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5 *Counsel for Shelley D. Krohn, Chapter 7 Trustee*

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8 **UNITED STATES BANKRUPTCY COURT**

9 **DISTRICT OF NEVADA**

10 In re:  
11 AMERI-DREAM REALTY, LLC,  
12 Debtor.

Case No. BK-S-15-10110-GS  
Chapter 7

**EX PARTE MOTION TO PERMIT THE  
JOINDER OF OBJECTIONS TO PROOFS  
OF CLAIM PURSUANT TO FEDERAL  
RULE OF BANKRUPTCY PROCEDURE  
3007(c)**

Date of Hearing: N/A  
Time of Hearing: N/A

Judge: Honorable Gary Spraker<sup>1</sup>

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18 Shelley D. Krohn (the “Trustee”), the duly appointed Chapter 7 Trustee in the above-  
19 captioned bankruptcy case, by and through her counsel Jacob L. Houmand, Esq. of the Houmand  
20 Law Firm, Ltd., hereby submits this *Ex Parte Motion to Permit the Joinder of Objections to*  
21 *Proofs of Claim Pursuant to Federal Rule of Bankruptcy Procedure 3007(c)* (the “Motion”).

22 The Motion is based on the following Memorandum of Points and Authorities, the  
23 *Declaration of Shelley D. Krohn In Support of Ex Parte Motion to Permit the Joinder of*  
24 *Objections to Proofs of Claim Pursuant to Federal Rule of Bankruptcy Procedure 3007(c)* (the  
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26 <sup>1</sup> Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11  
27 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The  
28 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 “Trustee Declaration”), which is filed separately and concurrently with this Court pursuant to  
 2 Local Rule 9014(c)(2). The Motion is also based on the pleadings and papers on file herein.<sup>2</sup> A  
 3 proposed order granting the Motion is attached hereto as **Exhibit “1”**.

#### 4 **MEMORANDUM OF POINTS AND AUTHORITIES**

##### 5 **I. INTRODUCTION**

6 On January 9, 2015, Ameri-Dream Realty, LLC (the “Debtor”) filed a voluntary  
 7 bankruptcy petition pursuant to Chapter 7 of the United States Bankruptcy Code. The deadline  
 8 for creditors to timely file proofs of claim was May 14, 2015. As of the filing of this Motion,  
 9 there have been a total of 932 proofs of claim (collectively, the “Claims”) filed in the Debtor’s  
 10 bankruptcy case that assert claims in the total amount of \$2,498,730.38. The Trustee believes that  
 11 there are several different legal theories upon which to file objections to the Claims. FRBP  
 12 3007(c) provides that objections may not be joined in a single objection unless otherwise  
 13 permitted by this Court or FRBP 3007(d). Although several legal theories underpinning a  
 14 significant number of claim objections are identical, the requirements of FRBP 3007(d) do not  
 15 permit the objections to be joined in a single objection. In order to streamline the administration  
 16 of the Debtor’s bankruptcy case, the Trustee requests authority to join multiple objections to  
 17 proofs of claim in a single pleading when the legal basis for the objections are identical. The  
 18 Trustee will also comply with the procedural requirements of FRBP 3007(e).

##### 19 **II. JURISDICTION AND VENUE**

20 The Court has jurisdiction over the bankruptcy case and the subject matter of this Motion  
 21 pursuant to 28 U.S.C. §§ 157 and 1334. The Motion is a core proceeding under 28 U.S.C. §  
 22 157(b)(2). Pursuant to Local Rule 9014.2, if the Court determines that absent consent of the  
 23 parties the Court cannot enter final orders or judgment regarding the Motion consistent with  
 24 Article III of the United States Constitution, the Trustee consents to entry of final orders and  
 25 judgment by this Court. Venue before this Court is appropriate under 28 U.S.C. §§ 1408 and

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26  
 27 <sup>2</sup> The Trustee also requests that the Court take judicial notice of all pleadings filed in the above-  
 28 referenced bankruptcy case, including adversary proceedings, pursuant to Federal Rule of  
 Evidence 201, incorporated by reference by FRBP 9017.

1409. The statutory predicate for the relief requested in the Motion is FRBP 3007.

**III. STATEMENT OF FACTS**

1. On January 9, 2015 (the “Petition Date”), the Debtor filed a voluntary bankruptcy pursuant to Chapter 7 of Title 11 of the United States Code [ECF No. 1].<sup>3</sup> See Trustee Declaration.

2. On January 9, 2015, Victoria L. Nelson (“Trustee Nelson”) was appointed as the Chapter 7 Trustee in the Debtor’s bankruptcy case [ECF No. 4]. See Trustee Declaration.

3. On January 28, 2015, the Court entered an *Amended Notice of Chapter 7 Bankruptcy Case* [ECF No. 12] that established May 14, 2015, as the deadline for creditors to file proofs of claim. See Trustee Declaration.

4. On February 9, 2015, Trustee Nelson filed an *Application for Order Authorizing Employment of the Garden City Group, LLC As Claims and Noticing Agent* [ECF No. 88]. See Trustee Declaration.

5. On February 27, 2015, the Court entered an *Order Granting Application for Order Authorizing Employment of the Garden City Group, LLC As Claims and Noticing Agent* [ECF No. 128]. See Trustee Declaration.

6. Since its employment, GCG has been maintaining the Proofs of Claim that have been submitted by creditors. See Trustee Declaration.

7. GCG has also filed each of the proofs of claim in its possession with this Court. See Trustee Declaration.

8. On January 13, 2018, Trustee Nelson died. See Trustee Declaration.

9. On January 19, 2018, the Trustee was appointed as the successor Chapter 7 Trustee in the Debtor’s bankruptcy case. See Trustee Declaration.

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<sup>3</sup> 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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1 **IV. LEGAL ARGUMENT**

2 FRBP 3007(c) provides:

3 Limitation On Joinder of Claims Objections. *Unless otherwise*  
4 *ordered* by the court or permitted by subdivision (d), objections to  
5 more than one claim shall not be joined in a single objection.

6 FED. R. BANKR. P. 3007(c) (emphasis added).

7 The Trustee has reviewed the proofs of claim filed in the Debtor’s bankruptcy case and  
8 believes that the objections can largely be divided into the following categories that cannot be  
9 joined as an omnibus claim objection under FRBP 3007(d): (a) proofs of claim that improperly  
10 assert that they are entitled to a priority under Section 507; and (b) proofs of claim asserting a  
11 right to a security deposit that have been filed by both a landlord and tenant. The Trustee is  
12 requesting permission to join objections to proofs of claim that involve the same legal theory in a  
13 single objection. The Trustee will comply with the requirements of FRBP 3007(e). Allowing the  
14 Trustee to join objections in a single pleading will greatly reduce the administrative expenses in  
15 the Debtor’s bankruptcy case by eliminating the need to separately prepare pleadings for multiple  
16 proofs of claim when the legal analysis would be identical. Any claimants that are the subject of  
17 an objection would also not be prejudiced because the Trustee would comply with the  
18 requirements set forth under FRBP 3007(e).

19 **V. CONCLUSION**

20 For the foregoing reasons, the Trustee respectfully requests that the Court enter an order  
21 (i) permitting the Trustee to join multiple objections to proofs of claim in a single objection as set  
22 forth herein’ and (ii) for such other and further relief as is just and proper.

23 Dated this 6th day of February, 2020.

24 **HOUAND LAW FIRM, LTD.**

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