

IN THE SUPREME COURT OF THE STATE OF NEVADA

TKNR, INC., A CALIFORNIA
CORPORATION,

Appellant,

vs.

WLAB INVESTMENT, LLC,

Respondent.

SUPREME COURT CASE NO. 85620

Electronically Filed
Nov 09 2023 11:52 AM
Elizabeth A. Brown
Clerk of Supreme Court

District Court Case No. A-18-785917-C

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

Counsel Lesley B. Miller and Elva A. Castaneda, of the law firm of Kaempfer Crowell, 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 to the interests of the client.

In the present case, as stated in the attached Declaration, Kaempfer Crowell and WLAB have fundamental disagreements preventing Kaempfer Crowell to adequately represent WLAB. The undersigned requests to withdraw

from this case, which has been fully briefed and is pending decision from the Court.

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 counsel will serve a copy of this Motion on WLAB's representative.

November 9, 2023.

KAEMPFER CROWELL

BY:



LESLEY B. MILLER (Nevada Bar No. 7987)
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Attorneys for Respondent

DECLARATION OF LESLEY MILLER

I, Lesley Miller, declare:

1. I am a partner at Kaempfer Crowell, 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 March 07, 2023, I entered an appearance in this matter.
5. On March 09, 2023, this Court ordered settlement proceedings.
6. On April 25, 2023, a mediation session was held in this matter, but the parties were unable to agree on a settlement.
7. On May 10, 2023, this Court reinstated the briefing schedule.
8. Thereafter, the parties fully briefed the matter. Therefore, there are no pending hearings on this matter.
8. I informed Dr. Miao of WLAB’s of the next steps in this matter and the need for a business entity, such as WLAB, to be represented by counsel in these proceedings.
9. As of October 11, 2023, WLAB still has not retained new counsel for this matter.
10. I informed him of my intent to file this Motion.

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

Executed on November 9, 2023.

A handwritten signature in blue ink, appearing to read "L. Miller", is positioned above a horizontal line.

Lesley B. Miller

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing **MOTION TO WITHDRAW** was made on this date to the following counsel of record and/or parties by electronic transmission through the Nevada Supreme Court's Electronic Filing system, to the following registered user(s) of the Court's electronic filing system pursuant to NRAP 25(c)(1)(E), and/or by First Class Mail (where indicated) addressed to the following:

Via E-File

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Respondent

DATED November 9, 2023.

/s/ Kimberly Rupe

an employee of Kaempfer Crowell