Speak with J. Alredge regarding one week extension on reply deadline	0.10	26.50	EA
Nov-27-17	Receive, review and analyze replies to oppositions to motions to dismiss, and opposition to motion to amend complaint.	1.10	467.50	BL
	Review opposition to motion to amend complaint	0.30	79.50	EA
Nov-29-17	Review and analyze opposition to motion to amend complaint and relevant case law cited by defendants (0.8). Begin drafting reply in support of motion to amend (1.3).	2.10	892.50	BL
	Review opposition to motion to amend complaint and reply to motion to dismiss; draft reply ISO motion to amend	0.60	159.00	EA
Nov-30-17	Draft reply in support of motion to amend complaint (2.2). Legal research in support of the same (0.6).	2.80	1,190.00	BL
Dec-01-17	Update, review and finalize reply brief in support of motion to amend complaint.	2.60	1,105.00	BL
Dec-02-17	Review and revision of the reply to the opposition to the countermotion for leave and meetings w/ BAL and EA regarding same	2.10	1,312.50	SAS
Dec-04-17	Review and revision of the reply to the opposition to the countermotion for leave and meetings w/ BAL and EA regarding same	1.20	750.00	SAS
	Research case law cited in reply in preparation for drafting reply to motion to amend [3.2]; revise reply [.7]	3.90	1,033.50	EA
	Make revisions to reply to prepare for filing	0.60	159.00	EA



Jan-14-18	Draft case status summary	2.50	662.50	EA
Jan-15-18	Revise case status summary based on comments from SAS; e-mail to law firm handling the transition	0.30	79.50	EA
Totals		283.45	<u>\$95,118.75</u>	

**DISBURSEMENTS**

	Photocopies	116.70
	Postage	23.07
May-29-15	Lexis/Westlaw - May research fees	253.00
May-31-15	Filing Fee	350.00
Jun-26-15	Client Expense - Las Vegas Review Journal	100.00
Aug-17-15	Client Expense - Parking	2.00
Aug-31-15	Lexis/Westlaw - Aug research fees	146.00
Sep-30-15	Lexis/Westlaw - September research fees	84.75
	Client Expense - Depo International, Inv #22408	156.00
Oct-26-15	Client Expense - Parking	3.00
Oct-29-15	Filing Fee	350.00
Nov-30-15	Client Expense - Westlaw - November research fees	178.00
Dec-02-15	Client Expense - Pacer	0.70
Dec-31-15	Westlaw - December research fees	31.25
Jan-30-16	Westlaw - January research fees	286.00
Jan-31-16	Client Expense - Pacer	1.00
	Client Expense - Pacer	1.30
Mar-31-16	Client Expense - Pacer	11.10
Jul-01-16	Client Expense - Mileage	5.75
Jul-28-16	Client Expense - Pacer	4.80
Aug-31-16	Client Expense - Pacer	1.60
Dec-05-16	Client Expense - Parking	3.00
Dec-20-16	Client Expense - Mileage	11.50
Dec-22-16	Client Expense - Filing Fee	400.00
Dec-31-16	Pacer - September Fees	4.00
Jan-31-17	Westlaw January Research Fees	508.50
	Pacer	6.38
Feb-28-17	Westlaw February 2017 Research Fees	508.50
Oct-31-17	Westlaw October 2017 Research Fees	11.00
	Pacer October 2017 Fees	4.25
Nov-30-17	Pacer November 2017 Fees	4.63

	Westlaw November 2017 Research Fees	203.50
Dec-31-17	Westlaw December 2017 Research Fees	122.00
	Totals	<hr/> \$3,893.28
	<b>Total Fees, Disbursements</b>	<hr/> <b>\$99,012.03</b>
	Previous Balance	\$99,012.03
	Previous Payments	\$0.00
	<b>Balance Due Now</b>	<hr/> <b>\$198,024.06</b>

## **EXHIBIT 2**

## **EXHIBIT 2**

Samuel A. Schwartz, Esq.  
Nevada Bar No. 10985  
Schwartz Flansburg PLLC  
100 North City Parkway  
Suite 1600  
Las Vegas, NV 89106-4614  
Telephone: 702.382.2101  
Facsimile: 702.382.8135  
Attorneys for the Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:	)	Case No.: 15-10110-GS
	)	
AMERI-DREAM REALTY, LLC,	)	Chapter 7
	)	
Debtor.	)	Hearing Date: February 19, 2019
	)	Hearing Time: 1:30 p.m.

**ORDER GRANTING FINAL APPLICATION  
OF SCHWARTZ FLANSBURG PLLC FOR ALLOWANCE  
OF COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT  
OF EXPENSES INCURRED AS ATTORNEYS FOR THE TRUSTEE**

Upon consideration of the final Application (the “**Application**”)<sup>1</sup> of Schwartz Flansburg PLLC (“**SF**”) for Allowance of Compensation for Services Rendered and Reimbursement of Expenses Incurred as Attorneys for the Trustee; and the Court having jurisdiction over the subject matter of the Application; and it appearing this is a core proceeding pursuant to 28 U.S.C. §157(b); and it appearing venue is proper pursuant to 11

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<sup>1</sup> Terms capitalized but not specifically defined herein shall have those meanings ascribed to them in the Application.

1 U.S.C § 1408 and 1409; and adequate and proper notice having been circulated, and the Court  
2 finding that the fees and expenses requested in the Final Application are reasonable and a  
3 benefit to the Debtor's estate, it is hereby:

4 **ORDERED** that the Application is hereby **APPROVED**; and it is further

5 **ORDERED** that the requests contained within the Final Application are hereby  
6 approved and given final allowance in the aggregate amounts of \$6,000 as compensation for  
7 professional services rendered during the Compensation Period, and \$3,893.28 as  
8 reimbursement of expenses incurred during the Compensation Period; and it is further  
9

10 **ORDERED** that this Court shall retain jurisdiction to hear all matters arising from or  
11 related to the relief granted in this Order.  
12

13 Submitted By:

14 Schwartz Flansburg PLLC  
15

16 By /s/ Samuel A. Schwartz

17 Samuel A. Schwartz, Esq.

18 Nevada Bar No. 10985

19 Schwartz Flansburg PLLC

20 100 North City Parkway

21 Suite 1600

22 Las Vegas, NV 89106-4614

23 Telephone: 702.382.2101

24 Facsimile: 702.382.8135

25 Attorneys for the Chapter 7 Trustee  
26  
27  
28

**SUBMISSION TO COUNSEL FOR APPROVAL PURSUANT TO LR 9021**

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ The court has waived the requirement set forth in LR 9021(b)(1).

\_\_\_\_\_ No party appeared at the hearing or filed an objection to the motion.

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

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

APPROVED:

DISAPPROVED:

FAILED TO RESPOND:

Submitted by:

Schwartz Flansburg PLLC

By /s/ Samuel A. Schwartz

Samuel A. Schwartz, Esq.

Nevada Bar No. 10985

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Attorneys for the Chapter 7 Trustee