

In the Supreme Court of Nevada

JAMES NALDER, guardian ad litem on
behalf of CHEYANNE NALDER; and GARY
LEWIS, individually,
Appellants,

vs.

UNITED AUTOMOBILE INSURANCE
COMPANY,
Respondent.

Electronically Filed
Jan 17 2017 09:49 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

MOTION TO ASSOCIATE LAURA ANNE FOGGAN AS COUNSEL

Amici Curiae Complex Insurance Claims Litigation Association (“CICLA”), the American Insurance Association (“AIA”), and the Property Casualty Insurers Association of America (“PCI”) move to associate Laura Anne Foggan, a member of the District of Columbia Bar, in this case in Nevada 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 January, 2017.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

BY: /s/ Joel D. Henriod

DANIEL F. POLSENBERG (SBN 2376)
JOEL D. HENRIOD (SBN 8492)
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
(702) 949-8200

Attorneys for CICLA, AIA and PCI

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 13th day of January, 2017. Electronic service of the foregoing “Motion to Associate Laura Anne Foggan as Counsel” shall be made in accordance with the Master Service List as follows:

Dennis M. Prince, Esq.
Robert T. Eglet, Esq.
Eglet Prince
400 South 7th Street, 4th Floor
Las Vegas, NV 89101

Richard Christensen, Esq.
Thomas Christensen, Esq.
Christensen Law Offices
1000 South Valley View Blvd.
Las Vegas, NV 89107

Matthew J. Douglas, Esq.
Atkin, Winner & Sherrod
1117 South Rancho Drive
Las Vegas, NV 89102

David T. Pursiano, Esq.
Pursiano Barry Bruce Lavelle, LLP
8551 South Rampart Blvd., Ste. 260
Las Vegas, Nevada 89145

Matthew L. Sharp, Esq.
Matthew L. Sharp, Ltd.
432 Ridge Street
Reno, Nevada 89501

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, at Las Vegas, Nevada, addressed as follows:

Thomas Winner, Esq.
Susan Sherrod, Esq.
Atkin, Winner & Sherrod
1117 South Rancho Drive
Las Vegas, NV 89102

Scott A. Cole, Esq.
Thomas E. Scott, Jr., Esq.
Cole, Scott & Kissane
9150 South Dadeland Blvd., Ste. 1400
Las Vegas, NV 89101

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

EXHIBIT A

EXHIBIT A

Case No. 70504

In the Supreme Court of Nevada

JAMES NALDER, guardian ad litem
on behalf of CHEYANNE NALDER; and
GARY LEWIS, individually,

Appellants,

vs.

UNITED AUTOMOBILE INSURANCE
COMPANY,

Respondent.

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

Laura Anne Foggan, Petitioner, respectfully represents:

1. Petitioner resides at 3615 Underwood Street, Chevy Chase, MD 20815, (202) 246-3382.

2. Petitioner is an attorney at law and a member of the law firm of: Crowell & Moring LLP with offices at 1001 Pennsylvania Ave., N.W. Washington, D.C. 20004, (202) 624-2774, LFoggan@crowell.com.

3. Petitioner has been retained personally or as a member of the above named law firm by Complex Insurance Claims Litigation Association ("CICLA"), the American Insurance Association ("AIA"), and the Property Casualty Insurers Association of America ("PCI") to provide legal representation in connection with the above-entitled matter now

pending before the above referenced court.

4. Since December 19th of 1983, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the District of Columbia 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

Please see attached list.

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</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>
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None for Petitioner

12. Nevada Counsel of Record for Petition in this matter is: Joel D. Henriod (Nevada Bar No. 8492), who has offices at Lewis Roca Rothberger Christie LLP, 3993 Howard Hughes Parkway, Suite 600, Las Vegas, NV 89169, Clark County, (702) 949-2616.

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

Please see attached list.

14. Petitioner agrees to comply with the provisions of Nevada Su-

preme 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, Laura Anne Foggan, 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 10th day of January, 2017

Samuel D. Fogg
Petitioner/Affiant (blue ink)

STATE OF District of Columbia)
COUNTY OF _____) ss

ELIZABETH LYNNE ELLIS WIGGINS
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires August 14, 2018

Subscribed and sworn to before me

this 10th day of January, 2017

[Signature]
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 Joel D. Henriod hereby agree to associate with Petitioner referenced hereinabove and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 11th day of January, 2017

[Signature]
Nevada Counsel of Record (blue ink)

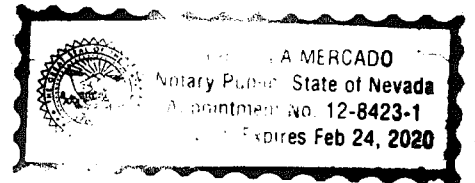
STATE OF Nevada)
COUNTY OF Clark) ss



Subscribed and sworn to before me

this 11th day of January, 2017

[Signature]
Notary Public



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:

Court	Date of Admission	Bar Number
U.S. District Court for D.C.	01/03/1984	375555
U.S. District Court District of Colorado	11/20/2012	
U.S. Court of Appeals for D.C. Circuit	02/16/1984	34532
U.S. Court of Appeals for the First Circuit	02/07/2000	36641
U.S. Court of Appeals for the Second Circuit	09/21/1989	89-580
U.S. Court of Appeals for the Third Circuit	04/17/1989	N/A
U.S. Court of Appeals for the Fourth Circuit	02/18/1986	N/A
U.S. Court of Appeals for the Fifth Circuit	01/24/1989	N/A
U.S. Court of Appeals for the Sixth Circuit	12/07/1987	N/A
U.S. Court of Appeals for the Seventh Circuit	09/25/1992	N/A

Court	Date of Admission	Bar Number
U.S. Court of Appeals for the Eighth Circuit	12/18/1985	N/A
U.S. Court of Appeals for the Ninth Circuit	11/25/1988	N/A
U.S. Court of Appeals for the Tenth Circuit	08/14/1995	N/A
U.S. Court of Appeals for the Eleventh Circuit	04/08/1988	N/A
U.S. Supreme Court	03/23/1987	N/A

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:

Richard Christensen, Esq.
Thomas Christensen
CHRISTENSEN LAW OFFICES
1000 S. Valley View Blvd.
Las Vegas, NV 89107
Counsel for Appellant

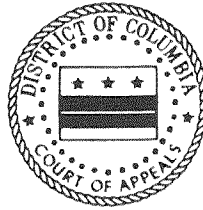
Dennis M. Prince, Esq.
Kevin T. Strong, Esq.
EGLET PRINCE
400 South 7th Street, 4th Floor
Las Vegas, NV 89101
Counsel for Appellant

Thomas E. Scott, Esq.
Scott A. Cole, Esq.
COLE, SCOTT & KISSANE, P.A.
9150 South Dadeland Blvd.
Suite 1400
Miami, FL 33156
Counsel for Respondent

Thomas E. Winner, Esq.
Matthew J. Douglas, Esq.
ATKIN, WINNER & SHERROD
1117 South Rancho Drive
Las Vegas, NV 89102
Counsel for Respondent

EXHIBIT B

EXHIBIT B



District of Columbia Court of Appeals
Committee on Admissions
430 F Street, N.W. — Room 123
Washington, D. C. 20001
202 / 879-2710

*I, JULIO A. CASTILLO, Clerk of the District of Columbia Court
of Appeals, do hereby certify that*

LAURA ANNE FOGGAN

*was on **DECEMBER 19, 1983** duly qualified and admitted as an
attorney and counselor entitled to practice before this Court and is,
on the date indicated below, an active member in good standing of
this Bar.*

*In Testimony Whereof, I have
hereunto subscribed my name
and affixed the seal of this Court
at the City of Washington, D.C.,
on **JANUARY 5, 2017**.*

JULIO A. CASTILLO
Clerk of the Court

By: *Monette Lane*
Deputy Clerk

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 United Automobile
8 Insurance Company

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: January 11, 2017

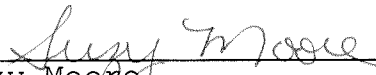
26 2. APPLYING ATTORNEY: Laura Anne Foggan, Esq.

27 3. FIRM NAME AND ADDRESS: Crowell & Moring, LLP, 1001 Pennsylvania
28 Ave., N.W., Washington, DC 20004

1 4. NEVADA COUNSEL OF RECORD: Joel D. Henriod, Esq., Lewis Roca
2 Rothgerber Christie LLP., 3993 Howard Hughes Parkway, Suite
3 600, 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 January 12, 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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