

EXHIBIT B

IN THE SUPREME COURT OF THE STATE OF NEVADA

WELLS FARGO BANK, N.A., AS
TRUSTEE ON BEHALF OF THE
HOLDERS OF THE HARBORVIEW
MORTGAGE LOAN TRUST
MORTGAGE LOAN PASS-THROUGH
CERTIFICATES, SERIES 2006-12,

Appellant,

vs.

TIM RADECKI

Respondent,

Supreme Court No. 71405

**DECLARATION OF ANTHONY C.
KAYE IN SUPPORT OF MOTION
TO POSTPONE ORAL
ARGUMENT**

District Court Case No.
A-13-676574-C

I, Anthony C. Kaye, declare as follows:

1. I am a partner at Ballard Spahr, LLP, counsel for Wells Fargo Bank, N.A., as Trustee on behalf of the Holders of the Harborview Mortgage Loan Trust Mortgage Loan Pass-through Certificates, Series 2006-12 (“Wells Fargo”) in this matter.

2. I make this declaration in support of Wells Fargo’s Motion to Postpone Oral Argument.

3. I make this declaration based upon my own personal knowledge, I am competent to testify as follows, and I would so testify if called upon to do so.

4. I am the supervising partner on this matter, and tried the case in the trial court on behalf of Wells Fargo.

5. On March 27, 2018, this Court entered an order scheduling oral argument in this matter on May 7, 2018 at 10:30 A.M. in Carson City, NV 89701.

6. I intend to argue on behalf of Wells Fargo in this case, and am the attorney at Ballard Spahr best able to advocate on behalf of my client in this matter.

7. I am also counsel in a matter currently pending before the D.C. Circuit, *Video Relay Services Consumer Association v. Federal Communications Commission*, D.C. Cir. No. 17-1202 (consolidated with No. 17-1198, *Sorenson Communications, LLC v. Federal Communications Commission*).

8. On March 9, 2018, the D.C. Circuit entered an order scheduling oral argument in that matter on May 7, 2018, at 9:30 A.M. in Washington D.C. (Order attached as Exhibit A).

9. I intend to argue on behalf of my client, Video Relay Consumer Services Association, in the D.C. Circuit matter, and am the attorney at Ballard Spahr best able to advocate on behalf of my client in that matter.

10. This Court's order scheduling oral argument on May 7, 2018, thus creates an unavoidable conflict for me that would prevent me from properly advocating for one of his clients, either in this matter or the D.C. Circuit matter.

11. Because the D.C. Circuit's order was entered several weeks ago, and this Court's order only three days ago, I believe the postponement of oral argument

in this matter would be less disruptive than an attempt to postpone the argument in the D.C. Circuit matter.

12. I respectfully request the Court postpone oral argument in this matter to allow me to properly represent my client in each matter.

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

Executed March 30, 2018.

/s/ Anthony C. Kaye

EXHIBIT A

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-1198**September Term, 2017****FCC-82FR39673****Filed On: March 9, 2018** [1721506]

Sorenson Communications, LLC,

Petitioner

v.

Federal Communications Commission and
United States of America,

Respondents

Consolidated with 17-1202

ORDER

It is **ORDERED**, on the court's own motion, that these cases be scheduled for oral argument on May 07, 2018, at 9:30 A.M. The composition of the argument panel will usually be revealed thirty days prior to the date of oral argument on the court's web site at www.cadc.uscourts.gov.

The time and date of oral argument will not change absent further order of the Court.

A separate order will be issued regarding the allocation of time for argument.

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Michael C. McGrail

Deputy Clerk

The following forms and notices are available on the Court's [website](#):

[Memorandum to Counsel Concerning Cases Set for Oral Argument \(Form 71\)](#)

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MORTGAGE LOAN PASS-THROUGH
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Appellant,

vs.

TIM RADECKI
Respondent,

Supreme Court Electronically Filed
Mar 30 2018 04:27 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION TO POSTPONE ORAL
ARGUMENT**

District Court Case No.
A-13-676574-C

Pursuant to Rule 34(a) of the Nevada Rules of Appellate Procedure, Appellant Wells Fargo Bank, N.A., as Trustee on behalf of the Holders of the Harborview Mortgage Loan Trust Mortgage Loan Pass-through Certificates, Series 2006-12 (“Wells Fargo”) hereby moves the Court to postpone the oral argument in this matter. Counsel for Wells Fargo has an unavoidable conflict with the date set by the Court for oral argument in this matter, and respectfully requests the argument be postponed.

On March 27, 2018, this Court entered an order scheduling oral argument in this matter on May 7, 2018 at 10:30 A.M. in Carson City, NV 89701. Anthony C. Kaye is a partner at Ballard Spahr LLP, counsel for Wells Fargo in this matter, and intends to argue this matter on behalf of Wells Fargo.

Mr. Kaye is also counsel in a matter currently pending before the D.C. Circuit, *Video Relay Services Consumer Association v. Federal Communications Commission*, D.C. Cir. No. 17-1202 (consolidated with No. 17-1198, *Sorenson Communications, LLC v. Federal Communications Commission*). On March 9, 2018, the D.C. Circuit entered an order scheduling oral argument in that matter on May 7, 2018, at 9:30 A.M. in Washington D.C. (Order attached as Exhibit A). Mr. Kaye intends to argue that matter on behalf of Video Relay Services Consumer Association.

This Court's order scheduling oral argument on May 7, 2018, thus creates an unavoidable conflict for Mr. Kaye that would prevent him from properly advocating for one of his clients. Because the D.C. Circuit's order was entered several weeks ago, and this Court's order only three days ago, Wells Fargo believes the postponement of oral argument in this matter would be less disruptive than an attempt to postpone the argument in the D.C. Circuit matter. Accordingly, Wells Fargo respectfully requests this court postpone oral argument in this matter to allow Mr. Kaye to represent Wells Fargo and his other client without conflict.

Pursuant to Rule 34(a) of the Nevada Rules of Appellate Procedure, this motion was filed as soon as practicable after the Court's order scheduling oral argument and reasonably in advance of the date fixed for hearing. This motion is

supported by the declaration of Anthony C. Kaye, which is attached hereto as Exhibit B.

Dated: March 30, 2018.

BALLARD SPAHR LLP

By: /s/ Sylvia O. Semper

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Anthony C. Kaye

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Attorneys for Appellant

CERTIFICATE OF SERVICE

I certify that this foregoing **MOTION TO POSTPONE ORAL ARGUMENT** was filed electronically with the Nevada Supreme Court on March 30, 2018. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

John Henry Wright
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Suite D-305
Las Vegas, NV 89102

Attorneys for Tim Radecki

/s/ C.Bowman

An employee of Ballard Spahr LLP