

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, LCC,

Real Party in Interest.

Electronically Filed
Dec 07 2022 03:52 PM
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 84986

DISTRICT COURT CASE NO:
A-20-816628-B

MOTION TO ASSOCIATE COUNSEL

Amicus Curiae The Restaurant Law Center, Bloomin' Brands, Inc., Treasure Island, LLC and Circus Circus LV, LP, hereby respectfully requests an order permitting Michael S. Levine 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), “Certificates of Good Standing” from Virginia, District of Columbia, Massachusetts, and New York (Exhibit B) and the State Bar of Nevada Statement (Exhibit C).

Respectfully submitted,

/s/ *Renee M. Finch*

Renee M. Finch

MESSNER REEVES LLP

8945 West Russell Road, Suite 300

Las Vegas, NV 89148

(702) 363-5100

rfinch@messner.com

Michael S. Levine (pro hac pending)

HUNTON ANDREWS KURTH LLP

2200 Pennsylvania Avenue, NW

Washington, D.C. 20037

(202) 955-1851

mlevine@huntonak.com

CERTIFICATE OF SERVICE

Pursuant to NRAP 25, I certify that, on this 7th day of December, 2022, the foregoing Motion to Associate was e-filed with the Clerk of the Supreme Court of the State of Nevada and services were executed to the below counsel via the Court's Electronic Filing System pursuant to NEFCR 9:

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

/s/ Renee M. Finch

Renee M. Finch

EXHIBIT A

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, LCC,

Real Party in Interest.

CASE NO: 84986

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

Michael S. Levine, Petitioner, respectfully represents:

1. Petitioner resides at 15862 Spyglass Hill Loop, Gainesville, Prince William County, Virginia, 20155, telephone (703) 628-1322.
2. Petitioner is an attorney at law and a member of the law firm of Hunton Andrews Kurth LLP with offices at 2200 Pennsylvania Avenue NW, Washington, D.C., 20037, telephone (202) 955-1857, email mlevine@huntonak.com.
3. Petitioner has been retained personally or as a member of the above named law firm by JGB VEGAS RETAIL LESSEE, LCC to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.

4. Since February 6, 1996, petitioner has been, and presently is, a member of good standing of the bar of the highest court of the District of Columbia 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
New York – Second Appellate Dept	February 8, 1995
District of Columbia	February 6, 1996
Commonwealth of Massachusetts	February 12, 1997
District of Columbia District Court	January 4, 1999
U.S. Court of Appeals, Fourth Circuit	December 11, 2000
U.S.D.C. Southern District of New York,	March 12, 2002
Commonwealth of Virginia	September 9, 2002
U.S. District Court for the Eastern District of Virginia	2002
U.S. Court of Appeals, Eleventh Circuit	October 1, 2003
U.S. Court of Appeals, Third Circuit	March 17, 2015
U.S. District Court for the District of Massachusetts	January 17, 2017
U.S. Bankruptcy Court for the District of Massachusetts	January 17, 2017
U.S. Court of Appeals, Seventh Circuit	February 24, 2017
U.S. Court of Appeals, Ninth Circuit	March 5, 2021
U.S. Court of Appeals, First Circuit	March 15, 2021

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: Petitioner filed a Verified Application for Association of Counsel under Nevada Supreme Court Rule 42 in *Bloomin' Brands v. AIG Specialty Insurance Co., et al.* (District Court, Clark County, Nevada, Case No. A-21-830204-B). Hunton Andrews Kurth LLP attorneys Christopher

M. Pardo and Adriana Perez also filed such applications in the above-referenced matter. All applications were allowed in June 2021.

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

Renee M. Finch, Nevada Bar No. 13118, who has offices at Messner Reeves LLP, 8945 West Russell Road, Suite 300, Las Vegas, Nevada 89148, telephone (702) 363-5100.

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.
LEWIS ROCA ROTHGERBER
3 993 Howard Hughes Parkway
Suite 600
Las Vegas, NV 89169

Amy M. Samberg, Esq.
Lee H. Godin, 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
3 773 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, Michael S. Levine, 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 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.
- 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.

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 1st day of November, 2022



Petitioner/Affiant (blue ink)

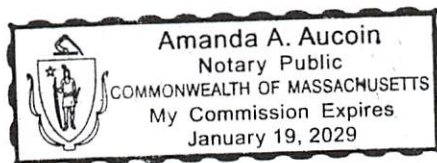
STATE OF Massachusetts)
) ss
COUNTY OF Suffolk)

Subscribed and sworn to before me

this 1st day of November, 2022



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, Renee M. Finch, 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 8th 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 8th day of November, 20 22

[Signature]
Notary Public



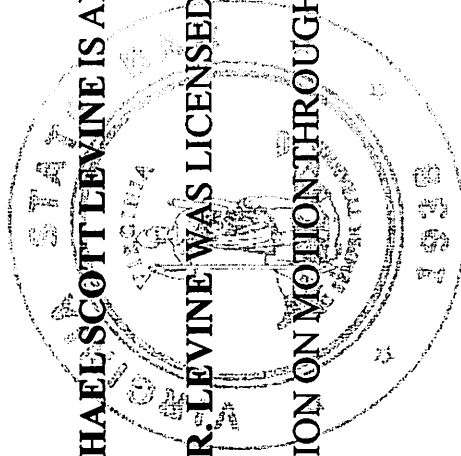
EXHIBIT B

EXHIBIT B

VIRGINIA STATE BAR

CERTIFICATE OF GOOD STANDING

THIS IS TO CERTIFY THAT MICHAEL SCOTT LEVINE IS AN ACTIVE MEMBER OF THE VIRGINIA STATE BAR IN GOOD STANDING. MR. LEVINE WAS LICENSED TO PRACTICE LAW IN VIRGINIA ON SEPTEMBER 9, 2002, AFTER ADMISSION ON MOTION THROUGH THE SUPREME COURT OF VIRGINIA.



Issued October 7, 2022

DaVida M. Davis

DaVida M. Davis
Director of Regulatory Compliance



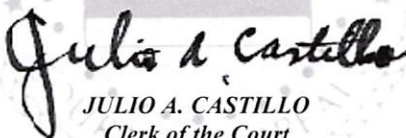


*On behalf of JULIO A. CASTILLO, Clerk of the District of Columbia Court of Appeals,
the District of Columbia Bar does hereby certify that*

Michael Levine

*was duly qualified and admitted on February 5, 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 October 17, 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@dcbbar.org.*

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 **2/12/1997 0:00**,
said Court being the highest Court of Record in said Commonwealth:

Michael Levine

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 **eleventh** day of **October**

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
Second Judicial Department*

*I, Maria T. Fasulo, Clerk of the Appellate Division of the
Supreme Court of the State of New York, Second Judicial
Department, do hereby certify that*

Michael Scott Levine

*was duly licensed and admitted to practice as an Attorney and
Counselor at Law in all the courts of this State on **February 8, 1995**,
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 Brooklyn on
October 5, 2022.*



Maria T. Fasulo

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
11 STATE BAR OF NEVADA STATEMENT PURSUANT TO SUPREME COURT RULE
12 42 (3) (b)

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

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

27 (b) **Burden on applicant.** The applicant shall have the
28 burden to establish special circumstances and good cause
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.

1. DATE OF APPLICATION: 11/10/2022

2. APPLYING ATTORNEY: Michael Scott Levine, Esq.

27 ///
28 ///
///


1 3. FIRM NAME AND ADDRESS: Hunton Andrews Kurth, LLP, 2200
2 Pennsylvania Avenue, NW, Suite 900, Washington, DC 20037

3 4. NEVADA COUNSEL OF RECORD: Renee M. Finch, Esq., Messner Reeves,
4 LLP, 8945 W. Russell Road, Suite 300, Las Vegas, NV 89148

5 5. In addition to the present application, petitioner made the
6 following previous applications within the last three years:

7 4/12/2021 ADMISSION GRANTED

8 DATED this November 17, 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