

IN THE SUPREME COURT OF THE STATE OF NEVADA

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IN THE MATTER OF: THE W.N.
CONNELL AND MARJORIE T.
CONNELL LIVING TRUST,
DATED MAY 18, 1972,

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

Appellant,

vs.

JACQUELINE M. MONTOYA;
AND KATHRYN A. BOUVIER,

Respondents.

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

ELEANOR CONNELL HARTMAN
AHERN,

Appellant,

vs.

KATHRYN A. BOUVIER; AND
JACQUELINE M. MONTOYA;

Respondents.

Electronically Filed
Supreme Court No.: A62310 2016 10:32 a.m.
Tracie K. Lindeman
District Court Case No.: Clerk of Supreme Court
P-09-066425-T

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

Consolidated with:
Supreme Court No.: 67782

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

ELEANOR CONNELL HARTMAN
AHERN,

Appellant,

vs.

JACQUELINE M. MONTOYA;
AND KATHRYN A. BOUVIER,

Respondents.

Consolidated with:
Supreme Court No.: 68046

MOTION TO WITHDRAW AS COUNSEL

PETERSON HOPE, PLLC
Tamara Beatty Peterson, Esq., NV Bar No. 5218
10001 Park Run Drive
Las Vegas, NV 89145
Telephone: 702.786.1001
Facsimile: 702.786.1002
tpeterson@petersonhope.com

COMES NOW TAMARA BEATTY PETERSON, ESQ. former attorney of record for Appellant Eleanor Connell Hartman Ahern, ("Appellant"), and moves this Honorable Court to enter an Order allowing withdrawal as counsel of record for Appellant in the above-captioned Supreme Court Matter.

This Motion is made and based upon the Affidavit of Counsel attached hereto and the Points and Authorities which follow.

DATED this 10th day of August, 2016.

PETERSON HOPE, PLLC

By: /s/ Tamara Beatty Peterson

Tamara Beatty Peterson, Esq., NV Bar No. 5218

10001 Park Run Drive

Las Vegas, NV 89145

Telephone: 702.786.1001

Facsimile: 702.786.1002

tpeterson@petersonhope.com

POINTS AND AUTHORITIES

Supreme Court Rule 46 provides in pertinent part:

The attorney in an action or special proceeding may be changed at any time before judgment or final determination as follows:

1. Upon consent of the attorney, approved by the client.
2. Upon the order of the court or judge thereof on the application of the attorney or the client.

After judgment or final determination, an attorney may withdraw as attorney of record at any time upon the attorney's filing a withdrawal, with or without the client's consent.

Nevada Rule of Professional Conduct 1.16(b) states:

- (b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:
- (1) Withdrawal can be accomplished without material adverse effect on the interests of the client;
 - (2) The client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;
 - (3) The client has used the lawyer's services to perpetrate a crime or fraud;
 - (4) A client insists upon taking action that the lawyer considers repugnant or with which the lawyer has fundamental disagreement;
 - (5) The client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;
 - (6) The representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or
 - (7) Other good cause for withdrawal exists.

EDCR 7.40(b) states:

- (b) Counsel in any case may be changed only:

...

- (2) When no attorney has been retained to replace the attorney withdrawing, by order of the court, granted upon written motion, and
 - (i) If the application is made by the attorney, the attorney must include in an affidavit the address, or last known address, at which the client may be served with notice of further proceedings taken in the case in the event the application for withdrawal is granted, and the telephone number, or last known telephone number, at which the client may be reached and the attorney must serve a copy of the application upon the client and all other parties to the action or their attorneys, [...]

This Motion does not affect the status of the other attorney that represents the Appellant. Kirk B. Lenhard, Esq. of Brownstein Hyatt Farber Schreck, LLP ("Brownstein") shall remain designated counsel for the Appellant.

Ms. Peterson's withdrawal will not delay this case, and is requested on the basis that Ms. Peterson is no longer associated with Brownstein as of June 19, 2016, and therefore is no longer involved in representing the Appellant in this case.

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Accordingly, Counsel has followed the procedure for withdrawal by filing this motion to withdraw and attaching the Affidavit of Tamara Beatty Peterson. Therefore, Counsel is entitled to withdraw from this representation.

Dated this 10th day of August, 2016.

PETERSON HOPE, PLLC

By: /s/ Tamara Beatty Peterson
Tamara Beatty Peterson, Esq., NV Bar No. 5218
10001 Park Run Drive
Las Vegas, NV 89145
Telephone: 702.786.1001
Facsimile: 702.786.1002
tpeterson@petersonhope.com

AFFIDAVIT OF TAMARA BEATTY PETERSON

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

TAMARA BEATTY PETERSON, being first duly sworn, deposes and says:

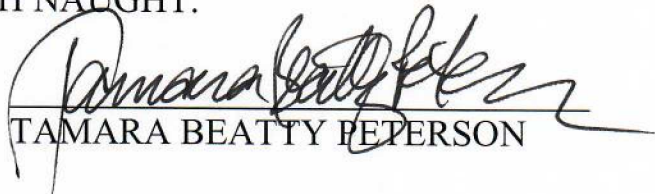
1. I am an attorney with the law firm of Peterson Hope, PLLC, and I am licensed to practice law in the State of Nevada.

2. Kirk B. Lenhard, Esq. of the law firm of Brownstein Hyatt Farber Schreck, LLP will remain counsel for Appellant.

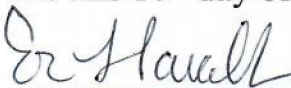
3. Appellant may be served with notice of further proceedings at the following address:

Kirk B. Lenhard, Esq.
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 N. City Parkway, Suite 1600
Las Vegas, NV 89106
Telephone: (702) 382-2101

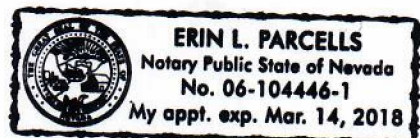
FURTHER AFFIANT SAYETH NAUGHT.


TAMARA BEATTY PETERSON

SUBSCRIBED AND SWORN TO before
Me this 10th day of August, 2016.



NOTARY PUBLIC in and for said County
And State.



CERTIFICATE OF SERVICE

I hereby certify that I electronically filed and served the foregoing **MOTION TO WITHDRAW AS COUNSEL** with the Clerk of the Court of the Supreme Court of Nevada by using the Court's Electronic Filing System on August 10, 2016 upon the following:

WHITNEY B. WARNICK, ESQ.
ALBRIGHT, STODDARD,
WARNICK & ALBRIGHT
801 S. Rancho Drive, Suite D-4
Las Vegas, NV 89106
Attorneys for Kathryn A. Bouvier

KIRK B. LENHARD, ESQ.
Klenhard@bhfs.com
BROWNSTEIN HYATT FARBER
SCHRECK, LLP
100 N. City Parkway, Suite 1600
Las Vegas, NV 89106
*Attorney for Appellant Eleanor Connell
Hartman Ahern*

JOSEPH J. POWELL, ESQ.
THE RUSHFORTH FIRM, LTD.
P.O. Box 371655
Las Vegas, NV 89137-1655
Attorneys for Jacqueline M. Montoya

I hereby certify that on August 10, 2016, I served a copy of this document by mailing a true and correct copy, postage prepaid, via U.S. Mail, addressed to the following:

MICHAEL K. WALL, ESQ.
HUTCHISON & STEFFEN, LLC
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145
*Attorneys for Fredrick P. Waid, Court-
appointed Trustee*

/s/ Erin Parcels
an employee of Peterson Hope, PLLC