

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

3 CENTURY SURETY COMPANY,

4 Appellant,

5 v.

6 DANA ANDREW, as LEGAL
7 GUARDIANS OF RYAN T.
8 PRETNER; AND RYAN T
PRETNER,

9 Defendants.

No. 73756

Electronically Filed
Oct 10 2017 02:03 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

10 **APPELLANT CENTURY SURETY COMPANY'S**
11 **MOTION TO ASSOCIATE COUNSEL**

12
13 Appellant, Century Surety Company's ("Century"), by and through its
14 attorneys of record, the law firm of CHRISTIAN, KRAVITZ, DICHTER,
15 JOHNSON & SLUGA, LLC, hereby move the Court for an order permitting
16 MICHAEL YELLIN, ESQ., to practice in Nevada pursuant to Nevada Supreme
17 Court Rule 42 (SCR 42). This motion is supported by the attached "Verified
18 Application for Association of Counsel" (Exhibit A), "Certificate of Good
19 Standing" from Wisconsin" (Exhibit B) the State Bar of Nevada Statement
20 (Exhibit C).

21 Dated this 10th day of October, 2017.

22 CHRISTIAN, KRAVITZ, DICHTER,
23 JOHNSON & SLUGA, LLC

24 By: 

25 MARTIN J. KRAVITZ, ESQ.

26 Nevada Bar No. 83

27 8985 S. Eastern Avenue, Suite 200

28 Las Vegas, Nevada 89123

Attorneys for Appellant,

Century Surety Company

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 In accordance with SCR 42, Appellant, CENTURY SURETY COMPANY,
3
4 filed with the State Bar of Nevada a Verified Application for Association of
5 Counsel (Exhibit "A") of Michael Yellin, Esq. (hereinafter "Applicant"). Filing
6 fees of \$650.00 were paid. The applicant is an attorney licensed to practice in the
7 state of Wisconsin. Attached as Exhibit "B" is the Certificate of Good Standing.
8
9 The State Bar of Nevada served upon local counsel the Rule 42 statement for the
10 applicant. Attached as Exhibit "C" is the Supreme Court Rule 42 Statement.

11
12 SCR 42.1 provides, in pertinent part:

13 A person who is not a member of the State Bar of
14 Nevada but who is a member in good standing and
15 eligible to practice before the bar...of the highest court in
16 any state..., and who has been retained to represent a
17 client in this state in a particular cause pending in a court
18 of this state...may in the discretion of such court be
19 permitted upon written application as provided in
 subsection 2, to appear as counsel in that cause, provided
 that an active member of the State Bar of Nevada is
 associated as counsel of record.

20 Appellant, CENTURY SURETY COMPANY, has retained the Applicant
21 to represent it this action. The applicant is a member in good standing with the
22 Wisconsin State Bar. The Applicant has complied with the procedural
23 requirements of SCR 42.2 and associated as local counsel Martin J. Kravitz, an
24

25 ///

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27 ///

1 active member of the State Bar of Nevada. Appellant respectfully requests that
2 the Court grant his Motion to Associate Counsel.

3 DATED this 10th day of October, 2017.

5 CHRISTIAN, KRAVITZ, DICHTER,
6 JOHNSON & SLUGA, LLC

7 By: 
8

MARTIN J. KRAVITZ, ESQ.
Nevada Bar No. 83
8985 S. Eastern Avenue, Suite 200
Las Vegas, Nevada 89123
Attorneys for Appellant,
Century Surety Company

13 **CERTIFICATE OF SERVICE**

14 I hereby certify that on the 10th day of October, 2017, I served a true
15 and correct copy of the foregoing **APPELLANT CENTURY SURETY**
16 **COMPANY'S MOTION TO ASSOCIATE COUNSEL** by electronic service as
17 follows:
18

19 Dennis M Prince
20 Eglet Prince
400 S. 7th Street, Suite 400
21 Las Vegas, NV 89101
Telephone: (702) 450-5400
22 Facsimile: (702) 450-5451
dprince@egletlaw.com
23 Attorneys for Plaintiffs

24 

25 An employee of KRAVITZ, SCHNITZER
26 & JOHNSON, CHTD.

EXHIBIT “A”

EXHIBIT “A”

IN THE SUPREME COURT OF THE STATE OF NEVADA

CENTURY SURETY COMPANY,

Appellant,

V.

DANA ANDREW, AS LEGAL

GUARDIAN ON BEHALF OF RYAN

T. PRETNER; and RYAN T. PRETNER,

No. 73756

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

Respondents.

Michael S. Yellin, Petitioner, respectfully represents:

First	Middle Name	Last
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1. Petitioner resides at 5512 N. Kent Avenue
Street Address

Whitefish Bay, Milwaukee Wisconsin,
City County State

53217, (414) 708-6975
Zip Code Telephone

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

Gass Weber Mullins LLC

with offices at 241 N. Broadway, Suite 300
Street Address

<u>Milwaukee</u> City	<u>Milwaukee</u> County	<u>Wisconsin</u> State
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53202, (414) 223-3300, yellin@gwmlaw.com
Zip Telephone Email

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

4. Since September 13 of 2010, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of Wisconsin 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>State Bar of Illinois</u>	<u>11/4/2010</u>
<u>Ninth Circuit Court of Appeals</u>	<u>8/28/2017</u>
<u>U.S. District Court for the Eastern District of Wisconsin</u>	<u>2/2/2015</u>
<u>U.S. District Court for the Northern District of Illinois</u>	<u>1/26/2012</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>Martin</u>	<u>J.</u>	<u>Kravitz</u>	<u>83</u>
First Name	Middle Name	Last Name	NV Bar #

who has offices at Kravitz, Schnitzer & Johnson
Firm Name/Company

<u>8985 S. Eastern Avenue, Suite 200</u>	<u>Las Vegas</u>	<u>Clark</u>
Street Address	City	County

<u>89123</u>	<u>(702)</u>	<u>362-6666</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

Appellant - Martin J. Kravitz, Christian, Kravitz, Dichter, Johnson & Sluga, 8985 S. Eastern Ave., #200, Las Vegas, NV 89123
and Maria L. Cousineau, Cozen & O'Connor, 601 S. Figueroa St., #3700, Los Angeles, CA 90017

Respondents - Dennis M. Prince, Eglet Prince, 400 S. Seventh St., #400, Las Vegas, NV 89101

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 S. Yellin, 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.

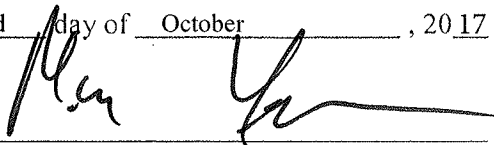
2) That I have read Supreme Court Rule (SCR) 42 and meet all requirements contained therein, including, without limitation, the requirements set forth in SCR 42(2), as follows:

- (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.

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 2nd day of October, 20 17



Petitioner/Affiant (blue ink)

STATE OF Wisconsin)

) ss

COUNTY OF Milwaukee)

Subscribed and sworn to before me

this 2nd day of October, 20 17



Notary Public Misa K. Quello - 2/26/21



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 Martin J. Kravitz 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 4th day of Oct, 20 17

[Signature]
Nevada Counsel of Record (blue ink)

STATE OF Nevada)
COUNTY OF Clark) ss

Subscribed and sworn to before me

this 4th day of October, 20 17

[Signature]
Notary Public

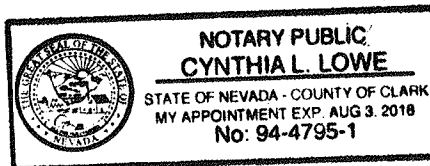


EXHIBIT “B”

EXHIBIT “B”



Diane M. Fremgen
Clerk

WISCONSIN SUPREME COURT

OFFICE OF THE CLERK

110 E. Main Street, Suite 215

P.O. Box 1688

Madison, WI 53701-1688

Telephone: 608-266-1880

TTY: 800-947-3529

Fax: 608-267-0640

<http://www.wicourts.gov>

CERTIFICATE OF GOOD STANDING

I, Diane M. Fremgen, Clerk of the Supreme Court of Wisconsin certify that the records of this office show that:

MICHAEL YELLIN

was admitted to practice as an attorney within this state on September 13, 2010 and is presently in good standing in this court.

Dated: September 26, 2017

A handwritten signature in cursive script that reads "Diane M. Fremgen".
DIANE M. FREMGEN
Clerk of Supreme Court

Certificate of Admission To the Bar of Illinois

I, Carolyn Taft Grosboll, Clerk of the Supreme Court of Illinois, do hereby certify that

Michael S Yellin

has been duly licensed and admitted to practice as an Attorney and Counselor at Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on 11/04/2010 and is in good standing, so far as the records of this office disclose.

IN WITNESS WHEREOF, I have hereunto
subscribed my name and affixed the
seal of said Court, this 25th day of
September, 2017.

Carolyn Taft Grosboll

Clerk,
Supreme Court of the State of Illinois

EXHIBIT “C”

EXHIBIT “C”

1 STAT

2 IN THE SUPREME COURT OF THE STATE OF NEVADA

3 Case No. 73756

4
5 Century Surety Company

6 vs.

7 Dana Andrew

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

11
12 THE STATE BAR OF NEVADA, in response to the application of
Petitioner, submits the following statement pursuant to SCR42(3):

13 SCR42(6) **Discretion.** The granting or denial of a motion to associate
14 counsel pursuant to this rule by the court is discretionary. The
15 court, arbitrator, mediator, or administrative or governmental
16 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.

17
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
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.

24 1. DATE OF APPLICATION: October 4, 2017

25 2. APPLYING ATTORNEY: Michael S. Yellin, Esq.

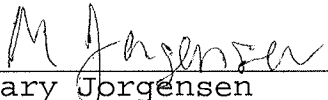
26 3. FIRM NAME AND ADDRESS: Gass Weber Mullins LLC, 241 N. Broadway,
27 Suite 300, Milwaukee, WI 53202

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1 4. NEVADA COUNSEL OF RECORD: Martin Jay Kravitz, Esq., Kravitz,
2 Schnitzer & Johnson, Chtd., 8985 S. Eastern Ave., Suite 200,
3 Las Vegas, NV 89123

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

6 DATED this October 4, 2017
7

8 
9 Mary Jorgensen
10 Member Services Director
11 Pro Hac Vice Processor
12 STATE BAR OF NEVADA
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