

CHRISTIAN MORRIS TRIAL ATTORNEYS

2250 Corporate Circle, Suite 390
Henderson, NV 89074
702-434-8282 / 702-434-1488 (fax)

1 CHRISTIAN M. MORRIS, ESQ.
 Nevada Bar No. 11218
 2 WESLEY H. LeMAY, JR., ESQ.
 Nevada Bar 14907
 3 VICTORIA R. ALLEN, ESQ.
 Nevada Bar 15005
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 Attorneys for Plaintiff, Ashley O'Neil

11 **UNITED STATES DISTRICT COURT**
 12 **DISTRICT OF NEVADA**

13 ASHLEY O'NEIL, an individual;
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 Plaintiff,
 15
 vs.
 16 LAS VEGAS METROPOLITAN POLICE
 DEPARTMENT, a Political Subdivision of
 17 the State of Nevada; COUNTY OF CLARK,
 CLARK COUNTY DETENTION CENTER,
 18 a Political subdivision of the State of Nevada;
 SHERIFF JOE LOMBARDO, individually
 19 and in his capacity as sheriff of the Las Vegas
 Metropolitan Police Department;
 20 WELLPATH, LLC, a foreign corporation,
 DOE NURSE COCO, individually; DOE
 21 OFFICERS 1 through 10, individually, DOE
 NURSES 1 through 10, individually; DOES
 22 1 through 10; ROE CORPORATIONS 11
 through 20; and ABC LIMITED LIABILITY
 23 COMPANIES 21 through 30, inclusive,
 24
 Defendants.

CASE NO.: 2:22-cv-00474-ART-BNW

25 **MOTION TO WITHDRAW AS COUNSEL**

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COMES NOW, Christian M. Morris, Esq., Wesley H. LeMay, Jr., Esq., and Victoria R. Allen, Esq., of the law firm CHRISTIAN MORRIS TRIAL ATTORNEYS, as attorneys of record for Plaintiff, ASHLEY O’NEIL (“Plaintiff”) hereby move this Honorable Court for an Order allowing the law firm of CHRISTIAN MORRIS TRIAL ATTORNEYS to withdraw as attorney of record.

This Motion is based upon the following Points and Authorities, the Declaration of Counsel attached hereto, and upon any arguments of counsel to be permitted at the time of the hearing of this Motion.

DATED this 3rd day of April, 2023.

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WESLEY H. LEMAY, JR., ESQ.
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Attorneys for Plaintiff

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DECLARATION OF WESLEY H. LeMAY , JR., ESQ.
IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL

I, WESLEY H. LeMAY, JR., ESQ., being first duly sworn, deposes and says:

1. I am an attorney duly licensed to practice before the courts in the State of Nevada and am an associate practicing at CHRISTIAN MORRIS TRIAL ATTORNEYS law firm in Henderson, Nevada. The following facts are within my personal knowledge, unless stated otherwise, and if called as a witness, I am competent to testify thereto.

2. CHRISTIAN MORRIS TRIAL ATTORNEYS is counsel of record for Ashley O’Neil (“Plaintiff”) in the above-referenced matter.

3. I make this declaration in support of the instant Motion to Withdraw as Counsel.


4. Consistent with RPC 1.16(b), CHRISTIAN MORRIS TRIAL ATTORNEYS and I can no longer adequately represent Plaintiff in this matter due to a breakdown in communication on fundamental issues of the case.

5. The last known contact information for Plaintiff is as follows:

Ashley O’Neil c/o Amanda Kittell:
688 Inglenook Dr, Las Vegas NV, 89123
amandakittell@yahoo.com, 702-575-1470

6. This Motion is not made for the purpose of delay, and I am forwarding, by certified mail, return receipt requested a copy of this Motion to Withdraw as Counsel to Plaintiff’s last known address, as stated above.

7. I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.



WESLEY H. LeMAY, JR., ESQ.

MEMORANDUM OF POINTS AND AUTHORITIES

I.

ARGUMENT

Nevada Supreme Court Rule 46 allow for the withdrawal or change of attorney upon written motion and approval by the Court. Rule SCR 46, in pertinent part, provides:

Rule 46. Withdrawal or change of attorney. The attorney in an action or special proceeding may be changed at any time before judgment or final determination as follows:

1. Upon consent of the attorney, approved by the client.
2. Upon the order of the court or judge thereof on the application of the attorney or the client.

SCR 46 (1-2).

Further, Nevada Rule of Professional Conduct 1.16, in pertinent part, sets forth several bases for an attorney to withdraw:

Rule 1.16. Declining or Terminating Representation.

- (a) Except as stated in paragraph (c), a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:
 - (1) The representation will result in violation of the Rules of Professional Conduct or other law;
 - (2) The lawyer’s physical or mental condition materially impairs the lawyer’s ability to represent the client; or
 - (3) The lawyer is discharged.
- (b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if:
 - (1) Withdrawal can be accomplished without material adverse effect on the interests of the client;
 - (2) The client persists in a course of action involving the lawyer’s services that the lawyer reasonably believes is criminal or fraudulent;
 - (3) The client has used the lawyer’s services to perpetrate a crime or fraud;
 - (4) A client insists upon taking action that the lawyer considers repugnant or with which the lawyer has fundamental disagreement;
 - (5) The client fails substantially to 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 is fulfilled;
 - (6) The representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or
 - (7) Other good cause for withdrawal exists.

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II.

CONCLUSION

Based on the foregoing, it is respectfully requested that the firm of CHRISTIAN MORRIS TRIAL ATTORNEYS be allowed to withdraw as counsel of record for Plaintiff Ashley O’Neil.

DATED this 3rd day of April, 2023.

CHRISTIAN MORRIS TRIAL ATTORNEYS



CHRISTIAN M. MORRIS, ESQ.

Nevada Bar No. 11218

WESLEY H. LeMAY, JR., ESQ.

Nevada Bar 14907

VICTORIA R. ALLEN, ESQ.

Nevada Bar No. 15005

2250 Corporate Circle, Suite 390

Henderson, Nevada 89074

Attorneys for Plaintiff

ORDER

IT IS SO ORDERED

DATED: 5:03 pm, April 04, 2023



BRENDA WEKSLER

UNITED STATES MAGISTRATE JUDGE

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CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCF 5(b) and EDCR 8.02, I certify that on this 3rd day of April, 2023, I served the foregoing **MOTION TO WITHDRAW AS COUNSEL** to the following parties by electronically filing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to received such service and/or by placing a copy in the U.S. regular mail, postage pre-paid addressed as follows:

S. BRENT VOGEL
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*Attorneys for Defendants
Las Vegas Metropolitan Police Department
and Sheriff Joe Lombardo*

Ashley O'Neil c/o Amanda Kittell:
688 Inglenook Dr,
Las Vegas NV, 89123
Plaintiff

/s/ Thalia V. Gomez
An employee of CHRISTIAN MORRIS
TRIAL ATTORNEYS