

IN THE SUPREME COURT OF THE STATE OF NEVADA

TKNR, INC., A CALIFORNIA
CORPORATION,
Appellant,

vs.

WLAB INVESTMENT, LLC,
Respondent.

No. 85620 Electronically Filed
Feb 24 2023 01:49 PM
Elizabeth A. Brown
Clerk of Supreme Court

**MOTION TO WITHDRAW AS COUNSEL FOR RESPONDENT
WLAB INVESTMENT, LLC**

Counsel Jessica E. Whelan and Erica C. Medley, of the law firm of Holland & Hart LLP, hereby move to withdraw as counsel of record for Respondent WLAB Investment, LLC (“WLAB”), in the above-entitled case.

Withdrawal of counsel may be effected by filing a motion, with service on the client and adverse parties. The motion shall state the reasons for the withdrawal, consistent with SCR 46 and RPC 1.16. Under SCR 46, an attorney may withdraw upon order of the court. Under RPC 1.16(b)(1), a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse effect on the interests of the client.

In the present case, as stated in the attached Declaration, WLAB has informed Holland & Hart LLP not to continue working on this matter and that it

will retain new counsel. The undersigned agrees to withdraw from this case, which is currently scheduled for mediation. Holland & Hart LLP has notified the mediator of its intent to withdraw from this matter and requested a continuance of the mediation on behalf of WLAB while WLAB seeks new counsel. Counsel for Appellant had no objection.

The undersigned recognizes that if withdrawal is allowed, WLAB cannot proceed in proper person and must be represented by a licensed attorney. *See State v. Stu's Bail Bonds*, 115 Nev. 436, 436 n.1, 991 P.2d 469, 470 n.1 (1999) (stating business entities cannot appear in proper person). The undersigned counsel has explained this to WLAB's representative, and counsel requests the Court to give WLAB a reasonable time in which to obtain new counsel. The undersigned will serve a copy of this Motion on WLAB's representative.

DATED this 24th day of February, 2023.

/s/ Jessica E. Whelan
Jessica E. Whelan (Nevada Bar No. 14781)
Erica C. Medley (Nevada Bar No. 13959)
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Tel. (702) 669-4600 | Fax (702) 669-4650

Attorneys for Respondent WLAB Investment, LLC

DECLARATION OF JESSICA E. WHELAN

I, Jessica E. Whelan, declare:

1. I am a partner at Holland & Hart LLP, counsel for Respondent WLAB Investment, LLC (“WLAB”) in the above-captioned matter.

2. I am competent to testify to the facts stated herein, which are based on personal knowledge unless stated otherwise, and if called upon to testify, I could and would testify competently to the following.

3. I submit this declaration in support of the Motion to Withdraw as Counsel for Respondent WLAB Investment, LLC (“Motion”).

4. On January 27, 2023, I entered an appearance in this matter for me and my colleague, Erica C. Medley.

5. On January 31, 2023, this Court ordered that settlement proceedings shall resume. The settlement judge set the briefing schedule deadline for February 24, 2023, with the settlement conference scheduled for March 8, 2023.

6. Thereafter, WLAB’s representative, Dr. Frank Miao, instructed me not to continuing working on this matter and informed me of his intent to retain new counsel.

7. I informed Dr. Miao of WLAB’s upcoming deadlines with the mediation and the need for a business entity, such as WLAB, to be represented by counsel in these proceedings.

8. As of February 23, 2023, Dr. Miao informed me that he still has not retained new counsel for WLAB for this matter. I informed him of my intent to file this Motion.

9. On February 24, 2023, my office notified the settlement judge of our intent to file this Motion and requested a continuance of the mediation to provide sufficient time for WLAB to obtain new counsel. Dr. Miao was copied on this email exchange. Counsel for Appellant responded that he had no objection.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 24, 2023.

/s/ Jessica E. Whelan
Jessica E. Whelan

CERTIFICATE OF SERVICE

I, Martha Hauser, certify that on February 24, 2023, I electronically filed the foregoing **MOTION TO WITHDRAW AS COUNSEL FOR RESPONDENT WLAB INVESTMENT, LLC**, with the Clerk of the Nevada Supreme Court via Court's e-Flex system. Service will be made by e-Flex on all registered participants.

James A. Kohl, Settlement Judge
jkohl@howardandhoward.com

Michael B. Lee, P.C.
mike@mblnv.com

I further certify that I served a copy of this document by email to:

WLAB Investments
Attn: Dr. Frank Miao
frankqmiao@gmail.com

/s/ Martha Hauser
An Employee of HOLLAND & HART LLP

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