

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

**Fernando Navarro Hernandez v. James E. Dzurenda, Erica Ceballos,
FNU (.SIC) Barreti, Lorenzo Villegas, Roxanne Bybee, Ted Hanf,
Gregory Martin, Michelle Perkins, Elizabeth Pritchard**

Hernandez · No. 3:24-cv-00001-ART-CLB · Decided January 13, 2026

OPINION

Hernandez

PER CURIAM.

1 KEITH A. WEAVER

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UNITED STATES DISTRICT COURT

8

DISTRICT OF NEVADA

9 10 FERNANDO NAVARRO HERNANDEZ, Case No. 3:24-cv-00001-ART-CLB 11

PLAINTIFF, ORDER GRANTING MOTION TO

12 WITHDRAW AS COUNSEL FOR

VS. DEFENDANTS ROXANNE BYBEE, M.D.

13 AND ERICA CEBALLOS, R.N. AND FOR

JAMES E. DZORENDA, ERICA REMOVAL FROM THE CM/ECF

14 CEBALLOS, FNU (.SIC) BARRETI, SERVICE LIST

LORENZO VILLEGAS, ROXANNE

15 BYBEE, TED HANF, GREGORY MARTIN,

MICHELLE PERKINS, ELIZABETH

16 PRITCHARD,

17 Defendants. 18

19 /// 20 /// 21 /// 22 /// 23 /// 24 /// 25 /// 26 /// 27 /// 1 Keith A. Weaver (“Attorney
Weaver”), Alissa N. Bestick (“Attorney Bestick”), and 2 their law firm Lewis Brisbois Bisgaard &
Smith LLP (“Lewis Brisbois”) hereby files this 3 Motion to Withdraw as Counsel of Record for
Defendants Roxanne Bybee, M.D. and Erica 4 Ceballos, R.N.. (“Defendants”) and to be removed
the CM/ECF service list for this case 5 pursuant to LR IA 11-6. With this Motion, counsel requests
an order from this Honorable 6 Court allowing them and their firm to withdraw as counsel of
record for Defendants, as 7 Defendants are now represented by the Office of the Attorney General

of the State of Nevada. This Motion is based on the following Memorandum of Points and Authorities. the pleadings and papers on file with this Court, and any oral arguments this Honorable Court is willing to entertain at the time of the hearing of this matter. DATED this 12th day of January, 2026

LEWIS BRISBOIS BISGAARD & SMITH LLP

By /s/ Alissa N. Bestick

KEITH A. WEAVER

17 Nevada Bar No. 10271

ALISSA N. BESTICK

18 Nevada Bar No. 14979 6385 S. Rainbow Boulevard, Suite 600 19 Las Vegas, Nevada 89118 20
21 22 23 24 25 26 27

1 DECLARATION OF ALISSA N. BESTICK, ESQ. IN SUPPORT OF

MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR DEFENDANTS ROXANNE

2 BYBEE, M.D. AND ERICA CEBALLOS, R.N. AND FOR REMOVAL FROM THE CM/ECF
SERVICE LIST

3 4 I, Alissa N. Bestick, Esq., do declare under penalty of perjury that the following is 5 true and
correct to the best of my knowledge, information, and belief: 6

1. I am an attorney duly licensed to practice in the State of Nevada, and an

7 attorney at the law firm of LEWIS BRISBOIS BISGAARD & SMITH, LLP, which has been 8
retained to represent the interests of Defendants Roxanne Bybee, M.D. and Erica Ceballos, 9 R.N.
in the matter of . Case No. 3:24-cv-00001-ART-CLB . I 10 have personal knowledge of the
content of this Declaration, and I am competent to testify thereto if 11 called upon to do so. 12

2. The facts set forth in this Motion are true and correct to the best of my

13 knowledge, information, and belief. 14

3. Attached as Exhibit A is a true and correct copy of the Docket

15 , et al. Case No. 3:24-cv-00001-ART-CLB. 16 I declare under penalty of perjury that the
foregoing is true and correct. 17 18 19 /s/ Alissa N. Bestick Alissa N. Bestick 20 21 22 23 24 25
26 27

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. INTRODUCTION

3 Attorney Weaver, Attorney Bestick, and Lewis Brisbois were retained to represent 4 Defendants
regarding the claims in this case. However, Defendants have retained the 5 services of the Nevada
Office of the Attorney General, who is now actively defending the 6 Defendants in this case.
Accordingly, Attorney Weaver, Attorney Bestick, and Lewis 7 Brisbois respectfully request that
this Court permit them to withdrawal as counsel of record 8 for Defendants and remove them from
the CM/ECF service list from this case. Defendants' 9 interests will be protected, no delay will
result, and good cause otherwise exists to permit 10 the requested relief.

11 II. GOOD CAUSE EXISTS TO PERMIT ATTORNEY WEAVER, ATTORNEY

BESTICK, AND LEWIS BRISBOIS TO WITHDRAW AS COUNSEL OF RECORD

12 FOR DEFENDANTS ROXANNE BYBEE, M.D. AND ERICA CEBALLOS, R.N. 13 “[A]n attorney cannot withdraw from a case without consent of the court.”

14 No. 3:19-cv-00598-RCJ-CBC, 2023 WL 6059667,

15 at *3 (D. Nev. Sept. 18, 2023) (quoting 118 F.2d 704, 706 (9th Cir. 16 1941)). Further, “[c]ourts maintain the discretion to grant or deny a motion to withdraw as 17 counsel.” (citation omitted).

18 Rule 11-6 of the United States District Court for the District of Nevada’s Local Rule

19 of Practice states in pertinent part: 20 (b) If an attorney seeks to withdraw after appearing in a case, the attorney 21 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 22 response to the attorney’s motion within 14 days of the filing of the motion, unless the court orders otherwise. 23

* * * 24 (e) Except for good cause shown, no withdrawal or substitution will be 25 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 26 the withdrawal or substitution must request specific relief from the scheduled discovery, trial, or hearing. If a trial setting has been made, an additional 27 copy of the moving papers must be provided to the clerk for immediate delivery to the assigned district judge, bankruptcy judge, or magistrate 1 LR IA 11-6(b) & (e); 2023 WL 6059667 at *3. 2 In addition, Rule 1.16 of the Nevada Rules of Professional Conduct governs the 3 termination of representation. NRPC 1.16 states in pertinent part: 4 5 (b) Except as stated in paragraph (c), a lawyer may withdraw from representing a client if: 6

(1) Withdrawal can be accomplished without material

7 adverse effect on the interests of the client; 8 * * * 9 . . . or 10 (7) Other good cause for withdrawal exists. 11 (c) A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating representation. When ordered to 12 do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation. 13 (d) Upon termination of representation, a lawyer shall take steps to the 14 extent reasonably practicable to protect a client’s interests, such as giving reasonable notice to the client, allowing time for employment of other 15 counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fee or expense that has not been earned 16 or incurred. The lawyer may retain papers relating to the client to the extent permitted by other law. 17 18 NRCP 1.16(b)(1), (b)(7), (c), & (d). 19 Here, Defendants, as a present or former State officers, employees, or contractors 20 of the State of Nevada, obtained Defense Counsel through the Office of the Attorney 21 General of the State of Nevada. Defendants are currently being represented by counsel 22 from the Office of the Attorney General. Exhibit A (indicating that Defendants are 23 represented by the Office of the Attorney General). 24 Although Attorney Weaver, Attorney Bestick, and Lewis Brisbois are still currently 25 listed as additional counsel for Defendants, they are no longer actively participating in 26 Defendants’ defense and

good cause exists to permit them to withdraw from this case. 27 Although “[w]ithdraw[al] has been denied where the court finds that withdrawal 1 2023 WL 6059667 at *3 (citation and internal quotation marks omitted). As 2 noted, Defendants already have active representation through the Nevada Office of the 3 Attorney General and no delay will be incurred as a result of counsel’s withdrawal. Similarly, 4 no delay will result with respect to discovery, the trial, or any hearing in this case as any 5 deadlines imposed on Defendants are being handled by thier current counsel and the 6 parties. This was specifically done to allow the parties “to complete written discovery, the 7 deposition of parties, experts, and lay witnesses, and any other discovery the parties may 8 want to conduct[.]” at p. 2. 9 Because Defendants already have active replacement counsel, the requested 10 withdrawal can be accomplished without material adverse effects on Defendants’ interests. 11 Indeed, Defendants’ interests have already been taken over by the Attorney General, who 12 is actively participating in Defendants’ defense. 13 Accordingly, Attorney Weaver, Attorney Bestick, and Lewis Brisbois respectfully 14 request that this Court grant their request to withdraw as counsel for Defendants and permit 15 the Nevada Office of the Attorney General to continue with its representation. 16 /// 17 /// 18 /// 19 /// 20 /// 21 /// 22 /// 23 /// 24 /// 25 /// 26 /// 27 ///

1 AML. CONCLUSION

2 Based on the foregoing, Attorney Weaver, Attorney Bestick, and Lewis Brisbois 3 ||respectfully request that this Court grant their request to withdraw as counsel for 4 || Defendants and to remove them from the CM/ECF service list for this case. 5 DATED this 12 day of January, 2026 6

j LEWIS BRISBOIS BISGAARD & SMITH LLP

8 9 By ____/s/AlissaBestick

KEITH A. WEAVER

10 Nevada Bar No. 10271

ALISSA N. BESTICK

1 Nevada Bar No. 14979 12 6385 S. Rainbow Boulevard, Suite 600 Las Vegas, Nevada 89118 13 Attorneys for Defendants Roxanne Bybee, M.D. and Erica Ceballos, R.N. 14 15 16 17 IT IS SO ORDERED. 18 DATED: January 13, 2026. 19 * 20 21

UNITED STATES MAGISTRATE JUDGE

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