

# **Exhibit 2**

# **Exhibit 2**

# ROLAND

LAW FIRM

HARRIET H. ROLAND, A PROFESSIONAL LAW CORP.  
B.S., ACCOUNTING • M.B.A., TAXATION • JURIS DOCTORATE  
Licensed to practice law in Nevada and Colorado  
TAX, PROBATE, ESTATE PLANNING & ELDER LAW

June 24, 2015

Mark A. Solomon, Esq.  
Joshua M. Hood, Esq.  
Solomon Dwiggin & Freer, Ltd.  
9060 West Cheyenne Ave.  
Las Vegas, NV 89129

By facsimile 702.853.5485; email to [jhood@sdfnlaw.com](mailto:jhood@sdfnlaw.com)  
And U.S. mail

*Re: Beatrice B. Davis Family Heritage Trust*

Dear Mark and Joshua:

I have just received the order interlineated and signed by Judge Sturman, and we have e-filed it into the case. The order is dated May 19; I do not know why we have just received it. Our runner is Legal Wings, and today I confirmed they check every department twice every day. The delay does neither of our clients any good. In the interest of time, I am attaching a copy for you, and we will send formal notice of entry immediately.

Regarding the Subpoena Duces Tecum which you served upon Roland Law Firm: when I began working on it, I noticed that although the compliance date on the notice is June 25, the compliance date of May 18, 2015 on the actual subpoena is incorrect and obviously impossible to comply with. Would you please have it re-issued with a correct date so I can document my files?

Also, as I requested by telephone, would you please grant my request to extend the period of time for compliance to July 10, 2015, which is about 15 days from now? We are working on this, but the subpoena is very broad, and requires extensive cross-checking, as well as ongoing discussions with Christopher to particular assertions of privilege. He is out of the country, and communication across the time zones is difficult.

Telephone: (702) 452-1500

[www.rolandlawfirm.com](http://www.rolandlawfirm.com)

Facsimile (702) 920-8903

Henderson (Main office and mailing address):

2470 East Saint Rose Pkwy., Suite 105  
Henderson, Nevada 89074

**\*\*\* PLEASE NOTE NEW ADDRESS \*\*\***

APPELL000927

Mark A. Solomon  
Joshua M. Hood  
June 24, 2015  
Page 2 of 2

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Also, in order to minimize objections as to relevance, would you also please review the scope of the attached order and let me know whether you are willing to modify the re-issued subpoena to limit it to exclude documents pertaining only to the Revocable Living Trust that have no contact with the Family Heritage Trust, as the Revocable Living Trust matter is now before the Jackson County, Missouri court?

Finally, Christopher has asked that I meet with you and review with you the records we are producing, in hopes that we can each avoid the high costs of forensic review and bring a reasonable conclusion to the Family Heritage Trust matter, while the Revocable Living Trust issues are handled by the Missouri court.

Thank you in advance for your courtesy.

Sincerely,  
ROLAND LAW FIRM  
*/H. Roland*  
Harriet H. Roland, Esq.

HHR:ms

cc: client  
Anthony Barney, Esq.

Enclosures as stated

# **Exhibit 3**

# **Exhibit 3**



## Joshua M. Hood

---

**From:** Joshua M. Hood  
**Sent:** Wednesday, June 24, 2015 3:03 PM  
**To:** 'Harriet H Roland'  
**Cc:** 17028535485@efaxsend.com; Mark Solomon; Terrie Maxfield; Renee Guastaferro  
**Subject:** RE: for Hood and Solomon: Davis letter and order

Harriet:

Mark said July 10, 2015 is an acceptable date for an extension to provide the documents pursuant to the Subpoena Duces Tecum. Also, Mark is agreeable to having a meeting with you after we have received and reviewed the documents to discuss the same. Once we have had the opportunity to review the documents, I will contact you to discuss setting up a conference.

Sincerely,

Joshua M. Hood


SOLOMON DWIGGINS & FREER, LTD.


Cheyenne West Professional Center | 9060 W. Cheyenne Avenue | Las Vegas, NV 89129

Direct: 702.589.3506 | Office: 702.853.5483


Facsimile: 702.853.5485

Email: [jhood@sdfnlaw.com](mailto:jhood@sdfnlaw.com) | Website: [www.sdfnlaw.com](http://www.sdfnlaw.com)

 [www.facebook.com/sdfnlaw](https://www.facebook.com/sdfnlaw)

 [www.linkedin.com/company/solomon-dwiggins-&-freer-ltd-](https://www.linkedin.com/company/solomon-dwiggins-&-freer-ltd-)



 *Please consider the environment before printing this email.*

This message contains confidential information and may also contain information subject to the attorney client privilege or the attorney work product rules. If you are not the intended recipient, please delete the message and contact Solomon Dwiggins & Freer, Ltd. at 702-853-5483. Any disclosure, copying, distribution, reliance on or use of the contents of this message by anyone other than the intended recipient is prohibited.

---

**From:** Harriet H Roland [<mailto:hroland@rolandlawfirm.com>]

**Sent:** Wednesday, June 24, 2015 3:00 PM

**To:** Joshua M. Hood

**Cc:** [17028535485@efaxsend.com](mailto:17028535485@efaxsend.com)

**Subject:** for Hood and Solomon: Davis letter and order

Joshua,

Thanks for taking my call today.  
As discussed, here are my letter and the order.  
Please let me know Mark's response to my request for extension.  
Best regards,

*/ Harriet H. Roland, Esq.*

**ROLAND LAW FIRM**

**Tax, Probate, Estate Planning & Elder Law**

Harriet H. Roland, Esq.  
2470 E. Saint Rose Pkwy, Ste. 105  
Henderson, NV 89074  
Tel (702) 452-1500  
Fax (702) 920-8903  
[HRoland@RolandLawFirm.com](mailto:HRoland@RolandLawFirm.com)

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# Exhibit 4

# Exhibit 4

1 CC03  
2 Mark A. Solomon, Esq.  
3 Nevada Bar No. 0418  
4 E-mail: [msolomon@sdfnlaw.com](mailto:msolomon@sdfnlaw.com)  
5 Joshua M. Hood, Esq.  
6 Nevada Bar No. 12777  
7 E-mail: [jhood@sdfnlaw.com](mailto: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*

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**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.: Probate (26)

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

THE STATE OF NEVADA SENDS GREETINGS TO:

The Custodian of Record or Other Qualified Person at

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

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

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

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



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](mailto: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 25<sup>th</sup> 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](mailto:msolomon@sdfnlaw.com)  
26 JOSHUA M. HOOD, ESQ. (Bar No. 12777)  
27 E-mail: [jhood@sdfnlaw.com](mailto: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

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

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

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

9060 WEST CHEYENNE AVENUE  
LAS VEGAS, NEVADA 89129  
TELEPHONE (702) 853-5483  
FACSIMILE (702) 853-5485  
WWW.SDRNLAW.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 "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 July, 2015.

\_\_\_\_\_  
Notary Public

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



CC03  
Mark A. Solomon, Esq.  
Nevada Bar No. 0418  
E-mail: [msolomon@sdfnlaw.com](mailto:msolomon@sdfnlaw.com)  
Joshua M. Hood, Esq.  
Nevada Bar No. 12777  
E-mail: [jhood@sdfnlaw.com](mailto: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-T  
Dept.: Probate (26)

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

THE STATE OF NEVADA SENDS GREETINGS TO:

The Custodian of Record or Other Qualified Person at

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

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

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

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



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](mailto: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 damaged 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 25<sup>th</sup> 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](mailto:msolomon@sdfnlaw.com)  
26 JOSHUA M. HOOD, ESQ. (Bar No. 12777)  
27 E-mail: [jhood@sdfnlaw.com](mailto: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



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

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

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

**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 "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 July, 2015.

\_\_\_\_\_  
Notary Public

# **Exhibit 5**

# **Exhibit 5**

Anthony L. Barney, M.S., J.D., LL.M.  
Attorney at Law  
Licensed in Nevada and Idaho

Tiffany S. Barney, J.D.  
Attorney at Law  
Licensed in Nevada

Mary L. Martell, J.D.  
Law Clerk

**ANTHONY L. BARNEY, LTD.**  
**A Nevada Professional Law**  
**Corporation**

3317 W. Charleston Boulevard, Suite B  
Las Vegas, Nevada 89102-1835  
Receptionist: 702-438-7878  
Fax: 702-259-1116

Neva Liebe  
Administrative Assistant

Website Address  
www.anthonybarney.com

E-mail Address  
office@anthonybarney.com

July 1, 2015

Joshua M. Hood, Esq.  
Solomon Dwiggin Freer, Ltd.  
9060 West Cheyenne Avenue  
Las Vegas, Nevada 89129

Re: The Beatrice B. Davis Family Heritage Trust

SENT VIA US MAIL AND FACSIMILE at 702-853-5485

Dear Mr. Hood,

I am in receipt of the Subpoena Duces Tecum dated June 25, 2015. Your Subpoena requires production by July 10, 2015, however this is an unreasonable timeframe for production. This is best illustrated in the case of *Thomas v. IEM, Inc.*<sup>1</sup> The *Thomas* court reasoned that a Subpoena is not the appropriate mechanism for obtaining information from a party to the litigation. "Rule 45 subpoenas, although not technically precluded by the language of Rule 45 from being served upon parties to litigation, are generally used to obtain documents from non-parties and are "clearly not meant to provide an end-run around the regular discovery process under Rules 26 and 34."<sup>2</sup> Though Nevada has not specifically addressed this issue the Supreme Court of Nevada has held that the interpretation of Federal Rules is persuasive authority for the state

<sup>1</sup> *Thomas v. IEM, Inc.*, 2008 U.S. Dist. LEXIS 19186, (M.D. La. Mar. 12, 2008).

<sup>2</sup> For additional sources stating a similar position see: *Smith v. Pendergrass*, 2003 WL 21919182 (N.D.Ind. 2003)("Plaintiff wants to serve his subpoenas on parties to this suit; however, he should properly obtain such discovery through Rule 34 document requests. Thus, we can simply ignore his request that the Court issue these Rule 45 subpoenas"); *Smith v. Transducer Technology, Inc.*, 197 F.R.D. 260 (D.C. Virgin Islands 2000)("While both Rules 34 and 45 have been amended . . . it is evident to this court that Rule 45, to the extent it concerns discovery, is still directed at non-parties and that Rule 34 governs the discovery of documents in the possession or control of the parties themselves . . . Indeed Rule 34, which unquestionably applies only to parties, illuminates the scope of Rule 45 when it directs that '[a] person not a party to the action may be compelled to produce documents and things or to submit to an inspection as provided in Rule 45'"); *Badman v. Stark*, 139 F.R.D. 601, 603 (M.D.Pa. 1991); [6] *McAleese v. Owens*, 1991 WL 329930 (W.D. Pa. 1991); *Kean v. VanDyken*, 2006 U.S. Dist. LEXIS 10316, 2006 WL 374502 (W.D.Mich. 2006); *Alper v. United States*, 190 F.R.D. 281, 283 (D.Mass. 2000)("While the language of Rule 45 . . . may . . . not be crystal clear, it is apparent . . . that discovery of documents from a party, as distinct from a non-party, is not accomplished pursuant to Rule 45").

counter parts.<sup>3</sup> Under the NRCP 34 (b) (2) (A) the responding party has 30 days to respond to requests for production.

I respectfully request that you issue requests for production as these are the appropriate mechanism to obtain the documents you seek. Alternatively, we will treat the requests made in the subpoena as though they were made as requests for production. This of course subjects the subpoena to the 30 day timeframe for compliance as required under NRCP 34. Please respond with your decision to either re-submit the requests in your subpoena as requests for production or to extend the deadline in your subpoena to comply with the 30 day requirement of NRCP 34.

We reserve the right to withhold documents based upon lack of jurisdiction and/or the attorney-client privilege, and we will provide, where necessary, a log regarding the same. Additionally, we reserve the right to challenge the excessive use of requests for production.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony L. Barney', written in a cursive style.

ANTHONY L. BARNEY  
Attorney at Law

cc: Mark A. Solomon, Esq. via e-mail at [msolomon@sdfnlaw.com](mailto:msolomon@sdfnlaw.com) & Joshua M. Hood, Esq. via e-mail at [jhood@sdfnlaw.com](mailto:jhood@sdfnlaw.com).

---

<sup>3</sup> Greene v. Eighth Judicial Dist. Ct., 115 Nev. 391, 393, (Nev. 1999)

# **Exhibit 6**

# **Exhibit 6**

# ROLAND

LAW FIRM

HARRIET H. ROLAND, A PROFESSIONAL LAW CORP.  
B.S., ACCOUNTING • M.B.A., TAXATION • JURIS DOCTORATE  
Licensed to practice law in Nevada and Colorado  
TAX, PROBATE, ESTATE PLANNING & ELDER LAW

July 10, 2015

***SENT VIA US MAIL AND FACSIMILE at 702-853-5485***

Joshua M. Hood, Esq.  
Mark Solomon, Esq.  
Solomon Dwiggin Freer, Ltd.  
9060 West Cheyenne Avenue  
Las Vegas, Nevada 89129

***Re: Beatrice B. Davis Family Heritage Documents***

Dear Joshua and Mark:

Thank you for reissuing the Subpoena Duces Tecum. Although today is the last day for response under the Subpoena, I am still working on the production of documents. In light of Judge Sturman's order dated May 19<sup>th</sup>, which we received on or about June 24, I am revising our response. Upon a close review of the order, I must make several more passes through the data to filter the production to bring it into line with her order.

Christopher Davis was traveling out of the country for a short vacation, and he was gone from before I received your subpoena until yesterday. I have not yet been able to discuss with him the production of documents. Especially in light of Judge Sturman's late-received order and Christopher's travel schedule, I agree with Anthony Barney's assessment that July 10 is an unreasonable timeframe for production. Under the NRCP 34 the responding party should have 30 days to respond to requests for production. I respectfully request therefore that you do not bring an early motion to compel. I will have more complete information for you on Monday after I am able to talk with Christopher.

As always, I will withhold documents certain documents based upon attorney-client privilege, lack of jurisdiction or other grounds. I will provide a privilege log as required under the rules. If you have any questions, please do not hesitate to contact me.

Sincerely,  
ROLAND LAW FIRM  
*/H. Roland*  
Harriet H. Roland, Esq.

HHR:ms

Telephone: (702) 452-1500

www.rolandlawfirm.com

Facsimile (702) 920-8903

**Henderson (Main office and mailing address):**

2470 East Saint Rose Pkwy., Suite 105  
Henderson, Nevada 89074

**\*\*\* PLEASE NOTE NEW ADDRESS \*\*\***

APPELL000951

# **Exhibit 7**

# **Exhibit 7**



SOLOMON | DWIGGINS | FREER <sup>LLP</sup>

TRUST AND ESTATE ATTORNEYS

Mark A. Solomon  
Dana A. Dwiggin  
Alan D. Freer  
Brian K. Steadman  
Steven E. Hollingworth  
Brian P. Eagan  
Jeffrey P. Luszeck  
Alexander G. LeVeque

Cheyenne West Professional Centre  
9060 West Cheyenne Avenue  
Las Vegas, Nevada 89129

Telephone: 702.853.5483  
Facsimile: 702.853.5485

Ross E. Evans  
Jordanna L. Evans  
Joshua M. Hood  
\*Christopher J. Fowler

\*Licensed only in Florida

Direct Dial (702) 589-3505  
Email [ddwiggin@sdfnlaw.com](mailto:ddwiggin@sdfnlaw.com)

July 14, 2015

**Via Email ([hroland@rolandlaw.com](mailto:hroland@rolandlaw.com)) & U.S. Mail**

Harriet H. Roland, Esq.  
2470 East Saint Rose Parkway, Suite 105  
Henderson, Nevada 89074

**Re: The Beatrice B. Davis Family Heritage Trust**

Dear Ms. Roland:

I am writing this letter in response to your July 10, 2015 correspondence and our telephone communication on the afternoon of July 13, 2015, with specific reference to the Subpoena Duces Tecum that was served on your office on June 25, 2015 (the "Subpoena") and in regards to the Order that was entered on June 24, 2015 (the "Order").

Pursuant to the Subpoena, you were to provide the requested documents by July 10, 2015. According to your July 10, 2015 correspondence, you indicated that the July 10, 2015 deadline was "unreasonable", and that you believed you should have thirty (30) days to respond under NRCP 34. Although there is a disagreement as to whether or not a "subpoena" under NRCP 45 or "Request For Production of Documents" under NRCP 34 is the appropriate discovery tool to obtain documents, pursuant to our conversation, we have agreed to a **firm deadline** of July 27, 2015, for the production of documents pursuant to the Subpoena. The July 27, 2015 will provide you with the requested thirty (30) days to comply with the Subpoena. As we discussed on the telephone, if the subpoenaed documents are not received by July 27, 2015, we intend to file a Motion to Compel, as well as seek attorneys' fees and costs for being forced to file such motion.

Additionally, as we discussed during our July 13, 2015 telephone communication, the Order provides that the "Petition for Immediate Disclosure of Documents and Information from Christopher D. Davis is granted as to all information in his possession *custody or control*<sup>1</sup> in his

<sup>1</sup> As interlineated by the Judge.



SOLOMON | DWIGGINS | FREER<sup>LTD</sup>  
TRUST AND ESTATE ATTORNEYS

Harriet Roland, Esq.

Re: Beatrice B. Davis Family Heritage Trust.

Page 2

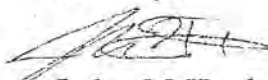
July 14, 2015

role as Investment Trust Advisor, *and or his role as Manager of FHT Holdings<sup>2</sup>*. At this point, we have not received any documents or information pursuant to the Order. You mentioned that you were informed and believed that Dunham Trust Company provided the documents related FHT Holdings LLC. However, as I mentioned during our conversation, there have been no documents provided by Dunham Trust Company relating to FHT Holdings LLC (i.e. operating agreement, Secretary of State filings, etc.). Notwithstanding, the Order requiring the disclosure of information is directed to Christopher Davis, not Dunham Trust Company. As such, please remit the required information pursuant to the Order no later than July 27, 2015. Given the fact that the Order was entered on June 24, 2015, and the fact that the Order requires the *immediate* disclosure of information in Christopher Davis' possession, custody, or control as it relates to his role as Investment Trust Advisor and Manager of FHT Holdings LLC, the **firm deadline** of July 27, 2015 is not only reasonable, but provides you with sufficient time to comply with the Order. Please be advised, however, that if the information is not produced pursuant to the Order on or before July 27, 2015, we intend on filing a Motion to hold Christopher Davis in contempt for failing to abide by the Order.

During our conversation on June 13, 2015, you also mentioned that you wanted to make it clear that the production of any documents and information is not to be considered a waiver of any jurisdictional arguments that you may have.

Should you have any questions or concerns, or should you need any additional information, please do not hesitate to contact me.

Sincerely,

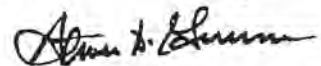


Joshua M. Hood.

Cc: Client.

# Exhibit 8

# Exhibit 8



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  
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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.**  
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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 22<sup>nd</sup> 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 Dwiggin 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:

11  
12  
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  
16 IT IS FURTHER FOUND that the Court has no affidavit that another beneficiary existed  
17 at the time the first amendment was signed.

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

21  
22 IT IS SO FOUND.

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

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

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 <sup>custody or control</sup> in his role as Investment Trust Advisor, <sup>and on his</sup>  
6 <sup>role as manager of FHR Holdings</sup>

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 19<sup>th</sup> day of May, 2015.

13  
14  
15  
16   
DISTRICT COURT JUDGE

17  
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  
Henderson, NV 89074  
25 Telephone: (702) 452-1500  
Facsimile: (702) 920-8903  
Attorney for Christopher D. Davis

26  
27   
28 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

///

///

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.

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*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

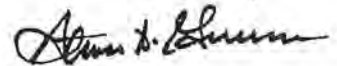
Telephone: (702) 853-5483

Facsimile: (702) 853-5485

*Attorneys for Caroline D. Davis*

# Exhibit 9

# Exhibit 9



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  
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Facsimile: (702) 920-8903  
Email: hroland@rolandlawfirm.com  
Attorney for Christopher D. Davis

DISTRICT COURT  
CLARK COUNTY, NEVADA

In the Matter of

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

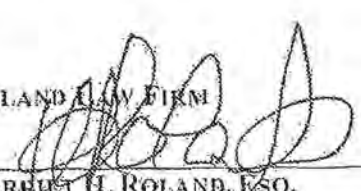
The BEATRICE B. DAVIS FAMILY  
HERITAGE TRUST, dated July 28, 2000, as  
amended on February 24, 2014.

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

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



# **Exhibit 10**

# **Exhibit 10**

Beatrice B. Davis Family Heritage Trust  
 Roland Law Firm  
 Privilege Log for Production to SDF  
 July 27, 2015

Begin/End O-000807	Begin/End O-000808	Begin/End O-000809	Begin/End O-000810	Begin/End O-000811	Begin/End O-000812	Begin/End O-000813	Begin/End O-000814	Begin/End O-000815	Begin/End O-000816	Begin/End O-000817	Begin/End O-000818	Begin/End O-000819	Begin/End O-000820	Begin/End O-000821	Begin/End O-000822	Begin/End O-000823	Begin/End O-000824	Begin/End O-000825	Begin/End O-000826	Begin/End O-000827	Begin/End O-000828
Chris Davis	Stephen K Lehnardt <stephen@lehnhardt.com>	Chris Davis	Terry Watts <twatts@dfokc.com>	Chris Davis	Stephen K Lehnardt <stephen@lehnhardt.com>	Stephen K Lehnardt <stephen@lehnhardt.com>	Terry Watts <twatts@dfokc.com>	Chris Davis	Chris Davis	Chris Davis	Chris Davis	Harriet H Roland <hroland@rolandlawfirm.com>	Stephen K Lehnardt <stephen@lehnhardt.com>	Stephen K Lehnardt <stephen@lehnhardt.com>	Stephen K Lehnardt <stephen@lehnhardt.com>	Stephen K Lehnardt <stephen@lehnhardt.com>	Stephen K Lehnardt <stephen@lehnhardt.com>	Stephen K Lehnardt <stephen@lehnhardt.com>	Stephen K Lehnardt <stephen@lehnhardt.com>	Harriet H Roland <hroland@rolandlawfirm.com>	Stephen K Lehnardt <stephen@lehnhardt.com>
	Chris Davis <cdavis2785@kc.rr.com>	Terry Watts <twatts@dfokc.com>	Chris Davis <cdavis2785@kc.rr.com>	TERRY WATTS <twatts@dfokc.com>	Chris Davis <cdavis2785@kc.rr.com>	Chris Davis <cdavis2785@kc.rr.com>	Chris Davis <cdavis2785@kc.rr.com>	Chris Davis <cdavis2785@kc.rr.com>	Chris Davis <cdavis2785@kc.rr.com>	Chris Davis <cdavis2785@kc.rr.com>	Chris Davis <cdavis2785@kc.rr.com>	Chris Davis <cdavis4108@gmail.com>	cdavis4108@gmail.com	cdavis4108@gmail.com	cdavis4108@gmail.com	cdavis4108@gmail.com	cdavis4108@gmail.com	cdavis4108@gmail.com	cdavis4108@gmail.com	Chris Davis <cdavis4108@gmail.com>	cdavis4108@gmail.com
	FW: Davis Trust	ESTATE - VIII 6-POLICY LOAN CARRYOVER DISCREPANCY	RE: Changes to Spreadsheet for BBD Xfers	RT to FHT ERROR	FW: Davis FHT Assets-Division	FW: Davis Trust	RE: Want Audit before pay: Old Invoices	FHT Holdings LLC. (Operating Agreement).doc	WinFHTSig(1).jpg	WinFHTSig(2).jpg	WinFHTSig.jpg	confirmation and release of documents	FW: Beatrice B. Davis Family Heritage Trust	FW: Beatrice B. Davis Family Heritage Trust	FW: Beatrice B. Davis Family Heritage Trust	FW: Beatrice B. Davis Family Heritage Trust	FW: Beatrice B. Davis Family Heritage Trust	FW: Beatrice B. Davis Family Heritage Trust	FW: Beatrice B. Davis Family Heritage Trust	FW: Davis Trust	RE: Davis: request for info from Dunham
	9/4/2014 9:16 AM	5/16/2014 8:23 AM	9/15/2014 5:36 PM	5/8/2014 2:29 PM	4/17/2014 8:01 AM	5/29/2014 8:40 AM	5/22/2014 1:42 PM	4/9/2014 5:53 PM	3/5/2014 2:28 PM	3/5/2014 2:28 PM	3/5/2014 2:28 PM	12/5/2014 10:07 AM	8/21/2014 2:10 PM	8/21/2014 2:10 PM	9/16/2014 9:41 AM	8/22/2014 12:54 PM	8/22/2014 12:54 PM	8/22/2014 12:54 PM	8/22/2014 4:09 PM	11/6/2014 3:42 PM	8/27/2014 12:32 PM
	URGENT: TGT- FHT COLLATERAL RECAP.xls																				
	Subject: FHT Collateral Recap																				
	9/4/2014 9:16 AM	5/16/2014 8:23 AM	9/15/2014 5:36 PM	5/8/2014 2:29 PM	4/17/2014 8:01 AM	5/29/2014 8:40 AM	5/22/2014 1:42 PM	4/9/2014 5:53 PM	3/5/2014 2:28 PM	3/5/2014 2:28 PM	3/5/2014 2:28 PM	12/5/2014 10:07 AM	8/21/2014 2:10 PM	8/21/2014 2:10 PM	9/16/2014 9:41 AM	8/22/2014 12:54 PM	8/22/2014 12:54 PM	8/22/2014 12:54 PM	8/22/2014 4:09 PM	11/6/2014 3:42 PM	8/27/2014 12:32 PM
	Attorney Client Communication	Attorney Client Communication	Attorney Client Communication	Attorney Client Communication	Attorney Client Communication	Attorney Client Communication	Attorney Client Communication	Attorney Client Communication	Attorney Client Communication	Attorney Client Communication	Attorney Client Communication	Attorney Work Product	Attorney Client Communication	Attorney Client Communication	Attorney Client Communication	Attorney Client Communication	Attorney Client Communication	Attorney Client Communication	Attorney Client Communication	Attorney Work Product	Attorney Client Communication

# **Exhibit 11**

# **Exhibit 11**

Mark A. Solomon, Esq., Bar No. 418  
[msolomon@sdfnlaw.com](mailto:msolomon@sdfnlaw.com)  
Joshua M. Hood, Esq. Bar No. 12777  
[jhood@sdfnlaw.com](mailto: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:

Case No.: P-15-083867-T  
Dept.: 26

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

Hearing Date: September 2, 2015  
Hearing Time: 9:00 a.m.

**DECLARATION OF MARK A. SOLOMON ESQ. IN SUPPORT OF MOTION TO  
COMPEL HARRIET ROLAND, ESQ. TO PRODUCE DOCUMENTS RESPONSIVE TO  
SUBPOENA DUCES TECUM; AND FOR ATTORNEYS' FEES AND COSTS**

I, MARK A. SOLOMON, ESQ. declare as follows:

1. I am a Partner at the law firm of Solomon Dwiggins & Freer, Ltd. ("SDF"), and  
counsel for Caroline D. Davis ("Ms. Davis").

2. I have actual knowledge as to the matters stated herein, except for those matters  
stated on information and belief, and as to those matters, I believe them to be true.

3. On June 8, 2015, SDF issued a Subpoena Duces Tecum to Harriet H. Roland, Esq.  
("Ms. Roland") and to Anthony L. Barney, Esq. ("Mr. Barney"), attorneys for Christopher D.  
Davis ("Christopher"), requesting certain non-privileged documents within her possession,  
custody, or control.

4. On June 24, 2015, Ms. Roland requested that SDF reissue the June 8, 2015  
Subpoena due to a scrivener's error concerning the deadline by which the documents must be  
produced, and further requested that the deadline for such production be extended until July 10,  
2015.

5. SDF agreed to Ms. Roland's requests and reissued the Subpoenas Duces Tecum on June 25, 2015 to both Ms. Roland and Mr. Barney, as well as granted an extension for which the documents must be produced to July 10, 2015.

6. On July 10, 2015, rather than complying with the June 25, 2015 Subpoena Duces Tecum, Ms. Roland sent a correspondence claiming that the July 10, 2015 deadline, which she requested, was unreasonable and that such deadline should comply with NRCP 34's requirement of thirty (30) days.

7. In order to avoid a discovery dispute regarding whether a Subpoena Duces Tecum under NRCP 45 or a Request For Production Of Documents under NRCP 34 was the appropriate mechanism for obtaining the documents, SDF agreed to extend the deadline to July 27, 2015, which provided more than the required thirty (30) days under NRCP 34.

8. On July 27, 2015, Ms. Roland provided several documents and a privilege log.

9. After carefully reviewing the documents provided by Ms. Roland, it was quickly discovered that Ms. Roland failed to provide the documents requested pursuant to the June 25, 2015 Subpoena Duces Tecum.

10. As such, on July 31, 2015, I, along with one of my associate attorneys, Joshua M. Hood, Esq., conducted a mandatory EDCR 2.34 conference with Mr. Barney and Ms. Roland.

11. During the EDCR 2.34 conference with Mr. Barney, Mr. Barney stated that he did not comply with the June 25, 2015 Subpoena Duces Tecum issued to him because he was relying on Ms. Roland to respond and produce the documents.

12. Mr. Barney further stated that he did not have any documents other than the documents that were provided to him by Ms. Roland, which were already produced by Ms. Roland.

13. During the EDCR 2.34 conference with Ms. Roland, Ms. Roland claimed that the June 25, 2015 Subpoena Duces Tecum issued to her was overreaching and outside of the scope of the June 24, 2015 Order issued by the Court.

14. I explained to Ms. Roland that the documents produced did not even comply with the June 24, 2015 Order and were woefully insufficient.

1           15. I informed Ms. Roland that, because the documents provided did not comply with  
2 the June 25, 2015 Subpoena Duces Tecum, we intended to file a Motion To Compel in order to  
3 force her to produce the documents responsive to this request.

4           16. Based upon prior communications with Ms. Roland, I am informed and believe  
5 that Ms. Roland has documents in her possession, custody, and control responsive to the June 25,  
6 2015 Subpoena Duces Tecum including, but not limited to, documents related to the Beatrice B.  
7 Davis Family Heritage Trust, dated July 28, 2000, as amended on February 24, 2014; the Ashley  
8 Cooper Life Insurance Policy and related loans; the Beatrice B. Davis Revocable Living Trust,  
9 dated April 4, 1990; the Davis Family Office, LLC, and other entities owned or related to the  
10 aforementioned trusts or entities of which Christopher is the owner, manager, director or officer.

11           17. During one of my prior conversations with Ms. Roland, she informed me that  
12 Christopher provided her with numerous documents that she would share with me, illustrating  
13 how the Trust and the proceeds from the Policy loans interacts with the Beatrice B. Davis  
14 Revocable Living Trust, dated April 4, 1990; the Davis Family Office, LLC, and other entities  
15 owned or related to the aforementioned trusts or entities of which Christopher is the owner,  
16 manager, director or officer. Indeed, Ms. Roland indicated that, based upon such documents  
17 provided by Christopher, she was able to create a detailed diagram demonstrating the same.

18           18. Under the penalty of perjury in the State of Nevada, I declare the foregoing is true  
19 and correct.

20           Dated this 17 day of August, 2015.

21  
22 

23           Mark A. Solomon, Esq.  
24  
25  
26  
27  
28

# **Exhibit 12**

# **Exhibit 12**

Anthony L. Barney, M.S., J.D., LL.M.  
Attorney at Law  
Licensed in Nevada and Idaho

Tiffany S. Barney, J.D.  
Attorney at Law  
Licensed in Nevada

Marv L. Martell, J.D.  
Law Clerk

**ANTHONY L. BARNEY, LTD.**  
**A Nevada Professional Law**  
**Corporation**

3317 W. Charleston Boulevard, Suite B  
Las Vegas, Nevada 89102-1835  
Receptionist: 702-438-7878  
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Neva Liebe  
Administrative Assistant

Website Address  
[www.anthonybarney.com](http://www.anthonybarney.com)

E-mail Address  
[office@anthonybarney.com](mailto:office@anthonybarney.com)

July 31, 2015

Joshua M. Hood, Esq.  
Mark A. Solomon, Esq.  
Solomon Dwiggin Freer, Ltd.  
9060 West Cheyenne Avenue  
Las Vegas, Nevada 89129

Re: The Beatrice B. Davis Family Heritage Trust

SENT VIA US MAIL AND FACSIMILE at 702-853-5485

Dear Mr. Hood/ Mr. Solomon,

This letter is to follow up on our phone conversation on July 31, 2015 wherein we discussed the subpoena duces tecum issued by your office and treated as requests for production by my office as detailed in my previous letter dated July 1, 2015. As I explained to you during our phone conversation, my office receives all documents from my co-counsel and does not have any of the requested documents that have not already been provided to you through my co-counsel attorney Harriet Roland, Esq. If you have any further questions in this regard, please do not hesitate to contact me.

Sincerely,



ANTHONY L. BARNEY  
Attorney at Law

cc: Mark A. Solomon, Esq. via e-mail at [msolomon@sdfnlaw.com](mailto:msolomon@sdfnlaw.com) & Joshua M. Hood,  
Esq. via e-mail at [jhood@sdfnlaw.com](mailto:jhood@sdfnlaw.com).



# **Exhibit 13**

# **Exhibit 13**

SOLOMON DWIGGINS & FREER, LTD.  
Attorneys at Law

Mark A. Solomon  
Dana A. Dwiggins  
Alan D. Freer  
Brian K. Steadman

Cheyenne West Professional Centre  
9060 West Cheyenne Avenue  
Las Vegas, Nevada 89129

Telephone: (702) 853-5483  
Facsimile: (702) 853-5485

Brian P. Eagan  
Jeffrey P. Luszeck  
Ross E. Evans  
Jordanna L. Evans  
Joshua M. Hood  
Bri F. Issurdutt

*Of Counsel*  
Steven E. Hollingworth

Direct Dial: (702) 589-3500  
[msolomon@sdfnlaw.com](mailto:msolomon@sdfnlaw.com)

August 26, 2014

**VIA U.S. MAIL**

CHRISTOPHER D. DAVIS  
3005 N. Beverly Glen Circle  
Los Angeles, California 90077

**Re: The Beatrice B. Davis Family Heritage Trust, dated July 28, 2000; The Beatrice B. Davis Revocable Trust, dated April 4, 1990, as amended; and The Beatrice B. Davis Family Irrevocable Trust, dated September 3, 1996.**

Dear Mr. Davis:

Solomon Dwiggins & Freer, Ltd. has been retained by your sister, Caroline Davis ("Ms. Davis"), to represent her with regards to the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000 (the "Heritage Trust"); the Beatrice B. Davis Revocable Trust, dated April 4, 1990, as amended (the "Revocable Trust"); and Beatrice B. Davis Irrevocable Trust, dated September 3, 1996 (the "Irrevocable Trust").

With regards to the Heritage Trust, it is our understanding that you are currently serving as the Trust Investment Advisor and that the Trust currently owns an Ashley Cooper Life Insurance Policy (the "Policy"), from which a revolving line of credit has been established. It has been brought to our attention that the Heritage Trust, presumably by and through Alaska Trust Company, took a number of advances from the Policy's revolving line of credit. In order to understanding the nature, purpose, and extent of such advances taken by the Heritage Trust, please provide to our office any and all information and documentation pertaining to the advances made from the Policy, including, but not limited to, the line of credit agreement, the Policy, and Ashley Cooper statements reflecting any and all distributions and payments.

In addition to the advances made from the Policy to the Heritage Trust, it also has been brought to our attention that a number of loans have been made from the Heritage Trust to you personally, the Revocable Trust, and the Davis Family Office, LLC (hereinafter the "Loans"). According to the information provided to us, there is an outstanding balance of approximately \$2.1 million dollars due and owing from you, the Revocable Trust, and the Davis Family Office, LLC collectively. In order to better understand the nature, purpose, and extent of the Loans made from the Heritage Trust, we are requesting that you provide to us a copy of the any and all

Re: The Beatrice B. Davis Family Heritage Trust, dated July 28, 2000; The Beatrice B. Davis Revocable Trust, dated April 4, 1990, as Amended; and The Beatrice B. Davis Family Irrevocable Trust, dated September 3, 1996.

August 26, 2014

Page: 2

promissory notes, and any and all documentation relating to such Loans, including amortization schedules and documents reflecting payments or accruals of interest and principal. We also request that you provide us with information showing the purpose and use of the proceeds from each of the Loans.

With respect to the Revocable Trust, it is our understanding that both you and Ms. Davis are presently serving as successor Co-Trustees. Additionally, we have been made aware that Ms. Davis previously executed a Delegation of Authority on March 22, 2007, providing you the authority to act singly on behalf of the Trust, without prior consultation or agreement from Ms. Davis. Pursuant to Paragraph Tenth, Section 10 of the Revocable Trust, as the sole acting successor Co-Trustee, you are required to provide, at least annually, "statements reflecting the then actual condition of the trust estate, showing all receipts, disbursements of income and principal, changes of investments and investments then held as part of the trust." Ms. Davis has informed us that she has not received any of the required annual statements. As such, please remit to our office the annual statements beginning March 22, 2007, the date on which you became the sole acting Co-Trustee, through the present. Such statements must include, but should not be limited to, the assets, receipts and distributions of income and principal, and the investment objective. If any of the aforementioned information is not within your control, it is incumbent upon you to direct any individual or entity within your control to provide such information.

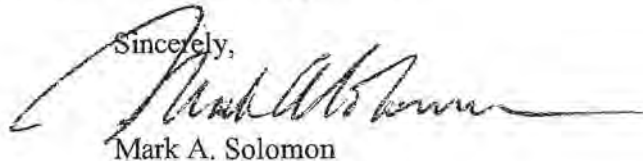
In addition to the Heritage Trust and the Revocable Trust, Ms. Davis has provided us limited information pertaining to the Irrevocable Trust. Ms. Davis is informed and believes that the Irrevocable Trust was terminated a few years ago, but does not possess any information pertaining to the assets within the Irrevocable Trust prior to its termination. As Ms. Davis is a Co-Trustee of the Irrevocable Trust and is entitled to a copy of such trust, and any and all information pertaining thereto, please remit to our office a copy of the Irrevocable Trust, any amendments, and any and all accountings, financial statements, or documentation concerning the assets in the Irrevocable Trust and any distributions or use thereof.

The requested information should be sent to the following:

SOLOMON DWIGGINS & FREER, LTD  
9060 West Cheyenne Avenue  
Las Vegas, Nevada 89129

Your anticipated and prompt cooperation in this matter is appreciated.

Sincerely,



Mark A. Solomon

cc: Client

# **Exhibit 14**

# **Exhibit 14**

SOLOMON DWIGGINS & FREER, LTD.  
Attorneys at Law

Mark A. Solomon  
Dana A. Dwigginis  
Alan D. Freer  
Brian K. Steadman

Cheyenne West Professional Centre  
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Jordanna L. Evans  
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Joshua M. Hood  
Bri F. Issurdutt

*Of Counsel*  
Steven E. Hollingworth

Direct Dial: (702) 589-3500  
[msolomon@sdfnlaw.com](mailto:msolomon@sdfnlaw.com)

September 23, 2014

**VIA U.S. MAIL, CERTIFIED RETURN RECEIPT REQUESTED**

CHRISTOPHER D. DAVIS  
3005 N. Beverly Glen Circle  
Los Angeles, California 90077

**Re: The Beatrice B. Davis Family Heritage Trust, dated July 28, 2000; The Beatrice B. Davis Revocable Trust, dated April 4, 1990, as amended; Ashely Cooper Life Insurance Policy.**

Dear Mr. Davis:

I am writing this as a follow up to my August 26, 2014 correspondence requesting information related to the above referenced Trusts and entities. To date, neither our office nor Caroline Davis ("Caroline") has received any of the requested information. As such, Caroline has executed a Revocation of Delegation of Authority, effectively revoking your authority to act as the sole Trustee of the Beatrice B. Davis Revocable Trust, dated April 4, 1990, as amended (the "Revocable Trust"). A copy of the Revocation of Delegation of Authority is enclosed herewith. We would appreciate it if you would sign the Acknowledgment of Revocation and return your signature page to us.

As Caroline has reassumed the position of Co-Trustee, please accept this letter as a demand to remit all documents and records relating to the Revocable Trust beginning March 22, 2007 to the present. Such documents shall include, but not be limited to, account statements, accountings, inventory of assets, the funding of any sub-trusts, encumbrances upon the Revocable Trust, etc.

Pursuant to Article Fifth, Section 2 of the Revocable Trust, upon the death of Beatrice B. Davis, the Revocable Trust should have been divided into a Generation Skipping Tax Exempt Share (the "GST Exempt Share") and a Generation Skipping Tax Non-Exempt Share (the "GST Non-Exempt Share"). The GST Exempt Share should have been funded with \$5,120,000.00, and the GST Non-Exempt Share should have been funded with the remainder of Beatrice B. Davis' estate, if any. According to the terms of the Revocable Trust, Caroline is entitled to distributions from the GST Exempt Share for her health, education, maintenance, and support. Further,

SOLOMON DWIGGINS & FREER, LTD.  
Attorneys At Law

Re: The Beatrice B. Davis Family Heritage Trust, dated July 28, 2000; The Beatrice B. Davis Revocable Trust, dated April 4, 1990, as Amended; Ashley Cooper Life Insurance Policy.

September 23, 2014

Page: 2

Caroline was entitled to an outright distribution of one-half (1/2) of the GST Non-Exempt Share upon Beatrice B. Davis' death. As such, Caroline believes she is entitled to distributions from the Revocable Trust, and is requesting such information to determine the not only the amount of such distributions to which she is entitled to receive, but also to determine if the Revocable Trust has been correctly administered, and whether anyone else has received distributions.

In addition to the information concerning the Revocable Trust, please allow this letter to serve as a demand for the information requested in the August 26, 2014 letter, namely: (1) information related to the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as amended (the "Heritage Trust"), and (2) any and all information related to the advances made from the Ashley Cooper Life Insurance Policy, including, but not limited to the purpose for such loans, the distributions of such loan proceeds, the collateral for such loans, etc.).

The requested information should be sent to the following:

SOLOMON DWIGGINS & FREER, LTD  
9060 West Cheyenne Avenue  
Las Vegas, Nevada 89129

If the requested information is not received within twenty (20) days from the date of this letter, we will file a petition in the appropriate court to enforce Caroline's rights as Successor Co-Trustee of the Revocable Trust and as a beneficiary of the Heritage Trust. In addition to filing a petition, we intended seek to recover attorney's fees due to your failure to fulfill your obligations as Successor Co-Trustee and provide such information. Your anticipated and prompt cooperation in this matter is appreciated.

Sincerely,



Mark A. Solomon

Enclosure  
cc: Client

### REVOCATION OF DELEGATION OF AUTHORITY

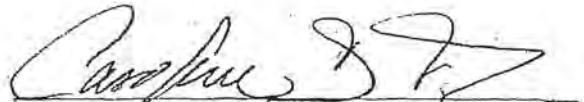
This Revocation of Delegation of Authority is made and entered into this \_\_\_\_ day of September, 2014 by CAROLINE D. DAVIS, as Successor Co-Trustee of the Beatrice B. Davis Revocable Trust, dated April 4, 1990, as amended (the "Trust").

WHEREAS, pursuant to Article Ninth, Section 34, CAROLINE D. DAVIS executed a "Delegation of Authority" on March 22, 2007, authorizing CHRISTOPHER D. DAVIS, as Successor Co-Trustee, to act singly on behalf of the Trust, and without prior consultation or agreement in exercising all of the powers granted in Article Ninth of the Trust, and to perform all acts on behalf of the Trust as may be appropriate, necessary, or proper for the Trust in contemplation of such Article Ninth.

WHEREAS, pursuant to Article Ninth, Section 34, CAROLINE D. DAVIS possesses the authority to terminate such Delegation of Authority.

NOW, THEREFORE, pursuant to Article Ninth, Section 34, CAROLINE D. DAVIS does hereby revoke the Delegation of Authority, executed on March, 22, 2007. Such Revocation of Delegation of Authority shall become effectively immediately upon receipt by CHRISTOPHER D. DAVIS.

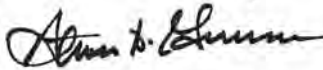
Dated this 23 day of September, 2014.

  
CAROLINE D. DAVIS, Successor Co-Trustee



# EXHIBIT 21



  
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:

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

DECLARATION OF CHRISTOPHER D. DAVIS

I, Christopher Davis, under penalty of perjury under the laws of the State of Nevada, do  
hereby declare and state as follows:

1. I am over the age of eighteen.
2. I am a resident of Missouri.

1 3. I am a primary beneficiary of the Beatrice B. Davis Family Heritage Trust, dated  
2 July 28, 2000, as allegedly amended on February 24, 2014.

3 4. At no time during the alleged amendment to the trust was I represented by  
4 independent legal counsel.

5 5. While I was made aware of Stephen Lehnardt's efforts to change the situs of the  
6 Trust to Nevada, at no time did I receive independent legal advice regarding the legal effects of  
7 a change in situs or my appointment as investment trust advisor.

8 6. At no time was I made aware that an opinion of counsel had been provided to Mr.  
9 Lehnardt, Alaska USA, or Dunham Trust Company. I conveyed to Mr. Barney that no opinion  
10 of counsel had been provided to myself or the other beneficiaries of which I am aware.

11 7. I was married to Cheryl Davis at the time the Beatrice B. Davis Family Heritage  
12 Trust was created.


13 8. I was married to Tarja Davis at the time of the alleged amendment dated February  
14 24, 2014, and I remain married to Tarja Davis. I currently reside with my wife, Tarja Davis.

15 9. Caroline Davis, through her attorney Mr. Solomon, has served subpoenas on Mr.  
16 Barney and Ms. Roland seeking information regarding assets and entities that are not related to  
17 my alleged roles as investment trust advisor and manager of FHT holdings.

18 10. Caroline is seeking information regarding loans and distributions made prior to my  
19 alleged appointment as investment trust advisor.

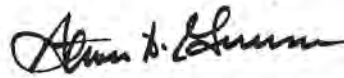
20 I declare under penalty of perjury under the law of the state of Nevada that the foregoing  
21 is true and correct.

Dated this 15 day of August 2015

  
Christopher D. Davis, Declarant



# EXHIBIT 22



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.**  
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Las Vegas, NV 89102  
Telephone: (702) 438-7878  
Facsimile: (702) 259-1116  
office@anthonybarney.com  
*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.

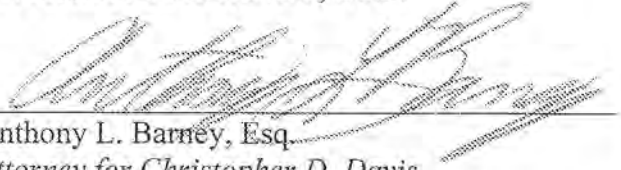
Dept. No.: 26

**ERRATA TO PETITION FOR RECONSIDERATION OF THE ORDER DATED MAY  
19, 2015 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, 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**

1 CHRISTOPHER D. DAVIS ("Christopher"), by and through his attorneys HARRIET H.  
2 ROLAND, Esq., of the ROLAND LAW FIRM and ANTHONY L. BARNEY, Esq., of the law  
3 office of ANTHONY L. BARNEY, LTD., hereby submits this errata to his petition for  
4 reconsideration of the order to assume jurisdiction over the Beatrice B. Davis Family Heritage  
5 Trust, dated July 28, 2000, as amended on February 24, 2014, to assume jurisdiction over  
6 Christopher D. Davis as Investment Trust Advisor, Stephen K. Lehnardt as Distribution Trust  
7 Advisor, to confirm Dunham Trust Company as Directed Trustee, and for immediate disclosure  
8 of documents and information from Christopher D. Davis.  
9

10  
11 DATED this 26th day of August 2015.

12 Respectfully Submitted,  
13 ANTHONY L. BARNEY, LTD.

14   
15 Anthony L. Barney, Esq.  
16 Attorney for Christopher D. Davis

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3                   **ERRATA TO MEMORANDUM OF POINTS AND AUTHORITIES**

4       The following paragraph at Part I. Facts Presented at Page 5, lines 19-24 is hereby corrected in  
5       accordance with and replaced by the following:

6           In the Order filed June 24, 2015, this Court found that “the Court has jurisdiction as a  
7       constructive trust because action on behalf of the trust has been taken in Nevada.”<sup>1</sup> Based on  
8       this finding that jurisdiction was proper this Court assumed jurisdiction over Christopher D.  
9       Davis and granted the following depending on the correct interpretation of the Court’s order:

10  
11           “IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petition for  
12       Immediate Disclosure of Documents and Information from Christopher D. Davis is  
13       granted as to all information in his possession custody or control in his role as  
14       Investment Trust Advisor, and (in) (or) his role as manager of the FHT Holdings.”<sup>2</sup>

15  
16           The other reading if one interprets the interlineation mark between “possession” and “in”  
17       is a comma and not a “line” directing the reader to the interlineation above the typed words, is  
18       as follows:

19           “IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petition for  
20       Immediate Disclosure of Documents and Information from Christopher D. Davis is granted as to  
21       all information in his possession, custody or control in his role as Investment Trust Advisor, and  
22       (in) (or) his role as manager of the FHT Holdings.”<sup>3</sup>

23  
24  
25  
26       

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<sup>1</sup> See Order filed June 24, 2015 at Page 2:18-19.


27       <sup>2</sup> See Order filed June 24, 2015 at Page 3:4-7.

28       <sup>3</sup> See Order filed June 24, 2015 at Page 3:4-7.

1 The greatest difficulty in interpretation arises with regard to whether the word "in" or  
2 "or" is the actual word of the court between the words, "and," and "his role as manager of FHT  
3 Holdings."<sup>4</sup> Unfortunately, the reader is left to guess at the impact of whether either of these  
4 words changes the required disclosures for the manager of FHT Holdings.<sup>5</sup>

5  
6 DATED this 26th day of August, 2015.

7 Respectfully Submitted,  
8 **ANTHONY L. BARNEY, LTD.**

9  
10   
11 ANTHONY L. BARNEY, ESQ.  
12 Nevada Bar No. 8366  
13 3317 W. Charleston Blvd., Suite B  
14 Las Vegas, NV 89102  
15 Telephone: (702) 438-7878  
16 Facsimile: (702) 259-1116  
17 office@anthonybarney.com

18  
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26  
27 *Attorney for Christopher D. Davis*

28  

---

27 <sup>4</sup> Id.

<sup>5</sup> Id.

1 CERTIFICATE OF SERVICE

2 I hereby certify that I am an employee of Anthony L. Barney, Ltd., and not a party to this action.

3 I further certify that except as otherwise noted on August 21, 2015, I served the foregoing

4 ERRATA TO PETITION FOR RECONSIDERATION OF THE ORDER DATED MAY

5 19, 2015 TO ASSUME JURISDICTION OVER THE BEATRICE B. DAVIS FAMILY

6 HERITAGE TRUST, DATED JULY 28, 2000, AS AMENDED ON FEBRUARY 24, 2014,

7 TO ASSUME JURISDICTION OVER CHRISTOPHER D. DAVIS AS INVESTMENT

8 TRUST ADVISOR, STEPHEN K. LEHNARDT AS DISTRIBUTION TRUST ADVISOR,

9 TO CONFIRM DUNHAM TRUST COMPANY AS DIRECTED TRUSTEE, AND FOR

10 IMMEDIATE DISCLOSURE OF DOCUMENTS AND INFORMATION FROM

11 CHRISTOPHER D. DAVIS by first class US mail, postage prepaid, upon the following

12 persons or entities:

13 Cheryl Davis  
14 5403 West 134 Terrace, Unit 1525  
15 Overland Park, KS 66209

16 Tarja Davis  
17 3005 North Beverly Glen Circle  
18 Las Angeles, California 90077

19 And  
20 514 West 26<sup>th</sup> Street, #3E  
21 Kansas City, Missouri 64108

22 Winfield B. Davis  
23 Skyline Terrace Apts.  
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27 Las Vegas, Nevada 89128

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Employee of Anthony L. Barney, Ltd.

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

Electronically Filed  
Dec 02 2015 01:16 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

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4 CHRISTOPHER D. DAVIS,

Case No.: 68542

6 Appellant,

7 vs.

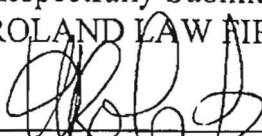
Eighth Judicial District Court  
Case No.: P-15-083867-T (In re  
the Beatrice B. Davis Family  
Heritage Trust, dated July 28,  
2000)

8  
9 CAROLINE DAVIS,

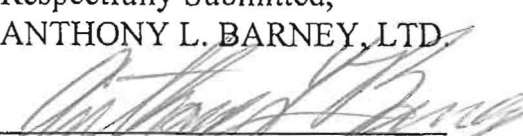
Respondent.

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12 **APPELLANT'S APPENDIX**  
13 **VOLUME VI**  
14

15 Respectfully Submitted,  
16 ROLAND LAW FIRM

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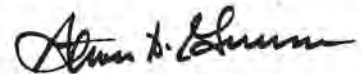
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# EXHIBIT 19



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6 *Attorneys for Caroline Davis, Petitioner*

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 In the Matter of:

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

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

Hearing Date: September 2, 2015  
Hearing Time: 9:00 A.M.

12  
13 **MOTION TO HOLD CHRISTOPHER D. DAVIS IN CONTEMPT AND FOR**  
14 **ATTORNEYS' FEES AND COSTS**

15 Caroline D. Davis, as beneficiary of the Beatrice B. Davis Family Heritage Trust, dated  
16 July 28, 2000, as amended February 24, 2014, by and through her counsel, the law firm of  
17 Solomon Dwiggins & Freer, Ltd., hereby files her Motion To Hold Christopher D. Davis In  
18 Contempt And For Attorneys' Fees And Costs (the "Motion"). This Motion is made and based on  
19 the pleadings and papers on file in this action, the attached Memorandum Of Points And  
20 Authorities, all attached exhibits, and any oral argument that this honorable Court may entertain  
21 at the time of hearing.

22 **MEMORANDUM OF POINTS AND AUTHORITIES**

23 **I. Statement of Facts**

24 On April 22, 2015, this Court heard Caroline D. Davis' ("Ms. Davis") Petition To Assume  
25 Jurisdiction Over The Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as amended  
26 on February 24, 2014; To Assume Jurisdiction Over Christopher D. Davis as Investment Trust  
27 Advisor and Stephen K. Lehnardt as Distribution Trust Advisor; To Confirm Dunham Trust  
28 Company As Directed Trustee; and For Immediate Disclosure of Documents and Information

9060 WEST CHEYENNE AVENUE  
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SOLOMON  
DWIGGINS & FREER  
TRUST AND ESTATE ATTORNEYS  


1 From Christopher D. Davis, filed on February 10, 2015 (the "Original Petition") and Christopher  
2 D. Davis' Motion To Dismiss Pursuant To NRCP 12(b) And NRCP 19, filed on March 3, 2015  
3 (the "Motion To Dismiss"). On June 24, 2015, an Order was filed with respect to this Court's  
4 findings and orders based upon the April 22, 2015 hearing (the "June 24, 2015 Order"). *See*,  
5 Order, a true and correct copy of which is attached hereto as **Exhibit 1**. The Notice of Entry of  
6 Order was filed on July 1, 2015. *See*, Notice of Entry of Order, a true and correct copy of which  
7 is attached hereto as **Exhibit 2**.

8 The June 24, 2015 Order provides that Christopher D. Davis ("Christopher"), in his  
9 capacity as Investment Trust Advisor and Manager of FHT Holdings, LLC, must disclose any and  
10 all information within his possession, custody, or control as it relates to the information requested  
11 in the Original Petition. Specifically, the Order, in relevant part, provides as follows:

12 "IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petition  
13 for Immediate Disclosure of Documents and Information from Christopher D.  
14 Davis is granted as to all information in his possession, custody or control, in his  
15 role as Investment Trust Advisor, and in his role as Manager of FHT Holdings."  
16 *See*, Ex. 1, at p. 2:3-5.

17 With respect to the information and documentation requested in the Original Petition, Ms.  
18 Davis asked this Court to order Christopher to:

19 "disclose any and all documentation and information related to: (a) the Policy  
20 Loans, including, but not limited to, the identity of any entity, trust or individual  
21 who has received and/or benefited from such loans, the purpose of such loans, the  
22 circumstances surrounding the distribution and use of such loans, the repayment  
23 of such loans (if any), the collateral for such loans, executed promissory notes,  
24 etc.; and (b) FHT Holdings, LLC." *See*, Original Petition at p. 9, ¶ 5.

25 On July 13, 2015, Joshua M. Hood, Esq. ("Mr. Hood") spoke with Harriet Roland, Esq. ("Ms.  
26 Roland") on the telephone regarding the disclosure of the required information pursuant to the  
27 June 24, 2015 Order. *See*, Letter To Ms. Roland, dated July 14, 2015, at ¶ 3, a true and correct  
28 copy of which is attached hereto as **Exhibit 3**. During such discussion, Mr. Hood informed Ms.  
Roland that, if the required information was not provided by July 27, 2015, Ms. Davis "intend[ed]  
on filing a Motion to hold Christopher Davis in contempt for failing to abide by the Order." *Id.*  
On July 27, 2015, Ms. Roland provided Ms. Davis' counsel with several documents. However,

1 the documents provided by Christopher and Ms. Roland are extremely limited with respect to the  
2 documentation and/or information, and, therefore does not comply with this Court's June 24,  
3 2015 Order.

4 For example, Ms. Roland has provided Ms. Davis' counsel with:

- 5 (1) Correspondences between Christopher; Stephen K. Lehnardt ("Mr. Lehnardt"), the  
6 Trust Protector and Distribution Trust Advisor; Janet K. Tempel, Alaska USA  
7 Trust Company; Shanna Coressel, Dunham Trust Company, etc.;
- 8 (2) Promissory Notes, which Ms. Davis was already in possession of;
- 9 (3) Loan tracking spreadsheets, which Ms. Davis was already in possession of;
- 10 (4) Documents attached to Ms. Davis' prior pleadings; and
- 11 (5) Financial statements from Ashely Cooper and Dunham Trust Company, which Ms.  
12 Davis was already in possession of.

13 Neither Christopher nor his counsel have provided Ms. Davis the information as required  
14 by the June 24, 2015 Order. Specifically, Christopher has failed to provide: (1) the identity of the  
15 entities or individuals who received any loan proceeds; (2) the disposition and use of such loan  
16 proceeds; (3) the purpose for such loans; (4) whether there has been a default or repayment of the  
17 loans; (5) the current outstanding balance(s); (6) the existence and status of any security; and (7)  
18 any other information that a beneficiary would reasonably want to know about the loans.

19 Furthermore, all of the documents provided by Christopher, including documents which  
20 Ms. Davis already has in her possession, are outdated and it is unknown if the figures are still  
21 current. For example, Janet Tempel (Trust Officer at Alaska USA Trust Company) sent an email  
22 to Christopher on March 8, 2014, which indicated that there was a \$600,000 principal balance,  
23 with accrued interest of \$120,000, and a "PIK" (presumably meaning payment in kind) for  
24 \$96,749.00. *See*, Email To Christopher, dated March 8, 2014, a true and correct copy of which is  
25 attached hereto as **Exhibit 4**. However, as this email is more than one (1) year old, the balance of  
26 such loan, whether or not it has been paid down or the "payment in kind" has been applied to such  
27 loan, etc. is unknown. Not one (1) single documents provided by Christopher is from the year  
28 2015. As this Court has already recognized, Ms. Davis, as a beneficiary of the Trust, is entitled to

1 all of the information Christopher has or has knowledge of regarding the entire facts,  
2 circumstances, and statuses of each of the loans as they directly affect the Beatrice B. Davis  
3 Family Heritage Trust, dated July 28, 2000, as amended on February 24, 2014 (the "Trust").

4 Christopher is the Investment Trust Advisor of the Trust, and the sole Manager of FHT  
5 Holdings, LLC, which is wholly owned by the Trust. Additionally, FHT Holdings, LLC currently  
6 owns the Ashley Cooper Life Insurance Policy (the "Policy") with a face value of  
7 \$35,000,000.00. Christopher is the only individual who possesses the information or who has the  
8 authority to obtain the necessary information to comply with the Court Order. As such, it cannot  
9 reasonably be argued that Christopher does not have the information responsive to Ms. Davis'  
10 request within his possession, custody, or control.

11 Based on Mr. Solomon's and Mr. Hood's prior communications with Christopher's  
12 counsel, Ms. Roland, Mr. Solomon and Mr. Hood were informed that Ms. Roland was provided  
13 with extensive documentation regarding Trust and the Policy Loans. While Ms. Davis' counsel  
14 understands that retrieving the necessary documentation from the Policy's custodian could take  
15 several weeks to obtain, if necessary, providing the information that is in Christopher's or his  
16 counsel's possession should have been accomplished immediately after the filing of the Notice of  
17 Entry of Order. The documents provided by Christopher are woefully insufficient and do not  
18 come remotely close to complying with the Court's June 24, 2015 Order. Further, because of  
19 Christopher's position as Investment Trust Advisor and Manager of FHT Holdings, LLC, it is  
20 extremely difficult to fathom any set of circumstances that would preclude or prohibit him from  
21 obtaining the requisite information. As such, it is apparent that Christopher has intentionally and  
22 willfully failed to abide by a lawful and proper order of this Court.

## 23 **II. LEGAL ARGUMENT**

### 24 **A. Motion To Hold Christopher D. Davis In Contempt For Failure To** 25 **Abide By An Order Of This Court.**

26 NRS 1.210(3) states that every Court has the power "to compel obedience to its lawful  
27 judgments, orders and process, and to the lawful orders of its judges out of court in an action or  
28 proceeding pending therein." It is well settled in Nevada that this Court possesses the inherent



1 power to protect and defend their orders through competent proceedings. *See, e.g., McCormick v.*  
2 *District Court*, 67 Nev. 318, 218 P.2d 939 (Nev. 1950).

3 NRS 22.010, in pertinent part, provides that “[t]he following acts or omissions shall be  
4 deemed contempt: (3) [d]isobedience or resistance to any lawful writ, order, rule or process issued  
5 by the court or judge at chambers.”

6 A person must “take ‘all reasonable steps within [his] power to insure compliance with the  
7 [court’s] order.’” *Shuffler v. Heritage Bank*, 720 F.2d 1141, 1146-1147 (9th Cir. 1983) (quoting  
8 *Sekaquaptewa v. MacDonald*, 554 F.2d 396, 406 (9th Cir. 1976). A party may escape a charge of  
9 contempt only by demonstrating that he has the complete inability to comply with the Court’s  
10 order. *See, U.S. v. Asay*, 614 F.2d 655, 650 (9th Cir. 1980); *In re Crystal Palace Gambling Hall,*  
11 *Inc.*, 817 F.2d 1361, 1365 (9th Cir. 1987). However, an inability to comply with the Court’s  
12 order does not exist when the noncompliance is self-induced. *See, Asay*, 614 F.2d, at 660; *In re*  
13 *D.I. Operating Co.*, 240 F.Supp. 672, 675-677 (D. Nev. 1965). Generally, an order for civil  
14 contempt must be grounded on one’s disobedience of an order that spells out the details of  
15 compliance in clear, specific and unambiguous terms so that such person will readily know what  
16 duties or obligations are imposed on him. *See, Southwest Gas Corp. v. Flintkote, Co. – U.S. Lime*  
17 *Div.* 99 Nev. 127, 659 P.2d 861 (Nev. 1983).

18 This Court’s Order to Christopher to disclose any and all information in his possession,  
19 custody, or control as Investment Trust Advisor and Manager of FHT Holdings, LLC cannot be  
20 construed as unclear, non-specific, or ambiguous. Christopher, as Investment Trust Advisor and  
21 Manager of FHT Holdings, LLC has the ability and authority to obtain and produce the necessary  
22 information pursuant to the Order. Based upon the insufficient information provided thus far, it is  
23 apparent that Christopher has **not** taken all reasonable steps within his power to comply with the  
24 June 24, 2015 Order. To the contrary, rather than comply with the Order, it is apparent that  
25 **Christopher continues to intentionally withhold information from Ms. Davis concerning the**  
26 **Policy.** For example, on April 29, 2014, Mr. Lehnardt sent Shanna Coressel (Trust Officer at  
27 Dunham Trust Company) an email referencing an additional loan/“interim draw request”. *See,*  
28

1 Email Chain, dated April 29, 2015, a true and correct copy of which is attached hereto as **Exhibit**  
2 **5.** Christopher has not provided any information related to the purpose of such loans, the terms  
3 and conditions of such loans, any promissory notes, or “a copy of any additional note between  
4 whomever is borrowing the funds and the LLC, or the trust for this new draw.” *Id.* The only  
5 information regarding the new loan/“interim draw request” is the amount and the intended  
6 beneficiary. *Id.* Such lack of information does **not** comply with the Court’s June 24, 2015 Order.  
7 As such, this Court should find Christopher in contempt for failure to abide by this Court’s June  
8 24, 2015 Order.

9 NRS 22.100, entitled “Penalty for contempt”, in relevant, provides as follows:

- 10 “2. Except as otherwise provided in NRS 22.110, if a person is found guilty of  
11 contempt, a fine may be imposed on the person not exceeding \$500 or the  
12 person may be imprisoned not exceeding 25 days, or both.  
13 3. In addition to the penalties provided in subsection 2, if a person is found  
14 guilty of contempt pursuant to subsection 3 of NRS 22.010, the court may  
15 require the person to pay to the party seeking to enforce the writ, order,  
16 rule or process the reasonable expenses, including, without limitation,  
17 attorney’s fees, incurred by the party as a result of the contempt.”

16 NRS 22.110(1) provides that “[e]xcept as otherwise provided in subsection 2, when the  
17 contempt consists in the omission to perform an act which is yet in the power of the person to  
18 perform, the person may be imprisoned until the person performs it.” As such, Ms. Davis  
19 respectfully request that this Court, after finding Christopher in contempt of the June 24, 2015  
20 Order, impose a monetary fine upon Christopher in the amount of Five Hundred Dollars (\$500),  
21 and imprison Christopher until such time as he fully complies with such Order.

22 **B. Petition For Attorneys’ Fees And Costs.**

23 Because of Christopher’s intentional disregard of this Court’s June 24, 2015 Order and his  
24 failure to abide by such Order, Ms. Davis should be awarded attorneys’ fees and costs for being  
25 forced to prepare the instant Motion, as well as for being forced to attend a hearing on this same.  
26 Specifically, EDCR 7.60(b)(5), in relevant part provides:

27 “The Court may, after notice and an opportunity to be heard, impose upon an  
28 attorney or party any and all sanctions which may, under the facts of the case, be

1 reasonable, including the imposition of finds, **costs or attorney's fees** when an  
2 attorney or a party without just cause:

\*\*\*

3 (5) Fails or refuses to comply with any order of a judge of the court." (Emphasis  
4 added).

5 Additionally, as Ms. Davis is specifically seeking to enforce this Court's June 24, 2015  
6 Order pursuant to NRS 22.010(3), Ms. Davis respectfully requests that Court award Ms. Davis  
7 her attorneys' fees and costs pursuant to NRS 22.100(3).

8 **WHEREFORE**, Caroline D. Davis respectfully request that this Court:

9 (1) Find Christopher D. Davis in contempt for failing to abide by the June 24, 2015  
10 Order issued by this Court;

11 (2) Impose a monetary fine upon Christopher D. Davis for failing to abide by the June  
12 24, 2015 Order issued by the Court;

13 (3) Imprison Christopher D. Davis until such time as he fully complies with the June  
14 24, 2015 Order to the full and complete satisfaction of the Court; and

15 (4) Award Caroline D. Davis attorneys' fees and costs for being forced to file the  
16 instant Motion, as well as being forced to attend any hearings on said Motion pursuant to EDCR  
17 7.60 and/or NRS 22.100(3).

18 Dated this 12<sup>th</sup> day of August, 2015.

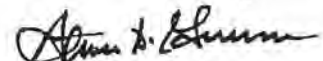
SOLOMON DWIGGINS & FREER, LTD

  
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Joshua M. Hood, Esq. (Bar No. 12777)  
9060 Cheyenne Avenue  
Las Vegas, Nevada  
Telephone: (702) 853-5483  
Facsimile: (702) 853-5485  
*Attorneys for Caroline D. Davis*



# Exhibit 1

# Exhibit 1



CLERK OF THE COURT

1 HARRIET H. ROLAND, ESQ.  
2 NV Bar No. 5471  
3 **ROLAND LAW FIRM**  
4 2470 E. St. Rose Pkwy, Ste. 105  
5 Henderson, NV 89074  
6 Telephone: (702) 452-1500  
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7 ANTHONY L. BARNEY, ESQ.  
8 Nevada Bar No. 8366  
9 TIFFANY S. BARNEY, ESQ.  
10 Nevada Bar No. 9754

11 **ANTHONY L. BARNEY, LTD.**  
12 3317 W. Charleston Blvd., Suite B  
13 Las Vegas, NV 89102  
14 Telephone: (702) 438-7878  
15 Facsimile: (702) 259-1116  
16 *Attorneys for Christopher D. Davis*

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

15  
16 In the matter of:

17  
18 The BEATRICE B. DAVIS FAMILY HERITAGE  
19 TRUST, dated July 28, 2000, as amended on  
20 February 24, 2014.

Case No.: P-15-083867-T

Dept. No.: 26

**Hearing Date: April 22, 2015**

**Hearing Time: 9:00 a.m.**

21  
22 **ORDER**

23 This matter came before the Court for hearing on the 22<sup>nd</sup> day of April, 2015 at 9:00  
24 a.m., upon the Christopher D. Davis's Motion to Dismiss Pursuant to NRCP 12(b) and NRCP  
25 19 and Caroline Davis's Petition to Assume Jurisdiction over the Beatrice B. Davis Family  
26 Heritage Trust, Dated July 28, 2000, as Amended on February 24, 2014, to Assume Jurisdiction  
27 over Christopher D. Davis as Investment Trust Advisor and Stephen K. Lehnardt as Distribution  
28

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 Dwiggin 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:

11  
12  
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  
16 IT IS FURTHER FOUND that the Court has no affidavit that another beneficiary existed  
17 at the time the first amendment was signed.

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

21  
22 IT IS SO FOUND.

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

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

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 <sup>custody or control</sup> in his role as Investment Trust Advisor, <sup>and on his</sup>  
6 <sup>role as manager of FHR Holdings</sup>

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


12 IT IS SO ORDERED, ADJUDGED AND DECREED.


13 DATED this 19<sup>th</sup> day of May, 2015.

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

  
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Attorney for Stephen K. Lehnardt

Approved as to Form and Content:

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*Attorneys for Dunham Trust Company*

Approved as to Form and Content:

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JOSHUA M. HOOD, ESQ.

NV Bar No. 12777

SOLOMON DWIGGINS & FREER, LTD.

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Las Vegas, Nevada 89129

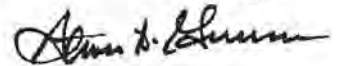
Telephone: (702) 853-5483

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*Attorneys for Caroline D. Davis*

# **Exhibit 2**

# **Exhibit 2**



CLERK OF THE COURT

NOTICE

HARRIET H. ROLAND, ESQ.  
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ROLAND LAW FIRM  
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Email: hroland@rolandlawfirm.com  
Attorney for Christopher D. Davis

DISTRICT COURT  
CLARK COUNTY, NEVADA

In the Matter of

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

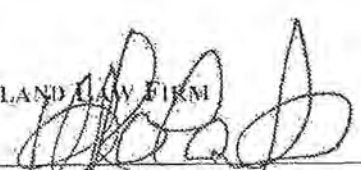
The BEATRICE B. DAVIS FAMILY  
HERITAGE TRUST, dated July 28, 2000, as  
amended on February 24, 2014.

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 1<sup>st</sup> day of July, 2015.

ROLAND LAW FIRM

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

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

# Exhibit 3

# Exhibit 3





SOLOMON | DWIGGINS | FREER <sup>LLP</sup>  
TRUST AND ESTATE ATTORNEYS

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Dana A. Dwiggins  
Alan D. Freer  
Brian K. Steadman  
Steven E. Hollingworth  
Brian P. Eagan  
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Ross E. Evans  
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\*Christopher J. Fowler

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Direct Dial (702) 589-3505  
Email [ddwiggins@sdfnlaw.com](mailto:ddwiggins@sdfnlaw.com)

July 14, 2015

**Via Email ([hroland@rolandlaw.com](mailto:hroland@rolandlaw.com)) & U.S. Mail**

Harriet H. Roland, Esq.  
2470 East Saint Rose Parkway, Suite 105  
Henderson, Nevada 89074

**Re: The Beatrice B. Davis Family Heritage Trust**

Dear Ms. Roland:

I am writing this letter in response to your July 10, 2015 correspondence and our telephone communication on the afternoon of July 13, 2015, with specific reference to the Subpoena Duces Tecum that was served on your office on June 25, 2015 (the "Subpoena") and in regards to the Order that was entered on June 24, 2015 (the "Order").

Pursuant to the Subpoena, you were to provide the requested documents by July 10, 2015. According to your July 10, 2015 correspondence, you indicated that the July 10, 2015 deadline was "unreasonable", and that you believed you should have thirty (30) days to respond under NRCP 34. Although there is a disagreement as to whether or not a "subpoena" under NRCP 45 or "Request For Production of Documents" under NRCP 34 is the appropriate discovery tool to obtain documents, pursuant to our conversation, we have agreed to a **firm deadline** of July 27, 2015, for the production of documents pursuant to the Subpoena. The July 27, 2015 will provide you with the requested thirty (30) days to comply with the Subpoena. As we discussed on the telephone, if the subpoenaed documents are not received by July 27, 2015, we intend to file a Motion to Compel, as well as seek attorneys' fees and costs for being forced to file such motion.

Additionally, as we discussed during our July 13, 2015 telephone communication, the Order provides that the "Petition for Immediate Disclosure of Documents and Information from Christopher D. Davis is granted as to all information in his possession *custody or control*<sup>1</sup> in his

<sup>1</sup> As interlineated by the Judge.

SOLOMON | DWIGGINS | FREER<sup>LTD</sup>  
TRUST AND ESTATE ATTORNEYS

Harriet Roland, Esq.

Re: Beatrice B. Davis Family Heritage Trust.

Page 2

July 14, 2015

role as Investment Trust Advisor, *and or his role as Manager of FHT Holdings<sup>2</sup>*. At this point, we have not received any documents or information pursuant to the Order. You mentioned that you were informed and believed that Dunham Trust Company provided the documents related FHT Holdings LLC. However, as I mentioned during our conversation, there have been no documents provided by Dunham Trust Company relating to FHT Holdings LLC (i.e. operating agreement, Secretary of State filings, etc.). Notwithstanding, the Order requiring the disclosure of information is directed to Christopher Davis, not Dunham Trust Company. As such, please remit the required information pursuant to the Order no later than July 27, 2015. Given the fact that the Order was entered on June 24, 2015, and the fact that the Order requires the *immediate* disclosure of information in Christopher Davis' possession, custody, or control as it relates to his role as Investment Trust Advisor and Manager of FHT Holdings LLC, the **firm deadline** of July 27, 2015 is not only reasonable, but provides you with sufficient time to comply with the Order. Please be advised, however, that if the information is not produced pursuant to the Order on or before July 27, 2015, we intend on filing a Motion to hold Christopher Davis in contempt for failing to abide by the Order.

During our conversation on June 13, 2015, you also mentioned that you wanted to make it clear that the production of any documents and information is not to be considered a waiver of any jurisdictional arguments that you may have.

Should you have any questions or concerns, or should you need any additional information, please do not hesitate to contact me.

Sincerely,



Joshua M. Hood.

Cc: Client.

# Exhibit 4

# Exhibit 4

Message

**From:** Tempel, Janet [J.Tempel@alaskausatrust.com]  
**Sent:** 3/8/2014 1:28:47 AM  
**To:** 'Chris Davis' [cdavis2785@kc.rr.com]; 'Terry Watts' [twatts@dfokc.com]  
**CC:** stephen@lehnardt.com  
**Subject:** RE: ACLI 1xxxxx PC (policy loan balance on 12/31/13):Loan Schedule Reconciliation

Chris,

As a follow up to your call to me this afternoon, I understand that you wish to show only the principal owing on the policy loan as of 5/9/11 and not add accrued interest to principal at this time (although you acknowledge that it is accruing). The initial policy loan amount on our spreadsheet, therefore, will be changed to show a principal balance of \$600,000 (with a side notation that accrued interest is not included).

You were correct about the \$170K from 9/8/11 being included in the 9/1/11 note balance from the Rev Trust. In looking through the file notes, I found an explanation from Stephen to this effect in an email dated 9/1/11. (The note balance included the principal amount of \$600,000, accrued interest of \$32,775, and the \$170,000 draw that was anticipated to be made on 9/8/11).

I am, however, still confused by the \$96,749 PIK made on 12/1/11 by the Rev Trust to the FHT on the note. In looking through the file notes around this date, I can find no reference anywhere of a PIK. Please confirm – was this artwork? If so, where is the artwork now? Was there a valuation done at the time of transfer to the trust? If so, please provide me with a copy. If not, how was the value determined? I need some sort of documentation for the file before I can show this on the spreadsheet.

Thanks,

Janet

**From:** Chris Davis [mailto:cdavis2785@kc.rr.com]  
**Sent:** Friday, March 07, 2014 2:27 PM  
**To:** Tempel, Janet; Terry Watts; stephen@lehnardt.com  
**Subject:** ACLI 1xxxxx PC (policy loan balance on 12/31/13):Loan Schedule Reconciliation

o Fordham schedule includes accrued interest - Alaska USA schedule does not, therefore principal balance is 600k and accrued interest is 159,055.68

# **Exhibit 5**

# **Exhibit 5**

Message

---

**From:** Stephen K Lehnardt [stephen@lehnardt.com]  
**Sent:** 4/29/2014 9:05:35 PM  
**To:** Shanna Coressel [shanna.coressel@dunham.com]; Chris Davis [cdavis2785@kc.rr.com]  
**Subject:** RE: Ashley Cooper

Shanna:

I have an email and call into Fiona regarding the loan acknowledgment amount so we can get a number that you can sign the acknowledgment.

Following is the amount of the interim draw request: \$489,500. The allocation for existing FHT loan purposes is among:

Beatrice RLT	\$ 59,000
LLC	\$231,000
Chris	\$199,500

We are working on the agreement between Chris and Caroline.

Let me know if you have any questions.

Stephen

This email message originates from

**Lehnardt & Lehnardt, LLC**

ATTORNEYS AND COUNSELORS AT LAW

20 Westwoods Drive

Liberty, Missouri 64068

tel 816.407.1400 • fax 816.407.9088

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**From:** Shanna Coressel [mailto:shanna.coressel@dunham.com]

**Sent:** Tuesday, April 29, 2014 3:59 PM

**To:** Chris Davis

**Cc:** Stephen K Lehnardt

**Subject:** FW: Ashley Cooper

Hi Chris:

I saw you called – no doubt wondering what the status is. I have some more calls coming up this afternoon so in case I miss you next time...

- 1) The Acknowledgement of policy loans with Ashley Cooper that Stephen sent last Friday was not accurate, which is what I also let him and you know last Friday.

- 2) That needs to be straightened out before I will sign the acknowledgement.
- 3) Other than that I haven't seen the proposed agreement between you and Caroline regarding the division of the trust.
- 4) or a copy of any additional note between whomever is borrowing the funds and the LLC, or the trust for this new draw.

That's what I know.

*Shanna*

*Shanna Coressel, CTFA*

*Trust Officer*

*241 Ridge Street, Suite 100*

*Reno, NV 89501*

*(775)826-7900, ext. 807*

*(888)438-6426, ext. 807*

*Fax: (775)826-7904*

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of America's Most Advisor-Friendly  
Trust Companies by the Trust Advisor



**From:** Shanna Coressel  
**Sent:** Friday, April 25, 2014 4:43 PM  
**To:** 'Stephen K Lehnardt'; Chris Davis  
**Subject:** RE: Ashley Cooper

That policy loans letter cannot be accurate – it is the original one that Paul Fordham sent-it doesn't include the accrued interest. Please see the attached.

**From:** Stephen K Lehnardt [<mailto:stephen@lehnardt.com>]  
**Sent:** Friday, April 25, 2014 2:54 PM  
**To:** Shanna Coressel; Chris Davis  
**Subject:** Ashley Cooper

Shanna:

Forwarding the blank loan draw request and updated Acknowledgement of policy loans letter received from Ashley Cooper today.

Stephen

This email message originates from

**Lehnardt & Lehnardt, LLC**

ATTORNEYS AND COUNSELORS AT LAW

20 Westwoods Drive

Liberty, Missouri 64068

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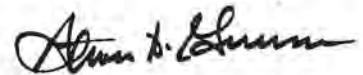
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# EXHIBIT 20



CLERK OF THE COURT

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*Attorneys for Caroline Davis, Petitioner*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

In the Matter of:

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

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

Hearing Date: September 2, 2015  
Hearing Time: 9:00 A.M.

**MOTION TO COMPEL HARRIET ROLAND, ESQ. TO PRODUCE DOCUMENTS  
RESPONSIVE TO SUBPOENA DUCES TECUM; AND FOR ATTORNEYS' FEES AND  
COSTS**

Caroline D. Davis, as beneficiary of the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as amended February 24, 2014, by and through her counsel, the law firm of Solomon Dwiggin & Freer, Ltd., hereby files this Motion To Compel Harriet Roland, Esq. To Produce Documents Responsive To Subpoena Duces Tecum; and For Attorneys' Fees And Costs (the "Motion"). This Motion is made pursuant to EDCR 2.20, EDCR 2.34, NRCP 34, NRCP 45, NRCP 37, and based on the pleadings and papers on file in this action, the attached Memorandum Of Points And Authorities, all attached exhibits, and any oral argument that this honorable Court may entertain at the time of hearing.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. Statement of Facts**

On April 22, 2015, this Court heard Caroline D. Davis' ("Ms. Davis") 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

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SOLOMON  
DWIGGINS & FREER  
TRUST AND ESTATE ATTORNEYS

1 Advisor and Stephen K. Lehnardt as Distribution Trust Advisor; To Confirm Dunham Trust  
2 Company As Directed Trustee; and For Immediate Disclosure of Documents and Information  
3 From Christopher D. Davis, filed on February 10, 2015 (the "Original Petition") and Christopher  
4 D. Davis' Motion To Dismiss Pursuant To NRCP 12(b) And NRCP 19, filed on March 3, 2015  
5 (the "Motion To Dismiss").

6 On June 8, 2015, Ms. Davis' counsel served a Subpoena Duces Tecum on Christopher D.  
7 Davis' ("Christopher") counsel, Anthony L. Barney, Esq. ("Mr. Barney") and Harriet H. Roland,  
8 Esq. ("Ms. Roland"). A true and correct copies of the June 8, 2015 Subpoenas Duces Tecum  
9 served on Ms. Roland (the "June 8, 2015-Roland Subpoena") and Mr. Barney (the "June 8, 2015-  
10 Barney Subpoena") are collectively attached hereto as **Exhibit 1**. On June 24, 2015, Ms. Roland  
11 wrote a letter to Ms. Davis' counsel requesting that the June 8, 2015-Roland Subpoena be  
12 reissued due to a scrivener's error requiring the documents to be produced by May 18, 2015. *See*,  
13 June 24, 2015 Letter To Ms. Davis' Counsel, a true and correct copy of which is attached hereto  
14 as **Exhibit 2**. In addition to requesting the reissuance of the subpoena, Ms. Roland further  
15 requested that the deadline to respond be extended to July 10, 2015. *Id.* In response, Ms. Davis'  
16 counsel, Joshua M. Hood, Esq. ("Mr. Hood"), sent Ms. Roland an email on June 24, 2015,  
17 informing Ms. Roland that an extension of the deadline to respond to the June 8, 2015-Roland  
18 Subpoena to July 10, 2015 would be granted. *See*, June 24, 2015 Email To Ms. Roland, a true  
19 and correct copy of which is attached hereto as **Exhibit 3**.

20 Thereafter, Ms. Davis' counsel reissued the Subpoenas Duces Tecum to Ms. Roland and  
21 Mr. Barney on June 25, 2015, which provided that the documents responsive to such subpoenas  
22 be produced on or before July 10, 2015. *See*, June 25, 2015-Roland Subpoena and June 25, 2015-  
23 Barney Subpoena, true and correct copies of which are collectively attached hereto as **Exhibit 4**.  
24 In response, Mr. Barney sent a letter to Mr. Hood on July 1, 2015, indicating that the deadline of  
25 July 10, 2015, was an "unreasonable timeframe for production" and further requested that June  
26 25, 2015-Barney Subpoena be reissued as a Request For Production of Documents pursuant to  
27 NRCP 34, or extend the deadline to produce such documents to comply with the thirty (30) day  
28

1 timeframe as provided in NRCP 34. See, July 1, 2015 Letter to Mr. Hood, a true and correct copy  
2 of which is attached hereto as **Exhibit 5**.

3 Although it was Ms. Roland who initially requested that the deadline for the production of  
4 documents pursuant to the June 8, 2015-Roland Subpoena be extended to July 10, 2015, Ms.  
5 Roland, rather than complying with the deadline she proposed, sent a letter to Ms. Davis' counsel  
6 on July 10, 2015, claiming that "July 10 is an unreasonable timeframe for production" and that  
7 she should be afforded the thirty (30) day timeframe pursuant to NRCP 34. See, July 10, 2015  
8 Letter To Ms. Davis' Counsel, a true and correct copy of which is attached hereto as **Exhibit 6**.  
9 Although Ms. Davis' counsel disagrees with Ms. Roland's assertion that she should be afforded  
10 the requisite thirty (30) days pursuant to NRCP 34, in an effort to avoid any unnecessary and  
11 costly court intervention regarding the appropriate mechanism for obtaining documents, Mr.  
12 Hood sent Mr. Roland a letter informing her that she would have until July 27, 2015 to comply  
13 with the June 25, 2015-Roland Subpoena. See, July 14, 2015 Letter To Ms. Roland, a true and  
14 correct copy of which is attached hereto as **Exhibit 7**.

15 It is important to note that while the issues regarding the Subpoenas Duces Tecum were  
16 being ironed out, an Order was filed with respect to this Court's findings and orders based upon  
17 the April 22, 2015 hearing on June 24, 2015. See, June 24, 2015 Order, a true and correct copy of  
18 which is attached hereto as **Exhibit 8**. The Notice of Entry of Order was filed on July 1, 2015.  
19 See, Notice of Entry of Order, a true and correct copy of which is attached hereto as **Exhibit 9**.  
20 The Order provides that Christopher D. Davis ("Christopher"), in his capacity as Investment Trust  
21 Advisor and Manager of FHT Holdings, LLC, must disclose any and all information within his  
22 possession, custody, or control as it relates to the information requested in the Original Petition.  
23 Specifically, the Order, in relevant part, provides as follows:

24 "IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petition  
25 for Immediate Disclosure of Documents and Information from Christopher D.  
26 Davis is granted as to all information in his possession, custody or control, in his  
27 role as Investment Trust Advisor, and in his role as Manager of FHT Holdings."  
28 See, Ex. 1, at p. 2:3-5.



1 With respect to the information and documentation requested in the Original Petition, Ms.  
2 Davis asked this Court to order Christopher to:

3 “disclose any and all documentation and information related to: (a) the Policy  
4 Loans, including, but not limited to, the identity of any entity, trust or individual  
5 who has received and/or benefited from such loans, the purpose of such loans, the  
6 circumstances surrounding the distribution and use of such loans, the repayment  
of such loans (if any), the collateral for such loans, executed promissory notes,  
etc.; and (b) FHT Holdings, LLC.” See, Original Petition at p. 9, ¶ 5.

7 Although the June 24, 2015 Order required the immediate disclosure of information  
8 Christopher had in his possession, custody or control in his role as Investment Trust Advisor or  
9 Manager of FHT Holdings, LLC, it was not until July 27, 2015 that Ms. Roland provided  
10 documents pursuant to the June 25, 2015-Roland Subpoena.

11 The documents and information provided by Ms. Roland are very limited and do not  
12 comply with the June 25, 2015-Roland Subpoena (or this Court’s June 24, 2015 Order). For  
13 example, Ms. Roland has provided Ms. Davis’ counsel, Mark A. Solomon, Esq. (“Mr. Solomon”)   
14 Mr. Hood, with:

- 15 (1) Correspondences between Christopher; Stephen K. Lehnardt (“Mr. Lehnardt”), the  
16 Trust Protector and Distribution Trust Advisor; Janet K. Tempel, Alaska USA  
17 Trust Company; Shanna Coressel, Dunham Trust Company, etc.;
- 18 (2) Promissory Notes, which Ms. Davis was already in possession of;
- 19 (3) Loan tracking spreadsheets, which Ms. Davis was already in possession of;
- 20 (4) Documents attached to Ms. Davis’ prior pleadings; and
- 21 (5) Financial statements from Ashely Cooper and Dunham Trust Company, which Ms.  
22 Davis was already in possession of.

23 Ms. Roland also provide a “Privilege Log for Production to SDF”, dated July 27, 2015. A  
24 true and correct copy of the Privilege Log is attached hereto as **Exhibit 10**. As fully discussed  
25 below, the assertion of a privilege for the documents withheld is improper and such documents  
26 must be produced to Ms. Davis.

27 Notwithstanding the clear direction of the June 25, 2015-Roland Subpoena with respect to  
28 the documents requested, Ms. Roland did not provide any non-privileged records regarding: (1)

1 the Beatrice B. Davis Revocable Living Trust, dated April 4, 1990 (the "Revocable Trust"); (2)  
2 the Ashley Cooper Life Insurance Policy; (3) the Davis Family Office, LLC; (4) the FHT  
3 Holdings, LLC; (5) information related to entities owned by the Revocable Trust; (6) any entities  
4 of which Christopher is the owner, manager, director or officer of an entity doing business with  
5 the Trust; (7) the identity of the entities or individuals who have received loan proceeds from the  
6 Ashley Cooper Policy; (8) the purpose of such loans from the Ashley Cooper Policy; or (9) the  
7 default or repayment of the loans.<sup>1</sup>

8 Based upon Ms. Roland and Mr. Barney's failure to provide documents pursuant to the  
9 June 25, 2015-Roland Subpoena and the June 25, 2015-Barney Subpoena, respectively, Mr.  
10 Solomon and Mr. Hood held the requisite EDCR 2.34 conferences. During the EDCR 2.34  
11 conference with Mr. Barney, Mr. Barney informed Mr. Solomon and Mr. Hood that he did not  
12 comply with the June 25, 2015-Barney Subpoena because he was relying on Ms. Roland to  
13 produce the documents. *See, Declaration of Mark A. Solomon, Esq.*, attached hereto as **Exhibit**  
14 **11**, at ¶ 11. Mr. Barney further informed Mr. Solomon and Mr. Hood that he did not have any  
15 documents other than the documents that were provided to him by Ms. Roland, which were  
16 already produced by Ms. Roland. *Id.*, at ¶ 12. *See also, July 31, 2015 Follow-up Letter to EDCR*  
17 *2.34 Conference From Mr. Barney*, a true and correct copy of which is attached hereto as **Exhibit**  
18 **12** (Mr. Barney stated he did "not have any of the requested documents that have not already been  
19 provided" by Ms. Roland.).

20 During Mr. Solomon and Mr. Hood's EDCR 2.34 conference with Ms. Roland, Ms.  
21 Roland stated that the June 25, 2015-Roland Subpoena was overreaching and outside of the scope  
22 of the June 24, 2015 Order. *See, Ex. 11*, at ¶ 13. Mr. Solomon then explained that the documents  
23 provided did not even comply with the June 24, 2015 Order, were woefully insufficient, the  
24 subpoena was not limited to the June 24, 2015 Order, and, therefore, a Motion To Compel would  
25 be filed in order to force Ms. Roland to produce the documents responsive to the respective  
26 subpoena. *Id.*, at ¶¶ 14-15.

27  
28 <sup>1</sup> *See, June 25, 2015-Roland Subpoena*, at Ex. 4, p. 3-4.



Based on Mr. Solomon's prior communications with Ms. Roland, it is believed that Ms. Roland was provided with extensive documentation regarding the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as amended on February 24, 2014 (the "Trust"); the Ashley Cooper Life Insurance Policy and related loans; the Revocable Living Trust, dated April 4, 1990; the Davis Family Office, LLC, and other entities owned or related to the aforementioned trusts or entities of which Christopher is the owner, manager, director or officer. *Id.*, at ¶ 16. Indeed, Ms. Roland informed Mr. Solomon that Christopher had provided her with numerous documents, that she would provide to Mr. Solomon, which illustrate how the Trust in question and the proceeds from the Policy loans interacts with the Revocable Trust, the Davis Family Office, LLC, Christopher (individually), and any other entity(ies) that Christopher owns, manages, or directs. *Id.*, at ¶ 17. Moreover, Ms. Roland informed Mr. Solomon that the documents provided by Christopher enabled her to create a detailed diagram demonstrating the inter-workings of the aforementioned entities and individuals. *Id.* While Ms. Davis is not seeking the disclosure of the diagram created by Ms. Roland, Ms. Davis is seeking the documents that enabled her to make such diagram in order to better understand the entities, their interactions with one another, how other entities affect the Trust, and the use of the loan proceeds. The documents provided by Ms. Roland, however, are woefully insufficient and do not come remotely close to complying with the June 25, 2015-Roland Subpoena. As such, Ms. Davis respectfully requests that this Court order Ms. Roland to produce any and all documents responsive to the June 25, 2015-Roland Subpoena within three (3) days of the notice of entry of order.

## II. LEGAL ARGUMENT

### A. Motion To Compel Harriet Roland, Esq. To Produce Documents Pursuant to June 25, 2015-Roland Subpoena.

NRCP 45 requires that a party served with a subpoena duces tecum for the production of documents be provided at least fifteen (15) days to respond to such subpoena.<sup>2</sup> NRCP 45(d)(1) provides that "[a] person responding to a subpoena to produce documents shall produce them as

---

<sup>2</sup> See, NRCP 45(b)(2).

they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.”

NRCP 26(b)(1), in relevant part, provides that:

“[p]arties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party, including the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.”

Ms. Roland attempted to treat the June 25, 2015-Roland Subpoena as a request for production of documents under NRCP 34, and claimed that she should have thirty (30) days to provide the required response.<sup>3</sup> Notwithstanding the fact that Ms. Davis’ counsel disagrees with Ms. Roland’s position regarding the June 25-2015-Roland Subpoena constituting a request for production of documents pursuant to NRCP 34, Ms. Davis’ counsel provided Ms. Roland additional time to produce the documents in order to avoid unnecessary court intervention. Ms. Roland, however, failed to produce the documents pursuant to the June 25, 2015-Roland Subpoena on the basis of privilege and claiming the subpoena was outside of the scope of the order.<sup>4</sup>

Each and every document referenced in the June 25, 2015-Roland Subpoena expressly requests “[a]ny and all non-privileged records”.<sup>5</sup> Additionally, Ms. Roland’s rationale for failing to comply with the June 25, 2015-Roland Subpoena because the documents sought were outside the scope of the June 24, 2015-Roland Subpoena is without merit. NRCP 26 specifically permits the discovery of documents that “appears reasonably calculated to lead to the discovery of admissible evidence.” NRCP 26(b)(1). Each of the requests are specifically tailored to request the

<sup>3</sup> See, Ex. 6.

<sup>4</sup> See, Ex. 11.

<sup>5</sup> See, June 25, 2015-Roland Subpoena, at Ex. 4, p. 3-4.

records of individuals and entities believed to have received a loan distribution from the Ashley Cooper Policy and the Trust. As such, it is reasonably likely that the information requested will lead to the discovery of admissible evidence.

As fully set forth above, the documents produced by Ms. Roland in response to the June 25, 2015-Roland Subpoena are insufficient and do not comply with the Nevada Rules of Civil Procedure.

**B. The Documents Withheld On The Basis Of Privilege Must Be Disclosed.**

The Privilege Log provided by Ms. Roland in response to the June 24, 2015-Roland Subpoena asserts the "Attorney Client Communication" for 21 of the 22 documents withheld on the basis of privilege.<sup>6</sup> NRS 49.095 provides as follows:

"A client has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications:

1. Between the client or the client's representative and the client's lawyer or the representative of the client's lawyer.
2. Between the client's lawyer and the lawyer's representative.
3. Made for the purpose of facilitating the rendition of professional legal services to the client, by the client or the client's lawyer to a lawyer representing another in a matter of common interest."

The attorney-client privilege, however, is not applicable to the vast majority of the documents withheld. Indeed, the following communications between Christopher and Terry Watts, an employee of Christopher's who works at the Davis Family Office, LLC, located in Kansas City, Missouri are not covered within the attorney-client privilege:

Bates	Sender	Recipient	Subject/File Name	Sent/Last Modified	Privilege
O-000807	Christopher	Terry Watts	URGENT: TGFT-FHT COLLATERAL RECAP	9/4/2014	Attorney Client Communication
O-000809	Christopher	Terry Watts	ESTATE-VIII b: POLICY LOAN CARRYOVER DISCREPANCY	9/15/2014	Attorney Client Communication
O-000810	Terry Watts	Christopher	RE: Changes to Spreadsheet for BBD xfers	5/8/2014	Attorney Client Communication

<sup>6</sup> See, Ex. 10.

O-000811	Christopher	Terry Watts	RT to FHT ERROR	9/22/2014	Attorney Client Communication
O-000814	Terry Watts	Christopher	RE: Want Audit before pay: Old Invoices	5/22/2014	Attorney Client Communication

Terry Watts is **not** an attorney or an agent of an attorney. Terry Watts is an employee of Christopher's who works for the Davis Family Office, LLC. As such, the communications between Terry Watts and his employer, Christopher/the Davis Family Office, LLC, are not included within the purview of the attorney-client privilege. As such, Ms. Roland must be compelled to disclose the documents Bates Labelled O-000807, O-000809, O-000810, O-000811; and O-000814.

In addition to disclosing the communications between Terry Watts and Christopher, Ms. Roland must be compelled to disclose the below referenced communications between Christopher and Stephen K. Lehnardt ("Mr. Lehnardt"), the Trust Protector and Distribution Trust Advisor, who also happens to be an attorney:

Bates	Sender	Recipient	Subject/File Name	Sent/Last Modified	Privilege
O-000808	Mr. Lehnardt	Christopher	FW: Davis Trust	5/6/2014	Attorney Client Communication
O-000812	Mr. Lehnardt	Christopher	FW: Davis FHT Asset-Division	4/17/2014	Attorney Client Communication
O-000813	Mr. Lehnardt	Christopher	FW: Davis Trust	5/29/2014	Attorney Client Communication
O-000820	Mr. Lehnardt	Christopher	FW: Beatrice B. Davis Family Heritage Trust	8/21/2014	Attorney Client Communication
O-000821	Mr. Lehnardt	Christopher	FW: Beatrice B. Davis Family Heritage Trust		Attorney Client Communication
O-000822	Mr. Lehnardt	Christopher	FW: Beatrice B. Davis Family Heritage Trust	9/6/2014	Attorney Client Communication
O-000823	Mr. Lehnardt	Christopher	FW: Beatrice B. Davis Family Heritage Trust	8/22/2014	Attorney Client Communication
O-000824	Mr. Lehnardt	Christopher	FW: Beatrice B. Davis Family Heritage Trust	8/22/2014	Attorney Client Communication
O-000825	Mr. Lehnardt	Christopher	FW: Beatrice B. Davis Family Heritage Trust	8/21/2014	Attorney Client Communication
O-000826	Mr. Lehnardt	Christopher	FW: Beatrice B. Davis Family Heritage Trust	8/22/2014	Attorney Client Communication
O-000828	Mr. Lehnardt	Christopher	FW: Beatrice B. Davis Family Heritage Trust	8/27/2014	Attorney Client Communication

In any case, the attorney-client privilege does not apply when a fiduciary seeks advice of counsel for the ultimate benefit of the Trust and beneficiaries, and such information and



communications must be disclosed. *See, Riggs Nat. Bank of Washington D.C. v. Zimmer*, 355 A.2d 709, 712-714 (Del. Ch. 1976) (holding that “[a]s a representative for the beneficiaries of the trust which he is administering, the trustee is not the real client in the sense that He is personally being served. And, the beneficiaries are not simply incidental beneficiaries who Chance to gain from the professional services rendered. The very intention of the communication is to aid the beneficiaries. The trustee here cannot subordinate the fiduciary obligations owed to the beneficiaries to their own private interests under the guise of attorney-client privilege. The policy preserving the full disclosure necessary in the trustee-beneficiary relationship is here ultimately more important than the protection of the trustees’ confidence in the attorney for the trust.”) Additionally, the attorney client privilege does not exist when such advice is sought for determining the appropriate course of administering the trust. *See BOGERT’S TRUSTS AND TRUSTEES* 2d § 961; *RESTATEMENT OF TRUSTS* 2d § 173; *see also Washington-Baltimore Newspaper Guild, Local 35 v. Washington Star Co.*, 543 F. Supp. 906, 909 (D.D.C. 1982) (“When an attorney advises a fiduciary about a matter dealing with the administration of an employees’ benefit plan, the attorney’s client is not the fiduciary personally but, rather, the trust’s beneficiaries.”).

Moreover, the attorney-client privilege is only applicable if such communications were made in anticipation of litigation. *See, Murphy v. Gorman*, 271 F.R.D. 296, 312 (D.N.M. 2010) (stating that “[t]he United States Courts of Appeals for the Fifth Circuit described the fiduciary privilege as the parties having a mutuality of interests between the fiduciary and the beneficiaries, but found that once there is an anticipation of litigation, the mutuality is destroyed.”); *see also, Garvy v. Seyfarth Shaw LLP*, 966 N.E.2d 523, 535, 359 Ill.Dec. 202, 214 (Ill. App. 2012) (holding that “[t]he fiduciary-duty exception does not, however, apply to legal advice rendered concerning the personal liability of the fiduciary or in anticipation of adversarial legal proceedings against the fiduciary.” In discussing *Riggs*, the *Garvy* Court stated that “**if adversarial proceedings were pending**, it would indicate that the fiduciary was seeking legal

1 advice in a personal rather than a fiduciary capacity, and the exception would not apply.” 966  
2 N.E.2d, at 536, 359 Ill.Dec., at 215.” (Emphasis added)).

3 While Mr. Lehnardt is an attorney, it cannot reasonably be argued that the retention of Mr.  
4 Lehnardt’s services was for the purpose of seeking advice for Christopher to defend himself  
5 against Ms. Davis in a pending or anticipated litigation. Indeed, each of the communications  
6 between Mr. Lehnardt and Christopher predates the filing of any pleadings or any  
7 correspondences indicating that litigation might be forthcoming. The earliest correspondence  
8 between Mr. Lehnardt and Christopher is dated April 17, 2014,<sup>7</sup> and the latest communication is  
9 dated August 22, 2014.<sup>8</sup> Ms. Davis’ attorneys, Mr. Solomon and Mr. Hood, did not attempt to  
10 reach out to Christopher and request documentation and information until **August 26, 2014**. See,  
11 **August 26, 2014 Letter to Christopher**, a true and correct copy of which is attached hereto as  
12 **Exhibit 13**. Nowhere within the August 26, 2014 Letter to Christopher is there a threat of  
13 litigation, nor is there any indication that Ms. Davis is anticipating litigation. Rather, such  
14 correspondence was simply an attempt to gather the documentation and information that Ms.  
15 Davis is entitled to. Indeed it was not until **September 23, 2014** that Ms. Davis’ counsel  
16 informed Christopher that if the information requested in the August 26, 2014 Letter to  
17 Christopher was not provided, Ms. Davis intended to “file a petition in the appropriate court to  
18 enforce [Ms.Davis’] rights...” See, September 23, 2014 Follow Up Letter to Christopher, a true  
19 and correct copy of which is attached hereto as **Exhibit 14**.

20 Notwithstanding the inapplicability of the attorney-client privilege as it relates to  
21 communications between Christopher and Mr. Lehnardt, Mr. Lehnardt is also serving as the  
22 Distribution Trust Advisor pursuant to NRS 163.5537, and is therefore a Fiduciary under NRS  
23 163.554. As a Fiduciary to the Trust, Mr. Lehnardt owes fiduciary duties to the beneficiaries  
24 thereof, including the duty of loyalty and full disclosure. Consequently, any communications  
25

26  
27 <sup>7</sup> See, Ex. 10.

28 <sup>8</sup> *Id.*

Christopher had with Mr. Lehnardt regarding the Trust and the administration thereof, which are deemed to be for the benefit of the beneficiaries of the Trust, must be disclosed.

Based on the foregoing, it is apparent that the communications between Mr. Lehnardt and Christopher were not in anticipation of litigation, and were made between Christopher and Mr. Lehnardt, who are both Fiduciaries under NRS 163.554. As such, the privilege asserted by Ms. Roland, "Attorney Client Communication", is inapplicable, and the documents Bates Labelled O-000808, O-000812, O-000813, O-000820, O-000821, O-000822, O-000823, O-000824, O-000825, and O-000828 must be disclosed.

In addition to the aforementioned, Ms. Roland asserts the "Attorney Client Communication" privilege for documents Bates Labelled O-000815, O-000816, O-000817, and O-000818, but fails to identify the attorney with whom Christopher was purportedly communicating. As such, Ms. Davis requests that Ms. Roland be compelled to disclose documents Bates Labelled O-000815, O-000816, O-000817, and O-000818.

### C. Petition For Attorneys' Fees And Costs.

Notwithstanding (1) the clear direction of the June 24, 2015-Roland Subpoena (which was, for all intents and purposes, treated as a request for production of documents pursuant to NRCF 34), and (2) Ms. Davis' repeated requests for Ms. Roland to produce documents pursuant to such subpoena (including during the EDCR 2.34 conference), Ms. Roland has continued to refuse to produce the requisite documents. As such, Ms. Davis should be awarded attorneys' fees and costs for being forced to prepare the instant Motion, as well as for being forced to attend a hearing on this same. Specifically, EDCR 7.60(b)(3), in relevant part provides:

"The Court may, after notice and an opportunity to be heard, impose upon an attorney or party any and all sanctions which may, under the facts of the case, be reasonable, including the imposition of finds, **costs or attorney's fees** when an attorney or a party without just cause:

\*\*\*

(3) So multiplies the proceedings in a case as to increase costs unreasonably and vexatiously" (Emphasis added).

1 But for Ms. Roland's failure to provide the required documents requested in the June 24,  
2 2015-Roland Subpoena, and her continued refusal to provide the same, Ms. Davis has been forced  
3 to file the instant Motion to compel Ms. Roland's compliance.

4 **WHEREFORE**, Caroline D. Davis respectfully request that this Court:

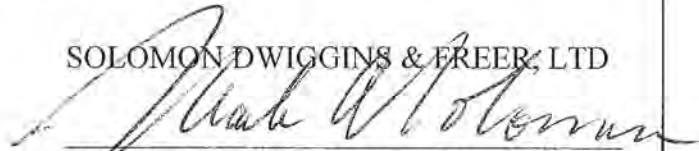
5 (1) Compel Harriet H. Roland, Esq. produce any and all non-privileged documents in  
6 her possession, custody, and control responsive to the June 24, 2015-Roland Subpoena;

7 (2) Compel Harriet H. Roland, Esq. to produce the documents referenced in this  
8 Motion, as listed on the Privilege Log for Production to SDF, dated July 27, 2014, as the  
9 "attorney-client" privilege is in applicable to such documents; and

10 (2) Award Caroline D. Davis attorneys' fees and costs for being forced to file the  
11 instant Motion, as well as being forced to attend any hearings on said Motion.

12 Dated this 17 day of August, 2015.

13 SOLOMON DWIGGINS & FREER, LTD



14 Mark A. Solomon, Esq. (Bar No. 418)  
15 Joshua M. Hood, Esq. (Bar No. 12777)  
16 9060 Cheyenne Avenue  
17 Las Vegas, Nevada  
18 Telephone: (702) 853-5483  
19 Facsimile: (702) 853-5485  
20 *Attorneys for Caroline D. Davis*



# **Exhibit 1**

# **Exhibit 1**

1 CC03  
2 Mark A. Solomon, Esq.  
3 Nevada Bar No. 0418  
4 E-mail: [msolomon@sdfnlaw.com](mailto:msolomon@sdfnlaw.com)  
5 Joshua M. Hood, Esq.  
6 Nevada Bar No. 12777  
7 E-mail: [jhood@sdfnlaw.com](mailto: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*

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**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.: Probate (26)

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

THE STATE OF NEVADA SENDS GREETINGS TO:

The Custodian of Record or Other Qualified Person at

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

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

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

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



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](mailto: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 8<sup>th</sup> 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](mailto:msolomon@sdfnlaw.com)

26 JOSHUA M. HOOD, ESQ. (Bar No. 12777)

27 E-mail: [jhood@sdfnlaw.com](mailto: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



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

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

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

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.

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Case No.: P-15-084094-T

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1 CC03  
2 Mark A. Solomon, Esq.  
3 Nevada Bar No. 0418  
4 E-mail: [msolomon@sdfnlaw.com](mailto:msolomon@sdfnlaw.com)  
5 Joshua M. Hood, Esq.  
6 Nevada Bar No. 12777  
7 E-mail: [jhood@sdfnlaw.com](mailto: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  
12 The BEATRICE B. DAVIS FAMILY  
13 HERITAGE TRUST, dated July 28, 2000, as  
14 amended on February 24, 2014.

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

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 ANTHONY L BARNEY, LTD.  
20 3317 West Charleston Boulevard, Suite B.  
21 Las Vegas, Nevada 89102

22 **YOU ARE ORDERED**, pursuant to Nevada Rule of Civil Procedure ("NRC") 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](mailto: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 8<sup>th</sup> 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](mailto:msolomon@sdfnlaw.com)

26 JOSHUA M. HOOD, ESQ. (Bar No. 12777)

27 E-mail: [jhood@sdfnlaw.com](mailto: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  
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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 "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