

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

IN THE MATTER OF THE W.N. CONNELL
AND MARJORIE T. CONNELL LIVING
TRUST, DATED MAY 18, 1972, AN INTER
VIVOS IRREVOCABLE TRUST.

Case No. 79029
Electronically Filed
Jul 18 2019 05:10 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

ELEANOR C. AHERN,

Appellant,

vs.

BROWNSTEIN HYATT FARBER SCHRECK,
LLP,

Respondent.

MOTION FOR VOLUNTARY DISMISSAL OF APPEAL

ALEXANDER G. LEVEQUE (#11183)
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Attorneys for Appellant

MEMORANDUM OF POINTS AND AUTHORITIES

Eleanor C. Ahern, Appellant named above, hereby moves to voluntarily dismiss the instant appeal pursuant to NRAP 42.

On July 17, 2019, the District Court entered an *Amended Order Granting BHFS's Motion for Attorneys' Fees and Costs* ("Amended Order") pursuant to a stipulation by and between Appellant and Respondent to compromise and resolve the instant dispute. See Amended Order, a true and correct copy being attached hereto as **Exhibit 1**. Pursuant to the Amended Order, Appellant now seeks the voluntary dismissal of her instant appeal, with each party to bear their own fees and costs, as it is now moot.

Dated this 18th day of July, 2019.

/s/ Alexander G. LeVeque

By: _____

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Attorneys for Appellant

CERTIFICATE OF SERVICE

Pursuant to NRAP 5(b), I hereby certify that I am an employee of the law firm of Solomon Dwiggin & Freer, Ltd., and that on July 18, 2019, I filed a true and correct copy of the foregoing **MOTION FOR VOLUNTARY DISMISSAL OF APPEAL**, with the Clerk of the Court through the Court's e-flex electronic filing system and notice will be sent electronically by the Court to the following:

Kirk B. Lenhard, Esq.
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100 North City Parkway, Suite 1600
Las Vegas, Nevada 89106-4614
klenhard@bhfs.com

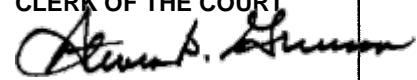
Attorney for Respondent

DATED: July 18, 2019

/s/ Terrie L. Maxfield

An Employee of Solomon Dwiggin & Freer, Ltd.

EXHIBIT 1



ORDR

Alexander G. LeVeque (#11183)
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Attorneys for Eleanor Ahern

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of:

THE W.N. CONNELL AND MARJORIE T.
CONNELL LIVING TRUST, dated May 18,
1972.

Case No.: P-09-066425-T
Dept. No.: XXVI/Probate

**AMENDED ORDER GRANTING BHFS'S
MOTION FOR ATTORNEYS' FEES AND
COSTS**

On June 26, 2019, the Court heard multiple petitions. During the hearing, Eleanor Ahern ("Eleanor") and Brownstein Hyatt Farber Schreck, LLP ("BHFS") entered a stipulation into the record concerning (1) BHFS's judgment against Eleanor for attorneys' fees and costs, entered on June 3, 2019; (2) Eleanor's appeal of that judgment (Case No. 79029) ("Appeal"); (3) Eleanor's Motion to Stay Enforcement of Judgment Pending Appeal and for Approval of Supersedeas Bond ("Motion to Stay"); and (4) BHFS's Motion for Order to Show Cause for Failure to Obey Court's Order to Make a Distribution to BHFS ("Motion for OSC"). Based on the stipulation of Eleanor and BHFS, and no objection made by the Temporary Trustee, Jacqueline M. Montoya, or Kathryn A. Bouvier, it is hereby

ORDERED, ADJUDGED, AND DECREED, that the Order Granting BHFS's Motion for Attorneys' Fees and Costs, entered on June 3, 2019, is hereby VACATED in its entirety; it is further

ORDERED, ADJUDGED, AND DECREED that the Temporary Trustee shall distribute forthwith the sum of THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) to BHFS from Eleanor's subtrust (Trust No. 2), which shall constitute full satisfaction and compromise of

BHFS's claim for attorneys' fees and costs against Eleanor, inclusive of all applicable interest; it is further

ORDERED, AJUDGED, AND DECREED that said fees and costs are administrative expenses of Eleanor's subtrust (Trust No. 2) and are not the personal obligation of Eleanor; it is further

ORDERED, ADJUDGED, AND DECREED that Eleanor's Motion to Stay and BHFS's Motion for OSC are hereby WITHDRAWN and VACATED as moot; it is further

ORDERED, ADJUDGED AND DECREED that Eleanor shall dismiss her Appeal, with prejudice, within five (5) business days of receiving notice that BHFS has been paid in full by the Temporary Trustee.


IT IS SO ORDERED.

Dated this 9th day of July, 2019.


DISTRICT COURT JUDGE

Respectfully submitted by:

SOLOMON DWIGGINS & FREER, LTD.

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Attorney for Eleanor Ahern

Approved as to form and content by:

HUTCHISON & STEFFEN, LLC.

By: 
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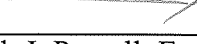
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By: 
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BHFS's claim for attorneys' fees and costs against Eleanor, inclusive of all applicable interest; it is further

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IT IS SO ORDERED.

Dated this ____ day of July, 2019.

DISTRICT COURT JUDGE

Respectfully submitted by:


SOLOMON DWIGGINS & FREER, LTD.

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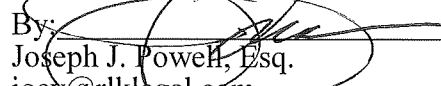
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IT IS SO ORDERED.

Dated this ____ day of July, 2019.

DISTRICT COURT JUDGE

Respectfully submitted by:
SOLOMON DWIGGINS & FREER, LTD.

Approved as to form and content by:
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*Attorney for Fredrick Waid, Temporary
Trustee*

*Attorney for Jacqueline M. Montoya and
Kathryn A. Bouvier*

CERTIFICATE OF SERVICE

I hereby certify on the 17th day of July, 2019, I served the foregoing **AMENDED
ORDER GRANTING MOTION FOR ATTORNEYS' FEES AND COSTS** on counsel by the
Court's electronic filing system to the persons and addresses listed below:

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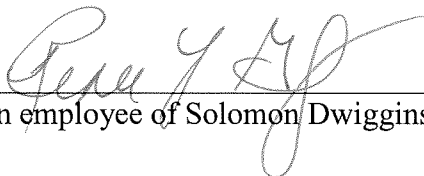
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&
Kathryn A. Bouvier*

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