

1 Jason A. Imes, Esq., NV Bar No. 7030
 2 Schwartzer & McPherson Law Firm
 2850 S. Jones Blvd., Suite 1
 3 Las Vegas, NV 89146
 Telephone: (702) 228-7590
 4 Facsimile: (702) 892-0122
 E-Mail: bkfilings@s-mlaw.com
 5 *Attorneys for Yvette Weinstein, Chapter 7 Trustee*

7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF NEVADA**

9 In re:
 10 LIONEL, SAWYER & COLLINS, LTD.,
 11 Debtor.

Case No. 2:17-cv-00036-GMN-NJK

13 YVETTE WEINSTEIN,
 CHAPTER 7 TRUSTEE,
 14 Plaintiff,
 15 vs.
 16 AMERICAN LEGION CHINA POST 1 –
 THE GENERALS WARD & CHENNAULT
 17 & LT. HELSETH POST, a Texas nonprofit
 corporation; and H. OWNBY, temporary
 18 trustee of The Fischer Trust,
 19 Defendants.

Bankruptcy Case No. BK-S-15-10462-MKN
 Chapter 7
 Adversary Proceeding No. 16-01123-MKN

20 **STIPULATION AND ORDER FOR DISMISSAL WITH PREJUDICE**
 21 **PURSUANT TO APPROVED SETTLEMENT AGREEMENT**

22 Plaintiff YVETTE WEINSTEIN, Chapter 7 Trustee for the bankruptcy estate of Lionel
 23 Sawyer & Collins, Ltd. (the "Trustee"), by and through her counsel, Schwartzer & McPherson
 24 Law Firm, and Defendants AMERICAN LEGION CHINA POST 1 – THE GENERALS WARD
 25 AND CHENNAULT & LT. HELSETH POST ("China Post"), and Kerry Kilburn as temporary
 26 trustee of THE FISCHER TRUST DATED NOVEMBER 21, 1988 (the "Fischer Trust"), by and
 27 through their counsel, the law firm of Marquis Aurbach Coffing, hereby stipulate and agree as
 28 follows:

SCHWARTZER & MCPHERSON LAW FIRM
 2850 S. Jones Blvd., Suite 1
 Las Vegas, Nevada 89146
 Tel: (702) 228-7590 · Fax: (702) 892-0122

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1 WHEREAS, on January 30, 2015, Lionel Sawyer & Collins, Ltd. (“LS&C”), filed a
2 voluntary Petition for Relief under Chapter 7 of the Bankruptcy Code (Title 11 of the United
3 States Code) (“Petition Date”) and that case is pending in the United States Bankruptcy Court,
4 District of Nevada (the “Bankruptcy Court”) as case number 15-10462-MKN, and Yvette
5 Weinstein is the duly appointed and acting Chapter 7 Trustee for the bankruptcy estate; and

6 WHEREAS, on November 22, 2016, the Trustee filed a complaint in Bankruptcy Court
7 against China Post and the Fischer Trust (referred to collectively as the “Defendants”)
8 commencing Adversary Proceeding No. 16-01123-MKN seeking judgment for recovery of certain
9 attorney’s fees and costs (the “Trustee’s Claim”).

10 WHEREAS, on February 8, 2018, reference of the Trustee’s Claim was withdrawn from
11 the Bankruptcy Court pursuant to 28 U.S.C. §157(f) and the litigation was moved to United States
12 District Court, District of Nevada, as Civil Case No. 2-17-cv-00036 where it has subsequently
13 been litigated by the Parties. Certain scheduling deadlines have been set [ECF No. 10] but a trial
14 date has not been scheduled at this time; and

15 WHEREAS, the Trustee and Defendants have reached a settlement agreement (the
16 “Settlement Agreement”) and the Settlement Agreement has been approved by the Bankruptcy
17 Court pursuant to Fed.R.Bankr.P. 9019 as set forth in the Bankruptcy Court’s *Order Granting*
18 *Motion for Approval of Settlement Agreement with American Legion China Post 1 and the Fischer*
19 *Trust* entered November 30, 2018 [*see* Bankruptcy Court ECF No. 918].

20 WHEREAS, the Settlement Agreement has been fully funded, so the Trustee and
21 Defendants agree that the Trustee’s Claim and all related litigation (including Adversary
22 Proceeding No. 16-01123-MKN pending in Bankruptcy Court, and Civil Case No. 2-17-cv-00036-
23 GMN-NJK pending before this Court) shall be dismissed with prejudice and all pending hearings
24 and trial dates shall be vacated.


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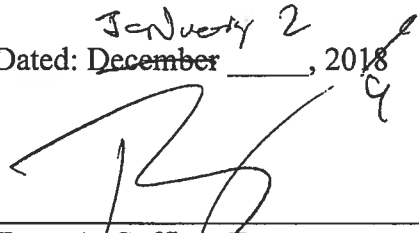
BASED UPON THE FOREGOING, the Trustee and the Defendants stipulate and agree that this Civil Case No. 2-17-cv-00036-GMN-NJK pending before this Court shall be dismissed with prejudice pursuant to the terms of the Settlement Agreement and all pending hearings and trial dates shall be vacated.

Dated: ~~December~~ ^{JANUARY 2} _____, 2018

Dated: ~~December~~ ^{January 2} _____, 2018



Jason A. Imes, Esq.
SCHWARTZER & MCPHERSON LAW FIRM
2850 S. Jones Blvd., Suite 1
Las Vegas, NV 89146
Counsel for Plaintiff



Terry A. Coffing, Esq.
MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, NV 89145
Counsel for Defendants


ORDER

Based upon the foregoing Stipulation and good cause appearing,

IT IS HEREBY ORDERED that this Civil Case No. 2-17-cv-00036-GMN-NJK pending before this Court is hereby dismissed with prejudice and all pending hearings and trial dates shall be vacated.

IT IS SO ORDERED.

DATED this 10 day of January, 2019.



Gloria M. Navarro, Chief Judge
United States District Court