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| PRINT DATE: | 10/21/2016 | Page 38 of 102 | Minutes Date: | September 04, 2009 |
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

January 30, 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 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 |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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- 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

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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.

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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: Feb 18, 2015 9:30AM Motion
Eleanor Connell Hartman Ahern, as Trustee and Individually Motion to Compel David Mann ESQ. to
Turn over Documents
RJC Level 5 Hearing Room Bulla, Bonnie

**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 |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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- 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

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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:

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**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 Representative, present | Joseph Powell, Attorney, present |
| Kathryn Bouvier, Other, not present | Joseph Powell, Attorney, present |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, Attorney, not present |
| Parties Receiving Notice, Other, not present | |
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- 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

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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

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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: Mar 20, 2015 11:00AM Status Check: Compliance
RJC Level 5 Hearing Room Bulla, Bonnie

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**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 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 |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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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.

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4/17/15 11:00 a.m. Status Check: Compliance

INTERIM CONDITIONS:

FUTURE HEARINGS:

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| PRINT DATE: | 10/21/2016 | Page 48 of 102 | Minutes Date: | September 04, 2009 |
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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

March 26, 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 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

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Marquis Aurbach Coffing, 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

Dale Hayes, Attorney, not present

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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.

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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 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: Mar 26, 2015 11:00AM Telephonic Hearing
RJC Courtroom 03H Sturman, Gloria

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

April 14, 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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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 |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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- 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.

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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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**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

Marquis Aurbach Coffing, 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

Dale Hayes, Attorney, not present

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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

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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: Apr 22, 2015 10:30AM Order to Show Cause
RJC Courtroom 03H Sturman, Gloria

**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 Representative, present | Joseph Powell, Attorney, present |
| Kathryn Bouvier, Other, not present | Joseph Powell, Attorney, present |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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- 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

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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 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.

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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: Apr 22, 2015 10:30AM Order to Show Cause
RJC Courtroom 03H Sturman, Gloria

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**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

Marquis Aurbach Coffing, Other, not present

Dale Hayes, 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

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| JOURNAL ENTRIES |
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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

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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 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:

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**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 Representative, present | Joseph Powell, Attorney, present |
| Kathryn Bouvier, Other, not present | Joseph Powell, Attorney, present |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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- 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

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INTERIM CONDITIONS:

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**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

Eleanor Ahern, Petitioner, present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Marquis Aurbach Coffing, 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, not present

Joseph Powell, Attorney, not present

Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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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

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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 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: Jun 22, 2015 1:30PM Evidentiary Hearing
Evidentiary Hearing: Contempt of Court
RJC Courtroom 03H Sturman, Gloria

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**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 Representative, not present | Joseph Powell, Attorney, not present |
| Kathryn Bouvier, Other, not present | Joseph Powell, Attorney, not present |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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- 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:

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FUTURE HEARINGS: Aug 05, 2015 10:00AM Motion
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
RJC Courtroom 03H Sturman, Gloria

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**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

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Marquis Aurbach Coffing, 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, present

Joseph Powell, Attorney, not present

Joseph Powell, Attorney, not present

Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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- 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

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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 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: Jun 25, 2015 8:45AM Calendar Call
RJC Courtroom 14C Gonzalez, Elizabeth

**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 Representative, not present | Joseph Powell, Attorney, not present |
| Kathryn Bouvier, Other, not present | Joseph Powell, Attorney, not present |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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- The court noted the motion has been filed and set for 8/18/15.

INTERIM CONDITIONS:

FUTURE HEARINGS: Jul 17, 2015 3:00AM Status Check
Status Check: Defendant's Motion
RJC Courtroom 14C Gonzalez, Elizabeth

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**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
Eleanor Ahern, Petitioner, present
Fredrick Waid, Trustee, present
Jacqueline Montoya, Other, Personal
Representative, present

Kathryn Bouvier, Other, present
Marquis Aurbach Coffing, 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, present
Joseph Powell, Attorney, present

Joseph Powell, Attorney, present
Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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- 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

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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: Aug 18, 2015 8:30AM Motion to Dismiss
Elenor Ahern's Motion to Dismiss Contempt Proceedings
RJC Courtroom 14C Gonzalez, Elizabeth

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**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

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Marquis Aurbach Coffing, 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, not present

Joseph Powell, Attorney, not present

Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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- 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

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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 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:

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**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

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, present

Jacqueline Montoya, Other, Personal
Representative, not present

Kathryn Bouvier, Other, not present

Marquis Aurbach Coffing, 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

Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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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.

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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 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:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

September 16, 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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| September 16, 2015 | 9:00 AM | All Pending Motions |
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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 Representative, not present | Joseph Powell, Attorney, not present |
| Kathryn Bouvier, Other, not present | Joseph Powell, Attorney, not present |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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- 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.

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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 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:

**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

Eleanor Ahern, Petitioner, present

Fredrick Waid, Trustee, present

Jacqueline Montoya, Other, Personal
Representative, present

Kathryn Bouvier, Other, not present

Marquis Aurbach Coffing, 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, present

Joseph Powell, Attorney, present

Joseph Powell, Attorney, present

Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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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

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|-------------|------------|----------------|---------------|--------------------|
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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 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: Oct 21, 2015 9:00AM Order to Show Cause
Order to Show Cause
RJC Courtroom 03H Sturman, Gloria

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**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 |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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- 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.

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11/19/2015 AT 10:00AM DEPOSITION OF ELEANOR AHERN

INTERIM CONDITIONS:

FUTURE HEARINGS: Oct 21, 2015 9:00AM Order to Show Cause
Order to Show Cause
RJC Courtroom 03H Sturman, Gloria

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**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

Marquis Aurbach Coffing, 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

Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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- 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

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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:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

January 06, 2016

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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 06, 2016 | 9:30 AM | Motion for Order to Show Cause |
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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 |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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- 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

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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:

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| PRINT DATE: | 10/21/2016 | Page 85 of 102 | Minutes Date: | September 04, 2009 |
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**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

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Marquis Aurbach Coffing, 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

Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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- 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.

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JACQUELINE M. MONTOYA AND KATHRYN A. BOUVIER'S MOTION TO STAY EXECUTION OF ORDER PENDING THE HEARING OF THE MOTION FOR RECONSIDERATION ON OST . . . 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:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

February 22, 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

February 22, 2016 10:00 AM All Pending Motions

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Billie Jo Craig

PARTIES:

David Mann, Other, not present
Eleanor Ahern, Petitioner, present
Fredrick Waid, Trustee, present
Jacqueline Montoya, Other, Personal
Representative, present

Kathryn Bouvier, Other, present
Marquis Aurbach Coffing, 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
Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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- EVIDENTIARY HEARING: ENFORCEMENT OF NO CONTEST CLAUSE...MOTION TO FILE UNDER SEAL TRIAL MEMORANDUM

Attorneys Dan Kiefer and Layne Rushforth also present.

COURT ORDERED, the Trial Memorandums filed by Mr. Lenhard and Mr. Powell are TO BE FILED UNDER SEAL. Court noted Mr. Waid was not comfortable in his efforts for a formal report. There is a request to take evidence regarding how to account for the income from the trust and request for a surcharge and enforce the no contest clause and deprive Ms. Ahern of the interest in the Trust altogether. Court wished to discuss what happened to the funds and what remains and is accounted

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| PRINT DATE: | 10/21/2016 | Page 88 of 102 | Minutes Date: | September 04, 2009 |
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for. Arguments by counsel whether Ms. Ahern was under undue influence or not. Mr. Keifer lodged a standing objection to that evidence.

There were subsequent arguments over one year ago information from Mr. Waid that might call that into question. Mr. Keifer insisted there was no undue influence on Ms. Ahern because the arguments from Ms. Montoya and Ms. Bouvier in June 2013 deviated from the discussed documents.

The Court did not want to discuss anything dealing with the IRS. Mr. Moody advised what Mr. Waid could testify to. An IME examination was taken but there is no report at this time. Court noted that may limit what is done today. Court noted Mr. Waid could not state definitively what the numbers are. The Court will use information from Mr. Waid to help it make a Decision on Mr. Powell's Motion that has been pending for several months. Colloquy regarding Mr. Waid being a Trustee which is a fiduciary for both sides and not an adverse party to either party. This Hearing is informational gathering to make a record for both sides. Mr. Moody advised of what Mr. Waid would testify to today. Power Point presentation marked and Admitted as Court's Exhibit 1. (See Worksheet.) Opening Statements by Mr. Rushforth. Opening Statements by Mr. Lenhard. COURT ORDERED, Petitioner's Exhibits A through H are ADMITTED as there were no objections. Exhibit G is TO BE SEALED. (See Worksheet.) The Trial Brief is to be FILED UNDER SEALED. Testimony and Exhibits presented. (See Worksheets.) Mr. Lenhard's Exhibits were marked as Respondent's Exhibits. COURT ORDERED, Respondent's Exhibits F and G marked and ADMITTED. Respondent's Exhibit G is TO BE SEALED. (See Worksheet.) Further testimony and Exhibits presented. (See Worksheets.) COURT ORDERED, page 9 ONLY of Respondent's Exhibit K is ADMITTED and TO BE SEALED. (See Worksheet.) Above matter CONTINUED. Counsel to determine after the IME report is received if Ms. Ahern will testify, whether Mr. Waid will testify further, or how they wish to proceed. Counsel estimate Closing Arguments will take one and one-half hours. Mr. Lenhard advised he would not call Ms. Bouvier as a witness.

Mr. Moody reminded the Court of the 65th day Rule which will run for the accounting which is due 3/4/16. Colloquy regarding when to hear this matter as Mr. Waid was awaiting instructions from the Court. A similar issue arose in 2014 where liability at the Trust level was fixed and Mr. Waid could not Amend that as to income distributions. Counsel requested to address the issue on 3/3/16.

CONTINUED TO: 3/3/16 10:00 AM ABOVE MATTERS

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

March 03, 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

March 03, 2016 10:00 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 Waid, Trustee, present | Russel Geist, Attorney, present |
| Jacqueline Montoya, Other, Personal Representative, present | Joseph Powell, Attorney, present |
| Kathryn Bouvier, Other, present | Joseph Powell, Attorney, present |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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- MOTION FOR LEAVE TO FILE SEALED PLEADING IN CASE A-14-710467 . . . There being no opposition, COURT ORDERED Motion for Leave to File Sealed Pleading GRANTED; to the extent Eleanor Ahern's Trial Memorandum (Filed Under Seal) in this case may be filed in A-14-710467, being heard in Dept. 20, which entire case is sealed.

Mr. Moody to prepare proposed Order.

MOTION TO SUBMIT DOCUMENTS IN CAMERA ON OST . . . Ms. Peterson reported Dr. Joseph Jeppson, D.O.'s, Independent Medical Evaluation (IME) of Eleanor Ahern, performed in response to a Motion to Compel, concludes that Ms. Ahern is physically able to sit for a deposition. Mr. Rushforth

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raised no objection as long as the IME was not being offered for evidence. Ms. Peterson stated that apart from her physical health, Dr. Jeppson made a recommendation for further evaluation. CONFERENCE AT THE BENCH. COURT ORDERED Motion to Submit Documents In Camera GRANTED; the Court reviewed the documents and RETURNED THE IME TO COUNSEL. Counsel was shown the final page of the IME regarding the physician's conclusion and future recommendation, which Ms. Peterson will file under seal. Mr. Moody stated the Trustee will proceed with Ms. Ahern's recommendation.

Ms. Peterson to prepare proposed Order.

STATUS CHECK: 65TH DAY RULE . . . Mr. Geist, on behalf of Trustee Waid, filed a PETITION FOR INSTRUCTIONS REGARDING ALLOCATION OF ELEANOR AHERN'S 2015 TRUST UNPAID DISTRIBUTIONS (Filed Under Seal.) The Petition offered four options for the Court to review and instruct the Trustee on allocation of unpaid revenue for tax purposes. Mr. Lenhard offered Respondent's option for Court's consideration. He also asked why the Trustee has not complied with the Court's Order filed 1/5/16 after being instructed to advance funds to Ms. Ahern for living expenses and to her counsel for fees. Mr. Geist stated the Trustee has not advanced funds due to the appeal on file as well as being unsure of the tax ramifications until all accounting information is provided. Court inquired as to the possibility of advancing funds as previously Ordered, crediting the balance to the MTC Trust as a payment on the Judgment owed by Ms. Ahern, at the least adverse tax consequences to all parties. CONFERENCE AT THE BENCH. Following the CAB, Mr. Geist clarified the instructions to the Trustee are for Mr. Waid to advance payments net of her income tax liabilities to Ms. Ahern for living expenses as previously ordered and pay the income tax; pay her attorney fees as an expense of the trust and credit that amount against any future distributions she may be entitled to receive. Mr. Rushforth lodged an objection that Ms. Ahern is not entitled to any payment until the Court has determined she is entitled to a share. COURT SO ORDERED as to Mr. Geist's understanding. Mr. Geist further clarified the balance of the funds on hand is suspended as to Ms. Ahern, the amount credited to and paid for the MTC Trust; the beneficiaries to account for that money and pay the tax. Further, whatever amount Eleanor Ahern is ultimately assessed, she should pay the tax liabilities.

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

EVIDENTIARY HEARING ON MOTION TO ENFORCE NO CONTEST CLAUSE . . . Mr. Lenhard advised he would not be calling any witness. Court directed counsel to proceed with closing arguments. Mr. Rushforth made closing argument on behalf of the Petitioners using a Power Point presentation marked and admitted as Court's Exhibit 2. Mr. Rushforth argued the no-contest clause of the Trust must carry out the intent of the settlor and that Eleanor Ahern's actions necessitated this litigation. He reminded the Court that she withdrew Trust assets after she was removed as Trustee, breaching her fiduciary duty. Alternatively, Mr. Rushforth requested if the Court finds Ms. Ahern not in contempt of the no-contest clause, to deny her receiving any further money until the beneficiaries and the Trust have been made whole. He also asked the Court apply treble damages and/or punitive damages. Mr. Lenhard made closing arguments on behalf of Ms. Ahern. He

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pointed out significant funds have been returned to the Trust. He also mentioned Petitioner's letters to the Trustee directing him to cease his efforts to locate Trust assets. Finally, Mr. Lenhard pointed out the undue influence exerted over Ms. Ahern and asked the Court to take that circumstance into consideration. He concluded by requesting the Court not remove Ms. Ahern from the Trust but surcharge her for the damages until such time as the money owed has been paid off in full. The Trustee took no position at the hearing and Mr. Rushforth made rebuttal arguments.

Following argument, COURT STATED ITS FINDINGS that Eleanor Ahern has shown for contempt of this Court and failed to properly apply her duty as Trustee. Further, due to the gross misuse of Trustee funds, this case is appropriate for a surcharge, with the imposition of treble damages and/or punitive damages. Counsel should brief and argue these additional monetary sanctions during the damages phase of this hearing. COURT ORDERED Eleanor Ahern be surcharged on her distributions beginning thirty (30) days from notice of entry of this Order; and clarified she will receive no further advances of living expenses beyond what was previously ordered.

Mr. Rushforth for prepare proposed Order; Mr. Lenhard to review as to form and content.

CLERK'S NOTE: Since a portion of the confidential record was read into the record, COURT FURTHER ORDERED transcript SEALED./ ld

INTERIM CONDITIONS:

FUTURE HEARINGS:

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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

June 01, 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

June 01, 2016

9:30 AM

Motion

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

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

Marquis Aurbach Coffing, 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, present

Joseph Powell, Attorney, not present

Joseph Powell, Attorney, not present

Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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- MOTION FOR CITATION REQUIRING ELEANOR AHERN TO AUTHORIZE PRODUCTION OF RECORDS ON OST

Mr. Geist reported that he and Eleanor Ahern's counsel had worked together to draft a release form to allow them access to the information the Trustee needs to finalize tax returns. However; Eleanor Ahern refused to sign and he asked the Court to require her to appear and compel her to sign the release, pointing out she is still under the Court's jurisdiction. Counsel argued whether Texas counsel and the local firm of Marquis Aurbach and Coffing (MAC) would provide any information as the result of a coerced release. Counsel also discussed the status of the trust accounting, the appeal, and Orders outstanding from this Court.

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Following discussion of whether Ms. Ahern, in her individual capacity, has a duty to waive her privilege, Court and counsel discussed including in an Order from today's hearing with explicit findings that the Court found that Eleanor Ahern, in her capacity as Trustee, perpetuated a fraud upon the Court. Further finding, she does not hold a privilege to anything in her capacity as Trustee. Any attorney assisting her has a professional obligation to assist her in mitigating the fraud and help her when she is unable to help herself. Court and counsel decided a specific finding should require MAC and possibly Texas counsel to turn over all documents pertaining to and paid for by Trust funds and give the Court a privilege log for those matters that Ms. Ahern sought individual assistance. Following discussion, COURT ORDERED Motion for Citation CONTINUED to see if a Court Order including these specific findings resolves the issue.

Court and counsel discussed whether the Order regarding the 65-day rule should be sealed.

CONTINUED TO 8/3/2016 AT 9:30AM

Mr. Geist to prepare proposed Order.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

August 03, 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

August 03, 2016 3:00 AM Motion - HM

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

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|---|--------------------------------------|
| 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 Representative, not present | Joseph Powell, Attorney, not present |
| Kathryn Bouvier, Other, not present | Joseph Powell, Attorney, not present |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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- MINUTE ORDER- ADVANCE DECISION

During a hearing on the Citation, Mr. Lenhard indicated the upcoming Motion to Withdraw was filed by Tamara Peterson, who has left the firm. Counsel present indicated they had no objection to the Motion. There being no opposition, cause appearing, and pursuant to EDCR 2.23, COURT GRANTED Tamara Peterson, Esq.'s MOTION TO WITHDRAW as counsel of record for Petitioner Eleanor Ahern without oral argument and ORDERED the motion REMOVED from the September 5, 2016 probate calendar.

CLERK'S NOTE: A copy of this Advance Decision Minute Order was forwarded to Tamara Peterson,

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Esq. (PETERSON HOPE) at tpeterson@petersonhope.com / ld 8/3/16

INTERIM CONDITIONS:

FUTURE HEARINGS:

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| PRINT DATE: | 10/21/2016 | Page 96 of 102 | Minutes Date: | September 04, 2009 |
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

August 03, 2016

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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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August 03, 2016 9:30 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, 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 |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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- MOTION FOR CITATION REQUIRING ELEANOR AHERN TO AUTHORIZE PRODUCTION OF RECORD

Counsel indicated this Motion was continued to see if the Court's Order would give the requisite authorization to get the Texas records before issuing a citation. The parties discussed the dueling Orders that were submitted along with lengthy, explanatory letters. Court advised she had not reached a decision on which Order was appropriate. COURT ORDERED Motion for Citation VACATED; counsel to renote if the Order is not effective. COURT FURTHER ORDERED status check SET.

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10/5/2016 at 9:30AM STATUS CHECK: TRUSTEE ACCOUNTING

INTERIM CONDITIONS:

FUTURE HEARINGS: Sep 07, 2016 9:30AM Petition
Petition for Order Directing Transfer of Tenancy in Common Interest in Upton County, Texas
Property to te MTC Living Trust
RJC Courtroom 03H Sturman, Gloria

Oct 05, 2016 9:30AM Status Check
Status Check: Trustee Accounting
RJC Courtroom 03H Sturman, Gloria

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

September 07, 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

**September 07, 9:30 AM All Pending Motions
2016**

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Olivia Black;

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 Representative, not present | Joseph Powell, Attorney, present |
| Kathryn Bouvier, Other, not present | Joseph Powell, Attorney, present |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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- PETITION: PETITION FOR ORDER DIRECTING TRANSFER OF TENANCY IN COMMON INTEREST IN UPTON COUNTY, TEXAS PROPERTY TO TE MTC LIVING TRUST...MOTION: MOTION TO ADJUDICATE ATTORNEY'S LIEN

Candice Renka, Esq. appearing on behalf of Marquis Aurbach Coffing

Arguments by counsel regarding the merits of the motion, COURT ORDERED Marquis Aurbach Coffing to produce unredacted billing records as Ms. Ahern and Mr. Waid are entitled to notice as to what legal fees they are obligated to pay. COURT clarified that unredacted billing records can be

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submitted under seal to Mr. Lenhard and Mr. Geist. COURT FURTHER ORDERED unredacted billing records produced within two weeks and matter continued to next hearing date, October 5, 2016. Exhibits presented (see worksheet).

Additional argument by counsel regarding the petition, COURT stated its findings and ORDERED Petition CONTINUED for testimony from Mr. Murray, Texas Oil & Gas Attorney, either in person or via video-conference. Colloquy on whether Mr. Waid can set-up the Texas, LLC as Trustee or if he needs to a Court Order.

CONTINUED TO: 10/05/16 9:30 AM

INTERIM CONDITIONS:

FUTURE HEARINGS: Sep 07, 2016 9:30AM Petition
Petition for Order Directing Transfer of Tenancy in Common Interest in Upton County, Texas
Property to te MTC Living Trust
RJC Courtroom 03H Sturman, Gloria

Oct 05, 2016 9:30AM Status Check
Status Check: Trustee Accounting
RJC Courtroom 03H Sturman, Gloria

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

October 05, 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

October 05, 2016

9:30 AM

All Pending Motions

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Melissa Murphy

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

Marquis Aurbach Coffing, 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, present

Joseph Powell, Attorney, present

Joseph Powell, Attorney, present

Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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- STATUS CHECK: TRUSTEE ACCOUNTING.....PETITION FOR ORDER DIRECTING TRANSFER OF TENANCY IN COMMON INTEREST IN UPTON COUNTY, TEXAS PROPERTY TO THE MTC LIVING TRUST

Mr. Lenhard noted a proposal for potential resolution with Mr. Waid wherein Mr. Ahern would sit in for a deposition; however his client was ill with pneumonia and would be out for a period and will need to have a new date set. Further noted he had the e-mail with the diagnosis of Ms. Ahern's present condition and has not passed on to counsel for confidentiality reasons.

Discussion regarding whether Ms. Ahern is physically going to be able to take her deposition to

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resolve the matter and whether it will ever get done. Further discussion regarding independent numbers concerning the oil and gas companies and what has been paid; tax return deadlines to be completed and membership holding interests in Texas.

Mr. Waid explained creating limited partnerships in Texas and having structures in place before the close of the year. Mr. Waid noted language will be inserted honoring any Court orders.

Following representations by counsel, COURT ORDERED, Petition for Order Directing Transfer is MOOT and Ms. Ahern to complete her deposition by November 4th; then sanctions will issue. Court advised Mr. Waid will proceed with whatever information he has on November 30th to complete final reports. At the request of Mr. Coffing, COURT FURTHER ORDERED, Motion to Adjudicate set for 11/02/16 VACATED; can be re-noticed for a future date. Upon inquiry counsel, Court advised counsel can review the doctor's note.

Mr. Waid will prepare the Order concerning restructuring.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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Connell Trust

P-066425 EXHIBITS

[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 |
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PD66425
2/22/16
PETITIONER EXHIBITS

List of Jacqueline M. Montoya and Kathryn A. Bouvier's Trial Exhibits

| <u>NO.</u> | <u>EXHIBIT</u> | <u>BATES NO.</u> | <u>OFFERED</u> | <u>OBJECTED</u> | <u>ADMITTED</u> |
|------------|---|----------------------|----------------|-----------------|-----------------|
| A | 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, dated December 20, 2013 | JMM0001- JMM0006 | 2/22/16 | NO | 2/22/16 |
| B | Summary Judgment Order April 15, 2015 | JMM0007- JMM0024 | | | |
| C | Order Regarding the Accounting, Breach of Fiduciary Duty Claims and Award of Attorneys [sic] Fees April 20, 2015 | JMM0025- JMM0030 | | | |
| D | Judgment and Order Approving Award of Attorneys' Fees June 23, 2015 | JMM0031- JMM0037 | | | |
| E | Affidavit of Fredrick P. Waid, Trustee, dated May 6, 2015 | JMM0038- JMM0043 | | | |
| F | The W.N. and Marjorie T. Connell Trust, dated May 18, 1972 | JMM0044- JMM0058 | | | |
| G | Mr. Waid's "Interim Trustee Report" dated July 2, 2015 JWS | JMM0059- JMM0072 | | | |
| H | Letter to Mr. Waid dated November 20, 2015 from Joseph Powell, Esq | JMM0073- JMM0079 | | | |

PETITIONER EXHIBITS

JMM0082

RESPONDENT EXHIBITS

CASE NO. P0160425

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CASE NO. P 0664/25

TRIAL DATE: 2/22/16

DEPT. NO. XXVI

JUDGE: GLORIA STURMAN

IN THE MATTER OF THE TRUST OF:
THE W.N. CONNELL AND MARJORIE

CLERK: BILLIE JO CRAIG

T. CONNELL LIVING TRUST, DATED
MAY 18, 1972 PLAINTIFF__

REPORTER: KERRY ESPARZA

vs

L. RUSSMORE / J. POWELL

COLNSEL FOR PLAINTIFF

DEFENDANT _____

K. LENNARD/T. PETERSON

COUNSEL FOR DEFENDANT

COURT EXHIBITS

[illegible]

EXHIBIT(S) LIST

Case No. PO66425
Dept. No.: 26

[Hearing] Date: 9.7.2016

Judge: Gloria Sturman

Court Clerk: Olivia Black

Recorder: Kerry Esparza

Counsel for Petitioner Lenhard, Kirk

Counsel for I Greist, Russel, Powell Joseph
Rushforth, Layne

Petitioner: Ahern, Eleanor

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

[SELECT TYPE] BEFORE THE COURT

[Select Type] EXHIBITS

[illegible]



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

LAYNE T. RUSHFORTH
P.O. BOX 371655
LAS VEGAS, NV 89137-1655

DATE: October 21, 2016
CASE: P-09-066425-T

RE CASE: In the Matter of the Trust of: THE W.N. CONNELL and MARJORIE T. CONNELL
LIVING TRUST, dated May 18, 1972

NOTICE OF APPEAL FILED: October 19, 2016

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☒ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

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; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER REGARDING MOTION FOR ASSESSMENT OF DAMAGES; ENFORCEMENT OF NO CONTEST CLAUSE; AND SURCHARGE OF TRUST INCOME; NOTICE OF ENTRY OF ORDER REGARDING MOTION FOR ASSESSMENT OF DAMAGES; ENFORCEMENT OF NO CONTEST CLAUSE; AND SURCHARGE OF TRUST INCOME; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

In the Matter of the Trust of:

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

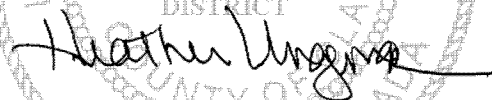
Case No: P-09-066425-T

Dept No: FAMILY DOMESTIC

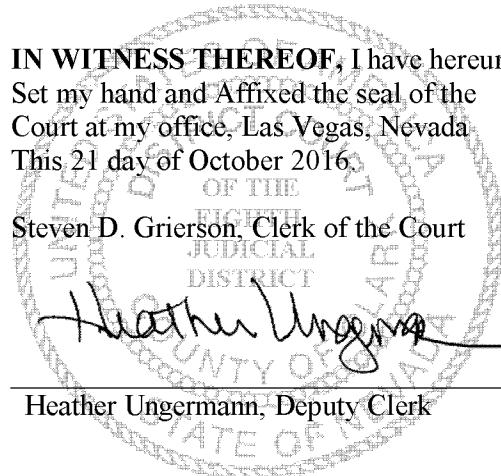
now on file and of record in this office.

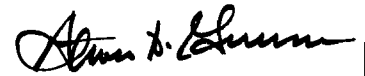
IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 21 day of October 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk





CLERK OF THE COURT

Electronically Filed
Oct 26 2016 09:44 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 **NOAS**
2 LAYNE T. RUSHFORTH
3 State Bar No. 1004
4 JOSEPH J. POWELL
5 State Bar No. 8875
6 DANIEL P. KIEFER
7 State Bar No. 12419
8 THE RUSHFORTH FIRM, LTD.
9 P. O. Box 371655
10 Las Vegas, NV 89137-1655
11 Telephone: (702) 255-4552 / Fax: (702) 255-4677
12 e-mail: probate@rushforthfirm.com
13 *Attorneys for Jacqueline M. Montoya*
14 *and Kathryn A. Bouvier*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

In the Matter of the Estate

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

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

NOTICE OF APPEAL

A Non-Testamentary Trust.

NOTICE IS HEREBY GIVEN that Petitioners Jacqueline M. Montoya and Kathryn A. Bouvier hereby appeal to the Supreme Court of Nevada from the Order Regarding Motion for Assessment of Damages; Enforcement of No Contest Clause; and Surcharge of Trust Income (the "Order"), entered in this action on September 19, 2016, for which a Notice of Entry of Order was subsequently entered on September 28, 2016. A true and accurate copy of the Order is attached hereto as **Exhibit 1**.

Dated this 19th day of October 2016.

THE RUSHFORTH FIRM, LTD.

By: 

LAYNE T. RUSHFORTH

JOSEPH J. POWELL

DANIEL P. KIEFER

*Attorneys for Jacqueline M. Montoya
and Kathryn A. Bouvier*

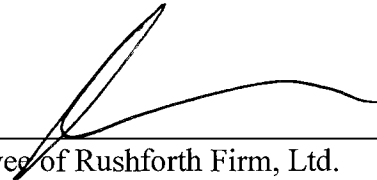
CERTIFICATE OF SERVICE

Pursuant to Rule 5(b), I hereby certify that service of the above **NOTICE OF APPEAL** was made via wiznet.com on this date as follows:

Todd Moody, Esq.
HUTCHISON & STEFFEN LLC
10080 W. Alta Drive #200
Las Vegas, Nevada 89145
Attorney for Interim Trustee

Kirk B. Lenhard, Esq.
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106
Attorney for Eleanor Ahern

DATED this 19th day of October, 2016



Employee of Rushforth Firm, Ltd.

Exhibit 1

Exhibit 1


CLERK OF THE COURT

1 NEOJ
2 JOSEPH J. POWELL
3 State Bar No. 8875
4 THE RUSHFORTH FIRM, LTD.
5 P. O. Box 371655
6 Las Vegas, NV 89137-1655
7 Telephone: (702) 255-4552
8 fax: (702) 255-4677
9 e-mail: probate@rushforthfirm.com
10 Attorneys for Jacqueline M. Montoya
11 and Kathryn A. Bouvier
12

13 DISTRICT COURT
14 CLARK COUNTY, NEVADA
15

16 In the Matter of
17
18 THE W.N. CONNELL and MARJORIE T.
19 CONNELL LIVING TRUST, dated May 18,
20 1972,

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

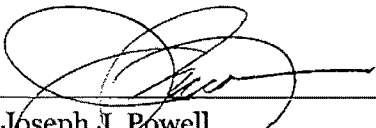
21 A non-testamentary trust.

22 **NOTICE OF ENTRY OF ORDER REGARDING MOTION FOR ASSESSMENT OF**
23 **DAMAGES; ENFORCEMENT OF NO CONTEST CLAUSE; AND SURCHARGE OF**
24 **TRUST INCOME**
25

26 NOTICE IS HEREBY GIVEN THAT:

27 The "Order Regarding Motion for Assessment of Damages; Enforcement of No Contest
28 Clause; and Surcharge of Trust Income" was entered on September 13, 2016 and filed on September
19, 2016, a copy of which is attached
hereto.

Respectfully submitted by:

24 
25
26 Joseph J. Powell
27 State Bar No. 8875
28

9/28/16

Date

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ORDR

DISTRICT COURT
CLARK COUNTY, NEVADA


CLERK OF THE COURT

CASE NO.: P-09-066425-T

DEPT. NO.: XXVI

In the Matter of THE W.N. CONNELL
AND MARJORIE T. CONNELL LIVING
TRUST DATED May 18, 1972, An Inter
Vivos Irrevocable Trust

**ORDER REGARDING MOTION FOR
ASSESSMENT OF DAMAGES;
ENFORCEMENT OF NO CONTEST
CLAUSE; AND SURCHARGE OF
TRUST INCOME**

Date of Hearing: February 22, 2016
Time of Hearing: 9:30 a.m.

On June 3, 2015, Jacqueline M. Montoya and Kathryn A. Bouvier ("Movants" or "Ms. Montoya and Ms. Bouvier"), through counsel, filed a *Motion for Assessment of Damages Against Eleanor Ahern; Enforcement of No Contest Clause; and Surcharge of Eleanor's Trust Income* (the "Motion"), and on July 31, 2015, filed a Supplement to the Motion.

On June 29, 2015, Eleanor Connell Hartman Ahern ("Ms. Ahern"), through counsel, filed an opposition to the Motion and, on August 3, 2015, filed a *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* ("Motion to Strike"). The Court has not yet ruled on the Motion to Strike.

The Court held an evidentiary hearing on February 22, 2016, which continued on March 3, 2016 (the "Hearings"). On February 22, 2016, legal arguments were presented by all parties, and the testimony of two witnesses, Fredrick Waid and Jacqueline Montoya, was offered. On March 3, 2016, the parties made closing arguments.

//

1 At the Hearings, Ms. Montoya and Ms. Bouvier were represented jointly by
2 attorneys Layne T. Rushforth, Esq., Joseph J. Powell, Esq., and Daniel P. Kiefer, Esq., of
3 The Rushforth Firm, Ltd; Ms. Ahern was represented by Tamara Beatty Peterson, Esq.,
4 and Kirk B. Lenhard, Esq., of Brownstein Hyatt Farber Schreck, LLP; and Fredrick P.
5 Waid, in his capacity as the acting trustee of The W.N. Connell and Marjorie T. Connell
6 Living Trust, dated May 18, 1972 (the "Trust"), was represented by Todd L. Moody, Esq.,
7 and Russel J. Geist, Esq., of Hutchison & Steffen, LLC.

8 After consideration of the evidence and arguments presented by the parties and
9 their counsel at the Hearings, and the papers and pleadings on file herein, the Court finds
10 as follows:

11 1. Ms. Ahern, as Trustee, did not comply with the Court order to protect the
12 65% share of the Trust that was to be segregated under the terms of the Trust for the
13 Movants, Ms. Montoya and Ms. Bouvier.

14 2. Ms. Ahern's failure to properly apply her duties as a Trustee does not
15 warrant imposition of the harsh remedy of imposition of the no-contest clause,
16 specifically her failure to seek Court approval before ceasing payments to the Movants.
17 Therefore, the Court will not enforce the no-contest clause as against Ms. Ahern as
18 beneficiary.

19 3. Ms. Ahern's failure to comply with the Court's Order to protect the
20 Movants' 65% share, however, resulted in a misapplication of the Trust income, which
21 deprived the Movants of funds owed to them under the terms of the Trust. Ms. Ahern's
22 misapplication of Trust funds warrants a surcharge against Ms. Ahern's 35% share of the
23 Trust, to be paid to Movants, in a total amount to be determined at a future hearing to be
24 set by this Court.

25 4. Additional briefing and argument is needed on the issues of punitive and
26 treble damages. It is expected that the additional briefing on such damages, and the
27 hearing on the total amount owed to Movants, will be scheduled after the Successor
28 Trustee, Fredrick P. Waid ("Mr. Waid") finalizes his accounting for the Court.

1 5. Until such time as the Court decides the total amounts owed by Ms. Ahern,
2 it is necessary to withhold all distributions to Ms. Ahern, other than those amounts
3 previously approved as advancements by the Court's *Order Instructing Trustee to*
4 *Advance Funds* dated December 29, 2015, which was entered on January 5, 2016. The
5 suspension of Ms. Ahern's share under this order will be effective thirty (30) days after a
6 Notice of Entry of Order is filed with respect to this Order. This ruling does not supersede
7 or modify the Court's *Order on Petition for Instructions Regarding Allocations of Eleanor*
8 *Ahern's 2015 Trust Unpaid Distributions*.

9 6. In farther violation of this Court's Orders, Ms. Ahern removed some funds
10 from Trust accounts before turning those accounts over to the Successor Trustee, Mr. Waid.
11 Some funds have since been turned over to the Successor Trustee, however, until such
12 time as Mr. Waid can provide an Accounting the Court cannot rule on Ms. Ahern potential
13 liability. The exact amount of any damages resulting from these serious breaches of
14 fiduciary duty will be determined at a later evidentiary hearing.

15 7. NRS Chapter 165 imposes a fiduciary duty on Ms. Ahern, as Trustee, had
16 to account for all assets and income received by her and for all distributions made by her.
17 Although Ms. Ahern has been removed or suspended from her role as Trustee, she has
18 not be discharged from her fiduciary duties pending her compliance, and the Court's
19 approval of the accounting to be filed by the successor Trustee, Mr. Waid. The Court
20 found that the account Ms. Ahern filed, under penalty of perjury on March 13, 2015, titled
21 "Brief Regarding Accounting Fiduciary Duties, and Trust Administration", was
22 incomplete and intentionally inaccurate. Ms. Ahern, therefore, remains statutorily
23 obligated to cooperate with the successor Trustee, Mr. Waid, in furtherance of Mr. Waid's
24 accounting, until such time as the Court enters a full and complete discharge of Ms.
25 Ahern.

26 8. Movant's seek punitive damages, which requires a finding of willful and
27 malicious conduct. In the alternative, Movants seek treble damages for breach of fiduciary
28 duty. Ms. Ahern's conduct was shocking and needs to be dealt with in a serious fashion,

1 but the final decision on whether punitive and/or treble damages should be awarded in
2 addition to restitution will be made at the evidentiary hearing to be scheduled after Mr.
3 Waid concludes discovery and prepares his report and accounting to the Court.

4 9. After viewing an independent medical evaluation *in camera*, the Court
5 finds that Ms. Ahern is competent to sit for a deposition in this matter.

6 **ORDER**

7 Upon the Court's consideration of the evidence and arguments presented by the
8 parties and their counsel at the hearing on the Motion, and good cause appearing therefore:

9 1. IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Movants'
10 request to enforce the no-contest clause against Ms. Ahern is denied.

11 2. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Trust
12 distributions to Ms. Ahern are suspended upon the following conditions:

13 a. The suspension shall take effect thirty (30) days after notice of entry
14 of this Order is filed;

15 b. The suspension shall continue until Movants have been paid in an
16 amount to be determined at a hearing set by this Court following the completion of an
17 accounting of the Trust assets by the interim Trustee, Mr. Waid.

18 3. IT IS FURTHER ORDER ADJUDGED AND DECREED that Mr. Waid
19 shall prepare a report and a trustee's account, and upon completion, a hearing on the
20 amounts owed by Ms. Ahern, including any punitive or treble damages, shall be
21 conducted, unless the parties stipulate otherwise.

22
23 DATED this 15th of September, 2016.

24
25 
26 DISTRICT COURT JUDGE
27
28

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 Number: **P066425**
Supreme Court No.: **66231**
67782
68046
69737

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

| | | |
|--------------------------------|--|--|
| Petitioner | Ahern, Eleanor C | <i>Lead Attorneys</i> Lenhard, Kirk B. <i>Retained</i> 7027342220(W) |
| Trustee | Waid, Fredrick | Geist, Russel J, ESQ <i>Retained</i> 702-385-2500(W) |
| Trust | The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 | |
| Other | Bouvier, Kathryn A | Powell, Joseph J <i>Retained</i> 7022554552(W) |
| | Montoya, Jacqueline M | Powell, Joseph J <i>Retained</i> 7022554552(W) |
| | Parties Receiving Notice | |
| Personal Representative | Montoya, Jacqueline M | Powell, Joseph J <i>Retained</i> 7022554552(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









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

| | |
|------------|--|
| |  Notice of Hearing 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 | Hearing (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 |  Petition (9:30 AM) (Judicial Officer: Sturman, Gloria) 10/11/2013, 11/12/2013 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 | |














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

| | |
|------------|---|
| |  Receipt of Copy Filed by: Personal Representative Montoya, Jacqueline M <i>Receipt of Copy</i> |
| 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 |

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



| | |
|------------|---|
| | <p>Filed by: Personal Representative Montoya, Jacqueline M <i>Objection to Motion to Dismiss Petition for Declaratory Judgment Regarding Limited Interest 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)</i></p> |
| 12/11/2013 | <p> Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M <i>Certificate of Mailing</i></p> |
| 12/13/2013 | <p>CANCELED Motion (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></p> |
| 01/03/2014 | <p> 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></p> |
| 01/06/2014 | <p> 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></p> |
| 01/09/2014 | <p> 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></p> |
| 01/14/2014 | <p>Motion (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></p> |
| 01/14/2014 | <p>Petition - HM (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></p> |
| 01/14/2014 | <p> All Pending Motions (9:00 AM) (Judicial Officer: Sturman, Gloria)</p> |
| 01/14/2014 | <p> Receipt of Copy Filed by: Personal Representative Montoya, Jacqueline M <i>Receipt of Copy</i></p> |
| 01/24/2014 | <p> Recorders Transcript of Hearing Party: Petitioner Ahern, Eleanor C <i>Recorder's Transcript Motions Hearing Tuesday January 14 2014</i></p> |
| 01/24/2014 | <p> Calendar Call (11:00 AM) (Judicial Officer: Sturman, Gloria)</p> |

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

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| 01/27/2014 |  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 & 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 |

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

Jacqueline Montoya's Trial Memorandum Pursuant to E.D.C.R. 7.27

| | |
|------------|---|
| 02/12/2014 |  Pre Trial Conference (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 |  Bench Trial (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 |

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

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




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|------------|---|
| 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> |

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

| | |
|------------|--|
| 03/27/2014 |  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 |  Petition (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 |  Recordors 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 Accured 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 Contruction and Effect of Probate Court Order</i> |
| 05/12/2014 | |

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

| | |
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| |  Reply Filed by: Petitioner Ahern, Eleanor C <i>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</i> |
| 05/13/2014 | Motion (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 03/18/2014 Motion to Dismiss <i>Motion to Dismiss Counterclaims of Eleanor C. Ahern</i> |
| 05/13/2014 | Motion (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 03/20/2014 Amended Notice <i>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</i> |
| 05/13/2014 | Hearing (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 03/26/2014 Notice of Hearing <i>Hearing on Petition for Construction and Effect of Probate Court Order</i> |
| 05/13/2014 | Motion (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 05/08/2014 Order Shortening Time <i>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</i> |
| 05/13/2014 |  All Pending Motions (9:00 AM) (Judicial Officer: Sturman, Gloria) |
| 05/16/2014 |  Order Filed by: Petitioner Ahern, Eleanor C <i>Order Granting Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property</i> |
| 05/19/2014 |  Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order</i> |
| 05/20/2014 |  Recorders Transcript of Hearing Party: Petitioner Ahern, Eleanor C <i>Transcript RE: All Pending Motions</i> |
| 05/27/2014 | CANCELED Petition - HM (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated</i> <i>Hearing on Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2</i> |
| 06/09/2014 |  Notice Filed by: Other Bouvier, Kathryn A <i>Notice of Appearance</i> |
| 07/07/2014 |  Order Filed by: Other Bouvier, Kathryn A <i>Order: Re Pending Motions and Scheduling</i> |
| 07/07/2014 |  Order Filed by: Petitioner Ahern, Eleanor C <i>Order: Re Pending Motions and Scheduling</i> |

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 | CANCELED Calendar Call (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 | CANCELED Bench Trial (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






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| 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 | CANCELED Motion to Compel (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 |  Motion to Compel (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















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| 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 Suboena 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
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Notice of Taking Deposition- Josefina C. Jones

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| 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 |  Status Check (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 Medicial 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 Medicial 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

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| 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 |  Status Check (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 |  Motion (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
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| | 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 | Hearing - HM (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 | CANCELED Hearing - HM (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 |  Motion to Enforce (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 |  Status Check (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
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| | 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 |  Status Check: Compliance (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
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| | 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 | Status Check: Settlement/Trial Setting (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>10:00AM SESSION</i> |
| 01/14/2015 | Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Petition for Determination of Construction and Interpretation of Lanuage Relating to Trust No. 2 (10:00AM)</i> |
| 01/14/2015 | Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Motion to Dismiss Counterclaims of Eleanor C. Ahern (10:00AM)</i> |
| 01/14/2015 | Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Petition for Construction and Effect of Probate Court Order (10:00AM)</i> |
| 01/14/2015 | Opposition & Countermotion (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 12/23/2014 Opposition and Countermotion <i>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</i> |
| 01/14/2015 | Motion (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 |  All Pending Motions (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 | Motion - HM (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
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| 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 |  Hearing (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 ESQs 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 | CANCELED Motion (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
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| 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 |  Motion (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 Adminastration</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

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| |  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 |  Hearing (10:00 AM) (Judicial Officer: Sturman, Gloria) |
| 03/20/2015 |  Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie) |
| 03/25/2015 | Motion (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 |  Telephonic Hearing (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
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| 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 |  Motion For Stay (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 |  Telephonic Hearing (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

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| | 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 |  Motion for Withdrawal (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 |  Order to Show Cause (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 |  Motion for Attorney Fees (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 |  Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings - Status Check: Compliance - heard on Dec. 19, 2014</i> |
| 06/19/2015 |  Recorders Transcript of Hearing 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 |  Hearing (1:30 PM) (Judicial Officer: Sturman, Gloria) <i>Evidentiary Hearing: Contempt of Court</i> |
| 06/23/2015 |  Judgment Filed by: Petitioner Ahern, Eleanor C <i>Judgment and Order Approving Award of Attorney's Fees</i> |
| 06/23/2015 | CANCELED Telephonic Hearing (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Clerk</i> |
| 06/23/2015 |  Telephonic Conference (11:30 AM) (Judicial Officer: Gonzalez, Elizabeth) |
| 06/25/2015 |  Calendar Call (8:45 AM) (Judicial Officer: Gonzalez, Elizabeth) |
| 06/29/2015 |  Opposition to Motion 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 |  Recorders Transcript of Hearing <i>Transcript of Proceedings Evidentiary Hearing: Contempt of Court Monday, June 22, 2015</i> |
| 06/30/2015 |  Notice of Entry of Order Filed by: Other Bouvier, Kathryn A <i>Notice of Entry of Judgment and Order Approving Award of Attorney's Fees</i> |
| 06/30/2015 |  Reporters Transcript <i>Transcript of Proceedings: Calendar Call</i> |
| 07/02/2015 |  Notice of Vacating Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Deposition</i> |
| 07/06/2015 |  Recorders Transcript of Hearing Party: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 <i>Transcript of Proceedings All Pending Motions Wednesday, January 14, 2015</i> |
| 07/07/2015 |  Amended Notice Filed by: Trustee Waid, Fredrick <i>Amended Notice of Taking Deposition</i> |
| 07/07/2015 |  Order 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

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| 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 |  Status Check (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

| | |
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| 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

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| 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 |  Motion (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 | CANCELED Motion - HM (9:30 AM) <i>Vacated - per Judge</i> |
| 08/14/2015 | CANCELED Opposition & Countermotion - HM (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 |  Motion to Dismiss (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 | CANCELED Motion to Strike (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
Application For The Issuance Of A Commission To Take Out-Of-State Deposition of Jeffrey Johnston

08/21/2015



Application

Filed by: Trustee Waid, Fredrick
Application For The Issuance Of A Commission To Take Out-Of-State Deposition Of The Person Most Knowledgeable For Anthony & Middlebrook, P.C.

08/21/2015



Application

Filed by: Trustee Waid, Fredrick
Application For The Issuance Of A Commission To Take Out-Of-State Deposition of Lawrence Prucka

08/21/2015



Recorders Transcript of Hearing

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

08/21/2015



Notice of Taking Deposition

Filed by: Trustee Waid, Fredrick
Notice of Taking Out-Of-State Deposition of Jeffrey Johnston

08/21/2015



Notice of Taking Deposition

Filed by: Trustee Waid, Fredrick
Notice of Taking Out-Of-State Deposition of Person Most Knowledgeable for Anthony & Middlebrook, P.C.

08/21/2015



Notice of Taking Deposition

Filed by: Trustee Waid, Fredrick
Notice of Taking Out-Of-State of Deposition of Lawrence Prucka

08/25/2015



Reporters Transcript

Transcript of Proceedings: Hearing on Eleanor Ahern's Motion to Dismiss Contempt Proceedings

08/25/2015



Notice of Taking Deposition

Filed by: Trustee Waid, Fredrick
Notice of Taking Out-Of-State Deposition of Frederick Brown

08/25/2015



Notice of Taking Deposition

Filed by: Trustee Waid, Fredrick
Notice of Taking Out-Of-State Deposition of Curt Baggett

08/25/2015



Notice of Taking Deposition

Filed by: Trustee Waid, Fredrick
First Amended Notice of Taking Out-Of-State Deposition of Person Most Knowledgeable for Anthony & Middlebrook, P.C.

08/25/2015



Notice of Taking Deposition

Filed by: Trustee Waid, Fredrick
First Amended Notice of Taking Out-Of-State Deposition of Jeffrey Johnston

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













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| 08/25/2015 |  Application Filed by: Trustee Waid, Fredrick <i>Application for the Issuance of a Commission to Take Out-Of-State Deposition of Frederick Brown</i> |
| 08/25/2015 |  Application Filed by: Trustee Waid, Fredrick <i>Application for the Issuance of a Commission to Take Out-Of-State Deposition of Curt Baggett</i> |
| 08/25/2015 |  Application Filed by: Trustee Waid, Fredrick <i>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.</i> |
| 08/25/2015 |  Application Filed by: Trustee Waid, Fredrick <i>First Amended Application for the Issuance of a Commission to Take Out-Of-State Deposition of Jeffrey Johnston</i> |
| 08/25/2015 |  Application Filed by: Trustee Waid, Fredrick <i>First Amended Application for the Issuance of a Commission to Take Out-Of-State Deposition of Lawrence Prucka</i> |
| 08/27/2015 |  Certificate of Service Filed by: Trustee Waid, Fredrick <i>Certificate of Service</i> |
| 08/27/2015 |  Commission to Take Deposition Outside the State of Nevada Filed by: Trustee Waid, Fredrick <i>Commission To Take Out-Of-State Deposition Of Frederick Brown</i> |
| 08/27/2015 |  Commission to Take Deposition Outside the State of Nevada Filed by: Trustee Waid, Fredrick <i>Commission To Take Out-Of-State Deposition Of Curt Baggett</i> |
| 08/27/2015 |  Commission to Take Deposition Outside the State of Nevada Filed by: Trustee Waid, Fredrick <i>Commission To Take Out-OfState Deposition OfThe Person Most Knowledeable For Anthony & Middlebrook, P.C.</i> |
| 08/27/2015 |  Commission to Take Deposition Outside the State of Nevada Filed by: Trustee Waid, Fredrick <i>Commission To Take Out-Of-State Deposition Of Jeffrey Johnston</i> |
| 08/27/2015 |  Commission to Take Deposition Outside the State of Nevada Filed by: Trustee Waid, Fredrick <i>Commission To Take Out-Of-State Deposition Of Lawrence Prucka</i> |
| 09/02/2015 |  Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Evidentiary Hearing Status</i> |
| 09/14/2015 | |

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














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| |  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 | Status Check (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 | Status Check (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 |  All Pending Motions (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

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| |  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

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| | 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 | Motion to Withdraw as Counsel (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Brownstein, Hyatt, Farber & Schreck's, LLC, Motion to Withdraw as Counsel on Order Shortening Time</i> |
| 10/14/2015 | CANCELED Status Check (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 | Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Status Check: Evidentiary Hearing Status</i> |
| 10/14/2015 |  All Pending Motions (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 & 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 |  Order to Show Cause (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 | Motion (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 | Motion to Compel (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 |  All Pending Motions (9:00 AM) (Judicial Officer: Sturman, Gloria) |
| 11/09/2015 | CANCELED Evidentiary Hearing (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i> |
| 11/10/2015 | CANCELED Evidentiary Hearing (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 |  Motion for Order to Show Cause (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 | Motion to Compel (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Deposition of Eleanor Ahern</i> |
| 01/27/2016 | Motion to Stay (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 | Motion to Reconsider (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 |  All Pending Motions (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 Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Posting Bond</i> |
| 02/10/2016 |  Notice of Appeal Filed by: Other Bouvier, Kathryn A |
| 02/11/2016 | CANCELED Evidentiary Hearing (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i> |
| 02/11/2016 | CANCELED Evidentiary Hearing (10:00 AM) (Judicial Officer: Sturman, Gloria) |






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

| | |
|------------|--|
| | <i>Vacated - per Judge</i> |
| 02/12/2016 | CANCELED Evidentiary Hearing (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i> |
| 02/12/2016 | CANCELED Evidentiary Hearing (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i> |
| 02/17/2016 |  Recorders Transcript of Hearing <i>Transcript of Proceedings Motion to Compel: Deposition of Eleanor Ahern; Jacqueline M. Montoya and Kathryn M. Bouvier's Motion to Stay Execution of Order Pending the Hearing of the Motion for Reconsideration Pursuant to NRCp 62(b) on OST and Motion to Reconsider on OST Wednesday, January 27, 2016</i> |
| 02/17/2016 |  Pre-trial Memorandum Filed by: Personal Representative Montoya, Jacqueline M <i>Pre-Trial Memorandum</i> |
| 02/19/2016 |  Ex Parte Application Filed by: Petitioner Ahern, Eleanor C <i>Ex Parte Application to File Under Seal Eleanor Ahern's Trial Memorandum; Order</i> |
| 02/19/2016 |  Trial Subpoena Filed by: Petitioner Ahern, Eleanor C <i>Trial Subpoena - Kathryn Bouvier</i> |
| 02/19/2016 |  Trial Subpoena Filed by: Petitioner Ahern, Eleanor C <i>Trial Subpoena - Jacqueline Montoya</i> |
| 02/19/2016 |  Motion to Seal/Redact Records Filed by: Petitioner Ahern, Eleanor C <i>Motion to File Under Seal Trial Memorandum</i> |
| 02/19/2016 |  Filed Under Seal Filed by: Petitioner Ahern, Eleanor C <i>Trial Memorandum (Filed Under Seal)</i> |
| 02/22/2016 |  Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Ex Parte Application to File Under Seal Eleanor Ahern's Trial Memorandum; Order</i> |
| 02/22/2016 | Evidentiary Hearing (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Enforcement of No Contest Clause</i> |
| 02/22/2016 | Motion - HM (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Motion to File Under Seal Trial Memorandum</i> |
| 02/22/2016 |  All Pending Motions (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>2/22/16</i> |
| 03/01/2016 |  Motion Filed by: Petitioner Ahern, Eleanor C <i>Motion to Submit Documents In Camera on Order Shortening Time</i> |















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

| | |
|------------|---|
| 03/02/2016 |  Opposition to Motion Filed by: Personal Representative Montoya, Jacqueline M <i>Opposition to Motion to Submit Documents in Camera on Order Shortening Time</i> |
| 03/02/2016 |  Stipulation and Order Filed by: Trustee Waid, Fredrick <i>Stipulation and Order to File Petition for Instruction Regarding Allocation of Eleanor Ahern's 2015 Trust Unpaid Distributions Under Seal</i> |
| 03/02/2016 |  Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order</i> |
| 03/02/2016 |  Motion Filed by: Trustee Waid, Fredrick <i>Motion for Leave to File Sealed Pleading in Case No. A-14-710467-C, Department 20 On Order Shortening Time</i> |
| 03/02/2016 |  Filed Under Seal Filed by: Attorney Geist, Russel J, ESQ <i>Petition for Instructions Regarding Allocation of Eleanor Ahern's 2015 Trust Unpaid Distributions</i> |
| 03/03/2016 | Evidentiary Hearing (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Evidentiary Hearing To Enforce No Contest Clause</i> |
| 03/03/2016 | Status Check (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Re: 65th Day Rule; Petition for Instructions</i> |
| 03/03/2016 |  All Pending Motions (10:00 AM) (Judicial Officer: Sturman, Gloria) |
| 03/03/2016 | Motion - HM (10:00 AM) (Judicial Officer: Sturman, Gloria) Events: 03/01/2016 Motion <i>Motion to Submit Documents In Camera on Order Shortening Time</i> |
| 03/03/2016 | Motion (10:00 AM) (Judicial Officer: Sturman, Gloria) Events: 03/02/2016 Motion <i>Motion for Leave to File Sealed Pleading in Case No A-14-710467-C Department 20 on Order Shortening Time</i> |
| 03/03/2016 |  Response Filed by: Petitioner Ahern, Eleanor C <i>Eleanor Ahern's Response to Interim Trustee's Petition for Instructions Regarding Allocation of Eleanor Ahern's 2015 Turst Unpaid Distributions</i> |
| 03/14/2016 |  Order Granting Filed by: Petitioner Ahern, Eleanor C <i>Order Granting Motion to Submit Documents In Camera</i> |
| 03/15/2016 |  Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order Granting Motion to Submit Documents In Camera</i> |
| 03/17/2016 |  Filed Under Seal Filed by: Attorney Lenhard, Kirk B. <i>Redacted Copy of Page 6 of Independant Medical Examination</i> |

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

| | |
|------------|--|
| 03/29/2016 |  Recorders Transcript of Hearing <i>Evidentiary Hearing: Enforcement of No Contest Clause Monday, February 22, 2016</i> |
| 03/30/2016 |  Order Filed by: Trustee Waid, Fredrick <i>Order Allowing Trustee to File Eleanor Ahern's Trial Memorandum Under Seal in Case No. A-14-710467-C</i> |
| 04/01/2016 |  Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order</i> |
| 04/14/2016 |  Motion Filed by: Trustee Waid, Fredrick <i>Motion for Citation Requiring Eleanor Ahern to Authorize Production of Records on Order Shortening Time</i> |
| 05/02/2016 |  Response Filed by: Petitioner Ahern, Eleanor C <i>Response to Motion for Citation Requiring Eleanor Ahern to Authorize Production of Records on Order Shortening Time</i> |
| 05/19/2016 |  Reply Filed by: Trustee Waid, Fredrick <i>Reply in Support of Motion for Citation Requiring Eleanor Ahern to Authorize Production of Records By Jeffrey M. Johnston, Esq. & Marquis Aurbach Coffing</i> |
| 05/20/2016 |  Filed Under Seal Filed by: Petitioner Ahern, Eleanor C <i>Transcript of Proceedings All Pending Motion; Evidentiary Hearing; Status Check March 3, 2016</i> |
| 06/01/2016 |  Motion (9:30 AM) (Judicial Officer: Sturman, Gloria) 06/01/2016, 08/03/2016 <i>Motion for Citation Requiring Eleanor Ahern to Authorize Production of Records on Order Shortening Time</i> |
| 06/02/2016 |  Order Filed by: Trustee Waid, Fredrick <i>Order on Petition for Instructions Regarding Allocation of Eleanor Ahern's 2015 Trust Unpaid Distributions</i> |
| 06/03/2016 |  Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order</i> |
| 06/10/2016 |  Recorders Transcript of Hearing <i>Transcript of Proceedings Motion for Citation Requiring Eleanor Ahern to Authorize Production of Records on Order Shortening Time Wednesday, June 1, 2016</i> |
| 06/27/2016 |  Order Filed by: Personal Representative Montoya, Jacqueline M <i>Order Regarding Motion for Reconsideration on Order Shortening Time</i> |

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

| | |
|------------|--|
| 06/28/2016 |  Notice of Entry of Order Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Entry of Order Regarding Motion for Reconsideration on Order Shortening Time</i> |
| 08/02/2016 |  Motion Filed by: Petitioner Ahern, Eleanor C <i>Motion to Withdraw as Counsel</i> |
| 08/03/2016 |  Motion - HM (3:00 AM) (Judicial Officer: Sturman, Gloria) <i>Motion to Withdraw as Counsel</i> |
| 08/03/2016 |  Petition Filed by: Personal Representative Montoya, Jacqueline M <i>Petition for Order Directing Transfer of Tenancy in Common Interest in Upton County, Texas Property to the MTC Living Trust</i> |
| 08/04/2016 |  Certificate of Mailing Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 <i>Certificate of Mailing of Motion to Adjudicate Attorney's Lien</i> |
| 08/04/2016 |  Motion Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 <i>Motion to Adjudicate Attorney's Lien</i> |
| 08/11/2016 |  Order Granting Filed by: Petitioner Ahern, Eleanor C <i>Order Granting motion to Withdraw as Counsel</i> |
| 08/15/2016 |  Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order Granting Motion to Withdraw as Counsel</i> |
| 08/17/2016 |  Response Filed by: Petitioner Ahern, Eleanor C <i>Eleanor Ahern's Response To Petition For Order Directing Transfer Of Tenancy In Common Interest In Upton, County, Texas Property To The MTC Living Trust</i> |
| 08/18/2016 |  Response Filed by: Petitioner Ahern, Eleanor C <i>Response To Marquis Aurbach Coffing's Motion To Adjudicate Attorney's Lien</i> |
| 08/30/2016 |  Reply Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 <i>Reply in Support of Marquis Aurbach Coffing's Motion to Adjudicate Attorney's Lien</i> |
| 08/30/2016 |  Objection Filed by: Personal Representative Montoya, Jacqueline M <i>Limited Objection to Motion to Adjudicate Attorney's Lien</i> |
| 08/31/2016 |  Response Filed by: Trustee Waid, Fredrick <i>Response to Motion to Adjudicate Attorney's Lien</i> |
| 08/31/2016 |  Response |

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

Filed by: Trustee Waid, Fredrick
Response to Petition for Order Directing Transfer of Tenancy in Common Interest in Upton County, Texas Property to the MTC Living Trust

08/31/2016



Reply

Filed by: Personal Representative Montoya, Jacqueline M
Reply in Support of Petition for Order Directing Transfer of Tenancy in Common Interest in Upton County, Texas Property to the MTC Living Trust

09/02/2016



Reply

Filed by: Other Marquis Aurbach Coffing
Reply to Fredrick Waid's Response to Motion to Adjudicate Attorney's Lien

09/02/2016



Reply

Filed by: Other Marquis Aurbach Coffing
Reply to Jacqueline and Kathryn's Limited Objection to Marquis Aurbach Coffing's Motion to Adjudicate Attorney's Lien

09/07/2016

Petition (9:30 AM) (Judicial Officer: Sturman, Gloria)

09/07/2016, 10/05/2016

Events: 08/03/2016 Petition
Petition for Order Directing Transfer of Tenancy in Common Interest in Upton County, Texas Property to te MTC Living Trust

09/07/2016

Motion (9:30 AM) (Judicial Officer: Sturman, Gloria)

Motion to Adjudicate Attorney's Lien

09/07/2016



All Pending Motions (9:30 AM) (Judicial Officer: Sturman, Gloria)

09/19/2016



Order

Order Regarding Motion for Assessment of Damages; Enforcement of No Contest Clause; and Surcharge of Trust Income

09/23/2016



Stipulation and Order

Filed by: Other Marquis Aurbach Coffing
Stipulation and Order to Continue Status Check Regarding Marquis Aurbach Coffing's Motion to Adjudicate Attorney's Lien

09/26/2016



Notice of Entry of Stipulation and Order

Filed by: Petitioner Ahern, Eleanor C
Notice of Entry of Stipulation and Order

09/28/2016



Notice of Entry of Order

Filed by: Personal Representative Montoya, Jacqueline M
Notice of Entry of Order Regarding Motion for Assessment of Damages; Enforcement of No Contest Clause; and Surcharge of Trust Income

10/05/2016

Status Check (9:30 AM) (Judicial Officer: Sturman, Gloria)

Status Check: Trustee Accounting

10/05/2016



All Pending Motions (9:30 AM) (Judicial Officer: Sturman, Gloria)

10/19/2016



Notice of Appeal

Filed by: Personal Representative Montoya, Jacqueline M
Notice of Appeal

FAMILY DOMESTIC
CASE SUMMARY
CASE NO. P-09-066425-T
FINANCIAL INFORMATION

DATE

| | |
|--|---------------|
| Attorney Steadman, Brian K, ESQ | |
| Total Charges | 150.00 |
| Total Payments and Credits | 150.00 |
| Balance Due as of 10/21/2016 | 0.00 |
| Attorney Moody, Todd L | |
| Total Charges | 15.00 |
| Total Payments and Credits | 15.00 |
| Balance Due as of 10/21/2016 | 0.00 |
| Other Mann, David L, ESQ | |
| Total Charges | 223.00 |
| Total Payments and Credits | 223.00 |
| Balance Due as of 10/21/2016 | 0.00 |
| Other Marquis Aurbach Coffing | |
| Total Charges | 10.50 |
| Total Payments and Credits | 10.50 |
| Balance Due as of 10/21/2016 | 0.00 |
| Personal Representative Montoya, Jacqueline M | |
| Total Charges | 471.00 |
| Total Payments and Credits | 471.00 |
| Balance Due as of 10/21/2016 | 0.00 |
| Petitioner Ahern, Eleanor C | |
| Total Charges | 880.00 |
| Total Payments and Credits | 880.00 |
| Balance Due as of 10/21/2016 | 0.00 |
| Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 | |
| Total Charges | 14.00 |
| Total Payments and Credits | 14.00 |
| Balance Due as of 10/21/2016 | 0.00 |
| Personal Representative Montoya, Jacqueline M | |
| Registry and Trust Account-Probate Balance as of 10/21/2016 | 500.00 |
| Petitioner Ahern, Eleanor C | |
| Registry and Trust Account-Probate Balance as of 10/21/2016 | 500.00 |
| Petitioner Ahern, Eleanor C | |
| Registry and Trust Account-Probate Balance as of 10/21/2016 | 500.00 |
| Petitioner Ahern, Eleanor C | |
| Registry and Trust Account-Probate Balance as of 10/21/2016 | 500.00 |

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**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 #: 702-378-5926 | 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)

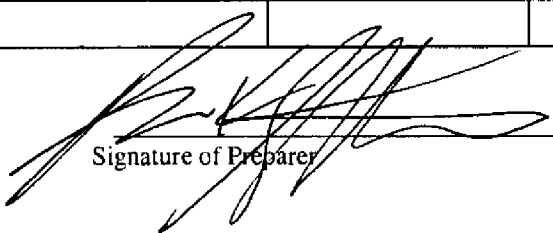
| DOMESTIC | MISC. DOMESTIC RELATIONS PETITIONS | GUARDIANSHIP | PROBATE |
|--|---|--|--|
| Marriage Dissolution <input type="checkbox"/> Annulment <input type="checkbox"/> Divorce -No minor child(ren) <input type="checkbox"/> Divorce -With minor child(ren) <input type="checkbox"/> Foreign Decree <input 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) _____ | Guardianship of an Adult <input type="checkbox"/> Person <input type="checkbox"/> Estate <input type="checkbox"/> Person and Estate Guardianship of a Minor <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 |
| MISC. JUVENILE PETITIONS <input type="checkbox"/> Emancipation | DA CHILD SUPPORT PETITIONS <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

ORDR

DISTRICT COURT

CLARK COUNTY, NEVADA

CASE NO.: P-09-066425-T

DEPT. NO.: XXVI

In the Matter of THE W.N. CONNELL
AND MARJORIE T. CONNELL LIVING
TRUST DATED May 18, 1972, An Inter
Vivos Irrevocable Trust

**ORDER REGARDING MOTION FOR
ASSESSMENT OF DAMAGES;
ENFORCEMENT OF NO CONTEST
CLAUSE; AND SURCHARGE OF
TRUST INCOME**

**Date of Hearing: February 22, 2016
Time of Hearing: 9:30 a.m.**

On June 3, 2015, Jacqueline M. Montoya and Kathryn A. Bouvier ("Movants" or "Ms. Montoya and Ms. Bouvier"), through counsel, filed a *Motion for Assessment of Damages Against Eleanor Ahern; Enforcement of No Contest Clause; and Surcharge of Eleanor's Trust Income* (the "Motion"), and on July 31, 2015, filed a Supplement to the Motion.

On June 29, 2015, Eleanor Connell Hartman Ahern ("Ms. Ahern"), through counsel, filed an opposition to the Motion and, on August 3, 2015, filed a *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* ("Motion to Strike"). The Court has not yet ruled on the Motion to Strike.

The Court held an evidentiary hearing on February 22, 2016, which continued on March 3, 2016 (the "Hearings"). On February 22, 2016, legal arguments were presented by all parties, and the testimony of two witnesses, Fredrick Waid and Jacqueline Montoya, was offered. On March 3, 2016, the parties made closing arguments.

//

1 At the Hearings, Ms. Montoya and Ms. Bouvier were represented jointly by
2 attorneys Layne T. Rushforth, Esq., Joseph J. Powell, Esq., and Daniel P. Kiefer, Esq., of
3 The Rushforth Firm, Ltd; Ms. Ahern was represented by Tamara Beatty Peterson, Esq.,
4 and Kirk B. Lenhard, Esq., of Brownstein Hyatt Farber Schreck, LLP; and Fredrick P.
5 Waid, in his capacity as the acting trustee of The W.N. Connell and Marjorie T. Connell
6 Living Trust, dated May 18, 1972 (the "Trust"), was represented by Todd L. Moody, Esq.,
7 and Russel J. Geist, Esq., of Hutchison & Steffen, LLC.

8 After consideration of the evidence and arguments presented by the parties and
9 their counsel at the Hearings, and the papers and pleadings on file herein, the Court finds
10 as follows:

11 1. Ms. Ahern, as Trustee, did not comply with the Court order to protect the
12 65% share of the Trust that was to be segregated under the terms of the Trust for the
13 Movants, Ms. Montoya and Ms. Bouvier.

14 2. Ms. Ahern's failure to properly apply her duties as a Trustee does not
15 warrant imposition of the harsh remedy of imposition of the no-contest clause,
16 specifically her failure to seek Court approval before ceasing payments to the Movants.
17 Therefore, the Court will not enforce the no-contest clause as against Ms. Ahern as
18 beneficiary.

19 3. Ms. Ahern's failure to comply with the Court's Order to protect the
20 Movants' 65% share, however, resulted in a misapplication of the Trust income, which
21 deprived the Movants of funds owed to them under the terms of the Trust. Ms. Ahern's
22 misapplication of Trust funds warrants a surcharge against Ms. Ahern's 35% share of the
23 Trust, to be paid to Movants, in a total amount to be determined at a future hearing to be
24 set by this Court.

25 4. Additional briefing and argument is needed on the issues of punitive and
26 treble damages. It is expected that the additional briefing on such damages, and the
27 hearing on the total amount owed to Movants, will be scheduled after the Successor
28 Trustee, Fredrick P. Waid ("Mr. Waid") finalizes his accounting for the Court.

1 5. Until such time as the Court decides the total amounts owed by Ms. Ahern,
2 it is necessary to withhold all distributions to Ms. Ahern, other than those amounts
3 previously approved as advancements by the Court's *Order Instructing Trustee to*
4 *Advance Funds* dated December 29, 2015, which was entered on January 5, 2016. The
5 suspension of Ms. Ahern's share under this order will be effective thirty (30) days after a
6 Notice of Entry of Order is filed with respect to this Order. This ruling does not supersede
7 or modify the Court's *Order on Petition for Instructions Regarding Allocations of Eleanor*
8 *Ahern's 2015 Trust Unpaid Distributions*.

9 6. In further violation of this Court's Orders, Ms. Ahern removed some funds
10 from Trust accounts before turning those accounts over to the Successor Trustee, Mr. Waid.
11 Some funds have since been turned over to the Successor Trustee, however, until such
12 time as Mr. Waid can provide an Accounting the Court cannot rule on Ms. Ahern potential
13 liability. The exact amount of any damages resulting from these serious breaches of
14 fiduciary duty will be determined at a later evidentiary hearing.

15 7. NRS Chapter 165 imposes a fiduciary duty on Ms. Ahern, as Trustee, had
16 to account for all assets and income received by her and for all distributions made by her.
17 Although Ms. Ahern has been removed or suspended from her role as Trustee, she has
18 not be discharged from her fiduciary duties pending her compliance, and the Court's
19 approval of the accounting to be filed by the successor Trustee, Mr. Waid. The Court
20 found that the account Ms. Ahern filed, under penalty of perjury on March 13, 2015, titled
21 "Brief Regarding Accounting Fiduciary Duties, and Trust Administration", was
22 incomplete and intentionally inaccurate. Ms. Ahern, therefore, remains statutorily
23 obligated to cooperate with the successor Trustee, Mr. Waid, in furtherance of Mr. Waid's
24 accounting, until such time as the Court enters a full and complete discharge of Ms.
25 Ahern.

26 8. Movant's seek punitive damages, which requires a finding of willful and
27 malicious conduct. In the alternative, Movants seek treble damages for breach of fiduciary
28 duty. Ms. Ahern's conduct was shocking and needs to be dealt with in a serious fashion,

1 but the final decision on whether punitive and/or treble damages should be awarded in
2 addition to restitution will be made at the evidentiary hearing to be scheduled after Mr.
3 Waid concludes discovery and prepares his report and accounting to the Court.

4 9. After viewing an independent medical evaluation *in camera*, the Court
5 finds that Ms. Ahern is competent to sit for a deposition in this matter.

6 **ORDER**

7 Upon the Court's consideration of the evidence and arguments presented by the
8 parties and their counsel at the hearing on the Motion, and good cause appearing therefore:

9 1. IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Movants'
10 request to enforce the no-contest clause against Ms. Ahern is denied.

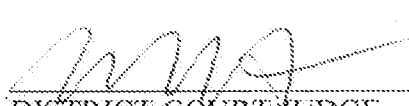
11 2. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Trust
12 distributions to Ms. Ahern are suspended upon the following conditions:

13 a. The suspension shall take effect thirty (30) days after notice of entry
14 of this Order is filed;

15 b. The suspension shall continue until Movants have been paid in an
16 amount to be determined at a hearing set by this Court following the completion of an
17 accounting of the Trust assets by the interim Trustee, Mr. Waid.

18 3. IT IS FURTHER ORDER ADJUDGED AND DECREED that Mr. Waid
19 shall prepare a report and a trustee's account, and upon completion, a hearing on the
20 amounts owed by Ms. Ahern, including any punitive or treble damages, shall be
21 conducted, unless the parties stipulate otherwise.

22
23 DATED this 13th of September, 2016.

24
25 
26 DISTRICT COURT JUDGE
27
28

CERTIFICATE OF SERVICE

I hereby certify that on or about the date signed, a copy of this Order was electronically served and/or placed in the attorney's folders maintained by the Clerk of the Court and/or transmitted via facsimile and/or mailed, postage prepaid, by United States mail to the proper parties as follows:

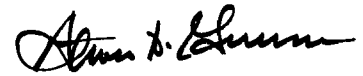
Kirk Lenhard, Esq.
BROWNSTEIN HYATT FARBER SCHRECK, LLP
100 North City Parkway, Suite 1600
Las Vegas, NV 89106-4614

Layne Rushforth, Esq.
Joseph Powell, Esq.
State Bar No. 1004
THE RUSHFORTH FIRM, LTD.
P. O. Box 371655
Las Vegas, NV 89137-1655

Todd Moody, Esq.
Russel Geist, Esq.
HUTCHISON & STEFFEN, LLC
10080 West Alta Drive, Suite 200
Las Vegas, NV 89145



Linda Denman, Judicial Executive Assistant



CLERK OF THE COURT

1 **NEOJ**

2 JOSEPH J. POWELL

3 State Bar No. 8875

4 THE RUSHFORTH FIRM, LTD.

5 P. O. Box 371655

6 Las Vegas, NV 89137-1655

7 Telephone: (702) 255-4552

8 fax: (702) 255-4677

9 e-mail: probate@rushforthfirm.com

10 Attorneys for Jacqueline M. Montoya

11 and Kathryn A. Bouvier

12 **DISTRICT COURT**

13 **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: XXVI (Probate)

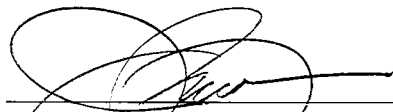
18 A non-testamentary trust.

19 **NOTICE OF ENTRY OF ORDER REGARDING MOTION FOR ASSESSMENT OF**
20 **DAMAGES; ENFORCEMENT OF NO CONTEST CLAUSE; AND SURCHARGE OF**
21 **TRUST INCOME**

22 NOTICE IS HEREBY GIVEN THAT:

23 The "Order Regarding Motion for Assessment of Damages; Enforcement of No Contest
24 Clause; and Surcharge of Trust Income" was entered on September 13, 2016 and filed on September
25 19, 2016, a copy of which is attached
26 hereto.

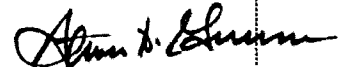
27 Respectfully submitted by:



28 Joseph J. Powell
State Bar No. 8875

9/28/16

Date



CLERK OF THE COURT

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ORDR

DISTRICT COURT

CLARK COUNTY, NEVADA

CASE NO.: P-09-066425-T

DEPT. NO.: XXVI

In the Matter of THE W.N. CONNELL
AND MARJORIE T. CONNELL LIVING
TRUST DATED May 18, 1972, An Inter
Vivos Irrevocable Trust

**ORDER REGARDING MOTION FOR
ASSESSMENT OF DAMAGES;
ENFORCEMENT OF NO CONTEST
CLAUSE; AND SURCHARGE OF
TRUST INCOME**

Date of Hearing: February 22, 2016

Time of Hearing: 9:30 a.m.

On June 3, 2015, Jacqueline M. Montoya and Kathryn A. Bouvier ("Movants" or "Ms. Montoya and Ms. Bouvier"), through counsel, filed a *Motion for Assessment of Damages Against Eleanor Ahern; Enforcement of No Contest Clause; and Surcharge of Eleanor's Trust Income* (the "Motion"), and on July 31, 2015, filed a Supplement to the Motion.

On June 29, 2015, Eleanor Connell Hartman Ahern ("Ms. Ahern"), through counsel, filed an opposition to the Motion and, on August 3, 2015, filed a *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* ("Motion to Strike"). The Court has not yet ruled on the Motion to Strike.

The Court held an evidentiary hearing on February 22, 2016, which continued on March 3, 2016 (the "Hearings"). On February 22, 2016, legal arguments were presented by all parties, and the testimony of two witnesses, Fredrick Waid and Jacqueline Montoya, was offered. On March 3, 2016, the parties made closing arguments.

//

1 At the Hearings, Ms. Montoya and Ms. Bouvier were represented jointly by
2 attorneys Layne T. Rushforth, Esq., Joseph J. Powell, Esq., and Daniel P. Kiefer, Esq., of
3 The Rushforth Firm, Ltd; Ms. Ahern was represented by Tamara Beatty Peterson, Esq.,
4 and Kirk B. Lenhard, Esq., of Brownstein Hyatt Farber Schreck, LLP; and Fredrick P.
5 Waid, in his capacity as the acting trustee of The W.N. Connell and Marjorie T. Connell
6 Living Trust, dated May 18, 1972 (the "Trust"), was represented by Todd L. Moody, Esq.,
7 and Russel J. Geist, Esq., of Hutchison & Steffen, LLC.

8 After consideration of the evidence and arguments presented by the parties and
9 their counsel at the Hearings, and the papers and pleadings on file herein, the Court finds
10 as follows:

11 1. Ms. Ahern, as Trustee, did not comply with the Court order to protect the
12 65% share of the Trust that was to be segregated under the terms of the Trust for the
13 Movants, Ms. Montoya and Ms. Bouvier.

14 2. Ms. Ahern's failure to properly apply her duties as a Trustee does not
15 warrant imposition of the harsh remedy of imposition of the no-contest clause,
16 specifically her failure to seek Court approval before ceasing payments to the Movants.
17 Therefore, the Court will not enforce the no-contest clause as against Ms. Ahern as
18 beneficiary.

19 3. Ms. Ahern's failure to comply with the Court's Order to protect the
20 Movants' 65% share, however, resulted in a misapplication of the Trust income, which
21 deprived the Movants of funds owed to them under the terms of the Trust. Ms. Ahern's
22 misapplication of Trust funds warrants a surcharge against Ms. Ahern's 35% share of the
23 Trust, to be paid to Movants, in a total amount to be determined at a future hearing to be
24 set by this Court.

25 4. Additional briefing and argument is needed on the issues of punitive and
26 treble damages. It is expected that the additional briefing on such damages, and the
27 hearing on the total amount owed to Movants, will be scheduled after the Successor
28 Trustee, Fredrick P. Waid ("Mr. Waid") finalizes his accounting for the Court.

1 5. Until such time as the Court decides the total amounts owed by Ms. Ahern,
2 it is necessary to withhold all distributions to Ms. Ahern, other than those amounts
3 previously approved as advancements by the Court's *Order Instructing Trustee to*
4 *Advance Funds* dated December 29, 2015, which was entered on January 5, 2016. The
5 suspension of Ms. Ahern's share under this order will be effective thirty (30) days after a
6 Notice of Entry of Order is filed with respect to this Order. This ruling does not supersede
7 or modify the Court's *Order on Petition for Instructions Regarding Allocations of Eleanor*
8 *Ahern's 2015 Trust Unpaid Distributions*.

9 6. In further violation of this Court's Orders, Ms. Ahern removed some funds
10 from Trust accounts before turning those accounts over to the Successor Trustee, Mr. Waid.
11 Some funds have since been turned over to the Successor Trustee, however, until such
12 time as Mr. Waid can provide an Accounting the Court cannot rule on Ms. Ahern potential
13 liability. The exact amount of any damages resulting from these serious breaches of
14 fiduciary duty will be determined at a later evidentiary hearing.

15 7. NRS Chapter 165 imposes a fiduciary duty on Ms. Ahern, as Trustee, had
16 to account for all assets and income received by her and for all distributions made by her.
17 Although Ms. Ahern has been removed or suspended from her role as Trustee, she has
18 not be discharged from her fiduciary duties pending her compliance, and the Court's
19 approval of the accounting to be filed by the successor Trustee, Mr. Waid. The Court
20 found that the account Ms. Ahern filed, under penalty of perjury on March 13, 2015, titled
21 "Brief Regarding Accounting Fiduciary Duties, and Trust Administration", was
22 incomplete and intentionally inaccurate. Ms. Ahern, therefore, remains statutorily
23 obligated to cooperate with the successor Trustee, Mr. Waid, in furtherance of Mr. Waid's
24 accounting, until such time as the Court enters a full and complete discharge of Ms.
25 Ahern.

26 8. Movant's seek punitive damages, which requires a finding of willful and
27 malicious conduct. In the alternative, Movants seek treble damages for breach of fiduciary
28 duty. Ms. Ahern's conduct was shocking and needs to be dealt with in a serious fashion,

1 but the final decision on whether punitive and/or treble damages should be awarded in
2 addition to restitution will be made at the evidentiary hearing to be scheduled after Mr.
3 Waid concludes discovery and prepares his report and accounting to the Court.

4 9. After viewing an independent medical evaluation *in camera*, the Court
5 finds that Ms. Ahern is competent to sit for a deposition in this matter.

6 **ORDER**

7 Upon the Court's consideration of the evidence and arguments presented by the
8 parties and their counsel at the hearing on the Motion, and good cause appearing therefore:

9 1. IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Movants'
10 request to enforce the no-contest clause against Ms. Ahern is denied.

11 2. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Trust
12 distributions to Ms. Ahern are suspended upon the following conditions:

13 a. The suspension shall take effect thirty (30) days after notice of entry
14 of this Order is filed;

15 b. The suspension shall continue until Movants have been paid in an
16 amount to be determined at a hearing set by this Court following the completion of an
17 accounting of the Trust assets by the interim Trustee, Mr. Waid.

18 3. IT IS FURTHER ORDER ADJUDGED AND DECREED that Mr. Waid
19 shall prepare a report and a trustee's account, and upon completion, a hearing on the
20 amounts owed by Ms. Ahern, including any punitive or treble damages, shall be
21 conducted, unless the parties stipulate otherwise.

22
23 DATED this 13th of September, 2016.

24
25 
26 DISTRICT COURT JUDGE
27
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 | 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 |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

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|-------------|------------|---------------|---------------|--------------------|
| PRINT DATE: | 10/21/2016 | Page 1 of 102 | Minutes Date: | September 04, 2009 |
|-------------|------------|---------------|---------------|--------------------|

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

October 11, 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

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 |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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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.

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|-------------|------------|---------------|---------------|--------------------|
| PRINT DATE: | 10/21/2016 | Page 3 of 102 | Minutes Date: | September 04, 2009 |
|-------------|------------|---------------|---------------|--------------------|

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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|-------------|------------|---------------|---------------|--------------------|
| PRINT DATE: | 10/21/2016 | Page 4 of 102 | Minutes Date: | September 04, 2009 |
|-------------|------------|---------------|---------------|--------------------|

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**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

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal
Representative, not present

Kathryn Bouvier, Other, not present

Marquis Aurbach Coffing, 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

Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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- 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

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| PRINT DATE: | 10/21/2016 | Page 5 of 102 | Minutes Date: | September 04, 2009 |
|-------------|------------|---------------|---------------|--------------------|

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

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 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: Nov 12, 2013 9:00AM Petition
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)
RJC Courtroom 03H Sturman, Gloria

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

January 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

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 |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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- 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.

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|-------------|------------|---------------|---------------|--------------------|
| PRINT DATE: | 10/21/2016 | Page 7 of 102 | Minutes Date: | September 04, 2009 |
|-------------|------------|---------------|---------------|--------------------|

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

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 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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|-------------|------------|---------------|---------------|--------------------|
| PRINT DATE: | 10/21/2016 | Page 8 of 102 | Minutes Date: | September 04, 2009 |
|-------------|------------|---------------|---------------|--------------------|

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

January 24, 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

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 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 |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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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

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P-09-066425-T

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:

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**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 |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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|------------------------|
| JOURNAL ENTRIES |
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- 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:

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FUTURE HEARINGS: Feb 12, 2014 11:00AM Pre Trial Conference
RJC Courtroom 03H Sturman, Gloria

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

February 18, 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 18, 2014 10:00 AM

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, not present
Jacqueline Montoya, Other, present
Kathryn Bouvier, Other, not present
Marquis Aurbach Coffing, 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
John Mugan, Attorney, present
Russel Geist, Attorney, not present
Joseph Powell, Attorney, present
Joseph Powell, Attorney, present
Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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- 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

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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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**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

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Marquis Aurbach Coffing, 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

Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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- 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.

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**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

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Representative, not present

Kathryn Bouvier, Other, not present

Marquis Aurbach Coffing, 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

Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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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

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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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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

September 03, 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

**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

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal
Representative, not present

Kathryn Bouvier, Other, not present

Marquis Aurbach Coffing, 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

Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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- 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

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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:

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**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 |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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- 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

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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: Oct 10, 2014 11:00AM Status Check
RJC Level 5 Hearing Room Bulla, Bonnie

**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

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal
Representative, not present

Kathryn Bouvier, Other, not present

Marquis Aurbach Coffing, 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

Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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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

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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: Nov 14, 2014 11:00AM Status Check
Status Check: Compliance / Sanctions
RJC Level 5 Hearing Room Bulla, Bonnie

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

December 04, 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 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 |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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- 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

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INTERIM CONDITIONS:

FUTURE HEARINGS:

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**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, Weslev 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 |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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:

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FUTURE HEARINGS:

Jan 14, 2015 9:00AM Status Check: Settlement/Trial Setting
10:00AM SESSION
RJC Courtroom 03H Sturman, Gloria

Jan 14, 2015 9:00AM Status Check
Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2
(10:00AM)
RJC Courtroom 03H Sturman, Gloria

Jan 14, 2015 9:00AM Status Check
Motion to Dismiss Counterclaims of Eleanor C. Ahern (10:00AM)
RJC Courtroom 03H Sturman, Gloria

Jan 14, 2015 9:00AM Status Check
Petition for Construction and Effect of Probate Court Order (10:00AM)
RJC Courtroom 03H Sturman, Gloria

**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 Representative, not present | Joseph Powell, Attorney, present |
| Kathryn Bouvier, Other, present | Whitney Warnick, Attorney, present |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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- 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

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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:

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**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

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal
Representative, not present

Kathryn Bouvier, Other, not present

Marquis Aurbach Coffing, 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

Dale Hayes, Attorney, not present

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| JOURNAL ENTRIES |
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- 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.

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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. 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:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

January 09, 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 |
|---------------|---|

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 |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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- 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

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INTERIM CONDITIONS:

FUTURE HEARINGS:

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**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 Representative, not present | Joseph Powell, Attorney, present |
| Kathryn Bouvier, Other, not present | Joseph Powell, Attorney, present |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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| JOURNAL ENTRIES |
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- 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

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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: Jan 30, 2015 10:00AM Hearing
RJC Courtroom 03H Sturman, Gloria

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**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 Representative, not present | Joseph Powell, Attorney, not present |
| Kathryn Bouvier, Other, not present | Joseph Powell, Attorney, not present |
| Marquis Aurbach Coffing, Other, not present | Dale Hayes, 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 | |

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

INTERIM CONDITIONS:

FUTURE HEARINGS: Jan 30, 2015 10:00AM Hearing
RJC Courtroom 03H Sturman, Gloria

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