

RICHARD NEWMAN, an individual;
NEWMAN LAW, LLC, a Nevada Limited
Liability Company; and COOPER
BLACKSTONE, LLC, a Nevada Limited
Liability Company,

V.

Respondent.

) Supreme Court 79395
) District Case No. 2019-04-23 p.m.
) Elizabeth A. Brown
) Clerk of Supreme Court

Appellants Richard Newman, Newman Law, LLC, and Cooper Blackstone, LLC (collectively, “Newman”) does not oppose H&S’ request to withdraw, but opposes the request for 90 days for FCGI to obtain new counsel. Although Newman appears agreeable to some extension, he opposes the 90 day request.

Newman argues that FCGI does not explain why it took so long to seek this relief when the motion to disqualify was decided and filed on February 18, 2020.¹

Newman further argues that FCGI has an officer named Glen Howard who can assist in retaining new counsel. Finally, Newman complains the delay will cause prejudice because of the matters currently pending in the litigation below.

First, Mahon had planned to return to the United States in late February, but was retained because of ongoing business matters in India, such that when he sought to return the issues with the COVID-19 had started to restrict travel, and those restrictions and issues with travel have only become worse. Because of the issues with travel and his work load, some of the communications with H&S were delayed. As travel restrictions became worse, Mahon became concerned about his ability to get back into India to manage his business interests.

When we filed this motion on March 17, 2019, communications with Mahon were difficult, and all we knew was that he was still in India, and did not

¹A decision was filed by Judge Denton on that date, which is detailed but is in the nature of a minute order. Judge Denton issues orders but declares that they are not final, and that a final order will follow. The final order was entered by the district court on March 20, 2019. Confusion regarding the order, whether to challenge the order, and difficulties communicating with Mahon all complicated the matter. The decision to withdraw rather than to further challenge the district court's order was made shortly before the motion to withdraw was filed in this Court.

know when he would be able to get back to the United States. We have just learned that Mahon arrived in the United States on March 24, 2019, and is presently under quarantine for an indeterminate period of time.

The rise of the issues with travel and business shut downs that have occurred from late February, 2020, until now are unprecedented and unforeseen, and the situation may continue to worsen for the near future. It will pass at some point, but we suggest that FCGI's request for 90 days is prudent in light of the uncertainty.

Mahon is FCGI's sole director and the only person authorized to act on behalf of the company concerning matters relating to the litigation and hiring counsel. Although Glen Howard is an officer, he is not authorized to retain counsel and direct litigation. Newman further claims that FCGI should be able to retain counsel without Mahon being present. Although Mahon has some contacts in Nevada and knows some attorneys, he does not have sufficient knowledge concerning attorneys that he might be able to retain to allow him to be comfortable retaining counsel without being able to meet in person and be certain the attorney retained will meet his needs. Mahon should not be required to handle such personal matter as selecting counsel without being able to meet counsel in person.

There is minimal prejudice to Newman if there is some delay in this appeal, and it would be prejudicial to Mahon to not be afforded a full opportunity to canvass potential new counsel and meet with them in person. Some matters are proceeding in district court, although all hearings in any way related to Newman in April have been continued. That is the nature of an interlocutory appeals. If Newman can demonstrate actual prejudice and that he is likely to prevail on appeal (which he can never demonstrate), he can ask the district court for a stay or for an order to address any particular prejudice. Absent a stay, both the matter in district court and this appeal should proceed in the normal course. Mahon should not be deprived of a fair opportunity to defend based on the late granting of a motion to disqualify his counsel (which for business reasons he has elected not to challenge further) and the confluence of a pandemic that could not have been foreseen.

Further, Mahon faces the same issues with retaining new counsel in the case below and will, as necessary, seek additional time in that forum. The parties had already agreed to continue several hearings and related matters below in order to allow time for Mahon to retain counsel. Those agreed requests were in place before the complications arose concerning the COVID-19, and may need to be revisited depending on the circumstances.

H&S therefore requests that FCGI be granted 90 days to retain new counsel.

Respectfully submitted this 30th day of March, 2020.

HUTCHISON & STEFFEN, PLLC

/s/ Michael K. Wall

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CERTIFICATE OF SERVICE

I certify that I am an employee of HUTCHISON & STEFFEN, PLLC and that on this date the **REPLY IN SUPPORT OF HUTCHISON & STEFFEN, PLLC'S MOTION TO WITHDRAW AS COUNSEL FOR FULL COLOR GAMES, INC., AND FOR EXTENSION OF TIME FOR FULL COLOR GAMES, INC. TO LOCATE NEW COUNSEL** filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

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Attorney for Appellants

DATED this 30th day of March, 2020.

/s/ Kaylee Conradi

An employee of Hutchison & Steffen, PLLC