

1 **JOIN**

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Elizabeth A. Brown
Clerk of Supreme Court

11 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

12 In the Matter of the

13 THE CHRISTIAN FAMILY TRUST

14 u.a.d. 10/11/16

Supreme Court No: 79167

District Court Case No.: P-17-092512-T

15 SUSAN CHRISTIAN-PAYNE, ROSEMARY
16 KEACH AND RAYMOND CHRISTIAN

17 Petitioners,

18 vs

19 JACQUELINE UTKIN and MONTE
20 REASON,

21 Respondents.

22 **JOINDER TO REPLY TO APPELLANTS' OPPOSITION TO MOTION TO DISMISS**

23 COMES NOW, Respondent MONTE REASON ("Respondent") by and through his
24 counsel of record, JOSEPH J. POWELL, ESQ., of RUSHFORTH LEE & KIEFER LLP, and
25 files this Joinder to Respondent JACQUELINE UTKIN's "Reply to Appellants' Opposition
26

1 to Motion to Dismiss” filed by and through her counsel, JERIMY L. KIRSCHNER, ESQ., of
2 JERIMY KIRSCHNER & ASSOCIATES, PLLC, on August 20, 2019 (“Reply”), which is on
3 file herein.

4 This Joinder is made based upon the Reply’s Memorandum of Point and authorities
5 and hereby incorporates the same by reference.

6 **MEMORANDUM OF POINTS AND AUTHORITIES**

7 **I. ARGUMENT**

8 Respondent hereby joins in Respondent Jacqueline Utkin’s Reply and hereby
9 incorporates the same legal argument and authority found in her Reply by this reference.
10

11 As stated by Respondent Utkin in her Reply, there is no 7 day limit in which to file a
12 motion to dismiss, especially for failure to include the wrong party, as has occurred here. The
13 Appellants have intentionally misread NRAP 14(f), despite, as noted by Respondent Utkin,
14 having sought to strike a respondent as a party some 11 months after the beginning of an
15 appeal in a somewhat related matter. *See*, Nev. Sup. Ct. Case No. 75750, April 10, 2019 entry.

16 Further, as previously stated by Respondent in his Joinder to Respondent Utkin’s
17 Motion to Dismiss, like Respondent Utkin, Respondent has never, even once, appeared in an
18 individual capacity in this matter.

19 As stated throughout the Motion to Dismiss, and re-emphasized in Respondent
20 Utkin’s Reply, the fact of the matter is that the *only* proper party to respond to this Appeal is
21 the current trustee, Trustee Waid, who as noted by Respondent Utkin in her Reply was, and
22 remains, the acting trustee of the Trust at the time of the actions taken by Trustee Waid that
23 the Appellants are appealing. Thus, it is Trustee Waid that is the only real party in interest
24 that this appeal pertains to.
25

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1 **II. CONCLUSION**

2 Respondent has not appeared in the District Court action as an individual and has no
3 standing to defend this appeal. As a result, the matter should be dismissed as to Respondent.

4 Dated this 22nd Day of August 2019.

5 RUSHFORTH LEE & KIEFER LLP
6

7 /s/ Joseph J. Powell
8 Joseph J. Powell
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12 Attorneys for Respondent Monte Reason
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on the 22nd day of August, 2019, I caused to be served a true and correct copy of the foregoing JOINDER TO REPLY TO APPELLANTS' OPPOSITION TO MOTION TO DISMISS on the following person(s) by the following method(s) by the following method(s):

X by MAIL: N.R.C.P 5(b), I deposited for first class United States mailing, postage prepaid at Las Vegas, Nevada to the following:

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1 X BY E-MAILAND/OR ELECTRONIC MEANS: Pursuant to Eighth Judicial District
2 Court Administrative Order 14-2, Effective June 1, 2014, as identified in Rule 9 of the
3 N.E.F.C.R. as having consented to electronic service, I served via e-mail or other electronic
4 means (Wiznet) to the e-mail address(es) of the addressee(s).

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