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1 MTN
2 JARIEN L. CHO, ESQ.
3 ODGERS & CHO, LLC
4 619 S. Sixth Street
5 Las Vegas, NV 89101
6 (702)386-8071
7 Attorney for Appellant

8 IN THE SUPREME COURT OF THE STATE OF NEVADA

9 ELOISA FURER

Case No. 51344

Appellant,

vs.

10 GLORIA M. PETRONI ESQ.

Respondent.

11
12
13 **MOTION TO WITHDRAW AS COUNSEL FOR THE APPELLANT**

14 JARIEN L. CHO, ESQ. of the law firm ODGERS & CHO, LLC, respectfully
15 moves the court pursuant to NRAP 46(d) for an order allowing counsel to withdraw
16 from this appeal and that all future mailings be sent directly to the Appellant as
17 follows:

18 Eloisa Furer
19 9812 Winter Palace Drive
20 Las Vegas, NV 89145
(702) 228-8553

21 This Motion is based upon the attached affidavit of counsel.

22 DATED this 14th day of July, 2008.

23 Respectfully Submitted,

24 *Jarien L. Cho*
25 JARIEN L. CHO, ESQ.
26 Nevada State Bar No. 8401
27 ODGERS & CHO, LLC
28 619 S. Sixth St.
Las Vegas, NV 89101
(702) 386-8071
Attorney for Appellant

AFFIDAVIT OF COUNSEL

1
2 STATE OF NEVADA
3 COUNTY OF CLARK

} ss.

4
5 I, JARIEN L. CHO, ESQ., being first duly sworn, deposes and says that:

6 1. I am the attorney of record for Appellant, Eloisa Furer, in the above-entitled
7 case. I make this affidavit in support of a motion to withdraw as counsel of record for
8 the appellant.

9 2. I was associated with the Appellant's former attorney, Robert W. Lueck, Esq.,
10 to represent the Appellant in her divorce case while pending in the district court.

11 3. I expressly communicated to the Appellant that I would not represent her in
12 the attorneys' liens issues or any other matters in the appellate proceedings.

13 4. The present matter was handled solely by Mr. Lueck, but Mr. Lueck's office,
14 inadvertently and without my knowledge or approval, included my name as co-
15 counsel of the Appellant in the Notice of Appeal filed by his office.

16 5. On or about May 12, 2008, this office was substituted by Erik Fitting, Esq. as
17 attorney of record for the Appellant in her divorce matter.

18 6. On June 6, 2008, this Court granted Mr. Lueck's Motion to withdraw from the
19 above-entitled case and ordered me to remain as counsel of record for appellant in
20 this appeal. However, I did not know this office had been an attorney for the
21 Appellant in this appeal until served with the June 6, 2008 Order.

22 7. Apparently, the Appellant's new attorney, Mr. Fitting, was not aware that there
23 were multiple proceedings for his client and, as a result, he filed only one substitution
24 of attorneys. Therefore, on June 9 and 10, 2008, I informed Mr. Fitting that he would
25 have to substitute this office in all of the proceedings.

26 8. Instead of substituting this office, however, on June 21, 2008, Mr. Fitting
27 submitted a motion to withdraw on the ground that his client wanted him to withdraw
28 so that she could proceed in proper person. The motion is still pending. For this

1 Court's review, I am attaching Mr. Fitting's motion to withdraw and his affidavit hereto
2 as Exhibit "A"

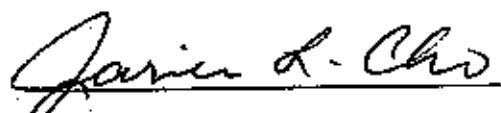
3 9. I have not been in contact with the Appellant since March 2008, and it is
4 impossible for me to represent her in this matter. Furthermore, the Appellant has
5 not advanced the funds to pay for legal services.

6 10. I have forwarded copies of the orders from this Court to the Appellant and,
7 therefore, she is fully aware that the pending appeal may be dismissed unless she
8 complies with those orders.

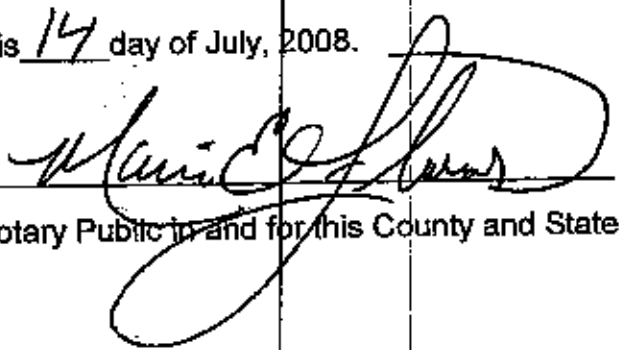
9 11. I, therefore, am moving to withdraw from this appeal.

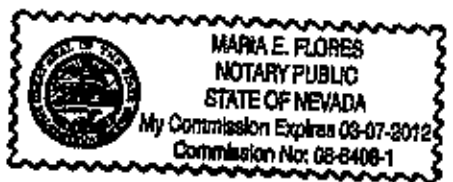
10 Affiant further sayeth naught.

11 DATED this 14th day of July, 2008.

12
13 
14 JARIEN L. CHO, ESQ.

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16
17 SUBSCRIBED AND SWORN to before me
18 this 14 day of July, 2008.

19 
20
21 Notary Public in and for this County and State



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EXHIBIT 66 A 95

1 CODE 3860
2 ERIK FITTING, ESQ.
3 Nevada Bar No. 7336
4 9421 Crown Vista Lane
5 Las Vegas, NV 89117
6 Telephone: (702) 312-6965
7 Facsimile: (702) 212-8086
8 Attorney Eloisa Besada Furer

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IN THE FAMILY DIVISION
IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

ANDREW EARL FURER

Plaintiff,

vs.

ELOISA BESADA FURER,

Defendants.


)
)
)
) CASE NO.: DVO4-01626
) DEPT NO.: 11
)
) **REQUEST FOR SUBMISSION AND**
) **MOTION TO WITHDRAW AS COUNSEL**
) **OF RECORD FOR DEFENDANT ELOISA**
) **BESADA FURER**

COMES NOW, ERIK FITTING, ESQ. of the law firm ERIK FITTING & ASSOCIATES, LTD., hereby moves this Court, pursuant to Local Rule 23 and NRPC Section 1.16 for an Order granting permission to withdraw as counsel of record in this action for Defendant ELOISA BESADA FURER.

This Motion is based on the attached Affidavit of ERIK FITTING, ESQ., and the Points and Authorities attached hereto, together with all pleadings and papers on file herein.

DATED this 26th day of June, 2008.

ERIK FITTING & ASSOCIATES, LTD.


ERIK FITTING, ESQ.
Nevada Bar No. 7336

9421 Crown Vista Lane
Las Vegas, NV 89117
Telephone: (702) 312-6965
Facsimile: (702) 212-8086
Attorney Eloisa Besada Furer

NOTICE OF MOTION

TO: ALL INTERESTED PARTIES

PLEASE TAKE NOTICE that the law firm of ERIK FITTING & ASSOCIATES, LTD., by and through ERIK FITTING, ESQ., will bring the above and foregoing MOTION TO WITHDRAW AS ATTORNEY OF RECORD on for hearing before the above entitled Court on the _____ day of 25th, 2008, at the hour of _____, or as soon thereafter as counsel can be heard.

DATED this 28th day of July, 2008

ERIK FITTING & ASSOCIATES, LTD.



ERIK FITTING, ESQ.
Nevada Bar No. 7336
9421 Crown Vista Lane
Las Vegas, NV 89117
Telephone: (702) 312-6965
Facsimile: (702) 212-8086
Attorney Eloisa Besada Furer

MEMORANDUM OF POINTS AND AUTHORITIES

The RULES OF PRACTICE FOR THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA specifically state:

Rule 23. Appearances; substitutions; withdrawal or change of attorneys.

1. When a party has appeared by counsel, that individual cannot thereafter appear on his/her own behalf in the case without the consent of the court. Counsel who has appeared for any party shall represent that party in the case and shall be recognized by the court and by all parties as having control of the client's case, until counsel withdraws, another attorney is substituted, or until counsel is discharged by the client in writing.

1 respectfully requested that he be allowed to withdraw as the attorney of record (if necessary) for
2 Defendants ELOISA BESADA FURER in this action.
3

4 DATED this 26th day of June, 2008
5

ERIK FITTING & ASSOCIATES, LTD.



ERIK FITTING, ESQ.
Nevada Bar No. 7336
7924 Coronado Island Street
Las Vegas, NV 89139
Attorney for Third-Party Defendants and
Cross-Defendants, NEVADAN SILVER
MORTGAGE and MARIA SANCHEZ

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AFFIDAVIT OF ERIK FITTING, ESQUIRE

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

ERIK FITTING, being first duly sworn, deposes and says:

1. I am an attorney with the law firm of ERIK FITTING & ASSOCIATES, LTD., and licensed to practice law in the State of Nevada;

2. Erik Fitting was retained by Defendant ELOISE BESADA FURER to represent her interest in connection with the above-captioned matter and has personal knowledge of the facts set forth herein, except as otherwise indicated, and is competent to testify.

3. The firm of ERIK FITTING & ASSOCIATES, LTD. cannot proceed any further in the representation of Defendant because of the Defendant has requested that the firm Withdraw in order that she can proceed in proper person to prevent any further delay in the action and preserve her rights without prejudice.

4. The last known address of Defendant ELOISE BESADA FURER is the following address:

9812 Winter Place Drive
Las Vegas, Nevada 89145
Telephone Number: (702) 228-8553

5. In light of Defendant's request for withdraw of this office as representative counsel, Erik Fitting respectfully requests that this Honorable Court grant this request to withdraw as the attorney of record for Defendant ELOISE BESADA FURER effective immediately upon Entry of Order.

6. That this motion is being made in good faith and not for purpose of delay.


Erik Fitting, Esq.



Subscribed and Sworn to before
me this 21st day of June, 2008.


NOTARY PUBLIC