

MARQUIS AURBACH COFFING

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(702) 382-0711

Attorneys for the Tower Homes Purchasers

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF NEVADA

In Re:

Case No.: BK-07-13208-BAM

Chapter: 11

TOWER HOMES, LLC, a Nevada limited
liability company, dba Spanish View Tower
Homes.

Debtor.

**AMENDED STIPULATION AND ORDER TO RELEASE CLAIMS AND ALLOW
MARQUIS AURBACH COFFING, AS COUNSEL FOR THE TOWER HOMES
PURCHASERS, TO PURSUE CLAIMS ON BEHALF OF DEBTOR**

Creditors, Allison Gaynor, Barbara Chandler individually and as trustee of the Saralee M. Bowers Trust, Melva Nevada Brown, Richard Goodall, Harold & Carol Herzlich, Robert Embleton, Dahn Midora, Arthur Williams, Larry & Judy Shiffman, Edwin & Gail Edejer, Judge Angel Cooley, Debra Jones, Abe Siemens, John & Jennifer Kilpatrick, Clifford & Carmen Chita Tejada, Lisa Westfield, Ann & Robert Mueller, Phillip & Katherine Stromer, Karen Birkett, Wendy Borja, Eileen Grande, and Edward Goldin (collectively the "Tower Homes Purchasers"), by and through their counsel, Brian Hardy, Esq. of Marquis Aurbach Coffing, and William A. Leonard, Jr., Post-Confirmation Chapter 11 Trustee (the "Trustee") by and through his counsel Christine A. Roberts, Esq. of Sullivan, Hill, Lewin, Rez & Engel, hereby stipulate and agree as follows:

- 1) The Trustee has determined that he does not intend and, in any event, does not have sufficient funds in the Estate to pursue claims on behalf of the Debtor against Rodney

MARQUIS AURBACH COFFING

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1 C. Yanke, Americana LLC dba Americana Group, Mark L. Stark, Jeannine Cutter, David
2 Berg, Equity Title of Nevada, LLC or any other individual or entity later identified through
3 discovery which has or may have liability to Debtor or others for the loss of the earnest
4 money deposits provided by purchasers for units in the Spanish View Tower Homes
5 condominium project.

6 2) The Trustee has determined that the claims against Rodney C. Yanke, Americana
7 LLC dba Americana Group, Mark L. Stark, Jeannine Cutter, David Berg, Equity Title of
8 Nevada, LLC or any other individual or entity later identified through discovery which has or
9 may have liability to Debtor or others for the loss of the earnest money deposits provided by
10 purchasers for units in the Spanish View Tower Homes condominium project are or may be
11 direct claims held by the Tower Homes Purchasers and, therefore, are not claims held solely
12 and exclusively by the Estate.

13 3) The Trustee hereby stipulates and agrees to release to the Tower Homes
14 Purchasers any and all claims on behalf of the Debtor against Rodney C. Yanke, Americana
15 LLC dba Americana Group, Mark L. Stark, Jeannine Cutter, David Berg, Equity Title of
16 Nevada, LLC or any other individual or entity later identified through discovery which has or
17 may have any liability or owed any duty to Debtor or others for the loss of the Tower Homes
18 Purchasers earnest money deposits and all claims to any and all earnest money deposits
19 provided by purchasers for units in the Spanish View Tower Homes condominium project.

20 4) The Trustee hereby stipulates and agrees to allow Marquis Aurbach Coffing, as
21 counsel for the Tower Homes Purchasers, to pursue any and all claims on behalf of the
22 Debtor against Rodney C. Yanke, Americana LLC dba Americana Group, Mark L. Stark,
23 Jeannine Cutter, David Berg, Equity Title of Nevada, LLC or any other individual or entity
24 later identified through discovery which has or may have any liability or owed any duty to
25 Debtor or others for the loss earnest money deposits provided by purchasers for units in the
26 Spanish View Tower Homes condominium project.

27 5) The trustee hereby stipulates and agrees to permit the Tower Home Purchasers, to
28 pursue any and all claims on behalf of Debtor against any individual or entity which has or

1 may have any liability or owed any duty to Debtor or others for the loss of the earnest money
2 deposits provided by purchasers for units in the Spanish View Tower Homes condominium
3 project which shall specifically include, but may not be limited to, pursuing the action
4 currently filed in the Clark County District Court styled as Tower Homes, LLC v. William H.
5 Heaton, et al., Case no. A-12-663341-C.

6 6) The trustee hereby stipulates and agrees to allow the law firm of Marquis Aurbach
7 Coffing, and/or Prince & Keating, LLP, or successive counsel, retained on behalf of Tower
8 Homes Purchasers, to recover any and all earnest money deposits, damages, attorney fees and
9 costs, and interest thereon on behalf of Debtor and the Tower Home Purchasers and that any
10 such recoveries shall be for the benefit of the Tower Home Purchasers.

11 Dated, this 21st day of February, 2013
~~December, 2012.~~

12
13 **MARQUIS AURBACH COFFING**

14 By: 

15 Zachariah Larson, Esq.
16 Nevada Bar No. 10068
17 10001 Park Run Drive
18 Las Vegas, Nevada 89145
19 Attorneys for the Tower
20 Homes Purchasers

21 **SULLIVAN, HILL, LEWIN, REZ & ENGEL**

22 By: 

23 Christine A. Roberts, Esq.
24 Nevada Bar No. 6472
25 228 South Fourth Street, First Floor
26 Las Vegas, NV 89101
27 Attorneys for William A. Leonard, Jr.,
28 Post-Confirmation Chapter 11 Trustee

###

E-Filed On: 2-25 -2013

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13 (702) 382-0711
14 Attorneys for the Tower Homes Purchasers

8 **UNITED STATES BANKRUPTCY COURT**
9
10 **FOR THE DISTRICT OF NEVADA**

11 In Re:

12 TOWER HOMES, LLC, a Nevada limited
13 liability company, dba Spanish View Tower
14 Homes.

Debtor.

Case No.: BK-07-13208-BAM
Chapter:11

Hearing Date: April 1, 2013
Hearing Time: 9:00 AM
Courtroom 3

15 **MOTION TO APPROVE AMENDED STIPULATION TO RELEASE CLAIMS AND**
16 **ALLOW MARQUIS AURBACH COFFING, AS COUNSEL FOR THE TOWER HOMES**
17 **PURCHASERS, TO PURSUE CLAIMS ON BEHALF OF DEBTOR**

18 Creditors, Allison Gaynor, Barbara Chandler individually and as trustee of the Saralee M.
19 Bowers Trust, Melva Nevada Brown, Richard Goodall, Harold & Carol Herzlich, Robert
20 Embleton, Dahn Midora, Arthur Williams, Larry & Judy Shiffman, Edwin & Gail Edejer, Judge
21 Angel Cooley, Debra Jones, Abe Siemens, John & Jennifer Kilpatrick, Clifford & Carmen Chita
22 Tejada, Lisa Westfield, Ann & Robert Mueller, Phillip & Katherine Stromer, Karen Birkett,
23 Wendy Borja, Eileen Grande, and Edward Goldin (collectively the "Tower Homes Purchasers"),
24 by and through their counsel, Brian Hardy, Esq. of Marquis Aurbach Coffing, and William A.
25 Leonard, Jr., Post-Confirmation Chapter 11 Trustee (the "Trustee") by and through his counsel
26 Christine A. Roberts, Esq. of Sullivan, Hill, Lewin, Rez & Engel, hereby moves this Court for an
27 Order approving the Amended Stipulation to Release Claims and Allow Marquis Aurbach
28 Coffing, as Counsel for the Tower Homes Purchasers, to Pursue Claims on behalf of the Debtor

1 ("Stipulation") by and between the Tower Homes Purchasers and William A. Leonard, Post
2 Confirmation Chapter 11 Trustee. This Motion is made and based upon the entire papers and
3 pleadings on file herein, Federal Rules of Bankruptcy Procedure 9019, 2002(a), the attached
4 memorandum of points and authorities, and any oral argument the court may choose to hear on
5 the Motion.

6 Dated this 25th day of February, 2013.

7
8 MARQUIS AURBACH COFFING

9
10 By /s/ Zachariah Larson, Esq.
11 Zachariah Larson, Esq.
12 Nevada Bar No. 7787
13 Brian R. Hardy, Esq.
14 Nevada Bar No. 10068
15 10001 Park Run Drive
16 Las Vegas, Nevada 89145
17 Attorney(s) for the Tower Homes
18 Purchasers

19
20 **MEMORANDUM OF**
21 **POINTS AND AUTHORITIES**

22 **I. INTRODUCTION**

23 This Motion seeks approval from the court of an Amended Stipulation and Agreement by
24 and between the Trustee and the Tower Homes Purchasers pursuant to the terms set forth in the
25 Stipulation. See Exhibit "1" Amended Stipulation to Release Claims and Allow Marquis
26 Aurbach Coffing, as Counsel for the Tower Homes Purchasers, to Pursue Claims on behalf of the
27 Debtor.

28 **II. STATEMENT OF FACTS**

1. On May 31, 2007, Debtor, Tower Homes, LLC filed a Voluntary Petition under
Chapter 11 of the United States Bankruptcy Code. William A. Leonard is the Post-Confirmation
Chapter 11 Trustee. The Debtor's plan was confirmed on December 8, 2008.

2. Marquis Aurbach Coffing is counsel for the Tower Homes Purchasers.

3. Christine A. Roberts, Esq. is counsel for the Trustee.

Page 2 of 6

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7. The Trustee agrees to allow Marquis Aurbach Coffing, as counsel for the Tower Homes Purchasers, to pursue any and all claims on behalf of the Debtor against Rodney C. Yanke, Americana LLC dba Americana Group, Mark L. Stark, Jeannine Cutter, David Berg, Equity Title of Nevada, LLC or any other individual or entity later identified through discovery which has or may have any liability or owed any duty to Debtor or others for the loss earnest money deposits provided by purchasers for units in the Spanish View Tower Homes condominium project.

1 8. The trustee agrees to permit the Tower Home Purchasers, to pursue any and all
2 claims on behalf of Debtor against any individual or entity which has or may have any liability
3 or owed any duty to Debtor or others for the loss of the earnest money deposits provided by
4 purchasers for units in the Spanish View Tower Homes condominium project which shall
5 specifically include, but may not be limited to, pursuing the action currently filed in the Clark
6 County District Court styled as Tower Homes, LLC v. William H. Heaton, et al., Case no. A-12-
7 663341-C.

8 9. The trustee agrees to allow the law firm of Marquis Aurbach Coffing, and/or
9 Prince & Keating, LLP, or successive counsel, retained on behalf of Tower Homes Purchasers, to
10 recover any and all earnest money deposits, damages, attorney fees and costs, and interest
11 thereon on behalf of Debtor and the Tower Home Purchasers and that any such recoveries shall
12 be for the benefit of the Tower Home Purchasers. The complete terms are set forth in the
13 Stipulation attached as Exhibit "1".

14 **III. POINTS AND AUTHORITIES**

15 A. **THE COURT SHOULD APPROVE THE COMPROMISE AND**
16 **SETTLEMENT**

17 The authority for the relief sought within is Bankruptcy Rule 9019(a), which provides
18 that on motion by the trustee and after notice and a hearing, the Court may approve a
19 compromise or settlement.

20 In determining whether to approve a compromise and settlement agreement pursuant to
21 Bankruptcy Rule 9019, the Ninth Circuit Court of Appeals looks to four (4) factors. Those
22 factors are set forth in the case of Drexel v. Loomis, 35 F. 2d 800 (8th Cir. 1929). See In re
23 A&C Properties, 784 F. 2d 1377 (9th Cir. 1986). The four (4) factors are as follows:

- 24 1. The probability of successful litigation;
- 25 2. Any impediments to collection;
- 26 3. The complexity, expense, convenience, and delay of litigation; and
- 27 4. The interests of the creditors with deference to their reasonable opinions.

28 Drexel v. Loomis, 35 F. 2d 800 (8th Cir. 1929); In re Emerald Oil Co., 807 F. 2d 1234

(5th Cir. 1987); Polo Bldg. Group, Inc. v. Sims (In re Shubov), 1999 U.S. App. LEXIS 14870 (9th Cir. 1999); Arden v. Motel Partners (In re Arden), 176 F. 3d 1226 (9th Cir. 1999).

B. THE FOUR FACTORS SUPPORT APPROVAL OF THE SETTLEMENT.

In this case, the Trustee believes that the compromise and settlement is in the best interest of the estate, for the reasons stated and as set forth in the Declaration of William A. Leonard filed contemporaneously herewith.

1. Probability of Successful Litigation.

The Tower Homes Purchasers has offered to pursue claims of the Debtor that the estate is unable and unwilling to pursue. Any amount recovered will benefit the Tower Homes Purchasers and will not have any impact on the Chapter 11 case and plan.

2. Any Impediments to Collection.

The Trustee does not have sufficient funds in the Estate to pursue claims on behalf of the Debtor against Rodney C. Yanke, Americana LLC dba Americana Group, Mark L. Stark, Jeannine Cutter, David Berg, Equity Title of Nevada, LLC or any other individual or entity later identified through discovery which has or may have liability to Debtor or others for the loss of the earnest money deposits provided by purchasers for units in the Spanish View Tower Homes condominium project. The Tower Homes Purchasers are able and willing to pursue these claims at their expense.

3. The Complexity, Expense, Convenience and Delay of Litigation.

The Amended Stipulation between the parties will allow for the Tower Homes Purchasers to pursue issues the Trustee does not intend to pursue and that will hopefully benefit those purchasers if the stipulation is approved.

4. The Interest of the Creditors.

The compromise and settlement is in the best interest of the Tower Homes Purchasers as the Amended Stipulation allows those parties to pursue parties for the loss of the earnest money deposits provided by purchasers for units in the Spanish View Tower Homes condominium project.

1 **IV. CONCLUSION**

2 WHEREFORE, the Tower Homes Purchasers respectfully requests that the Court enter
3 an Order granting this Motion to Approve Amended Stipulation to Release Claims and Allow
4 Marquis Aurbach Coffing, as Counsel for the Tower Homes Purchasers, to Pursue any and all
5 Claims on behalf of Tower Homes, LLC against any individual or entity which has or may have
6 any liability or owed any duty to Debtor or other for the loss of the earnest money deposits
7 provided by purchasers for the units in the Spanish View Tower Homes condominium project
8 which shall specifically include, but may not be limited to, pursuing the action currently filed in
9 the Clark County District Court styled as Tower Homes, LLC v William H. Heaton et. al., Case
10 No. A-12-663341-C.

11 Tower Home Purchasers respectfully request that the Court hereby authorizes the law
12 firm of Marquis Aurbach Coffing, and/or Prince & Keating LLP, or successive counsel, retained
13 on behalf of Tower Homes Purchasers, to recover any and all earnest monies deposits, damages,
14 attorneys fees and costs, and interest thereon on behalf of Debtor and the Tower Homes
15 Purchasers and that any such recoveries shall be for the benefit of the Tower Homes Purchasers.

16 Respectfully submitted this 25th day of February, 2013.

17 MARQUIS AURBACH COFFING
18

19
20 By /s/ Zachariah Larson, Esq.
21 Zachariah Larson, Esq.
22 Nevada Bar No. 7787
23 Brian R. Hardy, Esq.
24 Nevada Bar No. 10068
25 10001 Park Run Drive
26 Las Vegas, Nevada 89145
27 Attorney(s) for the Tower Homes
28 Purchasers

Exhibit 1

MARQUIS AURBACH COFFING
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Attorneys for the Tower Homes Purchasers

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA

In Re:

Case No.: BK-07-13208-BAM
Chapter:11

TOWER HOMES, LLC, a Nevada limited
liability company, dba Spanish View Tower
Homes.

Debtor.

AMENDED STIPULATION AND ORDER TO RELEASE CLAIMS AND ALLOW
MARQUIS AURBACH COFFING, AS COUNSEL FOR THE TOWER HOMES
PURCHASERS, TO PURSUE CLAIMS ON BEHALF OF DEBTOR

Creditors, Allison Gaynor, Barbara Chandler individually and as trustee of the Saralee M. Bowers Trust, Melva Nevada Brown, Richard Goodall, Harold & Carol Herzlich, Robert Embleton, Dahn Midora, Arthur Williams, Larry & Judy Shiffman, Edwin & Gail Edejer, Judge Angel Cooley, Debra Jones, Abe Siemens, John & Jennifer Kilpatrick, Clifford & Carmen Chita Tejada, Lisa Westfield, Ann & Robert Mueller, Phillip & Katherine Stromer, Karen Birkett, Wendy Borja, Eileen Grande, and Edward Goldin (collectively the "Tower Homes Purchasers"), by and through their counsel, Brian Hardy, Esq. of Marquis Aurbach Coffing, and William A. Leonard, Jr., Post-Confirmation Chapter 11 Trustee (the "Trustee") by and through his counsel Christine A. Roberts, Esq. of Sullivan, Hill, Lewin, Rez & Engel, hereby stipulate and agree as follows:

1) The Trustee has determined that he does not intend and, in any event, does not have sufficient funds in the Estate to pursue claims on behalf of the Debtor against Rodney

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1 C. Yanke, Americana LLC dba Americana Group, Mark L. Stark, Jeannine Cutter, David
2 Berg, Equity Title of Nevada, LLC or any other individual or entity later identified through
3 discovery which has or may have liability to Debtor or others for the loss of the earnest
4 money deposits provided by purchasers for units in the Spanish View Tower Homes
5 condominium project.

6 2) The Trustee has determined that the claims against Rodney C. Yanke, Americana
7 LLC dba Americana Group, Mark L. Stark, Jeannine Cutter, David Berg, Equity Title of
8 Nevada, LLC or any other individual or entity later identified through discovery which has or
9 may have liability to Debtor or others for the loss of the earnest money deposits provided by
10 purchasers for units in the Spanish View Tower Homes condominium project are or may be
11 direct claims held by the Tower Homes Purchasers and, therefore, are not claims held solely
12 and exclusively by the Estate.

13 3) The Trustee hereby stipulates and agrees to release to the Tower Homes
14 Purchasers any and all claims on behalf of the Debtor against Rodney C. Yanke, Americana
15 LLC dba Americana Group, Mark L. Stark, Jeannine Cutter, David Berg, Equity Title of
16 Nevada, LLC or any other individual or entity later identified through discovery which has or
17 may have any liability or owed any duty to Debtor or others for the loss of the Tower Homes
18 Purchasers earnest money deposits and all claims to any and all earnest money deposits
19 provided by purchasers for units in the Spanish View Tower Homes condominium project.

20 4) The Trustee hereby stipulates and agrees to allow Marquis Aurbach Coffing, as
21 counsel for the Tower Homes Purchasers, to pursue any and all claims on behalf of the
22 Debtor against Rodney C. Yanke, Americana LLC dba Americana Group, Mark L. Stark,
23 Jeannine Cutter, David Berg, Equity Title of Nevada, LLC or any other individual or entity
24 later identified through discovery which has or may have any liability or owed any duty to
25 Debtor or others for the loss earnest money deposits provided by purchasers for units in the
26 Spanish View Tower Homes condominium project.

27 5) The trustee hereby stipulates and agrees to permit the Tower Home Purchasers, to
28 pursue any and all claims on behalf of Debtor against any individual or entity which has or

may have any liability or owed any duty to Debtor or others for the loss of the earnest money deposits provided by purchasers for units in the Spanish View Tower Homes condominium project which shall specifically include, but may not be limited to, pursuing the action currently filed in the Clark County District Court styled as Tower Homes, LLC v. William H. Heaton, et al., Case no. A-12-663341-C.

6) The trustee hereby stipulates and agrees to allow the law firm of Marquis Aurbach Coffing, and/or Prince & Keating, LLP, or successive counsel, retained on behalf of Tower Homes Purchasers, to recover any and all earnest money deposits, damages, attorney fees and costs, and interest thereon on behalf of Debtor and the Tower Home Purchasers and that any such recoveries shall be for the benefit of the Tower Home Purchasers.

Dated, this 21st day of ~~December~~, ^{February} 2013, 2012.

MARQUIS AURBACH COFFING

By:

Zachariah Larson, Esq.
Nevada Bar No. 10068
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for the Tower
Homes Purchasers

SULLIVAN, HILL, LEWIN, REZ & ENGEL

By:

Christine A. Roberts, Esq.
Nevada Bar No. 6472
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Attorneys for William A. Leonard, Jr.,
Post-Confirmation Chapter 11 Trustee

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E-Filed On: 2-25 -2013

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Attorneys for the Tower Homes Purchasers

UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF NEVADA

In Re:

TOWER HOMES, LLC, a Nevada limited
liability company, dba Spanish View Tower
Homes.

Debtor.

Case No.: BK-07-13208-BAM
Chapter:11

Hearing Date: April 1, 2013
Hearing Time: 9:00 AM
Courtroom 3

**NOTICE OF HEARING ON MOTION TO APPROVE AMENDED STIPULATION TO
RELEASE CLAIMS AND ALLOW MARQUIS AURBACH COFFING, AS COUNSEL
FOR THE TOWER HOMES PURCHASERS, TO PURSUE CLAIMS ON BEHALF OF
DEBTOR**

TO: ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE that the hearing on Motion to Approve Amended Stipulation to Release Claims and Allow Marquis Aurbach Coffing, as Counsel for the Tower Homes Purchasers, to Pursue Claims on Behalf of Debtor is scheduled for April 1, 2013 at the hour of 9:00 AM, in the Foley Federal Building, at 300 Las Vegas Boulevard South, Third Floor, Courtroom 3, Las Vegas, NV 89101.

PLEASE TAKE FURTHER NOTICE that a copy of the above-referenced Motion is on file with and available from the clerk of the United States Bankruptcy Court for the District of Nevada, Foley Federal Building, 300 S. Las Vegas Blvd., Las Vegas, Nevada 89101; via the bankruptcy court's website at www.nvb.uscourts.gov (a PACER account is required).

1 PLEASE TAKE FURTHER NOTICE that any opposition to the requested relief must be
2 filed and served pursuant to Local Rule 9014(d)(1). If an objection is not timely filed and
3 served, the relief requested may be granted without a hearing pursuant to LR 9014(d)(3).

4 If you object to the relief requested, you *must* file a WRITTEN response to this pleading
5 with the court. You *must* also serve your written response on the person who sent you this
6 notice.

7 If you do not file a written response with the court, or if you do not serve your written
8 response on the person who sent you this notice, then:

- 9 • The court may *refuse* to allow you to *speak* at the scheduled hearing; and
- 10 • The court may *rule against you* without formally calling the matter at the hearing.

11 PLEASE TAKE FURTHER NOTICE that this hearing may be continued from time to
12 time without further notice except for the announcement of any adjourned dates and time at the
13 above noticed hearing or any adjournment thereof.

14 Dated this 25th day of February, 2013.

15 MARQUIS AURBACH COFFING

16
17
18 By /s/ Zachariah Larson, Esq.
19 Zachariah Larson, Esq.
20 Nevada Bar No. 7787
21 Brian R. Hardy, Esq.
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23 10001 Park Run Drive
24 Las Vegas, Nevada 89145
25 Attorney(s) for the Tower Homes
26 Purchasers
27
28

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2
3 NITZ, WALTON & HEATON, LTD.;
4 WILLIAM H. HEATON,

5 Petitioners,

6 vs.

7 EIGHTH JUDICIAL DISTRICT
8 COURT FOR THE STATE OF
9 NEVADA IN AND FOR THE
10 COUNTY OF CLARK; THE
11 HONORABLE GLORIA STURMAN,
12 DISTRICT COURT JUDGE,

13 Respondents,

14 and

15 TOWER HOMES, LLC,

16 Real Party in Interest.

Supreme Court No.

Electronically Filed
District Court No. 01-2013-03-01 p.m.
Department No. 26
Tracie K. Lindeman
Clerk of Supreme Court

17 PETITIONERS' SUPPLEMENTAL APPENDIX

18
19
20 V. Andrew Cass

21 Nevada Bar No. 005246

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22 Jeffrey D. Olster

23 Nevada Bar No. 008864

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24 Lewis Brisbois Bisgaard & Smith LLP

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26 Tel: 702.893.3383

27 Fax: 702.893.3789

Attorneys for Petitioners

28 *NITZ, WALTON & HEATON, LTD. and WILLIAM H. HEATON*

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of LEWIS BRISBOIS BISGAARD & SMITH LLP and, pursuant to N.R.C.P. 5(b), that on the 1st day of March, 2013, I deposited for first class United States mailing, postage prepaid, at Las Vegas, Nevada, a true and correct copy of the foregoing **PETITIONERS' SUPPLEMENTAL APPENDIX** addressed as follows:

The Honorable Gloria Sturman
District Court Judge
Clark County District Court, Dept. 26
200 Lewis Avenue
Las Vegas, Nevada 89155
Respondent Court

Dennis Prince
Prince & Keating
3230 South Buffalo Drive
Las Vegas, Nevada 89169
*Attorneys for Plaintiff/Real Party
Tower Homes, LLC*

/s/ Nicole Etienne
An Employee of LEWIS BRISBOIS
BISGAARD & SMITH LLP