

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

2
3 JAMES NALDER, GUARDIAN AD
4 LITEM ON BEHALF OF
5 CHEYANNE NALDER; AND GARY
6 LEWIS, INDIVIDUALLY,

CASE NO.: 70504

Electronically Filed
Dec 15 2016 01:17 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

7 Appellants,
8 vs.

9 UNITED AUTOMOBILE
10 INSURANCE COMPANY,

11 Respondent.

12 **AMENDED MOTION TO ASSOCIATE COUNSEL**

13 Appellants, James Nalder, Guardian Ad Litem on behalf of Cheyanne Nalder;
14 and Gary Lewis, hereby moves the Court for an Order permitting Mark A. Boyle, Esq.,
15 to practice in Nevada pursuant to Nevada Supreme Court Rule 42 (SCR 42). This
16 amended motion is supported by the attached Verified Application for Association of
17 Counsel (Exhibit A), Certificate of Good Standing from Florida (Exhibit B) and the
18 State Bar of Nevada Statement (Exhibit C).
19

20
21 Dated: December 15, 2016.

22
23 PURSIANO BARRY BRUCE LAVELLE, LLP

24 By: 

25 David T. Pursiano, Esq.
26 Nevada Bar No. 5464
27 851 S. Rampart Blvd., Ste. 260
28 Las Vegas, Nevada 89145

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Matthew Douglas, Esq.
ATKIN WINNER & SHERROD
1117 S. Rancho Drive
Las Vegas, Nevada 89102
Attorney for Respondent


An employee of Pursiano Barry Bruce Lavelle, LLP

EXHIBIT A

EXHIBIT A

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES NALDER, GUARDIAN AD
LITEM ON BEHALF OF
CHEYANNE NALDER; AND GARY
LEWIS, INDIVIDUALLY,

Appellants,

vs.

UNITED AUTOMOBILE
INSURANCE COMPANY,

Respondent.

CASE NO.: 70504

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

MARK ANDREW BOYLE, Petitioner, respectfully represents:

First Middle Last

1. Petitioner resides at 11630 Pine Hammock Circle

Street Address

Fort Myers, Lee County, FL, 33919
City County State Zip Code

(239) 470-7174.
Telephone

2. Petitioner is an attorney at law and a member of the law firm of: Boyle & Leonard,
P.A.

with offices at 2050 McGregor Blvd.
Street Address

Fort Myers, Lee County, FL, 33901
City County State Zip Code

(239) 337-1303, mboyle@insurance-counsel.com; eservice@insurance-counsel.com.
Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by _____
United Policyholders to provide legal representation in
connection with the above-entitled matter now pending before the above referenced court.

4. Since July 22 of 1994, petitioner has been, and presently is, a member of good standing of
the bar of the highest court of the State of Florida 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:

	<u>DATE ADMITTED</u>
<u>U.S. District Court for the Middle District of Florida</u>	<u>September 1994</u>
<u>U.S. District Court for the Southern District of Florida</u>	<u>March 2012</u>
<u>U.S. District Court for the Northern District of Florida</u>	<u>September 2013</u>
<u>U.S. Circuit Court of Appeals for the Eleventh Circuit</u>	<u>April 1995</u>
<u>U.S. Supreme Court</u>	<u>September 2009</u>
<u>U.S. District Court for the District of Colorado (<i>Pro Hac Vice</i>)</u>	<u>November 2011</u>

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 authority 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 Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied?</u>
<u>None.</u>			

(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>David</u>	<u>T.</u>	<u>Pursiano</u>	<u>5464</u>
First Name	Middle Name	Last Name	NV Bar #

who has offices at Pursiano Barry Bruce Lavelle, LLP,

<u>851 S. Rampart Blvd. , Las Vegas</u>			<u>Clark</u>
Street Address	City	County	

<u>89145</u>	<u>(702) 233-3063</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

James Nalder, Guardian Ad Litem on behalf of Cheyanne Nalder, Appellant; Gary Lewis, Appellant; Dennis M. Prince, Esq., 400 South Seventh St., Ste. 400, Las Vegas, NV 89101, for Appellant; Thomas Christensen, Esq., 1000 S. Valley View Blvd., Las Vegas, NV 89107, for Appellant; United Automobile Insurance Company, Respondent; Matthew Douglas, Esq., 1117 S. Rancho Dr., Las Vegas, NV 89102, for Respondent; David T. Pursiano, Esq., 851 S. Rampart Blvd., Las Vegas, NV 89145, Amicus Curiae for United Policyholders

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, Mark A. Boyle, do hereby swear/affirm under penalty of perjury that the assertions
Print Petitioner Name

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;

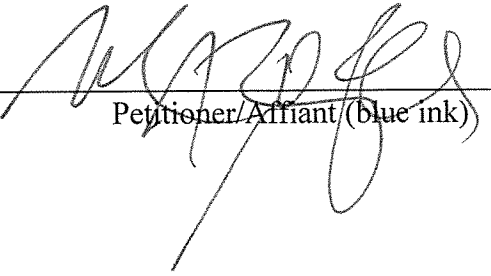
(E) I am a member in good standing and eligible to practice before the bar of any
jurisdiction of the United States; and

(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.

2) 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 1st day of December, 20 16

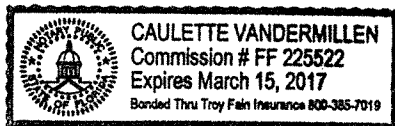

Petitioner/Affiant (blue ink)

STATE OF FLORIDA
COUNTY OF LEE

Subscribed and sworn to before me

this 1st day of December, 20 16


Notary Public



DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA COUNSEL

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

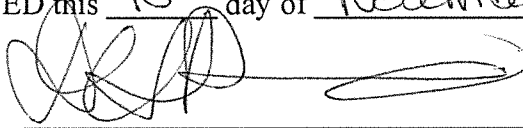
(a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.

(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 David T. Pursiano hereby agree to associate with Petitioner referenced hereinabove
Print Nevada Counsel Name

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

DATED this 15th day of November, 2016


Nevada Counsel of Record (blue ink)

STATE OF Nevada)
) ss
COUNTY OF Clark)

Subscribed and sworn to before me

this 18th day of November, 2016



Notary Public

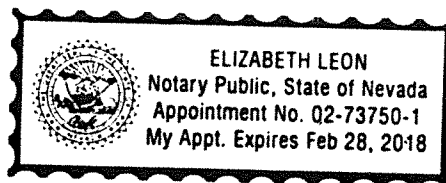


EXHIBIT B

EXHIBIT B



The Florida Bar

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

651 EAST JEFFERSON STREET
TALLAHASSEE, FLORIDA 32399-2300

850/561-5600
WWW.FLORIDABAR.ORG

State of Florida)

County of Leon)

In Re: 5886
Mark Andrew Boyle
Boyle & Leonard, P.A.
2050 McGregor Blvd.
Fort Myers, FL

I HEREBY CERTIFY that I am the duly appointed custodian of membership records of The Florida Bar.

I FURTHER CERTIFY that the records in the office of the Clerk of the Supreme Court of Florida indicate that said attorney was admitted to practice law in the State of Florida on July 22, 1994.

I FURTHER CERTIFY that the records in the office of The Florida Bar indicate that the above attorney is an active member of The Florida Bar in good standing.

Dated this 21st day of November, 2016.

Pam Gerard, Manager
Membership Records Dept.
The Florida Bar

PG/NM/ssM1:R10

EXHIBIT C

EXHIBIT C

1 STAT

2 IN THE SUPREME COURT OF THE STATE OF NEVADA

3 Case No. 70504

4
5 James Nalder

6 vs.

7
8 United Automobile
Insurance Company

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

12
13 THE STATE BAR OF NEVADA, in response to the application of
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
18 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.

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

22 (b) **Burden on applicant.** The applicant shall have the
23 burden to establish special circumstances and good cause
24 for an appearance in excess of the limitation set forth
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: December 5, 2016

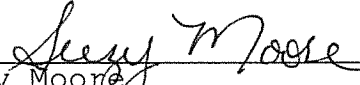
26 2. APPLYING ATTORNEY: Mark Andrew Boyle, Esq.

27 3. FIRM NAME AND ADDRESS: Boyle & Leonard, P.A., 2050 McGregor
28 Blvd., Fort Myers, FL 33901

1 4. NEVADA COUNSEL OF RECORD: David T. Pursiano, Esq., Pursiano
2 Barry Bruce Lavelle LLP, 851 S. Rampart Blvd., Suite 260, Las
3 Vegas, NV 89145

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

6 DATED this December 9, 2016
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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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