

Electronically Filed  
May 16 2017 10:11 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

1 **NOTC**  
2 DANIEL T. FOLEY, ESQ.  
3 Nevada Bar No. 1078  
4 FOLEY & OAKES, PC  
5 626 So. 8<sup>th</sup> Street  
6 Las Vegas, Nevada 89101  
7 Telephone: (702) 384-2070  
8 Facsimile: (702) 384-2128  
9 Email: [dan@foleyoakes.com](mailto:dan@foleyoakes.com)  
10 *Attorneys for Helen Natko*

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 HELEN NATKO #1186757,

13 Defendant.

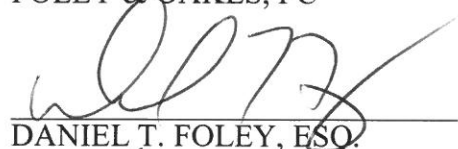
Case No. C-16-313574-1  
Dept. No. XIX

14 **DEFENDANT'S NOTICE OF APPEAL**

15 NOTICE IS HEREBY GIVEN that Defendant Helen Natko hereby appeals to the Supreme  
16 Court of the State of Nevada from the Verdict entered herein on April 11<sup>th</sup>, 2017.

17 DATED this 5<sup>th</sup> day of May, 2017

18 FOLEY & OAKES, PC

19   
20 DANIEL T. FOLEY, ESQ.  
21 626 So. 8<sup>th</sup> St.  
22 Las Vegas, Nevada 89101  
23 *Attorneys for Defendant Helen Natko*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NEFCR 9, NRCR 5(b) and EDCR 7.26, I hereby certify that I am an  
3 employee of Foley & Oakes, PC, and that on the 5<sup>th</sup> day of May 2017, I served the following  
4 document(s):

5 **DEFENDANT'S NOTICE OF APPEAL**

6 I served the above-named document(s) by the following means to the person s as listed  
7 below:

8  
9 ☒ **By Electronic Transmission through the Wiznet System:**


10 Jay P. Raman  
11 Deputy District Attorney  
12 200 Lewis Ave  
Las Vegas, NV 89155

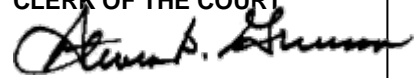
13 ☐ **By United States Mail**, postage fully prepaid to person(s) and addresses as  
14 follows:

15 ☐ **By Direct Email** (as opposed to through the ECF system (list persons and email  
16 addresses). Based upon the written agreement of the parties to accept service by email or a court  
17 order, I caused the document(s) to be sent to the persons at the email addresses listed below. I  
did not receive, within a reasonable time after the transmission, any electronic message or other  
18 indication that the transmission was unsuccessful.

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20 document(s) to the persons at the fax numbers listed herein. No error was reported by the fax  
machine that I used. A copy of the record of the fax transmission is attached.

21 I declare under the penalty of perjury that the foregoing is true and correct.

22   
23 An employee of FOLEY & OAKES, PC  
24  
25  
26  
27  
28



DANIEL T. FOLEY, ESQ.  
Nevada Bar No. 1078  
FOLEY & OAKES, PC  
626 So. 8<sup>th</sup> Street  
Las Vegas, Nevada 89101  
Telephone: (702) 384-2070  
Facsimile: (702) 384-2128  
Email: [dan@foleyoakes.com](mailto:dan@foleyoakes.com)  
*Attorneys for Helen Natko*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
  
Plaintiff,  
  
vs.  
  
HELEN NATKO #1186757,  
  
Defendant.

Case No. C-16-313574-1  
Dept. No. XIX

**NRAP RULE 3 CASE APPEAL STATEMENT**

1. Name of appellant filing this case appeal statement: **Helen Natko.**
2. Identify the judge issuing the decision, judgment, or order appealed from: **The Honorable Judge William Kephart.**
3. Identify each appellant and the name and address of counsel for each appellant:  
**Appellant, Helen Natko; Appellant Counsel, Daniel T. Foley, Esq. 626 So. 8<sup>th</sup> Street, Las Vegas, NV 89101.**
4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent, (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel): **Respondent, The State of Nevada; Respondent's Trial Counsel, Jay P. Raman, Chief Deputy District Attorney, 200 Lewis Avenue, Las Vegas, NV 89101.**

1           5.       Indicate whether any attorney identified above in response to question 3 or 4 is not  
2 licensed to practice law in Nevada , and if so, whether the district court granted that attorney  
3 permission to appear under SCR 42, (attach a copy of any district court order granting that  
4 permission): **All attorneys listed above are licensed to practice law in Nevada.**

5           6.       Indicate whether the Appellant was represented by appointed counsel in the district  
6 court: **The Appellant was represented by retained counsel.**

7           7.       Indicate whether the Appellant is represented by appointed counsel on appeal: **The**  
8 **Appellant is represented by retained counsel.**

9           8.       Indicate whether appellant was granted leave to proceed in forma pauperis, and the  
10 date of entry of the district court order granting such leave: **Appellant has not requested leave to**  
11 **proceed in forma pauperis in this matter.**

12           9.       Indicate the date the proceedings commenced in the district court: **March 29, 2016.**

13           10.      Provide a brief description of the nature of the action and result in the district court,  
14 including the type of judgment or order being appealed and the relief granted by the district court:  
15 **Two criminal charges were filed against Helen Natko for her withdrawal of \$195,000 from**  
16 **her joint bank account with Delford Mencarelli on July 5, 2013 and Helen Natko's return of**  
17 **the \$195,000 to her same joint account on July 31, 2013. There were no allegations that any**  
18 **damages were suffered by any person and there was no claim for restitution. The result in**  
19 **District Court was a jury verdict of guilty against Helen Natko on both criminal charges,**  
20 **which are both Class B Felonies.**

21           11.      Indicate whether the case has previously been the subject of an appeal to or original  
22 writ proceeding in the Supreme Court or Court of Appeals and, if so, the caption and docket  
23 number of the prior proceeding: **This case has not been the subject of an appeal to or original**  
24 **writ proceeding in the Supreme Court or Court of Appeals.**

1           12.     Indicate whether the appeal involves child custody or visitation: **This case does not**  
2 **involve child custody or visitation.**

3           13.     If this is a civil case, indicate whether the appeal involves possibility of a  
4 settlement: **This is not a civil case.**

5  
6 Dated this 9<sup>th</sup> day of May, 2017

FOLEY & OAKES, PC

/s/Daniel T. Foley

Daniel T. Foley, Esq.

Nevada Bar No. 1078

626 So. 8<sup>th</sup> Street

Las Vegas, NV 89101

(702) 384-2070

*Attorneys for Defendant*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I hereby certify that I am an  
3 employee of Foley & Oakes, PC, and that on the 9<sup>th</sup> day of May 2017, I served the following  
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5 **NRAP RULE 3 CASE APPEAL STATEMENT**

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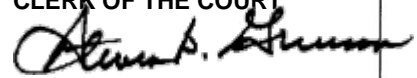
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21 I declare under the penalty of perjury that the foregoing is true and correct.

22  
23 /s/Maren Foley  
24 An employee of FOLEY & OAKES, PC



DANIEL T. FOLEY, ESQ.  
Nevada Bar No. 1078  
FOLEY & OAKES, PC  
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Email: [dan@foleyoakes.com](mailto:dan@foleyoakes.com)  
*Attorneys for Helen Natko*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Case No. C-16-313574-1  
Dept. No. XIX

Plaintiff,

vs.

HELEN NATKO #1186757,

Defendant.

**REQUEST FOR ROUGH DRAFT TRANSCRIPT**

TO: Christine Erickson

Helen Natko, Defendant named above, requests preparation of rough draft transcripts of certain portions of the proceedings before the district court, as follows:

All proceedings from the hearings on February 8, 2017.

All proceedings from the trial on April 3, 2017, excluding jury *voir dire* and jury selection.

All proceedings from the trial on April 4, 2017, excluding opening statements of counsel and swearing in of jury.

All proceedings from the trial on April 5, 2017.

All proceedings from the trial on April 6, 2017.

All proceedings from the trial on April 7, 2017.

All proceedings from the trial on April 10, 2017 excluding closing statements of counsel and reading of jury instructions.

1 This notice requests a transcript of only those portions of the district court proceedings that  
2 counsel reasonably and in good faith believes are necessary to determine whether appellate issues  
3 are present. *Voir dire* examination of jurors, opening and closing statements of trial counsel, and  
4 the reading of jury instructions shall not be transcribed unless specifically requested above.

5 I recognize that I must serve a copy of this form on the above named court reporter and  
6 opposing counsel, and that the above named court reporter shall have twenty (20) days from the  
7 receipt of this notice to prepare and submit to the district court the rough draft transcript requested  
8 herein.  
9

10 Dated this 5<sup>th</sup> day of May, 2017

FOLEY & OAKES, PC

  
Daniel T. Foley, Esq.

Nevada Bar No. 1078

626 So. 8<sup>th</sup> Street

Las Vegas, NV 89101

(702) 384-2070

*Attorneys for Defendant*



1 **CERTIFICATE OF SERVICE**

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3 employee of Foley & Oakes, PC, and that on the 5<sup>th</sup> day of May 2017, I served the following  
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7 below:

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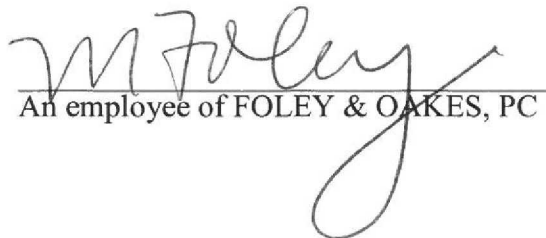
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24   
An employee of FOLEY & OAKES, PC

DEPARTMENT 19  
**CASE SUMMARY**  
**CASE NO. C-16-313574-1**

**State of Nevada**  
**vs**  
**Helen Natko**

§	Location:	<b>Department 19</b>
§	Judicial Officer:	<b>Kephart, William D.</b>
§	Filed on:	<b>03/22/2016</b>
§	Cross-Reference Case	<b>C313574</b>
§	Number:	
§	Defendant's Scope ID #:	<b>1186757</b>
§	ITAG Booking Number:	<b>0</b>
§	ITAG Case ID:	<b>0</b>
§	Lower Court Case # Root:	<b>14F14465</b>
§	Lower Court Case Number:	<b>14F14465X</b>
§	Metro Event Number:	<b>1404171239</b>

**CASE INFORMATION**

<b>Offense</b>	<b>Deg</b>	<b>Date</b>	<b>Case Type:</b>	<b>Felony/Gross Misdemeanor</b>
Jurisdiction: <b>District Court</b>				
1. EXPLOITATION OF A VULNERABLE PERSON	F	08/01/2011	Case Flags:	<b>Appealed to Supreme Court</b>
PCN: 0029384853 ACN: 1404171239				<b>Custody Status - Not in</b>
Arrest: 08/31/2011 MET - Metro				<b>Custody</b>
2. THEFT	F	08/01/2011		<b>Charge Description Updated</b>
				<b>JC Custody Status at Time of</b>
				<b>B/O</b>
				<i>MAR 31 2016 10:00AM: NO</i>
				<i>BAIL POSTED</i>

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number	C-16-313574-1
Court	Department 19
Date Assigned	03/22/2016
Judicial Officer	Kephart, William D.






**PARTY INFORMATION**

<b>Defendant</b>	<b>Natko, Helen</b>	<i>Lead Attorneys</i> <b>Foley, Daniel T.</b> <i>Retained</i> 702-384-2070(W)
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)


















**DATE**

**EVENTS & ORDERS OF THE COURT**











**INDEX**

03/22/2016	 Criminal Bindover Packet Las Vegas Justice Court
03/25/2016	 Reporters Transcript <i>Volume III Reporters Transcript of Preliminary Hearing 11/19/15</i>
03/25/2016	 Reporters Transcript <i>Reporters Transcript of Preliminary Hearing Volume IV December 28, 2015</i>
03/25/2016	 Transcript of Proceedings <i>Reporter's Transcript of Bindover 3/21/16</i>
03/25/2016	 Transcript of Proceedings <i>Volume I Reporter's Transcript of Preliminary Hearing 9/4/15</i>







DEPARTMENT 19  
**CASE SUMMARY**  
**CASE NO. C-16-313574-1**

03/25/2016	 Transcript of Proceedings <i>Volume II Reporter's Transcript of Preliminary Hearing 9/17/15</i>
03/29/2016	 Information <i>Information</i>
03/31/2016	 <b>Initial Arraignment</b> (10:00 AM) (Judicial Officer: De La Garza, Melisa)
04/01/2016	 Receipt of Copy <i>Receipt of Copy</i>
04/01/2016	 Information <i>Defendant's List of Witnesses</i>
04/13/2016	 <b>Pre Trial Conference</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>04/13/2016, 04/20/2016</b>
04/13/2016	 List of Witnesses <i>Amended List of Witnesses</i>
04/14/2016	 Receipt of Copy <i>Receipt of Copy</i>
04/19/2016	 Motion <i>Notice of Motion and Motion to Remove Daniel Foley Esq. for Conflict</i>
04/21/2016	 Notice <i>Notice of Filing CD to Supplement State's Motion Remove Daniel Foley, ESQ for Conflict</i>
04/22/2016	 Notice of Witnesses and/or Expert Witnesses <i>Notice of Witnesses and/or Expert Witnesses</i>
04/22/2016	 Motion <i>Notice of Motion and Motion in Limine to Preclude Rulings in Guardianship Trial and to Preclude Evidence of Post-Guardianship Budge from Being Heard in Criminal Trial</i>
04/26/2016	 Document Filed <i>Defendant's Pre-Trial Disclosure List of Trial Witnesses and Exhibits</i>
05/02/2016	 Opposition to Motion <i>Opposition to Motion to Remove Daniel T. Foley, Esq. For Conflict of Interest</i>
05/04/2016	 Supplement <i>Supplement to Notice of Witnesses and/or Expert Witnessed Filed April 22, 2016</i>
05/05/2016	 Motion in Limine <i>Defendant's Motion In Limine To Exclude Irrelevant Evidence Of Any Allegations About Delford's Medical Condition Or Helen's Care For Delford After July 31, 2013</i>
05/05/2016	 Motion in Limine <i>Defendant's Motion In Limine To Exclude Evidence Related To The \$37,057.53 Or Any Part Thereof Which Helen Was Previously Charged With Stealing From Delford</i>

DEPARTMENT 19  
**CASE SUMMARY**  
**CASE NO. C-16-313574-1**













05/05/2016	 Motion in Limine <i>Defendant's Motion In Limine To Exclude Evidence Of Defendant's Personal Expenditures Outside Of The Relevant Time Period July 5, 2013 Through July 31, 2013</i>
05/06/2016	 Reply <i>Reply to Opposition to Motion to Remove Daniel Foley, Esq. for Conflict</i>
05/06/2016	 Opposition <i>Opposition to State's MIL to Preclude Ruling.pdf</i>
05/06/2016	 Motion in Limine <i>Defendant's Motion In Limine To Exclude Irrelevant Evidence Of Any Allegations About Delford's Medical Condition Or Helen's Care For Delford After July 31, 2013 On An Order Shortening Time</i>
05/06/2016	 Motion in Limine <i>Defendant's Motion In Limine To Exclude Evidence Related To The \$37,057.53 Or Any Part Thereof Which Helen Was Previously Charged With Stealing From Delford On An Order Shortening Time</i>
05/06/2016	 Motion in Limine <i>Defendant's Motion In Limine To Exclude Evidence Of Defendant's Personal Expenditures Outside Of The Relevant Time Period July 5, 2013 Through July 31, 2013 On An Order Shortening Time</i>
05/09/2016	 Opposition <i>State's Opposition to Defendant's Motion in Limine to Exclude Evidence of Defendant's Personal Expenditures of the Relevant Time Period July 5, 2013 through July 31, 2013</i>
05/09/2016	 Response <i>State's Response to Defendant's Motion in Limine to Exclude Evidence Related to the \$37,057.53 or Any Part Thereof Which Helen Was Previously Charged with Stealing from Delford</i>
05/09/2016	 Proof of Service <i>Proof Of Service</i>
05/09/2016	 Opposition <i>State's Opposition to Defendant's Motion in Limine to Exclude Irrelevant Evidence of Any Allegations about Delford's Medical Condition or Helen's Care After July 31, 2013</i>
05/11/2016	<b>Calendar Call</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
05/11/2016	<b>Motion</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>05/11/2016, 06/13/2016, 06/22/2016</b> <i>State's Motion to Remove Daniel Foley Esq. for Conflict</i>
05/11/2016	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>05/11/2016, 09/07/2016</b> <i>State's Motion in Limine to Preclude Rulings in Guardianship Trial and to Preclude Evidence of Post-Guardianship Budget from Being Heard in the Criminal Trial</i>
05/11/2016	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>05/11/2016, 09/07/2016</b> <i>Defendant's Motion in Limine to Exclude Irrelevant Evidence of Any Allegations About Delford's Medical Condition or Helen's Care for Delford After July 31, 2013 on OST</i>

DEPARTMENT 19  
**CASE SUMMARY**  
**CASE NO. C-16-313574-1**

05/11/2016	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>05/11/2016, 09/07/2016</b> <i>Defendant's Motion in Limine to Exclude Evidence related to \$37,057.53 or any part thereof which Helen previously charged with stealing from Delford on OST</i>
05/11/2016	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>05/11/2016, 09/07/2016</b> <i>Defendant's Motion in Limine to Exclude Evidence of Defendant's Personal Expenditures Outside of the Relevant Time Period July 5, 2013 Through July 31, 2013 on OST</i>
05/11/2016	<b>CANCELED Motion in Limine</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - Duplicate Entry</i> <i>Defendant's Motion In Limine To Exclude Irrelevant Evidence Of Any Allegations About Delford's Medical Condition Or Helen's Care For Delford After July 31, 2013 On An Order Shortening Time</i>
05/11/2016	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
05/11/2016	<b>CANCELED All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - Duplicate Entry</i>
05/16/2016	<b>CANCELED Motion in Limine</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - Duplicate Entry</i> <i>Defendant's Motion In Limine To Exclude Irrelevant Evidence Of Any Allegations About Delford's Medical Condition Or Helen's Care For Delford After July 31, 2013</i>
05/16/2016	<b>CANCELED Motion in Limine</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - Duplicate Entry</i> <i>Defendant's Motion In Limine To Exclude Evidence Related To The \$37,057.53 Or Any Part Thereof Which Helen Was Previously Charged With Stealing From Delford</i>
05/16/2016	<b>CANCELED Motion in Limine</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - Duplicate Entry</i> <i>Defendant's Motion In Limine To Exclude Evidence Of Defendant's Personal Expenditures Outside Of The Relevant Time Period July 5, 2013 Through July 31, 2013</i>
05/16/2016	<b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
06/13/2016	<b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>06/13/2016, 06/22/2016</b> <i>Status Check: Reset 5/11/2016 Motions</i>
06/13/2016	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
06/22/2016	<b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Status Check: Mr. Yanez's Review of File</i>
06/22/2016	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
07/20/2016	 <b>Order Denying</b> <i>Order Denying the State of Nevada's Motion to Remove Daniel T. Foley, Esq. for Conflict</i>
07/20/2016	 <b>Notice of Entry</b> <i>Notice of Entry of Order Denying State's Motion to Remove Daniel T. Foley, Esq. for Conflict</i>
09/07/2016	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.)














DEPARTMENT 19  
**CASE SUMMARY**  
**CASE NO. C-16-313574-1**

*Status Check: Re-Set Trial*

09/07/2016	 Stipulation <i>Stipulations on Pending Motions in Limine as of August 30, 2016</i>
01/10/2017	 Motion in Limine <i>Defendant's Notice Of Hearing Of Motion And Motion In Limine To Exclude Irrelevant Evidence Of Proposed Budgets Of Terri Black, Mr. Mencarelli's Court Appointed Temporary Guardian, And Mr. Mencarelli's Court Appointed Guardian, As Well As All Financial Expenditures On Behalf Of Delford Mencarelli During His Guardianship Which Began September 16, 2013</i>
01/11/2017	 <b>Pre Trial Conference</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
01/18/2017	 Opposition <i>Opposition to Motion in Limine to Exclude Evidence of Proposed Budgets of Terri Black, Mr. Mencarelli's Court Appointed Temporary Guardian, and Mr. Mencarelli's Court Appointed Guardian, as well as All Financial Expenditures on Behalf of Delford Mencareillo During His Guardianship Which Began September 16, 2013</i>
01/20/2017	 Reply <i>Defendant's Reply To State's Opposition To Motion In Limine To Exclude Irrelevant Evidence Of Proposed Budgets Of Terri Black, Mr. Mencarelli's Court Appointed Temporary Guardian, And Mr. Mencarelli's Court Appointed Guardian, As Well As All Financial Expenditures On Behalf Of Delford Mencarelli During His Guardianship Which Began September 16, 2013</i>
01/23/2017	 <b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <b>01/23/2017, 02/08/2017</b> <i>Defendant's Motion In Limine To Exclude Irrelevant Evidence Of Proposed Budgets Of Terri Black, Mr. Mencarelli's Court Appointed Temporary Guardian, And Mr. Mencarelli's Court Appointed Guardian, As Well As All Financial Expenditures On Behalf Of Delford Mencarelli During His Guardianship Which Began September 16, 2013</i>
01/25/2017	 Notice of Motion <i>Notice of Motion and Motion in Limine of State's Comprehensive Evidence to Prove Defendant's Motive and Intent and Other Evidentiary Issues</i>
01/30/2017	 Acceptance of Service <i>Acceptance of Service of Trial Subpoena</i>
01/30/2017	 Subpoena Duces Tecum <i>Subpoena Duces Tecum - Person Most Knowledgeable for IBEW Plus Credit Union</i>
02/03/2017	 List of Witnesses <i>Defendant's Amended Pre-Trial Disclosure List of Witnesses and Exhibits</i>
02/06/2017	 Notice of Motion <i>State's Notice of Motion and Motion to Present Witness Through Audio Visual Transmission</i>
02/06/2017	 Opposition <i>Defendant's Opposition to State's Motion In Limine of State's Comprehensive Evidence to Prove Defendants' Motive and Intent and Other Evidentiary Issues</i>
02/08/2017	<b>Calendar Call</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
02/08/2017	<b>Motion</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
















DEPARTMENT 19  
**CASE SUMMARY**  
**CASE NO. C-16-313574-1**

*Plaintiff's Notice of Motion and Motion in Limine of State's Comprehensive Evidence to Prove Defendant's Motive and Intent and Other Evidentiary Issues*

02/08/2017	<b>Motion</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>State's Motion to Present Witness Through Audio Visual Transmission</i>
02/08/2017	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
02/13/2017	 <b>Status Check</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Status Check: Trial Date</i>
02/13/2017	<b>CANCELED Jury Trial</b> (10:00 AM) (Judicial Officer: Kephart, William D.) <i>Vacated - per Judge</i>
02/21/2017	 <b>Order Granting</b> <i>Order Granting Defendant's Motion in Limine to Exclude Irrelevant Evidence of Proposed Budgets of Terri Black, Mr. Mencarelli's Court Appointed Temporary Guardian, and Mr. Mencarelli's Court Appointed Guardian, as Well as All Financial Expenditures on Behalf of Delford Mencarelli During His Guardianship Which Began September 16, 2013</i>
02/22/2017	 <b>Notice of Entry of Order</b> <i>Notice of Entry of Order Granting Defendant's Motion in Limine to Exclude Irrelevant Evidence of Proposed Budgets of Terri Black, Mr. Mencarelli's Court Appointed Temporary Guardian, Mr. Mencarelli's Court Appointed Guardian, As Well As All Financial Expenditures on Behalf of Delford Mencarelli During His Guardianship Which Began on September 16th, 2013</i>
03/10/2017	 <b>Subpoena Duces Tecum</b> <i>Subpoena for Person Most Knowledgeable at IBEW Plus Credit Union</i>
03/10/2017	 <b>Acceptance of Service</b> <i>Acceptance of Service of Trial Subpoena</i>
03/14/2017	 <b>Subpoena Duces Tecum</b> <i>Subpoena Duces Tecum for the Person Most Knowledgeable from the Clark County District Attorney's Office</i>
03/15/2017	 <b>Acceptance of Service</b> <i>Acceptance of Service of Trial Subpoena for Cheryl Ross</i>
03/15/2017	 <b>Amended</b> <i>Defendant's Second Amended Pre-Trial Disclosure List of Witnesses and Exhibits</i>
03/17/2017	 <b>Notice of Motion</b> <i>Notice of Motion and Motion in Limine of Remaining Evidentiary Issues and Conflict Waiver</i>
03/20/2017	 <b>Proof of Service</b> <i>Proof of Service</i>
03/29/2017	 <b>Motion</b> <i>Clark County District Attorney's Office's Motion to Quash</i>
03/30/2017	 <b>Opposition</b> <i>Defendant's Opposition to State's Motion In Limine of Remaining Evidentiary Issues and</i>


DEPARTMENT 19  
**CASE SUMMARY**  
**CASE NO. C-16-313574-1**

*Conflict Waiver*

04/03/2017	<b>Motion in Limine</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Defendant's Motion in Limine of Remaining Evidentiary Issues and Conflict Waiver</i>
04/03/2017	<b>Motion to Quash</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Clark County District Attorney's Motion to Quash</i>
04/03/2017	 <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Kephart, William D.)
04/03/2017	 <b>Jury Trial</b> (10:00 AM) (Judicial Officer: Kephart, William D.) <b>04/03/2017-04/07/2017, 04/10/2017-04/11/2017</b>
04/03/2017	 Jury List
04/03/2017	 Waiver <i>Waiver of Conflict</i>
04/10/2017	 Amended Jury List
04/11/2017	 Verdict
04/11/2017	 Instructions to the Jury
04/17/2017	Media Request and Order <i>KTNV Channel 13</i>
04/18/2017	 Motion to Set Aside <i>Motion to Set Aside Verdict and Enter Judgment of Acquittal</i>
04/18/2017	 Media Request and Order <i>Media Request And Order Allowing Camera Access To Court Proceedings</i>
04/21/2017	 Notice of Hearing <i>Notice of Hearing of Motion to Set Aside Verdict and Enter Judgment of Acquittal</i>
04/27/2017	 Opposition Filed By: Plaintiff State of Nevada <i>State's Opposition to Defendant's Motion to Set Aside Verdict and Enter Judgment of Acquittal</i>
05/02/2017	 Records Transcript of Hearing Party: Defendant Natko, Helen <i>Transcript of Proceedings - Calendar Call, All Pending Motions - Wednesday, February 8, 2017</i>
05/03/2017	 <b>Motion to Set Aside</b> (8:30 AM) (Judicial Officer: Kephart, William D.) <i>Defendant's Notice of Hearing of Motion to Set Aside Verdict and Enter Judgment of Acquittal</i>
05/05/2017	 Notice of Appeal (criminal) Party: Defendant Natko, Helen <i>Defendant's Notice of Appeal</i>
05/05/2017	 Request



DEPARTMENT 19  
**CASE SUMMARY**  
**CASE NO. C-16-313574-1**

05/09/2017	Filed by: Defendant Natko, Helen <i>Request for Rough Draft Transcript</i>	
	 Case Appeal Statement Filed By: Defendant Natko, Helen <i>NRAP Rule 3 Case Appeal Statement</i>	
07/31/2017	<b>Sentencing</b> (8:30 AM) (Judicial Officer: Kephart, William D.)	
DATE	FINANCIAL INFORMATION	
	<b>Defendant</b> Natko, Helen	
	Total Charges	35.00
	Total Payments and Credits	35.00
	<b>Balance Due as of 5/9/2017</b>	<b>0.00</b>

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 31, 2016**

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C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

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**March 31, 2016      10:00 AM      Initial Arraignment**

**HEARD BY:** De La Garza, Melisa      **COURTROOM:** RJC Lower Level Arraignment

**COURT CLERK:** Roshonda Mayfield

**RECORDER:** Kiara Schmidt

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Foley, Daniel T.	Attorney
	Kallas, Chelsea	Attorney
	NATKO, HELEN	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFT. NATKO ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial.

NIC

4/13/16 8:30 A.M. PRE TRIAL CONFERENCE (DEPT. 19)

5/11/16 8:30 A.M. CALENDAR CALL (DEPT. 19)

5/16/16 10:00 A.M. JURY TRIAL (DEPT. 19)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 13, 2016**

C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

**April 13, 2016      8:30 AM      Pre Trial Conference**

**HEARD BY:** Kephart, William D.      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett  
                         Kory Schlitz

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Foley, Daniel T.	Attorney
	Laurent, Christopher J	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Upon Court's inquiry, Mr. Foley stated didn t know the Deft. presence was required at Pre Trial Hearing. COURT ORDERED, matter CONTINUED for Defendant s presence.

H.A.

CONTINUED TO: 4/20/16 8:30 A.M.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

### Felony/Gross Misdemeanor

# COURT MINUTES

**April 20, 2016**

C-16-313574-1                      State of Nevada  
vs  
Helen Natko

**April 20, 2016                      8:30 AM                      Pre Trial Conference**

HEARD BY: Kephart, William D.

COURTROOM: RJC Courtroom 03E

**COURT CLERK:** Tia Everett  
Kory Schlitz

**RECORDER:** Christine Erickson

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Foley, Daniel T.	Attorney
	Laurent, Christopher J	Attorney
	NATKO, HELEN	Defendant
	State of Nevada	Plaintiff

## JOURNAL ENTRIES

- CONFERENCE AT BENCH. Court noted State filed motion that could affect trial and wanted to give Mr. Foley time to respond. COURT ORDERED, matter CONTINUED.

NIC

5/11/16 8:30 A.M. CALENDAR CALL

5/11/16 8:30 A.M. STATES MOTION TO REMOVE DANIEL FOLEY ESQ FOR CONFLICT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****May 11, 2016**

C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

**May 11, 2016      8:30 AM      All Pending Motions**

**HEARD BY:** Kephart, William D.      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett  
                         Kory Schlitz

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Foley, Daniel T.	Attorney
	NATKO, HELEN	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- STATE S MOTION TO REMOVE DANIEL FOLEY, ESQ FOR CONFLICT:

Court noted his concern with counsel's professional conduct under rule 1.7 based on the documents provided it appears that counsel stands to gain and has proprietary interest as a result of the guardianship case. Mr. Foley argued in opposition stating he has no interest in the other case, he has an agreement with his client in the guardianship case which his client his paying his fees for representation in that case. Further arguments by Mr. Foley in opposition of motion. Conference at the bench. Court noted his concerns regarding Defendant's representation. COURT ORDERED, matter CONTINUED and Abel Yanez Esq., APPOINTED for the limited purposes of discussing the offers made by the State regarding negotiations and matter SET for Status Check. Additionally, Court noted Defendant has invoked her right to a speedy trial; however, based on the issues pending regarding the conflict as well as the other pending motions; COURT FURTHER ORDERED, trial date VACATED and the following motions are OFF CALENDAR; Calendar Call, State S Motion In Limine To Preclude Rulings In Guardianship Trial And To Preclude Evidence Of

Post-Guardianship Budget From Being Heard In The Criminal Trial, Defendant S Motion In Limine To Exclude Irrelevant Evidence Of Any Allegations About Delford S Medical Condition Or Helen S Care For Delford After July 31, 2013 On Ost, Defendant's Motion In Limine To Exclude Evidence Related To \$37, 057.53 Or Any Part Thereof Which Helen Previously Charged With Stealing From Delford On Ost, and Defendant S Motion In Limine To Exclude Evidence Of Defendant S Personal Expenditures Outside Of The Relevant Time Period July 5th, 2013 Through July 31, 2013 On Ost.

NIC

6/13/2016 8:30 AM STATE S MOTION TO REMOVE DANIEL FOLEY, ESQ FOR CONFLICT ...  
STATUS CHECK: REPORT FROM ABEL YANEZ, ESQ. .... STATUS CHECK: RESET 5/11/2016  
MOTIONS

.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 13, 2016**

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C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

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**June 13, 2016**

**8:30 AM**

**All Pending Motions**

**HEARD BY:** Kephart, William D.

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**

Raman, Jay  
State of Nevada

Attorney  
Plaintiff

**JOURNAL ENTRIES**

- STATUS CHECK: RESET 5/11/2016 MOTIONS ... STATE'S MOTION TO REMOVE DANIEL FOLEY, ESQ. FOR CONFLICT

Upon Court's inquiry, Mr. Raman advised he has spoken with Mr. Yanez who indicated he was unaware of today's date and requested matter be continued one week. COURT SO ORDERED.

NIC

CONTINUED TO: 6/22/2016 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 22, 2016**

C-16-313574-1      State of Nevada  
vs  
Helen Natko

**June 22, 2016**

**8:30 AM**

**All Pending Motions**

**HEARD BY:** Kephart, William D.

**COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

**PRESENT:**

Foley, Daniel T.  
NATKO, HELEN  
Raman, Jay  
State of Nevada

Attorney  
Defendant  
Attorney  
Plaintiff

**JOURNAL ENTRIES**

- STATUS CHECK: YANEZ'S REVIEW OF FILE ... STATUS CHECK: RESET 5/11/2016 MOTIONS ...  
STATE'S MOTION TO REMOVE DANIEL FOLEY, ESQ. FOR CONFLICT:

APPEARANCES CONTINUED: Abel Yanez, Esq. appearing as appointed counsel on behalf of Defendant.

Upon Court's inquiry, Mr. Yanez advised he has reviewed all pleadings at both the Justice Court and District Court levels as well as spoke with Mr. Foley and Mr. Raman to determine if there was any additional information which they would like him to consider. Further, Mr. Yanez advised he spoke with Defendant and discussed all of the three (3) previous offers extended by the State to which Defendant rejected and Defendant indicated she did not feel she was under any type of influence and it was her decision to reject all offers. Additionally, Mr. Yanez advised based on discussions with the State another offer was extended for Defendant to plead guilty pursuant to alford to a gross misdemeanor of conspiracy to commit exploitation of a mentally ill person with no opposition to probation; however, Defendant has also rejected that offer. Mr. Yanez additionally advised he



advised Defendant of the risks of going forward with trial and that she also has the ability to negotiate with the State if she wishes. Conference at the bench. COURT ORDERED, State's motion DENIED and motions previously set for 5/11/2016 RESET. FURTHER ORDERED, Defendant to execute a waiver of conflict as to Mr. Foley's representation in both this case as well as the Family Court case.

NIC

8/03/2016 8:30 AM STATE S MOTION IN LIMINE TO PRECLUDE RULINGS IN GUARDIANSHIP TRIAL AND TO PRECLUDE EVIDENCE OF POST-GUARDIANSHIP BUDGET FROM BEING HEARD IN THE CRIMINAL TRIAL ... DEFENDANT S MOTION IN LIMINE TO EXCLUDE IRRELEVANT EVIDENCE OF ANY ALLEGATIONS ABOUT DELFORD S MEDICAL CONDITION OR HELEN S CARE FOR DELFORD AFTER July 31, 2013 ON OST ... DEFENDANT S MOTION IN LIMINE TO EXCLUDE EVIDENCE RELATED TO \$37, 057.53 OR ANY PART THEREOF WHICH HELEN PREVIOUSLY CHARGED WITH STEALING FROM DELFORD ON OST ... DEFENDANT S MOTION IN LIMINE TO EXCLUDE EVIDENCE OF DEFENDANT S PERSONAL EXPENDITURES OUTSIDE OF THE RELEVANT TIME PERIOD July 5TH, 2013 THROUGH July 31, 2013 ON OST ... STATUS CHECK: RE-SET TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 07, 2016**

C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

**September 07, 2016      8:30 AM      Status Check**

**HEARD BY:**    Kephart, William D.

**COURTROOM:**    RJC Courtroom 03E

**COURT CLERK:**    Tia Everett

**RECORDER:**    Christine Erickson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Foley, Daniel T.	Attorney
	NATKO, HELEN	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Raman advised a stipulation has been filed which resolves all of the motions on calendar and requested matter be set for trial. COURT ORDERED, matter SET for trial.

NIC

1/11/2017 8:30 AM PRE TRIAL CONFERENCE

2/08/2017 8:30 AM CALENDAR CALL

2/13/2017 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 11, 2017**

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C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

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**January 11, 2017      8:30 AM      Pre Trial Conference**

**HEARD BY:**   Kephart, William D.

**COURTROOM:**   RJC Courtroom 03E

**COURT CLERK:**   Tia Everett

**RECORDER:**   Christine Erickson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Foley, Daniel T.	Attorney
	NATKO, HELEN	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Parties announced ready for the current trial date and advised there are no outstanding discovery issues. Upon Court's inquiry, parties advised matter is possibly eligible for overflow. COURT ORDERED, trial date STANDS.

NIC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 23, 2017**

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C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

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**January 23, 2017      8:30 AM      Motion in Limine**

**HEARD BY:** Kephart, William D.      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Foley, Daniel T.	Attorney
	NATKO, HELEN	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Court noted he has not received an opposition from the State. Mr. Raman advised he filed and opposition and Mr. Foley filed a response. COURT ORDERED, matter CONTINUED.

NIC

CONTINUED TO: 2/08/2017 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 08, 2017**

C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

**February 08, 2017      8:30 AM      All Pending Motions**

**HEARD BY:** Kephart, William D.      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Foley, Daniel T.	Attorney
	NATKO, HELEN	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- STATE'S MOTION TO PRESENT WITNESS THROUGH AUDIO VISUAL TRANSMISSION:

COURT ORDERED, Motion GRANTED.

DEFENDANT'S MOTION IN LIMINE TO EXCLUDE IRRELEVANT EVIDENCE OF PROPOSED BUDGETS OF TERRI BLACK, MR. MENCARELLI'S COURT APPOINTED TEMPORARY GUARDIAN, AND MR. MENCARELLI'S COURT APPOINTED GUARDIAN, AS WELL AS FINANCIAL EXPENDITURES ON BEHALF OF DELFORD MENCARELLI DURING HIS GUARDIANSHIP WHICH BEGAN September 16, 2016:

COURT ORDERED, Motion GRANTED.

STATE'S MOTION IN LIMINE OF STATE'S COMPREHENSIVE EVIDENCE TO PROVE

DEFENDANT'S MOTIVE AND INTENT AND OTHER EVIDENTIARY ISSUES:

COURT ORDERED, Motion GRANTED IN PART as follows;

- 1 - Deposition statements of Defendant as to Delford's dementia and ability to handle financial matters- GRANTED
- 2 - Deposition statements of Defendant as to Delford no longer driving - GRANTED
- 3 - Deposition statements of Defendant as to Delford's ability to care for himself - GRANTED
- 4 - Deposition statements of Defendant as to Defendant writing out Delford's checks - GRANTED
- 5 - Deposition statements of Defendant as to how the money got from the Citizens Bank Account to the Plus Credit Union account, and what Natko's alleged claim to Delford's money was -- GRANTED
- 6 - Deposition statements of Defendant on no alterations to Delford's Will, and her explanation on not notifying Tern Black -- GRANTED
- 7 - Deposition statements of Defendant regarding having transferred the \$195,000.00 -- GRANTED
- 8 - Deposition statements of Defendant that disrupt Natko's explanation on the timeline of the joint bank account -- GRANTED
- 9 - Deposition statements of Defendant regarding why not married to Delford -- DENIED
- 10 - Deposition statements of Defendant regarding her bank account -- GRANTED
- 11 - Deposition statements of Defendant surrounding the "come get your father" incident --
- 12 - Simone's statements about Delford's mental state in 2011 conversation, as well as Helen dominating and correcting Delford --- GRANTED
- 13 - Statements by Simone about repeated attempts by Natko to express displeasure with her situation, and trying to obtain power of attorney -- GRANTED
- 14 - Statements by Simone about why Natko and Delford Mencardilli never married -- DENIED
- 15 - Terri Gordish describes her observation of how Delford Mencarelli and Natko interacted with each other -- PERMITTED TO TESTIFY AS TO WHAT SHE OBSERVED.
- 16 - Natko stating that she "used to love Delford" -- DENIED

17 - Terri Gordish statements on Natko s reaction to Delford s medical episode her concern that she would get nothing because everything was going to Terri -

18 - Account of June 22, 2013 phone call to Delford with Natko eavesdropping and interjecting - GRANTED

19 - June 23, 2013 Tern and Richard Black came to Las Vegas to pick up Dad -- GRANTED

20 - Custodian of records regarding the transfer of the money at Citizen's Bank - GRANTED

21 - Testimony of medical doctors - GRANTED

22 - Common law marriage - DEFERRED TO THE TIME OF TRIAL

23 - An instruction that Natko s status as a party to the joint account does not give her lawful authority to use Victim s assets -- DEFERRED TO THE TIME OF TRIAL

Colloquy regarding guardianship case. Court instructed parties to prepare their case that the information that Terri Black applied for guardianship will not be allowed; however, the Court will DEFER his ruling until the time of trial. Court stated the information that Defendant is guardian will not be permitted.

#### CALENDAR CALL:

Colloquy regarding scheduling. Conference at the bench. COURT ORDERED, matter SET for Status Check.

#### BOND

2/13/2017 8:30 AM STATUS CHECK: TRIAL SETTING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

### Felony/Gross Misdemeanor

## COURT MINUTES

February 13, 2017

C-16-313574-1                      State of Nevada  
vs  
Helen Natko

**February 13, 2017      8:30 AM      Status Check**

HEARD BY: Kephart, William D.

COURTROOM: RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

## PARTIES

<b>PRESENT:</b>	Foley, Daniel T.	Attorney
	NATKO, HELEN	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

## JOURNAL ENTRIES

- COURT ORDERED, trial date SET to go in the Court's civil trial stack.

NIC

4/03/2017 10:00 AM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 03, 2017**

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C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

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**April 03, 2017      8:30 AM      All Pending Motions**

**HEARD BY:** Kephart, William D.      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Derjavina, Ekaterina	Attorney
	Foley, Daniel T.	Attorney
	Natko, Helen	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- CLARK COUNTY DISTRICT ATTORNEY'S MOTION TO QUASH:

Following arguments by counsel, COURT ORDERED, State shall turn over anything exculpatory; inconsistent representations/statements to the State which the State intends to use; however, Motion to Quash GRANTED as this information is not discoverable as communication between witnesses and the State are work product.

DEFENDANT'S MOTION IN LIMINE OF REMAINING EVIDENTIARY ISSUES AND CONFLICT OF WAIVER:

Following arguments by counsel, COURT ORDERED, as follows;

1. Preclude The Defendant From Arguing And Testifying That Delford Mencarelli Passed Away Living In The Home With Helen Nakto -- DENIED
2. Defendant Should Not Be Permitted To Argue This Case Is Being Pushed Due To Pressure From Richard And Terri Black - DEFERRED UNTIL TIME OF TRIAL AND EVIDENCE PRESENTED.
3. Conflict of Waiver - SHALL BE EXECUTED BEFORE THE JURY IS SWORN.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 03, 2017**

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C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

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**April 03, 2017      10:00 AM      Jury Trial**

**HEARD BY:** Kephart, William D.      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Derjavina, Ekaterina	Attorney
	Foley, Daniel T.	Attorney
	Natko, Helen	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- PROSPECTIVE JURORS PRESENT:

Voir dire.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS:

Colloquy regarding waiver of conflict to be signed by Defendant. Waiver of Conflict EXECUTED and FILED IN OPEN COURT.

PROSPECTIVE JURORS PRESENT:

Jury selected and sworn.

Court recessed for the evening.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 04, 2017**

C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

**April 04, 2017      10:00 AM      Jury Trial**

**HEARD BY:** Kephart, William D.      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Derjavina, Ekaterina	Attorney
	Foley, Daniel T.	Attorney
	Natko, Helen	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY:

Court made record as to the issue regarding the waiver of conflict. Parties stipulated to admit exhibits.

JURY PRESENT:

Clerk read the Information to the jury and stated the defendant s plea thereto. Opening statements by counsel.

OUTSIDE THE PRESENCE OF THE JURY:

Record made as to objections during opening statemens.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets).

Court recessed for the evening.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 05, 2017**

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C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

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**April 05, 2017      11:00 AM      Jury Trial**

**HEARD BY:** Kephart, William D.      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Derjavina, Ekaterina	Attorney
	Foley, Daniel T.	Attorney
	Natko, Helen	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT:

Testimony and exhibits presented. (See worksheets)

OUTSIDE THE PRESENCE OF THE JURY:

Record made by parties as to objections made during testimony of Dr. Christiansen.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets).

Court recessed for the evening.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 06, 2017**

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C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

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**April 06, 2017      10:00 AM      Jury Trial**

**HEARD BY:** Kephart, William D.      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Derjavina, Ekaterina	Attorney
	Foley, Daniel T.	Attorney
	Natko, Helen	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY:

Colloquy regarding testimony to be presented by the bank representative with her counsel present.

**JURY PRESENT:**

Testimony and exhibits presented. (See worksheets)

**OUTSIDE THE PRESENCE OF THE JURY:**

Colloquy regarding scheduling.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets)

OUTSIDE THE PRESENCE OF THE JURY:

Defendant advised of her right not to testify .

Court recessed for the evening.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 07, 2017**

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C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

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**April 07, 2017      9:00 AM      Jury Trial**

**HEARD BY:** Kephart, William D.      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Derjavina, Ekaterina	Attorney
	Foley, Daniel T.	Attorney
	Natko, Helen	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY:

Colloquy regarding new indictment regarding guardianship attorneys and cases.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets)

OUTSIDE THE PRESENCE OF THE JURY:

Record made as to objections during Terri Black testimony. Colloquy regarding jury instructions.

Mr. Foley moved for acquittal and dismissal for State's failure to meet their burden, State argued in opposition. Further arguments. COURT ORDERED, Oral Motion for acquittal DENIED. Mr. Foley requested an opportunity to further brief the Walch issue. COURT FURTHER ORDERED, request denied.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets)

Court recessed for the evening.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 10, 2017**

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C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

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**April 10, 2017      11:00 AM      Jury Trial**

**HEARD BY:** Kephart, William D.      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Derjavina, Ekaterina	Attorney
	Foley, Daniel T.	Attorney
	Natko, Helen	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- OUTSIDE THE PRESENCE OF THE JURY:

Instruction settled.

JURY PRESENT:

Court instructed the jury. Closing arguments by counsel. At the hour of 2:59 PM, the jury retired to deliberate.

Court recessed for the evening.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 11, 2017**

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C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

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**April 11, 2017      8:30 AM      Jury Trial**

**HEARD BY:** Kephart, William D.      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Patti Slattery

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Derjavina, Ekaterina	Attorney
	Foley, Daniel T.	Attorney
	Natko, Helen	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- JURY PRESENT:

At the hour of 10:20 AM, the jury returned with a verdict of GUILTY of COUNT 1 - EXPLOITATION OF A VULNERABLE PERSON (F) and GUILTY of COUNT 2 - THEFT (F). Court thanked and excused the jurors and alternates.

OUTSIDE THE PRESENCE OF THE JURY:

COURT ORDERED, matter referred to the Division of Parole and Probation (P & P) and SET for

**C-16-313574-1**

sentencing.

NIC

7/31/2017 8:30 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 03, 2017**

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C-16-313574-1      State of Nevada  
                                 vs  
                                 Helen Natko

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**May 03, 2017      8:30 AM      Motion to Set Aside**

**HEARD BY:** Kephart, William D.      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Tia Everett

**RECORDER:** Christine Erickson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Derjavina, Ekaterina	Attorney
	Foley, Daniel T.	Attorney
	Natko, Helen	Defendant
	Raman, Jay	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Mr. Foley argued in support of motion stating the amendment to NRS 100.085 overruled the Walch v State case; therefore, there was no sufficient evidence presented at trial which to challenge the joint tenancy of the account. Mr. Derjavina argued in opposition stating the arguments made this morning should be made on appeal and the State's position is any arguments raised to set aside the verdict are barred by res judicata. Court stated findings and COURT ORDERED, Motion DENIED.

NIC



## EXHIBIT(S) LIST

Case No.: C313574

Hearing / Trial Date: 4/03/2017

Dept. No.: 19

Judge: William Kephart

Court Clerk: Tia Everett

Plaintiff: The State of Nevada

Recorder / Reporter: Christine Erickson

Counsel for Plaintiff: Jay P. Raman & Ekaterina Dejevlina

vs.

Defendant: Helen Natko

Counsel for Defendant: Daniel Foley

### HEARING / TRIAL BEFORE THE COURT

#### STATE EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1	Delford Mencarelli's Will	4-4-17	STIP	4-4-17
2	Excerpts Of Helen Natko's Deposition			
3	Citizens Bank Joint Bank Account Records			
4	Copies Of Citizens Bank Checks			
5	Master Signature Card Mellon Bank (Currently Citizens Bank)			
6	Citizens Bank Trustee Account Records			
7	Delford Mencarelli's Plus Credit Union Account Records			
8	Delford Mencarelli's Plus Credit Union Signature Card			
9	Plus Credit Union Joint Bank Account Records			
10	Plus Credit Union Joint Bank Account Signature Card			
11	Hele Natko's Plus Credit Union Account Records			
12	Helen Natko's Plus Credit Union Signature Card			
13	7/19/2011 UMC Visit Records			
14	7/19/2011 Mini – Mental State Examination			
15	9/28/2011 UMC Visit Records			
16	11/03/2011 UMC Visit Records			
17	1/17/2012 UMC Visit Records	4-4-17	STIP	4-4-17

# EXHIBIT(S) LIST

Case No: C313574

The State of Nevada

VS.

Helen Natko

## STATE EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
18	2/14/2012 UMC Visit Records	4-4-17	STIP	4-4-17
19	3/27/2012 UMC Visit Records	~	~	~
20	6/04/2012 UMC Visit Records	~	~	~
21	6/21/2012 UMC Visit Records	~	~	~
22	9/06/2012 UMC Visit Records	~	~	~
23	10/08/2012 UMC Visit Records	~	~	~
24	11/13/2012 UMC Visit Records	~	~	~
25	2/06/2013 UMC Visit Records	~	~	~
26	10/14/2011 Southwest Medical Visit Records	~	~	~
27	10/14/2011 Mini-Mental State Exam	~	~	~
28	1/10/2012 Southwest Medical Visit Records	~	~	~
29	8/19/2013 Southwest Medical Visit Records	4-4-17	STIP	4-4-17
30	Dr. Gregory P. Brown's Report			
31	Picture of Delford Mencarelli	4-4-17	STIP	4-4-17
32	Picture of Delford Mencarelli	4-4-17	STIP	4-4-17
33	11/01/2011 Southwest Medical Visit Records	4-4-17	STIP	4-4-17
34	Standardized Mini-Mental State Examination	4-4-17	OBJ	4-4-17
35	Signature Card	4-6-17	STIP	4-6-17
36	Witness Fees Paid to Jackim Quinones by the State	4-6-17	STIP	4-6-17

## EXHIBIT(S) LIST

Case No.: C313574

Hearing / Trial Date: 4/03/2017

Dept. No.: 19

Judge: William Kephart

Court Clerk: Tia Everett

Plaintiff: The State of Nevada

Recorder / Reporter: Christine Erickson

Counsel for Plaintiff: Jay P. Raman & Ekaterina Dejevina

vs.

Defendant: Helen Natko

Counsel for Defendant: Daniel Foley

### HEARING / TRIAL BEFORE THE COURT

#### DEFENDANT EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
A	IBEW Plus Credit Union Signature Card	4-4-17	STIP	4-4-17
B	Helen and Delford's IBEW Plus Credit Union bank statement july 2013			
C	Helen's IBEW plus credit union bank statement july 2013			
D	Delford's IBEW plus credit union deposit and withdrawal receipts			
E	Helen and Delford's IBEW Plus Credit Union bank statement july 2012 – june 2013			
F	Neurology note from dr. ehrenfeld October 2011			
G	Neurology note from dr. ehrenfeld January 2012			
H	Neurology note from dr. ehrenfeld August 2013	4-4-17	STIP	4-4-17
I	Neurology note from dr. ehrenfeld May 2015	4-4-17	NO	4-4-17
J	UMC Medical Record July 19, 2011	4-4-17	STIP	4-4-17
K	UMC Medical Record September 28, 2011			
L	UMC Medical Record November 3, 2011			
M	UMC Medical Record January 17, 2012			
N	UMC Medical Record February 14, 2012			
O	UMC Medical Record March 27, 2012			
P	UMC Medical Record June 4, 2012	4-4-17	STIP	4-4-17

# EXHIBIT(S) LIST

Case No: C313574

The State of Nevada

VS.

Helen Natko

## DEFENDANT EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
Q	UMC Medical Record June 21, 2012	4-4-17	STIP	4-4-17
R	UMC Medical Record September 6, 2012	§	§	§
S	Southwest Mendical Associates Record September 24, 2012	§	§	§
T	UMC Medical Record October 8, 2012	§	§	§
U	UMC Medical Record November 13, 2012	§	§	§
V	UMC Medical Record February 6, 2013	4-4-17	STIP	4-4-17
W	UMC Medical Record July 15, 2013	withdrawn		
X	UMC Medical Record July 23, 2013	withdrawn		
Y	UMC Medical Record August 26, 2013	4-5-17	OBJ	4-5-17
Z	UMC Medical Record September 3, 2013	withdrawn		
AA	UMC Medical Record October 7, 2013	withdrawn		
BB	UMC Medical Record May 19, 2012	4-4-17	STIP	4-4-17
CC	UMC Medical Record June 4, 2012	§	§	§
DD	Podiatry Progress Note June 13, 2012	§	§	§
EE	Podiatry Progress Note July 11, 2012	§	§	§
FF	Summerlin Hospital Medical Record July 14, 2012	§	§	§
GG	Citizen Bank Account Checking Statement Dated June 27, 2013 – July 25, 2013	4-4-17	STIP	4-4-17
HH	Guardianship Court Order Appointing Temporary Guardian Filed September 16, 2013			
II	Mrs. Black's Verified Onjection to Petition for Appointment of Temporary Guardian Verified on August 1, 20163			
JJ	Delford Mencarelli's Durable Power of Attorney for Health Care	4-4-17	STIP	4-4-17
KK	Cherly Ross' Notary Log	§	§	§
LL	Helen Natko's Durable Power of Attorney for Health Care Decisions	§	§	§
MM	Photos of Helen Natko and Delford Mencarelli	4-4-17	STIP	4-4-17

## EXHIBIT(S) LIST

Case No.: C313574

Hearing / Trial Date: 4/03/2017

Dept. No.: 19

Judge: William Kephart

Court Clerk: Tia Everett

Plaintiff: The State of Nevada

Recorder / Reporter: Christine Erickson

Counsel for Plaintiff: Jay P. Raman & Ekaterina Dejevina

vs.

Defendant: Helen Natko

Counsel for Defendant: Daniel Foley

### HEARING / TRIAL BEFORE THE COURT

#### COURT EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1	Proposed waiver of conflict			4-3-17
2	Proposed waiver of conflict			4-3-17
3	Juror # 2 question for witness Dr. Brown			4-5-17
4	Juror # 8 question for witness Dr. Brown			4-5-17
5	Juror # 5 question for witness Diane Camardella			4-6-17
6	Juror # 6 question for witness Terrie Simone			4-6-17
7	Juror # 4 question for witness Jackim Quinones			4-6-17
8	Juror # 10 question for witness Jackim Quinones			4-6-17
9	Juror # 2 question for witness Jackim Quinones			4-6-17
10	Juror # 8 question for witness Jackim Quinones			4-6-17
11	Juror # 11 question for witness Jackim Quinones			4-6-17
12	Juror # 13 question for witness Terri Black			4-7-17
13	Legislation argument by defense as to joint accounts			4-10-17
14	Defense proposed instruction not given			4-10-17
15	Defense proposed instruction not given			4-10-17
16	State's opening power point			4-10-17
17	Defense opening power point			4-10-17

## EXHIBIT(S) LIST

**Case No: C313574**

# The State of Nevada

VS.

## Helen Natko

**COURT EXHIBITS**

[illegible]



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

**DANIEL T. FOLEY, ESQ.**  
**626 S. 8<sup>TH</sup> ST.**  
**LAS VEGAS, NV 89101**

**DATE: May 9, 2017**  
**CASE: C-16-313574-1**

**RE CASE: STATE OF NEVADA vs. HELEN NATKO**

NOTICE OF APPEAL FILED: May 5, 2017

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

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

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☒

Order

☒

Notice of Entry of Order

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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.

# 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):

DEFENDANT'S NOTICE OF APPEAL; NRAP RULE 3 CASE APPEAL STATEMENT; REQUEST FOR ROUGH DRAFT TRANSCRIPT; DISTRICT COURT DOCKET ENTRIES; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

HELEN NATKO,

Defendant(s).

Case No: C-16-313574-1

Dept No: XIX

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 9 day of May 2017.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk