

IN THE SUPREME COURT OF NEVADA

CENTURY SURETY COMPANY,)
)
Appellant,)
)
vs.)
)
DANA ANDREW, AS LEGAL GUARDIAN OF)
RYAN T. PRETNER; AND RYAN T. PRETNER,)
)
Respondents.)
)

Electronically Filed
Oct 30 2017 08:59 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

MOTION TO ASSOCIATE LAURA ANNE FOGGAN AS COUNSEL

Amici Curiae Complex Insurance Claims Litigation Association, the American Insurance Association, and the Property Casualty Insurers Association of America 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 27th day of October, 2017.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Daniel F. Polsenberg
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 Complex Insurance Claims Litigation Association, American
Insurance Association and Property Casualty Insurers Association of America*

CERTIFICATE OF SERVICE

I hereby certify that on October 27, 2017, I filed the foregoing “Motion to Associate Laura Anne Foggan as Counsel” through the Supreme Court of Nevada’s electronic filing system. Electronic service of the foregoing shall be made in accordance with the Master Service List as follows:

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

Counsel for Respondents

Martin J. Kravitz
CHRISTIAN, KRAVITZ, DICHTER,
JOHNSON & SLUGA
8985 S. Eastern Avenue, Suite 200
Las Vegas, Nevada 89123

Maria Louise Coisineau
COZEN O’CONNOR
601 S. Figueroa Street, Suite 3700
Los Angeles, California 90017

James Ric Gass (*pro hac vice pending*)
Michael B. Brennan (*pro hac vice pending*)
GASS WEBER MULLINS, LLC
241 North Broadway Ave., Suite 300
Milwaukee, Wisconsin 53202

Counsel for Appellant

/s/ Adam Crawford

An Employee of Lewis Roca Rothgerber Christie LLP

EXHIBIT A

EXHIBIT A

Case No. 73756

In the Supreme Court of Nevada

CENTURY SURETY COMPANY,

Appellant,

vs.

DANA ANDREW, AS LEGAL GUARDIANS
OF RYAN T. PRETNER; AND RYAN T.
PRETNER,

Respondents.

**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) 624-7224

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>Application</u> <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</u> <u>Granted or</u> <u>Denied?</u>
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1/10/2017	<i>Nalder v. United Auto. Ins. Co.</i>	Supreme Court	Granted
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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 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, 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 18th day of October, 2017

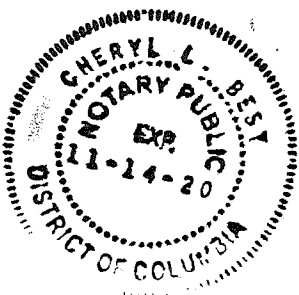
Laurel Lys
Petitioner/Affiant (blue ink)

STATE OF District)
COUNTY OF Columbia) ss

Subscribed and sworn to before me

this 18th day of October, 2017

Cheryl L. Best
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 19th day of October, 2017

[Signature]

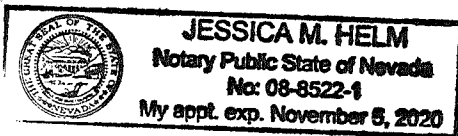
— Nevada Counsel of Record (blue ink)

STATE OF Nevada)
COUNTY OF Clark) ss

Subscribed and sworn to before me

this 19th day of October, 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

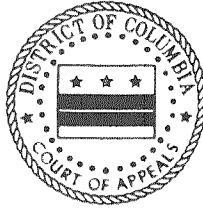
Dennis M. Prince, Esq.
Kevin T. Strong, Esq.
EGLET PRINCE
400 South 7th Street, 4th Floor
Las Vegas, NV 89101
Counsel for Appellant

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 **OCTOBER 18, 2017.***

JULIO A. CASTILLO
Clerk of the Court

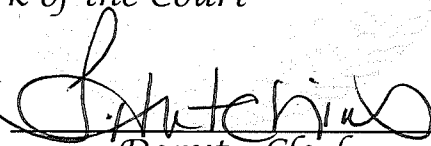
By: 
Deputy Clerk

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.

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8 Dana Andrew, as Legal Guardians
9 of Ryan T. Pretner

10
11 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
12 42 (3) (b)

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

15 SCR42(6)**Discretion.** The granting or denial of a motion to associate
16 counsel pursuant to this rule by the court is discretionary. The
17 court, arbitrator, mediator, or administrative or governmental
18 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.

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: October 19, 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. In addition to the present application, petitioner made the
5 following previous applications within the last three years:

6 1/11/2017 ADMISSION GRANTED

7 DATED this October 25, 2017

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9 
10 Suzy Moore
11 Member Services Admin.
12 Pro Hac Vice Processor
13 STATE BAR OF NEVADA
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