

MICHAEL S. STRANGE & ASSOCIATES, LLC
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Attorney for Respondent

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Tracie K. Lindeman
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAIGE ELIZABETH PETIT,

Supreme Court Case No.: 66565

Appellant,

vs.

KEVIN DANIEL ADRIANZEN,

Respondent.

MOTION TO WITHDRAW AS ATTORNEY OF RECORD

COMES NOW, MICHAEL S. STRANGE, ESQ. of the law offices of MICHAEL S. STRANGE & ASSOCIATES, LLC the attorney of record for Respondent, KEVIN DANIEL ADRIANZEN and hereby moves this Court for leave to withdraw. Said Motion is made and based upon the attached declaration.

Dated this 1st day of July, 2015

By: /s/ Michael S. Strange
MICHAEL S. STRANGE, ESQ.
633 S. 4th Street; Suite 10
Las Vegas, NV 89101
(702) 456-4357
Attorney for Respondent

POINTS AND AUTHORITIES

I.

STATEMENT OF FACTS

Respondent, KEVIN DANIEL ADRIANZEN (“Kevin”) retained the law offices of MICHAEL S. STRANGE & ASSOCIATES, LLC in September 2014 in the above-entitled action. Pursuant to that agreement, the client was to pay a retainer and to replenish that retainer upon request by this office and to maintain communication with this office.

Despite repeated requests to replenish the retainer, Kevin has not replenished the retainer and currently owes this office for work performed and has indicated that he is unable to pay for additional services going forward.

Mr. Strange seeks to be allowed to withdraw as attorney of record for the Respondent.

II.

LEGAL ARGUMENT

A. The Motion to Withdraw as Attorney of Record should be granted as the Respondent has not complied with replenishing the retainer and continued representation would be an unreasonable financial burden to undersigned counsel.

Nevada Rule of Professional Conduct Rule 1.16. Declining or Terminating Representation (formerly Nevada Supreme Court Rule 166)

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(1) The representation will result in violation of the Rules of Professional Conduct or other law;

(2) The lawyer’s physical or mental condition materially impairs the lawyer’s ability to represent the client; or

(3) The lawyer is discharged.

(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.

(c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

Nevada Supreme Court Rule 46. Withdrawal or change of attorney. 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.

Here, the Respondent retained the law offices of MICHAEL S. STRANGE & ASSOCIATES, LLC to represent him in this matter but at this point due to his failure to replenish the retainer agreement as requested by undersigned counsel, continued representation would result in an unreasonable financial burden on the lawyer and such failure allows counsel to obtain court permission to withdraw under Nevada Rules of Professional Conduct 1.16(b)(5) and 1.16(b)(6).

There is good cause to grant this Motion to Withdraw as Attorney of Record for Respondent.

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III.

CONCLUSION

Therefore, based upon the foregoing the Motion to Withdraw should be granted.

Respectfully Submitted,

MICHAEL S. STRANGE & ASSOCIATES, LLC

By: /s/ Michael S. Strange
MICHAEL S. STRANGE, ESQ.
633 S. 4th Street; Suite 10
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DECLARATION OF MICHAEL S. STRANGE, ESQ.

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I, MICHAEL S. STRANGE, ESQ., says that I am over the age of 18 and I make this declaration pursuant to NRS 53.045 based upon facts that I have personal knowledge of and I believe the facts below are true upon my information and belief.

1. That I am licensed to practice law in all Courts of the State of Nevada, and am the attorney of record for Respondent, KEVIN DANIEL ADRIANZEN.

2. Leave is requested to withdraw as attorney for Respondent, KEVIN DANIEL ADRIANZEN.

3. Respondent, KEVIN DANIEL ADRIANZEN has failed to pay for services already rendered, and your declarant is concerned that Respondent may not pay for future services to be rendered in this litigation, especially where has indicated to declarant that he is unable to pay for services.

4. This Motion is made in good faith, and not for the purpose of delay.

5. The last known address of Respondent, KEVIN DANIEL ADRIANZEN is 9145 West Richmar Ave.; Las Vegas, NV 89178.

6. This Motion is made pursuant to SCR Rule 46 and Nevada Rules of Professional Conduct 1.16(b)(5) and 1.16(b)(6).

7. Further, I say naught.

Dated this 30th day of June, 2015

/s/ Michael S. Strange
MICHAEL S. STRANGE, ESQ.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing MOTION TO WITHDRAW AS ATTORNEY OF RECORD, was made on this 1st day of July, 2015, pursuant to NRAP 25(c)(1)(E) and NEFCR 9(c), by electronic service via the Court's EFlex System to the following counsel:

Telia U. Williams, Esq.
10161 Park Run Drive, Suite 150
Las Vegas, NV 89145
Attorney for Appellant

By: /s/ Michael S. Strange
MICHAEL S. STRANGE, ESQ.
633 S. 4th Street; Suite 10
Las Vegas, NV 89101
(702) 456-4357
Attorney for Respondent

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of July, 2015, I placed a true and correct copy of the foregoing MOTION TO WITHDRAW AS ATTORNEY OF RECORD, in the above-entitled matter, via U.S. Mail, postage prepaid and addressed as follows:

Kevin Adrianzen
9145 West Richmar Ave.
Las Vegas, NV 89178
Respondent

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

By: /s/ Michael S. Strange
MICHAEL S. STRANGE, ESQ.
633 S. 4th Street; Suite 10
Las Vegas, NV 89101
(702) 456-4357
Attorney for Respondent