

1 SCOTT D. FLEMING, ESQ.
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5
6 *Attorney for NRP Contractors II, LLC*

7 **UNITED STATES BANKRUPTCY COURT**

8 **DISTRICT OF NEVADA**

9 In re

10 RED ROSE, INC.,

- 11 Affects Beachhead Roofing and Supply, Inc.
- 12 Affects California Equipment Leasing Association, Inc.
- 13 Affects Fences 4 America, Inc.
- 14 Affects James Petersen Industries, Inc.
- 15 Affects PD Solar, Inc.
- 16 Affects Petersen Roofing and Solar LLC
- 17 Affects Petersen-Dean, Inc.
- 18 Affects PetersenDean Hawaii LLC
- 19 Affects PetersenDean Roofing and Solar Systems, Inc.
- 20 Affects PetersenDean Texas, Inc.
- 21 Affects Red Rose, Inc.
- 22 Affects Roofs 4 America, Inc.
- 23 Affects Solar 4 America, Inc.
- 24 Affects Sonoma Roofing Services, Inc.
- 25 Affects TD Venture Fund, LLC
- 26 Affects Tri-Valley Supply, Inc.
- 27 Affects All Debtors

Case No. BK-S-20-12814-MKN

Jointly Administered with
Case No. BK-S-20-12815-MKN
Case No. BK-S-20-12816-MKN
Case No. BK-S-20-12818-MKN
Case No. BK-S-20-12819-MKN
Case No. BK-S-20-12820-MKN
Case No. BK-S-20-12821-MKN
Case No. BK-S-20-12822-MKN
Case No. BK-S-20-12823-MKN
Case No. BK-S-20-12824-MKN
Case No. BK-S-20-12825-MKN
Case No. BK-S-20-12826-MKN
Case No. BK-S-20-12827-MKN
Case No. BK-S-20-12829-MKN
Case No. BK-S-20-12831-MKN
Case No. BK-S-20-12833-MKN

Chapter 11

**MOTION TO WITHDRAW AS
COUNSEL FOR FORMER
INTERESTED PARTY NRP
CONTRACTORS II, LLC**

Date: May 26, 2021
Time: 9:30 a.m.

24 Fleming Law Firm, PLLC (the "Firm") respectfully requests entry of an order permitting
25 the Firm to withdraw as counsel for NRP Contractors II LLC ("NRP") in the above-captioned
26 matter.

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Declaration of Scott D. Fleming, Esq.

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2 1. I am over the age of twenty-one (21) years, am mentally competent, and have
3 personal knowledge of the matters set forth below.

4 2. On or about July 30, 2020, the Firm appeared in the above-referenced jointly-
5 administered cases by filing the *Limited Objection of NRP Contractors II, LLC to Emergency*
6 *Motion for Order Authorizing Payment of Critical Vendor Claims* [ECF No. 580] (the “Limited
7 Objection”).

8 3. As indicated in the Limited Objection, NRP is a counter-party to an agreement
9 related to a construction project known as “Center Place Fort Meyers” that involved PetersenDean
10 Roofing and Solar, LLC (the “Agreement”).

11 4. I am informed and believe that the Agreement has been assigned to a third party
12 pursuant to an Order entered by this Court. NRP is thus no longer an interested party and does not
13 anticipate any further participation in these proceedings.

14 5. NRP has requested that the Firm discontinue its representation in this matter by
15 moving to withdraw.

16 6. NRP may be contacted through in-house counsel at the address below:

17 Dan Brenner
18 Senior Vice President and Deputy General Counsel
19 The NRP Group
1228 Euclid Ave, 4th Floor
Cleveland, OH 44115
C: 847-278-8284
20 dbrenner@nrpgroup.com
21 www.NRPGroup.com

22 7. There are no pending motions or other matters involving NRP. Accordingly,
23 withdrawal by the Firm will not result in any delay of discovery, any trial or any hearing in these
24 jointly-administered cases.

25 Dated this 23rd day of April, 2021.

26 By /s Scott D. Fleming

MEMORANDUM OF POINTS AND AUTHORITIES

LR 2014(c) provides that the withdrawal of counsel is governed by United States District Court Local Rule LR IA 11-6, which provides:

LR IA 11-6. APPEARANCES, SUBSTITUTIONS, AND WITHDRAWALS

(a) Unless the court orders otherwise, a party who has appeared by attorney cannot while so represented appear or act in the case. This means that once an attorney makes an appearance on behalf of a party, that party may not personally file a document with the court; all filings must thereafter be made by the attorney. An attorney who has appeared for a party must be recognized by the court and all the parties as having control of the client’s case, however, the court may hear a party in open court even though the party is represented by an attorney.

(b) If an attorney seeks to withdraw after appearing in a case, the attorney must file a motion or stipulation and serve it on the affected client and opposing counsel. The affected client may, but is not required to, file a response to the attorney’s motion within 14 days of the filing of the motion, unless the court orders otherwise.

(c) A stipulation to substitute attorneys must be signed by the newly-appearing attorneys, the withdrawing attorneys, and the represented client and be approved by the court. Except where accompanied by a request for relief under subsection (e) of this rule, the attorney’s signature on a stipulation to substitute the attorney into a case constitutes an express acceptance of all dates then set for pretrial proceedings, trial, or hearings, by the discovery plan or any court order.

(d) Discharge, withdrawal, or substitution of an attorney will not alone be reason for delay of pretrial proceedings, discovery, the trial, or any hearing in the case.

(e) Except for good cause shown, no withdrawal or substitution will be approved if it will result in delay of discovery, the trial, or any hearing in the case. Where delay would result, the papers seeking leave of the court for the withdrawal or substitution must request specific relief from the scheduled discovery, trial, or hearing. If a trial setting has been made, an additional copy of the moving papers must be provided to the clerk for immediate delivery to the assigned district judge, bankruptcy judge, or magistrate judge.

In this case, good cause exists for this Court to permit the Firm to withdraw as counsel for NRP. Nevada Rule of Professional Conduct 1.16(a)(3) provides that an attorney “shall withdraw from the representation of a claim if . . . [t]he lawyer is discharged.” As noted above, NRP has requested that the Firm discontinue its representation in these jointly-administered cases, and there are no pending proceedings involving NRP that would be affected by the Firm’s withdrawal.

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1 **CONCLUSION**

2 Based on the foregoing, the Firm requests entry of an order permitting it to withdraw as
3 counsel for NRP.

4 Dated this 23rd day of April, 2021.

5 **FLEMING LAW FIRM, PLLC**

6 By */s/ Scott D. Fleming*
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CERTIFICATE OF SERVICE

I certify that I am an employee of Fleming Law Firm, PLLC, and that on the 23rd day of April, 2021, I caused to be served a true and correct copy of foregoing **MOTION TO WITHDRAW AS COUNSEL FOR FORMER INTERESTED PARTY NRP CONTRACTORS II, LLC** in the following manner:

(VIA ELECTRONIC SERVICE) The above-referenced documents were electronically filed and served through the notice of electronic filing automatically generated by the Court's facilities to those parties listed on the Court's Master Service List.

In addition, I have served the foregoing motion by U.S. Mail upon in-house counsel for NRP at the following address:

Dan Brenner
Senior Vice President and Deputy General Counsel
The NRP Group
1228 Euclid Ave, 4th Floor
Cleveland, OH 44115
C: 847-278-8284
dbrenner@nrpgroup.com
www.NRPGroup.com

Dated this 23rd day of April, 2021.

FLEMING LAW FIRM, PLLC

By /s/ Scott D. Fleming
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