

Case No: OBC19-1111



FILED

NOV 17 2021

Electronically Filed  
Aug 10 2021 12:20 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

STATE BAR OF NEVADA  
BY [Signature]  
OFFICE OF BAR COUNSEL

STATE BAR OF NEVADA  
NORTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA, )  
 )  
Complainant, )  
 )  
vs. )  
 )  
BRIAN C. PADGETT, ESQ., )  
Nevada Bar No. 7474, )  
 )  
Respondent. )

**NOTICE OF INTENT  
TO ENTER DEFAULT**

TO: BRIAN C. PADGETT, Esq.  
The Law Offices of Brian C. Padgett  
1672 Liege Drive  
Henderson, NV 89012

PLEASE TAKE NOTICE THAT unless the State Bar receives a responsive pleading in the above-captioned matter by **December 10, 2020**, it will proceed on a default basis and **the charges against you shall be deemed admitted**. Supreme Court Rule 105 (2) states in relevant part:

A copy of the complaint shall be served on the attorney and it shall direct that a verified response or answer be served on bar counsel within 20 days of service . . . In the event the attorney fails to plead, **the charges shall be deemed admitted**; provided, however, that an attorney who fails to respond within the time provided may thereafter obtain permission of the appropriate disciplinary board chair to do so, if failure to file is attributable

1 to mistake, inadvertence, surprise, or excusable neglect. (Emphasis  
2 added.)

3 Additional copies of the First Amended Complaint previously served upon you  
4 accompanies this Notice.

5 DATED this 17<sup>th</sup> day of November, 2020.

6 STATE BAR OF NEVADA  
7 DANIEL M. HOOGE, Bar Counsel

8 /s/ Gerard Gosioco  
9 By: /s/ Gerard Gosioco (Nov 17, 2020 10:28 PST)  
10 Gerard Gosioco, Assistant Bar Counsel  
11 Nevada Bar No. 14371  
12 3100 W. Charleston Blvd., Ste. 100  
13 Las Vegas, NV 89102  
14 (702) 382-2200  
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# Padgett. NIED\_111720

Final Audit Report

2020-11-17

Created:	2020-11-17
By:	Laura Peters (laurap@nvbar.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAdmmxHZcrb7Yz4gUVVdMPxV5A0Mg_zayZ

## "Padgett. NIED\_111720" History

-  Document created by Laura Peters (laurap@nvbar.org)  
2020-11-17 - 6:25:14 PM GMT- IP address: 71.94.199.108
-  Document emailed to /s/ Gerard Gosioco (gerardg@nvbar.org) for signature  
2020-11-17 - 6:25:29 PM GMT
-  Email viewed by /s/ Gerard Gosioco (gerardg@nvbar.org)  
2020-11-17 - 6:28:00 PM GMT- IP address: 68.104.81.227
-  Document e-signed by /s/ Gerard Gosioco (gerardg@nvbar.org)  
Signature Date: 2020-11-17 - 6:28:21 PM GMT - Time Source: server- IP address: 68.104.81.227
-  Agreement completed.  
2020-11-17 - 6:28:21 PM GMT

**CERTIFICATE OF SERVICE BY MAIL**

The undersigned hereby certifies that true and correct copies of the foregoing **Notice of Intent to Enter Default** along with a copy of the First Amended Complaint filed October 27, 2020, was placed in the US mail in Reno, Nevada, postage pre-paid for certified and regular mail, addressed to:

Brian C. Padgett, Esq.  
The Law Offices of Brian C. Padgett  
1672 Liege Drive  
Henderson, NV 89012

Additionally, the document was served electronically upon [brian.padgett@icloud.com](mailto:brian.padgett@icloud.com) and

[gerardg@nvbar.org](mailto:gerardg@nvbar.org).

Dated this 17<sup>th</sup> day of November 2020.

*Laura Peters*

---

Laura Peters, an employee of  
the State Bar of Nevada

# **Exhibit 16**

# **Exhibit 16**



FILED

JAN 05 2021

STATE BAR OF NEVADA  
BY [Signature]  
OFFICE OF BAR COUNSEL

Case No.: OBC19-1111

STATE BAR OF NEVADA

NORTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

BRIAN C. PADGETT, ESQ.,  
Nevada Bar No. 7474,

Respondent.

ENTRY OF DEFAULT

TO: BRIAN C. PADGETT, Esq.  
1672 Liege Drive  
Henderson, NV 89012

PROCEDURAL HISTORY

On or about May 13, 2020, the State Bar filed its Complaint against BRIAN C. PADGETT, ESQ. (hereinafter "Respondent") with the following Nevada Rules of Professional Conduct ("RPC") violations: COUNT 1 – Rule 1.15 (Safekeeping Property); COUNT 2 – Rule 5.1 (Responsibilities of Partners, Managers, and Supervisory Lawyers); and COUNT 3 – Rule 8.1 (Bar Admission and Disciplinary Matters). Pursuant to Nevada Supreme Court Rule ("SCR") 79, the State Bar sent a copy of the Complaint via first class and certified mail to Respondent's listed address at 611 South 6th Street, Las Vegas, NV 89101. On or about June 21, 2020, both of those mailings were returned to the State Bar's Reno office.

1 On or about June 9, 2020, a Notice of Intent to Proceed on a Default Basis was filed.  
2 The State Bar sent a copy of the Notice to Respondent's SCR 79 address, as well as  
3 Respondent's alternate address at 11274 Gammila Drive, Las Vegas, NV 89141, via first  
4 class and certified mail. The Notice directed Respondent to file a responsive pleading to  
5 the State Bar's Complaint by June 29, 2020.

6 On or about June 21, 2020, copies of the Notice sent to Respondent's SCR 79 address  
7 were returned to the State Bar's Reno office marked "Return to Sender." On or about July  
8 6, 2020, copies of the Notice sent to Respondent's alternate address were also returned to  
9 the State Bar's Reno office marked "Return to Sender, Unable to Forward."

10 On or about July 10, 2020, the State Bar filed a Declaration of Service According to  
11 SCR 109(1) in Support of Entry of Default ("Declaration"), which set forth the State Bar's  
12 efforts to serve Respondent. A copy of the Declaration was also emailed to Respondent's  
13 email address of brian@briancpadgett.com.

14 On or about July 13, 2020, the Hearing Chair signed, and the State Bar filed, an  
15 Entry of Default against Respondent.

16 Pursuant to Rule 17 of the Disciplinary Rules of Procedure ("DRP"), an initial  
17 conference took place on July 21, 2020, at 10:00am Pacific Standard Time. The Hearing  
18 Chair and ABC Gosioco were present on the call. Respondent, though formally noticed,  
19 was not present on the call. Similarly, Respondent was not present for the DRP Rule 23  
20 pre-hearing conference held on October 12, 2020, at 10:00am Pacific Standard Time.

21 On or about October 15, 2020, a Formal Hearing for the instant matter was set to  
22 commence at 9:00am Pacific Standard Time. On or about October 15, 2020, at  
23 approximately 8:11am Pacific Standard Time, Respondent emailed Assistant Bar Counsel  
24 Gerard Gosioco (hereinafter "ABC Gosioco") requesting that the Formal Hearing be  
25 continued. Ultimately, the Formal Hearing was continued. Respondent's email was the

1 first correspondence he had with the State Bar and/or ABC Gosioco since on or about  
2 February 26, 2020, which pertained to Respondent's other cases, OBC19-0604 and OBC19-  
3 0798.

4 On or about October 22, 2020, the State Bar filed its Motion for Leave to File  
5 Amended Complaint. The Amended Complaint charged Respondent with the following  
6 RPC violations: COUNT 1 – Rule 1.15 (Safekeeping Property); COUNT 2 – Rule 5.1  
7 (Responsibilities of Partners, Managers, and Supervisory Lawyers); COUNT 3 – Rule 8.1  
8 (Bar Admission and Disciplinary Matters); COUNT 4 – Rule 8.1 (Bar Admission and  
9 Disciplinary Matters); COUNT 5 – Rule 8.4 (Misconduct); and COUNT 6 – Rule 8.4  
10 (Misconduct). On or about October 27, 2020, the State Bar's motion was granted.  
11 Accordingly, the Amended Complaint was filed that same day, and pursuant to DRP Rule  
12 14, Respondent's responsive pleading deadline was on or about November 16, 2020.

13 Respondent failed to file a responsive pleading by the deadline. Instead,  
14 Respondent filed a Motion to Vacate Filings, Orders and Decisions - Including the  
15 Amended Complaint; Motion to Dismiss Amended Complaint on or about November 16,  
16 2020, and a Supplement on or about November 18, 2020 (hereinafter "Motion").  
17 Accordingly, the State Bar filed another Notice of Intent to Enter Default on or about  
18 November 17, 2020, which directed Respondent to file a responsive pleading to the State  
19 Bar's Amended Complaint by December 10, 2020.

20 On or about December 2, 2020, the State Bar filed its Opposition to Respondent's  
21 Motion. On or about December 14, 2020, Respondent's Motion was denied. As of the date  
22 of the instant pleading, Respondent has not filed a responsive pleading to the State Bar's  
23 Amended Complaint.

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5       The allegations set forth in the Amended Complaint filed on or about October 22,  
6       2020, are deemed admitted.

8 Dated this 5<sup>th</sup> of January, 2021.

9  
10  
11

  
Richard Williamson (Jan 5, 2021 15:10 PST)

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Rich Williamson, Esq., Hearing Panel Chair  
Northern Nevada Disciplinary Board

16 /s/ Gerard Gosioco

20 | *Attorneys for the State Bar of Nevada*






# 2nd Entry of Default

Final Audit Report

2021-01-05

Created:	2021-01-05
By:	Laura Peters (laurap@nvbar.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAZazYsulrL0YUvyVngSbQVTp325jxPoqD

## "2nd Entry of Default" History

-  Document created by Laura Peters (laurap@nvbar.org)  
2021-01-05 - 10:44:22 PM GMT- IP address: 71.94.199.108
-  Document emailed to Richard Williamson (rich@nvlawyers.com) for signature  
2021-01-05 - 10:44:52 PM GMT
-  Email viewed by Richard Williamson (rich@nvlawyers.com)  
2021-01-05 - 11:07:39 PM GMT- IP address: 97.92.108.234
-  Document e-signed by Richard Williamson (rich@nvlawyers.com)  
Signature Date: 2021-01-05 - 11:10:58 PM GMT - Time Source: server- IP address: 97.92.108.234
-  Agreement completed.  
2021-01-05 - 11:10:58 PM GMT

**CERTIFICATE OF SERVICE BY MAIL**

The undersigned hereby certifies that true and correct copies of the foregoing **Entry of Default** was placed in the US mail in Reno, Nevada, postage pre-paid for certified and regular mail, addressed to:

Brian C. Padgett, Esq.  
The Law Offices of Brian C. Padgett  
1672 Liege Drive  
Henderson, NV 89012

Additionally, the document was served electronically upon brian.padgett@icloud.com and gerardg@nvbar.org.

Dated this 5<sup>th</sup> day of January 2020.

*Laura Peters*

---

Laura Peters, an employee of  
the State Bar of Nevada

# Exhibit 17

# Exhibit 17

**From:** [Brian Padgett](#)  
**To:** [Laura Peters](#); [Rich Williamson](#); [Nathan Aman](#); [Steve Boucher \(steveboucher@sbcglobal.net\)](#)  
**Cc:** [Gerard Gosioco](#)  
**Subject:** Re: State Bar of Nevada v. Brian C. Padgett, Esq.  
**Date:** Wednesday, January 13, 2021 5:29:58 PM

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All,

Is there a provision allowed under the Bar Rules to request a stay of this proceeding?

The reason I ask is that I would like to give the Supreme Court time to weigh in on my recently filed Appellant's Opening Brief regarding lack of notice/lack of Due Process. I think that may have a direct impact on how this case is handled because, as it stands right now, I understand that I have no opportunity to participate in any substantive processes in this case other than the right to attend the hearing and be heard orally in limited fashion.

I ask that the Panel consider a stay of this proceeding until we have direction from the Supreme Court.

If I am correct on the notice issue - which is similar in this case - we could avoid trying this case twice.

Thank you for your consideration.

Brian Padgett

On January 13, 2021 at 3:49 PM, Laura Peters <[LauraP@nvbar.org](mailto:LauraP@nvbar.org)> wrote:

Looks pretty open; if we can avoid Thursday's that would be good – we have a standing meeting every Thursday afternoon.

Let me suggest:

March 2, 2021; March 9, 2021 and/or March 16, 2021. Gentlemen?

Thanks for your consideration,  
Laura

---

**From:** Brian Padgett <[brian.padgett@icloud.com](mailto:brian.padgett@icloud.com)>  
**Sent:** Wednesday, January 13, 2021 3:36 PM  
**To:** Laura Peters <[LauraP@nvbar.org](mailto:LauraP@nvbar.org)>  
**Cc:** Rich Williamson <[rich@nvlawyers.com](mailto:rich@nvlawyers.com)>; Nathan Aman <[naman@renonvlaw.com](mailto:naman@renonvlaw.com)>; Steve Boucher ([steveboucher@sbcglobal.net](mailto:steveboucher@sbcglobal.net)) <[steveboucher@sbcglobal.net](mailto:steveboucher@sbcglobal.net)>; Gerard Gosioco <[gerardg@nvbar.org](mailto:gerardg@nvbar.org)>  
**Subject:** Re: State Bar of Nevada v. Brian C. Padgett, Esq.

Ms. Peters,

I am not available in February 2021. What is available in March 2021?

Thank you,

Brian Padgett

On January 7, 2021 at 10:23 AM, Laura Peters <[LauraP@nybar.org](mailto:LauraP@nybar.org)> wrote:

Good Morning Gentlemen:

Happy New Year! I've been asked to contact you with potential hearing dates for the continued hearing in above-referenced matter. Please consider the following or, in the alternative, provide dates that would accommodate your schedules:

- Monday, February 15, 2021 with a pre-hearing conference 7-10 days beforehand.
- Wednesday, February 17, 2021 with a pre-hearing conference 7-10 days beforehand.
- Tuesday, February 23, 2021 with a pre-hearing conference 7-10 days beforehand.

Thank you,

Laura Peters  
Paralegal/Investigator  
Office of Bar Counsel  
Ph: 775-824-1382  
Email: [laurap@nybar.org](mailto:laurap@nybar.org)



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# Exhibit 18

# Exhibit 18

**From:** [Rich Williamson](#)  
**To:** [Brian Padgett](#); [Gerard Gosioco](#)  
**Cc:** [Laura Peters](#); [Nathan Aman](#); [Steve Boucher \(steveboucher@sbcglobal.net\)](#)  
**Subject:** RE: State Bar of Nevada v. Brian C. Padgett, Esq.  
**Date:** Thursday, January 14, 2021 11:13:38 AM

---

Mr. Padgett and Mr. Gosioco,

Before setting the formal hearing, there are a few procedural issues that I would like to address:

First, Mr. Padgett asserts that he filed a Motion for Extension of Time to File Answer and Verified Response on December 10, 2020. Did the bar receive this filing on December 10, 2020? If not, does the bar have an opposition or other response to that document and/or the assertion that it was filed? In addition, does the bar have any arguments against considering the verified response that was included (and that has now been circulated)?

Second, although there is no formal motion, Mr. Padgett has inquired about a potential stay of this proceeding? Does the bar oppose that request? If so, does the bar intend on filing an opposition?

I do not want to elevate form over substance, but it is also difficult for the panel to know whether items mentioned in email correspondence are ripe for decision or if they will be the subject of future briefing. I also want to be mindful of the panel's schedule. Therefore, before resetting the formal hearing, I request that the bar file a comprehensive response on these two points by Thursday, January 28, 2021. Pursuant to DRP 16(c), Mr. Padgett will then have five (5) judicial days to file a reply on these two items.

Alternatively, if the parties would like to expedite a decision on these issues, I am open to scheduling a telephonic hearing to allow both parties to orally argue their positions on these matters. Please let me know if either of you would like to request such a hearing in lieu of briefing. Otherwise, please follow the briefing schedule in DRP 16 and submit both matters to me after the time for briefing has expired. In that event, I will merely decide the matter on the papers.

Best regards,

Rich Williamson

---

Richard D. Williamson, Esq.  
Robertson, Johnson, Miller & Williamson  
50 West Liberty Street, Suite 600  
Reno, Nevada 89501  
Telephone: (775) 329-5600  
Facsimile: (775) 348-8300  
Email: [Rich@NVLawyers.com](mailto:Rich@NVLawyers.com)  
Please visit our Website at: [www.nvlawyers.com](http://www.nvlawyers.com)



IMPORTANT NOTICE:

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---

**From:** Brian Padgett [mailto:brian.padgett@icloud.com]  
**Sent:** Wednesday, January 13, 2021 5:30 PM  
**To:** Laura Peters; Rich Williamson; Nathan Aman; Steve Boucher (steveboucher@sbcglobal.net)  
**Cc:** Gerard Gosioco  
**Subject:** Re: State Bar of Nevada v. Brian C. Padgett, Esq.

All,

Is there a provision allowed under the Bar Rules to request a stay of this proceeding?

The reason I ask is that I would like to give the Supreme Court time to weigh in on my recently filed Appellant's Opening Brief regarding lack of notice/lack of Due Process. I think that may have a direct impact on how this case is handled because, as it stands right now, I understand that I have no opportunity to participate in any substantive processes in this case other than the right to attend the hearing and be heard orally in limited fashion.

I ask that the Panel consider a stay of this proceeding until we have direction from the Supreme Court.

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Thank you for your consideration.

Brian Padgett

On January 13, 2021 at 3:49 PM, Laura Peters <LauraP@nvbar.org> wrote:

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Let me suggest:

March 2, 2021; March 9, 2021 and/or March 16, 2021. Gentlemen?

Thanks for your consideration,  
Laura

---

**From:** Brian Padgett <brian.padgett@icloud.com>  
**Sent:** Wednesday, January 13, 2021 3:36 PM  
**To:** Laura Peters <LauraP@nvbar.org>  
**Cc:** Rich Williamson <rich@nvlawyers.com>; Nathan Aman <naman@renonvlaw.com>; Steve Boucher (steveboucher@sbcglobal.net) <steveboucher@sbcglobal.net>; Gerard Gosioco <gerardg@nvbar.org>  
**Subject:** Re: State Bar of Nevada v. Brian C. Padgett, Esq.

Ms. Peters,

I am not available in February 2021. What is available in March 2021?

Thank you,

Brian Padgett

On January 7, 2021 at 10:23 AM, Laura Peters <[LauraP@nvbar.org](mailto:LauraP@nvbar.org)> wrote:

Good Morning Gentlemen:

Happy New Year! I've been asked to contact you with potential hearing dates for the continued hearing in above-referenced matter. Please consider the following or, in the alternative, provide dates that would accommodate your schedules:

- Monday, February 15, 2021 with a pre-hearing conference 7-10 days beforehand.
- Wednesday, February 17, 2021 with a pre-hearing conference 7-10 days beforehand.
- Tuesday, February 23, 2021 with a pre-hearing conference 7-10 days beforehand.

Thank you,

Laura Peters  
Paralegal/Investigator  
Office of Bar Counsel  
Ph: 775-824-1382

Email: [laurap@nvbar.org](mailto:laurap@nvbar.org)



**Notice of Confidentiality:** The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking any action in reliance upon, this information by anyone other than the intended recipient is not authorized.

# Exhibit 19

# Exhibit 19



FILED

JAN 28 2021

STATE BAR OF NEVADA  
BY [Signature]  
OFFICE OF BAR COUNSEL

DANIEL M. HOOGE  
Bar Counsel  
Nevada Bar No. 10620  
GERARD GOSIOCO  
Assistant Bar Counsel  
Nevada Bar No. 14371  
3100 W. Charleston Blvd., Ste. 100  
Las Vegas, Nevada 89102  
(702) 382-2200

*Attorneys for the State Bar of Nevada*

STATE BAR OF NEVADA  
NORTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,  
Complainant,

-vs-

BRIAN C. PADGETT, ESQ.,  
Nevada Bar No. 7474

Respondent.

CASE NO: OBC19-1111

**STATE BAR OF NEVADA'S COMPREHENSIVE RESPONSE TO PROCEDURAL ISSUES  
RAISED BY PANEL CHAIR**

COMES NOW, the State Bar of Nevada (hereinafter "State Bar"), by DANIEL M. HOOGE, Bar Counsel, through GERARD GOSIOCO, Assistant Bar Counsel ("ABC"), and hereby submits the attached Points and Authorities in support of State Bar of Nevada's Comprehensive Response to Procedural Issues Raised by Panel Chair.

This Response is based upon all papers and pleadings on file herein, the attached Points and Authorities in support hereof, and oral argument, if deemed necessary by the Panel Chair in this matter.

///

///

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **PROCEDURAL HISTORY**

On May 13, 2020, the State Bar filed a Complaint against Respondent alleging the following Nevada Rules of Professional Conduct (“RPC”) violations: COUNT 1 – Rule 1.15 (Safekeeping Property); COUNT 2 – Rule 5.1 (Responsibilities of Partners, Managers, and Supervisory Lawyers); and COUNT 3 – Rule 8.1 (Bar Admission and Disciplinary Matters). The State Bar sent a copy of the Complaint via first-class and certified mail to Respondent’s listed address at 611 South 6th Street, Las Vegas, NV 89101 pursuant to Nevada Supreme Court Rule (“SCR”) 79. On June 21, 2020, both mailings were returned to the State Bar’s Reno office marked “Return to Sender, Unable to Forward.”

On June 9, 2020, the State Bar filed and served a Notice of Intent to Proceed on a Default Basis. The State Bar sent a copy of the Notice to Respondent’s SCR 79 address. The State Bar sent another copy of the Notice to an alternate address at 11274 Gammila Drive, Las Vegas, NV 89141, via first-class and certified mail. The Notice directed Respondent to file a responsive pleading to the State Bar’s Complaint by June 29, 2020.

On June 21, 2020, copies of the Notice sent to Respondent’s SCR 79 address were returned to the State Bar’s Reno office marked “Return to Sender.” On July 6, 2020, copies of the Notice sent to Respondent’s alternate address were also returned to the State Bar’s Reno office marked “Return to Sender, Unable to Forward.”

On July 10, 2020, the State Bar filed a Declaration of Service According to SCR 109(1) in Support of Entry of Default (“Declaration”), which set forth the State Bar’s efforts to serve Respondent. A copy of the Declaration was emailed to Respondent’s email address of brian@briancpadgett.com. The State Bar did not receive any return emails stating that the Declaration was undeliverable.

On July 13, 2020, Rich Williamson, Esq. (hereinafter “Panel Chair”) ordered Entry of Default against Respondent. A copy of the Entry of Default was emailed to brian@briancpadgett.com. As with

prior emails, the State Bar did not receive any return emails stating that the Entry of Default was undeliverable.

Pursuant to Rule 17 of the Disciplinary Rules of Procedure (“DRP”), an initial conference took place on July 21, 2020. The Hearing Chair and ABC Gerard Gosioco (hereinafter “ABC Gosioco”) attended the call. Respondent failed to appear for the call. Similarly, Respondent was not present for the DRP Rule 23 pre-hearing conference held on October 12, 2020.

On September 15, 2020, the State Bar filed a Notice of Hearing and a Final Disclosure of Documents and Witnesses. *See* Exhibit 1. The Notice and Final Disclosure were served on Respondent via first-class and certified mail to his SCR 79 address. *Id.* Copies of the Notice and Final Disclosure were also emailed to brian@briancpadgett.com. *Id.* The State Bar did not receive any return emails stating that the Notice and Final Disclosure were undeliverable.

The Panel Chair set a Formal Hearing for October 15, 2020, at 9:00 a.m. Pacific Standard Time (“PST”). *Id.* On October 15, 2020, at 8:11 a.m. PST, Respondent emailed ABC Gosioco, through brian.padgett@icloud.com, informally requesting a continuance of the Formal Hearing. Exhibit 2. Ultimately, the Panel Chair granted Respondent’s request for a continuance. *See* Exhibit 3. Respondent’s email was the first correspondence he had with the State Bar in this matter.<sup>1</sup>

On October 22, 2020, the State Bar filed its Motion for Leave to File Amended Complaint. The Amended Complaint charged Respondent with violating the following RPCs: COUNT 1 – Rule 1.15 (Safekeeping Property); COUNT 2 – Rule 5.1 (Responsibilities of Partners, Managers, and Supervisory Lawyers); COUNT 3 – Rule 8.1 (Bar Admission and Disciplinary Matters); COUNT 4 – Rule 8.1 (Bar Admission and Disciplinary Matters); COUNT 5 – Rule 8.4 (Misconduct); and COUNT 6 – Rule 8.4 (Misconduct). On October 27, 2020, the Panel Chair granted the State Bar’s motion. Exhibit 4.

<sup>1</sup> Prior to Respondent’s October 15, 2020, email, the last correspondence between him and ABC Gosioco pertained to Respondent’s other disciplinary cases, OBC19-0604 and OBC19-0798, on or about February 26, 2020.

Accordingly, the State Bar filed its Amended Complaint that same day. Exhibit 5. Respondent's Answer was due on November 16, 2020, pursuant to DRP 14.

On November 16, 2020, Respondent filed a Motion to Vacate Filings, Orders and Decisions - Including the Amended Complaint; Motion to Dismiss Amended Complaint; Respondent filed a Supplement thereto on November 18, 2020 (collectively referred to as "Motion to Vacate"). Exhibit 6. The State Bar filed another Notice of Intent to Enter Default on November 17, 2020. Exhibit 7. The Notice was served on Respondent via certified and regular mail to 1672 Liege Drive, Henderson, NV 89012. *Id.* The Notice was also emailed to brian.padgett@icloud.com. *Id.* The State Bar did not receive any return emails stating that the Notice was undeliverable.

On December 2, 2020, the State Bar filed an Opposition to Respondent's Motion to Vacate. Exhibit 8. On December 9, 2020, Respondent filed a Reply to the State Bar's Opposition.<sup>2</sup> Exhibit 9. Per DRP 15(a), Eric Stovall, Esq. (hereinafter "Disciplinary Chair"), the Northern Nevada Disciplinary Board Chair received for consideration Respondent's Motion to Vacate, the State Bar's Opposition, and Respondent's Reply on December 10, 2020.<sup>3</sup>

On December 10, 2020, Respondent filed a Motion for Extension of Time to File Answer and Verified Response (hereinafter "Motion for Extension"). Exhibit 10. Per his request, Respondent's Motion for Extension was forwarded to the Disciplinary Chair. *Id.*

On December 14, 2020, the Disciplinary Chair filed an Order denying Respondent's Motion to Vacate. Exhibit 11. The Disciplinary Chair issued no ruling on Respondent's Motion for Extension. On January 5, 2021, the Disciplinary Chair signed an Entry of Default. Exhibit 12.

<sup>2</sup> It should be noted that pursuant to DRP 15(c), "[t]here shall be no replies filed, absent good cause shown."

<sup>3</sup> DRP 15(a) states that "[a]ny and all motions filed pursuant to this Rule shall be decided by the Disciplinary Board Chair, or Vice Chair if the Chair is unavailable, even if a Hearing Panel Chair has already been appointed."



On January 13, 2021, Respondent, via email, made an informal request to stay the proceedings of the instant matter citing his recently filed Opening Brief in the Supreme Court (Docket No. 81918).<sup>4</sup> Exhibit 13. The Panel Chair requested that the State Bar file a comprehensive response addressing the following issues: (1) whether the State Bar filed an opposition or response to Respondent's Motion for Extension and whether the State Bar has any arguments considering the "Verified Response"; and (2) whether the State Bar opposes Respondent's informal request to stay the instant proceedings and intends on filing an opposition thereto. *Id.* The State Bar responds as follows.

## **ARGUMENT**

### **A. The State Bar Opposes Respondent's Motion for Extension.**

The Amended Complaint was filed on October 27, 2020, which made November 16, 2020, Respondent's deadline to file a responsive pleading or request an extension. Exhibit 4. Respondent did not file a verified response or answer or request for an extension to file the same by the November 16, 2020, deadline. Accordingly, the State Bar filed a second Notice of Intent to Enter Default on November 17, 2020, which, for practical purposes, gave Respondent an extension to file a verified response or answer by December 10, 2020. Exhibit 7. However, on November 16, 2020, Respondent filed his Motion to Vacate, which was later denied on December 14, 2020. *See* Exhibits 8, 11. Per Nevada Rule of Civil Procedure ("NRCPP") 12(a)(3)(A), Respondent should have filed his verified response or answer by December 28, 2020.<sup>5</sup>

On December 10, 2020, Respondent filed his Motion for Extension and requested that it be forwarded to the Disciplinary Chair. Exhibit 10. The State Bar received Respondent's Motion for Extension and forwarded the same to the Disciplinary Chair per Respondent's Request. *Id.*

<sup>4</sup> Respondent's Opening Brief pertain to his other disciplinary cases, OBC19-0604 and OBC19-0798.

<sup>5</sup> NRCPP 12(a)(3)(A) states that "if the court denies the motion or postpones its disposition until trial, the *responsive pleading* must be served within 14 days after notice of the court's action." (emphasis added). NRCPP 12 controls in this situation because the SCRs and the DRPs are silent on the time period to file a verified response or answer after a motion to dismiss is denied. *See* SCR 119.

Although Respondent's pleading included a Motion for Extension of Time to File Answer and a "Verified Response", the substance of the pleading demonstrates that it should be treated solely as a motion for an extension to file a verified response or answer for two reasons. *See* Exhibit 10. First, Respondent's pleading is perplexing. If Respondent truly intended for his pleading to be treated as a Verified Response, then it follows that there is no logical reason to also file a Motion for Extension of Time to File Answer and Verified Response. Second, Respondent concedes in his "Verified Response" that it is not an answer to the Amended Complaint.<sup>6</sup> *See* Exhibit 10. Therefore, Respondent's "Verified Response" is nonconforming and should not be treated as a verified response or answer as mandated by DRP 14, but rather, a request for an extension of time to file an Answer.

The State Bar did not file an opposition or response to Respondent's Motion for Extension as it was moot. Respondent's Motion to Vacate stayed the deadline for his verified response or answer to be filed and was given an additional fourteen (14) days from the Disciplinary Chair's December 14, 2020, Order to file the same. NRCP 12(a)(3)(A); *see* Exhibit 11. Respondent was served with the Amended Complaint on October 27, 2020. Accordingly, Respondent has been provided an ample amount of time to sufficiently prepare a defense to the disciplinary violations he has been charged with. *See generally Dutchess Bus. Servs. v. Nev. State Bd. of Pharm.*, 124 Nev. 701, 712, 191 P.3d 1159, 1167 (2008). Respondent is, once again, merely attempting to stall even after being given time to respond.

To the extent the Panel Chair believes Respondent has demonstrated good cause to justify an extension, the State Bar respectfully requests that Respondent be granted an extension of seven (7) calendar days from the Panel Chair's ruling, by 5:00 p.m. PST, to file a conforming verified response or answer.

///

<sup>6</sup> Line item 2 of Respondent's "Verified Response" states the following: "***In lieu of filing an Answer*** to the Amended Complaint, I hereby respond to the General Allegations and Counts One through Six found in the Amended Complaint as follows . . . ." (emphasis added).

**B. The State Bar Opposes Respondent's Informal Request to Stay the Instant Proceedings.**

On January 13, 2021, Respondent, via email, made an informal request to stay the proceedings of the instant matter citing his recently filed Opening Brief with the Supreme Court (Docket No. 81918). Exhibit 13. After filing five (5) Motions to Extend Time,<sup>7</sup> Respondent filed his Opening Brief on January 12, 2021, which presented the following issues for the Nevada Supreme Court's review:

1. Whether the [State Bar] erred and substantially prejudiced [Respondent] by continuing forward with disciplinary proceedings against [Respondent] without providing appropriate notice or due process.
2. Whether the [State Bar] erred and substantially prejudiced [Respondent] by failing to disclose a clear and present conflict of interest between a Hearing Panel member and [Respondent].
3. Whether the [State Bar] violated [Respondent]'s Equal Protection Rights and substantially prejudiced [Respondent] by holding only one disciplinary hearing for two distinct and separate State Bar complaints.

*See* Exhibit 14.

Respondent, in his January 13, 2021, email, stated that his reason for requesting a stay of the instant proceedings is to "give the Supreme Court time to weigh in on my recently filed Appellant's Opening Brief regarding lack of notice/lack of Due Process." *See* Exhibit 13. However, Respondent's justification for his request is misguided.

The Formal Hearing for the instant matter was originally scheduled for October 15, 2020, at 9:00 a.m. PST. *See* Exhibit 4. That same day, at approximately 8:11 a.m. PST, Respondent emailed ABC Gosioco informally requesting that the Formal Hearing be continued based on an alleged lack of notice and/or due process issue. *See* Exhibit 2. Although the panel was reluctant to grant Respondent's informal request, the Formal Hearing was ultimately continued to "provide Respondent with every opportunity to defend himself." *See* Exhibit 3. As such, it is not necessary to stay the instant proceedings to give the

<sup>7</sup> Respondent's Motions to Extend Time were filed on the following dates: (1) November 9, 2020; (2) December 8, 2020; (3) December 22, 2020; (4) January 8, 2021; and (5) January 12, 2021.

Nevada Supreme Court time to decide on Respondent's Opening Brief as any alleged lack of notice and/or due process issue in the instant matter has been cured by continuing the October 15, 2020, hearing. Moreover, Respondent's appellate arguments are irrelevant as the alleged lack of notice issue pending before the Nevada Supreme Court relates to grievances OBC19-0604 and OBC19-0798, not the grievance that led to the instant matter. Therefore, the State Bar opposes Respondent's informal request to stay the instant proceedings.

### **CONCLUSION**

Based upon the foregoing, the State Bar of Nevada respectfully requests that Respondent's Motion for Extension be treated as an untimely request for extension to file an Answer and to deny Respondent's informal request to stay the instant proceedings.

DATED this 28th day of January, 2021.

**STATE BAR OF NEVADA  
DANIEL M. HOOGE, BAR COUNSEL**

*/s/ Gerard Gosioco*

**Gerard Gosioco, Assistant Bar Counsel**  
Nevada Bar No. 14371  
3100 West Charleston Boulevard, Suite 100  
Las Vegas, Nevada 89102  
(702) 382-2200

# Exhibit 20

# Exhibit 20



FILED

FEB 08 2021

STATE BAR OF NEVADA  
BY [Signature]  
OFFICE OF BAR COUNSEL

LAW OFFICES OF BRIAN C. PADGETT  
BRIAN C. PADGETT, ESQ.  
Nevada Bar No. 7474  
1672 Liege Drive  
Henderson, Nevada 89012  
Telephone: (702) 497-3204  
Facsimile: (702) 368-0123  
Email: brian.padgett@icloud.com

STATE BAR OF NEVADA  
NORTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA

Complainant,  
vs.

Case No. OBC19-1111

BRIAN C. PADGETT, ESQ.  
Nevada Bar No. 7474

Respondent,

REPLY TO PROCEDURAL ISSUES RAISED BY PANEL CHAIR

RESPONDENT BRIAN C. PADGETT, ESQ. hereby submits this REPLY TO  
PROCEDURAL ISSUES RAISED BY PANEL CHAIR. This Motion is based upon the  
following Memorandum of Points and Authorities.

Dated: February 5, 2020.

BRIAN C. PADGETT, ESQ.  
Nevada State Bar No. 7474  
1672 Liege Drive  
Henderson, Nevada 89012

## **MEMORANDUM OF POINTS AND AUTHORITIES**

### **STATEMENT OF FACTS**

Respondent filed his Motion to Vacate on November 16, 2020.

ABC Gosioco filed a Notice of Intent to File Default Judgment on November 17, 2020.

Respondent's Motion for Extension of Time (containing a Verified Response) was filed on December 10, 2020.

### **ARGUMENT**

#### **1. MOTION FOR EXTENSION OF TIME TO FILE ANSWER / VERIFIED RESPONSE**

Respondent filed his Motion to Vacate on November 16, 2020. After this filing, ABC Gosioco filed a Notice of Intent to File Default Judgment on November 17, 2020. According to the Notice of Intent, the last day to file a Verified Response or Answer was December 10, 2020.

Respondent filed the Motion to Extend only because it seemed that ABC Gosioco did not recognize the Motion to Vacate as tolling the time to file an Answer due to his subsequent filing of the Notice of Intent to Take Default Judgment just one day after Respondent filed his Motion to Vacate.

When Respondent filed the Motion to Extend, he included the Verified Response in an abundance of caution in case the Disciplinary Chair did not grant the Motion to Extend.

Therefore, the Verified Response was filed in place of a Verified Answer. Respondent can stand on the Verified Response or will file a Verified Answer to Amended Complaint if requested by the Chair.

## **2. REQUEST TO STAY PROCEEDINGS UNTIL SUPREME COURT RULING**

It was unclear whether the Panel Chair was going to allow Respondent to participate in discovery after filing an Answer to the Amended Complaint or whether the Panel Chair was going to send Respondent right to a hearing after Respondent filed an Answer (or Verified Response).

Therefore, in an abundance of caution, Respondent filed his Motion to Vacate. The Motion to Vacate was denied and scheduling for a hearing date began in earnest.

However, this same issue regarding lack of Notice and whether Respondent should be able to fully participate in the disciplinary hearing which had previously gone forward without him is currently being addressed by the Nevada Supreme Court via an Appellant's Opening Brief filed by this Respondent.

ABC Gosioco's Respondent's Answering Brief is due on February 11, 2021. Appellant's Reply Brief is due on March 11, 2021. All briefing will be completed in the next five weeks and an Opinion from the Supreme Court will be forthcoming. As one of the issues the Court will address is the same as in issue here, it makes sense to conserve resources, get a ruling from the Supreme Court and then proceed forward.

/ / /

/ / /

/ / /

/ / /



### **CONCLUSION**

Based upon the facts and argument set forth herein it is respectfully requested that the Chair accept Respondent's Verified Response filed on December 10, 2020 or give him two weeks to file an Answer. It is also requested that all proceedings in this matter be stayed until the Supreme Court rules on core issues of notice and ability to participate in discovery similar to outstanding issues herein.

Dated this 5<sup>th</sup> day of February, 2021.

---

BRIAN C. PADGETT, ESQ.  
Nevada Bar No. 7474  
1672 Liege Drive  
Henderson, Nevada 89012

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of February, 2021, I served the foregoing

**REPLY TO PROCEDURAL ISSUES RAISED BY PANEL CHAIR**

by emailing a true and correct copy thereof to the State Bar of Nevada.

---

Employee of the Law Offices of BRIAN C. PADGETT

# **Exhibit 21**

# **Exhibit 21**



FILED

FEB 09 2021

STATE BAR OF NEVADA  
 BY [Signature]  
 OFFICE OF BAR COUNSEL

Case No: OBC19-1111

## STATE BAR OF NEVADA

## NORTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA,

Complainant,

vs.

BRIAN C. PADGETT, ESQ.,

Nevada Bar No. 7474

Respondent.

**ORDER REGARDING**  
**RESPONDENT'S MOTION FOR**  
**EXTENSION OF TIME TO FILE**  
**ANSWER, VERIFIED RESPONSE, AND**  
**INFORMAL REQUEST TO STAY**  
**PROCEEDINGS**

This matter commenced on May 13, 2020, when Complainant, State Bar of Nevada ("State Bar") filed a Complaint against Respondent Brian C. Padgett, Esq. ("Respondent"). Pursuant to Supreme Court Rule ("SCR") 79(1), Respondent is required to provide to the State Bar his permanent mailing address, permanent telephone number, and current email address. In accordance with SCR 79, SCR 109(1), and Rule 11(b)(1) of the Disciplinary Rules of Procedure ("DRP"), the State Bar properly served the Complaint on the Respondent.

Pursuant to DRP 17, an initial conference took place on July 21, 2020. The Hearing Panel Chair and Assistant Bar Counsel Gerard Gosioco ("ABC Gosioco") participated in the call. Respondent failed to appear for the call. Similarly, Respondent was not present for the pre-hearing conference held on October 12, 2020.

This case was scheduled for a formal hearing to occur on October 15, 2020. That morning, Respondent emailed ABC Gosioco and informally requested a continuance of the Formal Hearing. Ultimately, the Hearing Panel Chair granted Respondent's request for a continuance. On October 27, 2020, the Hearing Panel Chair granted the State Bar leave to file an amended complaint.


1 On November 16, 2020, Respondent filed a Motion to Vacate Filings, Orders and  
2 Decisions – Including the Amended Complaint; Motion to Dismiss Amended Complaint (“Motion  
3 to Vacate”). The State Bar opposed that Motion to Vacate, and Respondent filed a reply brief.  
4 Eric Stovall, Esq., the Northern Nevada Disciplinary Board Chair, filed an Order denying  
5 Respondent’s Motion to Vacate on December 14, 2020.

6 On December 10, 2020, Respondent filed a Motion for Extension of Time to File Answer  
7 and Verified Response (the “Motion for Extension”). On January 13, 2021, Respondent also  
8 informally requested a stay of the proceedings. Accordingly, on January 14, 2021, the Hearing  
9 Panel Chair requested a response from the State Bar on both the Motion for Extension and the  
10 informal request to stay. On January 28, 2021, the State Bar filed its Comprehensive Response to  
11 Procedural Issues Raised by Panel Chair. On Friday, February 5, 2021, Respondent filed his  
12 Reply to Procedural Issues Raised by Panel Chair.

13 Having reviewed the briefs submitted in support of and in opposition to the Motion for  
14 Extension, having considered the applicable law, and for good cause appearing, the Hearing Panel  
15 Chair hereby finds and concludes as follows: Respondent’s request to stay the proceedings is  
16 denied; Respondent’s Motion for Extension should be granted in part and denied in part; the  
17 default currently entered against Respondent is set aside; Respondent is granted an extension of  
18 seven (7) calendar days from the date of this order in which to file his verified response or answer  
19 to the Amended Complaint; and within seven (7) calendar days thereafter, the parties shall set this  
20 case for a formal hearing.

21 IT IS SO ORDERED.

22 Dated this 9<sup>th</sup> day of February, 2021.

23   
24 \_\_\_\_\_  
25 Richard D. Williamson, Esq.  
Hearing Panel Chair

**CERTIFICATE OF SERVICE BY MAIL**

The undersigned hereby certifies that true and correct copies of the foregoing **Order Regarding Respondent's Motion for Extension of Time to File Answer, Verified Response, and Informal Request to Stay Proceedings** was served electronically upon:

brian.padgett@icloud.com;

rich@nvlawyers.com; and

gerardg@nvbar.org.

Dated this 9<sup>th</sup> day of February, 2021.

*Laura Peters*

---

Laura Peters, an employee of  
the State Bar of Nevada

# Exhibit 22

# Exhibit 22



FILED

FEB 17 2021

STATE BAR OF NEVADA  
BY   
OFFICE OF BAR COUNSEL

LAW OFFICES OF BRIAN C. PADGETT  
BRIAN C. PADGETT, ESQ.  
Nevada Bar No. 7474  
1672 Liege Drive  
Henderson, Nevada 89012  
Telephone: (702) 497-3204  
Facsimile: (702) 368-0123  
Email: brian.padgett@icloud.com

STATE BAR OF NEVADA  
NORTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA

Complainant,

vs.

BRIAN C. PADGETT, ESQ.  
Nevada Bar No. 7474

Respondent,

Case No. OBC19-1111

**RESPONDENT'S VERIFIED RESPONSE TO AMENDED COMPLAINT**

RESPONDENT BRIAN C. PADGETT, ESQ. hereby submits this RESPONDENT'S  
VERIFIED RESPONSE TO AMENDED COMPLAINT ("Response"). This Response is  
made pursuant to State of Nevada Disciplinary Rules of Procedure 14.




1 STATE OF NEVADA )  
2 ) ss:  
3 COUNTY OF CLARK )

4 I, BRIAN C. PADGETT, being first duly sworn, do hereby swear under penalty of  
5 perjury to the following:

- 6 1. I am a resident of the State of Nevada.  
7  
8 2. I hereby respond to the General Allegations and Counts One through Six found in the  
9 Amended Complaint as follows:  
10 3. I generally deny all averments alleged herein including Counts One through Six and  
11 those General Allegations related thereto.

12 I declare under penalty of perjury under the laws of the State of Nevada that the  
13 foregoing statements are true and correct to the best of my knowledge.

14 Executed this 16<sup>TH</sup> day of February, 2021.

15   
16 BRIAN C. PADGETT

17  
18 SUBSCRIBED AND SWORN BEFORE ME  
19 this \_\_\_\_ day of February, 2021.

20  
21 \_\_\_\_\_  
22 NOTARY PUBLIC  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of February, 2021, I served the foregoing:

**RESPONDENT'S VERIFIED RESPONSE TO AMENDED COMPLAINT**

by emailing a true and correct copy thereof to the State Bar of Nevada and addressed to the attention of the Panel Chair, Associate Bar Counsel and Laura Peters, CP.

  
Employee of the Law Offices of BRIAN C. PADGETT

# Exhibit 23

# Exhibit 23



FILED

FEB 19 2021

STATE BAR OF NEVADA  
BY [Signature]  
OFFICE OF BAR COUNSEL

Case No: OBC19-1111

STATE BAR OF NEVADA  
NORTHERN NEVADA DISCIPLINARY BOARD

STATE BAR OF NEVADA, )  
 )  
Complainant, )  
vs. )  
 )  
BRIAN C. PADGETT, ESQ., )  
Nevada Bar No. 7474, )  
 )  
Respondent. )

**AMENDED SCHEDULING**  
**ORDER**

Pursuant to Rule 17 of the Disciplinary Rules of Procedure, the Hearing Chair Rich Williamson, Esq., met telephonically with Gerard Gosioco, Esq., Assistant Bar Counsel, on behalf of the State Bar of Nevada and Respondent on February 22, 2021 at 10 a.m. primarily to reschedule a formal hearing date in this matter. Initial disclosures, discovery and pre-hearing motion deadlines, a date for the pre-hearing conference, and the concerns about a live versus remote hearing held via Zoom were also discussed.

During the Scheduling Conference, it was agreed that:

1. All documents may be served electronically, unless otherwise required by the Nevada Supreme Court Rules. Respondent's email address on file with the Office of Bar

1 Counsel is [brian.padgett@icloud.com](mailto:brian.padgett@icloud.com). The State Bar address for receiving documentation  
2 is [laurap@nvbar.org](mailto:laurap@nvbar.org) with a carbon copy sent to [gerardg@nvbar.org](mailto:gerardg@nvbar.org).

3 2. The State Bar of Nevada's initial disclosures will be produced electronically  
4 on or before **March 1, 2021**, by 5 p.m.

5 3. Respondent will provide initial disclosures which shall be served on or before  
6 **March 9, 2021** by 5 p.m.

7 4. The parties shall file any Motions on or before **April 5, 2021**. Oppositions  
8 to the Motions should be filed on or before **April 19, 2021**, and any Replies in Support of  
9 the Motions should be filed on or before **April 26, 2021**. Fully briefed Motions will be  
10 addressed at the Pre-Hearing Conference.

11 5. At or before **April 28, 2021** by 5:00 p.m., the parties shall exchange their  
12 Final Disclosures including a list of final hearing exhibits, identified numerically by the  
13 State Bar and alphabetically by Respondent, and a list of all witnesses the party intends to  
14 call to testify at the Formal Hearing.

15 6. Respondent will submit his evaluation of the conditions relevant to holding  
16 the hearing remotely versus holding a live hearing by **April 21, 2021**; the State Bar will  
17 have an opportunity to respond by **April 28, 2021** when a final decision will be made by  
18 the Panel Chair.

19 7. The parties shall participate in a telephonic Pre-Hearing Conference with  
20 Chair Williamson on **May 19, 2021** at 10:00 a.m. Pursuant to Rule 23 of the Disciplinary  
21 Rules of Procedure, at the Pre-hearing conference (i) the parties shall discuss all matters  
22 needing attention prior to the hearing date, (ii) the Chair may rule on any motions or  
23 disputes including motions to exclude evidence, witnesses, or other pretrial evidentiary  
24 matter, and (iii) the parties shall discuss and determine stipulated exhibits proffered by  
25 either bar counsel or respondent as well as stipulated statement of facts, if any.

8. The hearing for this matter shall be set for 1 day, to wit **May 28, 2021**, starting at 9:00 a.m. and will take place either via Zoom or in person, pursuant to public health recommendations. The State Bar will, if needed, provide a meeting identification number prior to the hearing.

9. The Findings of Fact, Conclusion of Law, and Recommendation or Order in this matter shall be due **June 28, 2021**.

Based on the parties' verbal agreement to the foregoing during the telephonic Initial Conference and good cause appearing, IT IS SO ORDERED.

Dated this 19th day of February 2021.

NORTHERN NEVADA DISCIPLINARY BOARD

Plb. \_\_\_\_\_

Richard D. Williamson (Feb 22, 2021 14:19 PST)

**Rich Williamson, Esq.**  
**FORMAL HEARING CHAIR**

Submitted By:

STATE BAR OF NEVADA  
DANIEL M. HOOGE, BAR COUNSEL

By: /s/ Gerard Gosioco  
 /s/ Gerard Gosioco (Feb 22, 2021 13:49 PST)

**Gerard Gosioco, Assistant Bar Counsel**  
**3100 W. Charleston Blvd, Suite 100**  
**Las Vegas, Nevada 89102**  
**702-382-2200**









# Amended Scheduling Order\_022221

Final Audit Report

2021-02-22

Created:	2021-02-22
By:	Laura Peters (laurap@nvbar.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAARgr7UB1BHyQAlqDqshWYic2mGYBGs40

## "Amended Scheduling Order\_022221" History

-  Document created by Laura Peters (laurap@nvbar.org)  
2021-02-22 - 9:47:48 PM GMT- IP address: 71.94.199.108
  
-  Document emailed to /s/ Gerard Gosioco (gerardg@nvbar.org) for signature  
2021-02-22 - 9:48:26 PM GMT
  
-  Email viewed by /s/ Gerard Gosioco (gerardg@nvbar.org)  
2021-02-22 - 9:48:59 PM GMT- IP address: 24.253.18.70
  
-  Document e-signed by /s/ Gerard Gosioco (gerardg@nvbar.org)  
Signature Date: 2021-02-22 - 9:49:16 PM GMT - Time Source: server- IP address: 24.253.18.70
  
-  Document emailed to Richard D. Williamson (rich@nvlawyers.com) for signature  
2021-02-22 - 9:49:17 PM GMT
  
-  Email viewed by Richard D. Williamson (rich@nvlawyers.com)  
2021-02-22 - 10:16:40 PM GMT- IP address: 97.92.108.234
  
-  Document e-signed by Richard D. Williamson (rich@nvlawyers.com)  
Signature Date: 2021-02-22 - 10:19:19 PM GMT - Time Source: server- IP address: 97.92.108.234
  
-  Agreement completed.  
2021-02-22 - 10:19:19 PM GMT

**CERTIFICATE OF SERVICE BY MAIL**

The undersigned hereby certifies that true and correct copies of the foregoing  
**Amended Scheduling Order** was served electronically upon:

[brian.padgett@icloud.com](mailto:brian.padgett@icloud.com); rich@nvlawyers.com; and gerardg@nvbar.org.

Dated this 22<sup>nd</sup> day of February 2021.

*Laura Peters*

---

Laura Peters, an employee of  
the State Bar of Nevada



# Exhibit 24

# Exhibit 24

**From:** [Gerard Gosioco](#)  
**To:** [Laura Peters](#)  
**Subject:** FW: Initial Disclosures  
**Date:** Wednesday, May 5, 2021 4:12:24 PM

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---

**From:** Brian Padgett <brian.padgett@icloud.com>  
**Sent:** Tuesday, March 9, 2021 10:36 PM  
**To:** Rich Williamson <rich@nvlawyers.com>  
**Cc:** Gerard Gosioco <gerardg@nvbar.org>; Laura Peters <LauraP@nvbar.org>  
**Subject:** Re: Initial Disclosures

Mr. Williamson:

Thank you for your consideration.

You will have my Initial Disclosures by Thursday, March 11, 2021 by 5:00PM.

Best regards,

Brian Padgett

On March 9, 2021 at 10:06 PM, Rich Williamson <[rich@nvlawyers.com](mailto:rich@nvlawyers.com)> wrote:

Counsel,

As these are initial disclosures, they could have been produced concurrently and Mr. Padgett's disclosures are not necessarily dependent upon what the State Bar produced. I am also concerned that Mr. Padgett's request came a mere one minute before the deadline. Most importantly, however, I am not even sure that I have discretion to change the initial disclosure deadlines.

According to DRP 17(a):

"Bar counsel shall disclose its witnesses and documents no later than five (5) judicial days after the initial case conference. Respondent shall disclose all witnesses and documents no later than fifteen (15) calendar days after the initial case conference."

Therefore, according to the rule, the deadline was required to be today regardless of the scheduling order.

Nonetheless, I think that we also need to keep in mind the purposes of the rules as set forth in DRP 1(b): "The purpose of these rules is to expedite disciplinary hearings through procedures designed to streamline presentation of evidence, facilitate coordination of discovery and scheduling of Hearing Panels, while ensuring the just and proper administration of attorney regulation." Accordingly, to the extent that I am even empowered to do so, I grant Mr. Padgett until Thursday, March 11, 2021, at 5:00 p.m. PT in which to disclose all witnesses and documents he intends to use in this case. Any information not timely disclosed may be subject to exclusion from the hearing.

Respectfully,

Rich Williamson

---

Richard D. Williamson, Esq.  
Robertson, Johnson, Miller & Williamson  
50 West Liberty Street, Suite 600  
Reno, Nevada 89501  
Telephone: (775) 329-5600  
Facsimile: (775) 348-8300  
Email: [Rich@NVLawyers.com](mailto:Rich@NVLawyers.com)  
Please visit our Website at: [www.nvlawyers.com](http://www.nvlawyers.com)

**IMPORTANT NOTICE:**

**PERSONAL AND CONFIDENTIAL.** This message, and any file(s) or attachment(s) transmitted with it, is intended only for the named recipient, may be confidential, and may contain information that is a trade secret, proprietary, protected by the attorney work-product doctrine, subject to the attorney-client privilege, or is otherwise protected against unauthorized use or disclosure. All information contained in or attached to this message is transmitted based on a reasonable expectation of privacy consistent with ABA Formal Opinion No. 99-413. Any disclosure, distribution, copying, or use of this information by anyone other than the intended recipient, regardless of address or routing, is strictly prohibited. If you receive this message in error, please advise the sender by immediate reply and completely delete the original message (which includes your deleted items folder). Personal messages express only the view of the sender and are not attributable to Robertson, Johnson, Miller & Williamson. We advise you that any tax advice contained in this communication (including any attachments) is not intended to be used, and cannot be used, for purposes of (i) avoiding penalties imposed under the United States Internal Revenue Code or (ii) promoting, marketing or recommending to another person any tax-related matter addressed herein. TRANSMISSION OF THIS INFORMATION IS NOT INTENDED TO CREATE, AND RECEIPT DOES NOT CONSTITUTE, AN ATTORNEY-CLIENT RELATIONSHIP.

---

**From:** Brian Padgett [<mailto:brian.padgett@icloud.com>]  
**Sent:** Tuesday, March 09, 2021 7:04 PM  
**To:** Rich Williamson  
**Cc:** Gerard Gosioco; Laura Peters  
**Subject:** Re: Initial Disclosures

Mr. Williamson:

Mr. Gosioco produced his Initial Disclosure on March 1, 2021.

He produced hundreds of documents in this disclosure.

Briefly, since Mr. Gosioco's disclosures, I have had substantial motions to draft in other matters including a Supreme Court Appellant's Reply brief due this week.

If you would like me to lodge this request in the form of a Motion I can do so.

Best regards,

Brian Padgett

On Mar 9, 2021, at 5:13 PM, Gerard Gosioco <[gerardg@nvbar.org](mailto:gerardg@nvbar.org)> wrote:

Mr. Williamson,

I am going to object to Mr. Padgett's last minute request for an extension. He was present on the phone call when all parties agreed to the deadlines on February 22, 2021. The State Bar timely filed its Initial Disclosure on March 1, 2021. He has had more than enough time to prepare his Initial Disclosure.

Gerard Gosioco

---

**From:** Brian Padgett <[brian.padgett@icloud.com](mailto:brian.padgett@icloud.com)>  
**Sent:** Tuesday, March 9, 2021 4:59 PM  
**To:** Rich Williamson <[rich@nvlawyers.com](mailto:rich@nvlawyers.com)>  
**Cc:** Gerard Gosioco <[gerardg@nvbar.org](mailto:gerardg@nvbar.org)>; Laura Peters <[LauraP@nvbar.org](mailto:LauraP@nvbar.org)>  
**Subject:** Initial Disclosures

Mr. Williamson:

Please accept this email as a request to extend my initial disclosure deadline until March 12, 2021.

More time is needed in addition to the time given to review the volume of documents produced by Mr. Gosioco for the State and then find corresponding documents in our server.

Best regards,

Brian Padgett

On iPhone