

1 **Marquis Aurbach Coffing**  
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 2 Nevada Bar No. 3430  
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 8 Attorneys for Eleanor Connell Hartman Ahern

Electronically Filed  
 Apr 23 2015 09:18 a.m.  
 Tracie K. Lindeman  
 Clerk of Supreme Court

9 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

10 IN THE MATTER OF THE W.N.  
 11 CONNELL AND MARJORIE T.  
 12 CONNELL LIVING TRUST, DATED  
 MAY 18, 1972, AN INTER VIVOS  
 IRREVOCABLE TRUST,

Case No.: 66231

13 ELEANOR C. AHERN A/K/A  
 14 ELEANOR CONNELL HARTMAN  
 AHERN,

Appeal from the Eighth Judicial  
 District Court, The Honorable Gloria  
 Sturman Presiding.

15 Appellant,

vs.

16 JACQUELINE M. MONTOYA; AND  
 KATHRYN A BOUVIER,

Respondents.

17 **MARQUIS AURBACH COFFING'S NRAP 27(E) EMERGENCY**  
 18 **MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR**  
 19 **ELEANOR CONNELL HARTMAN AHERN**

(RELIEF NEEDED BY APRIL 27, 2015)

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**MARQUIS AURBACH COFFING'S NRAP 27(E) EMERGENCY  
MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR  
ELEANOR CONNELL HARTMAN AHERN**


**(RELIEF NEEDED BY APRIL 27, 2015)**

The law firm of Marquis Aurbach Coffing hereby moves this Court for an order allowing it to withdraw as counsel of record for Appellant Eleanor Connell Hartman Ahern (hereinafter "Appellant") in the above-captioned Supreme Court Matter. This Emergency Motion is made and based upon the Declaration of counsel Liane K. Wakayama, Esq. and the following Memorandum of Points and Authorities. In accordance with NRAP 27(e), MAC requests this Court to grant MAC's withdrawal by no later than April 27, 2015 as the first appellate deadline in another pending appeal in the same case is April 28, 2015 (Case No. 67782).

Dated this 25<sup>th</sup> day of April, 2015.

MARQUIS AURBACH COFFING

By

  
Dale A. Hayes, Esq.  
Nevada Bar No. 3430  
Liane K. Wakayama, Esq.  
Nevada Bar No. 11313  
Candice E. Renka, Esq.  
Nevada Bar No. 11447  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
Attorneys for Eleanor Connell  
Hartman Ahern

///

1                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2       **I. INTRODUCTION.**

3           In an Order entered on April 20, 2015, the District Court granted MAC's  
4 withdrawal in the underlying trust litigation pursuant to NRPC 1.16(a).  
5 Pursuant to NRAP 46(e)(3), SCR 46, NRPC 1.16(a), MAC now requests that  
6 this Court enter an Order allowing MAC to withdraw from representation of  
7 Eleanor and that the Court extend the time for Eleanor to meet the upcoming  
8 appellate deadlines for at least 30 days.

9       **II. LEGAL ARGUMENT.**

10          In accordance with NRAP 46(e)(3), this Court can enter an order  
11 allowing the withdrawal of an attorney where the withdrawing attorney states  
12 the reasons for the attorney's withdrawal consistent with SCR 46 and NRPC  
13 1.16. Pursuant to NRPC 1.16(a), an attorney *shall* withdraw if "[t]he  
14 representation will result in violation of the Rules of Professional Conduct or  
15 other law." To avoid any delay in the pending appeals, MAC requests this  
16 Court for emergency consideration under NRAP 27(e) of MAC's mandatory  
17 withdrawal.

18          Over the past week, MAC has learned information from the newly court-  
19 appointed successor trustee, Fred Waid, which necessitates MAC's immediate  
20 and mandatory withdrawal. Importantly, the District Court granted MAC's  
21 withdrawal on April 20, 2015 pursuant to NRPC 1.16(a) as there has been a  
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1 complete breakdown in communication between MAC and Eleanor.<sup>1</sup> The  
2 Declaration of Ms. Wakayama contains Eleanor's last known address,  
3 telephone number, and email address.<sup>2</sup> Eleanor has been informed that MAC  
4 will be filing this motion and that the upcoming deadlines in the pending appeal  
5 identified as Case No. 66231 are as follows:

- 6 • **May 27, 2015**: Opening Brief due in First Appeal.

7 Extending this deadline for at least 30 days will not materially delay this  
8 appeal. Also, because there are no other pending deadlines or hearings, MAC's  
9 withdrawal will not have any material adverse effect on Eleanor. Accordingly,  
10 it is proper for the Court to grant this Motion to Withdraw.

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21 \_\_\_\_\_  
22 <sup>1</sup> See Order Granting Motion to Withdraw, a copy of which is attached hereto as  
Exhibit 1.

23 <sup>2</sup> See Declaration of Liane K. Wakayama, Esq. attached hereto as Exhibit 2.

1 **III. CONCLUSION.**

2 Given the foregoing, MAC respectfully requests that the Court allow  
3 MAC to withdraw as counsel for Eleanor, and the Court grant Eleanor an  
4 extension of time to meet the upcoming appellate deadlines.

5 Dated this 13<sup>th</sup> day of April, 2015.

6 MARQUIS AURBACH COFFING

7  
8 By 

9 Dale A. Hayes, Esq.

10 Nevada Bar No. 3430

11 Liane K. Wakayama, Esq.

12 Nevada Bar No. 11313

13 Candice E. Renka, Esq.

14 Nevada Bar No. 11447

15 10001 Park Run Drive

16 Las Vegas, Nevada 89145

17 Attorneys for Eleanor Connell

18 Hartman Ahern

1                                    **NRAP 27(e) CERTIFICATE**

2            I hereby certify that this **EMERGENCY MOTION TO WITHDRAW**  
3 **AS COUNSEL OF RECORD FOR ELEANOR CONNELL HARTMAN**  
4 **AHERN** complies with the provisions of NRAP 27(e).

5            As set forth in the body of this motion, emergency relief is needed before  
6 April 27, 2015 as the first appellate deadline in another pending appeal in the  
7 same case is April 28, 2015 (Case No. 67782).

8            The telephone numbers, office addresses, and all known contact  
9 information of the attorneys for the parties are as follows:

10                                   Whitney B. Warnick, Esq.  
11                                   Albright, Stoddard, Warnick & Albright  
12                                   801 South Rancho Drive, Suite D-4  
13                                   Las Vegas, Nevada 89106  
14                                   Telephone: (702) 384-7111  
15                                   Facsimile: (702) 384-0605  
16                                   [wwarnick@albrightstoddard.com](mailto:wwarnick@albrightstoddard.com)  
17                                   *Attorney for Kathryn A. Bouvier*

18                                   Joseph J. Powell, Esq.  
19                                   The Rushforth Firm, LTD.  
20                                   9505 Hillwood Drive, Suite 100  
21                                   Las Vegas, Nevada 89134  
22                                   Telephone: (702) 255-4552  
23                                   Facsimile: (702) 255-4677  
                                 [joey@rushforth.net](mailto:joey@rushforth.net)  
                                 *Attorney for Jacqueline M. Montoya*

24 ///

25 ///

26 ///

1 Eleanor Connell Hartman Ahern  
2 8635 W. Sahara Ave., #549  
3 Las Vegas, Nevada 89117-5838  
4 Telephone: (256) 283-5867  
5 Eleanor@ConnellTrust.Lawyer

6 According to the attached certificate of service, all parties through their  
7 counsel of record have been served electronically by this Court's electronic  
8 filing system or by electronic mail due to the expedited nature of the relief  
9 requested by MAC.

10 Dated this 13<sup>th</sup> day of April, 2015.

11 MARQUIS AURBACH COFFING

12 By 

13 Dale A. Hayes, Esq.

14 Nevada Bar No. 3430

15 Liane K. Wakayama, Esq.

16 Nevada Bar No. 11313

17 Candice E. Renka, Esq.

18 Nevada Bar No. 11447

19 10001 Park Run Drive

20 Las Vegas, Nevada 89145

21 Attorneys for Eleanor Connell

22 Hartman Ahern  
23

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **MARQUIS AURBACH**  
**COFFING'S NRAP 27(E) EMERGENCY MOTION TO WITHDRAW AS**  
**COUNSEL OF RECORD FOR ELEANOR CONNELL HARTMAN**  
**AHERN** was filed electronically with the Nevada Supreme Court on the 23<sup>rd</sup>

day of April, 2015. Electronic Service of the foregoing document shall be made  
in accordance with the Master Service List as follows:

N/A

I further certify that I served a copy of this document by mailing a true  
and correct copy thereof, postage prepaid, addressed to:

Whitney B. Warnick, Esq.  
Albright, Stoddard, Warnick & Albright  
801 South Rancho Drive, Suite D-4  
Las Vegas, Nevada 89106  
*Attorney for Kathryn A. Bouvier*

Joseph J. Powell, Esq.  
The Rushforth Firm, LTD.  
9505 Hillwood Drive, Suite 100  
Las Vegas, Nevada 89134  
*Attorney for Jacqueline M. Montoya*

Eleanor Connell Hartman Ahern  
8635 W. Sahara Ave., #549  
Las Vegas, Nevada 89117-5838

I further certify that on this day, I delivered a copy of the same via  
electronic mail to all Parties addressed as follows:

Whitney B. Warnick, Esq.  
wwarnick@albrightstoddard.com  
*Attorney for Kathryn A. Bouvier*

///

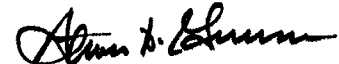


1 Joseph J. Powell, Esq.  
2 joey@rushforth.net  
3 Attorney for Jacqueline M. Montoya

4 Eleanor Connell Hartman Ahern  
5 Eleanor@ConnellTrust.Lawyer

6  
7  
8 Julia Rodionova, an employee of  
Marquis Aurbach Coffing

# Exhibit 1



CLERK OF THE COURT

**Marquis Aurbach Coffing**

Dale A. Hayes, Esq.  
Nevada Bar No. 3430  
Liane K. Wakayama, Esq.  
Nevada Bar No. 11313  
Candice E. Renka, Esq.  
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dhayes@maclaw.com  
lwakayama@maclaw.com  
crenka@maclaw.com

Attorneys for Eleanor Connell Hartman Ahern

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

In the Matter of

THE W.N. CONNELL AND MARJORIE T.  
CONNELL LIVING TRUST DATED May 18,  
1972, An Inter Vivos Irrevocable Trust.

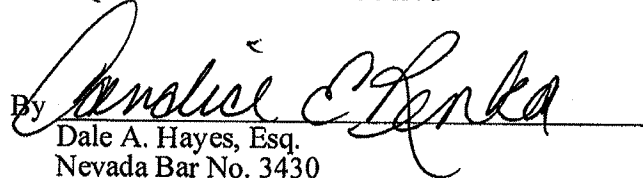
Case No.: P-09-066425-T  
Dept. No.: 26

**NOTICE OF ENTRY OF ORDER**

Please take notice that an Order Granting Marquis Aurbach Coffing's Motion to Withdraw as Counsel of Record on Order Shortening Time was entered in the above-captioned matter on the 20<sup>th</sup> day of April, 2015, a copy of which is attached hereto.

Dated this 20 day of April, 2015.

MARQUIS AURBACH COFFING

By 

Dale A. Hayes, Esq.  
Nevada Bar No. 3430  
Liane K. Wakayama, Esq.  
Nevada Bar No. 11313  
Candice E. Renka, Esq.  
Nevada Bar No. 11447  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
Attorneys for Eleanor Connell Hartman Ahern

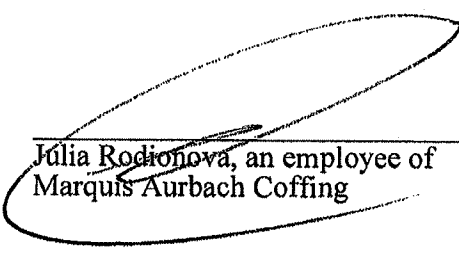
**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 20<sup>th</sup> day of April, 2015. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>1</sup>

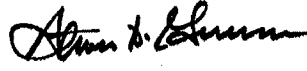
<b>Albright Stoddard Warnick &amp; Albright</b>		
<b>Contact</b>	<b>Email</b>	
Barbara Clark, Legal Assistant	<a href="mailto:bclark@albrightstoddard.com">bclark@albrightstoddard.com</a>	
G. Mark Albright, Esq.	<a href="mailto:gma@albrightstoddard.com">gma@albrightstoddard.com</a>	
Whitney B. Warnick	<a href="mailto:wbw@albrightstoddard.com">wbw@albrightstoddard.com</a>	
<hr/>		
<b>Hutchison &amp; Steffen</b>		
<b>Contact</b>	<b>Email</b>	
Russel J. Geist	<a href="mailto:rgeist@hutchlegal.com">rgeist@hutchlegal.com</a>	
<hr/>		
<b>Hutchison &amp; Steffen, LLC</b>		
<b>Contact</b>	<b>Email</b>	
Amber Anderson	<a href="mailto:aanderson@hutchlegal.com">aanderson@hutchlegal.com</a>	
Whitney Stockton	<a href="mailto:wstockton@hutchlegal.com">wstockton@hutchlegal.com</a>	
<hr/>		
<b>The Rushforth Firm</b>		
<b>Contact</b>	<b>Email</b>	
Probate	<a href="mailto:probate@rushforthfirm.com">probate@rushforthfirm.com</a>	
<hr/>		
<b>The Rushforth Firm, Ltd.</b>		
<b>Contact</b>	<b>Email</b>	
Joseph J. Powell	<a href="mailto:probate@rushforthfirm.com">probate@rushforthfirm.com</a>	

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

Eleanor Connell Hartman Ahern  
8635 W. Sahara Ave., #549  
Las Vegas, Nevada 89117-5838

  
Julia Rodionova, an employee of  
Marquis Aurbach Coffing

<sup>1</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

  
CLERK OF THE COURT

**Marquis Aurbach Coffing**  
Dale A. Hayes, Esq.  
Nevada Bar No. 3430  
Liane K. Wakayama, Esq.  
Nevada Bar No. 11313  
Candice E. Renka, Esq.  
Nevada Bar No. 11447  
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dhayes@maclaw.com  
lwakayama@maclaw.com  
crenka@maclaw.com  
Attorneys for Eleanor Connell Hartman  
Ahern, as Trustee

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

In the Matter of  
  
THE W.N. CONNELL AND MARJORIE T.  
CONNELL LIVING TRUST DATED May 18,  
1972, An Inter Vivos Irrevocable Trust.

Case No.: P-09-066425-T  
Dept. No.: 26

**Date of Hearing: April 20, 2015**  
**Time of Hearing: 10:00 a.m.**

In the Matter of,  
  
MARJORIE T. CONNELL,

Case No.: P-14-080595-E  
Dept. No.: 26

Deceased.

**ORDER GRANTING MARQUIS AURBACH COFFING'S MOTION TO WITHDRAW  
AS COUNSEL OF RECORD ON ORDER SHORTENING TIME**

This matter, having come on for hearing April 20, 2015 on order shortening time in the above referenced matters, regarding Marquis Aurbach Coffing's Motion to Withdraw as Counsel of Record on Order Shortening Time; pursuant to EDCR 2.20 and for good cause showing, the Court hereby finds and orders as follows:

1. Marquis Aurbach Coffing's Motion to Withdraw as Counsel of Record on Order Shortening Time is hereby GRANTED; and

///

///

**MARQUIS AURBACH COFFING**

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

1           2.     All future correspondence, filings, pleadings, and otherwise shall be sent to  
2 Eleanor Connell Hartman Ahern at the following address:

3                             Eleanor Connell Hartman Ahern  
4                             8635 W. Sahara Ave., #549  
5                             Las Vegas, Nevada 89117-5838

6                             Email: *eleanor@connelltrust.lawyer*

7                             IT IS SO ORDERED this *20<sup>th</sup>* day of April, 2015.     Phone: *(254) 283-5867*

8     
9   DISTRICT COURT JUDGE

10 Submitted by:

11 MARQUIS AURBACH COFFING

12 By 

13             Dale A. Hayes, Esq.  
14             Nevada Bar No. 3430  
15             Liane K. Wakayama, Esq.  
16             Nevada Bar No. 11313  
17             Candice E. Renka, Esq.  
18             Nevada Bar No. 11447  
19             10001 Park Run Drive  
20             Las Vegas, Nevada 89145  
21             Attorneys for Eleanor Connell Hartman Ahern

# Exhibit 2

**DECLARATION OF LIANE K. WAKAYAMA, ESQ. IN SUPPORT OF MARQUIS AURBACH COFFING'S NRAP 27(E) EMERGENCY MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR ELEANOR CONNELL HARTMAN AHERN**

Liane K. Wakayama, Esq. declares as follows:

1. I am an attorney with the law firm of Marquis Aurbach Coffing ("MAC"), counsel for Eleanor Connell Hartman Ahern ("Eleanor") in the above-stated action.

2. I am duly licensed to practice law in the State of Nevada and have personal knowledge of and I am competent to testify concerning the facts herein.

3. I make this Declaration in support of Marquis Aurbach Coffing's NRAP 27(e) Emergency Motion to Withdraw as Counsel of Record for Eleanor Connell Hartman Ahern.

4. MAC's Motion to Withdraw as Counsel of Record is pursuant to NRPC 1.16(a) and in accordance with NRAP 27(e), NRAP 46(e)(3) and SCR 46.

5. Eleanor has been notified that MAC will be filing this motion.

6. The last known mailing address and contact information for Eleanor is:

Eleanor Connell Hartman Ahern  
8635 W. Sahara Ave., #549  
Las Vegas, Nevada 89117-5838  
(256) 283-5867  
eleanor@connelltrust.lawyer

7. MAC seeks withdrawal as soon as possible to avoid further preparation and expenditure of fees for representing Eleanor and to allow Eleanor sufficient time to retain new counsel.

8. This request is made on an emergency basis because of the upcoming appellate deadlines and MAC wishes to withdraw beforehand so as to avoid further preparation and expenditure of fees.

///

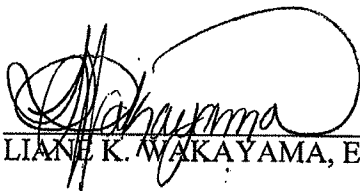
///



1           9.       This request is made in good faith and not for the purposes of delay.

2           Pursuant to NRS § 53.045, I declare under penalty of perjury under the laws of the State  
3 of Nevada that the foregoing is true and correct.

4           Dated this 22<sup>ND</sup> day of April, 2015.

5  
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7             
8           \_\_\_\_\_  
9           LIANE K. WAKAYAMA, ESQ.