

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

ROWEN SEIBEL; LLTQ  
ENTERPRISES, LLC; LLTQ  
ENTERPRISES 16, LLC; FERG, LLC;  
FERG 16, LLC; MOTI PARTNERS,  
LLC; MOTI PARTNERS 16, LLC;  
TPOV ENTERPRISES, LLC; TPOV 16  
ENTERPRISES, LLC; DNT  
ACQUISITION, LLC, appearing  
derivatively by one of its two members,  
R Squared Global Solutions, LLC

Petitioners,

vs.

CLARK COUNTY DISTRICT  
COURT, THE HONORABLE JOSEPH  
HARDY, DEPARTMENT 15,

Respondent,

DESERT PALACE, INC.; PARIS LAS  
VEGAS OPERATING COMPANY,  
LLC; PHWL, LLC; and  
BOARDWALK REGENCY  
CORPORATION d/b/a CAESARS  
ATLANTIC CITY,

Real Parties in Interest.

Case Number: 76118

Electronically Filed  
May 06 2019 02:52 p.m.  
Case No. A-17-760537-B  
Elizabeth A. Brown  
Dept. 15, Honorable Joseph Hardy  
Clerk of Supreme Court

**MCNUTT LAW FIRM, P.C.'S  
MOTION TO WITHDRAW  
PURSUANT TO NRAP 26**

**I. RELIEF REQUESTED.**

This matter arises from a pending petition for a writ of mandamus or prohibition. Daniel R. McNutt, Esq., Matthew C. Wolf, Esq., and the McNutt Law Firm, P.C. respectfully request an order permitting them to withdraw as counsel for

Petitioners (1) FERG 16, LLC and FERG, LLC (collectively, “FERG”); (2) LLTQ ENTERPRISES 16, LLC and LLTQ ENTERPRISES, LLC (collectively, “LLTQ”); (3) MOTI PARTNERS 16, LLC and MOTI PARTNERS, LLC (collectively, “MOTI”); (4) TPOV ENTERPRISES, LLC (“TPOV”) and TPOV 16 ENTERPRISES, LLC (“TPOV 16”); (5) DNT ACQUISITION, LLC (“DNT”), appearing derivatively by one of its two members, R Squared Global Solutions, LLC (“RSG”); and (6) ROWEN SEIBEL, an individual.

## **II. DECLARATION OF DANIEL R. McNUTT, ESQ.**

Dan McNutt hereby declares the following under penalty of perjury:

1. I am an attorney licensed to practice law in the state of Nevada.

I am a partner at the McNutt Law Firm, P.C. (the “Firm”). I have personal knowledge of the matters stated herein.

2. Per a retainer agreement, the Firm undertook the representation of Petitioners ROWEN SEIBEL; DNT ACQUISITION, LLC; appearing derivatively by one of its two members, R Squared Global Solutions, LLC; FERG 16, LLC; FERG, LLC; LLTQ ENTERPRISES 16, LLC; LLTQ ENTERPRISES, LLC; MOTI PARTNERS 16, LLC; MOTI PARTNERS, LLC; TPOV ENTERPRISES, LLC; and TPOV 16 ENTERPRISES, LLC (collectively, “Seibel Parties”), in the matter *Rowen Seibel v. PHWLTV, LLC, et al.*; Case No: A-17-

751759-B, in the Eighth Judicial District Court of Nevada. The matter has been consolidated with Case No.: A-17-760537-B.

3. At this time, professional considerations require termination of the Firm's representation of Petitioners. Therefore, the Firm respectfully requests that it be allowed to withdraw as counsel of record for Petitioners.

4. This motion is made in good faith and not for dilatory motives.

5. This motion has been brought without purpose of undue delay.

6. The last known contact information for Petitioners is as follows:

Rowen Seibel  
200 Central Park South, #19E  
New York, NY 10019  
(646) 295-3333  
[rowen900@gmail.com](mailto:rowen900@gmail.com)

Craig Green  
825 Third Avenue, 4th Floor  
New York NY 10022  
(516) 749-3360  
[craigneerg@gmail.com](mailto:craigneerg@gmail.com)

7. The Firm has notified Mr. Seibel and Mr. Green of its intent to withdraw. On May 3, 2019, the Firm filed a motion to withdraw with the district court, and it served Mr. Seibel and Mr. Green with that motion. Mr. Seibel and Mr. Green will be served with a copy of this Motion.

8. A status check is scheduled with the district court for September 25, 2019 at 9:00 a.m. Calendar call is set for January 9, 2020 at 10:30 a.m. Trial is on calendar for January 27, 2020 at 9:30 a.m.

This declaration has been made in the United States under penalty of perjury under the laws of the state of Nevada.

/s/ Dan McNutt

DANIEL MCNUTT

### **III. MEMORANDUM OF POINTS AND AUTHORITIES.**

NRAP 26 permits civil counsel to move to withdraw. A motion to withdraw must be filed in writing, served on the client(s) and adverse party, state whether counsel was appointed or retained, and set forth the reasons for the motion. Professional considerations require termination of the Firm's representation of Petitioners.<sup>1</sup> At this time, Petitioners' pending writ petition has been fully briefed,

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<sup>1</sup> This statement is being made consistent with counsel's obligations under ABA Model Rule 1.6 and 3.3. *See* ABA Comm. On Ethics & Prof'l Responsibility, Formal Op. 476, at pp. 1-10 (2016). Specifically, comment [3] to Rule 1.6 which provides the terminology to be provided to the Court upon counsel's filing a motion to withdraw from representation in a matter. Formal Op. 476 at p. 4. This terminology is being used to honor counsel's duty of confidentiality under Rule 1.6. If the Court for any reason does not believe that it has received sufficient information supportive of the motion to withdraw based upon counsel's use of this terminology, then counsel will provide the Court with the information necessary for it to Rule on the motion. However, counsel respectfully requests that any additional

and there are no active deadlines with this Court. Petitioners have been informed of this Motion and will be served with it. *See supra* McNutt Decl.

Accordingly, the Firm respectfully requests that this Court allow it to withdraw as counsel of record for Petitioners.

DATED May 6, 2019.

MCNUTT LAW FIRM, P.C.

/s/ Dan McNutt

DANIEL R. MCNUTT (SBN 7815)  
MATTHEW C. WOLF (SBN 10801)  
625 South Eighth Street  
Las Vegas, Nevada 89101

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information to be provided to the Court be ordered to be produced under seal or for *in camera* inspection, and for any sensitive or unnecessary information to be redacted. Formal Op. 476 at 7-8; *see also* ABA Comm. On Ethics & Prof'l Responsibility, Formal Op. 93-370, at 4 (1993) (concerning the need for judicial sensitivity by the court when considering a motion to withdraw).

## **CERTIFICATE OF SERVICE**

Pursuant to NRAP 25, I certify that I am an employee of MCNUTT LAW FIRM. On May 6, 2019, I served a copy of the **MCNUTT LAW FIRM, P.C.'S MOTION TO WITHDRAW PURSUANT TO NRAP 26** to the addressee(s) shown below:

### **VIA EMAIL**

Rowen Seibel  
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New York, NY 10019  
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### **VIA EMAIL**

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*Attorneys for Defendant Gordon Ramsay*

### **VIA EMAIL**

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*Trustee for GR Burgr, LLC*

### **VIA ELECTRONIC SERVICE**

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### **VIA EMAIL**

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Las Vegas, NV 89123  
*Attorney for Defendant  
J. Jeffrey Frederick*

/s/ Lisa Heller  
An Employee of McNutt Law Firm, P.C.