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16 *Attorneys for Plaintiff*

11 **DISTRICT COURT – FAMILY DIVISION**

12 **CLARK COUNTY, NEVADA**

13 LINDSEY SHARRON ANTEE,

14 Plaintiff,

15 v.

16 BOBBY DEE ANTEE,

17 Defendant.

CASE NO.: D-18-573154-D

DEPT. NO.: J

**MOTION TO WITHDRAW AS
ATTORNEY OF RECORD AND
ADJUDICATE LIEN**

[HEARING REQUESTED]

19 COMES NOW ADAM R. FULTON, ESQ., JARED B. JENNINGS, ESQ. and
20 LOGAN G. WILLSON, ESQ. of the law firm of JENNINGS & FULTON, LTD., hereby
21 moves this Honorable Court for an Order permitting counsel to withdraw as attorney of
22 record for Plaintiff LINDSEY SHARRON ANTEE and adjudicate the lien Jennings &
23 Fulton, Ltd. has perfected in this matter.
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25 This Motion is based upon EDCR 7.40, the Affidavit of Logan G. Willson, Esq., the
26 Memorandum of Points and Authorities, all pleadings, papers, and documents on file with
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the Court in this action, all attached exhibits, all judicially noted facts, and any oral argument the Court may entertain at the hearing on this matter.

DATED: June 12th, 2020.

JENNINGS & FULTON, LTD

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Attorneys for Plaintiff

1 **AFFIDAVIT OF LOGAN G. WILLSON, ESQ. IN SUPPORT OF MOTION TO**
2 **WITHDRAW AS ATTORNEY OF RECORD AND ADJUDICATE LIEN**

3 I, LOGAN G. WILLSON, ESQ., being first duly sworn, deposes and says:

4
5 1. I am over 18 years of age and if called upon to testify, I could and would
6 competently testify to the following facts as the same are personally known to me.

7 2. I am an attorney licensed to practice law in the State of Nevada and am an
8 associate attorney at the law firm of Jennings & Fulton, Ltd. and counsel of record for
9 Plaintiff Lindsey Antee.

10 3. Jennings & Fulton, Ltd. has not been paid for legal services to date.

11 4. Continued representation would cause an unreasonable financial burden
12 upon Jennings & Fulton, Ltd. as Plaintiff cannot continue to compensate my firm for its
13 legal services.
14

15 5. Given the nature of Plaintiff's Notice of Appeal and Motion for Stay of
16 Execution of Divorce Order filed on June 2, 2020 in proper person, there is likely to be
17 significant motion practice in the immediate future.

18 6. Plaintiff has also requested Jennings & Fulton, Ltd. withdraw as counsel
19 from the present matter and to cease all work on the present matter.
20

21 7. In the May 22, 2020 Minute Order, the Court required Plaintiff's counsel to
22 prepare a final Decree of Divorce with findings of fact and conclusion of law consistent
23 with the Court's journal entry. The Court set an in chambers status check on June 24, 2020
24 regarding the submission of the decree. As Plaintiff has requested Jennings & Fulton, Ltd.
25 withdraw as counsel from the present matter and to cease all work on the present matter,
26 counsel respectfully requests leave from preparing the Decree of Divorce.
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28 8. The last known address of Ms. Antee is 9564 Scorpion Track Ct., Las

1 Vegas, Nevada 89178, at which she may be served with notice of further proceedings of the
2 case and a copy of this Motion will be served at same address.

3 9. Further, Ms. Antee’s telephone number is (702) 557-6657 and her e-mail
4 address is lindseylicari14@aol.com.

5 10. Moreover, Jennings & Fulton, Ltd. has asserted a lien pursuant to NRS
6 18.015 based upon outstanding legal services to date.

7 11. NRS 18.015(6) states, “The court shall, after 5 days’ notice to all parties,
8 adjudicate the rights of the attorney, client, or other parties and enforce the lien.”

9 12. On June 5, 2020, Jennings & Fulton, Ltd. served a “Notice of Attorneys’
10 Lien” and mailed a copy via U.S. Mail to Plaintiff.

11 13. Pursuant to Administrative Order 20-10, I hereby provide my e-signature to
12 this Affidavit.

13 **FURTHER AFFIANT SAYETH NAUGHT.**

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17 /s/ Logan G. Willson, Esq.
18 Logan G. Willson, Esq.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. LEGAL STANDARD

The Nevada Rules of Professional Conduct (“NRPC”) provide that counsel of record may withdraw when “[w]ithdrawal can be accomplished without material adverse effect on the interests of the client.” NRPC 1.16(b)(1). NRPC 1.16(b)(5) outlines that an attorney may withdraw when “[t]he client fails to substantially fulfill an obligation to the lawyer regarding the lawyer’s services and has been given reasonable warning that the lawyer will withdraw unless the obligation if fulfilled.” E.D.C.R. 7.40(b)(2) states that the court can enter an order allowing the withdrawal of an attorney. Nevada Supreme Court Rule (“S.C.R.”) 46(2) provides that the attorney in an action or special proceeding may be changed at any time before judgment or final determination upon the order of the court or judge thereof on the application of the attorney or the client." Lastly, NRPC 1.16(b)(6) states that a lawyer may withdraw if "[t]he representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client."

II. LEGAL ARGUMENT

A. The Court Should Permit Plaintiff’s Counsel to Withdraw Because Continued Representation Would be an Unreasonable Financial Burden on Jennings & Fulton, Ltd. and Plaintiff has Requested Jennings & Fulton, Ltd. Withdraw as Counsel of Record

Permitting Plaintiff’s counsel to withdraw would cause no material adverse effect upon Plaintiff in the present matter. Plaintiff’s counsel represented her throughout a majority of this matter and at the trial in this matter. Plaintiff’s counsel should be permitted to withdraw because Plaintiff has been given reasonable warning that Jennings & Fulton, Ltd. will be forced to withdraw unless Plaintiff continued to pay for legal services. Plaintiff has also requested Jennings & Fulton, Ltd. withdraw as counsel from the present matter. Further, continued representation would cause an unreasonable financial burden upon

1 Jennings & Fulton, Ltd. In the May 22, 2020 Minute Order, the Court required Plaintiff's
2 counsel to prepare a final Decree of Divorce with findings of fact and conclusion of law
3 consistent with the Court's journal entry.

4 The Court set an in chambers status check on June 24, 2020 regarding the
5 submission of the decree. As Plaintiff has requested Jennings & Fulton, Ltd. withdraw as
6 counsel from the present matter and to cease all work on the present matter, counsel
7 respectfully requests leave from preparing the Decree of Divorce. Given the nature of
8 Plaintiff's Notice of Appeal and Motion for Stay of Execution of Divorce Order filed on
9 June 2, 2020 in proper person, there is likely to be significant motion practice in the
10 immediate future. Based on the foregoing, the Court should grant the Motion and permit
11 Jennings & Fulton, Ltd. to withdraw as counsel of record for Plaintiff.
12

13 **B. Plaintiff's Counsel has Complied with the Requirements of EDCR**

14 **7.40(b)(2)(i)**

15 E.D.C.R. 7.40(b) states in pertinent part that counsel in any case may be changed
16 only:
17

18 (2) when no attorney has been retained to replace the attorney withdrawing,
19 only by order of the court, at such time as may be fixed by the Court in an
20 order shortening the time for the hearing of the motion, and

21 (i) if the application is made by the attorney, he shall include in an affidavit
22 the address or last known address, client and all other parties to the action or
23 their attorneys.”

24 The last known telephone number of Ms. Antee is (702) 502-7559 and her last
25 known address is 9564 Scorpion Track Ct., Las Vegas, Nevada 89178. *See* the Affidavit of
26 Logan G. Willson, Esq. at ¶ 8-9. For the reasons set forth in the Affidavit of Logan G.
27 Willson, Esq. and in compliance with EDCR 7.40(b)(2)(i), this Court should grant
28 Plaintiff's counsel of record to withdraw from the present matter.

///

1 **C. Jennings & Fulton, Ltd. Complied with NRS 18.015 and its Lien Should be**
2 **Adjudicated by the Court**

3 Pursuant to NRS 18.015(1)(a), an attorney at law shall have a lien upon any
4 claim, demand or cause of action, including any claim for unliquidated damages, which has
5 been placed in the attorney’s hands by a client for suit or collection, or upon which a suit or
6 other action has been instituted. A lien pursuant to NRS 18.015(1) is for the amount of any
7 fee which has been agreed upon by the attorney and client. *See* NRS 18.015(2). A lien
8 pursuant to NRS 18.015(1)(a) attaches to any verdict, judgment or decree entered and to
9 any money or property which is recovered on account of the suit or other action. *See* NRS
10 18.015(4)(a). Pursuant to NRS 18.015(6), on motion filed by an attorney having a lien
11 under this section, the attorney’s client or any party who has been served with notice of the
12 lien, the court shall, after 5 days’ notice to all interested parties, adjudicate the rights of the
13 attorney, client or other parties and enforce the lien.
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15 Jennings & Fulton, Ltd. has asserted a lien pursuant to NRS 18.015 based upon
16 outstanding legal services to date. NRS 18.015(6) is clear and unambiguous and states,
17 “The court shall, after 5 days’ notice to all parties, adjudicate the rights of the attorney,
18 client, or other parties and enforce the lien.” On June 5, 2020, Jennings & Fulton, Ltd.
19 served a “Notice of Attorneys’ Lien” and mailed a copy via U.S. Mail to Plaintiff. More
20 than five (5) days having passed since service of the Notice of Attorneys’ Lien, Jennings &
21 Fulton, Ltd.’s attorneys’ lien should attach to the present decree and the Court should
22 adjudicate the lien based on the same.
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25 **III. CONCLUSION**

26 Based on the foregoing, the Court should Grant the Motion and permit Plaintiff’s
27 counsel to withdraw in the present matter and adjudicate the Jennings & Fulton, Ltd.’s
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attorney's lien.

DATED: June 12th, 2020.

JENNINGS & FULTON, LTD

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Attorneys for Plaintiff

1 **CERTIFICATE OF SERVICE**

2 Pursuant to N.R.C.P. 5(b), I hereby certify that I am an employee of JENNINGS &
3 FULTON, LTD., and that on the 12th day of June, 2020, I caused a true and correct copy
4 of the foregoing **MOTION TO WITHDRAW AS ATTORNEY OF RECORD AND**
5 **ADJUDICATE LIEN** to be served as follows:
6

7 _____ by depositing in the United States Mail, first-class postage prepaid, at Las
8 Vegas, Nevada, enclosed in a sealed envelope; or

9 _____ by facsimile transmission, pursuant to E.D.C.R. 7.26, as indicated below; or

10 X by electronic service, pursuant to N.E.F.C.R. 9 and Administrative Order
11 14-2, as indicated below:

11 MICHAEL C. VAN, ESQ.
12 Nevada Bar No. 3876
13 GRAYSON J. MOULTON, ESQ.
14 Nevada Bar No. 14587
15 **SHUMWAY VAN**
16 8985 S. Eastern Avenue, Suite 100
17 Ph: (702) 478-7770
18 Fax: (702) 478-7779
19 michael@shumwayvan.com
20 grayson@shumwayvan.com
21 Attorneys for Defendant
22

23
24 Sent via U.S. Mail & E-mail:
25 Lindsey Licari
26 9564 Scorpion Track Ct.
27 Las Vegas, Nevada 89178
28 lindseylicari14@aol.com

/s/ Melissa Renderos Carias
An Employee of
Jennings & Fulton, Ltd.

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