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11 *Attorneys for Appellants*

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Elizabeth A. Brown  
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA


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12 JUSTIN CRAIG BLOUNT; AND ) Supreme Court No.: 82095  
13 STEPHANIE BLOUNT, ) District Court Case No.: D605933  
14 Appellants, )  
15 ) **MOTION TO WITHDRAW AS**  
16 ) **ATTORNEY OF RECORD**  
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PAULA BLOUNT, )  
Respondent. )

COMES NOW the law firm of ALVERSON TAYLOR & SANDERS and hereby moves this Court for an order allowing it to withdraw as counsel of record for Appellants, JUSTIN BLOUNT and STEPHANIE BLOUNT. This Motion is made and based upon the attached Points and Authorities submitted in support hereof and the Affidavit of Daniel A. Mann, Esq., attached hereto.

DATED this 9th day of September, 2021.

ALVERSON TAYLOR & SANDERS

By:   
KURT R BONDS, ESQ.  
Nevada Bar No. 6228  
DANIEL A. MANN, ESQ.  
Nevada Bar No. 15594  
6605 Grand Montecito Parkway, Suite 200  
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Attorneys for Appellants

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1                   **AFFIDAVIT OF DANIEL A. MANN, ESQ. IN SUPPORT OF MOTION TO**  
2                   **WITHDRAW AS ATTORNEY**

3 STATE OF NEVADA            )  
4                                    ) ss:  
5 COUNTY OF CLARK            )

6                   DANIEL A. MANN, ESQ., being first duly sworn states as follows:

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

8                   2.       That the law firm of Alverson Taylor & Sanders (“ATS”) has represented  
9 Appellants, JUSTIN BLOUNT and STEPHANIE BLOUNT, in the above referenced matter.

10                  3.       That if called as a witness, I would testify as stated in this Affidavit with regard to  
11 the matters stated herein.

12                  4.       ATS first appeared in this matter on behalf of Justin Blount and Stephanie Blount  
13 on April 30, 2020, when it was litigated in the district court.

14                  5.       Despite undersigned counsel’s several attempts, Appellants have failed to perform  
15 its duties and responsibilities under the terms of that agreement and, as of the date of this filing,  
16 has an outstanding balance owed to ATS in excess of \$39,000 dollars.

17                  6.       In light of the large outstanding balance owed to ATS and Appellants’ continued  
18 failure to perform their obligations under the terms of the agreement any continued  
19 representation of Appellants in this matter will cause undue hardship on ATS and undersigned  
20 counsel.

21                  7.       The last known address of Appellants Justin Blount and Stephanie Blount at  
22 which it will be served with further proceedings taken in this case in the event that this Motion to  
23 Withdraw is granted is:

24                               2637 Vegas Valley Dr., Las Vegas, NV 89121

25                  8.       The last known known e-mail address for Justin Blount and Stephanie Blount is  
26 justinblount1@gmail.com.  
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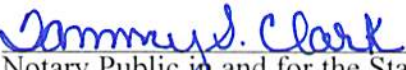
9. That counsel has informed Appellants of the date, time, and location of all upcoming hearings or other matters scheduled in this case, as well as any applicable deadlines.

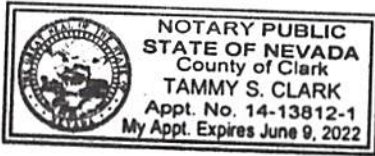
10. This Motion is not made for purposes of delay or any other wrongful motive.  
FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 9th day of September, 2021.

  
Daniel A. Mann, Esq.

Subscribed and sworn to before me  
this 9 day of September, 2021.

  
Notary Public in and for the State of  
Nevada, County of Clark



1 MEMORANDUM OF POINTS AND AUTHORITIES

2 Nevada Supreme Court Rule 46, entitled "Withdrawal or change of attorney," provides as  
3 follows:

4 The attorney in an action or special proceeding may be changed at any time  
5 before judgment or final determination as follows:

- 6 1. Upon consent of the attorney, approved by the client.
- 7 2. Upon the order of the court or judge thereof on the application of the  
8 attorney or the client.

9 *See Nev. Sup. Ct. R. 46.*

10 EDCR 7.40(b)(2) states that the Court can enter an Order allowing withdrawal of an  
11 attorney. *See EDCR 7.40(b)(2).* Rule 7.40 additionally requires that the attorney include in an  
12 affidavit the last known address at which the client may be served with notice of further  
13 proceedings if the application for withdrawal is granted. *See EDCR 7.40.* Rule 7.40(c) further  
14 provides that applications for withdrawal may be granted by the Court unless it would delay the  
15 trial or hearing of other matters in the case. *See EDCR 7.40(c).*

16 Additionally, Nevada Rule of Professional Conduct 1.16(b), states that an attorney may  
17 be allowed to withdraw as counsel for a client if:

18 "(1) Withdrawal can be accomplished without material adverse effect on  
19 the interests of the client, ... (5) the client fails substantially to fulfill an  
20 obligation to the lawyer regarding the lawyer's services and has been  
21 given reasonable warning that the lawyer will withdraw unless the  
22 obligation is fulfilled; (6) The representation will result in an  
23 unreasonable financial burden on the lawyer or has been rendered  
24 unreasonably difficult by the client; or (7) other good cause for  
25 withdrawal exists."

26 *See Nev. RPC 1.16(b).*

27 As shown by the Affidavit of Daniel A. Mann, Esq., in support of this Motion, it is in the  
28 best interest of Appellants for their counsel to withdraw to avoid any further fees being incurred  
by Appellants. As of the date of this filing, Appellants have an outstanding balance with ATS in  
excess of \$39,000.00. Appellants have indicated their inability to pay in full, or make meaningful  
payments towards, the large outstanding balance that has been incurred as a result of work

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already performed in this case. Based on this, any further representation would result in an unreasonable financial burden on both Appellants and counsel. Appellants have acknowledged that they intend to move forward with their case on their own and understands that counsel is submitting this motion to withdraw.

The due date to file a reply brief is October 7<sup>th</sup>, 2021, which is approximately a month after the filing of this motion. This gives Appellants adequate time to prepare to move forward with this case on their own, or to seek other counsel to represent them if that is their desire. Because Appellants have been made aware of upcoming hearings and events on the calendar for this case and have adequate time to prepare for the next hearing scheduled in this matter, or find new counsel to represent them, the withdrawal of ATS and undersigned counsel can be accomplished without material adverse effect on the interests of Appellants.

WHEREFORE, based on the foregoing, the undersigned respectfully requests this Honorable Court grant Counsel's Motion to Withdraw as Counsel of Record for Appellants.

DATED this 9<sup>th</sup> day of September, 2021.

ALVERSON TAYLOR & SANDERS

By:   
KURT R BONDS, ESQ.  
Nevada Bar No. 6228  
DANIEL A. MANN, ESQ.  
Nevada Bar No. 15594  
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Attorneys for Appellants

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**CERTIFICATE OF SERVICE**

I certify that on the 9 day of September, 2021. I served a copy of this **MOTION TO WITHDRAW AS ATTORNEY OF RECORD** upon all counsel of record and interested parties by mailing it by first class mail with sufficient postage prepaid to the following address:

Trevor M. Creel, Esq.  
Willick Law Group  
3591 E. Bonanza Rd., Ste. 200  
Las Vegas, NV 89110-2101  
Ph. (702) 438-4100  
e-mail: trevor@willicklawgroup.com

Justin and Stephanie Blount  
2637 Vegas Valley Dr.  
Las Vegas, NV 89121

Dated this 9 day of September, 2021.



\_\_\_\_\_  
An Employee of ALVERSON  
TAYLOR & SANDERS