

**MWCN**  
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Attorney for Respondent  
Joshua King

Electronically Filed  
Dec 15 2020 09:38 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

|              |   |                                  |
|--------------|---|----------------------------------|
| CHERYL KING, | ) |                                  |
|              | ) | Supreme Court No. 82120          |
| Appellant,   | ) | District Court No. D-09-421730-D |
|              | ) |                                  |
| v.           | ) |                                  |
|              | ) |                                  |
| JOSHUA KING, | ) |                                  |
|              | ) |                                  |
| Respondent.  | ) |                                  |

**MOTION TO WITHDRAW AS COUNSEL**

**NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED COUNSEL WITH A COPY OF YOUR RESPONSE WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.**

COMES NOW, John T. Kelleher Esq. of the law firm Kelleher & Kelleher, LLC., attorney for Respondent Joshua King, and moves this Honorable Court to enter its Order allowing withdrawal as counsel of record for Respondent in the above-captioned Supreme Court matter.

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This Motion is made and based upon the Affidavit of Counsel attached hereto and by the Points and Authorities which follow.

DATED this 14 day of December, 2020.

KELLEHER & KELLEHER, LLC

By: 

JOHN T. KELLEHER, ESQ.  
Nevada Bar No. 6012  
40 South Stephanie Street, Suite 201  
Henderson, Nevada 89012  
Attorney for Respondent

**POINTS AND AUTHORITIES**

**I.**

**STATEMENT OF THE FACTS**

Respondent Joshua King retained the law office of Kelleher & Kelleher, LLC in the underlying District Court divorce action. Findings of Fact, Conclusions of Law and Orders of October 9, 2020 was entered on October 10, 2020 in District Court Case no. D-09-421730-D. Appellant filed her Notice of Appeal on November 9, 2020.

Kelleher & Kelleher, LLC has not been retained to represent Respondent in proceedings pertaining to this appeal. It is therefore respectfully requested that Kelleher & Kelleher, LLC and John T. Kelleher, Esq. be permitted to withdraw as the attorney of record of Respondent, Joshua King, in these proceedings.

**II.**

**LEGAL ANALYSIS**

Nevada Supreme Court Rule 46 states as follows:

Rule 46. Withdrawal or change of attorney. The attorney in an action or special proceeding may be changed at any time before judgment or final determination as follows:

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

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1 After judgment or final determination, an attorney may withdraw as attorney  
2 of record at any time upon the attorney's filing a withdrawal, with or without  
the client's consent.

3 Based on the above rule, this Court has the authority to enter an Order allowing withdrawal  
4 of an attorney upon application. Mr. Kelleher and the law office of Kelleher & Kelleher, LLC has not  
5 been retained to represent Respondent in this appeal. Counsel's withdrawal will not delay the  
6 proceedings or prejudice Respondent in any future matters in this case.

7 **III.**

8 **CONCLUSION**

9 Based on the above arguments and legal authority, it is respectfully requested this Court enter  
10 an order approving the withdrawal of John T. Kelleher, Esq. of the law firm Kelleher & Kelleher,  
11 LLC as attorney for record for Respondent Joshua King.

12 DATED this 14 day of December, 2020.

13 KELLEHER & KELLEHER, LLC

14 By: 

15 JOHN T. KELLEHER, ESQ.  
16 Nevada Bar No. 6012  
17 40 South Stephanie Street, Suite 201  
18 Henderson, Nevada 89012  
19 Attorney for Respondent  
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**AFFIDAVIT OF JOHN T. KELLEHER, ESQ.**

STATE OF NEVADA        )  
                                  ) ss:  
COUNTY OF CLARK        )

JOHN T. KELLEHER, ESQ., being duly sworn, deposes and says:

1. That I am an attorney duly licensed to practice law in the State of Nevada and that I am an employee of Kelleher & Kelleher, LLC, the counsel of record for Respondent Joshua King.
2. That I have personal knowledge of the matters contained herein unless otherwise indicated and then upon information and belief.
3. My law office was retained to represent Joshua King in the underlying District Court divorce case.
4. My law office has not been retained to represent Respondent in further proceedings pertaining to the appeal. As this matter is outside the scope of the services the firm was retained to perform, I am requesting that I be allowed to withdraw as attorney of record in this appellate matter.
5. I therefore respectfully request the Court grant my request to withdraw as Respondent's attorney of record.

**FURTHER AFFIANT SAYETH NAUGHT.**

  
\_\_\_\_\_  
JOHN T. KELLEHER, ESQ.

SUBSCRIBED and SWORN to before  
me this 15 day of December, 2020.

  
\_\_\_\_\_  
NOTARY PUBLIC

