

CLERK OF THE COURT

Electronically Filed  
Feb 10 2016 02:32 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

1 **NOAS**

2 **JOSEPH J. POWELL**

3 State Bar No. 8875

4 **DANIEL KIEFER**

5 State Bar No. 12419

6 **THE RUSHFORTH FIRM, LTD.**

7 P. O. Box 371655

8 Las Vegas, NV 89137-1655

9 Telephone: (702) 255-4552

10 fax: (702) 255-4677

11 e-mail: probate@rushforthfirm.com

12 Attorneys for Jacqueline M. Montoya

13 and Kathryn A. Bouvier

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

14 In the Matter of

15 **THE W.N. CONNELL and MARJORIE T.**  
16 **CONNELL LIVING TRUST, dated May 18,**  
17 **1972,**

Case No. P-09-066425-T  
Department: 26 (Probate)

18 A non-testamentary trust.

**NOTICE OF APPEAL**

19 NOTICE IS HEREBY GIVEN that the above named, JACQUELYN M.MONTOYA and  
20 KATHRYN A. BOUVIER, by and through their counsel of record JOSEPH J. POWELL, and  
21 DANIEL P. KIEFER, of THE RUSHFORTH FIRM, hereby appeal to the Supreme Court of Nevada  
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///

THE RUSHFORTH FIRM, LTD.  
Telephone: 702-255-4552 / Fax: 702-255-4677  
PO Box 371655  
Las Vegas, Nevada 89137-1655

1 the Order: Instructing Trustee to Advance Funds<sup>1</sup> entered in this action on January 11, 2016.<sup>2</sup>

2 DATED: February 10, 2016.

3 THE RUSHFORTH FIRM, LTD.

4  
5 By: 

6 JOSEPH J. POWELL

7 State Bar No. 8875

8 DANIEL KIEFER

9 State Bar No. 12419

10 THE RUSHFORTH FIRM, LTD.

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16 Attorneys for Jacqueline M. Montoya

17 and Kathryn A. Bouvier

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27 <sup>1</sup> This order is immediately appealable pursuant to NRS 155.190(h), (j), (l), and (n).

28 <sup>2</sup> The order was entered on January 5, 2016. The notice of entry of order was entered on January 11, 2016.

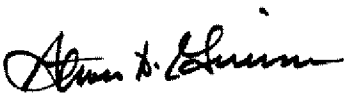
**CERTIFICATE OF MAILING AND ELECTRONIC DELIVERY**

I hereby certify that on the 10<sup>th</sup> day of February, 2016, I served a true and correct copy of the above and foregoing NOTICE OF APPEAL upon all counsel of record by electronically serving the document, to each person as indicated below, and by placing a true and correct copy thereof, enclosed in a sealed envelope, in the United States Mail at Las Vegas, Nevada, with first class postage thereon prepaid, addressed as follows:

BROWNSTEIN HYATT FARBER SCHRECK, LLP  
Tamara Beatty Peterson, Esq.  
100 North City Parkway, Suite 1600  
Las Vegas, Nevada 89106  
Tel: (702) 382-2101  
Attorneys for Eleanor Connell Hartman Ahern

Hutchison & Steffen, LLC  
Michael K. Wall, Esq.  
Todd L. Moody, Esq.  
10080 West Alta Drive, Suit 200  
Las Vegas, Nevada 89145  
Attorneys for Interim Trustee, Fredrick Waid

  
An employee of THE RUSHFORTH FIRM, LTD.

  
CLERK OF THE COURT

**ASTA**  
JOSEPH J. POWELL  
State Bar No. 8875  
DANIEL KIEFER  
State Bar No. 12419  
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*Attorneys for Jacqueline M. Montoya  
and Kathryn A. Bouvier*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

In the Matter of

THE W.N. CONNELL and MARJORIE T.  
CONNELL LIVING TRUST, dated May 18,  
1972,

Case No. P-09-066425-T  
Department: 26 (Probate)

A non-testamentary trust.

**CASE APPEAL STATEMENT**

1. Name of Appellants filing this case appeal statement:  
JACQUELYN M. MONTOYA and KATHRYN A. BOUVIER.
2. Identify the judge issuing the decision, judgment, or order appealed from:  
Eighth Judicial District Court, Judge Gloria Sturman.
3. Identify each Appellant and the name and address of counsel for  
each Appellant:

Appellants: JACQUELYN M. MONTOYA and KATHRYN A. BOUVIER

Counsel for Appellants: JOSEPH J. POWELL  
State Bar No. 8875  
DANIEL KIEFER  
State Bar No. 12419  
THE RUSHFORTH FIRM, LTD.  
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e-mail: [probate@rushforthfirm.com](mailto:probate@rushforthfirm.com)

4. Identify each Respondent and the name and address of appellate counsel, if known, for each Respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

Respondent: Eleanor Connell Hartman Ahern

Appellate counsel:

BROWNSTEIN HYATT FARBER SCHRECK, LLP  
Kirk B. Lenhard, Esq.  
Tamara Beatty Peterson, Esq.  
100 North City Parkway, Suite 1600  
Las Vegas, Nevada 89106  
Tel: (702) 382-2101  
Attorneys for Eleanor Connell Hartman Ahern

Interested Party: Fredrick P. Waid, Interim Trustee of the W.N. Connell and Marjorie T. Connell Living Trust, Dated May 18, 1972.

Appellate counsel:

Hutchison & Steffen, LLC  
Michael K. Wall, Esq.  
Todd L. Moody, Esq.  
10080 West Alta Drive, Suit 200  
Las Vegas, Nevada 89145

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 43 (attach a copy of any district court order granting such permission): None.

6. Indicate whether Appellant was represented or appointed or retained counsel in the district court: Yes, Appellant was represented by retained counsel in the district court.

7. Indicate whether Appellant is represented by appointed or retained counsel on

1 appeal: Yes, the Rushforth Firm, as indicated above.

2 8. Indicate whether Appellant was granted leave to proceed in forma pauperis, and the  
3 date of entry of the district court order granting such leave:

4 Not Applicable.

5 9. Indicate the date the proceedings commenced in the district court (e.g. date  
6 complaint, indictment, information, or petition was filed):

7 A Petition to Assume Jurisdiction over Trust; Confirm Trustee; and Construe  
8 and Reform Trust was filed on August 17, 2009. On September 27, 2013, JACQUELYN M.  
9 MONTOYA filed a Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets  
10 Pursuant to NRS 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A). These two petitions form the  
11 basis of the claims and contentions in this matter.

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

14 **Nature of the Action:**

15 This dispute arises out of a former trustee's (Eleanor Ahern) failure to properly distribute  
16 trust assets to trust beneficiaries in accordance with trust documents. The defrauded beneficiaries  
17 have sought (and obtained) declaratory relief regarding the proper allocation of trust distributions.  
18 The defrauded beneficiaries have further sought (and obtained) an award of monetary damages  
19 requiring the former trustee to repay improperly withheld trust distributions. Several key orders,  
20 including the declaratory relief order which sets forth proper trust asset allocation, are currently  
21 on appeal to the Nevada Supreme Court. More recently, the district court ordered the interim  
22 trustee to distribute certain funds to the former trustee (for living expenses and legal fees). This  
23 order is the subject of the present appeal.

24 **Result Being Appealed:**

25 The district court recently entered an order which requires the trust to advance distributions  
26  
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to the former trustee of \$5,000 per month for "living expenses" and \$10,000 per month for "ongoing attorneys' fees." Additionally, the order requires payment of \$30,000 for "past attorneys' fees." This order is erroneous because it ignores the trust's long recognized right to set off the former trustee's current liability against any future distributions. It also demonstrates an inappropriate usurpation of the trustee's discretion to refuse making advances to those with current liabilities to the trust.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court, and, if so, the caption and Supreme Court docket number of the prior proceeding: There are currently three consolidated Supreme Court cases, numbers 68046, 67782, and 66231.

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

IN THE MATTER OF: THE W.N.  
 CONNELL AND MARJORIE T.  
 CONNELL LIVING TRUST, DATED  
 MAY 18, 1972,

Supreme Court No.: 66231

District Court Case No.:  
 P-09-066425-T

ELEANOR C. AHERN A/K/A  
 ELEANOR CONNELL HARTMAN  
 AHERN,

Appeal from the Eighth Judicial  
 District Court, The Honorable  
 Gloria Sturman Presiding

Appellant,

vs.

JACQUELINE M. MONTOYA; AND  
 KATHRYN A. BOUVIER,

Respondents.

IN THE MATTER OF THE W.N.  
 CONNELL AND MARJORIE T.  
 CONNELL LIVING TRUST, DATED  
 MAY 18, 1972, AN INTER VIVOS  
 IRREVOCABLE TRUST,

Consolidated with:  
 Supreme Court No.: 67782

1 ELEANOR CONNELL HARTMAN  
2 AHERN,

Appellant,

3  
4 vs.

5 KATHRYN A. BOUVIER; AND  
6 JACQUELINE M. MONTOYA,

7 Respondents.  
8

Appeal from the Eighth Judicial  
District Court, The Honorable  
Gloria Sturman Presiding

9 IIN THE MATTER OF THE W.N.  
10 CONNELL AND MARJORIE T.  
11 CONNELL LIVING TRUST, DATED  
MAY 18, 1972, AN INTERVIVOS  
IRREVOCABLE TRUST

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

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

15 DATED: February 10, 2016.

16 THE RUSHFORTH FIRM, LTD.

17  
18 By: 

JOSEPH J. POWELL

State Bar No. 8875

DANIEL KIEFER

State Bar No. 12419

THE RUSHFORTH FIRM, LTD.

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and Kathryn A. Bouvier



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Las Vegas, Nevada 89137-1655

**CERTIFICATE OF MAILING AND ELECTRONIC DELIVERY**

I hereby certify that on the 10<sup>th</sup> day of February, 2016, I served a true and correct copy of the above and foregoing CASE APPEAL STATEMENT upon all counsel of record by electronically serving the document, to each person as indicated below, and by placing a true and correct copy thereof, enclosed in a sealed envelope, in the United States Mail at Las Vegas, Nevada, with first class postage thereon prepaid, addressed as follows:

BROWNSTEIN HYATT FARBER SCHRECK, LLP  
Kirk B. Lenhard, Esq.  
Tamara Beatty Peterson, Esq.  
100 North City Parkway, Suite 1600  
Las Vegas, Nevada 89106  
Tel: (702) 382-2101  
*Attorneys for Eleanor Connell Hartman Ahern*

Hutchison & Steffen, LLC  
Michael K. Wall, Esq.  
Todd L. Moody, Esq.  
10080 West Alta Drive, Suit 200  
Las Vegas, Nevada 89145  
*Attorneys for Interim Trustee, Frederick Waid*

  
An employee of THE RUSHFORTH FIRM, LTD

FAMILY DOMESTIC  
**CASE SUMMARY**  
CASE NO. P-09-066425-T

**In the Matter of the Trust of:**  
**The W.N. Connell and Marjorie T. Connell Living Trust,**  
**dtd May 18, 1972**

Location: **Family Domestic**  
Judicial Officer: **Judge Sturman, Probate**  
Hearing Master: **Yamashita, Wesley**  
Filed on: **08/17/2009**  
Case Number History:  
Cross-Reference Case **P066425**  
Number:  
Supreme Court No.: **66231**  
**67782**  
**68046**

CASE INFORMATION

**Related Cases**

P-14-080595-E (Companion Case)

Case Type: **Probate -**  
**Trust/Conservatorships**  
Subtype: **Individual Trustee**  
Case Flags: **Appealed to Supreme Court**

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number	P-09-066425-T
Court	Family Domestic
Date Assigned	12/03/2012
Judicial Officer	Judge Sturman, Probate
Hearing Master	Yamashita, Wesley



PARTY INFORMATION

<b>Petitioner</b>	<b>Ahern, Eleanor C</b>	<i>Lead Attorneys</i> <b>Lenhard, Kirk B.</b> <i>Retained</i> 7027342220(W)
<b>Trustee</b>	<b>Waid, Fredrick</b>	<b>Geist, Russel J, ESQ</b> <i>Retained</i> 702-385-2500(W)
<b>Trust</b>	<b>The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972</b>	
<b>Other</b>	<b>Bouvier, Kathryn A</b>	<b>Powell, Joseph J</b> <i>Retained</i> 702-255-4552(W)
	<b>Montoya, Jacqueline M</b>	<b>Powell, Joseph J</b> <i>Retained</i> 702-255-4552(W)
	<b>Parties Receiving Notice</b>	
<b>Personal Representative</b>	<b>Montoya, Jacqueline M</b>	<b>Powell, Joseph J</b> <i>Retained</i> 702-255-4552(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX













08/17/2009	 Petition to Assume Jurisdiction of Trust Filed by: Petitioner Ahern, Eleanor C * Confirm Trustee; and Construe and Reform Trust	
08/17/2009	 Notice of Hearing	

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

	Filed by: Petitioner Ahern, Eleanor C
08/17/2009	 Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C For: Other Parties Receiving Notice <i>PETITION TO ASSUME</i>
09/04/2009	<b>Hearing</b> (9:30 AM) (Judicial Officer: Yamashita, Wesley) Events: 08/17/2009 Notice of Hearing <i>Hrg on Pet to Assume Jurisdiction Over Trust; Confirm Trustee; and Construe and Reform Trust</i>
09/04/2009	 Order Filed by: Petitioner Ahern, Eleanor C <i>Assuming Jurisdiction over Trust; Confirm Trustee; and for Construction of an Reform of Trust instrument</i>
09/08/2009	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C
09/27/2013	 Petition Filed by: Personal Representative Montoya, Jacqueline M <i>Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 163.031(1)(E), and NRS 164.033(1)(A)</i>
09/27/2013	 Verification Filed by: Personal Representative Montoya, Jacqueline M <i>Verification for Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A)</i>
09/27/2013	 Notice of Hearing Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Hearing on Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A)</i>
09/27/2013	 Certificate of Mailing Filed by: Other Parties Receiving Notice <i>Certificate of Mailing</i>
10/11/2013	 <b>Petition</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) <b>10/11/2013, 11/12/2013</b> Events: 09/27/2013 Notice of Hearing <i>Hearing on Petition for Declaratory judgment Regarding Limited Interest of Trust Assets Pursuant to NRS. 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A)</i>
11/04/2013	 Motion Filed by: Petitioner Ahern, Eleanor C <i>Motion to Refer Contested Probate Matter to Master-Probate Commissioner Per EDCR 4.16</i>
11/07/2013	 Response Filed by: Personal Representative Montoya, Jacqueline M <i>Response to Motion to Refer Contested Probate Matter to Master-Probate Commissioner per EDCR 4.16</i>
11/08/2013	 Receipt of Copy Filed by: Personal Representative Montoya, Jacqueline M

FAMILY DOMESTIC  
**CASE SUMMARY**  
CASE NO. P-09-066425-T

*Receipt of Copy*










11/08/2013	 Errata Filed by: Personal Representative Montoya, Jacqueline M <i>Errata to Response to Motion to Refer Contested Probate Matter to Master-Probate Commissioner per EDCR 4.16</i>
11/11/2013	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Reply of Eleanor C. Ahern to Response of Jacqueline M. Montoya to Motion to Refer Contested Probate Matter to Master-Probate Commissioner Per EDCR 4.16</i>
11/18/2013	 Order <i>Order Setting Bench Trial</i>
11/26/2013	 Motion Filed by: Petitioner Ahern, Eleanor C <i>Motion to Dismiss Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A) for Failure to State a Claim Upon Which Relief can be Granted Per NRCP 12(b)(5)</i>
12/03/2013	 Petition Filed by: Personal Representative Montoya, Jacqueline M <i>Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches</i>
12/03/2013	 Verification Filed by: Personal Representative Montoya, Jacqueline M <i>Verification for Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches</i>
12/03/2013	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M <i>Certificate of Mailing</i>
12/04/2013	 Notice <i>Notice of Resetting Hearing</i>
12/04/2013	 Notice of Hearing Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Hearing on Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches</i>
12/04/2013	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M <i>Certificate of Mailing</i>
12/06/2013	 Recorders Transcript of Hearing <i>Transcript of Proceedings</i>
12/11/2013	 Objection Filed by: Personal Representative Montoya, Jacqueline M <i>Objection to Motion to Dismiss Petition for Declaratory Judgment Regarding Limited Interest</i>

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**














*of Trust Assets Pursuant to NRS 30.040, NRS 153.031(E), and NRS 164.033(1)(A) for Failure to State a Claim Upon Which Relief Can Be Granted Per NRCP 12(B)(5)*

12/11/2013	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M <i>Certificate of Mailing</i>
12/13/2013	<b>CANCELED Motion</b> (9:30 AM) <i>Vacated</i> <i>Hearing on Motion to Dismiss Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A) for Failure to State a Claim Upon Which Relief Can be Granted Per NRCP 12(b)(5)</i>
01/03/2014	 Objection Filed by: Petitioner Ahern, Eleanor C <i>Objection of Trustee Eleanor C. Ahern to Jacqueline M. Montoya's Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches</i>
01/06/2014	 Order Denying Filed by: Petitioner Ahern, Eleanor C <i>Order Denying Motion to Refer Contested Probate Matter to Master-Probate Commissioner Per EDCR 4.16; Directing Payment of all Oil, Gas, Mineral and Interest Royalties and Rent to Eleanor C. Hartman, also known as Eleanor C. Ahern, as Trustee of Trust No. 2 of the W.N. Connell and Marjorie T. Connell Living Trust dated May 18, 1972; and Setting Calendar Call and Hearing</i>
01/09/2014	 Response Filed by: Personal Representative Montoya, Jacqueline M <i>Response to Objection of Trustee Eleanor C. Ahern to Jacqueline M. Montoya's Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Minerals and Declaration of the Applicability of the Doctrine of Laches</i>
01/14/2014	<b>Motion</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 11/26/2013 Motion <i>Hearing on Motion to Dismiss Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A) for Failure to State a Claim Upon Which Relief Can be Granted Per NRCP 12(b)(5)</i>
01/14/2014	<b>Petition - HM</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 12/04/2013 Notice of Hearing <i>Hearing on Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches</i>
01/14/2014	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)
01/14/2014	 Receipt of Copy Filed by: Personal Representative Montoya, Jacqueline M <i>Receipt of Copy</i>
01/24/2014	 Recorders Transcript of Hearing Party: Petitioner Ahern, Eleanor C <i>Recorder's Transcript Motions Hearing Tuesday January 14 2014</i>
01/24/2014	 <b>Calendar Call</b> (11:00 AM) (Judicial Officer: Sturman, Gloria)
01/27/2014	

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**













	 Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Taking Videotaped Deposition of Curtis Baggett</i>
01/27/2014	 Notice of Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Taking Videotaped Deposition of Stanley E. Crawford, Jr.</i>
01/27/2014	 Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Taking Videotaped Deposition of J. Randall Turner</i>
02/04/2014	 Amended Notice Filed by: Petitioner Ahern, Eleanor C <i>Amended Notice of Taking Videotaped Deposition of Curtis Baggett</i>
02/04/2014	 Recorders Transcript of Hearing Party: Petitioner Ahern, Eleanor C <i>Recorder's Transcript of Proceeding: All Pending Motions &amp; Calendar Call, Friday, January 24, 2014</i>
02/05/2014	 Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Vacating Deposition of Stanley E. Crawford, Jr.</i>
02/06/2014	 Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Vacating Deposition of J. Randall Turner</i>
02/07/2014	 Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Vacating Deposition of Curtis Baggett</i>
02/10/2014	 Answer - Other Domestic/Guardianship/Probate Filed by: Petitioner Ahern, Eleanor C <i>Answer of Trustee Eleanor C. Ahern to Jacqueline M. Montoya's Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(e), and NRS 164.033(1)(a) and Counterclaims Against Jacqueline M. Montoya</i>
02/11/2014	 Trial Subpoena Filed by: Petitioner Ahern, Eleanor C <i>Trial Subpoena</i>
02/11/2014	 Acceptance of Service Filed by: Personal Representative Montoya, Jacqueline M <i>Acceptance of Service</i>
02/11/2014	 Pre-trial Memorandum Filed by: Petitioner Ahern, Eleanor C <i>Pre-Trial Memorandum</i>
02/12/2014	 Pre-trial Memorandum Filed by: Personal Representative Montoya, Jacqueline M <i>Jacqueline Montoya's Trial Memorandum Pursuant to E.D.C.R. 7.27</i>

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

02/12/2014	 <b>Pre Trial Conference</b> (11:00 AM) (Judicial Officer: Sturman, Gloria)
02/14/2014	 Motion Filed by: Personal Representative Montoya, Jacqueline M <i>Motion to Dismiss and Motion to Strike Counterclaims Raised by Eleanor C. Ahern Pursuant to NRCP 16 and NRCP 12(B)</i>
02/18/2014	 <b>Bench Trial</b> (10:00 AM) (Judicial Officer: Sturman, Gloria)
02/20/2014	 Demand for Jury Trial Filed by: Petitioner Ahern, Eleanor C <i>Demand for Jury Trial</i>
02/21/2014	 Order Setting Civil Non-Jury Trial <i>Order Resetting Bench Trial</i>
02/26/2014	 Recorders Transcript of Hearing Party: Petitioner Ahern, Eleanor C <i>RECORDER'S TRANSCRIPT OF PROCEEDING: CIVIL BENCH TRIAL -- DAY 1 TUESDAY, FEBRUARY 18, 2014</i>
03/06/2014	 Petition Filed by: Personal Representative Montoya, Jacqueline M <i>Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches and Addendum to said Petition</i>
03/06/2014	 Addendum Filed by: Personal Representative Montoya, Jacqueline M <i>Addendum to Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches</i>
03/06/2014	 Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C <i>Certificate of Mailing</i>
03/11/2014	 Stipulation and Order Filed by: Personal Representative Montoya, Jacqueline M <i>Stipulation and Order to Extend Time to Reply or Otherwise Plead to Counterclaims Asserted by Eleanor C. Ahern</i>
03/12/2014	 Notice of Entry of Order Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Entry of Stipulation and Order to Extend Time to Reply or Otherwise Plead to Counterclaims Asserted by Eleanor C. Ahern</i>
03/13/2014	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M <i>Certificate of Mailing</i>
03/13/2014	 Objection Filed by: Petitioner Ahern, Eleanor C <i>Objection of Trustee Eleanor C. Ahern to Jacqueline M. Montoya's Petition and Addendum to</i>

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

*Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches*

03/13/2014	 Affidavit of Mailing Filed by: Petitioner Ahern, Eleanor C <i>Affidavit of Mailing</i>
03/13/2014	 Recorders Transcript of Hearing Party: Petitioner Ahern, Eleanor C <i>RECORDER'S TRANSCRIPT PRETRIAL CONFERENCE WEDNESDAY, FEBRUARY 12, 2014</i>
03/14/2014	 Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C <i>Certificate of Mailing</i>
03/18/2014	 Motion to Dismiss Filed by: Personal Representative Montoya, Jacqueline M <i>Motion to Dismiss Counterclaims of Eleanor C. Ahern</i>
03/20/2014	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M <i>Certificate of Mailing</i>
03/20/2014	 Amended Notice Filed by: Personal Representative Montoya, Jacqueline M <i>Amended Notice of Hearing on Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches and Addendum to Said Petition</i>
03/20/2014	 Amended Certificate of Mailing Party: Personal Representative Montoya, Jacqueline M <i>Amended Certificate of Mailing</i>
03/25/2014	 Ex Parte Application Filed by: Personal Representative Montoya, Jacqueline M <i>Ex Parte Application for Order Shortening Time</i>
03/26/2014	 Petition Filed by: Personal Representative Montoya, Jacqueline M <i>Petition for Construction and Effect of Probate Court Order</i>
03/26/2014	 Verification Filed by: Personal Representative Montoya, Jacqueline M <i>Verification for Petition for Construction and Effect of Probate Court Order</i>
03/26/2014	 Notice of Hearing Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Hearing on Petition for Construction and Effect of Probate Court Order</i>
03/26/2014	 Notice of Entry Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Entry of Ex Parte Application for Order Shortening Time</i>
03/27/2014	












FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

	 Petition Filed by: Personal Representative Montoya, Jacqueline M <i>Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2</i>
03/27/2014	 Verification Filed by: Personal Representative Montoya, Jacqueline M <i>Verification for Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2</i>
03/27/2014	 Notice of Hearing Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Hearing on Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2</i>
03/28/2014	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M <i>Certificate of Mailing</i>
03/31/2014	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M <i>Certificate of Mailing</i>
04/10/2014	 Ex Parte Petition Filed by: Petitioner Ahern, Eleanor C <i>Ex Parte Petition for Order Shortening Time Regarding Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property</i>
04/10/2014	 Petition Filed by: Petitioner Ahern, Eleanor C <i>Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property</i>
04/10/2014	 Order Shortening Time Filed by: Petitioner Ahern, Eleanor C <i>Order Shortening Time Regarding Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property</i>
04/10/2014	 Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C <i>Certificate of Mailing Regarding Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property</i>
04/18/2014	 Objection Filed by: Personal Representative Montoya, Jacqueline M <i>Objection, in Part, to Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property</i>
04/22/2014	 <b>Petition</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 04/10/2014 Order Shortening Time <i>Hearing on Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property</i>
04/28/2014	 Records Transcript of Hearing

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

Party: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972  
*RECORDER'S TRANSCRIPT OF PROCEEDINGS: PETITION TUESDAY, APRIL 22, 2014*

05/07/2014	 Errata Filed by: Petitioner Ahern, Eleanor C <i>Errata to Objection to Trustee Eleanor C. Ahern to Jacqueline M. Montoya's Petition and Addendum to Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches</i>
05/07/2014	 Opposition Filed by: Petitioner Ahern, Eleanor C <i>Opposition of Eleanor C. Ahern to Motion to Dismiss Counterclaims of Eleanor C. Ahern</i>
05/08/2014	 Ex Parte Petition Filed by: Petitioner Ahern, Eleanor C <i>Ex Parte Petition for Order Shortening Time Regarding Motion to Continue Jacqueline M. Montoya's Petition for Construction and Effect of Probate Court Order</i>
05/08/2014	 Order Shortening Time Filed by: Petitioner Ahern, Eleanor C <i>Order Shortening Time Regarding Motion to Continue Jacqueline M. Montoya's Petition for Construction and Effect of Probate Court Order</i>
05/08/2014	 Motion Filed by: Petitioner Ahern, Eleanor C <i>Motion of Eleanor C. Ahern to Continue May 13, 2014 Hearing on Petition for Construction and Effect of Probate Court Order of Jacqueline M. Montoya</i>
05/08/2014	 Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C <i>Certificate of Mailing Regarding Motion of Eleanor C. Ahern to Continue May 13, 2014 Hearing on Petition for Construction and Effect of Probate Court Order of Jacqueline M. Montoya</i>
05/08/2014	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M <i>Certificate of Mailing</i>
05/08/2014	 Response Filed by: Personal Representative Montoya, Jacqueline M <i>Response to Objection of Eleanor C. Ahern to Jacqueline M. Montoya's Petition and Addendum to Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches</i>
05/12/2014	 Opposition Filed by: Petitioner Ahern, Eleanor C <i>Opposition of Eleanor C. Ahern to Jacqueline M. Montoya's Petition for Construction and Effect of Probate Court Order</i>
05/12/2014	 Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C <i>Certificate of Mailing Regarding Opposition of Eleanor C. Ahern to Jacqueline M. Montoya's Petition for Construction and Effect of Probate Court Order</i>
05/12/2014	

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**



Reply

Filed by: Petitioner Ahern, Eleanor C

*Reply to Trustee Eleanor C. Ahern to Response of Jacqueline M. Montoya to Objection of Trustee Eleanor c. Ahern to Jacqueline M. Montoya's Petition and Addendum to Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches*

05/13/2014

**Motion** (9:00 AM) (Judicial Officer: Sturman, Gloria)

Events: 03/18/2014 Motion to Dismiss

*Motion to Dismiss Counterclaims of Eleanor C. Ahern*

05/13/2014

**Motion** (9:00 AM) (Judicial Officer: Sturman, Gloria)

Events: 03/20/2014 Amended Notice

*Jacqueline M. Montoya's Amended Notice of Hearing on Petition to Compel Trustee to Distribute Accrued Income and Future Income Received From Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches and Addendum to Said Petition*

05/13/2014

**Hearing** (9:00 AM) (Judicial Officer: Sturman, Gloria)

Events: 03/26/2014 Notice of Hearing

*Hearing on Petition for Construction and Effect of Probate Court Order*

05/13/2014

**Motion** (9:00 AM) (Judicial Officer: Sturman, Gloria)

Events: 05/08/2014 Order Shortening Time

*Motion of Eleanor c. Ahern to Continue May 13, 2014 Hearing on Petition for Constructive and Effect of Probate Court Order of Jacqueline M. Montoya*

05/13/2014



**All Pending Motions** (9:00 AM) (Judicial Officer: Sturman, Gloria)

05/16/2014



Order

Filed by: Petitioner Ahern, Eleanor C

*Order Granting Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property*

05/19/2014



Notice of Entry of Order

Filed by: Petitioner Ahern, Eleanor C

*Notice of Entry of Order*

05/20/2014



Recorders Transcript of Hearing

Party: Petitioner Ahern, Eleanor C

*Transcript RE: All Pending Motions*

05/27/2014

**CANCELED Petition - HM** (9:00 AM) (Judicial Officer: Sturman, Gloria)

*Vacated*

*Hearing on Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2*

06/09/2014



Notice

Filed by: Other Bouvier, Kathryn A

*Notice of Appearance*

07/07/2014



Order

Filed by: Other Bouvier, Kathryn A

*Order: Re Pending Motions and Scheduling*

07/07/2014















Order

Filed by: Petitioner Ahern, Eleanor C

*Order: Re Pending Motions and Scheduling*

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

07/08/2014	 Notice of Entry of Order Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Entry of Order: Re Pending Motions and Scheduling</i>
07/17/2014	 Motion to Compel Filed by: Petitioner Ahern, Eleanor C <i>Motion to Compel Responses to Eleanor C. Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya</i>
07/17/2014	 Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C <i>Certificate of Mailing</i>
07/17/2014	<b>CANCELED Calendar Call</b> (11:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated</i>
07/22/2014	 Subpoena Duces Tecum Filed by: Petitioner Ahern, Eleanor C <i>Subpoena Duces Tecum for Business Records</i>
07/31/2014	 Case Appeal Statement Filed by: Petitioner Ahern, Eleanor C <i>Case Appeal Statement</i>
07/31/2014	 Notice of Appeal Filed by: Petitioner Ahern, Eleanor C <i>Notice of Appeal</i>
08/07/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for Medicare</i>
08/07/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for University Medical Center</i>
08/07/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for Christopher S. Cruz, M.D.</i>
08/07/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for David A. Straus, Esquire</i>
08/07/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for Corey Haina</i>
08/11/2014	<b>CANCELED Bench Trial</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated</i>
08/12/2014	 Affidavit of Service Filed by: Petitioner Ahern, Eleanor C <i>Affidavit of Service: Custodian of Records for University Medical Center</i>

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**







08/13/2014	 Affidavit of Service Filed by: Petitioner Ahern, Eleanor C <i>Affidavit of Service</i>
08/13/2014	 Affidavit of Service Filed by: Petitioner Ahern, Eleanor C <i>Affidavit of Service</i>
08/14/2014	 Subpoena Duces Tecum Filed by: Petitioner Ahern, Eleanor C <i>Subpoena Duces Tecum for Business Records</i>
08/14/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for Kindred Hospital Las Vegas</i>
08/14/2014	 Subpoena Duces Tecum Filed by: Petitioner Ahern, Eleanor C <i>Subpoena Duces Tecum for Business Records</i>
08/19/2014	 Clerk of the Courts Notice of Change of Hearing <i>Clerk of the Courts Notice of Change of Hearing - Family</i>
08/19/2014	 Response Filed by: Personal Representative Montoya, Jacqueline M <i>Jacqueline M. Montoya's Response to Eleanor C. Ahern's Motion to Compel Responses to Eleanor C. Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya</i>
08/19/2014	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M <i>Certificate of Mailing</i>
08/22/2014	<b>CANCELED Motion to Compel</b> (1:30 PM) (Judicial Officer: Beecroft, Chris A., Jr.) <i>Vacated</i> <i>Motion to Compel Responses to Eleanor C. Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya</i>
08/29/2014	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Reply of Eleanor C. Ahern to Jacqueline M. Montoya's Response to Eleanor C. Ahern's Motion to Compel Responses to Eleanor C. Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya</i>
08/29/2014	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Reply of Eleanor C. Ahern to Jacqueline M. Montoya's Response to Eleanor C. Ahern's Motion to Compel Responses to Eleanor C. Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya</i>
09/03/2014	 <b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie) Events: 07/17/2014 Motion to Compel <i>Motion to Compel Responses to Eleanor C. Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya</i>

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**















09/10/2014	 Stipulation and Order Filed by: Petitioner Ahern, Eleanor C <i>Stipulation and Oder for Release of Medicial Information</i>
09/11/2014	 Subpoena Duces Tecum Filed by: Petitioner Ahern, Eleanor C <i>Subpoena Duces Tecum for Business Records</i>
09/11/2014	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order Re: Stipulation and Order for Release of Medical Information</i>
09/15/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for Complex Care Hospital</i>
09/15/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for MountainView Hospital</i>
09/15/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for Sunrise Hospital and Medical Center</i>
09/15/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for Torrey Pines Rehabilitation Center</i>
09/19/2014	 Transcript of Proceedings <i>Motion to Compel, Wednesday, September 3, 2014</i>
09/19/2014	 Transcript of Proceedings <i>September 3, 2014</i>
09/26/2014	 Notice Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Deposition</i>
09/26/2014	 Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Taking Deposition</i>
09/26/2014	 Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Taking Deposition-Kathryn Bouvier</i>
10/03/2014	 Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Taking Deposition- David A. Straus</i>
10/03/2014	 Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

*Notice of Taking Deposition- Josefina C. Jones*












10/09/2014	 Motion to Dismiss Filed by: Petitioner Ahern, Eleanor C <i>Motion to Dismiss Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A) for Failure to State a Claim Upon Which Relief Can be Granted Per NRCP 12(b)(5)</i>
10/10/2014	 <b>Status Check</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie)
10/13/2014	 Stipulation and Order Filed by: Petitioner Ahern, Eleanor C <i>Stipulation and Order for Release of Medical Information</i>
10/15/2014	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order Re: Stipulation and Order for Release of Medical Information</i>
10/16/2014	 Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Taking Deposition</i>
10/21/2014	 Subpoena Filed by: Petitioner Ahern, Eleanor C <i>Subpoena to Sharon Brown</i>
10/21/2014	 Subpoena Filed by: Petitioner Ahern, Eleanor C <i>Subpoena to David A. Straus, Esq.</i>
10/21/2014	 Subpoena Filed by: Petitioner Ahern, Eleanor C <i>Subpoena to Josefina C. Jones</i>
10/24/2014	 Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Vacating Deposition</i>
10/24/2014	 Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Vacating Deposition</i>
10/24/2014	 Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Vacating Deposition</i>
11/03/2014	 Substitution of Attorney Filed by: Petitioner Ahern, Eleanor C <i>Substitution of Attorney</i>
11/10/2014	 Motion to Enforce Filed by: Other Bouvier, Kathryn A <i>Motion to Enforce Settlement Agreement</i>

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

11/12/2014	 Notice of Hearing Filed by: Other Bouvier, Kathryn A <i>Renotice of Hearing on Motion to Enforce Settlement Agreement</i>
11/14/2014	 <b>Status Check</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Status Check: Compliance / Sanctions</i>
11/24/2014	 Motion Filed by: Petitioner Ahern, Eleanor C <i>Motion to Withdraw as Attorney for Eleanor Ahern</i>
11/24/2014	 Notice of Hearing Filed by: Petitioner Ahern, Eleanor C <i>Notice of Hearing</i>
11/25/2014	 Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C <i>Certificate of Mailing</i>
11/25/2014	 Motion to Continue Filed by: Petitioner Ahern, Eleanor C <i>Motion to Continue Hearing and Briefing Schedule and to Stay All Pending Matters on Order Shortening Time</i>
11/26/2014	 Opposition Filed by: Other Bouvier, Kathryn A <i>Opposition to Eleanor Ahern's Motion to Continue Hearing and Briefing Schedule and to Stay All Pending Matters on Order Shortening Time</i>
11/26/2014	 Substitution of Attorney Filed by: Petitioner Ahern, Eleanor C <i>Substitution of Attorneys</i>
11/26/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order Shortening Time and Notice of Hearing</i>
12/01/2014	 Discovery Commissioners Report and Recommendations <i>Discovery Commissioners Report and Recommendations</i>
12/03/2014	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Reply in Support of Motion to Continue Hearing and Briefing Schedule and to Stay All Pending Matters on Order Shortening Time</i>
12/04/2014	 <b>Motion</b> (10:30 AM) (Judicial Officer: Sturman, Gloria) Events: 11/25/2014 Motion to Continue <i>All Pending Motion</i>
12/11/2014	 Recorders Transcript of Hearing Party: Petitioner Ahern, Eleanor C <i>Recorder's Transcript of Proceeding: All Pending Motions Thursday December 4, 2014</i>
12/11/2014	 Opposition



FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

	Filed by: Petitioner Ahern, Eleanor C <i>Opposition to Motion to Enforce Settlement Agreement</i>
12/12/2014	 Errata Filed by: Petitioner Ahern, Eleanor C <i>Errata to Opposition to Motion to Enforce Settlement Agreement</i>
12/12/2014	<b>Hearing - HM</b> (9:30 AM) (Hearing Master: Yamashita, Wesley) Events: 11/24/2014 Motion <i>Motion to Withdraw as Atty for Eleanor Ahern</i>
12/12/2014	<b>CANCELED Hearing - HM</b> (9:30 AM) <i>Vacated</i> <i>Notice of Hearing</i>
12/15/2014	 Reply Filed by: Other Bouvier, Kathryn A <i>Reply in Support of Motion to Enforce Settlement Agreement</i>
12/17/2014	 <b>Motion to Enforce</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 11/10/2014 Motion to Enforce <i>Settlement Agreement [10AM]</i>
12/17/2014	 Order Filed by: Petitioner Ahern, Eleanor C <i>Order Granting in Part Motion to Continue Hearing and Briefing Schedule and to Stay All Pending Matters</i>
12/19/2014	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order</i>
12/19/2014	 <b>Status Check</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Status Check: Compliance</i>
12/23/2014	 Motion to Compel Filed by: Petitioner Ahern, Eleanor C <i>Emergency Motion to Compel David L. Mann, Esq. to Turn Over Documents</i>
12/23/2014	 Opposition and Countermotion Filed by: Other Bouvier, Kathryn A <i>Opposition to Eleanor C. Ahern's Motion to Dismiss Petition for Declaratory Judgment for Failure to State a Claim upon which Relief can be Granted; and Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment on Petition for Declaratory Judgment, for Damages and Assessment of Penalties, and for other Relief</i>
12/24/2014	 Recorders Transcript of Hearing <i>RECORDER'S TRANSCRIPT OF PROCEEDING: MOTION TO ENFORCE: SETTLEMENT AGREEMENT WEDNESDAY, DECEMBER 17, 2014</i>
12/24/2014	 Notice of Hearing Filed by: Petitioner Ahern, Eleanor C <i>Notice of Hearing</i>
12/29/2014	 Motion




FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

	Filed by: Other Mann, David L, ESQ <i>Attorney David L. Mann ESQ motion to Quash Supoenas and For A Protective Order</i>
12/31/2014	 Motion Filed by: Petitioner Ahern, Eleanor C <i>Motion to Exceed Page Limit</i>
01/02/2015	 Motion for Summary Judgment Filed by: Petitioner Ahern, Eleanor C <i>Omnibus Opposition to Petition for Determination of Construction and Interpretation of Language Relating to Trust No 2, and Petition for Construction and Effect of Probate Court Order; and Countermotion for Summary Judgment</i>
01/08/2015	 Order Filed by: Petitioner Ahern, Eleanor C <i>Order Granting Motion to Exceed Page Limit</i>
01/09/2015	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order</i>
01/09/2015	 Reply Filed by: Other Bouvier, Kathryn A <i>Reply in Support of Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment on Petition for Declaratory Judgment, for Damages, and Assessment of Penalties, and for Other Relief; And Opposition to Eleanor's Countermotion for Summary Judgment</i>
01/09/2015	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Eleanor C. Ahern's (1) Reply in Support of Eleanor C. Ahern's Motion to Dismiss Petition for Declaratory Judgment for Failure to State a Claim Upon Which Relief Can Be Granted; (2) Opposition to Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment on Petition for Declaratory Judgment, For Damages and Assessment of Penalties, and for Other Relief; and (3) Reply in Support of Countermotion for Summary Judgment</i>
01/09/2015	 <b>Status Check: Compliance</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie)
01/09/2015	 Motion Filed by: Petitioner Ahern, Eleanor C <i>Motion to Exceed Page Limit</i>
01/12/2015	 Supplement Filed by: Personal Representative Montoya, Jacqueline M <i>Supplement to Reply in Support of Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment on Petition for Declaratory Judgment, for Damages and Assessment of Penalties, and for Other Relief; and Opposition to Eleanor's Countermotion for Summary Judgment</i>
01/12/2015	 Motion Filed by: Other Bouvier, Kathryn A <i>Motion for Leave to Amend Pleadings of Jacqueline M. Montoya and Kathryn A. Bouvier for Claims, Defenses, Damages and Assessment of Penalties, and for Other Relief Against Eleanor Connell Hartman Ahern</i>
01/12/2015	 Ex Parte Application














FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

	Filed by: Other Bouvier, Kathryn A <i>Kathryn A. Bouvier and Jacqueline M. Montoya's Ex Parte Application for an Order Shortening Time</i>
01/13/2015	 Opposition Filed by: Other Mann, David L, ESQ <i>David L. Mann ESQs Opposition to Emergency Motion to compel David L. Mann EQS to turn over Documents and Opposition to Order Shortening Time</i>
01/13/2015	 Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C <i>Certificate of Mailing</i>
01/13/2015	 Affidavit of Service Filed by: Personal Representative Montoya, Jacqueline M Party 2: Petitioner Ahern, Eleanor C
01/14/2015	<b>Status Check: Settlement/Trial Setting</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>10:00AM SESSION</i>
01/14/2015	<b>Status Check</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2 (10:00AM)</i>
01/14/2015	<b>Status Check</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Motion to Dismiss Counterclaims of Eleanor C. Ahern (10:00AM)</i>
01/14/2015	<b>Status Check</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Petition for Construction and Effect of Probate Court Order (10:00AM)</i>
01/14/2015	<b>Opposition &amp; Countermotion</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 12/23/2014 Opposition and Countermotion <i>Opposition &amp; Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment of Petition for Declaration Judgment, for Damages and Assessment of Penalties, and for other Relief</i>
01/14/2015	<b>Motion</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 01/12/2015 Motion <i>Motion for Leave to Amend Pleadings of Jacqueline M. Montoya and Kathryn A Bouvier for Claims, Defenses, Damages and Assessment of Penalties, and for Other Relief Against Eleanor Connell Hartman Ahern</i>
01/14/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)
01/15/2015	 Re-Notice Filed by: Petitioner Ahern, Eleanor C <i>Re-Notice of Motion</i>
01/16/2015	 Order Filed by: Petitioner Ahern, Eleanor C <i>Order Granting Motion to Exceed Page Limit</i>
01/16/2015	 Amended Notice Filed by: Petitioner Ahern, Eleanor C <i>Amended Notice of Hearing</i>
01/16/2015	<b>Motion - HM</b> (9:30 AM) (Hearing Master: Yamashita, Wesley) <i>Attorney David L. Mann ESQ Motion to Quash Supoenas and For A Protective Orde</i>















FAMILY DOMESTIC  
**CASE SUMMARY**  
CASE NO. P-09-066425-T

01/20/2015	 Supplement Filed by: Other Bouvier, Kathryn A <i>Supplement to Motion to Amend Pleadings</i>
01/20/2015	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order</i>
01/22/2015	 Receipt of Copy Filed by: Petitioner Ahern, Eleanor C <i>Receipt of Copy</i>
01/26/2015	 Opposition to Motion Filed by: Petitioner Ahern, Eleanor C <i>Opposition to Attorney David L. Mann, Esq.'s Motion to Quash Subpoenas and for a Protective Order</i>
01/26/2015	 Re-Notice Filed by: Petitioner Ahern, Eleanor C <i>Re-Notice of Motion</i>
01/27/2015	 Errata Filed by: Petitioner Ahern, Eleanor C <i>Errata to Opposition to Attorney David L. Mann, Esq.'s Motion to Quash Subpoena and for a Protective Order</i>
01/27/2015	 Opposition Filed by: Petitioner Ahern, Eleanor C <i>Opposition to Motion to Amend Pleadings</i>
01/28/2015	 Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C <i>Certificate of Mailing</i>
01/30/2015	 <b>Hearing</b> (10:00 AM) (Judicial Officer: Sturman, Gloria) Events: 01/12/2015 Motion
02/11/2015	 Reply to Opposition Filed by: Other Mann, David L, ESQ <i>Reply to Opposition to Attorney David L. Mann ESQ's Motion to Quash Subpoenas and For a Protective Order</i>
02/11/2015	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Reply in Support of Emergency Motion to Compel David L. Mann, Esq. to Turn Over Documents</i>
02/11/2015	<b>CANCELED Motion</b> (9:00 AM) (Judicial Officer: Judge Sturman, Probate) <i>Vacated</i> <i>Emergency Motion to Compel David Mann Esq to turn over Documents</i>
02/13/2015	 Stipulation and Order Filed by: Petitioner Ahern, Eleanor C <i>Stipulation and Order to File Under Seal</i>

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

02/17/2015	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order</i>
02/17/2015	 Discovery Commissioners Report and Recommendations Filed by: Personal Representative Montoya, Jacqueline M <i>Discovery Commissioner's Report and Recommendations</i>
02/18/2015	 Notice of Entry of Order Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Entry of Discovery Commissioner's Report and Recommendations</i>
02/18/2015	 <b>Motion</b> (9:30 AM) (Judicial Officer: Bulla, Bonnie) Events: 01/15/2015 Re-Notice <i>Eleanor Connell Hartman Ahern, as Trustee and Individually Motion to Compel David Mann ESQ. to Turn over Documents</i>
03/02/2015	 Order Denying Filed by: Personal Representative Montoya, Jacqueline M <i>Order Denying Motion to Enforce Settlement Agreement</i>
03/02/2015	 Notice of Entry of Order Filed by: Other Bouvier, Kathryn A <i>Notice of Entry of Order Denying Motion to Enforce Settlement Agreement</i>
03/02/2015	 Recorders Transcript of Hearing <i>Transcripts of Proceedings: Hearing FRIDAY, JANUARY 30, 2015</i>
03/06/2015	 Motion Filed by: Other Mann, David L, ESQ <i>David L Mann, Esq's Motion For Rule 11 Sanctions</i>
03/06/2015	 Receipt of Copy Filed by: Other Mann, David L, ESQ <i>Receipt of Copy</i>
03/12/2015	 Filed Under Seal Filed by: Personal Representative Montoya, Jacqueline M <i>Brief Regarding Pending Issues</i>
03/13/2015	 Filed Under Seal Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 <i>Brief Regarding Accounting, Fiduciary Duties, And Trust Administration</i>
03/16/2015	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice to Vacate Hearing</i>
03/18/2015	 Filed Under Seal Filed by: Other Bouvier, Kathryn A <i>Supplement to Brief Regarding Pending Issues</i>
03/18/2015	













FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

	 Filed Under Seal Filed by: Petitioner Ahern, Eleanor C <i>Filed Under Seal - Supplement to Brief Regarding Accounting, Fiduciary Duties, and Trust Administration</i>
03/19/2015	 Filed Under Seal Filed by: Other Bouvier, Kathryn A <i>Filed Under Seal - Second Supplement to Brief Regarding Pending Issues</i>
03/20/2015	 <b>Hearing</b> (10:00 AM) (Judicial Officer: Sturman, Gloria)
03/20/2015	 <b>Status Check: Compliance</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie)
03/25/2015	<b>Motion</b> (9:00 AM) (Judicial Officer: Judge Sturman, Probate) Events: 03/06/2015 Motion <i>David L Mann, Esq's Motion For Rule 11 Sanctions</i>
03/26/2015	 <b>Telephonic Hearing</b> (11:00 AM) (Judicial Officer: Sturman, Gloria)
03/27/2015	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Supplemental Exhibits Provided at March 20, 2015 Hearing</i>
03/31/2015	 Recorders Transcript of Hearing <i>TRANSCRIPT OF PROCEEDINGS HEARING FRIDAY, MARCH 20, 2015</i>
04/01/2015	 Motion Filed by: Personal Representative Montoya, Jacqueline M <i>Motion in Support of Award of Attorney's Fees and Costs</i>
04/01/2015	 Order Filed by: Personal Representative Montoya, Jacqueline M <i>Order Appointing New Temporary Trustee</i>
04/03/2015	 Filed Under Seal Filed by: Other Parties Receiving Notice <i>E-Mail</i>
04/06/2015	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order</i>
04/07/2015	 Notice of Appeal Filed by: Petitioner Ahern, Eleanor C <i>Notice of Appeal</i>
04/07/2015	 Case Appeal Statement Filed by: Petitioner Ahern, Eleanor C <i>Case Appeal Statement</i>
04/09/2015	 Motion to Stay Filed by: Petitioner Ahern, Eleanor C <i>Motion for Stay Pending Appeal on Order Shortening Time</i>

FAMILY DOMESTIC  
**CASE SUMMARY**  
CASE NO. P-09-066425-T

04/10/2015	 Receipt of Copy Filed by: Petitioner Ahern, Eleanor C <i>Receipt of Copy of the Motion for Stay Pending Appeal on Order Shortening Time</i>
04/10/2015	 Recorders Transcript of Hearing <i>TRANSCRIPT OF PROCEEDINGS TELEPHONIC HEARINGS THURSDAY, MARCH 26, 2015</i>
04/13/2015	 Reply Filed by: Trustee Waid, Fredrick <i>Reply to Motion for Stay Pending Appeal on Order Shortening Time</i>
04/13/2015	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Compliance Regarding \$500,000 Deposit</i>
04/13/2015	 Opposition Filed by: Personal Representative Montoya, Jacqueline M <i>Opposition to Eleanor Connell Hartman Ahern's Motion for Stay Pending Appeal</i>
04/14/2015	 Notice of Withdrawal Filed by: Petitioner Ahern, Eleanor C <i>Notice of Withdrawal of Motion for Stay Pending Appeal on Order Shortening Time</i>
04/14/2015	 Notice of Withdrawal Filed by: Petitioner Ahern, Eleanor C <i>Notice of Withdrawal of Notice of Compliance Regarding \$500,000 Deposit</i>
04/14/2015	 Notice of Entry of Order Filed by: Other Bouvier, Kathryn A <i>Notice of Entry of Order from March 26 2015</i>
04/14/2015	 Order Filed by: Personal Representative Montoya, Jacqueline M <i>ORDER</i>
04/14/2015	 <b>Motion For Stay</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 04/09/2015 Motion to Stay <i>Trustee Eleanor Connell-Hartman-Ahern's Motion for Stay Pending Appeal on Order Shortening Time</i>
04/14/2015	 <b>Telephonic Hearing</b> (4:30 PM) (Judicial Officer: Judge Sturman, Probate)
04/15/2015	 Motion Filed by: Petitioner Ahern, Eleanor C <i>Marquis Aurbach Coffing's Motion to Withdraw as Counsel of Record on Order Shortening Time</i>
04/15/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Deposition</i>
04/15/2015	 Notice of Hearing

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**














	Filed by: Petitioner Ahern, Eleanor C <i>Notice of Hearing on Order to Show Cause</i>
04/16/2015	 Judgment Filed by: Personal Representative Montoya, Jacqueline M <i>Summary Judgment</i>
04/16/2015	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order to Show Cause</i>
04/16/2015	 Order Filed by: Trustee Waid, Fredrick <i>Order to Show Cause</i>
04/17/2015	 Receipt of Copy Filed by: Personal Representative Montoya, Jacqueline M <i>RECEIPT OF COPY OF THE NOTICE OF ENTRY OF ORDER ON SUMMARY JUDGMENT</i>
04/17/2015	 Objection Filed by: Trustee Waid, Fredrick <i>Objection to Marquis Aurbach Coffing's Motion to Withdraw as Counsel of Record on Order Shortening Time</i>
04/17/2015	 Notice of Entry of Order Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Entry of Order on Summary Judgment</i>
04/20/2015	 Order Filed by: Petitioner Ahern, Eleanor C <i>Order Regarding The Accounting, Breach of Fiduciary Duty Claims and Award of Attorney Fees</i>
04/20/2015	 Order Confirming Filed by: Trustee Waid, Fredrick <i>Order Confirming Acting Successor Trustee</i>
04/20/2015	 Order Filed by: Trustee Waid, Fredrick <i>Order Compelling Eleanor Ahern to Turn Over Trust Records to Acting Successor Trustee</i>
04/20/2015	 Notice of Entry of Order Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 <i>Notice of Entry of Order</i>
04/20/2015	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order</i>
04/20/2015	 <b>Motion for Withdrawal</b> (10:00 AM) (Judicial Officer: Sturman, Gloria) Events: 04/15/2015 Motion <i>Marquis Aurbach Coffing's Motion to Withdraw as Counsel of Record on Order Shortening Time</i>
04/20/2015	



FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

	 Order Filed by: Petitioner Ahern, Eleanor C <i>Order Granting Marquis Aurbach Coffing's Motion to Withdraw as Counsel of Record on Order Shortening Time</i>
04/21/2015	 Subpoena Duces Tecum Filed by: Trustee Waid, Fredrick <i>Subpoena - Civil Duces Tecum</i>
04/22/2015	 <b>Order to Show Cause</b> (10:30 AM) (Judicial Officer: Sturman, Gloria) Events: 04/15/2015 Notice of Hearing
04/23/2015	 Discovery Commissioners Report and Recommendations Filed by: Petitioner Ahern, Eleanor C <i>Discovery Commissioners Report and Recommendations</i>
04/24/2015	 Notice of Entry Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order Compelling Eleanor Ahern to turn over Trust Records to Acting Successor Trustee</i>
04/24/2015	 Notice of Entry Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order Confirming Acting Successor Trustee</i>
04/27/2015	 Recorders Transcript of Hearing <i>Transcript of Proceedigs Trustee Eleanor Connell-Hartman-Ahern's Motion for Stay Pending Appeal on Order Shortening Time April 14, 2015</i>
04/29/2015	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Discovery Commissioners Report and Recommendations</i>
05/04/2015	 Opposition to Motion Filed by: Petitioner Ahern, Eleanor C <i>Opposition to Motion in Support of Award of Attorney's Fees and Costs</i>
05/06/2015	 Affidavit Filed by: Trustee Waid, Fredrick <i>Affidavit of Fredrick P. Waid, Trustee</i>
05/08/2015	 Reply Filed by: Personal Representative Montoya, Jacqueline M <i>Reply in Support of Motion for Award of Attorney's Fees and Costs and Supplement to Motion in Support of Award of Attorney's Fees and Costs</i>
05/12/2015	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Sur-Reply to Montoya And Bouvier's Reply in Support of Motion for Award of Attorneys' Fees and Costs</i>
05/13/2015	 <b>Motion for Attorney Fees</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)
05/18/2015	 Notice of Appeal

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

	Filed by: Petitioner Ahern, Eleanor C <i>Notice of Appeal</i>
05/18/2015	 Case Appeal Statement Filed by: Petitioner Ahern, Eleanor C <i>Case Appeal Statement</i>
05/18/2015	 Notice of Vacating Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Deposition</i>
05/19/2015	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Posting Bond</i>
06/03/2015	 Motion Filed by: Personal Representative Montoya, Jacqueline M <i>Motion for Assessment of Damages Against Eleanor Ahern; Enforcement of No-Contest Clause; and Surcharge of Eleanor's Trust Income</i>
06/03/2015	 Affidavit of Service <i>Affidavit of Service</i>
06/04/2015	 Recorders Transcript of Hearing <i>Transcript of Proceedings Motion for Withdrawal: Marquis Aurbach Coffing's Motion to Withdraw as Counsel of Record on Order Shortening Time Monday, April 20, 2015</i>
06/08/2015	 Request Filed by: Petitioner Ahern, Eleanor C <i>Request for Transcript of Proceedings</i>
06/08/2015	 Request Filed by: Petitioner Ahern, Eleanor C <i>Request for Transcript of Proceedings</i>
06/09/2015	 Recorders Transcript of Hearing Party: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 <i>Transcript of Proceedings Order to Show Cause Wednesday, April 22, 2015</i>
06/12/2015	 Recorders Transcript of Hearing <i>Transcript of Proceedings Motion for Attorney Fees Wednesday, May 13, 2015</i>
06/15/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Deposition</i>
06/16/2015	 Notice of Vacating Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Deposition</i>
06/18/2015	 Response Filed by: Petitioner Ahern, Eleanor C <i>Response to Affidavit of Fredrick P. Waid Dated May 6, 2015</i>














FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

06/19/2015	 <b>Recorders Transcript of Hearing</b> <i>Recorder's Transcript of Proceedings - Status Check: Compliance - heard on Dec. 19, 2014</i>
06/19/2015	 <b>Recorders Transcript of Hearing</b> Party: Petitioner Ahern, Eleanor C <i>Recorder's Transcript of Proceedings - Eleanor Connell Hartman Ahern, as Trustee and Individually, Motion to Compel David Mann, Esq. to Turn Over Documents - heard on Feb. 18, 2015</i>
06/22/2015	 <b>Hearing</b> (1:30 PM) (Judicial Officer: Sturman, Gloria) <i>Evidentiary Hearing: Contempt of Court</i>
06/23/2015	 <b>Judgment</b> Filed by: Petitioner Ahern, Eleanor C <i>Judgment and Order Approving Award of Attorney's Fees</i>
06/23/2015	<b>CANCELED Telephonic Hearing</b> (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Clerk</i>
06/23/2015	 <b>Telephonic Conference</b> (11:30 AM) (Judicial Officer: Gonzalez, Elizabeth)
06/25/2015	 <b>Calendar Call</b> (8:45 AM) (Judicial Officer: Gonzalez, Elizabeth)
06/29/2015	 <b>Opposition to Motion</b> Filed by: Petitioner Ahern, Eleanor C <i>Opposition to Motion for Assessment of Damages Against Eleanor Ahern, Enforcement of No-Contest Clause, and Surcharge of Eleanor's Trust Income</i>
06/29/2015	 <b>Recorders Transcript of Hearing</b> <i>Transcript of Proceedings Evidentiary Hearing: Contempt of Court Monday, June 22, 2015</i>
06/30/2015	 <b>Notice of Entry of Order</b> Filed by: Other Bouvier, Kathryn A <i>Notice of Entry of Judgment and Order Approving Award of Attorney's Fees</i>
06/30/2015	 <b>Reporters Transcript</b> <i>Transcript of Proceedings: Calendar Call</i>
07/02/2015	 <b>Notice of Vacating Deposition</b> Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Deposition</i>
07/06/2015	 <b>Recorders Transcript of Hearing</b> Party: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 <i>Transcript of Proceedings All Pending Motions Wednesday, January 14, 2015</i>
07/07/2015	 <b>Amended Notice</b> Filed by: Trustee Waid, Fredrick <i>Amended Notice of Taking Deposition</i>
07/07/2015	 <b>Order</b> Filed by: Trustee Waid, Fredrick <i>Order Referring Matter to Chief Judge for Contempt Hearing</i>

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

07/08/2015	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order</i>
07/09/2015	 Filed Under Seal Filed by: Trustee Waid, Fredrick
07/10/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Deposition</i>
07/10/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Deposition</i>
07/10/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Deposition</i>
07/10/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Deposition</i>
07/13/2015	 Substitution of Attorney Filed by: Other Bouvier, Kathryn A <i>Substitution of Attorney</i>
07/15/2015	 Certificate of Mailing Filed by: Other Bouvier, Kathryn A <i>Certificate of Mailing</i>
07/16/2015	 Motion to Dismiss Filed by: Petitioner Ahern, Eleanor C <i>Motion to Dismiss Contempt Proceeding</i>
07/17/2015	 <b>Status Check</b> (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Status Check: Defendant's Motion</i>
07/20/2015	 Affidavit of Service Filed by: Petitioner Ahern, Eleanor C <i>Affidavit of Service</i>
07/21/2015	 Substitution of Attorney Filed by: Trustee Waid, Fredrick <i>Amended Subpoena Duces Tecum to Custodian of Records for Wells Fargo Bank, N.A.</i>
07/21/2015	 Affidavit of Service Filed by: Petitioner Ahern, Eleanor C <i>Affidavit of Service</i>
07/21/2015	 Affidavit of Service Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 <i>Affidavit of Service</i>

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

07/22/2015	 Notice of Vacating Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Deposition</i>
07/22/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Deposition</i>
07/24/2015	 Notice of Attorney Lien Filed by: Petitioner Ahern, Eleanor C <i>Notice of Attorney Lien</i>
07/27/2015	 Motion Filed by: Petitioner Ahern, Eleanor C For: Trustee Waid, Fredrick <i>Motion for Adjudication of Attorney's Lien in the Amount of \$30,937.50, Reduction to Judgment Collectible by all Lawful Means Including, but not Limited to, Lien on Eleanor Ahern's Benefits in the W.N. Connell and Marjorie T. Connell Living Trust</i>
07/29/2015	 Amended Notice of Appeal Filed By: 07/29/2015
07/30/2015	 Ex Parte Application Filed by: Petitioner Ahern, Eleanor C <i>Ex Parte Application for an Order Shortening Time</i>
07/30/2015	 Certificate of Service Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 <i>Certificate of Service</i>
07/30/2015	 Notice Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Deposition and Withdrawal of Subpoena Duces Tecum</i>
07/31/2015	 Notice Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Deposition</i>
07/31/2015	 Response Filed by: Trustee Waid, Fredrick <i>Response to Motion to Dismiss Contempt Proceedings</i>
07/31/2015	 Supplement Filed by: Personal Representative Montoya, Jacqueline M <i>Supplement to Motion for Assessment of Damages</i>
07/31/2015	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M <i>Certificate of Mailing</i>
08/03/2015	 Affidavit of Service <i>Affidavit of Service</i>

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

08/03/2015	 Motion to Strike Filed by: Petitioner Ahern, Eleanor C <i>Motion to Strike Supplement to Motion for Assessment of Damages Against Eleanor Ahern; Enforcement of No Contest Clause; and Surcharge of Eleanor's Trust Income</i>
08/05/2015	 <b>Motion</b> (10:00 AM) (Judicial Officer: Sturman, Gloria) Events: 06/03/2015 Motion <i>Jacqueline M. Montoya's and Kathryn A. Bouvier's Motion for Assessment of Damages Against Eleanor Ahern; Enforcement of No-Contest Clause; and Surcharge of Eleanor's Trust Income</i>
08/11/2015	 Notice of Vacating Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Deposition</i>
08/11/2015	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Reply in Support of Motion to Dismiss Contempt Proceeding</i>
08/12/2015	 Production of Documents Filed by: Trustee Waid, Fredrick <i>Trustee, Fredrick P. Waid's, Production of Documents</i>
08/12/2015	 Request Filed by: Trustee Waid, Fredrick <i>Request to Transfer Hearing on Motion for Adjudication of Attorney's Lien to Probate Judge</i>
08/12/2015	 Response Filed by: Trustee Waid, Fredrick <i>Response to David Mann's Motion to Adjudicate Attorney's Lien and Countermotion to Unseal Records</i>
08/13/2015	 Opposition to Motion Filed by: Petitioner Ahern, Eleanor C <i>Opposition to Motion for Adjudication of Attorney's Lien in the Amount of \$30,937.50, Reduction to Judgment Collectible by all Lawful Mean Including, but Not Limited to, Lien on Eleanor Ahern's Benefits in the W.N. Connell and Marjorie T. Connell Living Trust</i>
08/14/2015	<b>CANCELED Motion - HM</b> (9:30 AM) <i>Vacated - per Judge</i>
08/14/2015	<b>CANCELED Opposition &amp; Countermotion - HM</b> (9:30 AM) <i>Vacated - per Judge</i> <i>Response to David Mann's Motion to Adjudicate Attorney's Lien and Countermotion to Unseal Records</i>
08/18/2015	 <b>Motion to Dismiss</b> (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth) Events: 07/16/2015 Motion to Dismiss <i>Elenor Ahern's Motion to Dismiss Contempt Proceedings</i>
08/19/2015	<b>CANCELED Motion to Strike</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i> <i>Eleanor Ahern's Motion to Strike Supplement to Motion for Assessment of Damages Against Eleanor Ahern; Enforcement of No Contest Clause; and Surcharge of Eleanor's Trust Income</i>
08/21/2015	 Application

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

	Filed by: Trustee Waid, Fredrick <i>Application For The Issuance Of A Commission To Take Out-Of-State Deposition of Jeffrey Johnston</i>
08/21/2015	 Application Filed by: Trustee Waid, Fredrick <i>Application For The Issuance Of A Commission To Take Out-Of-State Deposition Of The Person Most Knowledgeable For Anthony &amp; Middlebrook, P.C.</i>
08/21/2015	 Application Filed by: Trustee Waid, Fredrick <i>Application For The Issuance Of A Commission To Take Out-Of-State Deposition of Lawrence Prucka</i>
08/21/2015	 Recorders Transcript of Hearing <i>Transcript of Proceedings Jacqueline M. Montoya's and Kathryn A. Bouvier's Motion for Assessment of Damages Against Eleanor Ahern; Enforcement of No-Contest Clause; and Surcharge of Eleanor's Trust Income Wednesday, August 5, 2015</i>
08/21/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Out-Of-State Deposition of Jeffrey Johnston</i>
08/21/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Out-Of-State Deposition of Person Most Knowledgeable for Anthony &amp; Middlebrook, P.C.</i>
08/21/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Out-Of-State of Deposition of Lawrence Prucka</i>
08/25/2015	 Reporters Transcript <i>Transcript of Proceedings: Hearing on Eleanor Ahern's Motion to Dismiss Contempt Proceedings</i>
08/25/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Out-Of-State Deposition of Frederick Brown</i>
08/25/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Out-Of-State Deposition of Curt Baggett</i>
08/25/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>First Amended Notice of Taking Out-Of-State Deposition of Person Most Knowledgeable for Anthony &amp; Middlebrook, P.C.</i>
08/25/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>First Amended Notice of Taking Out-Of-State Deposition of Jeffrey Johnston</i>
08/25/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

*First Amended Notice of Taking Out-Of-State Deposition of Lawrence Prucka*

08/25/2015



Application

Filed by: Trustee Waid, Fredrick

*Application for the Issuance of a Commission to Take Out-Of-State Deposition of Frederick Brown*

08/25/2015



Application

Filed by: Trustee Waid, Fredrick

*Application for the Issuance of a Commission to Take Out-Of-State Deposition of Curt Baggett*

08/25/2015



Application

Filed by: Trustee Waid, Fredrick

*First Amended Application for the Issuance of a Commission to Take Out-Of-State Deposition of the Person Most Knowledgeable for Anthony & Middlebrook, P.C.*

08/25/2015



Application

Filed by: Trustee Waid, Fredrick

*First Amended Application for the Issuance of a Commission to Take Out-Of-State Deposition of Jeffrey Johnston*

08/25/2015



Application

Filed by: Trustee Waid, Fredrick

*First Amended Application for the Issuance of a Commission to Take Out-Of-State Deposition of Lawrence Prucka*

08/27/2015



Certificate of Service

Filed by: Trustee Waid, Fredrick

*Certificate of Service*

08/27/2015



Commission to Take Deposition Outside the State of Nevada

Filed by: Trustee Waid, Fredrick

*Commission To Take Out-Of-State Deposition Of Frederick Brown*

08/27/2015



Commission to Take Deposition Outside the State of Nevada

Filed by: Trustee Waid, Fredrick

*Commission To Take Out-Of-State Deposition Of Curt Baggett*

08/27/2015



Commission to Take Deposition Outside the State of Nevada

Filed by: Trustee Waid, Fredrick

*Commission To Take Out-Of-State Deposition Of The Person Most Knowledgeable For Anthony & Middlebrook, P.C.*

08/27/2015



Commission to Take Deposition Outside the State of Nevada

Filed by: Trustee Waid, Fredrick

*Commission To Take Out-Of-State Deposition Of Jeffrey Johnston*

08/27/2015



Commission to Take Deposition Outside the State of Nevada

Filed by: Trustee Waid, Fredrick

*Commission To Take Out-Of-State Deposition Of Lawrence Prucka*

09/02/2015



**Status Check** (9:00 AM) (Judicial Officer: Sturman, Gloria)

*Evidentiary Hearing Status*

09/14/2015















FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

	 Order Granting Filed by: Petitioner Ahern, Eleanor C <i>Order Granting Motion to Dismiss Contempt Proceeding</i>
09/15/2015	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order Granting Motion to Dismiss Contempt Proceeding</i>
09/16/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Deposition of Custodian of Records for Checks N Mail</i>
09/16/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Deposition of Custodian of Records for Mail for You, Inc.</i>
09/16/2015	<b>Status Check</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Set Hearing Re: Fredrick Waid's Countermotion to Unseal Records (Filed 8/12/15)</i>
09/16/2015	<b>Status Check</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Set Hearing Re Motion for Adjudication of Attorney's Lien in the Amount of \$30,937.50, Reduction to Judgment Collectible by All Lawful Means Including, but not Limited to, Lien on Eleanor Ahern's Benefits in the W.N. Connell and Marjorie T. Connell Living Trust</i>
09/16/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)
09/23/2015	 Order Filed by: Trustee Waid, Fredrick <i>Order Taking Off Calendar David Mann's Motion to Adjudicate Attorney's Lien, and Compelling David Mann to Comply with Subpoena Duces Tecum</i>
09/24/2015	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order</i>
09/24/2015	 Subpoena Duces Tecum Filed by: Trustee Waid, Fredrick <i>Subpoena Duces Tecum to Custodian of Records for Mail for You, Inc.</i>
09/25/2015	 Recorders Transcript of Hearing <i>Transcript of Proceedings Status Check: Evidentiary Hearing Status Wednesday, September 2, 2015</i>
09/25/2015	 Recorders Transcript of Hearing <i>Transcript of Proceedings Status Check: Set Hearing Regarding Waid's Countermotion to Unseal Records; Status Check; Set Hearing Regarding Motion for Adjudication of Attorney's Lien Wednesday, September 16, 2015</i>
09/25/2015	 Motion Filed by: Petitioner Ahern, Eleanor C <i>Motion for Distribution of Trust Income in Accordance with the Court's Summary Judgment Dated April 16, 2015 on Order Shortening Time</i>
10/02/2015	 Commission to Take Deposition Outside the State of Nevada Filed by: Trustee Waid, Fredrick

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

*Commission to Take Out-Of-State Deposition of Ryan E. Scharar*

10/02/2015	 Commission to Take Deposition Outside the State of Nevada Filed by: Trustee Waid, Fredrick <i>Commission to Take Out-Of-State Deposition of The Custodian Of Records for Omni Forth Worth Hotel</i>
10/02/2015	 Notice Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Deposition of Custodian of Records for Mail For You, Inc.</i>
10/02/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>First Amended Notice of Taking Out-Of-State Deposition of Curt Baggett</i>
10/02/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Depositions</i>
10/02/2015	 Deposition Subpoena Filed by: Trustee Waid, Fredrick <i>Subpoena - Shelly L. Tabaczynski</i>
10/02/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Out-Of-State Deposition of the Custodian of Records for the Omni Forth Worth Hotel</i>
10/02/2015	 Application Filed by: Trustee Waid, Fredrick <i>Application for the Issuance Of A Commission To Take Out-Of-State Deposition of the Custodian of Records for the Omni Fort Worth Hotel</i>
10/02/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Out-Of-State Deposition of Ryan E. Scharar</i>
10/02/2015	 Application Filed by: Trustee Waid, Fredrick <i>Application For The Issuance Of A Commission To Take Out-Of-State Deposition of Ryan E. Scharar</i>
10/06/2015	 Certificate of Service Filed by: Petitioner Ahern, Eleanor C <i>Certificate of Service of Motion to Withdraw as Counsel on Order Shortening Time</i>
10/06/2015	 Motion Filed by: Petitioner Ahern, Eleanor C <i>Motion to Withdraw as Counsel on Order Shortening Time</i>
10/08/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Second Amended Notice of Taking Out-Of-State Deposition of Lawrence Prucka</i>
10/08/2015	











FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

	 Response Filed by: Trustee Waid, Fredrick <i>Response to Motion for Distribution of Trust Income</i>
10/09/2015	 Response Filed by: Trustee Waid, Fredrick <i>Response to Motion to Withdraw as Counsel on Order Shortening Time</i>
10/09/2015	 Notice Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Deposition of Custodian of Records for Checks N Mail</i>
10/12/2015	 Objection Filed by: Other Bouvier, Kathryn A <i>Objection to Motion for Distribution of Trust Income in Accordance with Court's Summary Judgment Dated April 16, 2015 on Order Shortening Time</i>
10/12/2015	 Certificate of Mailing Filed by: Other Bouvier, Kathryn A <i>Certificate of Mailing</i>
10/12/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Third Amended Notice of Taking Out-Of-State Deposition of Lawrence Prucka</i>
10/12/2015	 Notice Filed by: Trustee Waid, Fredrick <i>Notice to Vacate Out-Of-State Deposition of Curt Baggett</i>
10/12/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Third Amended Notice of Taking Out-Of-State Deposition of Jeffrey Johnston</i>
10/12/2015	 Application Filed by: Trustee Waid, Fredrick <i>Application for the Issuance of a Commission to Take Out-Of-State Deposition of the Custodian of Records for Omni Hotels Management Corp.</i>
10/12/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Records Only Deposition of the Custodian of Records for Omni Hotels Management Corp.</i>
10/12/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Records Only Deposition of the Custodian of Records for Omni Hotels Management Corp.</i>
10/13/2015	 Commission to Take Deposition Outside the State of Nevada Filed by: Trustee Waid, Fredrick <i>Commission to Take Out-Of-State Deposition of the Custodian of Records for Omni Hotels Management Corp.</i>
10/13/2015	 Reply














FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

	Filed by: Petitioner Ahern, Eleanor C <i>Reply to Interim Trustee's Response to Motion to Withdraw as Counsel on Order Shortening Time</i>
10/14/2015	<b>Motion to Withdraw as Counsel</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Brownstein, Hyatt, Farber &amp; Schreck's, LLC, Motion to Withdraw as Counsel on Order Shortening Time</i>
10/14/2015	<b>CANCELED Status Check</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated</i> <i>Set Hearing Re: Fredrick Waid's Countermotion to Unseal Records (Filed 8/12/15)</i>
10/14/2015	<b>Status Check</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Status Check: Evidentiary Hearing Status</i>
10/14/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)
10/20/2015	 Notice Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Out-Of-State Deposition of Lawrence Prucka</i>
10/20/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Out-Of-State Deposition of Person Most Knowledgeable for Anthony &amp; Middlebrook, P.C.</i>
10/20/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Out-Of-State Deposition of Ryan E. Scharar</i>
10/21/2015	 <b>Order to Show Cause</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Order to Show Cause</i>
10/22/2015	 Notice Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Depositions of Shelley Tabaczynski and Adelle Josephs</i>
10/26/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Video Deposition Eleanor Ahern</i>
10/27/2015	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Reply in Support of Motion for Distribution of Trust Income</i>
10/28/2015	 Response Filed by: Personal Representative Montoya, Jacqueline M <i>RESPONSE TO MS. AHERN'S REPLY IN SUPPORT OF MOTION FOR DISTRIBUTION OF TRUST INCOME</i>
11/02/2015	 Motion to Compel Filed by: Trustee Waid, Fredrick <i>Motion to Compel Eleanor Ahern's Authorization to Allow Trustee to Obtain Information from Attorneys and Other Professionals on Order Shortening Time</i>
11/02/2015	










FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

	 Supplement Filed by: Petitioner Ahern, Eleanor C <i>Supplement to Reply in Support of Motion for Distribution of Trust Income</i>
11/02/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>First Amended Notice of Taking Video Deposition of Adele Felice Josephs-Matthews</i>
11/02/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>First Amended Notice of Taking Video Deposition of Shelly Lynn Tabaczynski</i>
11/03/2015	 Supplement Filed by: Petitioner Ahern, Eleanor C <i>Second Supplement to Reply in Support of Motion for Distribution of Trust Income</i>
11/04/2015	<b>Motion</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Eleanor Connell Hartman Ahern's Motion for Distribution of Trust Income in Accordance with the Court's Summary Judgment Dated April 16, 2015 on Order Shortening Time</i>
11/04/2015	<b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Fredrick P. Waid's Motion to Compel Eleanor Ahern's Authorization to Allow Trustee to Obtain Information from Attorneys and Other Professionals on Order Shortening Time</i>
11/04/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)
11/09/2015	<b>CANCELED Evidentiary Hearing</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i>
11/10/2015	<b>CANCELED Evidentiary Hearing</b> (1:30 PM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i>
11/12/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Records Only Deposition of the Custodian of Records for the Nevada Secretary of State</i>
11/18/2015	 Recorders Transcript of Hearing <i>Transcript of Proceedings Eleanor Ahern's Motion for Distribution of Trust Income in Accordance with the Court's Summary Judgment Dated April 16, 2015 on OST; Fredrick Waid's Motion to Compel Eleanor Ahern's Authorization to Allow Trustee to Obtain Information from Attorneys and other Professionals on OST Wednesday, November 4, 2015</i>
11/19/2015	 Deposition Subpoena Filed by: Trustee Waid, Fredrick <i>Subpoena Duces Tecum - Adele Felice Josephs Matthews</i>
12/01/2015	 Order Filed by: Trustee Waid, Fredrick <i>Order Re: Motion to Compel Eleanor Ahern's Authorization</i>
12/02/2015	 Notice Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Deposition of Adele Josephs Matthews</i>
12/03/2015	

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order</i>
12/04/2015	 Stipulation and Order Filed by: Trustee Waid, Fredrick <i>Stipulation and Order to Strike Exhibit A from 10/28/15 Response Sealed Pleading From Record</i>
12/07/2015	 Recorders Transcript of Hearing <i>Transcript of Proceedings Brownstein, Hyatt, Farber, and Schreck's Motion to Withdraw as Counsel on Order Shortening Time; Status Check on Evidentiary Hearing Status Wednesday, October 14, 2015</i>
12/11/2015	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Stipulation and Order</i>
01/04/2016	 Motion Filed by: Trustee Waid, Fredrick <i>Motion for Order to Show Cause, to Compel Deposition of Eleanor Ahern and to Answer Questions Under Oath Re: Fidelity Capital and \$500,000</i>
01/05/2016	 Order Filed by: Trustee Waid, Fredrick <i>Order Instructing Trustee to Advance Funds</i>
01/06/2016	 <b>Motion for Order to Show Cause</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Motion for Order to Show Cause, to Compel Deposition of Eleanor Ahern and to Answer Questions Under Oath Re: Fidelity Capital and \$500,000</i>
01/11/2016	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order Instructing Trustee to Advance Funds</i>
01/20/2016	 Motion Filed by: Personal Representative Montoya, Jacqueline M <i>Motion to Stay Execution of Order Pending the Hearing of the Motion for Reconsideration Pursuant to NRCP 62(b) on Order Shortening Time</i>
01/20/2016	 Motion to Reconsider Filed by: Personal Representative Montoya, Jacqueline M <i>Motion for Reconsideration on Order Shortening Time</i>
01/26/2016	 Response Filed by: Trustee Waid, Fredrick <i>Response to Motion for Reconsideration on Order Shortening Time</i>
01/26/2016	 Opposition to Motion Filed by: Petitioner Ahern, Eleanor C <i>Opposition to Motion to Stay Execution of Order Pending the Hearing of the Motion for Reconsideration Pursuant to NRCP 62(b) on Order Shortening Time</i>
01/26/2016	 Opposition to Motion Filed by: Petitioner Ahern, Eleanor C

FAMILY DOMESTIC  
**CASE SUMMARY**  
**CASE NO. P-09-066425-T**

	<i>Opposition to Motion for Reconsideration on Order Shortening Time</i>
01/27/2016	<b>Motion to Compel</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Deposition of Eleanor Ahern</i>
01/27/2016	<b>Motion to Stay</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Jaqueline M. Montoya and Kathryn A. Bouvier's Motion to Stay Execution of Order Pending the Hearing of the Motion for Reconsideration Pursuant to NRCP 62(b) on Order Shortening Time</i>
01/27/2016	<b>Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Jaqueline M. Montoya and Kathryn A. Bouvier's Motion for Reconsideration on Order Shortening Time</i>
01/27/2016	 <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)
01/27/2016	 Order Filed by: Trustee Waid, Fredrick <i>Order Re: Motion to Compel Re: Eleanor Ahern's Deposition</i>
01/27/2016	 Order Filed by: Trustee Waid, Fredrick <i>Order Re: Motion for Order to Show Cause Re: Eleanor Ahern's Authorization</i>
01/28/2016	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order</i>
01/28/2016	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order</i>
02/01/2016	 Notice Filed by: Trustee Waid, Fredrick <i>Notice of Independent Medical Examination</i>
02/02/2016	 Recorders Transcript of Hearing <i>Transcript of Proceedings Motion for Order to Show Cause, To Compel Deposition of Eleanor Ahern, and to Answer Questions Under Oath Re: Fidelity Capital and \$500,000. Wednesday, January 6, 2016</i>
02/10/2016	 Case Appeal Statement Filed by: Other Bouvier, Kathryn A <i>Case Appeal Statement</i>
02/10/2016	 Notice of Appeal Filed by: Other Bouvier, Kathryn A
02/11/2016	<b>CANCELED Evidentiary Hearing</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i>
02/11/2016	<b>CANCELED Evidentiary Hearing</b> (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i>
02/12/2016	<b>CANCELED Evidentiary Hearing</b> (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i>

FAMILY DOMESTIC  
**CASE SUMMARY**  
CASE NO. P-09-066425-T

02/12/2016	<b>CANCELED Evidentiary Hearing</b> (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i>	
02/22/2016	<b>Evidentiary Hearing</b> (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Enforcement of No Contest Clause</i>	

DATE	FINANCIAL INFORMATION
	<b>Attorney</b> Steadman, Brian K, ESQ Total Charges 150.00 Total Payments and Credits 150.00 <b>Balance Due as of 2/10/2016 0.00</b>
	<b>Attorney</b> Moody, Todd L Total Charges 15.00 Total Payments and Credits 15.00 <b>Balance Due as of 2/10/2016 0.00</b>
	<b>Other</b> Mann, David L, ESQ Total Charges 223.00 Total Payments and Credits 223.00 <b>Balance Due as of 2/10/2016 0.00</b>
	<b>Personal Representative</b> Montoya, Jacqueline M Total Charges 447.00 Total Payments and Credits 447.00 <b>Balance Due as of 2/10/2016 0.00</b>
	<b>Petitioner</b> Ahern, Eleanor C Total Charges 854.00 Total Payments and Credits 854.00 <b>Balance Due as of 2/10/2016 0.00</b>
	<b>Trust</b> The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 Total Charges 3.50 Total Payments and Credits 3.50 <b>Balance Due as of 2/10/2016 0.00</b>
	<b>Personal Representative</b> Montoya, Jacqueline M Registry and Trust Account-Probate Balance as of 2/10/2016 <b>500.00</b>
	<b>Petitioner</b> Ahern, Eleanor C Registry and Trust Account-Probate Balance as of 2/10/2016 <b>500.00</b>
	<b>Petitioner</b> Ahern, Eleanor C Registry and Trust Account-Probate Balance as of 2/10/2016 <b>500.00</b>
	<b>Petitioner</b> Ahern, Eleanor C Registry and Trust Account-Probate Balance as of 2/10/2016 <b>500.00</b>



63

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA  
FAMILY COURT COVER SHEET**

CASE NO. P-09-066425-T (To be assigned by the Clerk's Office) H

**Do you or any other party in this case (including any minor child) have any other current case(s) or past case(s) in the Family Court or Juvenile Court in Clark County?**

☐ YES ☒ NO

**If yes, complete the other side of this form**

**PARTY INFORMATION (Please Print)**

Plaintiff/Petitioner		Defendant/Respondent/Co-Petitioner	
Last Name: Ahern		Last Name:	
First Name: Eleanor	Middle Name: C.	First Name:	Middle Name:
Home Address: 6105 Elton Avenue		Home Address:	
City, State, Zip: Las Vegas, NV 89107		City, State, Zip:	
Mailing Address:		Mailing Address:	
City, State, Zip:		City, State, Zip:	
Phone #: 702-378-5726	Date of Birth: 05-13-1938	Phone #:	Date of Birth:
Attorney Information		Attorney Information	
Name: Brian K. Steadman	Bar No. 10771	Name:	Bar No:
Address: 9060 W. Cheyenne Avenue		Address:	
City, State, Zip: Las Vegas, NV 89129		City, State, Zip:	
Phone #: 702-853-5483		Phone #:	

(Check one box only for the type of case being filed with this cover sheet)

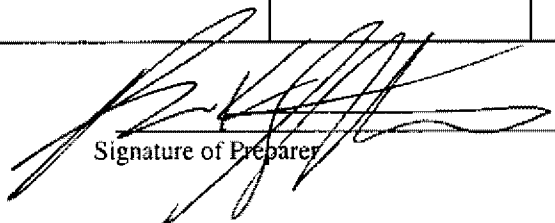
DOMESTIC	MISC. DOMESTIC RELATIONS PETITIONS	GUARDIANSHIP	PROBATE
<b>Marriage Dissolution</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Divorce - No minor child(ren) <input type="checkbox"/> Divorce - With minor child(ren) <input type="checkbox"/> Foreign Decree <input type="checkbox"/> Joint Petition - No minor child(ren) <input type="checkbox"/> Joint Petition - With minor child(ren) <input type="checkbox"/> Separate Maintenance	<input type="checkbox"/> Adoption - Minor <input type="checkbox"/> Adoption - Adult <input type="checkbox"/> Mental Health <input type="checkbox"/> Name Change <input type="checkbox"/> Paternity <input type="checkbox"/> Permission to Marry <input type="checkbox"/> Temporary Protective Order (TPO) <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Child Support/Custody <input type="checkbox"/> Other (identify) _____	<b>Guardianship of an Adult</b> <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Person and Estate  <b>Guardianship of a Minor</b> <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Person and Estate  <input type="checkbox"/> Guardianship Trust	<input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input checked="" type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate
<b>MISC. JUVENILE PETITIONS</b> <input type="checkbox"/> Emancipation	<b>DA CHILD SUPPORT PETITIONS</b> <input type="checkbox"/> DA - UIFSA <input type="checkbox"/> DA - Child Support In State		

List children involved in this case (If more than 3 children, please enter the information on the reverse side)

Last Name	First Name	Middle Name	Date of Birth	Relationship
1.				
2.				
3.				

Brian K. Steadman

Printed Name of Preparer



Signature of Preparer

8-14-09

Date



CLERK OF THE COURT

**ORDER**

Todd L. Moody (5430)  
Russel J. Geist (9030)  
HUTCHISON & STEFFEN, LLC  
10080 West Alta Drive, Suite 200  
Las Vegas, Nevada 89145  
(702) 385-2500  
(702) 385-2086 FAX  
[tmoody@hutchlegal.com](mailto:tmoody@hutchlegal.com)  
[rgeist@hutchlegal.com](mailto:rgeist@hutchlegal.com)

*Attorneys for Fredrick P. Waid,  
Court-appointed Trustee*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

In the matter of

Case No.: P-09-066425-T  
Dept. 26

THE W.N. CONNELL AND MARJORIE T.  
CONNELL LIVING TRUST DATED May  
18, 1972, an Inter Vivos Irrevocable Trust.

**ORDER INSTRUCTING TRUSTEE TO ADVANCE FUNDS**

Date of Hearing: 11/04/15  
Time of Hearing: 9:00 a.m.

A hearing was held on November 4, 2015 on a Motion for Distribution of Trust Income in Accordance with the Court's Summary Judgment Dated April 16, 2015 on Order Shortening Time ("Motion") filed by Eleanor Connell Hartman Ahern ("Eleanor"). Both Fredrick P. Waid, acting Successor Trustee ("Trustee") of The W.N. Connell and Marjorie T. Connell Living Trust, dated May 18, 1972 ("Trust"), and Jacqueline M. Montoya and Kathryn A. Bouvier responded to the motion. Eleanor Connell Hartman Ahern ("Eleanor") was represented by Kirk Lenhard and Tammy Peterson of Brownstein, Hyatt, Farber & Schreck, LLP; the Trustee was represented by Todd L. Moody of Hutchison & Steffen, LLC; and Jacqueline M. Montoya and Kathryn A. Bouvier were represented by Joseph J. Powell of The Rushforth Firm. Having considered the Motion, the responses thereto, and the evidence and arguments presented at the time of hearing,

**HUTCHISON & STEFFEN**

A PROFESSIONAL LLC  
PECCOLE PROFESSIONAL PARK  
10080 WEST ALTA DRIVE, SUITE 200  
LAS VEGAS, NV 89145

1 IT IS HEREBY ORDERED that the Motion is granted in part and denied in part, and  
2 the Court instructs the Trustee as follows:

- 3 1. The Trustee will advance to Eleanor \$5,000.00/month for living expenses from  
4 November 2015 to February 2016;
- 5 2. The Trustee will advance to Eleanor \$10,000.00/month, payable directly to  
6 Brownstein Hyatt Farber Schreck, LLP, for ongoing attorney's fees from  
7 November 2015 to February 2016; and
- 8 3. The Trustee will advance to Eleanor \$30,000.00, which may be paid in monthly  
9 installments, payable directly to Brownstein Hyatt Farber Schreck, LLP, for past  
10 attorney's fees.

11 IT IS FURTHER ORDERED that the Trustee is only required to advance funds if such  
12 funds are available;

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IT IS FURTHER ORDERED that the advanced funds are to be repaid by Eleanor upon  
settlement or resolution of this case.

Dated this 29<sup>th</sup> day of November, 2015.

  
District Court Judge

Submitted by:

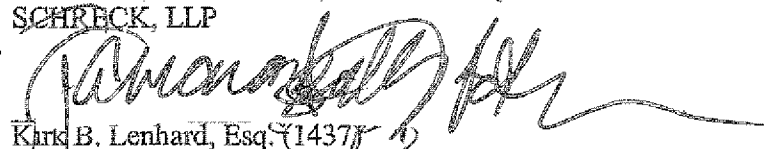
HUTCHISON & STEFFEN, LLC

  
Todd L. Moody (5430)  
Russel J. Geist (9030)  
10080 W. Alta Dr., Ste 200  
Las Vegas, NV 89145  
[tmoody@hutchlegal.com](mailto:tmoody@hutchlegal.com)  
[rgeist@hutchlegal.com](mailto:rgeist@hutchlegal.com)

*Attorneys for Fredrick P. Waid,  
Court-appointed Trustee*

Approved as to form and content:

BROWNSTEIN HYATT FARBER  
SCHRECK, LLP

  
Kirk B. Lenhard, Esq. (1437)  
Tamara Beatty Peterson, Esq. (5218)  
100 North City Parkway, Suite 1600  
Las Vegas, NV 89106-4614  
[klenhard@bhfs.com](mailto:klenhard@bhfs.com)  
[tpeterson@bhfs.com](mailto:tpeterson@bhfs.com)

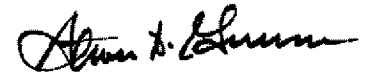
*Attorneys for Eleanor Ahern*

1 **NEOJ**

2 Todd L. Moody (5430)  
 3 Russel J. Geist (9030)  
 HUTCHISON & STEFFEN, LLC  
 4 10080 West Alta Drive, Suite 200  
 Las Vegas, Nevada 89145  
 (702) 385-2500  
 (702) 385-2086 FAX  
 5 [tmoody@hutchlegal.com](mailto:tmoody@hutchlegal.com)  
[rgeist@hutchlegal.com](mailto:rgeist@hutchlegal.com)

6 *Attorneys for Fredrick P. Waid Court-appointed Trustee*

Electronically Filed  
 01/11/2016 11:51:42 AM



CLERK OF THE COURT

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9  
 10 In the matter of

Case No.: P-09-066425-T  
 Dept. 26


11 THE W.N. CONNELL AND MARJORIE T.  
 12 CONNELL LIVING TRUST DATED May 18,  
 1972, an Inter Vivos Irrevocable Trust.

13  
 14 **NOTICE OF ENTRY OF ORDER INSTRUCTING TRUSTEE TO ADVANCE FUNDS**

15 NOTICE IS HEREBY GIVEN that an Order Instructing Trustee to Advance Funds  
 16 was entered in the above-entitled matter on January 5, 2016. A copy of the Order is attached  
 17 hereto.

18 DATED this 11 day of January, 2016.

19  
 20 HUTCHISON & STEFFEN

21  
 22   
 23 Todd L. Moody (5430)  
 Russel J. Geist (9030)  
 10080 W. Alta Dr., Ste 200  
 Las Vegas, NV 89145  
 Phone: (702) 385-2500  
[tmoody@hutchlegal.com](mailto:tmoody@hutchlegal.com)  
[rgeist@hutchlegal.com](mailto:rgeist@hutchlegal.com)

24  
 25  
 26 *Attorneys for Fredrick P. Waid Court-*  
 27 *appointed Trustee*  
 28

**CERTIFICATE OF SERVICE**


Pursuant to NRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN and that on this 11 day of January, 2016, I caused a true and correct copy of the above and foregoing **NOTICE OF ENTRY OF ORDER INSTRUCTING TRUSTEE TO ADVANCE FUNDS** to be served as follows:

- ☐ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
- ☒ pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the Eighth Judicial District Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail; and/or
- ☐ Pursuant to EDCR 7.26, to be sent via facsimile; and/or
- ☐ to be hand-delivered;

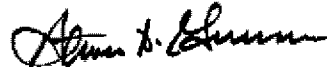
to the persons listed below at the address and/or facsimile number indicated below:

Joseph J. Powell, Esq.  
The Rushforth Firm  
1707 Village Center Circle, Ste. 150  
Las Vegas, NV 89134  
*Attorneys for Kathryn A. Bouvier and Jacqueline M. Montoya*

Kirk Lenhard, Esq.  
Tamara Beatty Peterson, Esq.  
Brownstein Hyatt Farber Schreck, LLP  
100 North City Parkway, Suite #1600  
Las Vegas, NV 89106  
*Attorneys for Eleanor Connell Hartman Ahern*



An Employee of Hutchison & Steffen, LLC



CLERK OF THE COURT

**ORDER**

Todd L. Moody (5430)  
Russel J. Geist (9030)  
HUTCHISON & STEFFEN, LLC  
10080 West Alta Drive, Suite 200  
Las Vegas, Nevada 89145  
(702) 385-2500  
(702) 385-2086 FAX  
[tmoody@hutchlegal.com](mailto:tmoody@hutchlegal.com)  
[rgeist@hutchlegal.com](mailto:rgeist@hutchlegal.com)

*Attorneys for Fredrick P. Wald,  
Court-appointed Trustee*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

In the matter of

Case No.: P-09-066425-T  
Dept. 26

THE W.N. CONNELL AND MARJORIE T.  
CONNELL LIVING TRUST DATED May  
18, 1972, an Inter Vivos Irrevocable Trust.

**ORDER INSTRUCTING TRUSTEE TO ADVANCE FUNDS**

Date of Hearing: 11/04/15  
Time of Hearing: 9:00 a.m.

A hearing was held on November 4, 2015 on a Motion for Distribution of Trust Income in Accordance with the Court's Summary Judgment Dated April 16, 2015 on Order Shortening Time ("Motion") filed by Eleanor Connell Hartman Ahern ("Eleanor"). Both Fredrick P. Wald, acting Successor Trustee ("Trustee") of The W.N. Connell and Marjorie T. Connell Living Trust, dated May 18, 1972 ("Trust"), and Jacqueline M. Montoya and Kathryn A. Bouvier responded to the motion. Eleanor Connell Hartman Ahern ("Eleanor") was represented by Kirk Lenhard and Tammy Peterson of Brownstein, Hyatt, Farber & Schreck, LLP; the Trustee was represented by Todd L. Moody of Hutchison & Steffen, LLC; and Jacqueline M. Montoya and Kathryn A. Bouvier were represented by Joseph J. Powell of The Rushforth Firm. Having considered the Motion, the responses thereto, and the evidence and arguments presented at the time of hearing,

**HUTCHISON & STEFFEN**

A PROFESSIONAL LLC  
PECCOLE PROFESSIONAL PARK  
10080 WEST ALTA DRIVE, SUITE 200  
LAS VEGAS, NV 89145

1 IT IS HEREBY ORDERED that the Motion is granted in part and denied in part, and  
 2 the Court instructs the Trustee as follows:

- 3 1. The Trustee will advance to Eleanor \$5,000.00/month for living expenses from  
 4 November 2015 to February 2016;
- 5 2. The Trustee will advance to Eleanor \$10,000.00/month, payable directly to  
 6 Brownstein Hyatt Farber Schreck, LLP, for ongoing attorney's fees from  
 7 November 2015 to February 2016; and
- 8 3. The Trustee will advance to Eleanor \$30,000.00, which may be paid in monthly  
 9 installments, payable directly to Brownstein Hyatt Farber Schreck, LLP, for past  
 10 attorney's fees.

11 IT IS FURTHER ORDERED that the Trustee is only required to advance funds if such  
 12 funds are available;

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 27 ///



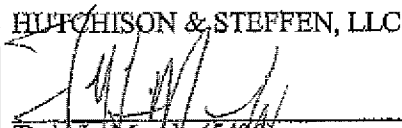
1 IT IS FURTHER ORDERED that the advanced funds are to be repaid by Eleanor upon  
 2 settlement or resolution of this case.

3 Dated this 29<sup>th</sup> day of November, 2015.

4   
 5 District Court Judge

6 Submitted by:

7 HUTCHISON & STEFFEN, LLC

8   
 9 Todd L. Moody (5430)  
 10 Russel J. Geist (9030)  
 11 10080 W. Alta Dr., Ste 200  
 12 Las Vegas, NV 89145  
 13 [tmoody@hutchlegal.com](mailto:tmoody@hutchlegal.com)  
 14 [rgeist@hutchlegal.com](mailto:rgeist@hutchlegal.com)

15 Attorneys for Fredrick P. Wald,  
 16 Court-appointed Trustee

17 Approved as to form and content:

18 BROWNSTEIN HYATT FARBER  
 19 SCHRECK, LLP

20   
 21 Kirk B. Lenhard, Esq. (1437)  
 22 Tamara Beatty Peterson, Esq. (5218)  
 23 100 North City Parkway, Suite 1600  
 24 Las Vegas, NV 89106-4614  
 25 [klenhard@bhfs.com](mailto:klenhard@bhfs.com)  
 26 [tpeterson@bhfs.com](mailto:tpeterson@bhfs.com)

27 Attorneys for Eleanor Ahern  
 28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**September 04, 2009**

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**September 04,  
2009**

**9:30 AM**

**Hearing**

**HEARD BY:** Yamashita, Wesley

**COURTROOM:** Courtroom 09

**COURT CLERK:** Melissa Swinn

**PARTIES:**

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal  
Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

Pro Se

Kirk Lenhard, Attorney, not present

Russel Geist, Attorney, not present

Joseph Powell, Attorney, not present

Joseph Powell, Attorney, not present

**JOURNAL ENTRIES**

- Matter being on the Approved List and there being no objection, COMMISSIONER  
RECOMMENDED, Petition GRANTED.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: December 13, 2013 9:30 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Courtroom 09*

*Yamashita, Wesley*

*Canceled: May 27, 2014 9:00 AM Petition - HM*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

*Canceled: July 17, 2014 11:00 AM*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*  
*Esparza, Kerry*  
*Knight, Marwanda*

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*Sturman, Gloria*  
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*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
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*Courtroom 24*  
*Beecroft, Chris A., Jr.*

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*Yamashita, Wesley*

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*Judge Sturman, Probate  
Esparza, Kerry  
RJC Courtroom 03H  
Sturman, Gloria*

*Canceled: February 20, 2015 11:00 AM  
Reason: Vacated*

*Bulla, Bonnie  
Lott, Jennifer  
RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM  
Reason: Vacated*

*Bulla, Bonnie  
Lott, Jennifer  
RJC Level 5 Hearing Room*

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*Canceled: June 23, 2015 10:00 AM Telephonic Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk*

*Denman, Linda  
Gonzalez, Elizabeth  
Esparza, Kerry  
RJC Courtroom 14C*

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*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

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Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
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Chun, Sharon  
Yamashita, Wesley*

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Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
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Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

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Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

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RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

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Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry*

*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing

Esparza, Kerry

Denman, Linda

Sturman, Gloria

Esparza, Kerry

RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

October 11, 2013

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P-09-066425-T      In the Matter of the Trust of:  
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

---

**October 11, 2013      9:30 AM      Petition**

**HEARD BY:**    Yamashita, Wesley

**COURTROOM:**    Courtroom 09

**COURT CLERK:**    Carol Foley

**PARTIES:**

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Kirk Lenhard, Attorney, not present
Fredrick Waid, Trustee, not present	Russel Geist, Attorney, not present
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

<b>JOURNAL ENTRIES</b>
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- PETITION FOR DECLARATORY JUDGMENT REGARDING LIMITED INTEREST OF TRUST ASSETS PURSUANT TO NRS. 30.040, NRS 153.031(1)(E), AND NRS 164.033(1)(A)

John Mugan, Esq. present on behalf of Eleanor Connell Ahern.

Mr. Mugan advised he was recently retained and Mr. Powell agreed to give him additional time to file a responsive pleading. Mr. Powell asked Court to refer matter to Judge Sturman. Following discussion, COMMISSIONER RECOMMENDED, matter referred to Judge Sturman and CONTINUED to 11/12/13 at 9:00 a.m.

**INTERIM CONDITIONS:**

PRINT DATE:	02/10/2016	Page 6 of 169	Minutes Date:	September 04, 2009
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**FUTURE HEARINGS:**

*Canceled: December 13, 2013 9:30 AM Motion*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
*Courtroom 09*  
*Yamashita, Wesley*

*Canceled: May 27, 2014 9:00 AM Petition - HM*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

*Canceled: July 17, 2014 11:00 AM*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
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*Sturman, Gloria*  
*RJC Courtroom 03H*  
*Esparza, Kerry*  
*Knight, Marwanda*

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*Lunsford, Amy*  
*Courtroom 24*  
*Beecroft, Chris A., Jr.*

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*Judge Sturman, Probate*  
*Esparza, Kerry*  
*RJC Courtroom 03H*  
*Sturman, Gloria*

*Canceled: February 20, 2015 11:00 AM*  
*Reason: Vacated*

*Bulla, Bonnie*  
*Lott, Jennifer*  
*RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM*  
*Reason: Vacated*

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*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Clerk*  
*Denman, Linda*  
*Gonzalez, Elizabeth*  
*Esparza, Kerry*  
*RJC Courtroom 14C*

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*Judge*  
*RJC Courtroom 03F*  
*Chun, Sharon*  
*Yamashita, Wesley*

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*RJC Courtroom 03F*  
*Chun, Sharon*  
*Yamashita, Wesley*

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*RJC Courtroom 03H*

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*Esparza, Kerry*  
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*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*  
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*RJC Courtroom 03H*  
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*RJC Courtroom 03H*

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*Denman, Linda*

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*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing

Esparza, Kerry

Denman, Linda

Sturman, Gloria

Esparza, Kerry

RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

November 12, 2013

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**November 12,  
2013**

**9:00 AM**

**Petition**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, not present

Fredrick Waid, Trustee, not present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal  
Representative, not present

Joseph Powell, Attorney, present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

**JOURNAL ENTRIES**

- Argument by counsel on PETITION FOR DECLARATORY JUDGMENT REGARDING LIMITED INTEREST OF TRUST ASSETS PURSUANT TO NRS. 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A). Colloquy on petitioner's unnoticed MOTION TO REFER CONTESTED PROBATE MATTER TO MASTER-PROBATE COMMISSIONER PER EDCR 4.16. Court and Counsel agreed to consider petitioner's Motion as an opposition to the Petition. Mr. Mugan argued that the granddaughters, Jacqueline Montoya, trustee of the MTC Living Trust, and Kathryn Bouvier, were attempting to reform and reconstruct the prior confirmation of the trust by changing the terms of the allocation of the oil and gas proceeds between the parties. Mr. Powell argued that the percentage allocation has been the same for the past 33 years and he urged the Court to issue a declaratory judgment either stating that the granddaughters 65% and the petitioner's 35% was accurate or to at least go back to the status quo until the situation can be brought before the Court because his clients rely upon the proceeds for their income. Counsel stated that an attorney in Texas informed the oil

PRINT DATE: 02/10/2016

Page 11 of 169

Minutes Date:

September 04, 2009

and gas companies that there is a dispute as to the terms of the pay-out and they have ceased distribution of any proceeds into the Trust at all according to either common practice or Texas law.

Following further argument, COURT STATED ITS FINDINGS that the W.N. Connell and Marjorie T. Connell Living Trust, dated May 18, 1972, is under this Court's jurisdiction. COURT ORDERED all proceeds from the Texas oil and gas leases are to be resumed immediately and deposited with the trust; the trustee and beneficiary, Eleanor C. Ahern, is entitled to receive her undisputed 35% share; the 65% disputed portion is to be held in the Trust until this Court makes a determination as to its proper distribution. COURT FURTHER ORDERED matter SET for EVIDENTIARY HEARING on the February trial stack and understands that Mr. Powell is reserving his petition for fees, costs, and damages.

Mr. Powell to prepare proposed Order; Mr. Mugan to review as to form and content.

CALENDAR CALL: 1/24/2014 at 11:00AM

TRIAL STACK: 2/18/2014 AT 9:00AM

#### **INTERIM CONDITIONS:**

#### **FUTURE HEARINGS:**

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Courtroom 09  
Yamashita, Wesley*

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*Judge Sturman, Probate*  
*Esparza, Kerry*  
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*Clerk*

Denman, Linda  
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*Judge*  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley

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*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley

*Canceled: August 19, 2015 9:00 AM Motion to Strike*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

*Canceled: October 14, 2015 9:00 AM Status Check*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

January 14, 2014

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P-09-066425-T      In the Matter of the Trust of:  
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

---

**January 14, 2014      9:00 AM      All Pending Motions**

**HEARD BY:**    Sturman, Gloria

**COURTROOM:**    RJC Courtroom 03H

**COURT CLERK:**    Linda Denman

**PARTIES:**

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Kirk Lenhard, Attorney, not present
Fredrick Waid, Trustee, not present	Russel Geist, Attorney, not present
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

<b>JOURNAL ENTRIES</b>
------------------------

- HEARING ON MOTION TO DISMISS PETITION FOR DECLARATORY JUDGMENT REGARDING LIMITED INTEREST OF TRUST ASSETS PURSUANT TO NRS 30.040, NRS 153.031(1)(e), and NRS 164.033(1)(A) FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED PER NRCP 12(B)(5) . . . . . Argument by counsel as to claims preclusion and whether the elements had been met since the matter was brought before the Court in 2009 on a reformation and clarification as to the beneficiaries in the event of petitioner's death. COURT STATED ITS FINDINGS that the elements for claim preclusion have not been met since there is no way to anticipate that four years later the trustee would change the distribution for those issues to have been raised in 2009. COURT ORDERED Motion to Dismiss DENIED.

HEARING ON PETITION TO COMPEL TRUSTEE TO DISTRIBUTE ACCRUED INCOME AND FUTURE INCOME RECEIVED FROM OIL, GAS, AND MINERAL LEASES AND DECLARATION OF THE APPLICABILITY OF THE DOCTRINE OF LACHES . . . .Counsel argued the Court's

PRINT DATE:	02/10/2016	Page 16 of 169	Minutes Date:	September 04, 2009
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previous ruling that granted Trustee Ahern the 35% income from the Texas oil and gas leases and the 65% income in dispute to be held until a hearing could be held, the effect of spoliation and Doctrine of Laches on Trustee Ahern's change of distribution, and irreparable harm/success on the merits as to all parties. Upon inquiry of the Court as to bringing this petition now, Mr. Powell stated he felt the issues raised could be dealt with today which would make the upcoming evidentiary hearing unnecessary. COURT STATED ITS FINDINGS that sworn testimony needed to be heard since the facts of distribution from the original trust are in dispute and to decide if Laches is applicable. COURT ORDERED Petition to Compel DENIED WITHOUT PREJUDICE.

#### **INTERIM CONDITIONS:**

#### **FUTURE HEARINGS:**

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Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: July 17, 2014 11:00 AM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H  
Esparza, Kerry  
Knight, Marwanda*

*Canceled: July 18, 2014 11:00 AM*

*Canceled: August 11, 2014 9:00 AM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H  
Esparza, Kerry*

*Canceled: August 22, 2014 1:30 PM Motion to Compel  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Lunsford, Amy  
Courtroom 24  
Beecroft, Chris A., Jr.*

*Canceled: December 04, 2014 11:00 AM*

*Canceled: December 04, 2014 10:30 AM*

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*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Courtroom 09*

*Foley, Carol*

*Yamashita, Wesley*

*Canceled: February 11, 2015 9:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Denman, Linda*

*Judge Sturman, Probate*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Sturman, Gloria*

*Canceled: February 20, 2015 11:00 AM*

*Reason: Vacated*

*Bulla, Bonnie*

*Lott, Jennifer*

*RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM*

*Reason: Vacated*

*Bulla, Bonnie*

*Lott, Jennifer*

*RJC Level 5 Hearing Room*

*Canceled: April 20, 2015 10:00 AM Motion for Withdrawal*

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Clerk*

*Denman, Linda*

*Gonzalez, Elizabeth*

*Esparza, Kerry*

*RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*RJC Courtroom 03F*  
*Chun, Sharon*  
*Yamashita, Wesley*

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*RJC Courtroom 03H*

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*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
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*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

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*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

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*RJC Courtroom 03H*

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*Denman, Linda*  
*Esparza, Kerry*

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*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

January 24, 2014

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P-09-066425-T      In the Matter of the Trust of:  
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

---

**January 24, 2014      11:00 AM**

**HEARD BY:**    Sturman, Gloria

**COURTROOM:**    RJC Courtroom 03H

**COURT CLERK:**    Linda Denman

**PARTIES:**

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Kirk Lenhard, Attorney, not present
Fredrick Waide, Trustee, not present	Russel Geist, Attorney, not present
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

<b>JOURNAL ENTRIES</b>
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- At CALENDAR CALL, counsel announced ready to proceed. Mr. Mugan advised the Court of one potential problem dealing with the Texas probate matter. He stated the matter was stayed due to the health problems of the expert witness, a witness he also intended use, and didn't know the effect of the stay on this case but wanted to bring the Court's attention to this problem. Mr. Powell disagreed saying the Will doesn't need to be probated and this is another delaying tactic against his clients who have not been receiving any distribution since the stay was imposed. Court stated the bench trial will proceed unless and until a motion is filed requesting a continuance.

**Bench Trial Dates:**

Tuesday,      2.18.14 at 9:00AM  
Wednesday,    2.19.14 at 1:30PM  
Thursday,      2.20.14 at 9:00AM  
Friday,        2.21.14 at 1:30PM

Pre-Trial Conference: Wednesday, 2.12.14 at 11:00AM

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: May 27, 2014 9:00 AM Petition - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: July 17, 2014 11:00 AM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H  
Esparza, Kerry  
Knight, Marwanda*

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Courtroom 24  
Beecroft, Chris A., Jr.*

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*Canceled: December 12, 2014 9:30 AM Hearing - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Courtroom 09*

*Foley, Carol*

*Yamashita, Wesley*

*Canceled: February 11, 2015 9:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Denman, Linda*

*Judge Sturman, Probate*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Sturman, Gloria*

*Canceled: February 20, 2015 11:00 AM*

*Reason: Vacated*

*Bulla, Bonnie*

*Lott, Jennifer*

*RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM*

*Reason: Vacated*

*Bulla, Bonnie*

*Lott, Jennifer*

*RJC Level 5 Hearing Room*

*Canceled: April 20, 2015 10:00 AM Motion for Withdrawal*

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*

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*Denman, Linda*

*Gonzalez, Elizabeth*

*Esparza, Kerry*

*RJC Courtroom 14C*

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*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM*

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*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

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*Esparza, Kerry*

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*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*

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*Sturman, Gloria*

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*Denman, Linda*

*Sturman, Gloria*

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*Sturman, Gloria*  
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*Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**February 12, 2014**

---

P-09-066425-T      In the Matter of the Trust of:  
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

---

**February 12, 2014    11:00 AM            Pre Trial Conference**

**HEARD BY:**    Sturman, Gloria

**COURTROOM:**    RJC Courtroom 03H

**COURT CLERK:**    Linda Denman

**PARTIES:**

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Kirk Lenhard, Attorney, not present
Fredrick Waid, Trustee, not present	Russel Geist, Attorney, not present
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

<b>JOURNAL ENTRIES</b>
------------------------

- At PRE TRIAL CONFERENCE, counsel appeared and announced they were ready for trial. Counsel agreed to start the trial at 10:00am to accommodate the plaintiff's first witness. Trial exhibits, trial briefs, and findings of fact were submitted along with electronic versions for the Court's use. Mr. Powell mentioned he was putting together a printed power point presentation and would make sure opposing counsel was provided a copy before trial. Mr. Mugan also listed a few accommodations that would be needed from the Court due to his client's health and Court was happy to oblige.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

PRINT DATE:	02/10/2016	Page 26 of 169	Minutes Date:	September 04, 2009
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*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

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*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
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*Courtroom 24*  
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Esparza, Kerry  
RJC Courtroom 03H  
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Lott, Jennifer  
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RJC Courtroom 14C*

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Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry*

*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**February 18, 2014**

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P-09-066425-T      In the Matter of the Trust of:  
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

---

**February 18, 2014      10:00 AM**

**HEARD BY:**    Sturman, Gloria

**COURTROOM:**    RJC Courtroom 03H

**COURT CLERK:**    Linda Denman

**PARTIES:**

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, present	John Mugan, Attorney, present
Fredrick Waid, Trustee, not present	Russel Geist, Attorney, not present
Jacqueline Montoya, Other, present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell	
Living Trust, dtd May 18, 1972, Trust, not	
present	

<b>JOURNAL ENTRIES</b>
------------------------

**- BENCH TRIAL - DAY**

Mr. Powell raised concerns about the counter-claims included in Respondent's Answer filed last week, specifically the no-contest clause and the tortious interference with a contract and asked that they be dismissed for lack of notice. Colloquy as to whether the trial could proceed on the petition or whether all issues had to be litigated at one time. Following the discussion, COURT STATES ITS FINDINGS that the counter-claims are valid affirmative defenses arising from the same occurrence. Counsel requested a break to discuss options with their clients.

Court resumed and counsel stated they were in agreement to continue the trial and a new trial date was given for the August stack. Court mentioned they might also want to bifurcate the tort issue if Discovery could not be completed. Mr. Powell requested fees and costs for preparing for today's trial and Court directed him to prepare an Affidavit. He also requested the matter be returned to status quo in which the trust was distributed 65/35 for the last 33 years. Court requested the request be put



in writing. Court returned all exhibits to counsel and stated an amended trial order would be sent.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: July 17, 2014 11:00 AM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H  
Esparza, Kerry  
Knight, Marwanda*

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Sturman, Gloria  
RJC Courtroom 03H  
Esparza, Kerry*

*Canceled: August 22, 2014 1:30 PM Motion to Compel  
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Courtroom 24  
Beecroft, Chris A., Jr.*

*Canceled: December 04, 2014 11:00 AM*

*Canceled: December 04, 2014 10:30 AM*

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*Canceled: December 12, 2014 9:30 AM Hearing - HM*

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Courtroom 09  
Foley, Carol  
Yamashita, Wesley*

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Denman, Linda  
Judge Sturman, Probate  
Esparza, Kerry  
RJC Courtroom 03H  
Sturman, Gloria*

*Canceled: February 20, 2015 11:00 AM*

*Reason: Vacated*

*Bulla, Bonnie*

*Lott, Jennifer*

*RJC Level 5 Hearing Room*

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*Reason: Vacated*

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*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*

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Clerk*

*Denman, Linda*

*Gonzalez, Elizabeth*

*Esparza, Kerry*

*RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

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Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

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Judge*

*RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

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Sturman, Gloria  
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Sturman, Gloria  
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*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing  
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Denman, Linda  
Sturman, Gloria  
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Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
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Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

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Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
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RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

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RJC Courtroom 03H*

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*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**April 22, 2014**

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**April 22, 2014**

**9:00 AM**

**Petition**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, not present

Fredrick Waid, Trustee, not present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not present

<b>JOURNAL ENTRIES</b>
------------------------

- Discussion by counsel on PETITION FOR RELEASE OF TRUST FUNDS FOR THE PAYMENT OF ADMINISTRATIVE EXPENSES, INSURANCE PREMIUMS AND TAXES ATTRIBUTABLE TO TRUST PROPERTY on Mr. Mugan's statement that the objections raised involved misunderstandings as to the petition's intent. He explained that Ms. Ahern had paid the October Ad Valorem taxes out of her share since the 65% was temporarily blocked pending trial and this Petition was to reimburse her now that the trial has been delayed. Also, the Petition is not requesting attorney fees and accounting fees are not being assessed against work done on behalf of Ms. Ahern personally. Mr. Powell agreed Ms. Montoya had no objections with the clarification presented by Mr. Mugan as long as there was full transparency for the administrative expenses. Counsel also discussed the selection of Gamett & King) as the accounting firm for the Trust and there was no objection.

Mr. Mugan to prepare order; Mr. Powell to review as to form and content.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: July 17, 2014 11:00 AM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H  
Esparza, Kerry  
Knight, Marwanda*

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RJC Courtroom 03H  
Esparza, Kerry*

*Canceled: August 22, 2014 1:30 PM Motion to Compel  
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Courtroom 24  
Beecroft, Chris A., Jr.*

*Canceled: December 04, 2014 11:00 AM*

*Canceled: December 04, 2014 10:30 AM*

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*Canceled: December 10, 2014 10:00 AM Motion to Enforce*

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*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
*Courtroom 09*  
*Foley, Carol*  
*Yamashita, Wesley*

*Canceled: February 11, 2015 9:00 AM Motion*  
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*Denman, Linda*  
*Judge Sturman, Probate*  
*Esparza, Kerry*  
*RJC Courtroom 03H*  
*Sturman, Gloria*

*Canceled: February 20, 2015 11:00 AM*  
*Reason: Vacated*

*Bulla, Bonnie*  
*Lott, Jennifer*  
*RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM*  
*Reason: Vacated*

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*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*  
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*Clerk*  
*Denman, Linda*  
*Gonzalez, Elizabeth*  
*Esparza, Kerry*  
*RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM*  
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*Judge*  
*RJC Courtroom 03F*  
*Chun, Sharon*  
*Yamashita, Wesley*

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*Judge*  
*RJC Courtroom 03F*  
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*Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*

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RJC Courtroom 03H

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Sturman, Gloria  
RJC Courtroom 03H

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*  
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Esparza, Kerry  
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Sturman, Gloria  
RJC Courtroom 03H

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Denman, Linda  
Sturman, Gloria  
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RJC Courtroom 03H  
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RJC Courtroom 03H

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RJC Courtroom 03H  
Denman, Linda  
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*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing

Esparza, Kerry

Denman, Linda

Sturman, Gloria

Esparza, Kerry

RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

May 13, 2014

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

May 13, 2014

9:00 AM

All Pending Motions

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, not present

Fredrick Waide, Trustee, not present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not present

<b>JOURNAL ENTRIES</b>
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- HEARING ON PETITION FOR CONSTRUCTION AND EFFECT OF PROBATE COURT ORDER . . . . MOTION OF ELEANOR C. AHERN TO CONTINUE MAY 13, 2014 HEARING ON PETITIONER FOR CONSTRUCTIVE AND EFFECT OF PROBATE COURT ORDER OF JACQUELINE M. MONTOYA . . . . Argument by counsel on the effect of the Probate Commissioner's ruling in P080595-E finding a will contest and the Demand for Jury Trial and whether this case should proceed on the declaratory relief sought. Following argument, COURT STATED ITS FINDINGS that the declaratory motions and the bench trial set on the August trial stack in this case could be mooted depending on the outcome of the will contest. COURT ORDERED Motion to Continue GRANTED; all declaratory motions in both the trust case and the probate case will be continued as status checks; bench trial VACATED and RESET AS STATUS CHECK; and jury trial SET for will contest. COURT FURTHER ORDERED P-09-066425-T and P- -14-080595-E COORDINATED FOR DISCOVERY PURPOSES ONLY.

12/04/2014 AT 11:00AM P-09-066425-T; STATUS CHECK for Petition for Construction and Effect of Probate Court Order . . . . . STATUS CHECK for Motion to Dismiss Counterclaims of Eleanor C. Ahern . . . . . STATUS CHECK for Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2 . . . . . STATUS CHECK for Bench Trial/Jury Trial Resetting

12/04/2014 AT 11:00AM P-14-080595-E; CALENDAR CALL

1/12/2015 AT 9:00AM TRIAL STACK

Mr. Mugan to prepare proposed Order; opposing counsel to review as to form and content.

JACQUELINE M. MONTOYA'S AMENDED NOTICE OF HEARING ON PETITION TO COMPEL TRUSTEE TO DISTRIBUTE ACCRUED INCOME AND FUTURE INCOME RECEIVED FROM OIL, GAS, AND MINERAL LEASES, AND DECLARATION OF THE APPLICABILITY OF THE DOCTRINE OF LACHES AND ADDENDUM TO SAID PETITION. . . . . Argument by counsel as to whether or not the 65% lease income should be paid to beneficiaries of Marjorie T. Connell's Living Trust or continued to be sequestered now that the trial has been moved to the first of next year. Counsel argued resulting repercussions to either party depending on whether Mrs. Connell's will is found to be or not be valid. Following the Court's indication the Court was to allow distribution, counsel then argued about the posting of a bond or other personal security. COURT ORDERED Motion to Compel Distribution GRANTED IN PART; distribution to begin as of this month with the June check; bond or alternate security posted upon motion as parties agree. Upon further argument, COURT STATED NO FINDING was being made on burden of proof or any other issues raised by counsel not set for hearing.

Mr. Powell to prepare proposed Order; Mr. Mugan to review as to form and content.

#### INTERIM CONDITIONS:

#### FUTURE HEARINGS:

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Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

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*RJC Courtroom 03H*

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*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Lunsford, Amy*

*Courtroom 24*

*Beecroft, Chris A., Jr.*

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*Courtroom 09*

*Foley, Carol*

*Yamashita, Wesley*

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*RJC Courtroom 03H*

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*RJC Level 5 Hearing Room*

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*RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

September 03, 2014

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P-09-066425-T      In the Matter of the Trust of:  
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

---

**September 03,  
2014**      **9:00 AM**

**HEARD BY:**    Bulla, Bonnie

**COURTROOM:**    RJC Level 5 Hearing  
Room

**COURT CLERK:**    Jennifer Lott

**PARTIES:**

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Kirk Lenhard, Attorney, not present
Fredrick Waid, Trustee, not present	Russel Geist, Attorney, not present
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

<b>JOURNAL ENTRIES</b>
------------------------

- If counsel are requesting an accounting of the Trust, they need to ask Judge Sturman. However, Commissioner does not believe counsel are there yet. Colloquy re: whether or not 65/35 split should have been inherited by the Granddaughters.

COMMISSIONER RECOMMENDED, as the Motion was presented today, it is DENIED WITHOUT PREJUDICE as this motion is premature; alternative relief discussed re: what should be turned over. Colloquy re: Form 706 estate tax return was produced but redacted. Arguments by counsel. Colloquy re: status of relationship of the parties. If Ms. Ahern wants to make a Motion an accounting at a later time, Commissioner will revisit the issue; however, it is highly unlikely that Commissioner would ever order production of financial documents, or distribution of the Trust that didn't involve 65/35 split.

Commissioner advised Mr. Lum to check what you have, and discuss information with Mr. Powell. Commissioner highly RECOMMENDED Ms. Ahern turn over information on the 35 percent so everyone knows what was reported from the oil leases.

COMMISSIONER RECOMMENDED, the Motion cannot be brought back to Commissioner's attention until the District Court Judge orders an accounting of the MTC Living Trust (include Caveat in Recommendation).

Mr. Powell to prepare the Report and Recommendations, and Mr. Lum to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Powell to appear at status check hearing to report on the Report and Recommendations.

10/10/14 11:00 a.m. Status Check: Compliance

#### **INTERIM CONDITIONS:**

#### **FUTURE HEARINGS:**

*Canceled: December 04, 2014 11:00 AM*

*Canceled: December 04, 2014 10:30 AM*

*Canceled: December 04, 2014 11:00 AM Status Check*

*Canceled: December 04, 2014 10:30 AM Status Check*

*Canceled: December 04, 2014 11:00 AM Status Check*

*Canceled: December 04, 2014 10:30 AM Status Check*

*Canceled: December 04, 2014 11:00 AM Status Check*

*Canceled: December 04, 2014 10:30 AM Status Check*

*Canceled: December 10, 2014 10:00 AM Motion to Enforce*

*Canceled: December 12, 2014 9:30 AM Hearing - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Courtroom 09*

*Foley, Carol*

*Yamashita, Wesley*

*Canceled: February 11, 2015 9:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Denman, Linda*



*Judge Sturman, Probate  
Esparza, Kerry  
RJC Courtroom 03H  
Sturman, Gloria*

*Canceled: February 20, 2015 11:00 AM  
Reason: Vacated*

*Bulla, Bonnie  
Lott, Jennifer  
RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM  
Reason: Vacated*

*Bulla, Bonnie  
Lott, Jennifer  
RJC Level 5 Hearing Room*

*Canceled: April 20, 2015 10:00 AM Motion for Withdrawal*

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Clerk*

*Denman, Linda  
Gonzalez, Elizabeth  
Esparza, Kerry  
RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike  
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Judge  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

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Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
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Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry*

*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

October 10, 2014

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**October 10, 2014      11:00 AM      Status Check**

**HEARD BY:**    Bulla, Bonnie

**COURTROOM:**    RJC Level 5 Hearing  
Room

**COURT CLERK:**    Alan Castle

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, not present

Fredrick Waid, Trustee, not present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal  
Representative, not present

Joseph Powell, Attorney, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

<b>JOURNAL ENTRIES</b>
------------------------

- COMMISSIONER RECOMMENDED, Mr. Powell to make \$100.00 CONTRIBUTION for Failing to Appear before the Discovery Commissioner; payment DUE to Clark County Pro Bono project (Legal Aid Center) 30 DAYS after Court signs the recommendation. Mr. Powell having failed to appear before the Discovery Commissioner and not having submitted a proper Report and Recommendations from the 9/03/14 hearing timely, COMMISSIONER RECOMMENDED, report is DUE Within ten (10) Days from this date. Counsel to submit proper DCRR by next status date or it will result in PROGRESSIVE SANCTIONS. FURTHER, Mr. Powell to make additional \$100.00 CONTRIBUTION for his failure to provide a proper, timely Report and Recommendations. Contributions are due to Legal Aid Center of Southern Nevada (Pro Bono Project) thirty (30) DAYS after Court signs the recommendation, a proof of \$200.00 payment must be submitted to the Discovery Commissioner. Status check set.

11/14/14 11:00 a.m. Status Check: Compliance/Progressive Sanctions

CLERK'S NOTE: The above minute order has been distributed to: Joseph Powell, Esq.(The Rushforth Firm. Ltd.), P.O. Box 371655, Las Vegas, NV 89137; joey@rushforth.net. ac/10/20/14.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: December 04, 2014 11:00 AM*

*Canceled: December 04, 2014 10:30 AM*

*Canceled: December 04, 2014 11:00 AM Status Check*

*Canceled: December 04, 2014 10:30 AM Status Check*

*Canceled: December 04, 2014 11:00 AM Status Check*

*Canceled: December 04, 2014 10:30 AM Status Check*

*Canceled: December 04, 2014 11:00 AM Status Check*

*Canceled: December 04, 2014 10:30 AM Status Check*

*Canceled: December 10, 2014 10:00 AM Motion to Enforce*

*Canceled: December 12, 2014 9:30 AM Hearing - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Courtroom 09*

*Foley, Carol*

*Yamashita, Wesley*

*Canceled: February 11, 2015 9:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Denman, Linda*

*Judge Sturman, Probate*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Sturman, Gloria*

*Canceled: February 20, 2015 11:00 AM*

*Reason: Vacated*

*Bulla, Bonnie*

*Lott, Jennifer*

*RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM*

*Reason: Vacated*

*Bulla, Bonnie*

*Lott, Jennifer*

*RJC Level 5 Hearing Room*

*Canceled: April 20, 2015 10:00 AM Motion for Withdrawal*

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk*

*Denman, Linda*

*Gonzalez, Elizabeth*

*Esparza, Kerry*

*RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

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*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*

Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
*Sturman, Gloria*  
*RJC Courtroom 03H*  
*Denman, Linda*  
*Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
*Esparza, Kerry*  
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*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
*Sturman, Gloria*  
*RJC Courtroom 03H*  
*Denman, Linda*  
*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

November 14, 2014

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**November 14,  
2014**

**11:00 AM**

**Status Check**

**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing  
Room

**COURT CLERK:** Jennifer Lott

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, not present

Fredrick Waid, Trustee, not present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal  
Representative, not present

Joseph Powell, Attorney, present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell  
Living Trust, dtd May 18, 1972, Trust, not  
present

<b>JOURNAL ENTRIES</b>
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- Commissioner read both letters. Mr. Powell stated Mr. Lum is no longer involved.

COMMISSIONER RECOMMENDED, matter CONTINUED; as soon as possible, Mr. Powell to prepare the Report and Recommendation from Sept. 3, 2014; counsel is relieved from obtaining Mr. Lum's signature.

Mr. Powell to prepare the Report and Recommendations, and submit it directly to Commissioner. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Powell to appear at status check hearing to report on the Report and Recommendations.



12/19/14 11:00 a.m. Status Check: Compliance

CLERK'S NOTE: Ms. Exley, Law Clerk to David Mann, appeared after court, and Commissioner provided the outcome.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: December 04, 2014 11:00 AM*

*Canceled: December 04, 2014 10:30 AM*

*Canceled: December 04, 2014 11:00 AM Status Check*

*Canceled: December 04, 2014 10:30 AM Status Check*

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*Canceled: December 10, 2014 10:00 AM Motion to Enforce*

*Canceled: December 12, 2014 9:30 AM Hearing - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Courtroom 09*

*Foley, Carol*

*Yamashita, Wesley*

*Canceled: February 11, 2015 9:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Denman, Linda*

*Judge Sturman, Probate*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Sturman, Gloria*

*Canceled: February 20, 2015 11:00 AM*

*Reason: Vacated*

*Bulla, Bonnie*

*Lott, Jennifer*

*RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM*

*Reason: Vacated*

*Bulla, Bonnie  
Lott, Jennifer  
RJC Level 5 Hearing Room*

*Canceled: April 20, 2015 10:00 AM Motion for Withdrawal*

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Clerk  
Denman, Linda  
Gonzalez, Elizabeth  
Esparza, Kerry  
RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike  
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Judge  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

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Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Sturman, Gloria*  
*RJC Courtroom 03H*  
*Denman, Linda*  
*Esparza, Kerry*

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*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

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*RJC Courtroom 03H*  
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*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**December 04, 2014**

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P-09-066425-T      In the Matter of the Trust of:  
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

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**December 04, 2014    10:30 AM                      Motion**

**HEARD BY:**    Sturman, Gloria

**COURTROOM:**    RJC Courtroom 03H

**COURT CLERK:**    Linda Denman

**PARTIES:**

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Kirk Lenhard, Attorney, not present
Fredrick Waid, Trustee, not present	Russel Geist, Attorney, not present
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

<b>JOURNAL ENTRIES</b>
------------------------

- PETITION FOR DETERMINATION OF CONSTRUCTION AND INTERPRETATION OF LANGUAGE RELATING TO TRUST NO. 2 . . . . . MOTION TO DISMISS COUNTERCLAIMS OF ELEANOR C. AHERN . . . . . PETITION FOR CONSTRUCTION AND EFFECT OF PROBATE COURT ORDER . . . . . STATUS CHECK: SETTLEMENT/TRIAL SETTING

COURT ORDERED all motions CONTINUED.

CONTINUED TO 1/14/2015 AT 10:00AM

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: December 04, 2014 11:00 AM*

*Canceled: December 04, 2014 10:30 AM*

*Canceled: December 04, 2014 11:00 AM Status Check*

*Canceled: December 04, 2014 10:30 AM Status Check*

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*Canceled: December 12, 2014 9:30 AM Hearing - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
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*Foley, Carol*

*Yamashita, Wesley*

*Canceled: February 11, 2015 9:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Denman, Linda*

*Judge Sturman, Probate*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Sturman, Gloria*

*Canceled: February 20, 2015 11:00 AM*

*Reason: Vacated*

*Bulla, Bonnie*

*Lott, Jennifer*

*RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM*

*Reason: Vacated*

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*Lott, Jennifer*

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*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Clerk*

*Denman, Linda*

*Gonzalez, Elizabeth*

*Esparza, Kerry*

*RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

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*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike*

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*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

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*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*

*Judge  
Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

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Esparza, Kerry  
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Denman, Linda  
Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing  
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Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Probate - Trust/Conservatorships

## COURT MINUTES

December 12, 2014

P-09-066425-T      In the Matter of the Trust of:  
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

December 12, 2014 9:30 AM Hearing - HM

**HEARD BY:** Yamashita, Wesley                      **COURTROOM:** Courtroom 09

**COURT CLERK:** Carol Foley

**PARTIES:**

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Kirk Lenhard, Attorney, not present
Fredrick Waid, Trustee, not present	Russel Geist, Attorney, not present
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

## JOURNAL ENTRIES

- Prior to the time set for hearing, COMMISSIONER RECOMMENDED, matter taken OFF CALENDAR.

**INTERIM CONDITIONS:**

### FUTURE HEARINGS:

*Canceled: December 12, 2014 9:30 AM Hearing - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Courtroom 09*



*Foley, Carol  
Yamashita, Wesley*

*Canceled: February 11, 2015 9:00 AM Motion  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Denman, Linda  
Judge Sturman, Probate  
Esparza, Kerry  
RJC Courtroom 03H  
Sturman, Gloria*

*Canceled: February 20, 2015 11:00 AM  
Reason: Vacated*

*Bulla, Bonnie  
Lott, Jennifer  
RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM  
Reason: Vacated*

*Bulla, Bonnie  
Lott, Jennifer  
RJC Level 5 Hearing Room*

*Canceled: April 20, 2015 10:00 AM Motion for Withdrawal*

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Clerk  
Denman, Linda  
Gonzalez, Elizabeth  
Esparza, Kerry  
RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Denman, Linda*

*Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

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Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

December 17, 2014

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**December 17, 2014 9:00 AM**

**Motion to Enforce**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, not present

Fredrick Waid, Trustee, not present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, present

Representative, not present

Kathryn Bouvier, Other, present

Whitney Warnick, Attorney, present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

**JOURNAL ENTRIES**

**- MOTION TO ENFORCE SETTLEMENT AGREEMENT**

Mr. Warnick explained the events leading up to Oct. 22, which included a Nevada Supreme Court (NSC) settlement conference that did not resolve the dispute but counsel left agreeing to continue to try and resolve the issues. The arbitrator held off reporting to the NSC in hope the parties could reach a resolution. On Oct. 22, all parties and their counsel met at attorney Jeffrey Burr's offices to take Jacqueline Montoya's deposition. Instead, they began to settle the matter and caucused back and forth with the family members, who were in separate offices, and with all the attorneys. Finally, at the end of the day, the parties reached a settlement agreement and the terms were put on the record by the court reporter. The NSC arbitrator was notified and submitted a report showing the matter settled. However, six (6) days later, Ms. Ahern fired her counsel and refused to accept the settlement. Counsel requested the Court enforce the settlement.

Ms. Renka argued the settlement was a conversation among attorneys and was not reduced to writing, was not signed by Ms. Ahern, and was not entered into the Court's record. Additionally, Ms. Ahern was not in the room when the terms were read into the record and the agreement is deficient in resolving back payments, delayed payments, Texas attorney's fees, and there are no provisions for handling Federal taxes. Ms. Renka concluded there was clearly no meeting of the minds and asked the Court to deny the Motion to Enforce. Upon the Court's questioning as to counsel's reliance on attorneys ability to negotiate with and bind their clients, Ms. Renka advised that there is a rebuttal presumption and Ms. Ahern's is that she never agreed to vacate Jacqueline Montoya's deposition; she was never able to visit with her Texas Advisors; and she did not know the current cost of gas and the tax consequences.

COURT FINDS the fact that Ms. Ahern was not present in the room when the terms were being announced and did not verbally agree to the settlement. The Court did express concern that Ms. Ahern does not realize the full implications should the case not go her way; for example, she may be required to pay attorney fees for her daughters and all costs. Further, the advice she is receiving from her Texas counsel regarding oil and gas law may not be in her best interest as to Nevada's probate law. COURT ORDERED Motion to Enforce DENIED.

Ms. Renka to prepare proposed Order; opposing counsel to review as to form and content.

#### **INTERIM CONDITIONS:**

#### **FUTURE HEARINGS:**

*Canceled: February 11, 2015 9:00 AM Motion*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
*Denman, Linda*  
*Judge Sturman, Probate*  
*Esparza, Kerry*  
*RJC Courtroom 03H*  
*Sturman, Gloria*

*Canceled: February 20, 2015 11:00 AM*  
*Reason: Vacated*

*Bulla, Bonnie*  
*Lott, Jennifer*  
*RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM*  
*Reason: Vacated*

*Bulla, Bonnie*  
*Lott, Jennifer*  
*RJC Level 5 Hearing Room*

*Canceled: April 20, 2015 10:00 AM Motion for Withdrawal*

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk*

*Denman, Linda  
Gonzalez, Elizabeth  
Esparza, Kerry  
RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

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Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry  
Denman, Linda*

*Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

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Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
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Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

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Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

December 19, 2014

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**December 19, 2014 11:00 AM**

**Status Check**

**HEARD BY:** Bulla, Bonnie

**COURTROOM:** RJC Level 5 Hearing  
Room

**COURT CLERK:** Alan Castle

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, not present

Fredrick Waid, Trustee, not present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal  
Representative, not present

Joseph Powell, Attorney, present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

<b>JOURNAL ENTRIES</b>
------------------------

- Colloquy. Discovery Commissioner Finds the Respondent's counsel will prepare the Report and Recommendations regarding the 9/03/14 hearing; Discovery Commissioner agrees that only current counsel need sign off on that report and recommendation and that all prior counsel are relieved from that obligation. Discovery Commissioner directed Mr. Powell to submit a cover letter with the Recommendations explaining the same. Status check set.

Ms. Wakayama advised the Court of difficulty in obtaining file from prior counsel. Counsel indicated Mr. Mann has not responded to transfer of file. Ms. Wakayama requested to file an emergency motion to compel Mr. Mann to produce the file to counsel. The Discovery Commissioner notes there is not sufficient time to hear the motion before the upcoming dispositive motions are due. Colloquy regarding actions taken by counsel and possibility of setting a phone conference. Counsel indicated she has contacted the State Bar. Colloquy regarding motion to enforce settlement.

PRINT DATE:	02/10/2016	Page 71 of 169	Minutes Date:
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Discovery Commissioner directed Ms. Wakayama to see if counsel could get a phone conference set up for next week.

1/09/15 11:00 a.m. Status Check: Compliance

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: February 11, 2015 9:00 AM Motion  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Denman, Linda  
Judge Sturman, Probate  
Esparza, Kerry  
RJC Courtroom 03H  
Sturman, Gloria*

*Canceled: February 20, 2015 11:00 AM  
Reason: Vacated*

*Bulla, Bonnie  
Lott, Jennifer  
RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM  
Reason: Vacated*

*Bulla, Bonnie  
Lott, Jennifer  
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*Canceled: April 20, 2015 10:00 AM Motion for Withdrawal*

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk  
Denman, Linda  
Gonzalez, Elizabeth  
Esparza, Kerry  
RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*RJC Courtroom 03F*  
*Chun, Sharon*  
*Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

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*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Sturman, Gloria*  
*RJC Courtroom 03H*  
*Denman, Linda*  
*Esparza, Kerry*

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*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

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*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing

Esparza, Kerry

Denman, Linda

Sturman, Gloria

Esparza, Kerry

RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**January 09, 2015**

---

P-09-066425-T      In the Matter of the Trust of:  
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

---

**January 09, 2015      11:00 AM**

**HEARD BY:**    Bulla, Bonnie

**COURTROOM:**    RJC Level 5 Hearing  
Room

**COURT CLERK:**    Jennifer Lott

**PARTIES:**

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Kirk Lenhard, Attorney, not present
Fredrick Waid, Trustee, not present	Russel Geist, Attorney, not present
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

<b>JOURNAL ENTRIES</b>
------------------------

- Report and Recommendation was returned to counsel Dec. 2, 2014. Mr. Powell will resubmit Report and Rec. shortly. Colloquy re: the change in counsel. No Trial date.

COMMISSIONER RECOMMENDED, matter CONTINUED; Mr. Powell to prepare the Report and Recommendations. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Powell to appear at status check hearing to report on the Report and Recommendations.

2/20/15    11:00 a.m.    Status Check: Compliance

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: February 11, 2015 9:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Denman, Linda*

*Judge Sturman, Probate*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Sturman, Gloria*

*Canceled: February 20, 2015 11:00 AM*

*Reason: Vacated*

*Bulla, Bonnie*

*Lott, Jennifer*

*RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM*

*Reason: Vacated*

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*Gonzalez, Elizabeth*

*Esparza, Kerry*

*RJC Courtroom 14C*

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*Canceled: August 05, 2015 1:30 PM Motion*

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*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

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*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

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*Sturman, Gloria*  
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*Denman, Linda*  
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*RJC Courtroom 03H*

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*Sturman, Gloria*  
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*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

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*RJC Courtroom 03H*  
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*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

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*Sturman, Gloria*  
*RJC Courtroom 03H*  
*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing

Esparza, Kerry

Denman, Linda

Sturman, Gloria

Esparza, Kerry

RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

January 14, 2015

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**January 14, 2015**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, not present

Fredrick Waid, Trustee, not present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

**JOURNAL ENTRIES**

- MOTION FOR LEAVE TO AMEND PLEADINGS OF JACQUELINE M. MONTOYA AND KATHRYN A. BOUVIER FOR CLAIMS, DEFENSES, DAMAGES AND ASSESSMENT OF PENALTIES, AND FOR OTHER RELIEF AGAINST ELEANOR CONNELL HARTMAN AHERN

OPPOSITION & COUNTERMOTION OF KATHRYN A. BOUVIER AND JACQUELINE M. MONTOYA FOR SUMMARY JUDGMENT OF PETITION FOR DECLARATION JUDGMENT, FOR DAMAGES AND ASSESSMENT OF PENALTIES AND FOR OTHER RELIEF

STATUS CHECK: PETITION FOR DETERMINATION OF CONSTRUCTION AND INTERPRETATION OF LANGUAGE RELATING TO TRUST NO. 2

STATUS CHECK: MOTION TO DISMISS COUNTERCLAIMS OF ELEANOR C. AHERN



STATUS CHECK: PETITION FOR CONSTRUCTION AND EFFECT OF PROBATE COURT ORDER

Counsel confirmed that the Will contest in companion case P-080595-E, In the Matter of Marjorie Connell, Deceased has been dismissed with prejudice by stipulation and order and that case can be closed. COURT SO ORDERED.

As to the matters scheduled for today, Court and counsel agreed to reserve a special date for hearing all matters that were stayed in this case while the Will contest was pending. Parties expressed some confusion over what the Court was to hear today and the Court stated that courtesy copies had not been delivered on all pleadings. Counsel agreed to prepare an itemized list and to contact the law clerk to make sure all pleadings were available. Mr. Powell discussed certain pleadings that were dismissed with prejudice to be renewed later that he would like the Court to reconsider. Court requested he renotice and encourage the parties to work together to make sure that all matters were before the Court. COURT ORDERED hearing date SET.

CONTINUED TO 1/30/2015 AT 10:00AM

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: February 11, 2015 9:00 AM Motion*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
*Denman, Linda*  
*Judge Sturman, Probate*  
*Esparza, Kerry*  
*RJC Courtroom 03H*  
*Sturman, Gloria*

*Canceled: February 20, 2015 11:00 AM*  
*Reason: Vacated*

*Bulla, Bonnie*  
*Lott, Jennifer*  
*RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM*  
*Reason: Vacated*

*Bulla, Bonnie*  
*Lott, Jennifer*  
*RJC Level 5 Hearing Room*

*Canceled: April 20, 2015 10:00 AM Motion for Withdrawal*

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk*

Denman, Linda  
Gonzalez, Elizabeth  
Esparza, Kerry  
RJC Courtroom 14C

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley

*Canceled: August 19, 2015 9:00 AM Motion to Strike*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

*Canceled: October 14, 2015 9:00 AM Status Check*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*  
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*Judge*  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

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*Esparza, Kerry*

*RJC Courtroom 03H*

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*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

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*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

January 16, 2015

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

January 16, 2015

9:30 AM

Motion - HM

HEARD BY: Yamashita, Wesley

COURTROOM: Courtroom 09

COURT CLERK: Carol Foley

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, not present

Fredrick Waid, Trustee, not present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, not present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

**JOURNAL ENTRIES**

- Prior to the time set for hearing, COMMISSIONER RECOMMENDED, matter taken OFF  
CALENDAR.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: February 11, 2015 9:00 AM Motion*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Denman, Linda*

*Judge Sturman, Probate*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Sturman, Gloria*

PRINT DATE: 02/10/2016

Page 83 of 169

Minutes Date:

September 04, 2009

*Canceled: February 20, 2015 11:00 AM*  
*Reason: Vacated*

*Bulla, Bonnie*  
*Lott, Jennifer*  
*RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM*  
*Reason: Vacated*

*Bulla, Bonnie*  
*Lott, Jennifer*  
*RJC Level 5 Hearing Room*

*Canceled: April 20, 2015 10:00 AM Motion for Withdrawal*

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk*  
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*Gonzalez, Elizabeth*  
*Esparza, Kerry*  
*RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*RJC Courtroom 03F*  
*Chun, Sharon*  
*Yamashita, Wesley*

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*RJC Courtroom 03F*  
*Chun, Sharon*  
*Yamashita, Wesley*

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*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

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*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

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*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing*

*Esparza, Kerry*

Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

January 30, 2015

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P-09-066425-T      In the Matter of the Trust of:  
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

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**January 30, 2015      10:00 AM**

**HEARD BY:**    Sturman, Gloria

**COURTROOM:**    RJC Courtroom 03H

**COURT CLERK:**    Linda Denman

**PARTIES:**

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Kirk Lenhard, Attorney, not present
Fredrick Waid, Trustee, not present	Russel Geist, Attorney, not present
Jacqueline Montoya, Other, Personal Representative, present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

<b>JOURNAL ENTRIES</b>
------------------------

**- EVIDENTIARY HEARING ON PENDING MOTIONS**

Court and counsel discussed the outstanding Petitions and Motions that were stayed when the Will contest in the related probate case was set. Counsel agreed that certain responsive pleadings are subsumed in Countermotions for Summary Judgment and will be designated as moot. Counsel argued their respective positions. Ms. Wakayama showed a power point presentation during opening statements; a hard copy of which has been marked as Court Exhibit 1. Mr. Warnick and Mr. Powell prepared a notebook of all relevant information and that will be designed Court Exhibit 2.

COURT STATED ITS FINDINGS the record is replete with the fact that Eleanor received approximately 35% of the Texas oil and gas leases and Marjorie received approximately 65% for 30 years. Additionally, for four years following Marjorie's death, Eleanor continued to receive approximately 35% of the asset and Marjorie's heirs received her share. Eleanor did not assert any



claim or right, and there is no mention in the record, that upon Marjorie's death she would receive 100% of the income from that asset. W.C.'s separate property changed between the initiation of the Trust and his death 7 years later and some property was conveyed directly to Eleanor. Additionally, the Trust terms that refer to separate property do not mean only the Texas oil and gas leases--that was the only separate property he had at the time of his death; all other separate property having been previously conveyed to Eleanor. Additionally, tax records do not support Eleanor's position as the percentage claimed by Marjorie was not reported as a gift. Court further notes that W.C. prepared a sound Trust document that kept this valuable income producing asset in his family, protected from taxes, and third party outsiders.

COURT ORDERED Opposition to Eleanor C. Ahern's Motion to Dismiss Petition for Declaratory Judgment for Failure to State a Claim Upon Which Relief Can Be Granted; and, Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment on Petition for Declaratory Judgment, for Damages and Assessment of Penalties, and for Other Relief GRANTED. Subsumed in this motion are the original Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets filed 9/27/13; Petition for Construction and Effect of Probate Court Order, filed 3/26/14; Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2, filed 3/27/14, and Petition to Compel Trustee to Distribute Accrued Income and Future Income Received From Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches, which will all be resulted as Granted. As to the claims asserted in Jacqueline and Kathryn's Motion for Summary, COURT FURTHER ORDERED Breach of Fiduciary Duty claim DENIED; Removal of Eleanor as Trustee RESERVED RULING for further briefing; and request for attorney's fees RESERVED RULING as this request is premature.

COURT FURTHER ORDERED Eleanor Ahern's Answer to Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets and for Failure to State a Claim Upon Which Relief Can Be Granted and Counterclaims Against Jacqueline M. Montoya DENIED. Specifically, COURT FINDS neither side violated the No-Contest provisions as the Court was the property entity to deal with the complicated good faith disputes. COURT FURTHER FINDS Intentional Interference claim DENIED WITHOUT PREJUDICE. Additionally, Motion to Dismiss and Motion to Strike Counterclaims Raised by Eleanor C. Ahern Pursuant to NRCP 15 and NRCP 12(B) and Motion to Dismiss Counterclaims of Eleanor C. Ahern GRANTED.

COURT FURTHER ORDERED Eleanor's Omnibus Opposition to 1) Petition for Determination of Construction and Interest of Language Relating to Trust No. 2, and 2) Petition for Construction and Effect of Probate Court Order; and Countermotion for Summary Judgment, filed 1/2/15, DENIED. As a result of the rulings on the above-referenced Motions, Petitions, and Countermotions, COURT ORDERED oil and gas revenues held pending the resolution of this matter RELEASED and DISTRIBUTED to Jacqueline and Kathryn thirty (31) days after Notice of Entry of Order.

COURT FURTHER ORDERED Motion for Leave to Amend Pleadings of Jacqueline M. Montoya and Kathryn A. Bouvier for Claims, Defenses, Damages, and Assessment of Penalties, and for Other Relief Against Eleanor Connell Hartman Ahern MOOT. Ms. Renka raised an objection to the claims raised

by Jacqueline and Kathryn stating they were not raised in the original Petition and never properly asserted in a mandatory responsive pleading. They never answered nor raised any affirmative defenses within the time allowed. Mr. Powell argued the claims were raised in various motions and petitions. COURT OVERRULED the objection, finding the stay imposed while the Will contest was underway left some responsive pleadings pending but the parties' agreement to subsume responsive motions renders this objection moot.

Court and counsel discussed the possibility of filing the final Order under seal in order to protect any confidential financial information. Both parties agreed they would abide by NSC Rule 3 and submit an Order.

COURT ORDERED hearing SET; further issues to finalize are accounting of the money from the time disbursements ceased to when the money was ordered held; removal of Eleanor as trustee; attorney fees; and the best way for the Trust to continue. Parties can submit briefs on the respective issues.

3/20/2015 AT 10:00AM HEARING

#### **INTERIM CONDITIONS:**

#### **FUTURE HEARINGS:**

*Canceled: February 11, 2015 9:00 AM Motion*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
*Denman, Linda*  
*Judge Sturman, Probate*  
*Esparza, Kerry*  
*RJC Courtroom 03H*  
*Sturman, Gloria*

*Canceled: February 20, 2015 11:00 AM*  
*Reason: Vacated*

*Bulla, Bonnie*  
*Lott, Jennifer*  
*RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM*  
*Reason: Vacated*

*Bulla, Bonnie*  
*Lott, Jennifer*  
*RJC Level 5 Hearing Room*

*Canceled: April 20, 2015 10:00 AM Motion for Withdrawal*

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*

*Clerk  
Denman, Linda  
Gonzalez, Elizabeth  
Esparza, Kerry  
RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

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*Esparza, Kerry*

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*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

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*Sturman, Gloria*

*RJC Courtroom 03H*

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*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

February 18, 2015

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P-09-066425-T      In the Matter of the Trust of:  
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

---

**February 18, 2015      9:30 AM      Motion**

**HEARD BY:**    Bulla, Bonnie      **COURTROOM:**    RJC Level 5 Hearing  
Room

**COURT CLERK:**    Jennifer Lott

**PARTIES:**

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Kirk Lenhard, Attorney, not present
Fredrick Waid, Trustee, not present	Russel Geist, Attorney, not present
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

<b>JOURNAL ENTRIES</b>
------------------------

- David Mann, Esquire, present.

Argument by Ms. Wakayama; statements in Reply should be stricken, and confidential information must be sealed and preserved. No objection by Mr. Mann as issue will be worked out at the State Bar level. Commissioner advised counsel bring a proper Motion to Strike Portions of Pleading to Judge Sturman as Commissioner does not have enough information to do so today.

Commissioner advised counsel Summary Judgment was entered, the Will contest was Dismissed by Stipulation, and the issue is Moot. Ms. Wakayama stated a Hearing is set before Judge Sturman March 20th on Breach of Fiduciary Duty, and the other side requested Attorney Fees. Argument by Mr. Mann. Commissioner advised counsel a request can be made to Judge Sturman not to rule on Motion pending resolution of issues before the State Bar.

COMMISSIONER RECOMMENDED, motion is DENIED WITHOUT PREJUDICE.

Mr. Mann to prepare the Report and Recommendations, and Ms. Wakayama to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Mann to appear at status check hearing to report on the Report and Recommendations.

3/20/15 11:00 a.m. Status Check: Compliance

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: February 20, 2015 11:00 AM  
Reason: Vacated*

*Bulla, Bonnie  
Lott, Jennifer  
RJC Level 5 Hearing Room*

*Canceled: April 17, 2015 11:00 AM  
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Yamashita, Wesley*

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*Denman, Linda*  
*Sturman, Gloria*  
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*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*  
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*Denman, Linda*  
*Sturman, Gloria*  
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*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

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*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
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*RJC Courtroom 03H*  
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*Esparza, Kerry*

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*Sturman, Gloria*  
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*RJC Courtroom 03H*

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*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

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*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

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*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing

Esparza, Kerry

Denman, Linda

Sturman, Gloria

Esparza, Kerry

RJC Courtroom 03H



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

March 20, 2015

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

March 20, 2015

10:00 AM

Hearing

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, not present

Fredrick Waid, Trustee, not present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, present

Representative, present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not present

<b>JOURNAL ENTRIES</b>
------------------------

**- PROBATE HEARING**

Court clarified the items to be discussed and resolve at today's hearing include finalizing accounting from time disbursements stopped to date when Court ordered money held; request to remove Eleanor Ahern as Trustee; request for attorney fees, and the future structure of the trust.

As to the accounting, Counsel argued the scope of the Court's prior Order granting payment of Administrative Expenses, Insurance Premiums, and taxes paid on a pro rata basis. Mr. Warnick argued the 6% trustee fees were excessive, the overhead expenses were unnecessary, the deposit with Capital Fidelity Investment questionable, money deposited in Eleanor's personal Texas attorney's trust fund comingled, and money invested in a California firm for a foundation self-serving. Ms. Wakayama defended the accounting saying Ms. Ahern was personally involved in several transactions in Texas that resulted in \$3.6 million for the Trust. It is an acceptable practice to

reimburse a trustee for such costs as travel, computers, time, etc., and 6% is a common charge. The overhead charge includes office space for her and advisors who have been assisting her with tax problems and investment opportunities, and that she acted in good faith in assessing these reasonable expenses.

As to Eleanor's removal as trustee, Counsel argued whether she breached her fiduciary duties. Mr. Powell argued that Eleanor's actions in stopping beneficiary distributions without Court approval was self-dealing and she should have recused herself as Trustee and let a third-party neutral act while she sought to have herself named as the sole beneficiary. Ms. Wakayama pointed out that Eleanor had been co-trustee of Marjorie's trust since 1980 and the objectors were designated contingent beneficiaries. She simply asserted her rights to take the entire income. Following the Court's Order, Eleanor has made sure that \$2 million is being held and once this situation is resolved the money will be distributed as ordered. She concluded that Eleanor has only taken her 35% of the income and the balance less 65% expenses is being held.

As to the future of the trust, Counsel stated they agreed that splitting the trust would cause unnecessary administrative expenses and could possible jeopardize dealings with oil companies.

As to attorney fees, Ms. Wakayma argued counsel did not analyze their request against the Brunzell standards.

As to the administrative fees in the accounting, COURT STATED ITS FINDINGS that while Eleanor may be entitled to be paid for her time, the amount she accounts for as her fee is excessive and unreasonable, being more in line with a corporate trustee, and that also charging overhead for staff and office space is not appropriate. Additionally, COURT FINDS that Capital Fidelity Investments does not satisfy the standards of the Uniform Prudent Investors Act. Finally, the Court also finds the \$37,000 payment was already accounted for and should be credited to the 65% trust. COURT ORDERED accounting expenses AMENDED AND REDUCED by \$218,000 for administrative expenses and \$24,000 for double billing. COURT FURTHER ORDERED the \$500,000 investment in Capital Fidelity withdrawn and immediately placed in a more appropriate, federally insured vehicle.

As to the removal of Eleanor as Trustee for breach of fiduciary duties, COURT FINDS a breach of fiduciary duties to the 65% trust beneficiaries since she acted without Court permission in stopping distribution without proper notice or Court approval. COURT ORDERED Eleanor Ahern REMOVED as Trustee as to the 65% trust.

As to the future of the trust, COURT STATED ITS FINDINGS that ultimately the only resolution may be to split the trust and allow each party to manage their own money; however for the present, the trust needs to remain whole through this litigation. COURT ORDERED Eleanor Ahern TEMPORARILY REMOVED as Trustee over the 35% Trust; Court will APPOINT an independent third party as trustee over the entire trust. Counsel discussed either Premier Trust or Fred Waid and they will each provide the Court with their client's choice by Tuesday, March 24, 2015.

As to attorney fees, COURT ORDERED request GRANTED; counsel to file appropriate motion with redacted billing statements in ten (10) days including an analysis of the Brunzell factors; opposition due ten (10) days following; reply due five (5) days following. COURT FURTHER ORDERED hearing SET.

Mr. Warnick to prepare proposed Order; Ms. Wakayama to review as to form and content.

5/13/2015 at 9:00AM MOTION FOR ATTORNEY FEES AND COSTS

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: April 17, 2015 11:00 AM*

*Reason: Vacated*

*Bulla, Bonnie*

*Lott, Jennifer*

*RJC Level 5 Hearing Room*

*Canceled: April 20, 2015 10:00 AM Motion for Withdrawal*

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk*

*Denman, Linda*

*Gonzalez, Elizabeth*

*Esparza, Kerry*

*RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Sturman, Gloria*  
*RJC Courtroom 03H*  
*Denman, Linda*  
*Esparza, Kerry*

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*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

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*RJC Courtroom 03H*

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*Esparza, Kerry*

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*Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**March 20, 2015**

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P-09-066425-T      In the Matter of the Trust of:  
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

---

**March 20, 2015      11:00 AM**

**HEARD BY:**    Bulla, Bonnie

**COURTROOM:**   RJC Level 5 Hearing  
Room

**COURT CLERK:**   Jennifer Lott

**PARTIES:**

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Kirk Lenhard, Attorney, not present
Fredrick Waid, Trustee, not present	Russel Geist, Attorney, not present
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

<b>JOURNAL ENTRIES</b>
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- Dale Hayes, Esquire, and David Mann, Esquire, present.

Report and Recommendation was submitted, returned to counsel, and Mr. Mann will resubmit it shortly.

COMMISSIONER RECOMMENDED, matter CONTINUED; Mr. Mann to prepare the Report and Recommendations. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Mann to appear at status check hearing to report on the Report and Recommendations.

4/17/15 11:00 a.m. Status Check: Compliance

PRINT DATE:	02/10/2016	Page 101 of 169	Minutes Date:	September 04, 2009
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**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: April 17, 2015 11:00 AM  
Reason: Vacated*

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Lott, Jennifer  
RJC Level 5 Hearing Room*

*Canceled: April 20, 2015 10:00 AM Motion for Withdrawal*

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing  
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Denman, Linda  
Gonzalez, Elizabeth  
Esparza, Kerry  
RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
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Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

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*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing*



Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**March 26, 2015**

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P-09-066425-T      In the Matter of the Trust of:  
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

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**March 26, 2015      11:00 AM      Telephonic Hearing**

**HEARD BY:**    Sturman, Gloria      **COURTROOM:**    RJC Courtroom 03H

**COURT CLERK:**    Linda Denman

**PARTIES:**

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Kirk Lenhard, Attorney, not present
Fredrick Waid, Trustee, not present	Russel Geist, Attorney, not present
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

<b>JOURNAL ENTRIES</b>
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**- TELEPHONE CONFERENCE**

Also present Dale Hayes, Esq. for Petitioner and Jeff Johnston, Esq., Texas counsel for Petitioner. Ms. Wakayama requested the Court's guidance on whether or not Mr. Johnston could proceed with negotiations regarding PSA's, Pioneer Easement, and Apache lease since the Court was going to assign a third party neutral as trustee while the matter is in litigation. She expressed concern that opposing counsel was reluctant to stipulate to the confidentiality aspect. Mr. Johnston advised that Texas law vests title to the property in the trustee. The leases in question are due for renewal the first part of April and he expressed concern that a new trustee would not be in place when the agreements needed to be executed.

COURT STATED Mr. Johnston's competency in representing the trust in these negotiations was not in question and appreciated the hard work he was doing on behalf of this family. COURT ORDERED

PRINT DATE:	02/10/2016	Page 105 of 169	Minutes Date:	September 04, 2009
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Frederick Waid APPOINTED as trustee. As to the problems the parties raised, the COURT FURTHER ORDERED beneficiaries Montoya and Bouvier be kept informed of all negotiations; that Montoya and Bouvier be cautioned they cannot discuss or convey in any way confidential information told to them by their attorney to other family members; and that Mr. Johnston is to proceed in his negotiations and work with Mr. Waid once he is in place. Court clarified that if any agreements need to be signed prior to Mr. Waid's placement, whoever is so authorized at the time may sign.

Mr. Warnick to prepare Order appointing Frederick Waid as Trustee. Ms. Wakayama to prepare proposed Order regarding this hearing and/or the confidential agreement as discussed.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: April 17, 2015 11:00 AM*  
*Reason: Vacated*

*Bulla, Bonnie*  
*Lott, Jennifer*  
*RJC Level 5 Hearing Room*

*Canceled: April 20, 2015 10:00 AM Motion for Withdrawal*

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk*  
*Denman, Linda*  
*Gonzalez, Elizabeth*  
*Esparza, Kerry*  
*RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*RJC Courtroom 03F*  
*Chun, Sharon*  
*Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*RJC Courtroom 03F*  
*Chun, Sharon*  
*Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike*

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*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check*  
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*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
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*RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*  
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*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
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*RJC Courtroom 03H*  
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*Esparza, Kerry*

*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing

Esparza, Kerry

Denman, Linda

Sturman, Gloria

Esparza, Kerry

RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**April 14, 2015**

---

P-09-066425-T      In the Matter of the Trust of:  
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

---

**April 14, 2015      9:00 AM**

**HEARD BY:**    Sturman, Gloria

**COURTROOM:**    RJC Courtroom 03H

**COURT CLERK:**    Linda Denman

**PARTIES:**

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Kirk Lenhard, Attorney, not present
Fredrick Waid, Trustee, present	Russel Geist, Attorney, not present
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

<b>JOURNAL ENTRIES</b>
------------------------

- TRUSTEE ELEANOR CONNELL-HARTMAN-AHERN'S MOTION TO STAY PENDING APPEAL ON OST

After the Court clarified its previous ruling that the newly appointed third-party trustee has full discretion to handle pending agreements in any way he believes best suits the trust, Ms. Renka withdrew her Motion to Stay. Mr. Waid advised he has discovered Ms. Ahern has deposited trust funds into a bank account with the assumption she will be given a line of credit to post a supersedeas bond. He asked the Court to issue an Order to Show Cause if all the monies he has traced thus far are not immediately returned to the trust. Ms. Renka advised she only learned of this situation prior to today's hearing.

Following discussion by counsel, COURT STATED ITS FINDINGS that Eleanor Ahern, as former trustee of the W. N. Connell and Marjorie T. Connell Living Trust, has not acted in good faith in

complying with the Court's previous orders. Particularly, Ms. Ahern has not turned over all trust funds to the trustee, Fred Waid, and has not shown good faith in her representations to her counsel. COURT ORDERED former trustee, Eleanor Ahern, by close of business, Friday 17, 2015 to turn over all trust funds to trustee Fred Waid. FURTHER COURT ORDERED Ms. Ahern is to agree to a time within the next two weeks to be deposed by the trustee, as well as anyone she has designated as her power of attorney. Additionally, Ms. Ahern is to bring all records, accounts, and any other relevant material with her to the deposition. COURT FURTHER ORDERED an Order to Show Cause Hearing SET; if needed, in the event all trust funds are not given to the trustee by the Friday deadline.

Ms. Renka to prepare proposed Order withdrawing her motion; Mr. Moody to prepare proposed Order to Show Cause.

4/22/2015 at 10:30am ORDER TO SHOW CAUSE Why Eleanor Ahern Should Not Be Held in Contempt of Court for Failing to Following Court's Orders.

#### **INTERIM CONDITIONS:**

#### **FUTURE HEARINGS:**

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Reason: Vacated*

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Lott, Jennifer  
RJC Level 5 Hearing Room*

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*RJC Courtroom 03H*  
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Sturman, Gloria  
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RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

April 14, 2015

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**April 14, 2015**

**4:30 PM**

**Telephonic Hearing**

**HEARD BY:** Sturman, Gloria; Judge Sturman,  
Probate

**COURTROOM:**

**COURT CLERK:** Linda Denman

**PARTIES:**

David Mann, Other, not present

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, present

Jacqueline Montoya, Other, Personal  
Representative, not present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

Pro Se

Kirk Lenhard, Attorney, not present

Russel Geist, Attorney, not present

Joseph Powell, Attorney, present

Joseph Powell, Attorney, present

<b>JOURNAL ENTRIES</b>
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**- EMERGENCY TELEPHONIC CONFERENCE**

Ms. Wakayama notified the Court of Marquis, Aurbach's decision to immediately withdraw as counsel for Eleanor Ahern. After reading the local rules, Court stated they needed to make a written motion and include all last known contact information for Ms. Ahern. Upon request of counsel, COURT ORDERED a time would be set aside for a hearing on their motion as long as their motion was delivered, signed and filed allowing one judicial day of notice. Mr. Waid also inquired as to whether he could try and contact Ms. Ahern directly and the Court advised he is her trustee as well and he can speak with her directly. Upon inquiry of Mr. Waid as to the trust file, Ms. Wakayama advised Mr. Mann was still holding the file but she would relay to him that instead of turning over the file to Ms. Ahern, he needed to give it to Mr. Waid.

4/20/2015 at 10:00am MARQUIS AURBACH'S MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR ELEANOR AHERN (Time set aside).

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: April 17, 2015 11:00 AM  
Reason: Vacated*

*Bulla, Bonnie  
Lott, Jennifer  
RJC Level 5 Hearing Room*

*Canceled: April 20, 2015 10:00 AM Motion for Withdrawal*

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk  
Denman, Linda  
Gonzalez, Elizabeth  
Esparza, Kerry  
RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Esparza, Kerry  
Denman, Linda*

*Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**April 20, 2015**

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**April 20, 2015**

**10:00 AM**

**Motion for Withdrawal**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Shelly Landwehr

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, not present

Fredrick Waid, Trustee, not present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, present

Representative, present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

**JOURNAL ENTRIES**

- Renka, Candice F. Attorney for Petitioner Eleanor Ahern

Hayes, Dale present for Petitioner Eleanor Ahern

Waid, Fredrick Trustee

Warnick, Whitney B. Attorney for Kathryn Bouvier

Guist, Russell Attorney for Trustee

Powell, Joseph J Attorney for Jacqueline Montoya

Montoya, Jacqueline

Ms. Wakayama stated the law firm is everyday learning more and more information from the newly appointed trustee that was never known before and every day the law firm is placed into the most uncomfortable of circumstances and can no longer ethically represent Mrs. Ahern s interests and can no longer present evidence to this Court that it has no way of determining its accuracy. Ms.

Wakayama invoked counsels rights and stated they are honoring their duty under Rule 1.16(a) to

PRINT DATE: 02/10/2016

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Minutes Date:

September 04, 2009

immediately withdraw as counsel.

Court noted received a written opposition from Mr. Waid and inquired of the other parties. Mr. Powell stated he did not have a position.

Mr. Guist argued regarding EDCR 7.40(c) and Rule 1.16 (b)(1) and stated there are deadlines forthcoming, and Mrs. Has a show cause hearing on 4/22/15 regarding the unreturned funds to the Trust. Lastly, this Court ordered a deposition of Mrs. Ahern to be taken by 4/28, regarding the Trust funds. Mr. Guist stated he is prepared to take the deposition and stated his concern if Mrs. Ahern is left without counsel, she might act against her own best interests if she were to be deposed and if she were to appear at the show cause hearing, unrepresented. Mr. Guist further argued any delay in the upcoming deadlines would be adverse to the other beneficiaries of the Trust. Mr. Guist stated now is not the right time and argued there should be a substitution of counsel in place and argued for denial of the motion, pending substitution.

Court stated Marquis Aurbach Coffing s position is, their withdrawal is mandatory under the rules and inquired regarding the Court s options. Mr. Guist the motion did not need to be denied permanently and in the interim of substitution of counsel, Marquis Aurbach Coffing could facilitate the deposition without compromising what they believe to be representations to the Court. As to appearing for the hearing, although there would be some advocacy there, that advocacy would not necessitate making any representations that are false and haven t already been aware of. Lastly, Mr. Guist stated there is a possibility that funds from the Trust were possibly used to pay a retainer to Marquis Aurbach Coffing and there is a concern about not being able to investigate that.

Ms. Wakayama argued their ethical obligations trump any local rule. Further, Ms. Wakayama stated it does not believe this Court is in a position to force this law firm to continue to represent Mrs. Ahern and put the law firm in a position where it may be violating the ethical rules so that Mr. Waid can do his investigation. Ms. Wakayama stated Mrs. Ahern cannot be adequately defended due to the complete breakdown in communication and stated the law firm has done what they can to get Mrs. Ahern substitute counsel, and Mrs. Ahern has recently met with counsel. As for certain fees paid to the firm, Ms. Wakayama stated, again, that is brand new information and it is the law firm s position that they are a bona fide purchaser and had no knowledge of the source of this income.

Following further arguments of counsel regarding records for the Trust. Representations by Mr. Waid. Ms. Renka raised concerns regarding a former trustee appealing decisions of this Court and a new successor trustee appointed and the serious potential conflict as well as the concerns with jurisdictional issues. Mr. Guist argued this Court has jurisdiction over the Trust and all its records and over Mrs. Ahern as the former trustee and to compel her to turn over those records.

COURT ORDERED, Motion to Withdraw GRANTED.

COURT FURTHER SIGNED in OPEN COURT, Order Confirming Successor Trustee and Order

Compelling Eleanor Ahern To Turn Over Trust Records To Acting Successor Trustee, SIGNED in OPEN COURT. COURT FURTHER ORDERED, with respect to any documents being held in the file Marquis Aurbach Coffing they are to be turned over in the form of any documents that should be in the possession of the trustee and any documents that counsel feels has an attorney/client privilege, should be noted in a privileged index.

Mr. Waid requested to be present via Court Call for the Order to Show Cause hearing, and requested the hearing be conducted under seal. COURT SO ORDERED.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: April 20, 2015 10:00 AM Motion for Withdrawal*

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk*

*Denman, Linda*

*Gonzalez, Elizabeth*

*Esparza, Kerry*

*RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*



*Canceled: October 14, 2015 9:00 AM Status Check*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
*Sturman, Gloria*  
*RJC Courtroom 03H*  
*Denman, Linda*  
*Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
*Sturman, Gloria*  
*RJC Courtroom 03H*  
*Denman, Linda*  
*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*  
*Judge*  
*Esparza, Kerry*  
*Denman, Linda*

*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**April 22, 2015**

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**April 22, 2015**

**10:30 AM**

**Order to Show Cause**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, present

Pro Se

Fredrick Waid, Trustee, present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, present

Representative, present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not present

<b>JOURNAL ENTRIES</b>
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- ORDER TO SHOW CAUSE WHY ELEANOR AHERN SHOULD NOT BE HELD IN CONTEMPT OF COURT

Mr. Moody advised the Court that the former trustee, Eleanor Ahern, failed to deliver to the successor trustee the trust information and assets this Court ordered. He added Mr. Waid discovered she has given power of attorney to two individuals described as her spiritual advisors. Additionally, the money vested in Fidelity Capital was not returned to the trust and the Texas attorney handling the Trust's interests will not cooperate with Mr. Waid. In an effort to preserve the assets, the successor trustee is proposing a Guardian Ad Litem be appointed over Eleanor's estate. Mr. Waid stated that his investigation of the Texas attorney is ongoing but he has uncovered some potential problems with respect to the recent agreements entered into for leases and attorney fees.

Ms. Patterson explained her firm was retained yesterday to represent Mr. Ahern and she is

PRINT DATE:	02/10/2016	Page 122 of 169	Minutes Date:
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authorized to release information Mr. Waid requests. Additionally, without a written motion to appoint a guardian ad litem, she requested the Court defer any further argument on that request. As to the Order to Show Cause and any possible criminal sanctions against Ms. Ahern, Ms. Patterson clarified that, since the contempt did not occur in the Court's presence, an affidavit is required and the matter heard by a different district court judge. She concluded that she intends to work with the trustee and counsel to resolve all concerns. Court acknowledged Ms. Patterson's understanding and explained the defiance their client has exhibited in her reaction to orders. The purpose of this hearing was to impress on Ms. Ahern the serious consequences of her oppositional behavior. The Court also stated that the consequences imposed come from the Court and not from her daughters or the successor trustee. COURT ORDERED oral motion for appointment of guardian ad litem DENIED; any such request needs to be put in writing with an Affidavit. Ms. Patterson and Mr. Waid agreed to meet on Friday, April 24 to go over the missing trust information and assets. If the meeting is not successfully resolved to Mr. Waid's satisfaction, he can pursue other avenues no earlier than May 4, 2015. Mr. Powell also stated that the beneficiaries are also retaining their rights to pursue action against Ms. Ahern if necessary.

#### INTERIM CONDITIONS:

#### FUTURE HEARINGS:

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk*

*Denman, Linda*

*Gonzalez, Elizabeth*

*Esparza, Kerry*

*RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Denman, Linda*

*Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
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Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**May 13, 2015**

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**May 13, 2015**

**9:00 AM**

**Motion for Attorney Fees**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, not present

Fredrick Waid, Trustee, present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, present

Representative, present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

**JOURNAL ENTRIES**

**- MOTION FOR ATTORNEY FEES**

Court directed counsel to the recently published decision regarding costs and stated they must submit a memorandum of costs with attached receipts showing costs were reasonable, necessary, and actually incurred. COURT ORDERED attorney fees for Joey Powell GRANTED in the amount of \$229,186, less costs; and attorney fees for Whitney Warnick in the amount of \$127,633.70, less costs. As to the contempt of court claim against Ms. Ahern, COURT ORDERED hearing SET.

6/22/2015 AT 1:30pm EVIDENTIARY HEARING: CONTEMPT OF COURT

**INTERIM CONDITIONS:**

PRINT DATE: 02/10/2016

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Minutes Date:

September 04, 2009

**FUTURE HEARINGS:**

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk*

*Denman, Linda*

*Gonzalez, Elizabeth*

*Esparza, Kerry*

*RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*



*Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

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Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
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Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**June 22, 2015**

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**June 22, 2015**

**1:30 PM**

**Hearing**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, present

Kirk Lenhard, Attorney, present

Fredrick Waid, Trustee, not present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, not present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not present

<b>JOURNAL ENTRIES</b>
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**- HEARING ON ORDER TO SHOW CAUSE REGARDING CONTEMPT**

Also present observing the proceedings: Eleanor Ahern, ex-trustee; Jacqueline Montoya and Katherine Bouvier, Petitioners, and Jody Powell, Esq. Court and counsel discussed the purpose and scope of today's hearing and decided not to take sworn testimony but to present argument. Exhibits offered and admitted as Court Exhibits per worksheets. Exhibits 1, 2, and 6 are FILED UNDER SEAL as are the original documents. Mr. Moody stressed that Mr. Waid filed his Affidavit in response to the Court's directive after discovering money missing from the trust account while Ms. Ahern was trustee. Court gave a brief history prior to Mr. Waid and Ms. Ahern's present counsels' appearances. Court ordered Ms. Ahern to set aside 65% of the income from the Texas Oil and Gas leases until a final determination was made as to the rightful owner of that percentage. When Ms. Ahern was replaced as trustee, Mr. Waid discovered insufficient funds to cover the set aside and Court signed a second Order giving Ms. Ahern a time certain to recover the funds and place them in a segregated

PRINT DATE:	02/10/2016	Page 129 of 169	Minutes Date:
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account. Ms. Ahern failed to abide by the Court's second order.

Mr. Lenhard objected to the trustee's Affidavit saying Ms. Ahern was not given proper notice and due process of her contempt. The first order to set aside 65% of the income was not mentioned and the second order of her contempt lacked specificity. Following argument, COURT FINDS sufficient cause exists to REFER matter to Civil Chief Judge Gonzalez for an evidentiary hearing regarding contempt. The referring Judge will determine whether notice and due process were met.

Mr. Moody to prepare proposed Order; Mr. Lenhard to review as to form and content.

Colloquy on the Motion currently scheduled for 7/22/15 continued to 8/05/15. COURT SO ORDERED and each side will take an additional week to oppose and reply.

#### **INTERIM CONDITIONS:**

#### **FUTURE HEARINGS:**

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Clerk*

*Denman, Linda*

*Gonzalez, Elizabeth*

*Esparza, Kerry*

*RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*

*Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

June 23, 2015

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**June 23, 2015**

**11:30 AM**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Dulce Romea

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, present

Fredrick Waid, Trustee, present

Russel Geist, Attorney, present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, not present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

**JOURNAL ENTRIES**

- Counsel confirmed they need a contempt hearing as well as motion practice. Mr. Geist advised from his perspective the hearing may last half a day. Mr. Lenhard noted he anticipates at least one day and there is a good chance it may be a day and a half or more. Upon Court's inquiry, Mr. Lenhard confirmed right now his client will permit him to do what he wants to do and that he is comfortable with this Court handling this. COURT ORDERED, Calendar Call SET on Thursday, June 25, 2015 at 8:45 AM, where a briefing schedule and dates will be discussed.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: June 23, 2015 10:00 AM Telephonic Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per*

PRINT DATE: 02/10/2016

Page 133 of 169

Minutes Date:

September 04, 2009

*Clerk  
Denman, Linda  
Gonzalez, Elizabeth  
Esparza, Kerry  
RJC Courtroom 14C*

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
RJC Courtroom 03F  
Chun, Sharon  
Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

June 25, 2015

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**June 25, 2015**

**8:45 AM**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Dulce Romea

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, present

Fredrick Waid, Trustee, present

Russel Geist, Attorney, present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, not present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

<b>JOURNAL ENTRIES</b>
------------------------

- Mr. Geist advised Trustee agrees to have this Court handle their contempt hearing. Mr. Lenhard stated the hearing will take one day at the minimum and they will need to resolve an issue preliminarily; he intends to file a motion but is also waiting for a transcript of Judge Sturman's ruling, which he will not get until Monday; it does not matter when the motion will be set, as long as it is before the hearing because it is a significant jurisdictional issue. Mr. Geist advised the actions that give rise to the matter before this Court took place before his client was appointed; from his perspective, he does not think they are a prosecutor. Court noted it understands counsel's position but here it has a referral from Judge Sturman. Mr. Geist advised his client still has issues against Ms. Ahern. Court explained its procedure for show cause hearings. After hearing this, Mr. Geist stated they will cooperate and participate in whatever way necessary. Mr. Lenhard noted incarceration is being sought and he does take this matter very seriously. Mr. Geist inquired as to whether this Court will entertain appointing a special prosecutor. Mr. Lenhard objected. COURT ORDERED, it will handle the motion before setting the contempt hearing. Status Check on Mr. Lenhard's motion SET on

PRINT DATE:	02/10/2016	Page 136 of 169	Minutes Date:
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July 17, 2015 in Chambers.

COURT FURTHER ORDERED, when the motion is heard, a date for the contempt hearing will be discussed. Court NOTED it is only handling the contempt issue and everything else is still before Judge Sturman.

7-17-15          CHAMBERS          STATUS CHECK: DEFENDANT'S MOTION

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge*

*Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge*

*Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge*

*Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge*

*Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge*

*Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**July 17, 2015**

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**July 17, 2015**

**3:00 AM**

**Status Check**

**HEARD BY:** Gonzalez, Elizabeth

**COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Dulce Romea

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, not present

Fredrick Waid, Trustee, not present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, not present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

**JOURNAL ENTRIES**

- The court noted the motion has been filed and set for 8/18/15.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: July 22, 2015 9:00 AM Motion*

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM*

**PRINT DATE:** 02/10/2016

Page 139 of 169

**Minutes Date:**

September 04, 2009

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*RJC Courtroom 03F*  
*Chun, Sharon*  
*Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*RJC Courtroom 03F*  
*Chun, Sharon*  
*Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Sturman, Gloria*  
*RJC Courtroom 03H*  
*Denman, Linda*  
*Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Sturman, Gloria*  
*RJC Courtroom 03H*  
*Denman, Linda*  
*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

August 05, 2015

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**August 05, 2015      10:00 AM      Motion**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, present

Kirk Lenhard, Attorney, present

Fredrick Waide, Trustee, present

Russel Geist, Attorney, present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, present

Representative, present

Kathryn Bouvier, Other, present

Joseph Powell, Attorney, present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not present

<b>JOURNAL ENTRIES</b>
------------------------

- JACQUELINE M. MONTOYA'S AND KATHRYN A. BOUVIER'S MOTION FOR ASSESSMENT OF DAMAGES AGAINST ELEANOR AHERN; ENFORCEMENT OF NO-CONTEST CLAUSE; AND SURCHARGE OF ELEANOR'S TRUST INCOME

Mr. Powell requested relief from the Court for this motion for damages; treble damages; punitive damages; enforcement of the no-contest clause in the trust; and to surcharge Eleanor Ahern's income if she is not disinherited. Mr. Lenhard argued there was no due process and advised the Court he had filed a Motion to Strike the supplement to this motion and his motion is set to be heard on August 19. Court stated this motion is premature as the contempt hearing against Ms. Ahern has not been held. Court also directed counsel to Rogler v Millard, a recently decided Nevada Supreme Court opinion upholding this Court's granting of a no-contest dispute on a Motion for Summary Judgment.

Mr. Waid advised he was still working on recovering trust assets but had IRS issues to resolve and could not depose Ms. Ahern until the criminal proceedings against her were finalized. COURT ORDERED matter SET for EVIDENTIARY HEARING on the issues of damages, punitive damages, surcharge, and no-contest clause; discovery deadline is October 16. COURT FURTHER ORDERED status check SET.

9/2/2015 AT 9:00AM STATUS CHECK: EVIDENTIARY HEARING STATUS

11/9/2015 AT 9:30AM EVIDENTIARY HEARING

CLERK'S NOTE: Please note the date of the Status Check is Wednesday, September 9th, 2015 at 9:00AM./ld

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: August 05, 2015 1:30 PM Motion*

*Canceled: August 14, 2015 9:30 AM Motion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 14, 2015 9:30 AM Opposition & Countermotion - HM*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*RJC Courtroom 03F*

*Chun, Sharon*

*Yamashita, Wesley*

*Canceled: August 19, 2015 9:00 AM Motion to Strike*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*



*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Sturman, Gloria*  
*RJC Courtroom 03H*  
*Denman, Linda*  
*Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Sturman, Gloria*  
*RJC Courtroom 03H*  
*Denman, Linda*  
*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*  
*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing*  
*Esparza, Kerry*  
*Denman, Linda*  
*Sturman, Gloria*  
*Esparza, Kerry*  
*RJC Courtroom 03H*



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

August 18, 2015

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**August 18, 2015      8:30 AM**

**HEARD BY:**    Gonzalez, Elizabeth

**COURTROOM:**    RJC Courtroom 14C

**COURT CLERK:**    Tena Jolley

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, present

Fredrick Waid, Trustee, present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, not present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

<b>JOURNAL ENTRIES</b>
------------------------

- Following a BENCH CONFERENCE, Court made a disclosure to counsel that in reading the brief it appeared there might be someone with a similar name to one of the potential beneficiaries; however it was established it was not the same person based on their residence. Mr. Lenhard argued the two orders referenced in Mr. Waid's affidavit were orders from the Bench and not reduced to writing until a later date; refer to a transfer for funds and return of funds to the trust; and argued that an oral order cannot be the basis of a contempt citation. Furthermore, Judge Sturman indicated that the violating order was that Ms. Ahearn failed to keep in the Trust's possession 65% of the trust assets owed to the two daughters, which is contrary to the violations referenced in the Waid affidavit. Argued that it would be inappropriate to find Ms. Ahearn in contempt as the order was not clear and unambiguous. While Ms. Ahearn may have contemptible conduct by allowing a false affidavit/accounting to be filed, but that is not what is before the Court today. Mr. Lenhard argued that contempt is not appropriate; that the matter be remanded back to Judge Sturman and the Trustee proceed with the appropriate discovery they deem necessary. Mr. Moody stated that the affidavit

PRINT DATE:	02/10/2016	Page 146 of 169	Minutes Date:
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filed by Mr. Waid at Judge Sturman's request was not intended to be a charging affidavit but rather in response to Judge Sturman's inquiry as to what Mr. Waid had discovered following his appointment as the Trustee. Mr. Moody indicated they were not advocating contempt of Ms. Ahearn, rather cooperation and accountability by Ms. Ahearn. Court stated its FINDINGS and ORDERED, Motion to Dismiss Contempt Proceedings, GRANTED WITHOUT PREJUDICE. Court directed Mr. Lenhard to prepare an order.

#### **INTERIM CONDITIONS:**

#### **FUTURE HEARINGS:**

*Canceled: August 19, 2015 9:00 AM Motion to Strike*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Canceled: October 14, 2015 9:00 AM Status Check*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

September 02, 2015

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**September 02,  
2015**

**9:00 AM**

**Status Check**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, present

Fredrick Waid, Trustee, present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

<b>JOURNAL ENTRIES</b>
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- STATUS CHECK: EVIDENTIARY HEARING . . . Court and counsel discussed the effect Judge Gonzalez's ruling dismissing finding Ms. Ahern in contempt of this Court's Orders. Counsel agreed they are ready to proceed with the evidentiary hearing. Mr. Moody clarified the Trustee will be in Texas taking three or four depositions but their understanding is that the evidentiary hearing is only to hear enforcement of the non-compete clause. Court state the evidentiary hearing concerns on all the issues but that may change depending on whether Mr. Waid receives all requested information timely. Upon Mr. Waid's inquiry as to whether he should file another Affidavit since he cannot account for the half a million dollars that went to Fidelity, Mr. Lenhard conceded that point and the Court stated another Affidavit was not required.

Counsel also discussed Mr. Ahern's upcoming deposition. Mr. Lenhard advised counsel agreed to supply questions that he and Ms. Peterson would go over with Ms. Ahern that would give everyone

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an outline for the deposition.

COURT ORDERED status check SET; which date will coincide with discovery cutoff.

10/14/2015 at 9:00am STATUS CHECK: EVIDENTIARY HEARING STATUS

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: October 14, 2015 9:00 AM Status Check*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing

Esparza, Kerry

Denman, Linda

Sturman, Gloria

Esparza, Kerry

RJC Courtroom 03H



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

September 16, 2015

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**September 16,  
2015**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, present

Fredrick Waid, Trustee, not present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, not present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

<b>JOURNAL ENTRIES</b>
------------------------

- FREDERICK WAID'S COUNTERMOTION TO UNSEAL RECORDS (FILED 8/12/15) . . . . .  
MOTION FOR ADJUDICATION OF ATTORNEY'S LIEN IN THE AMOUNT OF \$30,937.50,  
REDUCTION TO JUDGMENT COLLECTIBLE BY ALL LAWFUL MEANS INCLUDING BUT NOT  
LIMITED TO LIEN ON ELEANOR AHERN'S BENEFITS IN THE W.N. CONNELL AND MARJORIE  
T. CONNELL LIVING TRUST

Also present James Shapiro, Esq. Mr. Shapiro advised the Court he represented Petitioner Ahern in another civil case filed by David Mann for a Breach of Contract over this same attorney fee. He requested the Court transfer these two motions over to Dept. 20. Mr. Moody objected saying Mr. Mann has nothing to collect until he has a lien. He also stated that countermotion to unseal records was the Trustee's attempt to secure the Trust file that Mr. Mann refuses to turn over until he is paid. Court noted that Mr. Mann has never come to this Court to explain his possession of the Trust file

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and his actions have hampered the Trustee and Ms. Ahern's counsel in resolving this case. Court also explained that she has no authority to unseal records in a case before another Judge. COURT STATED ITS FINDINGS that David Mann has failed to honor the subpoena for Trust records and is in contempt of this Court. To the extent the records are sealed, then Mr. Mann needs to take whatever steps he can to respond to the subpoena. Following discussion with counsel, Court concurred with Trustee's plan to file a Motion to Compel and give Mr. Mann ten (10) days to produce the requested documents or an Order to Show Cause will issue for Mr. Mann to appear before this Court in five (5) days . COURT ORDERED Countermotion to Unseal Records GRANTED IN THE ALTERNATIVE RELIEF; Motion for Adjudication of Attorney's Lien OFF CALENDAR since Mr. Mann chose to pursue this matter in a civil case.

Mr. Moody to prepare documents.

#### **INTERIM CONDITIONS:**

#### **FUTURE HEARINGS:**

*Canceled: October 14, 2015 9:00 AM Status Check*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

October 14, 2015

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

October 14, 2015

9:00 AM

All Pending Motions

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, present

Kirk Lenhard, Attorney, present

Fredrick Waide, Trustee, present

Russel Geist, Attorney, present

Jacqueline Montoya, Other, Personal  
Representative, present

Joseph Powell, Attorney, present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

<b>JOURNAL ENTRIES</b>
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- BROWNSTEIN, HYATT, FARBER & SCHRECK'S, LLC.'S MOTION TO WITHDRAW AS  
COUNSEL FOR ELEANOR AHERN ON OST

Ms. Peterson submitted the Motion to Withdraw. Court inquired about her alternate proposal to advance fees from the trust that would be charged against Ms. Ahern's interest. Ms. Peterson added that should would not want to have to defend a disgorgement of fees allegation if this alternative were selected. Mr. Moody made a statement as to the ongoing search for missing funds and some tax problems facing the trust. CONFERENCE AT THE BENCH. Following the CAB, Court noted that the Trustee is not in a position to assess the viability of the alternative proposal. Mr. Moody added that should funds be advanced, the Trustee wants Ms. Ahern to pledge collateral or security to cover the outlay and that the Trustee be allowed to evaluate the worth of the selection. COURT DIRECTED Ms. Ahern to provide the Court with her current residence address, email and telephone number if she intends to represent herself; to provide the release she drafted for the Texas tax attorney to the

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Trustee; and to understand that if she proceeds pro se she will not be provided with written questions at her deposition. COURT ORDERED matter CONTINUED for one week to allow Ms. Peterson to speak with her client about the Trustee's counter-proposal. COURT FURTHER ORDERED Order to Show Cause SET for Ms. Ahern to provide contact information for herself if she is to proceed in pro se.

Ms. Peterson to submit appropriate Order after discussing the situation with her client.

10/21/2016 AT 9:00AM ORDER TO SHOW CAUSE RE: ELEANOR AHERN

#### STATUS CHECK: EVIDENTIARY HEARING STATUS

Court and counsel all agreed the matter was not ready for the November evidentiary hearing. After discussing possible dates, all parties agreed to February 11 and 12, 2016. Additionally, counsel requested the Motion for Distribution of Trust Income be reset. COURT SO ORDERED.

11/4/2015 at 9:00am MOTION FOR DISTRIBUTION OF TRUST INCOME IN ACCORDANCE WITH THE COURT'S SUMMARY JUDGMENT DATED APRIL 16, 2015

2/11/2016 AT 9:00AM EVIDENTIARY HEARING

2/12/2016 AT 9:00AM EVIDENTIARY HEARING

#### INTERIM CONDITIONS:

#### FUTURE HEARINGS:

*Canceled: October 14, 2015 9:00 AM Status Check*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**October 21, 2015**

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P-09-066425-T      In the Matter of the Trust of:  
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

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**October 21, 2015      9:00 AM      Order to Show Cause**

**HEARD BY:**    Sturman, Gloria

**COURTROOM:**    RJC Courtroom 03H

**COURT CLERK:**    Linda Denman

**PARTIES:**

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, present	Kirk Lenhard, Attorney, not present
Fredrick Waid, Trustee, not present	Russel Geist, Attorney, not present
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

<b>JOURNAL ENTRIES</b>
------------------------

**- ORDER TO SHOW CAUSE**

Court and counsel discussed the fact that Ms. Ahern needs representation in the upcoming evidentiary hearing in which she could lose all her interest in the trust. Mr. Moody advised that the Trustee was not willing to distribute trust funds to pay for Ms. Ahern's legal fees as long as money is still unaccounted for that belongs to the trust. Mr. Moody also requested that the deposition of Ms. Ahern be conducted at the courthouse and the Court agreed. Ms. Ahern requested that all questions be given to her in writing due to a hearing and comprehension problems. Court advised Mr. Moody to start the deposition and see what exact issues may arise.

11/19/2015 AT 10:00AM    DEPOSITION OF ELEANOR AHERN

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: October 28, 2015 9:00 AM Motion*

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*



*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing

Esparza, Kerry

Denman, Linda

Sturman, Gloria

Esparza, Kerry

RJC Courtroom 03H

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

November 04, 2015

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

**November 04,  
2015**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

David Mann, Other, not present

Eleanor Ahern, Petitioner, present

Fredrick Waid, Trustee, present

Jacqueline Montoya, Other, Personal  
Representative, present

Kathryn Bouvier, Other, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

Pro Se

Kirk Lenhard, Attorney, present

Russel Geist, Attorney, not present

Joseph Powell, Attorney, present

Joseph Powell, Attorney, present

<b>JOURNAL ENTRIES</b>
------------------------

- FREDRICK P. WAID'S MOTION TO COMPEL ELEANOR AHERN'S AUTHORIZATION TO ALLOW TRUSTEE TO OBTAIN INFORMATION FOR ATTORNEYS AND OTHER PROFESSIONALS ON OST . . . Court stated that the State of Nevada acknowledges a fiduciary exception to attorney/client privilege and this Court has always upheld that exception to the extent that a trustee receives legal advice relevant to the trust. Court then addressed Mr. Moody explaining concerns regarding the phrase "individually and as trustee" in the current trustee's search for information. Mr. Moody explained that Texas law does not have a fiduciary exception and several protective orders have been filed to deny Mr. Waid access to trust records. After some discussion, Court and counsel agreed to substitute the overbroad phrase with "any information acquired by payments made from the trust funds; and/or anything having to do with Eleanor Ahern in her capacity as trustee." COURT ORDERED Motion to Compel GRANTED with this change.

Mr. Moody to prepare proposed Order; opposing counsel to review as to form and content.

ELEANOR CONNELL HARTMAN AHERN'S MOTION FOR DISTRIBUTION OF TRUST INCOME IN ACCORDANCE WITH THE COURT'S SUMMARY JUDGMENT DATED APRIL 16, 2015 ON OST . . . Counsel argued on the present day financial condition of Ms. Ahern of someone who shops at a food pantry and the Salvation Army to someone who flies in private jets and went on a world cruise. Counsel also argued whether Ms. Ahern should be entitled to pay legal fees from the trust given the Judgment she owes to her daughters. After hearing arguments from both sides and an explanation of the trust's current fiscal situation, COURT STATED ITS FINDINGS the main goal is to find out where the trust money has gone and, if possible, restore it to the trust. There is one person who has the information that will allow us to reach this goal but can she assist if she is without counsel. To that end, some compromise must be reached that will ultimately benefit all parties. COURT ORDERED Motion for Distribution of Trust Income GRANTED IN PART; Ms. Ahern will receive \$5,000 per month for living expenses; counsel for Ms. Ahern will receive \$10,000 per month for attorney fees; and counsel will be paid \$30,000 in past fees, either as a lump sum or in installments, as the trustee decides. The trustee agreed to provide an interim accounting of the trust but emphasized that he was not ready to provide a final accounting. COURT FURTHER ORDERED these payments effective from this date through to the current trial date of February, 2016; subject to renewal at the attorney's written request. COURT CLARIFIED this money is to be paid back and colloquy over the exact wording whether this was an advancement, loan, distribution, etc. and Court left the exact wording to the trustee.

Mr. Lenhard to prepare proposed Order; opposing counsel to review as to form and content.

#### **INTERIM CONDITIONS:**

#### **FUTURE HEARINGS:**

*Canceled: November 09, 2015 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: November 10, 2015 1:30 PM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
RJC Courtroom 03H*

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

January 06, 2016

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

January 06, 2016

9:30 AM

**Motion for Order to  
Show Cause**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, present

Fredrick Waid, Trustee, present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal  
Representative, present

Joseph Powell, Attorney, present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

**JOURNAL ENTRIES**

- MOTION FOR ORDER TO SHOW CAUSE, TO COMPEL DEPOSITION OF ELEANOR AHERN  
AND TO ANSWER QUESTIONS UNDER OATH RE: FIDELITY CAPITAL AND \$500,000

Conference at the bench. Following the bench conference, Mr. Moody stated the terms agreed to by counsel with respect to the motion to compel deposition of Ms. Ahern. COURT ORDERED Motion to Compel Disposition CONTINUED; Ms. Ahern to undergo an independent medical evaluation (IME) and, based upon any referral from the physician, undergo a mental health evaluation. As to the Motion to Compel Ms. Ahern to sign the authorization to allow the Trustee to gather information and documents from legal and accounting professionals as needed, COURT ORDERED Trustee GRANTED FULL AUTHORIZATION to obtain any information that may be needed to carry out his fiduciary obligations.

Mr. Moody to prepare a proposed Order for the IME and a proposed Order of Authorization to the Trustee; Mr. Lenhard to review as to form and content.

1/27/2016 at 9:30AM Motion to Compel Deposition of Eleanor Ahern and to Answer Questions Under Oath Re: Fidelity Capital and \$500,000

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: January 06, 2016 9:00 AM Motion for Order to Show Cause*

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Sturman, Gloria*

*RJC Courtroom 03H*

*Denman, Linda*

*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

*February 22, 2016 10:00 AM Evidentiary Hearing*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

January 27, 2016

P-09-066425-T

In the Matter of the Trust of:

The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972

January 27, 2016

9:30 AM

All Pending Motions

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Kirk Lenhard, Attorney, present

Fredrick Waid, Trustee, present

Russel Geist, Attorney, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

Living Trust, dtd May 18, 1972, Trust, not  
present

**JOURNAL ENTRIES**

- Also present, Whitney Warnick, Esq., in an unbundled capacity for Katherine Bouvier.

**JACQUELINE M. MONTOYA AND KATHRYN A. BOUVIER'S MOTION FOR**

**RECONSIDERATION ON OST . . .**Mr. Warnick asked the Court to reconsider its earlier Order giving living expenses and attorney fees to Ms. Ahern arguing she was getting more Social Security than she originally said; had never sworn to her current financial status; and was responsible for the loss of income in the trust. Mr. Lenhard argued this is the same as before and asked the Court if justice would be served in making this elderly lady face an evidentiary hearing that would deprive her of a decades-old income source. Following argument, COURT ORDERED Motion for Reconsideration DENIED.

**JACQUELINE M. MONTOYA AND KATHRYN A. BOUVIER'S MOTION TO STAY EXECUTION  
OF ORDER PENDING THE HEARING OF THE MOTION FOR RECONSIDERATION ON OST . . .**

PRINT DATE: 02/10/2016

Page 167 of 169

Minutes Date:

September 04, 2009



COURT ORDERED Motion to Stay MOOT.

MOTION TO COMPEL DEPOSITION OF ELEANOR AHERN . . . Mr. Moody outlined the four areas the Trustee still needs information on in order to complete his work. Mr. Lenhard explained he had not had the opportunity to discuss this with his client but offered to sign the order as having disapproved as to form and content. Court interlineated the two Orders with a disapproval for Mr. Lenhard to sign and stated that Court will not require the Orders be approved by opposing counsel. COURT ORDERED the following two Orders GRANTED. The first Order is to require Eleanor Ahern to submit to a physical exam and a mini-mental state exam to evaluate her ability to sit for a deposition. The second Order directed Jeffrey M. Johnston, Esq. and firm, Ryan Scharar, Esq., and firm, and Marquis Aurbach Coffin law firm to provide Trust information under the fiduciary exception to attorney-client privileges. Colloquy on the reasonableness of holding the evidentiary hearing on February 11 in light of these two Orders. COURT ORDERED evidentiary hearing VACATED and RESET.

Orders SIGNED IN OPEN COURT.

2/22/2016 at 10:00AM EVIDENTIARY HEARING: ENFORCEMENT OF NO CONTEST CLAUSE

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

*Canceled: February 11, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda  
Esparza, Kerry*

*Canceled: February 11, 2016 10:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Esparza, Kerry  
Denman, Linda  
Sturman, Gloria  
Esparza, Kerry  
RJC Courtroom 03H*

*Canceled: February 12, 2016 9:00 AM Evidentiary Hearing  
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per  
Judge  
Sturman, Gloria  
RJC Courtroom 03H  
Denman, Linda*

*Esparza, Kerry*

*Canceled: February 12, 2016 10:00 AM Evidentiary Hearing*

*Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated - per Judge*

*Esparza, Kerry*

*Denman, Linda*

*Sturman, Gloria*

*Esparza, Kerry*

*RJC Courtroom 03H*

February 22, 2016 10:00 AM Evidentiary Hearing

Esparza, Kerry

Denman, Linda

Sturman, Gloria

Esparza, Kerry

RJC Courtroom 03H

Connell Trust

P-066425 EXHIBITS

CASE NO. P-0166425

[illegible]

## COURT EXHIBITS

**CASE #** P066425; W.N. CONNELL AND MARJORIE T. CONNELL TRUST

	Date Offered	Objection	Date Admitted
1. ELEANOR AHERN'S DECLARATION	6.22.15	NO	6.22.15
2. FIDELITY CAPITAL LTR OF 3/5/15	6.22.15	NO	6.22.15
3. NOTICE OF COMPLIANCE	6.22.15	NO	6.22.15
4. NOTICE OF WITHDRAWAL OF COMPLIANCE	6.22.15	NO	6.22.15
5. ORDER TO SHOW CAUSE	6.22.15	NO	6.22.15
6. FIDELITY CAPITAL LTR OF 4/15/15	6.22.15	NO	6.22.15
7. AFFIDAVIT OF FREDRICK P. WAID, TRUSTEE	6.22.15	NO	6.22.15
1. FID			6.22.15
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5. FID			
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7. AFF			6.22.15
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5. FID			
6. FID			
7. AFF			6.22.15
1. FID			6.22.15
2. FID			6.22.15

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER INSTRUCTION TRUSTEE TO ADVANCE FUNDS; NOTICE OF ENTRY OF ORDER INSTRUCTING TRUSTEE TO ADVANCE FUNDS; DISTRICT COURT MINUTES; EXHIBITS LIST

In the Matter of the Trust of:

THE W.N. CONNELL AND MARJORIE T.  
CONNELL LIVING TRUST DATED MAY 18,  
1972, an Inter Vivos Irrevocable Trust,

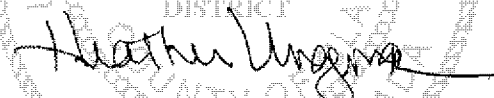
Case No: P066425

Dept No: FAMILY DOMESTIC

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 10 day of February 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

**The Rushforth Firm PLLC**

PO Box 371655  
Las Vegas, NV 89137-1655  
702-258-4552

**Bankwest Of Nevada**

1115 S. Hualapai Way  
Las Vegas, NV 89117

**5087**

74-177  
1224

	DATE	CHECK NO.	AMOUNT
	Feb 10, 2016	5087	\$250.00
PAY	*** Two Hundred Fifty *****		00/100 Dollars
TO THE ORDER OF	Clerk of the Supreme Court		

MEMO

Filing/Recording Fee - Supreme Court Appeal

⑆122401778⑆7501594503⑈5087