

1 **RESNICK & LOUIS, P.A.**
 2 **415 S. SIXTH STREET, SUITE 300**
 3 **LAS VEGAS, NV 89101**
 4 **MITCHELL J. RESNICK [BAR# 12074]**
 5 **mresnick@rlattorneys.com**
 6 **JEFFREY PETIGOFF [BAR NO. 5458]**
 7 **jpetegoff@rlattorneys.com**
 8 **(702) 997.3800**

6 **Attorneys for Third-Party Defendant,**
 7 **BATES METAL PRODUCTS, INC.**

8 **UNITED STATES DISTRICT COURT**
 9 **DISTRICT OF NEVADA**

10 **ESPERANZA HOPE PHAM,**
 11 **Plaintiff,**

12 **vs.**

13 **WAL-MART STORES, INC. dba**
 14 **SAM'S CLUB STORE #6382; SAM'S**
 15 **WEST INC.; NIC HESTAND;**
 16 **NATIONAL BEDDING COMPANY,**
 17 **LLC; SERTA INC.; FOX MARKETING**
 18 **CORPORATION aka FOX**
 19 **MARKETING CORPORATION aka**
 20 **FOXMARK; DOES I-X, inclusive and**
 21 **ROE CORPORATIONS I-X, inclusive,**
 22 **Defendants.**

23 **FOX MARKETING CORPORATION,**
 24 **Third-Party Plaintiff,**

25 **vs.**

26 **BATES METAL PRODUCTS, INC.;**
 27 **ROE individuals 11-20; and ZOE**
 28 **CORPORATIONS AND**
ORGANIZATIONS 11-20, inclusive,
Third-Party Defendants.

NATIONAL BEDDING COMPANY LLC
and SERTA INC.,
Cross-Claimants,

CASE NO. 2:11-cv-01148-KJD-GWF

MOTION TO WITHDRAW AND
SUBSTITUTION OF ATTORNEYS

1 vs.

2 FOX MARKETING CORPORATION;
3 MOES 1-100 inclusive,

4 Cross-Defendants.

5 Mitchell J. Resnick and Jeffrey Petigoff, now with the recently formed law
6 firm of Resnick and Lewis, move this Court for an order permitting them to
7 withdraw as counsel of record from this case. Cross-Defendant Bates Metal
8 Products, Inc. hereby substitutes Colby Beck of the Law Firm of Boyack Beck &
9 Taylor and Wendi A Sorensen of the Law Firm of Burch & Cracchiolo, P.A. as
10 attorneys of record in place and stead of Mitchell J. Resnick and Jeffrey
11 Petigoff.

12 All further correspondence, documents, etc. should be sent to:

13 COLBY D. BECK, ESQ.
14 Nevada Bar No. 6899
15 BOYACK BECK & TAYLOR
16 401 N. Buffalo Drive, Suite 202
17 Las Vegas, NV 89145
18 Ph: (702) 562-3415
19 Fx: (702) 562-3570
20 colby@edblaw.net

21 WENDI A. SORENSEN, ESQ.
22 Admitted Pro Hac Vice
23 Arizona Bar No. 009856
24 BURCH & CRACCHIOLO, P.A.
25 702 E. Osborn, Suite 200
26 Phoenix, AZ 85014
27 Ph: (602) 234-8910
28 Fx: (602) 343-7910
wsorensen@bcattorneys.com

23 This motion is supported by LR IA 10-6 in that it is signed by both counsel
24 and Third-Party Defendant Bates Metal Products, Inc. It has been served on all
25 parties who have appeared in this action.

26 For all these reasons, Mitchell J. Resnick and Jeffrey Petigoff respectfully
27 request this Court enter its order permitting them to withdraw as counsel of
28 record and that Colby D. Beck of the law firm of Boyack Beck & Taylor along

1 with Wendi A. Sorensen of the law firm of Burch & Cracchiolo, P.A. be
2 substituted in their place and stead.

3 DATED this 17 day of August, 2012.

4 **RESNICK & LOUIS, P.A.**

5
6 By /s/ Mitchell J. Resnick
7 Mitchell J. Resnick, Esq.
8 Nevada Bar No. 89101
9 415 S. Sixth Street, Suite 300
10 Las Vegas, NV 89101

11 **RESNICK & LOUIS, P.A.**

12 By /s/ Jeffrey Petigoff
13 Jeffrey Petigoff, Esq.
14 Nevada Bar No. 5458
15 415 S. Sixth Street, Suite 300
16 Las Vegas, NV 89101

17 **BOYACK BECK & TAYLOR**

18 By /s/ Colby D. Beck
19 Colby D. Beck, Esq.
20 Nevada Bar No. 6899
21 401 N. Buffalo Drive, Suite 20
22 Las Vegas, NV 89145

23 **BURCH & CRACCHIOLO, P.A.**

24 By /s/ Wendi A. Sorensen
25 Wendi A. Sorensen, Esq.
26 Arizona Bar No. 009856
27 702 E. Osborn, Suite 200
28 Phoenix, AZ 85014

BATES METAL PRODUCTS, INC.

By *Terry Bates*
Terry Bates, Vice President

CERTIFICATE OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I certify that I am an employee of the law firm of Burch & Cracchiolo, P.A. and that on the 5th day of September, 2012, I caused the foregoing Motion to Withdraw and Substitution of Attorneys to be served via electronic service to the following:

Douglas M. Cohen, Esq.
JONES VARGAS
3773 Howard Hughes Parkway
Third Floor South
Las Vegas, Nevada 89169
Attorneys for Plaintiff

Colby D. Beck, Esq.
BOYACK BECK & TAYLOR
401 North Buffalo Drive, Suite 202
Las Vegas, Nevada 89145
Attorneys for Third-Party Defendant
Bates Metal Products, Inc.

Brad R. Kohler, II, Esq.
THARPE & HOWELL, LLP
6897 West Charleston Blvd.
Las Vegas, Nevada 89117
Attorneys for Defendants Wal-Mart Stores, Inc.,
Sam's West, Inc., NIC Hestand, National Bedding
Company L.L.C. and Serta, Inc.

Kenneth E. Goates, Esq.
LAW OFFICE OF KENNETH E. GOATES
3993 Howard Hughes Parkway, Suite 270
Las Vegas, Nevada 89169
Attorneys for Defendant Fox Marketing
Corporation

/s/ Melanie A. Wright
An Employee of Burch & Cracchiolo, P.A.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ESPERANZA HOPE PHAM,
Plaintiff,

vs.

WAL-MART STORES, INC. dba
SAM'S CLUB STORE #6382; SAM'S
WEST INC.; NIC HESTAND;
NATIONAL BEDDING COMPANY,
LLC; SERTA INC.; FOX MARKETING
CORPORATION aka FOX
MARKETING CORPORATION aka
FOXMARK; DOES I-X, inclusive and
ROE CORPORATIONS I-X, inclusive,
Defendants.

FOX MARKETING CORPORATION,
Third-Party Plaintiff,

vs.

BATES METAL PRODUCTS, INC.;
ROE individuals 11-20; and ZOE
CORPORATIONS AND
ORGANIZATIONS 11-20, inclusive,
Third-Party Defendants.

NATIONAL BEDDING COMPANY LLC
and SERTA INC.,
Cross-Claimants,

vs.

FOX MARKETING CORPORATION;
MOES 1-100 inclusive,
Cross-Defendants.

CASE NO. 2:11-cv-01148-KJD-GWF

**ORDER GRANTING MOTION TO
WITHDRAW AND SUBSTITUTION
OF ATTORNEYS**

1 The Court, having read the Motion to Withdraw and Substitution of
2 Counsel and noting that it is signed by both counsel and client as required by
3 LR IA 10-6;

4 IT IS THEREFORE ORDERED permitting Mitchell J. Resnick and Jeffrey
5 Petigoff to withdraw and no longer be counsel of record;

6 IT IS FURTHER ORDERED permitting Colby D. Beck of the law firm of
7 Boyack Beck & Taylor and Wendi A. Sorensen of the firm of Burch &
8 Cracchiolo, P.A. to be substituted in the place and stead of Mitchell J. Resnick
9 and Jeffrey Petigoff.

10 DATED this 6th day of September, 2012.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



GEORGE FOLEY, JR.
UNITED STATES MAGISTRATE JUDGE