

notes there is not sufficient time to hear the motion before the upcoming dispositive motions are due. Colloquy regarding actions taken by counsel and possibility of setting a phone conference. Counsel indicated she has contacted the State Bar. Colloquy regarding motion to enforce settlement. 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

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**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  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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.

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P-09-066425-T

2/20/15 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**

January 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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**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  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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

|             |            |                |               |                    |
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INTERPRETATION OF LANGUAGE RELATING TO TRUST NO. 2

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

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

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

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

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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 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  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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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**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

Eleanor Ahern, Petitioner, not present

Fredrick Waid, Trustee, not 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

Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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 designated Court Exhibit 2.

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COURT STATED ITS FINDINGS the record is replete with the fact that Eleanor received approximately 35% of the Texas oil and gas leases and Marjorie received approximately 65% for 30 years. Additionally, for four years following Marjorie's death, Eleanor continued to receive approximately 35% of the asset and Marjorie's heirs received her share. Eleanor did not assert any claim or right, and there is no mention in the record, that upon Marjorie's death she would receive 100% of the income from that asset. W.C.'s separate property changed between the initiation of the Trust and his death 7 years later and some property was conveyed directly to Eleanor. Additionally, the Trust terms that refer to separate property do not mean only the Texas oil and gas leases--that was the only separate property he had at the time of his death; all other separate property having been previously conveyed to Eleanor. Additionally, tax records do not support Eleanor's position as the percentage claimed by Marjorie was not reported as a gift. Court further notes that W.C. prepared a sound Trust document that kept this valuable income producing asset in his family, protected from taxes, and third party outsiders.

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

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

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

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DISTRIBUTED to Jacqueline and Kathryn thirty (31) days after Notice of Entry of Order.

COURT FURTHER ORDERED Motion for Leave to Amend Pleadings of Jacqueline M. Montoya and Kathryn A. Bouvier for Claims, Defenses, Damages, and Assessment of Penalties, and for Other Relief Against Eleanor Connell Hartman Ahern MOOT. Ms. Renka raised an objection to the claims raised by Jacqueline and Kathryn stating they were not raised in the original Petition and never properly asserted in a mandatory responsive pleading. They never answered nor raised any affirmative defenses within the time allowed. Mr. Powell argued the claims were raised in various motions and petitions. COURT OVERRULED the objection, finding the stay imposed while the Will contest was underway left some responsive pleadings pending but the parties' agreement to subsume responsive motions renders this objection moot.

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

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

3/20/2015 AT 10:00AM HEARING

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** 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

|             |            |                |               |                    |
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

February 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

---

**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  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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

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March 20th on Breach of Fiduciary Duty, and the other side requested Attorney Fees. Argument by Mr. Mann. Commissioner advised counsel a request can be made to Judge Sturman not to rule on Motion pending resolution of issues before the State Bar.

COMMISSIONER RECOMMENDED, motion is DENIED WITHOUT PREJUDICE.

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

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

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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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  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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

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Capital Fidelity Investment questionable, money deposited in Eleanor's personal Texas attorney's trust fund comingled, and money invested in a California firm for a foundation self-serving. Ms. Wakayama defended the accounting saying Ms. Ahern was personally involved in several transactions in Texas that resulted in \$3.6 million for the Trust. It is an acceptable practice to reimburse a trustee for such costs as travel, computers, time, etc., and 6% is a common charge. The overhead charge includes office space for her and advisors who have been assisting her with tax problems and investment opportunities, and that she acted in good faith in assessing these reasonable expenses.

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

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

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

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

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

As to the future of the trust, COURT STATED ITS FINDINGS that ultimately the only resolution may be to split the trust and allow each party to manage their own money; however for the present, the

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trust needs to remain whole through this litigation. COURT ORDERED Eleanor Ahern TEMPORARILY REMOVED as Trustee over the 35% Trust; Court will APPOINT an independent third party as trustee over the entire trust. Counsel discussed either Premier Trust or Fred Waid and they will each provide the Court with their client's choice by Tuesday, March 24, 2015.

As to attorney fees, COURT ORDERED request GRANTED; counsel to file appropriate motion with redacted billing statements in ten (10) days including an analysis of the Brunzell factors; opposition due ten (10) days following; reply due five (5) days following. COURT FURTHER ORDERED hearing SET.

Mr. Warnick to prepare proposed Order; Ms. Wakayama to review as to form and content.

5/13/2015 at 9:00AM MOTION FOR ATTORNEY FEES AND COSTS

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** 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

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

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**March 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  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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- Dale Hayes, Esquire, and David Mann, Esquire, present.

Report and Recommendation was submitted, returned to counsel, and Mr. Mann will resubmit it shortly.

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

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4/17/15 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 26, 2015

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

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**March 26, 2015      11:00 AM      Telephonic Hearing**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

|   |                                     |
|---|-------------------------------------|
| David Mann, Other, not present  | Pro Se                              |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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**- TELEPHONE CONFERENCE**

Also present Dale Hayes, Esq. for Petitioner and Jeff Johnston, Esq., Texas counsel for Petitioner. Ms. Wakayama requested the Court's guidance on whether or not Mr. Johnston could proceed with negotiations regarding PSA's, Pioneer Easement, and Apache lease since the Court was going to assign a third party neutral as trustee while the matter is in litigation. She expressed concern that opposing counsel was reluctant to stipulate to the confidentiality aspect. Mr. Johnston advised that Texas law vests title to the property in the trustee. The leases in question are due for renewal the first part of April and he expressed concern that a new trustee would not be in place when the agreements

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needed to be executed.

COURT STATED Mr. Johnston's competency in representing the trust in these negotiations was not in question and appreciated the hard work he was doing on behalf of this family. COURT ORDERED 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  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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

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today's hearing.

Following discussion by counsel, COURT STATED ITS FINDINGS that Eleanor Ahern, as former trustee of the W. N. Connell and Marjorie T. Connell Living Trust, has not acted in good faith in complying with the Court's previous orders. Particularly, Ms. Ahern has not turned over all trust funds to the trustee, Fred Waid, and has not shown good faith in her representations to her counsel. COURT ORDERED former trustee, Eleanor Ahern, by close of business, Friday 17, 2015 to turn over all trust funds to trustee Fred Waid. FURTHER COURT ORDERED Ms. Ahern is to agree to a time within the next two weeks to be deposed by the trustee, as well as anyone she has designated as her power of attorney. Additionally, Ms. Ahern is to bring all records, accounts, and any other relevant material with her to the deposition. COURT FURTHER ORDERED an Order to Show Cause Hearing SET; if needed, in the event all trust funds are not given to the trustee by the Friday deadline.

Ms. Renka to prepare proposed Order withdrawing her motion; Mr. Moody to prepare proposed Order to Show Cause.

4/22/2015 at 10:30am ORDER TO SHOW CAUSE Why Eleanor Ahern Should Not Be Held in Contempt of Court for Failing to Following Court's Orders.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**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

Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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**- EMERGENCY TELEPHONIC CONFERENCE**

Ms. Wakayama notified the Court of Marquis, Aurbach's decision to immediately withdraw as counsel for Eleanor Ahern. After reading the local rules, Court stated they needed to make a written motion and include all last known contact information for Ms. Ahern. Upon request of counsel, COURT ORDERED a time would be set aside for a hearing on their motion as long as their motion was delivered, signed and filed allowing one judicial day of notice. Mr. Waid also inquired as to whether he could try and contact Ms. Ahern directly and the Court advised he is her trustee as well and he can speak with her directly. Upon inquiry of Mr. Waid as to the trust file, Ms. Wakayama

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advised Mr. Mann was still holding the file but she would relay to him that instead of turning over the file to Ms. Ahern, he needed to give it to Mr. Waid.

4/20/2015 at 10:00am MARQUIS AURBACH'S MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR ELEANOR AHERN (Time set aside).

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** 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 20, 2015

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

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**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  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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

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appointed trustee that was never known before and every day the law firm is placed into the most uncomfortable of circumstances and can no longer ethically represent Mrs. Ahern's interests and can no longer present evidence to this Court that it has no way of determining its accuracy. Ms. Wakayama invoked counsel's 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

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and over Mrs. Ahern as the former trustee and to compel her to turn over those records.

COURT ORDERED, Motion to Withdraw GRANTED.

COURT FURTHER SIGNED in OPEN COURT, Order Confirming Successor Trustee and Order Compelling Eleanor Ahern To Turn Over Trust Records To Acting Successor Trustee, SIGNED in OPEN COURT. COURT FURTHER ORDERED, with respect to any documents being held in the file Marquis Aurbach Coffing they are to be turned over in the form of any documents that should be in the possession of the trustee and any documents that counsel feels has an attorney/client privilege, should be noted in a privileged index.

Mr. Waid requested to be present via Court Call for the Order to Show Cause hearing, and requested the hearing be conducted under seal. COURT SO ORDERED.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** 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  
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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| <b>JOURNAL ENTRIES</b> |
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**- ORDER TO SHOW CAUSE WHY ELEANOR AHERN SHOULD NOT BE HELD IN CONTEMPT OF COURT**

Mr. Moody advised the Court that the former trustee, Eleanor Ahern, failed to deliver to the successor trustee the trust information and assets this Court ordered. He added Mr. Waid discovered she has given power of attorney to two individuals described as her spiritual advisors. Additionally, the money vested in Fidelity Capital was not returned to the trust and the Texas attorney handling the Trust's interests will not cooperate with Mr. Waid. In an effort to preserve the assets, the successor trustee is proposing a Guardian Ad Litem be appointed over Eleanor's estate. Mr. Waid

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stated that his investigation of the Texas attorney is ongoing but he has uncovered some potential problems with respect to the recent agreements entered into for leases and attorney fees.

Ms. Patterson explained her firm was retained yesterday to represent Mr. Ahern and she is 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

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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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**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  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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:**

**FUTURE HEARINGS:**

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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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| <b>JOURNAL ENTRIES</b> |
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**- HEARING ON ORDER TO SHOW CAUSE REGARDING CONTEMPT**

Also present observing the proceedings: Eleanor Ahern, ex-trustee; Jacqueline Montoya and Katherine Bouvier, Petitioners, and Jody Powell, Esq. Court and counsel discussed the purpose and scope of today s hearing and decided not to take sworn testimony but to present argument. Exhibits offered and admitted as Court Exhibits per worksheets. Exhibits 1, 2, and 6 are FILED UNDER SEAL as are the original documents. Mr. Moody stressed that Mr. Waid filed his Affidavit in response to the Court s directive after discovering money missing from the trust account while Ms. Ahern was trustee. Court gave a brief history prior to Mr. Waid and Ms. Ahern s present counsels appearances.

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Court ordered Ms. Ahern to set aside 65% of the income from the Texas Oil and Gas leases until a final determination was made as to the rightful owner of that percentage. When Ms. Ahern was replaced as trustee, Mr. Waid discovered insufficient funds to cover the set aside and Court signed a second Order giving Ms. Ahern a time certain to recover the funds and place them in a segregated 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**

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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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**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  | Emily Ellis, Attorney, not 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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| <b>JOURNAL ENTRIES</b> |
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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

Emily Ellis, Attorney, not present

Russel Geist, Attorney, present

Joseph Powell, Attorney, not present

Joseph Powell, Attorney, not present

Dale Hayes, Attorney, not present

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

- Mr. Geist advised Trustee agrees to have this Court handle their contempt hearing. Mr. Lenhard stated the hearing will take one day at the minimum and they will need to resolve an issue preliminarily; he intends to file a motion but is also waiting for a transcript of Judge Sturman's ruling, which he will not get until Monday; it does not matter when the motion will be set, as long as it is before the hearing because it is a significant jurisdictional issue. Mr. Geist advised the actions that give rise to the matter before this Court took place before his client was appointed; from his perspective, he does not think they are a prosecutor. Court noted it understands counsel's position but here it has a referral from Judge Sturman. Mr. Geist advised his client still has issues against Ms. Ahern. Court explained its procedure for show cause hearings. After hearing this, Mr. Geist stated

|             |            |                |               |                    |
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they will cooperate and participate in whatever way necessary. Mr. Lenhard noted incarceration is being sought and he does take this matter very seriously. Mr. Geist inquired as to whether this Court will entertain appointing a special prosecutor. Mr. Lenhard objected. COURT ORDERED, it will handle the motion before setting the contempt hearing. Status Check on Mr. Lenhard's motion SET on 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

|             |            |                |               |                    |
|-------------|------------|----------------|---------------|--------------------|
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**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

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

Emily Ellis, Attorney, not 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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| <b>JOURNAL ENTRIES</b> |
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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

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

- JACQUELINE M. MONTOYA'S AND KATHRYN A. BOUVIER'S MOTION FOR ASSESSMENT OF DAMAGES AGAINST ELEANOR AHERN; ENFORCEMENT OF NO-CONTEST CLAUSE; AND SURCHARGE OF ELEANOR'S TRUST INCOME

Mr. Powell requested relief from the Court for this motion for damages; treble damages; punitive damages; enforcement of the no-contest clause in the trust; and to surcharge Eleanor Ahern's income if she is not disinherited. Mr. Lenhard argued there was no due process and advised the Court he had filed a Motion to Strike the supplement to this motion and his motion is set to be heard on August 19. Court stated this motion is premature as the contempt hearing against Ms. Ahern has not

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been held. Court also directed counsel to Rogler v Millard, a recently decided Nevada Supreme Court opinion upholding this Court's granting of a no-contest dispute on a Motion for Summary Judgment.

Mr. Waid advised he was still working on recovering trust assets but had IRS issues to resolve and could not depose Ms. Ahern until the criminal proceedings against her were finalized. COURT ORDERED matter SET for EVIDENTIARY HEARING on the issues of damages, punitive damages, surcharge, and no-contest clause; discovery deadline is October 16. COURT FURTHER ORDERED status check SET.

9/2/2015 AT 9:00AM STATUS CHECK: EVIDENTIARY HEARING STATUS

11/9/2015 AT 9:30AM EVIDENTIARY HEARING

CLERK'S NOTE: Please note the date of the Status Check is Wednesday, September 9th, 2015 at 9:00AM./ld

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** 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  | Pro Se                               |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, Attorney, not present   |
| Fredrick Waid, Trustee, 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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| <b>JOURNAL ENTRIES</b> |
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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

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unambiguous. While Ms. Ahearn may have contemptible conduct by allowing a false affidavit/accounting to be filed, but that is not what is before the Court today. Mr. Lenhard argued that contempt is not appropriate; that the matter be remanded back to Judge Sturman and the Trustee proceed with the appropriate discovery they deem necessary. Mr. Moody stated that the affidavit 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

Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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- STATUS CHECK: EVIDENTIARY HEARING . . . Court and counsel discussed the effect Judge Gonzalez's ruling dismissing finding Ms. Ahern in contempt of this Court's Orders. Counsel agreed they are ready to proceed with the evidentiary hearing. Mr. Moody clarified the Trustee will be in Texas taking three or four depositions but their understanding is that the evidentiary hearing is only to hear enforcement of the non-compete clause. Court state the evidentiary hearing concerns on all the issues but that may change depending on whether Mr. Waid receives all requested information timely. Upon Mr. Waid's inquiry as to whether he should file another Affidavit since he cannot account for the half a million dollars that went to Fidelity, Mr. Lenhard conceded that point and the

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Court stated another Affidavit was not required.

Counsel also discussed Mr. Ahern's upcoming deposition. Mr. Lenhard advised counsel agreed to supply questions that he and Ms. Peterson would go over with Ms. Ahern that would give everyone 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:**

|             |            |                |               |                    |
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**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,      9:00 AM      All Pending Motions  
2015**

**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  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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

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requested the Court transfer these two motions over to Dept. 20. Mr. Moody objected saying Mr. Mann has nothing to collect until he has a lien. He also stated that countermotion to unseal records was the Trustee's attempt to secure the Trust file that Mr. Mann refuses to turn over until he is paid. Court noted that Mr. Mann has never come to this Court to explain his possession of the Trust file 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:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

October 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

---

**October 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  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |                |               |                    |
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**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

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

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

|   |                                      |
|---|--------------------------------------|
| David Mann, Other, not present  | Pro Se                               |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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**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 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

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**October 14, 2015      9:00 AM      All Pending Motions**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

|   |                                   |
|---|-----------------------------------|
| David Mann, Other, not present  | Pro Se                            |
| Eleanor Ahern, Petitioner, present  | Kirk Lenhard, Attorney, present   |
| Fredrick Waid, Trustee, present   | Russel Geist, Attorney, present   |
| Jacqueline Montoya, Other, Personal Representative, present                                 | Joseph Powell, Attorney, present  |
| Kathryn Bouvier, Other, not present   | Joseph Powell, Attorney, present  |
| 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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| <b>JOURNAL ENTRIES</b> |
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- BROWNSTEIN, HYATT, FARBER & SCHRECK'S, LLC.'S MOTION TO WITHDRAW AS COUNSEL FOR ELEANOR AHERN ON OST

Ms. Peterson submitted the Motion to Withdraw. Court inquired about her alternate proposal to advance fees from the trust that would be charged against Ms. Ahern's interest. Ms. Peterson added that should would not want to have to defend a disgorgement of fees allegation if this alternative were selected. Mr. Moody made a statement as to the ongoing search for missing funds and some tax problems facing the trust. CONFERENCE AT THE BENCH. Following the CAB, Court noted that the Trustee is not in a position to assess the viability of the alternative proposal. Mr. Moody added

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that should funds be advanced, the Trustee wants Ms. Ahern to pledge collateral or security to cover the outlay and that the Trustee be allowed to evaluate the worth of the selection. COURT DIRECTED Ms. Ahern to provide the Court with her current residence address, email and telephone number if she intends to represent herself; to provide the release she drafted for the Texas tax attorney to the 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

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 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

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

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

**- ORDER TO SHOW CAUSE**

Court and counsel discussed the fact that Ms. Ahern needs representation in the upcoming evidentiary hearing in which she could lose all her interest in the trust. Mr. Moody advised that the Trustee was not willing to distribute trust funds to pay for Ms. Ahern's legal fees as long as money is still unaccounted for that belongs to the trust. Mr. Moody also requested that the deposition of Ms. Ahern be conducted at the courthouse and the Court agreed. Ms. Ahern requested that all questions be given to her in writing due to a hearing and comprehension problems. Court advised Mr. Moody to start the deposition and see what exact issues may arise.

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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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| <b>JOURNAL ENTRIES</b> |
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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,

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Court and counsel agreed to substitute the overbroad phrase with "any information acquired by payments made from the trust funds; and/or anything having to do with Eleanor Ahern in her capacity as trustee." COURT ORDERED Motion to Compel GRANTED with this change.

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

ELEANOR CONNELL HARTMAN AHERN'S MOTION FOR DISTRIBUTION OF TRUST INCOME IN ACCORDANCE WITH THE COURT'S SUMMARY JUDGMENT DATED APRIL 16, 2015 ON OST . . . Counsel argued on the present day financial condition of Ms. Ahern of someone who shops at a food pantry and the Salvation Army to someone who flies in private jets and went on a world cruise. Counsel also argued whether Ms. Ahern should be entitled to pay legal fees from the trust given the Judgment she owes to her daughters. After hearing arguments from both sides and an explanation of the trust's current fiscal situation, COURT STATED ITS FINDINGS the main goal is to find out where the trust money has gone and, if possible, restore it to the trust. There is one person who has the information that will allow us to reach this goal but can she assist if she is without counsel. To that end, some compromise must be reached that will ultimately benefit all parties. COURT ORDERED Motion for Distribution of Trust Income GRANTED IN PART; Ms. Ahern will receive \$5,000 per month for living expenses; counsel for Ms. Ahern will receive \$10,000 per month for attorney fees; and counsel will be paid \$30,000 in past fees, either as a lump sum or in installments, as the trustee decides. The trustee agreed to provide an interim accounting of the trust but emphasized that he was not ready to provide a final accounting. COURT FURTHER ORDERED these payments effective from this date through to the current trial date of February, 2016; subject to renewal at the attorney's written request. COURT CLARIFIED this money is to be paid back and colloquy over the exact wording whether this was an advancement, loan, distribution, etc. and Court left the exact wording to the trustee.

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

#### **INTERIM CONDITIONS:**

#### **FUTURE HEARINGS:**

|             |            |                |               |                    |
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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**

**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

Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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

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documents from legal and accounting professionals as needed, COURT ORDERED Trustee GRANTED FULL AUTHORIZATION to obtain any information that may be needed to carry out his fiduciary obligations.

Mr. Moody to prepare a proposed Order for the IME and a proposed Order of Authorization to the Trustee; Mr. Lenhard to review as to form and content.

1/27/2016 at 9:30AM Motion to Compel Deposition of Eleanor Ahern and to Answer Questions Under Oath Re: Fidelity Capital and \$500,000

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

January 27, 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 27, 2016      9:30 AM      All Pending Motions**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

|   |                                     |
|---|-------------------------------------|
| David Mann, Other, not present  | Pro Se                              |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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

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DENIED.

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

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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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**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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| <b>JOURNAL ENTRIES</b> |
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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

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altogether. Court wished to discuss what happened to the funds and what remains and is accounted 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

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

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**March 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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| <b>JOURNAL ENTRIES</b> |
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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

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Motion to Compel, concludes that Ms. Ahern is physically able to sit for a deposition. Mr. Rushforth 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

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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 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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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

June 01, 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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**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  | Pro Se                               |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, Attorney, not 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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| <b>JOURNAL ENTRIES</b> |
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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,

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

and Orders outstanding from this Court.

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:**

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

Emily Ellis, Attorney, not 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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| <b>JOURNAL ENTRIES</b> |
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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.

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CLERK'S NOTE: A copy of this Advance Decision Minute Order was forwarded to Tamara Peterson, Esq. (PETERSON HOPE) at tpeterson@petersonhope.com./ ld 8/3/16

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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| PRINT DATE: | 04/03/2017 | Page 97 of 125 | Minutes Date: | September 04, 2009 |
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**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

---

**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  | Emily Ellis, 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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|------------------------|
| <b>JOURNAL ENTRIES</b> |
|------------------------|

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

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

|             |            |                |               |                    |
|-------------|------------|----------------|---------------|--------------------|
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|-------------|------------|----------------|---------------|--------------------|

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**September 07, 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

---

**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  | Emily Ellis, Attorney, not 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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| <b>JOURNAL ENTRIES</b> |
|------------------------|

- 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

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

what legal fees they are obligated to pay. COURT clarified that unredacted billing records can be 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:**

|             |            |                 |               |                    |
|-------------|------------|-----------------|---------------|--------------------|
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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  | Pro Se                             |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, Attorney, not present |
| Fredrick Waid, Trustee, not 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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| <b>JOURNAL ENTRIES</b> |
|------------------------|

- 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.

|             |            |                 |               |                    |
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Discussion regarding whether Ms. Ahern is physically going to be able to take her deposition to 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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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

November 09, 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

**November 09,  
2016**

**9:30 AM**

**Status Check**

**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, 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

Emily Ellis, Attorney, not present

Russel Geist, Attorney, not present

Joseph Powell, Attorney, present

Joseph Powell, Attorney, present

Dale Hayes, Attorney, not present

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

- Mr. Lenhard noted about two weeks ago Mr. Waid came to him with a proposal for settlement. Upon discussion, he received acceptance wherein his clients deposition had to be taken and there was a meeting arranged to discuss concerns; however he received an e-mail yesterday from Ms. Ahern that she would not accept the settlement. Mr. Lenhard noted he advised his client he was going to move to withdraw immediately and did not want to be responsible for the deposition scheduled on November 29th. Additionally noted there was a meeting scheduled today; however there was another doctor's appointment which interfered with the meeting.

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Mr. Moody requested an order establishing Ms. Ahern must appear for the deposition in light of the events today. Mr. Moody further noted in the event the deposition does not occur, Mr. Waid plans to file his report and accounting without Ms. Ahern's cooperation. Mr. Lenhard noted he has not signed off on the order and requested not to.

Mr. Coffing requested to set his motion to adjudicate lien at the same time as the motion to withdraw. COURT ORDERED, Motion to Adjudicate Attorney's Lien RESET. Court suggested counsel send the motion to withdraw on order shortening time to have the matter heard by November 23, 2016.

At the request by Mr. Powell, COURT FURTHER ORDERED, Evidentiary Hearing SET.

11/23/16 9:30 AM - MARQUIS AURBACH COFFING'S MOTION TO ADJUDICATE ATTORNEY'S LIEN

02/09/17-02/10/17 - EVIDENTIARY HEARING

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |                 |               |                    |
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**November 23, 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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**November 23, 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  | Pro Se                               |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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- MARQUIS AURBACH COFFING'S MOTION TO ADJUDICATE ATTORNEY'S LIEN.....MOTION TO WITHDRAW AS COUNSEL ON ORDER SHORTENING TIME

Lawrence Semenza, Esq. specially appearing on behalf of Ms. Ahern.

Court provided copies of correspondence faxed to chambers sent by Ms. Ahern requesting counsel, which was filed sealed with the courts record. Court advised it appreciates Ms. Ahern s concerns regarding counsel; however advised Ms. Ahern does not understand what has happened and that

|             |            |                 |               |                    |
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she is in contempt with this court.

Ms. Ellis stated a notice of lien was served to all parties. Mr. Semenza stated Ms. Ahern contacted him regarding possible representation and had concerns with the deposition scheduled for Tuesday as he is unfamiliar with the facts and circumstances. COURT ORDERED, Motion to Withdraw as Counsel GRANTED.

Mr. Coffing noted the opposition to his motion was primarily based upon the issue with redacted bills; however maybe resolved and requested a status check in a couple of weeks to provide the information to Mr. Waid. Mr. Coffing further requested to adjudicate the lien as it relates to Ms. Ahern subject to reduction upon review by Mr. Waid. Mr. Powell noted he was fine with the parameters with Mr. Waid making the determination as to what is related to the trust and what is related to the personal obligation of Ms. Ahern. COURT FURTHER ORDERED, Motion to Adjudicate GRANTED subject to a report from the Trustee regarding apportionment; Status Check SET. Mr. Coffing to prepare the Order and pass by counsel.

Mr. Waid stated concerns with whether new counsel would be coming in and requested a guardian ad litem be appointed to benefit all parties. Mr. Geist noted he will prepare a motion for the court. Court advised there was a limited budget for counsel therefore not inclined to change that at this time; however a request for new counsel will be considered in the future once proper motions are presented.

Mr. Geist noted he has no intentions of continuing the scheduled deposition of Mr. Ahern. COURT SO NOTED.

01/18/17 9:30 AM - STATUS CHECK

#### **INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Jan 18, 2017 9:30AM Status Check  
RJC Courtroom 10D Sturman, Gloria

Jan 18, 2017 9:30AM Status Check  
RJC Courtroom 10D Sturman, Gloria

|             |            |                 |               |                    |
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| PRINT DATE: | 04/03/2017 | Page 107 of 125 | Minutes Date: | September 04, 2009 |
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

December 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

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**December 07, 2016    9:30 AM                      Motion**

**HEARD BY:**    Sturman, Gloria

**COURTROOM:**    RJC Courtroom 03H

**COURT CLERK:**    Melissa Murphy

**PARTIES:**

|   |                                      |
|---|--------------------------------------|
| David Mann, Other, not present  | Pro Se                               |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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- Court advised Ms. Ahern failed to appear and therefore ORDERED, Motion VACATED as MOOT.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**    Jan 18, 2017    9:30AM Status Check  
RJC Courtroom 10D Sturman, Gloria

|             |            |                 |               |                    |
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Jan 18, 2017 9:30AM Status Check  
RJC Courtroom 10D Sturman, Gloria

|             |            |                 |               |                    |
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

January 18, 2017

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 18, 2017**

**9:30 AM**

**Status Check**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 10D; RJC  
Courtroom 10D

**COURT CLERK:** ;

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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- Court Clerk, Denise Husted present. Terry Coffee appearing.

Discussion among counsel regarding fees in the trust. Mr. Coffee stated that the work he performed at a minimum was a benefit to the trust. He asked that the Court take a look at that issue. Mr. Moody advised that the trust should not be responsible. He further stated that there has been no decision from J. Johnson. The Court stated that in that case, it needs an in camera review. Mr. Coffing advised he will produce the documents to the Court. Opposition by Mr. Powell. Mr. Moody informed the Court that Wade will take the stand regarding the report and accounting. He didn't show up for the deposition in December so he didn't want to file a motion regarding the bill. The Court informed the

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parties that the records for in-camera review won't be accessible to the public. Colloquy regarding billings and that Mr. Wade's position is that Elinor should be responsible for the fees incurred. Mr. Coffing stated he will provide the records to the Court this day. Mr. Moody requested that he be allowed to submit a letter from his office stating his objections. The Court said that will be allowed. Mr. Powell asked if there is any sort of brief that the Court requires for the Evidentiary Hearing. The Court informed him that he may provide a trial brief. COURT ORDERED, matter CONTINUED for a decision.

2/6/17 IN-CHAMBERS DECISION

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |                 |               |                    |
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

February 06, 2017

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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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**February 06, 2017      3:00 AM      Decision**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:**

**PARTIES:**

|   |                                      |
|---|--------------------------------------|
| David Mann, Other, not present  | Pro Se                               |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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- Court Clerk, Rebecca Foster

Marquis Aurbach Coffing's Motion to Adjudicate Attorney s Lien came before the Court on November 23, 2016. Counsel presented their case and Court took the matter under advisement.

After carefully considering the papers submitted and hearing arguments, Court issued its Decision and Order this 9th day of February, 2017. COURT ORDERED Motion for Attorney s Lien GRANTED; fees are awarded in their entirety and costs are awarded in accordance with Cadle. See Court s Decision and Order for full content.

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

Counsel from MAC is directed to provide prompt written Notice of Entry hereof.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:** Feb 06, 2017 3:00AM Decision  
Decision Issued 2/9/17 Re: Motion to Adjudicate Attorney's Lien  
RJC Courtroom 10D Sturman, Gloria

|             |            |                 |               |                    |
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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**

February 08, 2017

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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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**February 08, 2017      3:10 PM      Minute Order**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** Chambers

**COURT CLERK:** Tena Jolley

**PARTIES:**

|   |                                      |
|---|--------------------------------------|
| David Mann, Other, not present  | Pro Se                               |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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- Pursuant to Eleanor Ahern's ex parte request for an order releasing funds, the Court hereby grants the request and orders that the Trustee, Fred Waid, shall release funds from Ms. Ahern's share of the Trust directly to attorney Lawrence Semenza, Esq., for his reasonable attorney's fees incurred for his representation of Ms. Ahern at the February 9th and 10th evidentiary hearing.

**INTERIM CONDITIONS:**

|             |            |                 |               |                    |
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**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

February 09, 2017

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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 09, 2017    10:00 AM            Evidentiary Hearing**

**HEARD BY:**   Sturman, Gloria

**COURTROOM:**   RJC Courtroom 10D

**COURT CLERK:**   Rebecca Foster

**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  
Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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- Eleanor Ahern appeared by video conference.

Lawrence Semenza, Esq appeared and advised the Court he received copies of the Court's minute order regarding funds to be disbursed for legal counsel; he has not made any appearance on Ms. Ahern's behalf; and declined to make an appearance under the those terms. Mr. Semenza further stated Ms. Ahern needs counsel and does not have sufficient funds to retain him or any other counsel. Court noted Ms. Ahern is not linked by video at present time and she should be advised when she is present via video. Court stated the hearing will go forward; when Ms. Ahern requested counsel the Court did what it could do and was unaware of whether Ms. Ahern had talked with Mr.

|             |            |                 |               |                    |
|-------------|------------|-----------------|---------------|--------------------|
| PRINT DATE: | 04/03/2017 | Page 116 of 125 | Minutes Date: | September 04, 2009 |
|-------------|------------|-----------------|---------------|--------------------|

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

Semenza in advance; the funds were released for the hearing today and tomorrow; Ms. Ahern had requested funds for an attorney. Court stated the Court will advise Ms. Ahern that Mr. Semenza will not be representing her. Upon Mr. Semenza's inquiry, the Court stated he may remain in the courtroom for the hearing. Objection by Mr. Moody as to any discussion of confidential records. Court advised Mr. Semenza he would be asked to leave the courtroom during any discussion of confidential material and records.

Ms. Ahern now present by video conference. Court advised Ms. Ahern that the Court received her letter requesting counsel for today; court authorized funds for Mr. Semenza as Ms. Ahern could not travel from Mesquite for health and financial reasons; the Court granted Ms. Ahern's request for a video-conference; and funds were released for Mr. Semenza. Court further advised Ms. Ahern Mr. Semenza indicated he could not represent her as he has not had the opportunity to prepare for representation of her; he has not previously appeared in this case as her counsel; and declined to represent Ms. Ahern today. COURT ORDERED, Mr. Semenza will be excused and stated the Court appreciates his appearing to explain why he cannot take this case on short notice and with no file.

Ms. Ahern stated she is without counsel and will not be speaking and requested a continuance. COURT ORDERED, request is DENIED. Upon request of Mr. Moody, Ms. Ahern stated there is no other parties with her at the video-conference location. Court stated a DECISION regarding Marquis Aurbach Coffings Motion to Adjudicate Attorney's Lien will be filed today. Court reviewed the decision with counsel.

Witness sworn and testified. Ms. Ahern requested a transcript and DVD. Mr. Waid stated the Trust will agree to pay for that. Ms. Ahern requested a copy of all the exhibits. Court advised Ms. Ahern that given the late request counsel was not able to be notified in time and due to debt not being present in the courtroom each exhibit that is offered and admitted will be sent to Ms. Ahern and she will receive a transcript as well. Mr. Waid stated Ms. Ahern has received all production of documents; and she can use the list of exhibits to find the documents that were provided to her by Mr. Lenhart. Mr. Waid further stated Mr. Lenhart was provided with written questions but Mr. Waid does not know if Mr. Lenhart provided them to Ms. Ahern. Exhibits offered and admitted. Court recessed for lunch.

1:30 PM: Court back in session

Ms. Ahern requested accounting. Court advised Ms. Ahern that the First Accounting for 2013-2015 was filed and mailed to her at two different addresses by Mr. Waid. Mr. Powell stated his mailing did not get returned. Upon Court's inquiry, Mr. Moody stated the accounting has not been completed for 12-31-16 and they are awaiting the tax return. Upon Court's inquiry, Ms. Ahern stated her correct address is: 355 W. Mesquite Blvd., D30, Mesquite, NV 89027. Court DIRECTED the clerk to make sure this address is reflected in the official record. Court advised Ms. Ahern that a DVD and transcript will be sent to her and paid for by the Trust; and Mr. Moody will provide to her an interim report of expenditures and income information in the next 30 days and the full accounting report will follow

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

once the tax return is completed.

Testimony continued. COURT ORDERED, witness excused and closing arguments to be heard tomorrow morning at 10:00 AM and all exhibits that were NOT admitted RETURNED TO COUNSEL.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |                 |               |                    |
|-------------|------------|-----------------|---------------|--------------------|
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|-------------|------------|-----------------|---------------|--------------------|

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

February 10, 2017

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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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**February 10, 2017      10:00 AM      Evidentiary Hearing**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Tena Jolley

**PARTIES:**

David Mann, Other, not present  
Eleanor Ahern, Petitioner, present  
Fredrick Waid, Trustee, not 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  
Emily Ellis, Attorney, not present  
Russel Geist, Attorney, not present  
Joseph Powell, Attorney, present

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

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

**- CONTINUATION OF EVIDENTIARY HEARING**

Ms. Ahern appearing via video conference. Upon Court's inquiry, counsel indicated there were no additional witnesses. Ms. Ahern requested that Larry Semenza's retainer of \$50,000.00 be paid by the Trust. Additionally, she sent a copy of the invoice for her glasses at approximately \$680.00 and requested that it be paid by the Trust. Court advised that Mr. Waid is not present today and that she would have to communicate directly with Mr. Waid as he has the authority to act. Regarding, Mr. Semenza, the Court did authorize the funds to be paid to allow Mr. Semenza to represent Ms. Ahern and that Mr. Semenza indicated he did not have adequate time to prepare and would not be entering

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|-------------|------------|-----------------|---------------|--------------------|
| PRINT DATE: | 04/03/2017 | Page 119 of 125 | Minutes Date: | September 04, 2009 |
|-------------|------------|-----------------|---------------|--------------------|

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

an appearance for her at this time and that the Court had not seen a request for a \$50,000.00 retainer and Mr. Waid would need to ask for that authority if he thinks it is appropriate. Mr. Moody reiterated what the court stated earlier that Mr. Semenza appeared but was not willing to enter an appearance; that Mr. Waid stands ready, willing and able to serve and meet Ms. Ahern's needs as directed by previous and future court orders as well as what is contained in the Trust documents themselves; that based on Mr. Waid's findings, he is reluctant to release any funds directly to Ms. Ahern. COURT ORDERED, Ms. Ahern is to have the providers contact Mr. Waid directly with their bill and anything not covered by Medicaid, the Trust stands ready to provide.

Mr. Moody indicated that it is Mr. Waid's position that there is no need to speak through counsel as to the complex tax issues and requested that Ms. Ahern communicate directly with Mr. Waid. COURT DIRECTED Ms. Ahern to speak with Mr. Waid and if he feels it appropriate, he can request the Court to authorize that counsel be appointed to represent her.

Closing argument by Mr. Kiefer. Court stated its findings and ORDERED \$2,581,994.00 AWARDED in Compensatory Damages, a portion of which has been recovered and paid in the amount of \$839,941.92, and should be deducted from that amount; that certain actions appear to warrant punitive damages intended to punish and discourage this kind of conduct and AWARDED \$3,600,000.00 in Punitive Damages; and the remaining beneficiaries are entitled to their attorney's fees and costs for this hearing and the Court will entertain a motion for fees and costs.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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| PRINT DATE: | 04/03/2017 | Page 120 of 125 | Minutes Date: | September 04, 2009 |
|-------------|------------|-----------------|---------------|--------------------|

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

February 22, 2017

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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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**February 22, 2017    9:30 AM                    Motion - HM**

**HEARD BY:**   Sturman, Gloria

**COURTROOM:**   RJC Courtroom 10D

**COURT CLERK:**   Rebecca Foster

**PARTIES:**

|   |                                      |
|---|--------------------------------------|
| David Mann, Other, not present  | Pro Se                               |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, Attorney, not 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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| <b>JOURNAL ENTRIES</b> |
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- Arguments by counsel. COURT ORDERED, APPROVED AND GRANTED for both sides; no rights are waived.

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |                 |               |                    |
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| PRINT DATE: | 04/03/2017 | Page 121 of 125 | Minutes Date: | September 04, 2009 |
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

February 27, 2017

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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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**February 27, 2017    10:55 AM      Minute Order**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 10D

**COURT CLERK:** Denise Duron

**PARTIES:**

|   |                                      |
|---|--------------------------------------|
| David Mann, Other, not present  | Pro Se                               |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, 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 |                                      |

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

- Brownstein Hyatt Farber Schreck, LLP s Motion to Adjudicate Attorney s Lien came before the Court on February 22, 2017. Counsel presented their case and Court took the matter under advisement.

After carefully considering the papers submitted and hearing arguments, Court issued its Decision and Order this 23rd day of February, 2017. COURT ORDERED Motion for Attorney s Lien GRANTED; fees are awarded in their entirety and costs are awarded upon receipt of supplement documentation in accordance with Cadle. See Court s Decision and Order for full content.

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|-------------|------------|-----------------|---------------|--------------------|
| PRINT DATE: | 04/03/2017 | Page 122 of 125 | Minutes Date: | September 04, 2009 |
|-------------|------------|-----------------|---------------|--------------------|

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

Mr. Lenhard is directed to provide prompt written Notice of Entry hereof.

CLERK'S NOTE: a copy of this minute order has been distributed to:

Barbara Clark, Legal Assistant bclark@albrightstoddard.com  
G. Mark Albright, Esq. gma@albrightstoddard.com  
Whitney B. Warnick wbw@albrightstoddard.com

Kirk B. Lenhard klenhard@bhfs.com

Todd Moody TMoody@hutchlegal.com

Fredrick P. Waid, Esq. fwaid@hutchlegal.com  
Shaun L. Bruce sbruce@hutchlegal.com

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Michael D. Lum, Esquire michael@jeffreyburr.com

Candice Renka crenka@marquisaurbach.com  
Julia Rodionova jrodionova@maclaw.com

Probate probate@rushforthfirm.com

Joseph J. Powell probate@rushforthfirm.com

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |                 |               |                    |
|-------------|------------|-----------------|---------------|--------------------|
| PRINT DATE: | 04/03/2017 | Page 123 of 125 | Minutes Date: | September 04, 2009 |
|-------------|------------|-----------------|---------------|--------------------|

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

March 13, 2017

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

---

**March 13, 2017      3:00 AM      Minute Order**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** Chambers

**COURT CLERK:** ; Tena Jolley

**PARTIES:**

|   |                                      |
|---|--------------------------------------|
| David Mann, Other, not present  | Pro Se                               |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, 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 |                                      |

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

- Various letters have been sent to the Court seeking to change the current status of distributions from the Trust. To the extent any party seeks to have the Court instruct the Trustee to take certain action a petition for instructions must be filed, served, and noticed for hearing in accordance with Nevada Revised Statutes Chapter 164. The Court cannot act upon informal requests.

**INTERIM CONDITIONS:**

|             |            |                 |               |                    |
|-------------|------------|-----------------|---------------|--------------------|
| PRINT DATE: | 04/03/2017 | Page 124 of 125 | Minutes Date: | September 04, 2009 |
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**FUTURE HEARINGS:**

|             |            |                 |               |                    |
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| PRINT DATE: | 04/03/2017 | Page 125 of 125 | Minutes Date: | September 04, 2009 |
|-------------|------------|-----------------|---------------|--------------------|

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

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       |
| 1. ELE                                    |              |           | 6.22.15       |
| 2. FID                                    |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
| 5. O                                      |              |           |               |
| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
| 5. O                                      |              |           |               |
| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
| 5. O                                      |              |           |               |
| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
| 5. O                                      |              |           |               |
| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
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| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
| 5. O                                      |              |           |               |
| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
| 5. O                                      |              |           |               |
| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
| 5. O                                      |              |           |               |
| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
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| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
| 5. O                                      |              |           |               |
| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
| 5. O                                      |              |           |               |
| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
| 5. O                                      |              |           |               |
| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
| 5. O                                      |              |           |               |
| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
| 5. O                                      |              |           |               |
| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
| 5. O                                      |              |           |               |
| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
| 5. O                                      |              |           |               |
| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
| 5. O                                      |              |           |               |
| 6. F                                      |              |           |               |
| 7. A                                      |              |           | 6.22.15       |
| 1. C                                      |              |           | 6.22.15       |
| 2. F                                      |              |           | 6.22.15       |
| 3. N                                      |              |           |               |
| 4. N                                      |              |           |               |
| 5. O                                      |              |           |               |
| 6. F                                      |              |           |               |

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

PETITIONER EXHIBITS

JMM0082

RESPONDENT EXHIBITS

CASE NO. P0664/25

S:\Exhibit List.doc5/11/2010

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

COLINSEL 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]

In matter of the TRUST OF  
The W.N. Connell & Marjorie T. Connell Living TRUST  
**EXHIBIT(S) LIST** dtd 5-18-72

Case No.: **P066425**

Hearing Date: 2-9-17

Dept. No.: **26 (PROBATE)**

Judge: Gloria Sturman

Court Clerk: Rebecca Foster

Recorder: Kerry Esparza

Counsel for Plaintiff: Joseph Powell, ESQ.

Petitioner: Daniel Kiefer, ESQ.

ATTY FOR TRUSTEES: Todd Moody

vs.

Respondent: No atty

Respondent: Eleanor Ahern

**HEARING BEFORE THE COURT**

**EXHIBITS**

| Exhibit Number | Exhibit Description                          | Date Offered | Objection | Date Admitted |
|----------------|--|--------------|-----------|---------------|
| 1              | Wells Fargo                                  | 2-9-17       | No obj.   | 2-9-17        |
| 2              | Suzanne Nounna, Susan Nounna, Joy/Sue Newman |              |           |               |
| 3              | Ariella Nounna                               |              |           |               |
| 4              | Fred Brown                                   |              |           |               |
| 5              | Jason Collins                                |              |           |               |
| 6              | Barbara Shortz                               |              |           |               |
| 7              | Darel Burks, Burks Security                  |              |           |               |
| 8              | Zhora Tujani                                 |              |           |               |
| 9              | Curt Baggett                                 |              |           |               |
| 10             | Jeffrey M. Johnston                          |              |           |               |
| 11             | Lisa Johnson                                 |              |           |               |
| 12             | Ryan Scharar                                 |              |           |               |
| 13             | Jerry Savelle                                |              |           |               |
| 14             | Sandee Mann                                  |              |           |               |
| 15             | Sherry Dober                                 |              |           |               |
| 16             | Margaret Wardella                            |              |           |               |
| 17             | Larry Prucka                                 |              |           |               |

In the matter of the TRUST OF The W. N. Connell & Marjorie Connell Living TRUST dated 5-18-72

# EXHIBIT(S) LIST

2 P 066425

Kathryn Bouvier & Jacqueline Montoya vs. Eleanor Ahern

## Petitioner's EXHIBITS

| Exhibit Number | Exhibit Description                             | Date Offered | Objection | Date Admitted |
|----------------|---|--------------|-----------|---------------|
| 18             | Sterling Clark                                  | 2-9-17       | No Obj.   | 2-9-17        |
| 19             | Eleanor (Ellie) Ahern Foundation                |              |           |               |
| 20             | Expert Jet Charter                              |              |           |               |
| 21             | Joseph's Properties                             |              |           |               |
| 22             | McNair CPA                                      |              |           |               |
| 23             | Fox Spy Outlet of Nevada                        |              |           |               |
| 24             | Desert Oasis Clinic                             |              |           |               |
| 25             | Dog Care and Grooming                           |              |           |               |
| 26             | The Nevada Consultants Incorporated             |              |           |               |
| 27             | Captains Ship                                   |              |           |               |
| 28             | Omni Hotel & Resorts                            |              |           |               |
| 29             | American Express                                |              |           |               |
| 30             | Cirrus Aviation Services                        |              |           |               |
| 31             | Blue Star Jets                                  |              |           |               |
| 32             | New Horizons Ministry                           |              |           |               |
| 33             | Lynch, Chappell & Aloup                         |              |           |               |
| 34             | RC Willey                                       |              |           |               |
| 35             | Connell Family Foundation                       |              |           |               |
| 36             | Wells Fargo                                     |              |           |               |
| 37             | Eleanor Ahern                                   |              |           |               |
| 38             | Ahern Declaration                               |              |           |               |
| 39             | W. N. Connell & Marjorie T. Connell TRST        |              |           |               |
| 43             | Accounting & Report of Trust Activity 2013-2015 |              |           |               |
|                |   |              |           |               |
|                |   |              |           |               |



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

**ELEANOR AHERN**  
**355 W. MESQUITE BLVD., D30 #176**  
**MESQUITE, NV 89027**

**DATE: April 3, 2017**  
**CASE: P-09-066425-T**

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

NOTICE OF APPEAL FILED: March 29, 2017

**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):

MOTION TO ADJUDICATE ATTORNEY FEES AND COSTS; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; DECISION AND ORDER RE: BROWNSTEIN HYATT FARBER SCHRECK, LLP'S MOTION TO ADJUDICATE ATTORNEY'S LIEN; NOTICE OF ENTRY OF DECISION AND ORDER RE: BHFS MOTION TO ADJUDICATE ATTORNEY'S LIEN; JUDGMENT; NOTICE OF ENTRY OF JUDGMENT; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

IN THE MATTER OF

THE W.N. CONNELL AND MARJORIE T.  
CONNELL LIVING TRUST, DATED MAY 18,  
1972

An Intervivos Irrevocable Trust

Case No: P-09-066425-T

Dept No: Probate

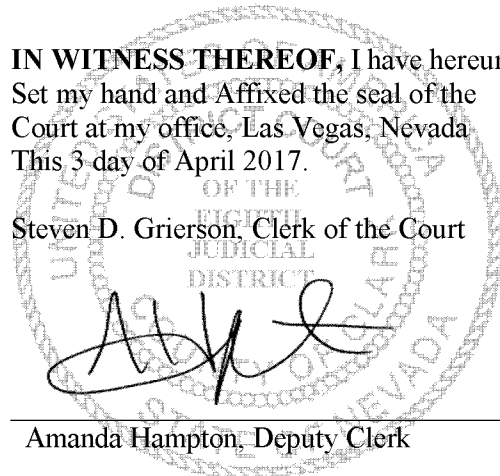
now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 3 day of April 2017.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk



FILED

MAR 29 2017

*Elizabeth A. Brown*  
CLERK OF COURT

Electronically Filed  
Apr 07 2017 02:57 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

P-09-066425-T  
MOT  
Motion  
4636004



DISTRICT COURT

CLARK COUNTY NEVADA

BROWNSTEIN HYATT FARBER SCHRICK  
KIRK B. LENHARD, ESQ NV BAR #1437  
100 NORTH CITY PARKWAY, SUITE 1600  
LAS VEGAS, NEVADA 89106  
702 382 2101 PHONE  
702 382 8135  
VS  
Eleanor Ahern  
355 West Mesquite Blvd. D30 #176  
Mesquite, Nevada 89027

Case No.P-09-066425-T

MOTION TO ADJUDICATE ATTORNEY FEES  
AND COSTS

NOTICE IS HEREBY GIVEN

That defendant Eleanor Connell Hartman Ahern hereby appeals to the Supreme Court of Nevada from the order and judgement on defendant Eleanor Connell Hartman Ahern in favor of Brownstein Hyatt Farber Schreck, LLP's motion to adjudicate attorney fees and costs filed herein February 22, 2017 with written notice of entry filed and served on February 22, 2017. Said Judgement setting forth with finality the provisions of the judgement placed against said defendant as well as any and all other orders made final and/or otherwise appealable by the foregoing.

Eleanor Ahern  
355 West Mesquite Blvd D30  
Suite 176  
Mesquite, Nevada 89027  
702 345 3025 Phone cannot leave message  
702 346 7909 Fax

Dated this 28<sup>th</sup> of March 2017

*Eleanor Ahern*  
No Attorney Proper Person

[PLEADING TITLE] - 1

CERTIFICATE OF SERVICE

I hereby certify that on or about the date filed, a copy of the foregoing **APPEAL** Re: Brownstein Hyatt Farber Schrick's Motion to Adjudicate Attorney's lien was E-Served, mailed or a copy was placed in the attorney's folder in the Clerk's Office as Follows:

BROWNSTEIN HYATT FARBER SCHRICK  
Kirk Lenhard  
100 North City Parkway Suite 1600  
Las Vegas, Nevada 89106  
702 382 2101 Phone  
702 382 8135 Fax

HUTCHISON & STEFFEN  
Russel J. Geist  
Todd L. Moody  
10080 West Alta Drive, #200  
Las Vegas, Nevada 89145

RUSHFORTH FIRM  
Joseph Powell  
P.O. Box 371655  
Las Vegas, Nevada

*Eleanor Ahern*

Eleanor Ahern in Proper Person  
355 West Mesquite Blvd #176  
Mesquite, Nevada 89027  
702 345 3035 Phone no message available  
702 36 7909 Fax

1 ASTA

2  
3  
4  
5  
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**

9  
10 IN THE MATTER OF

11 THE W.N. CONNELL AND MARJORIE T.  
12 CONNELL LIVING TRUST, DATED MAY 18,  
13 1972

14 An Intervivos Irrevocable Trust

Case No: P-09-066425-T

Dept No: Probate

15 **CASE APPEAL STATEMENT**

16 1. Appellant(s): Eleanor Ahern

17 2. Judge: Gloria Sturman

18 3. Appellant(s): Eleanor Ahern

19 Counsel:

20 Eleanor Ahern  
21 355 West Mesquite Blvd., D30 #176  
22 Mesquite, NV 89027

23 4. Respondent (s): Brownstein Hyatt Farber Schreck, LLP

24 Counsel:

25 Kirk B. Lenhard, Esq.  
26 100 North City Pkwy., Ste 1600  
27 Las Vegas, NV 89106

28 5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes  
Permission Granted: N/A

6. Appellant Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

Appellant Filed Application to Proceed in Forma Pauperis: No  
Date Application(s) filed: N/A

9. Date Commenced in District Court: August 17, 2009

10. Brief Description of the Nature of the Action: Probate

Type of Judgment or Order Being Appealed: Judgment

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 66231, 67782, 68046, 69737, 71577

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 3 day of April 2017.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

cc: Eleanor Ahern

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

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

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Location: **Family Domestic**  
Judicial Officer: **Judge Sturman, Probate**  
Hearing Master: **Yamashita, Wesley**  
Filed on: **08/17/2009**  
Case Number History:  
Cross-Reference Case **P066425**  
Number:  
Supreme Court No.: **66231**  
**67782**  
**68046**  
**69737**  
**71577**

**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**

|                                |  |   |
|--------------------------------|--|---|
|                                |  | <i>Lead Attorneys</i>   |
| <b>Petitioner</b>              | <b>Ahern, Eleanor C</b>  | <b>Ellis, Emily A.</b><br><i>Retained</i><br>702-382-2101(W)      |
| <b>Trustee</b>                 | <b>Waid, Fredrick</b>  | <b>Geist, Russel J, ESQ</b><br><i>Retained</i><br>702-385-2500(W) |
| <b>Trust</b>                   | <b>The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972</b> |   |
| <b>Other</b>                   | <b>Bouvier, Kathryn A</b>  | <b>Powell, Joseph J</b><br><i>Retained</i><br>7022554552(W)       |
|                                | <b>Montoya, Jacqueline M</b>   | <b>Powell, Joseph J</b><br><i>Retained</i><br>7022554552(W)       |
|                                | <b>Parties Receiving Notice</b>  |   |
| <b>Personal Representative</b> | <b>Montoya, Jacqueline M</b>   | <b>Powell, Joseph J</b><br><i>Retained</i><br>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









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

|            |  |
|------------|--|
| 08/17/2009 |  Notice of Hearing<br>Filed by: Petitioner Ahern, Eleanor C   |
| 08/17/2009 |  Certificate of Mailing<br>Filed by: Petitioner Ahern, Eleanor C<br>For: Other Parties Receiving Notice<br><i>PETITION TO ASSUME</i>  |
| 09/04/2009 | <b>Hearing (9:30 AM)</b> (Judicial Officer: Yamashita, Wesley)<br>Events: 08/17/2009 Notice of Hearing<br><i>Hrg on Pet to Assume Jurisdiction Over Trust; Confirm Trustee; and Construe and Reform Trust</i>  |
| 09/04/2009 |  Order<br>Filed by: Petitioner Ahern, Eleanor C<br><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<br>Filed by: Petitioner Ahern, Eleanor C  |
| 09/27/2013 |  Petition<br>Filed by: Personal Representative Montoya, Jacqueline M<br><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<br>Filed by: Personal Representative Montoya, Jacqueline M<br><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<br>Filed by: Personal Representative Montoya, Jacqueline M<br><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<br>Filed by: Other Parties Receiving Notice<br><i>Certificate of Mailing</i>  |
| 10/11/2013 |  <b>Petition (9:30 AM)</b> (Judicial Officer: Sturman, Gloria)<br><b>10/11/2013, 11/12/2013</b><br>Events: 09/27/2013 Notice of Hearing<br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Motion to Refer Contested Probate Matter to Master-Probate Commissioner Per EDCR 4.16</i>  |
| 11/07/2013 |  Response<br>Filed by: Personal Representative Montoya, Jacqueline M<br><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<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Receipt of Copy</i>  |
| 11/08/2013 |  Errata<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Errata to Response to Motion to Refer Contested Probate Matter to Master-Probate Commissioner per EDCR 4.16</i>   |
| 11/11/2013 |  Reply<br>Filed by: Petitioner Ahern, Eleanor C<br><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<br><i>Order Setting Bench Trial</i>   |
| 11/26/2013 |  Motion<br>Filed by: Petitioner Ahern, Eleanor C<br><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<br>Filed by: Personal Representative Montoya, Jacqueline M<br><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<br>Filed by: Personal Representative Montoya, Jacqueline M<br><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<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Certificate of Mailing</i>  |
| 12/04/2013 |  Notice<br><i>Notice of Resetting Hearing</i>  |
| 12/04/2013 |  Notice of Hearing<br>Filed by: Personal Representative Montoya, Jacqueline M<br><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<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Certificate of Mailing</i>  |
| 12/06/2013 |  Recorders Transcript of Hearing<br><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<br/><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<br/>Filed by: Personal Representative Montoya, Jacqueline M<br/><i>Certificate of Mailing</i></p>   |
| 12/13/2013 | <p><b>CANCELED Motion</b> (9:30 AM)<br/><i>Vacated</i><br/><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<br/>Filed by: Petitioner Ahern, Eleanor C<br/><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<br/>Filed by: Petitioner Ahern, Eleanor C<br/><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<br/>Filed by: Personal Representative Montoya, Jacqueline M<br/><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><b>Motion</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)<br/>Events: 11/26/2013 Motion<br/><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><b>Petition - HM</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)<br/>Events: 12/04/2013 Notice of Hearing<br/><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> <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)</p>   |
| 01/14/2014 | <p> Receipt of Copy<br/>Filed by: Personal Representative Montoya, Jacqueline M<br/><i>Receipt of Copy</i></p>   |
| 01/24/2014 | <p> Recorders Transcript of Hearing<br/>Party: Petitioner Ahern, Eleanor C<br/><i>Recorder's Transcript Motions Hearing Tuesday January 14 2014</i></p>  |
| 01/24/2014 | <p> <b>Calendar Call</b> (11:00 AM) (Judicial Officer: Sturman, Gloria)</p>  |

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

|            |   |
|------------|---|
| 01/27/2014 |  Notice of Taking Deposition<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Taking Videotaped Deposition of Curtis Baggett</i>   |
| 01/27/2014 |  Notice of Deposition<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Taking Videotaped Deposition of Stanley E. Crawford, Jr.</i>  |
| 01/27/2014 |  Notice of Taking Deposition<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Taking Videotaped Deposition of J. Randall Turner</i>  |
| 02/04/2014 |  Amended Notice<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Amended Notice of Taking Videotaped Deposition of Curtis Baggett</i>  |
| 02/04/2014 |  Recorders Transcript of Hearing<br>Party: Petitioner Ahern, Eleanor C<br><i>Recorder's Transcript of Proceeding: All Pending Motions &amp; Calendar Call, Friday, January 24, 2014</i>  |
| 02/05/2014 |  Notice of Vacating Deposition<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Vacating Deposition of Stanley E. Crawford, Jr.</i>  |
| 02/06/2014 |  Notice of Vacating Deposition<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Vacating Deposition of J. Randall Turner</i>   |
| 02/07/2014 |  Notice of Vacating Deposition<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Vacating Deposition of Curtis Baggett</i>  |
| 02/10/2014 |  Answer - Other Domestic/Guardianship/Probate<br>Filed by: Petitioner Ahern, Eleanor C<br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Trial Subpoena</i>  |
| 02/11/2014 |  Acceptance of Service<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Acceptance of Service</i>  |
| 02/11/2014 |  Pre-trial Memorandum<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Pre-Trial Memorandum</i>  |
| 02/12/2014 |  Pre-trial Memorandum<br>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 |  <b>Pre Trial Conference</b> (11:00 AM) (Judicial Officer: Sturman, Gloria)   |
| 02/14/2014 |  <b>Motion</b><br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Motion to Dismiss and Motion to Strike Counterclaims Raised by Eleanor C. Ahern Pursuant to NRCP 16 and NRCP 12(B)</i>  |
| 02/18/2014 |  <b>Bench Trial</b> (10:00 AM) (Judicial Officer: Sturman, Gloria)  |
| 02/20/2014 |  <b>Demand for Jury Trial</b><br>Filed by: Petitioner Ahern, Eleanor C<br><i>Demand for Jury Trial</i>  |
| 02/21/2014 |  <b>Order Setting Civil Non-Jury Trial</b><br><i>Order Resetting Bench Trial</i>  |
| 02/26/2014 |  <b>Recorders Transcript of Hearing</b><br>Party: Petitioner Ahern, Eleanor C<br><i>RECORDER'S TRANSCRIPT OF PROCEEDING: CIVIL BENCH TRIAL -- DAY 1 TUESDAY, FEBRUARY 18, 2014</i>  |
| 03/06/2014 |  <b>Petition</b><br>Filed by: Personal Representative Montoya, Jacqueline M<br><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 |  <b>Addendum</b><br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Addendum 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 |  <b>Certificate of Mailing</b><br>Filed by: Petitioner Ahern, Eleanor C<br><i>Certificate of Mailing</i>  |
| 03/11/2014 |  <b>Stipulation and Order</b><br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Stipulation and Order to Extend Time to Reply or Otherwise Plead to Counterclaims Asserted by Eleanor C. Ahern</i>   |
| 03/12/2014 |  <b>Notice of Entry of Order</b><br>Filed by: Personal Representative Montoya, Jacqueline M<br><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 |  <b>Certificate of Mailing</b><br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Certificate of Mailing</i>  |
| 03/13/2014 |  <b>Objection</b><br>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*

|            |   |
|------------|---|
| 03/13/2014 |  Affidavit of Mailing<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Affidavit of Mailing</i>  |
| 03/13/2014 |  Recorders Transcript of Hearing<br>Party: Petitioner Ahern, Eleanor C<br><i>RECORDER'S TRANSCRIPT PRETRIAL CONFERENCE WEDNESDAY, FEBRUARY 12, 2014</i>  |
| 03/14/2014 |  Certificate of Mailing<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Certificate of Mailing</i>  |
| 03/18/2014 |  Motion to Dismiss<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Motion to Dismiss Counterclaims of Eleanor C. Ahern</i>  |
| 03/20/2014 |  Certificate of Mailing<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Certificate of Mailing</i>  |
| 03/20/2014 |  Amended Notice<br>Filed by: Personal Representative Montoya, Jacqueline M<br><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<br>Party: Personal Representative Montoya, Jacqueline M<br><i>Amended Certificate of Mailing</i>   |
| 03/25/2014 |  Ex Parte Application<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Ex Parte Application for Order Shortening Time</i>  |
| 03/26/2014 |  Petition<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Petition for Construction and Effect of Probate Court Order</i>   |
| 03/26/2014 |  Verification<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Verification for Petition for Construction and Effect of Probate Court Order</i>  |
| 03/26/2014 |  Notice of Hearing<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Notice of Hearing on Petition for Construction and Effect of Probate Court Order</i>   |
| 03/26/2014 |  Notice of Entry<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Notice of Entry of Ex Parte Application for Order Shortening Time</i>  |

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

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

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

05/07/2014



Opposition

Filed by: Petitioner Ahern, Eleanor C

*Opposition of Eleanor C. Ahern to Motion to Dismiss Counterclaims of Eleanor C. Ahern*

05/08/2014



Ex Parte Petition

Filed by: Petitioner Ahern, Eleanor C

*Ex Parte Petition for Order Shortening Time Regarding Motion to Continue Jacqueline M. Montoya's Petition for Construction and Effect of Probate Court Order*

05/08/2014



Order Shortening Time

Filed by: Petitioner Ahern, Eleanor C

*Order Shortening Time Regarding Motion to Continue Jacqueline M. Montoya's Petition for Construction and Effect of Probate Court Order*

05/08/2014



Motion

Filed by: Petitioner Ahern, Eleanor C

*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*

05/08/2014



Certificate of Mailing

Filed by: Petitioner Ahern, Eleanor C

*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*

05/08/2014



Certificate of Mailing

Filed by: Personal Representative Montoya, Jacqueline M

*Certificate of Mailing*

05/08/2014



Response

Filed by: Personal Representative Montoya, Jacqueline M

*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*

05/12/2014



Opposition

Filed by: Petitioner Ahern, Eleanor C

*Opposition of Eleanor C. Ahern to Jacqueline M. Montoya's Petition for Construction and Effect of Probate Court Order*

05/12/2014



Certificate of Mailing

Filed by: Petitioner Ahern, Eleanor C













*Certificate of Mailing Regarding Opposition of Eleanor C. Ahern to Jacqueline M. Montoya's Petition for Construction and Effect of Probate Court Order*

05/12/2014

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

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

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

|            |  |
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| 07/08/2014 |  Notice of Entry of Order<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Notice of Entry of Order: Re Pending Motions and Scheduling</i>  |
| 07/17/2014 |  Motion to Compel<br>Filed by: Petitioner Ahern, Eleanor C<br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Certificate of Mailing</i>   |
| 07/17/2014 | <b>CANCELED Calendar Call</b> (11:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Vacated</i>   |
| 07/22/2014 |  Subpoena Duces Tecum<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Subpoena Duces Tecum for Business Records</i>  |
| 07/31/2014 |  Case Appeal Statement<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Case Appeal Statement</i>   |
| 07/31/2014 |  Notice of Appeal<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Appeal</i>  |
| 08/07/2014 |  Notice<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Subpoena Duces Tecum to the Custodian of Records for Medicare</i>  |
| 08/07/2014 |  Notice<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Subpoena Duces Tecum to the Custodian of Records for University Medical Center</i>   |
| 08/07/2014 |  Notice<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Subpoena Duces Tecum to the Custodian of Records for Christopher S. Cruz, M.D.</i>   |
| 08/07/2014 |  Notice<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Subpoena Duces Tecum to the Custodian of Records for David A. Straus, Esquire</i>  |
| 08/07/2014 |  Notice<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Subpoena Duces Tecum to the Custodian of Records for Corey Haina</i>   |
| 08/11/2014 | <b>CANCELED Bench Trial</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Vacated</i>  |
| 08/12/2014 |  Affidavit of Service<br>Filed by: Petitioner Ahern, Eleanor C<br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Affidavit of Service</i>  |
| 08/13/2014 |  Affidavit of Service<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Affidavit of Service</i>  |
| 08/14/2014 |  Subpoena Duces Tecum<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Subpoena Duces Tecum for Business Records</i>   |
| 08/14/2014 |  Notice<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Subpoena Duces Tecum to the Custodian of Records for Kindred Hospital Las Vegas</i>   |
| 08/14/2014 |  Subpoena Duces Tecum<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Subpoena Duces Tecum for Business Records</i>   |
| 08/19/2014 |  Clerk of the Courts Notice of Change of Hearing<br><i>Clerk of the Courts Notice of Change of Hearing - Family</i>  |
| 08/19/2014 |  Response<br>Filed by: Personal Representative Montoya, Jacqueline M<br><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<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Certificate of Mailing</i>  |
| 08/22/2014 | <b>CANCELED Motion to Compel</b> (1:30 PM) (Judicial Officer: Beecroft, Chris A., Jr.)<br><i>Vacated</i><br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Reply of Eleanor C. Ahern to Jacqueline M. Montoya's Response to Eleanor C. Ahern's Motion to Compel Responses to Eleanor C. Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya</i> |
| 09/03/2014 |  <b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Bulla, Bonnie)<br>Events: 07/17/2014 Motion to Compel<br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Stipulation and Oder for Release of Medicial Information</i>                                 |
| 09/11/2014 |  Subpoena Duces Tecum<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Subpoena Duces Tecum for Business Records</i>   |
| 09/11/2014 |  Notice of Entry of Order<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Entry of Order Re: Stipulation and Order for Release of Medical Information</i> |
| 09/15/2014 |  Notice<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Subpoena Duces Tecum to the Custodian of Records for Complex Care Hospital</i>                    |
| 09/15/2014 |  Notice<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Subpoena Duces Tecum to the Custodian of Records for MountainView Hospital</i>                    |
| 09/15/2014 |  Notice<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Subpoena Duces Tecum to the Custodian of Records for Sunrise Hospital and Medical Center</i>      |
| 09/15/2014 |  Notice<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Subpoena Duces Tecum to the Custodian of Records for Torrey Pines Rehabilitation Center</i>      |
| 09/19/2014 |  Transcript of Proceedings<br><i>Motion to Compel, Wednesday, September 3, 2014</i>  |
| 09/19/2014 |  Transcript of Proceedings<br><i>September 3, 2014</i>   |
| 09/26/2014 |  Notice<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Notice of Deposition</i>  |
| 09/26/2014 |  Notice of Taking Deposition<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Taking Deposition</i>  |
| 09/26/2014 |  Notice of Taking Deposition<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Taking Deposition-Kathryn Bouvier</i>                                      |
| 10/03/2014 |  Notice of Taking Deposition<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Taking Deposition- David A. Straus</i>                                     |
| 10/03/2014 |  Notice of Taking Deposition<br>Filed by: Petitioner Ahern, Eleanor C  |

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












*Notice of Taking Deposition- Josefina C. Jones*

|            |  |
|------------|--|
| 10/09/2014 |  Motion to Dismiss<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Motion to Dismiss Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A) for Failure to State a Claim Upon Which Relief Can be Granted Per NRCP 12(b)(5)</i> |
| 10/10/2014 |  <b>Status Check</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie)   |
| 10/13/2014 |  Stipulation and Order<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Stipulation and Order for Release of Medicial Information</i>   |
| 10/15/2014 |  Notice of Entry of Order<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Entry of Order Re: Stipulation and Order for Release of Medicial Information</i>   |
| 10/16/2014 |  Notice of Taking Deposition<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Taking Deposition</i>   |
| 10/21/2014 |  Subpoena<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Subpoena to Sharon Brown</i>   |
| 10/21/2014 |  Subpoena<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Subpoena to David A. Straus, Esq.</i>  |
| 10/21/2014 |  Subpoena<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Subpoena to Josefina C. Jones</i>  |
| 10/24/2014 |  Notice of Vacating Deposition<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Vacating Deposition</i>   |
| 10/24/2014 |  Notice of Vacating Deposition<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Vacating Deposition</i>   |
| 10/24/2014 |  Notice of Vacating Deposition<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Vacating Deposition</i>   |
| 11/03/2014 |  Substitution of Attorney<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Substitution of Attorney</i>   |
| 11/10/2014 |  Motion to Enforce<br>Filed by: Other Bouvier, Kathryn A<br><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<br>Filed by: Other Bouvier, Kathryn A<br><i>Renotice of Hearing on Motion to Enforce Settlement Agreement</i>   |
| 11/14/2014 |  <b>Status Check</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie)<br><i>Status Check: Compliance / Sanctions</i>   |
| 11/24/2014 |  Motion<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Motion to Withdraw as Attorney for Eleanor Ahern</i>  |
| 11/24/2014 |  Notice of Hearing<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Hearing</i>  |
| 11/25/2014 |  Certificate of Mailing<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Certificate of Mailing</i>  |
| 11/25/2014 |  Motion to Continue<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Motion to Continue Hearing and Briefing Schedule and to Stay All Pending Matters on Order Shortening Time</i>                     |
| 11/26/2014 |  Opposition<br>Filed by: Other Bouvier, Kathryn A<br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Substitution of Attorneys</i>   |
| 11/26/2014 |  Notice<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Entry of Order Shortening Time and Notice of Hearing</i>  |
| 12/01/2014 |  Discovery Commissioners Report and Recommendations<br><i>Discovery Commissioners Report and Recommendations</i>   |
| 12/03/2014 |  Reply<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Reply in Support of Motion to Continue Hearing and Briefing Schedule and to Stay All Pending Matters on Order Shortening Time</i>            |
| 12/04/2014 |  <b>Motion</b> (10:30 AM) (Judicial Officer: Sturman, Gloria)<br>Events: 11/25/2014 Motion to Continue<br><i>All Pending Motion</i>  |
| 12/11/2014 |  Recorders Transcript of Hearing<br>Party: Petitioner Ahern, Eleanor C<br><i>Recorder's Transcript of Proceeding: All Pending Motions Thursday December 4, 2014</i>                                |
| 12/11/2014 |  Opposition  |

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

|            |   |
|------------|---|
|            | Filed by: Petitioner Ahern, Eleanor C<br><i>Opposition to Motion to Enforce Settlement Agreement</i>  |
| 12/12/2014 |  Errata<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Errata to Opposition to Motion to Enforce Settlement Agreement</i>  |
| 12/12/2014 | <b>Hearing - HM</b> (9:30 AM) (Hearing Master: Yamashita, Wesley)<br>Events: 11/24/2014 Motion<br><i>Motion to Withdraw as Atty for Eleanor Ahern</i>   |
| 12/12/2014 | <b>CANCELED Hearing - HM</b> (9:30 AM)<br><i>Vacated</i><br><i>Notice of Hearing</i>  |
| 12/15/2014 |  Reply<br>Filed by: Other Bouvier, Kathryn A<br><i>Reply in Support of Motion to Enforce Settlement Agreement</i>  |
| 12/17/2014 |  <b>Motion to Enforce</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)<br>Events: 11/10/2014 Motion to Enforce<br><i>Settlement Agreement [10AM]</i>  |
| 12/17/2014 |  Order<br>Filed by: Petitioner Ahern, Eleanor C<br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Entry of Order</i>  |
| 12/19/2014 |  <b>Status Check</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie)<br><i>Status Check: Compliance</i>   |
| 12/23/2014 |  Motion to Compel<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Emergency Motion to Compel David L. Mann, Esq. to Turn Over Documents</i>   |
| 12/23/2014 |  Opposition and Countermotion<br>Filed by: Other Bouvier, Kathryn A<br><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<br><i>RECORDER'S TRANSCRIPT OF PROCEEDING: MOTION TO ENFORCE: SETTLEMENT AGREEMENT WEDNESDAY, DECEMBER 17, 2014</i>   |
| 12/24/2014 |  Notice of Hearing<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Hearing</i>  |
| 12/29/2014 |  Motion  |

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

|            |  |
|------------|--|
|            | Filed by: Other Mann, David L, ESQ<br><i>Attorney David L. Mann ESQ motion to Quash Supoenas and For A Protective Order</i>  |
| 12/31/2014 |  Motion<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Motion to Exceed Page Limit</i>  |
| 01/02/2015 |  Motion for Summary Judgment<br>Filed by: Petitioner Ahern, Eleanor C<br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Order Granting Motion to Exceed Page Limit</i>  |
| 01/09/2015 |  Notice of Entry of Order<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Entry of Order</i>   |
| 01/09/2015 |  Reply<br>Filed by: Other Bouvier, Kathryn A<br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Eleanor C. Ahern's (1) Reply in Support of Eleanor C. Ahern's Motion to Dismiss Petition for Declaratory Judgment for Failure to State a Claim Upon Which Relief Can Be Granted; (2) Opposition to Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment on Petition for Declaratory Judgment, For Damages and Assessment of Penalties, and for Other Relief; and (3) Reply in Support of Countermotion for Summary Judgment</i> |
| 01/09/2015 |  <b>Status Check: Compliance</b> (11:00 AM) (Judicial Officer: Bulla, Bonnie)   |
| 01/09/2015 |  Motion<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Motion to Exceed Page Limit</i>  |
| 01/12/2015 |  Supplement<br>Filed by: Personal Representative Montoya, Jacqueline M<br><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<br>Filed by: Other Bouvier, Kathryn A<br><i>Motion for Leave to Amend Pleadings of Jacqueline M. Montoya and Kathryn A. Bouvier for Claims, Defenses, Damages and Assessment of Penalties, and for Other Relief Against Eleanor Connell Hartman Ahern</i>   |
| 01/12/2015 |  Ex Parte Application   |









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

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















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

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















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

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










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

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

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

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














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

|            |   |
|------------|---|
|            | Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Hearing on Order to Show Cause</i>  |
| 04/16/2015 |  Judgment<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Summary Judgment</i>  |
| 04/16/2015 |  Notice of Entry of Order<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Entry of Order to Show Cause</i>   |
| 04/16/2015 |  Order<br>Filed by: Trustee Waid, Fredrick<br><i>Order to Show Cause</i>   |
| 04/17/2015 |  Receipt of Copy<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>RECEIPT OF COPY OF THE NOTICE OF ENTRY OF ORDER ON SUMMARY JUDGMENT</i>  |
| 04/17/2015 |  Objection<br>Filed by: Trustee Waid, Fredrick<br><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<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Notice of Entry of Order on Summary Judgment</i>  |
| 04/20/2015 |  Order<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Order Regarding The Accounting, Breach of Fiduciary Duty Claims and Award of Attorney Fees</i>   |
| 04/20/2015 |  Order Confirming<br>Filed by: Trustee Waid, Fredrick<br><i>Order Confirming Acting Successor Trustee</i>  |
| 04/20/2015 |  Order<br>Filed by: Trustee Waid, Fredrick<br><i>Order Compelling Eleanor Ahern to Turn Over Trust Records to Acting Successor Trustee</i>   |
| 04/20/2015 |  Notice of Entry of Order<br>Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972<br><i>Notice of Entry of Order</i>  |
| 04/20/2015 |  Notice of Entry of Order<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Entry of Order</i>  |
| 04/20/2015 |  <b>Motion for Withdrawal</b> (10:00 AM) (Judicial Officer: Sturman, Gloria)<br>Events: 04/15/2015 Motion<br><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**

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















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

|            |   |
|------------|---|
|            | Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Appeal</i>  |
| 05/18/2015 |  Case Appeal Statement<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Case Appeal Statement</i>  |
| 05/18/2015 |  Notice of Vacating Deposition<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Vacating Deposition</i>   |
| 05/19/2015 |  Notice<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Posting Bond</i>  |
| 06/03/2015 |  Motion<br>Filed by: Personal Representative Montoya, Jacqueline M<br><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<br><i>Affidavit of Service</i>   |
| 06/04/2015 |  Recorders Transcript of Hearing<br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Request for Transcript of Proceedings</i>  |
| 06/08/2015 |  Request<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Request for Transcript of Proceedings</i>  |
| 06/09/2015 |  Recorders Transcript of Hearing<br>Party: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972<br><i>Transcript of Proceedings Order to Show Cause Wednesday, April 22, 2015</i>   |
| 06/12/2015 |  Recorders Transcript of Hearing<br><i>Transcript of Proceedings Motion for Attorney Fees Wednesday, May 13, 2015</i>  |
| 06/15/2015 |  Notice of Taking Deposition<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Taking Deposition</i>   |
| 06/16/2015 |  Notice of Vacating Deposition<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Vacating Deposition</i>   |
| 06/18/2015 |  Response<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Response to Affidavit of Fredrick P. Waid Dated May 6, 2015</i>   |














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

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




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

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

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

|            |  |
|------------|--|
| 07/22/2015 |  Notice of Vacating Deposition<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Vacating Deposition</i>  |
| 07/22/2015 |  Notice of Taking Deposition<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Taking Deposition</i>  |
| 07/24/2015 |  Notice of Attorney Lien<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Attorney Lien</i>   |
| 07/27/2015 |  Motion<br>Filed by: Petitioner Ahern, Eleanor C<br>For: Trustee Waid, Fredrick<br><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<br>Filed By: 07/29/2015   |
| 07/30/2015 |  Ex Parte Application<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Ex Parte Application for an Order Shortening Time</i>  |
| 07/30/2015 |  Certificate of Service<br>Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972<br><i>Certificate of Service</i>   |
| 07/30/2015 |  Notice<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Vacating Deposition and Withdrawal of Subpoena Duces Tecum</i>  |
| 07/31/2015 |  Notice<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Vacating Deposition</i>   |
| 07/31/2015 |  Response<br>Filed by: Trustee Waid, Fredrick<br><i>Response to Motion to Dismiss Contempt Proceedings</i>  |
| 07/31/2015 |  Supplement<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Supplement to Motion for Assessment of Damages</i>   |
| 07/31/2015 |  Certificate of Mailing<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Certificate of Mailing</i>   |
| 08/03/2015 |  Affidavit of Service<br><i>Affidavit of Service</i>  |

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

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

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*




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

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






|            |  |
|------------|--|
|            |  Order Granting<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Order Granting Motion to Dismiss Contempt Proceeding</i>   |
| 09/15/2015 |  Notice of Entry of Order<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Entry of Order Granting Motion to Dismiss Contempt Proceeding</i>  |
| 09/16/2015 |  Notice of Taking Deposition<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Taking Deposition of Custodian of Records for Checks N Mail</i>  |
| 09/16/2015 |  Notice of Taking Deposition<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Taking Deposition of Custodian of Records for Mail for You, Inc.</i>   |
| 09/16/2015 | <b>Status Check</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Set Hearing Re: Fredrick Waid's Countermotion to Unseal Records (Filed 8/12/15)</i>  |
| 09/16/2015 | <b>Status Check</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Set Hearing Re Motion for Adjudication of Attorney's Lien in the Amount of \$30,937.50, Reduction to Judgment Collectible by All Lawful Means Including, but not Limited to, Lien on Eleanor Ahern's Benefits in the W.N. Connell and Marjorie T. Connell Living Trust</i> |
| 09/16/2015 |  <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)   |
| 09/23/2015 |  Order<br>Filed by: Trustee Waid, Fredrick<br><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<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Entry of Order</i>  |
| 09/24/2015 |  Subpoena Duces Tecum<br>Filed by: Trustee Waid, Fredrick<br><i>Subpoena Duces Tecum to Custodian of Records for Mail for You, Inc.</i>   |
| 09/25/2015 |  Recorders Transcript of Hearing<br><i>Transcript of Proceedings Status Check: Evidentiary Hearing Status Wednesday, September 2, 2015</i>  |
| 09/25/2015 |  Recorders Transcript of Hearing<br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><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<br>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<br>Filed by: Trustee Waid, Fredrick<br><i>Commission to Take Out-Of-State Deposition of The Custodian Of Records for Omni Forth Worth Hotel</i> |
| 10/02/2015 |  Notice<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Vacating Deposition of Custodian of Records for Mail For You, Inc.</i>   |
| 10/02/2015 |  Notice of Taking Deposition<br>Filed by: Trustee Waid, Fredrick<br><i>First Amended Notice of Taking Out-Of-State Deposition of Curt Baggett</i>  |
| 10/02/2015 |  Notice of Taking Deposition<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Taking Depositions</i>  |
| 10/02/2015 |  Deposition Subpoena<br>Filed by: Trustee Waid, Fredrick<br><i>Subpoena - Shelly L. Tabaczynski</i>  |
| 10/02/2015 |  Notice of Taking Deposition<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Taking Out-Of-State Deposition of the Custodian of Records for the Omni Forth Worth Hotel</i>                             |
| 10/02/2015 |  Application<br>Filed by: Trustee Waid, Fredrick<br><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<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Taking Out-Of-State Deposition of Ryan E. Scharar</i>   |
| 10/02/2015 |  Application<br>Filed by: Trustee Waid, Fredrick<br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Certificate of Service of Motion to Withdraw as Counsel on Order Shortening Time</i>  |
| 10/06/2015 |  Motion<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Motion to Withdraw as Counsel on Order Shortening Time</i>  |
| 10/08/2015 |  Notice of Taking Deposition<br>Filed by: Trustee Waid, Fredrick<br><i>Second Amended Notice of Taking Out-Of-State Deposition of Lawrence Prucka</i>  |
| 10/08/2015 |   |











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

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














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

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

|            |  |
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|            |  Supplement<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Supplement to Reply in Support of Motion for Distribution of Trust Income</i>  |
| 11/02/2015 |  Notice of Taking Deposition<br>Filed by: Trustee Waid, Fredrick<br><i>First Amended Notice of Taking Video Deposition of Adele Felice Josephs-Matthews</i>   |
| 11/02/2015 |  Notice of Taking Deposition<br>Filed by: Trustee Waid, Fredrick<br><i>First Amended Notice of Taking Video Deposition of Shelly Lynn Tabaczynski</i>   |
| 11/03/2015 |  Supplement<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Second Supplement to Reply in Support of Motion for Distribution of Trust Income</i>   |
| 11/04/2015 | <b>Motion</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Eleanor Connell Hartman Ahern's Motion for Distribution of Trust Income in Accordance with the Court's Summary Judgment Dated April 16, 2015 on Order Shortening Time</i>  |
| 11/04/2015 | <b>Motion to Compel</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Fredrick P. Waid's Motion to Compel Eleanor Ahern's Authorization to Allow Trustee to Obtain Information from Attorneys and Other Professionals on Order Shortening Time</i>   |
| 11/04/2015 |  <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)   |
| 11/09/2015 | <b>CANCELED Evidentiary Hearing</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Vacated - per Judge</i>  |
| 11/10/2015 | <b>CANCELED Evidentiary Hearing</b> (1:30 PM) (Judicial Officer: Sturman, Gloria)<br><i>Vacated - per Judge</i>  |
| 11/12/2015 |  Notice of Taking Deposition<br>Filed by: Trustee Waid, Fredrick<br><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<br><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<br>Filed by: Trustee Waid, Fredrick<br><i>Subpoena Duces Tecum - Adele Felice Josephs Matthews</i>   |
| 12/01/2015 |  Order<br>Filed by: Trustee Waid, Fredrick<br><i>Order Re: Motion to Compel Eleanor Ahern's Authorization</i>   |
| 12/02/2015 |  Notice<br>Filed by: Trustee Waid, Fredrick<br><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<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Entry of Order</i>   |
| 12/04/2015 |  Stipulation and Order<br>Filed by: Trustee Waid, Fredrick<br><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<br><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<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Entry of Stipulation and Order</i>   |
| 01/04/2016 |  Motion<br>Filed by: Trustee Waid, Fredrick<br><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<br>Filed by: Trustee Waid, Fredrick<br><i>Order Instructing Trustee to Advance Funds</i>  |
| 01/06/2016 |  <b>Motion for Order to Show Cause</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)<br><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<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Entry of Order Instructing Trustee to Advance Funds</i>  |
| 01/20/2016 |  Motion<br>Filed by: Personal Representative Montoya, Jacqueline M<br><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<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Motion for Reconsideration on Order Shortening Time</i>   |
| 01/26/2016 |  Response<br>Filed by: Trustee Waid, Fredrick<br><i>Response to Motion for Reconsideration on Order Shortening Time</i>  |
| 01/26/2016 |  Opposition to Motion<br>Filed by: Petitioner Ahern, Eleanor C<br><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<br>Filed by: Petitioner Ahern, Eleanor C   |











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

|            |  |
|------------|--|
|            | <i>Opposition to Motion for Reconsideration on Order Shortening Time</i>   |
| 01/27/2016 | <b>Motion to Compel</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)<br><i>Deposition of Eleanor Ahern</i>  |
| 01/27/2016 | <b>Motion to Stay</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)<br><i>Jaqueline M. Montoya and Kathryn A. Bouvier's Motion to Stay Execution of Order Pending the Hearing of the Motion for Reconsideration Pursuant to NRCP 62(b) on Order Shortening Time</i>  |
| 01/27/2016 | <b>Motion to Reconsider</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)<br><i>Jaqueline M. Montoya and Kathryn A. Bouvier's Motion for Reconsideration on Order Shortening Time</i>  |
| 01/27/2016 |  <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)   |
| 01/27/2016 |  Order<br>Filed by: Trustee Waid, Fredrick<br><i>Order Re: Motion to Compel Re: Eleanor Ahern's Deposition</i>  |
| 01/27/2016 |  Order<br>Filed by: Trustee Waid, Fredrick<br><i>Order Re: Motion for Order to Show Cause Re: Eleanor Ahern's Authorization</i>   |
| 01/28/2016 |  Notice of Entry of Order<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Entry of Order</i>  |
| 01/28/2016 |  Notice of Entry of Order<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Entry of Order</i>  |
| 02/01/2016 |  Notice<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Independent Medical Examination</i>   |
| 02/02/2016 |  Recorders Transcript of Hearing<br><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<br>Filed by: Other Bouvier, Kathryn A<br><i>Case Appeal Statement</i>  |
| 02/10/2016 |  Notice<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Notice of Posting Bond</i>   |
| 02/10/2016 |  Notice of Appeal<br>Filed by: Other Bouvier, Kathryn A   |
| 02/11/2016 | <b>CANCELED Evidentiary Hearing</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Vacated - per Judge</i>  |
| 02/11/2016 | <b>CANCELED Evidentiary Hearing</b> (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 | <b>CANCELED Evidentiary Hearing</b> (9:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Vacated - per Judge</i>  |
| 02/12/2016 | <b>CANCELED Evidentiary Hearing</b> (10:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Vacated - per Judge</i>   |
| 02/17/2016 |  <b>Recorders Transcript of Hearing</b><br><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 |  <b>Pre-trial Memorandum</b><br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Pre-Trial Memorandum</i>  |
| 02/19/2016 |  <b>Ex Parte Application</b><br>Filed by: Petitioner Ahern, Eleanor C<br><i>Ex Parte Application to File Under Seal Eleanor Ahern's Trial Memorandum; Order</i>   |
| 02/19/2016 |  <b>Trial Subpoena</b><br>Filed by: Petitioner Ahern, Eleanor C<br><i>Trial Subpoena - Kathryn Bouvier</i>  |
| 02/19/2016 |  <b>Trial Subpoena</b><br>Filed by: Petitioner Ahern, Eleanor C<br><i>Trial Subpoena - Jacqueline Montoya</i>   |
| 02/19/2016 |  <b>Motion to Seal/Redact Records</b><br>Filed by: Petitioner Ahern, Eleanor C<br><i>Motion to File Under Seal Trial Memorandum</i>   |
| 02/19/2016 |  <b>Filed Under Seal</b><br>Filed by: Petitioner Ahern, Eleanor C<br><i>Trial Memorandum (Filed Under Seal)</i>   |
| 02/22/2016 |  <b>Notice of Entry of Order</b><br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Entry of Ex Parte Application to File Under Seal Eleanor Ahern's Trial Memorandum; Order</i>  |
| 02/22/2016 | <b>Evidentiary Hearing</b> (10:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Enforcement of No Contest Clause</i>   |
| 02/22/2016 | <b>Motion - HM</b> (10:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Motion to File Under Seal Trial Memorandum</i>   |
| 02/22/2016 |  <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>2/22/16</i>  |
| 03/01/2016 |  <b>Motion</b><br>Filed by: Petitioner Ahern, Eleanor C<br><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<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Opposition to Motion to Submit Documents in Camera on Order Shortening Time</i>   |
| 03/02/2016 |  Stipulation and Order<br>Filed by: Trustee Waid, Fredrick<br><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<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Entry of Order</i>   |
| 03/02/2016 |  Motion<br>Filed by: Trustee Waid, Fredrick<br><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<br>Filed by: Attorney Geist, Russel J, ESQ<br><i>Petition for Instructions Regarding Allocation of Eleanor Ahern's 2015 Trust Unpaid Distributions</i>                                       |
| 03/03/2016 | <b>Evidentiary Hearing</b> (10:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Evidentiary Hearing To Enforce No Contest Clause</i>  |
| 03/03/2016 | <b>Status Check</b> (10:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Re: 65th Day Rule; Petition for Instructions</i>   |
| 03/03/2016 |  <b>All Pending Motions</b> (10:00 AM) (Judicial Officer: Sturman, Gloria)   |
| 03/03/2016 | <b>Motion - HM</b> (10:00 AM) (Judicial Officer: Sturman, Gloria)<br>Events: 03/01/2016 Motion<br><i>Motion to Submit Documents In Camera on Order Shortening Time</i>  |
| 03/03/2016 | <b>Motion</b> (10:00 AM) (Judicial Officer: Sturman, Gloria)<br>Events: 03/02/2016 Motion<br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Order Granting Motion to Submit Documents In Camera</i>   |
| 03/15/2016 |  Notice of Entry of Order<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Entry of Order Granting Motion to Submit Documents In Camera</i>  |
| 03/17/2016 |  Filed Under Seal<br>Filed by: Attorney Lenhard, Kirk B.<br><i>Redacted Copy of Page 6 of Independant Medical Examination</i>  |











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

|            |  |
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| 03/29/2016 |  <b>Recorders Transcript of Hearing</b><br><i>Evidentiary Hearing: Enforcement of No Contest Clause Monday, February 22, 2016</i>   |
| 03/30/2016 |  <b>Order</b><br>Filed by: Trustee Waid, Fredrick<br><i>Order Allowing Trustee to File Eleanor Ahern's Trial Memorandum Under Seal in Case No. A-14-710467-C</i>  |
| 04/01/2016 |  <b>Notice of Entry of Order</b><br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Entry of Order</i>   |
| 04/14/2016 |  <b>Motion</b><br>Filed by: Trustee Waid, Fredrick<br><i>Motion for Citation Requiring Eleanor Ahern to Authorize Production of Records on Order Shortening Time</i>  |
| 05/02/2016 |  <b>Response</b><br>Filed by: Petitioner Ahern, Eleanor C<br><i>Response to Motion for Citation Requiring Eleanor Ahern to Authorize Production of Records on Order Shortening Time</i>                                   |
| 05/19/2016 |  <b>Reply</b><br>Filed by: Trustee Waid, Fredrick<br><i>Reply in Support of Motion for Citation Requiring Eleanor Ahern to Authorize Production of Records By Jeffrey M. Johnston, Esq. &amp; Marquis Aurbach Coffing</i> |
| 05/20/2016 |  <b>Filed Under Seal</b><br>Filed by: Petitioner Ahern, Eleanor C<br><i>Transcript of Proceedings All Pending Motion; Evidentiary Hearing; Status Check March 3, 2016</i>   |
| 06/01/2016 |  <b>Motion (9:30 AM) (Judicial Officer: Sturman, Gloria)</b><br><b>06/01/2016, 08/03/2016</b><br><i>Motion for Citation Requiring Eleanor Ahern to Authorize Production of Records on Order Shortening Time</i>         |
| 06/02/2016 |  <b>Order</b><br>Filed by: Trustee Waid, Fredrick<br><i>Order on Petition for Instructions Regarding Allocation of Eleanor Ahern's 2015 Trust Unpaid Distributions</i>  |
| 06/03/2016 |  <b>Notice of Entry of Order</b><br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Entry of Order</i>   |
| 06/10/2016 |  <b>Recorders Transcript of Hearing</b><br><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 |  <b>Order</b><br>Filed by: Personal Representative Montoya, Jacqueline M<br><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<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Notice of Entry of Order Regarding Motion for Reconsideration on Order Shortening Time</i>                                   |
| 08/02/2016 |  Motion<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Motion to Withdraw as Counsel</i>  |
| 08/03/2016 |  <b>Motion - HM</b> (3:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Motion to Withdraw as Counsel</i>   |
| 08/03/2016 |  Petition<br>Filed by: Personal Representative Montoya, Jacqueline M<br><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<br>Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972<br><i>Certificate of Mailing of Motion to Adjudicate Attorney's Lien</i>                             |
| 08/04/2016 |  Motion<br>Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972<br><i>Motion to Adjudicate Attorney's Lien</i>   |
| 08/11/2016 |  Order Granting<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Order Granting motion to Withdraw as Counsel</i>   |
| 08/15/2016 |  Notice of Entry of Order<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Entry of Order Granting Motion to Withdraw as Counsel</i>  |
| 08/17/2016 |  Response<br>Filed by: Petitioner Ahern, Eleanor C<br><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<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Response To Marquis Aurbach Coffing's Motion To Adjudicate Attorney's Lien</i>   |
| 08/30/2016 |  Reply<br>Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972<br><i>Reply in Support of Marquis Aurbach Coffing's Motion to Adjudicate Attorney's Lien</i>                        |
| 08/30/2016 |  Objection<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Limited Objection to Motion to Adjudicate Attorney's Lien</i>   |
| 08/31/2016 |  Response<br>Filed by: Trustee Waid, Fredrick<br><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<br><i>Response to Petition for Order Directing Transfer of Tenancy in Common Interest in Upton County, Texas Property to the MTC Living Trust</i>   |
| 08/31/2016 |  Reply<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Reply in Support of Petition for Order Directing Transfer of Tenancy in Common Interest in Upton County, Texas Property to the MTC Living Trust</i>           |
| 09/02/2016 |  Reply<br>Filed by: Other Marquis Aurbach Coffing<br><i>Reply to Fredrick Waid's Response to Motion to Adjudicate Attorney's Lien</i>   |
| 09/02/2016 |  Reply<br>Filed by: Other Marquis Aurbach Coffing<br><i>Reply to Jacqueline and Kathryn's Limited Objection to Marquis Aurbach Coffing's Motion to Adjudicate Attorney's Lien</i>   |
| 09/07/2016 | <b>Petition</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)<br><b>09/07/2016, 10/05/2016</b><br>Events: 08/03/2016 Petition<br><i>Petition for Order Directing Transfer of Tenancy in Common Interest in Upton County, Texas Property to te MTC Living Trust</i>   |
| 09/07/2016 | <b>Motion</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)<br><b>09/07/2016, 11/23/2016</b><br><i>Marquis Aurbach Coffing's Motion to Adjudicate Attorney's Lien</i>  |
| 09/07/2016 |  <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)   |
| 09/19/2016 |  Order<br><i>Order Regarding Motion for Assessment of Damages; Enforcement of No Contest Clause; and Surcharge of Trust Income</i>  |
| 09/23/2016 |  Stipulation and Order<br>Filed by: Other Marquis Aurbach Coffing<br><i>Stipulation and Order to Continue Status Check Regarding Marquis Aurbach Coffing's Motion to Adjudicate Attorney's Lien</i>                                 |
| 09/26/2016 |  Notice of Entry of Stipulation and Order<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Entry of Stipulation and Order</i>   |
| 09/28/2016 |  Notice of Entry of Order<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Notice of Entry of Order Regarding Motion for Assessment of Damages; Enforcement of No Contest Clause; and Surcharge of Trust Income</i> |
| 10/05/2016 | <b>Status Check</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)<br><i>Status Check: Trustee Accounting</i>   |
| 10/05/2016 |  <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)   |
| 10/19/2016 |  Notice of Appeal<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Notice of Appeal</i>   |

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

|            |   |
|------------|---|
| 10/26/2016 |  Case Appeal Statement<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Case Appeal Statement</i>  |
| 10/27/2016 |  Notice<br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Notice of Posting Bond</i>  |
| 11/02/2016 |  Order<br>Filed by: Trustee Waid, Fredrick<br><i>Order on Motion for Citation Requiring Eleanor Ahern to Authorize Production of Records on Order Shortening Time</i>                                  |
| 11/03/2016 |  Order<br><i>Order Scheduling Status Check</i>   |
| 11/03/2016 |  Order<br>Filed by: Trustee Waid, Fredrick<br><i>Order re: Eleanor Ahern's Deposition</i>  |
| 11/03/2016 |  Notice of Entry of Order<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Entry of Order</i>   |
| 11/04/2016 |  Notice of Entry of Order<br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Entry of Order</i>   |
| 11/07/2016 |  Notice of Taking Deposition<br>Filed by: Trustee Waid, Fredrick<br><i>Second Notice of Taking Video Deposition of Eleanor Ahern</i>   |
| 11/09/2016 |  <b>Status Check</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)<br><i>Settlement</i>  |
| 11/21/2016 |  Motion<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Motion to Withdraw as Counsel on Order Shortening Time</i>  |
| 11/23/2016 | <b>Motion</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)<br><i>Motion to Withdraw as Counsel on Order Shortening Time</i>  |
| 11/23/2016 |  <b>All Pending Motions</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)  |
| 11/23/2016 |  Response<br><i>Response to Motion to Withdraw</i>   |
| 11/30/2016 |  Motion<br>Filed by: Petitioner Ahern, Eleanor C<br>For: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972<br><i>Motion for Protective Order on Order Shortning Time</i> |
| 12/01/2016 |   |






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

|            |  |
|------------|--|
|            |  <b>Order</b><br>Filed by: Trustee Waid, Fredrick<br><i>Amended Order re: Eleanor Ahern's Deposition</i>  |
| 12/02/2016 |  <b>Notice of Entry of Order</b><br>Filed by: Trustee Waid, Fredrick<br><i>Notice of Entry of Order</i>   |
| 12/06/2016 |  <b>Recorders Transcript of Hearing</b><br><i>Recorder's Transcript of Proceeding: Motion: Marquis Aurbach Coffing's Motion to Adjudicate Attorney's Lien...Motion: Motion to Withdraw as Counsel on Order Shortening Time Wednesday, November 23, 2016</i> |
| 12/07/2016 |  <b>Motion</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)<br><i>Motion for Protective Order on Order Shortning Time.</i>   |
| 12/13/2016 |  <b>Order Granting</b><br>Filed by: Petitioner Ahern, Eleanor C<br><i>Order Granting Motion to Withdraw as Counsel</i>  |
| 12/14/2016 |  <b>Notice of Entry of Order</b><br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Entry of Order Granting Motion to Withdraw as Counsel</i>   |
| 01/18/2017 |  <b>Motion</b><br>Filed by: Petitioner Ahern, Eleanor C<br><i>Motion to Adjudicate Attorneys' Lien</i>  |
| 01/18/2017 |  <b>Status Check</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)  |
| 01/24/2017 |  <b>Notice of Hearing</b><br><i>Notice of Hearing</i>   |
| 02/01/2017 |  <b>Accounting and Reports</b><br>Filed by: Trustee Waid, Fredrick<br><i>Accounting and Report of Trust Activity from 2013 to 2015</i>  |
| 02/03/2017 |  <b>Response</b><br>Filed by: Trustee Waid, Fredrick<br><i>Response to Motion to Adjudicate Attorney's Lien</i>   |
| 02/06/2017 |  <b>Decision</b> (3:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Decision Issued 2/9/17 Re: Motion to Adjudicate Attorney's Lien</i>  |
| 02/07/2017 |  <b>Certificate of Service</b><br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Certificate of Service</i>  |
| 02/07/2017 |  <b>Pre-trial Memorandum</b><br>Filed by: Personal Representative Montoya, Jacqueline M<br><i>Pre-Trial Memorandum</i>  |
| 02/08/2017 |  <b>Minute Order</b> (3:10 PM) (Judicial Officer: Sturman, Gloria)  |

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

|            |   |
|------------|---|
| 02/09/2017 |  Decision and Order<br><i>Decision and Order Re: Marquis Aurbach Coffing's Motion to Adjudicate Attorney's Lien</i>  |
| 02/09/2017 |  <b>Evidentiary Hearing</b> (10:00 AM) (Judicial Officer: Sturman, Gloria)<br><b>02/09/2017-02/10/2017</b>   |
| 02/14/2017 |  Reply<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Reply in Support of Motion to Adjudicate Attorneys' Lien</i>   |
| 02/16/2017 |  Notice of Entry of Order<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Entry of Order</i>  |
| 02/16/2017 |  Certificate of Service<br>Filed by: Trustee Waid, Fredrick<br><i>Certificate of Service</i>   |
| 02/22/2017 |  <b>Motion - HM</b> (9:30 AM) (Judicial Officer: Sturman, Gloria)<br><i>Motion to Adjudicate Attorneys' Lien</i>   |
| 02/23/2017 |  Decision and Order<br><i>Decision and Order Re: Brownstein Hyatt Farber Schreck, LLP's Motion to Adjudicate Attorney's Lien</i>   |
| 02/27/2017 |  Notice of Entry of Order<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Entry of Decision and Order Re: BHFS Motion to Adjudicate Attorney's Lien</i>                           |
| 02/27/2017 |  <b>Minute Order</b> (10:55 AM) (Judicial Officer: Sturman, Gloria)  |
| 02/28/2017 |  Judgment<br>Filed by: Other Marquis Aurbach Coffing<br><i>Judgment</i>  |
| 03/01/2017 |  Notice of Entry of Order/Judgment<br>Filed by: Other Marquis Aurbach Coffing<br><i>Notice of Entry of Judgment</i>  |
| 03/02/2017 |  Exhibits<br>Filed by: Petitioner Ahern, Eleanor C<br><i>Exhibits 1 -4 &amp; Exhibits 7 &amp; 9 Letters to Judge Sturman Exhibits 5 -9 Letters to Fred Waid, Temporary Trustee</i>         |
| 03/08/2017 |  Response<br>Filed by: Trustee Waid, Fredrick<br><i>Response to Eleanor Ahern's Correspondence Addressed to the Honorable Gloria Sturman Dated February 26, 2017 and February 27, 2017</i> |
| 03/10/2017 |  Recorders Transcript of Hearing<br><i>Recorder's Transcript Evidentiary Hearing Thursday, February 9, 2017</i>  |

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

|            |  |
|------------|--|
| 03/13/2017 |  <b>Minute Order</b> (3:00 AM) (Judicial Officer: Sturman, Gloria)<br><i>Minute Order - Informal Requests for Trust Distributions</i>       |
| 03/13/2017 |  <b>Recorders Transcript of Hearing</b><br><i>Recorder's Transcript Evidentiary Hearing Friday, February 10, 2017</i>                       |
| 03/17/2017 |  <b>Judgment</b><br>Filed by: Petitioner Ahern, Eleanor C<br><i>Judgment</i>  |
| 03/20/2017 |  <b>Notice of Entry of Order/Judgment</b><br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Entry of Judgment</i>                    |
| 03/29/2017 |  <b>Notice of Appeal</b><br>Filed by: Petitioner Ahern, Eleanor C<br><i>Notice of Appeal - Motion to Adjudicate Attorney Fees and Costs</i> |

| DATE | FINANCIAL INFORMATION   |
|------|---|
|      | <b>Attorney</b> Steadman, Brian K, ESQ<br>Total Charges 150.00<br>Total Payments and Credits 150.00<br><b>Balance Due as of 4/3/2017 0.00</b>   |
|      | <b>Attorney</b> Moody, Todd L<br>Total Charges 15.00<br>Total Payments and Credits 15.00<br><b>Balance Due as of 4/3/2017 0.00</b>  |
|      | <b>Other</b> Mann, David L, ESQ<br>Total Charges 223.00<br>Total Payments and Credits 223.00<br><b>Balance Due as of 4/3/2017 0.00</b>  |
|      | <b>Other</b> Marquis Aurbach Coffing<br>Total Charges 17.50<br>Total Payments and Credits 17.50<br><b>Balance Due as of 4/3/2017 0.00</b>   |
|      | <b>Personal Representative</b> Montoya, Jacqueline M<br>Total Charges 471.00<br>Total Payments and Credits 471.00<br><b>Balance Due as of 4/3/2017 0.00</b>                               |
|      | <b>Petitioner</b> Ahern, Eleanor C<br>Total Charges 883.50<br>Total Payments and Credits 883.50<br><b>Balance Due as of 4/3/2017 0.00</b>   |
|      | <b>Trust</b> The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972<br>Total Charges 14.00<br>Total Payments and Credits 14.00<br><b>Balance Due as of 4/3/2017 0.00</b> |
|      | <b>Personal Representative</b> Montoya, Jacqueline M<br>Registry and Trust Account-Probate Balance as of 4/3/2017 <b>500.00</b>   |
|      | <b>Personal Representative</b> Montoya, Jacqueline M<br>Registry and Trust Account-Probate Balance as of 4/3/2017 <b>500.00</b>   |

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

|   |               |
|---|---------------|
| <b>Petitioner</b> Ahern, Eleanor C<br>Registry and Trust Account-Probate Balance as of 4/3/2017 | <b>500.00</b> |
| <b>Petitioner</b> Ahern, Eleanor C<br>Registry and Trust Account-Probate Balance as of 4/3/2017 | <b>500.00</b> |
| <b>Petitioner</b> Ahern, Eleanor C<br>Registry and Trust Account-Probate Balance as of 4/3/2017 | <b>500.00</b> |

63

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

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

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

☐ YES ☒ NO

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

**PARTY INFORMATION (Please Print)**

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

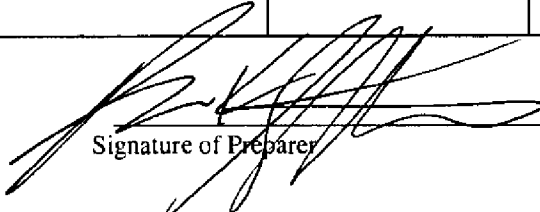
(Check one box only for the type of case being filed with this cover sheet)

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

1 **ORDR**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 IN THE MATTER OF THE W.N.  
7 CONNELL and MARJORIE T.  
8 CONNELL LIVING TRUST, dated May  
9 18, 1972

Case No.: P-09-066425-T  
Department XXVI

10 **DECISION AND ORDER**  
11 **Re: Brownstein Hyatt Farber Schreck, LLP's**  
12 **Motion to Adjudicate Attorney's Lien**

13 The above referenced matter came on for hearing on Brownstein Hyatt Farber  
14 Schreck, LLP's (BHFS) Motion to Adjudicate Attorney's Lien on February 22<sup>nd</sup>, 2017.  
15 The primary objection raised by counsel for the Successor Trustee was to the attorney's  
16 lien attaching to the MTC trust (100% of the total income) or Eleanor Ahern's beneficial  
17 interest (35%), on the grounds that Ms. Ahern did not agree to her fees being paid from  
18 her beneficial interest, an assignment of her interest is prohibited by the spendthrift  
19 provision, and Ms. Ahern's share is currently suspended and cannot be assigned. The  
20 Court, having reviewed the pleadings and papers on file, and having heard oral argument  
21 from counsel, herein hereby enters the following decision:

22 The litigation herein has gone on for some time, and Eleanor has been represented  
23 by several different law firms. The litigation arises out of the WN and Marjorie Connell  
24 Trust which held Mr. Connell's separate property consisting primarily of Texas oil and  
25 gas lease royalties. The trust provided that upon WN's death, Eleanor would receive  
26 35% of the proceeds for her lifetime, with Marjorie Connell receiving 65% for her  
27 lifetime. Prior to her death in 2009, Marjorie exercised her power of appointment to  
28 leave her share to her granddaughters, Jacqueline Montoya and Kathryn Bouvier,  
Eleanor was the Successor Trustee. In 2013 Eleanor unilaterally stopped distributions  
to her daughters, who filed a petition to compel distribution of the 65% to them. The  
Court found that Marjorie had authority to leave the 65% to her granddaughters, thus

1 Eleanor had wrongfully withheld the funds from her daughters, which Eleanor appealed.  
2 Pending resolution of the appeal the Court ordered Eleanor hold the 65% in trust. A  
3 settlement was negotiated in the interim, but Eleanor terminated her counsel and hired  
4 MAC to successfully oppose enforcement of the settlement. Subsequently MAC  
5 withdrew and the law firm of BHFS began representing Eleanor. The Court found that  
6 Eleanor had wrongfully failed to hold the 65% in trust, and removed her as trustee. Fred  
7 Waid was appointed Successor Trustee for all of the beneficiaries, and attempted to  
8 identify how much was missing from the trust, and whether any funds could be  
9 recovered. The NV Supreme Court recently affirmed the finding that Eleanor had  
10 wrongfully withheld the 65% from her daughters. See, In the matter of the W.N.  
Connell and Marjorie T. Connell Living Trust, (unpublished Case No. 66231 & 68046  
decided 1/26/2017).

11 BHFS has properly perfected its attorney's lien pursuant to NRS 18.015. One of  
12 the objections raised by the Successor Trustee was that the lien cannot attach to proceeds  
13 because none were "recovered" by Eleanor. The court has authority to enter a judgment  
14 for attorney's fees where the client has submitted herself to the court's jurisdiction. See,  
15 Argentina Consolidated Mining Co. v Jolley Urga, et al, 125 Nev. 527, 216 P.3d 779  
16 (2009). Here, Eleanor has submitted herself to jurisdiction of Court as a party, the  
17 Court also has jurisdiction over BHFS, having appeared as counsel in the action. A  
18 charging lien does not attach where a party did not file an affirmative claim, rather it  
19 attaches "to the tangible fruits of the attorneys services." *Id.* In Argentina the  
plaintiff's claim against the defendant was dismissed, the defendant had not filed any  
claims against the plaintiff so there was nothing for the charging lien to attach to.

20 Here, Eleanor did file counter petitions, seeking to confirm her claim to the  
21 disputed 65%, as well as enforcement of the no contest clause against Jacqueline and  
22 Kathryn. The attorney's fees must arise on account of the suit. *Id.* Withdrawal by  
23 counsel before settlement does not prevent enforcement of its charging lien. See,  
24 McDonald Carrion et al v Bourassa Law Group, LLC. Unpublished, WL 57739793  
25 (2015). The requirement that an attorney lien is enforced against an "affirmative  
26 recovery" is a generalized requirement so that the lien may attach to something of value.  
27 *Id.* Here, the fees charged by BHFS arise from their defense of Eleanor in defeating a  
motion to hold her in contempt, a motion to forfeit her interest in the Trust, and a motion  
to impose punitive damages.

1 A charging lien may have priority over other liens if notice is perfected before a  
2 settlement or judgment. See Golightly and Vannah v TJ Allen, LLC, 372 P.3d 103  
3 (2016). Attorneys may perfect their attorney's lien after a settlement is reached but  
4 before funds are received. *Id.* Here litigation has continued as to the amounts to be  
5 charged against Eleanor for breach of fiduciary duty, and enforcement of the no-contest  
6 clause against her beneficial interest. Thus the lien may attach to the sums she is  
affirmatively defending and/or claiming.

7 The Successor Trustee objects to the lien attaching to Eleanor's beneficial interest  
8 as this would violate the Spendthrift provisions of the Trust. As discussed herein, the  
9 unique nature of an attorney's charging lien allows a judgment to be entered against the  
10 "affirmative recovery" sought by a party to litigation. No distinction is made in the  
11 cases interpreting NRS 18.015 which would suggest that a party who is affirmatively  
12 defending their right to continue to receive funds from a Trust would have a defense to  
13 paying her attorneys by virtue of the fact that the Trust contains a spendthrift clause. To  
read such a defense into NRS 18.015 would place attorneys who take on Trust litigation  
at a disadvantage, an outcome which there is no indication the Legislature intended.

14 The Court has considered the BHFS lien claim in light of the factors identified in  
15 Brunzell v. Golden Gate National Bank, 85 Nev. 345, 455 P. 2d 31 (1969) factors and  
16 finds that the rates charged are reasonable in the community given the (1) qualities of the  
17 advocate(s) who have expertise, experience, and specialization in the field of commercial  
18 and complex litigation; (2) the character of the work which was complex and difficult,  
19 important to the outcome of the case, requiring significant time and skill and the need for  
20 counsel to familiarize themselves with the history of the case within a relatively  
21 shortened timeframe; (3) the work performed required skill time and attention; and (4)  
22 the successful outcome defeating a motion to hold her in contempt, a motion to forfeit her  
interest in the trust, and a motion to impose punitive damages, until such time as the  
relationship broke down over Eleanor's refusal to follow the advice of BHFS.

23 The fee and cost request accurately reflects the amounts described in the retainer  
24 agreement, which was signed by Eleanor in her individual capacity. Counsel for the  
25 Successor Trustee does not challenge the rate or amount billed, nor do the beneficiaries.  
26 While the Court did not review the billing entries, having considered the *Brunzell* factors,  
27 the retainer agreement, and Counsel for the Successor Trustee affirmatively stating at the  
28

1 hearing that he is not challenging the amount requested, the Court finds the fees  
2 requested to be reasonable.

3 BHFS also seeks costs in its charging lien. The documentation attached does not  
4 approach the specificity required pursuant to Cadle Co. v. Woods & Erickson, LLP, 131  
5 Nev. Adv. Op. 15, 345 P.3d 1049 (2015) for an award of costs by the Court. Costs will be  
6 awarded upon receipt of supplemental documentation.

7 Wherefore, the Court hereby GRANTS the Motion for Attorney's Lien, fees are  
8 awarded in their entirety, and costs are awarded subject to supplemental documentation  
9 in accordance with Cadle. The lien shall be a judgment only against Eleanor's beneficial  
10 interest in the Trust.

11 Dated this 22<sup>nd</sup> day of February, 2017.

12  
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14   
15 GLORIA STURMAN  
16 DISTRICT JUDGE  
17 DEPARTMENT 26  
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1  
2 **CERTIFICATE OF SERVICE**

3  
4 I hereby certify that on or about the date filed, a copy of the foregoing

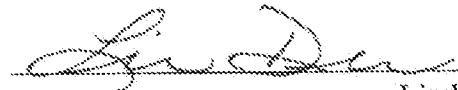
5 **DECISION AND ORDER** Re: Brownstein Hyatt Farber Schrek, LLP's Motion to  
6 Adjudicate Attorney's Lien was E-Served, mailed or a copy was placed in the  
7 attorney's folder in the Clerk's Office as follows:

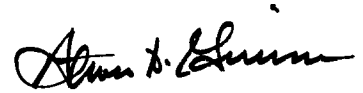
8 Dale Hayes, Esq.  
9 Liane Wakayama, Esq.  
Candice Renka, Esq.  
10 Marquis Aurbach Coffing  
10001 Park Run Drive  
11 Las Vegas, NV 89145

Kirk Lenhard, Esq.  
Brownstein Hyatt Farber Schrek, LLP  
100 North City Parkway, Suite #1600  
Las Vegas, NV 89106

12 Joseph Powell, Esq.  
13 The Rushforth Firm  
1707 Village Center Circle, Ste. 150  
14 Las Vegas, NV 89134

Eleanor Ahern  
355 W. Mesquite Blvd., D30 #176  
Mesquite, NV 89027

15  
16  
17   
18 Linda Denman  
19 Judicial Executive Assistant  
20 Department 26  
21  
22  
23  
24  
25  
26  
27  
28



CLERK OF THE COURT

**NOED**  
KIRK B. LENHARD, ESQ., Bar No. 1437  
klenhard@bhfs.com  
BROWNSTEIN HYATT FARBER SCHRECK, LLP  
100 North City Parkway, Suite 1600  
Las Vegas, NV 89106-4614  
Telephone: 702.382.2101  
Facsimile: 702.382.8135

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

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

CASE NO.: P-09-066425-T  
DEPT. NO.: XXVI

**NOTICE OF ENTRY OF DECISION  
AND ORDER RE: BHFS MOTION TO  
ADJUDICATE ATTORNEY'S LIEN**

**Date of Hearing: February 22, 2017**

**Time of Hearing: 9:30 a.m.**

PLEASE TAKE NOTICE that the Decision and Order Re: Brownstein Hyatt  
Farber Schreck, LLP's Motion to Adjudicate Attorney's Lien was entered on  
February 23, 2017. A copy of said Decision and Order is attached hereto.

DATED this 27<sup>th</sup> day of February, 2017.

**BROWNSTEIN HYATT FARBER SCHRECK, LLP**

By: /s/ Kirk B. Lenhard  
KIRK B. LENHARD, ESQ., Bar No. 1437  
klenhard@bhfs.com  
Las Vegas, NV 89106-4614  
Telephone: 702.382.2101  
Facsimile: 702.382.8135

BROWNSTEIN HYATT FARBER SCHRECK, LLP  
100 North City Parkway, Suite 1600  
Las Vegas, NV 89106-4614  
702.382.2101

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of Brownstein Hyatt Farber Schreck, LLP, and pursuant to NRCP 5(b), EDCR 8.05, Administrative Order 14-2, and NEFCR 9, I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF DECISION AND ORDER RE: BHFS MOTION TO ADJUDICATE ATTORNEY'S LIEN** to be submitted electronically for filing and service with the Eighth Judicial District Court via the Court's Electronic Filing System on the 27<sup>th</sup> day of February, 2017, to the following:

TODD L. MOODY, ESQ.  
tmoody@hutchlegal.com  
RUSSEL J. GEIST, ESQ.  
rgeist@hutchlegal.com  
HUTCHISON & STEFFEN, LLC  
10080 West Alta Drive, Suite 200  
Las Vegas, NV 89145  
*Attorneys for Fredrick P. Waid,  
Court-appointed Trustee*

JOSEPH J. POWELL, ESQ.  
probate@rushforthfirm.com  
THE RUSHFORTH FIRM, LTD.  
P.O. Box 371655  
Las Vegas, NV 89137-1655  
*Attorneys for Jacqueline M. Montoya and  
Kathryn A. Bouvier*

/s/ Paula Kay  
an employee of Brownstein Hyatt Farber  
Schreck, LLP

  
CLERK OF THE COURT

1 **ORDR**

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

5  
6 IN THE MATTER OF THE W.N.  
7 CONNELL and MARJORIE T.  
8 CONNELL LIVING TRUST, dated May  
9 18, 1972

Case No.: P-09-066425-T  
Department XXVI

10 **DECISION AND ORDER**  
11 **Re: Brownstein Hyatt Farber Schreck, LLP's**  
12 **Motion to Adjudicate Attorney's Lien**

13 The above referenced matter came on for hearing on Brownstein Hyatt Farber  
14 Schreck, LLP's (BHFS) Motion to Adjudicate Attorney's Lien on February 22<sup>nd</sup>, 2017.  
15 The primary objection raised by counsel for the Successor Trustee was to the attorney's  
16 lien attaching to the MTC trust (100% of the total income) or Eleanor Ahern's beneficial  
17 interest (35%), on the grounds that Ms. Ahern did not agree to her fees being paid from  
18 her beneficial interest, an assignment of her interest is prohibited by the spendthrift  
19 provision, and Ms. Ahern's share is currently suspended and cannot be assigned. The  
20 Court, having reviewed the pleadings and papers on file, and having heard oral argument  
21 from counsel, herein hereby enters the following decision:

22 The litigation herein has gone on for some time, and Eleanor has been represented  
23 by several different law firms. The litigation arises out of the WN and Marjorie Connell  
24 Trust which held Mr. Connell's separate property consisting primarily of Texas oil and  
25 gas lease royalties. The trust provided that upon WN's death, Eleanor would receive  
26 35% of the proceeds for her lifetime, with Marjorie Connell receiving 65% for her  
27 lifetime. Prior to her death in 2009, Marjorie exercised her power of appointment to  
28 leave her share to her granddaughters, Jacqueline Montoya and Kathryn Bouvier,  
Eleanor was the Successor Trustee. In 2013 Eleanor unilaterally stopped distributions  
to her daughters, who filed a petition to compel distribution of the 65% to them. The  
Court found that Marjorie had authority to leave the 65% to her granddaughters, thus

1 Eleanor had wrongfully withheld the funds from her daughters, which Eleanor appealed.  
2 Pending resolution of the appeal the Court ordered Eleanor hold the 65% in trust. A  
3 settlement was negotiated in the interim, but Eleanor terminated her counsel and hired  
4 MAC to successfully oppose enforcement of the settlement. Subsequently MAC  
5 withdrew and the law firm of BHFS began representing Eleanor. The Court found that  
6 Eleanor had wrongfully failed to hold the 65% in trust, and removed her as trustee. Fred  
7 Waid was appointed Successor Trustee for all of the beneficiaries, and attempted to  
8 identify how much was missing from the trust, and whether any funds could be  
9 recovered. The NV Supreme Court recently affirmed the finding that Eleanor had  
10 wrongfully withheld the 65% from her daughters. See, In the matter of the W.N.  
Connell and Marjorie T. Connell Living Trust, (unpublished Case No. 66231 & 68046  
11 decided 1/26/2017).

12 BHFS has properly perfected its attorney's lien pursuant to NRS 18.015. One of  
13 the objections raised by the Successor Trustee was that the lien cannot attach to proceeds  
14 because none were "recovered" by Eleanor. The court has authority to enter a judgment  
15 for attorney's fees where the client has submitted herself to the court's jurisdiction. See,  
16 Argentina Consolidated Mining Co. v Jolley Urga, et al, 125 Nev. 527, 216 P.3d 779  
17 (2009). Here, Eleanor has submitted herself to jurisdiction of Court as a party, the  
18 Court also has jurisdiction over BHFS, having appeared as counsel in the action. A  
19 charging lien does not attach where a party did not file an affirmative claim, rather it  
20 attaches "to the tangible fruits of the attorneys services." Id. In Argentina the  
21 plaintiff's claim against the defendant was dismissed, the defendant had not filed any  
22 claims against the plaintiff so there was nothing for the charging lien to attach to.

23 Here, Eleanor did file counter petitions, seeking to confirm her claim to the  
24 disputed 65%, as well as enforcement of the no contest clause against Jacqueline and  
25 Kathryn. The attorney's fees must arise on account of the suit. Id. Withdrawal by  
26 counsel before settlement does not prevent enforcement of its charging lien. See,  
27 McDonald Carrion et al v Bourassa Law Group, LLC. Unpublished, WL 57739793  
28 (2015). The requirement that an attorney lien is enforced against an "affirmative  
recovery" is a generalized requirement so that the lien may attach to something of value.  
Id. Here, the fees charged by BHFS arise from their defense of Eleanor in defeating a  
motion to hold her in contempt, a motion to forfeit her interest in the Trust, and a motion  
to impose punitive damages.

1 A charging lien may have priority over other liens if notice is perfected before a  
2 settlement or judgment. See Golightly and Vannah v TJ Allen, LLC, 372 P.3d 103  
3 (2016). Attorneys may perfect their attorney's lien after a settlement is reached but  
4 before funds are received. *Id.* Here litigation has continued as to the amounts to be  
5 charged against Eleanor for breach of fiduciary duty, and enforcement of the no-contest  
6 clause against her beneficial interest. Thus the lien may attach to the sums she is  
affirmatively defending and/or claiming.

7 The Successor Trustee objects to the lien attaching to Eleanor's beneficial interest  
8 as this would violate the Spendthrift provisions of the Trust. As discussed herein, the  
9 unique nature of an attorney's charging lien allows a judgment to be entered against the  
10 "affirmative recovery" sought by a party to litigation. No distinction is made in the  
11 cases interpreting NRS 18.015 which would suggest that a party who is affirmatively  
12 defending their right to continue to receive funds from a Trust would have a defense to  
13 paying her attorneys by virtue of the fact that the Trust contains a spendthrift clause. To  
read such a defense into NRS 18.015 would place attorneys who take on Trust litigation  
at a disadvantage, an outcome which there is no indication the Legislature intended.

14 The Court has considered the BHFS lien claim in light of the factors identified in  
15 Brunzell v. Golden Gate National Bank, 85 Nev. 345, 455 P. 2d 31 (1969) factors and  
16 finds that the rates charged are reasonable in the community given the (1) qualities of the  
17 advocate(s) who have expertise, experience, and specialization in the field of commercial  
18 and complex litigation; (2) the character of the work which was complex and difficult,  
19 important to the outcome of the case, requiring significant time and skill and the need for  
20 counsel to familiarize themselves with the history of the case within a relatively  
21 shortened timeframe; (3) the work performed required skill time and attention; and (4)  
22 the successful outcome defeating a motion to hold her in contempt, a motion to forfeit her  
interest in the trust, and a motion to impose punitive damages, until such time as the  
relationship broke down over Eleanor's refusal to follow the advice of BHFS.

23 The fee and cost request accurately reflects the amounts described in the retainer  
24 agreement, which was signed by Eleanor in her individual capacity. Counsel for the  
25 Successor Trustee does not challenge the rate or amount billed, nor do the beneficiaries.  
26 While the Court did not review the billing entries, having considered the *Brunzell* factors,  
27 the retainer agreement, and Counsel for the Successor Trustee affirmatively stating at the  
28

1 hearing that he is not challenging the amount requested, the Court finds the fees  
2 requested to be reasonable.

3 BHFS also seeks costs in its charging lien. The documentation attached does not  
4 approach the specificity required pursuant to Cadle Co. v. Woods & Erickson, LLP, 131  
5 Nev. Adv. Op. 15, 345 P.3d 1049 (2015) for an award of costs by the Court. Costs will be  
6 awarded upon receipt of supplemental documentation.

7 Wherefore, the Court hereby GRANTS the Motion for Attorney's Lien, fees are  
8 awarded in their entirety, and costs are awarded subject to supplemental documentation  
9 in accordance with Cadle. The lien shall be a judgment only against Eleanor's beneficial  
10 interest in the Trust.

11 Dated this 22<sup>nd</sup> day of February, 2017.

12  
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14   
15 GLORIA STURMAN  
16 DISTRICT JUDGE  
17 DEPARTMENT 26  
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**CERTIFICATE OF SERVICE**

I hereby certify that on or about the date filed, a copy of the foregoing

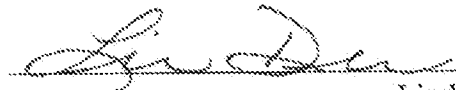
**DECISION AND ORDER** Re: Brownstein Hyatt Farber Schrek, LLP's Motion to  
Adjudicate Attorney's Lien was E-Served, mailed or a copy was placed in the  
attorney's folder in the Clerk's Office as follows:

Dale Hayes, Esq.  
Liane Wakayama, Esq.  
Candice Renka, Esq.  
Marquis Aurbach Coffing  
10001 Park Run Drive  
Las Vegas, NV 89145

Kirk Lenhard, Esq.  
Brownstein Hyatt Farber Schrek, LLP  
100 North City Parkway, Suite #1600  
Las Vegas, NV 89106

Joseph Powell, Esq.  
The Rushforth Firm  
1707 Village Center Circle, Ste. 150  
Las Vegas, NV 89134

Eleanor Ahern  
355 W. Mesquite Blvd., D30 #176  
Mesquite, NV 89027

  
Linda Denman  
Judicial Executive Assistant  
Department 26

  
CLERK OF THE COURT

1 **Marquis Aurbach Coffing**  
Dale A. Hayes, Esq.  
2 Nevada Bar No. 3430  
Liane K. Wakayama, Esq.  
3 Nevada Bar No. 11313  
Candice E. Renka, Esq.  
4 Nevada Bar No. 11447  
10001 Park Run Drive  
5 Las Vegas, Nevada 89145  
Telephone: (702) 382-0711  
6 Facsimile: (702) 382-5816  
dhayes@maclaw.com  
7 lwakayama@maclaw.com  
crenka@maclaw.com  
8

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

10 In the Matter of

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

11 **THE W.N. CONNELL AND MARJORIE T.**  
12 **CONNELL LIVING TRUST DATED May 18,**  
13 **1972, An Inter Vivos Irrevocable Trust.**

14 **JUDGMENT**

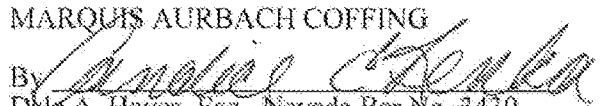
15 Judgment is hereby entered in favor of Marquis Aurbach Coffing and against Eleanor  
16 Ahern for attorney fees in the amount of \$151,228.69 and costs in the amount of \$9,726.43 for a  
17 total judgment of \$160,955.12, which amount shall accrue interest at the legal rate until such  
18 time it is paid in full.

19 Dated this 22 day of February, 2017.

20  
21   
22 **DISTRICT COURT JUDGE**

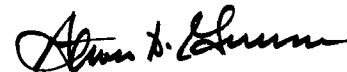
23 Submitted by:

24 **MARQUIS AURBACH COFFING**

25 By   
26 Dale A. Hayes, Esq., Nevada Bar No. 3430  
27 Liane K. Wakayama, Esq., Nevada Bar No. 11313  
28 Candice E. Renka, Esq., Nevada Bar No. 11447  
10001 Park Run Drive  
Las Vegas, Nevada 89145

1 **Marquis Aurbach Coffing**  
Dale A. Hayes, Esq.  
2 Nevada Bar No. 3430  
Liane K. Wakayama, Esq.  
3 Nevada Bar No. 11313  
Candice E. Renka, Esq.  
4 Nevada Bar No. 11447  
10001 Park Run Drive  
5 Las Vegas, Nevada 89145  
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dhayes@maclaw.com  
7 lwakayama@maclaw.com  
crenka@maclaw.com

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03/01/2017 09:53:45 AM



CLERK OF THE COURT

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

11 In the Matter of

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

12 THE W.N. CONNELL AND MARJORIE T.  
CONNELL LIVING TRUST DATED May 18,  
13 1972, An Inter Vivos Irrevocable Trust.

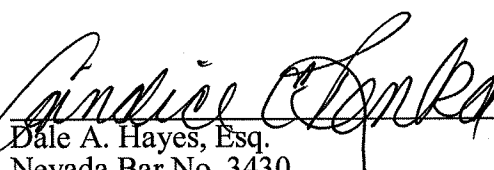
14 **NOTICE OF ENTRY OF JUDGMENT**

15 Please take notice that a Judgment in favor of Marquis Aurbach Coffing and against  
16 Eleanor Ahern for attorney fees and costs was entered in the above-captioned matter on the 28th  
17 day of February, 2017, a copy of which is attached hereto.

18 Dated this 1st day of March, 2017.

19 MARQUIS AURBACH COFFING

20  
21 By

  
Dale A. Hayes, Esq.  
Nevada Bar No. 3430  
Liane K. Wakayama, Esq.  
Nevada Bar No. 11313  
Candice E. Renka, Esq.  
Nevada Bar No. 11447  
10001 Park Run Drive  
Las Vegas, Nevada 89145

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **NOTICE OF ENTRY OF JUDGMENT** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 1st day of March, 2017. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>1</sup>

|   |                             |
|---|-----------------------------|
| <b>Albright Stoddard Warnick &amp; Albright</b> |                             |
| <b>Contact</b>                                  | <b>Email</b>                |
| Barbara Clark, Legal Assistant                  | bclark@albrightstoddard.com |
| G. Mark Albright, Esq.                          | gma@albrightstoddard.com    |
| Whitney B. Warnick                              | wbw@albrightstoddard.com    |
| <b>Brownstein Hyatt Farber Schreck, LLP</b>     |                             |
| <b>Contact</b>                                  | <b>Email</b>                |
| Kirk B. Lenhard                                 | klenhard@bhfs.com           |
| <b>Hutchison</b>                                |                             |
| <b>Contact</b>                                  | <b>Email</b>                |
| Todd Moody                                      | TMoody@hutchlegal.com       |
| <b>Hutchison &amp; Steffen</b>                  |                             |
| <b>Contact</b>                                  | <b>Email</b>                |
| Fredrick P. Waid, Esq.                          | fwaid@hutchlegal.com        |
| Shaun L. Bruce                                  | sbruce@hutchlegal.com       |
| <b>Hutchison &amp; Steffen, LLC</b>             |                             |
| <b>Contact</b>                                  | <b>Email</b>                |
| Amber Anderson                                  | aanderson@hutchlegal.com    |
| Russel J. Geist                                 | rgeist@hutchlegal.com       |
| <b>Jeffrey Burr, Ltd.</b>                       |                             |
| <b>Contact</b>                                  | <b>Email</b>                |
| John R. Mugan, Esquire                          | john@jeffreyburr.com        |
| Michael D. Lum, Esquire                         | michael@jeffreyburr.com     |
| <b>The Rushforth Firm</b>                       |                             |
| <b>Contact</b>                                  | <b>Email</b>                |
| Probate   | probate@rushforthfirm.com   |
| <b>The Rushforth Firm, Ltd.</b>                 |                             |
| <b>Contact</b>                                  | <b>Email</b>                |
| Joseph J. Powell                                | probate@rushforthfirm.com   |

I further certify that I served a copy of this document by mailing a true and correct copy

<sup>1</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

**MARQUIS AURBACH COFFING**

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

thereof, postage prepaid, addressed to:

Eleanor Ahern  
400 Paradise Pkwy, Unit 111  
Mesquite, Nevada 89027  
*Pro Se*



An employee of Marquis Aurbach Coffing

  
CLERK OF THE COURT

1 Marquis Aurbach Coffing  
2 Dale A. Hayes, Esq.  
3 Nevada Bar No. 3430  
4 Liane K. Wakayama, Esq.  
5 Nevada Bar No. 11313  
6 Candice E. Renka, Esq.  
7 Nevada Bar No. 11447  
8 10001 Park Run Drive  
9 Las Vegas, Nevada 89145  
10 Telephone: (702) 382-0711  
11 Facsimile: (702) 382-5816  
12 dhayes@maclaw.com  
13 lwakayama@maclaw.com  
14 crenka@maclaw.com

DISTRICT COURT  
CLARK COUNTY, NEVADA

In the Matter of

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

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

JUDGMENT

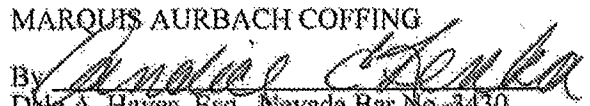
Judgment is hereby entered in favor of Marquis Aurbach Coffing and against Eleanor Ahern for attorney fees in the amount of \$151,228.69 and costs in the amount of \$9,726.43 for a total judgment of \$160,955.12, which amount shall accrue interest at the legal rate until such time it is paid in full.

Dated this 22 day of February, 2017.

  
DISTRICT COURT JUDGE

Submitted by:

MARQUIS AURBACH COFFING

By   
Dale A. Hayes, Esq., Nevada Bar No. 3430  
Liane K. Wakayama, Esq., Nevada Bar No. 11313  
Candice E. Renka, Esq., Nevada Bar No. 11447  
10001 Park Run Drive  
Las Vegas, Nevada 89145

MARQUIS AURBACH COFFING

10001 Park Run Drive  
Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

**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,      9:30 AM      Hearing  
2009**

**HEARD BY:** Yamashita, Wesley

**COURTROOM:** Courtroom 09

**COURT CLERK:** Melissa Swinn

**PARTIES:**

|   |                                      |
|---|--------------------------------------|
| David Mann, Other, not present  | Pro Se                               |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, 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 |                                      |

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

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

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

|             |            |               |               |                    |
|-------------|------------|---------------|---------------|--------------------|
| PRINT DATE: | 04/03/2017 | Page 1 of 125 | 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  | Emily Ellis, 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 |                                     |

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

- 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.

|             |            |               |               |                    |
|-------------|------------|---------------|---------------|--------------------|
| PRINT DATE: | 04/03/2017 | Page 2 of 125 | 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:**

|             |            |               |               |                    |
|-------------|------------|---------------|---------------|--------------------|
| PRINT DATE: | 04/03/2017 | Page 3 of 125 | 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**

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,      9:00 AM      Petition  
2013**

**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

Emily Ellis, 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

**JOURNAL ENTRIES**

- Argument by counsel on PETITION FOR DECLARATORY JUDGMENT REGARDING LIMITED INTEREST OF TRUST ASSETS PURSUANT TO NRS. 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A). Colloquy on petitioner's unnoticed MOTION TO REFER CONTESTED PROBATE MATTER TO MASTER-PROBATE COMMISSIONER PER EDCR 4.16. Court and Counsel agreed to consider petitioner's Motion as an opposition to the Petition. Mr. Mugan argued that the granddaughters, Jacqueline Montoya, trustee of the MTC Living Trust, and Kathryn Bouvier, were attempting to reform and reconstruct the prior confirmation of the trust by changing the terms of the allocation of the oil and gas proceeds between the parties. Mr. Powell argued that the percentage

|             |            |               |               |                    |
|-------------|------------|---------------|---------------|--------------------|
| PRINT DATE: | 04/03/2017 | Page 4 of 125 | Minutes Date: | September 04, 2009 |
|-------------|------------|---------------|---------------|--------------------|

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

allocation has been the same for the past 33 years and he urged the Court to issue a declaratory judgment either stating that the granddaughters 65% and the petitioner's 35% was accurate or to at least go back to the status quo until the situation can be brought before the Court because his clients rely upon the proceeds for their income. Counsel stated that an attorney in Texas informed the oil 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

|             |            |               |               |                    |
|-------------|------------|---------------|---------------|--------------------|
| PRINT DATE: | 04/03/2017 | Page 5 of 125 | 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**

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  | Emily Ellis, 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 |                                     |

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

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

|             |            |               |               |                    |
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**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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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

January 24, 2014

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

---

**January 24, 2014      11:00 AM**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

|   |                                     |
|---|-------------------------------------|
| David Mann, Other, not present  | Pro Se                              |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, 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 |                                     |

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

- 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:**

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

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

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

**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

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

Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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.

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**INTERIM CONDITIONS:**

**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**

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

---

**February 18, 2014    10:00 AM**

**HEARD BY:** Sturman, Gloria

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Linda Denman

**PARTIES:**

|  |                                     |
|--|-------------------------------------|
| David Mann, Other, not present               | Pro Se                              |
| Eleanor Ahern, Petitioner, present           | John Mugan, Attorney, present       |
| Fredrick Waid, Trustee, not present          | Russel Geist, Attorney, not present |
| Jacqueline Montoya, Other, present           | Joseph Powell, Attorney, present    |
| Kathryn Bouvier, Other, not present          | Joseph Powell, Attorney, present    |
| 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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| <b>JOURNAL ENTRIES</b> |
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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

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

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**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

Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
|------------------------|

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

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of Gamett & King) as the accounting firm for the Trust and there was no objection.

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

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**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

Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
|------------------------|

- 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.  
MONTOKA . . . . 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;

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bench trial VACATED and RESET AS STATUS CHECK; and jury trial SET for will contest. COURT FURTHER ORDERED P-09-066425-T and P- -14-080595-E COORDINATED FOR DISCOVERY PURPOSES ONLY.

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

12/04/2014 AT 11:00AM P-14-080595-E; CALENDAR CALL  
1/12/2015 AT 9:00AM TRIAL STACK

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

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

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

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

**September 03, 2014**

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

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**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

Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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

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at a later time, Commissioner will revisit the issue; however, it is highly unlikely that Commissioner would ever order production of financial documents, or distribution of the Trust that didn't involve 65/35 split.

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

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

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

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

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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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  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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

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after Court signs the recommendation, a proof of \$200.00 payment must be submitted to the Discovery Commissioner. Status check set.

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

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

**INTERIM CONDITIONS:**

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

|             |            |                |               |                    |
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**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

Emily Ellis, Attorney, not present

Russel Geist, Attorney, not present

Joseph Powell, Attorney, present

Joseph Powell, Attorney, present

Dale Hayes, Attorney, not present

**JOURNAL ENTRIES**

- 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

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Minutes Date:

September 04, 2009

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contribution. Mr. Powell to appear at status check hearing to report on the Report and Recommendations.

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

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

**INTERIM CONDITIONS:**

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

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

December 04, 2014

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

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

**HEARD BY:**   Sturman, Gloria

**COURTROOM:**   RJC Courtroom 03H

**COURT CLERK:**   Linda Denman

**PARTIES:**

|   |                                     |
|---|-------------------------------------|
| David Mann, Other, not present  | Pro Se                              |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
|------------------------|

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

COURT ORDERED all motions CONTINUED.

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

|             |            |                |               |                    |
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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

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

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

**HEARD BY:**   Yamashita, Wesley

**COURTROOM:**   Courtroom 09

**COURT CLERK:**   Carol Foley

**PARTIES:**

|   |                                      |
|---|--------------------------------------|
| David Mann, Other, not present  | Pro Se                               |
| Eleanor Ahern, Petitioner, not present  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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- 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 Lanuage 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

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

December 17, 2014

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

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**December 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  | Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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

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by the court reporter. The NSC arbitrator was notified and submitted a report showing the matter settled. However, six (6) days later, Ms. Ahern fired her counsel and refused to accept the settlement. Counsel requested the Court enforce the settlement.

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

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

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

**INTERIM CONDITIONS:**

**FUTURE HEARINGS:**

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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Probate -  
Trust/Conservatorships**

**COURT MINUTES**

December 19, 2014

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

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

**HEARD BY:**   Bulla, Bonnie

**COURTROOM:**   RJC Level 5 Hearing  
Room

**COURT CLERK:**   Alan Castle

**PARTIES:**

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Emily Ellis, 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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| <b>JOURNAL ENTRIES</b> |
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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

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