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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT FOR THE STATE OF NEVADA

IN THE MATTER OF THE JORDAN
DANA FRASIER FAMILY TRUST

AMY FRASIER WILSON,

Appellant,

v.

DINNY FRASIER; PREMIER TRUST,
INC.; JANIE L. MULRAIN; NORI
FRASIER; and BRADLEY L. FRASIER,
M.D.;

Respondents.

Case No. 77981

APPELLANT'S APPENDIX

AMENDED VOL. 6

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3975

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IN THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the

Case No: PR16-00128

JORDAN DANA FRASIER FAMILY TRUST

Dept. No.: 15 [PR]

STATEMENT OF BARNET RESNICK REGARDING RPC 1.14

I, BARNET RESNICK, declare as follows:

1. I am an attorney duly licensed to practice law before all courts in the State of California.

2. I was admitted *pro hac vice* in the State of Nevada in this proceeding.

3. I am the attorney of record for Dinny Frasier ("Mrs. Frasier"), individually, who is a party in the above-captioned matter.

4. I have personal knowledge of the matters set forth herein and if called and sworn to testify, I could and would competently do so.

5. I have been practicing law, with a focus on trusts and estates, for 44 years. Prior to practicing law I was a trust officer for 7 years, administering inter vivos and testamentary trusts as well as probates, conservatorships and guardianships. Attached hereto as **Exhibit 1** is a copy of my curriculum vitae.

6. Pursuant to Judge Hardy's order dated August 16, 2018 asking how I complied with PRC 1.14, I submit the following:

7. In accordance with RPC 1.14, I have maintained a normal client-lawyer

1 relationship with Mrs. Frasier since the beginning of my engagement and still
2 continue to do so.

3 8. It is my opinion that Mrs. Frasier has capacity based on my substantial
4 experience in this area of law. Therefore, given her age and the allegations of
5 certain parties to this matter, to (medically) validate my opinion, I recommended
6 to Mrs. Frasier that she obtain capacity assessments during the course of my
7 representation to which she agreed. She obtained three such assessments from
8 James Spar, M.D. ("Dr. Spar") (his curriculum vitae is attached as **Exhibit 2**),
9 having been determined during each of those three assessments to have
10 testamentary AND contractual capacity. Dr. Spar's three redacted (pursuant to
11 HIPAA) capacity assessment letters dated April 26, 2017, May 22, 2017, and
12 September 26, 2017 are attached hereto as **Exhibit 3**.

13 9. Because of the time period since the last assessment, an extensive capacity
14 assessment was more recently performed by Sandra Klein, PhD, ("Dr. Klein") a
15 member of the UCI Division of Geriatric Medicine & Gerontology (her curriculum
16 vitae is attached as **Exhibit 4**). Post assessment, I spoke with Dr. Klein who
17 stated that Mrs. Frasier "did very well." Dr. Klein advised me that she was to
18 begin a vacation in Europe, but that she would be able to issue her written report
19 by the end of September. Therefore, I request that I be allowed to supplement this
20 Statement to include Dr. Klein's report.

21 10. There has never been a medical determination or legal adjudication of Mrs.
22 Frasier's incapacity, notwithstanding the numerous unsupported allegations by her
23 daughter Amy Frasier-Wilson ("Amy") and Premier Trust, Inc. ("Premier"). I have
24 not reasonably believed that Mrs. Frasier had diminished capacity as set forth in
25 RPC 1.14.

26 11. During my 22 months of professional relationship with Mrs. Frasier, my staff
27 and I have communicated with her, in person or telephonically (including many
28 FaceTime calls) an average of 2 to 3 times per month, most of which were with me.

1 12. As stated by me in earlier pleadings in this matter, Mrs. Frasier was referred
2 to me by her family friend of 30 years. I immediately became quite fond of Mrs.
3 Frasier. In some respects, she reminded me of my deceased mother. Mrs. Frasier
4 and I are both former Chicago residents with a Jewish background. She uses similar
5 Yiddish phrases as my mother did, and has a tremendous sense of humor, as my
6 mother had.

7 13. I CARE ABOUT MRS. FRASIER. Having said this, I have always maintained
8 my professionalism and have been my client's advocate, while conducting myself
9 within the boundaries of the California Professional Rules of Conduct and RPC 1.14.

10 14. When Mrs. Frasier hired me, she was very explicit as to the purposes for
11 which I was retained: (1) to settle the Bradley Frasier/Premier litigation and (2) to
12 terminate her relationship with Premier and with the law firm of Robertson,
13 Johnson, Miller, and Williamson ("Mr. Robertson's firm").

14 15. I was able to settle the Bradley Frasier/Premier litigation during a nine hour
15 mediation which I promulgated. I believe all parties will concur that I was the
16 driving force behind the settlement of this dispute.

17 16. Reaching a successful result to the termination of the two relationships has
18 been more difficult. This is due, in part, to Mrs. Frasier's children's meddling in Mrs.
19 Frasier's personal life (legal, financial and medical), and the fact that Mrs. Frasier
20 is not confrontational and has allowed her children to "push her around." Another
21 reason it has been more difficult to resolve the termination of the relationships is
22 due to Premier's lack of experience in personal trust administration, which has
23 resulted in continuous mismanagement of the trust. [See attached **Exhibit 5** – Decl.
24 Janie Mulrain dated September 17, 2018, 2:8-23]

25 17. Because the trust administration and litigation are located in Nevada, hiring
26 local counsel in Reno became necessary. Courtney O'Mara of Fennemore Craig, PC
27 was initially retained, but Ms. O'Mara's firm withdrew from the case due to a conflict
28 and recommended the firm of Wallace & Millsap to take its place. Wallace & Millsap

1 was retained as local counsel for the main purpose of formatting pleadings and to
2 advise on Nevada procedural issues.

3 18. When I was first engaged by Mrs. Frasier, she did not want anything to do
4 with her children. She was very angry with her children, as she felt that they only
5 wanted financial gain from her and that their expressions of caring were insincere
6 and motivated by greed. Pursuant to her wishes, Mrs. Frasier's children were not
7 allowed direct contact with her, and measures were taken to temporarily cut ties
8 with her children, which protocols Premier helped to formulate. [See attached
9 **Exhibit 6** – Second Decl. Janie Mulrain dated June 25, 2017, ¶7-¶10]

10 19. Since my engagement, I have conferred with Mrs. Frasier at every stage of
11 this litigation. Due to her short term memory loss, I have to sometimes remind Mrs.
12 Frasier of certain background facts so that she can make an informed decision. But
13 with a little nudging of her short term memory, she has always been very vocal with
14 me about the course of action she wants me to take in representing her interests
15 throughout this matter, and I have complied with her wishes to the best of my
16 abilities.

17 20. Mrs. Frasier has been very vocal with me and others (in my presence) about
18 her wishes to minimize contact with her children and to fire Premier and Mr.
19 Robertson's firm. She would continually direct me to get involved in preventing her
20 children's meddling in her personal affairs and pursuing the termination of the
21 Premier/Robertson relationships.

22 21. Although I believe that Mrs. Frasier is capable of making informed decisions
23 regarding the present litigation, she is susceptible to undue influence and
24 manipulation by her children as a result of her short term memory loss, her
25 advanced age, frail physical health, and her non-confrontational personality. Mrs.
26 Frasier's care staff and medical team and I are extremely concerned and alarmed by
27 the detriment to her health resulting from improper contact with her children.
28 Because Mrs. Frasier is such a warm and caring person, she oftentimes is reluctant

1 to be honest about her true feelings to those around her, for fear of hurting their
2 feelings or making the situation uncomfortable. [See attached **Exhibit 7** –
3 Declaration of Janis Nieder]

4 22. Mrs. Frasier's daughter Amy has a history of exerting undue influence and
5 manipulation of Mrs. Frasier. For example, in or around the summer of 2015, Mrs.
6 Frasier fell and broke her hip. While Mrs. Frasier was medicated and recuperating
7 at a rehabilitation facility, Amy brought on attorney H. Travis Brooks, an estate
8 planning attorney, to amend and restate Mrs. Frasier's Survivor's Trust. The way
9 in which the Survivor's Trust was amended—disinheriting Amy's two siblings,
10 Bradley Frasier ("Brad") and Nori Frasier Cady ("Nori"), and leaving everything to
11 Amy—is direct evidence of Amy's pattern of using opportunities of Mrs. Frasier's
12 weakness to further her financial gain. As Mrs. Frasier was helpless when Amy
13 influenced her to amend her trust in 2015, Mrs. Frasier is still unable to voice her
14 feelings of anger and hostility directly to her children, and only expresses those
15 sentiments to others. [Decl. Nieder 2:14-17; Decl. Janie Mulrain dated September
16 17, 2018 ¶6]

17 23. Mrs. Frasier's children, especially Amy, are taking a toll on her physically.
18 Amy and her husband Bill Wilson ("Bill") often visit Mrs. Frasier at her home since
19 Mrs. Frasier has agreed to see her children again. However, instead of spending
20 quality time with her, they are using these visits to constantly interrogate Mrs.
21 Frasier with questions about her trusts, her finances, and personal questions. [See
22 attached **Exhibit 8** – Declaration of Chipiwa "Stella" Williams 1:24-27]. Amy and
23 Bill often overstay their scheduled visits. [Decl. Williams 2:5-17]. During these
24 visits, Amy and Bill spend the majority of the time investigating everything,
25 repeatedly asking Mrs. Frasier about her financial matters, about the frequency of
26 visits from her other children, what is discussed with her other children, and her
27 estate plan. [Decl. Williams; See attached **Exhibit 9** – Email from Jonathan Irish
28 dated July 27, 2018]. The situation makes Mrs. Frasier very tense and

1 uncomfortable and has gotten so bad that a caregiver, Stella Williams as well as
2 other caregivers have even asked to be taken off Mrs. Frasier's case because of Amy's
3 behavior. [Decl. Williams]

4 24. At times, Amy and Bill record Mrs. Frasier and her caregiver staff while Amy
5 asks her questions about her estate plan and other financial matters, which makes
6 Mrs. Frasier very uncomfortable, and thereby necessitating Jonathan Irish, Vice
7 President of Operations for Family Home Care, Inc. to take action to prohibit
8 recordings of his care agency staff. [Decl. Williams 2:5-17; See attached **Exhibit 15**
9 – Decl. Irish 1:15-21]. Amy constantly threatens Mrs. Frasier's caregivers, verbally
10 abuses them, makes unfounded accusations towards them, and tries to kick them
11 out of Mrs. Frasier's home for no apparent reason. [See attached **Exhibit 10** –
12 Declaration of Laura Germano] [See attached **Exhibit 14** – Declaration of Araceli
13 "Sally" Dalton]

14 25. On September 16, 2018, caregiver Sarah Magana was at Dinny's home during
15 Sarah's scheduled 7am-7pm shift. [See attached **Exhibit 11** – Declaration of Sarah
16 Magana 1:21] Amy and Bill had a scheduled visit with Dinny that day from 1:00pm-
17 5:00pm and showed up late at approximately 2:00pm. [Decl. Magana 1:21-24] As
18 soon as they arrived, Amy started verbally abusing Sarah and even physically
19 assaulted her. [Decl. Magana 2:1-8] which necessitated Sarah calling 911 out of fear
20 for her safety.

21 26. Based on the chain of events that have transpired since Mrs. Frasier's
22 children have entered Mrs. Frasier's life again and the resulting harm to Mrs.
23 Frasier's health and wellbeing, I fully support the recommendation of Michael
24 Haga, M.D., Mrs. Frasier's primary care physician, that all visits with Mrs. Frasier
25 be chaperoned, and restricted in duration and topics of discussion. [See attached
26 **Exhibit 12** – Declaration of Dr. Michael Haga 1:24-25]. It would be in Mrs.
27 Frasier's best interest for the visits to be supervised at all times, be kept to a
28 maximum of two hours per visit, and the topics of finances, estate plan, and gifts

1 be strictly prohibited from being discussed. [Decl. Haga 1:24-25; Decl. Nieder 2:9-
2 11].

3 27. It is evident from the various declarations of Mrs. Frasier's care agency
4 representative, caregivers and medical care team that Amy and Bill's visits are
5 wreaking havoc on Mrs. Frasier's health and well-being and should be supervised.
6 Various members of Mrs. Frasier's medical care team have observed the tension
7 and stress that the topic of her children causes Mrs. Frasier. [Decl. Nieder 2:9-13;
8 Decl. Haga 1:22-25]

9 28. Mrs. Frasier also wants the visits to be supervised, as evidenced in her
10 handwritten July 1, 2018 letter in which she directs that her children's visits with
11 her be chaperoned at all times. [See attached **Exhibit 13** – Handwritten note by
12 Dinny Frasier dated July 1, 2018]. While Mrs. Frasier at one time wanted to give
13 her children a chance to be a part of her life once again, her children's abusive and
14 manipulative actions make clear that something must be done to protect Mrs.
15 Frasier from harm and influence by her children.

16 29. It should be noted that Mrs. Frasier's children appear to be concerned about
17 her capacity, or the lack thereof, but none of her children have sought a California
18 court's determination of incapacity or a conservatorship.

19 I declare under penalty of perjury under the laws of the State of Nevada that
20 the foregoing is true and correct.

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Affirmation

The undersigned does hereby affirm this document does not contain the social security number or legally private information of any party.

Executed this 17th day of September, 2018, at Newport Beach, California.

By: /s/ Barnet Resnick.
BARNET RESNICK
Admitted *Pro Hac Vice*
Counsel for Mrs. Dinny Frasier

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify I am an employee of Wallace & Millsap LLC, 510 W. Plumb Lane, Suite A, Reno, NV 89509, and that on the 18th day of September, 2018, I served the foregoing document via the Second Judicial District Court's electronic filing system upon Premier Trust through its Counsel of Record – G. David Robertson, Esq. I further certify I deposited a true copy of the foregoing with the U.S Postal Service in Reno, Nevada, postage prepaid, addressed to:

Nori Frasier
4372 Pacifica Way, Unit 3
Oceanside, California 92056

Amy Frasier Wilson
10 Via Sonrisa
Mission Viejo, California 92692

Bradley L. Frasier, MD
3609 Vista Way
Oceanside, CA 92056

DATED this 18th day of September, 2018

By: /s/ Chris Miller
An Employee of Wallace & Millsap

1

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Jacqueline Bryant
Clerk of the Court
Transaction # 6885036 : pmsewell

EXHIBIT 1

EXHIBIT 1

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(949) 851-9001
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Managing Partner
Vogt | Resnick | Sherak LLP, Attorneys

SUMMARY OF QUALIFICATIONS

Extensive experience in the below listed law specialties. Represented clients before judicial, administrative, and regulatory bodies at both the state and federal levels. Admitted to practice in California in 1974. Broad background in teaching, ranging from teaching Certified Public Accountants and attorneys, to teaching at universities.

LAW SPECIALTIES

Business Law, Corporate, Real Property, Estate and Probate, Taxation (domestic and international)

TEACHING/BOARD EXPERIENCE

Former Trustee of California's second largest Community College District; Past Chairman, Orange Coast College Foundation (approximately \$15 million in assets); Associate Professor, California State University at Long Beach; Associate Professor, California State University at Sacramento; Past Board Member of Volunteer Center of Orange County; Past Board Member of Pediatric Cancer Society of Orange County; Instructor, American Institute of Certified Public Accountants; Lecturer, Continuing Education of the Bar (Estate Planning); Instructor, University of California Certified Financial Planning Program; Instructor, Orange Coast College

PROFESSIONAL ASSOCIATIONS

California Bar Association; Orange County Bar Association; Orange County Estate Planning Council

EDUCATION

DePaul University (Ph.b.); Western State College of Law (J.D.)

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

In the matter of

CASE NO. PR16-00128

JORDAN DANA FRASIER FAMILY
TRUST

DEPT. NO. 15

DECLARATION OF BARNET RESNICK

I, BARNET RESNICK, declare as follows:

1. I am an attorney duly licensed to practice law before all courts in the State of California.
2. I am the attorney of record for Dinny Frasier, individually, who is a party in the above-captioned matter.
3. I have personal knowledge of the matters set forth herein and if called and sworn to testify, I could and would competently do so.
4. I have been practicing law, with a focus on trusts and estates, for 44 years. Attached hereto as **EXHIBIT A** is a copy of my curriculum vitae outlining my legal and other trust and estate related experiences.
5. Pursuant to this Court's Order dated August 16, 2018, below are the dates and times of my communications with my client, Dinny Frasier ("Mrs. Frasier"), since April 1, 2018.
 - a. April 9, 2018, 2:30pm-4:00pm: I met with Mrs. Frasier at my office.
 - b. May 25, 2018, 9:37am-9:47am: I had a phone call with Mrs. Frasier.
 - c. June 3, 2018, 7:29pm-7:55pm: I had a phone call with Mrs. Frasier.
 - d. June 30, 2018, 10:13pm-10:14pm: I had a phone call with Mrs. Frasier.
 - e. July 1, 2018, 11:30am-11:41am: I had a phone call with Mrs. Frasier.
 - f. August 10, 2018, 9:48 pm-9:52pm: I spoke to Mrs. Frasier via FaceTime.
 - g. August 13, 2018: I had a phone call with Mrs. Frasier.
 - h. August 28, 2018, 10:31 am-10:37am: I spoke to Mrs. Frasier via FaceTime.
 - i. August 30, 2018, 8:00am-8:30am: I met with Mrs. Frasier at the UCI Medical

Center.

j. August 30, 2018, 2:00pm-2:20pm: I had a phone call with Mrs. Frasier.

6. In addition to those communications referenced above, I have also hosted birthday lunches for Mrs. Frasier every year since my engagement. I hosted a birthday lunch for Mrs. Frasier on March 27, 2017 at Andrei's in Irvine, California, and I hosted a birthday lunch for Mrs. Frasier on March 27, 2018 in Café Jardin in Corona Del Mar, California. I have also taken Mrs. Frasier to an Anaheim Ducks hockey game at the Honda Center in Anaheim, California. Attached hereto as **EXHIBIT B** are some pictures taken from those events.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed this 17th day of September, 2018, at Newport Beach, California.


BARNET RESNICK

EXHIBIT A

EXHIBIT A

BARNET RESNICK

4400 MacArthur Boulevard, 9th Floor
Newport Beach, California 92660
(949) 851-9001
(949) 833-3445 (facsimile)

Managing Partner

Vogt | Resnick | Sherak LLP, Attorneys

SUMMARY OF QUALIFICATIONS

Extensive experience in the below listed law specialties. Represented clients before judicial, administrative, and regulatory bodies at both the state and federal levels. Admitted to practice in California in 1974. Broad background in teaching, ranging from teaching Certified Public Accountants and attorneys, to teaching at universities.

LAW SPECIALTIES

Business Law, Corporate, Real Property, Estate and Probate, Taxation (domestic and international)

TEACHING/BOARD EXPERIENCE

Former Trustee of California's second largest Community College District; Past Chairman, Orange Coast College Foundation (approximately \$15 million in assets); Associate Professor, California State University at Long Beach; Associate Professor, California State University at Sacramento; Past Board Member of Volunteer Center of Orange County; Past Board Member of Pediatric Cancer Society of Orange County; Instructor, American Institute of Certified Public Accountants; Lecturer, Continuing Education of the Bar (Estate Planning); Instructor, University of California Certified Financial Planning Program; Instructor, Orange Coast College

PROFESSIONAL ASSOCIATIONS

California Bar Association; Orange County Bar Association; Orange County Estate Planning Council

EDUCATION

DePaul University (Ph.b.); Western State College of Law (J.D.)

EXHIBIT B

EXHIBIT B





FILED
Electronically
PR16-00128
2018-09-18 12:47:17 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6885036 : pmsewell

EXHIBIT 2

EXHIBIT 2

CURRICULUM VITAE (7/15)

JAMES EDWARD SPAR, M.D.

Date & place of birth: September 11, 1946, Los Angeles, California

Address : Semel Institute for Neuroscience and Human Behavior, University of California at Los Angeles (UCLA), 760 Westwood Plaza, Los Angeles, California 90024, (310) 825-0038

Education and Professional Training

1966 -1968	UCLA B.A. Zoology 1968, <i>cum laude</i> ; Honors in Zoology
1968 -1972	UCLA School of Medicine, M.D., June, 1972
1973 -1974	Internship in Internal Medicine, Children's Hospital, San Francisco, California
1974 -1977	Psychiatric Residency, UCLA - Brentwood V.A. Hospital
1977 - 1978	Fellowship, Geriatric Psychiatry, NPI&H, UCLA
1993 – 1998	Fellow, Faculty Development Program in Substance Abuse (J. Thomas Ungerleider, M.D., Principal Investigator), funded by Center for Substance Abuse Prevention

Military Service

1963 - 1964	United States Army National Guard; Honorable Discharge, March 18, 1964
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Licensures/Certification

1973	California State Medical License #G24955
1973	Narcotics License #AS1011357
1979	Diplomate, Am. Bd. of Psychiatry & Neurology (ABPN)
1991	Diplomate, Added Qualifications in Geriatric Psychiatry (ABPN)
2001	Diplomate, Subspecialty of Geriatric Psychiatry (ABPN)

Professional Societies

1981 - 1992	Member, Am. Assoc. for Geriatric Psychiatry
1982 - 1987	Member, Intern. Psychogeriatric Society
1984 - 1987	Member of Board of Directors, Am. Assoc. for Geriatric Psychiatry
2003 -	Member, American Psychiatric Association, Southern California Psychiatric Society

Academic Appointments

1978 - 1979	Acting Assistant Professor, Dept. of Psychiatry & Biobehavioral Sciences, UCLA School of Medicine
1979 - 1988	Assistant Professor, Dept. of Psychiatry & Biobehavioral Sciences, UCLA School of Medicine

1988 - 1993	Associate Clinical Professor, Dept. of Psychiatry & Biobehavioral Sciences, UCLA School of Medicine
1993-1998	Associate Professor of Clinical Psychiatry, Dept. of Psychiatry & Biobehavioral Sciences, UCLA School of Medicine
1996-97	Associate Chair, Dept. of Psychiatry & Biobehavioral Sciences, UCLA School of Medicine
1998 -	Professor of Clinical Psychiatry, Dept. of Psychiatry & Biobehavioral Sciences, UCLA School of Medicine
2002-	Senior Research Scientist, UCLA Neuropsychiatric Institute

Professional Experience

1972 - 1973	Internship in Internal Medicine, Children's Hospital, San Francisco, California
1973	Staff Physician, Los Angeles County Methadone Maintenance Clinic, Los Angeles, California
1973 - 1974	Emergency Physician, Mercy Hospital, Bakersfield, & San Leandro Memorial Hospital, San Leandro, California
1974 - 1977	Psychiatric Residency, UCLA - West LA VA Medical Center, Brentwood, California
1977 - 1978	Fellowship, Geriatric Psychiatry, NPI&H, UCLA
1978 - 1979	Associate Ward Director, geriatric psychiatry inpatient unit, NPI&H, UCLA
1979 - 1995	Ward Director, geriatric psychiatry inpatient unit, NPI&H, UCLA
1988 - 1997	Coordinator, Clinical Geriatric Services, NPI&H, UCLA
1995 -	Director, Psychiatric Residency Education, Department of Psychiatry and Biobehavioral Sciences, UCLA
1998 - 2004	Director, Division of Geriatric Psychiatry, Department of Psychiatry and Biobehavioral Sciences, UCLA

Teaching/Supervisory Experience/Selected Presentations

1977 - 1995	Individual supervision of interns, 1st and 3rd year psychiatric residents assigned to 3-South, NPI&H, UCLA
1979 - 1995	Seminar in Geriatric Psychiatry given to interns, residents, medical and psychiatric fellows, and medical students assigned to Ward 3-South, NPI&H, UCLA
1980 - 1995	Individual supervision of geriatric medical and psychiatry fellows in geriatric psychiatry training rotation, Ward 3-South, NPI&H, UCLA

1980 - 1990	Occasional guest lecturer, UCLA School of Law, "Testamentary capacity and the expert witness"
1993	Guest co-lecturer, Loyola Law School Continuing Legal Education Program, Los Angeles, Calif. "Competence related litigation and Estate Planning" (with M. Hankin, Esq.)
1994	Co-lecturer, Twentieth Annual USC Probate and Trust Conference, "Assessing competency and susceptibility to undue influence: conceptual and procedural issues" (with B. Bailey, Esq.)
1997	Luncheon Speaker, Twenty-third Annual USC Probate and Trust Conference, "An Attorney's Guide to Rapid Assessment of Mental Status"
1998	Luncheon Speaker, Twenty-second Annual Fall Program, Estate Planning, Trust and Probate Law Section, State Bar of California, "An M.D.'s Guide for Lawyers: Elders and Competency"
1999	Speaker, Beverly Hills Bar Association Spring meeting on "Capacity and Undue Influence"
2005	Luncheon Speaker, Beverly Hills Bar Association Trusts and Estates Section meeting, "Competency and Undue Influence – An Update"
2006	Speaker, St. John's Hospital 58 th Post-Graduate Assembly, "Determining Medical Decision Making Capacity"
2008	Speaker, National Organization of Bar Counsel Mid-Year Conference, "The Aging Lawyer: Assessment, Diagnosis, and Treatment"
2008	Speaker, 30 th Annual UCLA/CEB Estate Planning Institute, "A Lawyers Guide to Diminished Capacity and Effective Use of Experts" (with Adam Streisand, LLB)
2008	Speaker, American College of Trust and Estate Counsel Fall Meeting, Savannah, Georgia, "A Psychiatrist's View of Capacity and Undue Influence" (with Adam Streisand, LLB, and Meg Lodise, LLB).
2010	Panelist (with Stuart Zimring, Esq., and Elizabeth Botsford, Esq), Trusts and Estates Section of the Beverly Hills Bar Association Program Meeting. Topic: Drafting, administration and litigation of vice clauses
2010	Panelist (with Ed Stone, Esq.), Southern California Probate Conference, Semi-Annual Update and Roundtable.
2010	Speaker, LA County Bar Probate Volunteer Panel Annual Training Program: "Psychotropic medications and the myth of chemical restraints"
2011	Panelist (with Jane Boubelik, Esq., Isla Garraway, M.D., John Brooks, M.D., and James Hynds, Ph.D.), UCLA Health Systems Special Conference on "Treating The Incapable Medical Patient Needing Urgent Care"

- 2012 Panelist (with Hon. Reva Goetz, Bruce Ross, Esq, and Alice Salvo, Esq.) Trusts & Estates Section of the Los Angeles County Bar Association Annual Symposium. Topic: Mental Capacity and Undue Influence.
- 2014 Speaker, UCLA Department of Psychiatry and Biobehavioral Sciences Grand Rounds, "Assessing Competency in the Elderly"
- 2015 Speaker, California CPA Advanced Estate Planning Institute, San Francisco, CA (with Adam Streisand), "Mental Disorders that can Erode Capacity and Increase Vulnerability to Undue Influence"

Grants: Research

- 1978 Spar, J.E. (Principal Investigator). Grant #S781018. "A double-blind placebo-controlled, multi-clinic study to evaluate the safety and efficacy of a total daily dose of 6.0 mg of dihydrogenated ergot alkaloids for the treatment of the cognitive, affective and behavioral symptoms of dementia associated with aging." Sandoz Pharmaceuticals, East Hanover, New Jersey.
- 1983 Spar, J.E. (Principal Investigator). Faculty Development Award, Summer Qtr.
- 1983 Spar, J.E. (Principal Investigator). Basic Research Service Grant (BRSG). In support of study, "Long-term follow-up of elderly patients with major depression or dementia"
- 1984 La Rue, A. (P.I.), Spar, J.E. (Co-Principal Investigator). Opportunity Funds Grant. For continuation of study: "Long-term follow-up of elderly patients with major depression or dementia." Also funded by the Alzheimer's Disease and Related Disorders Association.
- 1986 Leuchter, A. (P.I.), Spar, J.E. (Co-Principal Investigator). "Mental illness in the elderly: Diagnostic testing." NIMH Grant 1 RO1 MH/NS 40705-01. 3/1/86-2/28/89.

Grants: Training

- 1982 Principal Investigator, NIMH Grant 1 T3116590-01. "Multidisciplinary Clinical Training: Mentally Ill Aged" 8/1/82-10/31/83.
- 1983-89 Principal Investigator, NIMH Grant 1 TO1MH17251-01 thru 06. "Multidisciplinary Clinical Training: Mentally Ill Aged" 7/1/83-6/30/89.
- 1989-92 Multidisciplinary Clinical Training: Mentally Ill Aged 7/1/89-6/30/92
- 1992-95 Co-principal Investigator, NIMH Grant 1TO1SM19744-03 Multidisciplinary Clinical Training: Mentally Ill Aged 7/1/92-6/30/95
- 1991- Present Co-Principal Investigator, "Department of Veterans Affairs: West Los Angeles Veterans Administration Medical Center, Brentwood

Division; Sepulveda Veterans Administration Medical Center; and
UCLA Multicampus Fellowship Program in Geriatric Psychiatry"

Legislative Consultation

- 1985 Co-drafter (with Andrew S. Garb, Esq.) of California Probate Code Section 6100.5
"Persons Not Mentally Competent to Make a Will; specified circumstances"
- 1995 Co-drafter (with Marc B. Hankin, Esq, et al) of the *Due Process in
Competency Determinations Act* (SB 730), codified as California Probate
Code Sections 810 - 813, and Civil Code Section 39 (b)

Publications - Books

1. Colby K, **Spar JE**: The Fundamental Crisis in Psychiatry: Unreliability of Diagnosis. Springfield, Illinois: Charles C. Thomas, 1983.
2. **Spar JE**, La Rue A: Concise Guide to Geriatric Psychiatry Washington DC: American Psychiatric Press, Inc., 1990; Second Edition, 1997; Third Edition, 2002.
3. **Spar JE**, La Rue A: Clinical Manual of Geriatric Psychiatry Washington DC: American Psychiatric Publishing, Inc, 2006

Original research articles

1. Van Putten T, **Spar JE**: The board and care home: Does it deserve a bad press? Hospital & Community Psychiatry 30:461-464, 1979.
2. **Spar JE**, Ford CV, Liston E: Bipolar affective disorder in aged patients. Journal of Clinical Psychiatry 504-507, 1979.
3. **Spar JE**, Gerner R: Does the dexamethasone suppression test distinguish depression from dementia? American Journal of Psychiatry 139:2, 1982.
4. **Spar JE**, La Rue A: Major depression in the elderly: DSM-III criteria and the dexamethasone suppression test as predictors of treatment response. American Journal of Psychiatry 140:844-847, 1983.
5. **Spar JE**, La Rue A, Liston E: Opiate antagonists in patients with Alzheimer's disease. New England Journal of Medicine 209(9):354-355, 1983. (Letter to the Editor, with J. Blass & M. Reding; D. Drachman et al.; R. Katzman et al.)
6. **Spar JE**, La Rue A: Acute response to methylphenidate as a predictor of outcome of tricyclic antidepressant therapy in the elderly. Journal of Clinical Psychiatry 46(11): 466-469, 1985.
7. Leuchter A, **Spar JE**: The late-onset psychoses: Clinical and diagnostic features. Journal of Nervous and Mental Disease 173(8):488-493, 1985.
8. La Rue A, D'Elia LF, Clark EO, **Spar JE**, Jarvik LF: Clinical tests of memory in dementia, depression and healthy aging. Journal of Psychology and Aging 1(1):69-77, 1986.
9. La Rue A, **Spar JE**, Dessonville Hill C: Cognitive impairment in late-life depression: Clinical correlates and treatment implications. Journal of Affective Disorders 11:179-184, 1986.
10. Leuchter A, **Spar JE**, Walter DO, Weiner H: Electroencephalographic spectra and coherence in the diagnosis of Alzheimer's type and multi-infarct dementia. Archives of General Psychiatry 44:993-998, 1987.
11. **Spar JE**: Plasma trazodone concentrations in elderly depressed inpatients: Cardiac effects and short-term efficacy. Journal of Clinical Psychopharmacology 7:406-409, 1987.
12. **Spar JE**, La Rue A, Hewes CJ, Fairbanks L: Multivariate prediction of falls in elderly inpatients. International Journal of Geriatric Psychiatry 2:185-188, 1987.
13. Wilkins JN, **Spar JE**, Carlson HE: Desipramine increases circulating growth hormone in elderly depressed patients: A Pilot Study. Psychoneuroendocrinology 14(3):195-202, 1989

14. Small GW, Matsuyama SS, Ramanujam K, **Spar JE**, Fairbanks L: HLA antigens in depressed, demented, and non-demented elderly. Journal of Geriatric Psychiatry and Neurology 2:70-75, 1989
15. La Rue A, Goodman S, **Spar JE**: Risk factors for memory impairment in geriatric depression. Neuropsychiatry, Neuropsychology, and Behavioral Neurology 5(3):178-184, 1992
16. Leuchter AF, Simon SL, Daly KA, Rosenberg-Thompson S, Abrams M, Dunkin JJ, Cook IA, Newton TF, **Spar JE**: Quantitative EEG correlates of outcome in older psychiatric patients. Part II. Two-year follow-up of patients with depression. American Journal of Geriatric Psychiatry. 2(4):290-299, 1994
17. McGuire MT, Fawzy F, **Spar JE**, Weigel RM, Triosi A: Altruism and mental disorders. Ethology and Sociobiology 15:299-321, 1994
18. **Spar JE**, Hankin M, Stodden A: Assessing mental capacity and susceptibility to undue influence Behavioral Sciences and the Law 13(3):391-403, 1995

Other articles

1. Ford CV, **Spar JE**, Davis B, Liston E: Hospital treatment of the elderly neuropsychiatric patient. Part I. Journal of American Geriatric Society, Vol. XXVIII, No. 10, 446-450, 1980.
2. **Spar JE**, Ford CV, Liston E: Hospital treatment of the elderly neuropsychiatric patient, Part II. Journal of American Geriatric Society, Vol. XXVIII, No. 12, 539-543, 1980.
3. **Spar JE**: Dementia in the aged. In L.F. Jarvik and G. Small (Eds.), Psychiatric Clinics of North America - Aging, Vol. 5, #1. Philadelphia: W.B. Saunders, 1982.
4. **Spar JE**: Pathophysiology of dementia. J. Beck (Moderator): Dementia in the elderly: The silent epidemic. Annals of Internal Medicine 97(2):231-241, 1982
5. **Spar JE**: Affective disorders and dementia. J. Beck (Moderator): Dementia. Annals of Internal Medicine 97(2):231-241, 1982.
6. Jarvik L, **Spar JE**: Aging and organic mental disorders in the elderly. In B. Wolman (Ed.), International Encyclopedia of Psychiatry, Psychology, Psychoanalysis and Neurology. Progress Volume I. New York: Van Nostrand Aesculapius, 1983.
7. **Spar JE**: Psychopharmacology of Alzheimer's disease. Psychiatric Annals 14(3):186-189, 1984.
8. Marin RS, Foster JR, Ford CV, Reifler BV, Reisberg B, Robinowitz CB, Sledge WH, **Spar JE**, Tighe PJ: A curriculum for education in geriatric psychiatry. American Journal of Psychiatry 145(7): 836-843, 1988
9. **Spar JE**, Garb A: Assessing competency to make a will. American Journal of Psychiatry 49(2):169-174, 1992
10. Chen ST, Altshuler LL, **Spar JE**: Bipolar disorder in late life: A review. Journal of Geriatric Psychiatry & Neurology, 11:29-35, 1998
11. **Spar, JE**: Attorney's guide to competency and undue influence. National Association of Elder Law Attorneys Quarterly, 13(3), 7-12, 2000
12. Streisand AF, **Spar JE**: A Lawyer's guide to diminishing capacity and effective use of medical experts in contemporaneous and retrospective evaluations. American College of Trust and Estate Counsel Journal 33 (2), Winter, 2008.
13. Streisand AF, **Spar JE**: Mental Disorders that Erode Capacity. ABA Trust & Investments, 132, 12-17, November-December, 2009
14. Carico CD, **Spar JE**: Escaping the LPS Revolving Door. Trust and Estates Quarterly 16(1), 24-32, Fall, 2010

Book Chapters

1. **Spar JE**: Drug treatment. In G. Maureen Chaisson (Ed.), Depression in the Elderly: An Interdisciplinary Approach. New York: John Wiley & Sons, 1985, p. 193-213.
2. **Spar JE**: Psychopharmacologic treatment of depression in elderly patients with cardiovascular disease. In C. Shamoian (Ed.), Treatment of Affective Disorders in the Elderly (Monograph). American Psychiatric Press, Inc., 1985.

3. **Spar JE:** Principles of diagnosis and treatment in geriatric psychiatry. In Lazarus LW, "Essentials of Geriatric Psychiatry" New York, Springer, 1988
4. **Spar JE:** Organic Mood Syndrome. Chapter 97 In: Treatments of Psychiatric Disorders. (Karasu TB, Ed.) A Task Force Report of the American Psychiatric Association. Washington, D.C. American Psychiatric Press, Inc. 1989.
5. **Spar JE:** Organic Personality Syndrome. Chapter 98 In: Treatments of Psychiatric Disorders. (Karasu TB, Ed.) A Task Force Report of the American Psychiatric Association. Washington, D.C. American Psychiatric Press, Inc. 1989.
6. **Spar, JE:** Competency and Related Forensic Issues, in The American Psychiatric Press Textbook of Geriatric Neuropsychiatry, (Coffey CE, Cummings JL eds.) 2nd ed. Washington, DC The American Psychiatric Press, 1999
7. McGuire M, Fawzy F, **Spar JE**, Troisi A: Dysthymic disorder, Regulation-Dysregulation Theory, CNS Blood Flow, and CNS Metabolism in Sloman L, Gilbert P (Eds): Subordination and Defeat An Evolutionary Approach to Mood Disorders and Their Therapy New Jersey Lawrence Erlbaum Associates, Inc. 2000

Letters to editors

1. Irwin M, **Spar JE:** Reversible cardiac conduction abnormality associated with administration of trazodone. American Journal of Psychiatry 140:7, 1983
2. **Spar JE**, La Rue A, Liston E: Opiate antagonists in patients with Alzheimer's disease. New England Journal of Medicine 209(9):354-355, 1983. (this letter, listed above as "original research article" entry #5, also reported original research data by J. Blass & M. Reding; D. Drachman et al.; and R. Katzman et al.)
3. Small GW, **Spar JE**, Plotkin DA: Oral tetrahydroaminoacridine (THA) in treatment of senile dementia, Alzheimer type. New England Journal of Medicine 316(25):1604, 1987.
4. Strouse TB; Salehmoghaddam S; **Spar JE**. Acute delirium and parkinsonism in a bupropion-treated liver transplant recipient. Journal of Clinical Psychiatry. 54(12):489-90, 1993
5. **Spar JE:** Virtual Publication. Archives of General Psychiatry 58:203-204, 2001

In preparation or in press

1. Read S, **Spar, JE:** Capacity, Informed Consent and Guardianship, in J. Holzer (Ed.), The Oxford University Press Textbook of Geriatric Forensic Psychiatry, 2015
2. Plotkin D, **Spar JE**, Horwitz, H: The Role of the Mental Health Expert in Assessing Susceptibility to Undue Influence

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2018-09-18 12:47:17 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6885036 : pmsewell

EXHIBIT 3

EXHIBIT 3



April 26, 2017

JAMES E. SPAR, M.D.
PROFESSOR, DEPARTMENT OF PSYCHIATRY
& BIOBEHAVIORAL SCIENCES
DIVISION OF GERIATRIC PSYCHIATRY
DAVID GEFFEN SCHOOL OF MEDICINE AT UCLA
760 WESTWOOD PLAZA
LOS ANGELES, CALIFORNIA 90024-1759

Barnet Resnick
Vogt Resnick Sherak, LLP
4400 MacArthur Blvd., Suite 900
P.O. Box 7849
Newport Beach, CA 92658-7849

Dear Mr. Resnick:

At your request I evaluated Mrs. Dinny Frasier, an 87-year old woman, in my office on February 28, 2017. Mrs. Frasier was accompanied to my office by Janie Mulrain, a professional fiduciary, and Desara Broyles, her caregiver, both of whom, at Mrs. Frasier's insistence, remained in the office during the evaluation, but did not interfere with the evaluation in any way. Mrs. Frasier arrived 22 minutes late for the evaluation, so the information I was able to gather was somewhat limited. I asked Mrs. Frasier why she was being evaluated, inquired about her estate and her estate plans, and administered a general mental status examination, a Folstein Mini-Mental State Examination (MMSE) and several additional tests of naming, remote memory, and frontal executive function as reflected by clock drawing.

Mrs. Frasier initially thought she was being evaluated for pain in her left hip and back, which began when she fell down a flight of 13 stairs a few months ago. But when I asked her about recent contact with attorneys, she told me that she had seen Mr. Brooks, her regular attorney, and you, and was working on changes in her will and trust. She told me that she has three children: Brad, Amy, and Nori, and she has become estranged from all three [REDACTED]

[REDACTED] She has already given each of her five grandchildren \$100 thousand for college, and the existing version of her estate plan would distribute her estate among the three children. [REDACTED]

Mrs. Frasier told me that her estate includes her half (the other half is in her late husband's trust) of three houses: the one in which she is living, located in San Juan Capistrano (which she said her daughter, son-in-law and son directed the purchase of with her funds, for approximately [REDACTED] the house in which she had been living before the fall, at 3 Pinewood Avenue, in



Irvine, CA; and a house in Palm Springs. She could not recall the address of the house in San Juan Capistrano because she only moved there recently. She also has about [REDACTED] in cash.

On general mental status examination Mrs. Frasier was well dressed and groomed, alert and in no distress, and quite cooperative with the examination. Her mood was euthymic, her affect was appropriate in direction and degree, but she was visibly anxious and shaky and was unable to come up with several personal details until later in the evaluation, when she had calmed down a bit. There were no abnormalities of the form, flow or content of thought, and her psychomotor behavior was unremarkable. She scored 18/30 on the MMSE, losing one point each on orientation to the year, month, date, day, season, place, three on recall (although she correctly recalled one item with a category prompt), one on three-step command, and one on figure copying. This score is consistent with moderate cognitive impairment for her age and advanced education. Her performance on the other tests was mixed: her naming and clock drawing were mildly impaired, and her recall of remote, impersonal information was more moderately impaired. I do believe that her performance was negatively affected by anxiety, and if the evaluation were less rushed and I had the opportunity to help her relax and settle down, she would have performed somewhat better.

Based upon this evaluation I believe that Mrs. Frasier has mild to moderate global cognitive impairment. However, despite this impairment, she was able to identify her assets and her heirs, and clearly understood that her trust and will would determine the distribution of her wealth after she dies. Further, I did not elicit any thought content that suggested a delusional basis for her proposed estate plan changes. Accordingly, I believe that she retains the testamentary capacity (as defined in Cal. Probate Code §6100.5) required to modify her estate plan [REDACTED]. I also believe that she retains the capacity to enter into contracts, *as long as she is not required to rely on her unaided recall alone.*

Since I evaluated her, I have learned that Mrs. Frasier is serving as co-trustee (with Premier Trust of Nevada) of her living trust, and I was asked if, in my opinion, she is capable of continuing in that role. I believe she does retain the capacity to serve as co-trustee, as long as she has a competent co-trustee with whom she can consult in the management of trust assets.

After the above portion of this report was written, I was contacted by your office on April 24, 2017, to discuss several issues that had been raised about this report. These issues were: That my gathering of information was limited due to Ms. Frasier's late arrival to the appointment; that I did not mention that Ms. Frasier hit her head and suffered a subdural hematoma when she fell; my conclusion that, in spite of her "moderate cognitive impairment" Ms. Frasier retains contractual capacity so long as she is not required to rely on her "unaided recall" alone, and my conclusion that she can act as co-trustee so long as she has the assistance of a co-trustee.



May 22, 2017

JAMES E. SPAR, M.D.
PROFESSOR, DEPARTMENT OF PSYCHIATRY
& BIOBEHAVIORAL SCIENCES
DIVISION OF GERIATRIC PSYCHIATRY
DAVID GEFKEN SCHOOL OF MEDICINE AT UCLA
760 WESTWOOD PLAZA
LOS ANGELES, CALIFORNIA 90024-1759

Barnet Resnick
Vogt Resnick Sherak, LLP
4400 MacArthur Blvd., Suite 900
P.O. Box 7849
Newport Beach, CA 92658-7849

Dear Mr. Resnick:

At your request I evaluated Mrs. Dinny Frasier, an 88-year old woman, in my office on May 19, 2017. Mrs. Frasier was accompanied to my office by Janie Mulrain, a professional fiduciary, and Rae Juarez, her caregiver, both of whom remained out of the office during the 75-minute evaluation. I asked Mrs. Frasier why she was being evaluated, inquired about her estate and her estate plans, and administered a general mental status examination, a Folstein Mini-Mental State Examination (MMSE) and several additional tests of naming, remote memory, frontal executive function (as reflected by similarities, word list generation, proverb interpretation, and clock drawing), and general information and reasoning.

Mrs. Frasier said, "I want to fire my Trustee, Premier Trust, especially Nicole". She went on to list some of the reason she wants to replace Premier Trust, which has headquarters in Nevada, with a Trustee with offices close to where she lives. She said that trust officer Nicole has been extremely difficult to reach, that she had scheduled a meeting with Nicole and waited for two hours and Nicole never showed up and did not call, and that Nicole will not return Mrs. Frasier's calls. She also said that Nicole has hired three new attorneys to work on her trust; Mrs. Frasier doubts the services of these attorneys are necessary and is concerned about the expense. She also complained that Premier Trust is not paying her bills, as promised, and mentioned that her house and the surrounding garden need work, but Premier Trust has not paid for the necessary services.

Mrs. Frasier is still unhappy living in the house that her daughter Amy and son-in-law Bill Wilson bought for her, after telling her that they would move in with her and help take care of her, and then never setting foot in the house and having essentially no communication with her. She said, "They lied about all of it". She also spoke a bit about her other children. She said her son Brad "Is fighting me in court. He doesn't want to pay back money my husband loaned him" (to purchase a medical building), and also expressed anger and exasperation towards her daughter Nori, saying, "We



(referring to her late husband Joe Frasier) bought them a house, and bought her a house, and she owes me money and doesn't want to pay it back". She continues to be angry at all three children [REDACTED]

Mrs. Frasier told me that she intends to sell all three of her houses: the one she is living in, the one she moved from (at 3 Pinewood Avenue, in Irvine, CA), and her house in Palm Springs. Then she plans to buy a smaller house for herself.

On general mental status examination Mrs. Frasier was well dressed and groomed, alert and in no distress, and quite cooperative with the examination. Her mood was euthymic, her affect was appropriate in direction and degree, and there were no abnormalities of the form, flow or content of thought. Her psychomotor behavior was unremarkable. She scored 15/30 on the MMSE, losing one point each on orientation to the year, month, date, day, season, place, floor, city and county; three on recall, and one on figure copying. This score is consistent with moderate cognitive impairment for her age and advanced education. Her performance on the other tests was mixed: her naming was intact, her spontaneous recall of remote, impersonal facts and information was moderately to severely impaired, but responded to clues, and her frontal executive function as reflected by word list generation was moderately impaired. However, on the tests of frontal executive function that I was not able to administer the first time I evaluated her, including similarities, proverb interpretation, and general information and reasoning, her performance was normal or slightly superior to normal.

Based upon this evaluation I believe that Mrs. Frasier has mild to moderate global cognitive impairment, with deficits mainly in spontaneous recall of previously learned facts and information, and registration and recall of new information. Despite this impairment, her clear understanding of her circumstances was reflected in her ability to provide a perfectly rational explanation for her decision to fire her current trustee and appoint another. To express this in California statutory language, with respect to her decision to replace her trustee, she was able to communicate the decision, and to understand and appreciate, to the extent relevant, the rights, duties, and responsibilities affected by the decision; the probable consequences for herself and the other persons affected by the decision; and the significant risks, benefits, and reasonable alternatives involved in the decision. I believe she is equally competent to make other trust-related decisions, such as to hire and fire and work with her attorneys as the need arises.

Sincerely,

J. Edward Spar, M.D.
Professor of Psychiatry
Division of Geriatric Psychiatry



September 26, 2017

JAMES E. SPAR, M.D.
PROFESSOR, DEPARTMENT OF PSYCHIATRY
& BIOBEHAVIORAL SCIENCES
DIVISION OF GERIATRIC PSYCHIATRY
DAVID GEFKEN SCHOOL OF MEDICINE AT UCLA
760 WESTWOOD PLAZA
LOS ANGELES, CALIFORNIA 90024-1759

Barnet Resnick
Vogt Resnick Sherak, LLP
4400 MacArthur Blvd., Suite 900
P.O. Box 7849
Newport Beach, CA 92658-7849

Dear Mr. Resnick:

At your request I evaluated Mrs. Dinny Frasier, an 88-year old woman, in my office on September 22, 2017. Mrs. Frasier was accompanied to my office by Janie Mulrain, a professional fiduciary, and Rae Juarez, her caregiver, both of whom remained out of the office during the 60-minute evaluation. I asked Mrs. Frasier about events that had transpired since my last evaluation of her conducted on May 19, 2017, and then administered a general mental status examination, a Folstein Mini-Mental State Examination (MMSE) and several additional tests of naming, remote memory, frontal executive function (as reflected by similarities, word list generation, proverb interpretation, and clock drawing), and general information and reasoning.

Mrs. Frasier told me that she was quite unhappy and discouraged about the way things are going in her ongoing conflict with her children, and repeated many of the complaints she had registered with me before: that her children are only interested in her money and really don't care about her at all and are causing her continued grief. She said, "They are tearing my heart out. They want the money I have in my trust and want to put me in a home". She also said, "I have no children. My dogs (Abby, Mandy and Lily, all "mutts" rescued from the Irvine Shelter) are my children now". She also complained about persistent pain in the right side of her body, but admitted that she was not in pain during the evaluation, which was conducted with her sitting comfortably in a wheelchair. She expressed unhappiness about the fact that she may be required to appear in court in Reno, Nevada, and indicated that even if she is successful in coming to a settlement with her children she has no interest in reconciling with any of them. She did acknowledge that her grandson Brendan (Brad's son) who is about 15 years old, has called her and even sent her a one pound box of See's candy, but she indicated that none of her three children are speaking to her. She mentioned a surprise visit from her nephew Ronnie, who lives in "a Chicago suburb", but indicated that he only wanted money.




Mrs. Frasier is still unhappy living in the house that her daughter Amy and son-in-law Bill Wilson bought for her, saying that it "cavernous" and way too big for her. She still intends to sell all three of her houses (the one she is living in now, in Mission Viejo; her old house in Irvine, and a "one-story bungalow in the desert" near Palm Springs) and hopes to find something smaller.

On general mental status examination Mrs. Frasier was well dressed and groomed, alert and in mostly in no distress, with brief periods of distress when she described her pain. She was quite cooperative with the examination. Her mood was generally euthymic and she displayed an appropriate sense of humor; her affect was appropriate in direction and degree, and there were no abnormalities of the form, flow or content of thought. Her psychomotor behavior was unremarkable. She scored 22/30 on the MMSE, losing one point each on orientation to the month, date, day, place, city and floor; three on recall (although she correctly recalled one of the items with a category prompt), and one on figure copying. This score is slightly better than her performance in May, and continues to be consistent with mild cognitive impairment for her age and advanced education. Her performance on the other tests was mixed: her naming was intact, her spontaneous recall of remote, impersonal facts and information was moderately to severely impaired, but responded to clues, and her frontal executive function as reflected by word list generation was moderately impaired. Her frontal executive function as reflected by similarities and proverb interpretation was intact, and as reflected by clock drawing was mildly impaired. On tests of general information and reasoning her performance was within normal limits.

Based upon this evaluation I believe that Mrs. Frasier still is functioning in the range of mild to moderate global cognitive impairment, with deficits mainly in spontaneous recall of previously learned facts and information, and registration and recall of new information. Despite these deficits, I believe she is still retains testamentary and contractual capacity, is quite aware of her overall circumstances, and remains capable of guiding you in the process of seeking a settlement of her current legal dilemma.

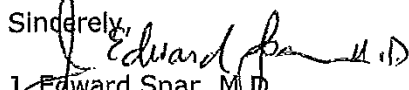
Sincerely,


J. Edward Spar, M.D.
Professor of Psychiatry
Division of Geriatric Psychiatry



With respect to her late arrival, I believe I elicited enough information to support my conclusions. With more time, I may have been able to settle her down a bit and possibly elicited a better performance on the formal cognitive testing, but I doubt that any of my conclusions would have been different. Regarding the subdural, as I mentioned in our discussion, exactly *how* Mrs. Frasier arrived at the state she was in on February 28, 2017 is a matter of utter indifference to me, as I was asked only to render an opinion about her mental and cognitive status on that date. Her medical history could be extremely important if I were a treating physician, as it could be relevant to her treatment and prognosis. But since I am not her treating physician, her medical history is irrelevant to me. Regarding my conclusions, it is important to note that most of her cognitive impairment is in the area of memory, not receptive language ability or intelligence. Accordingly, it was my opinion that, as of February 29, 2017, she retained the ability to understand the language of contracts, and to make an informed and self-interested decision to enter into a contract, as long as her recall of facts and information relevant to the contract could be aided (via notes or the assistance of her attorney or other adviser) at the time she enters into the contract. Finally, I believe that, because of her cognitive impairment, she would be at significant risk of making errors of recall, impulse control, and judgment if she were acting as sole trustee of her trust and required to make a lot of day-to-day decisions without assistance. But *with* the assistance of a co-trustee with whom she can work, who can "look over her shoulder" and prevent errors of recall, impulse control, and judgment, I believe she can continue to serve as co-trustee of her trust despite her cognitive impairment.

Sincerely,


J. Edward Spar, M.D.
Professor of Psychiatry
Division of Geriatric Psychiatry

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EXHIBIT 4

EXHIBIT 4

Sandra P. Klein, Ph.D.

Education

1987 - 1992 California School of Professional Psychology
Clinical Psychology San Diego, California

PH.D.

1985 - 1987 California State University
Experimental Psychology Long Beach, California

M.A.

1976 - 1980 University of Delaware
Psychology & Economics Newark, Delaware

B.A.

Licenses

July 29, 1994 Licensed Clinical Psychologist

License # PSY 13918 State of California

8/94 - Present Dove Psychological Associates Newport Beach, CA

Professional Experience

Licensed Clinical Psychologist, Private Practice

- This position involves conducting Psychological/Neuropsychological Assessment, and providing Psychotherapy to Adults, Couples, Adolescents and Families. Testing includes administration, interpretation, report writing, and explanation of test findings to clients and their families, fellow clinical psychologists, educational psychologists, geriatricians, neurologists, and psychiatrists. Neuropsychological Assessments include Medical/Legal evaluations and Capacity evaluations.

10/2014 – Present University of California Irvine(UCI) Orange, CA
Department of Family Medicine
Program in Geriatric Medicine & Gerontology
Health Assessment Program for Seniors (HAPS)

Clinical Psychologist/Consulting Neuropsychologist

- This position involves conducting Brief Neuropsychological Evaluations and reviewing the findings of these assessments with the patient and their family at a Family Conference two weeks later. This is performed as part of the HAPS Consultation Clinic at UCIMC and works with a geriatric population assessing dementia, depression, and cognitive functioning as part of the HAPS team which includes a Geriatrician, Neuropsychologist, Pharmacist, Occupational Therapist and Dietician. Teaching Medical Residents and Fellows, as well as Pharmacy students is also a part of the position. Lecturing Psychiatric residents intermittently.
- As a contributor to the GWEP Grant, I help educate primary care medical staff about cognitive function within the geriatric population differentiating dementia, depression, acquired brain injury and other diagnostic issues.

Curriculum Vitae - Sandra P. Klein, Ph.D.

- Another position included in my part time contract with UCI is working on the Elder Abuse Forensic Center team. This position involves going out in the field to do Brief Neuropsychological Evaluations on a geriatric or dependent adult population and assess cognitive function, write reports and complete Capacity Declarations if needed. This team works with Adult Protective Service, District Attorney's Office in Orange County, Orange County Law Enforcement, Council on Aging and other OC community agencies.

9/00 – 12/12 Coastline Community College Costa Mesa, CA
Acquired Brain Injury Program

Professional Expert/Consulting Neuropsychologist

- This position involves supervising and coordinating neuropsychological interns, conducting student assessments, consulting with staff on individual student cases including direct intervention in crisis situations; reviewing applicant files to verify disabilities, coordinating empirical research on program outcomes. (1/06-12/12)

Counselor

- This position involves conducting groups using a 'Future Planning' workbook and working with students individually to help them transition out of a two-year cognitive retraining program into further educational or career plans. (4/01-3/10)

6/09 – 12/10 Alliant International University/CSPP Irvine, CA
Forensic Program

Professor–Teaching Graduate students Assessment.

- This position involves teaching Psy.D. graduate students Psychological Assessment I, Neuropsychological Assessment, & Projective Tests.

9/00 – 4/01 Coastline Community College Costa Mesa, CA
Acquired Brain Injury Program

Psychosocial Instructor

- This position involves teaching acquired brain injured students psychosocial skills in a group setting using didactic lecture and interactive participation.

8/94 – 3/97 San Pedro Peninsula Hospital San Pedro, CA
Lakewood Regional Medical Center Lakewood, CA

Licensed Clinical Psychologist, Rehabilitation Unit

- This position involved conducting psychological and neuropsychological tests; including administration, interpretation, report writing, and explanation of findings to inpatient and outpatient clients, their families, and other rehabilitation staff. This is as an associate to the main neuropsychologist.

Curriculum Vitae - Sandra P. Klein, Ph.D.

3/94 - 7/94 Michael S. Daniel, Ph.D. Huntington Beach, CA

Registered Psychological Assistant

This position involved conducting psychological and neuropsychological tests; including administration, interpretation, report writing, and explanation of findings to inpatient and outpatient clients, their families, and other rehabilitation staff.

12/90 - 7/94 Douglas E. Harrington, Ph.D. Newport Beach, CA

Registered Psychological Assistant

- This position involved conducting Psychological and Neuropsychological Tests; including administration, interpretation, report writing, and explanation of findings to inpatient and outpatient clients, fellow psychologists, educational psychologists, and psychiatrists. It also involved conducting psychotherapy with adults, couples, adolescents, and families.

2/94 - 6/94 Coastline Community College Costa Mesa, CA
Traumatic Head Injury Program

Instructor for Interact Class

- This position involved teaching a psychoeducational social skills class, including assessing and evaluating students, as well as providing information to their families and other staff regarding their psychosocial strengths and weaknesses.

3/89 - 6/90 Coastline Community College Costa Mesa, CA
Traumatic Head Injury Program

Counselor/Neuroeducational Associate

- This Internship position involved conducting neuropsychological and neuroeducational testing using the Luria-Nebraska Neuropsychological Battery and the Cognitive Assessment System. Counseling students regarding their progress in the program was also part of this internship. Testing included administration, interpretation, report writing, and explanation of findings to staff, students, and their families. I also acted as a substitute instructor and lecturer at orientation.

9/90 - 7/91 West County Counseling Center Huntington Beach, CA

Psychological Intern

- This Internship position involved providing psychotherapy for adults, adolescents, children, and families. It also involved doing Psychological Testing including administration, interpretation, report writing, and explanation of findings to staff, fellow interns, clients and their families.

Curriculum Vitae - Sandra P. Klein, Ph.D.

9/86 - 6/87 California State University Long Beach, CA
Community Psychology Clinic

Graduate Assistant for Practicum Course

- This position involved working closely with staff, other students, and clients; providing counseling, supervision, and treatment planning.

4/85 - 5/88 Newport Harbor Hospital Newport Beach, CA
An Adolescent Acute & Residential Treatment Facility

Psychiatric Assistant/Shift Leader

- This position involved providing supervision and management of floor staff and patients; including individual, group, and family therapy, treatment planning and frequent crisis intervention.

8/82 - 4/85 Greatwest Health Services, Inc. Orange, CA
An Outpatient Alcoholism Treatment Facility

Biofeedback Counselor

This position involved providing individual counseling, didactic lectures, and psychotherapy as a co-leader of a couples group with an adult population.

Research Experience

9/79 - 6/80 University of Delaware Newark, DE
Research Assistant for Florence L. Geis, Ph.D.

- This position involved working on a project dealing with sex-role stereotyping.

6/86 - 12/87 California State University Long Beach, CA
Research Assistant for Kenneth F. Green, Ph.D.

- This position involved working on antihistamines and the analgesia systems, and developing a tolerance to morphine analgesia from a brief exposure to a sweet solution.

6/90 - 6/92 California School of Professional Psychology San Diego, CA
Coastline Community College Costa Mesa, Ca.

Dissertation Mark Sherman, Ph.D. Chairman of Committee

- This research involved working on social skills training with adults with acquired brain injuries.

Publications

Klein, S.P. & Green, K.F. (1988). Tolerance to Morphine Analgesia from Brief Exposure to a Palatable Solution. Brain Research Bulletin, Vol. 21, pp. 963-965.

Chao, L., Klein, S.P. & Duran, R. (2011). Effectiveness of Cognitive Rehabilitation: An Evaluation of Coastline Community College Acquired Brain Injury Program (CCCABI). Archives of Clinical Neuropsychology, Vol. 26, 6 pp. 469.

Curriculum Vitae - Sandra P. Klein, Ph.D.

**Professional
Memberships**

American Psychological Association (1993-2018)
National Academy of Neuropsychology (1995-2018)

References

Philip Oncley, Ph.D., Clinical Psychologist
5212 Katella Ave. #104
Los Alamitos, CA 90720
(562) 430-7986
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Bonnie Olsen, Ph.D., Clinical Psychologist
Professor of Clinical Family Medicine
Vice Chair of Academic Affairs
Department of Family Medicine
Keck School of Medicine of USC
University of Southern California
1000 South Fremont, Unit 22
Bldg A-6, Room 6314
Alhambra, CA 91803
Office: [626.457.4066](tel:626.457.4066)
Mobile: [949.230.7169](tel:949.230.7169)
Email: Bonnie.Olsen@med.usc.edu

Huong-Anh Long, M.D., Psychiatrist
San Pedro Peninsula Hospital Rehabilitation Department
1300 West Seventh St.
San Pedro, Ca. 90732
(310) 514-5377

Lois Wilkerson, Interim Dean of Special Programs
Coastline Community College
Acquired Brain Injury Program (ABI)
1515 Monrovia Avenue
Newport Beach, CA 92663
(714) 546-7600 ext 17201
Email: lwilkerson@coastline.edu

CURRENT CONTACT INFORMATION

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(562) 400-8603
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Jacqueline Bryant
Clerk of the Court
Transaction # 6885036 : pmsewell

EXHIBIT 5

EXHIBIT 5

1
2
3 **IN THE SECOND JUDICIAL DISTRICT COURT**
4 **OF THE STATE OF NEVADA**
5 **IN AND FOR THE COUNTY OF WASHOE**

6 In the Matter of the

Case No: PR16-00128

7 **JORDAN DANA FRASIER FAMILY TRUST**

Dept. No.: 15 [PR]

8 **DECLARATION OF JANIE MULRAIN**

9 I, JANIE MULRAIN, a California Licensed Professional Fiduciary No. 768 and National
10 Certified Guardian hereby declare as follows:

11 1. I am a resident of California.

12 2. I am not a party in the above-captioned matter.

13 3. I have personal knowledge of the facts set forth below, and if called as a witness, I could
14 and I would testify competently to the following facts.

15 4. Vogt, Resnick, & Sherak, LLP ("VRS") initially contacted me to interview with Dinny
16 Frasier ("Dinny").

17 5. After interviewing me on December 10, 2016, Dinny appointed me to act as her agent
18 under her Durable Power of Attorney for Management of Property and Personal Affairs and her
19 Advance Health Care Directive.

20 6. On December 27, 2016, Attorney Barnet Resnick, Bruce Schwartz (Dinny's friend of 30
21 years), and I met with Dinny and ascertained her wishes regarding interactions with her children,
22 which was that she did not want to see them.

23 7. Attorney Resnick has been a stalwart advocate for Dinny, personally and professionally,
24 since the beginning of this case. He keeps in regular contact with Dinny via telephone (including
25 FaceTime calls) and some in person meetings. He has made himself available days, nights, and
26 weekends for Dinny's benefit. He works very hard to ensure that Dinny is well taken care of by
27 her team.

28
Declaration of Janie Mulrain

1 8. Since the onset of my tenure with Dinny, she has repeatedly voiced her displeasure with
2 Premier and trustee counsels in Reno, NV. She consistently requested dismissal of Premier Trust
3 and "the trust lawyers in Reno."

4 9. Nicole Shrive ("Ms. Shrive"), trust officer for Premier Trust, stated to me numerous
5 times that she was reluctant to contact Dinny because she was aware of Dinny's displeasure with
6 her and the trust litigation. I told Ms. Shrive on several occasions that she should contact Dinny
7 directly regarding trust matters.

8 10. Ms. Shrive did not always return calls that I made on behalf of Dinny. For example, on
9 March 9, 2017, I received a call from Ms. Shrive asking if I have knowledge of Nori's move
10 back to Dinny's San Juan Capistrano residence. On three occasions thereafter, I asked for the
11 name and phone number of the neighbor who reported this to Ms. Shrive so I can follow-up to
12 see how the misinformation could be misconstrued, but Ms. Shrive never responded.

13 11. I have never requested funds from Ms. Shrive to pay Dinny's bills. After reviewing bills
14 with Dinny, my office forwards them to Premier to remit payment. Dinny's credit card was
15 declined and temporarily cancelled by the creditor in March 2017 due to non-payment.

16 12. In April 2017, Ms. Shrive informed me that Premier took care of filing Dinny's personal
17 and trust tax returns. Requests for Dinny's personal tax returns were made verbally in March
18 2017 and in writing on April 4th and May 24th of 2017. It was discovered that Dinny's 2015
19 income taxes had not been filed as Dinny received a notice dated April 26, 2017 from the
20 California Franchise Tax Board ("FTB") regarding failure to file a personal tax return for 2015
21 tax year. As Dinny's personal representative, I am not able to respond on her behalf to the FTB
22 without information from Ms. Shrive. A successful tax protest was subsequently filed by
23 Attorney Resnick's office explaining the circumstances of the delinquent return.

24 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is
25 true and correct.

26 Executed in Irvine, California, this 17th day of September, 2018.

27 By: _____

28 JANIE MULRAIN

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Jacqueline Bryant
Clerk of the Court
Transaction # 6885036 : pmsewell

EXHIBIT 6

EXHIBIT 6

1
2
3 **IN THE SECOND JUDICIAL DISTRICT COURT**
4 **OF THE STATE OF NEVADA**
5 **IN AND FOR THE COUNTY OF WASHOE**

6 In the Matter of the

Case No: PR16-00128

7 **JORDAN DANA FRASIER FAMILY TRUST**

Dept. No.: 15 [PR]

8 **SECOND DECLARATION OF JANIE MULRAIN**

9 I, Janie Mulrain, a California Licensed Professional Fiduciary No. 768 and National
10 Certified Guardian hereby declare as follows:

- 11 1. I am a resident of California.
- 12 2. I am not a party in the above-captioned matter.
- 13 3. I have personal knowledge of the facts set forth below, and if called as a witness, I could
14 and I would testify competently to the following facts.
- 15 4. I have read the Second Supplemental Petition For Instructions ("Petition") filed by
16 Premier Trust, Inc. ("Premier" or "Petitioner"). The information conveyed in the Petition
17 contains half-truths, innuendos without supporting proof and outright mischaracterization of
18 events and facts.
- 19 5. Vogt, Resnick, & Sherak, LLP ("VRS") initially contacted me to interview with Dinny
20 Frasier ("Dinny").
- 21 6. After interviewing me on December 10, 2016, Dinny appointed me to act as her agent
22 under her Durable Power of Attorney for Management of Property and Personal Affairs and her
23 Advance Health Care Directive.
- 24 7. On December 13, 2016, I participated in an all-hands conference call with Attorney
25 Resnick, Nicole Shrive of Premier, Attorney Robertson, and his partner Richard D. Williamson
26 (collectively "Dinny's Team") to discuss the case matter and plan next steps of action. Dinny's
27 Team instructed me to: A) marshal Dinny's personal Bank of America account (as they
28 suspected unauthorized access by Nori Frasier, Dinny's daughter who stayed with Dinny at the

Second Declaration of Janie Mulrain

1 time); B) work with Ms. Shrive to move Dinny back to Irvine, CA in a house with 24/7 care or
2 an assisted living facility; C) take videos to document contents of her unoccupied homes in
3 Irvine ("Irvine Property") and Palm Desert ("Desert Property"); and D) change the locks for her
4 three properties to secure and prevent further access by unauthorized persons.

5 8. I replaced locks for Dinny's San Juan Capistrano residence ("SJC Property") and the
6 Irvine Property on December 21st and 22nd of 2016, respectively. Dinny and Ms. Shrive
7 approved storing the SJC Property key in a lockbox with only authorized persons having the
8 code to access it because keys went missing in the past.

9 9. After I implemented the lockbox, I received a voicemail and e-mails from Nori
10 demanding the key so that she can access Dinny's home office. I told Nori that she was not
11 authorized.

12 10. I informed Ms. Shrive and Attorney Resnick of these incidents and incidents that Dinny's
13 caregivers had relayed to me, and reported a break-in to the county Adult Protective Services.

14 11. On December 27, 2016, Attorney Resnick, Bruce Schwartz, and I met with Dinny and
15 ascertained her wishes regarding interactions with her children, which was that she did not want
16 to see them.

17 12. Since December 2016, numerous 3rd parties intruded in Dinny's life, either on their own
18 accord or on behalf of Dinny's children making it necessary to take steps to minimize stress to
19 Dinny pursuant to her wishes. Such third parties include Craig Woods, Shirley Axelrod, Nasser
20 S. Bakhtiari a.k.a. Russell, and an unknown person who contacted Ms. Shrive directly. All of
21 these episodes and information were shared with Ms. Shrive.

22 13. Craig Woods – Dinny informed me and Ms. Shrive at a meeting on January 6, 2017, that
23 Craig Woods, Brad's close friend from high school, had visited her two days in a row, and that
24 she did not want him to be so intrusive in her life. For example, he insisted on attending all
25 medical appointments with her and tried to "meddle in her financial and family affairs." Ms.
26 Shrive affirmed her knowledge of the circumstance surrounding Mr. Woods' involvement
27 shortly after Dinny's altercation with her son Brad.

1 14. On January 10, 2017, Dinny's caregiver informed me that Mr. Woods showed up
2 unexpectedly and when told that Dinny could not see her, he forced entry. I immediately called
3 and spoke with Mr. Woods and asked him to leave. I informed him that he needs to call Dinny
4 and ask to stop by before he visits. Upon informing Ms. Shrive, she authorized me to install a
5 video door monitor at the SJC Property so that Dinny and her caregivers can see who is at the
6 door without opening it.

7 15. On April 13, 2017, while Dinny and her caregiver were at a meeting at my office, Barry
8 Lowe, the contractor who was installing safety modifications at Dinny's home, called and
9 informed me that Mr. Woods came to visit Dinny. When Mr. Lowe told Mr. Woods that Dinny
10 was not home, Mr. Woods told him the dramas of the family situation and litigation, then
11 loitered around the front of the house. When seen, Mr. Woods appeared to leave, but would
12 return. Upon hearing this, Dinny reiterated that she does not want Mr. Woods to visit her
13 anymore.

14 16. Mr. Lowe then texted me pictures to confirm that Mr. Woods was still in his parked car
15 in front of Dinny's home. Dinny asked me to call the police to make him leave before she
16 returned home. I reported this incident to Ms. Shrive on April 18, 2017.

17 17. Shirley Axelrod – In February and March of 2017, Dinny and her caregiver called and
18 left me messages regarding Ms. Axelrod's continued intrusion into Dinny's family affairs on
19 behalf of Dinny's son-in-law Bill Wilson.

20 18. Nasser S. Bakhtiari a.k.a. Russell – I first became aware of Russell when Ms. Shrive
21 asked me to assist her in marshalling note repayments belonging to the Trust. Ms. Shrive
22 informed me that Russell is a real estate agent who had prior business dealings with Dinny's
23 deceased husband. He and another agent named "Tony" were the real estate agents who
24 represented Dinny in the purchase of the SJC Property. There have been substantial defects
25 discovered since the SJC Property purchase, such as broken garbage disposal, broken air
26 conditioning, two non-operative water fountains, broken stove spark/ignitor, and electrical
27 problems with GFI being tripped and outlets going out multiple times during the day, and faulty
28 sprinkler system.

1 19. On March 10, 2017, Dinny's caregiver called me to tell me that Dinny was extremely
2 upset because Russell was at her house arguing with Dinny about allowing Bill and Amy to
3 come live with Dinny and to take care of her. I immediately called Dinny, and heard a male
4 voice in the background coaching her to ask for financial records pertaining to the purchase of
5 the SJC Property. I called Attorney Resnick and Ms. Shrive to report this incident, and asked
6 Ms. Shrive to provide copies of home purchase documents.

7 20. On March 16, 2017, Dinny met with Attorney Resnick, Mr. Schwartz, Attorney Gina
8 Kim at VRS, and me to discuss recent intrusions by Shirley Axelrod and Russell. Dinny
9 affirmed that she wished to have peace in her life and that she did not wish to communicate with
10 them. I followed up by blocking their phone numbers from Dinny's home phone.

11 21. On April 7, 2017, I received a call and message from Dinny's caregiver that Tony and
12 Russell made an unannounced visit and Russell was upsetting Dinny about issues with his
13 reconveyance deeds in connection with the loans that he paid off. Russell got on the phone and I
14 informed him that Dinny had previously provided instructions that he was not to contact her and
15 that he should contact Attorney Resnick or Ms. Shrive's office regarding his deeds. I followed
16 up with Ms. Kim at VRS and called Russell to confirm he had left Dinny's house and relayed
17 that VRS would be in contact with him.

18 22. That same day, I phoned Dinny's residence to check in with her, and spoke with Dinny's
19 caregiver who relayed that Russell told Dinny to fire everyone. I reported this to Ms. Shrive.

20 23. Russell attempted to short pay one month's worth of loan payment to the Trust by
21 claiming that Attorney Resnick granted him permission. I confirmed with Attorney Resnick that
22 he had made no such allowance.

23 24. I took great lengths to help Dinny minimize her stress from antagonizing efforts by
24 family members and their surrogates. I promoted positive interactions with other members of
25 Dinny's family and friends. Examples include informing Dinny's nephew Ronnie Grey that he
26 may freely communicate with Dinny as long as the interaction is positive and does not distress
27 her, relaying Nori's request for Dinny to call her husband on his birthday, relaying Nori and her
28 family's birthday wish to Dinny and instructing Nori to send Dinny's gift directly to Dinny,

1 having Dinny call her granddaughter Sara Cady and confirming Sara's ability to send mail
2 directly to Dinny, clarifying any misunderstanding to ensure that grandkids are able to contact
3 Dinny directly as long as there are no ulterior motive or interference by others, encouraging
4 Dinny to allow the Cady grandchildren to visit on Mother's Day when Dinny was reluctant up to
5 the morning of the event, relaying Bill and Amy Wilson's inquiry into Dinny's well-being and
6 status, and facilitating a visit with Dinny's friends Bill and Linda.

7 25. Despite Dinny's statements to me about terminating Ms. Shrive and Premier from the
8 onset of my appointment, I made numerous attempts to foster and bridge Dinny's relationship
9 with Ms. Shrive. I suggested an i-Pad for Dinny so that she can utilize facetime to interact with
10 others and members of Dinny's Team. I worked with Ms. Shrive and her assistant to procure a
11 TV and patio furniture for Dinny and presented them to Dinny as efforts made by Ms. Shrive to
12 foster goodwill.

13 26. Though I attended Dinny's meeting with Ms. Shrive on January 6, 2017, I have no
14 knowledge of Ms. Shrive's discussion with Dinny as reported in Ms. Shrive's statement numbers
15 43 through 48. Pursuant to Dinny's request, I was present during the entire meeting with the
16 exception of a few minutes. During the meeting, the two made small talk, Ms. Shrive showed
17 Dinny a general overview of her bank accounts, and Dinny discussed a recent visit by Mr.
18 Woods and his mother.

19 27. Ms. Shrive is aware I opened an Opus Bank account for Dinny's personal funds and
20 closed her Bank of America personal account because it was done to marshal Dinny's personal
21 assets to prevent unauthorized access to her funds. Ms. Shrive closed the Bank of America trust
22 account for this purpose as well.

23 28. I have never requested funds from Ms. Shrive to pay Dinny's bills. After reviewing bills
24 with Dinny, my office forwards them to Premier to remit payment. Dinny's credit card was
25 declined and temporarily cancelled by the creditor in March 2017 due to non-payment.

26 29. Background surrounding the only transfer to date from trust funds to Dinny's personal
27 account in the amount of \$68,545.00 stems from Ms. Shrive's attempt to obtain VRS invoices.

1 30. On January 16, 2017, I forwarded a redacted copy of the December 20, 2017 VRS
2 invoice with Dinny's initials after reviewing it with her to Ms. Shrive to remit payment, and
3 informed Ms. Shrive that the copy was redacted to preserve Attorney-Client privilege and to
4 comply with Dinny's wish to not provide that information to Ms. Shrive. I did not hear back
5 from Ms. Shrive so I remitted VRS's payment from Dinny's personal funds on January 29, 2017
6 with the second invoice dated January 20, 2017.

7 31. On February 1, 2017, I facilitated a facetime chat between Dinny and Ms. Shrive where
8 Ms. Shrive discussed selling the Mercedes, Irvine and Palm Desert Property and asked Dinny
9 about VRS invoices. I informed Ms. Shrive that I've already remitted December and January
10 invoices since I did not hear back from her. Ms. Shrive then informed us that she will remit
11 payment going forward.

12 32. Subsequently, Ms. Shrive asked for unredacted VRS invoices. I reminded her that Dinny
13 did not authorize that so I would continue to remit payments out of her personal funds.

14 33. On April 18, 2017, Ms. Shrive called me regarding Dinny's whereabouts. We also
15 discussed incidents involving Craig Woods, Dinny's request for cleaning and gardening service
16 at her SJC Property, and she asked about Dinny's personal funds and VRS invoices. I told Ms.
17 Shrive that I would continue to remit payment from Dinny's personal funds since there was more
18 than \$80,000.00 in the account.

19 34. Ms. Shrive told me that she would reimburse Dinny's personal account for amounts that
20 I've already expended if I e-mail her only the amount. Dinny's personal account still has funds to
21 date without the one-time reimbursement from Ms. Shrive.

22 35. Since the onset of my tenure with Dinny, she has repeatedly voiced her displeasure of
23 Premier and trustee counsels in Reno, NV. She consistently requested dismissal of Premier Trust
24 and "the trust lawyers in Reno."

25 36. I often had to facilitate cooperation and communication between Premier Trust and
26 Dinny. Examples include taking care of tasks in connection with trust assets as requested by
27 Dinny as well as by Premier, and relaying information and requests by Premier on behalf of Ms.
28 Shrive. I also received requests from Ms. Shrive and Attorney Resnick to assist in obtaining

1 Dinny's signature on documents. I advised Dinny each time that I am not acting on behalf of
2 any third party, my fiduciary responsibility is to her, that I can help explain documents she is to
3 execute, but deferred to Ms. Shrive or Dinny's attorneys to advise her on trust matters.

4 37. Ms. Shrive stated to me numerous times that she is reluctant to contact Dinny because she
5 is aware of Dinny's displeasure with her and the trust litigation. I told Ms. Shrive on several
6 occasions that she should contact Dinny directly regarding trust matters.

7 38. Ms. Shrive does not always return calls that I make on behalf of Dinny. For example, on
8 March 9, 2017, I received a call from Ms. Shrive asking if I have knowledge of Nori's move
9 back to Dinny's SJC Property. On three occasions thereafter, I asked for the name and phone
10 number of the neighbor who reported this to Ms. Shrive so I can follow-up to see how the
11 misinformation could be misconstrued, and Ms. Shrive never responded.

12 39. Conditions of the Irvine Property, SJC Property, and Palm Desert Property were
13 documented pursuant to requests made by Ms. Shrive and shared with her verbally, by emails,
14 and through pictures saved on a CD and mailed to her office. Item 27 in Ms. Shrive's
15 declaration indicates that she is not aware of any issue with either Dinny's home or garden, but
16 the condition of the homes and their contents were previously communicated to her. Ms. Shrive's
17 declaration mentioned that Dinny does not need distribution to her personal funds because
18 Premier virtually pays all of the bills. Since Premier pays all of the bills, then Premier should
19 know whether or not housekeeping and gardening services were being paid for the Irvine, SJC
20 and Palm Desert properties. If such bills were not paid for the past two years, Premier should
21 have known that the properties were not maintained well, and if such bills were paid, then
22 Premier should not have continued to pay for services that clearly have not been provided.

23 40. In April 2017, Ms. Shrive informed me that Premier took care of filing Dinny's personal
24 and trust tax returns. Requests for Dinny's personal tax returns were made verbally in March
25 2017 and in writing on April 4th and May 24th of 2017. Dinny and I have yet to receive a
26 response from Premier. It appears that Dinny's 2015 income taxes may not have been filed as
27 Dinny received a notice dated April 26, 2017 from the California Franchise Tax Board ("FTB")
28 regarding failure to file a personal tax return for 2015 tax year. As Dinny's personal

1 representative, I am not able to respond on her behalf to the FTB without information from Ms.
2 Shrive.

3 41. I declare under penalty of perjury under the laws of the State of Nevada that the
4 foregoing is true and correct.

5 Executed in Irvine, California, this 25th day of June, 2017.

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7 By: _____

8 Janie Mulrain
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Transaction # 6885036 : pmsewell

EXHIBIT 7

EXHIBIT 7

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2
3 **IN THE SECOND JUDICIAL DISTRICT COURT**
4 **OF THE STATE OF NEVADA**
5 **IN AND FOR THE COUNTY OF WASHOE**

6 In the Matter of the

Case No: PR16-00128

7 **JORDAN DANA FRASIER FAMILY TRUST**

Dept. No.: 15 [PR]

8 **DECLARATION OF JANIS NIEDER**

9 I, JANIS NIEDER, hereby declare as follows:

10 1. I am a resident of California.

11 2. I have personal knowledge of the facts set forth below, and if called as a witness, could
12 and would testify competently to the following facts.

13 3. I am an RN Care Manager for RN Health Management, a Professional Nursing
14 Corporation. Dinny G. Frasier ("Dinny"), a party in the above-captioned matter, is a patient
15 under my care. I have known and cared for Dinny since approximately April 20, 2017.

16 4. On or about July 30, 2018, I met with Dinny and her caregiver Martha at a follow up visit
17 with Dr. Chuang-Kuo Wu at the University of California, Irvine Medical Center. Dr. Wu was
18 delayed for over an hour, so I visited with Dinny to pass the time. I asked her if her family has
19 been visiting her. She answered "yes" and I replied "Oh, that's good." She said, "No, that's not
20 good." I said, "Oh, I thought that would be fun." She said, "No, not fun." Her face became
21 tense and she started to breathe rapidly, which is what she does when she has anxiety. I tried
22 pursed lip breathing with her, but that was ineffective in calming her. I pulled up pictures of
23 dogs on my cell phone and showed her funny pictures, causing her to laugh and calming her
24 anxiety immediately.

25 5. Previously, Dinny was adamant about not wanting to see her children again. Dr. Haga
26 and I would periodically ask Dinny if she would like to rekindle the relationships with her
27 children. Janie was very supportive of this. However, Dinny would repeat her children's
28 emotional and financial transgressions and say she did not want to see them. After many months

DECLARATION OF JANIS NIEDER

1 of gently asking if she would consider it again, she did decide to give it a try and said, with a
2 sigh, "I'm not getting any younger and I guess if I'm going to do it, I should."

3 6. I have frequently observed the tension that mention of Dinny's children brings her. She
4 will not tell them how upset she is when they push her during their conversations. I have
5 observed her on the phone with her children when I am at her home. She talks to them
6 pleasantly, but when she hangs up she says how much the calls upset her. She asks why they call
7 her and then she says they just want something. She then needs redirection to get her mind off
8 the call.

9 7. I have been made aware of the fact that the family visits have been very long and
10 inappropriately stressful for her. It is my opinion that the visits should be kept to a maximum of
11 three (3) hours and that they should be supervised. The topics of money, the trust, and who gets
12 what when she dies should never be brought up during a visit. These topics are inappropriate
13 and cause her undue anxiety.

14 8. The only time I noticed Dinny is stressed is when the topic of her children comes up. She
15 drops her head and her facial expressions demonstrate sadness and sometimes anger. She will
16 also at times express her frustration and anger. However, if she is redirected about something
17 else, she smiles again.

18 9. In addition to having an outstanding team of caregivers and associated staff with A
19 Family Home Care, Dinny has a professional fiduciary, Janie Mulrain, who maintains consistent
20 communication with me, RN Health Management and A Family Home Care to coordinate the
21 best possible care for Dinny.

22 10. I have read Amy's objections and allegations. These claims are not substantiated by
23 Dinny's physicians and medical records. All medications are given according to physician's
24 orders and reviewed by the pharmacist. Janie had also spearheaded review of Dinny's care by
25 obtaining second opinion evaluation with the Health Assessment Program for Seniors (HAPS)
26 team at the University of California, Irvine (UCI). This is a specialized program that provides a
27 comprehensive consultation for seniors with multiple chronic conditions. The Assessment was
28

1 done on July 12, 2018. She was seen there by multidisciplinary specialists in elder care,
2 including a Clinical Psychologist and Pharmacist who specializes in Geriatric Medicine.

3 11. Amy also claimed to have called me several times with no response. On June 10, 2018, I
4 had called the house for a routine wellness check and to get an update from Dinny and the
5 caregiver. Amy took the phone from care giver Karen, and Amy was notably concerned about
6 medication issues. I did reassure her that the issues were being addressed and that I would let the
7 doctor know about her concerns. My supervisor Lee-Anne Godfrey did receive a voice mail
8 from Amy expressing concerns and it was forwarded to me. And I did follow-up and report
9 Amy's concerns regarding the cough with Dinny's Primary Care Physician. The cough was
10 being monitored at that time. I was already reporting to him on that issue. I did not call Amy
11 back because Dinny did not provide authorization nor do I have any HIPAA consent to release
12 medical information with Amy. Those were the only known communications with Amy.

13 12. On or about August 14, 2018, I went to see Dinny for a well-being checkup. I asked
14 Dinny to stand up from the recliner and walk around the house for exercise. Martha, the
15 caregiver assigned to her that day, gave Dinny support so she could stand. While Dinny was
16 standing, I gently examined her neck for bruises or any sign of trauma. I was able to examine
17 her entire neck during her walk. I saw no signs of bruising or injury to the tissue on her neck.

18 13. In the time I have known Dinny, I have never had any cause for concern regarding
19 Dinny's physical or psychological well-being in the hands of her caregivers. Her team of
20 caregivers and case managers have always made sure that Dinny gets the best care and that her
21 needs are met. Dinny is always clean, well-groomed, and fed nutritious, well-balanced meals.
22 They also take care of her three dogs.

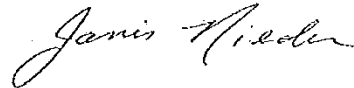
23 14. Dinny's fiduciary - Janie Mulrain has always been supportive of whatever is best for
24 Dinny while taking care to honor Dinny's wishes and choices. She has gone above and beyond
25 in her caring for Dinny and making sure all her medical and emotional needs were met. Any
26 suggestion otherwise, would be false.

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DECLARATION OF JANIS NIEDER

1 I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is
2 true and correct.

3 Executed in Laguna Hills, California, this 11th day of September, 2018.
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5 By:

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JANIS NIEDER
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DECLARATION OF JANIS NIEDER

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EXHIBIT 8

EXHIBIT 8

IN THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the

Case No: PR16-00128

JORDAN DANA FRASIER FAMILY TRUST

Dept. No.: 15 [PR]

DECLARATION OF CHIPIWA "STELLA" WILLIAMS

I, CHIPIWA "STELLA" WILLIAMS, hereby declare as follows:

1. I am a resident of California.

2. I have personal knowledge of the facts set forth below, and if called as a witness, could and would testify competently to the following facts.

3. I am employed by Family Home Care, Inc. and was assigned to Dinny G. Frasier ("Dinny"), a party in the above-captioned matter, as a Home Care Aide.

4. My scheduled hours with Dinny were Saturdays and Sundays from 7AM to 7PM, that may include holidays.

5. I believe Dinny is a wonderful person and I enjoyed caring for her. However, I have asked to be removed from Dinny's assignment because I am uncomfortable with the family dynamics between Dinny and her daughter, Amy Wilson, and Amy's husband Bill ("Amy and Bill"). Amy and Bill visited Dinny at her home during several of my shifts and I witnessed their interactions with Dinny and interacted with them myself for approximately 15 hours over four weekends.

6. On or about July 27, 2018, I spoke with Jonathan Irish, Vice President of Operations at Family Home Care, Inc. regarding my concerns about Dinny's family, Amy and Bill. When Amy and Bill visited Dinny in her home, they spent the majority of their time investigating everything. They repeatedly asked Dinny about her financial matters, her other children and how often they visit, what she discusses with them when they visit, etc. Amy and Bill became visibly frustrated when Dinny could not recall the details or information they were seeking and would

DECLARATION OF CHIPIWA "STELLA" WILLIAMS

1 then direct their questions to me. Attached hereto as **Exhibit A** are a true and correct copy of my
2 notes dated July 22, 2018 with examples of the types of questions they would ask Dinny and me.
3 I always referred them to Family Home Care, Inc. for any questions and would intervene if
4 Dinny showed signs of frustration or agitation.

5 7. On or about the weekend of July 28, 2017, Amy and Bill visited Dinny. They were
6 scheduled for 1 PM to 4 PM, but did not arrive until 2 PM and stayed until 7 PM. As with
7 previous visits, Amy and Bill questioned and pressured Dinny regarding her estate planning,
8 personal family issues, and financial issues. On this particular visit, Amy and Bill recorded
9 Dinny's responses to their questions on camera. Using a phone camera Bill recorded Dinny
10 while Amy asked her questions. They continued to put Dinny under a lot of pressure, asking her
11 questions like "Did you leave your will to Janie or not?" or "Who did you leave your money to?"
12 "Who did you give power of attorney to?" Dinny's responses to these questions were "Yes, I
13 gave the Power of Attorney to Janie. And I gave it to you too." Amy and Bill asked me
14 questions about Dinny's credit cards, they said things like "we know she doesn't have any money
15 right now, she can't even afford to buy a hamburger." During this visit Amy and Bill took
16 pictures of Dinny's mouth stating that Dinny needed to go to the dentist.. As before, I directed
17 Amy and Bill to contact the agency office with their questions.

18 8. During a visit by Dinny's other daughter, Nori, she accompanied Dinny on an outing to a
19 movie. After the movie, Nori took Dinny to dinner and we did not return to Dinny's home until
20 8:41 PM. Due to the delay, my shift was extended an extra hour as I was scheduled to change
21 shifts at 7 PM with the next caregiver, who was waiting at Dinny's home.

22 I declare under penalty of perjury under the laws of the State of Nevada that the
23 foregoing is true and correct.

24 Executed in Lake Forest, California, this 16 day of August, 2018.

25
26 By: 
27 CHIPTWA "STELLA" WILLIAMS
28

DECLARATION OF CHIPTWA "STELLA" WILLIAMS

EXHIBIT A

EXHIBIT A

Jul. 27. 2018 12:01PM

No. 1818 P. 1

A Family Home Care, Inc.



NARRATIVE NOTES ARE REQUIRED FOR EVERY SHIFT

PLEASE DO NOT SKIP LINES, USE FRONT & BACK, SIGN AFTER EACH ENTRY

Client Name:

DATE	TIME	NARRATIVE (Include Activities, Medication Observation, Client Updates, Visitors, etc.)
7/22/18	11:00am	<p>Amy and Bill visited their mother, Denny. They asked me so many questions - like why are you giving her that meds? - (SW) Who else come to visit her - (SW) Who called her - (SW) What activities do you do with her - (SW) What do you cook for her - (SW) What activities are on her schedule - (SW) Where is her calendar? Can we see it - (SW) Why do you keep her oil olive oil out of the refrigerator - (SW) Where is her big cooking pot - (SW) Because it's missing in this house. - (SW) They repeatedly ask their mother about who called you mama? Who else do you love besides me? Who comes to visit you? Who calls you? Do you want me to cook for you? - (SW)</p> <p>Amy asks Denny about everything from finances to medication to where she goes.</p> <p>Stella Williams - (SW)</p> <p>Obs - (SW)</p>

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EXHIBIT 9

EXHIBIT 9

Kelly Woo

From: J <administrator@sprynet.com>
Sent: Friday, July 27, 2018 12:22 PM
To: Janie Mulrain
Subject: Statement From CG Stella
Attachments: +19497703080-0727-120952-248[1].pdf

Hi Janie,

Stella visited my office today and we had the chance to discuss her Saturday and Sunday shifts with Dinny Frasier. Stella communicated to me that she's uncomfortable with the manner in which Amy and Bill communicate with her, and with Dinny. I asked that she write down her observations, and I've attached that to this email for your records.

Stella mentioned that the majority of the time Bill and Amy are in the home they are "investigating everything", asking Dinny repeatedly about her financial matters, about her other children and their visitation frequency, what is discussed with her other children, etc. Stella stated that Bill and Amy become visibly frustrated as Dinny can't seem to recall the details or information they are seeking, so they then direct their questioning at Stella – something she is uncomfortable with. She states that she always refers them to call the agency for any questions, and that she attempts to intervene and advocate for Dinny's wellbeing if Dinny shows signs of frustration or agitation. She is uncomfortable asking Bill and Amy to cut their visit off – but thinks that they stay past the time Dinny is actively engaged in the visit.

Jonathan Irish
Vice President of Operations
Family Home Care, Inc.
P:
805-458-0002
F:
866-480-9809
E:
administrator@sprynet.com

www.familyinhomecare.com

Northern Sta. Barbara County & SLO County Communities, California:

P: 805-481-6081

CA Home Care Organization License # 404700009

All Orange County Communities, California:

P: 949-770-3009

CA Home Care Organization License # 304700051

Tucson & Surrounding Southern Arizona Communities:

P: 520-323-1010

Phoenix, Scottsdale & East Valley Communities, Arizona:

P: 480-644-0084

Confidentiality Note: This email is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. Dissemination, distribution or copying of this email or the information herein by anyone other than the intended recipient, or an employee or agent

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EXHIBIT 10

EXHIBIT 10

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5 IN THE SECOND JUDICIAL DISTRICT COURT
6 OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 In the Matter of the Case No: PR16-00128
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11 JORDAN DANA FRASIER FAMILY TRUST Dept. No.: 15 [PR]
12
13
14

15 DECLARATION OF LAURA GERMANO

16 I, LAURA GERMANO, hereby declare as follows:

17 1. I am a resident of California.

18 2. I have personal knowledge of the facts set forth below, and if called as a witness, could
19 and would testify competently to the following facts.

20 3. I am employed by Family Home Care, Inc. and am assigned to Dinny G. Frasier
21 ("Dinny"), a party in the above-captioned matter, as a Home Care Aide.

22 4. My scheduled hours with Dinny are Friday's from 7PM to 7AM with occasional Sunday's,
23 7AM to 7PM, including holidays.

24 5. On or about September 9, 2018, Dinny's daughter Amy Wilson ("Amy") called to inform
25 Dinny that she was going to be late as she was still doing some grocery shopping. Her call was
26 around 2 PM. Dinny had a late breakfast that morning so I asked her if she was hungry and she
27 said "yes." I started to make a fruit and coconut milk smoothie for her when the doorbell rang. It
28 took me a few minutes to answer the door because I had to put the caregiver book, iPad, and
Dinny's purse away as instructed by the caregiver agency.

6. I opened the door and Amy demanded that I open the garage. Amy's husband Bill Wilson
("Bill"), entered the residence with his two dogs on a leash, introduced himself, and proceeded
into the garage.

7. As soon as Amy entered the residence, she asked me what I was doing. I replied that I was
making Dinny a smoothie, something light for her to eat until dinner was done. Amy asked me
what the smoothie contained and I answered. Amy then replied angrily, "I am going to be really
pissed at you if my mother doesn't eat my dinner. I am not going to all this trouble for her not to
eat." As I could sense that Amy's visit was not going to be peaceful due to her attitude and
comments she made, I deferred and put the smoothie in the refrigerator. I left the kitchen and let
Amy and Bill do what they needed.

8. Amy started asking me if I had instructions regarding how to clean and maintain the
granite countertops. She complained that the countertops are very expensive and we [the
caregivers] are ruining it. Dinny was sitting in the reclining chair watching TV and Amy
complained that the TV was too loud. I lowered the volume a little bit, but then Dinny could not
hear it so I adjusted the volume to her liking.

9. Amy kept asking me questions, e.g. when do I work with Dinny, for how long was I there.
I kept my answers vague and replied that any concerns should be brought up to the company.
Amy kept cooking and talking in a very low voice to her husband.

10. After assisting Dinny to the restroom and back to her chair, I noticed Bill had opened
drawers and was taking pictures of all the papers in them. I contacted the office and Raquel Care
Manager informed me that is not allowed. I told Amy and Bill to please stop taking pictures.
Amy shouted, "I cannot take pictures of my mother?" I replied, "Of Dinny yes, but not of things
in the drawers and cabinets." Amy started getting angry and complained. They complained
things were missing in the house that supposedly belonged to them. Amy told Dinny there were
items in the house that had been stolen, making Dinny uncomfortable in her own home. During
the entirety of this exchange, Bill was wearing headphones with a microphone attached and I am
not sure if he recorded everything.

11. When they finished cooking, I assisted Dinny to the table and let them enjoy their meal.
Bill recorded the start of dinner with Dinny at the table. I stayed in the adjacent living room
area. I observed Amy asking Dinny many questions, e.g. "Have you heard of this person? Do
you have any mail?" Then she asked Dinny if Dinny wanted her mail and Dinny said yes. Amy
then walked to the front of the house to retrieve the mail. When I asked her if she needed any
help, she got angry and started cursing at me, saying that her mother "asked her for the fucking
mail." I called the office. Amy got very close to me and insulted me, threatening me and saying
I had called the office to rat her out because her mother had asked her to do something. She

continued to scream and curse, saying I am going to be fired if she is no longer allowed to see her mother. She said that I needed to watch out and I am going to pay for that. Amy and Bill had opened Dinny's mail, including letters from Merrill Lynch, which I believe they took pictures of.

12. The situation got worse when Amy started to scream at Dinny, telling Dinny that Janie [Mulrain] is a liar, that Janie had taken more than \$500,000 and that Dinny doesn't remember, that we (the caregivers) are overdosing her with medicine and not feeding her right. At this point in Amy's rant, I stood by Dinny and asked Dinny if she was okay. Dinny was clearly upset, but she said, "I'm okay, I love you." Bill was trying to calm Amy down, but she persisted. Bill told her, "You know Laura is doing her job." Amy replied, "Do not defend her or I will leave you!" The entire scene was very unpleasant and a toxic environment for Dinny.

13. The situation lasted until Raquel called the house. Amy and Bill lied on the phone, saying they only did what Dinny had asked. When this happened, Amy got very close to me, insulting me, so I decided not to speak to her in hopes that she would calm down. Bill kept trying to calm her down, but was unsuccessful.

14. When Amy went to use the restroom, she closed the door of the outer room, which also contained my purse. I retrieved my purse while she used the restroom as I was afraid she would go through my things to get my information. She then approached me angrily and said, "I would never touch your purse!"

15. The whole evening was tense except when Bill started talking about the dogs. That was the only pleasant moment in the entire evening. Amy continued to insult and threaten me and I did not respond to any of it. The only time I responded was when she clearly threatened me and I said to her, "I treated you with respect. Please do not make threats at me."

16. I believe their visits should be chaperoned by someone and the visits should be shortened. Dinny was clearly distressed after their visit and very confused throughout the entire evening.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed in LAKE FOREST, California, this 12 day of September, 2018.

By: 
LAURA GERMANO

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EXHIBIT 11

EXHIBIT 11

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3 **IN THE SECOND JUDICIAL DISTRICT COURT**
4 **OF THE STATE OF NEVADA**
5 **IN AND FOR THE COUNTY OF WASHOE**

6 In the Matter of the

Case No: PR16-00128

7 **JORDAN DANA FRASIER FAMILY TRUST**

Dept. No.: 15 [PR]

8 **DECLARATION OF SARAH MAGANA**

9 I, SARAH MAGANA, hereby declare as follows:

10 1. I am a resident of California.

11 2. I have personal knowledge of the facts set forth below, and if called as a witness, could
12 and would testify competently to the following facts.

13 3. I am employed by Family Home Care, Inc. and am assigned to Dinny G. Frasier
14 ("Dinny"), a party in the above-captioned matter, as a Home Care Aide. I have been working
15 with Dinny for approximately 2 years.

16 4. My scheduled hours with Dinny were once regular but now vary due to my school
17 schedule. I now generally cover shifts from 7AM to 7PM or 7PM to 7AM on weekends and on
18 an as-needed basis.

19 5. I love working with Dinny because she is a wonderful lady. I take my job of caring for
20 Dinny very seriously, but her children oftentimes make the job very difficult.

21 6. On September 16, 2018, I was on Dinny's shift from 7AM-7PM. I knew that Dinny's
22 daughter and her husband, Amy Frasier Wilson and Bill Wilson, were scheduled to visit from
23 1PM-5PM, and that visit supervisor Allyn Anderson would be there to supervise the visit. Allyn
24 arrived a little before 1PM. Amy and Bill showed up late, at approximately 2PM.

25 7. I had never met Amy or Bill in person before, but I had heard plenty of stories from other
26 caregivers about Amy's terrorizing behavior toward the caregivers. I was very worried about
27 how the visit would go, and my agency instructed me to call 911 if I felt that Dinny's and my
28 safety were threatened.

DECLARATION OF SARAH MAGANA

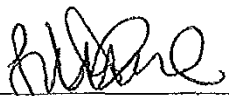
1 8. Amy was menacing and threatening as soon as she walked into the house. This was the
2 first time I had met Amy or Bill, but Amy immediately started making accusations that I had
3 dropped Dinny on her head in the past, which I denied because it was not true. Amy was in my
4 face screaming and pointing her fingers in my face and actually made contact with my face. I
5 told Amy that I would call 911 if she didn't stop, and because she continued her erratic behavior,
6 I had no choice but to dial 911. While I was on the phone with the police, Bill dragged Amy out
7 of the house saying that she would be arrested if they did not leave immediately. After Amy and
8 Bill left, the police arrived, and I gave them my statement of the incident that had just occurred.

9 9. I was scared for the safety of myself and Dinny during this incident and am scared of
10 what might happen in future visits. Dinny was scared and worried during the entire incident, and
11 I was worried about the stress that it caused her.

12 10. I have met Dinny's other daughter, Nori Frasier, several times in the past. Although Nori
13 has never physically assaulted me, she presents other difficulties as I try to do my job of taking
14 care of Dinny. Nori often tells Dinny to fire her care staff agency because "they are not doing
15 their job properly" and that the agency is keeping Dinny from seeing her children. When Nori
16 visits, I have to watch everything she does, as she cannot be trusted. For example, I caught her
17 taking pictures of caregiver notes in the journal, which documents caregiver notes of everything
18 that goes on during their shifts with Dinny and which is confidential. Nori has even written
19 notes in the journal about what time a caregiver arrived for her shift, even though the journal is
20 strictly for caregivers to write in. I have also caught Nori surreptitiously taking pictures of
21 Dinny's calendar on her iPad, which contains her entire schedule, such as appointments with her
22 attorney, doctors, and other confidential information.

23 I declare under penalty of perjury under the laws of the State of Nevada that the
24 foregoing is true and correct.

25 Executed in San Juan Capistrano, California, this 16th day of September, 2018.

26
27 By: 
28 SARAH MAGANA

DECLARATION OF SARAH MAGANA

FILED
Electronically
PR16-00128
2018-09-18 12:47:17 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6885036 : pmsewell

EXHIBIT 12

EXHIBIT 12

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3 **IN THE SECOND JUDICIAL DISTRICT COURT**
4 **OF THE STATE OF NEVADA**
5 **IN AND FOR THE COUNTY OF WASHOE**

6 In the Matter of the

Case No: PR16-00128

7 **JORDAN DANA FRASIER FAMILY TRUST**

Dept. No.: 15 [PR]

8 **DECLARATION OF DR. MICHAEL HAGA**

9 I, DR. MICHAEL HAGA, hereby declare as follows:

10 1. I am a resident of California.

11 2. I have personal knowledge of the facts set forth below, and if called as a witness, could
12 and would testify competently to the following facts.

13 3. I am the primary care physician of Dinny Frasier ("Dinny"), a party in the above-
14 captioned matter. I am licensed to practice medicine in the state of California.

15 4. I am not related by blood or marriage to Dinny Frasier.

16 5. As Dinny's primary care physician who visits her at her home, it is my opinion that she
17 should have all visits with her children be supervised by a neutral party.

18 6. Dinny has been having legal issues with her trust and with her children, and based on
19 credible and repeated reports from her caregivers some of the children bring up these legal
20 issues, ask Dinny about the money, who will get it, and are using cell phones to record her
21 answers.

22 7. These conversations are very stressful for Dinny, and are not appropriate. It is important
23 that her interactions with her children are as stress free as possible.

24 8. It is my strong opinion that her visits be supervised with set hours as she does fatigue
25 easily and needs to be on a schedule that she can plan on with agreed upon hours.

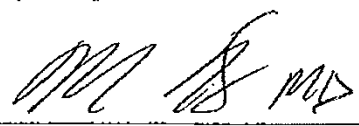
26 I declare under penalty of perjury under the laws of the State of Nevada that the
27 foregoing is true and correct.

28 //

DECLARATION OF DR. MICHAEL HAGA

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Executed in San Clemente, California, this 11th day of September, 2018.

By: 
DR. MICHAEL HAGA

DECLARATION OF DR. MICHAEL HAGA

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Electronically
PR16-00128
2018-09-18 12:47:17 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6885036 : pmsewell

EXHIBIT 13

EXHIBIT 13

7/1/18

I authorize Jane to keep my my kids
to only visit when some else is here.

Denny Tasson

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Jacqueline Bryant
Clerk of the Court
Transaction # 6885036 : pmsewell

EXHIBIT 14

EXHIBIT 14

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3 **IN THE SECOND JUDICIAL DISTRICT COURT**
4 **OF THE STATE OF NEVADA**
5 **IN AND FOR THE COUNTY OF WASHOE**

6 In the Matter of the

Case No: PR16-00128

7 **JORDAN DANA FRASIER FAMILY TRUST**

Dept. No.: 15 [PR]

8 **DECLARATION OF ARACELI "SALLY" DALTON**

9 I, ARACELI "SALLY" DALTON, hereby declare as follows:

10 1. I am a resident of California.

11 2. I have personal knowledge of the facts set forth below, and if called as a witness, could
12 and would testify competently to the following facts.

13 3. I am employed by Family Home Care, Inc. and am assigned to Dinny G. Frasier
14 ("Dinny"), a party in the above-captioned matter, as a Home Care Aide.

15 4. My scheduled hours with Dinny are Monday, Wednesday and Thursday from 7PM to
16 7AM and occasional Sunday's 9:30AM-7PM, including holidays.

17 5. On or about August 12, 2018, I was present when Dinny's daughter and son-in-law, Amy
18 and Bill Wilson ("Amy and Bill"), visited Dinny, arriving around 1:45 PM. When they arrived,
19 Bill greeted me, but Amy walked passed me and immediately started asking Dinny questions like
20 "Did you eat? What did you have for breakfast?" Dinny could not recall and responded, "I don't
21 know, I don't remember if I ate." I reminded Dinny that she had gotten up late and had brunch,
22 then listed what she had eaten. Dinny then said she remembered that I had given her the food for
23 lunch. Bill said not to worry and that he would buy burgers for everyone and they would eat
24 with her.

25 6. Amy then kept asking Dinny if she had gone to the Pageant of the Masters, what did she
26 see there, and to tell Amy about it. Dinny said she did not remember if she had gone. Amy then
27 made accusations that Dinny was not taken to the Pageant and that the caregivers were lying
28 about taking her and that they lie all the time. I approached Dinny and reminded her that

DECLARATION OF ARACELI "SALLY" DALTON

1 caregiver Angelica had gone with her to Laguna Beach to see the show. Amy denied what I said
2 and accused me of lying, demanding to see tickets as proof. I told her that Dinny did go and that
3 she arrived home late because I was waiting outside for her at 9:30 PM. Amy continued to
4 accuse me of lying and demanding to see the tickets. I told her I did not have them. Amy
5 demanded that I check the log book where we keep all of our caregivers notes and Dinny's
6 information and I denied her request, informing her that she is not allowed to check the book as
7 it belongs to the caregivers/agency. I immediately closed the book so she could not read it. She
8 cursed at me and I reiterated that she was not allowed to have it, that she needed to respect me,
9 and not to use foul language. Bill intervened on my behalf and told Amy to not use foul
10 language, that I was taking good care of Dinny, and have been working for Dinny for a long
11 time. Amy continued to use bad words over and over while Bill kept telling her to stop. Dinny
12 looked very worried and sad. She kept looking at me and then at Amy and told her to stop. I
13 told Amy to call Dinny's power of attorney, Janie Mulrain, or the agency's office. Amy stated
14 she did not like the power of attorney and accused Ms. Mulrain of stealing Amy's home, lying to
15 everyone, and controlling Dinny's money. Amy said some of the caregivers had accused her and
16 her sister Nori Frasier ("Nori") of stealing Dinny's jewelry.

17 7. Amy then said I could not work for Dinny and demanded I leave. I refused and said that
18 I do not work for her (Amy), I work for the agency and for Dinny. I said I was staying, that I
19 have worked with Dinny for two (2) years, this is my job, and that Dinny needs me. Amy
20 demanded again that I leave, saying that Dinny was her mother, this was her mother's house, and
21 Amy got to decide who stays. Bill intervened again, saying I was right and Dinny needed me.
22 Amy responded that she could take care of Dinny and she and Bill could stay with her. Amy
23 came back to me and again told me to leave. I told her to calm down and if she did not, I would
24 call the sheriff and tell them about her bad behavior, her insults, her lack of manners, and her
25 disrespecting me in front of her mother. I told her she needed to leave, not me, and that I was
26 staying. Bill told her she needed to calm down, but Amy kept moving around the house
27 nervously.

28

1 8. Amy continued to make accusations about the caregivers, the agency, saying that we are
2 not taking good care of Dinny. She said she had taken better care of Dinny and under our care
3 Dinny was not doing well. She said caregivers Stella and Karen had told the agency Dinny
4 needed to go to the dentist and that agency did not listen and does not do anything for Dinny.
5 She told me two caregivers had told her bad things about me. I told her, if I am a bad person,
6 why am I here, but they are not? If they are such good people, why have they not been assigned
7 to Dinny? I am here to do my job and I do not concern myself with the accusations of other
8 caregivers. Amy finally relented and said I could stay, but that I should remember that she is
9 Dinny's daughter and this was Dinny's house. I told her she needed to change her attitude and to
10 stop accusing the caregivers of wrongdoing.

11 9. At about 4 PM, Bill went to buy burgers for Dinny, Amy, and himself. He offered to buy
12 one for me, but I declined. At about 5 PM, Amy and Bill returned with the burgers. Amy was
13 friendlier. She cried in front of Dinny, saying no one likes her (Amy), that she loves Dinny, that
14 she took good care of her, and wished that everything would go back to the way it was before.
15 Dinny told her to stop crying and did not know what else to do. Amy's crying made her nervous.
16 I tried to make Dinny comfortable and she told me she loved me and thanked me.

17 10. At approximately 6:30 PM they left. Bill was nice to me the whole time.

18 11. My handwritten notes dated August 12, 2018 are attached hereto as **Exhibit A**.

19 12. On or about Wednesday, September 5, 2018, Dinny's daughter Nori Frasier ("Nori")
20 announced that she was going to take over Dinny's care. Nori also stated that there would be no
21 more supervised visits..

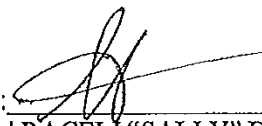
22 13. I also was informed by caregiver Martha that at the last weekend visit, Amy stated she
23 would be taking over Dinny's care and moving in.

24 I declare under penalty of perjury under the laws of the State of Nevada that the
25 foregoing is true and correct.

26 Executed in LAKE FOREST, California, this 12 day of September,
27 2018.

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DECLARATION OF ARACELI "SALLY" DALTON

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By: 
ARACELI "SALLY" DALTON

DECLARATION OF ARACELI "SALLY" DALTON

EXHIBIT A

EXHIBIT A



A Family Home Care, Inc.

NARRATIVE NOTES ARE REQUIRED FOR EVERY SHIFT

PLEASE DO NOT SKIP LINES, USE FRONT & BACK, SIGN AFTER EACH ENTRY

Client Name: Araceli "Sally" Dalton

DATE	TIME	NARRATIVE (Include Activities, Medication Observation, Client Updates, Visitors, etc.)
8/12	1:45pm	<p>Bill & Aime arrived to Dina's house. Bill said Hi to me and shake hands. Aime pass away in front on me, Never said Hi, she was holding hands a soon if she see her mother, she asked her, did you eat, what did? you have for Breakfast, did you eat lunch, what did you eat, Dina, couldn't remember. Aime said I don't know, I don't remember if I eat, I said yes Dina you get up late today you had brunch, Omelette eggs, avocado, onions, tomatoes and mushrooms fruit, and coffee, you love it, she said "Oh" ya I remember, you gave that for lunch, you'll have later, Bill said don't worried, I buy a burger for all of us, and with eat here, — Aime keep asking, did you go to the page, what did you see, Tell me Dina, said No? I don't remember Aime said No? you didn't go, they didn't take, they lie and lie all the time, then I approach close to Dina, I said mom, how did go to Laguna Beach to see the show, Angelica</p>

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A Family Home Care, Inc.

NARRATIVE NOTES ARE REQUIRED FOR EVERY SHIFT

PLEASE DO NOT SKIP LINES, USE FRONT & BACK, SIGN AFTER EACH ENTRY

Client Name: _____

DATE	TIME	NARRATIVE (Include Activities, Medication Observation, Client Updates, Visitors, etc.)
		<p>Took you there, Aime Said No? She Didn't go, you kind, she did go immediately, asked for the tickets and I told her your Mother, came late she did go I was outside waiting for her since 9:30pm No? That not true Aime Said? She said Show me the tickets, I told her I don't have it, then Aime I check on the Book, I said No? you not allowed to check, this Book belongs to caregivers and to my agency, so I came immediately to the table and closed the Book? and she said, Broch, I said sorry you cannot have it, she said Facio and shot I told her excuse you need to respect me, do not used those words on my, I'm very nice and good for your mother, please respect me, Bill said to Ben Aime please No? don't do that to Sally, she's right she's been for a long time waiting for mom, don't use that language on her, Aime continued, to using</p>

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A Family Home Care, Inc.

NARRATIVE NOTES ARE REQUIRED FOR EVERY SHIFT

PLEASE DO NOT SKIP LINES, USE FRONT & BACK, SIGN AFTER EACH ENTRY

Client Name: _____

DATE	TIME	NARRATIVE (Include Activities, Medication Observation, Client Updates, Visitors, etc.)
		<p>bad words, again and again, Bill Keep saying, stop, Denny was worried and she look at me, very sad, and keep looking at her daughter and told to stop, I told Denny call the power attorney, call the office she said all of them, one both shot I don't trust, nobody, I don't like the power attorney, she took my place, and lie to everybody, I used to be her power attorney, and she convince everyone, and she's controlling and my mother's money, everything and some caregivers, had accuse me, and my sister Nona, they took my mother's jewelry and tea party, I bought a golden jewelry for my mother, and they gone, and she said, Sorry you can't work for my mother, leave I told her, No? I don't work for you I work for the office and for your mother I don't work for you, let the office lawyer's to decide not you, I stay this my job, for 2 years, you mother's need me, if you, I said, immediately she stop me, she said I'm her daughter</p>

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A Family Home Care, Inc.

NARRATIVE NOTES ARE REQUIRED FOR EVERY SHIFT

PLEASE DO NOT SKIP LINES, USE FRONT & BACK, SIGN AFTER EACH ENTRY

Client Name: _____

DATE	TIME	NARRATIVE (Include Activities, Medication Observation, Client Updates, Visitors, etc.)
		<p>I decided who? stay, This is my mother house leave, I said NO? I'm not leaving, Bill said leave her alone she's right, you mother needs her time said, I'll take care of her we can stay, and she came back where I was sitting, and said leave, I told her, come down if you don't I'll call the sheriff, and I will accuse you about your bad behavior, you insulting me you are not respecting me, in front of your mother, you have no manners, you screaming and your voice is too loud, I'm sorry, you have a problem you need to leave not me, I'll stay if I leave I'll take your mother with, she said NO? she stay here NO, she won't, she need to stay with her caregiver and the neighbors probably are listening, she said I don't care, aime was moving and walking around, very nervous I keep sitting, Bill said, you need to calm down, calm, relax</p>

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A Family Home Care, Inc.

NARRATIVE NOTES ARE REQUIRED FOR EVERY SHIFT

PLEASE DO NOT SKIP LINES, USE FRONT & BACK, SIGN AFTER EACH ENTRY

Client Name: _____

DATE	TIME	NARRATIVE (Include Activities, Medication Observation, Client Updates, Visitors, etc.)
		and aime said, she's writing something, probably, she's reporting me. The way like others do, my mother's needs better care, I was good to her now my mother's is not doing good. Look at her, she cannot talk or remember, my mother is not well. They didn't take her to the dentist and stella told me, and Karen said that the company don't listen, don't do anything and stella same thing and the others, and you Sally had said, that my mother's house before was a crap. 2 caregivers had reported to me, and said bad ^{things} about you, I said 'Really? so I'm bad, I said to aime, and they are good, so, where are they? If they are good, how come they are not here, if they are good, they should be here, how come they left about your mother's house, sorry I don't know, what is the meaning of crap, I don't know, what is that, Bill said don't worried, is nothing, I said I need to know, aime said

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A Family Home Care, Inc.

NARRATIVE NOTES ARE REQUIRED FOR EVERY SHIFT

PLEASE DO NOT SKIP LINES, USE FRONT & BACK, SIGN AFTER EACH ENTRY

Client Name: _____

DATE	TIME	NARRATIVE (Include Activities, Medication Observation, Client Updates, Visitors, etc.)
		<p>prostitution, I told Aime, who ever said that, I don't care, I know. Same girls are, jealous of me. They have told me, that they wish to be where I'm, they have reverse me of other's things, and all I do is my job, I really don't paid attention I'm here for a reason. you mother needs me, I love you mother, and she likes me. So, I'm sorry, if they told you all of that, I asked her who told you, she said I cannot said that. Okay I said, then I keep it quiet. I continued, to do my report, and she came, and said, Sally you can stay if you want, too, but just remember that, this is my mother's house, I'm her daughter, I told her, Aime you need to change your attitude, nobody is doing anything bad, let the lawyers to do what they have too, and you need to changed, stop, accusing people and stop accusing the caregivers, finally, I convinced her, she keep quiet.</p> <p>4pm Bill went to buy burgers, for</p>

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A Family Home Care, Inc.

NARRATIVE NOTES ARE REQUIRED FOR EVERY SHIFT

PLEASE DO NOT SKIP LINES, USE FRONT & BACK, SIGN AFTER EACH ENTRY

Client Name: _____

DATE	TIME	NARRATIVE (Include Activities, Medication Observation, Client Updates, Visitors, etc.)
		<p> DINNY and FOR THEM, Bill asked me if I want a burger on something I told him, Thank you I brought my Dinner, another Time, Thank you. </p> <p> Sara came back with burgers, Aime was friendly, and she cried, in front of her mother, she told her, nobody likes me mother, and I love you I did a good job for you I took care of you and I miss you so much I wish I can have everything back again, The were that it was before Dinny said, okay, stop crying, you fine, Dinny didn't know, what to do, She got Nervous, She look at me and moved her head, like saying I don't know, I give water and juice to Dinny, and fixed her pillow to make her comfortable, Dinny kiss my hand, and said, Thank you I love you Aime look at me, very sad, She served her mother the burger They eat, They everything was fine, They left at 6:30 PM I told them that I got to get things ready, They shake hands, Bill was nice to me all the time. </p>

(7)

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Jacqueline Bryant
Clerk of the Court
Transaction # 6885036 : pmsewell

EXHIBIT 15

EXHIBIT 15

IN THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the

Case No: PR16-00128

JORDAN DANA FRASIER FAMILY TRUST

Dept. No.: 15 [PR]

DECLARATION OF JONATHAN IRISH

I, JONATHAN IRISH, hereby declare as follows:

1. I am a resident of California.
2. I have personal knowledge of the facts set forth below, and if called as a witness, could and would testify competently to the following facts.
3. I am the Vice President of Operations of Family Home Care, Inc. and I manage the caregivers assigned to Dinny G. Frasier ("Dinny"), a party in the above-captioned matter.
4. On or about August 6, 2018, I spoke to Bill Wilson ("Bill"), Dinny's son-in-law, via telephone. During the call I asked Bill if he or Amy, Dinny's daughter and Bill's wife, have ever video or audio taped any of my employees. Bill did not seem to understand the question so I reiterated it. While I do understand that visits with Dinny may include pictures or recordings with her, I clearly asked him to not record any of my employees via audio or video. Bill's response was that he and Amy do take pictures and/or make recordings of Dinny, but they are not purposely directing those pictures and/or recordings at the employees of my agency.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Executed in Lake Forest, California, this 16 day of August, 2018.

By: J. Irish
JONATHAN IRISH

DECLARATION OF JONATHAN IRISH

3975

F. McClure Wallace, Esq.
Nevada Bar No. 10264
Patrick R. Millsap, Esq.
Nevada Bar No. 12043
Wallace & Millsap LLC
510 W Plumb Ln., Suite A
Reno, Nevada 89509
mcclure@wallacemillsap.com
patrick@wallacemillsap.com
(775) 683-9599
Local Counsel for Mrs. Dinny Frasier

IN THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the

JORDAN DANA FRASIER FAMILY TRUST

Case No: PR16-00128

Dept. No.: 15 [PR]

STATEMENT OF PROPOSED INVESTIGATORS
PURSUANT TO COURT ORDER

On August 16, 2018, this Court ordered the undersigned Counsel to "submit...the names of two proposed investigators to travel to California for purposes of interviewing and assessing Mrs. Frasier's circumstances and reporting to this Court." See August 16, 2018 Court Order, ¶ 11. The Court further contemplated the proposed investigator's role would be akin to a guardianship investigator and guardian ad litem. *Id.* In that respect, the undersigned Counsel offers the following investigators with a background in guardianship issues for the Court's consideration:

1. Kaycee Zusman
(775) 841-4119
2. Bonni Walker
(775) 331-1266

Counsel will address the qualifications of each proposed investigator, the role of the investigator, the scope of the investigation, the propriety of selecting a single

1 investigator from the names proposed, and compensation of the investigator at the
2 hearing on this matter consistent with ¶ 11 of the Court's August 16, 2018 Order.

3 **Affirmation**

4 The undersigned affirms this Document does not contain the social security
5 number of any person.

6 **DATED** this 28th day of September, 2018.

7 By: /s/ Patrick R. Millsap.
8 F. McClure Wallace, Esq.
9 Nevada Bar No. 10264
10 Patrick R. Millsap, Esq.
11 Nevada Bar No. 12043
12 Wallace & Millsap LLC
13 510 W Plumb Ln., Suite A
14 Reno, Nevada 89509
15 mcclure@wallacemillsap.com
16 patrick@wallacemillsap.com
17 (775) 683-9599
18 Local Counsel for Mrs. Dinny Frasier
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CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I certify I am an employee of Wallace & Millsap LLC, 510 W. Plumb Lane, Suite A, Reno, NV 89509, and that on the 28th day of September, 2018, I served the foregoing document via the Second Judicial District Court’s electronic filing system upon Premier Trust through its Counsel of Record – G. David Robertson, Esq. I further certify I deposited a true copy of the foregoing with the U.S. Postal Service in Reno, Nevada, postage prepaid, addressed to:

Nori Frasier
4372 Pacifica Way, Unit 3
Oceanside, California 92056

Amy Frasier Wilson
10 Via Sonrisa
Mission Viejo, California 92692

Bradley L. Frasier, MD
3609 Vista Way
Oceanside, CA 92056

DATED this 28th day of September, 2018

By: /s/ Chris Miller.
An Employee of Wallace & Millsap

1 **CODE: 3373**
2 G. DAVID ROBERTSON, ESQ. (NV Bar 1001)
3 RICHARD D. WILLIAMSON, ESQ. (NV Bar 9932)
4 JONATHAN J. TEW, ESQ. (NV Bar 11874)
5 Robertson, Johnson, Miller & Williamson
6 50 West Liberty Street, Suite 600
7 Reno, Nevada 89501
8 Telephone No.: (775) 329-5600
9 Facsimile No.: (775) 348-8300
10 *Attorneys for Petitioner, Premier Trust, Inc.*

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IN THE SECOND JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

In the Matter of the	Case No. PR16-00128
JORDAN DANA FRASIER FAMILY TRUST	Dept. No. 15 [PR]

PREMIER TRUST'S PROPOSED INVESTIGATORS PURSUANT TO
COURT'S AUGUST 16, 2018 ORDER

Petitioner, Premier Trust, Inc., by and through its counsel, Robertson, Johnson, Miller & Williamson, hereby submits two proposed investigators pursuant to this Court's August 16, 2018 Order:

I. DR. BRIAN LEANY

Premier Trust's first proposed individual to travel to California for purposes of interviewing and assessing Mrs. Frasier's circumstances and reporting to the Court is Dr. Brian Leany ("Dr. Leany"). Attached hereto as "Exhibit 1" is Dr. Leany's Curriculum Vitae. Dr. Leany is a licensed clinical psychologist in both Nevada and California and has an extensive background in conducting mental health evaluations, clinical interviews as to decision making, testamentary intent, and financial competency. Dr. Leany is available and willing to travel to California to conduct an interview of Mrs. Frasier upon this Court's direction.

Dr. Leany's fee is \$350.00 per hour (excluding travel costs) and he requires a retainer of \$3,500. A cost-breakdown of his services is as follows:

<u>Item</u>	<u>Time</u>	<u>Cost</u>
Psychological History and Clinical Interview	1.5	\$525
Personality Inventory	1.5	\$525
Clinical Specific Inventory (i.e. depression, anxiety, substance abuse, etc.)	.5	\$175
IQ Test	1.5	\$525
Memory and Mental Status	1.5	\$525
Executive Functioning	.5	\$175
Research and Report Writing	6	\$2,100
Record Review (subject to change based on discovery, etc.; charged at 90 pages per hour)	.5	\$175
Total Cost (excluding travel and testimony)	13.5	\$4,725

As can be seen from the attached CV, Dr. Leany is a highly capable and qualified individual to take on the investigation required by the Court.

II. MR. DUSTIN GRATE

Premier Trust's second proposed individual to travel to California for purposes of interviewing and assessing Mrs. Frasier's circumstances and reporting to the Court is Mr. Dustin Grate ("Mr. Grate"). Attached hereto as "Exhibit 2" is Mr. Grate's curriculum vitae. Mr. Grate is a licensed private investigator in Nevada and California. He has an extensive background in police investigations and surveillance of domestic abuse situations. Additionally, he has worked on numerous cases involving abuse of the elderly and has conducted many home studies on adult placement. Moreover, Mr. Grate has conducted investigations on elder abuse inside of nursing home settings. Mr. Grate is available and willing to travel to California to conduct an interview of Mrs. Frasier upon this Court's direction.

1 Mr. Grate's fees are as follows: \$90 per hour (excluding travel costs). Mr. Grate
2 estimates his total fees for this assignment, including travel, investigation time and preparing a
3 report for the Court, at approximately \$2,300. Mr. Grate does not require a retainer before
4 commencing work. As can be seen from the attached CV, Mr. Grate is a highly capable and
5 qualified individual to take on the investigation required by the Court.

6 Both of these individuals have been previously qualified as expert witnesses in their
7 respective fields by the Second Judicial District Court. Additionally, they have not previously
8 worked with either Premier Trust or the law firm of Robertson, Johnson, Miller and Williamson.

9 **Affirmation**

10 Pursuant to NRS § 239B.030, the undersigned does hereby affirm that the preceding
11 document does not contain the social security number of any person.

12 Dated this 28th day of September, 2018.

13 ROBERTSON, JOHNSON,
14 MILLER & WILLIAMSON

15 By: /s/ G. David Robertson
16 G. David Robertson, Esq.
17 Richard D. Williamson, Esq.
18 Jonathan J. Tew, Esq.
19 *Attorneys for Dinny G. Frasier and*
20 *Premier Trust, Inc.*
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of Robertson, Johnson,
3 Miller & Williamson, 50 West Liberty Street, Suite 600, Reno, Nevada 89501, and that on the
4 28th day of September, 2018, I electronically filed the foregoing **PROPOSED**
5 **INVESTIGATORS PURSUANT TO COURT'S AUGUST 16, 2018 ORDER** with the Clerk
6 of the Court by using the electronic filing system which will send a notice of electronic filing to
7 the following:

8 Barnet Resnick, Esq. *[pro hac vice]*
9 F. Wallace McClure, Esq.
10 Patrick R. Millsap, Esq.
11 c/o Wallace & Millsap, LLC
510 W. Plumb Lane, Suite A
Reno, NV 89509
Attorneys for Dinny Frasier

Michael A. Rosenauer, Esq.
510 West Plumb Lane, Suite A
Reno, NV 89509
*Attorney for Janie L. Mulrain Attorney-in-Fact
for Mrs. Dinny Frasier*

12 I further certify that on the 28th day of September, 2018, I caused to be served by U.S.
13 Mail a true and correct copy of the foregoing **PROPOSED INVESTIGATORS PURSUANT**
14 **TO COURT'S AUGUST 16, 2018 ORDER** addressed to the following:

15 Nori Frasier
16 4372 Pacifica Way, Unit 3
Oceanside, CA 92056

Amy Frasier Wilson
10 Via Sonrisa
Mission Viejo, CA 92692

17 Bradley L. Frasier, M.D.
18 3609 Vista Way
Oceanside, CA 92056

19
20 /s/ Teresa W. Stovak

An Employee of Robertson, Johnson, Miller & Williamson

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EXHIBIT INDEX

Ex. No.	Description	Pages
1	Curriculum Vitae of Dr. Brian Leany	7
2	Curriculum Vitae of Mr. Dustin Grate	4

EXHIBIT “1”

EXHIBIT “1”

EXHIBIT “1”

Curriculum Vitae

Brian Douglas Leany, Ph.D.

NV License: PY0637

CA License: PSY24361

505 South Arlington Suite 102

Reno, NV 89509

(775) 225-2525 **Email:** leanyb@gmail.com

Education:

2010 Doctor of Philosophy

University of Nevada Las Vegas

Clinical Psychology (APA Accredited)

University of Nevada, Las Vegas

Advisor: Daniel Allen, Ph.D., Professor

Personal Statement and Philosophy:

I provide a variety of psychological services with specialization in forensic and neuropsychological assessment as well as providing supporting expert testimony. I have completed over 600 evaluations for the courts, ranging from Family Court to Federal District Court. I am fluent in Spanish and have published works related to assessment of non-dominant populations, including Hispanic clients and I have co-edited books under the topic of cultural considerations for psychological assessment of Asian Americans and African Americans.

My practice is founded on a model of evidence-based evaluation and treatment. I start from a thorough psychodiagnostic evaluation, as the foundation of good treatment is an accurate diagnosis, and assessments are custom tailored to answer the referral question as well as meet statutory requirements, with an ultimate goal of best meeting the needs of the client's evaluative objective and/or treatment. I use the most current assessment measures so long as they are supported by solid scientific support.

Relevant Clinical Experience inclusive of Private Practice

October 2011 to Present

Private Practice

Primary Responsibilities Include: Forensic and Neuropsychological Assessment and the provision of psychotherapeutic services for individuals, families and couples ages ranging from 3 years old and up. These services include clinical interviews, treatment and a wide range of psychological assessments in a community based setting including: forensic evaluations of capacity (e.g. testamentary, medical decision making, parental), competency and risk assessments as well as child custody evaluations; immigration evaluations, neuropsychological evaluations; substance abuse. In addition to clinical

work, this job entails community outreach, and program development related to the available services.

January 2013 to August 2017

Lake's Crossing Center

Primary Responsibilities Include: Forensic Psychological evaluations of mental illness related to competency, risk and criminal responsibility as well as related treatment for competency and serious mental illness. Treatment and evaluation are provided within a multi-disciplinary setting at the State of Nevada's Forensic Hospital, Lake's Crossing Center. Expert testimony is provided, when requested to support the evaluations described above.

November 2010 to November 2012 Psychologist

California Department of Corrections and Rehabilitation (CDCR): High Desert State Prison

Primary Responsibilities Include:

Subject Matter Expert and Faculty Mentor for Suicide Risk Evaluation and Assessment including the evaluation and acquisition of relevant materials related to statewide and institutional goals, as well as federally mandated court guidelines for remediation including: Psychodiagnostic placement, assessment of feigning of symptoms (malingering), mental health evaluations for Rules Violation Reports, and state mandated assessments for Majorly Disordered Offender evaluation, Interferon pre-placement screening and gender reassignment screening. Additionally, this job required new employee training, as well as remedial training related to clinical and crisis based assessment for employees in need of retraining to address professional growth needs.

Additional duties included: Clinical Case Management; the coordination for the provision of mental health services among mental health treatment providers (eg. Psychiatry, Social Workers, Therapists, Nursing) and Custodial staff who were involved in acute and chronic provision of psychotherapeutic, psychodiagnostic and crisis services for inmates in the CDCR system.

July 2010- November 2010 Postdoctoral Scholar/Psychologist

University of Nevada Reno: Victims of Crime Treatment Center

Primary Responsibilities Included: The provision of psychotherapeutic services to child and adult victims of childhood physical abuse. This required coordination and communication with a multitude of governmental and private agencies, whom have contact with individuals who have been childhood victims of abuse. Additional responsibilities included the coordination and supervision of undergraduate research assistants for community based research and academic development.

Primary Supervisor: William O'Donohue, Ph.D.

2009-2010 Clinical Psychology Intern

Kaiser Permanente, Department of Mental Health

Primary responsibilities included providing psychological services for: acute crisis intervention, therapy, assessment and community based educational services. This was an interdisciplinary setting that included, physicians, nurses and other mental health workers, in order to provide coordinated treatment for mental health issues, with a diverse population, located within a rural agricultural community.

Primary Supervisor: Steven Nichols, Ph.D.

2008-2009 Clinical Psychology Practicum Trainee

University of Puerto Rico, Medical School, Department of Neurology, Pediatric Unit

Primary responsibilities included: providing psychological assessment for pediatric clients with neurological disorders (predominantly epilepsy), as well as educational assessment for pervasive developmental disorders. Neuropsychological assessments for adults were also conducted for clients with either a confirmed or preliminary diagnosis of Multiple Sclerosis. Training in all aspects of assessment including test administration, interpretation, and integrated report writing were emphasized. Training also included interdisciplinary meetings for treatment planning for all patients served by the hospital's department of neurology. Populations included predominantly Spanish speaking children and adults of the metropolitan area of San Juan, PR as well as outlying areas.

Primary Supervisor: Liza San Miguel Montes, Psy.D.

Selected Publications:

Refereed Articles:

1. Allen D.N., **Leany B.D.**, Thaler N.S., Cross C, Sutton GP, Mayfield J. (2010). Memory and Attention Profiles in Pediatric Traumatic Brain Injury. *Archives of Clinical Neuropsychology*.
2. Thomas, J.D., **Leany, B.D.**, & Riley, E.P. (2003). Differential vulnerability to motor deficits in second replicate HAS and LAS following neonatal alcohol exposure. *Pharmacology, Biochemistry and Behavior*, 75 (1), 17-24.

Edited Books:

2. Benuto, L.B., **Leany, B.D.** & Thaler, N. (Eds.)(2014). *Guide to Psychological Assessment with Asian*. New York, NY: Springer.
3. Benuto, L.B., **Leany, B.D.** & Thaler, N. (Eds.)(2015). *Guide to Psychological Assessment with African Americans*. New York, NY: Springer.

Book Sections:

1. **Leany, B.D.** & Benuto, L. T. (in press). Cultural Considerations in the Assessment of Sexually Violent Predators. In *Sexually Violent Predators Clinical Science Handbook*. Springer International Publishing.
2. Casas, J. & **Leany, B. D.** (in press). Tools for restoring legal competency with Latinos. In *Toolkit for Counseling Spanish-Speaking Clients*. Springer International Publishing.
3. **Leany, B. D.** (2016). Seriously Mentally Ill and Integrated Care Among Hispanic Populations. In *Enhancing Behavioral Health in Latino Populations* (pp. 297-309). Springer International Publishing.
4. Benuto, L. T., Wainwright, K. A., & **Leany, B. D.** (2014). Assessment of Dementia: Screening for Cognitive Decline with Asian Clients. In *Guide to Psychological Assessment with Asians* (pp. 291-304). Springer New York.
5. **Leany, B. D.**, Benuto, L. T., & Thaler, N. S. (2014). Neuropsychological Assessment with Asian American Clients. In *Guide to Psychological Assessment with Asians* (pp. 427-441). Springer New York.
6. Benuto, L. T., **Leany, B. D.**, Thaler, N. S., & Yonesawa, A. (2014). Assessing Risk, Recidivism, and Dangerousness in Asians. In *Guide to Psychological Assessment with Asians* (pp. 443-451). Springer New York.
7. **Leany, B. D.**, & Benuto, L. T. (2014). Forensic Assessment with the Asian American Client. In *Guide to Psychological Assessment with Asians* (pp. 453-464). Springer New York.
8. Benuto, L. T., **Leany, B. D.**, & Lee, A. (2015). Assessing Effort and Malingering with the African American Client. In *Guide to Psychological Assessment with African Americans* (pp. 79-85). Springer New York.
9. Benuto, L. T., Soto, C. G., & **Leany, B. D.** (2015). Screening for Cognitive Decline and Assessment of Dementia with African Americans. In *Guide to Psychological Assessment with African Americans* (pp. 237-246). Springer New York.
10. **Leany, B. D.**, Benuto, L. T., & Morra, L. F. (2015). Neuropsychological Assessment with African American Clients. In *Guide to Psychological Assessment with African Americans* (pp. 289-304). Springer New York.
11. Benuto, L. T., **Leany, B. D.**, & Garrick, J. (2015). Forensic Assessment with the African American Client. In *Guide to Psychological Assessment with African Americans* (pp. 313-329). Springer New York.

12. Bennett, N. M., **Leany, B. D.**, & Benuto, L. T. (2015). Assessing Risk and Recidivism in African Americans. In *Guide to Psychological Assessment with African Americans* (pp. 305-311). Springer New York.
13. **Leany, B.**, Benuto, L. and Thaler, N. (2013). Neuropsychological Assessment with Hispanic Clients. In L. Benuto (Ed.), *Handbook of Psychological Assessment*. New York, NY: Springer.
14. Cirlugea, O., Benuto, L., & **Leany, B.** (2013). Assessing Risk, Recidivism, and Dangerousness in Hispanics . In L. Benuto (Eds.) *Guide to Psychological Assessment with Hispanics*. New York, NY: Springer.
15. Benuto, L., **Leany, B.** and Cirluela, A. (2013). Forensic Assessment with the Hispanic Client. In L. Benuto (Ed.), *Handbook of Psychological Assessment*. New York, NY: Springer.
16. Benuto, L. and **Leany, B.** (2013). Assessment of Dementia in the Hispanic Client: A Neuropsychological Perspective Assessment of the Hispanic Client in the Forensic Setting. In L. Benuto (Ed.), *Handbook of Psychological Assessment*. New York, NY: Springer.
17. Benuto, L., & **Leany, B.** (2013). Assessing Effort & Malingering with the Hispanic Client . In L. Benuto (Eds.) *Guide to Psychological Assessment with Hispanics*. New York, NY: Springer.
18. **Leany, B.** (2013). Brain Development and Health Implications in Adolescents. In W. T. O'Donohue, L. Benuto and L. Woodward Tolle (Eds.) *Handbook of Adolescent Health Psychology*. New York, NY: Springer.
19. Benuto, L. and **Leany, B.** (2011). Reforms for Women and Minorities. In N. Cummings & W. O'Donohue (Eds.), *21st Century Behavioral Healthcare Reforms: The Promise of Integrated Healthcare*. New York, NY: Routledge.
20. **Leany, B.**, Allen DN, Villamar AJ, Donohue BC (2008). Fetal alcohol syndrome. In GL Fisher and NA Roget (Eds.), *Encyclopedia of Substance Abuse Prevention, Treatment, and Recovery*. SAGE Publications: Thousand Oaks, CA.
21. Allen, D.N., Strauss, G.P., **Leany, B.D.** & Donohue, B. (2007). Neuropsychological Assessment of Individuals with Substance Use Disorders. In *The Neuropsychology Handbook* Third Edition. A. M. Horton, Jr. & D. Wedding. Springer Publishing: New York, 709-732.

Published Abstracts and Conference Proceedings:

1. **Leany, B.D.**, Knatz, D.T., Mayfield, J., & Allen, D.N. (2006). Sensitivity of the test of memory and learning (TOMAL) to attention disorders. *Applied Neuropsychology*.

2. Park, B.S., **Leany, B.D.**, Mayfield, J. & Allen, D.N. (2006). Structure of attention in children with traumatic brain injury. *Applied Neuropsychology*.

3. **Leany, B.D.**, Knatz, D.T., Allen, D.N., & Mayfield, J. (2005). Improvement of abstraction abilities following brain injury in children. *Archives of Clinical Neuropsychology*, 20 (7), 868-869.

Presentations:

1. Benuto, L.T., **Leany, B.D.**, & Haboush, A. (2007, August). Gender Differences in Body Dissatisfaction and Compensatory Efforts. Poster presented at the 115th Annual convention of the American Psychological Association, San Francisco, CA.

2. **Leany, B.D.**, Mayfield, J., & Allen, D.N. (2006, October). Further support for the validity of the Test of Memory and learning (TOMAL) in children with traumatic brain injury and attention-deficity/hyperactivity disorder. Poster presented at the 26th Annual National Academy of Neuropsychology Conference, San Antonio, Texas.

3. Park, B., **Leany, B.D.**, & Allen, D.N. (2006, October). Psychometric Properties of a New Measure of Attention and Working Memory. Poster presented at the 26th Annual National Academy of Neuropsychology Conference, San Antonio, Texas.

4. Silver, N., **Leany, B.D.**, & Kambe, Gretchen. (2006, July). Signal word and text color influences on warning compliance. Talk presented at the 16th World Congress on Ergonomics, Maastricht, Netherlands.

5. Strauss, G.P., **Leany, B.D.**, Barney, S.J., Kamalani, L., & Allen, D.N. (2006, April). Positive emotions broaden cognitive functioning. Poster presented at the Western Psychological Association Conference, Palm Springs, CA.

6. **Leany, B.D.**, Knatz, D.T., Mayfield, J., & Allen, D.N. (2006, January). Sensitivity of the test of memory and learning (TOMAL) to attention disorders. Poster presented at the Coalition of Clinical Practitioners in Neuropsychology conference, 3rd Annual Meeting, Las Vegas, NV.

7. Park, B.S., **Leany, B.D.**, Mayfield, J. & Allen, D.N. (2006, January). Structure of attention in children with traumatic brain injury. Poster presented at the Coalition of Clinical Practitioners in Neuropsychology conference, 3rd Annual Meeting, Las Vegas, NV.

8. **Leany, B.D.**, Knatz, D.T., Mayfield, J., & Allen, D.N. (2005, October). Improvement in abstraction abilities following brain injury in children. Poster presented at the 25th annual National Academy of Neuropsychology Conference, Tampa, FL.

9. Thomas, J.D., **Leany, B.D.**, & Riley, E.P. (2001, April). Differential vulnerability to motor deficits in second replicate HAS and LAS following neonatal alcohol exposure. Poster presented at the Rocky Mountain Psychological Association Annual Conference, Reno, NV.

Specific Teaching Experience:

Lower Division Courses:

Introductory Psychology^{1,6}
Statistics¹
Introduction to Sociology²
Introduction to Political Science²
Introduction to Health and Wellness²
Research Methods¹

Upper Division Courses:

Cognitive Psychology¹
Psychology of Leadership and
Management³
Abnormal Psychology⁶
Introduction to Clinical Skills⁶

Graduate Courses:

Dissertation Chair⁵
Research Methods⁴
Research and Evaluation⁴
Individual Assessment⁶
Forensic Psychological Assessment⁴
Evaluation and Treatment of the
Offender⁴
Substance Abuse Counseling
Operational Psychology⁴
Correctional Psychology⁴
Psychology and the Legal System⁴

¹University of Nevada at Las Vegas; ² University of Phoenix-Axia College; ³ Devry University; ⁴Argosy University; ⁵ Northcentral University; ⁶ University of Nevada Reno

Other Experiences:

Law Enforcement Academy Graduate 1994-Fayetteville Technical Community College, Fayetteville, N.C.

1992-1994 **Forward Observer-13F/Intelligence Analyst-96B:** 18th Airborne Corps, U.S. Army, Fort Bragg, N.C.

References:

Elizabeth Neighbors
Director of Statewide Forensic Services
Lakes Crossing Center
500 Galletti Way
Sparks, NV 89431
Phone: (775) 688-1900

William T. O'Donohue
Director, Victims of Crime Treatment
Center
Professor, Department of Psychology
University of Nevada, Reno
Reno, NV 89557
Phone: (775) 826-3311 ext 102

EXHIBIT “2”

EXHIBIT “2”

EXHIBIT “2”



~Dustin Edward Grate~
1325 Airmotive Way, Suite 209
Reno, Nevada 89502
Dustin@gratedetections.com
www.gratedetections.com
(775) 691-6527

Professional – Revised and shortened for Evaluation/Competency case only (►)

Nevada Native, working for the past 22 years in both a law-enforcement capacity as a Patrol Deputy, Private Investigator and School Resource Officer in the greater Reno, Sparks, and Carson City area. I have been P.O.S.T. certified with advance P.O.S.T. and Advance Reserve Certificates. I have taken phase (1) of the Man Tracking course, with Classes in Criminal Justice and Psychology studies. I am certified by DATIA for Alcohol and Drug Testing. Owner of (2) Investigative Companies and License in Nevada PILB 1782 and California PI 188095.

I am an accomplished Investigative Professional with experience in investigations, surveillance, background checking, capital cases, murder investigations, mitigation expert experience, criminal defense, criminal prosecution, security/executive protection, and process service on numerous, simultaneous cases. My background in collaborating with law enforcement and knowledge of the legal system has made me an outstanding investigator in my career. I have numerous “major crimes” cases investigated with successful outcomes for both the defense and the prosecution.

I am the owner of “Grate” Detections, LLC and it was established in 2005, a Nevada based Mobile Drug Testing Company after starting my investigative carrier in 2002. I provide quality, fast, efficient and cost-effective mobile drug testing. Urine or Hair based drug testing with lab-based confirmations included. Expanding into doing alcohol testing and family court drug testing along with private testing.

I am the Investigator for Lander County District Attorney’s office. Taking care of internal investigations, prosecution investigations and county wide investigations. Also, the School Resource Officer for Bishop Manogue Highschool and the Rifle Team Coach.

Certified in almost every court’s jurisdiction in Nevada as an expert witness both for investigative purposes and drug testing. Used for jury selections and monitoring jury during trials. Mitigation interviews for capital cases and murder cases. Child interviews for sexual assault cases. Work comp investigations, slip and fall investigations, work place violence evaluations and executive protection.



Professional Experience ~ Continued

2005 ~ Present

“Grate” Detections LLC: (Owner) - P.I. License Number 1782 / C.A. P.I. License Number 188095

- Dustin Grate was formally a partner and owner of Spencer Investigations LLC. With the rapid growth of “Grate” Detections LLC, doing Mobile Drug Testing, and the request to have Private Investigations all under the same company, Dustin formed and continued to grow “Grate” Detections LLC with Private Investigations and Drug Testing Certified by DATIA.
- With an extensive background in Criminal Defense cases, Family Law, Surveillance and all other aspects of investigations. Our firm will complete whatever you need.
- Mitigation interviews for capital cases and murder cases. Child interviews for sexual assault cases. Work comp investigations, slip and fall investigations, work place violence evaluations and executive protection. Just to name a few.
- **Certified in most Nevada Courts for Expert Witness under Private Investigation and Drug Testing**
- **Cases worked regarding Elderly and Child abuse/neglect.**
- **Home studies and evaluations for child and adult placements.**
- **Child sexual assault and abuse case interviews.**
- **Testifying in courts on behalf of Caregiver or family members.**
- **Investigative cases into caregivers/family members regarding elderly persons.**
- **Investigations into retirement homes, Caregiving facilities for wrong doings.**

2017 ~ Present

School Resource Officer / Rifle Coach – Bishop Manogue High School

- School Resource Officer for Bishop Manogue Catholic High School. In charge of the school safety, background checks and drug testing. School Officer for events and overall protection of campus.
- Rifle Coach for Bishop Manogue Catholic High School. In charge of the rifle team and events for BMCHS. Coaching multiple students and instructing on shooting techniques.
- **Cases involving children for abuse or neglect.**
- **Parent or grandparent interviews.**



2008 ~ 2017

Spencer Investigations: (Owner / Partner) - P.I. License Number 632.

- Dustin Grate was one of three Owners / Partners for Spencer Investigations, Reno, Nevada. Working as a professional investigator in all fields of investigation. I have focused on “major crimes” cases over the last 5 years involving myself in an abundance of major cases like *murder, attempted murder, sexual assault, and domestic battery* cases. I have worked a majority of my cases for the defense testifying as an expert in my field, building exhibits, drawing AutoCad crime scene displays, timelines, attorney support items, psychological profiling, and much more. I have also worked many cases for the prosecution and private parties. Types of cases range from major crimes, sex crimes, surveillance, research, backgrounds, asset search, interviews, court, testifying, and much more. P.O.S.T. certified with advance P.O.S.T. and advance reserve certificates. I have taken phase (1) of the Man Tracking course.
- **Certified in most Nevada Courts for Expert Witness under Private Investigation and Drug Testing**
- **Cases worked regarding *Elderly and Child* abuse/neglect.**
- **Home studies and evaluations for child and adult placements.**
- **Child sexual assault and abuse case interviews**

Professional Experience ~ Continued

2005 ~ 2008

John Yaryan Investigations (JYI Investigations)

- Supervising investigator and Operations Manager of JYI Investigations in Reno, Nevada. I was responsible for all the employees and the operations of the company. My duties include, but are not limited to, any type of investigations, process serving, performing research, conducting surveillance, along with billing and maintaining contact with all clients. My duties also include researching courts, testifying in court, interviewing witnesses, skip tracing, computer security, surveillance, psychological profiling, background investigations, helping companies address work place violence, counter measures, tracking down potential witnesses, and finding important information crucial to case file information and closure.
- **Certified in most Nevada Courts for Expert Witness under Private Investigation and Drug Testing**
- **Cases worked regarding *Elderly and Child* abuse/neglect.**
- **Home studies and evaluations for child and adult placements.**
- **Child sexual assault and abuse case interviews**



Professional Experience ~ Continued

2002 - 2003

Washoe Tribe of Nevada and California

- Juvenile Drug Enforcement Officer, Court Bailiff, and I worked as the Probation Officer for the Adult and Juvenile departments. My duties included but were not limited to; drug testing adults and juveniles, case management for adult and juvenile probationers, and the Bailiff for the “Drug Court” and “Tribal Court”. This was a law-enforcement, P.O.S.T certified, armed position. I was responsible for prisoner transportation, booking of inmates and arresting violators of the “Drug Court” or probation violations. I trained staff and officers on drug testing and procedures of drug testing and evidence protection.
- **Elder abuse and neglect cases performed on a case by case basis.**
- **Tribal Law Elderly law cases.**
- **Child abuse and neglect cases to include home studies and evaluations.**

1998 ~ 2002

Deputy Sheriff for Carson City Sheriff's Office

- Patrol Deputy and Reserve for the Carson City Sheriff's Department. Duties included doing patrol, follow-up and making arrests, testifying in court, writing reports, transferring inmates, booking evidence, as well as serving subpoenas, TRO's, TPO's, summons, and civil papers. I also was involved in investigations from start to conviction.
- **Elder abuse and neglect cases performed on a case by case basis.**
 - **Testifying on behalf of the caregiver or family members.**
- **Child abuse and neglect cases to include home studies and evaluations.**

1997 - 1998

Police Officer for Sparks Police Department

- Patrol Officer and Reserve duties included being in charge of reserve teams, included doing patrol, follow-up and making arrests, testifying in court, transferring inmates, booking evidence, report writing, along with serving subpoenas, TRO's, TPO's, summons, and civil papers. I also participated in investigations from start to conviction.
- **Elder abuse and neglect cases performed on a case by case basis.**
 - **Testifying on behalf of the caregiver or family members.**
- **Child abuse and neglect cases to include home studies and evaluations.**

1 **CODE: 3373**
2 G. DAVID ROBERTSON, ESQ. (NV Bar 1001)
3 RICHARD D. WILLIAMSON, ESQ. (NV Bar 9932)
4 JONATHAN J. TEW, ESQ. (NV Bar 11874)
5 Robertson, Johnson, Miller & Williamson
6 50 West Liberty Street, Suite 600
7 Reno, Nevada 89501
8 Telephone No.: (775) 329-5600
9 Facsimile No.: (775) 348-8300
10 *Attorneys for Petitioner, Premier Trust, Inc.*

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IN THE SECOND JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

In the Matter of the	Case No. PR16-00128
JORDAN DANA FRASIER FAMILY TRUST	Dept. No. 15 [PR]

PREMIER'S RECOMMENDATIONS

Petitioner, Premier Trust, Inc., by and through its counsel of record, Robertson, Johnson, Miller & Williamson, hereby submits its recommendations to the Court regarding how to effectuate its supervisory role to manage Trust issues ("Recommendations") pursuant to paragraph 10 of this Court's August 16, 2018 Order Vacating and Resetting Hearing ("Order").

In particular, the Order requires that Premier "present its recommendations specifically and broadly" in light of: 1) its experience as the trustee; 2) this Court's jurisdiction; and 3) the management, oversight and distribution provisions of the Trust documents. Premier therefore presents its below recommendations seriatim as referenced by the Court.

A. Premier's Experience as Trustee

Premier's experience as trustee is best described as both frustrating and disheartening.

At the upcoming hearing, Premier will present testimony from its current and former officers assigned to this Trust, Ryan Gonda and Nicole Shrive. This testimony will give the Court significant insight into the challenges Premier has overcome on these Trusts, and those facing both a new successor trustee and this Court in managing the Frasier Trusts going forward.

1 Premier expects the Court will leave that hearing with a clear understanding of the
2 primary challenge facing these Trusts, i.e., that every party claims to be the only one with
3 Dinny's best interests in mind, while simultaneously claiming that all other parties are causing
4 harm to Dinny. Premier wishes it could simply advise the Court as to who is right in this
5 dispute, thus giving clear guidance regarding how to manage all Trust issues in the future.
6 Unfortunately, however, Premier is caught in the same trap, i.e., Premier strongly believes it has
7 worked hard to protect Dinny's best interests under difficult circumstances, but that Dinny is
8 being harmed by others. So, all Premier can do is point out facts which might assist the Court.

9 Based upon Premier's experience, Dinny is truly a victim. It is well known that her son,
10 Bradley Frasier, has harassed and intimidated her for years. The Court has previously seen
11 transcriptions of Brad's threatening and shameful voicemails to Dinny, but those are only the tip of
12 the iceberg. Brad left many other such voicemails for Dinny. And, on the rare occasion when
13 Dinny would actually speak to Brad – usually because she picked up the telephone thinking the
14 call was from someone else - he would scream at her about the medical building and threaten
15 litigation against her and the entire family. Similarly, he has repeatedly threatened Premier and
16 its counsel through a toxic stew of caustic emails, voicemails and telephone calls.

17 Unfortunately, that pattern still continues to this day. As the Court may recall, Dinny's
18 daughter Amy Frasier-Wilson filed a document in pro per on August 24, 2018 thanking the Court
19 for setting a hearing in hopes of "bringing finality to this matter." See Amy Frasier-Wilson's
20 Objections to Accounting and Statement of Concerns filed August 24, 2018 ("Amy's
21 Statement") at 2. In that document, Amy expressed heartfelt concerns for Dinny and her care,
22 and requested the Court deny payment to Janie Mulrain based upon Amy's view that Ms.
23 Mulrain has not been acting in Dinny's best interests. Id. at 5-12. Amy's Statement further
24 questions whether Dinny comprehends what roles Mr. Resnick and Janie Mulrain are playing in
25 Dinny's life. Id. at 8. That very evening and the next day, Brad sent a succession of three (3)
26 emails to Amy threatening her – apparently due to things written in her Statement. Those emails
27 are attached hereto as Exhibits 1 – 3. Premier respectfully requests the Court turn now to those
28 emails, and only continue reading here after letting those emails sink in for a few minutes.

1 Those three (3) emails from just a few weeks ago capture the entire essence of what
2 Dinny, Premier and its counsel have all been forced to endure for the past several years.

3 The seeds of this discord were sown long before Premier or its counsel ever became
4 involved. Brad has pugnaciously asserted that the Trust's money invested in his medical
5 building was a "loan" rather than an ownership interest. Unfortunately for Brad, the documents
6 do not support his claim. Title to the medical building is held in the joint names of Brad and the
7 Trust, and, following Joe's death, the accountants reported to the IRS on Form 706 that the Trust
8 is one-half owner of the building. Other documents also make clear that both Dinny and her
9 husband Joe believed they owned one-half of the medical building. See Exhibit 4.

10 Like Exhibits 1 – 3, Exhibit 4 is an important document. It reflects a meeting between
11 Joe and Dinny and their estate lawyer at the time, Henry Coopersmith. This meeting occurred
12 before Joe became gravely ill and approximately eight (8) months before his death. The
13 Memorandum lays out Joe and Dinny's intent to revise their Trusts regarding who should inherit
14 their one-half of the medical building. It also indicates they had decided not to leave Brad any of
15 their estate but, rather, to divide the estate equally between Nori and Amy. Unfortunately, the
16 Trust was never so amended because, according to Dinny, Joe died before they could decide
17 whether to leave their one-half of the medical building to Brad or to his children.

18 While Premier recognizes that others may argue Exhibit 4 is hearsay, it is not in this
19 context. Premier does not offer this document for the truth of the matters asserted therein but,
20 rather, to show Premier's state of mind in believing that the Trust's interest in the medical
21 building was one of ownership rather than a loan. NRS 51.035. Once Premier reviewed all of
22 the documents and spoke with the Trust's accountant and legal counsel, it became clear that
23 Premier could not treat the Trust's one-half ownership in the medical building as a loan. This
24 infuriated Brad, and started him on a rampage which, as the Court can see, continues to this day.

25 The problems facing Dinny, however, do not end with Brad Frasier. It seems that all
26 parties agree Dinny's current mental state leaves her subject to influence and manipulation.
27 Premier is very concerned that this is devastating Dinny's golden years. Brad and Nori have
28 accused Amy of manipulating Dinny to revise the Trust to leave more to Amy. Amy has accused

1 Brad of trying to manipulate Dinny to obtain the Trust's one-half of the medical building (this
2 was resolved by the Settlement Agreement, i.e., Brad will receive the Trust's one-half of that
3 building once the settlement is fully consummated). Nori has accused Amy of manipulating
4 Dinny to isolate her from Nori, and Amy has accused Nori of stealing from Dinny. Amy has
5 also accused Barry Resnick and Janie Mulrain of deliberately alienating Dinny against Premier,
6 and trying to influence Dinny to fire Premier so that they can hire a trust company of their
7 choosing. Caught in the middle of all this mess is poor Dinny, who appears to be forgotten.

8 As the Court is aware, Premier was completely cut off from any communication with
9 Dinny once Mr. Resnick and Ms. Mulrain were hired. Indeed, the most recent filing from Janie
10 Mulrain criticizes Premier for trying to obtain reports about Dinny from the caregivers – despite
11 Premier doing so as part of its fiduciary duty to ensure that Dinny is receiving services for which
12 she is being billed and in response to complaints from both Amy and Nori that the caregivers are
13 mistreating Dinny. See Mulrain Petition at 10 ¶ 24. So, Premier unfortunately does not have a
14 good sense of Dinny's current mental state or living conditions. Accordingly, Premier applauds
15 the Court for its plan to send a Reno investigator to meet with Dinny. A truly independent
16 analysis of Dinny's mental state and her living conditions is clearly long overdue.

17 Finally, while Premier is anxious to be relieved of any obligations regarding this Trust
18 (for obvious reasons), it makes sense to Premier that the Court conclude its investigation into
19 Dinny's current situation before ruling on the various pending petitions. That investigation may
20 shed substantial light on whether Dinny needs to have an independent guardian appointed, and,
21 should that occur, then the independent guardian may choose to revoke the POA given to Janie
22 Mulrain and also hire different legal counsel to represent Dinny personally. The independent
23 guardian may also recommend a different trust company as the successor trustee. So, while
24 Premier is reluctant to further delay its withdrawal, it is more concerned about Dinny's well-
25 being. Accordingly, Premier's primary Recommendations to the Court are as follows: 1) first
26 obtain the independent investigation report; 2) use that report to determine if an independent
27 guardian should be appointed and to assist in ruling on the various petitions; and 3) make
28 decisions regarding how the Court and successor trustee will further administer the Trust.

1 **B. This Court's Jurisdiction**

2 This Court has already determined it has jurisdiction over the Trusts at issue in this case.
3 On March 2, 2016, Premier filed a Petition for Confirmation of Trustees, for Construction of the
4 Trust Instruments, and for Instructions, wherein it requested this Court assume jurisdiction over
5 the Trusts. Premier Trust served all beneficiaries and put all interested parties on notice of that
6 Petition for Confirmation. On April 21, 2016, the Probate Commissioner recommended that this
7 Court assume jurisdiction over the Trusts. On August 29, 2016, this Court entered a Confirming
8 Order and assumed jurisdiction over the Trusts and this matter pursuant to NRS §§ 164.030(1)
9 and 164.033(1)(a). No one has questioned this Court's continuing jurisdictions over the Trusts
10 and their assets, and the Court has obviously made numerous rulings with respect to
11 administration of the Trusts and their assets without any jurisdictional or peremptory challenges.

12 **C. Various Provisions of the Trust Documents**

13 This seemingly-innocuous question by the Court requires Premier to explain an entirely
14 new and different layer of problems facing both the successor trustee and the Court in future
15 administration of the Trusts. Unfortunately, the vexing quandary is that the parties no longer
16 agree on which Trust documents are operative.

17 Specifically, the Survivor's Trust has been amended at least twice since Joe's death. The
18 first such amendment was drafted by Dinny's prior attorney and apparently signed in either 2015
19 or 2016. That first amendment to the Survivor's Trust purports to remove Brad as a beneficiary
20 and also allegedly affects the distributions to Amy and Nori. Premier has never recognized the
21 validity of this first amendment, and Premier's undersigned counsel has never reviewed that
22 amended trust document. Additionally, after Mr. Resnick began representing Dinny, he
23 apparently drafted a second amendment to the Survivor's Trust which purports to eliminate any
24 distributions to Dinny's children and allegedly leaves the estate to charities which are in part
25 determined by Dinny's former neighbor, Mr. Schwartz (a solo practitioner who uses Mr.
26 Resnick's office to conduct his legal practice). Premier has also never recognized the validity of
27 this second amendment, but, rather, has always operated on the Trust documents in place at the
28 time of Joe's death to avoid any question about Dinny's competency to make the amendments.

Unfortunately, Premier fully expects that at some point in the near future there will be a battle over whether one or both of these amended trust documents is valid and thus operative. Premier understands that Amy has amassed substantial evidence corroborating the validity of the first amendment, while Brad has argued that such amendment was invalid due to Dinny being incompetent. Similarly, Amy does not recognize the validity of the second amendment for the same reason. It may very well be that the Court will have to ultimately address those amendments before it can determine exactly which Trust documents are extant and controlling. Once that is known, then the Court can better determine which management, oversight and distribution provisions of the Trust documents will impact future administration of those Trusts.

D. Conclusion

Premier's primary Recommendations to the Court are as follows: 1) first obtain the independent investigation report; 2) use that report to determine if an independent guardian should be appointed and to assist in ruling on the various petitions; and 3) thereafter, make decisions regarding how the Court and successor trustee will further administer the Trust.

Premier apologizes to the Court that it cannot provide any clearer recommendations. Given that Premier has been completely cut off from any contact with Dinny for over a year – and now even from any contact with her caregivers – Premier simply lacks sufficient information to make more detailed recommendations. Premier strongly believes, however, that this Court taking a firm and active role in this case is Dinny’s best hope to avoid further victimization.

Affirmation

Pursuant to NRS § 239B.030, the undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 28th day of September, 2018.

ROBERTSON, JOHNSON,
MILLER & WILLIAMSON

By: /s/ G. David Robertson
G. David Robertson, Esq.
Richard D. Williamson, Esq.
Jonathan J. Tew, Esq.
Attorneys for Premier Trust, Inc.

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of Robertson, Johnson, Miller & Williamson, 50 West Liberty Street, Suite 600, Reno, Nevada 89501, and that on the 28th day of September, 2018, I electronically filed the foregoing **PREMIER'S RECOMMENDATIONS** with the Clerk of the Court by using the electronic filing system which will send a notice of electronic filing to the following:

Barnet Resnick, Esq. <i>[pro hac vice]</i>	Michael A. Rosenauer, Esq.
F. Wallace McClure, Esq.	510 West Plumb Lane, Suite A
Patrick R. Millsap, Esq.	Reno, NV 89509
c/o Wallace & Millsap, LLC	<i>Attorney for Janie L. Mulrain Attorney-in-Fact</i>
510 W. Plumb Lane, Suite A	<i>for Mrs. Dinny Frasier</i>
Reno, NV 89509	
<i>Attorneys for Dinny Frasier</i>	

I further certify that on the 28th day of September, 2018, I caused to be served by U.S. Mail a true and correct copy of the foregoing document, addressed to the following:

Nori Frasier	Amy Frasier Wilson
4372 Pacifica Way, Unit 3	10 Via Sonrisa
Oceanside, CA 92056	Mission Viejo, CA 92692
Bradley L. Frasier, M.D.	
3609 Vista Way	
Oceanside, CA 92056	

/s/ Teresa W. Stovak
An Employee of Robertson, Johnson, Miller & Williamson

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EXHIBIT INDEX

Ex. No.	Description	Pages
1	August 24, 2018 email from Bradley Frasier to Amy Wilson	1
2	August 25, 2018 email from Bradley Frasier to Amy Wilson	1
3	August 25, 2018 email from Bradley Frasier to Amy Wilson and Nori Frasier	
4	February 28, 2014 Henry Coopersmith Memorandum	2

EXHIBIT “1”

EXHIBIT “1”

EXHIBIT “1”

From: **Bfrasier** <bfrasiermd@gmail.com>
Date: Fri, Aug 24, 2018, 8:25 PM
Subject: Inability to contact Mom
To: <digitalmermaid8@gmail.com>

Karma works in mysterious ways you evil bitch! You and your evil husband did the same thing to me, by screening Mom's calls and not allowing her to call me back. You disparaged Nori and me in Mom's mind, so you could inherit 2/3 of our parent's estate. How pathetic and despicable.

The worst is yet to come to you.

Sent from my iPhone

EXHIBIT “2”

EXHIBIT “2”

EXHIBIT “2”

From: **Bfrasier** <bfrasiermd@gmail.com>
Date: Sat, Aug 25, 2018, 8:56 PM
Subject: Greed
To: <digitalmermaid8@gmail.com>

Dad gave us each a document that stated everything should be divided 3 ways and that "greed would not be tolerated." He would "be watching."

You were a disappointment to him during his life and you're even more of a disappointment to his memory after his death.

Sent from my iPhone

EXHIBIT “3”

EXHIBIT “3”

EXHIBIT “3”

From: **Bfrasier** <bfrasiermd@gmail.com>
Date: Sat, Aug 25, 2018, 9:45 PM
Subject: Dad's headstone
To: <digitalmermaid8@gmail.com>
Cc: <nori_frasier@hotmail.com>

You had ample time to arrange for Dad's headstone when you isolated Mom from the rest of the family in 2015-16. You controlled everything and conspired with Travis and Bill to hijack our parents' estate. Dad's headstone has been paid for. All you had to do was pick it out with Mom. We weren't involved because you isolated us from Mom and disparaged us in her mind, so you could inherit 2/3 of our parents' estate.

Your crocodile tears in court about Dad's headstone was just poor acting because everyone saw through your lie. Dad doesn't have a headstone because of you. I'll call the mortuary and order it myself, you wicked witch.

Sent from my iPhone

EXHIBIT “4”

EXHIBIT “4”

EXHIBIT “4”

MEMORANDUM

TO: FILE

FROM: HJC

DATE: February 28, 2014

RE: FRASIER, JORDAN & DINNY – Estate Planning

I met with Joe Frasier and his wife Dinny at their home this February 28th. Since their last estate plan, they have made a number of economic changes.

Their home is worth around \$800,000. They also have a home in the desert worth about \$250,000. Joe owns ½ of their son Bradley's office building, which has an equity value of \$800,000. They bought a home in Mission Viejo for their disabled daughter, Amy, where she is living with her husband Bill. They purchased a home in Oceanside for their other daughter, Nori, who had to get a job in Orange County when she lost her job in San Jose. They believe each of the homes is worth approximately \$400,000.

They have a Check Capital account with \$2,500,000 in it, and an account at Merrill Lynch with another \$2,500,000. They have a couple of cars and some other small assets.

Because their daughter Nori now works in Mission Viejo and lives in the Oceanside house, they want to leave her that house, and they think she will retire and live there. Their daughter Amy lives in the Mission Viejo house with her husband, and they want to leave that house to her. Upon her death, if her husband outlives her, it will go to him. Amy has an embolism or clot in her brain (I might have the wrong technical term for it) that will most likely shorten her life.

Bradley was put through medical school and is a very successful nephrologist and kidney surgeon. They think he is quite wealthy, possibly wealthier than they are, and they don't get along well with his wife. Because of that and because he is so well off, they only want to leave to his children their half of Bradley's office building, and he can be trustee of that.

They want to split the other assets between their daughters Amy and Nori, and we can use the same provisions for Amy that they had before, with the house and all the other assets going into trust for her, then for her husband, and then to be held for the grandchildren. Nori doesn't have any children.

They are going to get me copies of the legal descriptions for each of their properties. They are not totally sure if their half of the office building will go to Bradley or to his children. They are going to think about that and get back to me. They would like me to make a statement saying that

MP FRASIER MEMO_022814

they love all of their children equally, but because Bradley is so much better off financially, they feel no need to provide for him.

For all of the documents – trust, will, power of attorney, nomination of conservator, healthcare directive – Nori will follow each spouse and Bradley will be alternate. They'd like a provision that a committee can decide when either of them is mentally disabled, either a majority of the three children or all three children, and they could then replace the trustee under the standard language.

Michael A. Rosenauer, Ltd.

510 W. Plumb Ln., Ste. A
Reno, Nevada
(775) 324-3303

FILED
Electronically
PR16-00128
2018-09-28 05:03:21 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6903843 : pmsewell

1 CODE: 1650
2 MICHAEL A. ROSENAUER, ESQ.
3 Nevada Bar #2782
4 MICHAEL A. ROSENAUER, LTD.
5 510 West Plumb Lane, Suite A
6 Reno, NV 89509
7 (775) 324-3303
8 Attorney for Janie L. Mulrain Attorney-in-Fact
9 for Mrs. Dinny Frasier
10

11
12 **IN THE SECOND JUDICIAL DISTRICT COURT IN AND FOR THE**
13 **STATE OF NEVADA AND FOR THE COUNTY OF WASHOE**

14 ***

15 In the Matter of the
16 JORDAN DANA FRASIER
17 FAMILY TRUST
18 _____/

Case No. PR16-00128

Dept. No. 15

19
20 **ERRATA TO PETITION FOR PROFESSIONAL'S FEES AND ADVANCED**
21 **COSTS, RESPONSE TO PREMIER'S CONCERNS**

22 (December 2016 through August 2018)

23 PLEASE TAKE NOTICE that the Petition for Professional's Fees and
24 Advanced Costs, Response to Premier's Concerns (December 2018 through August
25 2018) filed September 17, 2018 the word "not" was inadvertently omitted in the
26 sentence found on page 7, line 17. The sentence should have read "I did give the court
27 notice because I do not believe Premier's actions of allocating nothing to Dinny's
28 personal accounts so as to permit me NOT being paid should be ratified." Also,

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Michael A. Rosenauer, Ltd.

510 W. Plumb Ln., Ste. A

Reno, Nevada

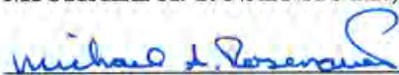
(775) 324-3303

1 Exhibit "2" and Exhibit "5" to the petition were missing documents. Attached hereto
2 are the complete Exhibit "2" and Exhibit "5" to the underlying Petition.

3 **AFFIRMATION:** Pursuant to NRS 239B.030, the undersigned does hereby affirm
4 that the preceding document does not contain the Social Security number of any
5 person.
6

7 DATED this 28th day of September, 2018.

8 MICHAEL A. ROSENAUER, LTD.

9 

10 MICHAEL A. ROSENAUER, ESQ.

11 Attorney for Janie L. Mulrain
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Michael A. Rosenauer, Ltd.

510 W. Plumb Ln., Ste. A
Reno, Nevada
(775) 324-3303

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Michael A. Rosenauer, LTD, 510 West Plumb Lane, Suite A, Reno, NV 89509, and that on this date I served the foregoing document(s) by:

ERRATA TO PETITION FOR PROFESSIONAL'S FEES AND ADVANCED COSTS, RESPONSE TO PREMIER'S CONCERNS

(December 2016 through August 2018)

XXX

Electronic Mailing via Second Judicial District Court CM/ECF System to all those persons listed on the ECF Confirmation Sheet.

XXX

Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage paid, following ordinary business practices.

Delivering an original or true copy via Reno Carson Messenger Service.

Addresses as follows:

Nori Frasier
4372 Pacifica Way, Unit 3
Oceanside, CA 92056

Amy Frasier Wilson
10 Via Sonrisa
Mission Viejo, CA 92692

Bradley L. Frasier, M.D.
3609 Vista Way
Oceanside, CA 92056

Patrick Millsap, Esq.
510 W. Plumb Lane, Ste. A
Reno, NV 89509

G. David Robertson, Esq.
ROBERTSON, JOHNSON,
MILLER & WILLIAMSON
50 West Liberty Street
Suite 600
Reno, NV 89501

DATED this 29th day of September, 2018.



REBECCA SQUIRE

In the Matter of the
JORDAN DANA FRASIER
FAMILY TRUST
2nd Judicial District Court
Case No. PR16-00128
Dept. No. PR [15]

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Exhibit “2”

Part 2

EXHIBIT “2”

Part 2

Exhibit “A -1”

EXHIBIT “A-1”

Thursday, August 16, 2018 at 12:53:32 PM Pacific Daylight Time

Subject: RE: Dinny Frasier and Care Giving

Date: Monday, November 28, 2016 at 9:27:23 AM Pacific Standard Time

From: David Robertson <gdavid@nvlawyers.com>

To: J <administrator@sprynet.com>, Nicole Shrive <nshrive@premiertrust.com>

CC: Rich Williamson <rich@nvlawyers.com>

Thanks Jonathan. Very helpful information. Thank you! Have a great trip and we will correspond with you again next week. Best regards, David

G. DAVID ROBERTSON, ESQ.
ROBERTSON, JOHNSON, MILLER & WILLIAMSON
BANK OF AMERICA PLAZA
50 W. LIBERTY ST.
SUITE 600
RENO, NV 89501
(775) 329-5600 (VOICE)
(775) 348-8300 (FAX)
Email: gdavid@nvlawyers.com
Please visit our website at www.nvlawyers.com

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From: J [mailto:administrator@sprynet.com]

Sent: Sunday, November 27, 2016 4:04 PM

To: Nicole Shrive

Cc: David Robertson; Rich Williamson

Subject: Re: Dinny Frasier and Care Giving

Nicole, David, Rich;

Sorry for the delay in responding. Here are some answers to the questions you've raised:

- We have the book in our possession, Nori returned it to the incoming caregiver this morning in the E.R..
- Our day caregiver (Cynthia) was asked to wait outside the home, we have no knowledge of the content or outcome of Dinny's meeting with the Irvine neighbor. Nori is the one who asked Cynthia to wait outside.
- The caregivers' handwritten notes are rotated out of the book by members of my management team upon each visit. We currently average 4 management visits per week.
- Nori would only has access to the notes recorded after the previous management visit. For example, I cleared the logbook of "Care Notes" on my visit to the home Thursday and again Friday morning. This morning (Sunday) Nori had access to notes in the book recorded Friday, Saturday, and the first part of Sunday.
- We have copies of "Care Notes" in our office's secure filing system. We know some Notes have been previously taken out of the book by Bill and/or Amy. There are a few days of Notes we cannot account for. After this was discovered, and after Bill & Amy were observed taking pictures of the Care Notes, we increased the frequency of management visits.
- In the "Care Notes" - there may be notations re: Nori's activities, we train our employees to specific by name anytime a visit enters a clients home, but the majority of the notes focus on Dinny, her activity, her state of wellness, etc. As much as possible, our team is trained to keep their notes as neutral and care oriented as possible. They may or may not have quotes or references to interpersonal communications. While I understand how useful it would be for the notes to reflect a "coaching" of Dinny by Nory, you will see that the notes are basic and reflective of Dinny's variety of services, level of care, current condition. Today's day caregiver (Cecilia) has informed me that Nori is speaking to Dinny about firing the night caregiver (Araceli). If you recall, she was attempting to fire the day caregiver (Sarah) on Wednesday and Thursday via her emailed comments. Nori has not contacted our office with any comments or concerns.

I will be traveling to our Arizona offices tomorrow and will be out of the State for a week. My coworkers are familiar with Dinny's care, they have all been in her home on several occasions. Oddly, none of us have ever met Nori face to face.

Please feel free to email me with any questions or requests. We will get to work copying the Notes for you.

Jonathan Irish
 Vice President of Operations
 Family Home Care, Inc.
 P: 805-458-0002
 F: 866-480-9809
 E: administrator@sprynet.com

www.familyinhomecare.com

Licensed, accredited, & supporters of/by leading home care and civic associations in Arizona and California:



Northern Santa Barbara County & SLO County Communities, California:

P: 805-481-6081

Home Care Organization License # 404700009

All Orange County Communities, California:

P: 949-770-3009

Home Care Organization License # 304700051

Tucson & Surrounding Southern Arizona Communities:

P: 520-323-1010

Phoenix, Scottsdale & East Valley Communities, Arizona:

P: 480-644-0084

Confidentiality Note: This email is intended only for the person or entity to which it is addressed and may contain information that is privileged, confidential or otherwise protected from disclosure. Dissemination, distribution or copying of this email or the information herein by anyone other than the intended recipient, or an employee or agent responsible for delivering the message to the intended recipient, is prohibited. If you have received this email in error, please notify the sender immediately by a "reply to sender only" message and destroy the original message and all copies - thank you!

From: Nicole Shrive <nshrive@premiertrust.com>

Date: Sunday, November 27, 2016 at 2:20 PM

To: J <administrator@sprynet.com>

Cc: gdavid <gdavid@nvlawyers.com>, rich <rich@nvlawyers.com>

Subject: Re: Dinny Frasier and Care Giving

Hi Jonathan,

Quick question - What is your firm's protocol when a log book is taken under these circumstances? Just curious as to how the log book could possibly be recovered. Also, nori does not have a power of attorney for health care or finances to our knowledge. If she does, then that is a recent development; as far as we know bill and Amy are the only two people who have those powers.

What was the outcome of yesterday's visit to the Irvine neighbor?

Anyway, again, please send Dinny our best.

Thank you for all of your help.

Nicole Shrive, CTFA, MBA, NCG

Premier Trust, Inc.

1 East Liberty Street, Suite 600

Reno, Nevada 89501

Main 775.473.2200

Direct 775.473.2202

Fax 775.562.4718

www.premiertrust.com

On Nov 27, 2016, at 7:57 AM, J <administrator@sprynet.com> wrote:

Good Morning,

Unfortunate update this morning is that Dinny is on her way to Mission Hospital via ambulance. Main complaint is excessive pain. Nori called the ambulance, just happened to occur at shift change (7A), and Nori has taken our logbook with her, something the caregiver asked her not to do. Apparently Nori has forced the logbook from our caregiver's hands and has it in her possession for unknown reasons.

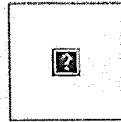
We have our day shift caregiver meeting them at the E.R. - she will attempt to peacefully get the book - and I'll keep you updated as I get updates.

Jonathan Irish
Vice President of Operations
Family Home Care, Inc.
P:805-458-0002
F:866-480-9809
E:administrator@sprynet.com

www.familyinhomecare.com

Licensed, accredited, & supporters of/by leading home care and civic associations in Arizona and California:

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328114496821[3].png>



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From: Nicole Shrive <nshrive@premiertrust.com>
Date: Saturday, November 26, 2016 at 8:38 PM
To: J <administrator@sprynet.com>
Cc: gdavid <gdavid@nvlawyers.com>, rich <rich@nvlawyers.com>
Subject: Fwd: Dinny Frasier and Care Giving

Jonathan,

I have forwarded this communication to david and rich. I'm still unclear why it's your firm's responsibility to change the locks on the San Juan property. Please do not change anything in regards to the property at this time.

I'm truly sorry that you have to deal with this situation.

Sincerely,

Nicole Shrive, CTFA, MBA, NCG
Premier Trust, Inc.
1 East Liberty Street, Suite 600
Reno, Nevada 89501
Main 775.473.2200
Direct 775.473.2202
Fax 775.562.4718
www.premiertrust.com

Begin forwarded message:

From: Nori Frasier <nori_frasier@hotmail.com>
Date: November 26, 2016 at 7:48:01 PM PST
To: Nori Frasier <nori_frasier@hotmail.com>, "bfrasiermd@gmail.com" <bfrasiermd@gmail.com>, "Frasierdinny@gmail.com" <frasierdinny@gmail.com>, Nicole Shrive <nshrive@premiertrust.com>, J <administrator@sprynet.com>
Subject: Re: Dinny Frasier and Care Giving

Jonathan,

Let my mother know when you will have someone here to rekey the door as she has a few appointment next week. She is aware of the missing key and wants it done ASAP.

Let me know if you will be paying him ahead of time or will come to pay him yourself.

Jonathan I need to talk to you or the nurse about the pills my mom takes, none of the girls know what she is taking meanwhile my mom is in pain. This pill management needs to get fixed.

Thx nori

Thank, nori

Sent from my iPhone

On Nov 23, 2016, at 8:10 PM, Nori Frasier <nori_frasier@hotmail.com> wrote:

Jonathan,

I just talked to my mother and Kim and below is the information which was ask to told to me.

1. My mother wants to fire and never see Sarah again.

2. Kim was told by Sarah to ask me the following as Sarah reported these issue to the office:

a. The cards in my mothers drawer were removed by me.

i. My mother asked me to go and get the cards which I saw in her drawers when we were looking for the missing credit cards and I show them all to her which I did. My mother DOES NOT trust the care givers in her drawers.

ii. My mother had a purple case which my sister had given her, where every time she opened the case her cards would fall out. I had a wallet which had plastic section within to place each card so they would not fall out. I removed all of the cards from my wallet holder and placed them in my purse. I then put all of my mothers cards in place so she has a wallet where her cards would not fall out.

iii. Sarah took my mother to Macy's (most expensive store) to buy her 2 sweaters. I guess my mother has a Macy's account but did not have the card. Sarah accused me of taking her card. I have never seen a Macy's card for my mother.

If this continue I will be forced to file a small claim action against Sarah for character and she will need to provide proof of any wrong doing. My mother heard this conversation and was extremely upset which is when she said she no longer wants Sarah in her home. Kindly make sure this request is honored.

Answer to your question about the keys:

Yes - I feel your agency needs to pay to have her house rekeyed for the safety of my mother and the care givers. As if one of you care givers has the key and no longer takes care of my mother, this is a liability as well as a safety concern. Like an employee who gets fired, they could come back and hurt the person. Please have this done immediately. There needs to be an accountability of 2 keys always.

Kindly, Nori

From: J <administrator@sprynet.com>
Sent: Wednesday, November 23, 2016 6:53 PM
To: Nori Frasier; Nicole Shrive; Frasierdinny@gmail.com; bfrasiermd@gmail.com
Subject: Re: Dinny Frasier and Care Giving

Nori,

In regards to the keys to your Mom's home and Bill entering the home: we know that Bill did enter the home after being politely informed that Dinny did not wish to see him. Bill was informed at the courtyard's front door, after which he pushed the door open, forced his way past our caregiver and stated he was just there "to get some Cox boxes". His visit was chaperoned by our caregiver as best as could be accomplished while still providing eyes-on and stand-by assist to Dinny.

We can confirm that there were two keys on the ring after Bill left the home. Following his visit, which I was notified of, I verbally confirmed with our caregiver that, while there, he did not have access to the keys to Dinny's home.

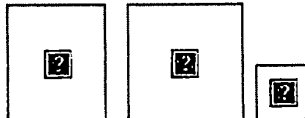
It seems that one of the keys did get taken off of the ring later that evening at some point during or following a trip to the E.R.. We know that two of our caregivers (shift change occurred in the E.R. that night), Dinny and you were the parties at the E.R. and back at the home afterwards. We had assumed it was you who had a copy of the key to the home, but based on your feedback I now understand that this is not the case.

I feel confident that Bill does not have a copy of the key, but I may be wrong. Do you think it appropriate to have Dinny's home re-keyed again? If so, I would be happy to contact the local locksmith who performed the services (Tony's Locksmith of San Clemente) and coordinate. This is something we can have accomplished in one day, pending the locksmith's availability.

Jonathan Irish
Vice President of Operations
Family Home Care, Inc.
P:805-458-0002
F:866-480-9809
E:administrator@sprynet.com

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From: Nori Frasier <nori_frasier@hotmail.com>
Date: Wednesday, November 23, 2016 at 4:45 PM
To: J <administrator@sprynet.com>, Nicole Shrive
<nshrive@premiertrust.com>, "Frasierdinny@gmail.com"
<frasierdinny@gmail.com>, "bfrasiermd@gmail.com"
<bfrasiermd@gmail.com>
Subject: Re: Dinny Frasier and Care Giving

Thank you for your quick response. I get upset when I see my mother cries or get angry as it affects me. And when a care giver does not understand the person as she is alone, in a big house and just needs a hug! What upsets me is things that are written down yet a different action gets taken, my mother is an extremely incredible person, and deserves the best!!

I could not say anything to you until I had the facts. I heard from my mother what happened but needed facts to back it up, this was why I wrote to you. I did not know I could call and talk directly with you, thank you for sharing that piece of information.

All of the examples I have shared were experienced by me and so I can talk about them. I take offense when what I say is written down by the care giver, shared with you (which is ok), then with Nicole and finally the lawyers and then in the morning I get an email from the lawyer on the exact subject. I will be there for my mother and will be staying with her a few nights a week as per her request. She wants me there every night and breaks my heart to go home but I need to get stuff done on my computer and have conference calls. I work for Panasonic Avionics as I am a Aerospace engineer for Delta. So I get to the point quickly.

I see your office is close to PAC and look forward to introducing myself to you after the holiday either in person or a call. But my mother and her wishes are what are important to me. She means the world to me and I will protect her always. She is why I am a successful engineer working for Hewlett Packard, Apple and now Panasonic! I manager huge projects, 622 airplanes flying today for Delta. I would like to see her wishes managed and someone next to her at all times.

Also, the lock situation needs to get addressed. We all fear that Bill took the key when he was allowed in by the care giver (after my mother said "NO") after which the key went missing. Safety is important!!

Kindly, Nori

This document has been recorded and filed.

From: J <administrator@sprynet.com>
Sent: Wednesday, November 23, 2016 4:13 PM
To: Nori Frasier; Nicole Shrive; Frasierdinny@gmail.com;
bfrasiermd@gmail.com

Subject: Re: Dinny Frasier and Care Giving

Nori,

I have received your email and while I appreciate that you have shared your experiences with me, I am surprised at its tone.

Let me begin by apologizing for anything that we as a team have done to offend or upset you. You may not know that I am always available via phone call; I invite you to reach out and communicate anytime you need to or feel that changes could or should be made. My goal, and the goal of my team, is to provide your Mom with excellent and professional care, something I think we do daily. As you and I have never spoken, nor have we met, I hope you understand that I am taken off guard by the comments and accusations made in your email introduction. Why not reach out to us right away and share your concerns?

I want to thank you for communicating with me, I am able to make changes to the care your Mom relies on and have been actively engaged in managing her care. I want you to know that Desarae will be returning to provide care to your Mom. She usually works 12-hour day shifts during the week and needed some time off to update her bi-annual TB clearance, hence the temporary restaffing. This TB update has already been taken care of and Desarae will be returning to provide care for your Mom on Monday.


I take seriously the topics and examples you've shared and will address each of them fully. For now, please know that we are committed to providing your Mom with the highest level of caregiving services, something we are passionate about. I want to reiterate my desire and willingness to collaborate and work with you. Please feel free to contact me at any time.

Jonathan Irish
Vice President of Operations
Family Home Care, Inc.
P:805-458-0002
F:866-480-9809
E:administrator@sprynet.com

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From: Nori Frasier <nori_frasier@hotmail.com>
Date: Wednesday, November 23, 2016 at 3:19 PM
To: J <administrator@sprynet.com>, Nicole Shrive <nshrive@premiertrust.com>, "Frasierdinny@gmail.com" <frasierdinny@gmail.com>, "bfrasiermd@gmail.com" <bfrasiermd@gmail.com>, Nori Frasier <nori_frasier@hotmail.com>
Subject: Dinny Frasier and Care Giving

Jonathan,

Hi, my name is Nori Frasier and I am the daughter of Dinny Frasier. Since I know your care giving agency is keeping track of me and everything I say and do, I felt it was time for me to provide a document to you of what I have experience firsthand

these past few days.
Tuesday 11/22/16

1. I called my mother at lunch time and started to talk with her, after about 30 seconds the phone was silent, when my mother could talk again, she was crying. I told her I would leave immediately to see her and I left work.
2. When I arrived Sarah answer the door and what I saw was so unprofessional, she had holes in her shoes and they were dirty. This is not a good impression.
3. I talked to my mother and she was fine, Sarah was sitting at the table writing notes and I took the dogs outside in the backyard. A few minutes later my mother walked outside with her walker by herself and was in so much pain. There was no Sarah to be found as she was still sitting at the table. This is a liability and this person you have watching my mother. What is her job when she is at the house? How would you feel if it was your mother?
4. Sarah came out and it was time for my mother to go to PT. My mother was in a lot of much pain, and did not want to walk. Sarah pushed her to walk down stairs and my mother was crying in pain. This is elder abuse, she was uncertain of where to hold on and was nervous. My mother had to lift her leg up and the pain on her face I will never forget.
5. Once my mother was in the car and the door was closed. Sarah proceed to lecture me on how my mother does not complain about pain but only when I am there. If your care giver knew my mother like Kim and Desiree know her, she would know my mother does not complain about pain unless she is comfortable with you. It seems like my mother is NOT comfortable with Sarah. My mother is paying for this service and she should get the best care possible.
6. I heard Sarah say, she wishes she was NOT there and really did not want to take care of my mother. This is plain rudeness. She was rude to my mother who is paying the agency for care.
7. Because my mother was in pain, she wanted a pain pill. Sarah told her she just had on but would give her

Tylenol. AGAIN, THE PAIN medications HAVE TYLENOL and SHOULD BE GIVEN WITH Ibuprofen. This is the second time I have been there where this has happened. This is a case for malpractice and giving my mother the wrong medications and NOT reading the book the agency provides.

8. As my mother tries to walk and decides she is done walking, Sarah pushes her until she in pain. Elder abuse
9. She left all of my mother clothes in the dryer and all of her clothes were wrinkled and had to be rewashed. Plus her sheets were in the dryer, blankets in the washer and did not tell anyone. So when it was time for my mother to go to bed, the bed was not made. Kim and I made the bed for her but no blanket.
10. My mom wanted to eat after PT, and they went to Mimi's. The care giver had my mother order a chicken sandwich with Brie cheese. My mother needs Latos milk products as she get a sore stomach. The care giver should know this!! Again, Elder abuse

Tuesday 11/22/16

1. Stopped at my mom place to give her a few movies and couch drops for her dry throat.

2. Care giver was on the phone when I arrives and continued to the kitchen to talk on the phone. Meanwhile, I went into the bedroom and my mother was walking to the bathroom alone!! This is NOT care giving, and if she fell you would be liability. She clearly is showing that she does not wish to be a care giver as the phone is more important

3. Next she wanted to give my mother a shower. There was cold air blowing and the Sarah tried to tell me my mother walks to the right where it is warmer so I should not worry. Guess what my mother walked to the right and cold air was blowing on her. Is Sarah trying to get my mother sick? Observation – bad care service and care for the elderly.

I think you have the picture as I can go on for what I witnessed between yesterday and today. My mother wants her primary care giver to return, Desiree and Kim as they know her best and take good care of her as well as really caring for her. She is paying the agency for good care and these are her wishes. You are welcome to call my mother as well. Someone who loves her needs to be watching out for her as this has liability and elder abuse written all over it.

Lastly, my mother had her home re keyed on 10/28 for \$240 as Amy and Bill refused to give her the keys back. She told the care givers to NOT let Bill or Amy in her home. My mother was given 2 keys. Bill came over that very same day, the care giver let him in the house (it was not documented but he was there) and 1 key went missing. My mother paid to be safe with 2 keys, what do you suggest get done to keep my mother safe and the care giver safe. If a request was made by my mother and it was not followed per her request, what would you call this?

As per Yelp you have 1 star.

This document has been recorded and filed.

Kindly, Nori

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Exhibit “A -2”

EXHIBIT “A-2”

Thursday, August 16, 2018 at 12:53:16 PM Pacific Daylight Time

Subject: RE: Dinny Frasier and Care Giving
Date: Saturday, November 26, 2016 at 3:55:34 PM Pacific Standard Time
From: David Robertson <gdavid@nvlawyers.com>
To: J <administrator@sprynet.com>, Nicole Shrive <nshrive@premiertrust.com>
CC: Rich Williamson <rich@nvlawyers.com>

Hi Jonathan:

Thank you. Excellent feedback and thorough reporting.

To what extent will this same information be in the CG notes that you will be producing? For example, will there be notations that Nori has been moving her things in, booking Dinny's appointments, making arrangements for legal representation, writing down what Dinny is to say to you and the doctors, etc.? In particular, it would be important for the notes to reflect that Nori is coaching Dinny to refuse to take a competency exam – including a quote about that as you noted below - which is nothing short of outrageous in my mind.

Thanks again for all of your kind assistance to help Dinny during this difficult time in her life.

Best regards,
David

G. DAVID ROBERTSON, ESQ.
ROBERTSON, JOHNSON, MILLER & WILLIAMSON
BANK OF AMERICA PLAZA
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From: J [mailto:administrator@sprynet.com]
Sent: Saturday, November 26, 2016 3:32 PM
To: Nicole Shrive
Cc: David Robertson; Rich Williamson
Subject: Re: Dinny Frasier and Care Giving

Hi there,

Things seem semi-stable at Dinny's home. Caregivers are updating that Nori is moving some of her own personal items into the previously empty guest bedroom; stating to caregivers that she'll be staying there at night as much as possible. You are probably aware that Nori spends most of the day with Dinny, books appointments for her (banking, legal representation, physical therapy, chaperones all recent doctor visits, etc.). Nori seems to be able to influence Dinny's choices and has been observed writing things down for Dinny to read aloud (writing down that Dinny should call my office and request that some of our caregivers be fired), by verbally coaching Dinny (observed by caregivers) in what to say when going to the doctor ("Mom, if they ask you to take a competency exam you say no").

Our business office is closed today in observance of the Thanksgiving holiday weekend. I will copy and make available our Care Notes on Monday. Also, will keep you updated should anything critical occur.

Dinny seems stable but forgetful. She is still complaining of hip pain from time to time. PT provided feedback that she is doing great with advancing through their rehabilitative program – so good news on that. Her appetite is good (she has a sweet tooth for sure), she is in good spirits in general.

I'll be in touch.

Jonathan Irish
Vice President of Operations
Family Home Care, Inc.
P: 805-458-0002
F: 866-480-9809
E: administrator@sprynet.com

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Exhibit “A -3”

EXHIBIT “A-3”

Thursday, August 16, 2018 at 12:51:26 PM Pacific Daylight Time

Subject: Re: Dinny Frasier

Date: Thursday, November 3, 2016 at 2:34:19 PM Pacific Daylight Time

From: J <administrator@sprynet.com>

To: David Robertson <gdavid@nvlawyers.com>

CC: Nicole Shrive (nshrive@premiertrust.com) <nshrive@premiertrust.com>, Rich Williamson <rich@nvlawyers.com>

Priority: High

Thanks David for that response and for explaining more of the situation with supporting documentation – very much appreciated. I will try my best to coordinate the timing of my visit with Dinny so that Nicole can be available. Otherwise, I'll contact you per your instructions.

I will remain in touch with updates and feel free to contact me (or anyone on our team) at any time.

Jonathan Irish
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From: David Robertson <gdavid@nvlawyers.com>

Date: Thursday, November 3, 2016 at 1:44 PM

Page 1 of 7

6 AA 1327

To: J <administrator@sprynet.com>

Cc: "Nicole Shrive (nshrive@premiertrust.com)" <nshrive@premiertrust.com>, Rich Williamson <rich@nvlawyers.com>

Subject: RE: Dinny Frasier

Hi Jonathan:

Thanks for your update. Yes, please call Nicole on her cell phone when you get there this evening. If you don't have her number then hopefully Nicole will respond to this email with her cell phone number. If you do not have Nicole's cell number by the time you arrive, however, then please call my cell phone (775) 721-5600 after you have explained the forms to Dinny.

Thanks also for the information on Dinny's latest activities. Yes, we are aware that certain of the children are trying to influence Dinny to fire both Brooks Travis (the tax lawyer) and Nicole so that they can direct Dinny's finances for their own personal benefit. Unfortunately, however, the three children each have their own agendas which are at odds with one another, and poor Dinny is being pulled different directions depending upon who spoke to her last and who has told her the most horrible things about the other siblings most recently.

What the children do not understand is that even if Dinny is still competent to make her own financial decisions, and even if she was not being unduly influenced by her children, she cannot simply "fire" Premier as co-trustee. Rather, Premier was appointed as Dinny's co-trustee through a process that has been confirmed by the Court with jurisdiction over the Frasier Trust.

This fact is established by the attached Recommendation for Order and Confirming Order of the Second Judicial District Court of the State of Nevada, and the time to appeal this decision has run so it is now a final Order of the Court. Thus, any change of Premier as the co-trustee can only be accomplished by an Order of the Court modifying and amending the attached prior Order, and that process requires a Court proceeding which would likely take many months to accomplish.

So, in summary, Nicole is the only co-trustee with Dinny, and thus Nicole is the only person who is authorized to oversee Dinny's finances in the event that she is declared incompetent.

I hope the above alleviates any concerns that you may have about whether Dinny is trying to "fire" Nicole. Dinny simply does not have that authority.

This is actually fortunate for Dinny because it is clear that the children are trying to undo what their father insisted upon in the trust documents -- i.e., that Dinny have a corporate co-trustee to protect her from people trying to unduly influence her. We can all now see why Joe Frasier insisted upon that provision, and why Premier must be vigilant to ensure that Dinny is not making decisions which are the product of one or more of the children improperly influencing her.

Once we have the HIPPA forms signed and can determine whether Dinny is still competent, then we can all make better decisions regarding her situation. If she is still competent, then we need only be wary of attempts by the children (or others) to unduly influence her. Conversely, if she is no longer competent, then we will so inform the children and tell them that their efforts to influence her finances are in vain so they should quit trying to do so. This will hopefully buy Dinny some peace from this dreadful situation of constantly being pulled one way and then the other.

Either way, we greatly appreciate your efforts -- and those of your staff -- to make sure that Dinny is safe, healthy and comfortable during this difficult time in her life. Nicole and Rich both speak very highly of your

staff and the great job they are doing, and how Dinny seems quite happy with the caregiver situation.

Please feel free to either email or call me with any questions or concerns you may have. Thank you again for your kind assistance.

Best regards,
David

G. DAVID ROBERTSON, ESQ.
ROBERTSON, JOHNSON, MILLER & WILLIAMSON
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From: J [<mailto:administrator@sprynet.com>]
Sent: Thursday, November 03, 2016 12:30 PM
To: David Robertson
Cc: Nicole Shrive (nshrive@premiertrust.com); Rich Williamson
Subject: Re: Dinny Frasier
Importance: High

I am unable to confirm that time. As I shared with Nicole, I will be in the area early this evening and can make another home visit. Additionally, I would be happy to contact Nicole at the time of my visit if you think that is best.

Exhibit “A -4”

EXHIBIT “A-4”

Thursday, August 16, 2018 at 12:48:33 PM Pacific Daylight Time

Subject: FW: Paperwork Rec'd Today
Date: Thursday, November 3, 2016 at 11:03:31 AM Pacific Daylight Time
From: David Robertson <gdavid@nvlawyers.com>
To: administrator@sprynet.com <administrator@sprynet.com>
CC: Nicole Shrive (nshrive@premiertrust.com) <nshrive@premiertrust.com>, Rich Williamson <rich@nvlawyers.com>

Jonathan:

Please see below:

Thank.

Best regards,
David

G. DAVID ROBERTSON, ESQ.
ROBERTSON, JOHNSON, MILLER & WILLIAMSON
BANK OF AMERICA PLAZA
50 W. LIBERTY ST.
SUITE 600
RENO, NV 89501
(775) 329-5600 (VOICE)
(775) 348-8300 (FAX)
Email: gdavid@nvlawyers.com
Please visit our website at www.nvlawyers.com

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From: Nicole Shrive [<mailto:nshrive@premiertrust.com>]
Sent: Wednesday, November 02, 2016 5:38 PM
To: Rich Williamson
Cc: David Robertson
Subject: Re: Paperwork Rec'd Today

Jonathan and Raquel who are the managers at the agency are going to find out for us.
They called me directly to report it. I'm going to send it to aps unless you feel otherwise.

Nicole Shrive, CTFA, MBA, NCG

Premier Trust, Inc.
1 East Liberty Street, Suite 600
Reno, Nevada 89501
Main 775.473.2200
Direct 775.473.2202
Fax 775.562.4718
www.premiertrust.com

On Nov 2, 2016, at 5:13 PM, Rich Williamson <rich@nvlawyers.com> wrote:

Wow! That is sketchy. Can the caregivers tell us where it came from? It seems clear that came from Nori, but can the caregiver confirm that for us?

Richard D. Williamson, Esq.
Robertson, Johnson, Miller & Williamson
50 West Liberty Street, Suite 600
Reno, Nevada 89501
Telephone: (775) 329-5600
Facsimile: (775) 348-8300
Email: Rich@NVLawyers.com
Please visit our Website at: www.nvlawyers.com

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From: Nicole Shrive [<mailto:nshrive@premiertrust.com>]
Sent: Wednesday, November 02, 2016 5:09 PM
To: David Robertson; Rich Williamson
Subject: Fwd: Paperwork Rec'd Today

Nicole Shrive, CTFA, MBA, NCG
Premier Trust, Inc.
1 East Liberty Street, Suite 600
Reno, Nevada 89501
Main 775.473.2200
Direct 775.473.2202
Fax 775.562.4718
www.premiertrust.com

Begin forwarded message:

From: J <administrator@sprynet.com>
Date: November 2, 2016 at 3:57:21 PM PDT
To: Nicole Shrive <nshrive@premiertrust.com>
Subject: Re: Paperwork Rec'd Today

Attached.

Jonathan Irish
Vice President of Operations
Family Home Care, Inc.
P:
805-458-0002
F:
866-480-9809
E:
administrator@sprynet.com

www.familyinhomecare.com

*Licensed, accredited, & supporters of/by leading home care and
civic associations in Arizona and California:*

November 1, 2016

Brooks Travis
28202 Cabot Rd. 3rd floor
Laguna Niguel, CA 92677
(949) 454-8706

Dear Mr. Travis,

I'm distressed about the current state of affairs with regard to my family and my family's trust. I am not happy about the possibility of needing to go to Reno, Nevada for a mediation conference to settle an issue that should have been settled a long time ago. I will not go to Reno.

You have not respected my wishes regarding having my son pay back the loan on the building. Brad and I have an agreement from December 2014 to have him pay me back the loan that my husband Jordan and I gave to him to purchase his medical building.

Your actions in preventing this repayment has cost me thousands of dollars in legal fees and has dragged out this issue for too long. It has also caused a strained relationship in my family.

If you can't remedy this situation immediately, I will hire a new trust attorney and will no longer need your services.

I am also not happy that my trust was transferred to Reno. I want it back in California now. I am looking for a California Trust management company, like the one my husband chose.

Sincerely,

Dinny Frasier

Exhibit “A -5”

EXHIBIT “A-5”

Janie Mulrain

From: Nicole Shrive <nshrive@premiertrust.com>
Sent: Tuesday, December 27, 2016 9:19 AM
To: Barnet Resnick
Cc: Janie Mulrain; gdavid; rich
Subject: Re: Frasier

Barry,

David is available as am I. We will both need a call in number.

Thank you,

Nicole Shrive, CTFA, MBA, NCG
Premier Trust, Inc.
1 East Liberty Street, Suite 600
Reno, Nevada 89501
Main 775.473.2200
Direct 775.473.2202
Fax 775.562.4718
www.premiertrust.com

> On Dec 26, 2016, at 5:34 PM, Barnet Resnick <bresnick@VRSLaw.net> wrote:
>
> Ladies: I think we should meet/speak at 3:45 to agree on my approach to this nori issue.
> If time is ok, then Nicole confirm with your counsel as to their availability and I will send another invite.
> Thanks,
>
> BARRY RESNICK, ATTORNEY
> VOGT/RESNICK/SHERAK, LLP
> 949-851-9001

Exhibit “A -5-1”

EXHIBIT “A-5-1”



Can be setup on her ipad

Get it?

Yes get it.

Exhibit “A -6”

EXHIBIT “A-6”

1
2
3 **IN THE SECOND JUDICIAL DISTRICT COURT**
4 **OF THE STATE OF NEVADA**
5 **IN AND FOR THE COUNTY OF WASHOE**

6 In the Matter of the

Case No: PR16-00128

7 **JORDAN DANA FRASIER FAMILY TRUST**

Dept. No.: 15 [PR]

8 **DECLARATION OF SARAH MAGANA**

9 I, SARAH MAGANA, hereby declare as follows:

10 1. I am a resident of California.

11 2. I have personal knowledge of the facts set forth below, and if called as a witness, could
12 and would testify competently to the following facts.

13 3. I am employed by Family Home Care, Inc. and am assigned to Dinny G. Frasier
14 ("Dinny"), a party in the above-captioned matter, as a Home Care Aide. I have been working
15 with Dinny for approximately 2 years.

16 4. My scheduled hours with Dinny were once regular but now vary due to my school
17 schedule. I now generally cover shifts from 7AM to 7PM or 7PM to 7AM on weekends and on
18 an as-needed basis.

19 5. I love working with Dinny because she is a wonderful lady. I take my job of caring for
20 Dinny very seriously, but her children oftentimes make the job very difficult.

21 6. On September 16, 2018, I was on Dinny's shift from 7AM-7PM. I knew that Dinny's
22 daughter and her husband, Amy Frasier Wilson and Bill Wilson, were scheduled to visit from
23 1PM-5PM, and that visit supervisor Allyn Anderson would be there to supervise the visit. Allyn
24 arrived a little before 1PM. Amy and Bill showed up late, at approximately 2PM.

25 7. I had never met Amy or Bill in person before, but I had heard plenty of stories from other
26 caregivers about Amy's terrorizing behavior toward the caregivers. I was very worried about
27 how the visit would go, and my agency instructed me to call 911 if I felt that Dinny's and my
28 safety were threatened.

DECLARATION OF SARAH MAGANA

1 8. Amy was menacing and threatening as soon as she walked into the house. This was the
2 first time I had met Amy or Bill, but Amy immediately started making accusations that I had
3 dropped Dinny on her head in the past, which I denied because it was not true. Amy was in my
4 face screaming and pointing her fingers in my face and actually made contact with my face. I
5 told Amy that I would call 911 if she didn't stop, and because she continued her erratic behavior,
6 I had no choice but to dial 911. While I was on the phone with the police, Bill dragged Amy out
7 of the house saying that she would be arrested if they did not leave immediately. After Amy and
8 Bill left, the police arrived, and I gave them my statement of the incident that had just occurred.

9 9. I was scared for the safety of myself and Dinny during this incident and am scared of
10 what might happen in future visits. Dinny was scared and worried during the entire incident, and
11 I was worried about the stress that it caused her.

12 10. I have met Dinny's other daughter, Nori Frasier, several times in the past. Although Nori
13 has never physically assaulted me, she presents other difficulties as I try to do my job of taking
14 care of Dinny. Nori often tells Dinny to fire her care staff agency because "they are not doing
15 their job properly" and that the agency is keeping Dinny from seeing her children. When Nori
16 visits, I have to watch everything she does, as she cannot be trusted. For example, I caught her
17 taking pictures of caregiver notes in the journal, which documents caregiver notes of everything
18 that goes on during their shifts with Dinny and which is confidential. Nori has even written
19 notes in the journal about what time a caregiver arrived for her shift, even though the journal is
20 strictly for caregivers to write in. I have also caught Nori surreptitiously taking pictures of
21 Dinny's calendar on her iPad, which contains her entire schedule, such as appointments with her
22 attorney, doctors, and other confidential information.

23 I declare under penalty of perjury under the laws of the State of Nevada that the
24 foregoing is true and correct.

25 Executed in San Juan Capistrano, California, this 16th day of September, 2018.

26
27
28

By: 

SARAH MAGANA

2

DECLARATION OF SARAH MAGANA

Exhibit “A -7”

EXHIBIT “A-7”

CASE NO. PR16-00128

TRUST: JORDAN DANA FRASIER FAMILY TRUST

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

5/9/17

EVIDENTIARY HEARING

HONORABLE
DAVID A. HARDY
Dept. No. 15
A. Dick
(Clerk)
R. Walker
(Reporter)

David Robertson, Esq. represented Petitioner Premier Trust, Inc. and representative Nichole Shride was present. Courtney O'Mara, Esq and pro hac vice counsel Barnet Resnick, Esq. represented Petitioner Dinny Frasier who was not present. Michael Sullivan, Esq. and Kristen Caverly, Esq. represented Interested Party Bradley Frasier who was present. Interested Parties Nori Frasier and Amy Frasier Wilson were present acting in proper person.

May 16, 2017
10:00 a.m.
Teleconference w/
Counsel Robertson
and Counsel Resnick

9:59 a.m. – Court convened with counsel and respective parties present.

Court stated the intention of today's hearing is to contemplate the material facts contained in the settlement agreement.

Ms. Amy Wilson addressed the Court indicated she wishes to present a prehearing statement for consideration.

Court admonished Ms. Wilson as said statement must be e-filed prior to today's hearing. Court stated the appraiser issue appears to be immaterial and inquired the parties if they wished to present evidence on this narrow topic.

Counsel Resnick addressed the Court declined to present evidence regarding the appraiser issue.

Court inquired counsel if the settlement agreement modifies the final distribution or does Ms. Dinny Frasier reserve the right to amend.

All counsel stipulated that the settlement agreement reserves the right for Ms. Dinny Frasier to make amendment(s).

Court further inquired as to value of Trust A.

Counsel Resnick advised the accounting for Trust A is unavailable therefore the value is unknown.

Counsel Robertson advised Trust A may be worth roughly \$8.5 million in real estate properties.

Ms. Nori Frasier addressed the Court requested clarification of today's proceedings.

At the direction of the Court, Court Clerk sworn Ms. Amy Wilson, Ms. Nori Frasier, and Mr. Bradley Frasier.

Upon clarification of today's proceedings, Ms. Nori Frasier affirmed the settlement agreement contemplates Ms. Dinny Frasier's ability to make amendments.

Ms. Wilson addressed the Court indicated the agreement does not contemplate how Ms. Dinny Frasier will distribute Trust A. Ms. Nori Frasier, counsel Robertson, and counsel Resnick concurred with Ms. Wilson's statement regarding distribution of Trust A.

Discussion ensued regarding the role of the Gerontologist.

Ms. Wilson read aloud her pretrial statement to the Court.

Court inquired Ms. Amy Wilson.

Ms. Wilson answered the Court's questioning requested a marker for her father's grave; reconciliation with her mother; and the truth regarding her mother's medical and psychological condition.

Court inquired Ms. Wilson if she is seeking a larger distribution of Trust A and if she agrees with the conditions as outlined.

Ms. Wilson stated she is not seeking a larger distribution of Trust A and confirmed she stipulates to the distributions as defined in the current settlement agreement.

Court inquired counsel as to the purpose of sub-trust and if there are any impediments releasing a real property to Ms. Wilson.

Counsel Resnick advised his client has no intention for any impediment(s).

Ms. Wilson concluded reading her prehearing statement aloud and was directed to return to her seat.

Counsel Sullivan addressed the Court requested enforcement of the settlement agreement.

Counsel Resnick presented a brief oral statement in contrary of Ms. Wilson's representations.

Court inquired counsel if they wished to proffer any evidence.

Counsel Robertson declined to proffer any evidence.

Counsel Resnick advised he is prepared to present 6 declarations, if necessary.

Court expressed disinclination to accept declarations without the individual available for cross examination.

Upon review of the last sentence in Dr. Spar's evaluation, Court inquired counsel if it should activate the trust provision for the removal of Ms. Dinny Frasier as co-trustee.

Counsel Resnick advised Ms. Dinny Frasier needs a corporate co-trustee, he is only present when they talk, and does not filter or provide input during said discussions.

Court stated the current co-trustee situation is unacceptable.

Counsel Resnick further advised Ms. Dinny Frasier prefers not to speak to Premier Trust, Inc. as she has no confidence in its

ability. Further, upon determination of capacity by Dr. Spar she may nominate a different corporate co-trustee.

Counsel Robertson advised there are many topics that can be discussed in the presence of counsel Resnick; however, if a conflict between the objective of the trust and personal desires arise such conflict(s) need to be discussed privately. Counsel requested Ms. Dinny Frasier be order to privately speak with Premier Trust, Inc.

Court expressed disinclination to force Ms. Dinny Frasier to do something she does not wish to do.

Counsel Resnick advised if Ms. Dinny Frasier resigned as co-trustee then Premier Trust, Inc. could act alone and perhaps this family could begin healing. Counsel indicated Ms. Dinny Frasier dislikes discussing the trust with her children.

Ms. Nori Frasier objected to counsel Resnick's representation.

COURT ORDERED: No change of Premier's Trust, Inc. role in this matter without confirmation from this Court.

Court invited counsel to revisit the co-trustee issue at an appropriate time, if needed. Counsel may bring this matter to the attention of the Court in any format they wish.

COURT FURTHER ORDERED: Counsel Robertson shall attempt to secure a marker for the father's grave.

Court indicated it has no power over familial reconciliation and the truth regarding Ms. Dinny Frasier's medical and psychological condition.

Court finds no concern under Rule 16 regarding material terms of the settlement agreement; therefore,

COURT ORDERED: Motion to approve and enforce settlement agreement GRANTED; the trustee shall distribute the properties, free of trust, to each child as identified in the agreement along with any equalize funds, if required.

COURT FURTHER ORDERED: Counsel Calvery and Resnick shall agree upon an appraiser.

Court invited counsel Calvery and Resnick to lobby said appraiser with competing opinions.

COURT FURTHER ORDERED: Any tax implications as a result from switching properties from Trust B to Trust A will be borne by Trust B.

Court expressed disinterest in reducing any tax liability and directed counsel to avoid presenting the question.

COURT FURTHER ORDERED: Ms. Dinny Frasier shall not be restricted from making alternate distribution amendments to Trust A, as long as she is capacitated. Additionally, the Gerontologist does not need to be Court-appointed.

Court warned counsel to approach the capacity issue with care.

Counsel Resnick advised the settle-up is to occur upon Ms. Dinny Frasier's death.

Counsel Robertson concurred with opposing counsel, in that, equalization will occur upon Ms. Dinny Frasier's death. Court finds the timing of equalization distribution is an immaterial term as Ms. Dinny Frasier is alive and capacitated. Court identified inherent unfairness of the settlement agreement and suggested Ms. Dinny Frasier consider an interim, partial distribution.

COURT FURTHER ORDERED: Matter set for in-chambers teleconference on May 16, 2017, at 10:00 a.m., at which, counsel Robertson and Resnick shall appear to discuss the fairness of the settlement agreement and Ms. Dinny Frasier's consideration of interim distribution, if any.

Counsel Robertson advised we don't know which way the money may flow until the appraisals are completed.

COURT FURTHER ORDERED: In accordance with District Court Rule 9, Mr. Robertson shall submit to Department 15 staff a Proposed After Hearing Order within the next 20 days copied on all parties; said proposed Order shall incorporate the terms of the settlement agreement and today's oral pronouncements; said Order may be presented as a single Order or two separate Orders whichever is convenient for counsel. Any written objections shall be submitted 10 days after the Proposed After Hearing Order is submitted.

Ms. Nori Frasier requested the ability to visit her mother within the presence of a corporate attorney.

Counsel Resnick advised with Ms. Dinny Frasier's approval the appointed personal fiduciary will reach out to the children.

Ms. Amy Wilson requested a guardian ad litem be appointed – DENIED.

Ms. Nori Frasier requested Premier Trust, Inc. avoid calling Ms. Dinny Frasier early in the morning.

Mr. Frasier addressed the Court indicated a gravestone has been purchased for his father it just needs to be picked out.

Ms. Amy Wilson indicated the cemetery requires Ms. Dinny Frasier to provide an inscription for said gravestone.

Counsel Resnick requested the children reach an agreement of a proposed gravestone inscription and he will present it to Ms. Dinny Frasier for consideration.

COURT ORDERED: In the event a gravestone inscription cannot be agreed upon, return this issue to this Court for a decision.

11:29 p.m. – Court stood in recess.

After session correspondence –

From: Dick, Amanda

Sent: Tuesday, May 09, 2017 2:39 PM

To: 'bresnick@vrslaw.net' <bresnick@vrslaw.net>; 'gdavid@nvlawyers.com' <gdavid@nvlawyers.com>

Cc: Parke, Shannon <Shannon.Parke@washoecourts.us>

Subject: Call-In Info Teleconference - PR16-00128 / TRUST: FRASIER FAMILY

Hello counsel,

Our teleconference is scheduled for May 16, 2017, at 10:00 a.m. the call-information, as follows:

Phone Number: (877) 402-9753

Access Code: 5770017

The Court will host the call.

Please confirm receipt of this correspondence. If you have any questions, I am happy to help.

Thank you,

Amanda Dick

Department 15 Court Clerk

Hon. Judge David A. Hardy

Phone: (775) 325-6651

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Exhibit “A -8”

EXHIBIT “A-8”

1 Code No. 4185

2

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IN THE SECOND JUDICIAL DISTRICT COURT

6

OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

THE HONORABLE DAVID A. HARDY

9

-oOo-

10

IN RE: JORDAN DANA FRASIER) Case No. PR16-00128

11

FAMILY TRUST,) Dept. No. 15

12

13

14

15

JUDGE'S RULING - PARTIAL TRANSCRIPT

16

Evidentiary Hearing

17

Tuesday, May 9, 2017

18

RENO, NEVADA

19

20

21

22

23

24

Reported By:

RANDI LEE WALKER, CCR #137

1 MAY 9, 2017, 10:00 A.M.
2 (PARTIAL TRANSCRIPT OF PROCEEDINGS)
3
4 THE COURT: So I think I understand, generally,
5 you have supportive documents that would help the Court
6 understand your client's condition and capacity.
7 MR. RESNICK: And the situation with the family.
8 THE COURT: Okay.
9 MR. RESNICK: Thank you.
10 THE COURT: Mr. Sullivan:
11 MR. SULLIVAN: No, Your Honor, we do not.
12 THE COURT: Ms. Wilson and Ms. Frasier, did you
13 intend to call any other witnesses this morning, besides
14 what I have already heard?
15 MS. WILSON: No.
16 MS. NORI FRASIER: No.
17 THE COURT: Between attorneys Robertson and
18 Resnick, I'm not sure that Ms. Dinny Frasier should
19 continue serving as co-trustee, based upon my entire file
20 review, ending with Dr. Spar, but then also the moving
21 papers relating to her unwillingness -- and I have read
22 her handwritten notes -- her unwillingness to speak with
23 her trust attorney. And I'm not sure whether I should
24 contemplate her removal. And I want the two of you to

1 talk about it, because I've even seen an e-mail between
2 the two of you, and there's quite a problem here. And the
3 problem's going to be fixed today, one way or another.

4 MR. RESNICK: Your Honor, I'm not sure that issue
5 is before the Court. This hearing is related to the
6 agreement that was reached at the mediation.

7 On the other hand, I've got a gerontologist --
8 that's a Professor of Neuropsychiatry -- gerontology,
9 UCLA, who drafted California Probate Code 6100.5,
10 Competency to Make Will, co-drafted Probate Code Section
11 810, Due Process and Competency.

12 THE COURT: And this very last sentence in Dr.
13 Spar's report is that she does retain capacity to serve as
14 co-trustee, as long as she has a competent co-trustee with
15 whom she can consult in the management of trust assets.

16 MR. RESNICK: I agree with the statement, and I'm
17 willing to accept that, as long as there's a corporate
18 co-trustee to act with her.

19 THE COURT: But you're insisting that the
20 corporate trustees' counsel not speak with your client's
21 co-trustee?

22 MR. RESNICK: That's not true.

23 THE COURT: Well, I read it in an e-mail, so it
24 appears true to me.

1 MR. RESNICK: My statements to Mr. Robertson were
2 that my client advised me she wanted me present when the
3 corporate co-trustee speaks with her. I am not filtering
4 anything, she just wants me present. And that's what the
5 note says.

6 THE COURT: So what should I do? I understand
7 it's not before me. I can make it before me, very
8 quickly. But this situation is unworkable, for me,
9 because Premier did a great job of telling me -- asking
10 me: "Don't just enforce the agreement, Judge, be
11 prophylactic; preempt the future problems." And they told
12 me it's a real problem, that they can't just pick up the
13 phone and talk to their client.

14 MR. RESNICK: Your Honor, she doesn't want to
15 talk to them.

16 THE COURT: Okay.

17 MR. RESNICK: She has no confidence in Premier.
18 I have had declarations. I can bring these witnesses, and
19 you can hear their testimony.

20 THE COURT: That creates a whole new level of
21 problems, beyond this agreement that you're asking me to
22 enforce.

23 MR. RESNICK: She has the right to not name
24 another corporate co-trustee, pursuant to the document.

1 She has capacity, pursuant to the declaration and
2 assessment by Dr. Spar.

3 THE COURT: Dr. Spar is not here for me to
4 observe, listen, and make him available for
5 cross-examination.

6 It's one thing to talk about a testamentary
7 capacity for the balance of the Trust A. If it's also her
8 intention to terminate Premier Trust, we're going to do
9 that in this court, however way it shakes out. We're not
10 going to do that in your office.

11 MR. RESNICK: That's acceptable, Your Honor.

12 THE COURT: Did you want to be heard on the
13 issue?

14 MR. ROBERTSON: I would just say, Your Honor,
15 thank you for raising the issue. I think there are many
16 things that I can speak with Dinny Frasier, with
17 Mr. Resnick present. It is only things that where there's
18 a conflict. And leading up to this hearing, there are
19 some things I needed to talk to her about that I couldn't
20 speak to her about, because she has obligations as a
21 trustee, not just to herself, but to her children. And
22 sometimes those obligations, as a trustee, conflict with
23 her personal desires. And I believe that she may not
24 really understand that. And I wanted a chance to speak to

1 her about that, and make sure she understood the
2 differences. I don't think I can do that with personal
3 counsel present. So if the Court could order that I have
4 an opportunity to speak with her personally, that may help
5 to clear this issue up. It may not. I don't know.

6 THE COURT: I want to be a peace giver to Ms.
7 Frasier. She has either created or been the victim of a
8 lot of toxic family dysfunction, all by good people
9 pursuing their own vision of family. I don't want to be
10 too critical. But the last thing I want to do is force
11 her to do something which she's told me she doesn't want
12 to do, if I just accept her letter at face value.

13 Now, that's different as I read Dr. Spar's
14 letter. Does she have the ability to understand her
15 property, and know who she wants it to go to? Probably,
16 from Dr. Spar. That's an entirely different question than
17 the contractual capacity, and who shares in these
18 responsibilities.

19 And I'm always concerned about end-of-life
20 decisions that disrupt capacitated decisions when life was
21 well. That's why we're not going to lose Premier, until
22 it goes through the court proclamations and any changes.

23 MR. ROBERTSON: Your Honor, I just would raise
24 one last point, which is that if Dinny Frasier were to

1 resign as trustee, and I don't know if someone replaces
2 her or not under the trust, that would not be required,
3 Premier could act alone, or another corporate fiduciary
4 could act alone. But if she were to resign as a trustee,
5 in my mind, that would go a long way toward allowing some
6 healing within the family, because I think the primary
7 reason she doesn't want to have communication with the
8 children has been that when they communicate with her,
9 they're talking to her about making changes to the trust,
10 and she doesn't want to deal with that anymore. If she no
11 longer had the ability to make those changes, then maybe
12 this could be some healing.

13 MS. NORI FRASIER: Can I object?

14 THE COURT: Object to what?

15 MS. NORI FRASIER: To what he said.

16 THE COURT: No, you can't. I'm sorry, but no.

17 MS. NORI FRASIER: I'm sorry. That's not
18 correct.

19 THE COURT: Mr. Robertson, your very last words
20 resonated with me. Having litigated extensively probate
21 and guardian matters, I suspect that I understand a source
22 of the consternation, and what each of these three
23 children -- and what typical children and parents want is
24 peace, and a chance for them to heal.

1 So I'm not going to do anything about the
2 trusteeship, except invite you to come back to Court, if
3 you believe it's necessary. And I'm going to order that
4 there be no change of Premier's role as trustee, without
5 Court confirmation, from this Court.

6 All right. To the three children, I want to
7 acknowledge that I know very little about the Frasier
8 family, and that none of us are susceptible to just one
9 characterization. I'm sometimes kind, and sometimes
10 unkind. I'm sometimes patient, and sometimes impatient.
11 And no one word fully describes anybody.

12 And I'm sorry about the circumstances that create
13 this fraction. I suspect your food doesn't taste as you
14 want it to, and your sleep isn't as restful as you want it
15 to be.

16 And I don't have the power to fix any of that. I
17 can just acknowledge and express that I wish it was
18 otherwise.

19 You will find peace outside of the courtroom, or
20 you will not find peace outside of the courtroom. And I
21 have no power to order that peace.

22 I am thinking about the marker. By any stretch
23 of the trust agreement, can Premier assist with that in
24 any way?

1 MR. ROBERTSON: Absolutely, yes, Your Honor.

2 THE COURT: What is the structure to assist with
3 that? First, Ms. Frasier, as the spouse; and then,
4 hopefully, with notice to children. But will you please
5 make some attempts? I'm mindful of the costs of your
6 services, but I think this fractured family has need to
7 memorialize the dad. And that's sad. And I believe to
8 Ms. Wilson, that would be some level of comfort.

9 As to reconciliation, I can do nothing about,
10 though I strongly agree with what you said, that if there
11 was never a conversation at any time about money, we would
12 fill that void with conversation about other things. I
13 just don't know if Ms. Dinny Frasier is willing or -- and
14 she gets to make her decisions.

15 As to medical information in the true-up, there's
16 nothing I can do this morning. If Ms. Wilson wanted to
17 challenge Dr. Spar, she would have to summons into Court
18 and bring her own competing physician expert. I would
19 require an expert report in advance. And it seems to
20 be -- appear a victory, because Ms. Wilson acknowledges
21 that she's not seeking any change of the distribution.

22 And so I'm going to acknowledge the sincerity of
23 your request. But I decline to intervene as a Judge. I
24 can't do anything about that. I'm sorry.

1 Under District Court Rule 16, we contemplate that
2 agreements will be reached in material form, without
3 immaterial details. The rule requires that the agreement
4 be memorialized in writing, or placed upon the records of
5 the Court.

6 The format that was followed with Justice King is
7 identical to the format that occurs in the State of Nevada
8 and probably elsewhere -- everywhere elsewhere, to include
9 the Nevada Supreme Court.

10 In fact, we have mandatory settlement for wills in
11 the Supreme Court, and the types of agreements that come
12 out of those settlement conferences sometimes aren't as
13 detailed at this Court.

14 I could find nothing in this agreement that
15 caused me concern about its material terms. I note that
16 everyone had notice of the settlement conference; there
17 was no restriction upon the participation of counsel;
18 Ms. Nori had an opportunity to think before she authorized
19 Justice King to use her signature; there's been
20 substantial time since then to create doubt about material
21 terms that have been presented to me. And I'm going to
22 enforce the agreement, as drafted.

23 The requirement for a Court appointment for the
24 appraiser is not imposed. Ms. Caverly and Mr. Resnick may

1 | agree upon the -- is it one or two appraisers?

2 | MR. RESNICK: I believe one, Your Honor.

3 | THE COURT: One appraiser.

4 | The identification of gerontologist did not
5 | require Court appointment before; but, instead, requires
6 | Court approval of the agreement.

7 | So I am not dismissing this agreement because Dr.
8 | Spar was not court appointed.

9 | As to quantifying the tenant in common interest
10 | through a blended model of discounting the partition, I
11 | think the attorneys can figure that out and put it into
12 | the final agreement. As long as the appraisers understand
13 | what their charge is, I'm okay with that.

14 | MR. RESNICK: Your Honor, could we have
15 | clarification from the Court as it relates to the
16 | discount? Can we approach the appraiser that's selected
17 | and ask what the market discount rate is? I'm certainly
18 | not the expert in that.

19 | MS. CAVERLY: It was anticipated that the
20 | appraiser would bring his or her professional knowledge.
21 | And Mr. Resnick and I couldn't agree about the right
22 | valuation, which is why we agreed to the average, and why
23 | we agreed that we would both participate in conversations
24 | with the appraiser, so that no one could influence

1 | improperly. Both valuation methodologies are legitimate.
2 | I think one will favor Dr. Frasier's interest, and one
3 | will probably favor the trust's interest. Again, that's
4 | why the average.

5 | I'm not sure what Mr. Resnick is asking to
6 | clarify. I think the appraiser will understand what a
7 | discounted 50 percent interest is, versus a partition
8 | value. The partition is a Court-sponsored statutory
9 | scheme. The discounted valuation is commonly used for
10 | estate tax purposes. But I do think the agreement is
11 | sufficient enough with both of us, as well as whoever we
12 | would want to consult with independently, to then try to
13 | persuade the appraiser. I think with the -- not an
14 | adversarial nature, but with the differing interests that
15 | we're representing, I think that we can come to a value
16 | that's as fair as any other methodology.

17 | THE COURT: Okay.

18 | MR. RESNICK: Your Honor, I'm trying to avoid me
19 | shopping around for the right discount, and Ms. Caverly
20 | shopping around for the right discount, and then lobbying
21 | the appraiser. Let's have the appraiser just make that
22 | decision. And we communicate well.

23 | THE COURT: Yes. I'm going to invite both of you
24 | to lobby, because I think that advocacy, though expensive,

1 usually creates a good result, because they're competing
2 opinions.

3 What your request does is devalue the attorneys,
4 and increases the value of the appraisal. Just watching
5 the two of you and listening to the two of you, I actually
6 don't want to devalue either one of you. You're going to
7 be fine representing your respective client's interests.
8 I think the appraiser ought to hear from both of you.

9 MR. RESNICK: I sure hope we can talk afterwards.
10 That's fine, Your Honor.

11 THE COURT: Any tax implications, from switching
12 properties from B to A and A to B, will be borne by the B
13 Trust. I think that's contemplated.

14 And I am disinterested in any requests to help
15 you avoid your tax obligations. Do you understand what
16 I'm saying? I'm trying to be diplomatic. I'm not going
17 to be a tacit conspirator in reducing the value of the tax
18 liability. It just is what it is. If all of you can
19 figure it out off the record with the tax professionals,
20 have at it. But please don't present that question to me.

21 Ms. Dinny Frasier will distribute -- I'm sorry,
22 the trustees will distribute these three identifying real
23 properties to each of the identified children, free of
24 trust, along with whatever equalizing money is required.

1 I would like the order to specifically note that
2 Ms. Dinny Frasier is not restricted from making alternate
3 distribution amendments to Trust A, as long as she's
4 capacitated. And I would just be careful about that
5 capacity, as I think about the money I made in practice,
6 and how I do things as a Judge. You might want to
7 consider contemporaneous, on-the-spot capacity as -- just
8 to confirm what Dr. Spar said, because I think with her
9 age and condition we can trace back in time, I think
10 there's always going to be some type of question. And we
11 want to make sure that question is as narrow as possible.

12 Premier Trust shall not be terminated as
13 co-trustee of the trust without order from this Court.
14 And the parties may present that to the Court at any time,
15 in any format they wish.

16 If you will all present to me an order consistent
17 with the settlement agreements, with all the details
18 included, in my additional oral pronouncements, I will
19 sign it as an enforceable order.

20 MR. RESNICK: Your Honor, I have a question.
21 Bear with me. My recollection from those 9 hours -- Mr.
22 Robertson, correct me, if you will -- the settle-up is to
23 occur, I believe, upon Dinny's death. But I need to look
24 at the agreement. So bear with me one moment.

1 THE COURT: I'm looking at it, too. Thank you
2 for that.

3 "Dinny agrees to amend Trust A -- I'm looking at
4 Paragraph 8 -- to equalize distributions to each of her
5 children based upon the appraised values, and the
6 bequeathed initial \$10,000 to Nori and --

7 MR. ROBERTSON: Your Honor, I have believe Mr.
8 Resnick is correct, Your Honor, that that would be upon
9 her death, that equalization would occur.

10 MR. RESNICK: And the rest was, she may need
11 those proceeds to -- she could live to 105.

12 THE COURT: So each of you are going to get the
13 parcel of real property that's identified for you. But
14 then there's going to be a difference in the values of
15 those properties. It appears that -- I'm using
16 everybody's first names, just to make it easier -- that
17 Brad's property is going to be worth a lot more than Amy
18 and Nori's properties. And so there will being additional
19 cash money going to Amy and Nori. But the question is:
20 When does that cash money come out of the trust? Either
21 now, or at the time of Ms. Dinny's death?

22 So, again, understanding decisonal authority and
23 the boundaries of what is material and immaterial, that's
24 getting closer to a material provision, but I would still

1 | conclude it's immaterial, the timing of distribution,
2 | because Ms. Dinny is still alive, capacitated, and we're
3 | talking about her money talking. And we're not talking
4 | about infinite claims that these beneficiaries have. So I
5 | would simply force upon the settlement agreement that the
6 | distribution -- the equalizing distribution correct that.

7 | There's unfairness to that, because Mr. Bradley
8 | Frasier receives value immediately, if Ms. Dinny Frasier
9 | receives value -- I'm sorry -- if Dinny Frasier lives to
10 | 105, then there's 17 years that Brad has enjoyed the full
11 | value of his distribution and his sisters have not. And
12 | there's profound, inherent, structural error that you may
13 | want to visit with your client about. There could be an
14 | interim, partial distribution, made through you to her. I
15 | hope she considers that.

16 | MR. RESNICK: Definitely, Your Honor.

17 | THE COURT: And it's just unfair.

18 | MR. ROBERTSON: Your Honor, Premier would be open
19 | to changing that position if Dinny Frasier is open to it.

20 | THE COURT: I would like you to set, Ms. Clerk, a
21 | telephone conference with Mr. Robertson and Mr. Resnick
22 | for this time next week, where Mr. Resnick can put to me
23 | if his client is willing to make any of those -- consider
24 | any of those options, to kind of balance of fairness.

1 Because the theme of a settlement agreement is fairness.
2 If Ms. Frasier becomes deceased next year, fairness is not
3 really that much. So when I leave, if you will set up
4 that telephone conference, please.

5 Do you understand what I'm doing, Ms. Nori and
6 Ms. Amy?

7 Ms. Nori, you're going to get a house, and at
8 some point in the future you're going to get some money.
9 The question is: When do you get that money? When your
10 mother dies? Or when your mother says you get some or all
11 of it?

12 MS. NORI FRASIER: Yes.

13 THE COURT: With her trust corpus, the fact that
14 she might live to 105, doesn't threaten -- deplete the
15 resources, so it's not an argument that's very persuasive.
16 In fact, B contemplates her health, education and support.
17 And so even if she lives in a 24-hour nursing care, she's
18 still going to have plenty.

19 MR. RESNICK: That will be a point I'll discuss
20 with her, but I have to overcome the fracture in the
21 family.

22 THE COURT: I understand.

23 MR. ROBERTSON: Your Honor, I just wanted to
24 clarify. You made the comment to Nori Frasier, a minute

1 ago, that she would receive some money in addition to the
2 house. I just want to be clear. I don't know how this
3 discounting is going to work, and it's possible that the
4 trust half of the medical building might be discounted so
5 much that it's actually below the \$650,000, that is Amy's
6 home; or the \$325,000, that is Nori's home.

7 So I just want to make sure that we're clear on
8 the record that we don't know which way the money is going
9 to flow at this point.

10 THE COURT: I have written \$1,000,000, so --

11 MR. ROBERTSON: Right.

12 THE COURT: So we'll have to get those
13 appraisals.

14 MR. RESNICK: Your Honor, it depends on the
15 lobbying by Ms. Caverly.

16 THE COURT: I would like an order consistent with
17 my oral pronouncements within the next 20 days. So it
18 will be submitted, and under District Court Rule 9, copied
19 on all other people, and then I will wait 10 days to see
20 if I get any written objections.

21 Any questions, Ms. Nori?

22 MS. NORI FRASIER: No. Like you've heard, we all
23 want to see our mom.

24 THE COURT: I'm really sorry. I am. I don't

1 know if and how and when that might be.

2 MS. NORI FRASIER: Is there any -- like can we
3 visit her with corporate attorney, so we don't talk about
4 the wrong things? I don't know if that's doable.

5 MR. RESNICK: Your Honor, may I?

6 THE COURT: Yes.

7 MR. RESNICK: The appointed personal fiduciary,
8 which is the Power of Attorney under the financial as well
9 as the health-care directive, will reach out to the
10 children. It may start with -- at least I will suggest to
11 Dinny -- limited rules, to see how that works. But I've
12 got a doctor's report, from Dr. Hagga, that says "Any time
13 the family dynamics are discussed, she gets agitated and
14 anxious." So we have to overcome that. And I'll work on
15 it.

16 THE COURT: I'm grateful for your words. Thank
17 you so much.

18 I just don't know how the past has caused
19 forfeiture of the future. That's my problem. I would
20 love to see baby steps moving into full strides. I would
21 love to see that. And I'm comforted by what counsel has
22 said. But it's your mother who needs peace, and for years
23 that's not been --

24 MS. NORI FRASIER: Well, her grandchildren are

1 | doing amazing things.

2 | THE COURT: Ms. Amy, is there anything from you?

3 | MS. WILSON: I don't know if this is appropriate,
4 | but is there a way to have like a guardian ad litem
5 | appointed to take care of her and help her?

6 | THE COURT: No, not at the moment. No,
7 | because -- not at the moment, I can't. If there becomes
8 | greater levels of incapacity, which may be inevitable if
9 | she lives and this disease progresses, there could be a
10 | telephonic procedure from conservatorship. But from me
11 | this morning, there's not, no. We'll just see what your
12 | mom wants to do. Hopefully her attorney is going to call
13 | her and say that things went well, and here's the plan.

14 | Anything --

15 | MS. NORI FRASIER: I have one more question. I
16 | was staying with my mom for nine weeks, from October to
17 | December, living with her and being there with her, until
18 | all this started. I noticed Premier Trust would call her
19 | at 8:00, 9:00 in the morning, when she was really
20 | incoherent, because she was asleep. Is there any way that
21 | people can call her like early afternoon? Because she's
22 | better in the afternoon, than first thing in the morning.
23 | It's just a request.

24 | THE COURT: Thank you. I think those decision-

1 makers have heard the request.

2 Mr. Brad Frasier, you're surrounded by attorneys,
3 and I have given each of them an opportunity. But before
4 I leave this room, is there anything you want to say, sir?

5 MR. BRADLEY FRAZIER: Yes. So regarding the
6 headstone, we brought my dad a headstone. And I haven't
7 been involved with the family for over two years now. If
8 I had been involved, he would have this headstone on his
9 grave, within his one-year anniversary. That was the
10 plan.

11 THE COURT: Where is it now?

12 MR. BRADLEY FRAZIER: It's purchased with the
13 funeral -- with the cemetery, and all we have to do is go
14 in and say, "We want that one," and we pick it. It's
15 already bought and paid for. So that should have been
16 done. I just want to say --

17 THE COURT: Hold on. Ms Wilson, your brother did
18 not interrupt you one time when you were speaking. And
19 now you keep raising your hand and standing. It's his
20 turn.

21 MR. BRADLEY FRAZIER: I just want to say one
22 thing about the medical building; okay? My mother and
23 father were very generous to provide half the down payment
24 on the building. Beyond that, they provided nothing. My

1 | dad didn't declare it on his taxes; he wasn't involved, he
2 | didn't want to be involved. I wanted to pay him back. He
3 | didn't accept it. All that is documented in the papers.

4 | Regarding the numbers, if the building were
5 | valued for \$3 million today, the bank owns 1.5 million
6 | of that. So that's the mortgage. So the equity is
7 | 1.5 million. Half of that is \$750,000. That's what the
8 | trust would own. One-third of that would go to each of
9 | us. So their equity today, if we sold the building, would
10 | be \$250,000. So I just want to say that. That's where
11 | the equity is. And whatever thing we use to value the
12 | building, that has to be taken into consideration.

13 | THE COURT: Thank you, sir.

14 | MR. RESNICK: Your Honor, it's the first I've
15 | heard of the headstone. I'll bring it to my client's
16 | attention.

17 | THE COURT: You get the last word, Ms. Amy.

18 | MS. WILSON: Over the past couple of years that I
19 | have spent taking care of my mom, helping her out, I have
20 | mentioned a number of times -- we did pay for the stone.
21 | The cemetery requires that she does the inscription. And
22 | we've given her a lot of ideas, you know, to put this
23 | down, put that down. She is the one that has to actually
24 | give them the order to engrave the stone, the markers. So

1 | they have to have her permission.

2 | MR. RESNICK: Your Honor, if the three of them
3 | can reach an agreement on what the three of them agree is
4 | the inscription they'd like, I'll present it to my client
5 | and try and make it happen. But if they don't reach an
6 | agreement --

7 | THE COURT: Then present it to me, and I will
8 | make a decision. Judges have to do these horrible things
9 | all the time.

10 | I recently had a case where a deceased person
11 | languished, and the children were fighting about cremation
12 | or burial. And this happens. And the deceased person
13 | languished for 6 weeks. Judges make these decisions.

14 | Dad needs a headstone. If there are
15 | disagreements at all among the children, then as a
16 | stranger I will make that decision.

17 | MR. RESNICK: Fair enough.

18 | MS. NORI FRASIER: She's made he died. She keeps
19 | saying that, "I'm mad that he died, so --"

20 | THE COURT: Despite how I barked, it's wonderful
21 | to see all of you. Thank you for coming here. I wish,
22 | truly, your happiness and harmony. Please express my best
23 | wishes to your client.

24 | You will prepare the order, Mr. Robertson, as it

1 comes out of this hearing from my oral pronouncements, and
2 you can incorporate those into the orders enforcing the
3 settlement agreement. If you need a separate order that
4 captures some of the details in particular, your
5 continuing -- your client's continuing service, until
6 further order of the Court, headstones, et cetera, and so
7 forth. Let's get it done.

8 (Whereupon, the proceedings were concluded.)
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1 STATE OF NEVADA)

2) ss.

3 COUNTY OF WASHOE)

4

5 I, RANDI LEE WALKER, Official Reporter of the
6 Second Judicial District Court of the State of Nevada, in
7 and for the County of Washoe, do hereby certify:

8 That as such Reporter, I reported the proceedings
9 before the Washoe County District Court, at Reno, Nevada,
10 on May 9, 2017;

11 That the foregoing transcript is a partial
12 transcript of the Judge's order, which is a full, true and
13 correct transcription of the stenotype notes taken in the
14 above-entitled matter, to the best of my knowledge, skill
15 and ability.

16 I further certify that I am in no way interested
17 in the outcome of said action.

18 DATED: At Reno, Nevada, this 9th day of May,
19 2017.

20 /s/ Randi Lee Walker

21 RANDI LEE WALKER, CSR #137

22

23

24

FILED
Electronically
PR16-00128
2018-09-28 05:03:21 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 6903843 : pmsewell

Exhibit “5”

EXHIBIT “5”

Exhibit “J”

EXHIBIT “J”

Janie Mulrain

From: Janie Mulrain
Sent: Thursday, December 15, 2016 6:49 PM
To: Nicole Shrive
Subject: Re: Dinny Frasier

I had to put out some fires today...

I intend on memorializing yesterday's events for my files and to share with pertinent team members (barry, you, etc)...I plan to tackle this tomorrow after a client mtg at 10a, then go to b of a to close out dinny's account.

I'll try to give you a call prior, if not, definitely after my appt.

Janie L. Mulrain CLPF, NCG
Ethos Fiduciary Services
P.O. Box 61282, Irvine, CA 92602
949.229.6193
ethosfiduciary.com

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> On Dec 15, 2016, at 6:44 PM, Nicole Shrive <nshrive@premiertrust.com> wrote:

>

> Hi Janie,

> I hope all is well. Do you have a few moments to touch base tomorrow? I wanted to bring you up to speed on a couple of items that crossed my desk today.

> Hope the appointment went well yesterday. Please let me know what time works for you tomorrow, and I will give you a call.

> Thank you, and have a great evening!

>

> Nicole Shrive, CTFA, MBA, NCG

> Premier Trust, Inc.

> 1 East Liberty Street, Suite 600

> Reno, Nevada 89501

> Main 775.473.2200

> Direct 775.473.2202

> Fax 775.562.4718

> www.premiertrust.com

Janie Mulrain

From: Janie Mulrain <janie@ethosfiduciary.com>
Sent: Thursday, January 05, 2017 12:54 PM
To: bresnick@VRSLaw.net; inshrive@premiertrust.com
Subject: Frasier - B of A personal acct

I am now on the account and i have transferred \$100,000 of the \$146,000 to Opus Bank.

\$46,000 remains until I have a chance to go thru statements and paperwork from the home office to ensure adequate funds for any reoccurring regular expenses. Any legitimate expenses will be changed to be scheduled for withdrawal from the opus bank or coordinate with Premier to have it paid.

I also obtained a copy of 2016 monthly stmts to review for any irregularities. I will call to get online acct access in case we need to go back further in time if there's a reason to.

Janie L. Mulrain
CLPF #768, NCG
Ethos Fiduciary Services
P.O. Box 61282, Irvine, CA 92602
949.229.6193
Janie@ethosfiduciary.com

Notice: This email may contain privileged or confidential information and is for the sole use of the intended recipient(s). If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this information is prohibited and may be unlawful. If you have received this electronic transmission in error, please reply immediately to the sender that you have received the message in error, and delete it. Thank you.

Exhibit “K”

EXHIBIT “K”

Janie Mulrain

From: Nicole Shrive <nshrive@premiertrust.com>
Sent: Tuesday, April 11, 2017 10:20 AM
To: Janie Mulrain
Cc: Leah Gregory
Subject: FW: Dinny Frasier Acct Transfers

Janie,

The Merrill Lynch accounts have now been fixed. As we previously discussed, Merrill was reporting the Survivor's Trust under the Tax Exempt TIN and the Tax Exempt under the Survivor's TIN. We could not just change the TIN's on each account, so we had to open new accounts and transfer the investments in kind. Also, the B of A that ends with 0038 (Tax Exempt Trust account) has been closed and the assets have been transferred into the respective Merrill account. I wanted to let you know so when Dinny receives the closing statement of the old accounts and the opening statement of the new accounts, she doesn't become worried. Not to mention there was no need to have the B of A account open any longer considering we are trying to consolidate all of the trusts' accounts.

Please let me know if you would like any additional information. I'm also working on the accounting and trying to figure out a day to come down to see Dinny and go over trust matters. I will update you on this as we get closer to completing the accounting.

Thank you,

Nicole

From: Laigo, Maria - BREA CA [mailto:maria.laigo@ml.com]
Sent: Tuesday, April 11, 2017 9:13 AM
To: Nicole Shrive <nshrive@premiertrust.com>
Cc: Kothari, Sonny S - BREA CA <sonny_kothari@ml.com>
Subject: Dinny Frasier Acct Transfers

Good morning Nicole,

The transfers have been made to the new accounts. We are now awaiting the transfer of money from the Bank of America account to the account ending in 5637, which should be done tomorrow.

Also, since the Premier Trust Co and Dinny are separate trustees on the accounts, Dinny will also receive copies of the monthly statements. Please let me know if whether she needs to receive the duplicate statements; otherwise, I will remove the trait if she does not need them.

Thank you,

Maria Laigo
Registered Senior Client
Associate

The Kothari DKP Group
Merrill Lynch, Pierce,
Fenner & Smith Inc.
145 S. State College Blvd.,

Exhibit “L”

EXHIBIT “L”

Janie Mulrain

From: Janie Mulrain <janie@ethosfiduciary.com>
Sent: Thursday, January 05, 2017 12:54 PM
To: bresnick@VRSLaw.net; inshrive@premiertrust.com
Subject: Frasier - B of A personal acct

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\$46,000 remains until I have a chance to go thru statements and paperwork from the home office to ensure adequate funds for any reoccurring regular expenses. Any legitimate expenses will be changed to be scheduled for withdrawal from the opus bank or coordinate with Premier to have it paid.

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Janie L. Mulrain
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949.229.6193
Janie@ethosfiduciary.com

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Exhibit “M”

EXHIBIT “M”

Account Agreement

Date: 12/15/2016

Institution Name & Address	
OPUS BANK 3975-A, Alton Parkway Irvine, CA 92606	

Owner/Signer Information 1	
Name	Dinny G Frasier
Relationship	
Address	
Mailing Address (if different)	
Gov't Issued Photo ID (type, number, state, issue date, exp. date)	DRIVERS LICENSE CA 6/6 3/27
Other ID (description, details)	MEDICARE/MEDICAID/OTHER INS CA
Employer	
Previous Financial Inst.	
E-Mail	
Work Phone	
Home Phone:	Mobile Phone:
Birth Date:	SSN/TIN: 624

Ownership of Account	
The specified ownership will remain the same for all accounts.	
<input type="checkbox"/> Individual <input type="checkbox"/> Joint Account <input type="checkbox"/> Joint - Husband and Wife (With right of survivorship) <input type="checkbox"/> Community Property (Husband and Wife) <input type="checkbox"/> Tenancy in Common <input type="checkbox"/> Sole Proprietorship or Single Member LLC <input type="checkbox"/> Partnership <input type="checkbox"/> LLC-enter tax classification (<input type="checkbox"/> C Corp <input type="checkbox"/> S Corp <input type="checkbox"/> Partnership) <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> <input type="checkbox"/> Trust-Separate Agreement Dated: _____ <input checked="" type="checkbox"/> POA, Professional Fiduciary Controlled	

Beneficiary Designation	
(Check appropriate ownership above.)	
<input type="checkbox"/> Totten Trust <input type="checkbox"/> Pay-On-Death (POD) <input type="checkbox"/>	

Beneficiary Name(s), Address(es), and SSN(s)	
(Check appropriate beneficiary designation above.)	

Internal Use	
Account Title & Address	
Dinny G Frasier Janie Mulrain, POA Irvine CA 92602	

Enter Non-Individual Owner Information on page 2. There is additional Owner/Signer Information space on page 2.

☐ If checked, this is a temporary account agreement.
 Number of signatures required for withdrawal: One

Signature(s)	
The undersigned authorize the financial institution to investigate credit and employment history and obtain reports from consumer reporting agency(ies) on them as individuals. Except as otherwise provided by law or other documents, each of the undersigned is authorized to make withdrawals from the account(s), provided the required number of signatures indicated above is satisfied. The undersigned personally and as, or on behalf of, the account owner(s) agree to the terms of, and acknowledge receipt of copy(ies) of, this document and the following:	
<input checked="" type="checkbox"/> Terms & Conditions <input checked="" type="checkbox"/> Truth In Savings <input checked="" type="checkbox"/> Funds Availability <input checked="" type="checkbox"/> Electronic Fund Transfers <input checked="" type="checkbox"/> Privacy <input checked="" type="checkbox"/> Substitute Checks <input type="checkbox"/> Common Features <input type="checkbox"/>	
<input type="checkbox"/> Authorized Signer (See Owner/Signer Information for Authorized Signer designation(s).)	

The Internal Revenue Service does not require your consent to any provision of this document other than the certifications required to avoid backup withholding.

(1):	<input checked="" type="checkbox"/> <i>Dinny Frasier</i> Dinny G Frasier I.D. # K0059550CA D.O.B. 03/27/1929
(2):	<input checked="" type="checkbox"/> <i>Janie Mulrain, POA</i> Janie Mulrain, POA I.D. # A4550819CA D.O.B. 04/08/1972
(3):	<input type="checkbox"/> I.D. # _____ D.O.B. _____
(4):	<input type="checkbox"/> I.D. # _____ D.O.B. _____

Owner/Signer Information 2	
Name	Janie Mulrain
Relationship	
Address	1 League #61282 Irvine CA 92602
Mailing Address (if different)	
Gov't Issued Photo ID (type, number, state, issue date, exp. date)	DRIVERS LICENSE CA 3/3/
Other ID (description, details)	CREDIT CARD AMEX CA
Employer	ETHOS FIDUCIARY SERVICES PROFESSIONAL
Previous Financial Inst.	
E-Mail	JANIE@ETHOSFIDUCIARY.COM
Work Phone	(949) 229-6193
Home Phone	
Mobile Phone	(714) 612-2248
Birth Date	SSN/TIN:

Owner/Signer Information 3	
Name	
Relationship	
Address	
Mailing Address (if different)	
Gov't Issued Photo ID (type, number, state, issue date, exp. date)	
Other ID (description, details)	
Employer	
Previous Financial Inst.	
E-Mail	
Work Phone	
Home Phone	
Mobile Phone	
Birth Date	SSN/TIN:

Owner/Signer Information 4	
Name	
Relationship	
Address	
Mailing Address (if different)	
Gov't Issued Photo ID (type, number, state, issue date, exp. date)	
Other ID (description, details)	
Employer	
Previous Financial Inst.	
E-Mail	
Work Phone	
Home Phone	
Mobile Phone	
Birth Date	SSN/TIN:

Important Account Opening Information. Federal law requires us to obtain sufficient information to verify your identity. You may be asked several questions and to provide one or more forms of identification to fulfill this requirement. In some instances we may use outside sources to confirm the information. The information you provide is protected by our privacy policy and federal law.

Non-Individual Owner Information	
Name	
State/Country & Date of Organization	
Nature of Business	
Address	
Mailing Address (if different)	
Authorization/Resolution Date	
Previous Financial Inst.	
E-Mail	
Phone	
BN:	Mobile Phone:

Account Description	Account #	Initial Deposit/Source
PERSONAL INTEREST CHECKING	847	\$ _____ <input type="checkbox"/> Cash <input type="checkbox"/> Check
		\$ _____ <input type="checkbox"/> Cash <input type="checkbox"/> Check
		\$ _____ <input type="checkbox"/> Cash <input type="checkbox"/> Check

Services Requested	
<input type="checkbox"/> ATM	<input type="checkbox"/> Debit/Check Cards (No. Requested: _____)
<input type="checkbox"/> _____	<input type="checkbox"/> _____
<input type="checkbox"/> _____	<input type="checkbox"/> _____

Backup Withholding Certifications	
-----------------------------------	--

(If not a "U.S. Person", certify foreign status separately)

☒ By signing signature field (1) on this document, I certify under penalties of perjury that the statements made in this section are true and that I am a U.S. citizen or other U.S. person (as defined in the instructions).

☒ Taxpayer I.D. Number - TIN: :524
The Taxpayer Identification Number (TIN) shown is my correct taxpayer identification number.

☒ Backup Withholding. I am not subject to backup withholding either because I have not been notified that I am subject to backup withholding as a result of a failure to report all interest or dividends, or the Internal Revenue Service has notified me that I am no longer subject to backup withholding.

☐ Exempt Recipients. I am an exempt recipient under the Internal Revenue Service Regulations. Exempt payee code (if any) _____

FATCA Code. The FATCA code entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Other Terms/Information	

Signature Card Agreement page 2 of 2

MPMP-LAZ-CA 12/1/2015
Page 2 of 2

Signature Card-CA
Bankers Systems™ VMP®
Wollers Kluwer Financial Services ©2015

Exhibit “N”

EXHIBIT “N”



10/30/2017

Opus Bank

3975-A Alton Parkway

Irvine, CA, 92606

To Whom It May Concern:

Please use this letter as verification of the meeting that occurred between Tyler Mensick of Opus Bank, Janie Mulrain of Ethos Fiduciary Services, and Nicole Shrive of Premier Trust Inc. which occurred on 01/06/2017.

If you have any questions or concerns, please contact Tyler Mensick at Opus Bank.

Sincerely,

Tyler Mensick
Vice President,
Banking Center Manager



3975-A Alton Parkway, Irvine, CA 92606

o: 949-474-0722 | f: 949-474-0712

tmensick@opusbank.com | www.opusbank.com

Exhibit “O”

EXHIBIT “O”

OpusBank **DEPOSIT** CASH ▶

DATE 1/5/17 TW

NAME Danny Frazier

ADDRESS _____

ACKNOWLEDGE RECEIPT OF CASH RETURNED BY SIGNING ABOVE

478717847

CHECKS
SUB TOTAL ▶
LESS CASH RECEIVED ▶
NET DEPOSIT \$ 100,000.00

009

DDA Credits - 1/5/2017

CHECKS **DOLLARS** **CENTS**

CHECKS **US1 SINGLY**

CLERK/COUNT - FOR FINANCIAL INSTITUTION USE ONLY	
X 100	
X 50	
X 20	
X 10	
X 5	
X 2	
X 1	
TOTAL	\$

TOTAL
MUST BE EMPLOYED
ON FRONT SIDE

-BusDt=01/05/17-RtNum=>
-ItemNum=016025315411-IRID=10
-Inst=OPUS BANKBr=8

DDA Credits - 1/5/2017

Bank of America

Cashier's Check

No. 1588414822

Notice to Purchaser: In the event that this check is lost, misplaced or stolen, a sworn statement and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

Void After 90 Days

91-170/1221

Date 01/05/17 12:24:56 PM

ALTON PARKWAY

0007

0001815

0093

Pay



BANK OF AMERICA ONE ZERO ZERO ZERO ZERO ZERO CTSCTS

***\$100,000.00

To The Order Of DINNY G FRASIER
BANK OF AMERICA FUNDS

Remitter (Purchased By): DINNY G FRASIER

Bank of America, N.A.
PHOENIX, AZ

AUTHORIZED SIGNATURE

☒ THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON THE BACK. ☐ HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENTS. ☐

Transit - 1/5/2017

038407039

www.bankofamerica.com

www.bankofamerica.com

www.bankofamerica.com

-BusDt=01/05/17-RtNum=>122239270<
-ItemNum=018025316412-TrID=10
-Inst=OPUS BANKBr=8

ENDORSE CHECK HERE
OPUS BANK
Credited To The Account Of
Within Named Payee
Lack Of For
filed
DO NOT WRITE BELOW THIS LINE
OR SIGNATURE BANK ENDORSEMENT

Transit - 1/5/2017

6 AA 1389



BANK OF AMERICA, N.A. (THE "BANK")

Account Closing Summary

Account Type BOFA INTEREST CHECKING Account Number XXXX1907
Account Title DINNY G FRASIER
POA JANIE L MULRAIN
Account Address 31521 PASEO CAMPEON
SAN JUAN CAPISTRANO CA 92675-1828

Disbursement Amount/Method \$ 47,826.49 ☐ Cash ☒ Cashier's Check ☐ Transfer to account ending in _____

What you confirmed with us:

- ☒ You told us there are no pending transactions.
- ☐ You told us about the pending transactions listed on page 2 and left a balance in your account to cover them. If additional checks or other debits are outstanding, they may be paid before the transactions you told us about. This would reduce your balance or may cause some transactions to be returned unpaid.
- Your account is set to close when your balance reaches zero. However, if a balance remains in your account at the end of 10 business days, we'll begin to process your request to close your account, which may take up to 20 business days. We will close your account even if your account has a balance or transactions you told us about are still outstanding. We'll transfer any positive balance to account ending in 0038 or if no account is listed, mail a check to you at the address on your account.
- ☐ Your account is overdrawn. To close the account, you need to make a deposit to bring the account to zero. We'll cancel all account services, no withdrawals may be made, and only deposits are allowed to the account. We may make collection efforts to collect the overdraft.

What you need to know:

Automatic Deposits and Payments: After the account closes, we will return checks and other debits, and deposits and other credits, that we receive with a statement that the account is closed, such as "Account Closed." You need to contact the originator who is sending automatic deposits (such as the Social Security Administration or your employer) or automatic payments (such as your phone or insurance company) to make other payment arrangements or cancel the transactions. We listed automatic deposits and payments on page 2 that have posted to your account in the last 34 days.

Balance Must Reach Zero: For the account to close, the balance must reach zero. Until the account closes, we may continue to post debits and credits to the account. Debits will be returned unpaid if the account does not have enough available funds to pay them.

Account Statements: You may receive one or two additional statements after the account is closed.

Bank Information

Date 04/12/2017
Financial Center Name ALTON PARKWAY
Associate's Name George Gomez
Associate's Phone Number 949-567-0121

Closing Calculation Summary	
Available Balance:	\$47,826.39
Accrued Interest (+):	\$0.14
Withheld Interest (-):	\$0.04
Outstanding Debits (-):	\$0.00
Remit to Customer	\$47,826.49

Closing Transactions and Automatic Deposit/Payment History					
<p>Outstanding debits included in the above Remit To/Due from Customer Balance:</p> <p>Outstanding Checks: Checks you told us about at closing.</p> <p>Pending & Other Debits: Items you told us about or are already in the process of posting to your account.</p> <p>Automatic Deposit/Payment: This is a 34 day history of automatic deposits and payments that may require your attention.</p>					
Types	Date	Description	Pending Amount	Actual Amount	Amount

Bank of America

Notice to Purchaser - In the event that this check is lost, misplaced or stolen, a sworn statement and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

Void After 90 Days

91-170/1221

Date 04/12/17 10:13:31 AM

NAZ

ALTON PARKWAY

0004 0001815 0040

Pay



BANK OF AMERICA FOUR SEVEN EIGHT TWO SIX 49 CT SCTS

***\$47,826.49*

Forty Seven Thousand Eight Hundred Twenty Six and 49/100 Dollars

To The
Order Of

DINNY G FRASIER

MEMO: BOA PERSONAL ACCOUNT

Remitter (Purchased By): DINNY G FRASIER

Bank of America, N.A.
PHOENIX, AZ

AUTHORIZED SIGNATURE

THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENT

Notice to Purchaser - In the event that this check is lost, misplaced or stolen, a sworn statement and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

Cashier's Check - Customer Copy

No. 1588416047

Void After 90 Days

91-170/1221

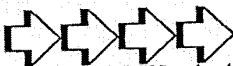
Date 04/12/17 10:13:31 AM

NAZ

ALTON PARKWAY

0004 0001815 0040

Pay



BANK OF AMERICA FOUR SEVEN EIGHT TWO SIX 49 CT SCTS

***\$47,826.49**

Forty Seven Thousand Eight Hundred Twenty Six and 49/100 Dollars

To The
Order Of

DINNY G FRASIER
MEMO: BOA PERSONAL ACCOUNT

Remitter (Purchased By): DINNY G FRASIER

Bank of America, N.A.
PHOENIX, AZ

Not-Negotiable
Customer Copy
Retain for your Records



Irvine-Westpark - (949) 474-0722
3975-A Alton Parkway
Irvine, CA 92608

04/12/2017

Br# 8

Tlr# 12

10:23 AM

Seq# 5

Account XXXXXX7847
DDA Deposit \$47,826.49

Thank you for banking with Opus Bank
855-OPUSBANK
WWW.OPUSBANK.COM

Exhibit “P”

EXHIBIT “P”

Janie Mulrain

From: Nicole Shrive <nshrive@premiertrust.com>
Sent: Friday, July 14, 2017 12:42 PM
To: Janie Mulrain
Subject: Automatic reply: Cadillac Insurance Cards & SJC landscaping bids

Dear All,
Mrs. Shrive has been offered and has accepted a Trust Officer position within another trust company. We wish her the best in her new endeavors. Until a new Premier Trust officer is permanently assigned to handle her matters, in the interim please contact Leah Gregory at lgregory@premiertrust.com or at 775.473.2200 should you need assistance.
Thank you.

Exhibit “Q”

EXHIBIT “Q”

RN Health Management, a Professional Nursing Corporation
2 Daybreak
Rancho Santa Margarita CA 92688

RNhealth

Dinny Frasier
Janie Mulrain
31521 Paseo Campeon
San Juan Capistrano, CA 92675

Invoice # 1024
Invoice Date October 15, 2017
Balance Due (USD) **\$2,633.30**

Task	Time Entry Notes	Rate	Hours	Line Total
Dinny Frasier	[10/01/17 to 10/15/17] RN Care Management Services	150.00	17.55	2,633.30

Total **\$2,633.30**
Amount Paid 0.00
Balance Due (USD) **\$2,633.30**

Terms

Payment Upon Receipt
Tax ID (TIN)

Notes

PAYMENT STUB

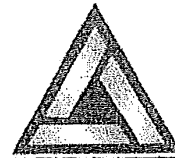
RN Health Management, a Professional
Nursing Corporation
2 Daybreak
Rancho Santa Margarita CA 92688
United States

Client Dinny Frasier
Client Phone 949-229-6193
Invoice # 1024
Invoice Date October 15, 2017
Balance Due (USD) **\$2,633.30**
Amount Enclosed

Exhibit “R”

EXHIBIT “R”

FRASIER SURVIVOR'S TRUST DTD 12/29/1980



TRANSACTION STATEMENT

DATE	DESCRIPTION	UNITS / PRICE	INCOME CASH	PRINCIPAL CASH	COST BASIS
11/7/2017	DISCRETIONARY DISTRIBUTION BANK OF AMERICA INVOICE DATED 10/20/2017 ACCOUNT NO. 4313 0730 6497 5338 DINNY FRASIER		\$0.00	(\$3,897.21)	\$0.00
11/7/2017	DISCRETIONARY DISTRIBUTION FAMILY HOME CARE, INC. INVOICE DATED 10/30/2017 INVOICE NO. 10302017 CLIENT: LF0219 DINNY FRASIER		\$0.00	(\$91.63)	\$0.00
11/7/2017	DISCRETIONARY DISTRIBUTION FAMILY HOME CARE, INC. INVOICE DATED 10/30/2017 INVOICE NO. 50097 CLIENT: LF0219 DINNY FRASIER		\$0.00	(\$4,432.68)	\$0.00
11/7/2017	DISCRETIONARY DISTRIBUTION FAMILY HOME CARE, INC. INVOICE DATED 10/27/2017 INVOICE NO. 10272017 CLIENT: LF0219 DINNY FRASIER		\$0.00	(\$122.62)	\$0.00
11/7/2017	DISCRETIONARY DISTRIBUTION FAMILY HOME CARE, INC. INVOICE DATED 10/22/2017 INVOICE NO. 10222017 CLIENT: LF0219 DINNY FRASIER		\$0.00	(\$83.64)	\$0.00
11/14/2017	DISCRETIONARY DISTRIBUTION RN HEALTH MANAGEMENT, A PROFESSIONAL NURSING CORPORATION INVOICE DATED 10/15/2017 INVOICE NO. 1024 DINNY FRASIER		\$0.00	(\$2,633.30)	\$0.00
11/14/2017	DISCRETIONARY DISTRIBUTION SOUTH OC MAIDS INVOICE DATED 10/27/2017 INVOICE NO. 4538 SERVICE ADDRESS: 31521 PASEO CAMPEON		\$0.00	(\$165.00)	\$0.00
11/17/2017	DISCRETIONARY DISTRIBUTION FAMILY HOME CARE, INC. INVOICE DATED 11/10/2017 INVOICE NO. 11102017 CLIENT: LF0219 DINNY FRASIER		\$0.00	(\$25.27)	\$0.00
11/17/2017	DISCRETIONARY DISTRIBUTION FAMILY HOME CARE, INC. INVOICE DATED 10/31/2017 INVOICE NO. 10312017 CLIENT: LF0219 DINNY FRASIER		\$0.00	(\$122.02)	\$0.00
11/17/2017	DISCRETIONARY DISTRIBUTION FAMILY HOME CARE, INC. INVOICE DATED 11/6/2017 INVOICE NO. 50137 CLIENT: LF0219 DINNY FRASIER		\$0.00	(\$4,536.18)	\$0.00

Exhibit “S”

EXHIBIT “S”

Janie Mulrain

From: Ryan Gonda <rgonda@premiertrust.com>
Sent: Monday, July 30, 2018 5:34 PM
To: Janie Mulrain
Subject: RE: Frasier - Expense Reimb & Home Sale

Hi Janie,

I will review the fees with our attorney and get back with you on the request.

Regards,

Ryan Gonda
Trust Officer



"It's A Matter Of Trust"SM

1 East Liberty Street, Suite 600
Reno, Nevada 89501
Main Phone (775) 473-2200 - Fax (775) 562-4718
Direct Marketing Line (702) 577-1777
rgonda@premiertrust.com

FOLLOW US ON.....



From: Janie Mulrain <janie@ethosfiduciary.com>
Sent: Wednesday, July 25, 2018 9:11 AM
To: Ryan Gonda <rgonda@premiertrust.com>
Subject: Fwd: Frasier - Expense Reimb & Home Sale

Ryan,

I never received a response from you regarding my invoices. Please advise.

Janie L. Mulrain
Calif. Licensed Professional Fiduciary #768
National Certified Guardian

ETHOS FIDUCIARY SERVICES
15615 Alton Pkwy, Ste. 450, Irvine CA 92618
Mailing: P.O. Box 61282, Irvine, CA 92602
Tel 949.229.6193 Fax 949.393.2293
janie@ethosfiduciary.com

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may be unlawful. If you have received this electronic transmission in error, please reply immediately to the sender that you have received the message in error, and delete it. Thank you.

Begin forwarded message:

From: Janie Mulrain
Sent: Thursday, March 8, 2018 2:43 PM
To: 'Ryan Gonda' <rgonda@premiertrust.com>
Cc: Leah Gregory <lgregory@premiertrust.com>
Subject: RE: Frasier - Expense Reimb & Home Sale

Hi Ryan,

Per our conversation, you confirmed that you do have a copy of my service agreement in the files so you don't need me to resend, but you need a copy of the # of hours and amount of expenses advanced on Dinny's behalf. Please see attached 1st batch of summary invoices through Sept 2017.

Additionally, please see below re our last discussion about the home sale. I think you mixed up the current residence in San Juan Capistrano with her previous Irvine home.

Her Irvine home is multi-level and cannot be renovated to meet ADA safety, that was why she did not return back to the Irvine home after discharge from the hospital. The last feedback from premier trust committee was that Irvine and Palm Desert homes needs to be sold prior to Dinny purchasing a home to move back to Irvine. Dinny had executed LOA received from Nicole more than a year ago but to date, no movement on the listing of Irvine or Palm Desert homes for sale. The continual upkeep and expenses will surely decrease if the Trust does not have to pay for two vacant properties that Dinny does not have the use for nor want. Additionally, some homeowner's policies may need to have vacancy riders on the policies or they won't cover loss or damage due to the property being vacant. Are the current policies reflect the identification of those two houses being vacant? And is there a vacancy rider purchased so that if a claim needs to be filed there won't be any problems?

Please let me know if you need anything further.

Thanks

Janie L. Mulrain

California Licensed Professional Fiduciary #768

National Certified Guardian

ETHOS FIDUCIARY SERVICES

15615 Alton Pkwy, Ste. 450, Irvine, CA 92618

Mailing: P.O. Box 61282, Irvine, CA 92602

Tel 949.229.6193 Ext. 1 Fax 949.393.2293

Janie@ethosfiduciary.com

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From: Ryan Gonda <rgonda@premiertrust.com>
Sent: Friday, December 22, 2017 2:24 PM
To: Janie Mulrain <janie@ethosfiduciary.com>
Cc: Leah Gregory <lgregory@premiertrust.com>
Subject: RE: Frasier - Expense Reimb & Home Sale

Hi Janie,

Leah let me know that you needed my contact information. Please feel free to reach out for any questions, my contact information is in the email signature below.

As to your question on being paid your outstanding fees, we will gladly work with you on payment of fees and unreimbursed expenses. To start, we will need a copy of your Agreement with Dinny and outstanding invoices.

As to the request on Dinny's request to sell the Pinewood home, we need Dinny to submit some proposed houses where she would like to live in Irvine. I understand her discomfort with her current living arrangements came after only a few months of living at the house. We would prefer to find some good options she can be comfortable with before we began the process of selling the Pinewood home. Dinny may also want to consider leasing a new home for a while (6 months) to make sure the home is a good fit for her before purchasing the home.

Please let me know if you have any additional questions.

Happy Holidays!

Regards,

Ryan Gonda

Trust Officer

1 **CODE: 3373**
2 G. DAVID ROBERTSON, ESQ. (NV Bar 1001)
3 RICHARD D. WILLIAMSON, ESQ. (NV Bar 9932)
4 JONATHAN J. TEW, ESQ. (NV Bar 11874)
5 Robertson, Johnson, Miller & Williamson
6 50 West Liberty Street, Suite 600
7 Reno, Nevada 89501
8 Telephone No.: (775) 329-5600
9 Facsimile No.: (775) 348-8300
10 *Attorneys for Petitioner, Premier Trust, Inc.*

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IN THE SECOND JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

In the Matter of the	Case No. PR16-00128
JORDAN DANA FRASIER FAMILY TRUST	Dept. No. 15 [PR]

**RESPONSE TO JANIE MULRAIN'S PETITION FOR PROFESSIONAL'S FEES AND
ADVANCED COSTS, RESPONSE TO PREMIER'S CONCERNS
(December 2018¹ through August 2018)**

Petitioner, Premier Trust, Inc. ("Premier"), by and through its counsel of record, Robertson, Johnson, Miller & Williamson, hereby submits this Response to Janie Mulrain's ("Ms. Mulrain") "Petition for Professional's Fees and Advanced Costs, Response to Premier's Concerns (December 2018 through August 2018)" filed on September 17, 2018 ("Petition").

I. INTRODUCTION

Ms. Mulrain's overarching objection appears to be that she thinks Premier's only obligation as a trustee is to make unfettered payments from the Trusts without conducting any investigation, regardless of the amount or reason for the request. Contrary to Ms. Mulrain's erroneous belief, the Trusts are not her personal checkbook. Rather, Premier is Dinny Frasier's

¹ It appears that Ms. Mulrain is confused as to many items in her Petition. As seen in the title of her document, the Court did not order her to file a "Petition for Professional's Fees and Advanced Costs." Moreover, Ms. Mulrain appears to be in error as to the dates of her own invoices (December 2018 has not yet occurred). Additionally, although purporting to be her Power of Attorney, Ms. Mulrain apparently does not know how to spell Dinny's name (she refers to her as "Denni" or "Dinni" throughout the Petition), nor does she know that Dinny's counsel's name is Mr. Resnick (she continuously refers to him as "Mr. Mesnick."). In addition to these multiple errors, Ms. Mulrain's Petition and Declaration also contain at least one word with no known recognizable meaning (i.e., "perogatory").

1 trust company, which means that it has a fiduciary duty to ensure that the corpus of the Trusts is
2 maintained and not subjected to unnecessary waste. Premier obviously has a fiduciary duty to
3 both Dinny and the contingent remaindermen of the Trusts to prevent improper distributions.

4 Additionally, it is ironic that Dinny's counsel, Mr. Resnick, has raised extensive
5 objections to Premier's accounting and repeatedly demanded more information so he can analyze
6 whether Premier's expenditures are proper – all the while suggesting that Premier has not kept
7 sufficiently-detailed records. Yet, Ms. Mulrain is now accusing Premier of overstepping its
8 bounds as a trust company by requesting additional information regarding her services, and
9 alleges that Premier has no obligation to determine whether certain expenditures are proper. Mr.
10 Resnick's and Ms. Mulrain's filing are thus in sharp contrast, and they cannot have it both ways.

11 **A. Payment to Ms. Mulrain**

12 In Ms. Mulrain's Petition to the Court for fees she states "there is no cognizable reason
13 why Premier has refused to pay for her services." Petition at 1 ¶ 21. Premier explained very
14 coherently in its Response to Janie Mulrain's Objection to Accounting filed on August 15, 2018
15 ("August Response") that it had not paid her for quite specific reasons; however, these issues
16 could be resolved if: 1) Ms. Mulrain provid[ed] an accounting for Dinny's personal funds that
17 she has handled to ensure all such funds were properly utilized (so Premier can ensure both that
18 Ms. Mulrain has provided the services she claims and also that Ms. Mulrain is not being paid
19 twice for her services); 2) providing detailed invoices of her work; and 3) Ms. Mulrain providing
20 an explanation for some of the allegedly-improper conduct claimed by Dinny's children."
21 August Response at 2 ¶ 1-5.

22 At the time of filing the August Response, the only statement Premier had ever received
23 regarding Ms. Mulrain's fee payment request was a one-page document with four entries which
24 requested payment totaling approximately \$80,000. See Ex. B to August Response. This
25 document was not provided to Premier until fifteen (15) months after Ms. Mulrain was appointed
26 Dinny's Power of Attorney. Because of the limited amount of information contained in the
27 document, Premier was unable to determine whether payment to Ms. Mulrain was appropriate.
28 Thus, Premier required a more detailed response as to the work she performed for Dinny.

1 Ms. Mulrain has now finally provided detailed invoices of her work, which are attached
2 to her Petition. However, Ms. Mulrain has still not provided Premier a detailed accounting of
3 Dinny's personal funds so that Premier may ensure that Ms. Mulrain performed the services she
4 claims and that Ms. Mulrain is not being paid twice for any services. Premier requires a detailed
5 statement of Dinny's personal finances to cross-reference whether Ms. Mulrain has appropriately
6 handled Dinny's funds or already been paid in any respects out of Dinny's personal account.
7 Once that cross-referencing is completed, then Premier will be in a position to determine the
8 proper amount to pay to Ms. Mulrain.

9 Ms. Mulrain asserts that she has already submitted such detailed financial records to this
10 Court *in camera* relating to Dinny's personal finances. Even assuming that is correct, those
11 documents have not been updated through this year and should at least be updated through the
12 last day for which Ms. Mulrain requests compensation. If the Court believes there is some good
13 reason why Premier should not be allowed to review these documents showing Dinny's income
14 and expenditures since Ms. Mulrain took over Dinny's personal finances, then Premier requests
15 that Ms. Mulrain submit Dinny's updated personal accountings to the Court *in camera* so that the
16 Court may cross-check Ms. Murlain's payment requests. Premier has no issues with the Court
17 reviewing these accountings *in camera*. Regardless, however, Premier believes it is important
18 that *someone* review the accountings to ensure that Ms. Mulrain has not been paid twice for her
19 services and further ensure that Dinny's personal funds have been properly utilized. Once this
20 has occurred, then Premier has no qualms paying Ms. Mulrain from the Trusts.

21 In addition to the above concerns, Premier is also disturbed by the allegation of Amy
22 Frasier-Wilson that Dinny does not even know who Janie Mulrain is or that Ms. Mulrain has
23 Dinny's Power of Attorney. See Amy Wilson's Objections to Accounting and Statement of
24 Concerns, filed Aug. 24, 2018, at p. 5. Equally as concerning is the allegation that Dinny
25 believes Amy has her Power of Attorney. Id. Amy's statement, if true, indicates that Ms.
26 Mulrain may not be acting in Dinny's best interests despite her claims to the contrary.

27 Accordingly, as stated in the concurrently-filed Recommendations, Premier is fully
28 supportive of this Court selecting an independent investigator to evaluate Dinny's circumstances.

1 Premier believes that evaluation will be helpful in many respects, including shedding light on the
2 propriety of Ms. Mulrain's new request for nearly \$200,000 in fiduciary fees. If the investigator
3 concludes that Ms. Mulrain has acted in Dinny's best interests and that her services were
4 appropriate and necessary, then Ms. Mulrain's fees should be paid. If after interviewing Dinny
5 the investigator determines that Ms. Mulrain has not acted in Dinny's best interests, or that not
6 all of the requested fiduciary fees were reasonable and necessary, then perhaps some or all of
7 Ms. Mulrain's fees should not be paid. Once again, it is difficult to address these issues without
8 knowing the outcome of the investigator's report regarding Dinny's current circumstances.

9 With regard to the \$100,000 withdrawal cited by Ms. Mulrain in her Petition, Ms.
10 Mulrain states that Nicole Shrive of Premier was aware of the withdrawal from the Bank of
11 America account and payment into the Opus Bank account. As this Court knows, Ms. Shrive left
12 her position with Premier in summer of 2017. At the time Attorney Robertson made his
13 statement to the Court regarding his lack of knowledge about the \$100,000 withdrawal, neither
14 he nor the new trust officer, Ryan Gonda had knowledge of this transaction because this
15 information was not relayed to Mr. Robertson or Mr. Gonda. Premier and Mr. Robertson
16 apologize for not being aware of the email exchange between Ms. Mulrain and Ms. Shrive on
17 this issue. Still, Premier understands that this \$100,000 was spent by Ms. Mulrain because she
18 later requested and received an additional \$50,000 from the Trusts claiming that Dinny had run
19 out of personal funds. Premier has no records showing how this \$150,000 was spent.

20 Ultimately, Premier is willing to pay Ms. Mulrain her requested fees and costs once
21 satisfied that these services were properly rendered and that no portion of these fees and costs
22 have been previously paid by Dinny. Premier believes this can best be accomplished after the
23 investigation has been completed and either Premier or this Court has analyzed Dinny's personal
24 account to ensure that Ms. Mulrain is not being compensated twice. Once Premier has this
25 information, only then can it determine what payments should be remitted to Ms. Mulrain.

26 **B. Ms. Mulrain's Comments Regarding Dinny's Thoughts and Feelings**

27 Ms. Mulrain's Declaration goes into great detail about what Dinny has allegedly told her
28 to do. The Declaration repeatedly purports to present information as to how Dinny feels and

1 what she thinks about this litigation. For example, Ms. Mulrain alleges that Dinny has
2 “previously relayed to me that she wanted to conclude the litigation with her son as soon as
3 possible and it seems that Premier and Robertson are ‘dragging it out.’” Petition at 9 ¶ 19-20.
4 Ms. Mulrain next alleges that “Dinny has further states [sic] many times in the past as well as
5 currently that ‘I trust Barry one-thousand percent’ and that ‘I want him to take care of my son’s
6 lawsuit.’” *Id.* However, there is no way for Premier to verify these alleged statements of Dinny.
7 Even though Ms. Mulrain cites to Exhibit Y as evidence for these statements, there is nothing in
8 Exhibit Y that documents Dinny actually said what Ms. Mulrain claims. These statements are
9 clearly second-hand accounts from Ms. Mulrain. Furthermore, Ms. Mulrain alleges that “[t]hese
10 actions taken by Premier and Robertson as well as other factors increased Dinny’s suspicion of
11 them . . . This has been a sore spot for Dinny in that she feels that Premier is not acting in the
12 Trust beneficiary’s best interests.” *Id.* at ¶ 25-28. Again, although Ms. Mulrain purports to tell
13 the Court Dinny’s thoughts and feelings about Premier, these statements are wholly
14 uncorroborated by Dinny herself. The Court should thus ignore these unsubstantiated second-
15 hand accounts proffered by Ms. Mulrain.

16 **C. Importance of Sending an Independent Investigator to Talk with Dinny**

17 Premier obviously has significant concerns regarding Dinny’s awareness of Ms.
18 Mulrain’s position and authority, whether Ms. Mulrain is requesting double payment, and
19 whether Dinny actually harbors adverse feelings about Premier’s representation of her interests
20 which are her own thoughts rather than those planted in her mind by Ms. Mulrain (as alleged by
21 Amy). In light of these concerns, Premier fully supports this Court’s decision to select an
22 independent investigator to evaluate Dinny. Premier is particularly interested in the
23 investigator’s opinions regarding whether Dinny fully understands and comprehends the actions
24 Ms. Mulrain and Mr. Resnick are purportedly taking at her behest. Premier expects the
25 investigator’s report will also be helpful in evaluating Ms. Mulrain’s request for nearly \$200,000
26 in compensation for fiduciary fees. Accordingly, Premier respectfully requests that the Court
27 order the investigation to proceed and consider the results of the investigative report before
28 making a final decision on whether to award the fees requested by Ms. Mulrain’s Petition.

1 **II. CONCLUSION**

2 Premier believes that it is in Dinny's and the Trusts' best interests to send an investigator to
3 fully evaluate Dinny's circumstances. Once Premier can fully ascertain Dinny's situation then it
4 can turn to the determination of whether to remit payment to Ms. Mulrain as she has requested.
5 At this time, however, Premier is deeply concerned with and disturbed by the allegations that
6 Dinny is not making decisions on her own accord. In addition, Premier has an obligation to
7 make certain no payments have been made to Ms. Mulrain or her company from Dinny's
8 personal funds to prevent any double payment. Premier has a fiduciary obligation to ensure that
9 no wasteful disbursements are made out of the Trusts for inappropriate reasons. Premier thus
10 seeks the Court's direction and will obviously pay whatever portion or all of Ms. Mulrain's
11 requested fees and costs when and if the Court deems such payment appropriate.

12 **Affirmation**

13 Pursuant to NRS § 239B.030, the undersigned does hereby affirm that the preceding
14 document does not contain the social security number of any person.

15 Dated this 28th day of September, 2018.

16 ROBERTSON, JOHNSON,
17 MILLER & WILLIAMSON

18 By: /s/ G. David Robertson
19 G. David Robertson, Esq.
20 Richard D. Williamson, Esq.
21 Jonathan J. Tew, Esq.
22 Attorneys for Dinny G. Frasier and
23 Premier, Inc.
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c/o Wallace & Millsap, LLC	<i>Attorney for Janie L. Mulrain Attorney-in-Fact</i>
510 W. Plumb Lane, Suite A	<i>for Mrs. Dinny Frasier</i>
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Attorney for Janie L. Mulrain Attorney-in-Fact

for Mrs. Dinny Frasier

IN THE SECOND JUDICIAL DISTRICT COURT IN AND FOR THE
STATE OF NEVADA AND FOR THE COUNTY OF WASHOE

In the Matter of the
Case No. PR16-00128

JORDAN DANA FRASIER

Dept. No. 15

JANIE MULRAIN'S PREHEARING STATEMENT

Pursuant to the Court's August 16, 2018 Order, Janie Mulrain, Dinny Frasier's Attorney-in-Fact, presents her brief prehearing statement.

Janie Mulrain was brought into this matter to serve as a buffer between Dinny Frasier and others. Ms. Mulrain was tasked with not only carrying out Ms. Frasier's wishes, but relaying Ms. Frasier's wishes to third parties. Ms. Mulrain has fulfilled her attorney-in-fact responsibilities but has not been paid for her services. Janie Mulrain's sole involvement in this proceeding is in regard to her outstanding invoice of \$180,896.68.

The court's file in this matter is replete with attacks upon Janie Mulrain and her work as Dinny Frasier's attorney-in-fact. These complaints voice objection to her insistence upon such things as chaperoned visitation from her children. What is not included in the objections is the fact that the children have created a wholly

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8 Attorney for Janie L. Mulrain Attorney-in-Fact
9 for Mrs. Dinny Frasier

10 **IN THE SECOND JUDICIAL DISTRICT COURT IN AND FOR THE**
11 **STATE OF NEVADA AND FOR THE COUNTY OF WASHOE**

12 ***

13 In the Matter of the
14 JORDAN DANA FRASIER
15 FAMILY TRUST
16 _____/

Case No. PR16-00128

Dept. No. 15

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21 Frasier and others. Ms. Mulrain was tasked with not only carrying out Ms. Frasier's
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25 of \$180,896.68.

26 The court's file in this matter is replete with attacks upon Janie Mulrain and
27 her work as Dinny Frasier's attorney-in-fact. These complaints voice objection to her
28 insistence upon such things as chaperoned visitation from her children. What is not
included in the objections is the fact that the children have created a wholly

1 unhealthy environment for their mother. Brad Frasier berated his mother with
2 respect to his interest in a medical building. This ultimately led to expensive and
3 protracted litigation. Nori and Amy Frasier vociferously interfered with the care
4 Dinny was receiving. Moreover, each was continually angling for financial
5 assistance. Janie Mulrain became the lightning rod for these complaints – a position
6 which was the job required of her.
7

8 Dinny Frasier needed an intermediary and Janie Mulrain fulfilled this
9 position. Premier complained about Janie Mulrain's work but then continued to
10 request that she act as their boots on the ground. Janie Mulrain was collecting mail
11 containing checks and making deposits to the Trust account at Dinny and Premier's
12 direction. She was also undertaking such tasks as coordinating the purchase of a
13 camera doorbell so as to be able to monitor who was coming to the residence.
14 Notwithstanding the fact that visits from the children were to be scheduled, it was
15 not uncommon for them to show up and simply push or bully their way through
16 caregivers on shift.¹ In addition, Ms. Mulrain coordinated the care team (care agency,
17 care manager, personal physician, various therapy and service providers, etc.),
18 ensured Dinny was at scheduled medical appointments, and paid various bills.
19
20

21 There is absolutely no merit to the assertion that Dinny Frasier somehow
22 lacked capacity during the time of Ms. Mulrain's tenure. Fully four studies focusing
23 upon capacity were completed and none returned a finding that Dinny Frasier was
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28 ¹ In November 2016, Bill/Amy Frasier pushed their way past a caregiver necessitating police assistance. On September 16, 2018, there was an assault involving Amy Frasier and an on-duty caregiver again requiring police assistance.

1 incapacitated. Moreover, there was never an objection by Dinny Frasier or her
2 counsel with respect to the services being rendered by Ms. Mulrain.


3 Based upon the evidence before this Court, one can only conclude that Ms.
4 Mulrain was abiding by Ms. Frasier's wishes and providing the proscribed services.
5 If Ms. Mulrain was providing the services, she deserves to be paid.
6

7 In that regard, Ms. Mulrain respectfully requests the sum of \$172,941.00 for
8 services rendered between December 2016 and August 2018 as well as the
9 reimbursement of costs and expenses she has advanced on behalf of Ms. Frasier in
10 the amount of \$7,955.68.

11 **AFFIRMATION: Pursuant to NRS 239B.030**, the undersigned does hereby affirm
12 that the preceding document does not contain the Social Security number of any
13 person.
14

15 DATED this 5th day of October, 2018.
16

17 MICHAEL A. ROSENAUER, LTD.
18

19
20 
21 MICHAEL A. ROSENAUER, ESQ.
22 Attorney for Janie L. Mulrain
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Michael A. Rosenauer, LTD, 510 West Plumb Lane, Suite A, Reno, NV 89509, and that on this date I served the foregoing document(s) by:

JANIE MULRAIN'S PREHEARING STATEMENT

XXX

Electronic Mailing via Second Judicial District Court CM/ECF System to all those persons listed on the ECF Confirmation Sheet.

XXX

Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage paid, following ordinary business practices.

Delivering an original or true copy via Reno Carson Messenger Service.

Addresses as follows:

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Bradley L. Frasier, M.D.
3609 Vista Way
Oceanside, CA 92056

DATED this 5th day of October, 2018.



REBECCA SQUIRE

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Doyle Law Office, PLLC and that on the 11th day of April, 2020, a true and correct copy of the above **APPELLANT'S APPENDIX** was e-filed and e-served on all registered parties to the Nevada Supreme Court's electronic filing system as listed below:

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G. David Robertson, Esq.
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And by depositing for mailing in the U.S. mail, with sufficient postage affixed thereto; to all participants not registered for electronic filing:

Nori Frasier
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Bradley L. Frasier, M.D.
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DATED this 11th day of April, 2020.

/s Kerry S. Doyle
Kerry S. Doyle