

1                                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2       MATT KLABACKA, Distribution Trustee  
3       of the Eric L. Nelson Nevada Trust dated  
4       May30, 2001,

                                  Appellant/Cross Respondent.

5       vs.

6       LYNITA SUE NELSON, Individually and in  
7       her capacity as Investment Trustee of the  
8       LSN NEVADA TRUST dated May 30,  
9       2001; and ERIC L. NELSON, Individually  
10      and in his capacity as Investment Trustee of  
11      the ELN NEVADA TRUST dated May 30,  
12      2001;

                                  Respondents/Cross-Appellants.

13      MATT KLABACKA, as Distribution  
14      Trustee of the Eric L. Nelson Nevada Trust  
15      dated May30, 2001,

                                  Appellants,

16      vs.

17      ERIC L. NELSON; LYNITA SUE  
18      NELSON, INDIVIDUALLY; AND LSN  
19      NEVADA TRUST DATED MAY 30, 2001,

                                  Respondents.

**Supreme Court Case No. 66772**  
**District Court Case No. D411537**

Electronically Filed  
Jul 28 2015 01:11 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

**Consolidated With:**  
**Supreme Court Case No. 68292**

20                                   **NOTICE OF FILING SUPERSEDEAS BOND**  
21                                   **PURSUANT TO ORDER CONSOLIDATING APPEALS AND GRANTING**  
22                                   **STAY CONDITIONED UPON POSTING OF BOND**

23       **NOTICE IS HEREBY GIVEN** that Matt Klabacka, Distribution Trustee of the  
24       Eric L. Nelson Nevada Trust dated May 30, 2001, by and through his counsel of  
25       Record, the law firm of Solomon Dwiggins & Freer, Ltd. filed on July 27, 2015, his  
26       Supersedeas Bond pursuant to the Order Consolidating Appeals and Granting Stay


27       ///

28       ///

1 Conditioned Upon Posting of Bond filed July 8, 2015, in this matter. A copy of the  
2 Filing of Supersedeas Bond is attached hereto as Exhibit 1.

3  
4 DATED this 28<sup>th</sup> day of July, 2015.

5 **SOLOMON DWIGGINS & FREER, LTD.**

6  
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8 MARK A. SOLOMON, ESQ., NSB 0418

9 JEFFREY P. LUSZECK, ESQ., NSB 9619

10 9060 W. Cheyenne Avenue

11 Las Vegas, Nevada 89129

12 Attorneys for Matt Klabacka as Distribution Trustee  
13 of the ELN Nevada Trust

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SOLOMON DWIGGINS & FREER, LTD.  
9060 WEST CHEYENNE AVENUE  
LAS VEGAS, NEVADA 89129  
TEL: (702) 853-5483 | FAX: (702) 853-5485

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## CERTIFICATE OF SERVICE

Pursuant to Nev.R.App.P. 5(b), I hereby certify that I am an employee of the law firm of Solomon Dwiggins & Freer, Ltd., and that on July 28, 2015, I filed a true and correct copy of the foregoing **NOTICE OF FILING SUPERSEDEAS BOND PURSUANT TO ORDER CONSOLIDATING APPEALS AND GRANTING STAY CONDITIONED UPON POSTING OF BOND**, with the Clerk of the Court through the Court's eFlex electronic filing system and notice will be sent electronically by the Court to the following:

Robert P. Dickerson, Esq.

Katherine L. Provost, Esq.

THE DICKERSON LAW GROUP

1745 Village Center Circle

Las Vegas, Nevada 89134

Counsel for Lynita S. Nelson,  
Respondent/Cross Appellant

Rhonda K. Forsberg, Esq.

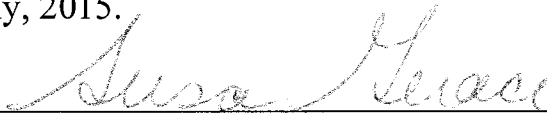
Rhonda K. Forsberg Chartered

64 N. Pecos Road, Suite 800

Henderson, Nevada 89074

Counsel for Eric L. Nelson,  
Respondent/Cross Appellant

DATED this 28<sup>th</sup> day of July, 2015.

  
An employee of Solomon Dwiggins & Freer, Ltd.

# EXHIBIT 1

# EXHIBIT 1

  
CLERK OF THE COURT

MARK A. SOLOMON, ESQ.  
Nevada State Bar No. 0418  
E-mail: msolomon@sdfnlaw.com  
JEFFREY P. LUSZECK, ESQ.  
Nevada State Bar No. 9619  
E-mail: jluszeck@sdfnlaw.com  
SOLOMON DWIGGINS & FREER, LTD.  
Cheyenne West Professional Centre  
9060 W. Cheyenne Avenue  
Las Vegas, Nevada 89129  
Telephone No.: (702) 853-5483  
Facsimile No.: (702) 853-5485

*Attorneys for Matt Klabacka, Distribution  
Trustee of the ERIC L. NELSON NEVADA  
TRUST dated May 30, 2001*

**DISTRICT COURT  
COUNTY OF CLARK, NEVADA**

ERIC L. NELSON,  
  
Plaintiff

vs.

LYNITA SUE NELSON, MATT  
KLABACKA, as Distribution Trustee of the  
ERIC L. NELSON NEVADA TRUST dated  
May 30, 2001,

Defendants.

MATT KLABACKA, Distribution Trustee of  
the ERIC L. NELSON NEVADA TRUST  
dated May 30, 2001,

Cross-claimant,

vs.

LYNITA SUE NELSON,

Cross-defendant.

Case No.: D411537

Dept.: O

**FILING OF SUPERSEDES BOND**

**FILING OF SUPERSEDES BOND**

1 Matt Klabacka, Distribution Trustee of the ERIC L. NELSON NEVADA TRUST dated  
2 May 30, 2001, by and through his Counsel of Record, the law firm of Solomon Dwiggins & Freer,  
3 Ltd., hereby files his Supersedes Bond, pursuant to the Supreme Court's Order Consolidating  
4 Appeals and Granting Stay Conditioned Upon Posting of Bond, in the above captioned matter.

5 DATED this 27<sup>th</sup> day of July, 2015.

6 SOLOMON DWIGGINS & FREER, LTD.

7  
8 By: 

MARK A. SOLOMON, ESQ.

Nevada State Bar No. 0418

msolomon@sdfnlaw.com

JEFFREY P. LUSZECK, ESQ.

Nevada State Bar No. 9619

jluszeck@sdfnlaw.com

9060 West Cheyenne Avenue

Las Vegas, Nevada 89129

Telephone: (702) 853-5483

Facsimile: (702) 853-5485

11 *Attorneys for Matt Klabacka, Distribution*  
12 *Trustee of the ERIC L. NELSON NEVADA*  
13 *TRUST dated May 30, 2001*

9060 WEST CHEYENNE AVENUE  
LAS VEGAS, NEVADA 89129  
TELEPHONE (702) 853-5483  
FACSIMILE (702) 853-5485  
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14 SOLOMON  
15 DWIGGINS & FREER  
16 TRUST AND ESTATE ATTORNEYS

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**CERTIFICATE OF SERVICE**

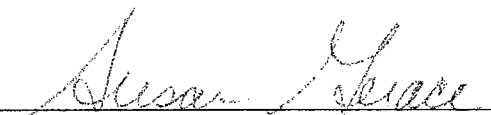
PURSUANT to NRCP 5(b), I HEREBY CERTIFY that on July 27, 2015, I served a true and correct copy of the foregoing FILING OF SUPERSEDES BOND, was served to the following in the manner set forth below:

DICKERSON LAW GROUP  
Robert P. Dickerson, Esq.  
1745 Village Center Circle  
Las Vegas, NV 89134  
Attorneys for Defendant

Rhonda K. Forsberg, Esq.  
64 N. Pecos Road, Suite 800  
Henderson, NV 89074  
Attorneys for Plaintiff

Via:

- ☐ Hand Delivery
- ☐ U.S. Mail, Postage Prepaid
- ☐ Certified Mail, Receipt No.: \_\_\_\_\_
- ☐ Return Receipt Request
- ☒ E-Service through Wiznet

  
An Employee of Solomon Dwiggins & Freer, Ltd.

## DISTRICT COURT, CLARK COUNTY OF NEVADA

Eric L. Nelson )  
 Plaintiff/Counterdefendant )  
 vs. )  
 Lynita Sue Nelson, Lana Martin, as )  
 Distribution Trustee of the Eric L. Nelson )  
 Nevada Trust dated May 30, 2001, )  
 Defendant/Counterclaimants )  
 \_\_\_\_\_ )  
 Lana Martin, Distribution Trustee of the )  
 Eric L. Nelson Nevada Trust dated )  
 May 30, 2001, )  
 Crossclaimant, )  
 vs. )  
 Lynita Sue Nelson, )  
 Crossdefendant. )

Case No. District Court Case No D-09-411537  
 Dept. O

SUPERSEDEAS BOND

## KNOW ALL MEN BY THESE PRESENTS:

That the undersigned MATT KLABACKA, DISTRIBUTION TRUSTEE OF THE ERIC L. NELSON NEVADA TRUST DATED MAY 30, 2001 as Appellant, and PLATTE RIVER INSURANCE COMPANY, Nebraska corporation, as Surety, are held and truly bound unto the defendant up to the penal sum of FOUR HUNDRED EIGHT THOUSAND FIVE HUNDRED NINETY-THREE AND 53/100 Dollars (\$408,593.53), lawful money of the United States of America, for the payment of which will and truly be made, we bind ourselves, jointly and severally, and our respective successors and assigns by these presents.

The Condition of this obligation is such that:

WHEREAS, on the 8<sup>th</sup> of June, 2015, a Judgment and decree was entered in the above Court in the above case number in favor of the defendant and against the Appellant, a copy of which said Judgment is attached hereto and by this reference made a part hereof: and,

WHEREAS, Appellant is desirous of filing a Notice of Appeal and the Appeal is now pending; and,

WHEREAS, the above entitled Court, has fixed the maximum amount of the Supersedeas Bond at FOUR HUNDRED EIGHT THOUSAND FIVE HUNDRED NINETY-THREE AND 53/100 Dollars (\$408,593.53).

NOW THEREFORE, Unless the judgment against the Eric L. Nelson Trust dated May 30, 2001 is reversed or vacated by the appeal or discharged by payment in full making this obligation void, then the bond shall remain in full force and effect.

IT IS FURTHER AGREED THAT regardless of the number of years this Bond is in effect, the sum of all claims against the Surety shall not exceed the above stated maximum penal sum of FOUR HUNDRED EIGHT THOUSAND FIVE HUNDRED NINETY-THREE AND 53/100 Dollars (\$408,593.53).

Dated 23<sup>rd</sup> day of July, 2015.

MATT KLABACKA, DISTRIBUTION  
 TRUSTEE OF THE ERIC L. NELSON  
 NEVADA TRUST DATED MAY 30, 2001  
 Appellant

By: \_\_\_\_\_

PLATTE RIVER INSURANCE COMPANY

Surety

By: \_\_\_\_\_

Lisa Stevens, Attorney-in-Fact

Nevada Countersignature:

By: \_\_\_\_\_

Lisa Dawn Stevens, License #49803

Leavitt Insurance, 7881 W. Charleston #140, Las Vegas, NV 89117



PLATTE RIVER INSURANCE COMPANY  
POWER OF ATTORNEY

41326268

KNOW ALL MEN BY THESE PRESENTS, That the PLATTE RIVER INSURANCE COMPANY, a corporation of the State of Nebraska, having its principal offices in the City of Middleton, Wisconsin, does make, constitute and appoint

A. WADE LEAVITT, RODNEY B LEAVITT, LISA STEVENS, CECILE WEBB, ANGELINA JENSEN

its true and lawful Attorney(s)-in-fact, to make, execute, seal and deliver for and on its behalf, as surety, and as its act and deed, any and all bonds, undertakings and contracts of suretyship, provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

ALL WRITTEN INSTRUMENTS IN AN AMOUNT NOT TO EXCEED \$20,000,000.00

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PLATTE RIVER INSURANCE COMPANY at a meeting duly called and held on the 8th day of January, 2002.

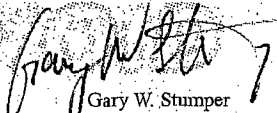
"RESOLVED, that the President, and Vice-President, the Secretary or Treasurer, acting individually or otherwise, be and they hereby are granted the power and authorization to appoint by a Power of Attorney for the purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, one or more vice-presidents, assistant secretaries and attorney(s)-in-fact, each appointee to have the powers and duties usual to such offices to the business of the company; the signature of such officers and the seal of the Corporation may be affixed to such power of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Corporation in the future with respect to any bond or undertaking or other writing obligatory in the nature thereof to which it is attached. Any such appointment may be revoked, for cause, or without cause, by any of said officers, at any time."

In connection with obligations in favor of the Florida Department of Transportation only, it is agreed that the power and authority hereby given to the Attorney-in-Fact includes any and all consents for the release of retained percentages and/or final estimates on engineering and construction contracts required by the State of Florida Department of Transportation. It is fully understood that consenting to the State of Florida Department of Transportation making payment of the final estimate to the Contractor and/or its assignee, shall not relieve this surety company of any of its obligations under its bond.

In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner - Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.


IN WITNESS WHEREOF, the PLATTE RIVER INSURANCE COMPANY has caused these presents to be signed by its officer undersigned and its corporate seal to be hereto affixed duly attested, this 8th day of February, 2015.

Attest:

  
Gary W. Stumper  
President  
Surety & Fidelity Operations



PLATTE RIVER INSURANCE COMPANY

  
Stephen J. Sills  
CEO & President

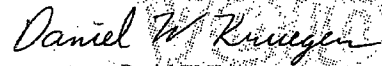
STATE OF WISCONSIN } S.S.  
COUNTY OF DANE

On the 8th day of February, 2015 before me personally came Stephen J. Sills, to me known, who being by me duly sworn, did depose and say: that he resides in the County of New York, State of New York; that he is President of PLATTE RIVER INSURANCE COMPANY, the corporation described herein and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.



CERTIFICATE

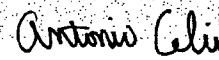
STATE OF WISCONSIN } S.S.  
COUNTY OF DANE

  
Daniel W. Krueger  
Notary Public, Dane Co., WI  
My Commission Is Permanent

I, the undersigned, duly elected to the office stated below, now the incumbent in PLATTE RIVER INSURANCE COMPANY, a Nebraska Corporation, authorized to make this certificate, DO HEREBY CERTIFY that the foregoing attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolution of the Board of Directors set forth in the Power of Attorney is now in force.

Signed and sealed at the City of Middleton, State of Wisconsin this 23rd day of July, 2015



  
Antonio Celii  
Secretary

THIS DOCUMENT IS NOT VALID UNLESS PRINTED ON GREEN SHADED BACKGROUND WITH A RED SERIAL NUMBER IN THE UPPER RIGHT HAND CORNER. IF YOU HAVE ANY QUESTIONS CONCERNING THE AUTHENTICITY OF THIS DOCUMENT CALL, 800-475-4450. PR-POA (Rev. 02-2015)