

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

Electronically Filed
Dec 02 2015 01:21 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

3
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,

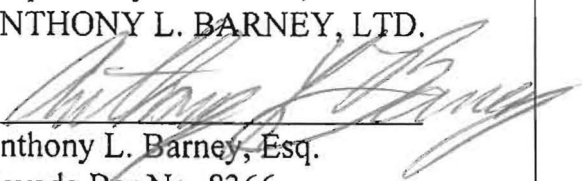
Respondent.

10
11
12 **APPELLANT'S APPENDIX**
13 **VOLUME X**
14

15 Respectfully Submitted,
16 ROLAND LAW FIRM

17 
18 Harriet H. Roland, Esq.
Nevada Bar No. 5471
2470 E. St. Rose Pkwy, Ste. 105
20 Henderson, NV 89074
Telephone: (702) 452-1500
21 Facsimile: (702) 920-8903
22 hroland@rolandlawfirm.com
23 *Attorney for Christopher D. Davis*

Respectfully Submitted,
ANTHONY L. BARNEY, LTD.

17 
18 Anthony L. Barney, Esq.
Nevada Bar No. 8366
3317 W. Charleston Blvd., Suite B
Las Vegas, NV 89102
Telephone: (702) 438-7878
Facsimile: (702) 259-1116
22 office@anthonybarney.com
23 *Attorney for Christopher D. Davis*

ALPHABETICAL
TABLE OF CONTENTS

Volume Number	Exhibit Number	Title of Document	Page Numbers
VIII	33	Addendum to and Withdrawal of Certain Statements Referenced in the: (1)Objection to Petition for Reconsideration of the Order dated May 19, 2015 Re: 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, 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; and Counterpetition for Sanctions; (2)Amendment and Supplement to Counterpetition for Sanctions; and (3)Motion to Amend or Modify Order Pursuant to NRCP 60(b)(3)	001322-001357
V	16	Amendment and Supplement to Counter Petition for Sanctions	000780-000794
V	14	Case Appeal Statement	000684-000700
X	48	Certification of Intent to Amend Order	001668-001670
VIII	26	Christopher D. Davis' Motion for Protective Order and to Modify or Quash the Subpoena	001185-001221
II	2	Christopher D. Davis' Motion To Dismiss Pursuant To NRCP (12)(b) And NRCP 19 and Errata	000283-000308
VII	25	Christopher D. Davis' Opposition to Caroline Davis' Motion to Amend or Modify Order Pursuant to NRCP 60(b)(3)	001139-001184
VIII	37	Christopher D. Davis' Opposition to Caroline Davis' Motion to Strike Christopher D. Davis' Arguments and Requests for Relief in his Reply to	001373-001390

1			Caroline D. Davis' Objection to Petition for	
2			Reconsideration in Excess of Thirty (30) Pages as	
3			the Reply Violates EDCR 2.20 and Countermotion	
4			for Leave to File a Reply in Excess of Thirty (30)	
5	VII	23	Christopher D. Davis' Reply to Caroline Davis'	000987-
6			Objection to Petition for Reconsideration of the	001118
7			Order Dated May 19, 2015 re: Petition to Assume	
8			Jurisdiction over the Beatrice B. Davis Family	
9	VIII	31	Heritage Trust Dated July 28, 2000, as Amended	
10			on February 24	
11			Christopher D. Davis' Reply to Caroline Davis'	001307-
12	III	6	Opposition to His Motion for a Protective Order	001313
13			and to Quash or Modify Subpoena	
14	IX	42	Christopher D. Davis' Reply to Caroline Davis'	000350-
15			Opposition to his Motion to Dismiss Pursuant to	000375
16			NRCP (12)(b) and NRCP 19	
17	X	44	Court Minutes dated September 16, 2015	001539-
18				001541
19	VI	21	Court Minutes dated September 30, 2015	001610-
20				001611
21	III	11	Declaration Of Christopher D. Davis	000977-
22				000979
23	VIII	36	Declaration of Tarja Davis	000478-
24				000483
25	VI	22	Errata to Christopher D. Davis' Petition to Stay	001368-
26			Discovery Until the August 19, 2015 Hearing on	001372
27			Motion for Reconsideration or in the Alternative,	
28			Petition for Protective Order from Discovery by	
			Subpoena	
	VI	22	Errata To Petition For Reconsideration Of The	000980-
			Order Dated May 19, 2015 To Assume	000986
			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	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

		Immediate Disclosure Of Documents And Information From Christopher D. Davis	
V	17	Motion to Amend or Modify Order Pursuant to NRCP 60(b)(3)	000795-000836
IX	39	Motion to Compel Attendance at Deposition and Motion for Sanctions	001477-001520
VI	20	Motion to Compel Harriet Roland, Esq., to Produce Documents Responsive to Subpoena Duces Tecum; and for Attorneys' Fees and Costs	000897-000976
VI	19	Motion to Hold Christopher D. Davis in Contempt and for Attorneys' Fees and Costs	000871-000896
VIII	30	Motion to Strike Christopher D Davis' Arguments and Requests for Relief in his Reply to Caroline D Davis' Objection to Petition for Reconsideration in Excess of Thirty (30) Pages as the Reply Violates EDCR 2.20	001300-001306
V	13	Notice of Appeal	000679-000683
III	9	Notice of Entry of Order	000440-000445
X	48	Notice of Entry of Order filed October 15, 2015	001661-001667
VIII	34	Notice of Non-Appearence of Christopher D. Davis	001358-001363
VIII	35	Notice of Partial Withdrawal of Petition and Partial Withdrawal of Petition to Stay Discovery until the August 19th, 2015 Hearing on Motion for Reconsideration or in the Alternative, Petition for Protective Order from Discovery by Subpoena	001364-001367
III	10	Notice of Petition and Petition for Reconsideration of the Order Dated May 19, 2015 Re: 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, Stephen K. Lehnardt as Distribution Trust Advisor, to Confirm Dunham Trust Company as Directed Trustee, and for Immediate Disclosure of Documents and	000446-000477

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

		Information from Christopher D Davis	
V	18	Notice of Petition and Petition to Stay Discovery until the August 19, 2015 Hearing on Motion for Reconsideration	000837-000870
V	15	Objection to Petition for Reconsideration of the Order Dated May 19, 2015 Re: Petition to Assume Jurisdiction Over the Beatrice B. Davis Family Heritage Trust Dated July 28l 2000, as Amended on February 24, 2014, to Assume Jurisdiction Over Christopher D. Davis an 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; AND Counter Petition for Sanctions	000701-000779
VIII	27	Objection to Petition to Stay Discovery Until the August 19, 2015 Hearing on Motion for Reconsideration or in the Alternative, Petition for Protective Order From Discovery by Subpoena	001222-001238
VIII	28	Opposition to Caroline Davis' Motion to Compel Harriet H. Roland, Esq. to Produce Documents Responsive to Subpoena Duces Tecum; Counter Motion to Quash	001239-001285
VII	24	Opposition to Caroline Davis' Motion to Hold Christopher D. Davis in Contempt and for Attorney's Fees and Costs	001119-001138
VIII	29	Opposition to Christopher D. Davis' Motion for a Protective Order and to Quash or Modify Subpoena	001286-001299
II	3	Opposition to Christopher D. Davis' Motion to Dismiss Pursuant to NRCP(12)(b) and NRCP 19	000309-000321
II	4	Opposition to Petition to Assume Jurisdiction over the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as Amended on February 24, 2014; to Assume Jurisdiction over Christopher D. Davis as Investment Trust Advisor and Stephen K. Lehnardt as Distribution Trust Advisor; to Confirm Dunham Trust Company as Directed Trustee; and for Immediate Disclosure of	000322-000325

1			Documents and Information from Christopher D. Davis, and Limited Joinder to Christopher D. Davis's Motion to Dismiss Pursuant to NRCP 12(b) and NRCP 19	
2				
3				
4	III	8	Order	000435-000439
5	I and II	1 (pts 1 and 2)	Petition to Assume Jurisdiction over the Beatrice B. Davis Family Heritage Trust Dated July 28 2000 as Amended on February 24, 2014; to Assume Jurisdiction Over Christopher D Davis As Investment Trust Advisor and Stephen K Lehnardt as Distribution Trust Advisor; to Confirm Dunham Trust Company as Directed Trustee; and for Immediate Disclosure of Documents and Information from Christopher D Davis	000001-000282
6				
7				
8				
9				
10				
11				
12	X	46	Proposed Order Regarding September 30, 2015 Hearing	001656-001660
13	IX	41	Reply to Christopher D. Davis Opposition to Caroline Davis' Motion to Hold Christopher D. Davis in Contempt and for Attorneys' Fees and Costs	001533-001538
14				
15				
16	II	5	Reply to Opposition to Petition to Assume Jurisdiction Over the Beatrice B. Davis Family Heritage Trust, Dated July 28, 2000, as Amended on February 24, 2014; to Assume Jurisdiction Over Christopher D. Davis as Investment Trust Advisor and Stephen K. Lehnardt as Distribution Trust Advisor; to Confirm Dunham Trust Company as Directed Trustee; and for Immediate Disclosure of Documents and Information from Christopher D. Davis and Limited Joinder to Christopher D. Davis's Motion to Dismiss Pursuant to NRCP12(b) and NRCP 19	000326-000349
17				
18				
19				
20				
21				
22				
23				
24				
25	IV	12	Response to Petition for Reconsideration	000484-000678
26	VIII	32	Supplement to Objection to Petition for Reconsideration of the Order Dated May 19 2015 RE: Petition to Assume Jurisdiction over the Beatrice B Davis Family Heritage Trust Dated	001314-001321
27				
28				

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

		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 and Counter Petition for Sanctions	
IX	40	Supplement to Opposition to Caroline Davis' Motion to Hold Christopher D. Davis in Contempt and for Attorney's Fees and Costs	001521-0001532
IX	38	Transcript of Proceedings All Pending Motions, September 2, 2015	001391-001476
III	7	Transcript of Proceedings Motion to Dismiss: Motion on Christopher Davis' Motion to Dismiss Pursuant to NRCP 12(B) and NRCP 19; Petition to Assume Jurisdiction over the Beatrice B. Davis Family Trust, Assume Jurisdiction over Christopher David as Investment Trust Advisor and Stephen K. Lehnardt as Distribution Trust Advisor, to Confirm Dunham Trust Company as Directed Trustee, and for Immediate Disclosure of Documents and Information from Christopher D. Davis April 22, 2015	000376-000434
IX	43	Transcript of September 16, 2015 Hearing	001542-001609
X	45	Transcript of September 30, 2015 Hearing	001612-001655

CHRONOLOGICAL
TABLE OF CONTENTS

Volume Number	Exhibit Number	Title of Document	Page Numbers
I and II	1 (pts 1 and 2)	Petition to Assume Jurisdiction over the Beatrice B. Davis Family Heritage Trust Dated July 28 2000 as Amended on February 24, 2014; to Assume Jurisdiction Over Christopher D Davis As Investment Trust Advisor and Stephen K Lehnardt as Distribution Trust Advisor; to Confirm Dunham Trust Company as Directed Trustee; and for Immediate Disclosure of Documents and Information from Christopher D Davis	000001-000282
II	2	Christopher D. Davis' Motion To Dismiss Pursuant To NRCP (12)(b) And NRCP 19 and Errata	000283-000308
II	3	Opposition to Christopher D. Davis' Motion to Dismiss Pursuant to NRCP(12)(b) and NRCP 19	000309-000321
II	4	Opposition to Petition to Assume Jurisdiction over the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as Amended on February 24, 2014; to Assume Jurisdiction over Christopher D. Davis as Investment Trust Advisor and Stephen K. Lehnardt as Distribution Trust Advisor; to Confirm Dunham Trust Company as Directed Trustee; and for Immediate Disclosure of Documents and Information from Christopher D. Davis, and Limited Joinder to Christopher D. Davis's Motion to Dismiss Pursuant to NRCP 12(b) and NRCP 19	000322-000325
II	5	Reply to Opposition to Petition to Assume Jurisdiction Over the Beatrice B. Davis Family Heritage Trust, Dated July 28, 2000, as Amended on February 24, 2014; to Assume Jurisdiction Over Christopher D. Davis as Investment Trust Advisor and Stephen K. Lehnardt as Distribution Trust Advisor; to Confirm Dunham Trust Company as Directed Trustee; and for Immediate Disclosure of Documents and Information from Christopher D. Davis and Limited Joinder to Christopher D. Davis's Motion to Dismiss Pursuant to NRCP12(b)	000326-000349

1			and NRCP 19	
2	III	6	Christopher D. Davis' Reply to Caroline Davis' Opposition to his Motion to Dismiss Pursuant to NRCP (12)(b) and NRCP 19	000350-000375
3				
4	III	7	Transcript of Proceedings Motion to Dismiss: Motion on Christopher Davis' Motion to Dismiss Pursuant to NRCP 12(B) and NRCP 19; Petition to Assume Jurisdiction over the Beatrice B. Davis Family Trust, Assume Jurisdiction over Christopher David as Investment Trust Advisor and Stephen K. Lehnardt as Distribution Trust Advisor, to Confirm Dunham Trust Company as Directed Trustee, and for Immediate Disclosure of Documents and Information from Christopher D. Davis April 22, 2015	000376-000434
5				
6				
7				
8				
9				
10				
11				
12	III	8	Order	000435-000439
13	III	9	Notice of Entry of Order	000440-000445
14				
15	III	10	Notice of Petition and Petition for Reconsideration of the Order Dated May 19, 2015 Re: 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, 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	000446-000477
16				
17				
18				
19				
20				
21				
22				
23	III	11	Declaration of Tarja Davis	000478-000483
24	IV	12	Response to Petition for Reconsideration	000484-000678
25	V	13	Notice of Appeal	000679-000683
26				
27	V	14	Case Appeal Statement	000684-000700
28	V	15	Objection to Petition for Reconsideration of the	000701-

1			Order Dated May 19, 2015 Re: Petition to Assume Jurisdiction Over the Beatrice B. Davis Family Heritage Trust Dated July 28l 2000, as Amended on February 24, 2014, to Assume Jurisdiction Over Christopher D. Davis an 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; AND Counter Petition for Sanctions	000779
2	V	16	Amendment and Supplement to Counter Petition for Sanctions	000780-000794
3	V	17	Motion to Amend or Modify Order Pursuant to NRCP 60(b)(3)	000795-000836
4	V	18	Notice of Petition and Petition to Stay Discovery until the August 19, 2015 Hearing on Motion for Reconsideration	000837-000870
5	VI	19	Motion to Hold Christopher D. Davis in Contempt and for Attorneys' Fees and Costs	000871-000896
6	VI	20	Motion to Compel Harriet Roland, Esq., to Produce Documents Responsive to Subpoena Duces Tecum; and for Attorneys' Fees and Costs	000897-000976
7	VI	21	Declaration Of Christopher D. Davis	000977-000979
8	VI	22	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	000980-000986
9	VII	23	Christopher D. Davis' Reply to Caroline Davis' Objection to Petition for Reconsideration of the Order Dated May 19, 2015 re: Petition to Assume Jurisdiction over the Beatrice B. Davis Family	000987-001118

1			Heritage Trust Dated July 28, 2000, as Amended	
2			on February 24	
3	VII	24	Opposition to Caroline Davis' Motion to Hold	001119-
4			Christopher D. Davis in Contempt and for	001138
5	VII	25	Christopher D. Davis' Opposition to Caroline	001139-
6			Davis' Motion to Amend or Modify Order Pursuant	001184
7	VIII	26	to NRCP 60(b)(3)	
8			Christopher D. Davis' Motion for Protective Order	001185-
9	VIII	27	and to Modify or Quash the Subpoena	001221
10			Objection to Petition to Stay Discovery Until the	001222-
11			August 19, 2015 Hearing on Motion for	001238
12			Reconsideration or in the Alternative, Petition for	
13			Protective Order From Discovery by Subpoena	
14	VIII	28	Opposition to Caroline Davis' Motion to Compel	001239-
15			Harriet H. Roland, Esq. to Produce Documents	001285
16			Responsive to Subpoena Duces Tecum; Counter	
17			Motion to Quash	
18	VIII	29	Opposition to Christopher D. Davis' Motion for a	001286-
19			Protective Order and to Quash or Modify	001299
20			Subpoena	
21	VIII	30	Motion to Strike Christopher D Davis' Arguments	001300-
22			and Requests for Relief in his Reply to Caroline D	001306
23			Davis' Objection to Petition for Reconsideration in	
24			Excess of Thirty (30) Pages as the Reply Violates	
25			EDCR 2.20	
26	VIII	31	Christopher D. Davis' Reply to Caroline Davis'	001307-
27			Opposition to His Motion for a Protective Order	001313
28			and to Quash or Modify Subpoena	
	VIII	32	Supplement to Objection to Petition for	001314-
			Reconsideration of the Order Dated May 19 2015	001321
			RE: 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, Stephen K. Lehnardt as	
			Distribution Trust Advisor to Confirm Dunham	
			Trust Company as Directed Trustee, and for	
			Immediate Disclosure of Documents and	

1			Information from Christopher D. Davis and Counter Petition for Sanctions	
2				
3	VIII	33	Addendum to and Withdrawal of Certain Statements Referenced in the: (1)Objection to	001322-001357
4			Petition for Reconsideration of the Order dated	
5			May 19, 2015 Re: Petition to Assume Jurisdiction	
6			Over the Beatrice B. Davis Family Heritage Trust	
7			dated July 28, 2000, as Amended on February 24,	
8			2014, to Assume Jurisdiction Over Christopher D.	
9			Davis as Investment Trust Advisor, Stephen K.	
10			Lehnardt as Distribution Trust Advisor, to Confirm	
11			Dunham Trust Company as Directed Trustee, and	
12			for Immediate Disclosure of Documents and	
13			Information from Christopher D. Davis; and	
14	VIII	34	Counterpetition for Sanctions; (2)Amendment and	001358-001363
15			Supplement to Counterpetition for Sanctions; and	
16			(3)Motion to Amend or Modify Order Pursuant to	001364-001367
17			NRCP 60(b)(3)	
18	VIII	35	Notice of Non-Appearance of Christopher D. Davis	001368-001372
19	VIII	36	Notice of Partial Withdrawal of Petition and Partial	
20			Withdrawal of Petition to Stay Discovery until the	001373-001390
21			August 19th, 2015 Hearing on Motion for	
22			Reconsideration or in the Alternative, Petition for	001391-001476
23			Protective Order from Discovery by Subpoena	
24	VIII	37	Errata to Christopher D. Davis' Petition to Stay	001391-001476
25			Discovery Until the August 19, 2015 Hearing on	
26			Motion for Reconsideration or in the Alternative,	001391-001476
27			Petition for Protective Order from Discovery by	
28			Subpoena	
	VIII	38	Christopher D. Davis' Opposition to Caroline Davis' Motion to Strike Christopher D. Davis' Arguments and Requests for Relief in his Reply to Caroline D. Davis' Objection to Petition for Reconsideration in Excess of Thirty (30) Pages as the Reply Violates EDCR 2.20 and Countermotion for Leave to File a Reply in Excess of Thirty (30) Pages	001391-001476
	IX	38	Transcript of Proceedings All Pending Motions, September 2, 2015	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IX	39	Motion to Compel Attendance at Deposition and Motion for Sanctions	001477-001520
IX	40	Supplement to Opposition to Caroline Davis' Motion to Hold Christopher D. Davis in Contempt and for Attorney's Fees and Costs	001521-001532
IX	41	Reply to Christopher D. Davis Opposition to Caroline Davis' Motion to Hold Christopher D. Davis in Contempt and for Attorneys' Fees and Costs	001533-001538
IX	42	Court Minutes dated September 16, 2015	001539-001541
IX	43	Transcript of September 16, 2015 Hearing	001542-001609
X	44	Court Minutes dated September 30, 2015	001610-001611
X	45	Transcript of September 30, 2015 Hearing	001612-001655
X	46	Proposed Order Regarding September 30, 2015 Hearing	001656-001660
X	47	Notice of Entry of Order filed October 15, 2015	001661-001667
X	48	Certification of Intent to Amend Order	001668-001670

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

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

Winfield B. Davis
Skyline Terrace Apts.
930 Figueroa Terr. Apt. 529
Los Angeles, California 90012-3072

Christopher D. Davis
3005 North Beverly Glen Circle
Los Angeles, California 90077
And
514 West 26th Street, #3E
Kansas City, Missouri 64108

1 Registered Agent Solutions, Inc. First Class US Mail
2 Registered Agent for FHT Holdings, LLC,
3 a Nevada Limited Liability Company
4 4625 West Nevso Drive, Suite 2
Las Vegas, Nevada 89103

5 JONATHAN W. BARLOW, ESQ. First Class US Mail
6 CLEAR COUNSEL LAW GROUP
7 50 Stephanie Street, Suite 101
8 Henderson, Nevada 89012
9 Jonathan@clearcounsel.com
Attorneys for Stephen K. Lenhardt

10 Mark Solomon, Esq. First Class US Mail
11 Joshua Hood, Esq.
12 **SOLOMON DWIGGINS & FREER, LTD.**
13 9060 W. Cheyenne Ave.
14 Las Vegas, NV 89129
Attorney for Petitioner Caroline Davis

15 DUNHAM TRUST COMPANY First Class US Mail
16 SHANNA CORESSAL, CTFA
17 c/o Charlene Renwick, Esq.
18 Lee, Hernandez, Landrum & Garofalo
19 7575 Vegas Drive, #150
Las Vegas, Nevada 89128

20 Honorable Judge Sturman First Class US Mail
21 Dept. 26, Eighth Judicial Dist. Court
22 Regional Justice Center
23 200 Lewis Ave.
Las Vegas, NV 89101

24
25
26
27 
Employee of Anthony L. Barney, Ltd.
28



EXHIBIT 44

REGISTER OF ACTIONS

CASE NO. P-15-083867-T

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

§
§
§
§
§
§
§

Case Type: **Probate - Trust/Conservatorships**

Subtype: **Individual Trustee**

Date Filed: **02/11/2015**

Location:

Cross-Reference Case **P083867**

Number:

Supreme Court No.: **68542**

PARTY INFORMATION

Petitioner **Davis, Caroline** Female
2501 Nob Hill PL N
Seattle, WA 98109

Lead Attorneys
Mark Alan Solomon
Retained
7028535483(W)

Trust **The Beatrice Davis Heritage Trust**

EVENTS & ORDERS OF THE COURT

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

Minutes

09/30/2015 9:00 AM

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

Parties Present

[Return to Register of Actions](#)

APPELL001611



EXHIBIT 45

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

IN THE MATTER OF THE TRUST OF:)
THE BEATRICE DAVIS HERITAGE)
TRUST)
_____)

CASE NO: P-15-083867-T
DEPT NO: XXVI

BEFORE THE HONORABLE GLORIA STURMAN, DISTRICT COURT JUDGE

**MOTION TO COMPEL: CAROLINE D. DAVIS'S MOTION TO COMPEL
HARRIET ROLAND, ESQ. TO PRODUCE DOCUMENTS RESPONSIVE TO
SUBPOENA DUCES TECUM; FOR ATTORNEY'S FEES AND COSTS
MOTION: CAROLINE D. DAVIS'S MOTION TO HOLD CHRISTOPHER D.
DAVIS IN CONTEMPT AND FOR ATTORNEYS' FEES AND COSTS**

WEDNESDAY, SEPTEMBER 30, 2015

APPEARANCES:

FOR THE PETITIONERS:	DANA DWIGGINS, ESQ. JOSHUA HOOD, ESQ.
FOR THE RESPONDENTS:	ANTHONY BARNEY, ESQ. HARRIET ROLAND, ESQ.

RECORDED BY KERRY ESPARZA, COURT RECORDER
TRANSCRIBED BY: KARR Reporting, Inc.

KARR REPORTING, INC.

APPELL001613

1 **LAS VEGAS, NEVADA, WEDNESDAY, SEPTEMBER 30, 2015, 9:25 A.M.**

2 * * * * *

3 THE COURT: Everybody state appearances for the
4 record.

5 MS. DWIGGINS: Dana Dwiggins and Josh Hood on behalf
6 of the petitioner, Caroline Davis.

7 MR. BARNEY: Good morning, Your Honor. Anthony
8 Barney on behalf of Christopher Davis.

9 MS. ROLAND: Harriet Roland on behalf of Christopher
10 Davis.

11 THE COURT: Okay. Well, this is a motion to hold
12 Christopher Davis in contempt. I understand what the issue
13 is. I guess I just need to clarify, Ms. Dwiggins, some
14 documents have been produced. Since the last time we were
15 here -- this motion's about a month old. But I know that the
16 last time we were here Ms. Roland talked about producing more,
17 and there was some discussion about even more being produced.
18 So I mean, are we still in the same position that you --

19 MS. DWIGGINS: Yes, pretty much. And I did speak to
20 Ms. Roland this morning, and in regards to at least our motion
21 to compel her, we're in agreement to postpone that possibly to
22 the status check that we have set in this matter currently.
23 She said that she has reviewed her file, that there's in
24 excess of how many thousand?

25 MS. ROLAND: We had stated this before, Your Honor.

1 You go ahead and finish, so then I'll step up to
2 that motion.

3 MS. DWIGGINS: Okay. Anyway, she has thousands of
4 pages of documents, about 4500 different documents. So she's
5 in the process of compiling those and Bates labeling them so
6 that they can be produced. So I think that we're ultimately
7 satisfied what the Court ordered she had to produce pursuant
8 to the subpoena. She recognizes that there's an
9 attorney-client privilege issue that we're ultimately going to
10 have to deal with. But I'd like the opportunity to work with
11 her on that to see if we can resolve it so it's potentially a
12 non-issue.

13 However, with respect for the motion to contempt, I
14 don't think anything that she has produced thus far or will be
15 producing really affects that, because the documents that
16 she's producing is pursuant to a subpoena served upon her.
17 Now, I understand that she obviously obtained those documents
18 on behalf of her client, Christopher Davis. However, she even
19 made a statement this morning that she doesn't know whether or
20 not that in fact is all the documents he has.

21 So I think irrespective of the issue with respect to
22 Misty Roland and the subpoena that was served upon her,
23 Christopher Davis has an independent obligation pursuant to
24 this Court's order back at the end of June to produce
25 documents that are within that category. So in that regard,

1 I'll see what she has to say, but I think we are ready to
2 proceed on the motion for contempt.

3 THE COURT: Thank you. All right. Ms. Roland.

4 MS. ROLAND: Thank you, Your Honor. And Mr. Barney
5 will be arguing his opposition, so I will be very brief.
6 Before we were called and then Dana and -- excuse me,
7 Ms. Dwiggins and I were -- had begun a discussion on the
8 duplication of discovery, since we -- if you remember, when I
9 came in a couple of weeks ago we brought a stack of 850 pages
10 that have actually been produced under the June 24 order.

11 And I can understand that there's a difference
12 between my production under the subpoena because I'm a -- I am
13 a witness and Christopher's production as a purported party to
14 this. However, there is quite an overlap. And the June 24
15 production was -- was a -- was a substantial duplicate of what
16 was -- of a lot of what's going to be produced in -- pursuant
17 to the subpoena.

18 I think that as an attorney at the bar, you have far
19 more authority at this point over me and I have a great deal
20 of respect regarding the production of documents, since I
21 think it's obvious to the Court that I'm not going to be
22 hiding the ball in this.

23 My position is that Christopher has substantially
24 produced, if you look at the list in their initial petition,
25 he did produce a loan tracking statement and he has produced a

1 lot of documents. I would at least ask the Court to give
2 to -- exhibit patience with us during this -- during this
3 production.

4 THE COURT: And that was why I asked. I mean, there
5 has been a production, and I know that it -- the motion itself
6 was filed about, you know, about a month ago. And I know in
7 the interim we've talked and you indicated you produced some
8 documents and you're going to produce more. So I mean, there
9 has been production.

10 MS. ROLAND: We're in the process of uploading. We
11 have gone back through the documents and agreed upon a date of
12 Beatrice's incapacity based on actually Mr. Solomon's firm
13 finding an unsigned document, which I went to the review team,
14 found a signed copy of. So that took us back a year as far as
15 we needed to retard the production a year.

16 So we're making progress in this. There has been
17 production of documents. I'm uploading to Dropbox, although
18 that will not be the final production, because obviously we
19 have to go through the e-discovery and we have to do the Bates
20 stamping and produce an organized production, because this in
21 effect becomes our discovery plan if the process goes forward.

22 THE COURT: All right. Well, thank you for
23 providing an update on that. And I don't know, Mr. -- we'll
24 hear from Mr. Barney and then Ms. Dwiggin. You can respond
25 to both of them --

1 MS. DWIGGINS: Okay. I don't know if you had
2 anything to say with respect to that, but as far as the motion
3 for contempt, obviously it's my motion, I'd like the
4 opportunity to argue it first.

5 THE COURT: Okay.

6 MR. BARNEY: I'm okay, Your Honor, with Ms. Dwiggins
7 arguing her motion. I'd just like a chance to respond.

8 THE COURT: Okay. So then with respect to the
9 motion to compel, then I -- it appears to me that we're making
10 progress on the discovery. And I just would suggest getting a
11 status continuance on that to -- we've got two hearings
12 scheduled next month. One's on the 7th and one's on the 28th.
13 Is the 7th ours, or is it commissioner's? It's ours. So
14 maybe can you do it a month?

15 MS. DWIGGINS: I think probably the latter date you
16 said because of the amount of documents. I don't think a
17 week's probably sufficient time.

18 THE COURT: October 28, I would just suggest
19 continuing to that date. I mean, it seems like good faith
20 progress is being made and there's really nothing further --

21 MS. DWIGGINS: [Inaudible] and I'm very appreciative
22 of their efforts in undertaking the task of going through her
23 file. However, as I stated a moment ago, I still think the
24 obligations are different because she's responding pursuant to
25 a subpoena. Again, I realize that she's in possession of the

1 document vis-a-vis her representation. However, as she
2 acknowledged earlier to me, she can't represent nor does she
3 know whether or not that encompasses all the documents that
4 Christopher would have to produce.

5 THE COURT: Certainly. Got it. Okay.

6 MS. DWIGGINS: So rather -- I don't think because
7 this order has been in effect for several months now, that we
8 need to wait to see what she produces to see if there's
9 potential in different documents missing.

10 THE COURT: Okay. So then we've got then the
11 motion -- we'll continue the motion to compel with Ms. Roland.
12 She's making good faith progress and there's no reason really
13 to discuss it any further.

14 MS. DWIGGINS: I agree 100 percent, Your Honor.

15 THE COURT: The second issue is this issue on
16 contempt, which is a -- it's a pretty severe sanction and, as
17 Mr. Barney pointed out, requires that I make a finding that
18 some -- that I think there's been contempt, but somebody else
19 has to hear it. So it's a multi-step process and --

20 MS. DWIGGINS: That is true, Your Honor. At least
21 under that particular statute it must be heard by somebody
22 else, but I have a couple of responses to that.

23 THE COURT: Okay.

24 MS. DWIGGINS: One is I don't think anyone disputes
25 and I don't think Mr. Barney can dispute whether or not

1 documents have produced -- been produced to our firm pursuant
2 to the court order directly from Christopher. So I'm not
3 sure. Do we end up in front of another court to have
4 essentially a two-minute evidentiary hearing that says have
5 you produced anything, the answer may be no, and we're over?

6 But notwithstanding that, there is obviously other
7 authority that allows you to issue a contempt order, in
8 particular obviously NRC 37, for abuse of discovery. There
9 is also, as you're aware, just your inherent authority under
10 Bahena vs. Goodyear that allows sanctions to be entered for
11 failure to comply with discovery and other litigation abuses.

12 So I don't think we have to get to the point to go
13 in front of another judge for the simple task of asking have
14 you produced documents, answer no, because you otherwise do
15 have the authority. And of course, even NRC again, 37(b)(2)
16 and the young factors, there's several bases for you to issue
17 a contempt without going through that stringent process of
18 NRS 22.

19 THE COURT: Okay.

20 MS. DWIGGINS: Putting that aside, Your Honor, in
21 the response there's essentially four bases that Mr. Barney
22 objects or opposes the motion for contempt. One of them is
23 the jurisdictional issue, which obviously I'm relatively new
24 to this matter and Mark is -- obviously Mr. Solomon is out of
25 the country.

1 But I did review the hearing last week, or not -- or
2 I'm sorry, the hearing from the last hearing, as well as the
3 pleadings, and I think the jurisdictional issue has been beat
4 to death. I understand he objects to your findings. He has
5 filed an appeal. You have already indicated your intent to
6 certify full jurisdiction. So to be quite candid, I'm not
7 sure why we're still arguing about jurisdiction.

8 As Mr. Solomon also pointed out at the last hearing,
9 NRS 163.5555 specifically gives this Court in personam
10 jurisdiction over anyone that has assumed the role as an
11 investment trust advisor. So again, I'm not sure why we're
12 talking about jurisdiction.

13 I know he dedicates a significant portion of his
14 brief to whether or not your delineations into the order were
15 the word "or" or "in" and the different meanings. My
16 understanding is that's a moot issue. But when I read the
17 order, to me it was pretty clear it was or. And then
18 obviously he addresses the procedural issues in regard to the
19 affidavit, which I think we resolved that matter, and then
20 obviously we just discussed the different judge.

21 I think consistent with the order that you made in
22 connection with the subpoena of Ms. Roland last month, it's
23 clear that the time for compliance of the order isn't from the
24 date in which he became the investment advisor or the manager,
25 which was in February of 2014, but in fact goes back to 2007,

1 when he took over upon her competency, and -- or incompetency.
2 Excuse me.

3 I believe Your Honor is fairly familiar with the
4 structure that reoccurred when it was moved here to Nevada,
5 and we have the trust in which Christopher became the
6 investment trust advisor. It has an entire interest and
7 wholly owns an LLC that's here in Nevada in which he's the
8 sole manager, and that LLC in turn owns these policies that
9 are worth about \$35 million.

10 And as you know, there were obviously loans made off
11 of those policies that went through the LLC into the trust and
12 then to Christopher either indirectly or directly through
13 himself and different entities he owns. I think no matter how
14 you cut it, it clearly affects her, my client's interest in
15 the trust, because we have a right to all the information
16 relating to those transactions.

17 And I know we've been through this before, but to
18 summarize again what the identity is of the individuals or
19 entities that are the makers on the notes, what the purposes
20 of the loans were, whether or not there's been any repayment
21 or default, what the current outstanding balances are, whether
22 or not there's any security relating to those, and essentially
23 any other information a beneficiary would want to know to
24 protect their interest.

25 THE COURT: Okay.

1 MS. DWIGGINS: Now, I think by definition of his
2 role as the investment trust advisor, he is in possession,
3 custody and control of this information irrespective of
4 whether or not he initially received the information when he
5 was in his capacity only as a beneficiary.

6 And the reason being is if you just look under the
7 terms of the trust and what his role is as an investment trust
8 advisor, he is essentially ipso facto a trustee. He is the
9 sole individual that could direct the directed trustee, which
10 is Dunham. So Dunham can't essentially take any actions
11 without his direction.

12 But under the express terms of the trust, the
13 investment trust advisor has the full power to manage the
14 investments and reinvestment in trust, including the power to
15 purchase, sell, encumber, and obviously it goes on and on as
16 to what investment role is.

17 I think in that role, in order for him to comply
18 with his fiduciary duty, it goes without saying that he has to
19 have a full understanding as to what those investments are,
20 what the character and nature of those investments are, how
21 those investments have formed and whether or not there's
22 default.

23 So again I go back to it doesn't matter if he
24 initially received these documents prior to him actually
25 becoming the investment trust advisor in 2014. He nonetheless

1 had a duty to acquire them when he became the advisor, and
2 that's either through the Alaska trustee, through Dunham, or
3 asking himself.

4 The bottom line is it should be within his
5 possession and custody and control. So to sit there and say,
6 hey, I'm not wearing that hat when I received them, I think,
7 is a little bit disingenuous, unless they're going to somehow
8 concede that he's not complying with his duties as the
9 investment trust advisor with respect to the trust.

10 And I do find it ironic, Your Honor, that if you
11 look at the declaration that he submitted, he never contends
12 in it that he doesn't have any of the documents. He just
13 states, I don't have them in that capacity or in that capacity
14 [inaudible]. But again, that's a red herring and it's
15 irrelevant. He has the ability to obtain them, whether or not
16 it's asking himself for the information as a beneficiary,
17 which is kind of ludicrous.

18 But the fact of the matter is they are within his
19 possession and custody and control and should be in that
20 capacity. So I think his position that he doesn't have to
21 produce anything prior to him, quote, receiving it is not
22 completely fair and equitable. I don't think it's candid.
23 But I think he does have the documents, and I think there has
24 been a stone wall in producing them.

25 Again, I appreciate Ms. Roland's efforts now, but

1 that doesn't somehow relieve Christopher of his obligations
2 and what he was required to do pursuant to this Court's order.

3 THE COURT: All right. Thank you. Mr. Barney.

4 MR. BARNEY: Your Honor, you're going to have to
5 bear with me a little bit.

6 THE COURT: You're not feeling well.

7 MR. BARNEY: I woke up with the shivers and the
8 shakes and didn't have a voice earlier. So I'm trying to --

9 THE COURT: Right. Well, I've heard what you've
10 said and as I said, I agree with you on the process of if
11 you're going to do a contempt order, you have to be very
12 specific in saying the Court believes that the following
13 action was in contempt of the following order specifically,
14 and then that gets referred to whoever the judge is that's
15 going to hear the contempt. And then that judge has to then
16 decide, you know, was that in fact a contempt.

17 And with all due respect to Ms. Dwiggins, it's not
18 as simple -- because we just did this in another case. It's
19 not as simple as he hasn't produced the records, we're done.
20 It's -- you know, these are complex evidentiary hearings that
21 they take them very seriously when we do them. It's a big
22 deal to get that kind of a sanction.

23 However, she makes a good point that there are other
24 types of sanctions, lesser sanctions that are available to the
25 court just for failure to comply with discovery. And I guess

1 maybe this is one where we maybe again, need a discovery plan
2 and deadlines and dates, and then if somebody doesn't do
3 something by a date that they're supposed to, then we can
4 definitely say, look, you need -- you didn't do it, now I can
5 take other types of discovery sanctions.

6 We just need something in place that keeps us from
7 moving. I understand that Mr. Davis is objecting to this
8 court's jurisdiction. That's fine. But until we have
9 somebody telling this Court that you don't have any
10 jurisdiction, I'm, you know, we've got to keep this thing
11 moving.

12 MR. BARNEY: Your Honor, I'd like a chance to
13 respond, if I could.

14 THE COURT: Sure.

15 MR. BARNEY: First, Mrs. Dwiggins indicated that --
16 that -- I'm sorry, Your Honor. Can I get a drink?

17 THE COURT: Sure.

18 (Pause in proceeding.)

19 MR. BARNEY: Thank you, Your Honor, for your
20 indulgence.

21 First, Mrs. Dwiggins has argued that there was a
22 production by Chris. Her co-counsel's affidavit which wasn't
23 filed originally of course with the petition, what was filed
24 apparently last night, I got it this morning, states, Today
25 Christopher D. Davis has not produced any documents pursuant

1 to the order. So I'm not sure who we believe, if we believe
2 Mrs. Dwiggin's representation that there was a production, or
3 if we believe Mr. Hood's affidavit under oath that there's
4 been absolutely no production.

5 Second, she indicated that there is a jurisdictional
6 issue and she argued jurisdiction. I'd like to -- I'd like to
7 speak to that. Christopher Davis, as you're aware, as a basis
8 for his motion to dismiss, asked the Court to respect the
9 terms of the trust, and that the purported first amendment was
10 deficient due to a lack of change in situs.

11 Now, counsel for the drafter of the trust, who is --
12 who the drafter was Mr. Lenhardt, he stated very clearly in
13 the -- during that hearing that he says;

14 If I just really briefly, I just add also on that
15 point so the position of the protector who took this, and of
16 course he's very hesitant to come and say, yeah, it looks like
17 I made a mistake, but upon review, it looks like we're missing
18 some of the beneficiaries.

19 And then the second clause of that sentence that you
20 just stated, referring to you, the Court, says that all --
21 that all that the consent of the beneficiaries then, comma,
22 and then it also says with the consent of the then acting
23 protector. Obviously he consented in the trustee that are
24 involved. We had an absence of trustee actually at that point
25 because the previous trustee had resigned about three months

1 earlier.

2 The Court says, Okay.

3 And Mr. Barlow says, So technically what should have
4 happened, it appears now in retrospect is the new Alaska based
5 trustee should have been appointed in the interim for the
6 purpose of consenting to the change of situs to Nevada so that
7 the trustee could get the advice of counsel that was called
8 for in that paragraph to make sure that there were no adverse
9 consequences.

10 So that appears to be the step that was missing, and
11 Mr. Lenhardt's going to have to go back to the drawing board
12 to determine whether he needs to go now -- to go now go
13 appoint an Alaska trustee, and whether it's then advisable to
14 then move it down here to Nevada if all beneficiaries consent
15 to do so. The Court says, Okay. Mr. Barlow says, So that's
16 the position I'm at.

17 So the drafter himself indicates that he made a
18 mistake, and of course that went on appeal. We appealed the
19 fact that a condition precedent was not met for this Court to
20 take jurisdiction over this matter. Now, even under the
21 motion to dismiss, Caroline is -- even after the motion to
22 dismiss, Caroline has continued to petition this court in
23 derogation of the terms of the trust.

24 And as you're aware, Your Honor, this has resulted
25 in endless litigation in this matter. And she's advanced one

1 theory of jurisdiction which was appealed, then another. But
2 Your Honor, Ms. Dwiggins said that was certified. I have not
3 seen an order of certification on that matter. And it was on
4 a new matter that was introduced at the hearing. It was a new
5 theory.

6 Supposedly now it's not constructive trust, it's a
7 theory of de facto trust. Now, de facto trust was never
8 proven out before the Court, but the problem is, is that each
9 theory was advanced the day of the hearing. I didn't get a
10 chance to brief it. I asked the Court to brief it. I was
11 denied the opportunity. But each theory is incorrect.

12 And the Court went on to pull two cases, neither
13 which were set forth by either opposing counsel or myself,
14 being Villega or Fulbright [phonetic]. After the Court cited
15 to those cases, I read those cases, Your Honor, and those
16 cases don't stand for the proposition that a court can grant
17 jurisdictions and then pursue actions that they would use to
18 sue somebody. It's to determine whether or not jurisdiction
19 is proper.

20 We've created a paradox here. We've said that
21 jurisdiction is proper over this, and we can go ahead and do
22 discovery so that we can prove up these claims and sue
23 Christopher Davis. If we were to follow the analysis of
24 either Villega or Fulbright, the case would have had to have
25 been dismissed, and that's what happened in both of those

1 cases.

2 But even taking the facts as true, if you assume
3 that the motion -- under the motion to dismiss standard, the
4 original petition to assume jurisdiction does not allege
5 specific acts against Christopher Davis and his role in it.
6 That's from a trust advisor, or as manager of FHT.

7 In fact, it states, page 3, paragraph 12,
8 "Article 13, Section 2D of the first amendment further
9 appointed Christopher as the investment trust advisor pursuant
10 to NRS 163." This is in their -- in their petition. "NRS
11 163.5543, and designated him as a fiduciary under NRS 16.554,
12 Article 13.2D.2nd. Pursuant to the first amendment,
13 Christopher is provided with the full range, or full power to
14 manage investments and reinvestments of the trust."

15 So they're quoting the amendment. Okay. Which
16 we've already said is the very basis of the jurisdictional
17 defect. And on page 7, paragraph 23, "Consequently, any
18 policy loans taken or received by the revocable living trust
19 where initiated by Christopher."

20 This Court's already found the revocable living
21 trust isn't under the jurisdiction of this court. It's under
22 Missouri. It says any -- "Additionally, any policy loans
23 taken or received by the Davis Family Office, a Missouri
24 limited liability company where also initiated by
25 Christopher." Okay. It says, "While acting in his capacity

1 as manager of DFO," which again, Missouri.

2 Page 7, paragraph 24, "As illustrated in the
3 aforementioned list of all known policy loans, the trust has
4 distributed at least \$1,300,689 between the revocable living
5 trust, the DFO and Christopher individually, all of which
6 where Christopher's insistence or direction in either his
7 individual capacity, his capacity as sole acting trustee of
8 the revocable living trust, and his capacity as sole manager
9 of DFO."

10 These are all statements that were raised in the
11 initial petition, none of which have anything to do with
12 jurisdiction here. Page 8, paragraph 28, they say that,
13 "Further, the trust is the 100 percent owner of FHT Holdings
14 LLC, a Nevada limited liability company of which Christopher
15 serves as the sole manager. As FHT is an asset of the trust,
16 Caroline is entitled to information related to assets by FHT."

17 These are all their allegations. Okay. No acts
18 have been alleged within this jurisdiction. All acts were in
19 Missouri in his role as -- in his purported role that they are
20 saying is an investment trust advisor or a manager of FHT.
21 There were no acts over which to take jurisdiction in any role
22 here.

23 Notably, at the September 2, 2015 hearing, Your
24 Honor, you conceded that Missouri is the proper forum for the
25 revocable trust and other capacities in which Chris is acting,

1 and the FHT Holdings is not a party to this action.

2 At the April 22, 2015 hearing, the Court, quote,
3 just assumed acts had been taken without making any findings
4 as to any particular acts that you took under a theory of
5 constructive trust. You made assumptions of people acting in
6 Nevada, or acting in reliance on the first amendment without
7 making any findings.

8 At 43, lines 11 through 21 of the transcript,
9 "They're acting in reliance on it." These are your words,
10 according -- the reliance on it being the first amendment.
11 "They assume they've got proper authority -- they assume
12 they've got proper authority. And now you're coming in here
13 and saying all these things I've told you to do in the last
14 year I was wrong, but nobody ever said that he told anybody to
15 do anything for the last year."

16 And you continue. I never should have -- you
17 stated, "I never should have told you to do those things
18 because I didn't have valid authority." You're referring to
19 Chris as though he's speaking. You said, "Whoops, my bad,
20 let's go back to Alaska and fix it. Well, okay. Go back to
21 Alaska and fix it. But in the meantime, I think I have
22 jurisdiction of -- at least put by Mr. Solomon, at least that
23 we have the constructive trust because it's here."

24 At page 48, lines 23 to 20 --

25 THE COURT: Yeah. We're beyond all that at this

1 point in time now, Mr. Barney. I do respect the fact that
2 you've gotten out of your sick bed. I'm going to go back to
3 what I started with, which is I think that the problem that we
4 have here is we don't have a plan in place and we need a
5 discovery plan in place.

6 Specifically you're correct, all I've ever said that
7 I believe this court would have any kind of jurisdiction over
8 would be the Nevada entity and the trust that's here. So
9 care, custody or control -- possession, custody or control in
10 his role as the investment trust advisor, and/or his role as
11 the manager of FHT, that's all I'm interested in. That's all
12 I think I have any jurisdiction over.

13 That's all I've ever said I was taking jurisdiction
14 over. So the rest of this is all immaterial. And my point
15 being that I think this is really a discovery dispute, but
16 unfortunately, we don't have a discovery plan in place.
17 Mr. Davis, since he appears unwilling to respond to court
18 orders, I think that we need to put a plan in place with
19 sanctions in place if he doesn't comply.

20 Mr. Davis, until I am told I don't have any
21 jurisdiction over him, I'm operating under the assumption that
22 I have jurisdiction over him. I'm not prepared to go the
23 route of sanctions, because that's like the ultimate --
24 contempt, that's the ultimate sanction of finding somebody --
25 it's a misdemeanor, but it's still a crime. And to do that

1 you have to go through all the --

2 MR. BARNEY: You have to have in personam
3 jurisdiction in this case, Your Honor --

4 THE COURT: You have to have --

5 MR. BARNEY: -- over Christopher Davis.

6 THE COURT: Thank you. I believe that I do. And
7 but I would agree with you that I only have jurisdiction over
8 him to the extent that his activities are directed at this
9 state, and those -- I've identified what I believe those
10 activities directed to the state are.

11 So that's why I was pointing out those two cases
12 that talk about you have to have activities directed at the
13 state. That's my purpose in pointing you to those two cases.
14 I believe those two cases stand for the principle that if you
15 have activities directed at this state, you can exercise
16 jurisdiction. If you don't have it, you don't have it. I
17 believe it's here.

18 MR. BARNEY: But, Your Honor, no activities were
19 alleged --

20 THE COURT: Okay. Fine. Thank you.

21 MR. BARNEY: -- that were being [inaudible].

22 THE COURT: Well, you know, acting as the manager of
23 a Nevada LLC is an activity directed at the state. Stop right
24 there. That's all I need.

25 Now, so my point being that there's been no --

1 apparently Ms. Roland as an officer of the court is acting in
2 response to a subpoena served on her that is valid. That --
3 she's acting as an officer of the court. I understand that.
4 She is producing documents. Mr. Davis is a different issue.
5 And there is an order here.

6 But I believe this is a discovery dispute, and the
7 first thing that we should have is a plan in place for when
8 we're going to have productions made. I understand he's
9 protesting it, but I've taken jurisdiction over it this
10 limited amount, what I believe are the activities directed in
11 this state. He's the manager of FHT, which is a Nevada LLC.
12 He's got to live with it.

13 MR. BARNEY: But, Your Honor, you said in the last
14 hearing on September 2, I tried to clarify that. I said, If
15 they want to get information, they need to serve him
16 personally under Rule 4, if they want to get it as an officer
17 or the manager of the company. And you said, Because it's not
18 a party. And I said, Yeah, this Court is assuming that it has
19 jurisdiction over the FHT Holdings, and even if the Court goes
20 in the direction, my question still goes to the fact that this
21 is improper and that they're seeking to get documents.

22 THE COURT: No. Absolutely not. Absolutely not.
23 You don't have to -- they don't have to be a party. If we
24 were subpoenaing FHT, I would agree with you that FHT would
25 have to be served. We're not subpoenaing FHT.

1 I'm saying Mr. Davis as an individual has said I
2 will be the manager of a Nevada LLC, I'm going to take
3 advantage of the laws of Nevada to set up an LLC, I'm going to
4 be the manager of that LLC. It's him personally, he is the
5 manager, and that's what this is directed at. So all I'm
6 saying is I want a plan in place, and then we can take the
7 next step and the next step and the next step.

8 MR. BARNEY: But, Your Honor, you said prior you
9 didn't have it individually over him. That's in the court
10 record that you said you didn't have individual, that you were
11 trying to take it in his role as manager. If you try to take
12 it in his role as manager, he has to be served personally
13 still.

14 He wasn't served personally. And that's the problem
15 I have, is that the Court didn't say it was taking over
16 jurisdiction over him. And in fact, Mr. Solomon didn't ask
17 for that. In his pleadings it's very clear. We are not
18 seeking in personam jurisdiction, he said that multiple times.

19 THE COURT: Right.

20 MR. BARNEY: And yet this Court is now saying that
21 it does have it over him individually, and I'm saying, okay,
22 well, then if you want it over him individually, you serve
23 them under Rule 4. Our new statute makes it pretty clear,
24 Your Honor, that the new statute is going to set forth nexus
25 and principles whereby someone we put on notice, that they

1 could be held in the court under 164.010 to have in personam
2 under -- in personam jurisdiction over an investment trust
3 advisor if those nexuses were met.

4 THE COURT: So your motion to dismiss was denied.

5 MR. BARNEY: No, I understand. But what you're
6 saying is that -- it seems like we're going back. You're
7 saying, well, now I'm taking it over him personally. We've
8 already established it wasn't over him personally. He was
9 never served.

10 MS. DWIGGINS: Your Honor, I think the order is
11 clear that we're seeking contempt of you directed him as the
12 investment trust advisor and as the manager to produce the
13 records. And again, you know, you already recognize, I'm not
14 sure why we kept raising this, until the Supreme Court
15 reverses your order, this court has jurisdiction. There's a
16 valid court order that required him to do something. He has
17 intentionally failed to do so.

18 And I know as Mr. Solomon addressed at the last
19 hearing, despite following of the what, the September 2nd
20 hearing, his deposition was scheduled, he failed to show up.
21 He could, you know, talk until he's blue in the face that he
22 doesn't think this court has jurisdiction, but you right now
23 have issued a valid binding order.

24 THE COURT: Right.

25 MS. DWIGGINS: And my concern with the discovery

1 plan, Your Honor, is it's just another delay. He has already
2 put his chin up to you in regards to the order, the
3 deposition, and he's likewise probably going to do it again.

4 And, you know, whether or not you issue criminal
5 sanctions or civil sanctions, I would request at a minimum
6 that there be a dollar amount imposed as a fine on a per diem
7 basis until he complies with your order. And I think you have
8 the inherent authority to do that. I think you have --

9 MR. BARNEY: We've already heard this argument. The
10 reality is Mrs. Dwiggins, as she's seeking even at this point
11 for an extension of discovery, she stated back to the point of
12 the competency. So clear back to Missouri. Okay. She wants
13 production when the Alaska trustees were the trustees. That's
14 admittedly what she just asked for.

15 MS. DWIGGINS: No, Your Honor.

16 MR. BARNEY: No. Let me finish, Mrs. Dwiggins.

17 MS. DWIGGINS: It's Ms. Dwiggins, by the way.

18 MR. BARNEY: But the issue that is before us is that
19 she asked for an extension of discovery back to the time that
20 they were in Missouri. Now, that includes the entire period
21 for the Alaska trustees, who by the way, are supposedly not an
22 indispensable party to this. But the reality is she's asking
23 for those that are in the custodian of all these other
24 trustees.

25 THE COURT: Well, now we're talking about something

1 that's legitimately directed, because otherwise we're just
2 re-arguing an issue that we're past. I'm not going to
3 re-argue that issue. The issue is the order was issued and we
4 didn't go about this in the normal discovery approach.

5 So the rules of civil procedure are there for a
6 reason. They're excellent for framework and format for how
7 we're going to do discovery, because we already have in my
8 view a failure to comply with discovery. But we need to set
9 this up so that we can follow it through in its logical
10 fashion. Because the rules of civil procedure, you know, for
11 all of the in the abstract seem a little bit weird, actually
12 do work, and they work in a very good framework.

13 So I think that's what we need, because I think this
14 is really Rule 37 issue rather than a contempt of court issue.
15 It may ultimately be a contempt of court issue, because quite
16 frankly, I'm kind of almost there. But I would prefer that
17 this be properly formatted, and that we follow it through in
18 the logical process that the rules of civil procedure provide
19 for us.

20 He was directed to make disclosures, and it appears
21 to me that we've got a Rule 37(c) problem here, failure to
22 disclose, false or misleading disclosure, refusal to admit.
23 That's the section that I think we're under. He is just
24 absolutely refusing to comply with any kind of discovery. I
25 understand that he's contesting jurisdiction, but nobody ever

1 asked to stay it. It's not stayed. So --

2 MR. BARNEY: Your Honor, I did ask to stay so that
3 we could ask the Court for an emergency motion, because --

4 THE COURT: But it's not been granted, so it's not
5 stayed. So we're still proceeding. We have to be proceeding.

6 MR. BARNEY: Your Honor, but look at Fulbright and
7 Villega.

8 THE COURT: No. No. I'm done. I'm just, I'm done.
9 I've got people coming in at 10:30 for an evidentiary hearing.
10 I'm done. So --

11 MR. BARNEY: But the reality is we're proceeding
12 with discovery to enforce claims. For instance, they've
13 said --

14 THE COURT: Thank you.

15 MR. BARNEY: -- breach of fiduciary duty --

16 THE MARSHAL: Counsel.

17 THE COURT: Mr. Barney, I appreciate that you're not
18 feeling well, but I think you really do need to sit down, sir,
19 because you're clearly not well. We appreciate the fact that
20 you're here despite feeling ill. And I have read your papers.
21 It's not that I'm ignoring your arguments. I've read your
22 papers and you go to all this in great detail. But we're
23 re-arguing something that is not before the Court.

24 Because what's before the Court is did Christopher
25 Davis comply with an order of the Court, which until I'm told

1 I don't have any jurisdiction over him, it's still my order.
2 And that's what we have to talk about here.

3 MR. BARNEY: And under NRC 22, I'd like a different
4 judge to hear our contempt proceeding.

5 THE COURT: Yeah. But I told you, I'm not sending
6 this to contempt.

7 MR. BARNEY: Okay. Thank you, Your Honor.

8 THE COURT: Because I think we need to set this up
9 in the proper format to actually get there and to really
10 document what it is we're looking for. Because as you've
11 pointed out, you believe this is really a discovery issue,
12 that they're asking for things that go beyond the scope of
13 what I intended him to do.

14 Because you're saying she's going down the scope of
15 just this is in his capacity as the manager of FHT Holdings or
16 the investment advisor. So --

17 MR. BARNEY: Well, discovery --

18 THE COURT: And Ms. Roland has pointed out FHT
19 Holdings has existed for like a minute. So there's not a lot
20 there. I understand that. But that's my concern, is that I
21 really think that what we're looking at is because we went
22 to -- we went a step ahead of ourselves, that we aren't
23 properly following the rules of civil procedure, which give us
24 a framework for all of this.

25 If you go through the process, and I understand

1 Ms. Dwiggins' frustration that it takes a long time, but then
2 you're at the point where you can determine are we really to
3 the point of saying somebody else has to look at this because
4 this is criminal. You have due process rights. If I send
5 this to a contempt hearing, it's a criminal sanction.

6 MR. BARNEY: I'm aware of that.

7 THE COURT: And you're entitled to due process. And
8 it is a big deal to go to one of these hearings, because
9 there's jail time if you fail to cooperate. It's a very
10 serious problem hanging over somebody's head, and I don't do
11 it lightly. So I'm not prepared to do that at this point in
12 time. I think that what we need is to follow Rule 37. I
13 believe that what we have here is a failure to comply with
14 discovery.

15 Technically it was my order, but it's discovery.
16 It's initial disclosures. So at this point in time, that's my
17 preference, is that we establish a scheduling order, and that
18 we give Mr. Davis a deadline by which he needs to produce his
19 initial disclosures. And if he refuses and fails to do so,
20 then we have Rule 37 sanctions we can follow. And if he fails
21 to do that, then we have further sanctions we can follow up to
22 and including attorney's fees.

23 We can do all sorts of things, not the least of
24 which is we can also strike his pleadings. So I mean, there
25 are civil processes that we can follow instead of the criminal

1 ones, because that would be my preference. I take very
2 seriously ever putting anybody in jail, because I don't do --
3 that's not my job. I don't put people in jail.

4 MR. BARNEY: Your Honor, I often represent the
5 trustee, so I understand your concern. I've actually had to
6 bring this same motion obviously --

7 THE COURT: Absolutely.

8 MR. BARNEY: -- in other cases. All I was saying is
9 that those cases stand for the idea that we can do discovery
10 apparently under Fulbright to determine whether or not
11 jurisdiction is proper, but not to make an order forcing
12 discovery to find out whether or not jurisdiction is proper.
13 Does that make sense?

14 THE COURT: Yeah. I understand. I understand the
15 argument.

16 MR. BARNEY: Okay.

17 THE COURT: But that's --

18 MR. BARNEY: I just want to make sure we're both
19 tracking.

20 THE COURT: Yeah. But my point is I feel that I've
21 already made that determination, and so that at least at this
22 point all I -- at least I know I have jurisdiction over the
23 two following things. He's got a Nevada LLC. As Ms. Roland's
24 pointed out, there really aren't any documents for it because
25 it is so new. I've got jurisdiction over him in that

1 capacity. He's the manager. So there's jurisdiction right
2 there. But --

3 MR. BARNEY: Without service? Without personal
4 service over him?

5 MS. DWIGGINS: I think she's referring to the LLC
6 that's owned by the trust.

7 THE COURT: Yeah. It's owned by the trust.

8 MR. BARNEY: Even if it is owned by the trust, I'm
9 saying that they have -- they need to serve him personally as
10 the manager. That's never happened.

11 THE COURT: Okay. All right. Well, maybe they want
12 to go do that. But here's my point, that he is the manager of
13 an LLC that is owned by a trust. So that entity, that entity
14 is owned by a Nevada trust. We need the documents for that
15 and he needs to comply with that, because that's his role.

16 Now, maybe if he is ultimately personally served, I
17 don't know. I don't care at this point in time. All I'm
18 saying is you've got Nevada entities that he's managing, so
19 he's got some responsibility here. If you're going to act as
20 the manager of a Nevada entity, you better be prepared to
21 submit to the jurisdiction of the court.

22 MS. ROLAND: Your Honor, may I quickly just -- and
23 I --

24 THE COURT: Yes, Ms. Roland.

25 MS. ROLAND: I understand you're done and I may be

1 too if I were sitting up there. Part of the confusion in this
2 was that the order that was entered, I believe, June 24
3 requiring Mr. Davis to produce documents came in right at the
4 same time essentially that the subpoena did.

5 So it was not Mr. Davis's intent, because I've had
6 extensive communications with him obviously, to completely
7 ignore the Court's order. We were trying to define and
8 delineate the Court's order against -- for production, which
9 you did at the last hearing.

10 THE COURT: And that's why I said I think now we
11 need a scheduling plan and we needed an order in place
12 because --

13 MS. ROLAND: And my email to Mr. Solomon was --

14 THE COURT: -- ultimately Ms. Dwiggins' point is you
15 got to comply, you've got to do your initial disclosures. And
16 yes, we had an order here that puts this in a little bit
17 different situation.

18 But, you know, at this point in time I just think
19 that Rule 37 is where we need to go. That's what this appears
20 to me to be headed towards, those kinds of discovery
21 sanctions, which are onerous. You know, until somebody shows
22 me the guy's actually stolen money, I'm a little reluctant to
23 send him to jail.

24 MR. BARNEY: Yeah. I understand, Your Honor. And I
25 think what Harriet's trying to say is he is remember, after

1 all, a co-trustee over the Missouri trust. He produces under
2 his duties under the Missouri trust simply in accordance with
3 his duties --

4 THE COURT: Okay. But here's what I'm saying. I
5 want a discovery plan. You're going to be back here on the
6 7th and on the 28th. When you come in next week, can you give
7 me an idea of how you've progressed with the discovery plan?
8 Because I want a date by when we're going to have -- these are
9 essentially initial disclosures which he's just -- he's just
10 never made. And this case has been going on a long time to
11 have never made initial disclosures.

12 But as Ms. Roland has pointed out, it's voluminous,
13 a lot of it's electronic, and it's very burdensome to
14 discover. So all -- a good faith effort's being made here. I
15 totally believe that. And it may be that until we actually
16 have everything, I don't know if Ms. Dwiggins can be satisfied
17 that they've in fact complied with what would also cover this
18 order.

19 What the Court was saying is this is essentially
20 what we need you to do to get this thing off the ground, is
21 the documents in his role as investment advisor and the
22 manager, what he's got under his control. And maybe it's the
23 same stuff that Ms. Roland has. It may be. But until we have
24 everything, we aren't really going to know.

25 But we have to have a process in which we can hang

1 our hat. So that's why I think we need a discovery plan,
2 because I'm looking at this as Rule 37. So I would like to
3 continue this until --

4 MR. BARNEY: Is the Court going to create a
5 discovery plan for the parties?

6 THE COURT: No. The parties have to.

7 MR. BARNEY: I know. It's pretty -- it's obviously
8 been pretty contentious, so.

9 THE COURT: We haven't given you a date for any kind
10 of a hearing to work back from.

11 MR. BARNEY: Yeah.

12 THE COURT: So that's, I guess, my question, is are
13 we -- is that the ultimate end of the road? Is that what we
14 are -- do we need some date that we can work back from, or
15 work towards?

16 MS. DWIGGINS: Your Honor, I think that's a good
17 place to start. But I would request, since this is so
18 contentious, that just at a minimum you set a date certain for
19 these initial disclosures. Because I don't want to be back in
20 front of you the 21st, I believe, and we don't even have any
21 initial disclosures.

22 THE COURT: Yeah. The 28th is when you're back
23 here.

24 MS. DWIGGINS: Oh, the 28th. I apologize. I'd
25 request that maybe by the 23rd of October, that that's the

1 deadline for initial disclosures.

2 THE COURT: That's Friday the 23rd. I don't know --

3 MS. DWIGGINS: This way we have -- we know before we
4 come to you on the 28th as to whether or not the initial
5 disclosures, and then if you want to give us a date for the
6 hearing, we could work backwards, or Mr. Barney and I could
7 work together in even setting a scheduling order and then
8 requesting a date.

9 THE COURT: All right. So I would agree to that,
10 that if we can have initial disclosures by the 23rd, when you
11 come in on the 28th we can set -- we can discuss deadlines for
12 a scheduling order that you can then enter. Because we'll
13 need to get a -- I'm assuming we'll get working towards a
14 hearing date.

15 So I think we need to get this teed up in that
16 fashion, because to me this really is discovery and I would
17 prefer to handle discovery, as I said, until somebody tells me
18 differently. This doesn't appear to go the route of criminal
19 sanctions, which I am -- like I said, I need somebody that
20 stole the money before -- and until somebody can show me that,
21 I really don't like going there.

22 So at this point in time, I would continue this
23 hearing to the 28th, on the requirement that the initial
24 disclosures be made by the 23rd, because on the 28th I would
25 like to be in a position then maybe everybody will have their

1 arms around it enough that we can say we need this much time
2 to do our discovery, we're going to work back to such -- to
3 trial date in, you know, this summer sometime, something, so
4 we can plan that. And that way, if there are any further
5 issues, we work our way first through Rule 37.

6 MS. DWIGGINS: Thank you, Your Honor.

7 THE COURT: Thank you.

8 MR. BARNEY: Your Honor, just a clarification so you
9 can help us out.

10 THE COURT: Yeah.

11 MR. BARNEY: Christopher as the co-trustee out in
12 Missouri, he's made several disclosures which Harriet's
13 referred to and which I've talked about. Because he's made
14 those disclosures as a trustee of the trust to a beneficiary
15 under this fiduciary duties --

16 THE COURT: In Missouri?

17 MR. BARNEY: In Missouri.

18 THE COURT: Okay.

19 MS. DWIGGINS: That's the other trust.

20 MR. BARNEY: That's the other trust.

21 THE COURT: Yeah.

22 MR. BARNEY: Okay. Are you in fact saying that we
23 have to duplicate? I mean, obviously we wouldn't want to have
24 to duplicate what he's already produced as a trustee in
25 Missouri, right? Because that's what he's already produced

1 documents.

2 THE COURT: Right.

3 MR. BARNEY: And I noticed that when you were going
4 through the order with regard to Harriet Roland, you were
5 trying to delineate --

6 THE COURT: Correct. Yeah.

7 MR. BARNEY: -- you know. And so --

8 MS. DWIGGINS: Your Honor, if those documents relate
9 to the RHT trust, or --

10 THE COURT: It's like a Venn diagram.

11 MS. DWIGGINS: -- the LLC, then they should be --

12 THE COURT: Yeah, that's what I said. Essentially
13 it's a Venn diagram.

14 MS. DWIGGINS: -- reproduced.

15 THE COURT: Maybe this document is a Missouri trust
16 document, but somehow it is something that leads to the Nevada
17 trust. And Ms. Roland understands. And so, you know, I think
18 that we can take a look at it. Because I know you won't have
19 had a chance to review everything by the 28th. But if we can
20 get the at least initial disclosures done by the 23rd, we'll
21 have a plan for it. And if there's problems with it, then we
22 can discuss that further.

23 Because if your position is I'm not producing
24 anything that has to do with this Missouri trust, as long as
25 it doesn't have anything to do with the -- with anything in

1 the Nevada trust, then I would agree with you. But it's that
2 overlap. It's where we have those little -- our little
3 circles overlap that would be my concern.

4 MR. BARNEY: Well, exactly. We just don't want any
5 stuff that he produces under his fiduciary duties.

6 THE COURT: She's already got that, so yeah.

7 MR. BARNEY: You know, to then become the basis for
8 them to say, oh, guess what, we got this document because he's
9 a trustee out in Missouri and therefore we get to have XY and
10 Z, and I want the Court's clarity on that.

11 THE COURT: I understand that's a concern.

12 MR. BARNEY: Because you were very clear with --

13 THE COURT: That's a concern. I understand. But I
14 think that we made it pretty clear last time that it's where
15 we have those issues of overlap, where our circles intersect,
16 then that's what needs to be produced. So I think that it's
17 pretty clear, and if your position is this absolutely doesn't
18 intersect, then that's an issue that you deal with through the
19 discovery process.

20 MS. DWIGGINS: And if it does, it needs to be
21 produced.

22 THE COURT: You know, they'll make a move to compel
23 it and you can say, no, it's not. So but we got to follow
24 just the rules of civil procedure. I think that's going to
25 help us frame this case a little bit better. No offense.

1 These folks -- why it always surprises me, these folks don't
2 seem to get along, so I don't know what that is.

3 MR. BARNEY: So you're not issuing the order today
4 is my understanding.

5 THE COURT: No. I'm continuing it. Continue it.
6 My only order today is that initial disclosures are due on
7 October 23, so we can discuss at the status check on this
8 hearing. And with respect to Ms. Roland, we can discuss on
9 the 28th and set a discovery plan.

10 MR. BARNEY: Your Honor, also a point in clarity
11 with one of the things that Ms. Dwiggins raised, she said that
12 you certified an order. I've not seen a certification of the
13 order.

14 MS. DWIGGINS: I don't believe I said that, and if I
15 did I misspoke. My understanding was you said you were intent
16 to certify if it came to that point with the Supreme Court.

17 THE COURT: They asked for a Honeycutt order.

18 MS. DWIGGINS: Yes.

19 MR. HOOD: Right.

20 MS. DWIGGINS: Because we had filed a Honeycutt
21 motion.

22 THE COURT: We discussed Honeycutt order, if we
23 would need a Honeycutt order.

24 MS. DWIGGINS: Correct.

25 MR. BARNEY: And no order's been issued.

1 MS. DWIGGINS: Correct.

2 THE COURT: Oh, no. Absolutely. The Supreme Court
3 has not --

4 MS. DWIGGINS: My understanding is you had indicated
5 your intent to do so if one is requested.

6 THE COURT: Right. If requested.

7 MS. DWIGGINS: Yes.

8 THE COURT: If requested to do a Honeycutt order, we
9 would certainly do a Honeycutt order.

10 MS. DWIGGINS: Yes. That's all I meant to state, so
11 if it came out wrong, I apologize.

12 MR. BARNEY: I just don't know the -- I don't know
13 the extent of what Honeycutt order that would be, I guess.

14 THE COURT: Yeah. And that's why I said we --

15 MR. BARNEY: We're flying blind still.

16 THE COURT: It's only if it's requested, if the
17 court says, you know, we need to know if the Supreme Court
18 would take up such and such issue, then certainly we'll
19 respond to that. That's all we were talking about, I think,
20 the last time.

21 MR. BARNEY: Thank you, Your Honor. Thank you for
22 bearing with me.

23 THE COURT: Yes. Thank you.

24 MR. BARNEY: I'm not in tip-top shape today.

25 THE COURT: No. Go home and go back to bed, and

1 we're going to disinfect most of that area.

2 MR. BARNEY: You probably should.

3 THE COURT: Yeah.

4 (Proceeding concluded at 10:16 a.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

**KARR REPORTING, INC.
Aurora, Colorado**

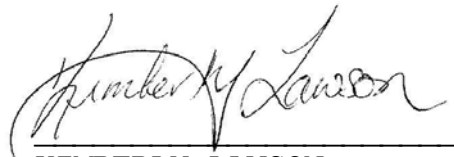

KIMBERLY LAWSON



EXHIBIT 46

ORDR

Mark A. Solomon, Esq.
Nevada Bar No. 418
msolomon@sdfnlaw.com
Dana A. Dwiggins, Esq.
Nevada Bar No. 07049
ddwiggins@sdfnlaw.com
Joshua M. Hood, Esq.
Nevada Bar No. 12777
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 D. Davis

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of:

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

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

Hearing Date: September 30, 2015
Hearing Time: 9:00 A.M.

ORDER REGARDING SEPTEMBER 30, 2015 HEARING

This matter came on for hearing on September 30, 2015 on Caroline D. Davis' (1) Motion To Compel Harriet Roland, Esq. To Produce Documents Responsive To Subpoena Duces Tecum; For Attorneys' Fees And Costs (the "Motion To Compel") and (2) Motion To Hold Christopher D. Davis In Contempt And For Attorneys' Fees And Costs (the "Contempt Motion"). Counsel for Caroline D. Davis, Dana A. Dwiggins, Esq. and Joshua M. Hood, Esq., and counsel for Christopher D. Davis, Anthony L. Barney, Esq. and Harriet H. Roland, Esq., were present.

The Court having reviewed the pleadings, examined the evidence, and heard the arguments of counsel, and for good cause appearing makes the following Findings and Orders:

FINDINGS

1. Due and legal notice of the time and place of the hearing has been given in this matter as required by law.

2. Counsel for Caroline D. Davis ("Ms. Davis") and counsel for Christopher D. Davis ("Christopher") agreed to postpone the Motion To Compel as a Status Check to be held on Wednesday, October 28, 2015, as Harriet H. Roland, Esq. ("Ms. Roland") has made good faith progress with respect to the disclosure of documents pursuant to the Subpoena Duces Tecum, dated June 25, 2015.

3. Notwithstanding Christopher's jurisdictional arguments as set forth in his prior pleadings, the June 24, 2015 Order, as it currently stands, is a valid order of this Court.

4. Christopher has failed to immediately produce documents within his possession, custody or control in his role as Investment Trust Advisor and as sole Manager of FHT Holdings, LLC, as required by the June 24, 2015 Order.

5. The Court, viewing the Contempt Motion as a Nevada Rule of Civil Procedure 37 discovery sanctions issue rather than a contempt issue, will not hold Christopher in contempt pursuant to Nevada Revised Statute 22.010. Notwithstanding, any contempt proceedings under NRS 22.010 shall be heard by a District Court Judge other than the Honorable Judge Gloria J. Sturman.

6. A scheduling order needs to be implemented to put the parties on notice of firm deadlines for the production of documents and proceeding with discovery pursuant to the Nevada Rules of Civil Procedure.

7. The parties' respective attorneys are to create a scheduling order that the parties are required to abide by.

8. Any issues with respect to any parties' failure to abide by such or scheduling order or participation in other discovery or litigation abuses can then be evaluated pursuant to Nevada Rule of Civil Procedure 37 or other applicable discovery statutes or local court rules.

9. The parties are to provide their Initial Disclosure no later than Friday, October 23, 2015.

10. The Contempt Motion, viewed by the Court as a Nevada Rule of Civil Procedure 37 discovery sanctions issue, is to be continued to a Status Check on Wednesday, October 28,

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



1 2015, with any issues relating to the failure of the parties to provide their initial disclosures to be
2 heard as a Nevada Rule of Civil Procedure 37 discovery sanctions issue.

3 **ORDER**

4 **IT IS HEREBY ORDERED** Ms. Davis' Motion To Compel is continued to Wednesday,
5 October 28, 2015 as a Status Check on Ms. Roland's disclosure of documents pursuant to the
6 Subpoena Duces Tecum, dated June 25, 2015.

7 **IT IS HEREBY FURTHER ORDERED** that the parties are required to produce their
8 Initial Disclosures no later than Friday, October 23, 2015.

9 ///

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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

SOLOMON
DWIGGINS & FREER
TRUST AND ESTATE ATTORNEYS

1 IT IS HEREBY FURTHER ORDERED that the Contempt Motion, viewed by the Court
2 as a Nevada Rule of Civil Procedure 37 discovery sanctions issue, is continued to Wednesday,
3 October 28, 2015 as a Status Check regarding the parties' compliance with the Court's order to
4 produce their respective Initial Disclosures no later than Friday, October 23, 2015.

5 Dated this ___ day of October, 2015.

6
7 DISTRICT COURT JUDGE

8
9 Prepared and submitted by:

10 SOLOMON DWIGGINS & FREER, LTD.

11 

12 Mark A. Solomon, Esq. (Bar No. 0418)
13 Dana A. Dwiggins, Esq. (Bar No. 07049)
14 Joshua M. Hood, Esq. (Bar No. 12777)
15 9060 West Cheyenne Avenue
16 Las Vegas, Nevada 89129
17 Telephone: (702) 853-5483
18 Facsimile: (702) 853-5485

19 Attorneys for Caroline D. Davis

20 Approved as to Form and Content:

21 Harriet H. Roland, Esq. (Bar No. 5471)
22 ROLAND LAW FIRM
23 2470 East Saint Rose Parkway, Ste. 105
24 Henderson, Nevada 89074
25 Telephone: (702) 452-1500
26 Facsimile: (702) 920-8903

27 AND

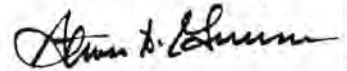
28 ANTHONY L. BARNEY, LTD.

Anthony L. Barney, Esq. (Bar No. 8366)
Tiffany S. Barney, Esq. (Bar No. 9754)
3317 West Charleston Boulevard, Ste. B
Las Vegas, Nevada 89102
Telephone: (702) 438-7878
Facsimile: (702) 259-1116

Attorneys for Christopher D. Davis



EXHIBIT 47



CLERK OF THE COURT

1 **NEO**

2 Mark A. Solomon, Esq., Bar No. 418

3 msolomon@sdfnlaw.com

4 Joshua M. Hood, Esq. Bar No. 12777

5 jhood@sdfnlaw.com

6 SOLOMON DWIGGINS & FREER, LTD.

7 9060 West Cheyenne Avenue

8 Las Vegas, Nevada 89129

9 Telephone: 702.853.5483

10 Facsimile: 702.853.5485

11 *Attorneys for Caroline Davis, Petitioner*

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

14 In the Matter of:

Case No.: P-15-083867-T

Dept.: 26

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

18 **NOTICE OF ENTRY OF ORDER**

19 TO ALL INTERESTED PARTIES:

20 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE, that an ORDER (from the
21 September 2, 2015 hearing, (On the Motion for Protective Order) was entered this 13th day of
22 October, 2015, a copy of which is attached hereto.

23 DATED this 13th day of October, 2015.

24 SOLOMON DWIGGINS & FREER, LTD.

25 By 

26 Mark A. Solomon, Esq., Bar No. 0418

27 Joshua M. Hood, Esq., Bar No. 12777

28 9060 West Cheyenne Avenue

Las Vegas, Nevada 89129

Attorneys for Caroline Davis

CERTIFICATE OF SERVICE

I hereby certify that on the ^{15th} day of October, 2015, I mailed a true and correct copy of the above and foregoing NOTICE OF ENTRY OF ORDER to the following persons at their last known address, by depositing a copy of the same in the United States Mail, addressed as follows and further did eserve via the Court's electronic system to those listed on the service page of the Wiznet System pursuant to EDCR 8.05(a), 8.05(f) and Rule 9 of NEFCR:

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

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

WINFIELD B. DAVIS
Skyland Terrace Apts.
930 Figueroa Terr. Apt. 529
Los Angeles, California 90012-3072
winsane@gmail.com

ACE DAVIS c/o
WINFIELD B. DAVIS
Skyland Terrace Apts.
930 Figueroa Terr. Apt. 529
Los Angeles, California 90012-3072

Registered Agent Solutions, Inc
Registered Agent for FHT Holdings, LLC,
A Nevada Limited Liability Company
4625 W. Nevso Drive, Suite 2
Las Vegas, Nevada 89103

HARRIET ROLAND, ESQ.,
ROLAND LAW FIRM
2470 E. Saint Rose Pkwy., Suite 105
Henderson, NV 89074
hroland@rolandlawfirm.com
Attorneys for Christopher D. Davis

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



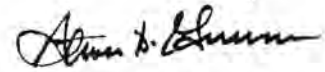
1 ANTHONY L. BARNEY, ESQ.
2 ANTHONY L. BARNEY, LTD.
3 3317 West Charleston Blvd., Suite B
4 Las Vegas, Nevada 89102
5 abarney@anthonybarney.com
6 Attorneys for Christopher D. Davis

7 CHARLENE RENWICK, ESQ.
8 LEE HERNANDEZ LANDRUM & GAROFALO
9 7575 Vegas Drive, #150
10 Las Vegas, Nevada 89128
11 crenwick@lee-lawfirm.com
12 Attorneys for Dunham Trust

13 JONATHAN W. BARLOW, ESQ.
14 Clear Counsel Law Group
15 50 Stephanie Street, Suite 101
16 Henderson, Nevada 89012
17 jonathan@clearcounsel.com
18 Attorneys for Stephen Lenhardt

19
20
21
22
23
24
25
26
27
28

An Employee of SOLOMON DWIGGINS & FREER, LTD



CLERK OF THE COURT

1 Mark A. Solomon, Esq.
2 Nevada Bar No. 418
3 msolomon@sdfnlaw.com
4 Joshua M. Hood, Esq.
5 Nevada Bar No. 12777
6 jhood@sdfnlaw.com
7 SOLOMON DWIGGINS & FREER, LTD.
8 9060 West Cheyenne Avenue
9 Las Vegas, Nevada 89129
10 Telephone: 702.853.5483
11 Facsimile: 702.853.5485

12 *Attorneys for Caroline Davis, Petitioner*

13 **DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

15 In the Matter of:

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

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

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

19 **ORDER**

20 This matter came on for hearing on September 2, 2015 on Christopher D. Davis' Motion
21 For Protective Order And To Quash Or Modify The Subpoena (the "Motion For Protective
22 Order"). Counsel for Caroline D. Davis, Mark A. Solomon, Esq. and Joshua M. Hood, Esq.;
23 counsel for Christopher D. Davis, Anthony L. Barney, Esq. and Harriet H. Roland, Esq.; and
24 counsel for Dunham Trust Company, Charlene N. Renwick, Esq. were present.

25 The Court having reviewed the pleadings, examined the evidence, and heard the
26 arguments of counsel, and for good cause appearing makes the following Findings and Orders:

27 **FINDINGS**

28 1. Due and legal notice of the time and place of the hearing has been given in this
matter as required by law.

2. Christopher D. Davis argues that his deposition should not go forward because he
is not subject to in personam jurisdiction in Nevada.

1 3. Christopher D. Davis is currently serving as the Investment Trust Advisor of the
2 Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as Amended on February 24, 2014
3 (the "Trust"), over which this Court has already assumed jurisdiction.

4 4. The Court already confirmed Christopher D. Davis as the Investment Trust
5 Advisor of the Trust, and under NRS 163.5555 he has submitted to the jurisdiction of the State of
6 Nevada.

7 5. Christopher D. Davis is also currently serving as the sole Manager of FHT
8 Holdings, LLC, a Nevada limited liability company wholly owned by the Trust ("FHT Holdings,
9 LLC").

10 6. Therefore, the Court has jurisdiction over Christopher D. Davis.

11 7. As such, there exists is no basis for a protective order.

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

ORDER

IT IS HEREBY ORDERED that Christopher D. Davis' Motion For Protective Order
And To Quash Or Modify The Subpoena is **DENIED** in its entirety.

Dated this 9th day of October, 2015.


DISTRICT COURT JUDGE

Prepared and submitted by:
SOLOMON DWIGGINS & FREER, LTD.

Approved as to Form and Content:
LEE HERNANDEZ LANDRUM &
GAROFALO


Mark A. Solomon, Esq. (Bar No. 0418)
Joshua M. Hood, Esq. (Bar No. 12777)
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
Telephone: (702) 853-5483
Facsimile: (702) 853-5485
Attorneys for Caroline D. Davis

Charlene N. Renwick, Esq. (Bar No. 10165)
7575 Vegas Drive, Ste. 150
Las Vegas, Nevada 89128
Telephone: (702) 880-9750
Facsimile: (702) 314-1210
Attorney for Dunham Trust Company

Approved as to Form and Content
ANTHONY L. BARNEY, LTD.

Approved as to Form and Content:
ROLAND LAW FIRM

Anthony L. Barney, Esq. (Bar No. 8366)
Tiffany S. Barney, Esq. (Bar No. 9754)
3317 West Charleston Boulevard, Ste. B
Las Vegas, Nevada 89102
Telephone: (702) 438-7878
Facsimile: (702) 259-1116
Attorney for Christopher D. Davis

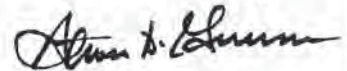
Harriet H. Roland, Esq. (Bar No. 5471)
ROLAND LAW FIRM
2470 East Saint Rose Parkway, Ste. 105
Henderson, Nevada 89074
Telephone: (702) 452-1500
Facsimile: (702) 920-8903
Attorney for Christopher D. Davis



EXHIBIT 48

CERT

Mark A. Solomon, Esq.
Nevada Bar No. 418
msolomon@sdfnvlaw.com
Joshua M. Hood, Esq.
Nevada Bar No. 12777
jhood@sdfnvlaw.com
SOLOMON DWIGGINS & FREER, LTD.
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
Telephone: 702.853.5483
Facsimile: 702.853.5485



CLERK OF THE COURT

Attorneys for Caroline Davis, Petitioner

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of:

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

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

CERTIFICATION OF INTENT TO AMEND ORDER

Having reviewed Caroline D. Davis' *Motion To Amend Or Modify Order Pursuant To NRCP 60(b)(3)* (the "Motion To Amend") and Christopher D. Davis' *Petition For Reconsideration Of The Order Dated May 19, 2015 Re: 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, 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* (the "Petition For Reconsideration"), examined the evidence, and heard oral arguments of counsel on September 2, 2015, the Court, pursuant to NRCP 60 and its inherent power to manage litigation, finds as follows:

THIS COURT FINDS that the Order dated May 19, 2015, Re: Petition to Assume Jurisdiction over the Beatrice B. Davis Family Trust is currently on appeal, so this Court lacks

jurisdiction to amend the Order at this time. However, pursuant to Huneycutt v. Huneycutt, 94 Nev. 79, 575 P.2d 585, (1978):

THIS COURT CERTIFIES that if this case is remanded back to the District Court, the District Court would amend its May 19, 2015 Order assuming jurisdiction over the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as Amended on February 24, 2014, under the theory of "constructive trust", more accurately called a "de facto trust", and enter an order to assume jurisdiction over the Beatrice B. Davis Family Heritage Trust, dated July 28, 2000, as Amended on February 24, 2014, de jure as a proceeding *in rem* pursuant to NRS 164.010, as well as grant any and all additional relief as the District Court deems proper.

DATED this 14th day of October 2015.


DISTRICT COURT JUDGE