

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL LAKES, AN INDIVIDUAL,

Appellant,

v.

U.S. BANK TRUST, TRUSTEE FOR
LSF9 MASTER PARTICIPATION
TRUST,

Respondent.

Case No. 79324

Electronically Filed
Jun 16 2021 10:25 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

MOTION TO ASSOCIATE COUNSEL
GILBERT CHARLES DICKEY, ESQ.

Respondent, U.S. Bank Trust, as Trustee for LSF9 Master Participation Trust, moves the Court for an order permitting Gilbert Charles Dickey, Esq., to practice in Nevada pursuant to Nevada Supreme Court Rule 42. This motion is supported by the attached “Verified Application for Association of Counsel” (Exhibit A), the “Certificates of Good Standing” from the District of Columbia and the States of Alabama and West Virginia (Exhibit B), the State Bar of Nevada Statement (Exhibit C); and a proposed Order granting the Motion (Exhibit D).

[Signature On Following Page]

Dated: June 16, 2021

BALLARD SPAHR LLP

By: /s/ Maria A. Gall

Joel E. Tasca, Esq.

Nevada Bar No. 14124

Maria A. Gall, Esq.

Nevada Bar No. 14200

1980 Festival Plaza Drive, Suite 900

Las Vegas, Nevada 89135

Telephone: (702) 471-7000

Facsimile: (702) 471-7070

tasca@ballardspahr.com

gallm@ballardspahr.com

*Attorneys for Respondent U.S. Bank Trust,
as Trustee for LSF9 Master Participation
Trust*

CERTIFICATE OF SERVICE

I hereby certify that this **MOTION TO ASSOCIATE COUNSEL GILBERT CHARLES DICKEY, ESQ.** was filed electronically with the Nevada Supreme Court on June 16, 2021. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

Doreen Spears Hartwell, Esq.
HARTWELL THALACKER, LTD
11920 Southern Highlands Parkway, Suite 201
Las Vegas, Nevada 89141

/s/ Adam Crawford
An Employee BALLARD SPAHR LLP

EXHIBIT A

EXHIBIT A

IN THE SUPREME COURT OF THE STATE OF NEVADA

Daniel Lakes, an individual,
Appellant,

) No. 79324

v.
U.S. Bank Trust, Trustee for
LSF9 Master Participation
Trust, Respondent.

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

Gilbert

Charles

Dickey

, Petitioner, respectfully represents:

First

Middle Name

Last

1. Petitioner resides at 1021 N. Garfield Street
Street Address

Arlington

City

Arlington County

County

Virginia

State

22201

Zip Code

(931) 993-9221

Telephone

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

McGuireWoods LLP

with offices at 888 16th Street N.W., Suite 500
Street Address

Washington

City

District of Columbia

County

District of Columbia

State

20006

Zip

(202) 828-2829

Telephone

gdickey@mcguirewoods.com

Email

3. Petitioner has been retained personally or as a member of the above named law firm by U.S. Bank Trust, Trustee for LSF9 Master Participation Trust to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since December 2 of 2019, 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:

	<u>DATE ADMITTED</u>
<u>Alabama</u>	<u>9/28/2012</u>
<u>West Virginia</u>	<u>5/13/2015</u>
<u>U.S. Court of Appeals for the Second Circuit</u>	<u>12/9/2020</u>
<u>U.S. Court of Appeals for the Third Circuit</u>	<u>9/4/2020</u>
<u>U.S. Court of Appeals for the Fourth Circuit</u>	<u>10/19/2015</u>
<u>U.S. Court of Appeals for the Fifth Circuit</u>	<u>2/13/2019</u>
<u>U.S. Court of Appeals for the Seventh Circuit</u>	<u>11/27/2020</u>
<u>U.S. Court of Appeals for the Ninth Circuit</u>	<u>5/10/2019</u>
<u>U.S. Court of Appeals for the Eleventh Circuit</u>	<u>7/29/2014</u>
<u>U.S. Court of Appeals for the District of Columbia Circuit</u>	<u>3/10/2021</u>
<u>U.S. District Court for the Northern District of West Virginia</u>	<u>5/11/2016</u>
<u>U.S. District Court for the Southern District of West Virginia</u>	<u>5/13/2015</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, or any member of petitioner's firm, has/have filed the following application(s) to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matter(s), if none, indicate so: *(do not include Federal Pro Hacs)*

<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 Application</u> <u>Granted or</u> <u>Denied?</u>
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Please see Attachment 1.

(If more space is needed, you may list previous applications on a separate attachment.)

12. Nevada Counsel of Record for Petition in this matter is:

(must be the same as the signature on the Nevada Counsel consent page)

Maria Alice Gall 14200
First Name Middle Name Last Name NV Bar #

who has offices at Ballard Spahr LLP

Firm Name/Company

1980 Festival Plaza Drive, Suite 900, Las Vegas Clark County
Street Address City County

89135 (702) 868-7535
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

Please see Attachment 2.

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, Gilbert C. Dickey, do hereby swear/affirm under penalty of perjury that the assertions
Print Petitioner Name
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 25th day of May, 2021

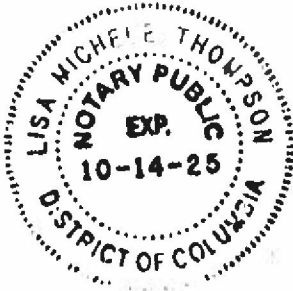
[Signature]
Petitioner/Affiant (blue ink)

District
STATE OF Columbia)
) ss
COUNTY OF e)

Subscribed and sworn to before me

this 25 day of May, 20 21

[Signature]
Notary Public



LISA MICHELE THOMPSON
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires October 14, 2025

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, Maria A. Gall, 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 28th day of May, 20 21

Maria Gall

Nevada Counsel of Record (blue ink)

STATE OF Nevada)
) ss
COUNTY OF Clark)

Subscribed and sworn to before me

this 28th day of May, 20 21

Elizabeth Blaschko

Notary Public



Attachment 1

Response to Question 11

Date of Application	Cause	Title of Court, Administrative Body, or Arbitrator	Was Application Granted or Denied?
5/21/2019	Aaron Huff v. Affinity Gaming, Inc., dba Rail City Casino, et al.	District Court, Clarke County	Granted
5/21/2019	Aaron Huff v. Truckee Gaming, LLC fdba Sands Regency Casino Hotel, et al.	District Court, Washoe County	Granted
5/21/2019	Aaron Huff v. Sierra Development Company, Inc. dba Club Cal Neva and Siri's Casino, et al.	District Court, Washoe County	Granted
5/21/2019	Ryan Artman v. Monarch Casino & Resort, Inc., et al.	District Court, Washoe County	Granted
4/24/2019	Ryan Artman v. Eldorado Resorts, Inc.	District Court, Washoe County	Granted
4/19/2019	US Bank Trust NA v. Bauman-Banks	District Court, Washoe County	Granted

Attachment 2

Response to Question 13

Name	Mailing Address
Daniel Lakes	548 Primrose Hill Avenue Las Vegas, Nevada 89128
U.S. Bank Trust, Trustee for LSF9 Master Participation Trust	U.S. Bank c/o Fay Financial, LLC 1601 LBJ Freeway, Suite 150 Farmers Branch, Texas 75234
Doreen Spears Hartwell (NV Bar No. 7525) <i>Counsel for Daniel Lakes</i>	Hartwell Thalacker, Ltd. 11920 Southern Highlands Pkwy, #201 Las Vegas, Nevada 89141
Laura J. Thalacker (NV Bar No. 5525) <i>Counsel for Daniel Lakes</i>	Hartwell Thalacker, Ltd. 11920 Southern Highlands Pkwy, #201 Las Vegas, Nevada 89141
Joel E. Tasca (NV Bar No. 14124) <i>Counsel for U.S. Bank Trust</i>	Ballard Spahr LLP 1980 Festival Plaza Drive, Suite 900 Las Vegas, Nevada 89135
Maria A. Gall (NV Bar No. 14200) <i>Counsel for U.S. Bank Trust</i>	Ballard Spahr LLP 1980 Festival Plaza Drive, Suite 900 Las Vegas, Nevada 89135
Joseph P. Sakai (NV Bar No. 13578) <i>Counsel for U.S. Bank Trust</i>	Ballard Spahr LLP 1980 Festival Plaza Drive, Suite 900 Las Vegas, Nevada 89135

EXHIBIT B

EXHIBIT B



On behalf of JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals,
the District of Columbia Bar does hereby certify that

Gilbert Dickey

was duly qualified and admitted on December 2, 2019 as an attorney and counselor entitled to
practice before this Court; and is, on the date indicated below, a(n)
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 May 18,
2021.**

Julio A. Castillo

JULIO A. CASTILLO
Clerk of the Court

A stylized, handwritten signature in black ink, likely belonging to a representative of the District of Columbia Bar Membership Office.

Issued By:
District of Columbia Bar Membership

For questions or concerns, please contact the D.C. Bar Membership Office at 202-626-3475 or email
memberservices@dcbar.org.

The Supreme Court of Alabama



Certificate Of Admission

I, Julia Jordan Weller, Clerk of the Supreme Court of Alabama, do hereby certify that Gilbert Charles Dickey
was duly and legally admitted to practice law by the Supreme Court of Alabama on September 28, 2012 *and is now an attorney in good standing at the Bar of this Court, as shown by the records of said Court on file in this office.*

I further certify that the Supreme Court of Alabama is the highest court of record in this State.

Done on May 13, 2021
with the seal of the Supreme Court of Alabama attached.



Julia Jordan Weller

*Julia Jordan Weller, Clerk
Supreme Court of Alabama*

STATE OF WEST VIRGINIA

I, Edythe Nash Gaiser, Clerk of the Supreme Court of Appeals of West Virginia, hereby do certify that Gilbert Charles Dickey, of Washington, DC, an attorney duly licensed to practice law in this State, was admitted to practice law before the Supreme Court of Appeals of West Virginia, the highest court of the State, on the 13th day of May, 2015; that he is an attorney in good standing in said Court and is currently on active status and that his private and professional characters are good.

Given under my hand and seal of said Court, at Charleston, West Virginia, this 13th day of May 2021, and in the 158th year of the State.


Clerk, Supreme Court of Appeals of West Virginia



EXHIBIT C

EXHIBIT C

1 STAT

2
3 IN THE SUPREME COURT OF THE STATE OF NEVADA

4 Case No. 79324

5
6 Daniel Lakes

7 vs.

8 U.S. Bank Trust
9 _____/

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

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

14 SCR42(6)**Discretion.** The granting or denial of a motion to associate
15 counsel pursuant to this rule by the court is discretionary. The
16 court, arbitrator, mediator, or administrative or governmental
17 hearing officer may revoke the authority of the person permitted to
18 appear under this rule. Absent special circumstances, repeated
19 appearances by any person or firm of attorneys pursuant to this rule
20 shall be cause for denial of the motion to associate such person.

21 (a) **Limitation.** It shall be presumed, absent special
22 circumstances, and only upon showing of good cause, that
23 more than 5 appearances by any attorney granted under
24 this rule in a 3-year period is excessive use of this
25 rule.

26 (b) **Burden on applicant.** The applicant shall have the
27 burden to establish special circumstances and good cause
28 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.

1. DATE OF APPLICATION: 6/2/2021

2. APPLYING ATTORNEY: Gilbert Charles Dickey, Esq.

///
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///
///

1 3. FIRM NAME AND ADDRESS: McGuire Woods, LLP, 888 16th Street,
2 N.W., Suite 500, Washington, DC 20006

3 4. NEVADA COUNSEL OF RECORD: Maria A Gall, Esq., Ballard Spahr
4 LLP, 1980 Festival Plaza Dr., Suite 900, Las Vegas, NV 89135

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

7 DATED this June 8, 2021

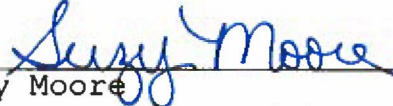
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9 
10 Suzy Moore
11 Member Services Admin.
12 Pro Hac Vice Processor
13 STATE BAR OF NEVADA
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EXHIBIT D

EXHIBIT D

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL LAKES, AN INDIVIDUAL,

Case No. 79324

Appellant,

v.

U.S. BANK TRUST, TRUSTEE FOR
LSF9 MASTER PARTICIPATION
TRUST,

Respondent.

ORDER GRANTING MOTION TO ASSOCIATE COUNSEL.

Respondent U.S. Bank Trust, Trustee for LSF9 Master Participation Trust, has filed its motion to associate counsel Gilbert Charles Dickey, Esq. pursuant to SRC 42. Attached to the motion to associate is a verified application, certificates of good standing from the District of Columbia and the States of Alabama and West Virginia, and the statement pursuant to SRC 42 from the State Bar of Nevada. The motion, having been served on all parties, no objections having been made, and the Court being fully apprised in the premises, and good cause appearing, is granted. SRC 42(8). Mr. Dickey shall be permitted to appear and provide legal representation in the above-entitled Court for the purposes of the above-entitled matter only.

Nevada attorney Maria A. Gall, Esq., of Ballard Spahr LLP shall be responsible for all matters presented by Mr. Dickey in this matter. *See* SRC 42(14) (requiring the Nevada attorney of record to be responsible for and actively

participate in the representation of a client in these proceedings, and to be present at all matters in open court); NRAP 25(a)(5) (requiring all documents submitted to the supreme court for filing to include the original signature of at least one attorney of record who is an active member of the State of Nevada); NRAP 46(a)(3) (requiring Nevada counsel to sign all briefs, be present during oral arguments, and be responsible for all briefs and matters presented by foreign counsel).

IT IS SO ORDERED.

Dated this ____ day of _____, 2021
