

Electronically Filed
08/21/2017

Eleanor Ahern
CLERK OF THE COURT

Eleanor Ahern *IN FOR A PAUPERIS*
355 West Mesquite Blvd D30 #276
Mesquite, Nevada
Phone 702 345 3035
Fax 702 345 7909

DISTRICT COURT
CLARK COUNTY

Electronically Filed
Aug 28 2017 08:59 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE MATTER OF THE W. N. CONNELL
AND MARJORIE T. CONNELL LIVING
TRUST dated May 18, 1972

Case No.: P- 09 -066425 - T

Defendant
Eleanor Ahern
355 West Mesquite Blvd D30 #176
Mesquite, Nevada 89027

**APPEAL TO THE NOTICE OF
ENTRY OF ORDER REGARDING
MOTION FOR ASSESSMENT OF
DAMAGES AGAINST ELEANOR
AHERN**

Office of Appeal

**APPEAL TO THE NOTICE OF ENTRY OF ORDER REGARDING MOTION FOR
ASSESSMENT OF DAMAGES AGAINST ELEANOR AHERN.**

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 filed on August 8th 2017. Said Judgement setting forth with finality the provision of the judgement placed against said defendant as well as any and all other orders made final and/or otherwise applicable by the foregoing.

Eleanor Ahern
Eleanor Ahern *In Forma Pauperis*

TYPE BODY OF PLEADING HERE.] - 1

RECEIVED

AUG 28 2017

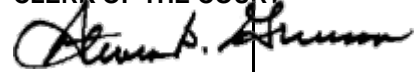
CLERK OF THE COURT

21
1 I certify that on August 16, 2017, I mailed a true and correct copy of the foregoing APPEAL
2 Re: NOTICE OF ENTRY OF ORDER REGARDING MOTION FOR ASSESSMENT OF
3 DAMAGES AGAINST ELEANOR AHERN to those listed below:

4 Todd I. Moody (5430)
5 Russel J. Geist (9030)
6 The Hutchison & I Steffen Law Firm
7 10080 west Alta Drive, Suite 200
8 Las Vegas Nevada
9 702 385 2300 Phone
10 702 385 2086 Fax 7
11 Attorneys for Fred Waid

Joseph J. Powell, Esq
The Rushforth Firm
1701 Village Center Circle Ste 150
Las Vegas, Nevada 89134
Attorneys for Kathryn A. Bouvier
and Jacqueline M Montoya
702 255 3552 Phon
702 255 4677 Fax

12 *Eleanor Ahern*
13 Eleanor Ahern Proper Person
14 355 West Mesquite Blvd. D30 #176
15 Mesquite, Nevada 89017
16 Phone 702 345 3035
17 Fax 702 346 7909



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 the Trust of:

11 THE W.N. CONNELL and MARJORIE T.
12 CONNELL LIVING TRUST, dated May 18, 1972,
13

Case No: P-09-066425-T

Dept No: FAMILY DOMESTIC

14
15 **CASE APPEAL STATEMENT**

16 1. Appellant(s): Eleanor Ahern

17 2. Judge: Gloria J. Sturman

18 3. Appellant(s): Eleanor Ahern

19 Counsel:

20 Eleanor Ahern
21 355 W. Mesquite Blvd., D30 #276
22 Mesquite, NV 89027

23 4. Respondent (s): Jacqueline M. Montoya; Kathryn A. Bouvier

24 Counsel:

25 Joseph J. Powell
26 P.O. Box 371655
Las Vegas, NV 89137-1655

27 5. Appellant(s)'s Attorney Licensed in Nevada: N/A
28 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**: Yes, May 25, 2017
***Expires 1 year from date filed*

Appellant Filed Application to Proceed in Forma Pauperis: N/A
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, 72766, 72897

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 23 day of August 2017.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, 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 Number: **P066425**
Supreme Court No.: **66231**
67782
68046
69737
71577
72766
72897

CASE INFORMATION

Related Cases

P-14-080595-E (Companion Case)

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

DATE

CASE ASSIGNMENT

Current Case Assignment

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

PARTY INFORMATION












Petitioner	Ahern, Eleanor C	<i>Lead Attorneys</i> Pro Se 702-345-7979(H)
Trustee	Waid, Fredrick	Moody, Todd L <i>Retained</i> 702-385-2500(W)
	Waid, Fredrick P	
	Waid, Fredrick P.	
Trust	The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972	
Other	Bouvier, Kathryn A	Powell, Joseph J <i>Retained</i> 7022554552(W)
	Montoya, Jacqueline M	Powell, Joseph J <i>Retained</i> 7022554552(W)
	Parties Receiving Notice	
Personal Representative	Montoya, Jacqueline M	Powell, Joseph J <i>Retained</i> 7022554552(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

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

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

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11/07/2013	 Response Filed by: Personal Representative Montoya, Jacqueline M <i>Response to Motion to Refer Contested Probate Matter to Master-Probate Commissioner per EDCR 4.16</i>
11/08/2013	 Errata Filed by: Personal Representative Montoya, Jacqueline M <i>Errata to Response to Motion to Refer Contested Probate Matter to Master-Probate Commissioner per EDCR 4.16</i>
11/08/2013	 Receipt of Copy Filed by: Personal Representative Montoya, Jacqueline M Party 2: Petitioner Ahern, Eleanor C
11/11/2013	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Reply of Eleanor C. Ahern to Response of Jacqueline M. Montoya to Motion to Refer Contested Probate Matter to Master-Probate Commissioner Per EDCR 4.16</i>
11/18/2013	 Order <i>Order Setting Bench Trial</i>
11/26/2013	 Motion to Dismiss Filed by: Petitioner Ahern, Eleanor C <i>Motion to Dismiss Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A) for Failure to State a Claim Upon Which Relief can be Granted Per NRCP 12(b)(5)</i>
12/03/2013	 Verification Filed by: Personal Representative Montoya, Jacqueline M <i>Verification for Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches</i>
12/03/2013	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M For: Petitioner Ahern, Eleanor C
12/03/2013	 Petition Filed by: Personal Representative Montoya, Jacqueline M <i>Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches</i>
12/04/2013	 Notice of Hearing Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Hearing on Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches</i>
12/04/2013	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M For: Petitioner Ahern, Eleanor C
12/04/2013	 Notice of Rescheduling of Hearing <i>Notice of Resetting Hearing</i>















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

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

FAMILY DOMESTIC
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01/24/2014	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on January 14, 2014</i>
01/27/2014	 Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Taking Videotaped Deposition of Curtis Baggett</i>
01/27/2014	 Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Taking Videotaped Deposition of J. Randall Turner</i>
01/27/2014	 Notice of Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Taking Videotaped Deposition of Stanley E. Crawford, Jr.</i>
02/04/2014	 Amended Notice Filed by: Petitioner Ahern, Eleanor C <i>Amended Notice of Taking Videotaped Deposition of Curtis Baggett</i>
02/04/2014	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on January 24, 2014</i>
02/05/2014	 Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Vacating Deposition of Stanley E. Crawford, Jr.</i>
02/06/2014	 Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Vacating Deposition of J. Randall Turner</i>
02/07/2014	 Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C <i>Notice of Vacating Deposition of Curtis Baggett</i>
02/10/2014	 Answer - Other Domestic/Guardianship/Probate Filed by: Petitioner Ahern, Eleanor C For: Personal Representative Montoya, Jacqueline M <i>Answer of Trustee Eleanor C. Ahern to Jacqueline M. Montoya's Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(e), and NRS 164.033(1)(a) and Counterclaims Against Jacqueline M. Montoya</i>
02/11/2014	 Trial Subpoena Filed by: Petitioner Ahern, Eleanor C
02/11/2014	 Acceptance of Service Filed by: Personal Representative Montoya, Jacqueline M For: Petitioner Ahern, Eleanor C
02/11/2014	 Pre-trial Memorandum Filed by: Petitioner Ahern, Eleanor C
02/12/2014	 Pre Trial Conference (11:00 AM) (Judicial Officer: Sturman, Gloria)

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CASE NO. P-09-066425-T

02/12/2014	 Pre-trial Memorandum Filed by: Personal Representative Montoya, Jacqueline M <i>Jacqueline Montoya's Trial Memorandum Pursuant to E.D.C.R. 7.27</i>
02/14/2014	 Motion to Dismiss Filed by: Personal Representative Montoya, Jacqueline M <i>Motion to Dismiss and Motion to Strike Counterclaims Raised by Eleanor C. Ahern Pursuant to NRCP 15 and NRCP 12(B)</i>
02/18/2014	 Bench Trial (10:00 AM) (Judicial Officer: Sturman, Gloria)
02/20/2014	 Demand for Jury Trial Filed by: Petitioner Ahern, Eleanor C
02/21/2014	 Order Setting Civil Non-Jury Trial <i>Order Resetting Bench Trial</i>
02/26/2014	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on February 18, 2014</i>
03/06/2014	 Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C For: Petitioner Ahern, Eleanor C
03/06/2014	 Petition Filed by: Personal Representative Montoya, Jacqueline M <i>Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches</i>
03/06/2014	 Addendum Filed by: Personal Representative Montoya, Jacqueline M <i>Addendum to Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches</i>
03/11/2014	 Stipulation and Order Filed by: Personal Representative Montoya, Jacqueline M <i>Stipulation and Order to Extend Time to Reply or Otherwise Plead to Counterclaims Asserted by Eleanor C. Ahern</i>
03/12/2014	 Notice of Entry of Order Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Entry of Stipulation and Order to Extend Time to Reply or Otherwise Plead to Counterclaims Asserted by Eleanor C. Ahern</i>
03/13/2014	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on February 12, 2014</i>
03/13/2014	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M For: Petitioner Ahern, Eleanor C
03/13/2014	 Affidavit of Mailing Filed by: Petitioner Ahern, Eleanor C

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For: Personal Representative Montoya, Jacqueline M

03/13/2014	 Objection Filed by: Petitioner Ahern, Eleanor C <i>Objection of Trustee Eleanor C. Ahern to Jacqueline M. Montoya's Petition and Addendum to Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches</i>
03/14/2014	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M For: Petitioner Ahern, Eleanor C
03/18/2014	 Motion to Dismiss Filed by: Personal Representative Montoya, Jacqueline M <i>Motion to Dismiss Counterclaims of Eleanor C. Ahern</i>
03/20/2014	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M For: Petitioner Ahern, Eleanor C
03/20/2014	 Amended Certificate of Mailing
03/20/2014	 Amended Notice Filed by: Personal Representative Montoya, Jacqueline M <i>Amended Notice of Hearing on Petition to Compel Trustee to Distribute Accrued Income and Future Income Received from Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches and Addendum to Said Petition</i>
03/25/2014	 Ex Parte Application Filed by: Personal Representative Montoya, Jacqueline M <i>Ex Parte Application for Order Shortening Time</i>
03/26/2014	 Notice of Entry Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Entry of Ex Parte Application for Order Shortening Time</i>
03/26/2014	 Notice of Hearing Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Hearing on Petition for Construction and Effect of Probate Court Order</i>
03/26/2014	 Petition Filed by: Personal Representative Montoya, Jacqueline M <i>Petition for Construction and Effect of Probate Court Order</i>
03/26/2014	 Verification Filed by: Personal Representative Montoya, Jacqueline M <i>Verification for Petition for Construction and Effect of Probate Court Order</i>
03/27/2014	 Petition Filed by: Personal Representative Montoya, Jacqueline M <i>Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2</i>
03/27/2014	 Verification Filed by: Personal Representative Montoya, Jacqueline M

FAMILY DOMESTIC
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Verification for Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2

03/27/2014



Notice of Hearing

Filed by: Personal Representative Montoya, Jacqueline M

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

03/28/2014



Certificate of Mailing

Filed by: Personal Representative Montoya, Jacqueline M

For: Petitioner Ahern, Eleanor C

03/31/2014



Certificate of Mailing

Filed by: Personal Representative Montoya, Jacqueline M

For: Petitioner Ahern, Eleanor C

04/10/2014



Certificate of Mailing

Filed by: Petitioner Ahern, Eleanor C

For: Personal Representative Montoya, Jacqueline M

Certificate of Mailing Regarding Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property

04/10/2014



Ex Parte Petition

Filed by: Petitioner Ahern, Eleanor C

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

04/10/2014



Petition

Filed by: Petitioner Ahern, Eleanor C

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

04/10/2014



Order Shortening Time

Filed by: Petitioner Ahern, Eleanor C

Order Shortening Time Regarding Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property

04/18/2014



Objection

Filed by: Personal Representative Montoya, Jacqueline M

Objection, in Part, to Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property

04/22/2014



Petition (9:00 AM) (Judicial Officer: Sturman, Gloria)

Events: 04/10/2014 Order Shortening Time

Hearing on Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property

04/28/2014



Recorders Transcript of Hearing

Transcript of Hearing Held on 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

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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



Motion to Continue

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



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



Certificate of Mailing

Filed by: Petitioner Ahern, Eleanor C

For: Personal Representative Montoya, Jacqueline M

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

For: Petitioner Ahern, Eleanor C

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



Certificate of Mailing

Filed by: Petitioner Ahern, Eleanor C

For: Personal Representative Montoya, Jacqueline M

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

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












Reply












Filed by: Petitioner Ahern, Eleanor C

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

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

05/13/2014	Motion (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 03/18/2014 Motion to Dismiss <i>Motion to Dismiss Counterclaims of Eleanor C. Ahern</i>
05/13/2014	Motion (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 03/20/2014 Amended Notice <i>Jacqueline M. Montoya's Amended Notice of Hearing on Petition to Compel Trustee to Distribute Accrued Income and Future Income Received From Oil, Gas, and Mineral Leases and Declaration of the Applicability of the Doctrine of Laches and Addendum to Said Petition</i>
05/13/2014	Hearing (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 03/26/2014 Notice of Hearing <i>Hearing on Petition for Construction and Effect of Probate Court Order</i>
05/13/2014	Motion (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 05/08/2014 Order Shortening Time <i>Motion of Eleanor c. Ahern to Continue May 13, 2014 Hearing on Petition for Constructive and Effect of Probate Court Order of Jacqueline M. Montoya</i>
05/13/2014	 All Pending Motions (9:00 AM) (Judicial Officer: Sturman, Gloria)
05/16/2014	 Order Granting Filed by: Petitioner Ahern, Eleanor C <i>Order Granting Petition for Release of Trust Funds for the Payment of Administrative Expenses, Insurance Premiums and Taxes Attributable to Trust Property</i>
05/19/2014	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C
05/20/2014	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on May 13, 2014</i>
05/27/2014	CANCELED Petition - HM (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated</i> <i>Hearing on Petition for Determination of Construction and Interpretation of Language Relating to Trust No. 2</i>
06/09/2014	 Notice of Appearance Party: Other Bouvier, Kathryn A
07/07/2014	 Order Filed by: Petitioner Ahern, Eleanor C <i>Order: re Pending Motions and Scheduling</i>
07/07/2014	 Order Filed by: Other Bouvier, Kathryn A <i>Order: re Pending Motions and Scheduling</i>
07/08/2014	 Notice of Entry of Order Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Entry of Order: re Pending Motions and Scheduling</i>
07/17/2014	CANCELED Calendar Call (11:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated</i>
07/17/2014	 Motion to Compel















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

	Filed by: Petitioner Ahern, Eleanor C <i>Motion to Compel Responses to Eleanor C. Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya</i>
07/17/2014	 Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C For: Personal Representative Montoya, Jacqueline M
07/22/2014	 Subpoena Duces Tecum Filed by: Petitioner Ahern, Eleanor C <i>Subpoena Duces Tecum for Business Records</i>
07/31/2014	 Case Appeal Statement Filed by: Petitioner Ahern, Eleanor C
07/31/2014	 Notice of Appeal Filed by: Petitioner Ahern, Eleanor C
08/07/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for Medicare</i>
08/07/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for University Medical Center</i>
08/07/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for Christopher S. Cruz, M.D.</i>
08/07/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for David A. Straus, Esquire</i>
08/07/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for Corey Haina</i>
08/11/2014	CANCELED Bench Trial (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated</i>
08/12/2014	 Affidavit of Service Filed by: Petitioner Ahern, Eleanor C Party 2: Personal Representative Montoya, Jacqueline M <i>Affidavit of Service: Custodian of Records for University Medical Center</i>
08/13/2014	 Affidavit of Service Filed by: Petitioner Ahern, Eleanor C Party 2: Personal Representative Montoya, Jacqueline M <i>Affidavit of Service: Custodian of Records for Christopher S. Cruz, MD</i>
08/13/2014	 Affidavit of Service Filed by: Petitioner Ahern, Eleanor C Party 2: Personal Representative Montoya, Jacqueline M <i>Affidavit of Service: Custodian of Records for David A. Straus, Esq.</i>

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

08/14/2014	 Subpoena Duces Tecum Filed by: Petitioner Ahern, Eleanor C <i>Subpoena Duces Tecum for Business Records</i>
08/14/2014	 Subpoena Duces Tecum Filed by: Petitioner Ahern, Eleanor C <i>Subpoena Duces Tecum for Business Records</i>
08/14/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for Kindred Hospital Las Vegas</i>
08/19/2014	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M For: Petitioner Ahern, Eleanor C
08/19/2014	 Response Filed by: Personal Representative Montoya, Jacqueline M <i>Jacqueline M. Montoya's Response to Eleanor C. Ahern's Motion to Compel Responses to Eleanor C. Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya</i>
08/19/2014	 Clerk of the Courts Notice of Change of Hearing <i>Clerk of the Court's Notice of Change of Hearing</i>
08/22/2014	CANCELED Motion to Compel (1:30 PM) (Judicial Officer: Beecroft, Chris A., Jr.) <i>Vacated</i> <i>Motion to Compel Responses to Eleanor C. Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya</i>
08/29/2014	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Reply of Trustee Eleanor C. Ahern to Response of Jacqueline M. Montoya's 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>
08/29/2014	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Reply of Eleanor C. Ahern to Jacqueline M. Montoya's Response to Eleanor C. Ahern's Motion to Compel Responses to Eleanor C. Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya</i>
09/03/2014	 Motion to Compel (9:00 AM) (Judicial Officer: Bulla, Bonnie) Events: 07/17/2014 Motion to Compel <i>Motion to Compel Responses to Eleanor C. Ahern's First Set of Interrogatories and First Request for Production of Documents to Jacqueline M. Montoya</i>
09/10/2014	 Stipulation and Order Filed by: Petitioner Ahern, Eleanor C <i>Stipulation and Oder for Release of Medical Information</i>
09/11/2014	 Subpoena Duces Tecum Filed by: Petitioner Ahern, Eleanor C <i>Subpoena Duces Tecum for Business Records</i>












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CASE NO. P-09-066425-T

09/11/2014	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order re: Stipulation and Order for Release of Medical Information</i>
09/15/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for Complex Care Hospital</i>
09/15/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for MountainView Hospital</i>
09/15/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for Sunrise Hospital and Medical Center</i>
09/15/2014	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Subpoena Duces Tecum to the Custodian of Records for Torrey Pines Rehabilitation Center</i>
09/19/2014	 Transcript of Proceedings <i>Transcript of Hearing Held on September 3, 2014</i>
09/19/2014	 Final Billing of Transcript Filed by: Petitioner Ahern, Eleanor C <i>Final Billing of Transcripts</i>
09/26/2014	 Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C
09/26/2014	 Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C
09/26/2014	 Notice of Deposition Filed by: Personal Representative Montoya, Jacqueline M
10/03/2014	 Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C
10/03/2014	 Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C
10/09/2014	 Motion to Dismiss Filed by: Petitioner Ahern, Eleanor C <i>Motion to Dismiss Petition for Declaratory Judgment Regarding Limited Interest of Trust Assets Pursuant to NRS 30.040, NRS 153.031(1)(E), and NRS 164.033(1)(A) for Failure to State a Claim Upon Which Relief Can be Granted Per NRCP 12(b)(5)</i>
10/10/2014	 Status Check (11:00 AM) (Judicial Officer: Bulla, Bonnie)














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

10/13/2014	 Stipulation and Order Filed by: Petitioner Ahern, Eleanor C <i>Stipulation and Order for Release of Medical Information</i>
10/15/2014	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order re: Stipulation and Order for Release of Medical Information</i>
10/16/2014	 Notice of Taking Deposition Filed by: Petitioner Ahern, Eleanor C
10/21/2014	 Subpoena Filed by: Petitioner Ahern, Eleanor C <i>Subpoena to Sharon Brown</i>
10/21/2014	 Subpoena Filed by: Petitioner Ahern, Eleanor C <i>Subpoena to Josefina C. Jones</i>
10/21/2014	 Subpoena Filed by: Petitioner Ahern, Eleanor C <i>Subpoena to David A. Straus, Esquire</i>
10/24/2014	 Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C
10/24/2014	 Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C
10/24/2014	 Notice of Vacating Deposition Filed by: Petitioner Ahern, Eleanor C
11/03/2014	 Substitution of Attorney Filed by: Petitioner Ahern, Eleanor C
11/10/2014	 Motion to Enforce Filed by: Other Bouvier, Kathryn A <i>Motion to Enforce Settlement Agreement</i>
11/12/2014	 Notice of Hearing Filed by: Other Bouvier, Kathryn A <i>Re-Notice of Hearing on Motion to Enforce Settlement Agreement</i>
11/14/2014	 Status Check (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Status Check: Compliance / Sanctions</i>
11/24/2014	 Motion Filed by: Petitioner Ahern, Eleanor C For: Personal Representative Montoya, Jacqueline M <i>Motion to Withdraw as Attorney for Eleanor Ahern</i>
11/24/2014	 Notice of Hearing Filed by: Petitioner Ahern, Eleanor C

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

11/25/2014	 Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C For: Personal Representative Montoya, Jacqueline M
11/25/2014	 Motion to Continue Filed by: Petitioner Ahern, Eleanor C <i>Motion to Continue Hearing and Briefing Schedule and to Stay All Pending Matters on Order Shortening Time (First Request)</i>
11/26/2014	 Substitution of Attorney Filed by: Petitioner Ahern, Eleanor C <i>Substitution of Attorneys</i>
11/26/2014	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order Shortening Time and Notice of Hearing</i>
11/26/2014	 Opposition to Motion Filed by: Other Bouvier, Kathryn A <i>Opposition to Eleanor Ahern's Motion to Continue Hearing and Briefing Schedule and to Stay All Pending Matters on Order Shortening Time</i>
12/01/2014	 Discovery Commissioners Report and Recommendations Filed by: Petitioner Ahern, Eleanor C <i>Discovery Commissioner's Report and Recommendations</i>
12/03/2014	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Reply in Support of Motion to Continue Hearing and Briefing Schedule and to Stay All Pending Matters on Order Shortening Time</i>
12/04/2014	 Motion (10:30 AM) (Judicial Officer: Sturman, Gloria) Events: 11/25/2014 Motion to Continue <i>All Pending Motion</i>
12/11/2014	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on December 4, 2014</i>
12/11/2014	 Opposition to Motion Filed by: Petitioner Ahern, Eleanor C <i>Opposition to Motion to Enforce Settlement Agreement</i>
12/12/2014	Hearing - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) Events: 11/24/2014 Motion <i>Motion to Withdraw as Atty for Eleanor Ahern</i>
12/12/2014	CANCELED Hearing - HM (9:30 AM) <i>Vacated</i> <i>Notice of Hearing</i>
12/12/2014	 Errata Filed by: Petitioner Ahern, Eleanor C <i>Errata to Opposition to Motion to Enforce Settlement Agreement</i>

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

12/15/2014	 Reply Filed by: Other Bouvier, Kathryn A <i>Reply in Support of Motion to Enforce Settlement Agreement</i>
12/17/2014	 Motion to Enforce (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 11/10/2014 Motion to Enforce <i>Settlement Agreement [10AM]</i>
12/17/2014	 Order Granting Filed by: Petitioner Ahern, Eleanor C <i>Order Granting in Part Motion to Continue Hearing and Briefing Schedule and to Stay All Pending Matters</i>
12/19/2014	 Status Check (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Status Check: Compliance</i>
12/19/2014	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C
12/23/2014	 Motion to Compel Filed by: Petitioner Ahern, Eleanor C <i>Emergency Motion to Compel David L. Mann, Esq. to Turn Over Documents</i>
12/23/2014	 Opposition and Countermotion Filed by: Other Bouvier, Kathryn A Party 2: Petitioner Ahern, Eleanor C <i>Opposition to Eleanor C. Ahern's Motion to Dismiss Petition for Declaratory Judgment for Failure to State a Claim Upon Which Relief can be Granted; and Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment on Petition for Declaratory Judgment, for Damages and Assessment of Penalties, and for Other Relief</i>
12/24/2014	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on December 17, 2014</i>
12/24/2014	 Notice of Hearing Filed by: Petitioner Ahern, Eleanor C
12/29/2014	 Motion Filed by: Other Mann, David L, ESQ For: Petitioner Ahern, Eleanor C <i>Attorney David L. Mann, Esq.'s Motion to Quash Subpoenas and for a Protective Order</i>
12/31/2014	 Motion Filed by: Petitioner Ahern, Eleanor C For: Personal Representative Montoya, Jacqueline M <i>Motion to Exceed Page Limit</i>
01/02/2015	 Motion for Summary Judgment Filed by: Petitioner Ahern, Eleanor C <i>Omnibus Opposition to (1) Petition for Determination of Construction and Interpretation of Language Relating to Trust No 2, and (2) Petition for Construction and Effect of Probate Court Order; and Countermotion for Summary Judgment</i>
01/08/2015	 Order Granting Filed by: Petitioner Ahern, Eleanor C









FAMILY DOMESTIC
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Order Granting Motion to Exceed Page Limit












01/09/2015	 Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie)
01/09/2015	 Motion Filed by: Petitioner Ahern, Eleanor C For: Personal Representative Montoya, Jacqueline M <i>Motion to Exceed Page Limit</i>
01/09/2015	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C
01/09/2015	 Reply Filed by: Other Bouvier, Kathryn A <i>Reply in Support of Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment on Petition for Declaratory Judgment, for Damages and Assessment of Penalties, and for Other Relief; and, Opposition to Eleanor's Countermotion for Summary Judgment</i>
01/09/2015	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Eleanor C. Ahern's (1) Reply in Support of Eleanor C. Ahern's Motion to Dismiss Petition for Declaratory Judgment for Failure to State a Claim Upon Which Relief Can Be Granted; (2) Opposition to Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment on Petition for Declaratory Judgment, for Damages and Assessment of Penalties, and for Other Relief; and (3) Reply in Support of Countermotion for Summary Judgment</i>
01/12/2015	 Supplement Filed by: Personal Representative Montoya, Jacqueline M <i>Supplement to Reply in Support of Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment on Petition for Declaratory Judgment, for Damages and Assessment of Penalties, and for Other Relief; and, Opposition to Eleanor's Countermotion for Summary Judgment</i>
01/12/2015	 Motion Filed by: Other Bouvier, Kathryn A For: Petitioner Ahern, Eleanor C <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 Filed by: Other Bouvier, Kathryn A <i>Kathryn A. Bouvier and Jacqueline M. Montoya's Ex Parte Application for an Order Shortening Time</i>
01/13/2015	 Affidavit of Service Filed by: Personal Representative Montoya, Jacqueline M Party 2: Petitioner Ahern, Eleanor C
01/13/2015	 Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C For: Personal Representative Montoya, Jacqueline M
01/13/2015	 Opposition to Motion Filed by: Other Mann, David L, ESQ

FAMILY DOMESTIC
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
David L. Mann, Esq.'s Opposition to Emergency Motion to Compel David L. Mann, Esq. to Turn Over Documents and Opposition to Order Shortening Time

01/14/2015	Status Check: Settlement/Trial Setting (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>10:00AM SESSION</i>
01/14/2015	Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Petition for Determination of Construction and Interpretation of Lanuage Relating to Trust No. 2 (10:00AM)</i>
01/14/2015	Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Motion to Dismiss Counterclaims of Eleanor C. Ahern (10:00AM)</i>
01/14/2015	Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Petition for Construction and Effect of Probate Court Order (10:00AM)</i>
01/14/2015	Opposition & Countermotion (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 12/23/2014 Opposition and Countermotion <i>Opposition & Countermotion of Kathryn A. Bouvier and Jacqueline M. Montoya for Summary Judgment of Petition for Declaration Judgment, for Damages and Assessment of Penalties, and for other Relief</i>
01/14/2015	Motion (9:00 AM) (Judicial Officer: Sturman, Gloria) Events: 01/12/2015 Motion <i>Motion for Leave to Amend Pleadings of Jacqueline M. Montoya and Kathryn A Bouvier for Claims, Defenses, Damages and Assessment of Penalties, and for Other Relief Against Eleanor Connell Hartman Ahern</i>
01/14/2015	 All Pending Motions (9:00 AM) (Judicial Officer: Sturman, Gloria)
01/15/2015	 Re-Notice Filed by: Petitioner Ahern, Eleanor C <i>Re-Notice of Motion</i>
01/16/2015	Motion - HM (9:30 AM) (Hearing Master: Yamashita, Wesley) <i>Attorney David L. Mann ESQ Motion to Quash Supoenas and For A Protective Orde</i>
01/16/2015	 Order Granting Filed by: Petitioner Ahern, Eleanor C <i>Order Granting Motion to Exceed Page Limit</i>
01/16/2015	 Amended Notice Filed by: Petitioner Ahern, Eleanor C <i>Amended Notice of Hearing</i>
01/20/2015	 Supplement Filed by: Other Bouvier, Kathryn A <i>Supplement to Motion to Amend Pleadings</i>
01/20/2015	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C
01/22/2015	 Receipt of Copy Filed by: Petitioner Ahern, Eleanor C Party 2: Personal Representative Montoya, Jacqueline M
01/26/2015	 Re-Notice
















FAMILY DOMESTIC
CASE SUMMARY
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	Filed by: Petitioner Ahern, Eleanor C <i>Re-Notice of Motion</i>
01/26/2015	 Opposition to Motion Filed by: Petitioner Ahern, Eleanor C <i>Opposition to Attorney David L. Mann, Esq.'s Motion to Quash Subpoenas and for a Protective Order</i>
01/27/2015	 Errata Filed by: Petitioner Ahern, Eleanor C <i>Errata to Opposition to Attorney David L. Mann, Esq.'s Motion to Quash Subpoena and for a Protective Order</i>
01/27/2015	 Opposition to Motion Filed by: Petitioner Ahern, Eleanor C <i>Opposition to Motion for Leave to Amend Pleadings</i>
01/28/2015	 Certificate of Mailing Filed by: Petitioner Ahern, Eleanor C For: Personal Representative Montoya, Jacqueline M
01/30/2015	 Hearing (10:00 AM) (Judicial Officer: Sturman, Gloria) Events: 01/12/2015 Motion
02/11/2015	CANCELED Motion (9:00 AM) (Judicial Officer: Judge Sturman, Probate) <i>Vacated</i> <i>Emergency Motion to Compel David Mann Esq to turn over Documents</i>
02/11/2015	 Reply to Opposition Filed by: Other Mann, David L, ESQ <i>Reply to Opposition to Attorney David L. Mann, Esq.'s Motion to Quash Subpoenas and For a Protective Order</i>
02/11/2015	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Reply in Support of Emergency Motion to Compel David L. Mann, Esq. to Turn Over Documents</i>
02/13/2015	 Stipulation and Order Filed by: Petitioner Ahern, Eleanor C <i>Stipulation and Order to File Under Seal</i>
02/17/2015	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C
02/17/2015	 Discovery Commissioners Report and Recommendations Filed by: Personal Representative Montoya, Jacqueline M <i>Discovery Commissioner's Report and Recommendations</i>
02/18/2015	 Motion (9:30 AM) (Judicial Officer: Bulla, Bonnie) Events: 01/15/2015 Re-Notice <i>Eleanor Connell Hartman Ahern, as Trustee and Individually Motion to Compel David Mann ESQ. to Turn over Documents</i>
02/18/2015	 Notice of Entry of Order

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	Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Entry of Discovery Commissioner's Report and Recommendations</i>
03/02/2015	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on January 30, 2015</i>
03/02/2015	 Order Denying Filed by: Personal Representative Montoya, Jacqueline M <i>Order Denying Motion to Enforce Settlement Agreement</i>
03/02/2015	 Notice of Entry of Order Filed by: Other Bouvier, Kathryn A <i>Notice of Entry of Order Denying Motion to Enforce Settlement Agreement</i>
03/06/2015	 Motion for Sanctions Filed by: Other Mann, David L, ESQ <i>David L. Mann, Esq.'s Motion for Rule 11 Sanctions</i>
03/06/2015	 Receipt of Copy Filed by: Other Mann, David L, ESQ Party 2: Petitioner Ahern, Eleanor C
03/12/2015	 Filed Under Seal Filed by: Personal Representative Montoya, Jacqueline M <i>Brief Regarding Pending Issues (Sealed)</i>
03/13/2015	 Filed Under Seal Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 <i>Brief Regarding Accounting, Fiduciary Duties, And Trust Administration (Filed Under Seal)</i>
03/16/2015	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice to Vacate Hearing</i>
03/18/2015	 Filed Under Seal Filed by: Other Bouvier, Kathryn A <i>Supplement to Brief Regarding Pending Issues (Sealed)</i>
03/18/2015	 Filed Under Seal Filed by: Petitioner Ahern, Eleanor C <i>Supplement to Brief Regarding Accounting, Fiduciary Duties, and Trust Administration (Filed Under Seal)</i>
03/19/2015	 Filed Under Seal Filed by: Other Bouvier, Kathryn A <i>Second Supplement to Brief Regarding Pending Issues (Sealed)</i>
03/20/2015	 Hearing (10:00 AM) (Judicial Officer: Sturman, Gloria)
03/20/2015	 Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie)
03/25/2015	Motion (9:00 AM) (Judicial Officer: Judge Sturman, Probate) Events: 03/06/2015 Motion for Sanctions <i>David L Mann, Esq's Motion For Rule 11 Sanctions</i>

FAMILY DOMESTIC
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03/26/2015	 Telephonic Hearing (11:00 AM) (Judicial Officer: Sturman, Gloria)
03/27/2015	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Supplemental Exhibits Provided at March 20, 2015 Hearing</i>
03/31/2015	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on March 20, 2015</i>
04/01/2015	 Order Filed by: Personal Representative Montoya, Jacqueline M <i>Order Appointing New Temporary Trustee</i>
04/01/2015	 Motion Filed by: Personal Representative Montoya, Jacqueline M For: Petitioner Ahern, Eleanor C <i>Motion in Support of Award of Attorney's Fees and Costs</i>
04/06/2015	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C
04/07/2015	 Notice of Appeal Filed by: Petitioner Ahern, Eleanor C <i>Notice of Appeal Regarding Order Appointing New Temporary Trustee</i>
04/07/2015	 Case Appeal Statement Filed by: Petitioner Ahern, Eleanor C
04/09/2015	 Motion to Stay Filed by: Petitioner Ahern, Eleanor C <i>Motion for Stay Pending Appeal on Order Shortening Time</i>
04/10/2015	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on March 26, 2015</i>
04/10/2015	 Receipt of Copy Filed by: Petitioner Ahern, Eleanor C Party 2: Personal Representative Montoya, Jacqueline M
04/13/2015	 Opposition to Motion Filed by: Personal Representative Montoya, Jacqueline M <i>Opposition to Eleanor Connell Hartman Ahern's Motion for Stay Pending Appeal</i>
04/13/2015	 Reply Filed by: Trustee Waid, Fredrick <i>Reply to Motion for Stay Pending Appeal on Order Shortening Time</i>
04/13/2015	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Compliance Regarding \$500,000 Deposit</i>
04/14/2015	 Motion For Stay (9:00 AM) (Judicial Officer: Sturman, Gloria)














FAMILY DOMESTIC
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Events: 04/09/2015 Motion to Stay
Trustee Eleanor Connell-Hartman-Ahern's Motion for Stay Pending Appeal on Order Shortening Time










04/14/2015	 Telephonic Hearing (4:30 PM) (Judicial Officer: Judge Sturman, Probate)
04/14/2015	 Order Filed by: Personal Representative Montoya, Jacqueline M
04/14/2015	 Notice of Entry of Order Filed by: Other Bouvier, Kathryn A <i>Notice of Entry of Order from March 26 2015</i>
04/14/2015	 Notice of Withdrawal Filed by: Petitioner Ahern, Eleanor C <i>Notice of Withdrawal of Motion for Stay Pending Appeal on Order Shortening Time</i>
04/14/2015	 Notice of Withdrawal Filed by: Petitioner Ahern, Eleanor C <i>Notice of Withdrawal of Notice of Compliance Regarding \$500,000 Deposit</i>
04/15/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick
04/15/2015	 Notice of Hearing Filed by: Petitioner Ahern, Eleanor C
04/15/2015	 Motion Filed by: Petitioner Ahern, Eleanor C For: Petitioner Ahern, Eleanor C <i>Marquis Aurbach Coffing's Motion to Withdraw as Counsel of Record on Order Shortening Time</i>
04/16/2015	 Order to Show Cause Filed by: Trustee Waid, Fredrick
04/16/2015	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order to Show Cause</i>
04/16/2015	 Judgment Filed by: Personal Representative Montoya, Jacqueline M <i>Summary Judgment</i>
04/17/2015	 Notice of Entry of Order Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Entry of Order on Summary Judgment</i>
04/17/2015	 Receipt of Copy Filed by: Personal Representative Montoya, Jacqueline M Party 2: Petitioner Ahern, Eleanor C
04/17/2015	 Objection Filed by: Trustee Waid, Fredrick

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
















Objection to Marquis Aurbach Coffing's Motion to Withdraw as Counsel of Record on Order Shortening Time

04/20/2015	 Motion for Withdrawal (10:00 AM) (Judicial Officer: Sturman, Gloria) Events: 04/15/2015 Motion <i>Marquis Aurbach Coffing's Motion to Withdraw as Counsel of Record on Order Shortening Time</i>
04/20/2015	 Order Filed by: Petitioner Ahern, Eleanor C <i>Order Granting Marquis Aurbach Coffing's Motion to Withdraw as Counsel of Record on Order Shortening Time</i>
04/20/2015	 Order Filed by: Petitioner Ahern, Eleanor C <i>Order Regarding the Accounting, Breach of Fiduciary Duty Claims and Award of Attorney Fees</i>
04/20/2015	 Order Filed by: Trustee Waid, Fredrick <i>Order Compelling Eleanor Ahern to Turn Over Trust Records to Acting Successor Trustee</i>
04/20/2015	 Order Confirming Filed by: Trustee Waid, Fredrick <i>Order Confirming Acting Successor Trustee</i>
04/20/2015	 Notice of Entry of Order Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972
04/20/2015	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C
04/21/2015	 Subpoena Duces Tecum Filed by: Trustee Waid, Fredrick <i>Subpoena - Civil Duces Tecum</i>
04/22/2015	 Order to Show Cause (10:30 AM) (Judicial Officer: Sturman, Gloria) Events: 04/15/2015 Notice of Hearing
04/23/2015	 Discovery Commissioners Report and Recommendations Filed by: Petitioner Ahern, Eleanor C <i>Discovery Commissioner's Report and Recommendations</i>
04/24/2015	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order Compelling Eleanor Ahern to Turn Over Trust Records to Acting Successor Trustee</i>
04/24/2015	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order Confirming Acting Successor Trustee</i>
04/27/2015	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on April 14, 2015</i>

















FAMILY DOMESTIC
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04/29/2015	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Discovery Commissioner's Report and Recommendations</i>
05/04/2015	 Opposition to Motion Filed by: Petitioner Ahern, Eleanor C <i>Opposition to Motion in Support of Award of Attorney's Fees and Costs</i>
05/06/2015	 Affidavit Filed by: Trustee Waid, Fredrick <i>Affidavit of Fredrick P. Waid, Trustee</i>
05/08/2015	 Reply Filed by: Personal Representative Montoya, Jacqueline M <i>Reply in Support of Motion for Award of Attorney's Fees and Costs and Supplement to Motion in Support of Award of Attorney's Fees and Costs</i>
05/12/2015	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Sur-Reply to Montoya and Bouvier's Reply in Support of Motion for Award of Attorneys' Fees and Costs</i>
05/13/2015	 Motion for Attorney Fees (9:00 AM) (Judicial Officer: Sturman, Gloria)
05/18/2015	 Notice of Vacating Deposition Filed by: Trustee Waid, Fredrick
05/18/2015	 Notice of Appeal Filed by: Petitioner Ahern, Eleanor C
05/18/2015	 Case Appeal Statement Filed by: Petitioner Ahern, Eleanor C
05/19/2015	 Notice Filed by: Petitioner Ahern, Eleanor C <i>Notice of Posting Bond</i>
06/03/2015	 Affidavit of Service Filed by: Petitioner Ahern, Eleanor C Party 2: Personal Representative Montoya, Jacqueline M
06/03/2015	 Motion Filed by: Personal Representative Montoya, Jacqueline M For: Petitioner Ahern, Eleanor C <i>Motion for Assessment of Damages Against Eleanor Ahern; Enforcement of No-Contest Clause; and Surcharge of Eleanor's Trust Income</i>
06/04/2015	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on April 20, 2015</i>
06/08/2015	 Request Filed by: Petitioner Ahern, Eleanor C <i>Request for Transcript of Proceedings</i>















FAMILY DOMESTIC
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06/08/2015	 Request Filed by: Petitioner Ahern, Eleanor C <i>Request for Transcript of Proceedings</i>
06/09/2015	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on April 22, 2015</i>
06/12/2015	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on May 13, 2015</i>
06/15/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick
06/16/2015	 Notice of Vacating Deposition Filed by: Trustee Waid, Fredrick
06/18/2015	 Response Filed by: Petitioner Ahern, Eleanor C <i>Response to Affidavit of Fredrick P. Waid Dated May 6, 2015</i>
06/19/2015	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on December 19, 2014</i>
06/19/2015	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on February 18, 2015</i>
06/22/2015	 Hearing (1:30 PM) (Judicial Officer: Sturman, Gloria) <i>Evidentiary Hearing: Contempt of Court</i>
06/23/2015	CANCELED Telephonic Hearing (10:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Vacated - per Clerk</i>
06/23/2015	 Telephonic Conference (11:30 AM) (Judicial Officer: Gonzalez, Elizabeth)
06/23/2015	 Judgment Filed by: Petitioner Ahern, Eleanor C <i>Judgment and Order Approving Award of Attorney's Fees</i>
06/25/2015	 Calendar Call (8:45 AM) (Judicial Officer: Gonzalez, Elizabeth)
06/29/2015	 Opposition to Motion Filed by: Petitioner Ahern, Eleanor C <i>Opposition to Motion for Assessment of Damages Against Eleanor Ahern, Enforcement of No-Contest Clause, and Surcharge of Eleanor's Trust Income</i>
06/29/2015	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on June 22, 2015</i>
06/30/2015	 Notice of Entry of Order Filed by: Other Bouvier, Kathryn A <i>Notice of Entry of Judgment and Order Approving Award of Attorney's Fees</i>

FAMILY DOMESTIC
CASE SUMMARY
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06/30/2015	 Reporters Transcript <i>Transcript of Hearing Held on June 25, 2015</i>
07/02/2015	 Notice of Vacating Deposition Filed by: Trustee Waid, Fredrick
07/06/2015	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on January 14, 2015</i>
07/07/2015	 Amended Notice Filed by: Trustee Waid, Fredrick <i>Amended Notice of Taking Deposition</i>
07/07/2015	 Order Filed by: Trustee Waid, Fredrick <i>Order Referring Matter to Chief Judge for Contempt Hearing</i>
07/08/2015	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick
07/09/2015	 Filed Under Seal Filed by: Trustee Waid, Fredrick <i>Interim Trustee Report (Filed Under Seal Pursuant to Court Order Date February 11, 2015)</i>
07/10/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick
07/10/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick
07/10/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick
07/10/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick
07/13/2015	 Substitution of Attorney Filed by: Other Bouvier, Kathryn A
07/15/2015	 Certificate of Mailing Filed by: Other Bouvier, Kathryn A For: Petitioner Ahern, Eleanor C
07/16/2015	 Motion to Dismiss Filed by: Petitioner Ahern, Eleanor C <i>Motion to Dismiss Contempt Proceeding</i>
07/17/2015	 Status Check (3:00 AM) (Judicial Officer: Gonzalez, Elizabeth) <i>Status Check: Defendant's Motion</i>
07/20/2015	 Affidavit of Service Filed by: Petitioner Ahern, Eleanor C

FAMILY DOMESTIC
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	Party 2: Personal Representative Montoya, Jacqueline M
07/21/2015	 Subpoena Duces Tecum Filed by: Trustee Waid, Fredrick <i>Amended Subpoena Duces Tecum to Custodian of Records for Wells Fargo Bank, N.A.</i>
07/21/2015	 Affidavit of Service Filed by: Petitioner Ahern, Eleanor C Party 2: Personal Representative Montoya, Jacqueline M
07/21/2015	 Affidavit of Service Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 Party 2: Petitioner Ahern, Eleanor C
07/22/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick
07/22/2015	 Notice of Vacating Deposition Filed by: Trustee Waid, Fredrick
07/24/2015	 Notice of Attorney Lien Filed by: Petitioner Ahern, Eleanor C <i>Notice of Attorney's Lien</i>
07/27/2015	 Motion Filed by: Petitioner Ahern, Eleanor C For: Trustee Waid, Fredrick <i>Motion for Adjudication of Attorney's Lien in the Amount of \$30,937.50, Reduction to Judgment Collectible by all Lawful Means Including, but Not Limited to, Lien on Eleanor Ahern's Benefits in the W.N. Connell and Marjorie T. Connell Living Trust</i>
07/29/2015	 Amended Notice of Appeal Filed By: 07/29/2015
07/30/2015	 Certificate of Service Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972
07/30/2015	 Ex Parte Application Filed by: Petitioner Ahern, Eleanor C <i>Ex Parte Application for an Order Shortening Time</i>
07/30/2015	 Notice of Vacating Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Deposition and Withdrawal of Subpoena Duces Tecum</i>
07/31/2015	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M For: Petitioner Ahern, Eleanor C
07/31/2015	 Notice of Vacating Deposition Filed by: Trustee Waid, Fredrick
07/31/2015	 Response Filed by: Trustee Waid, Fredrick

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









Response to Motion to Dismiss Contempt Proceeding

07/31/2015	 Supplement Filed by: Personal Representative Montoya, Jacqueline M <i>Supplement to Motion for Assessment of Damages Against Eleanor Ahern; Enforcement of No Contest Clause; and Surcharge of Eleanor's Trust Income</i>
08/03/2015	 Affidavit of Service Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 Party 2: Petitioner Ahern, Eleanor C
08/03/2015	 Motion to Strike Filed by: Petitioner Ahern, Eleanor C <i>Motion to Strike Supplement to Motion for Assessment of Damages Against Eleanor Ahern; Enforcement of No Contest Clause; and Surcharge of Eleanor's Trust Income</i>
08/05/2015	 Motion (10:00 AM) (Judicial Officer: Sturman, Gloria) Events: 06/03/2015 Motion <i>Jacqueline M. Montoya's and Kathryn A. Bouvier's Motion for Assessment of Damages Against Eleanor Ahern; Enforcement of No-Contest Clause; and Surcharge of Eleanor's Trust Income</i>
08/11/2015	 Notice of Vacating Deposition Filed by: Trustee Waid, Fredrick
08/11/2015	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Reply in Support of Motion to Dismiss Contempt Proceeding</i>
08/12/2015	 Production of Documents Filed by: Trustee Waid, Fredrick <i>Trustee, Fredrick P. Waid's, Production of Documents</i>
08/12/2015	 Request Filed by: Trustee Waid, Fredrick <i>Request to Transfer Hearing on Motion for Adjudication of Attorney's Lien to Probate Judge</i>
08/12/2015	 Response Filed by: Trustee Waid, Fredrick <i>Response to David Mann's Motion to Adjudicate Attorney's Lien and Countermotion to Unseal Records</i>
08/13/2015	 Opposition to Motion Filed by: Petitioner Ahern, Eleanor C <i>Opposition to Motion for Adjudication of Attorney's Lien in the Amount of \$30,937.50, Reduction to Judgment Collectible by All Lawful Mean Including, but Not Limited to, Lien on Eleanor Ahern's Benefits in the W.N. Connell and Marjorie T. Connell Living Trust</i>
08/14/2015	CANCELED Motion - HM (9:30 AM) <i>Vacated - per Judge</i>
08/14/2015	CANCELED Opposition & Countermotion - HM (9:30 AM) <i>Vacated - per Judge</i> <i>Response to David Mann's Motion to Adjudicate Attorney's Lien and Countermotion to Unseal Records</i>





FAMILY DOMESTIC
CASE SUMMARY
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08/18/2015	 Motion to Dismiss (8:30 AM) (Judicial Officer: Gonzalez, Elizabeth) Events: 07/16/2015 Motion to Dismiss <i>Elenor Ahern's Motion to Dismiss Contempt Proceedings</i>
08/19/2015	CANCELED Motion to Strike (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i> <i>Eleanor Ahern's Motion to Strike Supplement to Motion for Assessment of Damages Against Eleanor Ahern; Enforcement of No Contest Clause; and Surcharge of Eleanor's Trust Income</i>
08/21/2015	 Application Filed by: Trustee Waid, Fredrick <i>Application for the Issuance of a Commission to Take Out-Of-State Deposition of Jeffrey Johnston</i>
08/21/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Out-Of-State Deposition of Jeffrey Johnston</i>
08/21/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Out-Of-State Deposition of Person Most Knowledgeable for Anthony & Middlebrook, P.C.</i>
08/21/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Out-Of-State of Deposition of Lawrence Prucka</i>
08/21/2015	 Application Filed by: Trustee Waid, Fredrick <i>Application for the Issuance of a Commission to Take Out-Of-State Deposition of the Person Most Knowledgeable for Anthony & Middlebrook, P.C.</i>
08/21/2015	 Application Filed by: Trustee Waid, Fredrick <i>Application for the Issuance of a Commission to Take Out-Of-State Deposition of Lawrence Prucka</i>
08/21/2015	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on August 5, 2015</i>
08/25/2015	 Reporters Transcript <i>Transcript of Hearing Held on August 18, 2015</i>
08/25/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Out-Of-State Deposition of Frederick Brown</i>
08/25/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Out-Of-State Deposition of Curt Baggett</i>
08/25/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>First Amended Notice of Taking Out-Of-State Deposition of Person Most Knowledgeable for Anthony & Middlebrook, P.C.</i>

FAMILY DOMESTIC
CASE SUMMARY
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08/25/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>First Amended Notice of Taking Out-Of-State Deposition of Jeffrey Johnston</i>
08/25/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>First Amended Notice of Taking Out-Of-State Deposition of Lawrence Prucka</i>
08/25/2015	 Application Filed by: Trustee Waid, Fredrick <i>Application for the Issuance of a Commission to Take Out-Of-State Deposition of Frederick Brown</i>
08/25/2015	 Application Filed by: Trustee Waid, Fredrick <i>Application for the Issuance of a Commission to Take Out-Of-State Deposition of Curt Baggett</i>
08/25/2015	 Application Filed by: Trustee Waid, Fredrick <i>First Amended Application for the Issuance of a Commission to Take Out-Of-State Deposition of the Person Most Knowledgeable for Anthony & Middlebrook, P.C.</i>
08/25/2015	 Application Filed by: Trustee Waid, Fredrick <i>First Amended Application for the Issuance of a Commission to Take Out-Of-State Deposition of Jeffrey Johnston</i>
08/25/2015	 Application Filed by: Trustee Waid, Fredrick <i>First Amended Application for the Issuance of a Commission to Take Out-Of-State Deposition of Lawrence Prucka</i>
08/27/2015	 Commission to Take Deposition Outside the State of Nevada Filed by: Trustee Waid, Fredrick <i>Commission to Take Out-Of-State Deposition of Frederick Brown</i>
08/27/2015	 Commission to Take Deposition Outside the State of Nevada Filed by: Trustee Waid, Fredrick <i>Commission to Take Out-Of-State Deposition of Curt Baggett</i>
08/27/2015	 Commission to Take Deposition Outside the State of Nevada Filed by: Trustee Waid, Fredrick <i>Commission to Take Out-Of-State Deposition of the Person Most Knowledgeable for Anthony & Middlebrook, P.C.</i>
08/27/2015	 Commission to Take Deposition Outside the State of Nevada Filed by: Trustee Waid, Fredrick <i>Commission to Take Out-Of-State Deposition of Jeffrey Johnston</i>
08/27/2015	 Commission to Take Deposition Outside the State of Nevada Filed by: Trustee Waid, Fredrick <i>Commission to Take Out-Of-State Deposition of Lawrence Prucka</i>
08/27/2015	

FAMILY DOMESTIC
CASE SUMMARY
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	 Certificate of Service Filed by: Trustee Waid, Fredrick
09/02/2015	 Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Evidentiary Hearing Status</i>
09/14/2015	 Order Granting Filed by: Petitioner Ahern, Eleanor C <i>Order Granting Motion to Dismiss Contempt Proceeding</i>
09/15/2015	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order Granting Motion to Dismiss Contempt Proceeding</i>
09/16/2015	Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Set Hearing Re: Fredrick Waid's Countermotion to Unseal Records (Filed 8/12/15)</i>
09/16/2015	Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Set Hearing Re Motion for Adjudication of Attorney's Lien in the Amount of \$30,937.50, Reduction to Judgment Collectible by All Lawful Means Including, but not Limited to, Lien on Eleanor Ahern's Benefits in the W.N. Connell and Marjorie T. Connell Living Trust</i>
09/16/2015	 All Pending Motions (9:00 AM) (Judicial Officer: Sturman, Gloria)
09/16/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Deposition of Custodian of Records for Checks N Mail</i>
09/16/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Deposition of Custodian of Records for Mail for You, Inc.</i>
09/23/2015	 Order Filed by: Trustee Waid, Fredrick <i>Order Taking Off Calendar David Mann's Motion to Adjudicate Attorney's Lien, and Compelling David Mann to Comply with Subpoena Duces Tecum</i>
09/24/2015	 Subpoena Duces Tecum Filed by: Trustee Waid, Fredrick <i>Subpoena Duces Tecum to Custodian of Records for Mail for You, Inc.</i>
09/24/2015	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick
09/25/2015	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on September 2, 2015</i>
09/25/2015	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on September 16, 2015</i>
09/25/2015	 Motion Filed by: Petitioner Ahern, Eleanor C For: Personal Representative Montoya, Jacqueline M <i>Motion for Distribution of Trust Income in Accordance With the Court's Summary Judgment</i>

FAMILY DOMESTIC
CASE SUMMARY
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Dated April 16, 2015 on Order Shortening Time

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

FAMILY DOMESTIC
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10/08/2015	 Response Filed by: Trustee Waid, Fredrick <i>Response to Motion for Distribution of Trust Income</i>
10/08/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Second Amended Notice of Taking Out-Of-State Deposition of Lawrence Prucka</i>
10/09/2015	 Response Filed by: Trustee Waid, Fredrick <i>Response to Motion to Withdraw as Counsel on Order Shortening Time</i>
10/09/2015	 Notice of Vacating Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Deposition of Custodian of Records for Checks N Mail</i>
10/12/2015	 Certificate of Mailing Filed by: Other Bouvier, Kathryn A For: Petitioner Ahern, Eleanor C
10/12/2015	 Objection Filed by: Other Bouvier, Kathryn A <i>Objection to Motion for Distribution of Trust Income in Accordance with Court's Summary Judgment Dated April 16, 2015 on Order Shortening Time</i>
10/12/2015	 Notice of Vacating Deposition Filed by: Trustee Waid, Fredrick <i>Notice to Vacate Out-Of-State Deposition of Curt Baggett</i>
10/12/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Third Amended Notice of Taking Out-Of-State Deposition of Lawrence Prucka</i>
10/12/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Records Only Deposition of the Custodian of Records for Omni Hotels Management Corp.</i>
10/12/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Third Amended Notice of Taking Out-Of-State Deposition of Jeffrey Johnston</i>
10/12/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Records Only Deposition of the Custodian of Records for Omni Hotels Management Corp.</i>
10/12/2015	 Application Filed by: Trustee Waid, Fredrick <i>Application for the Issuance of a Commission to Take Out-Of-State Deposition of the Custodian of Records for Omni Hotels Management Corp.</i>
10/13/2015	 Commission to Take Deposition Outside the State of Nevada Filed by: Trustee Waid, Fredrick

FAMILY DOMESTIC
CASE SUMMARY
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Commission to Take Out-Of-State Deposition of the Custodian of Records for Omni Hotels Management Corp.

10/13/2015	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Reply to Interim Trustee's Response to Motion to Withdraw as Counsel on Order Shortening Time</i>
10/14/2015	Motion to Withdraw as Counsel (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Brownstein, Hyatt, Farber & Schreck's, LLC, Motion to Withdraw as Counsel on Order Shortening Time</i>
10/14/2015	CANCELED Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated</i> <i>Set Hearing Re: Fredrick Waid's Countermotion to Unseal Records (Filed 8/12/15)</i>
10/14/2015	Status Check (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Status Check: Evidentiary Hearing Status</i>
10/14/2015	 All Pending Motions (9:00 AM) (Judicial Officer: Sturman, Gloria)
10/20/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Out-Of-State Deposition of Person Most Knowledgeable for Anthony & Middlebrook, P.C.</i>
10/20/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Out-Of-State Deposition of Ryan E. Scharar</i>
10/20/2015	 Notice of Vacating Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Out-Of-State Deposition of Lawrence Prucka</i>
10/21/2015	 Order to Show Cause (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Order to Show Cause</i>
10/22/2015	 Notice of Vacating Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Vacating Depositions of Shelley Tabaczynski and Adelle Josephs</i>
10/26/2015	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Notice of Taking Video Deposition Eleanor Ahern</i>
10/27/2015	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Reply in Support of Motion for Distribution of Trust Income</i>
10/28/2015	 Response Filed by: Personal Representative Montoya, Jacqueline M <i>Response to Ms. Ahern's Reply in Support of Motion for Distribution of Trust Income (Partially Stricken December 4, 2015)</i>
11/02/2015	 Notice of Taking Deposition











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

FAMILY DOMESTIC
CASE SUMMARY
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12/03/2015	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick
12/04/2015	 Stipulation and Order Filed by: Trustee Waid, Fredrick <i>Stipulation and Order to Strike Exhibit A from 10/28/15 Response Sealed Pleading From Record</i>
12/07/2015	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on October 14, 2015</i>
12/11/2015	 Notice of Entry of Stipulation and Order Filed by: Trustee Waid, Fredrick
01/04/2016	 Motion Filed by: Trustee Waid, Fredrick For: Petitioner Ahern, Eleanor C <i>Motion for Order to Show Cause, to Compel Deposition of Eleanor Ahern and to Answer Questions Under Oath re: Fidelity Capital and \$500,000</i>
01/05/2016	 Order Filed by: Trustee Waid, Fredrick <i>Order Instructing Trustee to Advance Funds</i>
01/06/2016	 Motion for Order to Show Cause (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Motion for Order to Show Cause, to Compel Deposition of Eleanor Ahern and to Answer Questions Under Oath Re: Fidelity Capital and \$500,000</i>
01/11/2016	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order Instructing Trustee to Advance Funds</i>
01/20/2016	 Motion for Stay of Execution Filed by: Personal Representative Montoya, Jacqueline M <i>Motion to Stay Execution of Order Pending the Hearing of the Motion for Reconsideration Pursuant to NRCP 62(b) on Order Shortening Time</i>
01/20/2016	 Motion to Reconsider Filed by: Personal Representative Montoya, Jacqueline M <i>Motion for Reconsideration on Order Shortening Time</i>
01/26/2016	 Response Filed by: Trustee Waid, Fredrick <i>Response to Motion for Reconsideration on Order Shortening Time</i>
01/26/2016	 Opposition to Motion Filed by: Petitioner Ahern, Eleanor C <i>Opposition to Motion for Reconsideration on Order Shortening Time</i>
01/26/2016	 Opposition to Motion Filed by: Petitioner Ahern, Eleanor C <i>Opposition to Motion to Stay Execution of Order Pending the Hearing of the Motion for Reconsideration Pursuant to NRCP 62(b) on Order Shortening Time</i>











FAMILY DOMESTIC
CASE SUMMARY
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01/27/2016	Motion to Compel (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Deposition of Eleanor Ahern</i>
01/27/2016	Motion to Stay (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Jaqueline M. Montoya and Kathryn A. Bouvier's Motion to Stay Execution of Order Pending the Hearing of the Motion for Reconsideration Pursuant to NRCP 62(b) on Order Shortening Time</i>
01/27/2016	Motion to Reconsider (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Jaqueline M. Montoya and Kathryn A. Bouvier's Motion for Reconsideration on Order Shortening Time</i>
01/27/2016	 All Pending Motions (9:30 AM) (Judicial Officer: Sturman, Gloria)
01/27/2016	 Order Filed by: Trustee Waid, Fredrick <i>Order re: Motion to Compel re: Eleanor Ahern's Deposition</i>
01/27/2016	 Order Filed by: Trustee Waid, Fredrick <i>Order re: Motion for Order to Show Cause re: Eleanor Ahern's Authorization</i>
01/28/2016	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick
01/28/2016	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick
02/01/2016	 Notice Filed by: Trustee Waid, Fredrick <i>Notice of Independent Medical Examination</i>
02/02/2016	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on January 6, 2016</i>
02/10/2016	 Notice of Appeal Filed by: Other Bouvier, Kathryn A
02/10/2016	 Case Appeal Statement Filed by: Other Bouvier, Kathryn A
02/10/2016	 Notice Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Posting Bond</i>
02/11/2016	CANCELED Evidentiary Hearing (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i>
02/11/2016	CANCELED Evidentiary Hearing (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i>
02/12/2016	CANCELED Evidentiary Hearing (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i>
02/12/2016	CANCELED Evidentiary Hearing (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i>













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

02/17/2016	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on January 27, 2016</i>
02/17/2016	 Pre-trial Memorandum Filed by: Personal Representative Montoya, Jacqueline M
02/19/2016	 Trial Subpoena Filed by: Petitioner Ahern, Eleanor C <i>Trial Subpoena - Kathryn Bouvier</i>
02/19/2016	 Trial Subpoena Filed by: Petitioner Ahern, Eleanor C <i>Trial Subpoena - Jacqueline Montoya</i>
02/19/2016	 Motion to Seal/Redact Records Filed by: Petitioner Ahern, Eleanor C <i>Motion to File Under Seal Trial Memorandum</i>
02/19/2016	 Filed Under Seal Filed by: Petitioner Ahern, Eleanor C <i>Trial Memorandum (Filed Under Seal)</i>
02/19/2016	 Ex Parte Application Filed by: Petitioner Ahern, Eleanor C <i>Ex Parte Application to File Under Seal Eleanor Ahern's Trial Memorandum; Order</i>
02/22/2016	Evidentiary Hearing (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Enforcement of No Contest Clause</i>
02/22/2016	Motion - HM (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Motion to File Under Seal Trial Memorandum</i>
02/22/2016	 All Pending Motions (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>2/22/16</i>
02/22/2016	 Notice of Entry Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Ex Parte Application to File Under Seal Eleanor Ahern's Trial Memorandum; Order</i>
03/01/2016	 Motion Filed by: Petitioner Ahern, Eleanor C For: Personal Representative Montoya, Jacqueline M <i>Motion to Submit Documents In Camera on Order Shortening Time</i>
03/02/2016	 Motion Filed by: Trustee Waid, Fredrick For: Petitioner Ahern, Eleanor C <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	 Opposition to Motion Filed by: Personal Representative Montoya, Jacqueline M <i>Opposition to Motion to Submit Documents in Camera on Order Shortening Time</i>













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

03/02/2016	 Stipulation and Order Filed by: Trustee Waid, Fredrick <i>Stipulation and Order to File Petition for Instruction Regarding Allocation of Eleanor Ahern's 2015 Trust Unpaid Distributions Under Seal</i>
03/02/2016	 Filed Under Seal Filed by: Attorney Geist, Russel J, ESQ <i>Petition for Instructions Regarding Allocation of Eleanor Ahern's 2015 Trust Unpaid Distributions (Filed Under Seal)</i>
03/02/2016	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick
03/03/2016	Evidentiary Hearing (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Evidentiary Hearing To Enforce No Contest Clause</i>
03/03/2016	Status Check (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Re: 65th Day Rule; Petition for Instructions</i>
03/03/2016	 All Pending Motions (10:00 AM) (Judicial Officer: Sturman, Gloria)
03/03/2016	Motion - HM (10:00 AM) (Judicial Officer: Sturman, Gloria) Events: 03/01/2016 Motion <i>Motion to Submit Documents In Camera on Order Shortening Time</i>
03/03/2016	Motion (10:00 AM) (Judicial Officer: Sturman, Gloria) Events: 03/02/2016 Motion <i>Motion for Leave to File Sealed Pleading in Case No A-14-710467-C Department 20 on Order Shortening Time</i>
03/03/2016	 Response Filed by: Petitioner Ahern, Eleanor C <i>Eleanor Ahern's Response to Interim Trustee's Petition for Instructions Regarding Allocation of Eleanor Ahern's 2015 Turst Unpaid Distributions</i>
03/14/2016	 Order Granting Filed by: Petitioner Ahern, Eleanor C <i>Order Granting Motion to Submit Documents In Camera</i>
03/15/2016	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order Granting Motion to Submit Documents In Camera</i>
03/17/2016	 Filed Under Seal Filed by: Attorney Lenhard, Kirk B. <i>Redacted Copy of Page 6 of Independent Medical Examination (Filed Under Seal)</i>
03/29/2016	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on February 22, 2016</i>
03/30/2016	 Order Filed by: Trustee Waid, Fredrick <i>Order Allowing Trustee to File Eleanor Ahern's Trial Memorandum Under Seal in Case No. A-14-710467-C</i>













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

04/01/2016	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick
04/14/2016	 Motion Filed by: Trustee Waid, Fredrick For: Petitioner Ahern, Eleanor C <i>Motion for Citation Requiring Eleanor Ahern to Authorize Production of Records on Order Shortening Time</i>
05/02/2016	 Response Filed by: Petitioner Ahern, Eleanor C <i>Response to Motion for Citation Requiring Eleanor Ahern to Authorize Production of Records on Order Shortening Time</i>
05/19/2016	 Reply Filed by: Trustee Waid, Fredrick <i>Reply in Support of Motion for Citation Requiring Eleanor Ahern to Authorize Production of Records by Jeffrey M. Johnston, Esq. & Marquis Aurbach Coffing</i>
05/20/2016	 Filed Under Seal Filed by: Petitioner Ahern, Eleanor C <i>Transcript of Hearing Held on March 3, 2016 (Sealed)</i>
06/01/2016	 Motion (9:30 AM) (Judicial Officer: Sturman, Gloria) 06/01/2016, 08/03/2016 <i>Motion for Citation Requiring Eleanor Ahern to Authorize Production of Records on Order Shortening Time</i>
06/02/2016	 Order Filed by: Trustee Waid, Fredrick <i>Order on Petition for Instructions Regarding Allocation of Eleanor Ahern's 2015 Trust Unpaid Distributions</i>
06/03/2016	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick
06/10/2016	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on June 1, 2016</i>
06/27/2016	 Order Filed by: Personal Representative Montoya, Jacqueline M <i>Order Regarding Motion for Reconsideration on Order Shortening Time</i>
06/28/2016	 Notice of Entry of Order Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Entry of Order Regarding Motion for Reconsideration on Order Shortening Time</i>
08/02/2016	 Motion Filed by: Petitioner Ahern, Eleanor C For: Personal Representative Montoya, Jacqueline M <i>Motion to Withdraw as Counsel</i>
08/03/2016	 Motion - HM (3:00 AM) (Judicial Officer: Sturman, Gloria) <i>Motion to Withdraw as Counsel</i>

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















08/03/2016	 Petition Filed by: Personal Representative Montoya, Jacqueline M <i>Petition for Order Directing Transfer of Tenancy in Common Interest in Upton County, Texas Property to the MTC Living Trust</i>
08/04/2016	 Motion Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 For: Petitioner Ahern, Eleanor C <i>Motion to Adjudicate Attorney's Lien</i>
08/04/2016	 Certificate of Mailing Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 For: Petitioner Ahern, Eleanor C <i>Certificate of Mailing of Motion to Adjudicate Attorney's Lien</i>
08/11/2016	 Order Granting Filed by: Petitioner Ahern, Eleanor C <i>Order Granting Motion to Withdraw as Counsel</i>
08/15/2016	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order Granting Motion to Withdraw as Counsel</i>
08/17/2016	 Response Filed by: Petitioner Ahern, Eleanor C <i>Eleanor Ahern's Response to Petition for Order Directing Transfer of Tenancy in Common Interest in Upton, County, Texas Property to the MTC Living Trust</i>
08/18/2016	 Response Filed by: Petitioner Ahern, Eleanor C <i>Response to Marquis Aurbach Coffing's Motion to Adjudicate Attorney's Lien</i>
08/30/2016	 Reply Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 <i>Reply in Support of Marquis Aurbach Coffing's Motion to Adjudicate Attorney's Lien</i>
08/30/2016	 Objection Filed by: Personal Representative Montoya, Jacqueline M <i>Limited Objection to Motion to Adjudicate Attorney's Lien</i>
08/31/2016	 Reply Filed by: Personal Representative Montoya, Jacqueline M <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>
08/31/2016	 Response Filed by: Trustee Waid, Fredrick <i>Response to Motion to Adjudicate Attorney's Lien</i>
08/31/2016	 Response Filed by: Trustee Waid, Fredrick <i>Response to Petition for Order Directing Transfer of Tenancy in Common Interest in Upton County, Texas Property to the MTC Living Trust</i>
09/02/2016	

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

	 Reply Filed by: Other Marquis Aurbach Coffing <i>Reply to Jacqueline and Kathryn's Limited Objection to Marquis Aurbach Coffing's Motion to Adjudicate Attorney's Lien</i>
09/02/2016	 Reply Filed by: Other Marquis Aurbach Coffing <i>Reply to Fredrick Waid's Response to Motion to Adjudicate Attorney's Lien</i>
09/07/2016	Petition (9:30 AM) (Judicial Officer: Sturman, Gloria) 09/07/2016, 10/05/2016 Events: 08/03/2016 Petition <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	Motion (9:30 AM) (Judicial Officer: Sturman, Gloria) 09/07/2016, 11/23/2016 <i>Marquis Aurbach Coffing's Motion to Adjudicate Attorney's Lien</i>
09/07/2016	 All Pending Motions (9:30 AM) (Judicial Officer: Sturman, Gloria)
09/19/2016	 Order <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 Filed by: Other Marquis Aurbach Coffing <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 Filed by: Petitioner Ahern, Eleanor C
09/28/2016	 Notice of Entry of Order Filed by: Personal Representative Montoya, Jacqueline M <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	Status Check (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Status Check: Trustee Accounting</i>
10/05/2016	 All Pending Motions (9:30 AM) (Judicial Officer: Sturman, Gloria)
10/19/2016	 Notice of Appeal Filed by: Personal Representative Montoya, Jacqueline M
10/26/2016	 Case Appeal Statement Filed by: Personal Representative Montoya, Jacqueline M
10/27/2016	 Notice Filed by: Personal Representative Montoya, Jacqueline M <i>Notice of Posting Bond</i>
11/02/2016	 Order Filed by: Trustee Waid, Fredrick
















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

Order on Motion for Citation Requiring Eleanor Ahern to Authorize Production of Records on Order Shortening Time

11/03/2016	 Order <i>Order Scheduling Status Check</i>
11/03/2016	 Order Filed by: Trustee Waid, Fredrick <i>Order re: Eleanor Ahern's Deposition</i>
11/03/2016	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick
11/04/2016	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick
11/07/2016	 Notice of Taking Deposition Filed by: Trustee Waid, Fredrick <i>Second Notice of Taking Video Deposition of Eleanor Ahern</i>
11/09/2016	 Status Check (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Settlement</i>
11/21/2016	 Motion Filed by: Petitioner Ahern, Eleanor C For: Personal Representative Montoya, Jacqueline M <i>Motion to Withdraw as Counsel on Order Shortening Time</i>
11/23/2016	Motion (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Motion to Withdraw as Counsel on Order Shortening Time</i>
11/23/2016	 All Pending Motions (9:30 AM) (Judicial Officer: Sturman, Gloria)
11/23/2016	 Response Filed by: Petitioner Ahern, Eleanor C <i>Response to Motion to Withdraw</i>
11/30/2016	 Motion Filed by: Petitioner Ahern, Eleanor C For: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 <i>Motion for Protective Order on Order Shortning Time</i>
12/01/2016	 Amended Filed By: Trustee Waid, Fredrick <i>Amended Order re: Eleanor Ahern's Deposition</i>
12/02/2016	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick
12/06/2016	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on November 23, 2016</i>
12/07/2016	 Motion (9:30 AM) (Judicial Officer: Sturman, Gloria)

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
















Motion for Protective Order on Order Shortning Time.

12/13/2016	 Order Granting Filed by: Petitioner Ahern, Eleanor C <i>Order Granting Motion to Withdraw as Counsel</i>
12/14/2016	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Order Granting Motion to Withdraw as Counsel</i>
01/18/2017	 Status Check (9:30 AM) (Judicial Officer: Sturman, Gloria)
01/18/2017	 Motion Filed by: Petitioner Ahern, Eleanor C For: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 <i>Motion to Adjudicate Attorneys' Lien</i>
01/24/2017	 Notice of Hearing
02/01/2017	 Accounting and Reports Filed by: Trustee Waid, Fredrick <i>Accounting and Report of Trust Activity from 2013 to 2015</i>
02/03/2017	 Response Filed by: Trustee Waid, Fredrick <i>Response to Motion to Adjudicate Attorney's Lien</i>
02/06/2017	 Decision (3:00 AM) (Judicial Officer: Sturman, Gloria) <i>Decision Issued 2/9/17 Re: Motion to Adjudicate Attorney's Lien</i>
02/07/2017	 Pre-trial Memorandum Filed by: Personal Representative Montoya, Jacqueline M
02/07/2017	 Certificate of Service Filed by: Personal Representative Montoya, Jacqueline M
02/08/2017	 Minute Order (3:10 PM) (Judicial Officer: Sturman, Gloria)
02/09/2017	 Evidentiary Hearing (10:00 AM) (Judicial Officer: Sturman, Gloria) 02/09/2017-02/10/2017
02/09/2017	 Decision and Order Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 <i>Decision and Order re: Marquis Aurbach Coffing's Motion to Adjudicate Attorney's Lien</i>
02/14/2017	 Reply Filed by: Petitioner Ahern, Eleanor C <i>Reply in Support of Motion to Adjudicate Attorneys' Lien</i>
02/16/2017	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C
02/16/2017	













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

	 Certificate of Service Filed by: Trustee Waid, Fredrick
02/22/2017	 Motion - HM (9:30 AM) (Judicial Officer: Sturman, Gloria) <i>Motion to Adjudicate Attorneys' Lien</i>
02/23/2017	 Decision and Order Filed by: Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972 <i>Decision and Order re: Brownstein Hyatt Farber Schreck, LLP's Motion to Adjudicate Attorney's Lien</i>
02/27/2017	 Minute Order (10:55 AM) (Judicial Officer: Sturman, Gloria)
02/27/2017	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Decision and Order re: BHFS Motion to Adjudicate Attorney's Lien</i>
02/28/2017	 Judgment Filed by: Other Marquis Aurbach Coffing
03/01/2017	 Notice of Entry of Order/Judgment Filed by: Other Marquis Aurbach Coffing <i>Notice of Entry of Judgment</i>
03/02/2017	 Exhibits Filed by: Petitioner Ahern, Eleanor C <i>Exhibits 1 - 4 & Exhibits 7 & 9 Letters to Judge Sturman Exhibits 5 -9 Letters to Fred Waid, Temporary Trustee</i>
03/08/2017	 Response Filed by: Trustee Waid, Fredrick <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	 Records Transcript of Hearing <i>Transcript of Hearing Held on February 9, 2017</i>
03/13/2017	 Minute Order (3:00 AM) (Judicial Officer: Sturman, Gloria) <i>Minute Order - Informal Requests for Trust Distributions</i>
03/13/2017	 Records Transcript of Hearing <i>Transcript of Hearing Held on February 10, 2017</i>
03/17/2017	 Judgment Filed by: Petitioner Ahern, Eleanor C
03/20/2017	 Notice of Entry of Order/Judgment Filed by: Petitioner Ahern, Eleanor C <i>Notice of Entry of Judgment</i>
03/29/2017	 Notice of Appeal Filed by: Petitioner Ahern, Eleanor C <i>Notice of Appeal Motion to Adjudicate Attorney Fees and Costs</i>












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

04/03/2017	 Case Appeal Statement Filed by: Petitioner Ahern, Eleanor C
04/03/2017	 Amended Notice of Appeal Filed By: 04/03/2017
04/11/2017	 Certificate of Service Filed by: Trustee Waid, Fredrick
04/18/2017	 Notice of Appeal Filed by: Petitioner Ahern, Eleanor C
04/18/2017	 Notice of Appeal Filed by: Petitioner Ahern, Eleanor C
04/18/2017	 Notice of Appeal Filed by: Petitioner Ahern, Eleanor C <i>otice of Appeal</i>
04/21/2017	 Case Appeal Statement Filed by: Petitioner Ahern, Eleanor C
04/21/2017	 Case Appeal Statement Filed by: Petitioner Ahern, Eleanor C
04/24/2017	 Case Appeal Statement Filed by: Petitioner Ahern, Eleanor C
05/09/2017	 Order <i>Order Scheduling Hearing</i>
05/10/2017	 Application to Proceed in Forma Pauperis Filed by: Petitioner Ahern, Eleanor C <i>Application to Proceed Informa Pauperis (Sealed)</i>
05/10/2017	 Document Filed Filed by: Petitioner Ahern, Eleanor C <i>Letters to Judge Sturman, Copies to Hutchison & Steffen Todd Mood, Esq Rushforth Firm Joseph Powell, Esq Larry /Semenza, Esq</i>
05/15/2017	 Ex Parte Application Filed by: Trustee Waid, Fredrick <i>Ex Parte Request for Leave to File, Under Seal, Response to Eleanor Ahern's Application to Proceed in Forma Pauperis</i>
05/16/2017	 Order <i>Order Scheduling Hearing</i>
05/18/2017	 Ex Parte Order Filed by: Trustee Waid, Fredrick <i>Order Allowing Trustee to File Response to Eleanor Ahern's Application to Proceed in Forma Pauperis Under Seal</i>

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

05/19/2017	 Filed Under Seal Filed by: Trustee Waid, Fredrick <i>Response to Eleanor Ahern's Application to Proceed in Forma Pauperis (Sealed)</i>
05/19/2017	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick
05/24/2017	 Hearing (10:30 AM) (Judicial Officer: Sturman, Gloria) <i>E. Ahern's IFP Request</i>
05/25/2017	 Order to Proceed In Forma Pauperis Filed by: Petitioner Ahern, Eleanor C <i>Order to Proceed in Forma Pauperis (Sealed)</i>
05/30/2017	 Recorders Transcript of Hearing <i>Transcript of Hearing Held on May 24, 2017</i>
06/20/2017	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>Nevada Supreme Court Clerk's Certificate Judgment - Dismissed</i>
06/28/2017	 Notice of Entry of Order Filed by: Petitioner Ahern, Eleanor C
07/10/2017	 Motion Filed by: Petitioner Ahern, Eleanor C For: Petitioner Ahern, Eleanor C <i>Motion for Petition for Hearing to Request Temporary Trustee, Fred Waid, to Release Trust Funds for Eleanor Ahern to Pay for Appropriate Legal Counsel, Larry Semenze, Esq. and to be Noticed for Hearing on Order Shortening Time</i>
07/17/2017	 Ex Parte Application Filed by: Trustee Waid, Fredrick <i>Ex Parte Request for Leave to File, Under Seal, Response to Eleanor Ahern's Application Petition for Temporary Trustee to Release Trust Funds to Eleanor Ahern for Legal Fees and Omnibus Counter Petition (1) To Appoint Guardian Ad Litem; (2) for Instruction; and (3) Order Relating to IRS Matters</i>
07/19/2017	 Ex Parte Order Filed by: Trustee Waid, Fredrick <i>Order Allowing Trustee to File Response to Eleanor Ahern's Application Petition for Temporary Trustee to Release Trust Funds to Eleanor Ahern for Legal Fees and Omnibus Counter-Petition to (1) Appoint Guardian Ad Litem; (2) for Instruction; and (3) Order Relating to IRS Matters to Eleanor Under Seal</i>
07/20/2017	 Filed Under Seal Filed by: Trustee Waid, Fredrick <i>Response to Eleanor Ahern's Application Petition for Temporary Trustee to Release Trust Funds to Eleanor Ahern for Legal Fees and Omnibus Counter-Petition to (1) Appoint Guardian Ad Litem; (2) for Instruction; and (3) Order Relating to IRS Matters</i>
07/21/2017	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order</i>

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

08/01/2017	 Reply Filed by: Petitioner Ahern, Eleanor C
08/02/2017	CANCELED Motion (11:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated</i> <i>Motion for Petition for Hearing to Request Temporary Trustee, Fred Waid, to Release Trust Funds for Eleanor Ahern to Pay for Appropriate Legal Counsel, Larry Semenze, Esq. and to be Noticed for Hearing on Order Shortening Time</i>
08/02/2017	 Motion (11:00 AM) (Judicial Officer: Sturman, Gloria) <i>Motion for Petition for Hearing to Request Temporary Trustee, Fred Waid, to Release Trust Funds for Eleanor Ahern to Pay for Appropriate Legal Counsel, Larry Semenze, Esq. and to be Noticed for Hearing on Order Shortening Time</i>
08/02/2017	 Order Denying Filed by: Trustee Waid, Fredrick <i>Order Denying Request for Attorney's Fees and Granting Trustee's Request to Appoint Guardian Ad Litem</i>
08/03/2017	 Notice of Entry of Order Filed by: Trustee Waid, Fredrick <i>Notice of Entry of Order</i>
08/08/2017	 Request Filed by: Petitioner Ahern, Eleanor C <i>Stay the Order of Guardian Ad Litem</i>
08/08/2017	 Order Filed by: Personal Representative Montoya, Jacqueline M; Other Bouvier, Kathryn A <i>Order Regarding Motion for Assessment of Damages Against Eleanor Ahern</i>
08/09/2017	 Notice of Entry of Order Filed by: Personal Representative Montoya, Jacqueline M; Other Bouvier, Kathryn A <i>Notice of Entry of Order Regarding Motion for Assessment of Damages Against Eleanor Ahern</i>
08/09/2017	 Certificate of Mailing Filed by: Personal Representative Montoya, Jacqueline M; Other Bouvier, Kathryn A <i>Certificate of Service/Mailing</i>
08/14/2017	 Records Transcript of Hearing Party: Petitioner Ahern, Eleanor C <i>Recorder's Transcript of Proceeding: Motion: Motion for Petition for Hearing to Request Temporary Trustee, Fred Waid, to Release Trust Funds for Eleanor Ahern to Pay for Appropriate Legal Counsel, Larry Semenze, Esq., and to be Noticed for Hearing on Order Shortening Time, Wednesday, August 2, 2017</i>
08/21/2017	 Notice of Appeal Filed by: Petitioner Ahern, Eleanor C <i>Appeal to the Notice of Entry of Order Regarding Motion for Assessment of Damages Against Eleanor Ahern</i>
08/23/2017	 Case Appeal Statement <i>Case Appeal Statement</i>
DATE	FINANCIAL INFORMATION

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

Attorney Steadman, Brian K, ESQ	
Total Charges	150.00
Total Payments and Credits	150.00
Balance Due as of 8/23/2017	0.00
Attorney Moody, Todd L	
Total Charges	15.00
Total Payments and Credits	15.00
Balance Due as of 8/23/2017	0.00
Other Mann, David L, ESQ	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 8/23/2017	0.00
Other Marquis Aurbach Coffing	
Total Charges	17.50
Total Payments and Credits	17.50
Balance Due as of 8/23/2017	0.00
Personal Representative Montoya, Jacqueline M	
Total Charges	471.00
Total Payments and Credits	471.00
Balance Due as of 8/23/2017	0.00
Petitioner Ahern, Eleanor C	
Total Charges	883.50
Total Payments and Credits	883.50
Balance Due as of 8/23/2017	0.00
Trust The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972	
Total Charges	14.00
Total Payments and Credits	14.00
Balance Due as of 8/23/2017	0.00
Personal Representative Montoya, Jacqueline M	
Registry and Trust Account-Probate Balance as of 8/23/2017	500.00
Personal Representative Montoya, Jacqueline M	
Registry and Trust Account-Probate Balance as of 8/23/2017	500.00
Petitioner Ahern, Eleanor C	
Registry and Trust Account-Probate Balance as of 8/23/2017	500.00
Petitioner Ahern, Eleanor C	
Registry and Trust Account-Probate Balance as of 8/23/2017	500.00
Petitioner Ahern, Eleanor C	
Registry and Trust Account-Probate Balance as of 8/23/2017	500.00

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

CASE NO.

P. 09. 066425 T

(To be assigned by the Clerk's Office)

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)

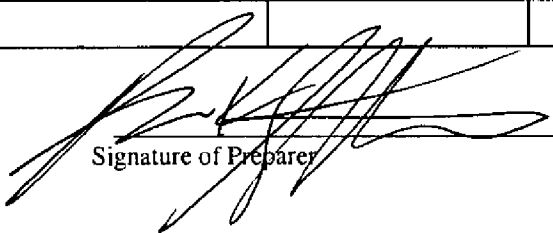
DOMESTIC	MISC. DOMESTIC RELATIONS PETITIONS	GUARDIANSHIP	PROBATE
Marriage Dissolution <input type="checkbox"/> Annulment <input type="checkbox"/> Divorce - No minor child(ren) <input type="checkbox"/> Divorce - With minor child(ren) <input type="checkbox"/> Foreign Decree <input type="checkbox"/> Joint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

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

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

Brian K. Steadman

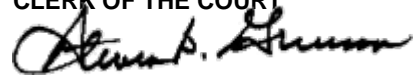
Printed Name of Preparer



Signature of Preparer

8-14-09

Date



ORDER

JOSEPH J. POWELL (State Bar No. 8875)
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and Kathryn A. Bouvier ("Movants")

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of

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

A non-testamentary trust.

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

Date of Hearing: February 9 -10, 2017

ORDER REGARDING MOTION FOR ASSESSMENT OF DAMAGES AGAINST ELEANOR AHERN

A. PROCEDURAL BACKGROUND/OVERVIEW

A.1 A "Motion for Assessment of Damages Against Eleanor Ahern; Enforcement of No Contest Clause; and Surcharge of Eleanor's Trust Income" ("the Motion") was filed on behalf of Jacqueline M. Montoya and Kathryn A. Bouvier ("Movants" or "Ms. Montoya and Ms. Bouvier") on June 3, 2015, and a Supplement to the Motion was filed on July 31, 2015. Ms. Montoya is the currently serving trustee of the MTC Living Trust, dated December 6, 1995, and subsequently restated in its entirety on October 3, 2000 ("MTC Trust"), and is also a beneficiary of the MTC Trust, while Ms. Bouvier is a beneficiary of the MTC Trust.

A.2 An opposition to the Motion was filed on behalf of Eleanor Connell Hartman Ahern

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Las Vegas, Nevada 89137-1655

1 ("Ms. Ahern") on June 29, 2015, and a "Motion to Strike Supplement to Motion for Assessment of
2 Damages Against Eleanor Ahern; Enforcement of No Contest Clause; and Surcharge of Eleanor's
3 Trust Income" was filed on August 3, 2015.

4 A.3 An evidentiary hearing was held on February 22, 2016 and continued on March 3,
5 2016. On February 22, 2016 legal arguments were presented by all parties, and the testimony of
6 two witnesses, Fredrick Waid and Jacqueline Montoya, was offered, and on March 3, 2016 closing
7 arguments were made.
8

9 (a) Jacqueline M. Montoya and Kathryn A. Bouvier were jointly represented by
10 attorneys Layne T. Rushforth, Joseph J. Powell, and Daniel P. Kiefer of The Rushforth Firm,
11 Ltd.;

12 (b) Eleanor Connell Hartman Ahern ("Ms. Ahern") was represented by Tamara
13 Beatty Peterson, Esq. and Kirk B. Lenhard, Esq., of Brownstein Hyatt Farber Schreck, LLP;
14 and
15

16 (c) Fredrick P. Waid ("Mr. Waid"), in his capacity as the acting trustee of THE
17 W.N. CONNELL and MARJORIE T. CONNELL LIVING TRUST, dated May 18, 1972 ("the
18 Trust"), was represented by Todd L. Moody and Russel J. Geist of Hutchison & Steffen,
19 I.L.C.

20 A.4 The result of the evidentiary hearing on February 22, 2016 and March 3, 2016 was
21 the issuance of the "Order Regarding Motion for Assessment of Damages; Enforcement of No
22 Contest Clause; and Surcharge of Trust Income", dated September 13, 2016 ("Order Regarding
23 Motion for Damages").
24

25 A.5 The Order Regarding Motion for Damages included the following findings:

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

1 3. Ms. Ahern's failure to comply with the Court's Order to protect the
2 Movants' 65% share, however, resulted in a misapplication of the Trust
3 income, which deprived the Movants of funds owed to them under the terms
4 of the Trust. Ms. Ahern's misapplication of Trust funds warrants a
5 surcharge against Ms. Ahern's 35% share of the Trust, to be paid to
6 Movants, in a total amount to be determined at a future hearing to be set
7 by this Court.
8

9 4. Additional briefing and argument is needed on the issues of punitive
10 and treble damages. It is expected that the additional briefing on such
11 damages, and the hearing on the total amount owed to Movants, will be
12 scheduled after the Successor Trustee, Fredrick P. Waid ("Mr. Waid")
13 finalizes his accounting for the Court.
14

15 6. In further violation of this Court's Orders, Ms. Ahern removed some
16 funds from Trust accounts before turning those accounts over to the
17 Successor Trustee, Mr. Waid. Some funds have since been turned over to
18 the Successor Trustee, however, until such time as Mr. Waid can provide
19 an Accounting the Court cannot rule on Ms. Ahern potential liability. The
20 exact amount of any damages resulting from these serious breaches of
21 fiduciary duty will be determined at a later evidentiary hearing.
22

23 8. Movant's seek punitive damages, which requires a finding of willful
24 and malicious conduct. In the alternative, Movants seek treble damages
25 for breach of fiduciary duty. Ms. Ahern's conduct was shocking and needs
26 to be dealt with a serious fashion, but the final decision on whether punitive
27 and/or treble damages should be awarded in addition to restitution will be
28 made at the evidentiary hearing to be scheduled after Mr. Waid concludes

discovery and prepares his report and accounting to the Court.

A.6 In the "Order" section of the Order Regarding Motion for Damages, it was stated that:

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

A.7 In compliance with this Court's Order Regarding Motion for Damages, on February 1, 2017, Mr. Waid filed his "Accounting and Report of Trust Activity from 2013 to 2015" ("Accounting and Report").

A.8 As it relates to his calculation of the amounts owed to the MTC Trust from Ms. Ahern, Mr. Waid made the following declarations and conclusions in his Accounting and Report:

Since the Appointment of the Successor Trustee in April 2015, this Court has issued numerous orders requiring Ms. Ahern to produce records, comply with deposition notices and cooperate with the Successor Trustee's efforts to prepare an accounting for time periods when she served as Trustee. In response to the Court's orders Ms. Ahern has produced, through her various counsel, only limited records primarily consisting of forwarded mail. She did not appear for any scheduled or ordered depositions notwithstanding the findings of the Court regarding fraud and other misconduct pursuant to hearings on the Motion to Enforce the Trust's No Contest Clause.

Due to her failure to appear and cooperate as ordered, a significant portion of the transactional history that occurred during Ms. Ahern's tenure as trustee cannot be reconciled or explained. As such, and pursuant to Generally Accepted Accounting Principles (GAAP), the Successor Trustee is unable to this provide the

1 Court with definitive information or explain as to the greatly expanded Trust
2 expenditures, either in dollars spent or to who in those dollars were paid, during
3 the accounting period and Ms. Ahern's tenure as Trustee. [Pages 1- 2 of
4 Accounting and Report]

5 *****
6

7 Again, due to Ms. Ahern's failure to answer questions under oath, the
8 rationale and basis for the expenditures remain unanswered and unclear. What
9 is clear is that MTC did not receive a single distribution of royalty income from the
10 Trust between June 2013 and April 2015. [Page 2 of Accounting and Report]

11 *****
12

13 A significant number of expenses that were authorized by Ms. Ahern appear
14 to have provided no benefit to the Trust and cannot be deemed appropriate,
15 deductible business expenses as defined and permitted by the Internal Revenue
16 Code. [Page 2 of Accounting and Report]

17 *****
18

19 After reviewing available records from the Internal Revenue Service,
20 various banks, oil and gas producers, common royalty recipients (i.e., the Miller
21 family, which shares an equivalent 25% royalty interest as the Trust) and partial
22 reconciliations completed by the accounting firm of Gamm et & King CP As, the
23 Successor Trustee prepared the chart attached as Exhibit B, which sets forth the
24 best available basis for calculation of royalties not paid to the MTC Trust, as
25 required by the terms of the Trust and as determined by this Court's previous
26 findings and orders.

27 MTC should have received royalty payments of \$481,010 for 2013,
28 \$2,028,134 for 2014 and \$1,447,406 for 2015, totaling \$3,956,550. MTC received

1 for the three (3) year period a total of \$2,214,497, with \$1,914,622 of the amount
2 being paid after Ms. Ahern was removed as Trustee. The total undistributed
3 royalties for the period is \$1,742,053. [Page 2 - 3 of Accounting and Report]

4 A.9 On February 7, 2017, the Movants filed their Pre-Trial Memorandum, which set forth
5 the amount of damages that the Movants were seeking to be awarded by the Court in light of Mr.
6 Waid's computations and calculations as found in his Accounting and Report.

7
8 A.10 On or about February 8, 2017, Ms. Ahern submitted an *ex parte* request, via
9 correspondence faxed to the Court, to have funds released by Mr. Waid from the Trust for the
10 payment of her representation by Mr. Lawrence Semenza at the evidentiary hearing.

11 A.11 In response to Ms. Ahern's *ex parte* request for an order releasing funds, pursuant
12 to a minute order issued on February 8, 2017, the Court granted Ms. Ahern's request for the release
13 of funds directly to Attorney Semenza "*for his reasonable attorney's fees incurred for his*
14 *representation of Ms. Ahern at the February 9th and 10th evidentiary hearing*".

15 A.12 Prior to the start of the evidentiary hearing, Attorney Semenza indicated that he
16 would be unable to represent Ms. Ahern under the circumstances and would have to respectfully
17 decline to accept the representation despite the minute order issued by the Court¹.

18
19 A.13 Subsequent to Attorney Semenza making his decision, Ms. Ahern was informed by
20 the Court of the situation and the fact that the evidentiary would proceed as scheduled. Ms. Ahern
21 replied that because she would not be represented by counsel, she indicated that she was declining
22

23
24 1 MR. SEMENZA: I have not made an appearance, and I certainly cannot make an appearance under the
25 terms that have been specified in the Court's order. Ms. Ahern, as you indicated last time, Your Honor,
26 needs counsel, and apparently she does not have sufficient funds with which to engage counsel, whether
27 it's me or someone else. And to me, for me to enter an appearance today and for tomorrow, assuming
28 that the hearing were to continue that and then I don't know whether I would have to move the Court
 to withdraw since I ---in for a pound, in for a penny, whatever. I cannot do that. It would be malpractice
 for me to step into this for a hearing this morning, Your Honor, and I cannot do so.

 THE COURT: Okay. So you're respectfully declining to appear.

 MR. SEMENZA: I am, Your Honor.

1 to speak².

2 A.14 After making such declaration, Ms. Ahern then made an oral request for the
3 evidentiary hearing to be continued which the Court promptly denied³.

4 A.15 At the evidentiary hearing commencing on February 9th, appearances and
5 representations were as follows:

6 (a) The Movants were jointly represented by attorneys Joseph J. Powell and
7 Daniel P. Kiefer of The Rushforth Firm, Ltd.;

8 (b) Ms. Ahern appeared *pro se*; and

9 (c) Mr. Waid, in his capacity as the acting trustee of the Trust, was represented
10 by Todd L. Moody of Hutchison & Steffen, LLC.

11 A.16 The sole witness to provide testimony at the evidentiary hearing was Mr. Waid.

12 A.17 The issues to be determined at the evidentiary hearing were the determination of the
13 compensatory damages owing to the Movants, via their beneficial interests in the MTC Trust, from
14 Ms. Ahern and a determination as to whether exemplary damages would be awarded to the
15 Movants based on Ms. Ahern's conduct and if appropriate the amount of such exemplary damages
16 that was appropriate.
17
18

19 **B. FINDINGS REGARDING COMPENSATORY DAMAGES**

20 The Court makes the following findings and rulings in relation to compensatory damages:

21 B.1 Mr. Waid testified regarding the conclusions found in his Accounting and Report.
22 As such, the Accounting and Report is accepted by the Court in its entirety and the findings and
23 determinations therein relating to figures withheld from the MTC Trust beneficiaries, the Movants,
24

25 ² MS. AHERN: Since I am not represented by counsel, I will not be speaking.

26 THE COURT: Okay. That's understood.

27 ³ MS. AHERN: I would like a continuance.

28 THE COURT: That's denied.

1 by Ms. Ahern, are deemed accurate.

2 B.2 Specifically, between June of 2013 and the end of 2015 that the Movants, through
3 distributions required to be given to the MTC Trust, were entitled to the sum of \$3,956,550.

4 B.3 Further, for the period of June of 2013 through March 31, 2015, the Movants were
5 entitled to the sum of \$2,581,994.92.

6 B.4 Additionally, Mr. Waid made equitable adjustments of income, pursuant to guidance
7 from the Court, after he became trustee in early April of 2015, thus reducing the amount owed to
8 the Movants. As a result, the amount owed to Movants, through the MTC Trust, for the time period
9 of June of 2013 through March 31, 2015, is \$1,742,053.

10 B.5 Ms. Ahern offered no evidence to refute Mr. Waid's Accounting and Report nor his
11 testimony regarding his thorough investigation and subsequent reporting of the findings regarding
12 the same.

13 C. FINDINGS REGARDING EXEMPLARY DAMAGES

14 The Court makes the following findings and rulings in relation to exemplary damages:

15 C.1 The Movants have asked for this Court to award exemplary damages against Ms.
16 Ahern based on her inappropriate conduct in this matter.

17 C.2 Based on all evidence received and reviewed at the various evidentiary hearings,
18 including testimony of Mr. Waid, the Court finds that the imposition of punitive damages against
19 Ms. Ahern based on her conduct are warranted.

20 C.3 Specifically, Ms. Ahern intentionally and fraudulently breached her fiduciary duties
21 to the MTC Trust, and the Movants, as beneficiaries of the MTC Trust, and committed tortious acts
22 in converting and embezzling Trust funds. Accordingly, the Court finds that Ms. Ahern acted with
23 oppression, fraud, and malice.

24 C.4 Punitive damages are reserved for bad actors who deserve to be punished. See
25 *Coughlin v. Hilton Hotels Corp.*, 879 F.Supp. 1047 (D. Nev. 1995) ("punitive damages are not
26
27
28

1 *designed to compensate the victim of a tortious act but rather to punish and deter oppressive,*
2 *fraudulent or malicious conduct"). Ms. Ahern's actions deserve to be punished and rise to the level*
3 *of her having acted with oppression, fraud, and malice.*

4 C.5 This Court has the authority to award punitive damages "*in an action for the breach*
5 *of an obligation not arising from contract, where it is proven by clear and convincing evidence*
6 *that the defendant has been guilty of oppression, fraud, or malice."* See NRS 42.005(1).
7

8 C.6 Once shown, a petitioner, "*in addition to the compensatory damages, may recover*
9 *damages for the sake of example and by way of punishing the defendant an amount equal to*
10 *three times the amount of compensatory damages awarded to [Petitioner] if the amount of*
11 *compensatory damages is \$100,000 or more."* *Id.*

12 C.7 The evidence presented at the various evidentiary hearings conclusively established
13 that Ms. Ahern willfully and intentionally deceived this Court, and the Movants, by claiming, in a
14 sworn declaration signed under oath, all funds that she was ordered (by the Court) to keep in trust
15 during the pendency of the dispute were "intact and are presently being held in trust."
16

17 C.8 This Court previously held in its "Order Regarding Motion for Damages," that "*the*
18 *account [Ms. Ahern] filed, under penalty of perjury on March 13, 2015, titled "Brief Regarding*
19 *Accounting Fiduciary Duties, and Trust Administration" was incomplete and intentionally*
20 *inaccurate."*

21 C.9 In that same order, this Court determined that "*Ms. Ahern, as Trustee, did not*
22 *comply with the Court order to protect the 65% share of the Trust that was to be segregated under*
23 *the terms of the Trust for the Movants, Ms. Montoya and Ms. Bouvier."*

24 C.10 Based on the evidence presented to this Court (i.e. the testimony of Mr. Waid at the
25 hearings occurring on February 22, 2016 and February 9, 2017, together with the exhibits admitted
26 at the same hearings, which include reports made by Mr. Waid), the Court finds that there is clear
27 and convincing evidence that Ms. Ahern committed fraud, oppression, and malice.
28

1 C.11 The following factual findings support the Court's findings of fraud, oppression, and
2 malice:

- 3 1. Ms. Ahern filed, under penalty of perjury, an intentionally inaccurate
4 accounting with the Court;
- 5 2. Ms. Ahern failed to keep funds which were in dispute---i.e. the income
6 attributable to the MTC Trust's 65% share (the "Segregated Funds:")---
7 segregated despite Court order to do so (the "Segregation Order");
8
- 9 3. Ms. Ahern represented to the Court, under penalty of perjury, that she was
10 complying with the Court's Segregation Order while she continuously (and
11 secretly) removed large portions of the Segregated Funds from the Trust
12 accounts;
- 13 4. Ms. Ahern claimed, under penalty of perjury, that \$500,000 of the
14 Segregated Funds were on deposit with Fidelity Capital Inc. The evidence
15 and testimony in this matter demonstrate that this representation was and
16 is false. There was never \$500,000 on deposit with Fidelity Capital Inc.;
- 17 5. Ms. Ahern claimed, under penalty of perjury, that she rented office space for
18 the Trust from Joseph's Properties at a cost of \$1,750 per month pursuant
19 to an alleged lease. The evidence and testimony in this matter demonstrate
20 that this representation was and is false, and that Ms. Ahern never rented
21 office space from Joseph's Properties;
- 22 6. While the Segregation Order was in place, Ms. Ahern paid \$300,000 of
23 Segregated Funds to Real Estate Services, a entity operated by Suzanne
24 Nounna. Suzanne Nounna has no beneficial interest in the Trust or the MTC
25 Trust;
- 26 7. Ms. Ahern withdrew a substantial amount of Segregated Funds from Trust
27
28

1 accounts slightly before, on the day of, and shortly after her removal as
2 trustee. Ms. Ahern made such withdrawals by use of cashier's checks. Mr.
3 Waid testified that Ms. Ahern's use of cashier's checks was "severely
4 reckless" and "troubling" because of such negotiable instrument's status as
5 unprotected, uninsured, bearer paper;
6

7 8. Despite the Segregation Order, Ms. Ahern used Segregated Funds to pay
8 hundreds of thousands of dollars in personal expenses;

9 9. On, or around, February 18, 2015, Ms. Ahern removed \$1,287,580.85 of
10 Segregated Funds held in a Wells Fargo Trust account by use of a cashier's
11 check (the "February 2015 Cashier's Check").

12 10. After her removal as trustee of the Trust, Ms. Ahern attempted an "all cash"
13 withdrawal of \$100,000 from the Segregated Funds; and the Movant's
14 share.
15

16 C.12 The Court and Mr. Waid provided Ms. Ahern ample opportunity to explain her
17 actions described above and provide appropriate documentation to demonstrate any legitimate
18 purpose for such actions. Ms. Ahern remained silent on these issues and failed to provide any
19 financial documentation relevant to the above issues. More specifically, Ms. Ahern refused to
20 cooperate with Mr. Waid's investigation into Trust assets that went missing during her tenure as
21 trustee, and has willfully and intentionally obstructed and impeded the same.

22 C.13 The Court has no choice but to impose an adverse inference against Ms. Ahern
23 pursuant to the standard set for by the Nevada Supreme Court in *Bass-Davis v. Davis*, 122 Nev.
24 442, 134 P.3d 103 (2006). Accordingly, the Court finds that any information and documentation
25 which Ms. Ahern could have provided in relation to Mr. Waid's inquiry would have been adverse
26 to her legal position. See *id.* at 451-52, 109.
27

28 C.14 In the absence of any evidence to the contrary, the Court finds that pursuant to NRS

1 47.250(1) Ms. Ahern's unlawful acts of violating the Segregation Order by removing Segregated
2 Funds "was done with an unlawful intent." Similarly, the Court must also find that pursuant to
3 NRS 47.250(2) Ms. Ahern intended the "ordinary consequences" of her "voluntary acts" of
4 repeatedly removing and withdrawing monies from the Segregated Funds---i.e. that she intended
5 to disregard and violate the Segregation Order.
6

7 C.15 Based on the above, the Court hereby finds that Ms. Ahern's actions in relation to
8 the Movants and the Segregated Funds were undertaken with an conscious disregard of the rights
9 of the Movants and were clearly fraudulent.

10 C.16 Of the above described actions, the Court finds Ms. Ahern's actions in relation to the
11 February 2015 Cashier's Check to be especially troubling and egregious. Although the funds
12 associated with the February 2015 Cashier's Check were eventually recovered through diligent
13 efforts of Mr. Waid, Ms. Ahern's use of this check was nonetheless reprehensible. Mr. Waid
14 testified that such behavior was disturbing. The Court believes that such willful behavior and
15 disregard of the Segregation Order needs to be discouraged, and clearly appears to have been
16 intended to defraud the Trust and the Movants.
17

18 C.17 Having considered the totality of Ms. Ahern's wrongful acts, the adverse inference
19 imposed against Ms. Ahern in accordance with *Bass-Davis v. Davis*, and the unrebutted
20 presumptions set forth at NRS 47.250(1) and (2), the Court believes that the imposition of punitive
21 damages in this matter is appropriate pursuant to NRS 42.005.
22

23 C.18 As the Court finds Ms. Ahern's actions in relations to the February 2015 Cashier's
24 Check to be the most egregious and reprehensible of Ms. Ahern's conduct, the Court shall treble the
25 amount of funds removed through the February 2015 Cashier's Check (\$1,287,580.85) and award
26 such as a punitive damage in favor of the Movants and against Ms. Ahern. Accordingly, the Court
27 intends to award punitive damages against Ms. Ahern in the amount of ~~\$9,862,742.55~~ (3 X
28 ~~\$1,287,580.85~~). ^{1,287,580.85} ~~\$3,600,000~~

1 C.19 The Court finds that the punitive damage award described above should be paid
2 from and/or offset against Ms. Ahern's share of the Trust.

3 C.20 Given the anticipated compensatory damage award of \$2,581,994.92, which would
4 allow a possible punitive damages award in the amount of \$7,745,984.76, the anticipated punitive
5 damage award described above is well within the statutory bounds set forth in NRS 42.005(1)(a).
6

7 C.21 In accordance with, and in supplement to, the Order Regarding Motion for Damages,
8 the Court finds that Ms. Ahern's share of the Trust shall remain in complete and entire suspension
9 until all damages awarded herein (both compensatory and punitive damage awards), which shall
10 include all relevant interest, fees, and costs, have been fully satisfied. Accordingly, the Movants
11 shall receive all Trust income, with Mr. Waid calculating the relevant portion of Trust income which
12 would otherwise be attributable to Ms. Ahern's 35% share, until such time as Ms. Ahern's debts and
13 liabilities outlined herein are fully satisfied. The determination of whether Ms. Ahern's liabilities
14 to the Movants has been fully satisfied by her 35% share of the Trust shall be made by Mr. Waid in
15 his capacity as successor trustee of the Trust, *except Ms. Ahern's GAIL may petition the Court for distributions necessary for Ms. Ahern's health, maintenance*
16 *and welfare*

17 **D. FINDINGS REGARDING AWARD OF ATTORNEY'S FEES AND COSTS**

18 The Court makes the following findings and rulings in relation to the Movants'
19 request for an award of attorney's fees and costs:

20 D.1 An award of attorney's fees and costs is appropriate pursuant to NRS 153.031(3)(b)
21 because:

- 22 1. The Movants' successfully moved the Court for relief "compelling redress of
23 a breach of the trust" pursuant to NRS 153.031(1)(m); and
- 24 2. An award of fees and costs in this matter is necessary to "avoid an injustice"
25 pursuant to NRS 153.031(3) because the Movants' relevant fees and costs are
26 a direct and proximate result of Ms. Ahern's misconduct.
27

28 D.2 The Court shall entertain a motion for fees from the Movants which shall detail the

1 reasonableness of the requested fees in accordance with the *Brunzell* factors; and

2 D.3 As the Court does not believe that the Movants' are entitled to an award of their fees
3 and costs associated with the recently completed appeal in this matter, the motion for fees shall not
4 include a request for such fees and costs.

5 **E. JUDGMENT AGAINST ELEANOR CONNELL HARTMAN AHERN**

6
7 E.1 Based on the above findings and rulings, the Court hereby ENTERS JUDGMENT
8 FOR COMPENSATORY DAMAGES in favor of the MTC TRUST (of which JACQUELINE M.
9 MONTOYA and KATHRYN A. BOUVIER are beneficiaries) and against ELEANOR CONNELL
10 HARTMAN AHERN as follows:

- 11 1. Compensatory damages in the amount of \$2,581,994.92;
- 12 2. A partial satisfaction of the above award shall be provided to ELEANOR
13 CONNELL HARTMAN AHERN in the amount of \$809,841.92 based on
14 payments made by Mr. Waid in his role as successor trustee of the Trust to
15 the MTC TRUST; accordingly, the current outstanding balance of the
16 compensatory damages awarded above is \$1,742,053;
- 17 3. In accordance with NRS 17.130(2) and NRS 99.040(1), pre-judgment and
18 post-judgment interest shall accrue against this compensatory damage
19 award ^{at the statutory rate} until fully satisfied;
- 20 4. In light of Mr. Waid's unique knowledge of the partial satisfaction described
21 above, as well as his role as successor trustee, Mr. Waid shall determine and
22 calculate the amount of relevant judgment interest associated with this
23 compensatory damage award;
- 24 5. Ms. Ahern's share of the Trust shall remain in complete and entire
25 suspension until all compensatory damages awarded herein have been fully
26 satisfied; ^{except for distributions allowed by the}
27 ^{court upon petition by Ms Aherns ~~et al~~}
28 ^{for her healthy maintenance & welfare.}

1 6. The MTC Trust shall receive all net Trust income, with Mr. Waid calculating
2 the relevant portion of the Trust income which would otherwise be
3 attributable to ELEANOR CONNELL HARTMAN AHERN's 35% share, until
4 such time a this is fully satisfied; and

5 7. The determination of whether ELEANOR CONNELL HARTMAN AHERN's
6 liability related to this compensatory damage award has been fully satisfied
7 shall be made by Mr. Waid in his capacity as successor trustee of the Trust.
8

9 E.2 Based on the above findings and rulings, the Court hereby ENTERS JUDGMENT
10 FOR PUNITIVE DAMAGES in favor of the MTC TRUST (of which JACQUELINE M. MONTOYA
11 and KATHRYN A. BOUVIER are beneficiaries) and against ELEANOR CONNELL HARTMAN
12 AHERN as follows:

- 13 1. Exemplary damages in the amount of \$^{600,000}~~3,862,742.55~~;
- 14 2. In accordance with NRS 17.130(2) and NRS 99.040(1), pre-judgment and
15 post-judgment interest shall accrue against this exemplary damage award
16 at the *statutory rate*
17 until fully satisfied;
- 18 3. In light of Mr. Waid's unique role as successor trustee, Mr. Waid shall
19 determine and calculate the amount of relevant judgment interest associated
20 with this exemplary damage award;
- 21 4. Ms. Ahern's share of the Trust shall remain in complete and entire
22 suspension until all compensatory damages awarded herein have been fully
23 satisfied; *save & except for allowed distributions upon*
24 *petition of Ms Ahern's GA's*
- 25 5. The MTC Trust shall receive all Trust income, with Mr. Waid calculating the
26 relevant portion of Trust income which would otherwise be attributable to
27 ELEANOR CONNELL HARTMAN AHERN's 35% share, until such time as
28 this is fully satisfied; and

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Las Vegas, Nevada 89137-1655

6. The determination of whether ELEANOR CONNELL HARTMAN AHERN's liability related to this exemplary damage award has been fully satisfied shall be made by Mr. Waid in his capacity as successor trustee of the Trust.


DISTRICT COURT JUDGE

August 4, 2017
Date

Submitted by:

THE RUSHFORTH FIRM, LTD.


JOSEPH J. POWELL

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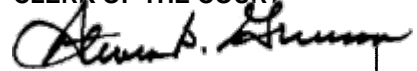
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10 Attorneys for Jacqueline M. Montoya
11 and Kathryn A. Bouvier

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 In the Matter of

10 THE W.N. CONNELL and MARJORIE T.
11 CONNELL LIVING TRUST, dated May 18,
12 1972,

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

12 A non-testamentary trust.

13 **NOTICE OF ENTRY OF ORDER REGARDING MOTION FOR ASSESSMENT OF**
14 **DAMAGES AGAINST ELEANOR AHERN**

15 NOTICE IS HEREBY GIVEN THAT:

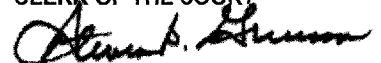
16 The "Order Regarding Motion for Assessment of Damages Against Eleanor Ahern" was filed
17 on August 8, 2017, a copy of which is attached hereto.

18 Respectfully submitted by:

19 
20 _____
21 Joseph J. Powell
22 State Bar No. 8875

8/9/17

Date



THE RUSHFORTH FIRM, LTD.
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ORDER
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Attorneys for Jacqueline M. Montoya
and Kathryn A. Bouvier ("Movants")

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of

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

A non-testamentary trust.

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

Date of Hearing: February 9 -10, 2017

ORDER REGARDING MOTION FOR ASSESSMENT OF DAMAGES AGAINST ELEANOR AHERN

A. PROCEDURAL BACKGROUND/OVERVIEW

A.1 A "Motion for Assessment of Damages Against Eleanor Ahern; Enforcement of No Contest Clause; and Surcharge of Eleanor's Trust Income" ("the Motion") was filed on behalf of Jacqueline M. Montoya and Kathryn A. Bouvier ("Movants" or "Ms. Montoya and Ms. Bouvier") on June 3, 2015, and a Supplement to the Motion was filed on July 31, 2015. Ms. Montoya is the currently serving trustee of the MTC Living Trust, dated December 6, 1995, and subsequently restated in its entirety on October 3, 2000 ("MTC Trust"), and is also a beneficiary of the MTC Trust, while Ms. Bouvier is a beneficiary of the MTC Trust.

A.2 An opposition to the Motion was filed on behalf of Eleanor Connell Hartman Ahern

1 ("Ms. Ahern") on June 29, 2015, and a "Motion to Strike Supplement to Motion for Assessment of
2 Damages Against Eleanor Ahern; Enforcement of No Contest Clause; and Surcharge of Eleanor's
3 Trust Income" was filed on August 3, 2015.

4 A.3 An evidentiary hearing was held on February 22, 2016 and continued on March 3,
5 2016. On February 22, 2016 legal arguments were presented by all parties, and the testimony of
6 two witnesses, Fredrick Waid and Jacqueline Montoya, was offered, and on March 3, 2016 closing
7 arguments were made.
8

9 (a) Jacqueline M. Montoya and Kathryn A. Bouvier were jointly represented by
10 attorneys Layne T. Rushforth, Joseph J. Powell, and Daniel P. Kiefer of The Rushforth Firm,
11 Ltd.;

12 (b) Eleanor Connell Hartman Ahern ("Ms. Ahern") was represented by Tamara
13 Beatty Peterson, Esq. and Kirk B. Lenhard, Esq., of Brownstein Hyatt Farber Schreck, LLP;
14 and
15

16 (c) Fredrick P. Waid ("Mr. Waid"), in his capacity as the acting trustee of THE
17 W.N. CONNELL and MARJORIE T. CONNELL LIVING TRUST, dated May 18, 1972 ("the
18 Trust"), was represented by Todd L. Moody and Russel J. Geist of Hutchison & Steffen,
19 I.L.C.

20 A.4 The result of the evidentiary hearing on February 22, 2016 and March 3, 2016 was
21 the issuance of the "Order Regarding Motion for Assessment of Damages; Enforcement of No
22 Contest Clause; and Surcharge of Trust Income", dated September 13, 2016 ("Order Regarding
23 Motion for Damages").
24

25 A.5 The Order Regarding Motion for Damages included the following findings:

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

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

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

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

8. Movant's seek punitive damages, which requires a finding of willful and malicious conduct. In the alternative, Movants seek treble damages for breach of fiduciary duty. Ms. Ahern's conduct was shocking and needs to be dealt with a serious fashion, but the final decision on whether punitive and/or treble damages should be awarded in addition to restitution will be made at the evidentiary hearing to be scheduled after Mr. Waid concludes

discovery and prepares his report and accounting to the Court.

A.6 In the "Order" section of the Order Regarding Motion for Damages, it was stated that:

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

A.7 In compliance with this Court's Order Regarding Motion for Damages, on February 1, 2017, Mr. Waid filed his "Accounting and Report of Trust Activity from 2013 to 2015" ("Accounting and Report").

A.8 As it relates to his calculation of the amounts owed to the MTC Trust from Ms. Ahern, Mr. Waid made the following declarations and conclusions in his Accounting and Report:

Since the Appointment of the Successor Trustee in April 2015, this Court has issued numerous orders requiring Ms. Ahern to produce records, comply with deposition notices and cooperate with the Successor Trustee's efforts to prepare an accounting for time periods when she served as Trustee. In response to the Court's orders Ms. Ahern has produced, through her various counsel, only limited records primarily consisting of forwarded mail. She did not appear for any scheduled or ordered depositions notwithstanding the findings of the Court regarding fraud and other misconduct pursuant to hearings on the Motion to Enforce the Trust's No Contest Clause.

Due to her failure to appear and cooperate as ordered, a significant portion of the transactional history that occurred during Ms. Ahern's tenure as trustee cannot be reconciled or explained. As such, and pursuant to Generally Accepted Accounting Principles (GAAP), the Successor Trustee is unable to this provide the

1 Court with definitive information or explain as to the greatly expanded Trust
2 expenditures, either in dollars spent or to whom those dollars were paid, during
3 the accounting period and Ms. Ahern's tenure as Trustee. [Pages 1- 2 of
4 Accounting and Report]

5 *****
6

7 Again, due to Ms. Ahern's failure to answer questions under oath, the
8 rationale and basis for the expenditures remain unanswered and unclear. What
9 is clear is that MTC did not receive a single distribution of royalty income from the
10 Trust between June 2013 and April 2015. [Page 2 of Accounting and Report]

11 *****
12

13 A significant number of expenses that were authorized by Ms. Ahern appear
14 to have provided no benefit to the Trust and cannot be deemed appropriate,
15 deductible business expenses as defined and permitted by the Internal Revenue
16 Code. [Page 2 of Accounting and Report]

17 *****
18

19 After reviewing available records from the Internal Revenue Service,
20 various banks, oil and gas producers, common royalty recipients (i.e., the Miller
21 family, which shares an equivalent 25% royalty interest as the Trust) and partial
22 reconciliations completed by the accounting firm of Gamm et & King CP As, the
23 Successor Trustee prepared the chart attached as Exhibit B, which sets forth the
24 best available basis for calculation of royalties not paid to the MTC Trust, as
25 required by the terms of the Trust and as determined by this Court's previous
26 findings and orders.

27 MTC should have received royalty payments of \$481,010 for 2013,
28 \$2,028,134 for 2014 and \$1,447,406 for 2015, totaling \$3,956,550. MTC received

1 for the three (3) year period a total of \$2,214,497, with \$1,914,622 of the amount
2 being paid after Ms. Ahern was removed as Trustee. The total undistributed
3 royalties for the period is \$1,742,053. [Page 2 - 3 of Accounting and Report]

4 A.9 On February 7, 2017, the Movants filed their Pre-Trial Memorandum, which set forth
5 the amount of damages that the Movants were seeking to be awarded by the Court in light of Mr.
6 Waid's computations and calculations as found in his Accounting and Report.

7 A.10 On or about February 8, 2017, Ms. Ahern submitted an *ex parte* request, via
8 correspondence faxed to the Court, to have funds released by Mr. Waid from the Trust for the
9 payment of her representation by Mr. Lawrence Semenza at the evidentiary hearing.

10 A.11 In response to Ms. Ahern's *ex parte* request for an order releasing funds, pursuant
11 to a minute order issued on February 8, 2017, the Court granted Ms. Ahern's request for the release
12 of funds directly to Attorney Semenza "for his reasonable attorney's fees incurred for his
13 representation of Ms. Ahern at the February 9th and 10th evidentiary hearing".

14 A.12 Prior to the start of the evidentiary hearing, Attorney Semenza indicated that he
15 would be unable to represent Ms. Ahern under the circumstances and would have to respectfully
16 decline to accept the representation despite the minute order issued by the Court¹.

17 A.13 Subsequent to Attorney Semenza making his decision, Ms. Ahern was informed by
18 the Court of the situation and the fact that the evidentiary would proceed as scheduled. Ms. Ahern
19 replied that because she would not be represented by counsel, she indicated that she was declining
20
21
22

23
24 MR. SEMENZA: I have not made an appearance, and I certainly cannot make an appearance under the
25 terms that have been specified in the Court's order. Ms. Ahern, as you indicated last time, Your Honor,
26 needs counsel, and apparently she does not have sufficient funds with which to engage counsel, whether
27 it's me or someone else. And to me, for me to enter an appearance today and for tomorrow, assuming
28 that the hearing were to continue that and then I don't know whether I would have to move the Court
to withdraw since I --- in for a pound, in for a penny, whatever. I cannot do that. It would be malpractice
for me to step into this for a hearing this morning, Your Honor, and I cannot do so.

THE COURT: Okay. So you're respectfully declining to appear.

MR. SEMENZA: I am, Your Honor.

1 to speak².

2 A.14 After making such declaration, Ms. Ahern then made an oral request for the
3 evidentiary hearing to be continued which the Court promptly denied³.

4 A.15 At the evidentiary hearing commencing on February 9th, appearances and
5 representations were as follows:

6 (a) The Movants were jointly represented by attorneys Joseph J. Powell and
7 Daniel P. Kiefer of The Rushforth Firm, Ltd.;

8 (b) Ms. Ahern appeared *pro se*; and

9 (c) Mr. Waid, in his capacity as the acting trustee of the Trust, was represented
10 by Todd L. Moody of Hutchison & Steffen, LLC.

11 A.16 The sole witness to provide testimony at the evidentiary hearing was Mr. Waid.

12 A.17 The issues to be determined at the evidentiary hearing were the determination of the
13 compensatory damages owing to the Movants, via their beneficial interests in the MTC Trust, from
14 Ms. Ahern and a determination as to whether exemplary damages would be awarded to the
15 Movants based on Ms. Ahern's conduct and if appropriate the amount of such exemplary damages
16 that was appropriate.
17

18
19 **B. FINDINGS REGARDING COMPENSATORY DAMAGES**

20 The Court makes the following findings and rulings in relation to compensatory damages:

21 B.1 Mr. Waid testified regarding the conclusions found in his Accounting and Report.
22 As such, the Accounting and Report is accepted by the Court in its entirety and the findings and
23 determinations therein relating to figures withheld from the MTC Trust beneficiaries, the Movants,
24

25
26 ² MS. AHERN: Since I am not represented by counsel, I will not be speaking.

27 THE COURT: Okay. That's understood.

28 ³ MS. AHERN: I would like a continuance.

THE COURT: That's denied.

1 by Ms. Ahern, are deemed accurate.

2 B.2 Specifically, between June of 2013 and the end of 2015 that the Movants, through
3 distributions required to be given to the MTC Trust, were entitled to the sum of \$3,956,550.

4 B.3 Further, for the period of June of 2013 through March 31, 2015, the Movants were
5 entitled to the sum of \$2,581,994.92.

6 B.4 Additionally, Mr. Waid made equitable adjustments of income, pursuant to guidance
7 from the Court, after he became trustee in early April of 2015, thus reducing the amount owed to
8 the Movants. As a result, the amount owed to Movants, through the MTC Trust, for the time period
9 of June of 2013 through March 31, 2015, is \$1,742,053.

10 B.5 Ms. Ahern offered no evidence to refute Mr. Waid's Accounting and Report nor his
11 testimony regarding his thorough investigation and subsequent reporting of the findings regarding
12 the same.

13
14 **C. FINDINGS REGARDING EXEMPLARY DAMAGES**

15 The Court makes the following findings and rulings in relation to exemplary damages:

16 C.1 The Movants have asked for this Court to award exemplary damages against Ms.
17 Ahern based on her inappropriate conduct in this matter.

18 C.2 Based on all evidence received and reviewed at the various evidentiary hearings,
19 including testimony of Mr. Waid, the Court finds that the imposition of punitive damages against
20 Ms. Ahern based on her conduct are warranted.

21 C.3 Specifically, Ms. Ahern intentionally and fraudulently breached her fiduciary duties
22 to the MTC Trust, and the Movants, as beneficiaries of the MTC Trust, and committed tortious acts
23 in converting and embezzling Trust funds. Accordingly, the Court finds that Ms. Ahern acted with
24 oppression, fraud, and malice.

25 C.4 Punitive damages are reserved for bad actors who deserve to be punished. See
26 *Coughlin v. Hilton Hotels Corp.*, 879 F.Supp. 1047 (D. Nev. 1995) ("punitive damages are not
27
28

1 *designed to compensate the victim of a tortious act but rather to punish and deter oppressive,*
2 *fraudulent or malicious conduct"). Ms. Ahern's actions deserve to be punished and rise to the level*
3 *of her having acted with oppression, fraud, and malice.*

4 C.5 This Court has the authority to award punitive damages "*in an action for the breach*
5 *of an obligation not arising from contract, where it is proven by clear and convincing evidence*
6 *that the defendant has been guilty of oppression, fraud, or malice."* See NRS 42.005(1).

7 C.6 Once shown, a petitioner, "*in addition to the compensatory damages, may recover*
8 *damages for the sake of example and by way of punishing the defendant an amount equal to*
9 *three times the amount of compensatory damages awarded to [Petitioner] if the amount of*
10 *compensatory damages is \$100,000 or more."* *Id.*

11 C.7 The evidence presented at the various evidentiary hearings conclusively established
12 that Ms. Ahern willfully and intentionally deceived this Court, and the Movants, by claiming, in a
13 sworn declaration signed under oath, all funds that she was ordered (by the Court) to keep in trust
14 during the pendency of the dispute were "intact and are presently being held in trust."
15

16 C.8 This Court previously held in its "Order Regarding Motion for Damages," that "*the*
17 *account [Ms. Ahern] filed, under penalty of perjury on March 13, 2015, titled "Brief Regarding*
18 *Accounting Fiduciary Duties, and Trust Administration" was incomplete and intentionally*
19 *inaccurate."*

20 C.9 In that same order, this Court determined that "*Ms. Ahern, as Trustee, did not*
21 *comply with the Court order to protect the 65% share of the Trust that was to be segregated under*
22 *the terms of the Trust for the Movants, Ms. Montoya and Ms. Bouvier."*

23 C.10 Based on the evidence presented to this Court (i.e. the testimony of Mr. Waid at the
24 hearings occurring on February 22, 2016 and February 9, 2017, together with the exhibits admitted
25 at the same hearings, which include reports made by Mr. Waid), the Court finds that there is clear
26 and convincing evidence that Ms. Ahern committed fraud, oppression, and malice.
27
28

1 C.11 The following factual findings support the Court's findings of fraud, oppression, and
2 malice:

- 3 1. Ms. Ahern filed, under penalty of perjury, an intentionally inaccurate
4 accounting with the Court;
- 5 2. Ms. Ahern failed to keep funds which were in dispute---i.e. the income
6 attributable to the MTC Trust's 65% share (the "Segregated Funds:")---
7 segregated despite Court order to do so (the "Segregation Order");
- 8 3. Ms. Ahern represented to the Court, under penalty of perjury, that she was
9 complying with the Court's Segregation Order while she continuously (and
10 secretly) removed large portions of the Segregated Funds from the Trust
11 accounts;
- 12 4. Ms. Ahern claimed, under penalty of perjury, that \$500,000 of the
13 Segregated Funds were on deposit with Fidelity Capital Inc. The evidence
14 and testimony in this matter demonstrate that this representation was and
15 is false. There was never \$500,000 on deposit with Fidelity Capital Inc.;
- 16 5. Ms. Ahern claimed, under penalty of perjury, that she rented office space for
17 the Trust from Joseph's Properties at a cost of \$1,750 per month pursuant
18 to an alleged lease. The evidence and testimony in this matter demonstrate
19 that this representation was and is false, and that Ms. Ahern never rented
20 office space from Joseph's Properties;
- 21 6. While the Segregation Order was in place, Ms. Ahern paid \$300,000 of
22 Segregated Funds to Real Estate Services, a entity operated by Suzanne
23 Nounna. Suzanne Nounna has no beneficial interest in the Trust or the MTC
24 Trust;
- 25 7. Ms. Ahern withdrew a substantial amount of Segregated Funds from Trust
26
27
28

1 accounts slightly before, on the day of, and shortly after her removal as
2 trustee. Ms. Ahern made such withdrawals by use of cashier's checks. Mr.
3 Waid testified that Ms. Ahern's use of cashier's checks was "severely
4 reckless" and "troubling" because of such negotiable instrument's status as
5 unprotected, uninsured, bearer paper;
6

7 8. Despite the Segregation Order, Ms. Ahern used Segregated Funds to pay
8 hundreds of thousands of dollars in personal expenses;

9 9. On, or around, February 18, 2015, Ms. Ahern removed \$1,287,580.85 of
10 Segregated Funds held in a Wells Fargo Trust account by use of a cashier's
11 check (the "February 2015 Cashier's Check").

12 10. After her removal as trustee of the Trust, Ms. Ahern attempted an "all cash"
13 withdrawal of \$100,000 from the Segregated Funds; and the Movant's
14 share.
15

16 C.12 The Court and Mr. Waid provided Ms. Ahern ample opportunity to explain her
17 actions described above and provide appropriate documentation to demonstrate any legitimate
18 purpose for such actions. Ms. Ahern remained silent on these issues and failed to provide any
19 financial documentation relevant to the above issues. More specifically, Ms. Ahern refused to
20 cooperate with Mr. Waid's investigation into Trust assets that went missing during her tenure as
21 trustee, and has willfully and intentionally obstructed and impeded the same.

22 C.13 The Court has no choice but to impose an adverse inference against Ms. Ahern
23 pursuant to the standard set for by the Nevada Supreme Court in *Bass-Davis v. Davis*, 122 Nev.
24 442, 134 P.3d 103 (2006). Accordingly, the Court finds that any information and documentation
25 which Ms. Ahern could have provided in relation to Mr. Waid's inquiry would have been adverse
26 to her legal position. *See id.* at 451-52, 109.
27

28 C.14 In the absence of any evidence to the contrary, the Court finds that pursuant to NRS

1 47.250(1) Ms. Ahern's unlawful acts of violating the Segregation Order by removing Segregated
2 Funds "was done with an unlawful intent." Similarly, the Court must also find that pursuant to
3 NRS 47.250(2) Ms. Ahern intended the "ordinary consequences" of her "voluntary acts" of
4 repeatedly removing and withdrawing monies from the Segregated Funds---i.e. that she intended
5 to disregard and violate the Segregation Order.
6

7 C.15 Based on the above, the Court hereby finds that Ms. Ahern's actions in relation to
8 the Movants and the Segregated Funds were undertaken with an conscious disregard of the rights
9 of the Movants and were clearly fraudulent.

10 C.16 Of the above described actions, the Court finds Ms. Ahern's actions in relation to the
11 February 2015 Cashier's Check to be especially troubling and egregious. Although the funds
12 associated with the February 2015 Cashier's Check were eventually recovered through diligent
13 efforts of Mr. Waid, Ms. Ahern's use of this check was nonetheless reprehensible. Mr. Waid
14 testified that such behavior was disturbing. The Court believes that such willful behavior and
15 disregard of the Segregation Order needs to be discouraged, and clearly appears to have been
16 intended to defraud the Trust and the Movants.
17

18 C.17 Having considered the totality of Ms. Ahern's wrongful acts, the adverse inference
19 imposed against Ms. Ahern in accordance with *Bass-Davis v. Davis*, and the unrebutted
20 presumptions set forth at NRS 47.250(1) and (2), the Court believes that the imposition of punitive
21 damages in this matter is appropriate pursuant to NRS 42.005.

22 C.18 As the Court finds Ms. Ahern's actions in relations to the February 2015 Cashier's
23 Check to be the most egregious and reprehensible of Ms. Ahern's conduct, the Court shall treble the
24 amount of funds removed through the February 2015 Cashier's Check (\$1,287,580.85) and award
25 such as a punitive damage in favor of the Movants and against Ms. Ahern. Accordingly, the Court
26 intends to award punitive damages against Ms. Ahern in the amount of ~~\$1,287,580.85~~ (3 X
27 ~~\$1,287,580.85~~) ^{\$3,862,742.55} ^{\$3,600,000}

28 ^{\$1,200,000}
~~\$1,287,580.85~~

1 C.19 The Court finds that the punitive damage award described above should be paid
2 from and/or offset against Ms. Ahern's share of the Trust.

3 C.20 Given the anticipated compensatory damage award of \$2,581,994.92, which would
4 allow a possible punitive damages award in the amount of \$7,745,984.76, the anticipated punitive
5 damage award described above is well within the statutory bounds set forth in NRS 42.005(1)(a).
6

7 C.21 In accordance with, and in supplement to, the Order Regarding Motion for Damages,
8 the Court finds that Ms. Ahern's share of the Trust shall remain in complete and entire suspension
9 until all damages awarded herein (both compensatory and punitive damage awards), which shall
10 include all relevant interest, fees, and costs, have been fully satisfied. Accordingly, the Movants
11 shall receive all Trust income, with Mr. Waid calculating the relevant portion of Trust income which
12 would otherwise be attributable to Ms. Ahern's 35% share, until such time as Ms. Ahern's debts and
13 liabilities outlined herein are fully satisfied. The determination of whether Ms. Ahern's liabilities
14 to the Movants has been fully satisfied by her 35% share of the Trust shall be made by Mr. Waid in
15 his capacity as successor trustee of the Trust, *except Ms. Ahern's GPM may*
16 *petition the Court for distributions*
necessary for Ms. Ahern's health, maintenance
wellfare

17 **D. FINDINGS REGARDING AWARD OF ATTORNEY'S FEES AND COSTS**

18 The Court makes the following findings and rulings in relation to the Movants'
19 request for an award of attorney's fees and costs:

20 D.1 An award of attorney's fees and costs is appropriate pursuant to NRS 153.031(3)(b)
21 because:

- 22 1. The Movants' successfully moved the Court for relief "compelling redress of
23 a breach of the trust" pursuant to NRS 153.031(1)(m); and
- 24 2. An award of fees and costs in this matter is necessary to "avoid an injustice"
25 pursuant to NRS 153.031(3) because the Movants' relevant fees and costs are
26 a direct and proximate result of Ms. Ahern's misconduct.
27

28 D.2 The Court shall entertain a motion for fees from the Movants which shall detail the

1 reasonableness of the requested fees in accordance with the *Brunzell* factors; and

2 D.3 As the Court does not believe that the Movants' are entitled to an award of their fees
3 and costs associated with the recently completed appeal in this matter, the motion for fees shall not
4 include a request for such fees and costs.

5 **E. JUDGMENT AGAINST ELEANOR CONNELL HARTMAN AHERN**

6
7 E.1 Based on the above findings and rulings, the Court hereby ENTERS JUDGMENT
8 FOR COMPENSATORY DAMAGES in favor of the MTC TRUST (of which JACQUELINE M.
9 MONTOYA and KATHRYN A. BOUVIER are beneficiaries) and against ELEANOR CONNELL
10 HARTMAN AHERN as follows:

- 11 1. Compensatory damages in the amount of \$2,581,994.92;
- 12 2. A partial satisfaction of the above award shall be provided to ELEANOR
13 CONNELL HARTMAN AHERN in the amount of \$809,841.92 based on
14 payments made by Mr. Waid in his role as successor trustee of the Trust to
15 the MTC TRUST; accordingly, the current outstanding balance of the
16 compensatory damages awarded above is \$1,742,053;
- 17 3. In accordance with NRS 17.130(2) and NRS 99.040(1), pre-judgment and
18 post-judgment interest shall accrue against this compensatory damage
19 award *at the statutory rate* until fully satisfied;
- 20 4. In light of Mr. Waid's unique knowledge of the partial satisfaction described
21 above, as well as his role as successor trustee, Mr. Waid shall determine and
22 calculate the amount of relevant judgment interest associated with this
23 compensatory damage award;
- 24 5. Ms. Ahern's share of the Trust shall remain in complete and entire
25 suspension until all compensatory damages awarded herein have been fully
26 satisfied; *except for distributions allowed by the*
27 *court upon petition by Ms Ahern's ~~CEAL~~*
28 *for her healthy maintenance & welfare.*

6. The MTC Trust shall receive all net Trust income, with Mr. Waid calculating the relevant portion of the Trust income which would otherwise be attributable to ELEANOR CONNELL HARTMAN AHERN's 35% share, until such time as this is fully satisfied; and

7. The determination of whether ELEANOR CONNELL HARTMAN AHERN's liability related to this compensatory damage award has been fully satisfied shall be made by Mr. Waid in his capacity as successor trustee of the Trust.

E.2 Based on the above findings and rulings, the Court hereby ENTERS JUDGMENT FOR PUNITIVE DAMAGES in favor of the MTC TRUST (of which JACQUELINE M. MONTOYA and KATHRYN A. BOUVIER are beneficiaries) and against ELEANOR CONNELL HARTMAN AHERN as follows:

1. Exemplary damages in the amount of ^{600,000}~~\$3,862,742-55~~;
2. In accordance with NRS 17.130(2) and NRS 99.040(1), pre-judgment and post-judgment interest shall accrue against this exemplary damage award ^{at the statutory rate} until fully satisfied;
3. In light of Mr. Waid's unique role as successor trustee, Mr. Waid shall determine and calculate the amount of relevant judgment interest associated with this exemplary damage award;
4. Ms. Ahern's share of the Trust shall remain in complete and entire suspension until all compensatory damages awarded herein have been fully satisfied; ^{save & except for allowed distributions upon petition of Ms. Ahern's GAT};
5. The MTC Trust shall receive all Trust income, with Mr. Waid calculating the relevant portion of Trust income which would otherwise be attributable to ELEANOR CONNELL HARTMAN AHERN's 35% share, until such time as this is fully satisfied; and

THE RUSHFORTH FIRM, LTD.
Telephone: 702-255-4552 / Fax 702-255-4877
PO Box 371655
Las Vegas, Nevada 89137-1655

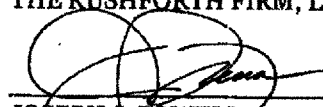
6. The determination of whether ELEANOR CONNELL HARTMAN AHERN's liability related to this exemplary damage award has been fully satisfied shall be made by Mr. Waid in his capacity as successor trustee of the Trust.


DISTRICT COURT JUDGE

August 4, 2017
Date

Submitted by:

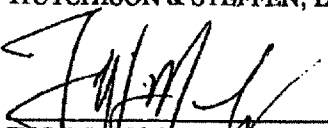
THE RUSHFORTH FIRM, LTD.


JOSEPH J. POWELL
State Bar No. 8875
DANIEL P. KIEFER
State Bar No. 12419
P. O. Box 371655
Las Vegas, NV 89137-1655
probate@rushforthfirm.com

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

Approved as to form and content:

HUTCHISON & STEFFEN, LLC


TODD L. MOODY
State Bar No. 5430

10080 West Alta Drive, Suite 200
Las Vegas, Nevada 89145
tmoody@hutchlegal.com
rgeist@hutchlegal.com

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

**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
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September 04, 2009 9:30 AM Hearing

HEARD BY: Yamashita, Wesley

COURTROOM: Courtroom 09

COURT CLERK: Melissa Swinn

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

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

INTERIM CONDITIONS:

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**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	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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file a responsive pleading. Mr. Powell asked Court to refer matter to Judge Sturman. Following discussion, COMMISSIONER RECOMMENDED, matter referred to Judge Sturman and CONTINUED to 11/12/13 at 9:00 a.m.

INTERIM CONDITIONS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

November 12, 2013

P-09-066425-T

In the Matter of the Trust of:

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

**November 12,
2013**

9:00 AM

Petition

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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granddaughters, Jacqueline Montoya, trustee of the MTC Living Trust, and Kathryn Bouvier, were attempting to reform and reconstruct the prior confirmation of the trust by changing the terms of the allocation of the oil and gas proceeds between the parties. Mr. Powell argued that the percentage allocation has been the same for the past 33 years and he urged the Court to issue a declaratory judgment either stating that the granddaughters 65% and the petitioner's 35% was accurate or to at least go back to the status quo until the situation can be brought before the Court because his clients rely upon the proceeds for their income. Counsel stated that an attorney in Texas informed the oil 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

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**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	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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STATED ITS FINDINGS that the elements for claim preclusion have not been met since there is no way to anticipate that four years later the trustee would change the distribution for those issues to have been raised in 2009. COURT ORDERED Motion to Dismiss DENIED.

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

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	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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proceed unless and until a motion is filed requesting a continuance.

Bench Trial Dates:

Tuesday, 2.18.14 at 9:00AM

Wednesday, 2.19.14 at 1:30PM

Thursday, 2.20.14 at 9:00AM

Friday, 2.21.14 at 1:30PM

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

February 12, 2014

P-09-066425-T

In the Matter of the Trust of:

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

February 12, 2014 11:00 AM

Pre Trial Conference

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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happy to oblige.

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

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 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	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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.

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Counsel requested a break to discuss options with their clients.

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

April 22, 2014

P-09-066425-T

In the Matter of the Trust of:

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

April 22, 2014

9:00 AM

Petition

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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. Muga'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

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accounting fees are not being assessed against work done on behalf of Ms. Ahern personally. Mr. Powell agreed Ms. Montoya had no objections with the clarification presented by Mr. Mugan as long as there was full transparency for the administrative expenses. Counsel also discussed the selection of Gamett & King) as the accounting firm for the Trust and there was no objection.

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

May 13, 2014

P-09-066425-T

In the Matter of the Trust of:

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

May 13, 2014

9:00 AM

All Pending Motions

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- HEARING ON PETITION FOR CONSTRUCTION AND EFFECT OF PROBATE COURT ORDER MOTION OF ELEANOR C. AHERN TO CONTINUE MAY 13, 2014 HEARING ON PETITIONER FOR CONSTRUCTIVE AND EFFECT OF PROBATE COURT ORDER OF JACQUELINE M. MONTOYA Argument by counsel on the effect of the Probate Commissioner's ruling in P080595-E finding a will contest and the Demand for Jury Trial and whether this case should proceed on the declaratory relief sought. Following argument, COURT STATED ITS FINDINGS that the

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declaratory motions and the bench trial set on the August trial stack in this case could be mooted depending on the outcome of the will contest. COURT ORDERED Motion to Continue GRANTED; all declaratory motions in both the trust case and the probate case will be continued as status checks; bench trial VACATED and RESET AS STATUS CHECK; and jury trial SET for will contest. COURT FURTHER ORDERED P-09-066425-T and P- -14-080595-E COORDINATED FOR DISCOVERY PURPOSES ONLY.

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

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

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

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

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

September 03, 2014

P-09-066425-T

In the Matter of the Trust of:

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

**September 03,
2014**

9:00 AM

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing
Room

COURT CLERK: Jennifer Lott

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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PREJUDICE as this motion is premature; alternative relief discussed re: what should be turned over. Colloquy re: Form 706 estate tax return was produced but redacted. Arguments by counsel. Colloquy re: status of relationship of the parties. If Ms. Ahern wants to make a Motion an accounting at a later time, Commissioner will revisit the issue; however, it is highly unlikely that Commissioner would ever order production of financial documents, or distribution of the Trust that didn't involve 65/35 split.

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

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

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

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

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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	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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will result in PROGRESSIVE SANCTIONS. FURTHER, Mr. Powell to make additional \$100.00 CONTRIBUTION for his failure to provide a proper, timely Report and Recommendations. Contributions are due to Legal Aid Center of Southern Nevada (Pro Bono Project) thirty (30) DAYS after Court signs the recommendation, a proof of \$200.00 payment must be submitted to the Discovery Commissioner. Status check set.

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

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

INTERIM CONDITIONS:

FUTURE HEARINGS: 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	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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.

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

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

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

INTERIM CONDITIONS:

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

December 04, 2014

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

December 04, 2014 10:30 AM Motion

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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.

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

December 12, 2014

P-09-066425-T

In the Matter of the Trust of:

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

December 12, 2014 9:30 AM

Hearing - HM

HEARD BY: Yamashita, Wesley

COURTROOM: Courtroom 09

COURT CLERK: Carol Foley

PARTIES:

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Pro Se

Fredrick Waid, Trustee, not present

Todd Moody, Attorney, not present

Fredrick Waid, Trustee, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, not present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, not present

Kristin Woods, Guardian Ad Litem, not present

Marquis Aurbach Coffing, Other, not present

Dale Hayes, Attorney, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

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

JOURNAL ENTRIES

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

INTERIM CONDITIONS:

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

December 17, 2014

P-09-066425-T

In the Matter of the Trust of:

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

December 17, 2014 9:00 AM

Motion to Enforce

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, present	Whitney Warnick, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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take Jacqueline Montoya's deposition. Instead, they began to settle the matter and caucused back and forth with the family members, who were in separate offices, and with all the attorneys. Finally, at the end of the day, the parties reached a settlement agreement and the terms were put on the record by the court reporter. The NSC arbitrator was notified and submitted a report showing the matter settled. However, six (6) days later, Ms. Ahern fired her counsel and refused to accept the settlement. Counsel requested the Court enforce the settlement.

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

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

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

December 19, 2014

P-09-066425-T

In the Matter of the Trust of:

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

December 19, 2014 11:00 AM

Status Check

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing
Room

COURT CLERK: Alan Castle

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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.

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

P-09-066425-T

In the Matter of the Trust of:

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

January 09, 2015 11:00 AM

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing
Room

COURT CLERK: Jennifer Lott

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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the Report and Recommendations.

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

P-09-066425-T

In the Matter of the Trust of:

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

January 14, 2015

9:00 AM

All Pending Motions

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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DAMAGES AND ASSESSMENT OF PENALTIES AND FOR OTHER RELIEF

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

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

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

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

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

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	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

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

INTERIM CONDITIONS:

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FUTURE HEARINGS: Jan 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
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January 30, 2015 10:00 AM

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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statements; a hard copy of which has been marked as Court Exhibit 1. Mr. Warnick and Mr. Powell prepared a notebook of all relevant information and that will be designed Court Exhibit 2.

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

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

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

COURT FURTHER ORDERED Eleanor's Omnibus Opposition to 1) Petition for Determination of Construction and Interest of Language Relating to Trust No. 2, and 2) Petition for Construction and Effect of Probate Court Order; and Countermotion for Summary Judgment, filed 1/2/15, DENIED.

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As a result of the rulings on the above-referenced Motions, Petitions, and Countermotions, COURT ORDERED oil and gas revenues held pending the resolution of this matter RELEASED and DISTRIBUTED to Jacqueline and Kathryn thirty (31) days after Notice of Entry of Order.

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

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

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

3/20/2015 AT 10:00AM HEARING

INTERIM CONDITIONS:

FUTURE HEARINGS: 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	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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.

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

COMMISSIONER RECOMMENDED, motion is DENIED WITHOUT PREJUDICE.

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

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

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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	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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.

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As to the accounting, Counsel argued the scope of the Court's prior Order granting payment of Administrative Expenses, Insurance Premiums, and taxes paid on a pro rata basis. Mr. Warnick argued the 6% trustee fees were excessive, the overhead expenses were unnecessary, the deposit with Capital Fidelity Investment questionable, money deposited in Eleanor's personal Texas attorney's trust fund comingled, and money invested in a California firm for a foundation self-serving. Ms. Wakayama defended the accounting saying Ms. Ahern was personally involved in several transactions in Texas that resulted in \$3.6 million for the Trust. It is an acceptable practice to reimburse a trustee for such costs as travel, computers, time, etc., and 6% is a common charge. The overhead charge includes office space for her and advisors who have been assisting her with tax problems and investment opportunities, and that she acted in good faith in assessing these reasonable expenses.

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

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

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

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

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

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

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

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

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

INTERIM CONDITIONS:

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

March 20, 2015

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

March 20, 2015 11:00 AM

HEARD BY: Bulla, Bonnie

COURTROOM: RJC Level 5 Hearing
Room

COURT CLERK: Jennifer Lott

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

March 26, 2015

P-09-066425-T

In the Matter of the Trust of:

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

March 26, 2015

11:00 AM

Telephonic Hearing

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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opposing counsel was reluctant to stipulate to the confidentiality aspect. Mr. Johnston advised that Texas law vests title to the property in the trustee. The leases in question are due for renewal the first part of April and he expressed concern that a new trustee would not be in place when the agreements needed to be executed.

COURT STATED Mr. Johnston's competency in representing the trust in these negotiations was not in question and appreciated the hard work he was doing on behalf of this family. COURT ORDERED 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

P-09-066425-T

In the Matter of the Trust of:

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

April 14, 2015

9:00 AM

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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funds into a bank account with the assumption she will be given a line of credit to post a supersedeas bond. He asked the Court to issue an Order to Show Cause if all the monies he has traced thus far are not immediately returned to the trust. Ms. Renka advised she only learned of this situation prior to today's hearing.

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

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

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**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	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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was delivered, signed and filed allowing one judicial day of notice. Mr. Waid also inquired as to whether he could try and contact Ms. Ahern directly and the Court advised he is her trustee as well and he can speak with her directly. Upon inquiry of Mr. Waid as to the trust file, Ms. Wakayama advised Mr. Mann was still holding the file but she would relay to him that instead of turning over the file to Ms. Ahern, he needed to give it to Mr. Waid.

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

INTERIM CONDITIONS:

FUTURE HEARINGS: 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

P-09-066425-T

In the Matter of the Trust of:

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

April 20, 2015

10:00 AM

Motion for Withdrawal

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Shelly Landwehr

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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Montoya, Jacqueline

Ms. Wakayama stated the law firm is everyday learning more and more information from the newly appointed trustee that was never known before and every day the law firm is placed into the most uncomfortable of circumstances and can no longer ethically represent Mrs. Ahern s interests and can no longer present evidence to this Court that it has no way of determining its accuracy. Ms. Wakayama invoked counsels rights and stated they are honoring their duty under Rule 1.16(a) to 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

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new successor trustee appointed and the serious potential conflict as well as the concerns with jurisdictional issues. Mr. Guist argued this Court has jurisdiction over the Trust and all its records and over Mrs. Ahern as the former trustee and to compel her to turn over those records.

COURT ORDERED, Motion to Withdraw GRANTED.

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

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

INTERIM CONDITIONS:

FUTURE HEARINGS: 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	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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,

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the money vested in Fidelity Capital was not returned to the trust and the Texas attorney handling the Trust's interests will not cooperate with Mr. Waid. In an effort to preserve the assets, the successor trustee is proposing a Guardian Ad Litem be appointed over Eleanor's estate. Mr. Waid stated that his investigation of the Texas attorney is ongoing but he has uncovered some potential problems with respect to the recent agreements entered into for leases and attorney fees.

Ms. Patterson explained her firm was retained yesterday to represent Mr. Ahern and she is authorized to release information Mr. Waid requests. Additionally, without a written motion to appoint a guardian ad litem, she requested the Court defer any further argument on that request. As to the Order to Show Cause and any possible criminal sanctions against Ms. Ahern, Ms. Patterson clarified that, since the contempt did not occur in the Court's presence, an affidavit is required and the matter heard by a different district court judge. She concluded that she intends to work with the trustee and counsel to resolve all concerns. Court acknowledged Ms. Patterson's understanding and explained the defiance their client has exhibited in her reaction to orders. The purpose of this hearing was to impress on Ms. Ahern the serious consequences of her oppositional behavior. The Court also stated that the consequences imposed come from the Court and not from her daughters or the successor trustee. COURT ORDERED oral motion for appointment of guardian ad litem DENIED; any such request needs to be put in writing with an Affidavit. Ms. Patterson and Mr. Waid agreed to meet on Friday, April 24 to go over the missing trust information and assets. If the meeting is not successfully resolved to Mr. Waid's satisfaction, he can pursue other avenues no earlier than May 4, 2015. Mr. Powell also stated that the beneficiaries are also retaining their rights to pursue action against Ms. Ahern if necessary.

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

May 13, 2015

P-09-066425-T

In the Matter of the Trust of:

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

May 13, 2015

9:00 AM

Motion for Attorney Fees

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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.

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As to the contempt of court claim against Ms. Ahern, COURT ORDERED hearing SET.

6/22/2015 AT 1:30pm EVIDENTIARY HEARING: CONTEMPT OF COURT

INTERIM CONDITIONS:

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	Pro Se
Eleanor Ahern, Petitioner, present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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

Mr. Lenhard objected to the trustee's Affidavit saying Ms. Ahern was not given proper notice and due process of her contempt. The first order to set aside 65% of the income was not mentioned and the second order of her contempt lacked specificity. Following argument, COURT FINDS sufficient cause exists to REFER matter to Civil Chief Judge Gonzalez for an evidentiary hearing regarding contempt. The referring Judge will determine whether notice and due process were met.

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

Colloquy on the Motion currently scheduled for 7/22/15 continued to 8/05/15. COURT SO ORDERED and each side will take an additional week to oppose and reply.

INTERIM CONDITIONS:

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

June 23, 2015

P-09-066425-T

In the Matter of the Trust of:

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

June 23, 2015

11:30 AM

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, present	Russel Geist, Attorney, present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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.

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INTERIM CONDITIONS:

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

June 25, 2015

P-09-066425-T

In the Matter of the Trust of:

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

June 25, 2015

8:45 AM

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, present	Russel Geist, Attorney, present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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perspective, he does not think they are a prosecutor. Court noted it understands counsel's position but here it has a referral from Judge Sturman. Mr. Geist advised his client still has issues against Ms. Ahern. Court explained its procedure for show cause hearings. After hearing this, Mr. Geist stated they will cooperate and participate in whatever way necessary. Mr. Lenhard noted incarceration is being sought and he does take this matter very seriously. Mr. Geist inquired as to whether this Court will entertain appointing a special prosecutor. Mr. Lenhard objected. COURT ORDERED, it will handle the motion before setting the contempt hearing. Status Check on Mr. Lenhard's motion SET on July 17, 2015 in Chambers.

COURT FURTHER ORDERED, when the motion is heard, a date for the contempt hearing will be discussed. Court NOTED it is only handling the contempt issue and everything else is still before Judge Sturman.

7-17-15 CHAMBERS STATUS CHECK: DEFENDANT'S MOTION

INTERIM CONDITIONS:

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

July 17, 2015

P-09-066425-T

In the Matter of the Trust of:

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

July 17, 2015

3:00 AM

Status Check

HEARD BY: Gonzalez, Elizabeth

COURTROOM: RJC Courtroom 14C

COURT CLERK: Dulce Romea

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

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

INTERIM CONDITIONS:

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

August 05, 2015

P-09-066425-T

In the Matter of the Trust of:

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

August 05, 2015

10:00 AM

Motion

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, present	Pro Se
Fredrick Waid, Trustee, present	Russel Geist, Attorney, present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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if she is not disinherited. Mr. Lenhard argued there was no due process and advised the Court he had filed a Motion to Strike the supplement to this motion and his motion is set to be heard on August 19. Court stated this motion is premature as the contempt hearing against Ms. Ahern has not been held. Court also directed counsel to Rogler v Millard, a recently decided Nevada Supreme Court opinion upholding this Court's granting of a no-contest dispute on a Motion for Summary Judgment.

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

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

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

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

INTERIM CONDITIONS:

FUTURE HEARINGS: 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	Pro Se
Fredrick Waid, Trustee, present	Russel Geist, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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violating order was that Ms. Ahearn failed to keep in the Trust's possession 65% of the trust assets owed to the two daughters, which is contrary to the violations referenced in the Waid affidavit. Argued that it would be inappropriate to find Ms. Ahearn in contempt as the order was not clear and unambiguous. While Ms. Ahearn may have contemptible conduct by allowing a false affidavit/accounting to be filed, but that is not what is before the Court today. Mr. Lenhard argued that contempt is not appropriate; that the matter be remanded back to Judge Sturman and the Trustee proceed with the appropriate discovery they deem necessary. Mr. Moody stated that the affidavit 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	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, present	Russel Geist, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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the issues but that may change depending on whether Mr. Waid receives all requested information timely. Upon Mr. Waid's inquiry as to whether he should file another Affidavit since he cannot account for the half a million dollars that went to Fidelity, Mr. Lenhard conceded that point and the Court stated another Affidavit was not required.

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

COURT ORDERED status check SET; which date will coincide with discovery cutoff.

10/14/2015 at 9:00am STATUS CHECK: EVIDENTIARY HEARING STATUS

INTERIM CONDITIONS:

FUTURE HEARINGS:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

September 16, 2015

P-09-066425-T

In the Matter of the Trust of:

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

**September 16,
2015**

9:00 AM

All Pending Motions

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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Also present James Shapiro, Esq. Mr. Shapiro advised the Court he represented Petitioner Ahern in another civil case filed by David Mann for a Breach of Contract over this same attorney fee. He requested the Court transfer these two motions over to Dept. 20. Mr. Moody objected saying Mr. Mann has nothing to collect until he has a lien. He also stated that countermotion to unseal records was the Trustee's attempt to secure the Trust file that Mr. Mann refuses to turn over until he is paid. Court noted that Mr. Mann has never come to this Court to explain his possession of the Trust file 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

P-09-066425-T

In the Matter of the Trust of:

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

October 14, 2015

9:00 AM

All Pending Motions

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, present	Pro Se
Fredrick Waid, Trustee, present	Russel Geist, Attorney, present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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were selected. Mr. Moody made a statement as to the ongoing search for missing funds and some tax problems facing the trust. CONFERENCE AT THE BENCH. Following the CAB, Court noted that the Trustee is not in a position to assess the viability of the alternative proposal. Mr. Moody added that should funds be advanced, the Trustee wants Ms. Ahern to pledge collateral or security to cover the outlay and that the Trustee be allowed to evaluate the worth of the selection. COURT DIRECTED Ms. Ahern to provide the Court with her current residence address, email and telephone number if she intends to represent herself; to provide the release she drafted for the Texas tax attorney to the 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	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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.

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Ahern be conducted at the courthouse and the Court agreed. Ms. Ahern requested that all questions be given to her in writing due to a hearing and comprehension problems. Court advised Mr. Moody to start the deposition and see what exact issues may arise.

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

INTERIM CONDITIONS:

FUTURE HEARINGS: 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	Pro Se
Eleanor Ahern, Petitioner, present	Pro Se
Fredrick Waid, Trustee, present	Russel Geist, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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concerns regarding the phrase "individually and as trustee" in the current trustee's search for information. Mr. Moody explained that Texas law does not have a fiduciary exception and several protective orders have been filed to deny Mr. Waid access to trust records. After some discussion, Court and counsel agreed to substitute the overbroad phrase with "any information acquired by payments made from the trust funds; and/or anything having to do with Eleanor Ahern in her capacity as trustee." COURT ORDERED Motion to Compel GRANTED with this change.

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

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

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

January 06, 2016

P-09-066425-T

In the Matter of the Trust of:

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

January 06, 2016

9:30 AM

**Motion for Order to
Show Cause**

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, present	Russel Geist, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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Compel Disposition CONTINUED; Ms. Ahern to undergo an independent medical evaluation (IME) and, based upon any referral from the physician, undergo a mental health evaluation. As to the Motion to Compel Ms. Ahern to sign the authorization to allow the Trustee to gather information and documents from legal and accounting professionals as needed, COURT ORDERED Trustee GRANTED FULL AUTHORIZATION to obtain any information that may be needed to carry out his fiduciary obligations.

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

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

January 27, 2016

P-09-066425-T

In the Matter of the Trust of:

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

January 27, 2016

9:30 AM

All Pending Motions

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present

Pro Se

Eleanor Ahern, Petitioner, not present

Pro Se

Fredrick Waid, Trustee, present

Russel Geist, Attorney, not present

Fredrick Waid, Trustee, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Kristin Woods, Guardian Ad Litem, not present

Marquis Aurbach Coffing, Other, not present

Dale Hayes, Attorney, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

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

JOURNAL ENTRIES

- 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

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income in the trust. Mr. Lenhard argued this is the same as before and asked the Court if justice would be served in making this elderly lady face an evidentiary hearing that would deprive her of a decades-old income source. Following argument, COURT ORDERED Motion for Reconsideration DENIED.

JACQUELINE M. MONTOYA AND KATHRYN A. BOUVIER'S MOTION TO STAY EXECUTION OF ORDER PENDING THE HEARING OF THE MOTION FOR RECONSIDERATION ON OST . . . COURT ORDERED Motion to Stay MOOT.

MOTION TO COMPEL DEPOSITION OF ELEANOR AHERN . . . Mr. Moody outlined the four areas the Trustee still needs information on in order to complete his work. Mr. Lenhard explained he had not had the opportunity to discuss this with his client but offered to sign the order as having disapproved as to form and content. Court interlineated the two Orders with a disapproval for Mr. Lenhard to sign and stated that Court will not require the Orders be approved by opposing counsel. COURT ORDERED the following two Orders GRANTED. The first Order is to require Eleanor Ahern to submit to a physical exam and a mini-mental state exam to evaluate her ability to sit for a deposition. The second Order directed Jeffrey M. Johnston, Esq. and firm, Ryan Scharar, Esq., and firm, and Marquis Aurbach Coffin law firm to provide Trust information under the fiduciary exception to attorney-client privileges. Colloquy on the reasonableness of holding the evidentiary hearing on February 11 in light of these two Orders. COURT ORDERED evidentiary hearing VACATED and RESET.

Orders SIGNED IN OPEN COURT.

2/22/2016 at 10:00AM EVIDENTIARY HEARING: ENFORCEMENT OF NO CONTEST CLAUSE

INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

February 22, 2016

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

February 22, 2016 10:00 AM All Pending Motions

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Billie Jo Craig

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, present	Pro Se
Fredrick Waid, Trustee, present	Russel Geist, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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UNDER SEAL. Court noted Mr. Waid was not comfortable in his efforts for a formal report. There is a request to take evidence regarding how to account for the income from the trust and request for a surcharge and enforce the no contest clause and deprive Ms. Ahern of the interest in the Trust altogether. Court wished to discuss what happened to the funds and what remains and is accounted 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:

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FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

March 03, 2016

P-09-066425-T

In the Matter of the Trust of:

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

March 03, 2016

10:00 AM

All Pending Motions

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, present	Pro Se
Fredrick Waid, Trustee, present	Russel Geist, Attorney, present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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.

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

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breaching her fiduciary duty. Alternatively, Mr. Rushforth requested if the Court finds Ms. Ahern not in contempt of the no-contest clause, to deny her receiving any further money until the beneficiaries and the Trust have been made whole. He also asked the Court apply treble damages and/or punitive damages. Mr. Lenhard made closing arguments on behalf of Ms. Ahern. He 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

P-09-066425-T

In the Matter of the Trust of:

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

June 01, 2016

9:30 AM

Motion

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 03H

COURT CLERK: Linda Denman

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, present	Russel Geist, Attorney, present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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release, pointing out she is still under the Court's jurisdiction. Counsel argued whether Texas counsel and the local firm of Marquis Aurbach and Coffing (MAC) would provide any information as the result of a coerced release. Counsel also discussed the status of the trust accounting, the appeal, and Orders outstanding from this Court.

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:

**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	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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Eleanor Ahern without oral argument and ORDERED the motion REMOVED from the September 5, 2016 probate calendar.

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

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

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	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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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.

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

INTERIM CONDITIONS:

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

September 07, 2016

P-09-066425-T

In the Matter of the Trust of:

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

**September 07,
2016**

9:30 AM

All Pending Motions

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	Pro Se
Fredrick Waid, Trustee, present	Russel Geist, Attorney, present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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

Pro Se

Fredrick Waid, Trustee, not present

Todd Moody, Attorney, present

Fredrick Waid, Trustee, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Kristin Woods, Guardian Ad Litem, not present

Marquis Aurbach Coffing, Other, not present

Dale Hayes, Attorney, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

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

JOURNAL ENTRIES

- 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

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need to have a new date set. Further noted he had the e-mail with the diagnosis of Ms. Ahern's present condition and has not passed on to counsel for confidentiality reasons.

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

**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	Pro Se
Eleanor Ahern, Petitioner, not present	Pro Se
Fredrick Waid, Trustee, present	Russel Geist, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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November 29th. Additionally noted there was a meeting scheduled today; however there was another doctor's appointment which interfered with the meeting.

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:

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

November 23, 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 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	Pro Se
Fredrick Waid, Trustee, present	Russel Geist, Attorney, present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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.

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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 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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**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

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

Pro Se

Fredrick Waid, Trustee, not present

Todd Moody, Attorney, not present

Fredrick Waid, Trustee, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, not present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, not present

Kristin Woods, Guardian Ad Litem, not present

Marquis Aurbach Coffing, Other, not present

Dale Hayes, Attorney, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

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

present

JOURNAL ENTRIES

- Court advised Ms. Ahern failed to appear and therefore ORDERED, Motion VACATED as MOOT.

INTERIM CONDITIONS:

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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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**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

Pro Se

Fredrick Waid, Trustee, not present

Todd Moody, Attorney, present

Fredrick Waid, Trustee, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, present

Kristin Woods, Guardian Ad Litem, not
present

Marquis Aurbach Coffing, Other, not present

Dale Hayes, Attorney, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

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

JOURNAL ENTRIES

- 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

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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 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

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 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	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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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.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

February 08, 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

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	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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.

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INTERIM CONDITIONS:

FUTURE HEARINGS:

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

February 09, 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

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	Pro Se
Eleanor Ahern, Petitioner, present	Pro Se
Fredrick Waid, Trustee, present	Russel Geist, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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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. 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

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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 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.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

February 10, 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

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	Pro Se
Eleanor Ahern, Petitioner, present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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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 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.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

February 22, 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

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	Pro Se
Fredrick Waid, Trustee, present	Russel Geist, Attorney, present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- Arguments by counsel. COURT ORDERED, APPROVED AND GRANTED for both sides; no rights are waived.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

February 27, 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

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	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, not present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, not present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- 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

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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.

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

Amber Anderson aanderson@hutchlegal.com

Russel J. Geist rgeist@hutchlegal.com

John R. Mugan, Esquire john@jeffreyburr.com

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

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

March 13, 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

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

Pro Se

Fredrick Waid, Trustee, not present

Todd Moody, Attorney, not present

Fredrick Waid, Trustee, not present

Fredrick Waid, Trustee, not present

Jacqueline Montoya, Other, Personal

Joseph Powell, Attorney, not present

Representative, not present

Kathryn Bouvier, Other, not present

Joseph Powell, Attorney, not present

Kristin Woods, Guardian Ad Litem, not present

Marquis Aurbach Coffing, Other, not present

Dale Hayes, Attorney, not present

Parties Receiving Notice, Other, not present

The W.N. Connell and Marjorie T. Connell

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

JOURNAL ENTRIES

- 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.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

May 24, 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

May 24, 2017

10:30 AM

Hearing

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Lorna Shell

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, present	Pro Se
Fredrick Waid, Trustee, not present	Todd Moody, Attorney, not present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- Upon inquiry by the court regarding her current address, Ms. Ahern stated it was 355 W. Mesquite Blvd. D30 #176, Mesquite NV 89027. Court reviewed Petitioner's request for forma pauperis with Ms. Ahern AND GRANTED; ORDER SIGNED IN OPEN COURT. Ms. Ahern requested a transcript of the current hearing and the hearings of February 9, 2017 and February 10, 2017, COURT SO ORDERED. Ms. Ahern requested additional funds from the trust to pay for dental surgery as the 2017 allotment was exhausted. Following colloquy with Mr. Waid, COURT FINDS Mr. Waid agreed

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to pay for the dental surgery from the trust providing Ms Ahern sign an agreement indicating the funds were not an income distribution, rather they would be a gift or accommodation to be backed up with invoices. Colloquy regarding the hearing aid expenses requested by Ms. Ahern. The parties STIPULATED there would be no hearing regarding the request for hearing aids providing both parties were to able to agree to the arrangements. Mr. Powell stated there was some confusion regarding the appeal Ms. Ahern filed against the order awarding fees to Brownstein Hyatt as it appeared to be an attempt to negate the order. Mr. Powell inquired if Ms. Ahern wanted Mr. Lenhard to remain as her attorney or if she was no pro se. Ms. Ahern stated he remained as her attorney. Mr. Powell stated he also received requests from Mont Tanner, Esq., who indicated he was her counsel of record; therefore Mr. Powell inquired if he was her attorney, upon which Ms. Ahern stated he was not. Court ADVISED Ms. Ahern to submit a request to the court for any payments to counsel and further noted it would be in the form of a petition for the trustee to submit funds on your behalf. Court further ADVISED any requests by Ms. Ahern must be noticed to all parties or they would be exparte and not considered.

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

**Probate -
Trust/Conservatorships**

COURT MINUTES

August 02, 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

August 02, 2017

11:00 AM

Motion

HEARD BY: Sturman, Gloria

COURTROOM: RJC Courtroom 10D

COURT CLERK: Lorna Shell

PARTIES:

David Mann, Other, not present	Pro Se
Eleanor Ahern, Petitioner, present	Pro Se
Fredrick Waid, Trustee, present	Todd Moody, Attorney, present
Fredrick Waid, Trustee, not present	
Fredrick Waid, Trustee, not present	
Jacqueline Montoya, Other, Personal Representative, not present	Joseph Powell, Attorney, present
Kathryn Bouvier, Other, not present	Joseph Powell, Attorney, present
Kristin Woods, Guardian Ad Litem, not present	
Marquis Aurbach Coffing, Other, not present	Dale Hayes, Attorney, not present
Parties Receiving Notice, Other, not present	
The W.N. Connell and Marjorie T. Connell Living Trust, dtd May 18, 1972, Trust, not present	

JOURNAL ENTRIES

- Also present was Kirk Lenhard, Esq. and Emily Ellis, Esq. representing E. Ahern in the Supreme Court appeal of the trust.

Ms. Ahern requested a DVD and transcript of today's hearing, COURT SO ORDERED. Mr. Moody stated it was important for Ms. Ahern to appear in person today and that he'd made arrangements for a Bell Transfer, however she'd represented that she had her own transportation and yet she was

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appearing by video. Mr. Moody argued Ms. Ahern had top shelf representation to work out her settlements and now she was requesting for \$100,000 from the trust to pay for another attorney. Mr. Moody stated he had not opposed; however he did not think it would be helpful and that it was his belief a guardian at Litem should be appointed. Mr. Powell agreed and further stated that Ms. Ahern had ample quality counsel to litigate her issues, that she had received a 65/35 split from the Supreme Court decision, and now it appeared she was seeking to re-litigate. Ms. Ahern argued that without an attorney she would be denied legal representation, that her current counsel was not representing her adequately, and that she needed protection from the lies and injustice her daughters had done to her. Court inquired what she needed an attorney to do for her at this time since the evidentiary hearing regarding damages resulted in the 65/35 split. Ms. Ahern stated her pleadings were sufficient. Mr. Moody stated today's pleadings did not appear to be prepared by the same person as they were hearing from today, that they were inflammatory, and that it appeared Ms. Ahern was surrounding herself with people who were taking advantage of her. Mr. Moody stated her age, sight, and hearing issues were additional reasons for a Guardian At Litem and noted Ms. Ahern also had looming Internal Revenue Service (IRS) issues. Mr. Moody stated Ms. Ahern sent a request for \$170,000 for expenses in July and it appeared she needed assistance with a budget, someone to coordinate her medical care, and to make sure she wasn't taken advantage of. Court ADVISED Ms. Ahern regarding the duties of a guardian at Litem (GAL). Mr. Moody recommended Ms. Woods be appointed GAL and reviewed her credentials. Mr. Lenhard stated the trust settlement fell apart and he withdrew as counsel; however he'd stayed on in the appeal where her daughters were attempting to remove Ms. Ahern as a result of her misdeeds as trustee. Mr. Lenhard further stated that without his reply brief to protect her interest she would have been removed. Court ADVISED Ms. Ahern that Mr. Lenhard stayed on to represent her when her daughters where unhappy and wanted to disinherit her and now it appeared she was seeking to set aside this Court's decision to keep her in the trust and if they were to prevail, Ms. Ahern would be disinherited. Ms. Ahern argued she didn't need a GAL, she needed an attorney to protect her, that she took care of herself, and that poor hearing was not a crime. Ms. Ahern argued if a GAL was appointed she would be denied due process. Mr. Waid reviewed Ms. Ahern's expenses including the dental request and advised the Court of her significant IRS issues. Mr. Waid stated if Ms. Ahern were allowed to independently interact with the IRS without the advice of a GAL it would cause an undue burden on the trust. Mr. Waid further stated that based on Ms. Ahern's actions he would not release, without direction from the Court, confidential and sensitive financial business information to Ms. Ahern. COURT ORDERED, Kristin K. Woods APPOINTED as Temporary Guardian At Litem; Motion DENIED WITHOUT PREJUDICE. Mr. Waid requested the Countermotion regarding the return of property action be granted. Court ADVISED the GAL review and sign off on the motion AND FURTHER ORDERED, matter STAYED.

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Connell Trust

P-066425 EXHIBITS

CASE NO. P-0166425

[illegible]

COURT EXHIBITS

CASE # P066425; W.N. CONNELL AND MARJORIE T. CONNELL TRUST

	Date Offered	Objection	Date Admitted
1. ELEANOR AHERN'S DECLARATION	6.22.15	NO	6.22.15
2. FIDELITY CAPITAL LTR OF 3/5/15	6.22.15	NO	6.22.15
3. NOTICE OF COMPLIANCE	6.22.15	NO	6.22.15
4. NOTICE OF WITHDRAWAL OF COMPLIANCE	6.22.15	NO	6.22.15
5. ORDER TO SHOW CAUSE	6.22.15	NO	6.22.15
6. FIDELITY CAPITAL LTR OF 4/15/15	6.22.15	NO	6.22.15
7. AFFIDAVIT OF FREDRICK P. WAID, TRUSTEE	6.22.15	NO	6.22.15
1. ELE			6.22.15
2. FID			6.22.15
3. N			
4. N			
5. O			
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7. AFF			6.22.15
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PD66425
2/22/16
PETITIONER EXHIBITS

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

<u>NO.</u>	<u>EXHIBIT</u>	<u>BATES NO.</u>	<u>OFFERED</u>	<u>OBJECTED</u>	<u>ADMITTED</u>
A	Order Denying Motion to Refer Contested Probate Matter to Master-Probate Commissioner per EDCR 4.16; Directing Payment of All Oil, Gas, Mineral and Interest Royalties and Rent to Eleanor C. Hartman, also known as Eleanor C. Ahern, as Trustee of Trust No. 2 of the W. N. Connell and Marjorie T. Connell Living Trust Dated May 18, 1972; and Setting Calendar Call and Hearing, dated December 20, 2013	JMM0001- JMM0006	2/22/16	NO	2/22/16
B	Summary Judgment Order April 15, 2015	JMM0007- JMM0024			
C	Order Regarding the Accounting, Breach of Fiduciary Duty Claims and Award of Attorneys [sic] Fees April 20, 2015	JMM0025- JMM0030			
D	Judgment and Order Approving Award of Attorneys' Fees June 23, 2015	JMM0031- JMM0037			
E	Affidavit of Fredrick P. Waid, Trustee, dated May 6, 2015	JMM0038- JMM0043			
F	The W.N. and Marjorie T. Connell Trust, dated May 18, 1972	JMM0044- JMM0058			
G	Mr. Waid's "Interim Trustee Report" dated July 2, 2015 JWS	JMM0059- JMM0072			
H	Letter to Mr. Waid dated November 20, 2015 from Joseph Powell, Esq	JMM0073- JMM0079			

PETITIONER EXHIBITS

JMM0082

RESPONDENT EXHIBITS

CASE NO. P066425

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CASE NO. P 0664/25

TRIAL DATE: 2/22/16

DEPT. NO. XXVI

JUDGE: GLORIA STURMAN

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

CLERK: FOLLIE JO CRAIG

REPORTER: KERRY ESPARZA

L. RUSSMACE / J. POWELL

COUNSEL FOR PLAINTIFF

K. LENNARD/T. PETERSON

COUNSEL FOR DEFENDANT

DEFENDANT__

COURT EXHIBITS

[illegible]

EXHIBIT(S) LIST

Case No. PO166425
Dept. No.: 26

[Hearing] Date: 9.7.2016

Judge: Gloria Sturman

Court Clerk: Olivia Black

Recorder: Kerry Esparza

Counsel for Petitioner Lenhard, Kirk

Petitioner: Ahern, Eleanor

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

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

[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.**

Att'y for Trustee: **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			

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):

APPEAL TO THE NOTICE OF ENTRY OF ORDER REGARDING MOTION FOR ASSESSMENT OF DAMAGES AGAINST ELEANOR AHERN; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER REGARDING MOTION FOR ASSESSMENT OF DAMAGES AGAINST ELEANOR AHERN; NOTICE OF ENTRY OF ORDER REGARDING MOTION FOR ASSESSMENT OF DAMAGES AGAINST ELEANOR AHERN; DISTRICT COURT MINUTES; EXHIBITS LIST

In the Matter of the Trust of:

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

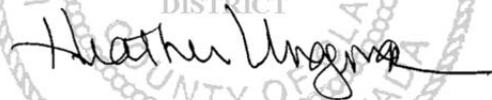
Case No: P-09-066425-T

Dept No: FAMILY DOMESTIC

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 23 day of August 2017.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

