

IN THE SUPREME COURT OF THE STATE OF NEVADA

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3 FRANCHISE TAX BOARD)
4 OF THE STATE OF CALIFORNIA,)
5 Appellant/Cross-Respondent,)
6 vs.)
7 GILBERT P. HYATT,)
8 Respondent/Cross-Appellant.)
9

No. 53264

FILED

JUL 20 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

10 MOTION TO ALLOW ASSOCIATION OF COUNSEL FOR PURPOSE OF PERMITTING
11 FILING OF BRIEF BY MULTISTATE TAX COMMISSION AS *AMICUS CURIAE* IN
12 SUPPORT OF APPELLANT/CROSS-RESPONDENT FRANCHISE TAX BOARD
13 OF THE STATE OF CALIFORNIA

14 Comes now C. Wayne Howle, Solicitor General of the State of Nevada, who respectfully
15 moves this Court pursuant to Supreme Court Rule 42(3) for an order allowing it to associate
16 with proposed *Amicus Curiae* the Multistate Tax Commission ("the Commission") and its
17 counsel of record, Bruce J. Fort, Esq., for the purpose of allowing the admission of said counsel
18 on a *pro hac vice* basis and for the filing of its brief in this matter. In support of this Motion, the
19 Solicitor General states that he has filed an appearance in this matter on behalf of the
20 Commission and has attached the following exhibits as required by Rule 42(3)(c):

- 21 1. The original Verified Application to Associate;
22 2. The original Certificate of Good Standing for Bruce J. Fort, Counsel, Multistate Tax
23 Commission; and
24 3. The State Bar Statement indicating the approval of the application for association.
25 4. A proposed Order is attached hereto.

26 /// **RECEIVED**
27 /// JUL 20 2009
28 /// TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

09-17750

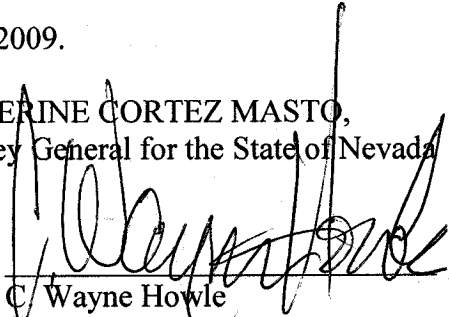
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WHEREFORE, the Solicitor General respectfully prays for an order allowing association in this matter, together with such other relief as the Court deems just and proper.

Respectfully submitted this 20th day of July 2009.

CATHERINE CORTEZ MASTO,
Attorney General for the State of Nevada

By:



C. Wayne Howle
Solicitor General
Local Counsel
Nevada State Bar No. 3443
100 North Carson Street
Carson City, Nevada 89701
Telephone No. (775) 684-1227
Facsimile No. (775) 684-1108

As Associating Counsel for *Amicus Curiae* Multistate Tax Commission

Bruce J. Fort, Counsel
Multistate Tax Commission
444 N. Capitol St., N.W., Ste. 425
Washington, D.C. 20001-1538
Telephone (202) 624-8699
Facsimile No. (202) 624-8819

Attorney for *Amicus Curiae*
Multistate Tax Commission

EXHIBIT 1

IN THE SUPREME COURT OF THE STATE OF NEVADA

Franchise Tax Board of the
State of California, Appellant /
cross-Respondent
v.
Gilbert P. Hyatt,
Respondent / Cross
Appellant

No. 53264

VERIFIED APPLICATION FOR
ASSOCIATION OF COUNSEL UNDER
NEVADA SUPREME COURT RULE 42

Bruce John Fort, Petitioner, respectfully represents:
First Middle Name Last

1. Petitioner resides at 727 Gildersleeve Street
Street Address

Santa Fe, Santa Fe New Mexico
City County State

87505, (505) 982-8902
Zip Code Telephone

2. Petitioner is an attorney at law ~~and a member of the law firm of~~

Multi-state Tax Commission

with offices at 444 North Capitol Street, Suite 425, NW
Street Address

Washington, DC, _____, _____
City County State

20001, (202) 624-8699
Zip Telephone

3. Petitioner has been retained personally or as a member of the above named law firm by _____
Multistate Tax Commission to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since October of 1984 petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of New Mexico where petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

	<u>DATE ADMITTED</u>
<u>New Mexico Supreme Court</u>	<u>1984</u>
_____	_____
_____	_____
_____	_____

6. Petitioner is not currently suspended or disbarred in any court except as hereinafter provided (Give particulars; e.g., Court, jurisdiction, date): NONE

7. Petitioner is not currently subject to any disciplinary proceedings by any organization with authority at law except as hereinafter provided (give particulars, e.g. court, discipline authority, date, status): NONE

8. Petitioner has never received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law except as hereinafter

provided (give particulars, e.g. court, discipline authority, date, status): NONE

9. Petitioner has never had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked except as hereinafter provided (give particulars, e.g. date, administrative body, date of suspension or reinstatement): NONE

10. Petitioner, either by resignation, withdrawal, or otherwise, has never terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings except as hereinafter provided; NONE

11. **Petitioner or any member of Petitioner's firm** with which Petitioner is associated has/have filed application(s) to appear as counsel under Supreme Court Rule 42 during the past three (3) years in the following matters: *(do not include Federal Pro Hacs)*

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied</u>
<u>NONE</u>			

(If necessary, please attach a statement of additional applications)

EXHIBIT 2

1 CERTIFICATE OF SERVICE

2 I hereby certify that true and correct copies of this Motion to Allow Association of
3 Counsel were served on the following counsel of record this 20th day of July, 2009, by first class
4 mail, postage pre-paid to the addresses show below:

5 Robert L. Eisenberg
Lemons, Grundy & Eisenberg
6 6005 Plumas Street, Suite 300
Reno, Nevada 89519

7 Pat Lundvall
8 McDonald Carano Wilson LLP
2300 West Sahara Avenue, Suite 1000
9 Las Vegas, Nevada 89102


10 Carla Higginbotham
McDonald Carano Wilson LLP
11 100 W. Liberty Street, 10th Floor
12 Reno, Nevada 89501

13 (Counsel for Appellant/Cross-Respondent California Franchise Tax Board)

14 Peter C. Bernhard, Esq.
Kummer, Kaempfer, Bonner, Renshaw & Ferrario
15 3800 Howard Hughes Parkway
Seventh Floor
16 Las Vegas, Nevada 89169

17 Mark A. Hutchison, Esq.
Hutchison & Steffen
18 Peccole Professional Park
19 10080 West Alta Drive, Suite 200
Las Vegas, NV 89145

20
21 (Counsel for Respondent/Cross Appellant Gilbert B. Hyatt)

22 By: 
23 Vicki Beavers
24
25
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