

# 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  
Nov 04 2022 01:38 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

**Case No.: 84986**

Eighth Judicial District Court  
Case No.: A-20-816628-B

## **MOTION TO ASSOCIATE COUNSEL FOR BOYD GAMING CORPORATION**

Proposed Amicus Curiae Boyd Gaming Corporation (“Boyd Gaming”), hereby respectfully requests an order permitting attorney Wendy L. Feng, Esq. to practice in Nevada pursuant to Nevada Supreme Court Rule 42 (SCR 42).

Ms. Feng, having complied with the requirements set forth by SCR 42, hereby submits a Verified Application for Association of Counsel (attached hereto as Exhibit A), Certificate of Good Standing from California (attached hereto as Exhibit

B), Certificate of Good Standing from the District of Columbia (attached hereto as Exhibit C), Certificate of Good Standing from Maryland (attached hereto as Exhibit D) and the State Bar of Nevada Statement (attached hereto as Exhibit E).

Accordingly, Boyd Gaming requests that the Court admit attorney Wendy L. Feng, Esq. to practice in the above-entitled Court for the purposes of the above-entitled matter pursuant to SCR 42.

DATED: November 4, 2022

**BROWNSTEIN HYATT FARBER SCHRECK, LLP**

By: /s/ Frank M. Flansburg III

Frank M. Flansburg III (Nev. Bar No. 6974)

BROWNSTEIN HYATT FARBER SCHRECK, LLP

100 North City Parkway, Suite 1600

Las Vegas, NV 89106-4614

Telephone: (702) 382-2101

[fflansburg@bhfs.com](mailto:fflansburg@bhfs.com)

Wendy L. Feng (*pro hac vice forthcoming*)

COVINGTON & BURLING LLP

Salesforce Tower

415 Mission Street, Suite 5400

San Francisco, California 94105-2533

Telephone: + 1 (415) 591-6000

[wfeng@cov.com](mailto:wfeng@cov.com)

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I electronically filed and served the foregoing  
**MOTION TO ASSOCIATE COUNSEL FOR BOYD GAMING  
CORPORATION** with the Clerk of the Court of the Supreme Court of Nevada by  
using the Court's Electronic Filing System on November 4, 2022.

/s/ Mercedes Mosher  
An employee of Brownstein Hyatt Farber Schreck,  
LLP

# EXHIBIT A

IN THE SUPREME COURT OF THE STATE OF NEVADA

STARR SURPLUS LINES INSURANCE CO., )

Petitioner, )

v. )

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. )  
)  
)

CASE No: 84986

Verified Application for  
Association of Counsel  
Under Nevada Supreme  
Court Rule 42

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

Wendy Lai Feng, Petitioner, respectfully represents:  
First Middle Name Last

1. Petitioner resides at 129 Eldridge Avenue  
Street Address

Mill Valley, Marin, CA, 94941  
City County State Zip Code

(415) 381-7279  
Telephone

2. Petitioner is an attorney at law and a member of the law firm of: Covington & Burling LLP

with offices at Salesforce Tower, 415 Mission Street, Suite 5400

Street Address

San Francisco, San Francisco County, CA, 94105-2533  
City County State Zip Code

(415) 591-7075, wfeng@cov.com  
Telephone Email

3. Petitioner has been retained personally or as a member of the above named law firm by Amicus Curiae Boyd Gaming Corp. to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since June 1 of 1999, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the State of California 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:

DATE ADMITTED

U.S. District Court for the Northern District of California - 7/07/1999

U.S. District Court for the Central District of California - 6/22/1999

U.S. District Court for the Eastern District of California - 6/21/1999

U.S. District Court for the Southern District of California - 6/21/1999

U.S. Court of Appeals for the Ninth Circuit - 1/30/2001

U.S. Court of Appeals for the District of Columbia - 3/8/1996

State Bar of Maryland/Maryland Court of Appeals – 5/4/1995 (Inactive Status)

State Bar of the District of Columbia – 3/8/1996

State Bar of California – 6/1/1999

6. Is Petitioner currently suspended or disbarred in 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), if none, indicate so: *(do not include Federal Pro Hacs)*

<u>Date of Application</u>	<u>Cause</u>	<u>Title of Court Administrative Body or Arbitrator</u>	<u>Was Application Granted or Denied?</u>
--------------------------------	--------------	---	---

Please see attached Exhibits

(If more space is needed, you may list previous applications on a separate attachment.)

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

(must be the same as the signature on the Nevada Counsel consent page)

<u>Frank</u>	<u>M.</u>	<u>Flansburg III, Esq.</u>	<u>No. 6974</u>
First Name	Middle Name	Last Name	NV Bar #

who has offices at Brownstein Hyatt Farber Schreck, LLP,  
Firm Name/Company

100 North City Parkway, Suite 1600 Las Vegas, NV Clark County  
Street Address City County

89106-4614, (702) 382-2101.  
Zip Code Phone Number

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: (You may attach as an Exhibit if necessary.)

NAME

MAILING ADDRESS

Please see attached Exhibits

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, Wendy Lai Feng, do hereby swear/affirm under penalty of perjury that the assertions  
Print Petitioner Name

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 associated 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.
- 2) 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.

That I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of  
this state with respect to the law of this state governing the conduct of attorneys to the same extent as  
a member of the State Bar of Nevada; that I understand and shall comply with the standards of  
professional conduct required by members of the State Bar of Nevada; and that I am subject to the  
disciplinary jurisdiction to the State Bar of Nevada with respect to any of my actions occurring in the

course of such appearance.

DATED this 25<sup>th</sup> day of October, 2022



Petitioner/Affiant (blue ink)

STATE OF California )  
COUNTY OF San Francisco ) ss

Subscribed and sworn to before me

this 25<sup>th</sup> day of October, 20 22

Barbara Giraudo  
Notary Public



## 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, Frank M. Flansburg III, Esq. hereby agree to associate with Petitioner referenced hereinabove

Print Nevada Counsel Name

and further agree to perform all of the duties and responsibilities as required by Nevada Supreme Court Rule 42.

DATED this 3<sup>rd</sup> day of November, 2022

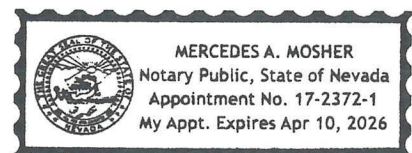
[Signature]  
Nevada Counsel of Record (blue ink)

STATE OF NEVADA )  
 ) ss  
COUNTY OF CLARK )

Subscribed and sworn to before me

this 3<sup>rd</sup> day of NOVEMBER, 2022

[Signature]  
Notary Public



**Nevada State Court – Covington PHV Admissions**

<b>Date of Application and Attorney</b>	<b>Cause</b>	<b>Title of Court</b>	<b>Granted or Denied</b>
February 14, 2022  Raina Bhatt Michael Lanosa	<i>Boyd Gaming Corp. et al. v. Ace Am. Ins. Co. et al.</i> , No. A-21- 834849-B	District Court, Clark County	Granted
January 7, 2022  Alexander Setzepfandt	<i>State of Nevada v. McKesson Corporation, et al.</i> , No. A-19- 796755-B	District Court, Clark County	Granted
October 13, 2021  Christine Haskett Michael Lanosa	<i>JC Hospitality LLC v. American Guarantee and Liability Insurance Company</i>	District Court, Clark County	Granted
July 1, 2021  David Goodwin Christine Haskett Wendy Feng	<i>Boyd Gaming Corp. et al. v. Ace Am. Ins. Co. et al.</i> , No. A-21- 834849-B	District Court, Clark County	Granted
May 28, 2021  Michael X. Imbroscio Phyllis A. Jones	<i>Benitez et al. v. Beech Nut et al.</i> , No. A-21-830390-B	District Court, Clark County	Granted
December 11, 2020  Clara Shin Daniel Johnson Teresa Lewi	<i>Aristocrat Technologies, Inc. v. Theodore Hase, et al.</i> , No. A-20- 824425-B	District Court, Clark County	Granted
March 11, 2020  Isaac Chaput	<i>State of Nevada v. McKesson Corporation, et al.</i> , No. A-19- 796755-B	District Court, Clark County	Granted
Jan. 16, 2020 Laura Brookover  Nov. 25, 2019 Mark Gimbel Anders Linderot	<i>Alpha Holdings, Inc. v. Daniel J. O'Connor et al.</i> , No. A-19- 804491-B	District Court, Clark County	Granted

# EXHIBIT B



The State Bar  
*of California*

180 Howard Street, San Francisco, CA 94105

OFFICE OF ATTORNEY REGULATION &  
CONSUMER RESOURCES

AttorneyRegulation@calbar.ca.gov  
888-800-3400

## CERTIFICATE OF STANDING

September 29, 2022

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, WENDY LAI FENG, #200813 was admitted to the practice of law in this state by the Supreme Court of California on June 1, 1999 and has been since that date, and is at date hereof, an ACTIVE licensee of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Trustees or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

Alex Calderon  
Custodian of Records

# EXHIBIT C

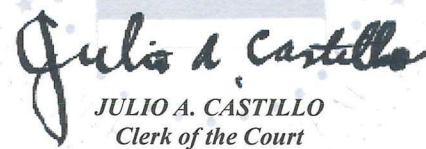


*On behalf of JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals,  
the District of Columbia Bar does hereby certify that*

***Wendy Feng***

*was duly qualified and admitted on March 8, 1996 as an attorney and counselor entitled to  
practice before this Court; and is, on the date indicated below, an Active member in good  
standing of this Bar.*

*In Testimony Whereof,  
I have hereunto subscribed my  
name and affixed the seal of this  
Court at the City of  
Washington, D.C., on September 29, 2022.*

  
JULIO A. CASTILLO  
Clerk of the Court

Issued By:



David Chu - Director, Membership  
District of Columbia Bar Membership

***For questions or concerns, please contact the D.C. Bar Membership Office at 202-626-3475 or email  
memberservices@dcbar.org.***



# EXHIBIT D

**Court of Appeals  
of Maryland**  
Annapolis, MD



***CERTIFICATE OF GOOD STANDING***

*STATE OF MARYLAND, ss:*

*I, Suzanne Johnson, Clerk of the Court of Appeals of Maryland,  
do hereby certify that on the fourth day of May, 1995,*

**Wendy L. Feng**

*having first taken and subscribed the oath prescribed by the Constitution and  
Laws of this State, was admitted as an attorney of said Court, is now in good  
standing, and as such is entitled to practice law in any of the Courts of said  
State, subject to the Rules of Court.*

**In Testimony Whereof,** *I have hereunto  
set my hand as Clerk, and affixed the Seal  
of the Court of Appeals of Maryland, this  
third day of October, 2022.*

A handwritten signature in cursive script, appearing to read "Suzanne Johnson", is written over a horizontal line.

*Clerk of the Court of Appeals of Maryland*

# EXHIBIT E

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  
13 THE STATE BAR OF NEVADA, in response to the application of  
14 Petitioner, submits the following statement pursuant to SCR42(3):

15 SCR42(6)**Discretion.** The granting or denial of a motion to associate  
16 counsel pursuant to this rule by the court is discretionary. The  
17 court, arbitrator, mediator, or administrative or governmental  
18 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.

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

22 (b) **Burden on applicant.** The applicant shall have the  
23 burden to establish special circumstances and good cause  
24 for an appearance in excess of the limitation set forth  
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: 11/3/2022

26 2. APPLYING ATTORNEY: Wendy Lai Feng, Esq.

27 ///  
28 ///  
///

- 1 3. FIRM NAME AND ADDRESS: Covington & Burling, LLP, Salesforce  
2 Tower, 415 Mission Street, Suite 5400, San Francisco, CA 94105
- 3 4. NEVADA COUNSEL OF RECORD: Frank M. Flansburg, Esq., Brownstein  
4 Hyatt Farber Schreck, LLP, 100 N. City Pkwy., Suite 1600, Las  
5 Vegas, NV 89106
- 6 5. In addition to the present application, petitioner made the  
7 following previous applications within the last three years:

8 **6/11/2021 ADMISSION GRANTED**

9 DATED this November 3, 2022

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