

1 GORDON M. COWAN, ESQ. (SBN 1781)
2 Law Office of Gordon M. Cowan
3 P.O. Box 17952
4 Reno, NV 89511
5 Voice 775.786.6111
6 Fax 775.786.9797

FILED

FEB 24 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracy*
DEPUTY CLERK

7 *Attorney for John Iliescu, Jr., Sonnia Iliescu*
8 *individually and as Trustees of the John Iliescu,*
9 *Jr. & Sonnia Iliescu 1992 Family Trust*

10 **IN THE SUPREME COURT of the STATE OF NEVADA**

11 MARK B. STEPPAN,

12 Appellant,

Case No 60036

13 vs.

14 JOHN ILIESCU, JR.; SONNIA SANTEE
15 ILIESCU; JOHN ILIESCU JR. and
16 SONNIA SANTEE ILIESCU as TRUSTEES
17 of the JOHN ILIESCU, JR. and SONNIA
18 ILIESCU 1992 FAMILY TRUST,

19 Respondents.
20 AND RELATED COUNTERCLAIM

21 **OPPOSITION TO APPLICATION FOR ORDER SHORTENING TIME**
22 **TO RESPOND TO MOTION FOR REMAND**

23 Respondents above-named, through *new* counsel, Gordon M. Cowan, Esq.,
24 submit the following opposition to Appellant's Allocation for Order Shortening Time:

25 Gordon Cowan, Esq. is new counsel for the Respondents, Dr. and Mrs. Iliescu
26 and their family trust. A Substitution of Attorneys confirming this change of counsel is
on file in the trial court.

The Respondents' former counsel, Tom Hall, Esq., refuses to provide Mr. Cowan
with a copy of his file, or to provide *any* portion of his file, based on Mr. Hall's assertion

an attorney's retaining lien against his former clients, Dr. and Mrs. Iliescu. See
Declaration below. Mr. Hall will not be providing opposition to any matters in this case.

RECEIVED
FEB 24 2012

Cowan Law Office
P.O. Box 17952
Reno, NV 89511

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

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Steppan v. Iliescu

1 Because Mr. Hall refuses Mr. Cowan's request for copies of relevant portions of
2 this matter so that Mr. Cowan can provide adequate representation to Respondents,
3 Mr. Cowan has been without the benefit of necessary papers to adequately represent
4 the Respondents in this matter.

5 Today, for the first time, thanks to the courtesies of Mr. Mike Hoy of the Hoy &
6 Hoy firm, Mr. Cowan received a disc containing electronic copies of relevant portions of
7 the file pertaining to this matter.

8 Because Respondent's counsel, Mr. Cowan has remained "hamstrung" in not
9 having access to relevant documents prior to today, resultant of Mr. Hall's efforts, Mr.
10 Cowan is not able to adequately prepare an opposition to the Appellant's Motion for
11 Remand should an opposition be ordered on a shortened response time.

12 Understanding the need of the Appellant to have his day in court prior to an
13 approaching "five year trial dismissal rule," which is the basis of Appellant's request to
14 shorten time, Mr. Cowan has offered Appellant's counsel a stipulation to waive the five-
15 year trial dismissal rule, which remains open for acceptance by the Appellant.

16 Based on the foregoing, the Application for Shortening Time potentially
17 prejudices the Respondents and appears to be unnecessary in view of the offered
18 remedy in avoiding the five-year dismissal rule.

19 Respondents accordingly, request the Appellant's Application to Shorten Time
20 be denied.

21 RESPECTFULLY, this 24th day of February 2012

22
23 GORDON M. COWAN, ESQ. (Nev. 1781)
LAW OFFICE OF GORDON M. COWAN

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26 Attorneys for Plaintiffs

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DECLARATION OF COUNSEL

Gordon M. Cowan, declares under penalty of perjury, the following:

1. I am current counsel for the Respondents above-named. I am personally familiar with the facts set forth below, except for those facts based on information and belief and as to those facts, I believe them to be true.
2. I recently entered an appearance via a Substitution of Attorneys in the district court matter from which the instant appeal arises.
3. In entering an appearance, Mr. Tom Hall, the Respondents' counsel who precedes me, refuses to provide me a copy of his file. I wrote a letter to Mr. Hall February 13, 2012, advising the following, all of which is neither confidential nor privileged:

Dear Mr. Hall:

Enclosed please find the executed Substitution of Attorneys. Your courtesy in providing a copy of the same when signed and filed, would be sincerely appreciated.

You indicated you are retaining all litigation files and "work product" in accordance with an attorney's lien, until such time as you are paid by Dr. and Mrs. Iliescu. There is no interest on my part to get involved in that probable fight.

On the "lien" issue, my impression is, a lien may be justified to the extent it would protect an attorney to the extent of the "work product" he generated for the client during his representation. I'm unclear and curious how such a lien would attach to those papers the attorney did not generate or to the "work product" of a predecessor attorney on the case.

Meanwhile, to the extent your lien would not attach to certain materials and the "work product" generated by others, I ask that you promptly forward to me those materials which [prior counsel] provided your office without charge. Time would appear to be of the essence on this issue. Dr. and Mrs. Iliescu remain prejudiced when their newly assigned counsel is not able to adequately represent them because the prior attorney chooses to retain all materials including the "work product" produced by others.

1 Thanks, Tom, for your understanding and help on
2 the issue.

3 Sincerely, Gordon M. Cowan
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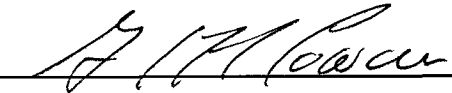
- 6 4. Through the courtesies of Mr. Mike Hoy, today, I received a disc
7 containing relevant portions of the file giving rise to this appeal. The file
8 is, in my opinion, significant in size and complicated, as are the issues
9 relative to this appeal. I have only had minimal time to merely peruse and
10 scan relevant filings from the materials received from Mr. Hoy.
- 11 5. Because I am stepping into a matter that has extensive filings in the lower
12 court, and where the Respondents' prior counsel chooses to hold onto
13 files that would otherwise be necessary to assist me in providing the
14 Respondent with adequate representation, I am not able to adequately or
15 responsibly respond to the Appellant's Motion for Remand on a shortened
16 time basis.
- 17 6. For the reasons indicated above, it is my opinion that the Respondent
18 could potentially suffer prejudice should the time to file an opposition to
19 the Appellant's motion be shortened.
- 20 7. In an effort to alleviate the concerns which gives rise to the Appellant's
21 Application to Shorten Time, I extended the offer to Appellant's counsel to
22 waive the five-year dismissalal rule.

23 THIS DECLARATION is made this 24th day of February 2012 in Reno, Washoe
24 County, Nevada.

25 
26 Declarant, Gordon Cowan
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28

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the within document does NOT contain the social security number of any person.



CERTIFICATE OF SERVICE

Pursuant to NRAP 25(d), I certify that I am employed at 10775 Double R Blvd., Reno, Nevada 89521, and on this date I served the foregoing document(s) on all parties to this action by:

 X Placing an original or true copy thereof in a sealed envelope with postage prepaid in the United States Mail at Reno, Nevada, following ordinary business practices;

_____ Personal delivery;

 X Facsimiles to:
 Mike Hoy, Esq., Mike Kimmel, Esq. 775.786.7426
 David Grundy, Esq., Alice Mercado, Esq. 775.786.9716
 Gregory Wilson, Esq. 775.786.7764

_____ Reno-Carson Messenger Service;

_____ Certified Mail with Return Receipt Requested.

addressed as follows:

Michael D. Hoy Esq.
Michael S. Kimmel
Hoy & Hoy P.C.
4741 Caughlin Parkway Ste. 4
Reno, NV 89519

Gregory F. Wilson
417 W. Plumb Ln.
Reno NV 89509

David Grundy, Esq.
Lemons Grundy Eisenberg
6005 Plumas St 3rd Floor
Reno NV 89519

David Wasick
879 Mahogany Dr.
Minden NV 89423

DATED February 24, 2012