

IN THE SUPREME COURT OF THE STATE OF NEVADA

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ROBERT G. REYNOLDS,

Appellant,

vs.

RAFFI TUFENKJIAN; AND LUXURY  
HOLDINGS LV, LLC

Respondents.

Electronically Filed  
Aug 16 2022 10:58 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
Supreme Court No.: 80220-8417  
District Court Case No.: 1750552

**AMENDED MOTION TO WITHDRAW AS COUNSEL**

COMES NOW, JOSEPH Z. GERSTEN, ESQ., of THE GERSTEN LAW FIRM PLLC, attorney of record for Defendant, ROBERT REYNOLDS, and DIAMANTI FINE JEWELERS, LLC., and hereby moves this Court for leave to withdraw. This Motion is made based upon pleadings and papers on file herein, the Points and Authorities attached hereto, and such argument as the Court may hear on this matter.

Dated this 16<sup>th</sup> day of August 2022.

Respectfully submitted,

  
JOSEPH Z. GERSTEN  
NV Bar #13876  
The Gersten Law Firm PLLC  
9680 W Tropicana Avenue #146  
Las Vegas, NV 89147  
702-857-8777  
joe@thegerstenlawfirm.com

## **POINTS AND AUTHORITIES**

### **I. STATEMENT OF FACTS**

Appellant retained undersigned counsel to represent him in the above-referenced case. Appellant has failed to meet his obligations to this firm. Specifically, Appellant has failed to meet his financial obligations. All of which has created a conflict that is now irreparable.

### **II. LAW AND ANALYSIS**

Nevada Rule of Profession Conduct Rule 1.16, Declining or Terminating Representation, states in relevant part that:

(a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:

(1) The representation will result in violation of the Rules of Professional Conduct or other law;

(2) The lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or

(3) The lawyer is discharged.

(b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:

(1) Withdrawal can be accomplished without material adverse effect on the interests of the client;

(2) The client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;

(3) The client has used the lawyer's services to perpetrate a crime or fraud;

(4) A client insists upon taking action that the lawyer considers repugnant or with which the lawyer has fundamental disagreement;

(5) The client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

(6) ***The representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client;*** or

(7) Other good cause for withdrawal exists.

(c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating representation. When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.

(d) Upon termination of representation, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law.

Nevada Rule of Profession Conduct Rule 1.16 (emphasis added). The rule above permits this Court, in its discretion, to grant upon good cause, undersigned counsel's Motion to Withdraw. Id.

As a final conciliatory act, Counsel would request this Honorable Court grant Appellant a short continuance of the current due date for his opening brief, to obtain substitute counsel if he so desires. This Counsel would appreciate this Honorable Court's consideration but leave said granting and timeframe to its discretion.

In this case, Appellant has failed to meet his obligations to this firm. Specifically, Appellant has failed to meet his financial obligations. All of which has created a conflict that is now irreparable.

### CONCLUSION

WHEREFORE, Defendant's counsel respectfully requests that this court grant his Motion to Withdraw.

Dated this 16<sup>th</sup> day of August 2022.

  
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JOSEPH Z. GERSTEN  
NV Bar #13876  
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9680 W Tropicana Avenue #146  
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**DECLARATION OF JOSEPH Z. GERSTEN, ESQ.**

1. I, JOSEPH GERSTEN, do hereby swear, under penalty of perjury under the law of the State of Nevada, that the following assertions of this Declaration are true and correct to the best of my knowledge and belief.
2. I am over the age of 18 years and a resident of Las Vegas, Nevada.
3. I am making this declaration based upon my personal knowledge, except as to those matters where I state they are based upon information and belief.
4. If called as a witness to testify in a court of law as to the contents of this declaration, or any of the facts stated herein, I could and would testify to those matters accordingly.
5. I am counsel of record for the Appellant in the above-entitled action, in good standing, and licensed to practice law in all courts in Nevada.
6. Appellant retained undersigned counsel to represent him in the above-referenced case.
7. Appellant has failed to meet his obligations to this firm.
8. Specifically, Appellant has failed to meet his financial obligations.
9. All of which has created a conflict that is now irreparable.
10. Appellant's last known address is 6885 West Lone Mountain Rd Apt. 140 Las Vegas, NV 89108.
11. Based upon the above, undersigned counsel prays that this Court will grant his Motion to Withdraw as Counsel in this matter.

<u>Joseph Z. Gersten</u>	<u>08/16/2022</u>
JOSEPH GERSTEN	DATED

## CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on the 16<sup>th</sup> day of August 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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BY Joseph Z. Gersten  
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