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U.S. BANKRUPTCY CT

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:

LORRAINE BROOKE ASSOCIATES, INC.

CASE NO. 07-12641-BKC-AJC

Chapter 7

Debtor.

\_\_\_\_\_ /

**OBJECTIONS AND OPPOSITION OF PLAINTIFF, LOUIS H. BROWN,  
AS EXECUTOR AND PERSONAL REPRESENTATIVE OF THE  
ESTATE OF NICOLE BROWN SIMPSON, TO THE MOTION OF DREW  
DILLWORTH, THE CHAPTER 7 TRUSTEE, (I) TO APPROVE  
SETTLEMENT BETWEEN TRUSTEE DILLWORTH AND  
FREDERIC GOLDMAN AND (II) TO SHORTEN NOTICE PERIOD  
FOR APPROVAL OF SETTLEMENT**

Plaintiff, LOUIS H. BROWN, as the executor and personal representative of the Estate of NICOLE BROWN SIMPSON hereby submits the following claim and objections to the motion of Drew Dillworth, the Chapter 7 Trustee, to approve settlement between Trustee Dillworth and Frederic Goldman and for an Order Denying the Trustee’s request to shorten the notice period for approval of this settlement.

**INTRODUCTION**

Plaintiff, Louis H. Brown, as the executor and personal representative of the Estate of Nicole Brown Simpson and on Behalf of the Brown Family, (hereinafter “Browns”) respectfully requests that the Court deny the Trustee’s Motion for all of the following reasons: (1) The Browns have not been given proper notice under Federal Rule of Bankruptcy Procedure 9019(a)

to oppose the settlement, file objections and file their own claim as a judgment creditor. The Browns received notice on July 6, 2007. They live in California and need time to retain local counsel and/or have their attorneys admitted to appear before this Court. (2) Fred Goldman and the Browns are equal judgment creditors. The Brown Judgment has now been renewed, and the total amount pursuant to the renewal is \$24,777,892.55. The Settlement ignores the Browns and their right as an equal Judgment Creditor to the proceeds of the bankruptcy estate. The Browns are entitled to a 40% interest in all proceeds from the so-called book deal. (3) The Bankruptcy Trustee is violating his ethical responsibility of protecting the interests of the general creditors of the bankruptcy estate.

### **RELEVANT FACTS**

1. Defendant, Orenthal James Simpson, was found liable in a civil action for the wrongful deaths of Nicole Brown Simpson and Ronald Lyle Goldman. On March 10, 1997, judgment was entered in favor of Plaintiff, Louis H. Brown, as the executor and personal representative of the Estate of Nicole Brown Simpson, in the amount of \$12,500,000. (See Exhibit "1".) The Judgment has now been renewed, and the total amount pursuant to the renewal is \$24,777,892.55. (See Exhibit "2".)

2. Plaintiff, Frederic Goldman, as an individual and as the personal representative of the Estate of Ronald Lyle Goldman, had judgment entered in his favor on March 10, 1997, in the amount of \$19,725,100. The judgment has been renewed, and the total amount pursuant to the renewal is \$38,250,060.

3. Plaintiffs, Louis H. Brown and Frederic Goldman, each had judgment entered in their favor against Simpson on March 10, 1997. Accordingly, their standing as judgment

creditors is equal. Any funds received from the Book Deal should be proportionally divided between Plaintiffs, Louis H. Brown and Frederic Goldman.

4. The Browns did not receive notice of this hearing until Friday evening, July 6, 2007. They were not given notice of the motion to shorten time for the hearing. The Browns live in California and have not had an opportunity to hire local counsel or have their California attorneys admitted to practice before this Court.

### **ARGUMENT**

#### **A. The Trustee did not Give Proper Notice.**

5. The Browns have not been given proper notice under Federal Rule of Bankruptcy Procedure 9019(a) to oppose the settlement, file objections and file their own claim as a judgment creditor. Bankruptcy Rule 9019(a) states that “on motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement.” A few days’ notice does not give the Browns time to retain local counsel and/or have their California attorneys admitted to practice before this Court. The Court should continue the hearing on this motion to give the Browns an opportunity to oppose the settlement, file objections and file their own claim as a judgment creditor, which they intend to do.

#### **B. The Browns are Equal Judgment Creditors and are Entitled to a Proportionate Share of the Proceeds from the Sale of the Book Rights.**

6. As described, Fred Goldman and the Browns are equal judgment creditors. Any funds received from the Book Deal should be proportionally divided between the Browns and Frederic Goldman. Based on the amount of each of the judgments, this works out to a 60/40 split in favor of Fred Goldman. If the Court approves the settlement between the Trustee and Frederic

Goldman, The Estate of Nicole Brown Simpson will have received nothing for her death while the Trustee will receive 10% of the proceeds from the sale of the book rights. This is grossly unfair to the children of Nicole Brown Simpson, and the Browns vehemently object to the settlement agreement.

7. The proceeds from the sale of the book rights will not satisfy either the Goldman or Brown Judgments. The Trustee's claim that the settlement should be approved because Frederic Goldman is the largest judgment creditor ignores the fact that the Browns' have a \$24,777,892.55 Judgment against O.J. Simpson. Applying the Trustee's logic, the Browns would not be entitled to a dime until the Goldman judgment is satisfied. Neither law nor reason support, this line of thinking.

**C. The Bankruptcy Trustee is not Protecting the Interest of the Browns.**

8. Ethics Opinion No. 76-21 provides: "a trustee in bankruptcy is charged with the responsibility of protecting the interests of the general creditors of the bankruptcy estate." The civil verdict in the O.J. Simpson case has received massive media coverage. The Trustee must know that the Browns have a civil judgment against O.J. Simpson. Nonetheless, the Trustee never attempted to contact the Browns regarding the settlement with Frederic Goldman. The Browns first learned of the settlement on July 6, 2007. To make matters worse, the Trustee is attempting to expedite the hearing on the settlement, which would in effect not give the Browns an opportunity to be properly heard. The Trustee is not protecting the interests of the Browns, and the settlement agreement should be denied. The settlement was made in secret, and the Court should not approve a settlement that ignores the Browns who are a \$24,777,892.55 judgment creditor. There can be no legitimate reason for the discrimination against the Browns.

9. If the Court does approve the settlement agreement, it should set a time limit on the sale of the book rights. Once the time limit expires, the book rights would revert back to the Trustee.

10. This opposition and objections are being filed by California counsel who have not had an opportunity to apply for admission to the United States Court for the Southern District of Florida. The opposition is being filed on an emergency basis given the insufficient notice that the Browns were given of the hearing.

Dated this 9<sup>th</sup> day of July 2007.

LAW OFFICES OF HERBERT HAFIF  
Attorneys for Plaintiff, LOUIS H. BROWN,  
As Executor and Personal Representative  
Of the Estate of NICOLE BROWN SIMPSON  
269 West Bonita Avenue  
Claremont, CA 91711  
Telephone : (909) 624-1671  
Facsimile : (909) 625-7772

By: \_\_\_\_\_

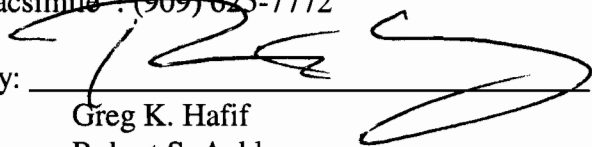
  
Greg K. Hafif  
Robert S. Ackley  
[ghafif@hafif.com](mailto:ghafif@hafif.com)  
[rackley@hafif.com](mailto:rackley@hafif.com)

Exhibit 1

1 JOHN QUINLAN KELLY, ESQ.  
2 Pro Hac Vice  
3 330 Madison Avenue  
4 New York, New York 10017  
5 (212) 682-1700

6 EDWARD J. HOROWITZ (Bar No. 39688)  
7 A Professional Corporation  
8 11661 San Vicente Blvd.  
9 Suite 1015  
10 Los Angeles, CA 90049  
11 (310) 826-6619  
12 Attorneys for Plaintiff  
13 ESTATE OF NICOLE BROWN SIMPSON

FILED  
MAR 10 1997  
JOHN A. CLARKE, CLERK  
BY *[Signature]* DEPUTY

14 SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
15 IN THE COUNTY OF LOS ANGELES

16 SHARON RUFO,  
17  
18 Plaintiff,

19 vs.

20 ORENTHAL JAMES SIMPSON, et  
21 al.,  
22 Defendants.

23 FREDRIC GOLDMAN, an  
24 individual, and as personal  
25 representative of the Estate  
26 of Ronald Lyle Goldman,  
27 Deceased, et al.,

28 Plaintiff,

29 vs.

30 ORENTHAL JAMES SIMPSON,  
31 et al.,  
32 Defendants.

33 LOUIS H. BROWN, as executor  
34 and personal representative of  
35 the Estate of NICOLE BROWN  
36 SIMPSON,

37 Plaintiff,

38 vs.

39 ORENTHAL JAMES SIMPSON,  
40 Defendant.

Case No. SC 031947; C/W  
Case No. SC 036340; C/W  
Case No. SC 036876

[REDACTED] JUDGMENT ON  
JURY VERDICT IN FAVOR OF  
PLAINTIFF LOUIS H. BROWN,  
AS EXECUTOR AND PERSONAL  
REPRESENTATIVE OF THE  
ESTATE OF NICOLE BROWN  
SIMPSON, AGAINST  
DEFENDANT ORENTHAL JAMES  
SIMPSON

[C.C.P. § 664]

1 The above consolidated actions came on regularly  
2 for a trial by jury on September 17, 1996 in Department Q of  
3 the above Court, the Honorable Hiroshi Fujisaki, Judge  
4 Presiding. Plaintiff Sharon Rufo appeared in person and by  
5 her attorneys of record, Hornberger & Criswell. Plaintiff  
6 Fredric Goldman, an individual, and as personal  
7 representative of the Estate of Ronald Lyle Goldman,  
8 Deceased, appeared in person and by his attorneys of record,  
9 Mitchell, Silberberg & Knupp. Plaintiff Louis H. Brown, as  
10 executor and personal representative of the Estate of Nicole  
11 Brown Simpson appeared in person and by his attorneys of  
12 record, John Quinlan Kelly, Edward J. Horowitz and Paul  
13 Callan. Defendant Orenthal James Simpson appeared in person  
14 and by his attorneys of record, Baker, Silberberg & Keener,  
15 Robert D. Blasier, and Bailey, Fishman and Leonard.

16 A jury was regularly empaneled and sworn. After  
17 receiving the oral and documentary evidence, the arguments  
18 of counsel, and the instructions of the Court, and after  
19 deliberating thereon, the jury rendered special verdicts in  
20 writing. Copies of the minute orders reflecting the special  
21 verdicts are attached hereto and are incorporated by this  
22 reference.

23 Based upon the findings of the jury, as set forth  
24 in the special verdicts, IT IS HEREBY ORDERED, ADJUDGED, AND  
25 DECREED, as follows:

26 1. On his cause of action for damages based on  
27 survival rights, plaintiff Louis H. Brown, as executor and  
28 personal representative of the Estate of Nicole Brown

1 Simpson shall recover from defendant Orenthal James Simpson,  
2 the following sums:

3 a. Property damages in the amount of \$250;  
4 and

5 b. Punitive damages in the amount of  
6 \$12,500,000 to be distributed to the heirs of the Estate  
7 pursuant to Code of Civil Procedure section 377.30, et seq.  
8 and Probate Code, section 7000, et seq.

9 2. Plaintiff Louis H. Brown, as executor and  
10 personal representative of the Estate of Nicole Brown  
11 Simpson, shall recover his costs of suit from defendant  
12 Orenthal James Simpson, in the sum of \$ \_\_\_\_\_.

13  
14 DATED: March 10, 1997

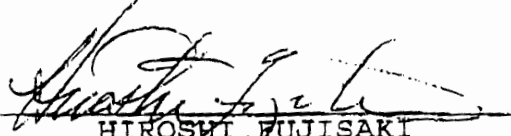
15  
16   
17 HIROSHI FUJISAKI  
18 Judge of the Superior Court



Exhibit 2

EJ-190

AGENCY OF PARTY WITHOUT ATTORNEY (Name & Address) TEL NO.: 310-826-6619  
 Edward J. Horowitz, APC  
 P. O. Box 967  
 Pacific Palisades, CA 90272

ALDNEY FOR  JUDGMENT CREDITOR  ASSIGNEE OF RECORD

COURT: Los Angeles Superior Court  
 STREET ADDRESS: 1725 Main Street  
 MAILING ADDRESS: 1725 Main Street  
 CITY AND ZIP CODE: Santa Monica, CA 90401  
 BRANCH NAME: West District

FOR RECORDER'S USE ONLY  
 CASE NUMBER: SC031947  
 (c/w SC036340, SC036876)

PLAINTIFF: LOUIS H. BROWN, as executor & personal representative of Estate of Nicole Brown Simpson  
 DEFENDANT: ORENTHAL JAMES SIMPSON

FOR COURT USE ONLY  
 CONCORD  
 GEORGE J. CLARKE  
 Los Angeles Superior Court  
 JAN 18 2007  
 John A. Clarke, Executive Officer/Clerk  
 By DANE GAMBELL

**APPLICATION FOR AND RENEWAL OF JUDGMENT**

- Judgment creditor  
 Assignee of record  
 applies for renewal of the judgment as follows:

- 1 Applicant (name and address): Louis H. Brown  
 c/o Edward J. Horowitz, APC  
 P.O. Box 967  
 Pacific Palisades, CA 90272
- 2 Judgment debtor (name and last known address):  
 Orenthahl James Simpson  
 9450 SW 112th Street  
 Miami, FL 33176
3. Original judgment
  - a. Case number (specify): SC031947, c/w SC036340, SC036876
  - b. Entered on (date): March 10, 1997
  - c. Recorded:
    - (1) Date:
    - (2) County:
    - (3) Instrument No.:

4.  Judgment previously renewed (specify each case number and date):

5.  Renewal of money judgment

a. Total judgment .....	\$ 12,500,250.00
b. Costs after judgment .....	\$
c. Subtotal (add a and b) .....	\$ 12,500,250.00
d. Credits after judgment .....	\$
e. Subtotal (subtract d from c) .....	\$ 12,500,250.00
f. Interest after judgment .....	\$ 12,277,642.55
g. Fee for filing renewal application .....	\$
h. Total renewed judgment (add e, f, and g) .....	\$ 24,777,892.55

The amounts called for in items a - h are different for each debtor.  
 These amounts are stated for each debtor on Attachment 5.

Form Approved for Optional Use  
 Judicial Council of California  
 EJ-190 (Rev. January 1, 2002)

**APPLICATION FOR AND RENEWAL OF JUDGMENT**

THOMSON  
 WEST  
 Code of Civil Procedure, § 683.110

SHORT TITLE: BROWN, etc. v. SIMPSON, and related cases	CASE NUMBER: SC031947 (c/w SC036340, SC036876)
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6.  Renewal of judgment for  possession.  sale.

7.  If judgment was not previously renewed, terms of judgment as entered:

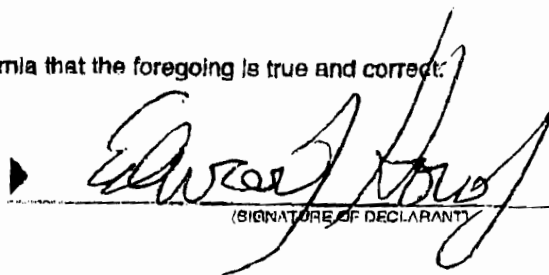
8.  If judgment was previously renewed, terms of judgment as last renewed:

9.  Terms of judgment remaining unsatisfied:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: January 4, 2007

Edward J. Horowitz  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF DECLARANT)

3104598161

HOROWITZ

ALTERNATE PARTY WITHOUT ATTORNEY (Name and address):  
 Edward J. Horowitz  
 A Professional Corporation  
 P.O. Box 967  
 Pacific Palisades, CA 90272

TELEPHONE NO.:  
 310-826-6619

ATTORNEY FOR (Name):  
~~Louis H. Brown, etc.~~

NAME OF COURT:  
 Los Angeles Superior Court

STREET ADDRESS:  
 1725 Main Street

MAILING ADDRESS:  
 1725 Main Street

CITY AND ZIP CODE:  
 Santa Monica, CA 90401

BRANCH NAME:  
 West District

PLAINTIFF:  
 LOUIS H. BROWN, as executor and personal representative of Estate of Nicole Brown Simpson

DEFENDANT:  
 ORENTHAL JAMES SIMPSON

FOR COURT USE ONLY

CLERK OF SUPERIOR COURT  
 Los Angeles Superior Court

JAN 12 2007

John A. Gamba, Executive Clerk of Court  
 DANE GAMBILL

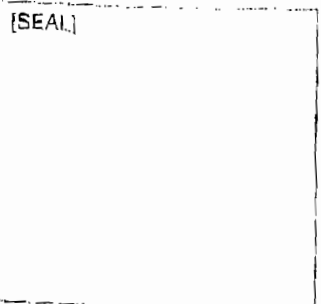
CASE NUMBER: SC031947  
 (c/w SC036340, SC036870)

**NOTICE OF RENEWAL OF JUDGMENT**

TO JUDGMENT DEBTOR (name): ORENTHAL JAMES SIMPSON

1. This renewal extends the period of enforceability of the judgment until 10 years from the date the application for renewal was filed.
2. If you object to this renewal, you may make a motion to vacate or modify the renewal with this court.
3. You must make this motion within 30 days after service of this notice on you.
4. A copy of the Application for and Renewal of Judgment is attached (Cal. Rules of Court, rule 886).

Date: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy



See CCP 883.160 for information on method of service

Form Approved by the Judicial Council of California EJ-195 (Rev. July 1, 1999) Optional Form

**NOTICE OF RENEWAL OF JUDGMENT**

THOMSON WEST CCP 883.160

PROOF OF SERVICE

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF LOS ANGELES )

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is P.O. Box 967, Pacific Palisades, California 90272.

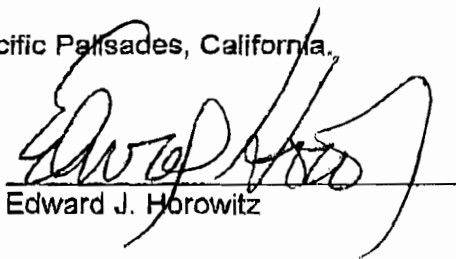
On January 4, 2007, I served the foregoing document, described as **NOTICE OF RENEWAL OF JUDGMENT** on all interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

**SEE ATTACHED LIST**

and caused such envelope, with postage prepaid, to be placed in the United States Mail at Pacific Palisades, California.

- BY MAIL (as indicated). I caused such envelope with postage thereon prepaid to be placed in the United States Mail at Pacific Palisades, California.
- BY PERSONAL SERVICE (as indicated). I delivered such envelope by hand to the offices of the addressee.
- BY FACSIMILE (as indicated). I served such document by facsimile transmission to the facsimile number(s) listed below. Each transmission was reported as complete and without error.
- BY EXPRESS MAIL OR OTHER OVERNIGHT DELIVERY SERVICE (as indicated). I deposited such document in a box or other facility regularly maintained by the express service carrier, with delivery fees paid, to the addresses listed.
- (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- (FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on January 4, 2007, at Pacific Palisades, California.

  
Edward J. Horowitz

**SERVICE LIST**

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Attorney for Defendant Orenthal James Simpson

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Attorneys for Plaintiff Fredric Goldman

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11377 West Olympic Blvd.  
Los Angeles, CA 90064

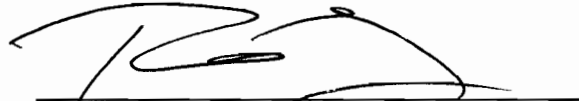
Attorneys for Plaintiff Fredric Goldman

Michael A. Brewer, Esq.  
Hornberger & Brewer, LLP  
444 South Flower Street  
Los Angeles, CA 90071

Attorneys for Plaintiff Sharon Rufo

**CERTIFICATE OF SERVICE**

I HEREBY certify that a true and correct copy of the foregoing was served via U.S. Mail and facsimile to all parties on the attached service list this 9<sup>th</sup> day of July 2007.



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