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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
AMERI-DREAM REALTY, LLC,

Debtor.

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

**FIRST AND FINAL APPLICATION OF
EPIQ CLASS ACTION & CLAIMS
SOLUTIONS, INC., FORMERLY
KNOWN AS THE GARDEN CITY
GROUP, LLC FOR ALLOWANCE OF
COMPENSATION FOR SERVICES
RENDERED DURING THE PERIOD
FROM FEBRUARY 6, 2015 THROUGH
AUGUST 31, 2020, AND FOR
REIMBURSEMENT OF EXPENSES
PURSUANT TO 11 U.S.C. §§ 330 AND 331
AND FEDERAL RULE OF
BANKRUPTCY PROCEDURE 2016**

Date of Hearing: November 17, 2020
Time of Hearing: 9:30 a.m.
Place: Courtroom No. To Be Determined
Foley Federal Building
300 Las Vegas Blvd., S.
Las Vegas, NV 89101

Judge: Honorable Gary Spraker

Shelley D. Krohn (the “Trustee”), Chapter 7 Trustee in the above-captioned bankruptcy case, by and through her counsel of record, Jacob L. Houmand, Esq. and Bradley G. Sims, Esq., hereby submits this *First and Final Application of Epiq Class Action & Claims Solutions, Inc., Formerly Known as The Garden City Group, LLC For Allowance of Compensation for Services*

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1 *Rendered During the Period From February 6, 2015 Through August 31, 2020, And for*
2 *Reimbursement of Expenses Pursuant to 11 U.S.C. §§ 330 and 331 and Federal Rule Of*
3 *Bankruptcy Procedure 2016 (the “Fee Application”).¹*

4 The Fee Application is filed pursuant to Sections 330 and 331, FRBP 2016, the Guidelines
5 for Compensation and Reimbursement of Professionals in Region 17 as promulgated by the
6 Offices of the United States Trustee (the “Region 17 Guidelines”), and the Guidelines for
7 Reviewing Applications for Compensation and Reimbursement on Expenses Filed Under 11
8 U.S.C. § 330 effective January 30, 1996 (the “U.S. Trustee Guidelines”). The Application is also
9 based on the following Memorandum of Points and Authorities, the *Declaration of Shelley D.*
10 *Krohn In Support of First and Final Application of Epiq Class Action & Claims Solutions, Inc.,*
11 *Formerly Known as The Garden City Group, LLC For Allowance of Compensation for Services*
12 *Rendered During the Period From February 6, 2015 Through August 31, 2020, And for*
13 *Reimbursement of Expenses Pursuant to 11 U.S.C. §§ 330 and 331 and Federal Rule Of*
14 *Bankruptcy Procedure 2016 (the “Trustee Declaration”) and the Declaration of Susan Persichilli*
15 *In Support of First and Final Application of Epiq Class Action & Claims Solutions, Inc.,*
16 *Formerly Known as The Garden City Group, LLC For Allowance of Compensation for Services*
17 *Rendered During the Period From February 6, 2015 Through August 31, 2020, And for*
18 *Reimbursement of Expenses Pursuant to 11 U.S.C. §§ 330 and 331 and Federal Rule Of*
19 *Bankruptcy Procedure 2016 (the “Persichilli Declaration”), both of which are filed separately and*
20 *concurrently with this Court pursuant to Local Rule 9014(c)(2).²*

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24 ¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11
25 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The
26 Federal Rules of Civil Procedure will be referred to as “FRCP” and the Federal Rules of
27 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”.

28 ² 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.

1 The Fee Application is also based on the pleadings and papers on file herein and any
2 argument that may be entertained at the hearing on the Fee Application.³

3 Dated this 15th day of October, 2020.

4 **HOUAMAND LAW FIRM, LTD.**

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

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28 ³ The Firm also requests that the Court take judicial notice of all pleadings filed in the above-referenced bankruptcy case, including adversary proceedings, pursuant to Rule of Evidence 201, incorporated by reference by FRBP 9017.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Epiq Class Action & Claims Solutions, Inc., formerly known as The Garden City Group, LLC (“GCG”) hereby submits this First and Final Fee Application for services rendered in the above captioned bankruptcy case (the “Bankruptcy Case”) during the period from February 6, 2015 through August 31, 2020 (the “Fee Application Period”). On February 27, 2015, the Court entered an *Order Authorizing Employment of the Garden City Group, LLC As Claims and Noticing Agent* [ECF No. 128] (the “Employment Order”) that authorized the employment of GCG and provided as follows:

Without further order of the Court, the Trustee is authorized to compensate GCG on a monthly basis in accordance with the terms and conditions of the Engagement Agreement, upon GCG’s submission to the Trustee of monthly invoices summarizing in reasonable detail the services rendered and expenses incurred in connection therewith.

See Employment Order, p. 3, ll. 1-4.

Since its employment, GCG has received \$140,714.16 for professional services and reimbursement of expenses (collectively, the “Monthly Compensation”).⁴ GCG has incurred \$26,595.18 in professional services and \$ 3,376.68for expenses (collectively, the “Unpaid Compensation”)⁵ that have not been paid by the Trustee. This Fee Applications requests an order: (i) approving and allowing on a final basis the Monthly Compensation; and (ii) approving and allowing on a final basis professional fees in the amount of \$26,595.18 and reimbursement of expenses in the amount of \$3,376.68 and approval to pay the same to GCG. GCG believes that the services it rendered to the Trustee during the Fee Application Period benefited the Debtor’s estate and that, therefore, the fees and costs requested in this Fee Application should be approved under Section 330(a). The balance of the trust account for the Debtor’s bankruptcy estate is

⁴ True and correct copies of the invoices related to the Monthly Compensation are attached to the Persichilli Declaration as **Exhibit “1”**.

⁵ True and correct copies of the invoices related to the Unpaid Compensation are attached to the Persichilli Declaration as **Exhibit “2”**.

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1 \$598,749.58.

2 **II. JURISDICTION AND VENUE**

3 This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1134. This
4 is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A). The statutory basis for the relief
5 sought are Sections 330, FRBP 2016, and Local Rule 2016. Venue before this Court is
6 appropriate under 28 U.S.C. §§ 1408 and 1409.

7 This matter constitutes a core proceeding under 28 U.S.C. § 157(b)(2). Pursuant to Local
8 Rule 9014.2, if the Court determines that absent consent of the parties the Court cannot enter final
9 orders or judgment regarding the Application consistent with Article III of the United States
10 Constitution, the Firm consents to entry of final orders and judgment by this Court.

11 **III.**

12 **STATEMENT OF RELEVANT FACTS**

13 1. On January 9, 2015, Ameri-Dream Realty, LLC (the “Debtor”) filed a voluntary
14 bankruptcy pursuant to Chapter 7 of Title 11 of the United States Code [ECF No. 1].⁶

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

17 3. The Debtor was a real estate brokerage firm that represents clients in the
18 purchase and sale of real property throughout Clark County, Nevada.

19 4. The Debtor also has a property management division that manages hundreds of
20 rental properties for various landowners and tenants throughout Las Vegas, Nevada.

21 5. The mailing matrix currently consists of approximately Two Thousand Eight
22 Hundred (2,800) creditors and/or parties in interest.

23 6. The Trustee determined that she would require the assistance of a claims and
24 noticing agent to manage claims received and to assist in large mailing projects.

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

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28 ⁶ 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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2 8. On February 27, 2015, the Court entered the Employment Order that permitted
 3 GCG to be compensated on a monthly basis without further court order.

4 9. Since its employment, GCG has been maintaining the Proofs of Claim that have
 5 been submitted by creditors.

6 10. On January 13, 2018, Trustee Nelson died.

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

9 12. In addition to maintaining the Proofs of Claims for the Bankruptcy Case, GCG has
 10 assisted in multiple large mailing projects, including the mailing of several omnibus claim
 11 objections.

12 13. To date, GCG has been paid the following amounts pursuant to the Employment
 13 Order:

<u>Payment Date</u>	<u>Amount</u>	<u>Invoice Number</u>
November 16, 2015	\$2,006.64	19111
April 21, 2015	\$38,983.37	17900
May 14, 2015	\$12,783.06	18061
June 10, 2015	\$13,421.46	18275
August 12, 2015	\$35,173.07	18440
March 18, 2016	\$8,880.20	19679
June 21, 2016	\$2,178.34	20170
July 13, 2016	\$10,643.78	20417
August 24, 2016	\$1,768.78	20624
November 23, 2016	\$1,465.80	21081
January 31, 2018	\$8,160.00	22722
May 15, 2018	\$660.00	24352
August 16, 2018	\$2,539.66	24352
November 14, 2018	\$660.00	27741

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1	May 22, 2019	\$1,390.00	27741
2	May 27, 2019	\$695.00	27741

3 14. True and correct copies of the invoices for the foregoing payments are attached as
4 **Exhibit "1"** to the Persichilli Declaration.

5 **IV.**

6 **STATEMENT OF STATUTORY AUTHORITY FOR RELIEF SOUGHT**

7 11 U.S.C. Section 330(a) states:

8 (a)(1) After notice to the parties in interest and the United States
9 trustee and a hearing, and subject to sections 326, 328 and 329 the
10 court may award to a trustee, an examiner, a professional person
11 employed under section 327 or 1103.

12 (A) Reasonable compensation for actual, necessary services
13 rendered by the trustee, examiner, professional person, or attorney
14 and by any paraprofessional person employed by any such person;
15 and

16 (B) Reimbursement for actual, necessary expenses.

17 11 U.S.C. Section 503 states, in relevant part:

18 (a) An entity may timely file a request for payment of an
19 administrative expense, . . .

20 (b) After notice and a hearing, there shall be allowed administrative
21 expenses, . . . including –

22 (2) compensation and reimbursement awarded under Section 330(a)
23 of this title.

24 11 U.S.C. Section 331 authorizes the application for, and payment of, compensation or
25 reimbursement as follows:

26 A trustee, an examiner, a debtor's attorney, or any professional
27 person employed under section 327 or 1103 of this title may apply
28 to the court not more than once every 120 days after an order for
relief in a case under this title, or more often if the court permits, for
such compensation for services rendered before the date of such an
application or reimbursement for expenses incurred before such
date as is provided under section 330 of this title. After notice and a
hearing, the court may allow and disburse such compensation or
reimbursement.

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1 This Fee Application is brought pursuant to 11 U.S.C. Sections 330(a), 331 and 503(b)
2 and Region 17 Guidelines Subsection (b).

3 V.

4 **STATEMENT RE: AMOUNT OF COMPENSATION SOUGHT TO BE ALLOWED**

5 This Fee Application seeks allowance of compensation as follows: Fee Applications
6 requests an order: (i) approving and allowing on a final basis the Monthly Compensation; and (ii)
7 approving and allowing on a final basis professional fees in the amount of \$26,595.18 and
8 reimbursement of expenses in the amount of \$3,376.68 and approval to pay the same to GCG.
9 The services rendered by GCG are set forth in detail in the invoices attached as Exhibits “1” and
10 “2” to the Persichilli Declaration.

11 No unusual or costly expenses are listed above. GCG has charged customary rates for fees
12 that are allowed by claims and noticing agents in this area pursuant to 11 U.S.C. § 330. See
13 Persichilli Declaration.

14 VI.

15 **STATEMENT REGARDING EXPERTISE REQUIRED**

16 GCG is one of the leading bankruptcy administrators with expertise in noticing, claims
17 processing, and distribution. GCG has provided the Trustee with noticing and claims services in
18 connection with the Debtor’s bankruptcy case. GCG was able to properly handle the voluminous
19 mailings associated with the noticing and claims processing in this case and was able to ensure
20 the orderly and fair treatment of creditors and parties in interest. GCG was able to maintain a
21 claims register that included in excess of 900 claims and ensure the timely compilation of the
22 claims and their filing with the clerk of the court.

23 VII.

24 **STATEMENT REGARDING PAYMENTS MADE OR PROMISED**

25 **AND AGREEMENTS TO SHARE COMPENSATION**

26 No payments have been made or promised to GCG for services rendered or to be rendered
27 in connection with this case, other than those payments already approved by the Court and those
28 described in this Fee Application. No agreement or understanding exists between GCG and any

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1 other entity for the sharing of compensation received or to be received for services rendered in
2 connection with this case, except as permitted under Section 504(b)(1). *See* Persichilli
3 Declaration.

4 **VIII.**

5 **CONCLUSION**

6 WHEREFORE, the Trustee respectfully requests that this Court enter an Order: (i)
7 approving and allowing on a final basis the Monthly Compensation; (ii) approving and allowing
8 on a final basis professional fees in the amount of \$26,595.18 and reimbursement of expenses in
9 the amount of \$3,376.68 on a final basis and approval to pay the same; and (iii) for such other
10 relief as is just and proper.

11 Dated this 20th day of October, 2020.

12 **HOUAMAND LAW FIRM, LTD.**

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