

In the Supreme Court of Nevada

DITECH FINANCIAL LLC, f/k/a GREEN
TREE SERVICING, LLC,)
)
Appellant,)
)
vs.)
)
SANFORD BUCKLES, on behalf of)
himself and others similarly)
situated,)
)
Respondent.)

Electronically Filed
Mar 14 2017 08:43 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

MOTION TO ASSOCIATE MICHAEL R. PENNINGTON

Appellant DITECH FINANCIAL LLC, f/k/a GREEN TREE SERVICING, LLC
moves to associate Michael R. Pennington, a member of the Alabama
Bar, in this case pursuant to SCR 42. This motion is supported by the
attached Verified Application for Association of Counsel (Exhibit A),
Certificate of Good Standing (Exhibit B), and the State Bar of Nevada
Statement (Exhibit C).

Dated this 13th day of March, 2017.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

ELIZABETH HAMRICK (SBN 9414)
MICHAEL R. PENNINGTON (*pro hac pending*)
SCOTT BURNETT SMITH (*pro hac pending*)
BRADLEY ARANT BOULT CUMMINGS, LLP
200 Clinton Avenue West, Ste.900
Huntsville, AL 35801
(256) 517-5100

By: /s/ Daniel F. Polsenberg
DANIEL F. POLSENBERG (SBN 2376)
JOEL D. HENRIOD (SBN 8492)
3993 Howard Hughes Parkway
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BROOKS HUBLEY LLP
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Attorneys for Ditech Financial LLC

EXHIBIT A

EXHIBIT A

Case No. 70475

In the Supreme Court of Nevada

DITECH FINANCIAL LLC, f/k/a GREEN
TREE SERVICING, LLC,

Appellant,

vs.

SANFORD BUCKLES, on behalf of him-
self and others similarly situated,

Respondent.

**VERIFIED APPLICATION FOR ASSOCIATION
OF COUNSEL UNDER NEVADA SUPREME COURT RULE 42**

MICHAEL R. PENNINGTON, Petitioner, respectfully represents:
First Middle Name Last

1. Petitioner resides at 2648 RILLWOOD ROAD

Street Address

BIRMINGHAM, JEFFERSON, AL, 35243
City County State Zip Code

(205) 447-2602
Telephone

2. Petitioner is an attorney at law and a member of the law firm of:

BRADLEY ARANT with offices at 1819 FIFTH AVENUE NORTH
Street Address

BIRMINGHAM, JEFFERSON, AL, 35203
City County State Zip Code

(205) 521-8391, mpennington@bradley.com
Telephone Email

3. Petitioner has been retained personally or as a member of the
above named law firm by DITECH FINANCIAL LLC to pro-

vide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since SEPTEMBER 27 of 1985, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of ALABAMA where petitioner regularly practices law.

5. Petitioner was admitted to practice before the following United States District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States, and/or courts of other states on the dates indicated for each, and is presently a member in good standing of the bars of said Courts:

DATE ADMITTED

SEE ATTACHED EXHIBIT A

6. Is Petitioner currently suspended or disbarred in any court? You must answer yes or no. If yes, give particulars; e.g., court, jurisdiction, date: NO

7. Is Petitioner currently subject to any disciplinary proceedings by any organization with authority at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: NO

8. Has Petitioner ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authori-

ty to discipline attorneys at law? You must answer yes or no. If yes, give particulars, e.g. court, discipline authority, date, status: _____

NO

9. Has Petitioner ever had any certificate or privilege to appear and practice before any regulatory administrative body suspended or revoked? You must answer yes or no. If yes, give particulars, e.g. date, administrative body, date of suspension or reinstatement: _____

NO

10. Has Petitioner, either by resignation, withdrawal, or otherwise, ever terminated or attempted to terminate Petitioner's office as an attorney in order to avoid administrative, disciplinary, disbarment, or suspension proceedings? You must answer yes or no. If yes, give particulars: NO

11. Petitioner has filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, if none, indicate so: *(do not include Federal Pro Hacs)*

<u>Date of</u> <u>Application</u>	<u>Cause</u>	<u>Title of Court</u> <u>Administrative Body</u> <u>or Arbitrator</u>	<u>Was Application</u> <u>Granted or</u> <u>Denied?</u>
NONE			

(If necessary, please attach a statement of additional applications)

12. Nevada Counsel of Record for Petition in this matter is:
(must be the same as the signature on the Nevada Counsel consent page)

<u>DANIEL F. POLSENBERG</u>			<u>2376</u>
First Name	Middle Name	Last Name	NV Bar #

who has offices at
LEWIS ROCA ROTHGERBER CHRISTIE,
Firm Name/Company

<u>3993 HOWARD HUGHES PARKWAY, STE 600</u>	<u>LAS VEGAS</u>	<u>CLARK</u>
Street Address	City	County
<u>89169</u>	<u>(702)</u>	<u>474-2616</u>
Zip Code	Phone Number	

13. The following accurately represents the names and addresses of each party in this matter, WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses of each counsel of record who appeared for said parties: (You may attach as an Exhibit if necessary.)

NAME	MAILING ADDRESS
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<u>SEE ATTACHED EXHIBIT A</u>
<u> </u>
<u> </u>
<u> </u>
<u> </u>

14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and (13) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada in accordance with provisions as set forth in SCR 42(3) and (13). Petitioner

respectfully requests that Petitioner be admitted to practice in the above-entitled court FOR THE PURPOSES OF THIS MATTER ONLY.


15. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

I, Michael R. Pennington, do hereby swear/affirm under penalty of perjury that the assertions of this application and the following statements are true:

- 1) That I am the Petitioner in the above entitled matter.
- 2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:
 - (A) I am not a member of the State Bar of Nevada;
 - (B) I am not a resident of the State of Nevada;
 - (C) I am not regularly employed as a lawyer in the State of Nevada;
 - (D) I am not engaged in substantial business, professional, or other activities in the State of Nevada;
 - (E) I am a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and
 - (F) I have associated a lawyer who is an active member in good standing of the State Bar of Nevada as counsel of record in this action or proceeding.
- 3) That I have read the foregoing application and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to the matter I believe them to be true.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; that I understand and shall comply with the standards of professional conduct required by members of the State Bar of Nevada; and that I am subject to the disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the course of such appearance.

DATED this 12 day of March, 2017.



Petitioner/Affiant (blue ink)

STATE OF ALABAMA)
) ss
COUNTY OF JEFFERSON)

Subscribed and sworn to before me

this 12 day of MARCH, 2017.



Notary Public



DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

SCR 42(14) Responsibilities of Nevada attorney of record.

(a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.

(b) The Nevada attorney of record shall be present at all motions, pre-trials, or any matters in open court unless otherwise ordered by the court.

(c) The Nevada attorney of record shall be responsible to the court, arbitrator, mediator, or administrative agency or governmental body for the administration of any proceeding that is subject to this rule and for compliance with all state and local rules of practice. It is the responsibility of Nevada counsel to ensure that the proceeding is tried and managed in accordance with all applicable Nevada procedural and ethical rules.

I Dan Polsenberg hereby agree to associate with Petitioner
Print Nevada Counsel Name

referenced hereinabove and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 5th day of March, 2017.



Nevada Counsel of Record (blue ink)

STATE OF Nevada)
) ss
COUNTY OF Clark)

Subscribed and sworn to before me

this 8th day of March, 2017.


Notary Public

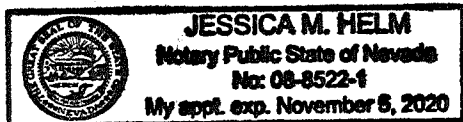


EXHIBIT A

COURT ADMISSION DATES

USDC Northern District of Alabama - 09/08/1985
USDC Middle District of Alabama - 10/26/1987
USDC Southern District of Alabama - 12/21/2000
USDC Western District of Arkansas - 05/08/2013
11th Circuit Court of Appeals - 01/12/1987
United States Supreme Court - 10/03/1988

PARTIES TO ACTION

Plaintiff's Counsel (Sanford Buckles)

Michael Kind
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7854 W. Sahara Avenue
Las Vegas, NV 89117
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mkind@kazlg.com

David H. Krieger
Haines & Krieger, LLC
8985 S. Eastern Avenue
Suite 350
Henderson, NV 89123
Telephone: (702) 880-5554
Facsimile: (702) 383-5518
dkrieger@hainesandkrieger.com

Defendants' Counsel (DiTech Financial LLC f/k/a Green Tree Servicing, LLC, and Walter Investment Management Corporation)

Michael R. Brooks
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Gregg A. Hubley
Nevada Bar No. 7386
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EXHIBIT A

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Elizabeth Hamrick
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Birmingham, AL 35203
Telephone: (205) 521-8391
Facsimile: (205) 488-6391
mpennington@bradley.com

EXHIBIT B

EXHIBIT B

The Supreme Court of Alabama



Certificate Of Admission

I, Julia Jordan Weller, Clerk of the Supreme Court of Alabama, do hereby certify that Michael R. Pennington
was duly and legally admitted to practice law by the Supreme Court of Alabama on September 27, 1985 *and is now an attorney in good standing at the Bar of this Court, as shown by the records of said Court on file in this office.*

I further certify that the Supreme Court of Alabama is the highest court of record in this State.

Done on March 3, 2017
with the seal of the Supreme Court of Alabama attached.



Julia Jordan Weller
Julia Jordan Weller, Clerk
Supreme Court of Alabama

EXHIBIT C

EXHIBIT C

1 STAT

2 IN THE SUPREME COURT OF NEVADA

3 Case No. 70575

4
5 Ditech Financial, LLC

6 vs.

7 Sanford Buckles
8
9 _____/

10 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
11 42 (3) (b)

12 THE STATE BAR OF NEVADA, in response to the application of
13 Petitioner, submits the following statement pursuant to SCR42(3):

14 SCR42(6)**Discretion.** The granting or denial of a motion to associate
15 counsel pursuant to this rule by the court is discretionary. The
16 court, arbitrator, mediator, or administrative or governmental
17 hearing officer may revoke the authority of the person permitted to
appear under this rule. Absent special circumstances, repeated
appearances by any person or firm of attorneys pursuant to this rule
shall be cause for denial of the motion to associate such person.

18 (a) **Limitation.** It shall be presumed, absent special
19 circumstances, and only upon showing of good cause, that
20 more than 5 appearances by any attorney granted under
this rule in a 3-year period is excessive use of this
rule.

21 (b) **Burden on applicant.** The applicant shall have the
22 burden to establish special circumstances and good cause
23 for an appearance in excess of the limitation set forth
24 in subsection 6(a) of this rule. The applicant shall set
forth the special circumstances and good cause in an
affidavit attached to the original verified application.

25 1. DATE OF APPLICATION: March 8, 2017


26 2. APPLYING ATTORNEY: Michael R. Pennington, Esq.

27 3. FIRM NAME AND ADDRESS: Bradley Arant, 1819 Fifth Avenue North,
28 Birmingham, AL 35203

1 4. NEVADA COUNSEL OF RECORD: Daniel F. Polsenberg, Esq., Lewis
2 Roca Rothgerber Christie LLP., 3993 Howard Hughes Parkway,
3 Suite 600, Las Vegas, NV 89169

4 5. There is no record of previous applications for appearance by
5 petitioner within the past three (3) years.

6 DATED this March 13, 2017
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8 
9 Suzy Moore
10 Member Services Admin.
11 Pro Hac Vice Processor
12 STATE BAR OF NEVADA
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CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2017, I submitted the foregoing
“Motion to Associate Michael R. Pennington” for filing *via* the Court’s
eFlex electronic filing system. Electronic notification will be sent to the
following:

David H. Krieger
HAINES & KRIEGER, LLC
8985 South Eastern Avenue, Suite 130
Las Vegas, Nevada 89123

Abbas Kazerounian
Michael Kind
KAZEROUNI LAW GROUP, APC
7854 West Sahara Avenue
Las Vegas, Nevada 89117

/s/ Jessie M. Helm
An Employee of Lewis Roca Rothgerber Christie LLP