

Bullet Legal Services

Priority: PRIORITY SERVICE

Field Sheet #2015001953

6-25

Received: 6/25/2015 at 10:52 am

Court Date: Filed:



SERVE:

ANTHONY BARNEY, ESQ., 3317 West Charleston Blvd., Suite B, Las Vegas, NV 89102

SPECIAL INSTRUCTIONS: Action Date 6/25/2015. Personal Serve or serve Custodian of Records or upon Person Authorized To Accept. OFFICE: Client needs Affidavit by morning of 6-26-15.

Attempts		Server: Anthony Spada
Date	Time	Comments
1. /		
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Actual Service Info		Married?
Type:	Military?	Miles
Served on:	As:	Hours
Address:		Additional Addr: 1 2 3
Comments:		Courier
		Out of Pocket Costs

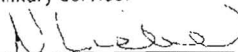
Age Sex M F Race Height Weight Hair Glasses Y N

Case Number: P-15-083867-T Clark District
In the Matter of The BEATRICE

Type of Writ: NOTICE OF ISSUANCE OF SUBPOENA DUCES TECUM with EXHIBITS

Client: Joshua Hood
Firm: Solomon Dwiggin & Freer
Contact: Renee Gustaferr
Phone: (702) 853-5483 Fax: (702) 853-5485
Client Reference Number: 3414.0001

I acknowledge receipt of the documents listed above and if applicable, confirm that the within-named party is / is not in active military service.


Signature of Recipient

NOTC

Mark A. Solomon, Esq.
Nevada Bar No. 0418
E-mail: msolomon@sdfnlaw.com
Joshua M. Hood, Esq.
Nevada Bar No. 12777
E-mail: jhood@sdfnlaw.com
SOLOMON DWIGGINS & FREER, LTD.
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
Telephone: 702.853.5483
Facsimile: 702.853.5485

Attorneys for Caroline Davis, Petitioner

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of

The BEATRICE B. DAVIS FAMILY
HERITAGE TRUST, dated July 28, 2000, as
amended on February 24, 2014.

Case No.: P-15-083867
Dept.: Probate (26)

NOTICE OF ISSUANCE OF
SUBPOENA DUCES TECUM
(No Appearance Required)

PLEASE TAKE NOTICE that CAROLINE DAVIS, by and through her counsel of, Mark A. Solomon, Esq. and Joshua M. Hood, Esq., of the law firm of Solomon Dwiggins & Freer, Ltd., has issued a Subpoena Duces Tecum for Records ("Subpoena") to ROLAND LAW FIRM. ("ROLAND"). Pursuant to the Subpoena, attached hereto as Exhibit 1, ROLAND is required to respond by delivering a true, legible, and durable copy of the

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///

///

9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SDFNLAW.COM



1 requested records to the offices of Solomon Dwiggins & Freer, Ltd., 9060 West Cheyenne
2 Avenue, Las Vegas, Nevada 89129, no later than July 10, 2015.

3 DATED this 25th day of June, 2015.

4 SOLOMON DWIGGINS & FREER, LTD.

5
6 By: 
7 MARK A. SOLOMON, ESQ.
8 Nevada Bar No. 0418
9 E-mail: msolomon@sdfnlaw.com
10 JOSHUA M. HOOD, ESQ.
11 Nevada Bar No. 12777
12 E-mail: jhood@sdfnlaw.com
13 Cheyenne West Professional Center
14 9060 West Cheyenne Avenue
15 Las Vegas, Nevada 89129
16 Telephone (702) 853-5483
17 Facsimile (702) 853-5485

18 Attorneys for CAROLINE DAVIS

19 CERTIFICATE OF SERVICE

20 I HEREBY CERTIFY that on June 25, 2015, pursuant to NRCP 5(b)(2)(B), I placed a true
21 and correct copy of the following NOTICE OF ISSUANCE OF SUBPOENA DUCES TECUM
22 FOR RECORDS, in the United States Mail, with first-class postage prepaid, addressed to the
23 following, at their last known address, and, pursuant to Rule 9 of N.E.F.C.R., caused an electronic
24 copy to be served via Odyssey, to the email address noted below:

25 Mail only:

26 Tarja Davis
27 3005 North Beverly Glen Circle
28 Los Angeles, California 90077
and
514 West 26th Street, #3E
Kansas City, Missouri 64108

Ace Davis
c/o WINFIELD B. DAVIS
366-6 Habu Aridagawa Arida
Wakayama 643-0025
JAPAN

9030 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 833-5483
FACSIMILE (702) 833-5485
WWW.SDFNYLAW.COM

SOLOMON
DWIGGINS & FREER
TRUST AND ESTATE ATTORNEYS



1 And did mail via US Mail and email Via the Court's electronic system, WizNet pursuant to Rule
2 9 of NEFCR at the email address noted to the following:

3 HARRIET ROLAND, ESQ.,
4 ROLAND LAW FIRM
5 2470 E. St. Rose Parkway, #105
6 Henderson, NV 89052
7 hroland@rolandlawfirm.com
8 Attorneys for Christopher D. Davis

9 ANTHONY L. BARNEY, ESQ.
10 ANTHONY L. BARNEY, LTD.
11 3317 West Charleston Boulevard, Suite B
12 Las Vegas Nevada 89102
13 abarney@anthonybarney.com
14 Attorneys for Christopher D. Davis

15 CHARLENE RENWICK, ESQ.
16 LEE HERNANDEZ LANDRUM & GAROFALO
17 7575 Vegas Drive #150
18 Las Vegas, Nevada 89128
19 crenwick@lee-lawfirm.com
20 Attorneys for Dunham Trust

21 JONATHAN W. BARLOW, ESQ.
22 Clear Counsel Law Group
23 50 Stephanie Street, Suite 101
24 Henderson, Nevada 89012
25 jonathan@clearcounsel.com
26 Attorneys for Stephen Lenhardt

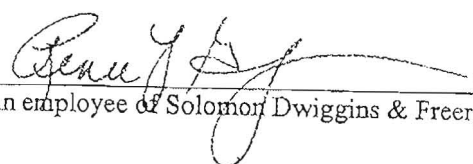
27
28

An employee of Solomon Dwiggin & Freer, Ltd.

EXHIBIT 1

EXHIBIT 1

1 CC03
2 Mark A. Solomon, Esq.
3 Nevada Bar No. 0418
4 E-mail: msolomon@sdfnlaw.com
5 Joshua M. Hood, Esq.
6 Nevada Bar No. 12777
7 E-mail: jhood@sdfnlaw.com
8 SOLOMON DWIGGINS & FREER, LTD.
9 9060 West Cheyenne Avenue
10 Las Vegas, Nevada 89129
11 Telephone: 702.853.5483
12 Facsimile: 702.853.5485
13 Attorneys for Caroline Davis, Petitioner

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 In the Matter of

Case No.: P-15-083867-T
Dept.: Probate (26)

11 The BEATRICE B. DAVIS FAMILY
12 HERITAGE TRUST, dated July 28, 2000, as
13 amended on February 24, 2014.

14 SUBPOENA DUCES TECUM
15 (No Appearance Required)

16 THE STATE OF NEVADA SENDS GREETINGS TO:

17 The Custodian of Record or Other Qualified Person at

18 ROLAND LAW FIRM.
19 2470 East Saint Rose Parkway, Suite 105.
20 Henderson, Nevada 89074

21 **YOU ARE ORDERED**, pursuant to Nevada Rule of Civil Procedure ("NRC" 45, to
22 produce and permit inspection and copying of the books, documents, or tangible things
23 ("records") set forth below that are in your possession, custody, or control, by one of the
24 following methods:

25 [] Making the original records described below available for inspection at your
26 business address by the attorney's representative or party appearing in proper person and
27
28

9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SDFNLAW.COM

SOLOMON DWIGGINS & FREER
TRUST AND ESTATE ATTORNEYS



1 permitting copying at your business address under reasonable conditions during normal business
2 hours.

3 [X] Delivering a true, legible, and durable copy of the financial records described
4 below to the requesting attorney or party appearing in proper person, by United States mail or
5 similar delivery system, no later than July 10, 2015 at the following address:

6
7 Solomon Dwiggins & Freer, Ltd.
8 9060 West Cheyenne Avenue
9 Las Vegas, Nevada 89129
10 jhood@sdfnlaw.com

11 All documents shall be produced as they are kept in the usual course of business or shall be
12 organized and labeled to correspond with the categories listed below (NRCp 45(d)(1)).

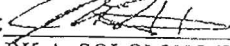
13 **YOU ARE FURTHER ORDERED** to authenticate the business records produced,
14 pursuant to Nevada Revised Statute ("NRS") 52.260, and to provide with your production a
15 completed Certificate of Custodian of Records in substantially the form attached as Exhibit "B."

16 **CONTEMPT:** Failure by any person without adequate excuse to obey the Subpoena
17 served upon that person may be deemed contempt of the court. (NRCp 45(e)). If you fail to obey,
18 you may be liable to pay \$100, plus all damages caused by such failure. (NRS 50.195).

19 Please see Exhibit "A" attached hereto for information regarding the rights of the person
20 subject to this Subpoena.

21 Dated this 25th day of June, 2015.

22
23 SOLOMON DWIGGINS & FREER, LTD.

24 By: 
25 MARK A. SOLOMON, ESQ. (Bar No. 0418)
26 E-mail: msolomon@sdfnlaw.com
27 JOSHUA M. HOOD, ESQ. (Bar No. 12777)
28 E-mail: jhood@sdfnlaw.com
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
Phone: (702) 853-5483
Facsimile: (702) 853-5485
Attorneys for Caroline Davis, Petitioner

2 of 7

ITEMS TO BE PRODUCED

1. Any and all non-privileged records in your possession, custody, or control related to the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as amended.
2. Any and all non-privileged records in your possession, custody, or control related to the Beatrice B. Davis Revocable Living Trust, dated April 4, 1990, as amended.
3. Any and all non-privileged records in your possession, custody, or control related to Ashley Cooper Life Insurance Policy, Policy Number ACLI 1105-8007 PC, formerly known as Policy Number ALIP 008-1031.
4. Any and all non-privileged records in your possession, custody, or control related to the Davis Family Office, Limited Liability Company.
5. Any and all non-privileged records in your possession, custody, or control related to the FHT Holdings, Limited Liability Company.
6. Any and all non-privileged records in your possession, custody, or control related to any and all entities of which Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as amended, owns, in whole or in part, an interest therein.
7. Any and all non-privileged records in your possession, custody, or control related to any and all entities of which the Beatrice B. Davis Revocable Living Trust, dated April 4, 1990, as amended, owns, in whole or in part, an interest therein.
8. Any and all non-privileged records in your possession, custody, or control related to any and all entities of which Christopher D. Davis is the owner, manager, director, or officer of such entity, which records concern any business or financial relationship between such entity or entities and the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000 and/or the Beatrice B. Davis Revocable Living Trust, dated April 4, 1990, as amended.
9. Any and all non-privileged records in your possession, custody, or control related to: (1) Promissory Note, dated September 1, 2011; (2) Promissory Note (With Revolving Line of

1 Credit), dated April 4, 2013; and (3) Promissory Note (With Revolving Line of Credit), dated
2 March 25, 2013 (collectively, the "Loans"), including, but not limited to: (i) the identity of any
3 entity, trust, or individual who has received and/or benefited from any and all distributions
4 pursuant to any of the Loans; (ii) the purpose of such Loans; (iii) the circumstances surrounding
5 the distribution and use of the funds pursuant to any of the Loans; (iv) the repayment of any of the
6 Loans; (v) the collateral for such Loans; and any and all other information related to the Loans.

7 10. Any and all non-privileged records in your possession, custody, or control related
8 to any additional loans, lines of credit, or obligations currently held by the Beatrice B. Davis
9 Family Heritage Trust, dated July 28, 2000, as amended.

10 11. For any records withheld on the basis of privilege, please provide a privilege log in
11 compliance with NRCP 26(b)(5).
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9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SDFNLAW.COM

SOLOMON
DWIGGINS & FREER
TRUST AND ESTATE ATTORNEYS



AFFIDAVIT/DECLARATION OF SERVICE

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, _____, being duly sworn, or under penalty of perjury, state that at all times herein I was and am over 18 years of age and not a party to or interested in the proceedings in which this Affidavit/Declaration is made; that I received a copy of the SUBPOEAN DUCES TECUM on _____, 20____; and that I served the same on _____, 20____, by delivering and leaving a copy with _____ at _____.

Dated this ____ day of June, 2015.

By _____
Signature of Affiant/Declarant

SIGNED and SWORN to before me
this ____ day of June, 2015.

Notary Public

9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5465
WWW.SDFNLAW.COM

SOLOMON
DWIGINS & FREER
TRUST AND ESTATE ATTORNEYS



EXHIBIT "A"
NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) Protection of Persons Subject to Subpoena

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

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

EXHIBIT "B"
CERTIFICATE OF CUSTODIAN OF RECORDS

STATE OF NEVADA)

Case No.: P-15-084094-T

COUNTY OF CLARK)

NOW COMES _____, (name of custodian of records) who after first being duly sworn deposes and says:

1. That the deponent is the _____ (position or title) of _____ (name of employer) and in his or her capacity as _____ (position or title) is a custodian of the records of _____ (name of employer).

2. That _____ (name of employer) is licensed to do business as a _____ in the State of _____.

3. That on the ____ day of the month of _____ of the year _____, the deponent was served with a subpoena in connection with the above-entitled cause, calling for the production of records pertaining to _____.

4. That the deponent has examined the original of those records and has made or caused to be made a true and exact copy of them and that the reproduction of them attached hereto is true and complete.

5. That the original of those records was made at or near the time of the act, event, condition, opinion or diagnosis recited therein by or from information transmitted by a person with knowledge, in the course of a regularly conducted activity of the deponent or _____ (name of employer).

Executed on: _____
(Date)

(Signature of Custodian of Records)

SUBSCRIBED AND SWORN to
before me this ____ day of July, 2015.

Notary Public



EXHIBIT 9

9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SDFNLAW.COM

SOLOMON
DWIGGINS & FREER
TRUST AND ESTATE ATTORNEYS



ELECTRONICALLY SERVED
06/25/2015 10:45:20 AM

NOTC

Mark A. Solomon, Esq.
Nevada Bar No. 0418
E-mail: msolomon@sdfnlaw.com
Joshua M. Hood, Esq.
Nevada Bar No. 12777
E-mail: jhood@sdfnlaw.com
SOLOMON DWIGGINS & FREER, LTD.
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
Telephone: 702.853.5483
Facsimile: 702.853.5485

Attorneys for Caroline Davis, Petitioner

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of
The BEATRICE B. DAVIS FAMILY
HERITAGE TRUST, dated July 28, 2000, as
amended on February 24, 2014.

Case No.: P-15-083867
Dept.: Probate (26)

**NOTICE OF ISSUANCE OF
SUBPOENA DUCES TECUM**
(No Appearance Required)

PLEASE TAKE NOTICE that CAROLINE DAVIS, by and through her counsel of,
Mark A. Solomon, Esq. and Joshua M. Hood, Esq., of the law firm of Solomon Dwiggins &
Freer, Ltd., has issued a Subpoena Duces Tecum for Records ("Subpoena") to ANTHONY L.
BARNEY, LTD. ("BARNEY"). Pursuant to the Subpoena, attached hereto as Exhibit 1,
BARNEY is required to respond by delivering a true, legible, and durable copy of the

///

///

///

1 requested records to the offices of Solomon Dwiggins & Freer, Ltd., 9060 West Cheyenne
2 Avenue, Las Vegas, Nevada 89129, no later than July 10, 2015.

3 DATED this 25th day of June, 2015.

4 SOLOMON DWIGGINS & FREER, LTD.

5
6 By: 
MARK A. SOLOMON, ESQ.
Nevada Bar No. 0418
E-mail: msolomon@sdfnlaw.com
JOSHUA M. HOOD, ESQ.
Nevada Bar No. 12777
E-mail: jhood@sdfnlaw.com
Cheyenne West Professional Center
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
Telephone (702) 853-5483
Facsimile (702) 853-5485

12 Attorneys for CAROLINE DAVIS

13 **CERTIFICATE OF SERVICE**

14 I HEREBY CERTIFY that on June 25, 2015, pursuant to NRCP 5(b)(2)(B), I placed a true
15 and correct copy of the following NOTICE OF ISSUANCE OF SUBPOENA DUCES TECUM
16 FOR RECORDS, in the United States Mail, with first-class postage prepaid, addressed to the
17 following, at their last known address, and, pursuant to Rule 9 of N.E.F.C.R., caused an electronic
18 copy to be served via Odyssey, to the email address noted below:

19 Mail only:
20 Tarja Davis
21 3005 North Beverly Glen Circle
22 Los Angeles, California 90077
23 and
24 514 West 26th Street, #3E
25 Kansas City, Missouri 64108
26 Ace Davis
27 c/o WINFIELD B. DAVIS
28 366-6 Habu Aridagawa Arida
Wakayama 643-0025
JAPAN

1 And did mail via US Mail and email Via the Court's electronic system, WizNet pursuant to Rule
2 9 of NEFCR at the email address noted to the following:

3 HARRIET ROLAND, ESQ.,
4 ROLAND LAW FIRM
5 2470 E. St. Rose Parkway, #105
6 Henderson, NV 89052
7 hroland@rolandlawfirm.com
8 Attorneys for Christopher D. Davis

9 ANTHONY L. BARNEY, ESQ.
10 ANTHONY L. BARNEY, LTD.
11 3317 West Charleston Boulevard, Suite B
12 Las Vegas Nevada 89102
13 abarney@anthonybarney.com
14 Attorneys for Christopher D. Davis

15 CHARLENE RENWICK, ESQ.
16 LEE HERNANDEZ LANDRUM & GAROFALO
17 7575 Vegas Drive #150
18 Las Vegas, Nevada 89128
19 crenwick@lee-lawfirm.com
20 Attorneys for Dunham Trust

21 JONATHAN W. BARLOW, ESQ.
22 Clear Counsel Law Group
23 50 Stephanie Street, Suite 101
24 Henderson, Nevada 89012
25 jonathan@clearcounsel.com
26 Attorneys for Stephen Lenhardt

27
28


An employee of Solomon Dwiggin & Freer, Ltd.

EXHIBIT 1

EXHIBIT 1

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3 Joshua M. Hood, Esq.
Nevada Bar No. 12777
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SOLOMON DWIGGINS & FREER, LTD.
5 9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
6 Telephone: 702.853.5483
Facsimile: 702.853.5485
7 *Attorneys for Caroline Davis, Petitioner*

8
9
10 DISTRICT COURT
CLARK COUNTY, NEVADA

11 In the Matter of

Case No.: P-15-083867-T
Dept.: Probate (26)

12 The BEATRICE B. DAVIS FAMILY
HERITAGE TRUST, dated July 28, 2000, as
13 amended on February 24, 2014.

14 SUBPOENA DUCES TECUM
15 (No Appearance Required)

16 THE STATE OF NEVADA SENDS GREETINGS TO:

17 The Custodian of Record or Other Qualified Person at

18 ANTHONY L BARNEY, LTD.
19 3317 West Charleston Boulevard, Suite B.
Las Vegas, Nevada 89102

20 **YOU ARE ORDERED**, pursuant to Nevada Rule of Civil Procedure ("NRC") 45, to
21 produce and permit inspection and copying of the books, documents, or tangible things
22 ("records") set forth below that are in your possession, custody, or control, by one of the
23 following methods:
24

25 [] Making the original records described below available for inspection at your
26 business address by the attorney's representative or party appearing in proper person and
27
28

1 permitting copying at your business address under reasonable conditions during normal business
2 hours.

3 [X] Delivering a true, legible, and durable copy of the financial records described
4 below to the requesting attorney or party appearing in proper person, by United States mail or
5 similar delivery system, no later than July 10, 2015 at the following address:

6
7 Solomon Dwiggins & Freer, Ltd.
8 9060 West Cheyenne Avenue
9 Las Vegas, Nevada 89129
10 jhood@sdfnlaw.com

11 All documents shall be produced as they are kept in the usual course of business or shall be
12 organized and labeled to correspond with the categories listed below (NRCP 45(d)(1)).

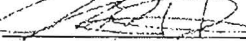
13 **YOU ARE FURTHER ORDERED** to authenticate the business records produced,
14 pursuant to Nevada Revised Statute ("NRS") 52.260, and to provide with your production a
15 completed Certificate of Custodian of Records in substantially the form attached as Exhibit "B."

16 **CONTEMPT:** Failure by any person without adequate excuse to obey the Subpoena
17 served upon that person may be deemed contempt of the court. (NRCP 45(e)). If you fail to obey,
18 you may be liable to pay \$100, plus all damages caused by such failure. (NRS 50.195).

19 Please see Exhibit "A" attached hereto for information regarding the rights of the person
20 subject to this Subpoena.

21 Dated this 25th day of June, 2015.

22 SOLOMON DWIGGINS & FREER, LTD.

23 By 
24 MARK A. SOLOMON, ESQ. (Bar No. 0418)
25 E-mail: msolomon@sdfnlaw.com
26 JOSHUA M. HOOD, ESQ. (Bar No. 12777)
27 E-mail: jhood@sdfnlaw.com
28 9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
Phone: (702) 853-5483
Facsimile: (702) 853-5485
Attorneys for Caroline Davis, Petitioner



ITEMS TO BE PRODUCED

1. Any and all non-privileged records in your possession, custody, or control related to the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as amended.

2. Any and all non-privileged records in your possession, custody, or control related to the Beatrice B. Davis Revocable Living Trust, dated April 4, 1990, as amended.

3. Any and all non-privileged records in your possession, custody, or control related to Ashley Cooper Life Insurance Policy, Policy Number ACLI 1105-8007 PC, formerly known as Policy Number ALIP 008-1031.

4. Any and all non-privileged records in your possession, custody, or control related to the Davis Family Office, Limited Liability Company.

5. Any and all non-privileged records in your possession, custody, or control related to the FHT Holdings, Limited Liability Company.

6. Any and all non-privileged records in your possession, custody, or control related to any and all entities of which Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as amended, owns, in whole or in part, an interest therein.

7. Any and all non-privileged records in your possession, custody, or control related to any and all entities of which the Beatrice B. Davis Revocable Living Trust, dated April 4, 1990, as amended, owns, in whole or in part, an interest therein.

8. Any and all non-privileged records in your possession, custody, or control related to any and all entities of which Christopher D. Davis is the owner, manager, director, or officer of such entity, which records concern any business or financial relationship between such entity or entities and the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000 and/or the Beatrice B. Davis Revocable Living Trust, dated April 4, 1990, as amended.

9. Any and all non-privileged records in your possession, custody, or control related to: (1) Promissory Note, dated September 1, 2011; (2) Promissory Note (With Revolving Line of

1 Credit), dated April 4, 2013; and (3) Promissory Note (With Revolving Line of Credit), dated
2 March 25, 2013 (collectively, the "Loans"), including, but not limited to: (i) the identity of any
3 entity, trust, or individual who has received and/or benefited from any and all distributions
4 pursuant to any of the Loans; (ii) the purpose of such Loans; (iii) the circumstances surrounding
5 the distribution and use of the funds pursuant to any of the Loans; (iv) the repayment of any of the
6 Loans; (v) the collateral for such Loans; and any and all other information related to the Loans.

7 10. Any and all non-privileged records in your possession, custody, or control related
8 to any additional loans, lines of credit, or obligations currently held by the Beatrice B. Davis
9 Family Heritage Trust, dated July 28, 2000, as amended.

10 11. For any records withheld on the basis of privilege, please provide a privilege log in
11 compliance with NRCP 26(b)(5).
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9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SDFNLAW.COM

SOLOMON
DWIGGINS & FREER
TRUST AND ESTATE ATTORNEYS



AFFIDAVIT/DECLARATION OF SERVICE

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, _____, being duly sworn, or under penalty of perjury, state that at all times herein I was and am over 18 years of age and not a party to or interested in the proceedings in which this Affidavit/Declaration is made; that I received a copy of the SUBPOEAN DUCES TECUM on _____, 20____; and that I served the same on _____, 20____, by delivering and leaving a copy with _____ at _____.

Dated this ____ day of June, 2015.

By _____
Signature of Affiant/Declarant

SIGNED and SWORN to before me
this ____ day of June, 2015.

Notary Public

EXHIBIT "A"
NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) Protection of Persons Subject to Subpoena

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.



EXHIBIT 8


CLERK OF THE COURT

NOTC

HARRIET H. ROLAND, ESQ.
Nevada Bar No. 5471
ROLAND LAW FIRM
2470 E. Saint Rose Pkwy., Suite #105
Henderson, Nevada 89074
Telephone: (702) 452-1500
Facsimile: (702) 920-8903
Email: hroland@rolandlawfirm.com
Attorney for Christopher D. Davis

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of

The BEATRICE B. DAVIS FAMILY
HERITAGE TRUST, dated July 28, 2000, as
amended on February 24, 2014.


Case No.: P-15-083867
Dept. No.: Probate (26)

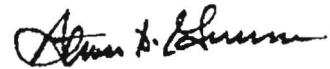
NOTICE OF ENTRY OF ORDER

YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the *Order* was entered
by the Court on June 24, 2015 in the above-entitled matter, a copy of which is attached hereto.

DATED this 1st day of July, 2015.

ROLAND LAW FIRM


HARRIET H. ROLAND, ESQ.
Nevada Bar No. 5471
Attorney for Christopher D. Davis



CLERK OF THE COURT

HARRIET H. ROLAND, ESQ.
NV Bar No. 5471
ROLAND LAW FIRM
2470 E. St. Rose Pkwy, Ste. 105
Henderson, NV 89074
Telephone: (702) 452-1500
Facsimile: (702) 920-8903
hroland@rolandlawfirm.com

ANTHONY L. BARNEY, ESQ.
Nevada Bar No. 8366
TIFFANY S. BARNEY, ESQ.
Nevada Bar No. 9754
ANTHONY L. BARNEY, LTD.
3317 W. Charleston Blvd., Suite B
Las Vegas, NV 89102
Telephone: (702) 438-7878
Facsimile: (702) 259-1116
Attorneys for Christopher D. Davis

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

In the matter of:

The BEATRICE B. DAVIS FAMILY HERITAGE
TRUST, dated July 28, 2000, as amended on
February 24, 2014.

Case No.: P-15-083867-T

Dept. No.: 26

Hearing Date: April 22, 2015

Hearing Time: 9:00 a.m.

ORDER

This matter came before the Court for hearing on the 22nd day of April, 2015 at 9:00 a.m., upon the Christopher D. Davis's Motion to Dismiss Pursuant to NRCP 12(b) and NRCP 19 and Caroline Davis's Petition to Assume Jurisdiction over the Beatrice B. Davis Family Heritage Trust, Dated July 28, 2000, as Amended on February 24, 2014, to Assume Jurisdiction over Christopher D. Davis as Investment Trust Advisor and Stephen K. Lehnardt as Distribution

1 Trust Advisor, to Confirm Dunham Trust Company as Directed Trustee, and for Immediate
2 Disclosure of Documents and Information from Christopher D. Davis. Christopher D. Davis
3 was represented by Harriet Roland, Esq. of the Roland Law Firm and Anthony L. Barney, Esq.,
4 of the law office of Anthony L. Barney, Ltd., Caroline Davis was represented by Mark
5 Solomon, Esq., of the law firm of Solomon Dwiggins and Freer, Ltd.; Stephen K. Lehnardt was
6 represented by Jonathan W. Barlow, Esq. of the law office of Clear Counsel Law Group; and
7 Dunham Trust Company was represented by Charlene N. Renwick, Esq., of the law office of
8 Lee Hernandez Landrum & Garofalo. After reviewing the pleadings on file and in the court
9 record, hearing oral arguments by both parties in this matter, being fully advised in the
10 premises, and for good cause appearing, the Court hereby finds and orders the following:

13 IT IS FOUND that since the first amendment, Christopher has been directing the trust in
14 Nevada, and that everyone involved relied on this amendment as being proper.

15 IT IS FURTHER FOUND that the Court has no affidavit that another beneficiary existed
16 at the time the first amendment was signed.

18 IT IS FURTHER FOUND that the Court has jurisdiction as a constructive trust because
19 action on behalf of the trust has been taken in Nevada.

20 IT IS SO FOUND.

22 WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the
23 Petition to Assume Jurisdiction over Christopher D. Davis as Investment Trust Advisor is
24 granted without prejudice.

25 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petition to
26 Assume Jurisdiction over Stephen K. Lehnardt as Distribution Trust Advisor is denied until a
27 more definite statement is filed.
28

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petition to
2 Confirm Dunham Trust Company as Directed Trustee is granted.

3 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petition for
4 Immediate Disclosure of Documents and Information from Christopher D. Davis is granted as to
5 all information in his possession ^{custody or control} in his role as Investment Trust Advisor, ^{and on his}
6 ^{role as manager of FHY Holdings}

7 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Christopher D.
8 Davis's Motion to Dismiss is denied.

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon agreement of
10 all parties, this Court will retain jurisdiction and all matters will be heard by the probate judge.

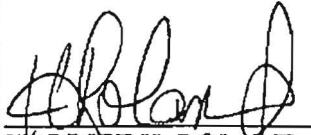
11 IT IS SO ORDERED, ADJUDGED AND DECREED.

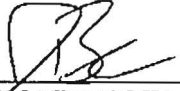
12 DATED this 15th day of May, 2015.

13
14
15
16 
17 DISTRICT COURT JUDGE

18 Respectfully Submitted by the Following:

Approved as to Form and Content:

19 
20
21 HARRIET H. ROLAND, ESQ.
22 NV Bar No. 5471
23 ROLAND LAW FIRM
24 2470 E. St. Rose Pkwy, Ste. 105
25 Henderson, NV 89074
26 Telephone: (702) 452-1500
27 Facsimile: (702) 920-8903
28 Attorney for Christopher D. Davis


JONATHAN W. BARLOW, ESQ.
NV Bar No. 9964
CLEAR COUNSEL LAW GROUP
50 South Stephanie Street, Ste. 101
Henderson, Nevada 89012
Telephone: (702) 476-5900
Facsimile: (702) 924-0709
Attorney for Stephen K. Lehnardt

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Approved as to Form and Content:

ANTHONY L. BARNEY, ESQ.
Nevada Bar No. 8366
TIFFANY S. BARNEY, ESQ.
Nevada Bar No. 9754
ANTHONY L. BARNEY, LTD.
3317 W. Charleston Blvd., Suite B
Las Vegas, NV 89102
Telephone: (702) 438-7878
Facsimile: (702) 259-1116
Attorneys for Christopher D. Davis

CHARLENE RENWICK, ESQ.
LEE, HERNANDEZ, LANDRUM,
GARFOFALO, ATTORNEYS AT LAW
7575 Vegas Drive, Suite 150
Las Vegas, Nevada 89128
Telephone: (702) 880-9750
Facsimile: (702) 314-1210
Attorneys for Dunham Trust Company

Approved as to Form and Content:

MARK A. SOLOMON, ESQ.
NV Bar No. 0418
JOSHUA M. HOOD, ESQ.
NV Bar No. 12777
SOLOMON DWIGGINS & FREER, LTD.
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
Telephone: (702) 853-5483
Facsimile: (702) 853-5485
Attorneys for Caroline D. Davis



EXHIBIT 7

REGISTER OF ACTIONS

CASE NO. P-15-083867-T

In the Matter of the Trust of: The Beatrice Davis Heritage
Trust

§
§
§
§
§
§
§

Case Type: Probate -
Trust/Conservatorships
Subtype: Individual Trustee
Date Filed: 02/11/2015
Location:
Cross-Reference Case Number: P083867
Supreme Court No.: 68542

PARTY INFORMATION

Petitioner	Davis, Caroline 2501 Nob Hill PL N Seattle, WA 98109	Female	Lead Attorneys Mark Alan Solomon <i>Retained</i> 7028535483(W)
Trust	The Beatrice Davis Heritage Trust		

EVENTS & ORDERS OF THE COURT

09/30/2015 All Pending Motions (9:00 AM) (Judicial Officer Sturman, Gloria)

Minutes

09/30/2015 9:00 AM

- CAROLINE D. DAVIS' MOTION TO COMPEL
HARRIET ROLAND, ESQ. TO PRODUCE
DOCUMENTS RESPONSIVE TO SUBPOENA
DUCES TECUM; FOR ATTORNEY'S FEES AND
COSTS . . . Counsel reached an agreement to
continue this matter to the 10/28 hearing stating
that sufficient progress has been made in
producing documents. COURT SO ORDERED.
CAROLINE D. DAVIS' MOTION TO HOLD
CHRISTOPHER D. DAVIS IN CONTEMPT AND
FOR ATTORNEY'S FEES AND COSTS . . .
Counsel argued whether Chris Davis was
required to obey the Court's prior Order since
they question whether the Court has
jurisdiction over him and whether he was
properly served. Court stated the Court has
already taken in personam jurisdiction over him
as the Investments Trust Advisor and as the
managing director of a Nevada corporation.
Court stated the Motion to Hold in Contempt
was a very serious step and should not be
undertaken first. The Court also stated Rule 37
should be followed and deadlines set before
any other sanctions are requested. COURT
ORDERED initial disclosures deadline SET for
October 23, 2015 and progress will be
reported at the 28th hearing. CONTINUED TO
10/28/2015 AT 9:00AM STATUS CHECK:
PRODUCTION OF DOCUMENTS

Parties Present

[Return to Register of Actions](#)

CHRISDAVIS000204

NOTC

Mark A. Solomon, Esq.
Nevada Bar No. 0418
E-mail: msolomon@sdfnlaw.com
Joshua M. Hood, Esq.
Nevada Bar No. 12777
E-mail: jhood@sdfnlaw.com
SOLOMON DWIGGINS & FREER, LTD.
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
Telephone: 702.853.5483
Facsimile: 702.853.5485

Attorneys for Caroline Davis, Petitioner

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of

The BEATRIC B. DAVIS FAMILY
HERITAGE TRUST, dated July 28, 2000, as
amended on February 24, 2014.

Case No.: P-15-083867
Dept.: Probate (26)

**NOTICE OF ISSUANCE OF
SUBPOENA DUCES TECUM**
(No Appearance Required)

PLEASE TAKE NOTICE that CAROLINE DAVIS, by and through her counsel of,
Mark A. Solomon, Esq. and Joshua M. Hood, Esq., of the law firm of Solomon Dwiggins &
Freer, Ltd., has issued a Subpoena Duces Tecum for Records ("Subpoena") to ROLAND LAW
FIRM. ("ROLAND"). Pursuant to the Subpoena, attached hereto as Exhibit 1, ROLAND is
required to respond by delivering a true, legible, and durable copy of the

///

///

///

9060 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SDFNLAW.COM



1 requested records to the offices of Solomon Dwiggin & Freer, Ltd., 9060 West Cheyenne
2 Avenue, Las Vegas, Nevada 89129, no later than June 25, 2015.

3 DATED this 8th day of June, 2015.

4 SOLOMON DWIGGIN & FREER, LTD.

5
6 By: 

MARK A. SOLOMON, ESQ.
Nevada Bar No. 0418
E-mail: msolomon@sdfnlaw.com
JOSHUA M. HOOD, ESQ.
Nevada Bar No. 12777
E-mail: jhood@sdfnlaw.com
Cheyenne West Professional Center
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
Telephone (702) 853-5483
Facsimile (702) 853-5485

11 Attorneys for CAROLINE DAVIS

12
13 **CERTIFICATE OF SERVICE**

14 I HEREBY CERTIFY that on June 8, 2015, pursuant to NRCP 5(b)(2)(B), I placed a true
15 and correct copy of the following NOTICE OF ISSUANCE OF SUBPOENA DUCES TECUM
16 FOR RECORDS, in the United States Mail, with first-class postage prepaid, addressed to the
17 following, at their last known address, and, pursuant to Rule 9 of N.E.F.C.R., caused an electronic
18 copy to be served via Odyssey, to the email address noted below:

19 Mail only:

20 Tarja Davis
21 3005 North Beverly Glen Circle
22 Los Angeles, California 90077

23 and
24 514 West 26th Street, #3E
25 Kansas City, Missouri 64108

26 Ace Davis
27 c/o WINFIELD B. DAVIS
28 366-6 Habu Aridagawa Arida
Wakayama 643-0025
JAPAN

9040 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SOLVNLAW.COM



1 And did mail via US Mail and email Via the Court's electronic system, WizNet pursuant to Rule
2 9 of NEFCR at the email address noted to the following:

3 HARRIET ROLAND, ESQ.,
4 ROLAND LAW FIRM
5 2470 E. St. Rose Parkway, #105
6 Henderson, NV 89052
7 hroland@rolandlawfirm.com
8 Attorneys for Christopher D. Davis

9 ANTHONY L. BARNEY, ESQ.
10 ANTHONY L. BARNEY, LTD.
11 3317 West Charleston Boulevard, Suite B
12 Las Vegas Nevada 89102
13 abarney@anthonybarney.com
14 Attorneys for Christopher D. Davis

15 CHARLENE RENWICK, ESQ.
16 LEE HERNANDEZ LANDRUM & GAROFALO
17 7575 Vegas Drive #150
18 Las Vegas, Nevada 89128
19 crenwick@lee-lawfirm.com
20 Attorneys for Dunham Trust

21 JONATHAN W. BARLOW, ESQ.
22 Clear Counsel Law Group
23 50 Stephanie Street, Suite 101
24 Henderson, Nevada 89012
25 jonathan@clearcounsel.com
26 Attorneys for Stephen Lenhardt

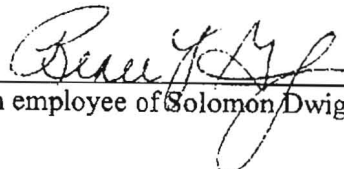
27
28

An employee of Solomon Dwiggs & Freer, Ltd.

EXHIBIT 1

EXHIBIT 1

1 CC03
2 Mark A. Solomon, Esq.
3 Nevada Bar No. 0418
4 E-mail: msolomon@sdfnlaw.com
5 Joshua M. Hood, Esq.
6 Nevada Bar No. 12777
7 E-mail: jhood@sdfnlaw.com
8 SOLOMON DWIGGINS & FREER, LTD.
9 9060 West Cheyenne Avenue
10 Las Vegas, Nevada 89129
11 Telephone: 702.853.5483
12 Facsimile: 702.853.5485
13 *Attorneys for Caroline Davis, Petitioner*

8 **DISTRICT COURT**
9
10 **CLARK COUNTY, NEVADA**

11 In the Matter of

Case No.: P-15-083867-T
Dept.: Probate (26)

12 The BEATRICE B. DAVIS FAMILY
13 HERITAGE TRUST, dated July 28, 2000, as
14 amended on February 24, 2014.

15 **SUBPOENA DUCES TECUM**
16 (No Appearance Required)

17 **THE STATE OF NEVADA SENDS GREETINGS TO:**

18 The Custodian of Record or Other Qualified Person at

19 **ROLAND LAW FIRM.**
20 2470 East Saint Rose Parkway, Suite 105.
21 Henderson, Nevada 89074

22 **YOU ARE ORDERED**, pursuant to Nevada Rule of Civil Procedure ("NRCP") 45, to
23 produce and permit inspection and copying of the books, documents, or tangible things
24 ("records") set forth below that are in your possession, custody, or control, by one of the
25 following methods:

26 [] Making the original records described below available for inspection at your
27 business address by the attorney's representative or party appearing in proper person and
28

1 permitting copying at your business address under reasonable conditions during normal business
2 hours.

3 [X] Delivering a true, legible, and durable copy of the financial records described
4 below to the requesting attorney or party appearing in proper person, by United States mail or
5 similar delivery system, no later than May 18, 2015 at the following address:

6
7 Solomon Dwiggins & Freer, Ltd.
8 9060 West Cheyenne Avenue
9 Las Vegas, Nevada 89129
10 jhood@sdfnlaw.com

11 All documents shall be produced as they are kept in the usual course of business or shall be
12 organized and labeled to correspond with the categories listed below (NRCPC 45(d)(1)).

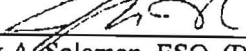
13 **YOU ARE FURTHER ORDERED** to authenticate the business records produced,
14 pursuant to Nevada Revised Statute ("NRS") 52.260, and to provide with your production a
15 completed Certificate of Custodian of Records in substantially the form attached as Exhibit "B."

16 **CONTEMPT:** Failure by any person without adequate excuse to obey the Subpoena
17 served upon that person may be deemed contempt of the court. (NRCPC 45(e)). If you fail to obey,
18 you may be liable to pay \$100, plus all damages caused by such failure. (NRS 50.195).

19 Please see Exhibit "A" attached hereto for information regarding the rights of the person
20 subject to this Subpoena.

21 Dated this 8th day of June, 2015.

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

23 By: 
24 Mark A. Solomon, ESQ. (Bar No. 0)418
25 E-mail: msolomon@sdfnlaw.com
26 JOSHUA M. HOOD, ESQ. (Bar No. 12777)
27 E-mail: jhood@sdfnlaw.com
28 9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
Phone: (702) 853-5483
Facsimile: (702) 853-5485
Attorneys for Caroline Davis, Petitioner

ITEMS TO BE PRODUCED

1. Any and all non-privileged records in your possession, custody, or control related to the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as amended.
2. Any and all non-privileged records in your possession, custody, or control related to the Beatrice B. Davis Revocable Living Trust, dated April 4, 1990, as amended.
3. Any and all non-privileged records in your possession, custody, or control related to Ashley Cooper Life Insurance Policy, Policy Number ACLI 1105-8007 PC, formerly known as Policy Number ALIP 008-1031.
4. Any and all non-privileged records in your possession, custody, or control related to the Davis Family Office, Limited Liability Company.
5. Any and all non-privileged records in your possession, custody, or control related to the FHT Holdings, Limited Liability Company.
6. Any and all non-privileged records in your possession, custody, or control related to any and all entities of which Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as amended, owns, in whole or in part, an interest therein.
7. Any and all non-privileged records in your possession, custody, or control related to any and all entities of which the Beatrice B. Davis Revocable Living Trust, dated April 4, 1990, as amended, owns, in whole or in part, an interest therein.
8. Any and all non-privileged records in your possession, custody, or control related to any and all entities of which Christopher D. Davis is the owner, manager, director, or officer of such entity, which records concern any business or financial relationship between such entity or entities and the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000 and/or the Beatrice B. Davis Revocable Living Trust, dated April 4, 1990, as amended.
9. Any and all non-privileged records in your possession, custody, or control related to: (1) Promissory Note, dated September 1, 2011; (2) Promissory Note (With Revolving Line of

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TELEPHONE (702) 853-5483
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WWW.SDFNLAW.COM

SOLOMON
DWIGGINS & FREER
TRUST AND ESTATE ATTORNEYS



1 Credit), dated April 4, 2013; and (3) Promissory Note (With Revolving Line of Credit), dated
2 March 25, 2013 (collectively, the "Loans"), including, but not limited to: (i) the identity of any
3 entity, trust, or individual who has received and/or benefited from any and all distributions
4 pursuant to any of the Loans; (ii) the purpose of such Loans; (iii) the circumstances surrounding
5 the distribution and use of the funds pursuant to any of the Loans; (iv) the repayment of any of the
6 Loans; (v) the collateral for such Loans; and any and all other information related to the Loans.

7 10. Any and all non-privileged records in your possession, custody, or control related
8 to any additional loans, lines of credit, or obligations currently held by the Beatrice B. Davis
9 Family Heritage Trust, dated July 28, 2000, as amended.

10 11. For any records withheld on the basis of privilege, please provide a privilege log in
11 compliance with NRCP 26(b)(5).

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SOLOMON
DWIGGINS & FREER
TRUST AND ESTATE ATTORNEYS



AFFIDAVIT/DECLARATION OF SERVICE

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

I, _____, being duly sworn, or under penalty of perjury, state that at all times herein I was and am over 18 years of age and not a party to or interested in the proceedings in which this Affidavit/Declaration is made; that I received a copy of the SUBPOEAN DUCES TECUM on _____, 20____; and that I served the same on _____, 20____, by delivering and leaving a copy with _____ at _____.

Dated this ____ day of June, 2015.

By _____
Signature of Affiant/Declarant

SIGNED and SWORN to before me
this ____ day of June, 2015.

Notary Public

EXHIBIT "A"
NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) Protection of Persons Subject to Subpoena

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:

- (i) fails to allow reasonable time for compliance;
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

9040 WEST CHEYENNE AVENUE
LAS VEGAS, NEVADA 89129
TELEPHONE (702) 853-5483
FACSIMILE (702) 853-5485
WWW.SDFNLAW.COM

SOLOMON
DWIGGINS & FREER
TRUST AND ESTATE ATTORNEYS

EXHIBIT "B"
CERTIFICATE OF CUSTODIAN OF RECORDS

STATE OF NEVADA)
COUNTY OF CLARK) Case No.: P-15-084094-T

NOW COMES _____, (*name of custodian of records*) who after first being duly sworn deposes and says:

1. That the deponent is the _____ (*position or title*) of _____ (*name of employer*) and in his or her capacity as _____ (*position or title*) is a custodian of the records of _____ (*name of employer*).

2. That _____ (*name of employer*) is licensed to do business as a _____ in the State of _____.

3. That on the ____ day of the month of _____ of the year _____, the deponent was served with a subpoena in connection with the above-entitled cause, calling for the production of records pertaining to _____

4. That the deponent has examined the original of those records and has made or caused to be made a true and exact copy of them and that the reproduction of them attached hereto is true and complete.

5. That the original of those records was made at or near the time of the act, event, condition, opinion or diagnosis recited therein by or from information transmitted by a person with knowledge, in the course of a regularly conducted activity of the deponent or _____ (*name of employer*).

Executed on: _____
(Date) (Signature of Custodian of Records)

SUBSCRIBED AND SWORN to
before me this ____ day of June, 2015.

Notary Public

1 the possession of Christopher D. Davis that has any connection, regardless of how
2 tangential, to the (1) Family Heritage Trust or to entities owned by the Trust (Items
3 to be Produced ¶¶ 1 and 6); to the Beatrice B. Davis Revocable Living Trust and
4 entities owned by it (¶¶ 2 and 7); to Davis Family Office, LLC (¶ 4); to FHT Holdings,
5 LLC (¶ 5). Caroline seeks any record possessed by Christopher D. Davis related to
6 any entity owned or managed by Christopher Davis concerning any business or
7 financial relationship between the entity and the Family Heritage Trust or the
8 Beatrice B. Davis Revocable Living Trust (¶ 8) and all records possessed by Mr. Davis
9 related to the loans obtained from the Ashley Cooper Life Insurance Policy (¶ 9). If
10 these requested groups of items are to be established as "relevant to the . . . pending
11 action," the nature of the pending action must be determined. As summarized above,
12 at ¶ 24 of the Petition to Assume Jurisdiction, Caroline alleges without foundation
13 that the disbursements made from the \$1,300,689.00 to the Revocable Living Trust,
14 Davis Family Office and to Christopher D. Davis individually were made
15 at Christopher's insistence or direction in either his individual capacity,
16 his capacity as the sole acting Trustee of the Revocable Living Trust,
17 and his capacity as the sole Manager of the DFO.
18 Interestingly, in the introductory paragraph of the Petition (page 1),
19 Caroline cites N.R.S. § 163.115 as one of the provisions under which the Petition has
20 been filed. The first part of the heading of that provision is "Breach of trust by
21 trustee" and the provision reads:
22 If a trustee commits or threatens to commit a breach of trust, a beneficiary or
23 cotrustee" has an assortment of actions available, including a proceeding to
24 compel the trustee to perform his duties or to redress the breach.
25 But Caroline cannot be implicitly alleging a breach of trust by Christopher since he
26 is not the Trustee of the Family Heritage Trust (the Trustee during the period of the
27 loans and distributions were Alaska Trust Company or Alaska USA Trust Company).
28 Further, at pages 7-8 of her Opposition to Christopher D. Davis' Motion to Dismiss .
.. she denies any claim of breach of trust:

Ms. Davis is not now objecting to the loans and distributions being made

1 or claiming any breach of fiduciary duty on Alaska or Alaska USA's part.
2 Rather, Ms. Davis is simply requesting from Mr. Davis information
3 related to who received and/or benefited from the loans, the purpose of
4 the loans, the circumstances surrounding the distribution and use of the
loan proceeds, the repayment of such loans, the collateral, and any other
relevant information.

5 This admission confirms an important point: given that the items requested
6 under the subpoena do not relate to the Petitioner's request that this Court assume
7 jurisdiction over the Family Heritage Trust, Christopher D. Davis and Stephen K.
8 Lehnardt. The pending action here, for purposes of the subpoena, has only one object:
9 the acquisition from Christopher of the groups of documents and records listed on the
10 document attached to the subpoena, Items to be Produced. Therefore, it must be
11 concluded that this is essentially an action to enforce a subpoena without establishing
12 that the subpoena is relevant to a pending action other than the very proceeding of
13 acquiring the items listed on the subpoena. In other words the subpoena is strictly
14 *self-referential* and therefore cannot be regarded as relevant to a pending action since
15 the subpoena constitutes the action itself. This fatal defect in the subpoena does not
16 even take into consideration that, even if there were a pending action to which the
17 subpoena could be attached so as to establish relevancy under N.R.C.P. Rule 26 (b),
18 there is the additional defect that the descriptions of the records requested on the
19 subpoena fail, as summarized above in regard to the failure to relate the items
20 requested to the Petitioner's interest in the Family Heritage Trust, to provide any
21 focus as to the Petitioner's purpose in requesting the documents. To repeat a portion
22 of the excerpt set forth above from the Supreme Court of Nevada's opinion in
23 *Schlatter v. Eighth Jud. Dist. Ct. In and For Clark County*, the court found that
24 court's order enforcing the subpoena was overly broad in that it

25 permitted carte blanche discovery of all information contained in these
26 materials without regard to relevancy. Our discovery rules provide no
27 basis for such an invasion into a litigant's private affairs merely because
28 redress is sought for personal injury. Respondent court therefore
exceeded its jurisdiction by ordering disclosure of information neither
relevant to the tendered issues nor leading to discovery of admissible

evidence.

93 Nev. at 192, 561 P.2d at 1343-44. In the present case, Caroline did not (and could not) provide any specificity as to the purpose and relevancy of the requested materials because, as discussed, there is no underlying, pending action to which the test of relevancy of the requests can be applied. To the contrary, the subpoena constitutes an attempt to get at Christopher's personal and financial records under the subterfuge that such action is necessary to safeguard the Petitioner's rights under the Family Heritage Trust and to protect the integrity of the Trust itself.

Caroline Davis is not requesting the production of records in broad terms in order to use such records as an aid in formulating future requests, focusing on specific documents. To the contrary, the Petitioner clearly intends the present subpoena to serve as a one-time request in the broadest terms possible.

E. Individual Parties or Entities Have Not Been Properly Served, and Discovery Should Not be Taken Until They Are. Caroline is using her subpoena power to circumvent due process.

In *Swensen v. Sheppard*, *Swensen v. Sheppard (In re Aboud)*, 314 P.3d 941, 946 (Nev. 2013) the Nevada Supreme Court found that it could not impose personal liability on individuals or entities which "required the court to acquire 'personal jurisdiction over [them as] part[ies], normally through appropriate process based on contacts with the jurisdiction or through [their] general appearance therein to defend on the merits."

Caroline takes exception to the requirements for proper service and notice, or the necessity of stating a claim against Christopher or any Trustee, making an end run around due process safeguards, using her subpoena power to interfere with Christopher's privacy, apparently in order to obtain information to use personally or in the Missouri litigation which she has brought against Christopher as her co-trustee of their mother's revocable trust. This is entirely improper; it is an abuse of process, a waste of this court's resources, and if allowed by this Court, it accomplishes her

1 objective of delving into her brother's personal life and personal financial affairs for
2 her own purposes and without ever bringing an action against him.

3 In Christopher's jurisdictional objection in his Petition for Reconsideration, he
4 alleges Caroline is attempting to use the relaxed standards of statutory *in rem*
5 jurisdiction for the more stringent requirements necessary to obtain the necessary
6 personal jurisdiction over Christopher Davis, individually or upon FHT Holdings,
7 LLC. Proper notice and service are required for personal jurisdiction over a party
8 especially when requesting the court to exercise power and authority over an
9 individual party or upon a business entity. Before any discovery demanded by the
10 subpoena is allowed, this Court should require the due process rights of the
11 corporation must be respected, and service properly administered in order to obtain
12 jurisdiction over Christopher, individually, and as manager of FHT Holdings, LLC.
13 The Court should further require Caroline to request from the creator of FHT
14 Holdings, LLC, not from Christopher, any documents relating to the entity's creation
15 and governance. As a mere beneficiary, co-equal with Caroline, Christopher had no
16 power, authority or ability to act as trustee and create an entity solely owned by the
17 Family Heritage Trust.

18 F. Christopher in good faith has produced the documents required under the
19 June 24, 2015 Court Order. He should not be required to bear Caroline's
20 discovery costs.

21 While Caroline may characterize Christopher's and his attorneys' production
22 of documents as "only a few pieces of correspondence", the fact is that Christopher
23 has produced hundreds of pages of documents, both before the Court's order was
24 issued, and in compliance with the Court's order. In her opening Petition, she
25 produced approximately 280 pages of relevant exhibits. She now demands that
26 Christopher hunt down and produce many more documents which Caroline has
27 already obtained from Dunham Trust Company and/or other persons, possibly so that

1 she can complain when he doesn't produce something she thinks he should have in
2 his possession but doesn't. If any loans, disbursements, or distributions have been
3 authorized or made during Dunham Trust Company as purported Trustee, it is the
4 Trustee's responsibility, not Christopher's, to account for them.

5 G. The subpoena issued to the Custodian of Records at Roland Law Firm demands
6 confidential client information which cannot be produced under NRPC 1.6.

7 Rule 1.6. Confidentiality of Information.

8 (a) A lawyer shall not reveal information relating to representation of a
9 client unless the client gives informed consent, the disclosure is impliedly authorized
10 in order to carry out the representation, or the disclosure is permitted by paragraphs
11 (b) and (d).

12 All the information and documents transmitted by Christopher Davis to
13 Roland Law Firm and Anthony Barney Ltd. were given in the course of legal
14 representation, without any implied authority to disclose them to opposing counsel
15 or opposing parties. The attorneys are not able to produce the confidential
16 information required by the subpoenas; to do so would violate the NRPC 1.6. The
17 subpoena should have been directed to the appropriate parties – i.e. the trustees of
18 the trusts, the custodian of records for FHT Holdings, LLC, Christopher Davis, and
19 any other persons; but not to the attorneys for Christopher Davis.

20 SUMMARY AND CONCLUSION

21 Once again, at great cost and undue burden to Christopher, Caroline is simply
22 attempting to gain access to records that she could request from the parties that she
23 has always claimed are not indispensable, and to delve into Christopher's personal
24 affairs. Without ever having stated any claim for relief, or alleging any wrongdoing
25 whatsoever by Christopher or any trustee, and without contesting any of the
26 provisions of the trust, she demands an accounting from him as to the use of all the
27 loan proceeds which he or any person or entity received from the Alaska trustees,
28 before there was any action attempting to move the trust to Nevada and invest him

1 with fiduciary powers. She further demands all information regarding virtually all
2 activities of the Family Heritage Trust and the Beatrice B. Davis Revocable Trust
3 from its inception forward, even though she has the same power and authority to
4 obtain the information that Christopher has, and in fact she already appears to have
5 the relevant documentation.

6 The loans to beneficiaries and other persons or entities clearly were allowed
7 under the trust, and even if they were not, it is a question for the Alaska trustee as
8 to whether the loans or distributions were properly made to any beneficiary or entity.
9 When an individual borrows funds for personal or investment use from a bank, the
10 bank does not inquire into how the funds were spent; it looks only to the borrower's
11 credit or the sufficiency of the collateral in making the loan. Presumably the Alaska
12 trustees who made the loans did their due diligence. There has been no allegation by
13 any party to the contrary.

14 **Based upon the foregoing, Christopher D. Davis respectfully requests:**

- 15 1) That the Court stay all discovery until the hearing of the Petition for
16 Reconsideration to be held on August 19, 2015; OR
- 17 2) OR IN THE ALTERNATIVE this Court quash the subpoena issued on
18 June 8, 2015, in all respects; and
- 19 3) That it deny discovery based upon the subpoena; and
- 20 4) That it award Attorney's fees and costs in the amount of \$2,500 from
21 Caroline Davis; and

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

ROLAND LAW FIRM
2470 E. Saint Rose Pkwy, Ste. 105
Henderson, NV 89074
(702) 452-1500

1 5) For any other relief this Court deems appropriate in the circumstances.
2 DATED this 13th day of August, 2015.

3
4 Respectfully Submitted,

5 ROLAND LAW FIRM

ANTHONY L. BARNEY, LTD.

6
7 HARRIET H. ROLAND, ESQ.

ANTHONY L. BARNEY, ESQ.

8 NV Bar No. 5471

Nevada Bar No. 8366

9 2470 E. St. Rose Pkwy, Ste. 105

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Facsimile: (702) 259-1116

13 hroland@rolandlawfirm.com

www.anthonybarney.com

14 Attorney for Christopher D. Davis

Attorneys for Christopher D. Davis

15 ///

16 ///

17 ///

CERTIFICATION OF HARRIET H. ROLAND, ESQ.
IN SUPPORT OF CHRISTOPHER DAVIS's MOTION FOR A PROTECTIVE
ORDER, AND FOR ATTORNEYS FEES AND COSTS

I, Harriet H. Roland, hereby certify, declare and say as follows:

1. I am an attorney in the above entitled action.

2. I attempted in good faith to confer with the Petitioner Caroline Davis's attorneys regarding their actions of attempting to obtain and obtaining irrelevant personal and confidential information from Christopher Davis, and from Roland Law Firm, and from Anthony Barney, Ltd.

3. I attempted to resolve the dispute without court action before filing the present motion.

4. On or around June 8, 2010, I received a subpoena duces tecum from Petitioner directed toward Roland Law Firm as custodian of records.

5. On June 24, the Court's order was entered directing Christopher Davis to release information.

6. There were several emails and correspondence between Roland Law Firm, Anthony Barney, Ltd., and Solomon Dwiggins Freer regarding the propriety and form of the subpoena, and the scope of discovery.

7. On July 27, I transmitted numerous electronic documents and a privilege log to Petitioner.

8. On July 31, 2015, I received a phone call from Attorney Mark Solomon and Attorney Joshua Hood informing me that the production of documents consisted of "only a few pieces of correspondence" and that they would proceed to move for sanctions. We discussed our disagreement regarding the scope of discovery but were not able to resolve the disagreement.

9. I informed Petitioner their request to Roland Law Firm as custodian of records was a request for privileged and confidential records, and it was outside the scope of

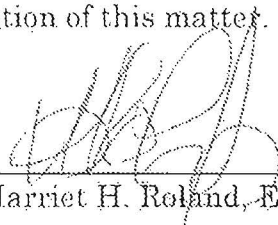
1 the court's order regarding production of documents.

2 10. Further, I explained that many documents had been released, and that
3 Petitioner already had procured many if not all of the documents from other sources
4 available to her, including the trustees of the Family Heritage Trust, the Trust
5 Protector, and other persons.

6 11. Nonetheless, Petitioner has pursued by subpoena the obtaining of information
7 already in Petitioner's hands.

8 12. I requested Petitioner agree to stipulate to the production of all documents in
9 the possession or control of Christopher D. Davis relating to the Family Heritage
10 Trust from the date of February 24, 2014 forward, which is the date of the purported
11 transfer of the Trust from Alaska to Nevada, and the date of the purported
12 appointment of Christopher D. Davis as Investment Advisor for the Trust. Petitioner
13 did not agree to my request for stipulation under these terms.

14 13. In good faith I have attempted to confer with counsel, but was unable to reach
15 a resolution of this matter.

16
17 
18 _____
19 Harriet H. Roland, Esq.
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 13, 2015, Via the Court's electronic system,
WizNet pursuant to Rule 9 of NEFCR at the email address noted to the following:

ANTHONY L. BARNEY, ESQ.
ANTHONY L. BARNEY, LTD.
3317 W. Charleston Boulevard, Suite B
Las Vegas, NV 89102-1835
abarney@anthonybarney.com
Attorneys for Christopher Davis

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Solomon Dwiggin & Freer, Ltd.
9060 West Cheyenne Avenue
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msolomon@sdfnvlaw.com
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Attorneys for Dunham Trust

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Attorneys for Stephen Lenhardt

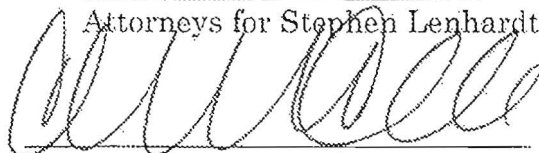
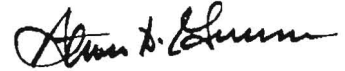

An employee of Roland Law Firm

Exhibit “A”



EXHIBIT 6



CLERK OF THE COURT

HARRIET H. ROLAND, ESQ.
NV Bar No. 5471
ROLAND LAW FIRM
2470 E. St. Rose Pkwy, Ste. 105
Henderson, NV 89074
Telephone: (702) 452-1500
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Telephone: (702) 438-7878
Facsimile: (702) 259-1116
Attorneys for Christopher D. Davis

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

In the matter of:

Case No.: P-15-083867-T

The BEATRICE B. DAVIS FAMILY
HERITAGE TRUST, dated July 28, 2000, as
amended on February 24, 2014.

Dept. No.: 26

**NOTICE OF PETITION AND PETITION TO STAY DISCOVERY
UNTIL THE AUGUST 19, 2015 HEARING ON
MOTION FOR RECONSIDERATION
OR IN THE ALTERNATIVE, PETITION FOR PROTECTIVE ORDER
FROM DISCOVERY BY SUBPOENA**

**NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO
THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE
THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN
(10) DAYS OF YOUR RECEIPT OF THIS MOTION.**

**FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE
COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION
MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE**

COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING DATE.

TO: *Caroline Davis, through her attorneys Mark Solomon, Esq. and Joshua Hood Esq. of Solomon Dwiggin & Freer, Ltd.*

TO: *Dunham Trust Company, through its attorney Charlene Renwick, Esq., of the law firm of Lee, Hernandez, Landrum & Garofalo, Attorneys at Law*

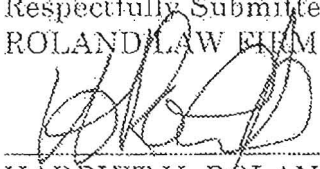
TO: *Stephen Lehnardt, through his attorney Jonathan Barlow, of Clear Counsel Law Group*

PLEASE TAKE NOTICE that the undersigned will bring the foregoing motion on for hearing before the Honorable Judge Sturman in Dept. 26 of the Eighth Judicial District Court, located at 200 Lewis Avenue, Las Vegas, NV 89155, on the 16 day of September, 2015, at 9:00 AM clock of said day, or as soon thereafter as counsel may be heard.

Christopher D. Davis, by and through his attorneys HARRIET H. ROLAND, Esq., of the ROLAND LAW FIRM and ANTHONY L. BARNEY, Esq., of the law office of ANTHONY L. BARNEY, LTD. hereby present their petition requesting this Court to stay Discovery until the August 19, 2015 Hearing on Motion for Reconsideration or in the alternative, to enter its protective order from the discovery by subpoena made upon the ROLAND LAW FIRM by subpoena duces tecum issued by Caroline Davis, which far exceeds the Court's order for production of documents by Christopher Davis in the case. This pleading is based on the Memorandum of Points and Authorities attached hereto, any exhibits attached hereto, and any oral argument that will be heard in this matter.

DATED this 13th day of August, 2015.

Respectfully Submitted:
ROLAND LAW FIRM


HARRIET H. ROLAND
Nevada Bar No.: 5471

MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTS PRESENTED

Christopher D. Davis ("Christopher") hereby incorporates the facts presented in his Motion to Dismiss Pursuant to NRCP 12(b) and NRCP 19 filed on March 4, 2015, his Reply to Opposition filed April 20, 2015, and his Petition for Reconsideration of the Order dated May 19, 2015, as if set forth fully herein. He further alleges:

This matter commenced on February 10, 2015 when Christopher's sister Caroline Davis ("Caroline") filed her

Petition To Assume Jurisdiction Over The Beatrice B. Davis Family Trust, To Assume Jurisdiction Over Christopher D. Davis As Investment Trust Advisor And Stephen K. Lehnhardt As Distribution Trust Advisor; To Confirm Dunham Trust Company As Directed Trustee; And For Immediate Disclosure Of Documents And Information From Christopher D. Davis.

A hearing on the matter was held April 22, 2015. In its Order signed May 19, 2015 and entered June 24, 2015, this Court found that "the Court has jurisdiction as a constructive trust because action on behalf of the trust has been taken in Nevada." Based on this finding that jurisdiction was proper, this Court assumed Jurisdiction over Christopher D. Davis and granted immediate disclosure of "all information in his possession, custody and control in his role as Investment Trust Advisor and or his role as manager of FHT Holdings."

On June 8, 2015, a subpoena duces tecum was issued at the behest of the law firm of Solomon Dwiggin Freer, Ltd. and served upon the custodian of records for the Roland Law Firm (not upon Christopher Davis). The subpoena far exceeds the scope of the Court's order for production of documents; it requests copies of documents that are irrelevant, privileged, more easily obtained from other sources if they do in fact exist; burdensome, and all of which were provided by Christopher to his attorneys in anticipation of litigation and with the expectation of privilege and confidentiality. The subpoena is attached as Exhibit C.

On July 14, 2015, Christopher Davis filed and noticed his Motion for Reconsideration, which comes on for hearing on August 19, 2015. On July 30, 2015, he filed his Notice of Appeal. Both of these actions are based upon jurisdictional challenges and due process claims of insufficient service of process.

II. LEGAL AUTHORITY AND ARGUMENT

A. NRCP 26(c) allows for a protective order.

NRCP 26(c) indicates that a protective order may be sought in which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including one or more of the following:

- (1) that the discovery not be had;
- (2) that the discovery may be had only on specified terms and conditions, including a designation of the time or place;
- (3) that the discovery may be had only by a method of discovery other than that selected by the party seeking discovery;
- (4) that certain matters not be inquired into, or that the scope of the discovery be limited to certain matters;
- (5) that discovery be conducted with no one present except persons designated by the court;
- (6) that a deposition after being sealed be opened only by order of the court;
- (7) that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a designated way;
- (8) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the court.

B. NRCP Rule 45 allows this court to quash or modify a subpoena.

NRCP 45 (c) Protection of Persons Subject to Subpoena provides in pertinent part:

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

1 C. Caroline is using her subpoena power as an end run around this Court's June
2 24, 2015 Order for production of documents and well outside its scope, and
3 outside the scope of permitted discovery.

4 Caroline is attempting to circumvent this Court's order of production of
5 documents and gain access to Christopher's attorneys' files, all of which were
6 provided by Christopher to the attorneys with the expectation of attorney/client
7 privilege and in anticipation of litigation. Caroline has not caused a subpoena to be
8 issued to Christopher personally, nor arranged to take his deposition. In good faith,
9 Christopher has provided the correspondence and documentation regarding the
10 Family Heritage Trust since the purported amendment was instituted on February
11 24, 2014. This Court did not order the production of documents concerning any of his
12 private activities prior to the time he was purportedly appointed Investment Advisor
13 to the trust.

14 The basic guideline as to the permissible scope of discovery under Nevada law
15 is provided by NRCP Rule 26 (b): Discovery Scope and Limits. Unless otherwise
16 limited by order of the court in accordance with these rules, the scope of discovery is
17 as follows:

18 (1) In General. *Parties may obtain discovery regarding any matter, not*
19 *privileged, which is relevant to the subject matter involved in the*
20 *pending action, whether it relates to the claim or defense of the party*
21 *seeking discovery or to the claim or defense of any other party, including*
22 *the existence, description, nature, custody, condition and location of any*
23 *books, documents, or other tangible things and the identity and location*
24 *of persons having knowledge of any discoverable matter. It is not*
25 *ground for objection that the information sought will be inadmissible at*
26 *the trial if the information sought appears reasonably calculated to lead*
27 *to the discovery of admissible evidence[.] (Emphasis added.)*

28 N.R.C.P. Rule 34 includes the following:

(b) Procedure.

(1) Contents of the Request. The request:

(A) *must describe with reasonable particularity each item or category of*
items to be inspected[.] (Emphasis added.)

The Supreme Court of Nevada dealt with the scope of discovery under N.R.C.P. Rule 26 in *Schlatter v. Eighth Jud. Dist. Ct. In and For Clark County*, 93 Nev. 189, 561 P.2d 1342 (Nev. 1977). In applying the phrase in Rule 26(b)(1), "which is relevant to the subject matter involved in the pending action," the court, in a personal injury action against a hotel, stated that where, as in the case before it, a party's physical condition was in issue, it was proper for a court to "order discovery of medical records containing information relevant to the injury complained of or any pre-existing injury related thereto." 93 Nev. at 192, 561 P.2d at 1343. The court found that the discovery order issued by the court below was proper to the extent that it required the production of the petitioner's tax returns and medical records relating to the issues raised by the action (the court below was itself the respondent in a mandamus action brought by the petitioner in challenging the discovery order) but that the order was overly broad:

[R]espondent's order went beyond this and permitted carte blanche discovery of all information contained in these materials without regard to relevancy. Our discovery rules provide no basis for such an invasion into a litigant's private affairs merely because redress is sought for personal injury. Respondent court therefore exceeded its jurisdiction by ordering disclosure of information neither relevant to the tendered issues nor leading to discovery of admissible evidence.

Id., 561 P.2d at 1343-44.

D. Caroline has not stated a cause of action or requested any remedy; her subpoena is over-broad and not relevant to her interest in the Trust.

To assess the relevancy of the items requested in Caroline's subpoena "to the subject matter involved in the pending action," it is necessary to review the Petition, starting, in slightly abbreviated form, with its heading:

PETITION TO ASSUME JURISDICTION OVER THE BEATRICE B. DAVIS FAMILY TRUST, . . . OVER CHRISTOPHER D. DAVIS AS INVESTMENT TRUST ADVISOR AND STEPHEN K. LEHNHARDT AS DISTRIBUTION TRUST ADVISOR; TO CONFIRM DUNHAM TRUST COMPANY AS DIRECTED TRUSTEE; AND FOR IMMEDIATE

DISCLOSURE OF DOCUMENTS AND INFORMATION FROM
CHRISTOPHER D. DAVIS.

After reviewing a number of actions that have affected the Family Heritage Trust from the time of its creation on July 28, 2000 (primarily changes in the identity of the trustee, with Dunham Trust Company of Reno, Nevada purportedly now serving as Successor Trustee and as Directed Trustee (Petition ¶¶ 6-8, 11), and a First Amendment to the Trust, purportedly changing the situs of the Trust from Alaska to Nevada (¶¶ 9-10), Caroline commences the heart of her pleading with the heading:

PETITION FOR THE IMMEDIATE DISCLOSURE OF DOCUMENTS
AND INFORMATION FROM CHRISTOPHER D. DAVIS

Caroline recounts that on May 9, 2011, the Trust became the owner and beneficiary of an Ashley Cooper Life Insurance Policy (Policy Number ACLI 1105-8007 PC; the "Policy"), with a face value of \$35,000,000 and Cheryl Davis (Christopher's ex-wife) as the insured. (Petition ¶¶ 15-17.) Section 10 of the Policy permits the owner (the Trust) to obtain loans from the Policy. (¶ 18.) The original Trustee, Alaska Trust Company, and its successor, Alaska USA Trust Company (¶¶ 19-20) borrowed funds from the Policy, paid administrative expenses of the trust and also made loans from the borrowed funds.

At ¶ 24 of the Petition, it is alleged that the Trust distributed a total of \$1,300,689.00 in Policy loans to a separate trust created by Beatrice B. Davis on April 4, 1990 (the Beatrice B. Davis Revocable Living Trust), Davis Family Office LLC ("DFO") and Christopher D. Davis, individually, all of which loans and distributions were allegedly made "at Christopher's insistence or direction in either his individual capacity, his capacity as the sole acting Trustee of the Revocable Living Trust, and his capacity as the sole manager of DFO. Caroline's basis for seeking the production of the documents as per the subpoena is set forth in the following two paragraphs of the Petition:

1 25. As Caroline is a current beneficiary of the Trust and the loans are
2 current assets held within the Trust, Caroline is entitled to complete
3 documentation and information related to the Policy loans, including
4 but not limited to, the identity of any entity, trust or individual who has
5 received and/or benefitted from such loans, the purpose of such loans,
6 the circumstances surrounding the distribution and use of such loans,
7 the repayment of such loans (if any), the collateral for such loans,
8 executed promissory notes, etc.

9 26. Further, the Trust is the one-hundred percent (100%) owner of FHT
10 Holdings, LLC, a Nevada limited liability company ("FHT Holdings"), of
11 which Christopher serves as the sole Manager. As FHT Holdings is an
12 asset of the Trust, Caroline is entitled to information related to the
13 assets held by FHT Holdings, including but not limited to the principal,
14 income, and liabilities of the LLC.
15 (Footnotes omitted.)

16 In addition to Caroline's contention in ¶ 24 that, because she is a beneficiary
17 of the Trust and because the Policy is an asset of the Trust, she is entitled to review
18 every possible document or record that in any way relates to the loans made by the
19 Trustees, she also cites the following subsections of Nev. Rev. Stat. § 153.031 "Petition
20 by trustee or beneficiary concerning affairs of trust: Purposes of petition; contents;
21 notice and hearing; additional relief":

22 1. A trustee or beneficiary may petition the court regarding any aspect
23 of the affairs of the trust, including:

24

25 (e) Ascertaining beneficiaries and determining to whom property is to
26 pass or be delivered upon final or partial termination of the trust, to the
27 extent not provided in the trust instrument;

28 (f) Settling the accounts and reviewing the acts of the trustee,
including the exercise of discretionary powers;

. . . .

(h) *Compelling the trustee to report information about the trust or
account, to the beneficiary;*

. . . .

1 (q) Compelling compliance with the terms of the trust or other applicable
2 law[.]

3 (Emphasis added; this is the version of §153.031 prior to amendment by 2015 Nevada
4 Laws Ch. 524 (S.B. 484), but subsection (h) was not changed.)

5 Subsection (h) by its very wording points out a fatal flaw in Caroline's view of
6 her rights to the documents and records that she is seeking: very simply, Christopher
7 D. Davis is not the trustee of the Family Heritage Trust and therefore is not the
8 individual or entity to whom subsection (h) applies. Subsection (h) also suggests the
9 need to determine the limits of a beneficiary's rights to information concerning the
10 trust. This question has been addressed by N.R.S. §165.137 "Duties of trustee with
11 regard to providing account; circumstances when account deemed approved by
12 beneficiary," which provides in part:

13 1. The following provisions apply to the extent that the trust instrument
14 does not expressly provide otherwise:

15 (a) The trustee shall provide an account to each current beneficiary and
16 to each remainder beneficiary upon request but is not required to
17 provide an account to a remote beneficiary;

18 (b) A trustee is not required to provide an account more than once in any
19 calendar year unless ordered by a court to do so upon good cause shown;

20 ...

21 (j) *A trustee is not required to provide to a beneficiary information that
22 does not affect the beneficiary's interest in the trust[.]*

23 (Emphasis added.)

24 This provision has been repealed, but a trustee's duty to account and provide
25 information to beneficiaries is covered by 2015 Nevada Laws Ch. 524 (S.B. 484) § 73,
26 which provides in part:

27 1. To the extent that the trust instrument does not provide otherwise,
28 the trustee of a nontestamentary trust shall satisfy the duty to account
for the nontestamentary trust estate by delivery of an account which
conforms with the requirements of NRS 165.135, and pursuant to the
following:

1 (a) Except as otherwise limited by paragraph (b), the trustee shall
2 deliver an account, upon demand pursuant to NRS 165.141, to each
3 current beneficiary, and to each remainder beneficiary of the trust. A
4 trustee is not required to provide an account to a remote beneficiary
pursuant to this section.

5 (b) Notwithstanding paragraph (a), a trustee may satisfy the duty to
6 account in accordance with subparagraphs (1) to (6), inclusive, where
applicable:

7 . . .

8 *(4) The trustee is not required to provide an account of any portion of*
9 *the trust estate to a beneficiary that does not affect the beneficiary's*
10 *interest in the trust, and the trustee may redact the account as to such*
11 *portions that do not affect the beneficiary's interest. (Emphasis added.)*

12 Therefore, even without considering whether the Petitioner's request for
13 documents and records under her subpoena satisfies the N.R.C.P. Rule 26(b)(1)
14 requirement of relevancy to the pending action, there are two obstacles standing in
15 her way: (1) Christopher D. Davis is not the Trustee of the Family Heritage Trust
16 and therefore is not the proper party to be served with a subpoena seeking trust-
17 related documents and records, and (2) even in the absence of the first obstacle,
18 Caroline, as a beneficiary, has the burden of showing that her request for each item
19 is justified as affecting her beneficial interest. Caroline makes no attempt in the
20 Items to be Produced (attached to the subpoena) to explain, even in a general way,
21 how the requests or groups of requests relate to the protection of her beneficial
22 interest in the Trust.

23 Instead, her requests blanket full groups of records possessed by Christopher
24 D. Davis: all of his records in his possession, custody or control concerning the Family
25 Heritage Trust (§ 1), the Beatrice B. Davis Revocable Living Trust (§ 2), Davis Family
26 Office, (§ 4), and FHT Holdings, LLC (§ 5). These are not documents that would
27 reflect Christopher's investment decisions as to Trust assets in his purported capacity
as Investment Trust Advisor, even if he did have any control over them, or documents

1 that could, arguably, have a bearing on the value of the Petitioner's beneficial
2 interest. Notably, it includes documents over which Caroline has control also, in her
3 capacities as Co-Trustee and beneficiary.

4 It is difficult to see how records pertaining to the Revocable Living Trust, Davis
5 Family Office and FHT Holdings LLC have anything bearing on Caroline's interest
6 in the policy. Similarly, there is no indication of any bearing on Caroline's interest in
7 the Family Heritage Trust, or of a connection between Christopher's purported status
8 as owner, manager, director or officer of "any and all entities", and the Family
9 Heritage Trust or the Revocable Living Trust (§ 8). This request constitutes a fishing
10 expedition into Christopher's financial affairs. Even if Ashley Cooper Life Insurance
11 Policy is the sole asset of the Family Heritage Trust, it is difficult to see how any
12 records concerning the Policy itself (§ 2) have a bearing on Caroline's interest. As
13 discussed below, she is not complaining about the Trust's acquisition of the Policy,
14 because she consented to it. The only relevance of the disbursements made from the
15 loan proceeds to Caroline's interest in the Trust is if the loans to Christopher are not
16 repaid, they should not be charged against her interest in the proceeds should she
17 survive him.

18 Even if Caroline clears the foregoing obstacles, she must still face the statutory
19 requirements of NRCP Rule 26 (b)(1) that the materials she seeks under the subpoena
20 are "relevant to the subject matter involved in the pending action."

21 First, it is obvious that the documents and records sought by Caroline have no
22 bearing on the question that is presently before this Court in the immediate
23 proceeding: whether this Court was correct in concluding in its Order of May 19, 2015
24 that it has jurisdiction in this matter "as a constructive trust because action on behalf
25 of the trust has been taken in Nevada." No item in the subpoena relates to the
26 jurisdictional or constructive trust issue. Instead, as described above, Caroline,
27 without any degree of specificity, seeks the production of any document or record in

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

2
3
4 CHRISTOPHER D. DAVIS,

5 Appellant,

6 v.

7 CAROLINE DAVIS,

8 Respondent.
9

Case No.: 68542
Electronically Filed
Oct 08 2015 09:05 a.m.
Tracie K. Lindeman
Eighth Judicial District Court
Clerk of Supreme Court
Case No.: P-15-083867-T (In re
the Beatrice B. Davis Family
Heritage Trust, dated July 28,
2000)

10
11 **EXHIBITS TO**
12 **EMERGENCY MOTION UNDER NRAP 27(e)**
13 **FOR 1) STAY PENDING APPEAL AND 2) AFFIRMATIVE RELIEF**

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<u>Exhibit</u>	<u>Title of Document</u>	<u>Bates Numbers</u>
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3	Email dated October 5, 2015 from Dana Dwiggins, Esq.	44-45
4	September 2, 2015 Transcript	46-131
5	Christopher D. Davis' Motion for Protective Order and to Quash or Modify the Subpoena	132-168
6	Notice of Petition and Petition to Stay Discovery Until the August 19, 2015 Hearing on the Motion for Reconsideration, or in the Alternative, Petition for Protective Order from Discovery by Subpoena	169-202
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	Davis Family Heritage Trust, Dated July 28, 2000, as Amended on February 24, 2014; to Assume Jurisdiction over Christopher D. Davis as Investment Trust Advisor and Stephen K. Lehnardt as Distribution Trust Advisor; to Confirm Dunham Trust Company as Directed Trustee; and for Immediate Disclosure of Documents and Information from Christopher D. Davis	
12	Second Amended Notice of Hearing on Petition to Assume Jurisdiction Over the Beatrice B. Davis Family Heritage Trust, Dated July 28, 2000, as Amended on February 24, 2014; to Assume Jurisdiction over Christopher D. Davis as Investment Trust Advisor and Stephen K. Lehnardt as Distribution Trust Advisor; to Confirm Dunham Trust Company as Directed Trustee; and for Immediate Disclosure of Documents and Information from Christopher D. Davis	519-523
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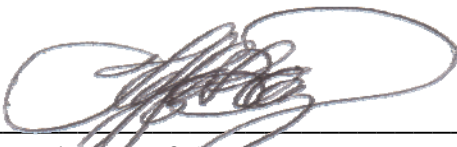
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