

*In the Supreme Court of Nevada*

NAUTILUS INSURANCE COMPANY,

Appellant,

vs.

ACCESS MEDICAL, LLC; FLUORNOY  
MANAGEMENT LLC; and ROBERT  
CLARK WOOD, II,

Respondents.

Electronically Filed  
Dec 30 2019 01:50 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION TO ASSOCIATE LAURA ANNE FOGGAN AS COUNSEL**

Amici Curiae Complex Insurance Claims Litigation Association (“CICLA”) and American Property Casualty Insurance Association (“APCIA”) move to associate Laura Anne Foggan, a member of the District of Columbia Bar, in this case in Nevada pursuant to SCR 42. This motion is supported by the attached Verified Application for Association of Counsel (Exhibit A), certificate of good standing (Exhibit B), and the State Bar of Nevada statement (Exhibit C).

Dated this 30th day of December, 2019.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

BY: /s/ Joel D. Henriod

DANIEL F. POLSENBERG (SBN 2376)

JOEL D. HENRIOD (SBN 8492)

3993 Howard Hughes Parkway

Suite 600

Las Vegas, Nevada 89169

(702) 949-8200

*Attorneys for CICLA and APCIA*

## CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 30th day of December, 2019.

Electronic service of the foregoing “Motion to Associate Laura Anne Foggan as Counsel” shall be made in accordance with the Master

Service List as follows:

Gil Glancz, Esq.  
Eric S. Powers, Esq.  
SELMAN BREITMAN LLP  
33 New Montgomery, Sixth Floor  
San Francisco, California 94105

James E. Harper, Esq.  
HARPER SELIM  
1707 Village Center Circle  
Suite 140  
Las Vegas, Nevada 89134

*Counsel for Appellant*  
*Nautilus Insurance Company*

*Counsel for Respondent*  
*Flournoy Management LLC*

L. Renee Green, Esq.  
Martin J. Krafitz, Esq.  
CHRISTIAN, KRAVITZ, DICTER,  
JOHNSON & SLUGA, PLLC  
8985 S. Eastern Avenue, Suite 200  
Las Vegas, Nevada 89123

Jordan P. Schnitzer, Esq.  
THE SCHNITZER LAW FIRM  
9205 W. Russell Road, Suite 240  
Las Vegas, Nevada 89148

*Counsel for Respondents*  
*Access Medical, LLC and*  
*Robert Clark Wood, II*

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, at Las Vegas, Nevada, addressed as follows:

Linda Wendell Hsu, Esq.  
SELMAN BREITMAN LLP  
33 New Montgomery, Sixth Floor  
San Francisco, California 94105

*Counsel for Appellant*  
*Nautilus Insurance Company*

/s/ Lisa M. Noltie  
An Employee of Lewis Roca Rothgerber Christie LLP

**EXHIBIT A**

**EXHIBIT A**

IN THE SUPREME COURT OF THE STATE OF NEVADA

Nautilus Insurance Company,	)	
	)	No. 79130
Appellant,	)	
	)	
vs.	)	
	)	VERIFIED APPLICATION
Access Medical, LLC; Flournoy	)	FOR ASSOCIATION OF
Management LLC; and	)	COUNSEL UNDER NEVADA
Robert Clark Wood, II	)	<u>SUPREME COURT RULE 42</u>
	)	
Respondents.	)	
	)	

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Laura A. Foggan, Petitioner, respectfully represents:

1. Petitioner resides at 3615 Underwood Street, Chevy Chase, MD 20815-4107, (202) 246 3382.
2. Petitioner is an attorney at law and a member of the law firm of Crowell & Moring LLP with offices at 1001 Pennsylvania Avenue NW, Washington, DC, 20004, (202) 624 2500, LFoggan@crowell.com.
3. Petitioner has been retained personally or as a member of the above named law firm by the Complex Insurance Claims Litigation Association and American Property Casualty Insurance Association to provide legal representation in connection with the above-entitled matter now pending before the above referenced court.
4. Since December of 1983, 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:

DATE ADMITTED

<u>Supreme Court of the United States</u>	<u>3/23/1987</u>
<u>U.S. Court of Appeals for D.C. Circuit</u>	<u>02/16/1984</u>
<u>U.S. Court of Appeals for the First Circuit</u>	<u>02/07/2000</u>
<u>U.S. Court of Appeals for the Second Circuit</u>	<u>9/21/1989</u>
<u>U.S. Court of Appeals for the Third Circuit</u>	<u>04/17/1989</u>
<u>U.S. Court of Appeals for the Fourth Circuit</u>	<u>02/18/1986</u>
<u>U.S. Court of Appeals for the Fifth Circuit</u>	<u>01/24/1989</u>
<u>U.S. Court of Appeals for the Sixth Circuit</u>	<u>12/07/1987</u>
<u>U.S. Court of Appeals for the Seventh Circuit</u>	<u>09/25/1992</u>
<u>U.S. Court of Appeals for the Eighth Circuit</u>	<u>12/18/1985</u>
<u>U.S. Court of Appeals for the Ninth Circuit</u>	<u>11/25/1988</u>
<u>U.S. Court of Appeals for the Tenth Circuit</u>	<u>08/14/1995</u>
<u>U.S. Court of Appeals for the Eleventh Circuit</u>	<u>04/08/1988</u>
<u>U.S. District Court for the District of Colorado</u>	<u>11/20/2012</u>
<u>U.S. District Court for the District of Columbia</u>	<u>01/31/1984</u>

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 has filed the following applications to appear as counsel under Nevada Supreme Court Rule 42 during the past three (3) years in the following matters, 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>
1/24/2017	No. 70504 James Nalder Guardian Ad Litem on Behalf of Cheyanne Nalder; and Gary Lewis Individually v. United Automobile Insurance Company	Supreme Court of Nevada	Granted
11/8/2017	No. 73756 Century Surety Company v. Dana Andrew, as Legal Guardian on behalf of Ryan T. Pretner; and Ryan T. Pretner	Supreme Court of Nevada	Granted



12. Nevada Counsel of Record for Petition in this matter is:  
(must be the same as the signature on the Nevada Counsel consent page)

Daniel F. Polsenberg (SBN 2376), who has offices at Lewis Roca Rothgerber Christie LLP, 3993  
Howard Hughes Parkway Suite 600, Las Vegas, Clark County, 89169, (702) 474 2616.

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

Nautilus Insurance Company 7233 E Butherus Dr, Scottsdale, Arizona 85260

Linda Wendell Hsu 33 New Montgomery, Sixth Floor San Francisco, California 94105  
*Attorney for Nautilus Insurance Company*

Eric S. Powers 33 New Montgomery, Sixth Floor San Francisco, California 94105  
*Attorney for Nautilus Insurance Company*

L. Renee Green 8985 S. Eastern Avenue, Suite 200 Las Vegas, Nevada 89123  
*Attorney for Robert Clark Wood, II and Access Medical, Inc.*

Martin J. Kravitz 8985 S. Eastern Avenue, Suite 200 Las Vegas, Nevada 89123  
*Attorney for Robert Clark Wood, II and Access Medical, Inc.*

Jordan P. Schnitzer 9205 W. Russell Road, Suite 240 Las Vegas, Nevada 89148  
*Attorney for Robert Clark Wood, II and Access Medical, Inc.*

James E. Harper 1707 Village Center Circle, Suite 140 Las Vegas, Nevada 89134  
*Attorney for Flournoy Management Co., LLC*

Taylor G. Selim 1707 Village Center Circle, Suite 140 Las Vegas, Nevada 89134  
*Attorney for Flournoy Management Co., 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, Laura Foggan, 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 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 jurisdictions 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 Nov., 2019

Laura A. Fugere  
Petitioner/Affiant (blue ink)

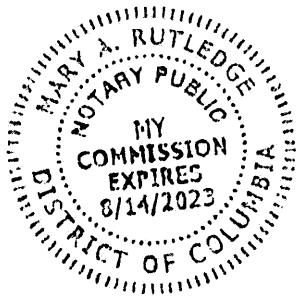
STATE OF District of )  
 ) ss  
COUNTY OF Columbia )

Subscribed and sworn before me

this 25<sup>th</sup> day of Nov., 2019

Mary A. Rutledge  
Notary Public

Mary A. Rutledge  
Notary Public, District of Columbia  
My Commission Expires 8/14/2023



## 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 of 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, Daniel F. Polenberg 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 16<sup>th</sup> day of Dec., 20 19

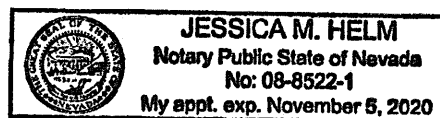
  
Nevada Counsel of Record (blue ink)

STATE OF Nevada )  
 ) ss  
COUNTY OF Clark )

Subscribed and sworn before me

this 16<sup>th</sup> day of December, 20 19

  
Notary Public



**EXHIBIT B**

**EXHIBIT B**



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

*Laura Anne Foggan*

was duly qualified and admitted on **December 19, 1983** 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 December 12, 2019.

*Julio A. Castillo*  
JULIO A. CASTILLO  
Clerk of the Court

Issued By:

*AB*  
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](mailto:memberservices@dcbar.org).

**EXHIBIT C**

**EXHIBIT C**



1 STAT

2  
3 IN THE SUPREME COURT OF NEVADA

4 Case No. 79130

5  
6 Nautilus Insurance Company

7  
8 vs.

9 Access Medical, LLC

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: 12/17/2019

2. APPLYING ATTORNEY: Laura Anne Foggan, Esq.

///

1 3. FIRM NAME AND ADDRESS: Crowell & Moring, LLP, 1001 Pennsylvania  
2 Ave., N.W., Washington, DC 20004

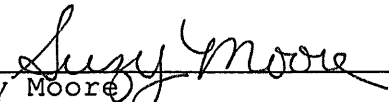
3 4. NEVADA COUNSEL OF RECORD: Daniel F. Polsenberg, Esq., Lewis  
4 Roca Rothgerber Christie LLP., 3993 Howard Hughes Parkway,  
Suite 600, Las Vegas, NV 89169

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

7 01/11/2017 ADMISSION GRANTED

8 10/19/2017 ADMISSION STATUS NOT REPORTED TO THE STATE BAR

9 DATED this December 23, 2019

10  
11   
12 Suzy Moore  
13 Member Services Admin.  
14 Pro Hac Vice Processor  
15 STATE BAR OF NEVADA  
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