

1 **Marquis Aurbach Coffing**
 Dale A. Hayes, Esq.
 2 Nevada Bar No. 3430
 Liane K. Wakayama, Esq.
 3 Nevada Bar No. 11313
 Candice E. Renka, Esq.
 4 Nevada Bar No. 11447
 10001 Park Run Drive
 5 Las Vegas, Nevada 89145
 Telephone: (702) 382-0711
 6 Facsimile: (702) 382-5816
 dhayes@maclaw.com
 7 lwakayama@maclaw.com
 crenka@maclaw.com
 8 Attorneys for Eleanor Connell Hartman Ahern

Electronically Filed
 Apr 23 2015 09:20 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.
 CONNELL AND MARJORIE T.
 11 CONNELL LIVING TRUST, DATED
 MAY 18, 1972, AN INTER VIVOS
 12 IRREVOCABLE TRUST,
 ELEANOR CONNELL HARTMAN
 13 AHERN,
 Appellant,
 14 vs.
 15 KATHRYN A. BOUVIER; AND
 JACQUELINE M. MONTOYA,
 Respondents.

Case No.: 67782

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

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

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

20 ///

21 ///

**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 ("MAC") 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 is April 28, 2015.

Dated this 23rd 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
22
23

1 complete breakdown in communication between MAC and Eleanor.¹ The
2 Declaration of Ms. Wakayama contains Eleanor's last known address,
3 telephone number, and email address.² 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. 67782 are as follows:

- 6 • April 28, 2015: Request for or Notice of No Transcripts Needed
7 due.
- 8
- 9 • April 30, 2015: Docketing Statement due.
- 10 • August 11, 2015: Opening Brief due.

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

15
16 ///

17
18
19
20 ///

21 _____
22 ¹ See Order Granting Motion to Withdraw, a copy of which is attached hereto as
Exhibit 1.

23 ² 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 22ND 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
19
20
21
22
23

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

NRAP 27(e) CERTIFICATE

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

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

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

Whitney B. Warnick, Esq.
Albright, Stoddard, Warnick & Albright
801 South Rancho Drive, Suite D-4
Las Vegas, Nevada 89106
Telephone: (702) 384-7111
Facsimile: (702) 384-0605
wwarnick@albrightstoddard.com
Attorney for Kathryn A. Bouvier

Joseph J. Powell, Esq.
The Rushforth Firm, LTD.
9505 Hillwood Drive, Suite 100
Las Vegas, Nevada 89134
Telephone: (702) 255-4552
Facsimile: (702) 255-4677
joey@rushforth.net
Attorney for Jacqueline M. Montoya

///

///

///


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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

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

Dated this 22nd 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 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 23rd 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:

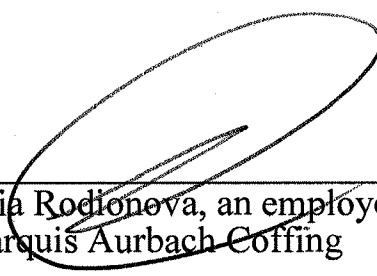
Whitney B. Warnick, Esq.
wwarnick@albrightstoddard.com
Attorney for Kathryn A. Bouvier

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

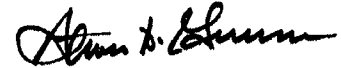
Joseph J. Powell, Esq.
joey@rushforth.net
Attorney for Jacqueline M. Montoya

Eleanor Connell Hartman Ahern
Eleanor@ConnellTrust.Lawyer



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.
Nevada Bar No. 11447
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
dhayes@maclaw.com
lwakayama@maclaw.com
crenka@maclaw.com

Attorneys for Eleanor Connell Hartman Ahern

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of

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

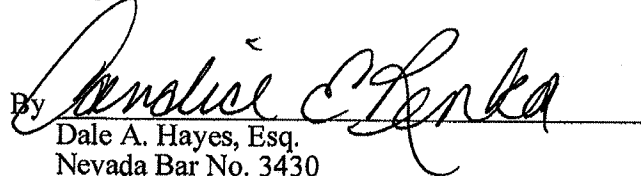
THE W.N. CONNELL AND MARJORIE T.
CONNELL LIVING TRUST DATED May 18,
1972, An Inter Vivos Irrevocable Trust.

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 20th 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

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

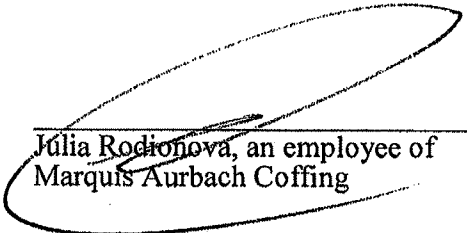
CERTIFICATE OF SERVICE

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 20th day of April, 2015. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

Albright Stoddard Warnick & Albright		
Contact		Email
Barbara Clark, Legal Assistant		bclark@albrightstoddard.com
G. Mark Albright, Esq.		gma@albrightstoddard.com
Whitney B. Warnick		wbw@albrightstoddard.com
Hutchison & Steffen		
Contact		Email
Russel J. Geist		rgeist@hutchlegal.com
Hutchison & Steffen, LLC		
Contact		Email
Amber Anderson		aanderson@hutchlegal.com
Whitney Stockton		wstockton@hutchlegal.com
The Rushforth Firm		
Contact		Email
Probate		probate@rushforthfirm.com
The Rushforth Firm, Ltd.		
Contact		Email
Joseph J. Powell		probate@rushforthfirm.com

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

¹ 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

1 **Marquis Aurbach Coffing**
Dale A. Hayes, Esq.
2 Nevada Bar No. 3430
Liane K. Wakayama, Esq.
3 Nevada Bar No. 11313
Candice E. Renka, Esq.
4 Nevada Bar No. 11447
10001 Park Run Drive
5 Las Vegas, Nevada 89145
Telephone: (702) 382-0711
6 Facsimile: (702) 382-5816
dhayes@maclaw.com
7 lwakayama@maclaw.com
crenka@maclaw.com
8 Attorneys for Eleanor Connell Hartman
Ahern, as Trustee

9 **DISTRICT COURT**
CLARK COUNTY, NEVADA

11 In the Matter of
12 THE W.N. CONNELL AND MARJORIE T.
CONNELL LIVING TRUST DATED May 18,
13 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.

14 In the Matter of,
15 MARJORIE T. CONNELL,
16 Deceased.

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

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

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

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

24
25 ///

26
27
28 ///

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

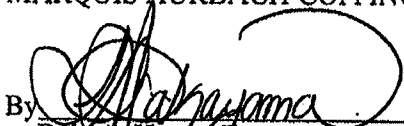
Email: *eleanor@connelltrust.lawyer*

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


DISTRICT COURT JUDGE

Submitted by:

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

MARQUIS AURBACH COFFING

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

Exhibit 2

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

4 Liane K. Wakayama, Esq. declares as follows:

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

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

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

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

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

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

15 Eleanor Connell Hartman Ahern
16 8635 W. Sahara Ave., #549
17 Las Vegas, Nevada 89117-5838
18 (256) 283-5867
19 eleanor@connelltrust.lawyer

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

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

26 ///

27 ///

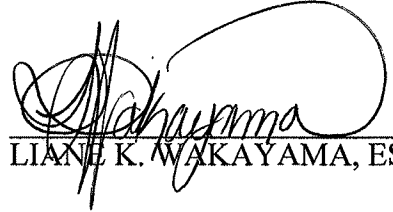
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

Dated this 22ND day of April, 2015.



LIANE K. WAKAYAMA, ESQ.