

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE
OF THEODORE ERNEST SCHEIDE,
JR.

ST. JUDE CHILDREN'S RESEARCH
HOSPITAL,

Appellant,

v.

THEODORE E. SCHEIDE, III; and
SUSAN HOY, SPECIAL
ADMINISTRATOR,

Respondents.

) Supreme Court No. 76924

) District Case No. P082619

) Electronically Filed
Sep 28 2018 02:42 p.m.

) Elizabeth A. Brown

) Clerk of Supreme Court

) NOTICE OF FILING CASE

) APPEAL STATEMENT

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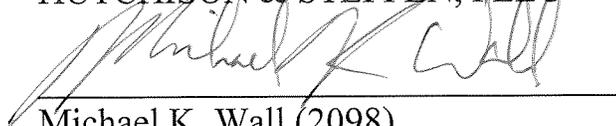
Appellant, St. Jude Children's Research Hospital filed its Case Appeal

Statement on September 9, 2018, with the Eighth Judicial District Court Clerk. A

copy of the filed case appeal statement is attached hereto.

DATED this 28 day of September, 2018.

HUTCHISON & STEFFEN, PLLC



Michael K. Wall (2098)

Russell J. Geist (9030)

10080 Alta Drive, Suite 200

Las Vegas, Nevada 89145

Attorneys for Appellant

CERTIFICATE OF SERVICE

I certify that I am an employee of HUTCHISON & STEFFEN, PLLC and that on this date **NOTICE OF FILING CASE APPEAL STATEMENT** was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

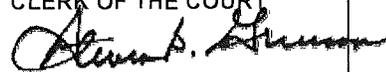
Kim Boyer, Esq.
Durham Jones & Pinegar
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Attorney for the Administrator

Cary Colt Payne, Esq.
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Attorney for Theodore "Chip" E. Scheide, III

DATED this 28th day of September, 2018.



An employee of Hutchison & Steffen, PLLC



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Research Hospital*

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

11 In the Matter of the Estate of
12 THEODORE E. SCHEIDE JR. aka
13 THEODORE ERNEST SCHEIDE JR.,
14 Deceased.

Case No.: P-14-082619-E
Dept No.: 26

15 **PETITIONER'S CASE APPEAL STATEMENT**

16 **1. Party filing this Case Appeal Statement.**

17 This appeal and case appeal statement is filed on behalf of petitioner St. Jude
18 Children's Research Hospital, Inc. in the action above.

19 **2. Judge issuing the decision, judgment or order appealed from.**

20 Judge Gloria Struman

21 **3. Parties to the proceedings in the district court.**

22 St. Jude Children's Research Hospital, Inc.	Petitioner
23 Theodore "Chip" E. Scheide, III	Objector
24 Susan M. Hoy	Administrator

25 **4. Parties involved in this appeal.**

26 St. Jude Children's Research Hospital, Inc.	Appellant
27 Theodore "Chip" E. Scheide, III	Respondent

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5. The name, law firms, addresses and telephone numbers of all counsel on appeal, and the party or parties they represent.

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Attorney for Respondent

6. Whether Respondent was represented by appointed or retained counsel in the district court.

Respondent was represented by retained counsel in the district court.

7. Whether appellant was represented by appointed or retained counsel in the district court.

Appellant was represented by retained counsel in the district court.

8. Whether appellant was granted leave to proceed in forma pauperis in the district court.

Appellant was not granted leave to proceed in district court in forma pauperis.

9. The date the proceedings commenced in district court.

This action commenced with the filing of Petitioner’s Petition for Probate of Lost Will (NRS 136.240); Revocation of Letters Of Administration (NRS 141.050); Issuance of Letters Testamentary (NRS 136.090) on June 13, 2016.

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10. Brief description of the nature of the action and result in district court.

This action is a dispute over whether a copy of decedent's will found among decedent's possessions after his death overcame the common law presumption that the original missing will was revoked and/or destroyed by the testator, and the copy of the will represents a lost will pursuant to NRS 136.240 subject to probate. The Court found that the petitioner failed to meet its burden of proof that the will was not revoked during Decedent's lifetime.

11. Whether the case has been the subject of a previous appeal.

This matter is not the subject of an existing appeal as the Petitioner is appealing from the underlying judgment.

12. Whether the appeal involves child custody or visitation.

There are no child custody or visitation issues in this case.

13. Whether the appeal involves the possibility of settlement.

It is counsel's belief there is a possibility of settlement.

Dated September 7, 2018.

HUTCHISON & STEFFEN, PLLC

/s/ Russel J. Geist
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Todd L. Moody (5430)
Russel J. Geist (9030)
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*Attorneys for St. Jude Children's
Research Hospital*

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of HUTCHISON & STEFFEN, and that on this 9th day of September, 2018, I caused a true and correct copy of the above and foregoing **PETITIONER'S CASE APPEAL STATEMENT** to be served as follows:

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

to the attorney(s) or parties listed below at the address and/or facsimile number indicated below:

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/s/ Amber Anderson-Reynolds
An Employee of Hutchison & Steffen, PLLC