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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re:)	Case No. 09-13569
)	
BIG NEVADA, INC., <i>et al</i> ,)	(Jointly Administered)
)	
)	<i>EX PARTE</i> APPLICATION FOR ORDER
Debtors.)	APPROVING APPOINTMENT OF
)	CONSUMER PRIVACY OMBUDSMAN
)	

The Acting United States Trustee, Robert D. Miller Jr., hereby applies pursuant to 11 U.S.C. § 332 for an order approving the appointment of Wesley H. Avery as a consumer privacy ombudsman in the above-captioned jointly-administered cases. In support of this application, the United States Trustee respectfully states:

1. On May 7, 2010, the Court entered the Order (1) Approving Form of Purchase Agreement, (2) Approving Procedures for Sale of Debtors’ Assets, (3) Approving Assumption and Assignment Procedures, (4) Approving Notice Procedures and Forms of Notice, and (5) Granting Other Relief (the “Sales Procedures Order”). Among other things, the Sales Procedures Order requires that the United States Trustee appoint a consumer privacy ombudsman as soon as practicable. Sales Procedures Order, ¶ 12.

2. The United States Trustee has appointed Wesley H. Avery, a disinterested person, as the consumer privacy ombudsman. Mr. Avery is a member of the California Bar, and is a Certified Information Privacy Professional through the International Association of Privacy Professionals.

Honorable Samuel J. Steiner
Chapter 11
Ex parte

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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re:) Case No. 09-13569
BIG NEVADA, INC., *et al*,) (Jointly Administered)
Debtors.) CONSUMER PRIVACY
OMBUDSMAN'S ACCEPTANCE AND
DECLARATION


I hereby accept appointment as consumer privacy ombudsman in the above-captioned case. As the ombudsman, I agree to undertake the duties and responsibilities of the appointment as set forth in 11 U.S.C. § 332. A copy of my curriculum vitae is attached.

To the best of my knowledge, I am a disinterested person within the meaning of 11 U.S.C. § 101(14), and am eligible and competent to perform the duties of consumer privacy ombudsman. I have no connections with the debtors, creditors, and any other parties in interest, their respective attorneys and accountants, the United States Trustee, and persons employed in the Office of the United States Trustee, except as follows: None

I certify under penalty of perjury that the foregoing is true and correct.

Dated this 21st day of May, 2010, at Valencia, California.

Respectfully submitted,


Wesley H. Avery

OMBUDSMAN'S ACCEPTANCE AND DECLARATION - 1

Office of the United States Trustee
600 Park Place Building
1200 Sixth Avenue
Seattle, WA 98101-3100
206-553-2000, 206-553-2566 (fax)

WESLEY H. AVERY
28005 Smyth Drive, Suite 125
Valencia CA 91355
wavery@rpmlaw.com
(661) 618-7376

Wesley H. Avery, Esq., a Certified Information Privacy Professional, is legally qualified to act as a Consumer Privacy Ombudsman in the sale or lease of personally identifiable information through the Bankruptcy Court. Mr. Avery holds U.S. Corporate Privacy Certification # 883191 (otherwise known as a CIPP) issued by the International Association of Privacy Professionals or IAPP.

Mr. Avery has represented buyers and sellers in many sales of personal property through the bankruptcy court since becoming an attorney in 1991. Mr. Avery is certified as a specialist in Bankruptcy Law by the State Bar of California, and by the American Board of Certification which is recognized by the American Bar Association and the American Bankruptcy Institute. The focus of my practice is the reorganization of insolvent businesses or the liquidation of their assets with an emphasis on real property. Admitted to the United States Supreme Court and the California Supreme Court. Certified as a specialist in Bankruptcy Law by the State Bar of California and by the American Board of Certification which is recognized by the American Bar Association. *Chairman Elect* of the Board of Legal Specialization, State Bar of California. *Editor* of the Legal Specialization Digest. *Chairman* of the Bankruptcy Law Advisory Commission 2004-2005. *Master of the Bench*, Southern California Bankruptcy Inn of Court. *Featured Speaker* on Bankruptcy Law at the California Bankruptcy Forum, California State Bar Convention and the Valley Economic Summit. *Author* of articles that have been featured in more than 25 legal publications, including Trial Lawyer and California Lawyer. *Co-author* of past editions of the Collier Handbook for Trustees and Debtors in Possession and the Collier Handbook for Creditors' Committees. Awarded AV rating by Martindale-Hubbell. Reported cases: *In re JMC Telecom LLC*, 416 B.R. 738; *In re Lahijani*, 325 B.R. 282; *In re Plitt Amusement Co.*, 233 B.R. 837; *DRG v. Chopstix Dim Sum Café*, 30 Cal.App.4th 54.

Education

UCLA SCHOOL OF LAW, Los Angeles, California **1988-1991**
Earned *Juris Doctor* degree, 1991. Emphasis on commercial law and bankruptcy.

HARVARD BUSINESS SCHOOL, Boston, Massachusetts **1982-1984**
Awarded *Master of Business Administration* degree, 1984. Concentration in competitive decision-making. Member, Harvard University Intercollegiate Chess Team.

UNIVERSITY OF CALIFORNIA, Davis, California **1976-1980**
Received *Bachelor of Arts* degree in 1980 with highest honors in Economics. Phi Beta Kappa, Phi Kappa Phi. *Elected* to University Student Senate. *President* of Theta Chi Fraternity, ZΞ Chapter.

Personal

Veteran. Active Duty 1996-1997 as a *Major* in the U.S. Army; *Honor Graduate* of Army Command and General Staff Course. *Judge pro tem*, Los Angeles Superior Court, 1998-2003. *President*, Valencia NorthPark Homeowner's Association 1998-2002. *Member*, American Bankruptcy Institute, American Bar Association, the California Club, CDCBAA, Harvard Club of Southern California, LACBA and LA Bankruptcy Forum. *Adjunct Professor*, California State University at Northridge, since 2004. Licensed Real Estate Broker.