

Alvin D. Shuman
CLERK OF THE COURT

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NOV 03 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
CHIEF DEPUTY CLERK

1 ASTA
2 RHONDA K. FORSBERG, CHARTERED
3 RHONDA K. FORSBERG, ESQ.
4 Nevada State Bar No. 002791
5 64 N. Pecos Road, Suite 800
6 Henderson, Nevada 89074
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9 rforsberg@forsberg-law.com
10 Attorney for Plaintiff

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 ERIC L. NELSON,

14 Plaintiff/Counterdefendant,

15 vs.

16 LYNITA SUE NELSON,

17 Defendant/Counterclaimant.

CASE NO: D-09-411537-D
DEPT NO: O

CASE APPEAL STATEMENT

No. 66772

28 **RECEIVED**

NOV 03 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

4-312786

1 ERIC L. NELSON NEVADA TRUST
2 Dated May 30, 2001, and LSN NEVADA
3 TRUST date May 30, 2001,

4 Necessary Parties (joined in this action
5 Pursuant to Stipulation and Order
6 entered August 9, 2011)

7 LANA MARTIN, as Distribution Trustee
8 Of the ERIC L. NELSON NEVADA TRUST
9 dated May 30, 2001,

10 Necessary Parties (joined in this action
11 Pursuant to Stipulation and Order
12 entered August 9, 2011)/Purported
13 Counterclaimant and Crossclaimant,

14 vs.

15 LYNITA SUE NELSON and ERIC NELSON,

16 Purported Cross-Defendant and
17 Counterdefendant.

18 **CASE APPEAL STATEMENT**

19 1. Name of appellant filing this case appeal statement: Eric L. Nelson.

20 2. Identify the judge issuing the decision, judgment, or order appealed from:

21 HONORABLE Frank P. Sullivan, Department O, Family Division, Eighth Judicial District Court

22 3. Identify each appellant and the name and address of counsel for each appellant:

23 **Appellant:** Eric L. Nelson, Plaintiff.

24 **Counsel for Appellant**

25 RHONDA K. FORSBERG, ESQ.
26 RHONDA K. FORSBERG, CHARTERED
27 64 No. Pecos Road, Suite 700
28 Henderson, Nevada 89074
(702) 990-6468

1 4. Identify all parties involved in the appeal: Eric L. Nelson, Plaintiff, Lynita Sue Nelson,
2 Defendant, individually and in her capacity as Investment Trustee of the LSN Nevada Trust, Matt
3 Klabacka, Distribution Trustee of the Eric L. Nelson Nevada Trust and LSN TRUST, Dated May 2001.
4

5 5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and
6 identify the party or parties whom they represent:

7 a. Rhonda K. Forsberg, Chartered
8 Rhonda K. Forsberg, Esq.
9 Nevada State Bar No. 009557
10 64 N. Pecos Road, Suite 800
11 Henderson, Nevada 89074
12 Telephone: (702) 990-6468
13 Facsimile: (702) 990-6459
14 Attorneys for Eric Nelson

15 b. Solomon Dwiggins & Freer, Ltd.
16 Cheyenne West Professional Centre
17 9060 West Cheyenne Avenue
18 Las Vegas, Nevada 89129
19 (702) 853-5483
20 Attorneys for Matt Klabacka, Distribution Trustee of the Eric L.
21 Nelson Nevada Trust dated May 30, 2001

22 c. The Dickerson Law Group
23 Robert P. Dickerson, Esq.
24 Nevada State Bar No. 000945
25 1745 Village Center Circle
26 Las Vegas, Nevada 89134
27 Telephone: (702) 388-8600
28 Facsimile: (702) 388-0210
Attorneys for Lynita Sue Nelson individually and as Investment
Trustee of the LSN Nevada Trust Dated May 30, 2001

29 5. Identify whether any attorney identified above in response to question 3 or 4 is not
30 licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission
31 to appear under SCR 42 (attach a copy of any district court order granting such permission): None.

32 6. Indicate whether appellant was represented by appointed or retained counsel in the
33 district court: Appellant was represented by retained counsel.

1 7. Indicate whether Appellant is represented by appointed or retained counsel on appeal:
2 Appellant is represented by retained counsel.

3 8. Indicate whether Appellant was granted leave to proceed in forma pauperis, and the date
4 of entry of the district court granted such leave: None.

5 9. Indicate the date the proceedings commenced in the district court: A Complaint for
6 Divorce was filed on May 6, 2009.

7 10. Provide a brief description of the nature of the action and result in the district court,
8 including the type of judgment or order being appealed and the relief granted by the district court:

9 The instant appeal stems from a divorce that was initiated by Eric L. Nelson ("Eric") against
10 Lynita S. Nelson. At the Evidentiary Hearing, the Court found that based upon the testimony and
11 evidence presented at trial, that the parties entered into a valid Separate Property Agreement in July 13,
12 1993 and that those properties later funded the ELN Trust and LSN Trust that were "established as a
13 self-settled spendthrift trust in accordance with NRS 166.020." The parties had relatively no other
14 property. The parties' income is solely derived from the distributions from the ELN and LSN Trusts.
15 Despite the Court "equalizing" the assets of the ELN Trust and LSN Trust, the court granted lump sum
16 alimony and attorney's fees to Lynita Nelson.

17 For these reasons Eric L. Nelson is appealing the Decree of Divorce and a number of other
18 orders relating to the same.

19 11. Indicate whether the case has previously been the subject of an appeal to or original writ
20 proceeding in the Supreme Court and, if so, the caption and the Supreme Court docket number of the
21 prior proceedings: No.

22 12. Indicate whether this appeal involves child custody or visitation: No.

1 13. If this is a civil case, indicate whether this appeal involves the possibility of settlement.

2 Yes.

3 DATED this 27 of October, 2014.

4
5 RHONDA K. FORSBERG, CHARTERED

6
7 
8 RHONDA K. FORSBERG, ESQ.

9 Nevada Bar No. 009557

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11 Henderson, Nevada 89074

12 T: (702) 990-6468

13 F: (702) 990-6459

14 Email: rforsberg@forsberg-law.com

15 Attorneys for Plaintiff, Eric L. Nelson

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Rhonda K. Forsberg, Chartered ("the Firm"). I am over the age of 18 and not a party to the within action. I am "readily familiar" with firm's practice of collection and processing correspondence for mailing. Under the Firm's practice, mail is to be deposited with the U.S. Postal Service on the same day as stated below, with postage thereon fully prepaid.

I served the foregoing document described as "Case Appeal Statement" on this 27 day of October, 2014, to all interested parties as follows:

☒ BY ELECTRONIC SERVICE: Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system;

☒ BY MAIL: Pursuant To NRCP 5(b), I placed a true copy thereof enclosed in a sealed envelope addressed as follows;

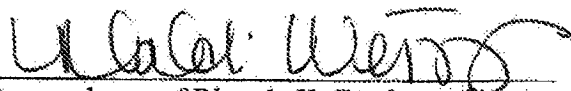
☒ BY FACSIMILE: Pursuant to EDCR 7.26, I transmitted a copy of the foregoing document this date via telecopier to the facsimile number shown below;

☐ BY ELECTRONIC MAIL: Pursuant to EDCR 7.26, I transmitted a copy of the foregoing document this date via electronic mail to the electronic mail address shown below;

☐ BY CERTIFIED MAIL: I placed a true copy thereof enclosed in a sealed envelope, return receipt requested, addressed as follows:

Robert P. Dickerson, Esq.
The Dickerson Law Group
1745 Village Center Circle
Las Vegas, Nevada 89134

Mark A. Solomon, Esq.
Solomon Dwiggin & Freer, Ltd.
9060 West Cheyenne Avenue
Las Vegas, Nevada 89126


An employee of Rhonda K. Forsberg, Chartered