

IN THE SUPREME COURT OF THE STATE OF NEVADA

LYNITA SUE NELSON,
INDIVIDUALLY, AND IN HER
CAPACITY AS INVESTMENT
TRUSTEE OF THE LYNITA S. NELSON
NEVADA TRUST, DATED MAY 30,
2001,

Appellant,

vs.

ERIC L. NELSON, INDIVIDUALLY,
AND IN HIS CAPACITY AS
INVESTMENT TRUSTEE OF THE ERIC
L. NELSON NEVADA TRUST, DATED
MAY 30, 2001, and MATT KLABACKA,
AS DISTRIBUTION TRUSTEE OF THE
ERIC L. NELSON NEVADA TRUST,
DATED MAY 30, 2001,

Respondents.

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Jun 10 2019 04:15 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**Supreme Court Case No. 77473
District Court Case No. D411537**

**RESPONDENT, ERIC NELSON, INDIVIDUALLY AND IN HIS CAPACITY AS
INVESTMENT TRUSTEE OF THE ERIC L. NELSON NEVADA TRUST,
DATED MAY 30, 2001, ANSWERING BRIEF TO APPELLANT'S OPENING
BRIEF**

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*Attorney for Respondent Eric L. Nelson, Individually, And in His Capacity as Investment
Trustee of The Eric L. Nelson Nevada Trust, Dated May 30, 2001*

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NRAP 26.1(a) DISCLOSURE

Pursuant to Rule 26.1 of the Nevada Rules of Appellate Procedure, Respondent Eric L. Nelson, Individually, And in His Capacity as Investment Trustee of The Eric L. Nelson Nevada Trust, Dated May 30, 2001, states that he has no parent corporations and no publicly held company owns 10% or more of the Respondent's stock. The undersigned counsel of record certifies that the following are persons and entities as described in NRAP26.1(a), and must be disclosed. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal.

A. MARK A. SOLOMON, ESQ., JEFFREY P. LUSZECK, ESQ., and CRAIG D. FRIEDEL, ESQ., of SOLOMON, DWIGGINS & FREER, LTD., Trial and Appellate attorneys for Respondent, MATT KLABACKA, DISTRIBUTION TRUSTEE OF THE ERIC L. NELSON NEVADA TRUST DATED MAY 30, 2001.

B. ROBERT P. DICKERSON, ESQ., JOSEF M. KARACSONYI, ESQ., and KATHERINE L. PROVOST, ESQ., of THE DICKERSON KARACSONYI LAW GROUP,¹ Trial and Appellate attorneys for Appellant, LYNITA SUE NELSON,

¹ KATHERINE L. PROVOST, ESQ. is now with the KAINEN LAW GROUP, PLLC.

1 INDIVIDUALLY, AND IN HER CAPACITY AS INVESTMENT TRUSTEE OF THE
2 LSN NEVADA TRUST DATED MAY 30, 2001.

3
4 C. DAWN R. THRONE, ESQ., and MICHELLE A. HAUSER, ESQ., of
5 THRONE & HAUSER, Trial and Appellate attorneys for RESPONDENT ERIC L.
6 NELSON, INDIVIDUALLY, AND IN HIS CAPACITY AS INVESTMENT TRUSTEE
7 OF THE ERIC L. NELSON NEVADA TRUST, DATED MAY 30, 2001.

8
9 D. HOWARD ECKER, ESQ., and EDWARD KAINEN, ESQ., of ECKER &
10 KAINEN, CHTD.; DAVID ALLEN STEPHENS, ESQ., of STEPHENS, GOURLEY &
11 BYWATER; JAMES J. JIMMERSON, ESQ., and SHAWN M. GOLDSTEIN, ESQ., of
12 JIMMERSON HANSEN, PC; MARSHAL S. WILLICK, ESQ., and KARI J. MOLNAR,
13 ESQ., of WILLICK LAW GROUP; and RHONDA K. FORSBERG, ESQ., of RHONDA
14 K. FORSBERG, CHARTERED, prior attorneys for Respondent, ERIC L. NELSON.
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1 **STATEMENT OF JURISDICTION**

2 Respondent Eric L. Nelson, Individually, And in His Capacity as Investment
3 Trustee of The Eric L. Nelson Nevada Trust, Dated May 30, 2001 (hereinafter “Eric
4 L. Nelson”) joins with Respondent, Matt Klabacka, Distribution Trustee of The Eric
5 L. Nelson Nevada Trust Dated May 30, 2001 (hereinafter “Matt Klabacka”), and
6 agrees with and adopts the Jurisdictional Statement in his Answering Brief, filed
7 June 10, 2019.

8 **ROUTING STATEMENT**

9
10 Respondent Eric L. Nelson joins with Respondent, Matt Klabacka, and agrees
11 with and adopts the Routing Statement in his Answering Brief, filed June 10, 2019.
12

13 **STATEMENT OF THE CASE AND FACTS**

14 Respondent Eric L. Nelson joins with Respondent, Matt Klabacka, and agrees
15 with and adopts the Statement of the Case and Facts in his Answering Brief, filed
16 June 10, 2019.

17 **STATEMENT OF THE STANDARD OF REVIEW**

18 Respondent Eric L. Nelson joins with Respondent, Matt Klabacka, and agrees
19 with and adopts the Statement of the Standard of Review in his Answering Brief,
20 filed June 10, 2019.
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3 **SUMMARY OF THE ARGUMENT**

4 Respondent Eric L. Nelson joins with Respondent, Matt Klabacka, and agrees
5 with and adopts the Summary of the Argument in his Answering Brief, filed June
6 10, 2019.

7 **ARGUMENT**

8 Respondent Eric L. Nelson joins with Respondent, Matt Klabacka, and agrees
9 with and adopts the Argument in his Answering Brief, filed June 10, 2019.

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1 **CONCLUSION**

2 In summary, Appellant, Lynita S. Nelson, Individually, and Respondent, Eric
3 L. Nelson, Individually, do not own any property. All of the properties at issue in
4 this case are owned by the LSN and the ELN Trusts, which are valid irrevocable
5 Nevada Self-Settled Spendthrift Trusts. The district court properly exercised its
6 discretion in denying a blanket Joint Preliminary Injunction (“JPI”) against all the
7 assets owned by each trust. As such, Respondent, Eric L. Nelson, respectfully
8 requests that this Court affirm that denial of the JPI.
9

10 Respectfully submitted this 10th day of June, 2019.

11 THRONE & HAUSER

12 

13 **Dawn R. Throne, Esq.**

14 Nevada Bar No. 006145

15 **Michelle A. Hauser, Esq.**

16 Nevada Bar No. 007738

17 1070 W. Horizon Ridge Pkwy., Suite 100

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19 *Attorney for Respondent Eric L. Nelson,*
20 *Individually, And in His Capacity as*
21 *Investment Trustee of The Eric L. Nelson*
22 *Nevada Trust, Dated May 30, 2001*
23
24

1 CERTIFICATE OF COMPLIANCE

2 1. I hereby certify that this brief complies with the formatting
3 requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and
4 the type style requirements of NRAP 32(a)(6) because this brief has been prepared
5 in a proportionally spaced typeface, size 14-point Times New Roman typeface.
6

7 2. I further certify that this brief complies with the page- or type-volume
8 limitations of NRAP 32(a)(7) because, excluding the parts of the brief exempted by
9 NRAP 32(a)(7)(C), it has a typeface of 14 points or more and contains only 5 pages.
10

11 3. Finally, I hereby certify that I have read this appellate brief, and to the
12 best of my knowledge, information, and belief, it is not frivolous or interposed for
13 any improper purpose. I further certify that this brief complies with all applicable
14 Nevada Rules of Appellate Procedure, in particular NRAP 28(e)(1), which requires
15 every assertion in the brief regarding matters in the record to be supported by a
16 reference to the page and volume number, if any, of the transcript or appendix where
17

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1 the matter relied on is to be found. I understand that I may be subject to sanctions in
2 the event that the accompanying brief is not in conformity with the requirements of
3 the Nevada Rules of Appellate Procedure.

4 Dated this 10th day of June, 2019.

6 THRONE & HAUSER

7 

8 **Dawn R. Throne, Esq.**

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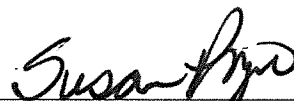
14 *Attorney for Respondent Eric L. Nelson,
15 Individually, And in His Capacity as
16 Investment Trustee of The Eric L. Nelson
17 Nevada Trust, Dated May 30, 2001*

1 CERTIFICATE OF SERVICE

2
3 I hereby certify that on the 10th day of June, 2019, a true and correct copy of
4 the foregoing Respondents Answering Brief was served upon all counsel of record
5 by electronically filing the document using the Nevada Supreme Court's electronic
6 filing by electronic means to registered users of the court's electronic filing system
7 consistent with NEFCR 9, specifically to the following:

8 Josef Karacsonyi, Esq.
9 Dickerson Karacsonyi Law Group
10 *Attorneys for Appellant, LYNITA SUE NELSON*

11 Jeffrey P. Luszeck, Esq.
12 Solomon Dwiggin & Freer, Ltd
Attorneys for Respondent MATT KLABACKA

13
14 By: 
15 An Employee of Throne & Hauser
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