

NOAS
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Sep 21 2018 02:04 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Attorneys for Defendants
TRUDI LEE LYTLE AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST

DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF THE
MARJORIE B. BOULDEN TRUST, LINDA
LAMOTHE AND JACQUES LAMOTHE,
TRUSTEES OF THE JACQUES & LINDA
LAMOTHE LIVING TRUST

Case No.: A-16-747800-C
Dept.: XVIII

NOTICE OF APPEAL

Plaintiff,

v.

TRUDI LEE LYTLE, JOHN ALLEN LYTLE,
THE LYTLE TRUST, DOES I through X,
inclusive, and ROE CORPORATIONS I through
X,

Defendants.

SEPTEMBER TRUST, DATED MARCH 23,
1972; GERRY R. ZOBRIST AND JOLIN G.
ZOBRIST, AS TRUSTEES OF THE GERRY R.
ZOBRIST AND JOLIN G. ZOBRIST FAMILY
TRUST; RAYNALDO G. SANDOVAL AND
JULIE MARIE SANDOVAL GEGEN, AS
TRUSTEES OF THE RAYNALDO G. AND
EVELYN A. SANDOVAL JOINT LIVING AND
DEVOLUTION TRUST DATED MAY 27, 1992;
and DENNIS A. GEGEN AND JULIE S. GEGEN,
HUSBAND AND WIFE, AS JOINT TENANTS,

Case No.: A-17-765372-C
Dept.: XVIII

Plaintiff,

v.

1 TRUDI LEE LYTLE AND JOHN ALLEN
2 LYTLE, AS TRUSTEES OF THE LYTLE
3 TRUST; JOHN DOES I through V, inclusive, ROE
4 ENTITIES I through V, inclusive,

Defendants.

5 NOTICE IS HEREBY GIVEN that Defendants TRUDI LEE LYTLE AND JOHN ALLEN
6 LYTLE, AS TRUSTEES OF THE LYTLE TRUST (hereinafter the "Lytle" or "Defendants") hereby
7 appeals to the Supreme Court of Nevada from the District Court's, Clark County, Nevada Order
8 Regarding Plaintiffs SEPTEMBER TRUST, DATED MARCH 23, 1972; GERRY R. ZOBRIST
9 AND JOLIN G. ZOBRIST, AS TRUSTEES OF THE GERRY R. ZOBRIST AND JOLIN G.
10 ZOBRIST FAMILY TRUST; RAYNALDO G. SANDOVAL AND JULIE MARIE SANDOVAL
11 GEGEN, AS TRUSTEES OF THE RAYNALDO G. AND EVELYN A. SANDOVAL JOINT
12 LIVING AND DEVOLUTION TRUST DATED MAY 27, 1992; and DENNIS A. GEGEN AND
13 JULIE S. GEGEN, HUSBAND AND WIFE, AS JOINT TENANTS's Motion for Attorney's Fees
14 and Costs and Memorandum of Costs and Disbursements and Defendants' Motion to Retax and
15 Settle Memorandum of Costs, entered on September 12, 2018, in Case No. A-17-765372-C.

16
17 DATED: September 14, 2018

GIBBS GIDEN LOCHER TURNER
SENET & WITTBRODT LLP

18
19
20 By: _____

Richard E. Haskin, Esq.
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1140 N. Town Center Drive, Suite 300
Las Vegas, Nevada 89144
Attorneys for Defendants
TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS
TRUSTEES OF THE LYTLE TRUST

CERTIFICATE OF MAILING

The undersigned, an employee of the law firm of GIBBS GIDEN LOCHER TURNER SENET & WITTBRODT LLP, hereby certifies that on September 14, 2018, she served a copy of the foregoing **NOTICE OF APPEAL** by electronic service through the Regional Justice Center for Clark County, Nevada's ECF System:

DANIEL T. FOLEY, ESQ.
FOLEY & OAKS
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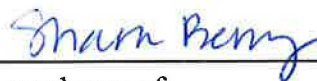
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An employee of
Gibbs Giden Locher Turner
Senet & Wittbrodt LLP

DEPARTMENT 18
CASE SUMMARY
CASE NO. A-16-747800-C

Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

§
§
§
§
§
§
§

Location: **Department 18**
Judicial Officer: **Bailus, Mark B**
Filed on: **12/08/2016**
Case Number History:
Cross-Reference Case Number: **A747800**
Supreme Court No.: **73039**
76198

CASE INFORMATION

Related Cases
A-17-765372-C (Consolidated)

Case Type: **Other Title to Property**
Case Flags: **Consolidated - Lead Case**
Appealed to Supreme Court
Arbitration Exemption Granted

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-16-747800-C
Court	Department 18
Date Assigned	01/25/2018
Judicial Officer	Bailus, Mark B

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Boulden, Marjorie B	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
	Jacques & Linda Lamothe Living Trust	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
	Lamothe, Jacques	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
	Lamothe, Linda	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
	Marjorie B. Boulden Trust	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
Defendant	Lytle Trust	Haskin Esq, Richard Edward <i>Retained</i> 702-836-9800(W)
	Lytle, John Allen	Haskin Esq, Richard Edward <i>Retained</i> 702-836-9800(W)
	Lytle, Trudi Lee	Haskin Esq, Richard Edward <i>Retained</i> 702-836-9800(W)
Counter Claimant	Lytle Trust	Haskin Esq, Richard Edward <i>Retained</i> 702-836-9800(W)

DEPARTMENT 18
CASE SUMMARY
CASE NO. A-16-747800-C

	Lytle, John Allen	Haskin Esq, Richard Edward <i>Retained</i> 702-836-9800(W)
	Lytle, Trudi Lee	Haskin Esq, Richard Edward <i>Retained</i> 702-836-9800(W)
Counter Defendant	Disman, Robert Z	Wang, Christina H. <i>Retained</i> 702-667-3000(W)
	Disman, Yvonne A	Wang, Christina H. <i>Retained</i> 702-667-3000(W)
	Jacques & Linda Lamothe Living Trust	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
	Lamothe, Jacques	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
	Lamothe, Linda	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
Cross Claimant	Disman, Robert Z	Wang, Christina H. <i>Retained</i> 702-667-3000(W)
	Disman, Yvonne A	Wang, Christina H. <i>Retained</i> 702-667-3000(W)
Cross Defendant	Boulden, Marjorie B	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
Other Plaintiff	Gegen, Dennis A	Smith, Wesley J., ESQ <i>Retained</i> 702-255-1718(W)
	Gegen, Julie S	Smith, Wesley J., ESQ <i>Retained</i> 702-255-1718(W)
	Gerry R. Zobrist and Jolin G. Zobrist Family Trust	Smith, Wesley J., ESQ <i>Retained</i> 702-255-1718(W)
	September Trust Dated March 23, 1972	Smith, Wesley J., ESQ <i>Retained</i> 702-255-1718(W)
	The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated	Smith, Wesley J., ESQ <i>Retained</i> 702-255-1718(W)
Trustee	Boulden, Marjorie B	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
	Lamothe, Jacques	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
	Lamothe, Linda	Foley, Daniel Thomas, ESQ

DEPARTMENT 18
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CASE NO. A-16-747800-C











Retained
702-384-2070(W)

Lytle, John Allen













Haskin Esq, Richard Edward
Retained
702-836-9800(W)

Lytle, Trudi Lee

Haskin Esq, Richard Edward
Retained
702-836-9800(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
12/08/2016	 Complaint Filed By: Plaintiff Marjorie B. Boulden Trust <i>Complaint</i>	
01/11/2017	 Motion for Temporary Restraining Order Filed By: Plaintiff Marjorie B. Boulden Trust <i>Motion for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time</i>	
01/12/2017	 Response Filed by: Plaintiff Marjorie B. Boulden Trust <i>Response to Ex-Parte Motion to Continue Hearing</i>	
01/17/2017	 Acceptance of Service Filed By: Plaintiff Marjorie B. Boulden Trust <i>Acceptance of Service of Summons and Complaint</i>	
01/17/2017	 Receipt of Copy Filed by: Plaintiff Marjorie B. Boulden Trust <i>Receipt of Copy</i>	
01/17/2017	 Ex Parte Motion Filed By: Counter Claimant Lytle, Trudi Lee <i>Ex Parte Emergency Motion on Order Shortening Time by Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust to Continue Hearing Set for January 17, 2017</i>	
01/18/2017	 Opposition to Motion Filed By: Counter Claimant Lytle, Trudi Lee <i>Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Temporary Restraining Order</i>	
01/18/2017	 Declaration Filed By: Counter Claimant Lytle, Trudi Lee <i>Declaration of Richard E. Haskin in Support of Opposition to Motion for Temporary Restraining Order</i>	
01/18/2017	 Request for Judicial Notice Filed By: Counter Claimant Lytle, Trudi Lee <i>Request for Judicial Notice in Support of Opposition to Motion for Temporary Restraining Order</i>	
01/18/2017	 Receipt of Copy Filed by: Counter Claimant Lytle, Trudi Lee <i>Receipt of Copy</i>	












DEPARTMENT 18
CASE SUMMARY
CASE NO. A-16-747800-C

01/19/2017	 Motion for Temporary Restraining Order (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Plaintiffs Motion for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time</i>
02/08/2017	 Answer to Complaint Filed by: Counter Claimant Lytle, Trudi Lee <i>Defendants Trudi Lee Lytle and John Allen Lytle, Trustees of The Lytle Trust's Answer to Plaintiffs' Complaint</i>
02/08/2017	 Motion to Dismiss Filed By: Counter Claimant Lytle, Trudi Lee <i>Trudi Lee Lytle and John Allen Lytle's Motion to Dismiss Plaintiffs' Complaint</i>
02/09/2017	 Initial Appearance Fee Disclosure Filed By: Counter Claimant Lytle, Trudi Lee <i>Initial Appearance Fee Disclosure</i>
02/24/2017	 Motion for Partial Summary Judgment Filed By: Plaintiff Marjorie B. Boulden Trust <i>Motion for Partial Summary Judgment</i>
02/28/2017	 Opposition to Motion to Dismiss Filed By: Plaintiff Marjorie B. Boulden Trust <i>Opposition to Motion to Dismiss</i>
03/10/2017	 Amended Complaint Filed By: Plaintiff Marjorie B. Boulden Trust <i>Amended Complaint</i>
03/10/2017	 Stipulation and Order Filed by: Plaintiff Marjorie B. Boulden Trust <i>Stipulation and Order for Leave for Plaintiffs to File Amended Complaint</i>
03/14/2017	CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated - per Stipulation and Order</i> <i>Trudi Lee Lytle and John Allen Lytle's Motion to Dismiss Plaintiffs' Complaint</i>
03/23/2017	 Stipulation and Order Filed by: Counter Claimant Lytle, Trudi Lee <i>Stipulation and Order to Continue Hearing Date Re Motion for Partial Summary Judgment</i>
03/24/2017	 Request for Judicial Notice Filed By: Counter Claimant Lytle, Trudi Lee <i>Request for Judicial Notice in Support of Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i>
03/24/2017	 Declaration Filed By: Counter Claimant Lytle, Trudi Lee <i>Declaration of Richard E. Haskin in Support of Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i>
03/27/2017	 Countermotion For Summary Judgment

DEPARTMENT 18
CASE SUMMARY
CASE NO. A-16-747800-C

	Filed By: Counter Claimant Lytle, Trudi Lee <i>Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i>
03/27/2017	 Notice of Entry of Stipulation and Order Filed By: Counter Claimant Lytle, Trudi Lee <i>Notice of Entry of Stipulation and Order to Continue Hearing Date Re Motion for Partial Summary Judgment</i>
03/30/2017	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - Granted</i>
04/05/2017	 Reply to Opposition Filed by: Plaintiff Marjorie B. Boulden Trust <i>Reply to the Opposition to Motion for Partial Summary Judgment and Opposition to Countermotion for Summary Judgment</i>
04/13/2017	Motion for Partial Summary Judgment (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Motion for Partial Summary Judgment</i>
04/13/2017	Opposition and Countermotion (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i>
04/13/2017	 All Pending Motions (9:00 AM) (Judicial Officer: Williams, Timothy C.)
04/26/2017	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff Marjorie B. Boulden Trust <i>Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Partial Summary Judgment</i>
04/26/2017	Partial Summary Judgment (Judicial Officer: Williams, Timothy C.) Debtors: Lytle Trust (Defendant) Creditors: Marjorie B. Boulden Trust (Plaintiff), Marjorie B Boulden (Trustee), Linda Lamothe (Trustee) Judgment: 04/26/2017, Docketed: 05/03/2017
04/27/2017	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Plaintiff Marjorie B. Boulden Trust; Counter Defendant Jacques & Linda Lamothe Living Trust; Cross Defendant Boulden, Marjorie B; Counter Defendant Lamothe, Jacques; Counter Defendant Lamothe, Linda <i>Notice of Entry of Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Partial Summary Judgment</i>
04/28/2017	 Motion for Attorney Fees and Costs Filed By: Plaintiff Marjorie B. Boulden Trust; Counter Defendant Jacques & Linda Lamothe Living Trust; Cross Defendant Boulden, Marjorie B; Counter Defendant Lamothe, Jacques; Counter Defendant Lamothe, Linda <i>Motion for Attorney's Fees and Costs</i>
05/09/2017	 Notice of Lis Pendens Filed by: Counter Claimant Lytle, Trudi Lee <i>Notice of Lis Pendens</i>
05/09/2017	 Notice of Lis Pendens Filed by: Counter Claimant Lytle, Trudi Lee <i>Notice of Lis Pendens</i>

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CASE NO. A-16-747800-C

05/09/2017	 Notice of Appeal Filed By: Counter Claimant Lytle, Trudi Lee <i>Notice of Appeal</i>
05/09/2017	 Notice Filed By: Counter Claimant Lytle, Trudi Lee <i>Notice of Depositing Security for Costs on Appeal</i>
05/09/2017	 Case Appeal Statement Filed By: Counter Claimant Lytle, Trudi Lee <i>Case Appeal Statement</i>
05/15/2017	 Motion to Reconsider Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust <i>Defendants Trudi Lee Lytle, John Allen Lytle, and The Lytle Trust's Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment</i>
05/15/2017	 Opposition to Motion Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust <i>Defendants Trudi Lee Lytle, John Allen Lytle, and The Lytle Trust's Opposition to Plaintiffs' Motion for Attorneys' Fees and Costs</i>
05/16/2017	 Errata Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust <i>Notice of Errata Re: Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust's Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment</i>
05/22/2017	 Motion to Cancel Lis Pendens Filed By: Plaintiff Marjorie B. Boulden Trust; Counter Defendant Jacques & Linda Lamothe Living Trust; Cross Defendant Boulden, Marjorie B; Counter Defendant Lamothe, Jacques; Counter Defendant Lamothe, Linda <i>Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time</i>
05/25/2017	 Stipulation and Order Filed by: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust <i>Stipulation and Order to Continue Hearing Date Re Motion for Reconsideration</i>
05/26/2017	 Notice of Entry of Stipulation and Order Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust <i>Notice of Entry of Stipulation and Order to Continue Hearing Date Re Motion for Reconsideration</i>
05/30/2017	 Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Williams, Timothy C.) 05/30/2017, 06/29/2017 <i>Def't's Motion for Attorney's Fees and Costs</i>
05/31/2017	 Opposition to Motion Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust

DEPARTMENT 18
CASE SUMMARY
CASE NO. A-16-747800-C

Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust's Opposition to Plaintiff's Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Counsel in Contempt of Court

06/01/2017



Motion to Cancel Lis Pendens (9:00 AM) (Judicial Officer: Williams, Timothy C.)

06/01/2017, 06/06/2017

Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time

06/01/2017



Opposition to Motion

Filed By: Plaintiff Marjorie B. Boulden Trust; Counter Defendant Jacques & Linda Lamothe Living Trust; Cross Defendant Boulden, Marjorie B; Counter Defendant Lamothe, Jacques; Counter Defendant Lamothe, Linda
Opposition to Motion for Reconsideration

06/02/2017



Reply to Opposition

Filed by: Plaintiff Marjorie B. Boulden Trust; Counter Defendant Jacques & Linda Lamothe Living Trust; Cross Defendant Boulden, Marjorie B; Counter Defendant Lamothe, Jacques; Counter Defendant Lamothe, Linda
Reply to Defendants' Opposition to Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court

06/23/2017



Order Granting Motion

Filed By: Plaintiff Marjorie B. Boulden Trust; Counter Defendant Jacques & Linda Lamothe Living Trust; Cross Defendant Boulden, Marjorie B; Counter Defendant Lamothe, Jacques; Counter Defendant Lamothe, Linda
Order Granting Plaintiffs' Motion to Cancel Lis Pendens and Order Denying Motion to Hold Defendants and/or Their Counsel in Contempt of Court

06/23/2017



Reply to Opposition

Filed by: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust
Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust's Reply to Opposition to Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment

06/27/2017



Notice of Entry of Order

Filed By: Plaintiff Marjorie B. Boulden Trust; Counter Defendant Jacques & Linda Lamothe Living Trust; Cross Defendant Boulden, Marjorie B; Counter Defendant Lamothe, Jacques; Counter Defendant Lamothe, Linda
Notice of Entry of Order

06/29/2017

Motion For Reconsideration (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Defendants Trudi Lee Lytle, John Allen Lytle, and The Lytle Trust's Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment

06/29/2017



All Pending Motions (9:00 AM) (Judicial Officer: Williams, Timothy C.)

06/29/2017



Notice of Release of Lis Pendens

Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust
Notice of Release of Lis Pendens









06/29/2017














Notice of Release of Lis Pendens

Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust
Notice of Release of Lis Pendens













DEPARTMENT 18
CASE SUMMARY
CASE NO. A-16-747800-C

06/30/2017	 Motion for Leave to File Party: Plaintiff Marjorie B. Boulden Trust; Counter Defendant Jacques & Linda Lamothe Living Trust; Cross Defendant Boulden, Marjorie B; Counter Defendant Lamothe, Jacques; Counter Defendant Lamothe, Linda <i>Plaintiffs' Motion for Leave to File Second Amended Complaint</i>
07/25/2017	Partial Summary Judgment (Judicial Officer: Williams, Timothy C.) Debtors: Trudi Lee Lytle (Defendant), John Allen Lytle (Defendant) Creditors: Marjorie B. Boulden Trust (Plaintiff), Jacques & Linda Lamothe Living Trust (Plaintiff) Judgment: 07/25/2017, Docketed: 07/25/2017
07/25/2017	 Order Granting Motion Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust <i>Order Granting Motion to Alter or Amend Findings of Fact and Conclusions of Law</i>
07/25/2017	 Stipulation and Order Filed by: Plaintiff Marjorie B. Boulden Trust; Counter Defendant Jacques & Linda Lamothe Living Trust; Cross Defendant Boulden, Marjorie B; Counter Defendant Lamothe, Jacques; Counter Defendant Lamothe, Linda <i>Stipulation and Order for Leave for Plaintiffs to File Second Amended Complaint</i>
07/25/2017	 Second Amended Complaint Filed By: Plaintiff Marjorie B. Boulden Trust; Counter Defendant Jacques & Linda Lamothe Living Trust; Cross Defendant Boulden, Marjorie B; Counter Defendant Lamothe, Jacques; Counter Defendant Lamothe, Linda <i>Second Amended Complaint</i>
07/25/2017	 Notice of Entry of Order Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust <i>Notice of Entry of Order Granting Motion to Alter or Amend Findings of Fact and Conclusions of Law</i>
07/25/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Marjorie B. Boulden Trust; Counter Defendant Jacques & Linda Lamothe Living Trust; Cross Defendant Boulden, Marjorie B; Counter Defendant Lamothe, Jacques; Counter Defendant Lamothe, Linda <i>Notice of Entry of Stipulation and Order</i>
08/01/2017	CANCELED Motion to Amend Complaint (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated - per Stipulation and Order</i> <i>Plaintiffs' Motion for Leave to File a Second Amended Complaint</i>
08/02/2017	 Joint Case Conference Report Filed By: Plaintiff Marjorie B. Boulden Trust; Counter Defendant Jacques & Linda Lamothe Living Trust; Cross Defendant Boulden, Marjorie B; Counter Defendant Lamothe, Jacques; Counter Defendant Lamothe, Linda <i>Joint Case Conference Report</i>
08/11/2017	 Answer and Counterclaim Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust <i>Defendants Trudi Lee Lytle and John Allen Lytle, Trustees of The Lytle Trust's Answer to Plaintiff's Second Amended Complaint and Counterclaim</i>
08/15/2017	

DEPARTMENT 18
CASE SUMMARY
CASE NO. A-16-747800-C

	 Summons Filed by: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust <i>Summons</i>
08/15/2017	 Summons Filed by: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust <i>Summons</i>
08/23/2017	 Affidavit of Service Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust <i>Affidavit of Service</i>
08/23/2017	 Affidavit of Service Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust <i>Affidavit of Service</i>
09/05/2017	 Answer to Counterclaim Filed By: Plaintiff Marjorie B. Boulden Trust; Counter Defendant Jacques & Linda Lamothe Living Trust; Cross Defendant Boulden, Marjorie B; Counter Defendant Lamothe, Jacques; Counter Defendant Lamothe, Linda <i>Plaintiffs' Answer to Counter Complaint</i>
09/13/2017	 Scheduling Order <i>Scheduling Order</i>
09/21/2017	 Order Setting Civil Non-Jury Trial <i>Order Setting Civil Non-Jury Trial, Pre-Trial/Calendar Call</i>
09/26/2017	 Answer Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Counter-Defendants and Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Answer and Counterclaim</i>
09/26/2017	 Initial Appearance Fee Disclosure Filed By: Cross Claimant Disman, Yvonne A <i>Initial Appearance Fee Disclosure</i>
10/13/2017	 Answer Filed By: Plaintiff Marjorie B. Boulden Trust <i>Plaintiff's Answer to Cross-Complaint</i>
12/08/2017	 Motion Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Counter-Defendants/Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Motion to Extend Discovery Deadlines and Trial Setting</i>
12/14/2017	 Order Shortening Time Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Order Shortening Time RE: Counter-Defendants/Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Motion to Extend Discovery Deadlines and Trial Setting</i>

DEPARTMENT 18
CASE SUMMARY
CASE NO. A-16-747800-C

12/15/2017	 Notice of Entry of Order Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Notice of Entry of Order Shortening Time RE: Counter-Defendants/Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Motion to Extend Discovery Deadlines and Trial Setting</i>
12/26/2017	 Opposition Filed By: Plaintiff Marjorie B. Boulden Trust <i>Opposition to Motion to Extend Discovery Deadlines and Trial Setting</i>
01/02/2018	 Opposition Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust <i>Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust s Opposition to Motion to Extend Discovery Deadlines</i>
01/09/2018	 Reply in Support Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Counter-Defendants/Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Reply in Support of Motion to Extend Discovery Deadlines and Trial Setting</i>
01/16/2018	 Motion to Extend Discovery (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Counter Defendants/Cross Claimants Robert Z. Disman and Yvonne A. Disman's Motion to Extend Discovery Deadlines and Trial Setting (First Requested Extension)</i>
01/16/2018	 Motion to Consolidate Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C</i>
01/18/2018	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
01/23/2018	 Order Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Plaintiffs' Ex Parte Motion for Order Shortening Time and Order Shortening</i>
01/23/2018	 Reporters Transcript <i>Court Reporters transcript of Proceedings June 6, 2017</i>
01/24/2018	 Peremptory Challenge Filed by: Plaintiff Marjorie B. Boulden Trust <i>Peremptory Challenge of Judge</i>
01/25/2018	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
01/29/2018	 Notice of Change of Hearing Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A

DEPARTMENT 18
CASE SUMMARY
CASE NO. A-16-747800-C

Notice of Change of Hearing

02/01/2018



Ex Parte Order

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A

Amended Order Granting Order Shortening Time

02/05/2018



Notice of Entry of Order

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A

Notice of Entry of Amended Order Granting Order Shortening Time

02/06/2018



Amended Order Setting Civil Non-Jury Trial

Amended Order Setting Civil Bench Trial

02/07/2018



Motion to Consolidate (9:00 AM) (Judicial Officer: Bailus, Mark B)

Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C

02/07/2018



Notice of Change of Address

Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A

Notice of Change of Firm Address

02/13/2018



Stipulation and Order

Filed by: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A

Stipulation and Order to Extend Discovery Deadlines and Trial Setting (First Requested Extension)

02/13/2018



Notice of Entry of Stipulation and Order

Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A

Notice of Entry of Stipulation and Order to Extend Discovery Deadlines and Trial Setting (First Requested Extension)

02/21/2018



Motion to Consolidate (9:00 AM) (Judicial Officer: Bailus, Mark B)

Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C

02/22/2018



Notice of Early Case Conference

Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust

Notice of Early Case Conference

02/28/2018



Order

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A

Order Granting Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C

03/01/2018












Request

Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other

DEPARTMENT 18
CASE SUMMARY
CASE NO. A-16-747800-C

	Plaintiff Gegen, Dennis A <i>Request to Set Hearing Date on Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings</i>
03/01/2018	 Motion for Summary Judgment <i>Plaintiffs' Motion for Summary Judgment (Filed 11/30/17 in Subordinate Case A-17-765372-C)</i>
03/01/2018	 Opposition and Countermotion Filed By: Counter Claimant Lytle Trust <i>Defendant Trudi Lee Lytle, John Allen Lytle, The Lytle Trust (1) Opposition to Motion for Summary Judgment, or, in the Alternative, Motion for Judgment on the Pleadings; and (2) Counter Motion for Summary Judgment (Filed 02/09/18 in subordinate case A-17-795372-C)</i>
03/01/2018	Reply to Opposition <i>Plaintiffs' Reply to Defendants' Opposition to the Motion for Summary Judgment, or, in the Alternative, Motion for Judgment on the Pleadings and Opposition to Plaintiffs' Countermotion for Summary Judgment (Filed 2/21/18 in subordinate case A-17-765372-C)</i>
03/05/2018	 Notice Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Notice of Entry of Order Granting Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C</i>
03/21/2018	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Bailus, Mark B) Events: 03/01/2018 Request <i>Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings</i>
03/21/2018	Opposition and Countermotion (9:00 AM) (Judicial Officer: Bailus, Mark B) <i>Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust (1) Opposition to Motion for Summary Judgment, or in the Alternative, Motion for Judgment on the Pleadings; and (2) Countermotion for Summary Judgment</i>
03/21/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Bailus, Mark B)
04/04/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Bailus, Mark B) <i>Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment</i>
05/02/2018	 Decision (9:00 AM) (Judicial Officer: Bailus, Mark B) <i>Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment</i>
05/24/2018	 Order Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>(A765372) Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment</i>
05/25/2018	 Notice of Entry of Order

DEPARTMENT 18
CASE SUMMARY
CASE NO. A-16-747800-C

	<p>Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A</p> <p><i>Notice of Entry of Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment</i></p>
06/04/2018	<p> Motion for Attorney Fees and Costs</p> <p>Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A</p> <p><i>Plaintiffs' Motion for Attorney's Fees and Costs</i></p>
06/04/2018	<p> Memorandum</p> <p>Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A</p> <p><i>Memorandum of Costs and Disbursements</i></p>
06/04/2018	<p> Declaration</p> <p>Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A</p> <p><i>Declaration of Counsel in Support of Plaintiffs' Motion for Attorney's Fees and Costs</i></p>
06/06/2018	<p> Notice</p> <p>Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A</p> <p><i>Notice of Hearing on Plaintiffs' Motion for Attorney's Fees and Costs</i></p>
06/08/2018	<p> Motion to Retax</p> <p>Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust</p> <p><i>Defendants' Motion to Retax and Settle Memorandum of Costs</i></p>
06/13/2018	<p> Release</p> <p>Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust</p> <p><i>Release of Abstract of Judgment</i></p>
06/13/2018	<p> Release</p> <p>Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust</p> <p><i>Release of Abstract of Judgment</i></p>
06/13/2018	<p> Release</p> <p>Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust</p> <p><i>Release of Abstract of Judgment</i></p>
06/13/2018	<p> Release</p> <p>Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust</p>

DEPARTMENT 18
CASE SUMMARY
CASE NO. A-16-747800-C

Release of Abstract of Judgment

06/15/2018



Opposition

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A

Plaintiffs' Opposition to Defendants' Motion to Retax and Settle Memorandum of Costs

06/15/2018



Declaration

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A

Declaration of Counsel in Support of Plaintiffs' Opposition to Defendants' Motion to Retax and Settle Memorandum of Costs

06/19/2018



Notice of Appeal

Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust

Notice of Appeal

06/19/2018



Case Appeal Statement

Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust

Case Appeal Statement

06/22/2018



Opposition to Motion

Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust

Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs

06/28/2018



Motion for Summary Judgment

Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A
Robert Z. Disman and Yvonne A. Disman's Motion to Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings

07/05/2018



Reply to Opposition

Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A

Reply to Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs

07/05/2018



Declaration

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A

Declaration of Counsel in Support of Reply to Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs

07/06/2018



Notice of Change of Hearing









Notice of Change of Hearing

07/26/2018

Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Bailus, Mark B)

Plaintiffs' Motion for Attorney's Fees and Costs

DEPARTMENT 18
CASE SUMMARY
CASE NO. A-16-747800-C

07/26/2018	Motion to Retax (9:00 AM) (Judicial Officer: Bailus, Mark B) <i>Defendants' Motion to Retax and Settle Memorandum of Costs</i>
07/26/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Bailus, Mark B)
07/26/2018	 Opposition to Motion For Summary Judgment Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust <i>Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment, or, in the Alternative, Motion for Judgment on the Pleadings</i>
08/01/2018	 Reply in Support Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A
08/09/2018	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Bailus, Mark B) <i>Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the ALternative Motion for Judgment on the Pleadings</i>
08/09/2018	Decision (9:00 AM) (Judicial Officer: Bailus, Mark B) <i>Decision - Defendants' Motion to Retax and Settle Memorandum of Costs Decision - Plaintiff's Motion for Attorney's Fees</i>
08/09/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Bailus, Mark B)
08/17/2018	Status Check (3:00 AM) (Judicial Officer: Bailus, Mark B) <i>Status Check: Decision - Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings</i>
08/27/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing Re: Defendants' Motion to Retax and Settle Memorandum of Costs; Plaintiffs' Motion for Attorney's Fees and Costs 6/26/18</i>
08/27/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing Re: Decision - Defendants' Motion to Retax and Settle Memorandum of Costs; Decision - Plaintiffs' Motion for Attorney's Fees; Robert Z. Disman and Yvonne A. Dismans' Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings 8/9/18</i>
09/12/2018	 Order Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Order Regarding Plaintiffs' Motion for Attorney's Fees and Costs and Memorandum of Costs and Disbursements and Defendants' Motion to Retax and Settle Memorandum of Costs</i>
09/13/2018	 Notice Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff The Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Notice of Entry of Order Regarding Plaintiffs' Motion for Attorney's Fees and Costs and Memorandum of Costs and Disbursements and Defendants' Motion to Retax and Settle Memorandum of Costs</i>
09/14/2018	 Notice of Appeal Filed By: Counter Claimant Lytle, Trudi Lee; Counter Claimant Lytle, John Allen; Counter Claimant Lytle Trust

DEPARTMENT 18
CASE SUMMARY
CASE NO. A-16-747800-C

	<i>Notice of Appeal</i>	
12/19/2018	Pre Trial Conference (9:00 AM) (Judicial Officer: Bailus, Mark B)	
01/30/2019	Calendar Call (9:00 AM) (Judicial Officer: Bailus, Mark B)	
02/04/2019	Bench Trial (10:00 AM) (Judicial Officer: Bailus, Mark B)	
DATE	FINANCIAL INFORMATION	
	Cross Claimant Disman, Robert Z	
	Total Charges	200.00
	Total Payments and Credits	200.00
	Balance Due as of 9/19/2018	0.00
	Cross Claimant Disman, Yvonne A	
	Total Charges	253.00
	Total Payments and Credits	253.00
	Balance Due as of 9/19/2018	0.00
	Counter Claimant Lytle Trust	
	Total Charges	30.00
	Total Payments and Credits	30.00
	Balance Due as of 9/19/2018	0.00
	Counter Claimant Lytle, John Allen	
	Total Charges	30.00
	Total Payments and Credits	30.00
	Balance Due as of 9/19/2018	0.00
	Counter Claimant Lytle, Trudi Lee	
	Total Charges	718.00
	Total Payments and Credits	718.00
	Balance Due as of 9/19/2018	0.00
	Counter Defendant Jacques & Linda Lamothe Living Trust	
	Total Charges	30.00
	Total Payments and Credits	30.00
	Balance Due as of 9/19/2018	0.00
	Plaintiff Marjorie B. Boulden Trust	
	Total Charges	926.50
	Total Payments and Credits	926.50
	Balance Due as of 9/19/2018	0.00
	Counter Claimant Lytle, Trudi Lee	
	Appeal Bond Balance as of 9/19/2018	500.00
	Counter Claimant Lytle, Trudi Lee	
	Appeal Bond Balance as of 9/19/2018	500.00
	Counter Claimant Lytle, Trudi Lee	
	Supersedeas Bond Balance as of 9/19/2018	53,054.52

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No.

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Marjorie Boulden, 1960 Rosemere Ct., Las Vegas, NV 89117

Jacques Lamothe, 1830 Rosemere Ct., Las Vegas, NV 89117

Linda Lamothe, 1830 Rosemere Ct., Las Vegas, NV 89117

Defendant(s) (name/address/phone):

Trudi Lee Lytle

John Allen Lytle

Attorney (name/address/phone):

Daniel T. Foley

626 So. 8th Street, Las Vegas, NV 89101

702-384-2070

Attorney (name/address/phone):

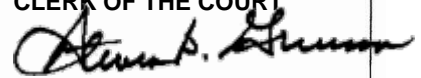
II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types****Real Property****Landlord/Tenant**☐ Unlawful Detainer☐ Other Landlord/Tenant**Title to Property**☐ Judicial Foreclosure☒ Other Title to Property**Other Real Property**☐ Condemnation/Eminent Domain☐ Other Real Property**Negligence**☐ Auto☐ Premises Liability☐ Other Negligence**Malpractice**☐ Medical/Dental☐ Legal☐ Accounting☐ Other Malpractice**Torts****Other Torts**☐ Product Liability☐ Intentional Misconduct☐ Employment Tort☐ Insurance Tort☐ Other Tort**Probate****Probate** (select case type and estate value)☐ Summary Administration☐ General Administration☐ Special Administration☐ Set Aside☐ Trust/Conservatorship☐ Other Probate**Estate Value**☐ Over \$200,000☐ Between \$100,000 and \$200,000☐ Under \$100,000 or Unknown☐ Under \$2,500**Construction Defect & Contract****Construction Defect**☐ Chapter 40☐ Other Construction Defect**Contract Case**☐ Uniform Commercial Code☐ Building and Construction☐ Insurance Carrier☐ Commercial Instrument☐ Collection of Accounts☐ Employment Contract☐ Other Contract**Judicial Review/Appeal****Judicial Review**☐ Foreclosure Mediation Case☐ Petition to Seal Records☐ Mental Competency**Nevada State Agency Appeal**☐ Department of Motor Vehicle☐ Worker's Compensation☐ Other Nevada State Agency**Appeal Other**☐ Appeal from Lower Court☐ Other Judicial Review/Appeal**Civil Writ****Civil Writ**☐ Writ of Habeas Corpus☐ Writ of Mandamus☐ Writ of Quo Warrant☐ Writ of Prohibition☐ Other Civil Writ**Other Civil Filing****Other Civil Filing**☐ Compromise of Minor's Claim☐ Foreign Judgment☐ Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

12/7/16
Date

Signature of initiating party or representative

See other side for family-related case filings.



ORDR
CHRISTENSEN JAMES & MARTIN
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Nevada Bar No. 175
WESLEY J. SMITH, ESQ.
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*Attorneys for September Trust, Zobrist Trust, Sandoval Trust
and Dennis & Julie Gegen*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF
THE MARJORIE B. BOULDEN TRUST,
LINDA LAMOTHE AND JACQUES
LAMOTHE, TRUSTEES OF THE
JACQUES & LINDA LAMOTHE LIVING
TRUST,

Plaintiffs,

vs.

TRUDI LEE LYTLE, JOHN ALLEN
LYTLE, THE LYTLE TRUST, DOES I
through X, and ROE CORPORATIONS I
through X,

Defendants.

Case No.: A-16-747800-C
Dept. No.: XVIII

**ORDER REGARDING PLAINTIFFS'
MOTION FOR ATTORNEY'S FEES
AND COSTS AND MEMORANDUM
OF COSTS AND DISBURSEMENTS
AND DEFENDANTS' MOTION TO
RETAX AND SETTLE
MEMORANDUM OF COSTS**

Date: August 9, 2018
Time: 9:00 a.m.

AND ALL RELATED COUNTERCLAIMS
AND CROSS-CLAIMS

SEPTEMBER TRUST, DATED MARCH 23,
1972; GERRY R. ZOBRIST AND JOLIN G.
ZOBRIST, AS TRUSTEES OF THE GERRY
R. ZOBRIST AND JOLIN G. ZOBRIST
FAMILY TRUST; RAYNALDO G.
SANDOVAL AND JULIE MARIE
SANDOVAL GEGEN, AS TRUSTEES OF
THE RAYNALDO G. AND EVELYN A.
SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C
Dept. No.: XXVIII

CHRISTENSEN JAMES & MARTIN
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117
PH: (702) 255-1718 & FAX: (702) 255-0871

1 DEVOLUTION TRUST DATED MAY 27,
2 1992; and DENNIS A. GEGEN AND JULIE
3 S. GEGEN, HUSBAND AND WIFE, AS
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN
8 LYTLE, AS TRUSTEES OF THE LYTLE
9 TRUST; JOHN DOES I through V; and ROE
10 ENTITIES I through V, inclusive,

11 Defendants.

12 Presently before the Court is Plaintiffs' Motion for Attorney's Fees and Costs and
13 Memorandum of Costs and Disbursements (hereafter collectively "Plaintiffs' Motion") filed by
14 the September Trust, dated March 23, 1972 ("September Trust"), Gerry R. Zobrist and Jolin G.
15 Zobrist, as Trustees of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust"),
16 Raynaldo G. Sandoval and Julie Marie Sandoval Gegen, as Trustees of the Raynaldo G. and
17 Evelyn A. Sandoval Joint Living and Devolution Trust dated May 27, 1992 ("Sandoval Trust"),
18 and Dennis A. Gegen and Julie S. Gegen, Husband and Wife, as Joint Tenants ("Dennis & Julie
19 Gegen") (collectively the "Plaintiffs") in Case No. A-17-765372-C, and Defendants' Motion to
20 Retax and Settle Memorandum of Costs ("Defendant's Motion") filed by Trudi Lee Lytle and
21 John Allen Lytle, as Trustees of the Lytle Trust ("Lytle Trust") in Case No. A-17-765372-C,
22 which came on for hearing on July 26, 2018 at 9:00 a.m. and August 9, 2018 at 9:00 a.m. in
23 Department XVIII of the Eighth Judicial District Court, Clark County, Nevada.

24 Wesley J. Smith, Esq. of Christensen James & Martin appeared on behalf of the Plaintiffs
25 September Trust, Zobrist Trust, Sandoval Trust, and Dennis & Julie Gegen. Richard Haskin,
26 Esq. of Gibbs Giden Locher Turner Senet & Wittbrodt LLP appeared on behalf of the Lytle
27 Trust. John M. Oakes, Esq. of Foley & Oakes, PC appeared on behalf of Marjorie B. Boulden,
28 Trustee of the Marjorie B. Boulden Trust, amended and restated dated July 17, 1996 ("Boulden

1 Trust”) and Linda Lamothe and Jacques Lamothe, Trustees of the Jacques and Linda Lamothe
2 Living Trust (“Lamothe Trust”). Christina H. Wang, Esq. of Fidelity Law Group appeared on
3 behalf of Robert Z. Disman and Yvonne A. Disman (“Robert & Yvonne Disman”).

4 The Court having considered the Plaintiffs’ Motion and exhibits and Defendant’s Motion
5 to Re-Tax and Exhibits, all Oppositions Replies and exhibits thereto, and having heard the
6 arguments of counsel, and with good cause appearing therefore, the Court hereby enters the
7 following Order:

8 **FINDINGS OF FACT**

9
10 In August and September of 2016, the Lytles recorded with the Clark County Recorder’s
11 office four (4) abstracts of the Final Judgment (“Abstracts of Judgment”) obtained against the
12 Rosemere Association on August 16, 2016 in Case No. A-09-593497-C, Department XII. The
13 Abstracts of Judgment were recorded against eight of the individual parcels or properties within
14 the Rosemere Subdivision, including properties owned by the Plaintiffs. The owners of the
15 encumbered properties were not Judgment Debtors under the Abstracts of Judgment.

16
17 On or about December 8, 2016, a case was filed against the Lytle Trust by the Bouldens,
18 who owned Parcel No. 163-03-313-008, 1960 Rosemere Court, and the Lamothes, who own
19 Parcel No. 163-03-313-002, 1830 Rosemere Court, each located in the Rosemere Subdivision, to
20 remove the Abstracts of Judgment and plead causes of action for Quiet Title, Declaratory Relief
21 and Slander of Title. On February 24, 2017, the Bouldens and Lamothes filed a Motion for
22 Partial Summary Judgment on their Quiet Title and Declaratory Relief causes of action, which
23 the Court granted on July 25, 2017 (“Order”).

24
25 In its Order, the Court found that, among other things, the Abstracts of Judgment were
26 improperly recorded and must be expunged and stricken from the record. Following the Court’s
27
28

1 direction in the Order, the Lytle Trust released its liens against the Boulden and Lamothe
2 properties.

3 The Plaintiffs in this Action each own a property in the Rosemere Subdivision that was
4 encumbered by the Defendants' recording of the Abstracts of Judgment. Prior to initiating this
5 Action, on September 26, 2017, Plaintiffs sent a demand letter to Defendant's attorney
6 requesting that the Abstracts of Judgment be expunged from Plaintiffs' Properties as well, based
7 on the Court's Order and the identical factual and legal circumstances of the Plaintiffs'
8 properties. On several occasions, Plaintiffs' attorneys also spoke to the Lytle Trust's attorney
9 requesting that the Abstracts of Judgment be removed. The Plaintiffs requested to be placed in
10 the same position as the Bouldens and Lamothes, with the Appeal to continue and the
11 Defendants' appeal rights preserved. However, the Lytle Trust refused to release the Abstracts of
12 Judgment.
13

14 On November 30, 2017, the Plaintiffs filed a Complaint and Motion for Summary
15 Judgment in Case No. A-17-765372-C, Department XXVIII, requesting that the Lytle Trust's
16 Abstracts of Judgment be removed from their Properties, just as the Court had ordered for the
17 Bouldens and Lamothes. On February 21, 2018, Case No. A-17-765372-C was consolidated with
18 Case No. A-16-747900-C.
19

20 On February 9, 2018, the Defendants filed an Opposition to Motion for Summary
21 Judgment, Or, In the Alternative, Motion for Judgment on the Pleadings and Countermotion for
22 Summary Judgment ("Countermotion"). On February 21, 2018, Plaintiffs filed a Reply to the
23 Opposition and an Opposition to the Countermotion. On March 14, 2018, Defendants filed a
24 Reply to the Plaintiffs' Opposition to the Countermotion. The Motion and Countermotion came
25 on for hearing on March 21, 2018 and May 2, 2018, where the Court decided in the favor of the
26 Plaintiffs, adopting Judge Williams' prior Order as "law of the case."
27
28

CONCLUSIONS OF LAW

NRS 18.010(2)(b), provides that the court may make an allowance of attorney's fees to a prevailing party

Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party. The court shall liberally construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate situations. It is the intent of the Legislature that the court award attorney's fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public.

The Defendants had notice of the Order entered by Judge Williams in Case No. A-16-747900-C in favor of substantially similarly situated property owners as the Plaintiffs. After the Order was entered and prior to this Case being filed by the Plaintiffs, the Defendants were given opportunity to avoid this litigation and to preserve their legal arguments for appeal. As this Court has already held, Judge Williams' Order is *law of the case* and binding on this Court. Therefore, given the directive in NRS 18.010(b) to liberally construe the paragraph in favor of awarding attorney's fees, the Court finds that the Defendants' defense to this action was maintained without reasonable ground. An award of Attorney's Fees to the Plaintiffs is therefore warranted. Having prevailed in this Action, the Court finds that the Plaintiffs are also entitled to an award of Costs pursuant to NRS 18.020 and NRS 18.050.

In considering the reasonableness of the amount of the Plaintiffs' requested legal fees, the Court considered the factors set forth in *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), to wit: 1) The qualities of the advocate: his ability, his training, education, experience, professional standing and skill; 2) The character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and

1 the prominence and character of the parties where they affect the importance of the litigation; 3)
2 The work actually performed by the lawyer: the skill, time and attention given to the work; and
3 4) the result: whether the attorney was successful and what benefits were derived.

4 Having considered the *Brunzell* factors and the Defendants' Motion to Retax Costs, the
5 Court finds that the Plaintiffs are entitled to their attorney's fees and costs, but exercises its
6 discretion to reduce the legal fees and costs awarded. Accordingly, the Court awards Attorney's
7 Fees and Costs to the Plaintiffs in the following amounts:

Plaintiff	Attorney's Fees	Costs	Total
September Trust	\$13,513.26	\$250.87	\$13,764.13
Zobrist Trust	\$13,331.26	\$250.87	\$13,582.13
Sandoval Trust	\$12,616.26	\$250.87	\$12,867.13
Gegen	\$12,590.26	\$250.87	\$12,841.13
Totals	\$52,051.04	\$1,003.48	\$53,054.52

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18
19 **ORDER**

20 Based upon the Findings of Fact and Conclusions of Law above, and good cause
21 appearing therefore,

22 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Plaintiffs' Motion for
23 Attorney's Fees and Costs and Memorandum of Costs and Disbursements are hereby granted in
24 part and denied in part, in that the Court is awarding attorney's fees and costs to the Plaintiffs but
25 in a reduced amount.
26
27
28

1
2 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the
3 Lytle Trust's Motion to Retax and Settle Memorandum of Costs is hereby granted in part and
4 denied in part, in that the Court is awarding costs to the Plaintiffs but in a reduced amount.

5 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the
6 Lytle Trust shall pay Thirteen Thousand Seven Hundred Sixty-Four and 13/100 Dollars
7 (\$13,764.13) to the September Trust for its attorney's fees and costs.
8

9 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the
10 Lytle Trust shall pay Thirteen Thousand Five Hundred Eighty-Two and 13/100 Dollars
11 (\$13,582.13) to the Zobrist Trust for its attorney's fees and costs.

12 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the
13 Lytle Trust shall pay Twelve Thousand Eight Hundred Sixty-Seven and 13/100 Dollars
14 (\$12,867.13) to the Sandoval Trust for its attorney's fees and costs.
15

16 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the
17 Lytle Trust shall pay Twelve Thousand Eight Hundred Forty-One and 13/100 Dollars
18 (\$12,841.13) to Dennis & Julie Gegen for their attorney's fees and costs.

19 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the total
20 amount ordered to be paid by the Lytle Trust to the Plaintiffs collectively for attorney's fees and
21 costs is Fifty-Three Thousand Fifty-Four and 52/100 Dollars (\$53,054.52).
22

23 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the
24 Lytle Trust is hereby ordered to pay the attorney's fees and costs as Ordered herein by certified
25 check made payable to "Christensen James & Martin Special Client Trust Account" in the
26 amount of Fifty-Three Thousand Fifty-Four and 52/100 Dollars (\$53,054.52) and delivered to
27 the Plaintiffs' attorneys within ten (10) days after the date of Notice of Entry of this Order.
28

1 **IT IS SO ORDERED.**

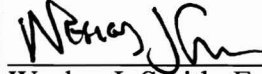
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3 Dated this ____ day of August, 2018.

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DISTRICT COURT JUDGE

Submitted by:

CHRISTENSEN JAMES & MARTIN



Wesley J. Smith, Esq.
Nevada Bar No. 11871
Laura J. Wolff, Esq.
Nevada Bar No. 6869
7440 W. Sahara Ave.
Las Vegas, NV 89117
Attorneys for Plaintiffs September Trust,
Zobrist Trust, Sandoval Trust, and
Dennis & Julie Gegen

Approved as to Form and Content by:

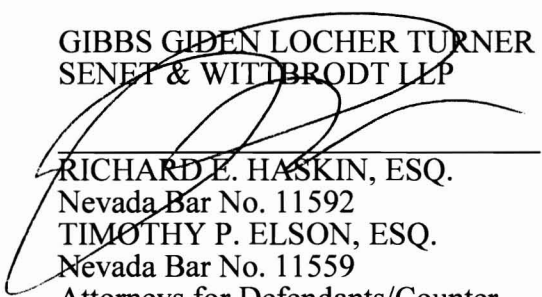
FIDELITY NATIONAL LAW GROUP

CHRISTINA H. WANG, ESQ.
Nevada Bar No. 9713
Attorneys for Counter-Defendants/Cross-
Claimants Robert & Yvonne Dismar

FOLEY & OAKES, P.C.

DANIEL T. FOLEY, ESQ.
Nevada Bar No. 1078
Attorneys for Plaintiffs/Counter-
Defendants/Cross-Defendants Boulden Trust
and Lamothe Trust

GIBBS GIDEN LOCHER TURNER
SENET & WITTBRODT LLP



RICHARD E. HASKIN, ESQ.
Nevada Bar No. 11592
TIMOTHY P. ELSON, ESQ.
Nevada Bar No. 11559
Attorneys for Defendants/Counter-
Claimants Lytle Trust

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IT IS SO ORDERED.

Dated this ____ day of August, 2018.

DISTRICT COURT JUDGE

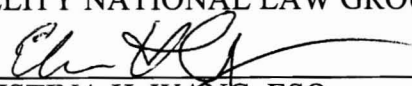
Submitted by:

CHRISTENSEN JAMES & MARTIN

Wesley J. Smith, Esq.
Nevada Bar No. 11871
Laura J. Wolff, Esq.
Nevada Bar No. 6869
7440 W. Sahara Ave.
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Attorneys for Plaintiffs September Trust,
Zobrist Trust, Sandoval Trust, and
Dennis & Julie Gegen

Approved as to Form and Content by:

FIDELITY NATIONAL LAW GROUP


CHRISTINA H. WANG, ESQ.
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Claimants Robert & Yvonne Disman

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RICHARD E. HASKIN, ESQ.
Nevada Bar No. 11592
TIMOTHY P. ELSON, ESQ.
Nevada Bar No. 11559
Attorneys for Defendants/Counter-
Claimants Lytle Trust

1 **IT IS SO ORDERED.**

2
3 Dated this 11 day of ~~August~~^{SEPTEMBER}, 2018.

4
5
6 
7 _____
8 DISTRICT COURT JUDGE

a.k.

9 Submitted by:

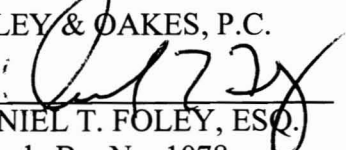
10 **CHRISTENSEN JAMES & MARTIN**

11 _____
12 Wesley J. Smith, Esq.
13 Nevada Bar No. 11871
14 Laura J. Wolff, Esq.
15 Nevada Bar No. 6869
16 7440 W. Sahara Ave.
17 Las Vegas, NV 89117
18 Attorneys for Plaintiffs September Trust,
19 Zobrist Trust, Sandoval Trust, and
20 Dennis & Julie Gegen

21 **Approved as to Form and Content by:**

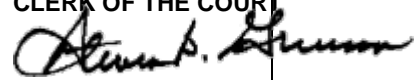
22 **FIDELITY NATIONAL LAW GROUP**

23 _____
24 CHRISTINA H. WANG, ESQ.
25 Nevada Bar No. 9713
26 Attorneys for Counter-Defendants/Cross-
27 Claimants Robert & Yvonne Disman

28 FOLEY & OAKES, P.C.
29 
30 _____
31 DANIEL T. FOLEY, ESQ.
32 Nevada Bar No. 1078
33 Attorneys for Plaintiffs/Counter-
34 Defendants/Cross-Defendants Boulden Trust
35 and Lamothe Trust

GIBBS GIDEN LOCHER TURNER
SENET & WITTBRODT LLP

RICHARD E. HASKIN, ESQ.
Nevada Bar No. 11592
TIMOTHY P. ELSON, ESQ.
Nevada Bar No. 11559
Attorneys for Defendants/Counter-
Claimants Lytle Trust



NOTC
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, ESQ.
Nevada Bar No. 175
WESLEY J. SMITH, ESQ.
Nevada Bar No. 11871
LAURA J. WOLFF, ESQ.
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Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com
*Attorneys for September Trust, Zobrist Trust, Sandoval Trust
and Dennis & Julie Gegen*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF
THE MARJORIE B. BOULDEN TRUST,
LINDA LAMOTHE AND JACQUES
LAMOTHE, TRUSTEES OF THE
JACQUES & LINDA LAMOTHE LIVING
TRUST,

Plaintiffs,

vs.

TRUDI LEE LYTLE, JOHN ALLEN
LYTLE, THE LYTLE TRUST, DOES I
through X, and ROE CORPORATIONS I
through X,

Defendants.

Case No.: A-16-747800-C
Dept. No.: XVIII

**NOTICE OF ENTRY OF ORDER
REGARDING PLAINTIFFS' MOTION
FOR ATTORNEY'S FEES AND
COSTS AND MEMORANDUM OF
COSTS AND DISBURSEMENTS AND
DEFENDANTS' MOTION TO RETAX
AND SETTLE MEMORANDUM OF
COSTS**

Date:
Time:

AND ALL RELATED COUNTERCLAIMS
AND CROSS-CLAIMS

SEPTEMBER TRUST, DATED MARCH 23,
1972; GERRY R. ZOBRIST AND JOLIN G.
ZOBRIST, AS TRUSTEES OF THE GERRY
R. ZOBRIST AND JOLIN G. ZOBRIST
FAMILY TRUST; RAYNALDO G.
SANDOVAL AND JULIE MARIE
SANDOVAL GEGEN, AS TRUSTEES OF
THE RAYNALDO G. AND EVELYN A.
SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C
Dept. No.: XXVIII

1 DEVOLUTION TRUST DATED MAY 27,
2 1992; and DENNIS A. GEGEN AND JULIE
3 S. GEGEN, HUSBAND AND WIFE, AS
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN
8 LYTLE, AS TRUSTEES OF THE LYTLE
9 TRUST; JOHN DOES I through V; and ROE
10 ENTITIES I through V, inclusive,

11 Defendants.

12 PLEASE TAKE NOTICE that on September 12, 2018, the attached Order Regarding
13 Plaintiffs' Motion for Attorney's Fees and Costs and Memorandum of Costs and
14 Disbursements and Defendants' Motion to Retax and Settle Memorandum of Cost was
15 entered into the Court's Docket.

16 DATED this 13th day of September, 2018.

17 CHRISTENSEN JAMES & MARTIN

18 By: /s/ Wesley J Smith, Esq.

19 Wesley J Smith, Esq.

20 Nevada Bar No. 11871

21 7440 W. Sahara Avenue

22 Las Vegas, NV 89117

23 Tel.: (702) 255-1718

24 Fax: (702) 255-0871

25 *Attorneys for September Trust, Zobrist*
26 *Trust, Sandoval Trust and Gegen*

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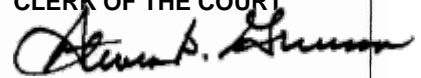
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ORDR
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, ESQ.
Nevada Bar No. 175
WESLEY J. SMITH, ESQ.
Nevada Bar No. 11871
LAURA J. WOLFF, ESQ.
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Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com
*Attorneys for September Trust, Zobrist Trust, Sandoval Trust
and Dennis & Julie Gegen*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF
THE MARJORIE B. BOULDEN TRUST,
LINDA LAMOTHE AND JACQUES
LAMOTHE, TRUSTEES OF THE
JACQUES & LINDA LAMOTHE LIVING
TRUST,

Plaintiffs,

vs.

TRUDI LEE LYTLE, JOHN ALLEN
LYTLE, THE LYTLE TRUST, DOES I
through X, and ROE CORPORATIONS I
through X,

Defendants.

Case No.: A-16-747800-C
Dept. No.: XVIII

**ORDER REGARDING PLAINTIFFS'
MOTION FOR ATTORNEY'S FEES
AND COSTS AND MEMORANDUM
OF COSTS AND DISBURSEMENTS
AND DEFENDANTS' MOTION TO
RETAKE AND SETTLE
MEMORANDUM OF COSTS**

Date: August 9, 2018
Time: 9:00 a.m.

AND ALL RELATED COUNTERCLAIMS
AND CROSS-CLAIMS

SEPTEMBER TRUST, DATED MARCH 23,
1972; GERRY R. ZOBRIST AND JOLIN G.
ZOBRIST, AS TRUSTEES OF THE GERRY
R. ZOBRIST AND JOLIN G. ZOBRIST
FAMILY TRUST; RAYNALDO G.
SANDOVAL AND JULIE MARIE
SANDOVAL GEGEN, AS TRUSTEES OF
THE RAYNALDO G. AND EVELYN A.
SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C
Dept. No.: XXVIII

CHRISTENSEN JAMES & MARTIN
7440 WEST SAHARA AVE., LAS VEGAS, NEVADA 89117
PH: (702) 255-1718 & FAX: (702) 255-0871

1 DEVOLUTION TRUST DATED MAY 27,
2 1992; and DENNIS A. GEGEN AND JULIE
3 S. GEGEN, HUSBAND AND WIFE, AS
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN
8 LYTLE, AS TRUSTEES OF THE LYTLE
9 TRUST; JOHN DOES I through V; and ROE
10 ENTITIES I through V, inclusive,

11 Defendants.

12 Presently before the Court is Plaintiffs' Motion for Attorney's Fees and Costs and
13 Memorandum of Costs and Disbursements (hereafter collectively "Plaintiffs' Motion") filed by
14 the September Trust, dated March 23, 1972 ("September Trust"), Gerry R. Zobrist and Jolin G.
15 Zobrist, as Trustees of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust"),
16 Raynaldo G. Sandoval and Julie Marie Sandoval Gegen, as Trustees of the Raynaldo G. and
17 Evelyn A. Sandoval Joint Living and Devolution Trust dated May 27, 1992 ("Sandoval Trust"),
18 and Dennis A. Gegen and Julie S. Gegen, Husband and Wife, as Joint Tenants ("Dennis & Julie
19 Gegen") (collectively the "Plaintiffs") in Case No. A-17-765372-C, and Defendants' Motion to
20 Retax and Settle Memorandum of Costs ("Defendant's Motion") filed by Trudi Lee Lytle and
21 John Allen Lytle, as Trustees of the Lytle Trust ("Lytle Trust") in Case No. A-17-765372-C,
22 which came on for hearing on July 26, 2018 at 9:00 a.m. and August 9, 2018 at 9:00 a.m. in
23 Department XVIII of the Eighth Judicial District Court, Clark County, Nevada.

24 Wesley J. Smith, Esq. of Christensen James & Martin appeared on behalf of the Plaintiffs
25 September Trust, Zobrist Trust, Sandoval Trust, and Dennis & Julie Gegen. Richard Haskin,
26 Esq. of Gibbs Giden Locher Turner Senet & Wittbrodt LLP appeared on behalf of the Lytle
27 Trust. John M. Oakes, Esq. of Foley & Oakes, PC appeared on behalf of Marjorie B. Boulden,
28 Trustee of the Marjorie B. Boulden Trust, amended and restated dated July 17, 1996 ("Boulden

1 Trust”) and Linda Lamothe and Jacques Lamothe, Trustees of the Jacques and Linda Lamothe
2 Living Trust (“Lamothe Trust”). Christina H. Wang, Esq. of Fidelity Law Group appeared on
3 behalf of Robert Z. Disman and Yvonne A. Disman (“Robert & Yvonne Disman”).

4 The Court having considered the Plaintiffs’ Motion and exhibits and Defendant’s Motion
5 to Re-Tax and Exhibits, all Oppositions Replies and exhibits thereto, and having heard the
6 arguments of counsel, and with good cause appearing therefore, the Court hereby enters the
7 following Order:

8 **FINDINGS OF FACT**

9
10 In August and September of 2016, the Lytles recorded with the Clark County Recorder’s
11 office four (4) abstracts of the Final Judgment (“Abstracts of Judgment”) obtained against the
12 Rosemere Association on August 16, 2016 in Case No. A-09-593497-C, Department XII. The
13 Abstracts of Judgment were recorded against eight of the individual parcels or properties within
14 the Rosemere Subdivision, including properties owned by the Plaintiffs. The owners of the
15 encumbered properties were not Judgment Debtors under the Abstracts of Judgment.

16
17 On or about December 8, 2016, a case was filed against the Lytle Trust by the Bouldens,
18 who owned Parcel No. 163-03-313-008, 1960 Rosemere Court, and the Lamothes, who own
19 Parcel No. 163-03-313-002, 1830 Rosemere Court, each located in the Rosemere Subdivision, to
20 remove the Abstracts of Judgment and plead causes of action for Quiet Title, Declaratory Relief
21 and Slander of Title. On February 24, 2017, the Bouldens and Lamothes filed a Motion for
22 Partial Summary Judgment on their Quiet Title and Declaratory Relief causes of action, which
23 the Court granted on July 25, 2017 (“Order”).

24
25 In its Order, the Court found that, among other things, the Abstracts of Judgment were
26 improperly recorded and must be expunged and stricken from the record. Following the Court’s
27
28

1 direction in the Order, the Lytle Trust released its liens against the Boulden and Lamothe
2 properties.

3 The Plaintiffs in this Action each own a property in the Rosemere Subdivision that was
4 encumbered by the Defendants' recording of the Abstracts of Judgment. Prior to initiating this
5 Action, on September 26, 2017, Plaintiffs sent a demand letter to Defendant's attorney
6 requesting that the Abstracts of Judgment be expunged from Plaintiffs' Properties as well, based
7 on the Court's Order and the identical factual and legal circumstances of the Plaintiffs'
8 properties. On several occasions, Plaintiffs' attorneys also spoke to the Lytle Trust's attorney
9 requesting that the Abstracts of Judgment be removed. The Plaintiffs requested to be placed in
10 the same position as the Bouldens and Lamothes, with the Appeal to continue and the
11 Defendants' appeal rights preserved. However, the Lytle Trust refused to release the Abstracts of
12 Judgment.
13

14 On November 30, 2017, the Plaintiffs filed a Complaint and Motion for Summary
15 Judgment in Case No. A-17-765372-C, Department XXVIII, requesting that the Lytle Trust's
16 Abstracts of Judgment be removed from their Properties, just as the Court had ordered for the
17 Bouldens and Lamothes. On February 21, 2018, Case No. A-17-765372-C was consolidated with
18 Case No. A-16-747900-C.
19

20 On February 9, 2018, the Defendants filed an Opposition to Motion for Summary
21 Judgment, Or, In the Alternative, Motion for Judgment on the Pleadings and Countermotion for
22 Summary Judgment ("Countermotion"). On February 21, 2018, Plaintiffs filed a Reply to the
23 Opposition and an Opposition to the Countermotion. On March 14, 2018, Defendants filed a
24 Reply to the Plaintiffs' Opposition to the Countermotion. The Motion and Countermotion came
25 on for hearing on March 21, 2018 and May 2, 2018, where the Court decided in the favor of the
26 Plaintiffs, adopting Judge Williams' prior Order as "law of the case."
27
28

CONCLUSIONS OF LAW

NRS 18.010(2)(b), provides that the court may make an allowance of attorney's fees to a prevailing party

Without regard to the recovery sought, when the court finds that the claim, counterclaim, cross-claim or third-party complaint or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party. The court shall liberally construe the provisions of this paragraph in favor of awarding attorney's fees in all appropriate situations. It is the intent of the Legislature that the court award attorney's fees pursuant to this paragraph and impose sanctions pursuant to Rule 11 of the Nevada Rules of Civil Procedure in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public.

The Defendants had notice of the Order entered by Judge Williams in Case No. A-16-747900-C in favor of substantially similarly situated property owners as the Plaintiffs. After the Order was entered and prior to this Case being filed by the Plaintiffs, the Defendants were given opportunity to avoid this litigation and to preserve their legal arguments for appeal. As this Court has already held, Judge Williams' Order is *law of the case* and binding on this Court. Therefore, given the directive in NRS 18.010(b) to liberally construe the paragraph in favor of awarding attorney's fees, the Court finds that the Defendants' defense to this action was maintained without reasonable ground. An award of Attorney's Fees to the Plaintiffs is therefore warranted. Having prevailed in this Action, the Court finds that the Plaintiffs are also entitled to an award of Costs pursuant to NRS 18.020 and NRS 18.050.

In considering the reasonableness of the amount of the Plaintiffs' requested legal fees, the Court considered the factors set forth in *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), to wit: 1) The qualities of the advocate: his ability, his training, education, experience, professional standing and skill; 2) The character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and

1 the prominence and character of the parties where they affect the importance of the litigation; 3)
2 The work actually performed by the lawyer: the skill, time and attention given to the work; and
3 4) the result: whether the attorney was successful and what benefits were derived.

4 Having considered the *Brunzell* factors and the Defendants' Motion to Retax Costs, the
5 Court finds that the Plaintiffs are entitled to their attorney's fees and costs, but exercises its
6 discretion to reduce the legal fees and costs awarded. Accordingly, the Court awards Attorney's
7 Fees and Costs to the Plaintiffs in the following amounts:

Plaintiff	Attorney's Fees	Costs	Total
September Trust	\$13,513.26	\$250.87	\$13,764.13
Zobrist Trust	\$13,331.26	\$250.87	\$13,582.13
Sandoval Trust	\$12,616.26	\$250.87	\$12,867.13
Gegen	\$12,590.26	\$250.87	\$12,841.13
Totals	\$52,051.04	\$1,003.48	\$53,054.52

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19 **ORDER**

20 Based upon the Findings of Fact and Conclusions of Law above, and good cause
21 appearing therefore,

22 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Plaintiffs' Motion for
23 Attorney's Fees and Costs and Memorandum of Costs and Disbursements are hereby granted in
24 part and denied in part, in that the Court is awarding attorney's fees and costs to the Plaintiffs but
25 in a reduced amount.
26
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1
2 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the
3 Lytle Trust's Motion to Retax and Settle Memorandum of Costs is hereby granted in part and
4 denied in part, in that the Court is awarding costs to the Plaintiffs but in a reduced amount.

5 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the
6 Lytle Trust shall pay Thirteen Thousand Seven Hundred Sixty-Four and 13/100 Dollars
7 (\$13,764.13) to the September Trust for its attorney's fees and costs.
8

9 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the
10 Lytle Trust shall pay Thirteen Thousand Five Hundred Eighty-Two and 13/100 Dollars
11 (\$13,582.13) to the Zobrist Trust for its attorney's fees and costs.

12 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the
13 Lytle Trust shall pay Twelve Thousand Eight Hundred Sixty-Seven and 13/100 Dollars
14 (\$12,867.13) to the Sandoval Trust for its attorney's fees and costs.
15

16 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the
17 Lytle Trust shall pay Twelve Thousand Eight Hundred Forty-One and 13/100 Dollars
18 (\$12,841.13) to Dennis & Julie Gegen for their attorney's fees and costs.

19 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the total
20 amount ordered to be paid by the Lytle Trust to the Plaintiffs collectively for attorney's fees and
21 costs is Fifty-Three Thousand Fifty-Four and 52/100 Dollars (\$53,054.52).
22

23 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the
24 Lytle Trust is hereby ordered to pay the attorney's fees and costs as Ordered herein by certified
25 check made payable to "Christensen James & Martin Special Client Trust Account" in the
26 amount of Fifty-Three Thousand Fifty-Four and 52/100 Dollars (\$53,054.52) and delivered to
27 the Plaintiffs' attorneys within ten (10) days after the date of Notice of Entry of this Order.
28

1 **IT IS SO ORDERED.**

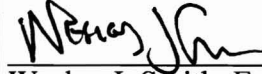
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3 Dated this ____ day of August, 2018.

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DISTRICT COURT JUDGE

Submitted by:

CHRISTENSEN JAMES & MARTIN



Wesley J. Smith, Esq.
Nevada Bar No. 11871
Laura J. Wolff, Esq.
Nevada Bar No. 6869
7440 W. Sahara Ave.
Las Vegas, NV 89117
Attorneys for Plaintiffs September Trust,
Zobrist Trust, Sandoval Trust, and
Dennis & Julie Gegen

Approved as to Form and Content by:

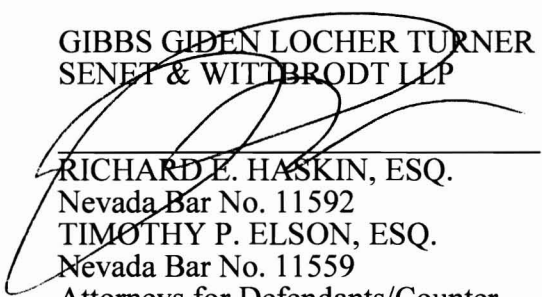
FIDELITY NATIONAL LAW GROUP

CHRISTINA H. WANG, ESQ.
Nevada Bar No. 9713
Attorneys for Counter-Defendants/Cross-
Claimants Robert & Yvonne Disman

FOLEY & OAKES, P.C.

DANIEL T. FOLEY, ESQ.
Nevada Bar No. 1078
Attorneys for Plaintiffs/Counter-
Defendants/Cross-Defendants Boulden Trust
and Lamothe Trust

GIBBS GIDEN LOCHER TURNER
SENET & WITTBRODT LLP



RICHARD E. HASKIN, ESQ.
Nevada Bar No. 11592
TIMOTHY P. ELSON, ESQ.
Nevada Bar No. 11559
Attorneys for Defendants/Counter-
Claimants Lytle Trust

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IT IS SO ORDERED.

Dated this ____ day of August, 2018.

DISTRICT COURT JUDGE

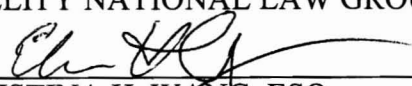
Submitted by:

CHRISTENSEN JAMES & MARTIN

Wesley J. Smith, Esq.
Nevada Bar No. 11871
Laura J. Wolff, Esq.
Nevada Bar No. 6869
7440 W. Sahara Ave.
Las Vegas, NV 89117
Attorneys for Plaintiffs September Trust,
Zobrist Trust, Sandoval Trust, and
Dennis & Julie Gegen

Approved as to Form and Content by:

FIDELITY NATIONAL LAW GROUP


CHRISTINA H. WANG, ESQ.
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Attorneys for Counter-Defendants/Cross-
Claimants Robert & Yvonne Disman

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SENET & WITTBRODT LLP

RICHARD E. HASKIN, ESQ.
Nevada Bar No. 11592
TIMOTHY P. ELSON, ESQ.
Nevada Bar No. 11559
Attorneys for Defendants/Counter-
Claimants Lytle Trust

1 **IT IS SO ORDERED.**

2
3 Dated this 11 day of ~~August~~^{SEPTEMBER}, 2018.

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6 
7 _____
8 DISTRICT COURT JUDGE

a.k.

9 Submitted by:

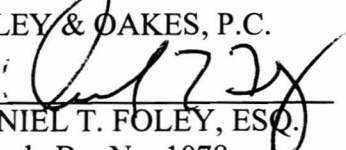
10 **CHRISTENSEN JAMES & MARTIN**

11 _____
12 Wesley J. Smith, Esq.
13 Nevada Bar No. 11871
14 Laura J. Wolff, Esq.
15 Nevada Bar No. 6869
16 7440 W. Sahara Ave.
17 Las Vegas, NV 89117
18 Attorneys for Plaintiffs September Trust,
19 Zobrist Trust, Sandoval Trust, and
20 Dennis & Julie Gegen

21 **Approved as to Form and Content by:**

22 **FIDELITY NATIONAL LAW GROUP**

23 _____
24 CHRISTINA H. WANG, ESQ.
25 Nevada Bar No. 9713
26 Attorneys for Counter-Defendants/Cross-
27 Claimants Robert & Yvonne Disman

28 FOLEY & OAKES, P.C.
29 
30 _____
31 DANIEL T. FOLEY, ESQ.
32 Nevada Bar No. 1078
33 Attorneys for Plaintiffs/Counter-
34 Defendants/Cross-Defendants Boulden Trust
35 and Lamothe Trust

GIBBS GIDEN LOCHER TURNER
SENET & WITTBRODT LLP

RICHARD E. HASKIN, ESQ.
Nevada Bar No. 11592
TIMOTHY P. ELSON, ESQ.
Nevada Bar No. 11559
Attorneys for Defendants/Counter-
Claimants Lytle Trust

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

January 19, 2017

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

January 19, 2017 9:00 AM Motion for Temporary Restraining Order

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDED:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Boulden, Marjorie B	Plaintiff
	Foley, Daniel Thomas, ESQ	Attorney
	Haskin Esq, Richard Edward	Attorney
	Lamothe, Linda	Plaintiff
	Lytle, John Allen	Defendant
	Lytle, Trudi Lee	Defendant

JOURNAL ENTRIES

- Mr. Foley stated this was regarding a judgment obtained against a third-party that was recorded against his clients, that his clients were not a party in the case, and that the Deft.'s just listed his client's parcel numbers on their judgment. Mr. Foley stated his clients home was set to close escrow tomorrow; however this \$361,000 judgment prevented the title company from issuing a title policy. Mr. Foley stated he did not want a Temporary Restraining Order and then be forced to get a bond when the title company could still say they can't issue the title policy. Mr. Foley noted he thought if everything was consolidated he could try this case in one day. Mr. Haskin agreed with Mr. Foley's statements and further stated there were equitable issues; however those were questions of law and that he wanted to reserve the right to dispute. Court stated this case had a history and inquired regarding the effect of the judgment. Following further colloquy by counsel regarding the preliminary injunction and a trial on the merits, Mr. Foley WITHDREW his motion and stated he would proceed from here and no status check was necessary at this time.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

April 13, 2017

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

April 13, 2017

9:00 AM

All Pending Motions

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney
 Haskin Esq, Richard Edward Attorney

JOURNAL ENTRIES

- MOTION FOR PARTIAL SUMMARY JUDGMENT
PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND
COUNTER-MOTION TO CONTINUE TRIAL AND EXTEND DISCOVERY DEADLINES

Following extensive arguments by counsel based on the briefs, COURT ORDERED, Motion for
Summary Judgment GRANTED; Deft.'s Countermotion DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

May 30, 2017

A-16-747800-C	Marjorie B. Boulden Trust, Plaintiff(s) vs. Trudi Lytle, Defendant(s)
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May 30, 2017

9:00 AM

**Motion for Attorney Fees
and Costs**

**Motion for Attorney's
Fees and Costs**

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Tena Jolley

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney
 Haskin Esq, Richard Edward Attorney

JOURNAL ENTRIES

- Following arguments of counsel, Court stated that from a practical standpoint this motion will be decided without additional argument following the Motion for Reconsideration currently set for June 29, 2017. Accordingly, COURT ORDERED, matter CONTINUED.

CONTINUED TO: 6/29/17 9:00 AM

June 01, 2017

June 01, 2017	9:00 AM	Motion to Cancel Lis Pendens	Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time
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COURTROOM: RJC Courtroom 12D

REPORTER:

PRESENT: Foley, Daniel Thomas, ESQ Attorney
 Haskin Esq, Richard Edward Attorney

- Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time

Mr. Foley noted that Mr. Haskin only contested this matter yesterday. A copy of the opposition was handed to the Court and matter was trailed to enable Mr. Foley and the Court to review it.

When matter was recalled later in the calendar, Mr. Haskin stated that under 14.015 the opposition was untimely. COURT ORDERED, matter CONTINUED to Tuesday, 6/6/17 upon Mr. Foley's agreement to that date.

CONTINUED TO: 6/6/17 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

June 06, 2017

A-16-747800-C	Marjorie B. Boulden Trust, Plaintiff(s)
	vs.
	Trudi Lytle, Defendant(s)

June 06, 2017

9:00 AM

**Motion to Cancel Lis
Pendens**

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Marwanda Knight

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:

JOURNAL ENTRIES

- Daniel Foley, Esq., appeared on behalf of Pltfs
Richard Haskin, Esq., appeared on behalf of Defts

The Court and counsel noted the matter was fully briefed and counsel invited questions from the Court. Mr. Haskin began to argue the contempt issue; however, the Court stated it would not hold Defts in contempt and entered into colloquy with Mr. Haskin regarding the lis pendens. After hearing argument from both sides, COURT STATED ITS FINDINGS, and ORDERED, Motion GRANTED cancelling the two lis pendens and reiterated that the Court would not hold Defts in contempt; however, no more lis pendens.

Further, Mr. Foley addressed his request for fees and the Court advised it would consider the matter as currently set on June 29, 2017.

Court directed Mr. Foley to submit the proposed order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

June 29, 2017

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

June 29, 2017 9:00 AM All Pending Motions

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney
 Haskin Esq, Richard Edward Attorney

JOURNAL ENTRIES

- DEFENDANTS TRUDI LEE LYTLE, JOHN ALLEN LYTLE, AND THE LYTLE TRUST'S MOTION
FOR RECONSIDERATION OR, IN THE ALTERNATIVE, MOTION TO ALTER OR AMEND
JUDGMENT...DEFT'S MOTION FOR ATTORNEY'S FEES AND COSTS

Mr. Haskin argued in support of the Motion for Reconsideration, stating that an Order was entered granting Summary Judgment in favor of the Plaintiff, wherein there was a Finding against Defendant Lytle Trust as to slander of title; however, there was no evidence presented during arguments regarding slander of title. Upon Court's inquiry, Mr. Foley stated that the causes of action appropriately dealt with through the Court's ruling on the Summary Judgment were as follows: Quiet Title, Declaratory Relief, and Slander of Title. Mr. Foley argued in opposition to the Motion for Reconsideration, stating that the Lytles recorded abstracts of judgment on Plaintiffs' parcel numbers, in order to attach them to the properties, which was slander of title and a knowing malicious effort. Additionally, Mr. Foley stated that the case had developed as follows: Mr. Haskin had submitted another judgment obtained on behalf of the Lytles against the HOA, which must be disclosed; therefore, the Complaint must be amended, and declaratory relief would be needed, to ensure that the findings from the judgment would not waive the claim for slander of title damages for loss of sale. Pursuant to those representations, Mr. Foley stated that he would seek leave to amend the

Complaint, and would withdraw the Motion for Attorney's Fees and Costs. COURT ORDERED the Motion for Reconsideration was hereby DENIED; however, the Alternative Motion to Alter or Amend Judgment was GRANTED as to the Slander of Title Findings. Pursuant to Mr. Foley's representations, COURT ORDERED the Motion for Attorney's Fees and Costs was VACATED. Mr. Haskin to amend the Judgment, and forward it to opposing counsel for approval as to form and content.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

January 16, 2018

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

**January 16, 2018 9:00 AM Motion to Extend
Discovery**

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Elizabeth Vargas

RECORDER:

REPORTER:

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney
Haskin Esq, Richard Edward Attorney
Wang, Christina H. Attorney

JOURNAL ENTRIES

- Court represented to the parties that a new law clerk will be starting in Dept. 16 on January 22, 2018 and that she is the daughter of Plaintiff's counsel. Although the court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11 (C) of the Nevada Code of Judicial Conduct in order to avoid the appearance of impartiality or implied bias. Thus, the Court RECUSES itself from the matter and request that it be randomly reassigned in accordance with appropriate procedures.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

February 07, 2018

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

February 07, 2018 9:00 AM Motion to Consolidate Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C

HEARD BY: Bailus, Mark B

COURTROOM: Phoenix Building Courtroom - 11th Floor

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Elson, Tim Attorney
Foley, Daniel Thomas, ESQ Attorney
Smith, Wesley J., ESQ Attorney
Wang, Christina H. Attorney

JOURNAL ENTRIES

- Court notes opposition not received by Court or opposing counsel. COURT ORDERED, CONTINUED for Plaintiff's response to opposition filed.

CONTINUED TO:
02/21/18 9:00 a.m.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

February 21, 2018

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

February 21, 2018 9:00 AM Motion to Consolidate

HEARD BY: Bailus, Mark B **COURTROOM:** Phoenix Building 11th Floor
110

COURT CLERK: Phyllis Irby

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Elson, Tim Attorney
Foley, Daniel Thomas, ESQ Attorney
Smith, Wesley J., ESQ Attorney
Wang, Christina H. Attorney

JOURNAL ENTRIES

- The Court noted no opposition filed. COURT ORDERED, MOTION GRANTED, will not grant fees and costs.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

March 21, 2018

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

March 21, 2018

9:00 AM

All Pending Motions

HEARD BY: Bailus, Mark B

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney
Haskin Esq, Richard Edward Attorney
Smith, Wesley J., ESQ Attorney
Wang, Christina H. Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings ... Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment

Arguments by counsel. COURT ORDERED, CONTINUED for Decision.

04/04/18 9:00 a.m. Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings /// Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

April 04, 2018

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

April 04, 2018

9:00 AM

All Pending Motions

HEARD BY: Bailus, Mark B

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney

JOURNAL ENTRIES

- Decision:
Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings

Decision:
Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment

HEARING CONTINUED TO 4/11/18 @ 9:00 FOR ORAL DECISION

CLERK'S NOTE: All parties advised of date and appearance requested. ac/04/04/18.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

May 02, 2018

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

May 02, 2018

9:00 AM

Decision

HEARD BY: Bailus, Mark B

COURTROOM: Phoenix Building 11th Floor
110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney
 Haskin Esq, Richard Edward Attorney
 Smith, Wesley J., ESQ Attorney
 Wang, Christina H. Attorney

JOURNAL ENTRIES

- Decision:

As to Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings, COURT FINDS after review of Judge Williams' previous order in this case, that order addressed a majority of the issues raised in this matter, and this Court hereby adopts the Findings of Fact, Conclusions of Law from Judge Williams' order as they may pertain to the issues in this matter. Court notes Judge Williams' order addresses additional facts and he did not take any findings that the Defendants Lytle Trust was entitled to the property and that issue was left to the trier of fact. Additionally, that order is the law of the case; based on relevant issues it is applicable in this case. The order in this matter, COURT ORDERED, MOTION GRANTED expunging and striking the abstract(s) of judgment recorded against the Plaintiffs' properties, restraining, enjoining Lytles' from selling or attempting to sell the Plaintiffs' properties; and, from taking any action in the future against the Plaintiffs or their properties based upon any litigation the Lytles have commenced against the association. In addition to the Findings of Fact Conclusions of Laws in this matter, Court Finds that

the ruling in this matter be consistent with Judge Williams' order; that being the law of the case.

Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment

COURT ORDERED, MOTION DENIED.

Mr. Smith to prepare the order within 10 days and have parties review as to form and content and distribute a filed copy to all parties involved in this matter.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

July 26, 2018

A-16-747800-C	Marjorie B. Boulden Trust, Plaintiff(s)
	vs.
	Trudi Lytle, Defendant(s)

July 26, 2018

9:00 AM

All Pending Motions

HEARD BY: Bailus, Mark B

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Haskin Esq, Richard Edward	Attorney
	Oakes, John M.	Attorney
	Smith, Wesley J., ESQ	Attorney
	Wang, Christina H.	Attorney

JOURNAL ENTRIES

- Defendants' Motion to retax and Settle Memorandum of Costs ... Plaintiffs' Motion for Attorney's Fees and Costs

Court notes clarification on some of the factual issues with these motions. Arguments by counsel. Based on the arguments by counsel, Court is going to go back and review the legal argument and the exhibits. Further, Court notes he wants this case to mirror the case before Judge Williams since much of the decisions on issues in this case were decided by rulings in the other case before this Court ever got this case.

08/09/18 9:00 a.m. Decision - Defendants' Motion to retax and Settle Memorandum of Costs ///
Decision: Plaintiffs' Motion for Attorney's Fees and Costs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

August 09, 2018

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

August 09, 2018

9:00 AM

All Pending Motions

HEARD BY: Bailus, Mark B

COURTROOM: Phoenix Building 11th Floor
110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney
Haskin Esq, Richard Edward Attorney
Smith, Wesley J., ESQ Attorney
Wang, Christina H. Attorney

JOURNAL ENTRIES

- Decision - Plaintiff's Motion for Attorney's Fees

COURT having considered the matter and applied Brunzell factors and Pursuant to NRS 18.020(1); NRS 18.050; and, 18.010(2)(b) and ORDERED, Plaintiff's Motion for Attorney's Fees is GRANTED.

Decision - Defendants' Motion to Retax and Settle Memorandum of Costs

In review of the fees and costs submitted and for good cause shown, COURT ORDERS, Defendants' Motion to Retax is GRANTED.

COURT ORDERED, attorney's fees and costs GRANTED AS FOLLOWS:

As to September Trust:

\$13,513.26 Attorney fees GRANTED

\$250.87 Costs GRANTED

As to Zobrist Trust:
\$13,331.26 Attorney fees GRANTED
\$250.87 Costs GRANTED

As to Sandoval Trust:
\$12,616.26 Attorney fees GRANTED
\$250.87 Costs GRANTED

As to Dennis & Julie Gegan:
\$12,590.26 Attorney fees GRANTED
\$250.87 Costs GRANTED

For a Total of \$52,051.04 Attorney's fees; and, \$1,003.48 Costs GRANTED. Mr. Smith to prepare the order within 10 days and distribute a filed copy to all parties involved in this matter. The order must include last known addresses and all future scheduled court dates. Both the Plaintiff and Defendant are required to be present at the next court date.

Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings

Arguments by counsel. Court continued matter to chambers for further review and decision will be rendered by way of Minute Order.



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

RICHARD E. HASKIN, ESQ.
1140 N. TOWN CENTER DR., SUITE 300
LAS VEGAS, NV 89144-0596

DATE: September 19, 2018
CASE: A-16-747800-C
C/W A-17-765372-C

RE CASE: MARJORIE B. BOULDEN, TRUSTEE OF THE MARJORIE B. BOULDEN TRUST; LINDA LAMOTHE AND JACQUES LAMOTHE TRUSTEES OF THE JACQUES & LINDA LAMOTHE LIVING TRUST vs. TRUDI LEE LYTLER AND JOHN ALLEN LYTLER, AS TRUSTEES OF THE LYTLER TRUST

NOTICE OF APPEAL FILED: September 14, 2018

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

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

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER REGARDING PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS AND MEMORANDUM OF COSTS AND DISBURSEMENTS AND DEFENDANTS' MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS; NOTICE OF ENTRY OF ORDER REGARDING PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS AND MEMORANDUM OF COSTS AND DISBURSEMENTS AND DEFENDANTS' MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

MARJORIE B. BOULDEN, TRUSTEE OF THE
MARJORIE B. BOULDEN TRUST; LINDA
LAMOTHE AND JACQUES LAMOTHE
TRUSTEES OF THE JACQUES & LINDA
LAMOTHE LIVING TRUST,

Plaintiff(s),

vs.

TRUDI LEE LYTLE AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST,

Defendant(s),

Case No: A-16-747800-C
Consolidated with A-17-765372-C
Dept No: XVIII

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 19 day of September 2018.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk