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Electronically Filed On: June 17, 2019

Counsel for Shelley D. Krohn, 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

**STIPULATION TO APPROVE THIRD
AMENDMENT TO AGREEMENT TO
TOLL STATUTE OF LIMITATIONS
AND STATUTE OF REPOSE**

Date of Hearing: N/A

Time of Hearing: N/A

Judge: Honorable Bruce T. Beesley¹

Shelley D. Krohn, the duly appointed Chapter 7 Trustee in the above-captioned bankruptcy case (the “Trustee”), by and through her counsel, Jacob L. Houmand, Esq. and Kyle J. Ortiz, Esq. of the Houmand Law Firm, Ltd., and Valassis Direct Mail, Inc. (“Valassis” and together with the Trustee, the “Parties”), by and through its counsel, Ronald A. Spinner, Esq. of Miller Canfield, hereby stipulate and agree as follows:

...

...

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”.

RECITALS

1. On December 15, 2016, an *Involuntary Bankruptcy Petition* [ECF No. 1]² (the “Involuntary Petition”) was filed against Robert C. Graham, Ltd. fdba Rob Graham & Associates fdba Lawyerswest (the “Debtor”) pursuant to 11 U.S.C. § 303. The Involuntary Petition was filed by the Estate of Michael B. Macknin, the Sharona Dagani Trust, and the Margueritte Owens Revocable Trust (collectively, the “Petitioning Creditors”).

2. On December 16, 2016, the Petitioning Creditors filed a *Motion to Appoint Interim Trustee in Involuntary Case* [ECF No. 3] (the “Interim Trustee Motion”), which sought authority to appoint an interim trustee to take possession of property and to manage the business operations and assets of the Debtor.

3. On December 21, 2016, the Bankruptcy Court entered an *Order on Trustee Motion and Order for Relief Under Chapter 7* [ECF No. 21] (the “Order for Relief”). The Order for Relief provided that the Debtor had consented to the filing of a bankruptcy petition and that the filing of the bankruptcy case was effective as of December 15, 2016 (the “Petition Date”). The Order for Relief further required that the Office of the United States Trustee (the “U.S. Trustee”) appoint an Interim Chapter 7 Trustee pursuant to 11 U.S.C. § 701.

4. On December 22, 2016, Victoria L. Nelson (“Trustee Nelson”) was appointed as the Chapter 7 Trustee in the Debtor’s bankruptcy case [ECF No. 22].

5. On January 13, 2018, Trustee Nelson died.

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

7. The Trustee has investigated the Debtor’s financial affairs and believes that there may be a basis to seek avoidance and recovery of certain pre-petition transfers that were made by the Debtor to Valassis under applicable state and federal law (collectively, the “Claims”).

...

...

² All references to “ECF No.” are to the numbers assigned to the documents filed in the above-referenced case as they appear on the docket maintained by the clerk of the court.

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8. The deadline for the Trustee to file a complaint based upon the Claims was December 15, 2018.³ See 11 U.S.C. §§ 108 and 546 (providing a two-year statute of limitations from the entry of the order for relief for a bankruptcy trustee to commence actions under nonbankruptcy law and Sections 544, 545, 547, 548, and 553).

9. The Parties entered into a tolling agreement (the “Tolling Agreement”) to toll any applicable statute of limitations and statute of repose relating to the Claims until March 15, 2019.

10. On December 6, 2018, the Parties filed a *Stipulation to Approve Agreement to Toll Statute of Limitations and Statute of Repose* [ECF No. 349] that sought approval of the Tolling Agreement.

11. On December 7, 2018, the Court entered an *Order Approving Stipulation to Approve Agreement to Toll Statute of Limitations and Statute of Repose* [ECF No. 353].

12. The parties entered into a first amendment to tolling agreement (the “First Amendment”) to toll any applicable statute of limitations and statute of repose relating to the Claims until May 17, 2019.

13. On March 13, 2019, the Parties filed a *Stipulation to Approve First Amendment to Agreement to Toll Statute of Limitations and Statute of Repose* [ECF No. 419] that sought approval of the First Amendment.

14. On March 14, the Court entered an *Order Approving Stipulation to Approve First Amendment to Agreement to Toll Statute of Limitations and Statute of Repose* [ECF No. 421].

15. The parties entered into a second amendment to tolling agreement (the “Second Amendment”) to toll any applicable statute of limitations and statute of repose relating to the Claims until June 17, 2019.

16. On May 17, 2019, the Parties filed a *Stipulation to Approve Second Amendment to Agreement to Toll Statute of Limitations and Statute of Repose* [ECF No. 433] that sought approval of the Second Amendment.

³ Although the Order for Relief in the Debtor’s bankruptcy case was entered on December 22, 2016, the Trustee assumed December 15, 2018, was the deadline to commence avoidance actions out of an abundance of caution.

17. On May 17, 2019, the Court entered an *Order Approving Stipulation to Approve Second Amendment to Agreement to Toll Statute of Limitations and Statute of Repose* [ECF No. 435].

1 4. This Stipulation is without prejudice to the Parties agreeing to a further extension
2 of the tolling period set forth in the Tolling Agreement, First Amendment, Second Amendment,
3 and Third Amendment.

4 Dated this 17th day of June, 2019.

Dated this 17th day of June, 2019.

5 By: /s/ Jacob L. Houmand
6 Jacob L. Houmand, Esq. (NV Bar No. 12781)
7 Kyle J. Ortiz, Esq. (NV Bar No. 14252)
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