

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

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  
10785 W. Twain Ave., Ste. 200  
Las Vegas, NV 89135  
*Attorney for the Administrator*

Cary Colt Payne, Esq.  
700 S. 8<sup>th</sup> Street  
Las Vegas, NV 89101  
*Attorney for Theodore "Chip" E. Scheide, III*

DATED this 28<sup>th</sup> day of September, 2018.

  
\_\_\_\_\_  
An employee of Hutchison & Steffen, PLLC



1 ASTA  
Michael K. Wall (2098)  
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7 *Attorneys for St. Jude Children's*  
8 *Research Hospital*

9 DISTRICT COURT  
10 CLARK COUNTY, NEVADA

11 In the Matter of the Estate of

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

12 THEODORE E. SCHEIDE JR. aka  
13 THEODORE ERNEST SCHEIDE JR.,

14 Deceased.

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

HUTCHISON & STEFFEN

A PROFESSIONAL LLC

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

- 1  
2 **5. The name, law firms, addresses and telephone numbers of all counsel on appeal,**  
3 **and the party or parties they represent.**

4 Michael K. Wall  
5 Hutchison & Steffen, PLLC  
6 Nevada Bar No: 2098  
7 Todd L. Moody  
8 Hutchison & Steffen, PLLC  
9 Nevada Bar No.: 5430  
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20 Cary Colt Payne  
21 Cary Colt Payne, CHTD.  
22 Nevada Bar No.: 4357  
23 700 S. 8th Street  
24 Las Vegas, NV 89101  
25 Telephone (702) 383-9010  
26 *Attorney for Respondent*

- 27 **6. Whether Respondent was represented by appointed or retained counsel in the**  
28 **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.

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

Michael K. Wall (2098)

Todd L. Moody (5430)

Russel J. Geist (9030)

10080 W. Alta Dr., Ste 200

Las Vegas, NV 89145

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 9<sup>th</sup> 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:

Kim Boyer, Esq.  
Durham Jones & Pinegar  
10785 W. Twain Ave., Ste. 200  
Las Vegas, NV 89135  
*Attorney for the Administrator*

Cary Colt Payne, Esq.  
700 S. 8<sup>th</sup> Street  
Las Vegas, NV 89101  
*Attorney for Theodore "Chip" E. Scheide, III*

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