

In the Supreme Court of Nevada

STARR SURPLUS LINES INSURANCE CO.,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
of the State of Nevada, in and for the County of
Clark, and THE HONORABLE MARK
DENTON, District Judge

Respondents,

and

JGB VEGAS RETAIL LESSEE, LLC,
Real Party in Interest.

Electronically Filed
Aug 09 2022 04:29 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

District Court Case No.
A-20-816628-B

MOTION TO ASSOCIATE COUNSEL

AMERICAN PROPERTY CASUALTY INSURANCE ASSOCIATION, by
and through its attorneys of record, the law firm of CHRISTIAN, KRAVITZ,
DICHTER, JOHNSON & SLUGA, LLC, hereby moves the Court for an order
permitting WYSTAN M. ACKERMAN, ESQ., to practice in Nevada pursuant to
Nevada Supreme Court Rule 42 (SCR 42). This motion is supported by the attached
“Verified Application for Association of Counsel” (Exhibit A), “Certificate of Good

///

///

///

Standing” from Connecticut, Massachusetts and New York (Exhibit B) the State Bar of Nevada Statement (Exhibit C).

Respectfully submitted,

Wystan M. Ackerman
(*pro hac vice* motion to be filed)
ROBINSON & COLE LLP
280 Trumbull Street
Hartford, CT 06103
860-275-8200
wackerman@rc.com

/s/ Tyler Watson, Esq.
Tyler Watson (Nev. Bar No. 11735)
CHRISTIAN KRAVITZ DICHTER
JOHNSON & SLUGA
8985 S. Eastern Ave. Suite 200
Las Vegas, NV 89123
702-222-4183
tjwatson@ksjattorneys.com

*Attorneys for Amicus Curiae
American Property Casualty Insurance
Association*

CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I hereby certify that on this 8th day of August 2022, the foregoing Motion to Associate Counsel was e-submitted to the Clerk of the Supreme Court of the State of Nevada and services were executed to the addresses shown below in the manner indicated:

VIA THE COURT'S ELECTRONIC FILING SYSTEM PURSUANT TO NEFCR 9 and E-MAIL:

Daniel F. Polsenberg, Esq.
Joel D. Henriod, Esq.
Abraham G. Smith, Esq.
LEWIS ROCA ROTHGERBER
3993 Howard Hughes Parkway
Suite 600
Las Vegas, NV 89169

Amy M. Samberg, Esq.
Lee H. Gorlin, Esq.
CLYDE & CO US LLP
7251 W. Lake Mead Blvd.
Suite 430
Las Vegas, NV 89128

Attorneys for Petitioner Starr Surplus Lines Insurance Company

Bradley Schrager, Esq.
WOLF RIFKIN SHAPIRO
SCHULMAN & RABKIN, LLP
3773 Howard Hughes Pkwy
Suite 590 South
Las Vegas, NV 89169
bschrager@wrslawyers.com

Mark T. Ladd, Esq.
COHEN ZIFFER FRENCHMAN
& MCKENNA LLP
1350 Avenue of the Americas
New York, NY 10019
mladd@cohenziffer.com

Attorneys for Real Party in Interest JGB Retail Vegas Lessee, LLC

///

///

///

VIA E-MAIL only:
The Honorable Judge Mark Denton
EIGHTH JUDICIAL DISTRICT COURT DEPARTMENT NO. 13
Regional Justice Center, Courtroom 16D
200 Lewis Avenue
Las Vegas, NV 89155
Dept13lc@clarkcountycourts.us
Trial Court Judge

/s/ Meranda Espinosa
An employee of Christian Kravitz
Dichter Johnson & Sluga

EXHIBIT A

EXHIBIT A

In the Supreme Court of Nevada

STARR SURPLUS LINES INSURANCE CO.,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
of the State of Nevada, in and for the County of
Clark, and THE HONORABLE MARK
DENTON, District Judge
Respondents,

and

JGB VEGAS RETAIL LESSEE, LLC,
Real Party in Interest.

No. 84986

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

Wystan Michael Ackerman, Petitioner, respectfully represents:

1. Petitioner resides at 44 Whitney Lane, Berlin, Hartford County, Connecticut 06037, telephone 860-686-8773.
2. Petitioner is an attorney at law and a member of the law firm of Robinson & Cole LLP with offices at 280 Trumbull Street, Hartford, Hartford County, Connecticut 06103, telephone 860-275-8388, email wackerman@rc.com.
3. Petitioner has been retained personally or as a member of the above named law firm by the American Property Casualty Insurance Association and National Association of Mutual Insurance Companies to provide legal representation in

connection with the above-entitled matter now pending before the above referenced court.

4. Since June 7, 2002, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of Connecticut 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:

Jurisdiction	Date Admitted
Commonwealth of Massachusetts	01/22/2002
State of New York	6/24/2015
U.S. Supreme Court	04/02/2007
U.S. Court of Appeals 1 st Circuit	05/09/2002
U.S. Court of Appeals 2 nd Circuit	08/31/2004
U.S. Court of Appeals 3 rd Circuit	09/24/2008
U.S. Court of Appeals 4 th Circuit	07/15/2010
U.S. Court of Appeals 5 th Circuit	12/05/2006
U.S. Court of Appeals 6 th Circuit	12/5/2018
U.S. Court of Appeals 7 th Circuit	4/2/2021
U.S. Court of Appeals 8 th Circuit	7/7/2011
U.S. Court of Appeals 9 th Circuit	9/24/2020
U.S. Court of Appeals 10 th Circuit	05/21/2021
U.S. Court of Appeals 11 th Circuit	10/20/2008
U.S.D.C. – Massachusetts	3/28/2002
U.S.D.C. – Connecticut	10/15/2002
U.S.D.C. – Southern District of New York	02/02/2004
U.S.D.C. – Eastern District of New York	02/02/2004

U.S.D.C. – Western District of New York	04/14/2005
U.S.D.C. – Northern District of New York	04/19/2021
U.S.D.C. – Northern District of Florida	12/22/2005
U.S.D.C. – Eastern District of Michigan	6/16/2020
U.S.D.C. - Colorado	10/5/2021

6. Is Petitioner currently suspended or disbarred by 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), indicate so: Petitioner has not filed any such applications. Upon information and belief, other attorneys at Robinson & Cole LLP have not filed any such applications within the past three years.

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

Tyler Watson, Nevada Bar No. 11735, who has offices at Christian Kravitz Dichter Johnson & Sluga, 8985 S. Eastern Ave. Suite 200, Las Vegas, Nevada 89123, telephone 702-222-4183.

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:

Starr Surplus Lines Insurance Company
399 Park Avenue
2nd Floor
New York, NY 10022

JGB Vegas Retail Lessee, LLC
2425 Tracy Place NW
Washington, DC 20008

Daniel F. Polsenberg, Esq.
Joel D. Henriod, Esq.
Abraham G. Smith, Esq.

Amy M. Samberg, Esq.
Lee H. Gorlin, Esq.
CLYDE & CO US LLP

LEWIS ROCA ROTHGERBER
3993 Howard Hughes Parkway
Suite 600
Las Vegas, NV 89169

7251 W. Lake Mead Blvd.
Suite 430
Las Vegas, NV 89128

Attorneys for Petitioner Starr Surplus Lines Insurance Company

Bradley Schrager, Esq.
WOLF RIFKIN SHAPIRO
SCHULMAN & RABKIN, LLP
3773 Howard Hughes Pkwy
Suite 590 South
Las Vegas, NV 89169

Mark T. Ladd, Esq.
COHEN ZIFFER FRENCHMAN
& MCKENNA LLP
1350 Avenue of the Americas
New York, NY 10019

Attorneys for Real Party in Interest JGB Retail Vegas Lessee, LLC

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, Wystan Michael Ackerman, do hereby swear/affirm under penalty of perjury that the assertions 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 associate 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.

3) 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.

**DESIGNATION, CERTIFICATION AND CONSENT OF NEVADA
COUNSEL**

SCR 42(14) Responsibilities of Nevada attorney of record.

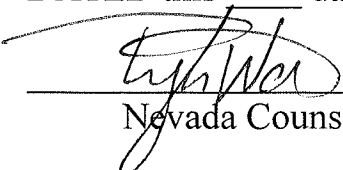
(a) The Nevada attorney of record shall be responsible for and actively participate in the representation of a client in any proceeding that is subject to this rule.

(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, Tyler Watson, hereby agree to associate with Petitioner referenced hereinabove and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 27th day of July, 2022

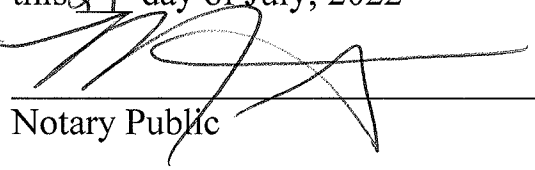


Nevada Counsel of Record (blue ink)

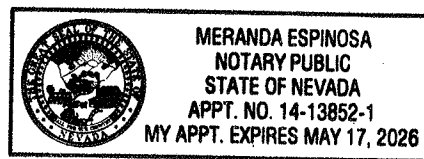
STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Subscribed and sworn to before me

this 27th day of July, 2022



Notary Public



BEFORE THE

EXHIBIT B

EXHIBIT B

State of Connecticut

Supreme Court

I, Carl D. Cicchetti, Chief Clerk of the Supreme Court of the State of Connecticut and keeper of the Seal thereof,

Do hereby certify, that, in the Supreme Court at **Hartford**
on the **07th** *day of* **June, 2002**

Wystan Michael Ackerman

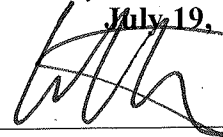
of

Berlin, CT

having been examined and found duly qualified, was sworn as an attorney and admitted to practice before all courts of this state, and that said attorney is a member of in good standing of the Bar of this State pursuant to Practice Book §2-65.

In Testimony Whereof, I have hereunto set my hand and affix the Seal of the Supreme Court of the State of Connecticut, at Hartford, this day

July 19, 2022



Carl D. Cicchetti
Chief Clerk



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston within and for said County of Suffolk, on **January 22, 2002**, said Court being the highest Court of Record in said Commonwealth:

Wystan Michael Ackerman

being found duly qualified in that behalf, and having taken and subscribed the oaths required by law, was admitted to practice as an Attorney, and, by virtue thereof, as a Counsellor at Law, in any of the Courts of the said Commonwealth: that said Attorney is at present a member of the Bar, and is in good standing according to the records of this Court*.

In testimony whereof, I have hereunto set my hand and affixed the

seal of said Court, this **thirteenth** day of **July**

in the year of our Lord **two thousand and twenty-two**.



MAURA S. DOYLE, Clerk

* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification. X3116.



*Appellate Division of the Supreme Court
of the State of New York
Third Judicial Department*

*I, Robert D. Mayberger, Clerk of the Appellate Division of
the Supreme Court of the State of New York, Third Judicial
Department, do hereby certify that*

Wystan Michael Ackerman

*was duly licensed and admitted to practice as an Attorney and
Counselor at Law in all the courts of this State on June 24, 2015,
has duly taken and subscribed the oath of office prescribed by law,
has been enrolled in the Roll of Attorneys and Counselors at Law
on file in this office, is duly registered with the Administration
Office of the Courts, and according to the records of this Court is
currently in good standing as an Attorney and Counselor-at-Law.*



*In Witness Whereof, I have hereunto set
my hand in the City of Albany on July
13, 2022.*

Robert D Mayberger

Clerk of the Court

EXHIBIT C

EXHIBIT C

1 STAT

2
3 IN THE SUPREME COURT OF THE STATE OF NEVADA

4 Case No. 84986

5 Starr Surplus Lines
6 Insurance Co.

7 vs.

8 The Eighth Judicial District
9 Court of the State of Nevada

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
appear under this rule. Absent special circumstances, repeated
appearances by any person or firm of attorneys pursuant to this rule
shall be cause for denial of the motion to associate such person.

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

21 (b) **Burden on applicant.** The applicant shall have the
22 burden to establish special circumstances and good cause
23 for an appearance in excess of the limitation set forth
24 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.

25 1. DATE OF APPLICATION: 7/28/2022

26 2. APPLYING ATTORNEY: Wystan Michael Ackerman, Esq.

27 ///

28 ///

///

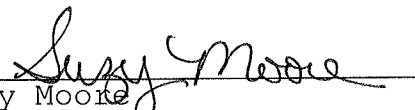
///

1 3. FIRM NAME AND ADDRESS: Robinson & Cole, LLP, 280 Trumbull
2 Street, Hartford, CT 6103

3 4. NEVADA COUNSEL OF RECORD: Tyler James Watson, Esq., Kravitz
4 Schnitzer Johnson Watson & Zeppenfeld, Chtd, 8985 S. Eastern
5 Ave., Suite 200, Las Vegas, NV 89123

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

8 DATED this August 4, 2022

9
10 
11 Suzy Moore
12 Member Services Admin.
13 Pro Hac Vice Processor
14 STATE BAR OF NEVADA
15
16
17
18
19
20
21
22
23
24
25
26
27
28

In the Supreme Court of Nevada

STARR SURPLUS LINES INSURANCE CO.,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
of the State of Nevada, in and for the County of
Clark, and THE HONORABLE MARK
DENTON, District Judge

Respondents,

and

JGB VEGAS RETAIL LESSEE, LLC,
Real Party in Interest.

District Court Case No.
A-20-816628-B

[PROPOSED] ORDER ADMITTING TO PRACTICE

WYSTAN M. ACKERMAN, ESQ., having filed his Motion to Associate Counsel under Nevada Supreme Court Rule 42, together with a Verified Application for Association of Counsel, a Certificate of Good Standing for the states of Connecticut, Massachusetts, and New York, and the State Bar of Nevada Statement; said application having been noticed, no objections having been made, and the Court being fully apprised in the premises, and good cause appearing, it is hereby

...

...

...

ORDERED that said application is hereby granted and WYSTAN M. ACKERMAN, ESQ. is hereby admitted to practice in the above-entitled Court for the purposes of the above-entitled matter only.

DATED this ____ day of August, 2022.

NEVADA SUPREME COURT JUDGE

Respectfully submitted,

Wystan M. Ackerman
(*pro hac vice* motion to be filed)
ROBINSON & COLE LLP
280 Trumbull Street
Hartford, CT 06103
860-275-8200
wackerman@rc.com

/s/ Tyler Watson, Esq.
Tyler Watson (Nev. Bar No. 11735)
CHRISTIAN KRAVITZ DICHTER
JOHNSON & SLUGA
8985 S. Eastern Ave. Suite 200
Las Vegas, NV 89123
702-222-4183
tjwatson@ksjattorneys.com

*Attorneys for Amicus Curiae
American Property Casualty Insurance
Association*