

1 ARIEL E. STERN, ESQ.
 Nevada Bar No. 8276
 2 VATANA LAY, ESQ.
 Nevada Bar No. 12993
 3 AKERMAN LLP
 1635 Village Center Circle, Suite 200
 4 Las Vegas, Nevada 89134
 Telephone: (702) 634-5000
 5 Facsimile: (702) 380-8572
 Email: ariel.stern@akerman.com
 6 Email: vatana.lay@akerman.com

7 *Attorneys for Plaintiff Federal National Mortgage Association*

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

11 DITECH FINANCIAL LLC; FEDERAL
 NATIONAL MORTGAGE ASSOCIATION;
 12 FEDERAL HOUSING FINANCE AGENCY, as
 Conservator of Fannie Mae,

13 Plaintiffs,

14 vs.

15 SFR INVESTMENTS POOL 1, LLC; ALESSI
 16 & KOENIG, LLC; FIESTA PARK
 HOMEOWNERS' ASSOCIATION,

17 Defendants.

Case No.: 2:15-cv-02381-GMN-NJK

**MOTION TO WITHDRAW AS COUNSEL
 OF RECORD FOR FEDERAL NATIONAL
 MORTGAGE ASSOCIATION AND
 FEDERAL HOME LOAN MORTGAGE
 CORPORATION**

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

AKERMAN LLP

1635 Village Center Circle, Suite 200
 LAS VEGAS, NEVADA 89134
 TEL.: (702) 634-5000 – FAX: (702) 380-8572

1 The law firm of Akerman LLP, counsel of record for plaintiff Federal National Mortgage
2 Association (**Fannie Mae**) and Federal Home Loan Mortgage Corporation (**Freddie Mac**), moves
3 the court for an order allowing the law firm and its attorneys to withdraw as counsel of record. The
4 motion is based upon the points and authorities and the Affidavit of Vatana Lay below.

5 DATED this 23rd day of August, 2018.

6 **AKERMAN LLP**

7 */s/ Vatana Lay, Esq.*

8 **ARIEL E. STERN, ESQ.**

9 Nevada Bar No. 8276

10 **VATANA LAY, ESQ.**

11 Nevada bar No. 12993

12 1635 Village Center Circle, Suite 200

13 Las Vegas, Nevada 89134

14 *Attorneys for Plaintiff Federal National Mortgage*
15 *Association*

AFFIDAVIT IN SUPPORT OF MOTION TO WITHDRAW

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

Vatana Lay, Esq., being first duly sworn, deposes and says:

1. I am a duly licensed attorney in the State of Nevada, an associate with the law firm of Akerman LLP, 1635 Village Center Circle, Suite 200, Las Vegas, Nevada 89134.

2. I make this affidavit in support of plaintiff's motion to withdraw.

3. This action was initiated when Ditech Financial LLC, Fannie Mae, and the Federal Housing Finance Agency (**FHFA**) filed a complaint on December 14, 2015. (ECF No. 1.)

4. Akerman first appeared in this action on January 26, 2016, as counsel for Fannie Mae and Ditech Financial LLC. (ECF No. 6.)

5. On June 6, 2016, Fannie Mae, Freddie Mac, and FHFA filed an amended complaint that no longer listed Ditech as a plaintiff. (ECF No. 24.) Ditech asserts no claims in this matter and no claims are being asserted against Ditech, so the docket correctly lists Ditech as a terminated party.

6. However, Akerman attorneys Ariel Stern and Vatana Lay are still listed on the docket as counsel for Fannie Mae, and Ariel Stern is still listed on the docket as counsel for Freddie Mac.

7. Akerman was informed last week that Fannie Mae wishes Akerman to withdraw as counsel in this matter because all duties of counsel are already being performed by Snell & Wilmer.

8. To my knowledge, Freddie Mac has never asked Akerman to represent it in this matter. So far as Akerman has been able to determine, its only filing supposedly on behalf of Freddie Mac was in ECF No. 52, the notice of disassociation of Brett Coombs, and to the extent this filing claims Akerman represents Freddie Mac, it appears to have been filed in error.

///

///

///

///

///

1 9. So far as I can ascertain, Akerman LLP, including its attorneys Ariel Stern, Vatana
2 Lay, or any other attorneys associated with Akerman in this case, should no longer be listed as
3 counsel for any active party in this matter.

4 DATED this 23rd day of August, 2018.

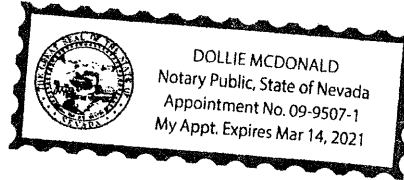
5 

6 VATANA LAY

7 Subscribed and sworn to before me this 23rd day of August 2018.

8 

9 NOTARY PUBLIC in and
10 for said County and State



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

1635 Village Center Circle, Suite 200
LAS VEGAS, NEVADA 89134
TEL.: (702) 634-5000 - FAX: (702) 380-8572

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 1. Nevada Rules of Professional Conduct (NRPC) 1.16(b) states "... a lawyer may
3 withdraw from representing a client if:... (1) Withdrawal can be accomplished without material
4 adverse effect on the interests of the client; or (7) Other good cause exists. See Nev. R. Prof.
5 C. 1.16(b)(1) and (7).

6 2. Furthermore, "[a] lawyer must comply with applicable law requiring notice or
7 permission of a tribunal when terminating representation." *Id.*

8 3. Pursuant to SCR 46. "the attorney in an action or special proceeding may be changed
9 at any time before judgment or final determination upon the order of the court or judge thereof on
10 the application of the attorney or client." See SCR 46(2).

11 4. There are no hearings or trial dates set in this matter, so no delay of the proceedings
12 will result.

13 5. As shown by the affidavit of Vatana Lay in support of this Motion to Withdraw as
14 Counsel of Record, as well as the arguments set forth above, withdrawal is appropriate.

15 6. After Akerman's withdrawal, Fannie Mae will still be represented by Erica Stutman,
16 Kelly Dove, Amy Sorenson, and Robin Perkins of the law firm Snell & Wilmer and by John
17 Maddock of the law firm McGuireWoods LLP.

18 7. Freddie Mac will still be represented by John Maddock, Michael Stark, and Tenille
19 Checkovich of McGuireWoods and by Leslie Bryan Hart of Fennemore Craig PC.

20 8. No party will be prejudiced by the complete withdrawal of Akerman LLP, including
21 its attorneys Ariel Stern and Vatana Lay, from the litigation.

22 DATED this 23rd day of August, 2018.

23 **AKERMAN LLP**

24 */s/ Vatana Lay, Esq.*

25 ARIEL E. STERN, ESQ.
26 Nevada Bar No. 8276
27 VATANA LAY, ESQ.
28 Nevada bar No. 12993
1635 Village Center Circle, Suite 200
Las Vegas, Nevada 89134

25 IT IS SO ORDERED.

26 Dated: August 24, 2018

27 
28 Nancy J. Koppe
United States Magistrate Judge