

Lipson, Neilson, Cole, Seltzer & Garin, P.C.
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LIPSON, NEILSON, COLE, SELTZER, GARIN, P.C.
JOSEPH P. GARIN, ESQ.
Nevada Bar No. 6653
9900 Covington Cross Dr. Suite 120
Las Vegas, Nevada 89144
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igarin@lipsonneilson.com

Attorney for Respondent Ryon Collins

FILED

JUN 11 2015

NEVADA COMMISSION OF
COMMON INTEREST COMMUNITIES
AND CONDOMINIUM HOTELS

BEFORE THE COMMISSION FOR COMMON-INTEREST
COMMUNITIES AND CONDOMINIUM HOTELS
STATE OF NEVADA

RYON COLLINS,

Respondent,

v.

JOSEPH (J.D.) DECKER, Administrator,
REAL ESTATE DIVISION, DEPARTMENT
OF BUSINESS & INDUSTRY,
STATE OF NEVADA

Petitioner.

Case No.: 2014-4472
Willow Trace HOA

EMERGENCY MOTION TO
WITHDRAW AS COUNSEL FOR
RESPONDENT RYON COLLINS AND TO
STAY PROCEEDINGS AS TO COLLINS
TO ALLOW HIM TO ENGAGE
SEPARATE COUNSEL

Pursuant to Rule 1.7 and 1.8(g) of the Nevada Rules of Professional Conduct, LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C. ("LNCSG"), respectfully moves this Commission for an order allowing LNCSG to immediately withdraw as counsel of record for Respondent RYON COLLINS and to stay proceedings against COLLINS until he is able to retain successor counsel. This instant Motion is supported by the following Memorandum of Points and Authorities, the Affidavit of Joseph P. Garin, Esq., the papers and pleadings on file, and the argument of counsel during the hearing on this matter.

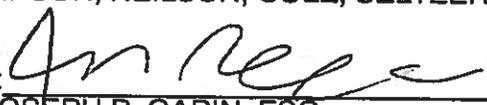
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DATED this 11th day of June, 2015.

Respectfully submitted,

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

By: 
JOSEPH P. GARIN, ESQ.
Nevada Bar No. 6653
9900 Covington Cross Drive, Suite 120
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(702) 382-1500

NOTICE OF HEARING

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that the undersigned is bringing the foregoing
**EMERGENCY MOTION TO WITHDRAW AS COUNSEL FOR RESPONDENT RYON
COLLINS AND TO STAY PROCEEDINGS AS TO COLLINS TO ALLOW HIM TO
ENGAGE SEPARATE COUNSEL** to a hearing before the aforementioned Commission
at Grant Sawyer Building, Gaming Control Board, 555 East Washington Ave., Room
2450, Las Vegas, NV 89101, on the _____ day of June, 2015, at _____
a.m./p.m., or as soon as counsel may be heard.

DATED this 11th day of June, 2015.

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

By: 
JOSEPH P. GARIN, ESQ.
Nevada Bar No. 6653
9900 Covington Cross Drive, Suite 120
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MEMORANDUM OF POINTS AND AUTHORITIES

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2 Rule 1.7 of Nevada Rules of Professional Conduct provides that a lawyer shall
3 not represent a client if the representation of that client will be directly adverse to
4 another client, or if the representation of that client may be materially limited by the
5 lawyer's responsibilities to another client. Rule 1.8(g) provides in part: "(g) A lawyer
6 who represents two or more clients shall not participate in making an aggregate
7 settlement of the claims of or against the clients, or in a criminal case an aggregated
8 agreement as to guilty or nolo contendere pleas, unless each client gives informed
9 consent, in a writing signed by the client. . . ."

10
11 LNCSG represents Leslie White (Matter Nos. 2014-1505, 2014-1491), and
12 Respondent's wife, Audra Collins (Matter No. 2014-4473) before this Commission, in
13 addition to Ryon Collins (Matter No. 2011-4472). During recent discussions for the
14 settlement for all four matters, the Nevada Attorney General's Office made an
15 aggregate settlement offer that created a conflict of interest. The Attorney General's
16 Office will not consider separate settlement proposal as to Ryon Collins. This places
17 LNCSG in a specific conflict under NRPC 1.8(g). As such, LNCSG cannot continue to
18 effectively represent Leslie White, Audra Collins, and Ryon Collins.

19
20 LNCSG has advised all Respondents of such conflict and Ryon Collins is
21 attempting to engage successor counsel. LNCSG will promptly transfer Ryon Collins'
22 files to the new counsel as soon as the Commission grants this Motion to avoid any
23 prejudice or undue hardship on Ryon Collins.

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Wherefore, the undersigned requests that the Commission enter an order approving the withdrawal of LNCSG as attorney for Ryon Collins and stay proceedings as to Ryon Collins to allow him sufficient time to obtain successor counsel.

DATED this 11th day of June, 2015.

Respectfully submitted,

LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

By: 
JOSEPH P. GARIN, ESQ.
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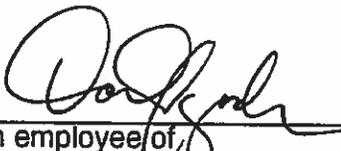
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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of June, 2015, service of the foregoing
**EMERGENCY MOTION TO WITHDRAW AS COUNSEL FOR RESPONDENT RYON
COLLINS** was made upon via electronic mail and hand-delivery to:

Common-Interest Communities and
Condominium Hotel
2501 E. Sahara Ave. Ste. 202
Las Vegas, NV 89104
Legal Administrative Officer

Michelle D. Briggs, Esq.
Senior Deputy Attorney General
2501 E. Sahara Avenue, Suite 201
Las Vegas, NV 89104
mbriggs@red.state.nv.us
(702) 486-7041
Attorney for Real Estate Division


An employee of
LIPSON, NEILSON, COLE, SELTZER & GARIN, P.C.

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conflicted to the point where LNCSG can no longer represent Respondent Ryon Collins adequately without contravening Rule 1.7, and 1.8(g) of the Nevada Rules of Professional Conduct.

6. LNCSG has advised all Respondents of such conflict and Ryon Collins is attempting to engage successor counsel. LNCSG will promptly transfer Ryon Collins' files to the new counsel as soon as the Commission grants this Motion to avoid any prejudice or undue hardship on Ryon Collins.

7. Pursuant to Rule 1.7, and 1.8(g) of the Nevada Rules of Professional Conduct, LNCSG should be permitted to immediately withdraw as counsel for Respondent Ryon Collins.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct to the best of my knowledge.

Executed this 11th day of June, 2015, in Las Vegas, Nevada.


JOSEPH P. GARIN, ESQ.

SUBSCRIBED AND SWORN to before me this 11th day of June, 2015.


Notary Public, in and for said County and State

