

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA,
NORTHERN DIVISION

Christopher Brown v. Nevada Department of Corrections; Salisheaun
Garcia, R.N.

Brown · No. 3:24-cv-00212-ART-CLB · Decided January 13, 2026

SUMMARY

This document is an order granting Lewis Brisbois Bisgaard & Smith LLP attorneys Keith A. Weaver and Alissa N. Bestick permission to withdraw as counsel for defendant Salisheaun Garcia, R.N., in Christopher Brown v. Nevada Department of Corrections. The order also permits their removal from the CM/ECF service list because Garcia is represented by the Nevada Office of the Attorney General. It was filed in the United States District Court for the District of Nevada on January 13, 2026.

CASE DETAILS

COURT	United States District Court for the District of Nevada, Northern Division
DECIDED	January 13, 2026
DOCKET	3:24-cv-00212-ART-CLB
DISPOSITION	other
PROCEDURAL POSTURE	Counsel for defendant Salisheaun Garcia moved to withdraw as counsel of record and to be removed from the CM/ECF service list because Garcia had obtained representation from the Nevada Office of the Attorney General. The district court granted the motion.
STANDARD OF REVIEW	The court applied its discretion in deciding whether to permit counsel's withdrawal.
PRECEDENTIAL VALUE	Unknown
PARTIES	Christopher Brown v. Nevada Department of Corrections, Salisheaun Garcia, R.N.

TOPICS

- civil procedure
- civil rights
- section 1983

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should permit Garcia's existing counsel to withdraw under District of Nevada Local Rule IA 11-6 and the Nevada Rules of Professional Conduct.
2. Whether counsel should be removed from the CM/ECF service list after withdrawal.

HOLDINGS

1. The court granted the motion to withdraw because good cause existed, Garcia had active replacement counsel through the Nevada Office of the Attorney General, and withdrawal would not cause delay or materially adversely affect Garcia's interests.
2. The court permitted Keith A. Weaver, Alissa N. Bestick, and Lewis Brisbois Bisgaard & Smith LLP to be removed from the CM/ECF service list.

KEY QUOTATIONS

“[A]n attorney cannot withdraw from a case without consent of the court.” (at 3)

“Courts maintain the discretion to grant or deny a motion to withdraw as counsel.” (at 3)

FACTUAL BACKGROUND

Keith A. Weaver, Alissa N. Bestick, and their law firm had been retained to represent Salisheaun Garcia in the action. Garcia subsequently obtained representation from the Nevada Office of the Attorney General, which was actively defending her. The court found that replacement counsel was in place and that withdrawal would not cause delay or materially prejudice Garcia's interests.

PROCEDURAL HISTORY

The case was pending in the United States District Court for the District of Nevada. Attorneys Keith A. Weaver, Alissa N. Bestick, and Lewis Brisbois Bisgaard & Smith LLP, who had represented Garcia, moved to withdraw after the Nevada Office of the Attorney General assumed Garcia's defense. The court granted withdrawal and permitted removal of the attorneys from the CM/ECF service list.

DISPOSITION

other

CASES CITED

- 2023 WL 6059667, at *3 (D. Nev. Sept. 18, 2023)
- 118 F.2d 704, 706 (9th Cir. 1941)

OPINION

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702.893.3789 6 7 UNITED STATES DISTRICT COURT 8 DISTRICT OF NEVADA,
NORTHERN DIVISION 9 10 CHRISTOPHER BROWN, Case No. 3:24-cv-00212-ART-CLB 11
Claimant, ORDER GRANTING MOTION TO 12 WITHDRAW AS COUNSEL FOR vs.
DEFENDANT SALISHEAUN 13 GARCIA, R.N.

AND FOR REMOVAL Nevada Department of Corrections, FROM THE CM/ECF SERVICE
LIST 14 Respondents. 15 16 /// 17 /// 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 Defendant Salisheaun Garcia, R.N. (“Nurse 4
Garcia”) and to be removed the CM/ECF service list for this case pursuant to LR IA 11-6.

5 With this Motion, counsel requests an order from this Honorable Court allowing them and 6
their firm to withdraw as counsel of record for Nurse Garcia, as Nurse Garcia is now 7 represented
by the Office of the Attorney General of the State of Nevada. 8 This Motion is based on the
following Memorandum of Points and Authorities. the 9 pleadings and papers on file with this
Court, and any oral arguments this Honorable Court 10 is willing to entertain at the time of the
hearing of this matter.

11 12 DATED this 12th day of January, 2026. 13 14 LEWIS BRISBOIS BISGAARD & SMITH
LLP 15 16 By /s/ Alissa Bestick 17 KEITH A. WEAVER Nevada Bar No. 10271 18 ALISSA N.
BESTICK 19 Nevada Bar No. 14979 6385 S. Rainbow Boulevard, Suite 600 20 Las Vegas,
Nevada 89118 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 DEFENDANT 2
SALISHEAUN GARCIA, RN 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 Defendant Salisheaun Garcia, RN. in the matter of 9 Brown v. Nevada Department of
Corrections Case No. 3:24-cv-00212-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 for 15
for 3:24-cv-00212-ART-CLB. 16 I declare under penalty of perjury that the foregoing is true and
correct. 17 18 /s/ Alissa N. Bestick 19 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 Nurse Garcia regarding the claims in this case.

However, Nurse Garcia has retained the 5 services of the Nevada Office of the Attorney General, who is now actively defending Nurse 6 Garcia in this case. Accordingly, Attorney Weaver, Attorney Bestick, and Lewis Brisbois 7 respectfully request that this Court permit them to withdrawal as counsel of record for Nurse 8 Garcia and remove them from the CM/ECF service list from this case.

Nurse Garcia's 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 DEFENDANT SALISHEAUN GARCIA, R.N., M.D. 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 with 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 NRCPC 1.16(b)(1), (b)(7), (c), & (d). 19 Here, Nurse Garcia, as a present or former State officer, employee, or contractor of 20 the State of Nevada, has obtained Defense Counsel through the Office of the Attorney 21 General of the State of Nevada. Currently, Nurse Garcia is being represented by counsel 22 from the Office of the Attorney General.

Exhibit A (indicating that Nurse Garcia is 23 represented by the Office of the Attorney General); ECF No. 104 at p. 1, n.1 24 (wherein all parties and the Magistrate Judge entered a Stipulation and Order stating that 25 "[a]ttorneys D. Randall Gilmer, Esq. and Victoria C. Corey, Esq. of the Attorney General's 26 Office represent... Salisheaun Garcia, R.N. [.]").

27 Although Attorney Weaver, Attorney Bestick, and Lewis Brisbois are still currently 1 Nurse Garcia's defense and good cause exists to permit them to withdraw from this case. 2 Pursuant to LR 11-6(b), counsel has served this Motion on Nurse Garcia in order to give 3 her the requisite opportunity to respond; however, based on her request for and current 4 representation by the Nevada Office of the Attorney General, counsel anticipates that she 5 will not object to counsel's request.

6 Although "[w]ithdraw[al] has been denied where the court finds that withdrawal 7 would work an injustice or cause undue delay[.]" no such circumstances exist here. 8 2023 WL 6059667 at *3 (citation and internal quotation marks omitted).

As 9 noted, Nurse Garcia already has active representation through the Nevada Office of the 10 Attorney General and no delay will be incurred as a result of counsel's withdrawal. Similarly, 11 no delay will result with respect to discovery, the trial, or any hearing in this case as any 12 deadlines imposed on Nurse Garcia are being handled by her current counsel and the 13 parties.

14 Because Nurse Garcia already has active replacement counsel, the requested 15 withdrawal can be accomplished without material adverse effects on Nurse Garcia's 16 interests. Indeed, Nurse Garcia's interests have already been taken over by the Attorney 17 General, who is actively participating in Nurse Garcia's defense. 18 Accordingly, Attorney Weaver, Attorney Bestick, and Lewis Brisbois respectfully 19 request that this Court grant their request to withdraw as counsel for Nurse Garcia and 20 permit the Nevada Office of the Attorney General to continue with its representation.

21 /// 22 /// 23 /// 24 /// 25 /// 26 /// 27 /// 1/1. 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 Nurse 4 || Garcia and to remove them from the CM/ECF service list for this case. 5 DATED this 12th day of January, 2026 6 j LEWIS BRISBOIS BISGAARD & SMITH LLP 8 9 By /s/ Alissa Bestick 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 Defendant Salisheaun Garcia, RN 14 15 16 IT IS SO ORDERED.

17 DATED: _January 13, 2026. 18 ‘ 19 20 UNITED STATES MAGISTRATE JUDGE 21 22 23 24 25 26 27 28