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Elizabeth A. Brown
Clerk of Supreme Court

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15 *Attorneys for Defendants Trudi Lee Lytle and*
16 *John Allen Lytle, as Trustees of the Lytle Trust*

11 DISTRICT COURT
12 CLARK COUNTY, NEVADA

13 MARJORIE B. BOULDEN, trustee of the
14 Marjorie B. Boulden Trust; LINDA
15 LAMOTHE; and JACQUES LAMOTHE,
16 Trustees of the Jacques & Linda
17 Lamothe Living Trust,

18 Plaintiffs,

19 v.

20 TRUDI LEE LYTLE; and JOHN ALLEN
21 LYTLE, as trustees of the Lytle Trust,
22 DOES I through X, inclusive, and ROE
23 CORPORATIONS I through X,

24 Defendants.

25 SEPTEMBER TRUST, DATED MARCH 23,
26 1972; GERRY R. ZOBRIST and JOLIN G.
27 ZOBRIST, as Trustees of the Gerry R.
28 Zobrist and Jolin G. Zobrist Family
Trust; RAYNALDO G. SANDOVAL and
JULIE MARIE SANDOVAL GEGEN, As
Trustees of the Raynaldo G. and
Evelyn A. Sandoval Joint Living and
Devolution Trust Dated May 27, 1992;
and DENNIS A. GEGEN and JULIE S.
GEGEN, husband and wife, as joint
tenants,

Plaintiffs,

Case No. A-16-747800-C

Dep't No. 16

NOTICE OF APPEAL

Consolidated with:

Case No. A-17-765372-C

Dep't No. 16

1 v.

2 TRUDI LEE LYTLE; and JOHN ALLEN
3 LYTLE, as trustees of the Lytle Trust,
4 JOHN DOES I through V, inclusive, and
ROE ENTITIES I through V, inclusive,

Defendants.

5 Please take notice that defendants Trudi Lee Lytle and John Allen
6 Lytle, as Trustees of the Lytle Trust hereby appeal to the Supreme Court of
7 Nevada from:

8 1. "Order Granting Plaintiffs' Motion for Order to Show Cause Why
9 the Lytle Trust Should Not be Held in Contempt for Violation of Court Orders,"
10 filed May 22, 2020, notice of entry of which was served electronically on May 22,
11 2020 (Exhibit A); and

12 2. All judgments, rulings and interlocutory orders made appealable by
13 the foregoing.

14 Dated this 22nd day of June, 2020.

15 LEWIS ROCA ROTHGERBER CHRISTIE LLP

16
17 By: /s/Joel D. Henriod

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22 *Attorneys for Defendants Trudi Lee Lytle and*
23 *John Allen Lytle, as Trustees of the Lytle*
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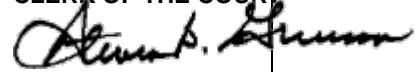
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EXHIBIT A

EXHIBIT A



NEOJ
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*Attorneys for September Trust, Zobrist Trust, Sandoval Trust,
and Dennis & Julie Gegen*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF
THE MARJORIE B. BOULDEN TRUST, *et*
al.,

Plaintiffs,

vs.

TRUDI LEE LYTLE, *et al.*,

Defendants.

Case No.: A-16-747800-C
Dept. No.: XVI

**NOTICE OF ENTRY OF ORDER
GRANTING PLAINTIFFS'
MOTION FOR ORDER TO SHOW
CAUSE WHY THE LYTLE TRUST
SHOULD NOT BE HELD IN
CONTEMPT FOR VIOLATION OF
COURT ORDERS**

SEPTEMBER TRUST, DATED MARCH 23,
1972, *et al.*,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST, *et al.*,

Defendants.

Case No.: A-17-765372-C
Dept. No.: XVI

CONSOLIDATED

NOTICE IS HEREBY GIVEN, that an Order Granting Plaintiffs' Motion for Order to
Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders

1 was entered in the above-captioned matter on May 22, 2020. A copy of the Order is attached
2 hereto.

3 DATED this 22nd day of May 2020.

CHRISTENSEN JAMES & MARTIN

4
5 By: /s/ Wesley J. Smith
6 Wesley J. Smith, Esq.
7 Nevada Bar No. 11871
8 *Attorneys for September Trust, Zobrist*
9 *Trust, Sandoval Trust and Gegen*
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CERTIFICATE OF SERVICE

I am an employee of Christensen James & Martin. On May 22, 2020, I caused a true and correct copy of the foregoing Notice of Entry of Order Granting Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders, to be served in the following manner:

☒ **ELECTRONIC SERVICE**: electronic transmission (E-Service) through the Court's electronic filing system pursuant to Rule 8.05 of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada.

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☐ **UNITED STATES MAIL**: depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ **FACSIMILE**: By sending the above-referenced document via facsimile as follows:

☐ **E-MAIL**: electronic transmission by email to the following address(es):

/s/ Natalie Saville
Natalie Saville

ORDR
CHRISTENSEN JAMES & MARTIN
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*Attorneys for September Trust, Zobrist Trust, Sandoval Trust
and Dennis & Julie Gegen*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF
THE MARJORIE B. BOULDEN TRUST,
LINDA LAMOTHE AND JACQUES
LAMOTHE, TRUSTEES OF THE
JACQUES & LINDA LAMOTHE LIVING
TRUST,

Plaintiffs,

vs.

TRUDI LEE LYTLE, JOHN ALLEN
LYTLE, THE LYTLE TRUST, DOES I
through X, and ROE CORPORATIONS I
through X,

Defendants.

Case No.: A-16-747800-C
Dept. No.: XVI

**ORDER GRANTING PLAINTIFFS'
MOTION FOR ORDER TO SHOW
CAUSE WHY THE LYTLE TRUST
SHOULD NOT BE HELD IN
CONTEMPT FOR VIOLATION OF
COURT ORDERS**

Date: April 22, 2020
Time: 9:00 a.m.

SEPTEMBER TRUST, DATED MARCH 23,
1972; GERRY R. ZOBRIST AND JOLIN G.
ZOBRIST, AS TRUSTEES OF THE GERRY
R. ZOBRIST AND JOLIN G. ZOBRIST
FAMILY TRUST; RAYNALDO G.
SANDOVAL AND JULIE MARIE
SANDOVAL GEGEN, AS TRUSTEES OF
THE RAYNALDO G. AND EVELYN A.
SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C
Dept. No.: XVI

CONSOLIDATED

1 DEVOLUTION TRUST DATED MAY 27,
2 1992; and DENNIS A. GEGEN AND JULIE
3 S. GEGEN, HUSBAND AND WIFE, AS
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN
8 LYTLE, AS TRUSTEES OF THE LYTLE
9 TRUST; JOHN DOES I through V; and ROE
10 ENTITIES I through V, inclusive,

11 Defendants.

12 Presently before the Court is Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust
13 Should Not Be Held in Contempt for Violation of Court Orders ("Motion") filed by the September Trust,
14 dated March 23, 1972 ("September Trust"), Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the
15 Gerry R. Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust"), Raynaldo G. Sandoval and Julie
16 Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and
17 Devolution Trust dated May 27, 1992 ("Sandoval Trust"), and Dennis A. Gegen and Julie S. Gegen,
18 Husband and Wife, as Joint Tenants ("Dennis & Julie Gegen") (collectively the "Plaintiffs"), the Joinders
19 filed by Marjorie B. Boulden, Trustee of the Marjorie B. Boulden Trust, amended and restated dated July
20 17, 1996 ("Boulden Trust") and Linda Lamothe and Jacques Lamothe, Trustees of the Jacques and Linda
21 Lamothe Living Trust ("Lamothe Trust") and Robert Z. Disman and Yvonne A. Disman (the "Dismans"),
22 and the Opposition and Reply thereto, which came on for hearing on April 22, 2020 at 9:00 a.m. in
23 Department XVI of the Eighth Judicial District Court, Clark County, Nevada.

24 Wesley J. Smith, Esq. of Christensen James & Martin, Chtd. appeared on behalf of the Plaintiffs.
25 Daniel T. Foley, Esq. of Foley & Oakes, PC appeared on behalf of the Boulden Trust and Lamothe Trust.
26 Christina H. Wang, Esq. of Fidelity National Law Group appeared on behalf of the Dismans. Dan R.
27 Waite, Esq. of Lewis Roca Rothgerber Christie LLP and Richard Haskin, Esq. of Gibbs Giden Locher
28 Turner Senet & Wittbrodt LLP appeared on behalf of Trudi Lee Lytle and John Allen Lytle, as Trustees
of the Lytle Trust ("Lytle Trust"). Patricia Lee, Esq. of Hutchison & Steffen was present on behalf of
Kevin Singer, court appointed Receiver over the Rosemere Estates Property Owners Association

1 (“Association”), in Case No. A-18-775843-C, *Trudi Lee Lytle et al. v. Rosemere Estates Property*
2 *Owners’ Association* (“Receivership Action”).

3 The Court having considered the Motion, Joinders, Opposition, and Reply, together with the
4 Exhibits thereto, having heard the arguments of counsel, and with good cause appearing therefore, the
5 Court hereby grants the Motion and Joinders and enters the following Findings of Fact, Conclusions of
6 Law, and Order:

7 **FINDINGS OF FACT**

8 1. On April 26, 2017, this Court entered its Findings of Fact, Conclusions of Law, and Order
9 Granting the Boulden Trust and Lamothe Trust’s Motion for Partial Summary Judgment (“April 2017
10 Order”) against the Lytle Trust. On the Lytle Trust’s Motion for Reconsideration or, in the alternative,
11 Motion to Alter or Amend Judgment, on July 27, 2017, this Court entered its Order Granting Motion to
12 Alter or Amend Findings of Fact and Conclusions of Law (“July 2017 Order”) in favor of the Boulden
13 Trust and the Lamothe Trust on their Motion for Partial Summary Judgment.¹ The July 2017 Order is
14 hereby incorporated by reference.

15 2. In the July 2017 Order, the Court concluded, in part, that: the Association is a “limited
16 purpose association” as referenced in NRS 116.1201(2); as a limited purpose association, NRS 116.3117
17 is not applicable to the Association; as a result of the Rosemere Litigation I (referred to in the July 2017
18 Order as the Rosemere LPA Litigation) between the Lytle Trust and the Association, the Amended
19 CC&Rs at issue were judicially declared to have been improperly adopted and recorded, were invalid,
20 have no force and effect, and were declared *void ab initio*; the Boulden Trust and Lamothe Trust were
21 not parties to the Rosemere Litigation I; the Boulden Trust and Lamothe Trust were not “losing parties”
22 in the Rosemere Litigation I per Section 25 of the Original CC&Rs; the Final Judgment in the Rosemere
23 Litigation I against the Association in favor of the Lytle Trust is not against, and is not an obligation of,
24
25

26 ¹ The April 2017 Order included an order that the Lytle Trust had slandered title. The Court
27 subsequently determined that it had not made findings of fact or conclusions of law on this issue and
28 amended accordingly by entering the July 2017 Order without any order on the slander of title claim.
The slander of title claim was later dismissed by stipulation between the parties. *See* Notice of Entry of
Stipulation and Order to Dismiss All Remaining Claims Without Prejudice filed on January 14, 2019.

1 the Boulden Trust and Lamothe Trust; and the Final Judgment against the Association in the Rosemere
2 Litigation I is not an obligation or debt owed by the Boulden Trust and Lamothe Trust.

3 3. The July 2017 Order also included the following permanent injunction at page 7:

4 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Defendants
5 are permanently enjoined from recording and enforcing the Final Judgment from the Rosemere
6 LPA Litigation or any abstracts related thereto against the Boulden Property or the Lamothe
7 Property.

8 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Defendants
9 are permanently enjoined from taking any action in the future against the Plaintiffs or their
10 properties based upon the Rosemere LPA Litigation.

11 4. The Court ordered the Lytle Trust to expunge the Abstracts of Judgment that it had
12 recorded against properties owned by the Boulden Trust and Lamothe Trust. The Lytle Trust released
13 the Abstracts of Judgment, but immediately recorded two *lis pendens* against the Boulden Trust and
14 Lamothe Trust properties. Thereafter, the Lytle Trust refused to voluntarily expunge the *lis pendens* and
15 the Boulden Trust and Lamothe Trust were forced to file a Motion to Expunge *Lis Pendens*. This Court
16 summarily granted the Motion on June 23, 2017 and the *lis pendens* were ordered stricken, but the Lytle
17 Trust was not held in contempt.

18 5. The Lytle Trust appealed the July 2017 Order and the Nevada Supreme Court issued an
19 Order of Affirmance on December 4, 2018 in Case No. 73039, *Trudi Lee Lytle v. Marjorie B. Boulden*
20 (“First Order of Affirmance”).²

21 6. After entry of the July 2017 Order, the September Trust, Zobrist Trust, Sandoval Trust,
22 and Gegens, which also own property within the Rosemere Subdivision, approached the Lytle Trust and
23 requested that it release the Abstracts of Judgment recorded against their properties as well. After the
24 Lytle Trust refused to release the Abstracts of Judgment as to their properties, the September Trust,
25 Zobrist Trust, Sandoval Trust, and Gegens filed a Complaint against the Lytle Trust in Case No. A-17-
26 765372-C, which was consolidated with this Case (Case No. A-16-747900-C) on February 21, 2018.

27 ² The Boulden Trust sold its property to the Dismans on August 4, 2017. This Court subsequently held,
28 in an Order entered on or about December 26, 2018, that the July 2017 Order likewise applied to the
Rosemere Litigation II Judgment, which the Lytle Trust sought to enforce against the Lamothe Trust
and the Dismans’ and their properties after entry of the July 2017 Order.

1 7. On May 24, 2018, this Court entered its Order Granting Motion for Summary Judgment
2 or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary
3 Judgment (“May 2018 Order”) in favor of the September Trust, Zobrist Trust, Sandoval Trust, and
4 Gegens and against the Lytle Trust. The May 2018 Order is hereby incorporated by reference.

5 8. In the May 2018 Order, the Court concluded, in part, that: the Association is a “limited
6 purpose association” as referenced in NRS 116.1201(2); as a limited purpose association, NRS 116.3117,
7 the statute upon which the Lytle Trust relied to record the Abstracts of Judgment, is not applicable to the
8 Association; as a result of the Rosemere Litigation I between the Lytle Trust and the Association, the
9 Amended CC&Rs at issue were judicially declared to have been improperly adopted and recorded, were
10 invalid, have no force and effect, and were declared *void ab initio*; the September Trust, Zobrist Trust,
11 Sandoval Trust, and Gegens were not parties to the Rosemere Litigation I, Rosemere Litigation II, or
12 Rosemere Litigation III; the September Trust, Zobrist Trust, Sandoval Trust, and Gegens were not
13 “losing parties” in the Rosemere Litigation I, Rosemere Litigation II, or Rosemere Litigation III per
14 Section 25 of the Original CC&Rs; the Judgments issued in the Rosemere Litigation I, Rosemere
15 Litigation II, or Rosemere Litigation III (collectively the “Rosemere Judgments”) against the Association
16 in favor of the Lytle Trust are not against, and are not an obligation of, the September Trust, Zobrist
17 Trust, Sandoval Trust, or Gegens to the Lytle Trust; and the Rosemere Judgments against the Association
18 are not an obligation or debt owed by the September Trust, Zobrist Trust, Sandoval Trust, or Gegens to
19 the Lytle Trust.

20 9. The May 2018 Order, at page 10, lines 10-19, contained the following permanent
21 injunction:

22 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust
23 is permanently enjoined from recording and enforcing the Judgments obtained from the
24 Rosemere Litigation I, Rosemere Litigation II and Rosemere Litigation III, or any other
judgments obtained against the Association, against the September Property, Zobrist Property,
Sandoval Property or Gegen Property.

25 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust
26 is permanently enjoined from taking any action in the future directly against the Plaintiffs or
27 their properties based upon the Rosemere Litigation I, Rosemere Litigation II or Rosemere
28 Litigation III.

10. On June 19, 2018, the Lytle Trust appealed the May 2018 Order to the Nevada Supreme Court, Case No. 76198, *Trudi Lee Lytle v. September Trust, Dated March 23, 1972*. This appeal was consolidated with the Lytle Trust's subsequent appeal of an award of attorney's fees and costs in favor of the September Trust, Zobrist Trust, Sandoval Trust, and Gegens under NRS 18.010(2)(b), Case No. 77007. The Supreme Court entered its Order of Affirmance affirming the May 2018 Order and subsequent fees order on March 2, 2020 ("Second Order of Affirmance").

11. On June 8, 2018, the Lytle Trust filed a new action, Case No. A-18-775843-C, *Trudi Lee Lytle et al. v. Rosemere Estates Property Owners' Association* ("Receivership Action"), asserting claims against the Association for (a) Declaratory Judgment, and (b) Breach of Contract/Easement Agreement. The prayer for relief in the Receivership Action sought:

a. an Order declaring that the Association must continue to operate as required by the CC&Rs and Chapters 82 and 116 of the Nevada Revised Statutes, which includes, but is not limited to: 1) maintaining the landscaping in the exterior wall planters; 2) maintaining the exterior perimeter and frontage; 3) maintaining the entrance gate; 4) maintaining the private drive and sewer system; 5) ensuring that homeowners are paying their assessments; 6) seeking collection activity against any homeowners that have failed to pay their assessments; 7) paying known creditors of the Association; 8) specially assessing the homeowners to ensure that enough proceeds exist within the HOA funds to pay all known creditors assessing; and 9) any other activity required under Nevada law.

b. specific performance requiring the Association to comply with the CC&Rs, as well as other Nevada law, with respect to the Association's maintenance and day-to-day activities;

c. injunctive relief preventing the Association from violating the terms of the CC&RS, as well as other Nevada law, moving forward;

d. appointment of a receiver to handle the maintenance obligations and day-to-day activities, including the financial activities regarding assessments and creditors, until a duly constituted board may be instituted and power transitioned thereto; and

1 e. reasonable attorneys' fees, costs of suit and litigation, and such other and further
2 relief as the Court deems just and proper

3 12. The Complaint in the Receivership Action alleges that the Association is not functioning,
4 that the common elements of the community are not being maintained, and that "the Association has not
5 paid known creditors of the Association, which includes, but is not limited to, the annual dues to the
6 Nevada Secretary of State or the Nevada Department of Real Estate or the Lytles, which hold multiple
7 judgments against the Association." Complaint at ¶ 21.

8 13. In a Renewed Application for Appointment of Receiver filed by the Lytle Trust on October
9 24, 2019 ("Application") in the Receivership Action, the Lytle Trust asserts that one reason for a Receiver
10 over the Association was due to the Association's refusal to pay the Rosemere Judgments, including its
11 refusal to assess Association members, including the Plaintiffs, so the Association could pay the
12 Rosemere Judgments. Application at 3:2-4, 5:17-18 ("Additional grounds exist because the Association
13 is refusing to pay and refusing to assess Association members related to various monetary judgments
14 awarded to the Lytles against the Association"), 13:19-28 ("A receiver may be appointed...[a]fter
15 judgment, to carry the judgment into effect" (quoting NRS 32.010(3))), 14:1-2, 16-28 ("the Lytle Trust
16 obtained judgments against the Association and a Receiver is needed to carry those judgments into
17 effect"), 15:20-25 ("the Association has a duty...to pay its debts, including the Judgments obtained by
18 the Lytle Trust"), 16:17-22 ("the Association is without any governing body to assess the homeowners
19 and pay the judgments").

20 14. The Lytle Trust disclosed to the judge in the Receivership Action (the "Receivership
21 Court") that the Amended CC&Rs had been judicially declared *void ab initio* and of no force or effect.
22 *Id.* at 8:11-12 (the District "Court determined that the Amended CC&Rs were not properly adopted or
23 recorded, that the Amended CC&Rs are invalid, and that the Amended CC&Rs have no force or effect");
24 8 at n.3 ("Note, Rosemere 2 Litigation commenced more than six years *before* the Court in Rosemere 1
25 Litigation ruled that the Amended CC&Rs were invalid.") (emphasis in original); 9:13-17 ("In granting
26 the Lytle Trust's Motion for Attorneys' Fees, the district court in the Rosemere 1 and Rosemere 2
27 Litigations . . . held that the Lytle Trust could recover attorneys' fees under the Amended CC&Rs because
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1 that document, while declared *void ab initio* by the district court, was in effect and enforced by the
2 Association against the Lytle Trust at all times during the underlying litigation.”).

3 15. However, The Lytle Trust further argued in the Application that the Amended CC&Rs
4 provide authority for a receiver to make special assessments on the Plaintiffs’ and other owners’
5 properties to collect funds to pay the Rosemere Judgments. *Id.* at 11:4-28, 13:1-17, 17:1-9. The Lytle
6 Trust’s Application included a section heading in its Statement of Fact section titled “The Amended
7 CC&Rs Grant the Association Authority to Assess Each Unit for Payment of Judgments Against the
8 Association.” *Id.* at 11:4-5. The Lytle Trust also represented that “the District Court already ruled that
9 the Association is liable for attorneys’ fees, costs and damages pursuant to the Amended CC&Rs, which
10 provide the Association with the ability to specially assess each property (unit) for the costs of the
11 judgments. Amended CC&Rs ¶ 10.11, Exhibit 16.” *Id.* at 17:6-9.

12 16. The Lytle Trust did not inform the Receivership Court about this Case, the July 2017 Order,
13 May 2018 Order, or the Orders of Affirmance.³ The Lytle Trust did not inform the Receivership Court
14 that this Court had issued permanent injunctions against the Lytle Trust relating to enforcement of the
15 Rosemere Judgments against the Plaintiffs, the Boulden Trust, the Lamothe Trust, the Dismans, or their
16 properties.

17 17. On December 18, 2019, based on the Lytle Trust’s Application, the Receivership Court
18 entered an Order Appointing a Receiver of Defendant Rosemere Property Owners Association (“Order
19 Appointing Receiver”). The Order Appointing Receiver, drafted by the Lytle Trust, directs the Receiver
20 to “[i]ssue and collect a special assessment upon all owners within the Association to satisfy the Lytle
21 Trust’s judgments against the Association.” Order Appointing Receiver at 2:19-20. It further empowers
22 the Receiver with “the authority to assess all Association unit owners to pay for any operation costs or
23 to pay for judgments against the Association. If an Association member does not pay an assessment then
24 the Receiver may proceed to foreclose on said member’s ownership interest in the property.” *Id.* at 6:4-
25 7.

27 ³ The Court notes that the Second Order of Affirmance was issued after entry of the Order Appointing
28 Receiver and the Lytle Trust could not have informed the Receivership Court of it prior to entry of the
Order Appointing Receiver.

18. On or around January 22, 2020, the Plaintiffs and the Dismans⁴ each received a letter from Kevin Singer of Receivership Specialists regarding the appointment of Mr. Singer as the Receiver in the Receivership Action (“Receiver Letter”). In the Receiver Letter, Mr. Singer states that “[t]he appointment of the receivership is predicated on judgments against the HOA in the approximate amount of \$1,481,822 by the Lytle family (“the Plaintiff”).... These judgments need to be paid and the Court agreed with the Plaintiff by appointing a Receiver to facilitate the satisfying of the judgments.... We would like to meet with title holding members of the HOA...[to] share three ideas we have to pay these judgments.”

19. On January 29, 2020, counsel for Plaintiffs sent a letter to the Receiver, with a copy to counsel for the Lytle Trust, notifying the Receiver that the Orders and Permanent Injunctions issued in this Case prevent further effort to collect the Rosemere Judgments from the Plaintiffs or other property owners. The Plaintiffs expressed their belief this effort to assess the property owners to pay the Rosemere Judgments violated this Court’s Orders and demanded that the Receiver cease and desist.

20. On March 4, 2020, the Plaintiffs filed the instant Motion informing the Court about the Lytle Trust’s actions and seeking sanctions for violation of this Court’s May 2018 Order. The Boulden Trust and Lamothe Trust filed a Joinder to the Motion on March 5, 2020.⁵ The Dismans filed a Joinder to the Motion on March 6, 2020.

21. The Association has never been a party to this Case.

CONCLUSIONS OF LAW

1. This case has a history, such as the filing of the *lis pendens* against the Boulden Trust and Lamothe Trust properties after the Court had ordered the expungement of the Abstracts of Judgment and continued enforcement of the Abstracts of Judgment against the September Trust, Zobrist Trust, Sandoval Trust, and Gegens’ properties after entry of the July 2017 Order, that demonstrates that the Lytle Trust does not respect this Court’s Orders.

⁴ At the time, the Boulden Trust and Lamothe Trust no longer held title to any property within the Rosemere Subdivision, having sold their properties on August 4, 2017, and May 1, 2019, respectively.

⁵ After the hearing on the Motion but prior to entry of this Order, the Boulden Trust and the Lamothe Trust withdrew their Joinders pursuant to a settlement with the Lytle Trust. Therefore, the Boulden Trust and Lamothe Trust are no longer considered movants for purposes of the relief granted herein.

2. This Court has inherent power to enforce its decrees, orders and judgments. A party is required to adhere to court orders, even disagreeable or erroneous orders, until terminated or overturned.

3. The proper course of action if a party disagrees with a Court order is to appeal.

4. The May 2018 Order must be obeyed by the Lytle Trust.

5. Each paragraph, each finding of fact, and each conclusion of law in the May 2018 Order must be given its plain meaning, and each paragraph of that Order's permanent injunction must be obeyed by the Lytle Trust.

6. As a result of the Findings of Fact and Conclusions of Law in the May 2018 Order, there were specific orders which are not mutually exclusive. Each issue ordered by the Court should be given its meaning, and they are not in conflict.

7. The Court's factual determinations and conclusions of law culminated with the permanent injunction language starting at Page 10, Line 10 of the May 2018 Order, which stated:

IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust is permanently enjoined from recording and enforcing the Judgments obtained from the Rosemere Litigation I, Rosemere Litigation II and Rosemere Litigation III, or any other judgments obtained against the Association, against the September Property, Zobrist Property, Sandoval Property or Gegen Property.

IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust is permanently enjoined from taking any action in the future directly against the Plaintiffs or their properties based upon the Rosemere Litigation I, Rosemere Litigation II or Rosemere Litigation III.

8. These paragraphs are not mutually exclusive and each must be obeyed by the Lytle Trust.

9. The Findings of Fact, Conclusions of Law, and Orders contained in the May 2018 Order, including the permanent injunctions, are clear, specific and unambiguous as to what the parties could and could not do in this case. Further, the terms of the permanent injunction are specific and definite so that the Lytle Trust could readily know exactly what duties or obligations were imposed on it.

10. The May 2018 Order's permanent injunction clearly precluded the Lytle Trust from doing anything as it relates to enforcing and recording the Rosemere Judgments against the Plaintiffs and Dismans or their properties.

11. Indeed, the Lytle Trust has no judgment creditor rights to try to collect the Rosemere Judgments from the Plaintiffs or Dismans in any way, shape, or form.

12. The Plaintiffs have demonstrated by clear and convincing evidence that the Lytle Trust violated the clear and specific terms of the permanent injunction found in the May 2018 Order when it initiated an action against the Association that included a prayer for appointment of a receiver, applied for appointment of a receiver, and argued that the Association, through the Receiver, could make special assessments on the Plaintiffs' and other property owners for the purpose of paying the Rosemere Judgments, all while failing to inform the Receivership Court of this Case, this Court's Orders, or that the Lytle Trust had been enjoined from enforcing the Rosemere Judgments against the Plaintiffs, the Boulden Trust, the Lamothe Trust, and the Dismans, or their properties.

13. The Lytle Trust's actions, as stated in the Findings of Fact and set forth herein, directly and indirectly violated the May 2018 Order.

14. Any references to the power of assessment exercised by the Association, or the Receiver on behalf of the Association, against the individual homeowners for payment of the Rosemere Judgments in the Order Appointing Receiver, as advocated for and drafted by the Lytle Trust, directly and indirectly violates the May 2018 Order.

15. The Lytle Trust has failed to show why it was unable to comply with the May 2018 Order.

16. The Lytle Trust has failed to demonstrate how its actions did not violate the clear and specific terms of the May 2018 Order.

17. A party may be held in contempt of court for disobedience or resistance to any lawful order issued by the court. NRS 22.010(3)

18. "[I]f a person is found guilty of contempt, a fine may be imposed on the person not exceeding \$500 or the person may be imprisoned not exceeding 25 days, or both." NRS 22.100(2).

19. In addition, the court may award "reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt." NRS 22.100(3).

ORDER

Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing therefore,

1 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Plaintiffs' Motion for Order
2 to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders, as
3 well as the Joinders thereto filed by the Boulden Trust, the Lamothe Trust, and the Dismans, are
4 GRANTED.

5 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust
6 violated the May 2018 Order.

7 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust
8 is in contempt of the May 2018 Order.

9 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust
10 shall pay a \$500 penalty to each movant for violation of the May 2018 Order; specifically, \$500 payable
11 to the September Trust, \$500 payable to the Zobrist Trust, \$500 payable to the Sandoval Trust, \$500
12 payable to the Gegens, and \$500 payable to the Dismans.

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1 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the September
2 Trust, Zobrist Trust, Sandoval Trust, Gegens, and Dismans, may file applications for their reasonable
3 expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt.
4 The Court will consider such applications on the merits.

5 **IT IS SO ORDERED.**

6 Dated this 22 day of May, 2020.

7 
8 DISTRICT COURT JUDGE
9 CG

9 **Submitted by:**

10 **CHRISTENSEN JAMES & MARTIN**

11 /s/ Wesley J. Smith

12 Wesley J. Smith, Esq.
13 Nevada Bar No. 11871
14 Laura J. Wolff, Esq.
15 Nevada Bar No. 6869
16 7440 W. Sahara Ave.
17 Las Vegas, NV 89117
18 *Attorneys for Plaintiffs September Trust,*
19 *Zobrist Trust, Sandoval Trust, and*
20 *Dennis & Julie Gegen*

9 **Approved as to Form and Content by:**

10 **FIDELITY NATIONAL LAW GROUP**

11 /s/ Christina H. Wang

12 CHRISTINA H. WANG, ESQ.
13 Nevada Bar No. 9713
14 8363 W. Sunset Road, Suite 120
15 Las Vegas, Nevada 89113
16 *Attorneys for Robert & Yvonne Disman*

16 **Reviewed by Not Approved by:**

17 **LEWIS ROCA ROTHBERGER CHRISTIE**
18 **LLP**

19 Reviewed But Not Approved

20 DAN R. WAITE, ESQ.
21 Nevada Bar 4078
22 3993 Howard Hughes Parkway, Suite 600
23 Las Vegas, Nevada 89169
24 *Attorneys for Lytle Trust*

RE: Case No. A-16-747800-C - Boulden v. Lytle - ORDR - Proposed Order Granting Plaintiffs' Motion for Order to Show Cause

Wang, Christina <Christina.Wang@fnf.com>

Mon 5/18/2020 9:52 AM

To: Wesley Smith <wes@cjmlv.com>

Cc: Engelman, Lace <Lace.Engelman@fnf.com>

Approved – thanks.

Christina H. Wang

Litigation Counsel

Fidelity National Law Group

8363 W. Sunset Road, Suite 120

Las Vegas, Nevada 89113

702-667-3000 (Main)

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christina.wang@fnf.com

PLEASE NOTE THAT OUR OFFICE HAS MOVED TO THE ABOVE ADDRESS.

The Law Division of Alamo Title Insurance, Chicago Title Insurance Co., Commonwealth Land Title Insurance Co., Fidelity National Title Insurance Co., and Fidelity National Title Group, Inc.

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From: Wesley Smith <wes@cjmlv.com>

Sent: Monday, May 18, 2020 9:45 AM

To: Wang, Christina <Christina.Wang@fnf.com>

Cc: Engelman, Lace <Lace.Engelman@fnf.com>

Subject: Re: Case No. A-16-747800-C - Boulden v. Lytle - ORDR - Proposed Order Granting Plaintiffs' Motion for Order to Show Cause

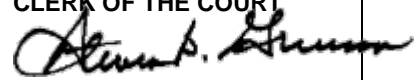
IMPORTANT NOTICE - This message sourced from an external mail server outside of the Company.

Christina,

Per our discussion, can you please approve this version which adds the date to footnote 2?

Wes Smith

Christensen James & Martin



1 **ORDR**

2 **CHRISTENSEN JAMES & MARTIN**

3 KEVIN B. CHRISTENSEN, ESQ.

Nevada Bar No. 175

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Attorneys for September Trust, Zobrist Trust, Sandoval Trust

and Dennis & Julie Gegen

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 MARJORIE B. BOULDEN, TRUSTEE OF
12 THE MARJORIE B. BOULDEN TRUST,
13 LINDA LAMOTHE AND JACQUES
14 LAMOTHE, TRUSTEES OF THE
15 JACQUES & LINDA LAMOTHE LIVING
16 TRUST,

17 Plaintiffs,

18 vs.

19 TRUDI LEE LYTLE, JOHN ALLEN
20 LYTLE, THE LYTLE TRUST, DOES I
21 through X, and ROE CORPORATIONS I
22 through X,

23 Defendants.

Case No.: A-16-747800-C

Dept. No.: XVI

ORDER GRANTING PLAINTIFFS'
MOTION FOR ORDER TO SHOW
CAUSE WHY THE LYTLE TRUST
SHOULD NOT BE HELD IN
CONTEMPT FOR VIOLATION OF
COURT ORDERS

Date: April 22, 2020

Time: 9:00 a.m.

24 SEPTEMBER TRUST, DATED MARCH 23,
25 1972; GERRY R. ZOBRIST AND JOLIN G.
26 ZOBRIST, AS TRUSTEES OF THE GERRY
27 R. ZOBRIST AND JOLIN G. ZOBRIST
28 FAMILY TRUST; RAYNALDO G.
SANDOVAL AND JULIE MARIE
SANDOVAL GEGEN, AS TRUSTEES OF
THE RAYNALDO G. AND EVELYN A.
SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C

Dept. No.: XVI

CONSOLIDATED

1 DEVOLUTION TRUST DATED MAY 27,
2 1992; and DENNIS A. GEGEN AND JULIE
3 S. GEGEN, HUSBAND AND WIFE, AS
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN
8 LYTLE, AS TRUSTEES OF THE LYTLE
9 TRUST; JOHN DOES I through V; and ROE
10 ENTITIES I through V, inclusive,

11 Defendants.

12 Presently before the Court is Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust
13 Should Not Be Held in Contempt for Violation of Court Orders ("Motion") filed by the September Trust,
14 dated March 23, 1972 ("September Trust"), Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the
15 Gerry R. Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust"), Raynaldo G. Sandoval and Julie
16 Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and
17 Devolution Trust dated May 27, 1992 ("Sandoval Trust"), and Dennis A. Gegen and Julie S. Gegen,
18 Husband and Wife, as Joint Tenants ("Dennis & Julie Gegen") (collectively the "Plaintiffs"), the Joinders
19 filed by Marjorie B. Boulden, Trustee of the Marjorie B. Boulden Trust, amended and restated dated July
20 17, 1996 ("Boulden Trust") and Linda Lamothe and Jacques Lamothe, Trustees of the Jacques and Linda
21 Lamothe Living Trust ("Lamothe Trust") and Robert Z. Dismann and Yvonne A. Dismann (the "Dismans"),
22 and the Opposition and Reply thereto, which came on for hearing on April 22, 2020 at 9:00 a.m. in
23 Department XVI of the Eighth Judicial District Court, Clark County, Nevada.

24 Wesley J. Smith, Esq. of Christensen James & Martin, Chtd. appeared on behalf of the Plaintiffs.
25 Daniel T. Foley, Esq. of Foley & Oakes, PC appeared on behalf of the Boulden Trust and Lamothe Trust.
26 Christina H. Wang, Esq. of Fidelity National Law Group appeared on behalf of the Dismans. Dan R.
27 Waite, Esq. of Lewis Roca Rothgerber Christie LLP and Richard Haskin, Esq. of Gibbs Giden Locher
28 Turner Senet & Wittbrodt LLP appeared on behalf of Trudi Lee Lytle and John Allen Lytle, as Trustees
of the Lytle Trust ("Lytle Trust"). Patricia Lee, Esq. of Hutchison & Steffen was present on behalf of
Kevin Singer, court appointed Receiver over the Rosemere Estates Property Owners Association

1 (“Association”), in Case No. A-18-775843-C, *Trudi Lee Lytle et al. v. Rosemere Estates Property*
2 *Owners’ Association* (“Receivership Action”).

3 The Court having considered the Motion, Joinders, Opposition, and Reply, together with the
4 Exhibits thereto, having heard the arguments of counsel, and with good cause appearing therefore, the
5 Court hereby grants the Motion and Joinders and enters the following Findings of Fact, Conclusions of
6 Law, and Order:

7 **FINDINGS OF FACT**

8 1. On April 26, 2017, this Court entered its Findings of Fact, Conclusions of Law, and Order
9 Granting the Boulden Trust and Lamothe Trust’s Motion for Partial Summary Judgment (“April 2017
10 Order”) against the Lytle Trust. On the Lytle Trust’s Motion for Reconsideration or, in the alternative,
11 Motion to Alter or Amend Judgment, on July 27, 2017, this Court entered its Order Granting Motion to
12 Alter or Amend Findings of Fact and Conclusions of Law (“July 2017 Order”) in favor of the Boulden
13 Trust and the Lamothe Trust on their Motion for Partial Summary Judgment.¹ The July 2017 Order is
14 hereby incorporated by reference.

15 2. In the July 2017 Order, the Court concluded, in part, that: the Association is a “limited
16 purpose association” as referenced in NRS 116.1201(2); as a limited purpose association, NRS 116.3117
17 is not applicable to the Association; as a result of the Rosemere Litigation I (referred to in the July 2017
18 Order as the Rosemere LPA Litigation) between the Lytle Trust and the Association, the Amended
19 CC&Rs at issue were judicially declared to have been improperly adopted and recorded, were invalid,
20 have no force and effect, and were declared *void ab initio*; the Boulden Trust and Lamothe Trust were
21 not parties to the Rosemere Litigation I; the Boulden Trust and Lamothe Trust were not “losing parties”
22 in the Rosemere Litigation I per Section 25 of the Original CC&Rs; the Final Judgment in the Rosemere
23 Litigation I against the Association in favor of the Lytle Trust is not against, and is not an obligation of,
24
25

26 ¹ The April 2017 Order included an order that the Lytle Trust had slandered title. The Court
27 subsequently determined that it had not made findings of fact or conclusions of law on this issue and
28 amended accordingly by entering the July 2017 Order without any order on the slander of title claim.
The slander of title claim was later dismissed by stipulation between the parties. *See* Notice of Entry of
Stipulation and Order to Dismiss All Remaining Claims Without Prejudice filed on January 14, 2019.

1 the Boulden Trust and Lamothe Trust; and the Final Judgment against the Association in the Rosemere
2 Litigation I is not an obligation or debt owed by the Boulden Trust and Lamothe Trust.

3 3. The July 2017 Order also included the following permanent injunction at page 7:

4 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Defendants
5 are permanently enjoined from recording and enforcing the Final Judgment from the Rosemere
6 LPA Litigation or any abstracts related thereto against the Boulden Property or the Lamothe
7 Property.

8 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Defendants
9 are permanently enjoined from taking any action in the future against the Plaintiffs or their
10 properties based upon the Rosemere LPA Litigation.

11 4. The Court ordered the Lytle Trust to expunge the Abstracts of Judgment that it had
12 recorded against properties owned by the Boulden Trust and Lamothe Trust. The Lytle Trust released
13 the Abstracts of Judgment, but immediately recorded two *lis pendens* against the Boulden Trust and
14 Lamothe Trust properties. Thereafter, the Lytle Trust refused to voluntarily expunge the *lis pendens* and
15 the Boulden Trust and Lamothe Trust were forced to file a Motion to Expunge *Lis Pendens*. This Court
16 summarily granted the Motion on June 23, 2017 and the *lis pendens* were ordered stricken, but the Lytle
17 Trust was not held in contempt.

18 5. The Lytle Trust appealed the July 2017 Order and the Nevada Supreme Court issued an
19 Order of Affirmance on December 4, 2018 in Case No. 73039, *Trudi Lee Lytle v. Marjorie B. Boulden*
20 (“First Order of Affirmance”).²

21 6. After entry of the July 2017 Order, the September Trust, Zobrist Trust, Sandoval Trust,
22 and Gegens, which also own property within the Rosemere Subdivision, approached the Lytle Trust and
23 requested that it release the Abstracts of Judgment recorded against their properties as well. After the
24 Lytle Trust refused to release the Abstracts of Judgment as to their properties, the September Trust,
25 Zobrist Trust, Sandoval Trust, and Gegens filed a Complaint against the Lytle Trust in Case No. A-17-
26 765372-C, which was consolidated with this Case (Case No. A-16-747900-C) on February 21, 2018.

27 ² The Boulden Trust sold its property to the Dismans on August 4, 2017. This Court subsequently held,
28 in an Order entered on or about December 26, 2018, that the July 2017 Order likewise applied to the
Rosemere Litigation II Judgment, which the Lytle Trust sought to enforce against the Lamothe Trust
and the Dismans’ and their properties after entry of the July 2017 Order.

1 7. On May 24, 2018, this Court entered its Order Granting Motion for Summary Judgment
2 or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary
3 Judgment (“May 2018 Order”) in favor of the September Trust, Zobrist Trust, Sandoval Trust, and
4 Gegens and against the Lytle Trust. The May 2018 Order is hereby incorporated by reference.

5 8. In the May 2018 Order, the Court concluded, in part, that: the Association is a “limited
6 purpose association” as referenced in NRS 116.1201(2); as a limited purpose association, NRS 116.3117,
7 the statute upon which the Lytle Trust relied to record the Abstracts of Judgment, is not applicable to the
8 Association; as a result of the Rosemere Litigation I between the Lytle Trust and the Association, the
9 Amended CC&Rs at issue were judicially declared to have been improperly adopted and recorded, were
10 invalid, have no force and effect, and were declared *void ab initio*; the September Trust, Zobrist Trust,
11 Sandoval Trust, and Gegens were not parties to the Rosemere Litigation I, Rosemere Litigation II, or
12 Rosemere Litigation III; the September Trust, Zobrist Trust, Sandoval Trust, and Gegens were not
13 “losing parties” in the Rosemere Litigation I, Rosemere Litigation II, or Rosemere Litigation III per
14 Section 25 of the Original CC&Rs; the Judgments issued in the Rosemere Litigation I, Rosemere
15 Litigation II, or Rosemere Litigation III (collectively the “Rosemere Judgments”) against the Association
16 in favor of the Lytle Trust are not against, and are not an obligation of, the September Trust, Zobrist
17 Trust, Sandoval Trust, or Gegens to the Lytle Trust; and the Rosemere Judgments against the Association
18 are not an obligation or debt owed by the September Trust, Zobrist Trust, Sandoval Trust, or Gegens to
19 the Lytle Trust.

20 9. The May 2018 Order, at page 10, lines 10-19, contained the following permanent
21 injunction:

22 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust
23 is permanently enjoined from recording and enforcing the Judgments obtained from the
24 Rosemere Litigation I, Rosemere Litigation II and Rosemere Litigation III, or any other
judgments obtained against the Association, against the September Property, Zobrist Property,
Sandoval Property or Gegen Property.

25 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust
26 is permanently enjoined from taking any action in the future directly against the Plaintiffs or
27 their properties based upon the Rosemere Litigation I, Rosemere Litigation II or Rosemere
28 Litigation III.

10. On June 19, 2018, the Lytle Trust appealed the May 2018 Order to the Nevada Supreme Court, Case No. 76198, *Trudi Lee Lytle v. September Trust, Dated March 23, 1972*. This appeal was consolidated with the Lytle Trust's subsequent appeal of an award of attorney's fees and costs in favor of the September Trust, Zobrist Trust, Sandoval Trust, and Gegens under NRS 18.010(2)(b), Case No. 77007. The Supreme Court entered its Order of Affirmance affirming the May 2018 Order and subsequent fees order on March 2, 2020 ("Second Order of Affirmance").

11. On June 8, 2018, the Lytle Trust filed a new action, Case No. A-18-775843-C, *Trudi Lee Lytle et al. v. Rosemere Estates Property Owners' Association* ("Receivership Action"), asserting claims against the Association for (a) Declaratory Judgment, and (b) Breach of Contract/Easement Agreement. The prayer for relief in the Receivership Action sought:

a. an Order declaring that the Association must continue to operate as required by the CC&Rs and Chapters 82 and 116 of the Nevada Revised Statutes, which includes, but is not limited to: 1) maintaining the landscaping in the exterior wall planters; 2) maintaining the exterior perimeter and frontage; 3) maintaining the entrance gate; 4) maintaining the private drive and sewer system; 5) ensuring that homeowners are paying their assessments; 6) seeking collection activity against any homeowners that have failed to pay their assessments; 7) paying known creditors of the Association; 8) specially assessing the homeowners to ensure that enough proceeds exist within the HOA funds to pay all known creditors assessing; and 9) any other activity required under Nevada law.

b. specific performance requiring the Association to comply with the CC&Rs, as well as other Nevada law, with respect to the Association's maintenance and day-to-day activities;

c. injunctive relief preventing the Association from violating the terms of the CC&RS, as well as other Nevada law, moving forward;

d. appointment of a receiver to handle the maintenance obligations and day-to-day activities, including the financial activities regarding assessments and creditors, until a duly constituted board may be instituted and power transitioned thereto; and

1 e. reasonable attorneys' fees, costs of suit and litigation, and such other and further
2 relief as the Court deems just and proper

3 12. The Complaint in the Receivership Action alleges that the Association is not functioning,
4 that the common elements of the community are not being maintained, and that "the Association has not
5 paid known creditors of the Association, which includes, but is not limited to, the annual dues to the
6 Nevada Secretary of State or the Nevada Department of Real Estate or the Lytles, which hold multiple
7 judgments against the Association." Complaint at ¶ 21.

8 13. In a Renewed Application for Appointment of Receiver filed by the Lytle Trust on October
9 24, 2019 ("Application") in the Receivership Action, the Lytle Trust asserts that one reason for a Receiver
10 over the Association was due to the Association's refusal to pay the Rosemere Judgments, including its
11 refusal to assess Association members, including the Plaintiffs, so the Association could pay the
12 Rosemere Judgments. Application at 3:2-4, 5:17-18 ("Additional grounds exist because the Association
13 is refusing to pay and refusing to assess Association members related to various monetary judgments
14 awarded to the Lytles against the Association"), 13:19-28 ("A receiver may be appointed...[a]fter
15 judgment, to carry the judgment into effect" (quoting NRS 32.010(3))), 14:1-2, 16-28 ("the Lytle Trust
16 obtained judgments against the Association and a Receiver is needed to carry those judgments into
17 effect"), 15:20-25 ("the Association has a duty...to pay its debts, including the Judgments obtained by
18 the Lytle Trust"), 16:17-22 ("the Association is without any governing body to assess the homeowners
19 and pay the judgments").

20 14. The Lytle Trust disclosed to the judge in the Receivership Action (the "Receivership
21 Court") that the Amended CC&Rs had been judicially declared *void ab initio* and of no force or effect.
22 *Id.* at 8:11-12 (the District "Court determined that the Amended CC&Rs were not properly adopted or
23 recorded, that the Amended CC&Rs are invalid, and that the Amended CC&Rs have no force or effect");
24 8 at n.3 ("Note, Rosemere 2 Litigation commenced more than six years *before* the Court in Rosemere 1
25 Litigation ruled that the Amended CC&Rs were invalid.") (emphasis in original); 9:13-17 ("In granting
26 the Lytle Trust's Motion for Attorneys' Fees, the district court in the Rosemere 1 and Rosemere 2
27 Litigations . . . held that the Lytle Trust could recover attorneys' fees under the Amended CC&Rs because
28

1 that document, while declared *void ab initio* by the district court, was in effect and enforced by the
2 Association against the Lytle Trust at all times during the underlying litigation.”).

3 15. However, The Lytle Trust further argued in the Application that the Amended CC&Rs
4 provide authority for a receiver to make special assessments on the Plaintiffs’ and other owners’
5 properties to collect funds to pay the Rosemere Judgments. *Id.* at 11:4-28, 13:1-17, 17:1-9. The Lytle
6 Trust’s Application included a section heading in its Statement of Fact section titled “The Amended
7 CC&Rs Grant the Association Authority to Assess Each Unit for Payment of Judgments Against the
8 Association.” *Id.* at 11:4-5. The Lytle Trust also represented that “the District Court already ruled that
9 the Association is liable for attorneys’ fees, costs and damages pursuant to the Amended CC&Rs, which
10 provide the Association with the ability to specially assess each property (unit) for the costs of the
11 judgments. Amended CC&Rs ¶ 10.11, Exhibit 16.” *Id.* at 17:6-9.

12 16. The Lytle Trust did not inform the Receivership Court about this Case, the July 2017 Order,
13 May 2018 Order, or the Orders of Affirmance.³ The Lytle Trust did not inform the Receivership Court
14 that this Court had issued permanent injunctions against the Lytle Trust relating to enforcement of the
15 Rosemere Judgments against the Plaintiffs, the Boulden Trust, the Lamothe Trust, the Dismans, or their
16 properties.

17 17. On December 18, 2019, based on the Lytle Trust’s Application, the Receivership Court
18 entered an Order Appointing a Receiver of Defendant Rosemere Property Owners Association (“Order
19 Appointing Receiver”). The Order Appointing Receiver, drafted by the Lytle Trust, directs the Receiver
20 to “[i]ssue and collect a special assessment upon all owners within the Association to satisfy the Lytle
21 Trust’s judgments against the Association.” Order Appointing Receiver at 2:19-20. It further empowers
22 the Receiver with “the authority to assess all Association unit owners to pay for any operation costs or
23 to pay for judgments against the Association. If an Association member does not pay an assessment then
24 the Receiver may proceed to foreclose on said member’s ownership interest in the property.” *Id.* at 6:4-
25 7.

26
27 ³ The Court notes that the Second Order of Affirmance was issued after entry of the Order Appointing
28 Receiver and the Lytle Trust could not have informed the Receivership Court of it prior to entry of the
Order Appointing Receiver.

18. On or around January 22, 2020, the Plaintiffs and the Dismans⁴ each received a letter from Kevin Singer of Receivership Specialists regarding the appointment of Mr. Singer as the Receiver in the Receivership Action (“Receiver Letter”). In the Receiver Letter, Mr. Singer states that “[t]he appointment of the receivership is predicated on judgments against the HOA in the approximate amount of \$1,481,822 by the Lytle family (“the Plaintiff”).... These judgments need to be paid and the Court agreed with the Plaintiff by appointing a Receiver to facilitate the satisfying of the judgments.... We would like to meet with title holding members of the HOA...[to] share three ideas we have to pay these judgments.”

19. On January 29, 2020, counsel for Plaintiffs sent a letter to the Receiver, with a copy to counsel for the Lytle Trust, notifying the Receiver that the Orders and Permanent Injunctions issued in this Case prevent further effort to collect the Rosemere Judgments from the Plaintiffs or other property owners. The Plaintiffs expressed their belief this effort to assess the property owners to pay the Rosemere Judgments violated this Court’s Orders and demanded that the Receiver cease and desist.

20. On March 4, 2020, the Plaintiffs filed the instant Motion informing the Court about the Lytle Trust’s actions and seeking sanctions for violation of this Court’s May 2018 Order. The Boulden Trust and Lamothe Trust filed a Joinder to the Motion on March 5, 2020.⁵ The Dismans filed a Joinder to the Motion on March 6, 2020.

21. The Association has never been a party to this Case.

CONCLUSIONS OF LAW

1. This case has a history, such as the filing of the *lis pendens* against the Boulden Trust and Lamothe Trust properties after the Court had ordered the expungement of the Abstracts of Judgment and continued enforcement of the Abstracts of Judgment against the September Trust, Zobrist Trust, Sandoval Trust, and Gegens’ properties after entry of the July 2017 Order, that demonstrates that the Lytle Trust does not respect this Court’s Orders.

⁴ At the time, the Boulden Trust and Lamothe Trust no longer held title to any property within the Rosemere Subdivision, having sold their properties on August 4, 2017, and May 1, 2019, respectively.

⁵ After the hearing on the Motion but prior to entry of this Order, the Boulden Trust and the Lamothe Trust withdrew their Joinders pursuant to a settlement with the Lytle Trust. Therefore, the Boulden Trust and Lamothe Trust are no longer considered movants for purposes of the relief granted herein.

2. This Court has inherent power to enforce its decrees, orders and judgments. A party is required to adhere to court orders, even disagreeable or erroneous orders, until terminated or overturned.

3. The proper course of action if a party disagrees with a Court order is to appeal.

4. The May 2018 Order must be obeyed by the Lytle Trust.

5. Each paragraph, each finding of fact, and each conclusion of law in the May 2018 Order must be given its plain meaning, and each paragraph of that Order's permanent injunction must be obeyed by the Lytle Trust.

6. As a result of the Findings of Fact and Conclusions of Law in the May 2018 Order, there were specific orders which are not mutually exclusive. Each issue ordered by the Court should be given its meaning, and they are not in conflict.

7. The Court's factual determinations and conclusions of law culminated with the permanent injunction language starting at Page 10, Line 10 of the May 2018 Order, which stated:

IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust is permanently enjoined from recording and enforcing the Judgments obtained from the Rosemere Litigation I, Rosemere Litigation II and Rosemere Litigation III, or any other judgments obtained against the Association, against the September Property, Zobrist Property, Sandoval Property or Gegen Property.

IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust is permanently enjoined from taking any action in the future directly against the Plaintiffs or their properties based upon the Rosemere Litigation I, Rosemere Litigation II or Rosemere Litigation III.

8. These paragraphs are not mutually exclusive and each must be obeyed by the Lytle Trust.

9. The Findings of Fact, Conclusions of Law, and Orders contained in the May 2018 Order, including the permanent injunctions, are clear, specific and unambiguous as to what the parties could and could not do in this case. Further, the terms of the permanent injunction are specific and definite so that the Lytle Trust could readily know exactly what duties or obligations were imposed on it.

10. The May 2018 Order's permanent injunction clearly precluded the Lytle Trust from doing anything as it relates to enforcing and recording the Rosemere Judgments against the Plaintiffs and Dismans or their properties.

11. Indeed, the Lytle Trust has no judgment creditor rights to try to collect the Rosemere Judgments from the Plaintiffs or Dismans in any way, shape, or form.

12. The Plaintiffs have demonstrated by clear and convincing evidence that the Lytle Trust violated the clear and specific terms of the permanent injunction found in the May 2018 Order when it initiated an action against the Association that included a prayer for appointment of a receiver, applied for appointment of a receiver, and argued that the Association, through the Receiver, could make special assessments on the Plaintiffs' and other property owners for the purpose of paying the Rosemere Judgments, all while failing to inform the Receivership Court of this Case, this Court's Orders, or that the Lytle Trust had been enjoined from enforcing the Rosemere Judgments against the Plaintiffs, the Boulden Trust, the Lamothe Trust, and the Dismans, or their properties.

13. The Lytle Trust's actions, as stated in the Findings of Fact and set forth herein, directly and indirectly violated the May 2018 Order.

14. Any references to the power of assessment exercised by the Association, or the Receiver on behalf of the Association, against the individual homeowners for payment of the Rosemere Judgments in the Order Appointing Receiver, as advocated for and drafted by the Lytle Trust, directly and indirectly violates the May 2018 Order.

15. The Lytle Trust has failed to show why it was unable to comply with the May 2018 Order.

16. The Lytle Trust has failed to demonstrate how its actions did not violate the clear and specific terms of the May 2018 Order.

17. A party may be held in contempt of court for disobedience or resistance to any lawful order issued by the court. NRS 22.010(3)

18. "[I]f a person is found guilty of contempt, a fine may be imposed on the person not exceeding \$500 or the person may be imprisoned not exceeding 25 days, or both." NRS 22.100(2).

19. In addition, the court may award "reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt." NRS 22.100(3).

ORDER

Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing therefore,

1 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Plaintiffs' Motion for Order
2 to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders, as
3 well as the Joinders thereto filed by the Boulden Trust, the Lamothe Trust, and the Dismans, are
4 GRANTED.

5 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust
6 violated the May 2018 Order.

7 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust
8 is in contempt of the May 2018 Order.

9 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust
10 shall pay a \$500 penalty to each movant for violation of the May 2018 Order; specifically, \$500 payable
11 to the September Trust, \$500 payable to the Zobrist Trust, \$500 payable to the Sandoval Trust, \$500
12 payable to the Gegens, and \$500 payable to the Dismans.

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1 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the September
2 Trust, Zobrist Trust, Sandoval Trust, Gegens, and Dismans, may file applications for their reasonable
3 expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt.
4 The Court will consider such applications on the merits.

5 **IT IS SO ORDERED.**

6 Dated this 22 day of May, 2020.

7 
8 DISTRICT COURT JUDGE
9 CG

9 **Submitted by:**

10 **CHRISTENSEN JAMES & MARTIN**

11 /s/ Wesley J. Smith

12 Wesley J. Smith, Esq.
13 Nevada Bar No. 11871
14 Laura J. Wolff, Esq.
15 Nevada Bar No. 6869
16 7440 W. Sahara Ave.
17 Las Vegas, NV 89117
18 Attorneys for Plaintiffs September Trust,
19 Zobrist Trust, Sandoval Trust, and
20 Dennis & Julie Gegen

9 **Approved as to Form and Content by:**

10 **FIDELITY NATIONAL LAW GROUP**

11 /s/ Christina H. Wang

12 CHRISTINA H. WANG, ESQ.
13 Nevada Bar No. 9713
14 8363 W. Sunset Road, Suite 120
15 Las Vegas, Nevada 89113
16 Attorneys for Robert & Yvonne Disman

16 **Reviewed by Not Approved by:**

17 **LEWIS ROCA ROTHBERGER CHRISTIE**
18 **LLP**

19 Reviewed But Not Approved

20 DAN R. WAITE, ESQ.
21 Nevada Bar 4078
22 3993 Howard Hughes Parkway, Suite 600
23 Las Vegas, Nevada 89169
24 Attorneys for Lytle Trust

RE: Case No. A-16-747800-C - Boulden v. Lytle - ORDR - Proposed Order Granting Plaintiffs' Motion for Order to Show Cause

Wang, Christina <Christina.Wang@fnf.com>

Mon 5/18/2020 9:52 AM

To: Wesley Smith <wes@cjmlv.com>

Cc: Engelman, Lace <Lace.Engelman@fnf.com>

Approved – thanks.

Christina H. Wang

Litigation Counsel

Fidelity National Law Group

8363 W. Sunset Road, Suite 120

Las Vegas, Nevada 89113

702-667-3000 (Main)

702-667-3002 (Direct)

702-938-8721 (Fax)

christina.wang@fnf.com

PLEASE NOTE THAT OUR OFFICE HAS MOVED TO THE ABOVE ADDRESS.

The Law Division of Alamo Title Insurance, Chicago Title Insurance Co., Commonwealth Land Title Insurance Co., Fidelity National Title Insurance Co., and Fidelity National Title Group, Inc.

THIS ELECTRONIC MAIL MESSAGE AND ANY ATTACHMENTS ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE(S) NAMED ABOVE AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT AN INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS E-MAIL TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU RECEIVED THIS E-MAIL MESSAGE IN ERROR, PLEASE IMMEDIATELY NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE OR BY TELEPHONE. THANK YOU.

From: Wesley Smith <wes@cjmlv.com>

Sent: Monday, May 18, 2020 9:45 AM

To: Wang, Christina <Christina.Wang@fnf.com>

Cc: Engelman, Lace <Lace.Engelman@fnf.com>

Subject: Re: Case No. A-16-747800-C - Boulden v. Lytle - ORDR - Proposed Order Granting Plaintiffs' Motion for Order to Show Cause

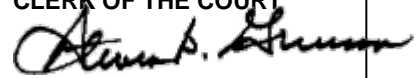
IMPORTANT NOTICE - This message sourced from an external mail server outside of the Company.

Christina,

Per our discussion, can you please approve this version which adds the date to footnote 2?

Wes Smith

Christensen James & Martin



1 **ASTA**
2 JOEL D. HENRIOD
3 Nevada Bar No. 8492
4 DANIEL F. POLSENBERG
5 Nevada Bar No. 2376
6 DAN R. WAITE
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12 JHenriod@LRRC.com
13 DPolsenberg@LRRC.com
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15 *Attorneys for Defendants Trudi Lee Lytle and*
16 *John Allen Lytle, as Trustees of the Lytle Trust*

11 DISTRICT COURT
12 CLARK COUNTY, NEVADA

13 MARJORIE B. BOULDEN, trustee of the
14 Marjorie B. Boulden Trust; LINDA
15 LAMOTHE; and JACQUES LAMOTHE,
16 Trustees of the Jacques & Linda
17 Lamothe Living Trust,

18 Plaintiffs,

19 v.

20 TRUDI LEE LYTLE; and JOHN ALLEN
21 LYTLE, as trustees of the Lytle Trust,
22 DOES I through X, inclusive, and ROE
23 CORPORATIONS I through X,

24 Defendants.

Case No. A-16-747800-C

Dep't No. 16

CASE APPEAL STATEMENT

25 SEPTEMBER TRUST, DATED MARCH 23,
26 1972; GERRY R. ZOBRIST and JOLIN G.
27 ZOBRIST, as Trustees of the Gerry R.
28 Zobrist and Jolin G. Zobrist Family
Trust; RAYNALDO G. SANDOVAL and
JULIE MARIE SANDOVAL GEGEN, As
Trustees of the Raynaldo G. and
Evelyn A. Sandoval Joint Living and
Devolution Trust Dated May 27, 1992;
and DENNIS A. GEGEN and JULIE S.
GEGEN, husband and wife, as joint
tenants,

Plaintiffs,

Consolidated with:

Case No. A-17-765372-C

Dep't No. 16

1 v.

2 TRUDI LEE LYTLE; and JOHN ALLEN
3 LYTLE, as trustees of the Lytle Trust,
4 JOHN DOES I through V, inclusive, and
5 ROE ENTITIES I through V, inclusive,

6 Defendants.

7 1. Name of appellants filing this case appeal statement:

8 Defendants Trudi Lee Lytle and John Allen Lytle, as trustees
9 of the Lytle Trust

10 2. Identify the judge issuing the decision, judgment, or order appealed from:

11 The Honorable Timothy C. Williams

12 3. Identify each appellant and the name and address of counsel for each
13 appellant:

14 *Attorneys for Appellants Trudi Lee Lytle and*
15 *John Allen Lytle, as Trustees of the Lytle Trust*

16 JOEL D. HENRIOD
17 DANIEL F. POLSENBERG
18 DAN R. WAITE
19 LEWIS ROCA ROTHGERBER CHRISTIE LLP
20 3993 Howard Hughes Parkway, Suite 600
21 Las Vegas, Nevada 89169
22 (702) 949-8200

23 4. Identify each respondent and the name and address of appellate counsel,
24 if known, for each respondent (if the name of a respondent's appellate
25 counsel is unknown, indicate as much and provide the name and address
26 of that respondent's trial counsel):¹

27 *Attorneys for Respondents September Trust, dated March 23, 1972,*
28 *Gerry R. Zobrist and Jolin G. Zobrist, as trustees of the Gerry R.*
Zobrist and Jolin G. Zobrist Family Trust, Raynaldo G. Sandoval
and Julie Marie Sandoval Gegen, as trustees of the Raynaldo G. and
Evelyn A. Sandoval Joint Living and Devolution Trust dated May
27, 1992, and Dennis A. Gegen and Julie S. Gegen, husband and
wife, as joint tenants

¹ Plaintiffs Marjorie B. Boulden, trustee of the Marjorie B. Boulden Trust, and Linda Lamothe and Jacques Lamothe, trustees of the Jacques & Linda Lamothe Living Trust would be listed as respondents, but they filed a "Withdrawal of Joinder on Plaintiffs September Trust, et al.'s Motion for an Order to Show Cause Why the Lytle Trust Should Not be Held in Contempt for Violation of Court Orders" on May 14, 2020 as a result of a settlement agreement reached with the Lytle Trust. (Ex. A.)

1 KEVIN B. CHRISTENSEN
2 WESLEY J. SMITH
3 CHRISTENSEN JAMES & MARTIN
4 7440 W. Sahara Avenue
5 Las Vegas, Nevada 89117
6 (702) 255-1718

Attorneys for Respondents Robert Z. Disman and Yvonne A. Disman

7 CHRISTINA H. WANG
8 FIDELITY NATIONAL LAW GROUP
9 8363 W. Sunset Road, Suite 120
10 Las Vegas, Nevada 89113
11 (702) 667-3000

- 12 5. Indicate whether any attorney identified above in response to question 3
13 or 4 is not licensed practice law in Nevada and, if so, whether the district
14 court granted that attorney permission to appear under SCR 42 (attach a
15 copy of any district court order granting such permission):

16 N/A.

- 17 6. Indicate whether appellant was represented by appointed or retained
18 counsel in the district court:

19 Retained counsel

- 20 7. Indicate whether appellant is represented by appointed or retained
21 counsel on appeal:

22 Retained counsel

- 23 8. Indicate whether appellant was granted leave to proceed in forma
24 pauperis, and the date of entry of the district court order granting such
25 leave:

26 N/A

- 27 9. Indicate the date the proceedings commenced in the district court, *e.g.*,
28 date complaint, indictment, information, or petition was filed:

"Complaint," filed December 8, 2016 in case no. A-16-
7476800-C.

"Complaint," filed November 30, 2017 in case no. A-17-
765372-C.

Case no. A-17-765372-C was consolidated with case no. A-16-
7476800-C on February 28, 2018.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

In other lawsuits, the defendant Lytle Trust obtained three judgments (totaling approx. \$1.8 million) against the Rosemere Estate Property Owners Association ("Association"). The Lytle Trust is a member of the Association. This action stems from a dispute over the validity and legal effect of abstracts of judgments the Lytle Trust recorded against certain residential property owned by other Association members. The district court (Judge T. Williams) granted summary judgment in favor of plaintiffs and entered a permanent injunction against the Lytle Trust precluding action to enforce their judgments directly against the other Association members (the "May 2018 order"). The Dismans were added as parties to the litigation when they purchased the Boulden property.

Separately, the Lytle Trust later filed an action in the district court (assigned to Judge J. Kishner) for the appointment of a receiver over the judgment debtor Association ("Receiver Action"). Judge Kishner appointed a Receiver over the Association and empowered the Receiver to, *inter alia*, take action to satisfy its judgment liability to the Lytle Trust. The other Association homeowners, who were not parties to the Receiver Action, filed a motion in the underlying action with Judge Williams seeking to hold the Lytle Trust in contempt for violating the permanent injunction by seeking the appointment of a Receiver.

The Lytle Trust appeals from the post-judgment order holding it in contempt for purportedly violating the May 2018 order by seeking the appointment of a receiver, and awarding penalties and expenses to the September Trust, the Zobrist Trust, the Sandoval Trust, the Gegens, and the Dismans.

11. Indicate whether the case has previously been the subject of an appeal or an original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding.

Lytle v. Boulden, Case No. 73039

Lytle v. September Trust, Dated March 23, 1972, Case No. 76198

Lytle v. September Trust, Dated March 23, 1972, Case No. 77007

Lytle v. Disman, Case No. 79753

Lytle v. Boulden, Case No. 79776

12. Indicate whether this appeal involves child custody or visitation:

This case does not involve child custody or visitation.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

Undersigned counsel is not aware of any circumstances that make settlement impossible.

1
2 Dated this 22nd day of June, 2020.

3 LEWIS ROCA ROTHGERBER CHRISTIE LLP

4
5 By: /s/Joel D. Henriod

6 JOEL D. HENRIOD (SBN 8492)
7 DANIEL F. POLSENBERG (SBN 2376)
8 DAN R. WAITE (SBN 4078)
9 3993 Howard Hughes Parkway, Suite 600
10 Las Vegas, Nevada 89169
11 (702) 949-8200

12 *Attorneys for Defendants Trudi Lee Lytle and*
13 *John Allen Lytle, as Trustees of the Lytle*
14 *Trust*
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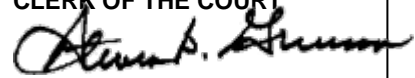
Daniel T. Foley
FOLEY & OAKES, PC
1210 South Valley View
Boulevard, Suite 208
Las Vegas, Nevada 89102

Christina H. Wang
FIDELITY NATIONAL LAW GROUP
1701 Village Center Circle, Suite 110
Las Vegas, Nevada 89134

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EXHIBIT A

EXHIBIT A



DANIEL T. FOLEY, ESQ.
Nevada Bar No. 1078
FOLEY & OAKES, PC
1210 S. Valley View Blvd. #208
Las Vegas, NV 89102
Tel.: (702) 384-2070
Fax: (702) 384-2128
Email: dan@foleyoakes.com
*Attorneys for the Boulden and
Lamothe Plaintiffs.*

DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF
THE MARJORIE B. BOULDEN TRUST,
LINDA LAMOTHE AND JACQUES
LAMOTHE, TRUSTEES OF THE JACQUES
& LINDA LAMOTHE LIVING TRUST,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST, DOES I through X; and ROE
CORPORATIONS I through X

Defendants.

SEPTEMBER TRUST, DATED MARCH 23,
1972; et al,

Plaintiffs

v.

TRUDI LEE LYTLE AND JOHN LYTLE, AS
TRUSTEES OF THE LYTLE TRUST; JOHN
DOES I through V; and ROW ENTITIES I
through I inclusive.

Defendants.

Case No. A-16-747800-C
Dept. No. XVI

**WITHDRAWAL OF JOINDER
ON PLAINTIFFS SEPTEMBER
TRUST ET. AL.'S MOTION FOR
AN ORDER TO SHOW CAUSE
WHY THE LYTLE TRUST
SHOULD NOT BE HELD IN
CONTEMPT FOR VIOLATION
OF COURT ORDERS**

Case No.: A-17-765372-C
Dept. No.: XVI

1 Plaintiffs Marjorie B. Boulden, Trustee Of The Marjorie B. Boulden Trust (the “Boulden
2 Trust”), Linda Lamothe And Jacques Lamothe, Trustees Of The Jacques & Linda Lamothe
3 Living Trust (“Lamothe Trust”) by and through their attorneys Foley & Oakes, PC, having
4 entered into a settlement agreement with the Lytle Trust with respect to, among other things,
5 resolving the Lytle Trust’s Appeal of this Court’s Order granting the Boulden Trust’s and
6 Lamothe Trust’s Attorneys’ Fees and Costs, hereby provide Notice to the Court and all interested
7 parties that they hereby withdraw their Joinder filed in this case on March 5, 2020, and
8 accordingly waive all relief orally awarded by the Court associated with their Joinder.
9

10 Dated this 14th day of May 2020.

11
12 FOLEY & OAKES, PC

13 **By: /s/ Daniel T. Foley**

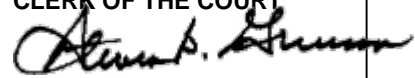
14 Daniel T. Foley, Esq.
15 1210 So. Valley View Blvd., Suite # 208
16 Las Vegas, NV 89102
17 (702) 384-2070
18 *Attorneys for the Boulden and*
19 *Lamothe Plaintiffs.*
20
21
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27

1 **CERTIFICATE OF SERVICE**

2 Pursuant to N.R.C.P. Rule 5(b), I certify that I am an employee of Foley & Oakes, PC
3 and that on this 14th day of May 2020, I caused this document to be served pursuant to NEFCR 9,
4 upon all registered parties via the Court's electronic filing system.

5 I declare that under penalty of perjury under the laws of the State of Nevada that the
6 above is true and correct. I further declare that I am employed in the office of a member of the
7 bar of this court at whose direction this service was made.

8 /s/ Liz Gould
9 An employee of Foley & Oakes PC



CSERV
JOEL D. HENRIOD
Nevada Bar No. 8492
DANIEL F. POLSENBERG
Nevada Bar No. 2376
DAN R. WAITE
Nevada Bar No. 4078
LEWIS ROCA ROTHGERBER CHRISTIE LLP
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JHenriod@LRRC.com
DPolsenberg@LRRC.com
DWaite@LRRC.com

*Attorneys for Defendants Trudi Lee Lytle and
John Allen Lytle, as Trustees of the Lytle Trust*

DISTRICT COURT
CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, trustee of the
Marjorie B. Boulden Trust; LINDA
LAMOTHE; and JACQUES LAMOTHE,
Trustees of the Jacques & Linda
Lamothe Living Trust,

Plaintiffs,

v.

TRUDI LEE LYTLE; and JOHN ALLEN
LYTLE, as trustees of the Lytle Trust,
DOES I through X, inclusive, and ROE
CORPORATIONS I through X,

Defendants.

SEPTEMBER TRUST, DATED MARCH 23,
1972; GERRY R. ZOBRIST and JOLIN G.
ZOBRIST, as Trustees of the Gerry R.
Zobrist and Jolin G. Zobrist Family
Trust; RAYNALDO G. SANDOVAL and
JULIE MARIE SANDOVAL GEGEN, As
Trustees of the Raynaldo G. and
Evelyn A. Sandoval Joint Living and
Devolution Trust Dated May 27, 1992;
and DENNIS A. GEGEN and JULIE S.
GEGEN, husband and wife, as joint
tenants,

Plaintiffs,

v.

TRUDI LEE LYTLE; and JOHN ALLEN

Case No. A-16-747800-C

Dep't No. 16

AMENDED CERTIFICATE OF SERVICE

Consolidated with:

Case No. A-17-765372-C

Dep't No. 16

1 LYTLE, as trustees of the Lytle Trust,
2 JOHN DOES I through V, inclusive, and
3 ROE ENTITIES I through V, inclusive,
4
5 Defendants.

6 I hereby certify that on June 22, 2020, defendants Trudi Lee Lytle and
7 John Allen Lytle, as trustees of the Lytle Trust, served a “Notice of Appeal” and
8 “Case Appeal Statement” through the Court’s electronic filing system to the
9 persons and addresses listed below:

10 KEVIN B. CHRISTENSEN
11 WESLEY J. SMITH
12 CHRISTENSEN JAMES & MARTIN
13 7440 W. Sahara Avenue
14 Las Vegas, Nevada 89117
KBC@CJMLV.com
Wes@CJMLV.com

15 *Attorneys for September Trust,*
16 *dated March 23, 1972, Gerry R.*
17 *Zobrist and Jolin G. Zobrist, as*
18 *trustees of the Gerry R. Zobrist and*
19 *Jolin G. Zobrist Family Trust,*
20 *Raynaldo G. Sandoval and Julie*
21 *Marie Sandoval Gegen, as trustees*
of the Raynaldo G. and Evelyn A.
Sandoval Joint Living and
Devolution Trust dated May 27,
1992, and Dennis A. Gegen and
Julie S. Gegen, husband and wife,
as joint tenants

Christina H. Wang
FIDELITY NATIONAL LAW GROUP
8363 W. Sunset Road, Suite 120
Las Vegas, Nevada 89113
Christina.Wang@FNF.com

Attorneys for Robert Z. Disman and
Yvonne A. Disman

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1210 South Valley View Boulevard
Suite 208
Las Vegas, Nevada 89102
Dan@FoleyOakes.com

Attorneys for Marjorie B. Boulden, trustee
of the Marjorie B. Boulden Trust, and
Linda Lamothe and Jacques Lamothe,
trustees of the Jacques & Linda Lamothe
Living Trust

22
23
24 /s/ Jessie M. Helm
25 An Employee of LEWIS ROCA ROTHGERBER CHRISTIE LLP
26
27
28

CASE SUMMARY**CASE NO. A-16-747800-C**

Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

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Location: **Department 16**
 Judicial Officer: **Williams, Timothy C.**
 Filed on: **12/08/2016**
 Case Number History:
 Cross-Reference Case Number: **A747800**
 Supreme Court No.: **73039**
76198
77007
79753
79776

CASE INFORMATION**Related Cases**

A-17-765372-C (Consolidated)

Case Type: **Other Title to Property****Statistical Closures**

01/14/2019 Stipulated Dismissal

Case Status: **01/14/2019 Dismissed****DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number A-16-747800-C
 Court Department 16
 Date Assigned 04/11/2019
 Judicial Officer Williams, Timothy C.

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Boulden, Marjorie B	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
	Jacques & Linda Lamothe Living Trust	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
	Lamothe, Jacques	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
	Lamothe, Linda	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
	Marjorie B. Boulden Trust	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
Defendant	Lytle Trust	Haskin Esq, Richard Edward <i>Retained</i> 702-836-9800(W)
	Lytle, John Allen	Haskin Esq, Richard Edward <i>Retained</i> 702-836-9800(W)
	Lytle, Trudi Lee	Haskin Esq, Richard Edward <i>Retained</i> 702-836-9800(W)

CASE SUMMARY

CASE NO. A-16-747800-C

Counter Claimant	Lytle Trust Removed: 01/14/2019 Dismissed	Haskin Esq, Richard Edward <i>Retained</i> 702-836-9800(W)
	Lytle, John Allen Removed: 01/14/2019 Dismissed	Haskin Esq, Richard Edward <i>Retained</i> 702-836-9800(W)
	Lytle, Trudi Lee Removed: 01/14/2019 Dismissed	Haskin Esq, Richard Edward <i>Retained</i> 702-836-9800(W)
Counter Defendant	Disman, Robert Z Removed: 01/14/2019 Dismissed	Wang, Christina H. <i>Retained</i> 702-667-3000(W)
	Disman, Yvonne A Removed: 01/14/2019 Dismissed	Wang, Christina H. <i>Retained</i> 702-667-3000(W)
	Jacques & Linda Lamothe Living Trust Removed: 01/14/2019 Dismissed	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
	Lamothe, Jacques Removed: 01/14/2019 Dismissed	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
	Lamothe, Linda Removed: 01/14/2019 Dismissed	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
	Disman, Robert Z Removed: 01/14/2019 Dismissed	Wang, Christina H. <i>Retained</i> 702-667-3000(W)
Cross Claimant	Disman, Yvonne A Removed: 01/14/2019 Dismissed	Wang, Christina H. <i>Retained</i> 702-667-3000(W)
	Boulden, Marjorie B Removed: 01/14/2019 Dismissed	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
Cross Defendant	Gegen, Dennis A	Smith, Wesley J., ESQ <i>Retained</i> 702-255-1718(W)
Other Plaintiff	Gegen, Julie S	Smith, Wesley J., ESQ <i>Retained</i> 702-255-1718(W)
	Gerry R. Zobrist and Jolin G. Zobrist Family Trust	Smith, Wesley J., ESQ <i>Retained</i> 702-255-1718(W)
	Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated	Smith, Wesley J., ESQ <i>Retained</i> 702-255-1718(W)
	September Trust Dated March 23, 1972	Smith, Wesley J., ESQ <i>Retained</i> 702-255-1718(W)
	Boulden, Marjorie B Removed: 01/14/2019 Dismissed	Foley, Daniel Thomas, ESQ <i>Retained</i> 702-384-2070(W)
Trustee	Lamothe, Jacques	Foley, Daniel Thomas, ESQ

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Removed: 01/14/2019
Dismissed

Retained
702-384-2070(W)

Lamothe, Linda

Removed: 01/14/2019
Dismissed

Foley, Daniel Thomas, ESQ

Retained
702-384-2070(W)

Lytle, John Allen

Removed: 01/14/2019
Dismissed

Haskin Esq, Richard Edward










Retained
702-836-9800(W)

Lytle, Trudi Lee

Removed: 01/14/2019
Dismissed












Haskin Esq, Richard Edward

Retained
702-836-9800(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
12/08/2016	 Complaint Filed By: Plaintiff Marjorie B. Boulden Trust <i>Complaint</i>	
01/11/2017	 Motion for Temporary Restraining Order Filed By: Plaintiff Marjorie B. Boulden Trust <i>Motion for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time</i>	
01/12/2017	 Response Filed by: Plaintiff Marjorie B. Boulden Trust <i>Response to Ex-Parte Motion to Continue Hearing</i>	
01/17/2017	 Acceptance of Service Filed By: Plaintiff Marjorie B. Boulden Trust <i>Acceptance of Service of Summons and Complaint</i>	
01/17/2017	 Receipt of Copy Filed by: Plaintiff Marjorie B. Boulden Trust <i>Receipt of Copy</i>	
01/17/2017	 Ex Parte Motion Filed By: Defendant Lytle, Trudi Lee <i>Ex Parte Emergency Motion on Order Shortening Time by Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust to Continue Hearing Set for January 17, 2017</i>	
01/18/2017	 Opposition to Motion Filed By: Defendant Lytle, Trudi Lee <i>Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Temporary Restraining Order</i>	
01/18/2017	 Declaration Filed By: Defendant Lytle, Trudi Lee <i>Declaration of Richard E. Haskin in Support of Opposition to Motion for Temporary Restraining Order</i>	
01/18/2017	 Request for Judicial Notice Filed By: Defendant Lytle, Trudi Lee <i>Request for Judicial Notice in Support of Opposition to Motion for Temporary Restraining Order</i>	

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CASE NO. A-16-747800-C

01/18/2017	 Receipt of Copy Filed by: Defendant Lytle, Trudi Lee <i>Receipt of Copy</i>
02/08/2017	 Answer to Complaint Filed by: Defendant Lytle, Trudi Lee <i>Defendants Trudi Lee Lytle and John Allen Lytle, Trustees of The Lytle Trust's Answer to Plaintiffs' Complaint</i>
02/08/2017	 Motion to Dismiss Filed By: Defendant Lytle, Trudi Lee <i>Trudi Lee Lytle and John Allen Lytle's Motion to Dismiss Plaintiffs' Complaint</i>
02/09/2017	 Initial Appearance Fee Disclosure Filed By: Defendant Lytle, Trudi Lee <i>Initial Appearance Fee Disclosure</i>
02/24/2017	 Motion for Partial Summary Judgment Filed By: Plaintiff Marjorie B. Boulden Trust <i>Motion for Partial Summary Judgment</i>
02/28/2017	 Opposition to Motion to Dismiss Filed By: Plaintiff Marjorie B. Boulden Trust <i>Opposition to Motion to Dismiss</i>
03/10/2017	 Amended Complaint Filed By: Plaintiff Marjorie B. Boulden Trust <i>Amended Complaint</i>
03/10/2017	 Stipulation and Order Filed by: Plaintiff Marjorie B. Boulden Trust <i>Stipulation and Order for Leave for Plaintiffs to File Amended Complaint</i>
03/23/2017	 Stipulation and Order Filed by: Defendant Lytle, Trudi Lee <i>Stipulation and Order to Continue Hearing Date Re Motion for Partial Summary Judgment</i>
03/24/2017	 Request for Judicial Notice Filed By: Defendant Lytle, Trudi Lee <i>Request for Judicial Notice in Support of Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i>
03/24/2017	 Declaration Filed By: Defendant Lytle, Trudi Lee <i>Declaration of Richard E. Haskin in Support of Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i>
03/27/2017	 Countermotion For Summary Judgment Filed By: Defendant Lytle, Trudi Lee <i>Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i>

CASE SUMMARY

CASE NO. A-16-747800-C

03/27/2017	 Notice of Entry of Stipulation and Order Filed By: Defendant Lytle, Trudi Lee <i>Notice of Entry of Stipulation and Order to Continue Hearing Date Re Motion for Partial Summary Judgment</i>
03/30/2017	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - Granted</i>
04/05/2017	 Reply to Opposition Filed by: Plaintiff Marjorie B. Boulden Trust <i>Reply to the Opposition to Motion for Partial Summary Judgment and Opposition to Countermotion for Summary Judgment</i>
04/26/2017	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff Marjorie B. Boulden Trust <i>Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Partial Summary Judgment</i>
04/27/2017	 Notice of Entry of Findings of Fact, Conclusions of Law Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Notice of Entry of Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Partial Summary Judgment</i>
04/28/2017	 Motion for Attorney Fees and Costs Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Motion for Attorney's Fees and Costs</i>
05/09/2017	 Notice of Lis Pendens Filed by: Defendant Lytle, Trudi Lee <i>Notice of Lis Pendens</i>
05/09/2017	 Notice of Lis Pendens Filed by: Defendant Lytle, Trudi Lee <i>Notice of Lis Pendens</i>
05/09/2017	 Notice of Appeal Filed By: Defendant Lytle, Trudi Lee <i>Notice of Appeal</i>
05/09/2017	 Notice Filed By: Defendant Lytle, Trudi Lee <i>Notice of Depositing Security for Costs on Appeal</i>
05/09/2017	 Case Appeal Statement Filed By: Defendant Lytle, Trudi Lee <i>Case Appeal Statement</i>
05/15/2017	 Motion to Reconsider Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants Trudi Lee Lytle, John Allen Lytle, and The Lytle Trust's Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment</i>
05/15/2017	 Opposition to Motion

CASE SUMMARY

CASE NO. A-16-747800-C

	<p>Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants Trudi Lee Lytle, John Allen Lytle, and The Lytle Trust's Opposition to Plaintiffs' Motion for Attorneys' Fees and Costs</i></p>
05/16/2017	<p> Errata</p> <p>Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Errata Re: Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust's Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment</i></p>
05/22/2017	<p> Motion to Cancel Lis Pendens</p> <p>Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time</i></p>
05/25/2017	<p> Stipulation and Order</p> <p>Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Stipulation and Order to Continue Hearing Date Re Motion for Reconsideration</i></p>
05/26/2017	<p> Notice of Entry of Stipulation and Order</p> <p>Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Entry of Stipulation and Order to Continue Hearing Date Re Motion for Reconsideration</i></p>
05/31/2017	<p> Opposition to Motion</p> <p>Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust's Opposition to Plaintiff's Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Counsel in Contempt of Court</i></p>
06/01/2017	<p> Opposition to Motion</p> <p>Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Opposition to Motion for Reconsideration</i></p>
06/02/2017	<p> Reply to Opposition</p> <p>Filed by: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Reply to Defendants' Opposition to Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court</i></p>
06/23/2017	<p> Order Granting Motion</p> <p>Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Order Granting Plaintiffs' Motion to Cancel Lis Pendens and Order Denying Motion to Hold Defendants and/or Their Counsel in Contempt of Court</i></p>
06/23/2017	<p> Reply to Opposition</p> <p>Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust's Reply to Opposition to Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment</i></p>
06/27/2017	<p> Notice of Entry of Order</p> <p>Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Notice of Entry of Order</i></p>

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06/29/2017	 Notice of Release of Lis Pendens Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Release of Lis Pendens</i>
06/29/2017	 Notice of Release of Lis Pendens Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Release of Lis Pendens</i>
06/30/2017	 Motion for Leave to File Party: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Plaintiffs' Motion for Leave to File Second Amended Complaint</i>
07/25/2017	 Order Granting Motion Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Order Granting Motion to Alter or Amend Findings of Fact and Conclusions of Law</i>
07/25/2017	 Stipulation and Order Filed by: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Stipulation and Order for Leave for Plaintiffs to File Second Amended Complaint</i>
07/25/2017	 Second Amended Complaint Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Second Amended Complaint</i>
07/25/2017	 Notice of Entry of Order Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Entry of Order Granting Motion to Alter or Amend Findings of Fact and Conclusions of Law</i>
07/25/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Notice of Entry of Stipulation and Order</i>
08/02/2017	 Joint Case Conference Report Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Joint Case Conference Report</i>
08/11/2017	 Answer and Counterclaim Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants Trudi Lee Lytle and John Allen Lytle, Trustees of The Lytle Trust's Answer to Plaintiff's Second Amended Complaint and Counterclaim</i>
08/15/2017	 Summons Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Summons</i>
08/15/2017	 Summons Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Summons</i>

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08/23/2017	 Affidavit of Service Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Affidavit of Service</i>
08/23/2017	 Affidavit of Service Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Affidavit of Service</i>
09/05/2017	 Answer to Counterclaim Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Plaintiffs' Answer to Counter Complaint</i>
09/13/2017	 Scheduling Order <i>Scheduling Order</i>
09/21/2017	 Order Setting Civil Non-Jury Trial <i>Order Setting Civil Non-Jury Trial, Pre-Trial/Calendar Call</i>
09/26/2017	 Answer Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Counter-Defendants and Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Answer and Counterclaim</i>
09/26/2017	 Initial Appearance Fee Disclosure Filed By: Cross Claimant Disman, Yvonne A <i>Initial Appearance Fee Disclosure</i>
10/13/2017	 Answer Filed By: Plaintiff Marjorie B. Boulden Trust <i>Plaintiff's Answer to Cross-Complaint</i>
12/08/2017	 Motion Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Counter-Defendants/Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Motion to Extend Discovery Deadlines and Trial Setting</i>
12/14/2017	 Order Shortening Time Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Order Shortening Time RE: Counter-Defendants/Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Motion to Extend Discovery Deadlines and Trial Setting</i>
12/15/2017	 Notice of Entry of Order Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Notice of Entry of Order Shortening Time RE: Counter-Defendants/Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Motion to Extend Discovery Deadlines and Trial Setting</i>
12/26/2017	 Opposition Filed By: Plaintiff Marjorie B. Boulden Trust <i>Opposition to Motion to Extend Discovery Deadlines and Trial Setting</i>
01/02/2018	 Opposition Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust s Opposition to Motion to Extend Discovery Deadlines</i>

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01/09/2018



Reply in Support

Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A
Counter-Defendants/Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Reply in Support of Motion to Extend Discovery Deadlines and Trial Setting

01/16/2018



Motion to Consolidate

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C

01/18/2018



Notice of Department Reassignment

Notice of Department Reassignment

01/23/2018



Order

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Plaintiffs' Ex Parte Motion for Order Shortening Time and Order Shortening

01/23/2018



Reporters Transcript

Court Reporters transcript of Proceedings June 6, 2017

01/24/2018



Peremptory Challenge

Filed by: Plaintiff Marjorie B. Boulden Trust
Peremptory Challenge of Judge

01/25/2018



Notice of Department Reassignment

Notice of Department Reassignment

01/29/2018



Notice of Change of Hearing

Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Notice of Change of Hearing

02/01/2018



Ex Parte Order

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Amended Order Granting Order Shortening Time

02/05/2018



Notice of Entry of Order

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Notice of Entry of Amended Order Granting Order Shortening Time

02/06/2018



Amended Order Setting Civil Non-Jury Trial

Amended Order Setting Civil Bench Trial

CASE SUMMARY

CASE NO. A-16-747800-C

02/07/2018	 Notice of Change of Address Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Notice of Change of Firm Address</i>
02/13/2018	 Stipulation and Order Filed by: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Stipulation and Order to Extend Discovery Deadlines and Trial Setting (First Requested Extension)</i>
02/13/2018	 Notice of Entry of Stipulation and Order Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Notice of Entry of Stipulation and Order to Extend Discovery Deadlines and Trial Setting (First Requested Extension)</i>
02/22/2018	 Notice of Early Case Conference Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Early Case Conference</i>
02/28/2018	 Order Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Order Granting Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C</i>
03/01/2018	 Request Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Request to Set Hearing Date on Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings</i>
03/01/2018	 Motion for Summary Judgment <i>Plaintiffs' Motion for Summary Judgment (Filed 11/30/17 in Subordinate Case A-17-765372-C)</i>
03/01/2018	 Opposition and Countermotion Filed By: Defendant Lytle Trust <i>Defendant Trudi Lee Lytle, John Allen Lytle, The Lytle Trust (1) Opposition to Motion for Summary Judgment, or, in the Alternative, Motion for Judgment on the Pleadings; and (2) Counter Motion for Summary Judgment (Filed 02/09/18 in subordinate case A-17-795372-C)</i>
03/01/2018	Reply to Opposition <i>Plaintiffs' Reply to Defendants' Opposition to the Motion for Summary Judgment, or, in the Alternative, Motion for Judgment on the Pleadings and Opposition to Plaintiffs' Countermotion for Summary Judgment (Filed 2/21/18 in subordinate case A-17-765372-C)</i>
03/05/2018	 Notice Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Notice of Entry of Order Granting Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C</i>



CASE SUMMARY

CASE NO. A-16-747800-C

05/24/2018	 Order Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>(A765372) Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment</i>
05/25/2018	 Notice of Entry of Order Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Notice of Entry of Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment</i>
06/04/2018	 Motion for Attorney Fees and Costs Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Plaintiffs' Motion for Attorney's Fees and Costs</i>
06/04/2018	 Memorandum Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Memorandum of Costs and Disbursements</i>
06/04/2018	 Declaration Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Declaration of Counsel in Support of Plaintiffs' Motion for Attorney's Fees and Costs</i>
06/06/2018	 Notice Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Notice of Hearing on Plaintiffs' Motion for Attorney's Fees and Costs</i>
06/08/2018	 Motion to Retax Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants' Motion to Retax and Settle Memorandum of Costs</i>
06/13/2018	 Release Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Release of Abstract of Judgment</i>
06/13/2018	 Release Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Release of Abstract of Judgment</i>
06/13/2018	 Release

CASE SUMMARY

CASE NO. A-16-747800-C

	Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Release of Abstract of Judgment</i>
06/13/2018	 Release Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Release of Abstract of Judgment</i>
06/15/2018	 Opposition Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Plaintiffs' Opposition to Defendants' Motion to Retax and Settle Memorandum of Costs</i>
06/15/2018	 Declaration Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Declaration of Counsel in Support of Plaintiffs' Opposition to Defendants' Motion to Retax and Settle Memorandum of Costs</i>
06/19/2018	 Notice of Appeal Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Appeal</i>
06/19/2018	 Case Appeal Statement Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Case Appeal Statement</i>
06/22/2018	 Opposition to Motion Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs</i>
06/28/2018	 Motion for Summary Judgment Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Robert Z. Disman and Yvonne A. Disman's Motion to Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings</i>
07/05/2018	 Reply to Opposition Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Reply to Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs</i>
07/05/2018	 Declaration Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Declaration of Counsel in Support of Reply to Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs</i>
07/06/2018	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>

CASE SUMMARY

CASE NO. A-16-747800-C

07/26/2018	 Opposition to Motion For Summary Judgment Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment, or, in the Alternative, Motion for Judgment on the Pleadings</i>
08/01/2018	 Reply in Support Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A
08/27/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing Re: Defendants' Motion to Retax and Settle Memorandum of Costs; Plaintiffs' Motion for Attorney's Fees and Costs 6/26/18</i>
08/27/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing Re: Decision - Defendants' Motion to Retax and Settle Memorandum of Costs; Decision - Plaintiffs' Motion for Attorney's Fees; Robert Z. Disman and Yvonne A. Dismans' Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings 8/9/18</i>
09/12/2018	 Order Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Order Regarding Plaintiffs' Motion for Attorney's Fees and Costs and Memorandum of Costs and Disbursements and Defendants' Motion to Retax and Settle Memorandum of Costs</i>
09/13/2018	 Notice Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Notice of Entry of Order Regarding Plaintiffs' Motion for Attorney's Fees and Costs and Memorandum of Costs and Disbursements and Defendants' Motion to Retax and Settle Memorandum of Costs</i>
09/14/2018	 Notice of Appeal Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Appeal</i>
09/28/2018	 Motion to Stay Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendant John Allen Lytle and Trudi Lee Lytles' Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond on Order Shortening Time</i>
10/01/2018	 Response Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Plaintiffs' Response to Defendants' Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of Supersedeas Bond</i>
10/01/2018	 Case Appeal Statement Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Case Appeal Statement</i>

CASE SUMMARY

CASE NO. A-16-747800-C

10/02/2018	 Reply Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendant John Allen Lytle and Trudi Lytles' Reply to Plaintiffs' Response to Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond</i>
10/05/2018	 Stipulation and Order Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Stipulation and Order to Continue Hearing on Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond</i>
10/08/2018	 Notice of Entry of Stipulation and Order Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Entry of Stipulation and Order to Continue Hearing on Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond</i>
10/09/2018	 Change of Address Filed By: Plaintiff Bouliden, Marjorie B <i>Change of Address</i>
11/16/2018	 Motion to Reconsider Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees</i>
11/16/2018	 Order Shortening Time Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Order Shortening Time</i>
11/21/2018	 Opposition Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Opposition to Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees</i>
12/03/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing Re: Request of Court - Clarification of Order: In Re: Competing Orders; Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorneys' Fees. Heard on November 27, 2018.</i>
12/12/2018	 Amended Order Setting Civil Non-Jury Trial <i>Amended Order Setting Civil Non-Jury Trial</i>
12/27/2018	 Order Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Order Denying Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings</i>
01/03/2019	 Notice of Entry of Order Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Notice of Entry of Order Denying Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings</i>
01/05/2019	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>

CASE SUMMARY

CASE NO. A-16-747800-C

01/07/2019	Case Reassigned to Department 9 <i>Judicial Reassignment - From Judge Bailus to Vacant, DC9</i>
01/08/2019	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>
01/14/2019	 Stipulation and Order Filed by: Plaintiff Boulden, Marjorie B <i>Stipulation and Order to Dismiss Remaining Claims without Prejudice</i>
01/14/2019	 Notice of Entry Filed By: Plaintiff Boulden, Marjorie B <i>Notice Of Entry Of Stipulation And Order To Dismiss All Remaining Claims Without Prejudice</i>
01/16/2019	 Memorandum of Costs and Disbursements Filed By: Plaintiff Boulden, Marjorie B <i>Plaintiffs' Memorandum of Costs and Disbursements</i>
01/16/2019	 Motion Filed By: Plaintiff Boulden, Marjorie B <i>Motion to Attorney's Fees and Costs</i>
01/18/2019	 Motion to Retax Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants' Motion to Retax and Settle Memorandum of Costs</i>
01/23/2019	 Motion for Attorney Fees Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A. <i>Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees</i>
01/29/2019	 Opposition to Motion Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs</i>
02/04/2019	 Opposition Filed By: Plaintiff Boulden, Marjorie B <i>Plaintiffs' Opposition to Motion to Retax Costs</i>
02/07/2019	 Reply Filed by: Plaintiff Boulden, Marjorie B <i>Reply To Defendants Opposition To Motion For Attorneys Fees And Costs</i>
02/12/2019	 Opposition to Motion Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants' Opposition to Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees and Costs</i>
02/15/2019	 Reply to Opposition Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants' Reply to Opposition to Motion to Retax and Settle Memorandum of Costs</i>
02/20/2019	 Reply Filed by: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A.

CASE SUMMARY

CASE NO. A-16-747800-C

Robert Z. Disman and Yvonne A. Disman's Reply in Support of Motion for Attorney's Fees

04/10/2019



Notice of Hearing

Notice of Hearing

04/11/2019



Notice of Department Reassignment

Notice of Department Reassignment

04/22/2019



Stipulation and Order

Filed by: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A.
Stipulation and Order to Continue Hearing Date on Pending Motions

04/25/2019



Notice of Entry

Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A.
Notice of Entry of Stipulation and Order to Continue Hearing Date on Pending Motions

05/07/2019



Request

Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Request to Set Hearing on Order Certifying Supreme Court Intent to Reconsider Motion for Attorneys' Fees and Costs

05/24/2019



Notice of Change of Address

Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A.
Notice of Change of Firm Address

06/10/2019



Reporters Transcript

Court Reporters transcript of Proceedings (Civil) 5-16-19

09/06/2019



Findings of Fact, Conclusions of Law and Order

Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A.
Findings of Fact, Conclusions of Law and Order Granting Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees

09/06/2019



Notice of Entry of Order

Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A.
Notice of Entry of Findings of Fact, Conclusions of Law and Order Granting Robert Z. Disman and Yvonne A. Disman Motion for Attorney's Fees

09/20/2019



Order

Filed By: Plaintiff Boulden, Marjorie B
Order Granting Plaintiffs; Motion for Attorneys' Fees and Costs and Order Denying Defendants' Motion to Retax and Settle Costs

09/20/2019



Notice of Entry

Filed By: Plaintiff Boulden, Marjorie B
Notice Of Entry Of Order Granting Plaintiffs Motion For Attorneys Fees And Costs And Order Denying Defendants Motion To Retax And Settle Costs

09/30/2019



Notice of Appeal

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Appeal

09/30/2019



Case Appeal Statement

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust

CASE SUMMARY

CASE NO. A-16-747800-C

Case Appeal Statement

10/04/2019	 Notice of Appeal Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Appeal</i>
10/04/2019	 Case Appeal Statement Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Case Appeal Statement</i>
10/22/2019	 Stipulation and Order Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond</i>
10/24/2019	 Notice of Entry of Stipulation and Order Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Entry of Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond</i>
10/28/2019	 Stipulation and Order Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond</i>
10/28/2019	 Notice of Entry of Stipulation and Order Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Entry of Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond</i>
11/26/2019	 Notice of Appearance Party: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Appearance</i>
11/26/2019	 Request Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Request for Transcripts</i>
12/05/2019	 Recordors Transcript of Hearing <i>Transcript of Proceedings Re: All Pending Motions. March 21, 2018</i>
12/05/2019	 Recordors Transcript of Hearing <i>Transcript of Proceedings Re: Decision May 2, 2018</i>
03/04/2020	 Motion for Order to Show Cause Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders (Hearing Requested)</i>
03/05/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
03/05/2020	 Joinder To Motion

CASE SUMMARY

CASE NO. A-16-747800-C

	<p>Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust <i>(5/14/20 Withdrawn) Joinder On Plaintiffs September Trust Et. Al s Motion For An Order To Show Cause Why The Lytle Trust Should Not Be Held In Contempt For Violation Of Court Orders</i></p>
03/06/2020	<p> Notice of Appearance Party: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A. <i>Notice of Appearance</i></p>
03/06/2020	<p> Joinder To Motion Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A. <i>Joinder to Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should not be Held in Contempt for Violation of Court Orders</i></p>
03/11/2020	<p> Association of Counsel Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen <i>Association of counsel</i></p>
03/19/2020	<p> Opposition to Motion Filed By: Defendant Lytle Trust <i>Opposition to Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not be Held in Contempt for Violation of Court Orders</i></p>
03/31/2020	<p> Notice of Rescheduling <i>Notice of Rescheduling</i></p>
04/13/2020	<p> Notice Filed By: Defendant Lytle Trust <i>CourtCall Appearance</i></p>
04/13/2020	<p> Notice to Appear Filed By: Defendant Lytle, Trudi Lee <i>Courtcall Appearance</i></p>
04/13/2020	<p> Notice Filed By: Defendant Lytle Trust <i>Correction to Opposition to Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not be Held in Contempt for Violation of Court Orders</i></p>
04/14/2020	<p> Reply to Opposition Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Reply to Opposition to Plaintiffs Motion for an Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders</i></p>
04/14/2020	<p> Joinder Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A. <i>Joinder to Reply to Opposition to Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not be Held in Contempt for Violation of Court Orders</i></p>
04/21/2020	<p> Exhibits Filed By: Defendant Lytle Trust <i>Defendant Lytle Trust's Hearing Exhibits</i></p>

CASE SUMMARY

CASE NO. A-16-747800-C

05/07/2020	 Stipulation and Order Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Stipulation and Order to Disburse Cash Supersedeas Bond</i>
05/07/2020	 Notice of Entry of Stipulation and Order Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Entry of Stipulation and Order to Disburse Cash Supersedeas Bond</i>
05/14/2020	 Withdrawal Filed by: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust <i>Withdrawal of Joinder On Plaintiffs September Trust Et. al. s Motion For An Order To Show Cause Why The Lytle Trust Should Not Be Held In Contempt For Violation Of Court Orders</i>
05/14/2020	 Satisfaction of Judgment Filed by: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust <i>Satisfaction of Judgment</i>
05/15/2020	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>
05/18/2020	 Motion Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Plaintiffs' Motion to Release Cash Supersedeas Bond and Request for Interst Thereon</i>
05/19/2020	 Objection Filed By: Defendant Lytle Trust <i>Defendant's (1) Objection to Plaintiffs' Proposed Order, and (2) Competing Order</i>
05/19/2020	 Motion for Clarification Filed By: Defendant Lytle Trust <i>Defendant Lytle Trust's Motion for Clarification and Ex Parte Request for Order Shortening Time</i>
05/19/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
05/20/2020	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
05/22/2020	 Order Granting Motion Filed By: Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>ORDER GRANTING PLAINTIFFS MOTION FOR ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT ORDERS</i>
05/22/2020	 Notice of Entry of Order Filed By: Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Notice of Entry of Order Granting Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should not be Held in Contempt for Violation of Court Orders</i>

CASE SUMMARY

CASE NO. A-16-747800-C

05/22/2020



Stipulation and Order

Filed by: Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
STIPULATION AND ORDER TO DISBURSE CASH SUPERSEDEAS BOND AND PAY INTEREST THEREON

05/22/2020



Notice of Entry of Stipulation and Order

Filed By: Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Notice of Entry of Stipulation and Order to Release Cash Supersedeas Bond

05/26/2020



Motion for Attorney Fees and Costs

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Plaintiffs' Motion for Attorney's Fees and Costs

05/26/2020



Declaration

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Declaration of Counsel in Support of Plaintiffs' Motion for Attorney's Fees and Costs

05/26/2020



Memorandum of Costs and Disbursements

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Memorandum of Costs and Disbursements

05/26/2020



Clerk's Notice of Hearing

Notice of Hearing

05/29/2020



Opposition to Motion

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
Opposition to Defendant Lytle Trust's Motion for Clarification

06/09/2020



Opposition to Motion

Filed By: Defendant Lytle Trust
Defendant Lytle Trust's Opposition To Plaintiffs' Motion For Attorney Fees and Costs

06/10/2020



Stipulation and Order

Filed by: Attorney Haskin Esq, Richard Edward; Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
STIPULATION AND ORDER TO DISBURSE CASH SUPERSEDEAS BOND

06/10/2020



Notice of Entry of Stipulation and Order

Filed By: Defendant Lytle Trust
Notice of Entry of Stipulation and Order to Disburse Cash Supersedeas Bond

06/11/2020



Motion for Attorney Fees

Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A.

CASE SUMMARY

CASE NO. A-16-747800-C

Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees

06/11/2020



Appendix

Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A.
Appendix of Exhibits for Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees

06/12/2020



Clerk's Notice of Hearing

Notice of Hearing

06/17/2020



Reply

Filed by: Defendant Lytle Trust
Defendant Lytle Trust's Reply in Support of Motion for Clarification

06/22/2020



Notice of Appeal

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Appeal

06/22/2020



Case Appeal Statement

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Case Appeal Statement

06/22/2020



Amended Certificate of Service

Party: Defendant Lytle Trust
Amended Certificate of Service

DISPOSITIONS

04/26/2017

Partial Summary Judgment (Judicial Officer: Williams, Timothy C.)

Debtors: Lytle Trust (Defendant)
Creditors: Marjorie B. Boulden Trust (Plaintiff), Marjorie B Boulden (Trustee), Linda Lamothe (Trustee)
Judgment: 04/26/2017, Docketed: 05/03/2017

07/25/2017

Partial Summary Judgment (Judicial Officer: Williams, Timothy C.)

Debtors: Trudi Lee Lytle (Defendant), John Allen Lytle (Defendant)
Creditors: Marjorie B. Boulden Trust (Plaintiff), Jacques & Linda Lamothe Living Trust (Plaintiff)
Judgment: 07/25/2017, Docketed: 07/25/2017

01/08/2019

Clerk's Certificate (Judicial Officer: Vacant, DC 9)

Debtors: Trudi Lee Lytle (Defendant), John Allen Lytle (Defendant), Lytle Trust (Defendant)
Creditors: Marjorie B. Boulden Trust (Plaintiff), Jacques & Linda Lamothe Living Trust (Plaintiff), Marjorie B Boulden (Plaintiff), Jacques Lamothe (Plaintiff), Linda Lamothe (Plaintiff)
Judgment: 01/08/2019, Docketed: 01/14/2019
Comment: Supreme Court No.73039 APPEAL AFFIRMED

01/14/2019

Order of Dismissal Without Prejudice (Judicial Officer: Vacant, DC 9)

Debtors: Trudi Lee Lytle (Defendant, Trustee), John Allen Lytle (Defendant, Trustee), Lytle Trust (Defendant)
Creditors: Marjorie B. Boulden Trust (Plaintiff), Jacques & Linda Lamothe Living Trust (Plaintiff), Marjorie B Boulden (Plaintiff, Trustee), Jacques Lamothe (Plaintiff, Trustee), Linda Lamothe (Plaintiff, Trustee)
Judgment: 01/14/2019, Docketed: 01/14/2019
Comment: Certain Causes




CASE SUMMARY

CASE NO. A-16-747800-C

	<p>Debtors: Trudi Lee Lytle (Counter Claimant), John Allen Lytle (Counter Claimant), Lytle Trust (Counter Claimant)</p> <p>Creditors: Jacques & Linda Lamothe Living Trust (Counter Defendant), Jacques Lamothe (Counter Defendant), Linda Lamothe (Counter Defendant), Robert Z Disman (Counter Defendant), Yvonne A Disman (Counter Defendant)</p> <p>Judgment: 01/14/2019, Docketed: 01/14/2019</p> <p>Debtors: Robert Z Disman (Cross Claimant), Yvonne A Disman (Cross Claimant)</p> <p>Creditors: Marjorie B Boulden (Cross Defendant)</p> <p>Judgment: 01/14/2019, Docketed: 01/14/2019</p>
09/06/2019	<p>Order (Judicial Officer: Williams, Timothy C.)</p> <p>Debtors: Trudi Lee Lytle (Counter Claimant), John Allen Lytle (Counter Claimant), Lytle Trust (Counter Claimant)</p> <p>Creditors: Robert Z. Disman (Counter Defendant), Yvonne A. Disman (Counter Defendant)</p> <p>Judgment: 09/06/2019, Docketed: 09/06/2019</p> <p>Total Judgment: 35,676.00</p>
09/20/2019	<p>Order (Judicial Officer: Williams, Timothy C.)</p> <p>Debtors: Trudi Lee Lytle (Defendant), John Allen Lytle (Defendant), Lytle Trust (Defendant)</p> <p>Creditors: Marjorie B. Boulden Trust (Plaintiff), Jacques & Linda Lamothe Living Trust (Plaintiff), Marjorie B Boulden (Plaintiff), Jacques Lamothe (Plaintiff), Linda Lamothe (Plaintiff)</p> <p>Judgment: 09/20/2019, Docketed: 09/23/2019</p> <p>Total Judgment: 77,146.80</p> <p>Satisfaction:</p>
05/15/2020	<p>Clerk's Certificate (Judicial Officer: Williams, Timothy C.)</p> <p>Debtors: Marjorie B. Boulden Trust (Plaintiff), Jacques & Linda Lamothe Living Trust (Plaintiff), Marjorie B Boulden (Plaintiff), Jacques Lamothe (Plaintiff), Linda Lamothe (Plaintiff)</p> <p>Creditors: Trudi Lee Lytle (Defendant), John Allen Lytle (Defendant), Lytle Trust (Defendant)</p> <p>Judgment: 05/15/2020, Docketed: 05/22/2020</p> <p>Comment: Supreme Court No.76198/77007 " Appeal Affirmed"</p>
HEARINGS	
01/19/2017	<p> Motion for Temporary Restraining Order (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Plaintiffs Motion for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time</i></p> <p>Withdrawn;</p> <p>Journal Entry Details:</p> <p><i>Mr. Foley stated this was regarding a judgment obtained against a third-party that was recorded against his clients, that his clients were not a party in the case, and that the Deft.'s just listed his client's parcel numbers on their judgment. Mr. Foley stated his clients home was set to close escrow tomorrow; however this \$361,000 judgment prevented the title company from issuing a title policy. Mr. Foley stated he did not want a Temporary Restraining Order and then be forced to get a bond when the title company could still say they can't issue the title policy. Mr. Foley noted he thought if everything was consolidated he could try this case in one day. Mr. Haskin agreed with Mr. Foley's statements and further stated there were equitable issues; however those were questions of law and that he wanted to reserve the right to dispute. Court stated this case had a history and inquired regarding the effect of the judgment. Following further colloquy by counsel regarding the preliminary injunction and a trial on the merits, Mr. Foley WITHDREW his motion and stated he would proceed from here and no status check was necessary at this time.;</i></p>
03/14/2017	<p>CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Vacated - per Stipulation and Order</i></p> <p><i>Trudi Lee Lytle and John Allen Lytle's Motion to Dismiss Plaintiffs' Complaint</i></p>
04/13/2017	<p>Motion for Partial Summary Judgment (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Motion for Partial Summary Judgment</i></p> <p>Granted;</p>

CASE SUMMARY

CASE NO. A-16-747800-C

04/13/2017	<p>Opposition and Countermotion (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i> Denied;</p>
04/13/2017	<p> All Pending Motions (9:00 AM) (Judicial Officer: Williams, Timothy C.) Matter Heard; Journal Entry Details: MOTION FOR PARTIAL SUMMARY JUDGMENT PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND COUNTER-MOTION TO CONTINUE TRIAL AND EXTEND DISCOVERY DEADLINES Following extensive arguments by counsel based on the briefs, COURT ORDERED, Motion for Summary Judgment GRANTED; Deft.'s Countermotion DENIED.;</p>
05/30/2017	<p> Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Williams, Timothy C.) 05/30/2017, 06/29/2017 <i>Deft's Motion for Attorney's Fees and Costs</i> Matter Continued; Motion for Attorney's Fees and Costs Vacate; Matter Continued; Motion for Attorney's Fees and Costs Vacate; Journal Entry Details: Following arguments of counsel, Court stated that from a practical standpoint this motion will be decided without additional argument following the Motion for Reconsideration currently set for June 29, 2017. Accordingly, COURT ORDERED, matter CONTINUED. CONTINUED TO: 6/29/17 9:00 AM;</p>
06/01/2017	<p> Motion to Cancel Lis Pendens (9:00 AM) (Judicial Officer: Williams, Timothy C.) 06/01/2017, 06/06/2017 <i>Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time</i> Matter Continued; Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time Granted; Journal Entry Details: Daniel Foley, Esq., appeared on behalf of Pltfs Richard Haskin, Esq., appeared on behalf of Defts The Court and counsel noted the matter was fully briefed and counsel invited questions from the Court. Mr. Haskin began to argue the contempt issue; however, the Court stated it would not hold Defts in contempt and entered into colloquy with Mr. Haskin regarding the lis pendens. After hearing argument from both sides, COURT STATED ITS FINDINGS, and ORDERED, Motion GRANTED cancelling the two lis pendens and reiterated that the Court would not hold Defts in contempt; however, no more lis pendens. Further, Mr. Foley addressed his request for fees and the Court advised it would consider the matter as currently set on June 29, 2017. Court directed Mr. Foley to submit the proposed order.; Matter Continued; Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time Granted; Journal Entry Details: <i>Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time</i> Mr. Foley noted that Mr. Haskin only contested this matter yesterday. A copy of the opposition was handed to the Court and matter was trailed to enable Mr. Foley and the Court to review it. When matter was recalled later in the calendar, Mr. Haskin stated that under 14.015 the opposition was untimely. COURT ORDERED, matter CONTINUED to Tuesday, 6/6/17 upon Mr. Foley's agreement to that date. CONTINUED TO: 6/6/17 9:00 AM;</p>
06/29/2017	<p>Motion For Reconsideration (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendants Trudi Lee Lytle, John Allen Lytle, and The Lytle Trust's Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment</i> Motion Granted;</p>
06/29/2017	<p> All Pending Motions (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p>

CASE SUMMARY


CASE NO. A-16-747800-C


Matter Heard;

Journal Entry Details:

DEFENDANTS TRUDI LEE LYTLE, JOHN ALLEN LYTLE, AND THE LYTLE TRUST'S MOTION FOR RECONSIDERATION OR, IN THE ALTERNATIVE, MOTION TO ALTER OR AMEND JUDGMENT...DEFT'S MOTION FOR ATTORNEY'S FEES AND COSTS Mr. Haskin argued in support of the Motion for Reconsideration, stating that an Order was entered granting Summary Judgment in favor of the Plaintiff, wherein there was a Finding against Defendant Lytle Trust as to slander of title; however, there was no evidence presented during arguments regarding slander of title. Upon Court's inquiry, Mr. Foley stated that the causes of action appropriately dealt with through the Court's ruling on the Summary Judgment were as follows: Quiet Title, Declaratory Relief, and Slander of Title. Mr. Foley argued in opposition to the Motion for Reconsideration, stating that the Lytles recorded abstracts of judgment on Plaintiffs' parcel numbers, in order to attach the to the properties, which was slander of title and a knowing malicious effort. Additionally, Mr. Foley stated that the case had developed as follows: Mr. Haskin had submitted another judgment obtained on behalf of the Lytle's against the HOA, which must be disclosed; therefore, the Complaint must be amended, and declaratory relief would be needed, to ensure that the findings from the judgment would not waive the claim for slander of title damages for loss of sale. Pursuant to those representations, Mr. Foley stated that he would seek leave to amend the Complaint, and would withdraw the Motion for Attorney's Fees and Costs. **COURT ORDERED** the Motion for Reconsideration was hereby **DENIED**; however, the Alternative Motion to Alter or Amend Judgment was **GRANTED** as to the Slander of Title Findings. Pursuant to Mr. Foley's representations, **COURT ORDERED** the Motion for Attorney's Fees and Costs was **VACATED**. Mr. Haskin to amend the Judgment, and forward it to opposing counsel for approval as to form and content.;

08/01/2017 **CANCELED Motion to Amend Complaint** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Vacated - per Stipulation and Order
Plaintiffs' Motion for Leave to File a Second Amended Complaint


01/16/2018  **Motion to Extend Discovery** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Counter Defendants/Cross Claimants Robert Z. Disman and Yvonne A. Disman's Motion to Extend Discovery Deadlines and Trial Setting (First Requested Extension)
Recused;
Stip & Order to Extend Discovery submitted & signed by Judge - Mtn to Extend not necessary
Journal Entry Details:
Court represented to the parties that a new law clerk will be starting in Dept. 16 on January 22, 2018 and that she is the daughter of Plaintiff's counsel. Although the court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11 (C) of the Nevada Code of Judicial Conduct in order to avoid the appearance of impartiality or implied bias. Thus, the Court **RECUSES** itself from the matter and request that it be randomly reassigned in accordance with appropriate procedures.;


02/07/2018  **Motion to Consolidate** (9:00 AM) (Judicial Officer: Bailus, Mark B)
Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C

MINUTES

Stip & Order to Extend Discovery submitted, signed by Judge - motion not necessary
Reset; Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C
Journal Entry Details:
Court notes opposition not received by Court or opposing counsel. **COURT ORDERED, CONTINUED** for Plaintiff's response to opposition filed. **CONTINUED TO: 02/21/18 9:00 a.m.**;

SCHEDULED HEARINGS

 **Motion to Consolidate** (02/21/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)
Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C

02/21/2018  **Motion to Consolidate** (9:00 AM) (Judicial Officer: Bailus, Mark B)
Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C
Granted;
Journal Entry Details:

CASE SUMMARY

CASE NO. A-16-747800-C

The Court noted no opposition filed. COURT ORDERED, MOTION GRANTED, will not grant fees and costs.;

03/21/2018

Motion for Summary Judgment (9:00 AM) (Judicial Officer: Bailus, Mark B)

Events: 03/01/2018 Request

Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings

MINUTES



Request

Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A

Request to Set Hearing Date on Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings

Continued for Chambers Decision; Plaintiff's Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings

SCHEDULED HEARINGS



Decision (05/02/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)

Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment



All Pending Motions (03/21/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)

03/21/2018

Opposition and Countermotion (9:00 AM) (Judicial Officer: Bailus, Mark B)

Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust (1) Opposition to Motion for Summary Judgment, or in the Alternative, Motion for Judgment on the Pleadings; and (2) Countermotion for Summary Judgment

Continued for Chambers Decision; Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust (1) Opposition to Motion for Summary Judgment, or in the Alternative, Motion for Judgment on the Pleadings; and (2) Countermotion for Summary Judgment

03/21/2018



All Pending Motions (9:00 AM) (Judicial Officer: Bailus, Mark B)

Matter Heard;

Journal Entry Details:

Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings ... Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment Arguments by counsel. COURT ORDERED, CONTINUED for Decision. 04/04/18 9:00 a.m. Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings /// Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment;

04/04/2018



All Pending Motions (9:00 AM) (Judicial Officer: Bailus, Mark B)

Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment

Hearing Date;

Journal Entry Details:

Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment HEARING CONTINUED TO 4/11/18 @ 9:00 FOR ORAL DECISION CLERK'S NOTE: All parties advised of date and appearance requested. ac/04/04/18.;

05/02/2018



Decision (9:00 AM) (Judicial Officer: Bailus, Mark B)

Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment

Decision Made;

CASE SUMMARY

CASE NO. A-16-747800-C

Journal Entry Details:

Decision: As to Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings, COURT FINDS after review of Judge Williams' previous order in this case, that order addressed a majority of the issues raised in this matter, and this Court hereby adopts the Findings of Fact, Conclusions of Law from Judge Williams' order as they may pertain to the issues in this matter. Court notes Judge Williams' order addresses additional facts and he did not take any findings that the Defendants Lytle Trust was entitled to the property and that issue was left to the trier of fact. Additionally, that order is the law of the case; based on relevant issues it is applicable in this case. The order in this matter, COURT ORDERED, MOTION GRANTED expunging and striking the abstract(s) of judgment recorded against the Plaintiffs' properties, restraining, enjoining Lytles' from selling or attempting to sell the Plaintiffs' properties; and, from taking any action in the future against the Plaintiffs or their properties based upon any litigation the Lytles have commenced against the association. In addition to the Findings of Fact Conclusions of Laws in this matter, Court Finds that the ruling in this matter be consistent with Judge Williams' order; that being the law of the case. Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment COURT ORDERED, MOTION DENIED. Mr. Smith to prepare the order within 10 days and have parties review as to form and content and distribute a filed copy to all parties involved in this matter.;

07/26/2018

Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Bailus, Mark B)
Plaintiffs' Motion for Attorney's Fees and Costs

MINUTES

Continued for Chambers Decision; Plaintiffs' Motion for Attorney's Fees and Costs

SCHEDULED HEARINGS



All Pending Motions (07/26/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)

07/26/2018

Motion to Retax (9:00 AM) (Judicial Officer: Bailus, Mark B)
Defendants' Motion to Retax and Settle Memorandum of Costs

MINUTES

Continued for Chambers Decision;

SCHEDULED HEARINGS

Decision (08/09/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)
Decision - Defendants' Motion to Retax and Settle Memorandum of Costs Decision - Plaintiff's Motion for Attorney's Fees

07/26/2018



All Pending Motions (9:00 AM) (Judicial Officer: Bailus, Mark B)

Matter Heard;

Journal Entry Details:

Defendants' Motion to retax and Settle Memorandum of Costs ... Plaintiffs' Motion for Attorney's Fees and Costs Court notes clarification on some of the factual issues with these motions. Arguments by counsel. Based on the arguments by counsel, Court is going to go back and review the legal argument and the exhibits. Further, Court notes he wants this case to mirror the case before Judge Williams since much of the decisions on issues in this case were decided by rulings in the other case before this Court ever got this case. 08/09/18 9:00 a.m. Decision - Defendants' Motion to retax and Settle Memorandum of Costs /// Decision: Plaintiffs' Motion for Attorney's Fees and Costs;

08/09/2018

Motion for Summary Judgment (9:00 AM) (Judicial Officer: Bailus, Mark B)
Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the ALternative Motion for Judgment on the Pleadings

MINUTES

Continued for Chambers Decision; Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings

SCHEDULED HEARINGS



Decision (08/17/2018 at 3:00 AM) (Judicial Officer: Bailus, Mark B)
Decision - Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings

CASE SUMMARY

CASE NO. A-16-747800-C

08/09/2018

Decision (9:00 AM) (Judicial Officer: Bailus, Mark B)

Decision - Defendants' Motion to Retax and Settle Memorandum of Costs Decision - Plaintiff's Motion for Attorney's Fees

MINUTES

Decision Made; Decision - Defendants' Motion to Retax and Settle Memorandum of Costs

SCHEDULED HEARINGS



All Pending Motions (08/09/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)

08/09/2018



All Pending Motions (9:00 AM) (Judicial Officer: Bailus, Mark B)

Matter Heard;

Journal Entry Details:

Decision - Plaintiff's Motion for Attorney's Fees COURT having considered the matter and applied Brunzell factors and Pursuant to NRS 18.020(1); NRS 18.050; and, 18.010(2)(b) and ORDERED, Plaintiff's Motion for Attorney's Fees is GRANTED. Decision - Defendants' Motion to Retax and Settle Memorandum of Costs In review of the fees and costs submitted and for good cause shown, COURT ORDERS, Defendants' Motion to Retax is GRANTED. COURT ORDERED, attorney's fees and costs GRANTED AS FOLLOWS: As to September Trust: \$13,513.26 Attorney fees GRANTED \$250.87 Costs GRANTED As to Zobrist Trust: \$13,331.26 Attorney fees GRANTED \$250.87 Costs GRANTED As to Sandoval Trust: \$12,616.26 Attorney fees GRANTED \$250.87 Costs GRANTED As to Dennis & Julie Gegan: \$12,590.26 Attorney fees GRANTED \$250.87 Costs GRANTED For a Total of \$52,051.04 Attorney's fees; and, \$1,003.48 Costs GRANTED. Mr. Smith to prepare the order within 10 days and distribute a filed copy to all parties involved in this matter. The order must include last known addresses and all future scheduled court dates. Both the Plaintiff and Defendant are required to be present at the next court date. Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings Arguments by counsel. Court continued matter to chambers for further review and decision will be rendered by way of Minute Order.;

08/17/2018



Decision (3:00 AM) (Judicial Officer: Bailus, Mark B)

Decision - Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings

Decision Made; Decision - Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings

Journal Entry Details:

This Court having hear argument, reviewed the pleadings and papers on file, and good cause appearing therefrom ORDERS, Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or, in the Alternative, Judgment on the Pleadings is DENIED Without Prejudice. Mr. Haskin is to prepare the order consistent with the opposition, submit to opposing counsel for approval as to content and form and submit to Chambers for consideration. CLERK'S NOTE: The above minute order has been distributed to: Christina Wang, Esq.; and, Richard Haskin, Esq.;

10/23/2018



Motion to Stay (9:00 AM) (Judicial Officer: Bailus, Mark B)

Defendant John Allen Lytle and Trudi Lytles' Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond on Order Shortening Time Granted; Defendant John Allen Lytle and Trudi Lytles' Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond on Order Shortening Time

Journal Entry Details:

Matter submitted. Court Finds cash Bond issue addressed in past and amount posted sufficient to indemnify Defendants if they prevail. COURT ORDERS, Defendant John Allen Lytle and Trudi Lytles' Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond is GRANTED. Mr. Haskin to prepare the order within 10 days and have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.;

11/27/2018

Request of Court (9:00 AM) (Judicial Officer: Bailus, Mark B)

Request of Court - Clarification of Order: In RE: Competing Orders

CASE SUMMARY

CASE NO. A-16-747800-C

MINUTES

Matter Heard; Request of Court - Clarification of Order: In RE: Competing Orders

SCHEDULED HEARINGS



All Pending Motions (11/27/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)

11/27/2018

Motion For Reconsideration (9:00 AM) (Judicial Officer: Bailus, Mark B)

Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees

Decision Made; Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees

11/27/2018



All Pending Motions (9:00 AM) (Judicial Officer: Bailus, Mark B)

Matter Heard;

Journal Entry Details:

Request of Court - Clarification of Order: In RE: Competing Orders ... Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees Court advised regarding review of competing orders received. Court does not find that either order complies with this Court's ruling from the hearing. Colloquy regarding the law of the case based on prior ruling in this matter by Judge Williams. Court notes this Court was not aware these proceedings were before the Nevada Supreme Court (NVSC) on the order this Court based its ruling upon, otherwise the Court would have deferred ruling the matter until NVSC had ruled, however, since there is no order on file from the hearing on the motion for summary judgment, COURT VACATES PRIOR RULING and Defers Judgment on Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings pending ruling by NVSC, which may resolve this issue in its entirety. Ms. Wang to prepare the order consistent with this Court's findings within 10 days and have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.;

01/08/2019



Pre Trial Conference (8:30 AM) (Judicial Officer: Barker, David)

Off Calendar;

Journal Entry Details:

Mr. Foley advised the case has resolved and they will submit a stipulation and order. COURT ORDERED, trial date VACATED and matter OFF CALENDAR. ;

02/05/2019

CANCELED Calendar Call (9:00 AM) (Judicial Officer: Holthus, Mary Kay)

Vacated - per Judge

02/19/2019

CANCELED Bench Trial (10:00 AM) (Judicial Officer: Williams, Timothy C.)

Vacated - per Judge

02/20/2019



Motion for Attorney Fees and Costs (3:00 AM) (Judicial Officer: Williams, Timothy C.)

02/20/2019, 04/10/2019, 05/16/2019

Plaintiff's Motion for Attorney's Fees and Costs

Continued;

Continued;

Motion Granted;

Continued;

Continued;

Motion Granted;

Continued;

Continued;

Motion Granted;

Journal Entry Details:

No parties present. COURT ORDERED, matter CONTINUED to this Court's hearing calendar. CONTINUED TO: 4/3/19 8:30 AM CLERK S NOTE: Minute order electronically served through the Eighth Judicial District Court s EFT System. -amt;




02/27/2019

Motion to Retax (3:00 AM) (Judicial Officer: Williams, Timothy C.)

02/27/2019, 04/10/2019, 05/16/2019

CASE SUMMARY

CASE NO. A-16-747800-C

	<p><i>Defendants' Motion to Retax and Settle Memorandum of Costs</i></p> <p>Continued;</p> <p>Continued;</p> <p>Motion Denied;</p> <p>Continued;</p> <p>Continued;</p> <p>Motion Denied;</p> <p>Continued;</p> <p>Continued;</p> <p>Motion Denied;</p>
02/27/2019	<p>Motion for Attorney Fees and Costs (3:00 AM) (Judicial Officer: Williams, Timothy C.) 02/27/2019, 04/10/2019, 05/16/2019</p> <p><i>Robert Z. Disman and Yvonne Disman's Motion for Attorney's Fees</i></p> <p>Continued;</p> <p>Continued;</p> <p>Motion Granted;</p> <p>Continued;</p> <p>Continued;</p> <p>Motion Granted;</p> <p>Continued;</p> <p>Continued;</p> <p>Motion Granted;</p>
02/27/2019	<p> All Pending Motions (3:00 AM) (Judicial Officer: Thompson, Charles)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>DEFENDANT'S MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS ... ROBERT Z. DISMAN AND YVONNE DISMAN'S MOTION FOR ATTORNEY'S FEES COURT ORDERED, matter CONTINUED to be heard by Judge Barker. CONTINUED TO: 4/3/19 8:30 AM CLERK S NOTE: Minute order electronically served through the Eighth Judicial District Court s EFT System. -amt 2/27/19;</i></p>
04/10/2019	<p> All Pending Motions (8:30 AM) (Judicial Officer: Barker, David)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>MOTION FOR ATTORNEY FEES AND COSTS ... ROBERT Z. DISMAN AND YVONNE DISMAN'S MOTION FOR ATTORNEY'S FEES ... DEFENDANTS' MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS Upon Court's inquiry, Mr. Foley advised they believe the motions should be heard by Judge Williams, noting Judge Williams recused because his daughter was hired as Judge William's law clerk, however; that position is now over. Mr. Haskin concurred, however, requested the matter be trailed so he can speak to his client. Court noted it will only transfer the case if all parties are in agreement, noting the Court will reach out to Judge Williams to see if he is willing to take the case back. Matter TRAILED. Matter RECALLED. Mr. Haskin advised his client is amenable to returning to Judge Williams. COURT ORDERED, matter SET for Status Check. CONTINUED TO: 5/1/19 9:00 AM (DEPT. 16) CLERK'S NOTE: Subsequent to Court, COURT ORDERED, Motions CONTINUED to Dept. 16's calendar to be heard by Judge Williams. COURT FURTHER ORDERED, matter TRANSFERRED to Department 16. -amt 4/10/19 CLERK'S NOTE: Subsequent to previous rulings, Court noted it will contact Judge Weise and have the case transferred to Department 16 as opposed to having the Clerk's Office reassign the case via this minute order. -amt 4/11/19 ;</i></p>
04/11/2019	<p> Minute Order (2:00 PM) (Judicial Officer: Wiese, Jerry A.)</p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>The above-referenced matter was previously handled by Judge Timothy Williams. Motions for Summary Judgment were apparently granted, resulting in an Appeal and affirmance. Judge Williams previously recused from the case, due to the fact that his law clerk was related to one of attorneys for one of the parties. Following remand from the Supreme Court, various motions have been filed including a Motion to Retax, and Motion for Attorney's Fees. These</i></p>

CASE SUMMARY

CASE NO. A-16-747800-C

matters are currently in Department 9. Judge David Barker, is sitting in Department 9, and recently had a hearing with the attorneys, who indicated that they believed Judge Williams was much more familiar with the facts and circumstances of the case, and would be in a better position to rule on the pending motions. It is noted that the law clerk which previously resulted in Judge Williams recusal is no longer Judge Williams law clerk, so no conflict currently exists. Judge Williams has indicated his willingness to handle this matter. Pursuant to EDCR 1.31, and good cause appearing, the Presiding Civil Judge hereby ORDERS that the Clerk's Office Reassign Case No. A747800 from Department IX to Department XVI (Judge Williams), as Judge Williams (as the prior handling Judge) has more information with regard to the pending case, and such transfer will promote judicial economy. ;

05/16/2019



All Pending Motions (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Matter Heard;

Journal Entry Details:

MOTION FOR ATTORNEY'S FEES AND COSTS...ROBERT Z. DISMAN AND YVONNE DISMAN'S MOTION FOR ATTORNEY'S FEES...DEFENDANTS' MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS Arguments by Mr. Foley, Mr. Haskin, and Ms. Wang. COURT ORDERED, fees and costs awarded. Court stated will take review of attorney fee amounts. FURTHER ORDERED, as to Motion to Retax, costs given. Prevailing party to submit respective orders.;

05/17/2019



Minute Order (2:51 PM) (Judicial Officer: Williams, Timothy C.)

re: Motions for Attorneys' Fees

Matter Heard;

Journal Entry Details:

After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows: The Court has ruled that the CC&R s control the award of attorney s fees in this matter. Pursuant to paragraph 25 of the CC&R s regarding attorney s fees, the losing party or parties shall pay in such amount as may be fixed the court. Applying the language of the CC&R s the Court determined that the Boulden and Lamothe Plaintiffs and Disman Counter Defendants are the winning parties, the Lytle Defendants are the losing party and the language is mandatory regarding the assessment of attorney fees against the losing party. In addition, after considering the Brunzell factors, the Court awards the Boulden and Lamothe Plaintiffs attorney s fees in the requested amount of \$75,733.80 and the Disman Counter Defendants attorney s fees in the requested amount of \$35,676.00. Lastly, the Court declines to make the determination that the Defendants actions lacked reasonable grounds except for the filing of Lis Pendens, which was clearly unreasonable in light of the procedural history of the case. Counsel for the Boulden and Lamothe Plaintiffs and Disman Counter Defendants shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile. ;

04/06/2020



Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.)

re: 4/22/20 Hearing

Minute Order - No Hearing Held;

Journal Entry Details:

Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court offers two methods of appearance: telephonic conference through BlueJeans or CourtCall. As CourtCall involves a cost, the use of BlueJeans is strongly favored given the number of people the system can accommodate. If you prefer to use BlueJeans, please call in prior to your hearing to appear. The call-in number is: Dial the following number: 1-888-748-9073 Meeting ID: 702 671 440 6 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. If you prefer to use CourtCall, please contact CourtCall to schedule your appearance. They can be reached toll-free at 1-888-882-6878 and/or on-line at www.courtcall.com. CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.;

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-16-747800-C

04/22/2020	Motion for Order to Show Cause (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders</i> Motion Granted;
04/22/2020	Joinder (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Joinder On Plaintiffs September Trust Et. Al s Motion For An Order To Show Cause Why The Lytle Trust Should Not Be Held In Contempt For Violation Of Court Orders</i> Motion Granted;
04/22/2020	Joinder (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Joinder to Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should not be Held in Contempt for Violation of Court Orders</i> Motion Granted;
04/22/2020	 All Pending Motions (9:00 AM) (Judicial Officer: Williams, Timothy C.) Matter Heard; Journal Entry Details: <i>APPEARANCES CONTINUED: Patricia Lee and Receiver, Kevin Singer, also present telephonically. PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT ORDERS JOINDER TO PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT ORDERS JOINDER ON PLAINTIFFS September TRUST ET. AL S MOTION FOR AN ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT ORDERS All parties present telephonically. Arguments by counsel. Court stated ITS FINDS and ORDERED, Motion for Order to Show Cause GRANTED; will be assessment of \$500.00 per Pltf. Court directed filing of application for fees and costs to be heard on the merits. Court directed Mr. Smith to prepare and circulate findings of fact and conclusions of law; if parties cannot agree on form and content, may submit competing orders. ;</i>
07/02/2020	Motion for Clarification (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendant Lytle Trust's Motion for Clarification and Ex Parte Request for Order Shortening Time</i>
07/07/2020	Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Plaintiffs' Motion for Attorney's Fees and Costs</i>
07/16/2020	Motion for Attorney Fees (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees</i>

DATE

FINANCIAL INFORMATION

Cross Claimant Disman, Robert Z	
Total Charges	200.00
Total Payments and Credits	200.00
Balance Due as of 6/23/2020	0.00
Cross Claimant Disman, Yvonne A	
Total Charges	253.00
Total Payments and Credits	253.00
Balance Due as of 6/23/2020	0.00
Defendant Lytle Trust	
Total Charges	65.00
Total Payments and Credits	65.00
Balance Due as of 6/23/2020	0.00
Defendant Lytle, John Allen	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 6/23/2020	0.00

CASE SUMMARY

CASE NO. A-16-747800-C

Defendant Lytle, Trudi Lee	
Total Charges	807.50
Total Payments and Credits	807.50
Balance Due as of 6/23/2020	0.00
 Plaintiff Jacques & Linda Lamothe Living Trust	
Total Charges	30.00
Total Payments and Credits	30.00
Balance Due as of 6/23/2020	0.00
 Plaintiff Marjorie B. Boulden Trust	
Total Charges	931.50
Total Payments and Credits	931.50
Balance Due as of 6/23/2020	0.00
 Defendant Lytle, Trudi Lee	
Appeal Bond Balance as of 6/23/2020	500.00
 Defendant Lytle, Trudi Lee	
Appeal Bond Balance as of 6/23/2020	500.00
 Defendant Lytle, Trudi Lee	
Supersedeas Bond Balance as of 6/23/2020	0.00

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No.

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Marjorie Boulden, 1960 Rosemere Ct., Las Vegas, NV 89117

Jacques Lamothe, 1830 Rosemere Ct., Las Vegas, NV 89117

Linda Lamothe, 1830 Rosemere Ct., Las Vegas, NV 89117

Defendant(s) (name/address/phone):

Trudi Lee Lytle

John Allen Lytle

Attorney (name/address/phone):

Daniel T. Foley

626 So. 8th Street, Las Vegas, NV 89101

702-384-2070

Attorney (name/address/phone):

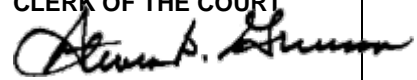
II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types****Real Property****Landlord/Tenant**☐ Unlawful Detainer☐ Other Landlord/Tenant**Title to Property**☐ Judicial Foreclosure☒ Other Title to Property**Other Real Property**☐ Condemnation/Eminent Domain☐ Other Real Property**Negligence**☐ Auto☐ Premises Liability☐ Other Negligence**Malpractice**☐ Medical/Dental☐ Legal☐ Accounting☐ Other Malpractice**Torts****Other Torts**☐ Product Liability☐ Intentional Misconduct☐ Employment Tort☐ Insurance Tort☐ Other Tort**Probate****Probate** (select case type and estate value)☐ Summary Administration☐ General Administration☐ Special Administration☐ Set Aside☐ Trust/Conservatorship☐ Other Probate**Estate Value**☐ Over \$200,000☐ Between \$100,000 and \$200,000☐ Under \$100,000 or Unknown☐ Under \$2,500**Construction Defect & Contract****Construction Defect**☐ Chapter 40☐ Other Construction Defect**Contract Case**☐ Uniform Commercial Code☐ Building and Construction☐ Insurance Carrier☐ Commercial Instrument☐ Collection of Accounts☐ Employment Contract☐ Other Contract**Judicial Review/Appeal****Judicial Review**☐ Foreclosure Mediation Case☐ Petition to Seal Records☐ Mental Competency**Nevada State Agency Appeal**☐ Department of Motor Vehicle☐ Worker's Compensation☐ Other Nevada State Agency**Appeal Other**☐ Appeal from Lower Court☐ Other Judicial Review/Appeal**Civil Writ****Civil Writ**☐ Writ of Habeas Corpus☐ Writ of Mandamus☐ Writ of Quo Warrant☐ Writ of Prohibition☐ Other Civil Writ**Other Civil Filing****Other Civil Filing**☐ Compromise of Minor's Claim☐ Foreign Judgment☐ Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

12/7/16
Date

Signature of initiating party or representative

See other side for family-related case filings.



1 **ORDR**

2 **CHRISTENSEN JAMES & MARTIN**

3 KEVIN B. CHRISTENSEN, ESQ.

Nevada Bar No. 175

4 WESLEY J. SMITH, ESQ.

Nevada Bar No. 11871

5 LAURA J. WOLFF, ESQ.

Nevada Bar No. 6869

6 7440 W. Sahara Avenue

Las Vegas, Nevada 89117

7 Tel.: (702) 255-1718

Facsimile: (702) 255-0871

8 Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com

Attorneys for September Trust, Zobrist Trust, Sandoval Trust

and Dennis & Julie Gegen

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 MARJORIE B. BOULDEN, TRUSTEE OF
12 THE MARJORIE B. BOULDEN TRUST,
13 LINDA LAMOTHE AND JACQUES
14 LAMOTHE, TRUSTEES OF THE
15 JACQUES & LINDA LAMOTHE LIVING
16 TRUST,

17 Plaintiffs,

18 vs.

19 TRUDI LEE LYTLE, JOHN ALLEN
20 LYTLE, THE LYTLE TRUST, DOES I
21 through X, and ROE CORPORATIONS I
22 through X,

23 Defendants.

Case No.: A-16-747800-C

Dept. No.: XVI

ORDER GRANTING PLAINTIFFS'
MOTION FOR ORDER TO SHOW
CAUSE WHY THE LYTLE TRUST
SHOULD NOT BE HELD IN
CONTEMPT FOR VIOLATION OF
COURT ORDERS

Date: April 22, 2020

Time: 9:00 a.m.

24 SEPTEMBER TRUST, DATED MARCH 23,
25 1972; GERRY R. ZOBRIST AND JOLIN G.
26 ZOBRIST, AS TRUSTEES OF THE GERRY
27 R. ZOBRIST AND JOLIN G. ZOBRIST
28 FAMILY TRUST; RAYNALDO G.
SANDOVAL AND JULIE MARIE
SANDOVAL GEGEN, AS TRUSTEES OF
THE RAYNALDO G. AND EVELYN A.
SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C

Dept. No.: XVI

CONSOLIDATED

1 DEVOLUTION TRUST DATED MAY 27,
2 1992; and DENNIS A. GEGEN AND JULIE
3 S. GEGEN, HUSBAND AND WIFE, AS
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN
8 LYTLE, AS TRUSTEES OF THE LYTLE
9 TRUST; JOHN DOES I through V; and ROE
10 ENTITIES I through V, inclusive,

11 Defendants.

12 Presently before the Court is Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust
13 Should Not Be Held in Contempt for Violation of Court Orders ("Motion") filed by the September Trust,
14 dated March 23, 1972 ("September Trust"), Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the
15 Gerry R. Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust"), Raynaldo G. Sandoval and Julie
16 Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and
17 Devolution Trust dated May 27, 1992 ("Sandoval Trust"), and Dennis A. Gegen and Julie S. Gegen,
18 Husband and Wife, as Joint Tenants ("Dennis & Julie Gegen") (collectively the "Plaintiffs"), the Joinders
19 filed by Marjorie B. Boulden, Trustee of the Marjorie B. Boulden Trust, amended and restated dated July
20 17, 1996 ("Boulden Trust") and Linda Lamothe and Jacques Lamothe, Trustees of the Jacques and Linda
21 Lamothe Living Trust ("Lamothe Trust") and Robert Z. Dismen and Yvonne A. Dismen (the "Dismans"),
22 and the Opposition and Reply thereto, which came on for hearing on April 22, 2020 at 9:00 a.m. in
23 Department XVI of the Eighth Judicial District Court, Clark County, Nevada.

24 Wesley J. Smith, Esq. of Christensen James & Martin, Chtd. appeared on behalf of the Plaintiffs.
25 Daniel T. Foley, Esq. of Foley & Oakes, PC appeared on behalf of the Boulden Trust and Lamothe Trust.
26 Christina H. Wang, Esq. of Fidelity National Law Group appeared on behalf of the Dismans. Dan R.
27 Waite, Esq. of Lewis Roca Rothgerber Christie LLP and Richard Haskin, Esq. of Gibbs Giden Locher
28 Turner Senet & Wittbrodt LLP appeared on behalf of Trudi Lee Lytle and John Allen Lytle, as Trustees
of the Lytle Trust ("Lytle Trust"). Patricia Lee, Esq. of Hutchison & Steffen was present on behalf of
Kevin Singer, court appointed Receiver over the Rosemere Estates Property Owners Association

1 (“Association”), in Case No. A-18-775843-C, *Trudi Lee Lytle et al. v. Rosemere Estates Property*
2 *Owners’ Association* (“Receivership Action”).

3 The Court having considered the Motion, Joinders, Opposition, and Reply, together with the
4 Exhibits thereto, having heard the arguments of counsel, and with good cause appearing therefore, the
5 Court hereby grants the Motion and Joinders and enters the following Findings of Fact, Conclusions of
6 Law, and Order:

7 **FINDINGS OF FACT**

8 1. On April 26, 2017, this Court entered its Findings of Fact, Conclusions of Law, and Order
9 Granting the Boulden Trust and Lamothe Trust’s Motion for Partial Summary Judgment (“April 2017
10 Order”) against the Lytle Trust. On the Lytle Trust’s Motion for Reconsideration or, in the alternative,
11 Motion to Alter or Amend Judgment, on July 27, 2017, this Court entered its Order Granting Motion to
12 Alter or Amend Findings of Fact and Conclusions of Law (“July 2017 Order”) in favor of the Boulden
13 Trust and the Lamothe Trust on their Motion for Partial Summary Judgment.¹ The July 2017 Order is
14 hereby incorporated by reference.

15 2. In the July 2017 Order, the Court concluded, in part, that: the Association is a “limited
16 purpose association” as referenced in NRS 116.1201(2); as a limited purpose association, NRS 116.3117
17 is not applicable to the Association; as a result of the Rosemere Litigation I (referred to in the July 2017
18 Order as the Rosemere LPA Litigation) between the Lytle Trust and the Association, the Amended
19 CC&Rs at issue were judicially declared to have been improperly adopted and recorded, were invalid,
20 have no force and effect, and were declared *void ab initio*; the Boulden Trust and Lamothe Trust were
21 not parties to the Rosemere Litigation I; the Boulden Trust and Lamothe Trust were not “losing parties”
22 in the Rosemere Litigation I per Section 25 of the Original CC&Rs; the Final Judgment in the Rosemere
23 Litigation I against the Association in favor of the Lytle Trust is not against, and is not an obligation of,
24
25

26 ¹ The April 2017 Order included an order that the Lytle Trust had slandered title. The Court
27 subsequently determined that it had not made findings of fact or conclusions of law on this issue and
28 amended accordingly by entering the July 2017 Order without any order on the slander of title claim.
The slander of title claim was later dismissed by stipulation between the parties. *See* Notice of Entry of
Stipulation and Order to Dismiss All Remaining Claims Without Prejudice filed on January 14, 2019.

1 the Boulden Trust and Lamothe Trust; and the Final Judgment against the Association in the Rosemere
2 Litigation I is not an obligation or debt owed by the Boulden Trust and Lamothe Trust.

3 3. The July 2017 Order also included the following permanent injunction at page 7:

4 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Defendants
5 are permanently enjoined from recording and enforcing the Final Judgment from the Rosemere
6 LPA Litigation or any abstracts related thereto against the Boulden Property or the Lamothe
7 Property.

8 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Defendants
9 are permanently enjoined from taking any action in the future against the Plaintiffs or their
10 properties based upon the Rosemere LPA Litigation.

11 4. The Court ordered the Lytle Trust to expunge the Abstracts of Judgment that it had
12 recorded against properties owned by the Boulden Trust and Lamothe Trust. The Lytle Trust released
13 the Abstracts of Judgment, but immediately recorded two *lis pendens* against the Boulden Trust and
14 Lamothe Trust properties. Thereafter, the Lytle Trust refused to voluntarily expunge the *lis pendens* and
15 the Boulden Trust and Lamothe Trust were forced to file a Motion to Expunge *Lis Pendens*. This Court
16 summarily granted the Motion on June 23, 2017 and the *lis pendens* were ordered stricken, but the Lytle
17 Trust was not held in contempt.

18 5. The Lytle Trust appealed the July 2017 Order and the Nevada Supreme Court issued an
19 Order of Affirmance on December 4, 2018 in Case No. 73039, *Trudi Lee Lytle v. Marjorie B. Boulden*
20 (“First Order of Affirmance”).²

21 6. After entry of the July 2017 Order, the September Trust, Zobrist Trust, Sandoval Trust,
22 and Gegens, which also own property within the Rosemere Subdivision, approached the Lytle Trust and
23 requested that it release the Abstracts of Judgment recorded against their properties as well. After the
24 Lytle Trust refused to release the Abstracts of Judgment as to their properties, the September Trust,
25 Zobrist Trust, Sandoval Trust, and Gegens filed a Complaint against the Lytle Trust in Case No. A-17-
26 765372-C, which was consolidated with this Case (Case No. A-16-747900-C) on February 21, 2018.

27 ² The Boulden Trust sold its property to the Dismans on August 4, 2017. This Court subsequently held,
28 in an Order entered on or about December 26, 2018, that the July 2017 Order likewise applied to the
Rosemere Litigation II Judgment, which the Lytle Trust sought to enforce against the Lamothe Trust
and the Dismans’ and their properties after entry of the July 2017 Order.

1 7. On May 24, 2018, this Court entered its Order Granting Motion for Summary Judgment
2 or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary
3 Judgment (“May 2018 Order”) in favor of the September Trust, Zobrist Trust, Sandoval Trust, and
4 Gegens and against the Lytle Trust. The May 2018 Order is hereby incorporated by reference.

5 8. In the May 2018 Order, the Court concluded, in part, that: the Association is a “limited
6 purpose association” as referenced in NRS 116.1201(2); as a limited purpose association, NRS 116.3117,
7 the statute upon which the Lytle Trust relied to record the Abstracts of Judgment, is not applicable to the
8 Association; as a result of the Rosemere Litigation I between the Lytle Trust and the Association, the
9 Amended CC&Rs at issue were judicially declared to have been improperly adopted and recorded, were
10 invalid, have no force and effect, and were declared *void ab initio*; the September Trust, Zobrist Trust,
11 Sandoval Trust, and Gegens were not parties to the Rosemere Litigation I, Rosemere Litigation II, or
12 Rosemere Litigation III; the September Trust, Zobrist Trust, Sandoval Trust, and Gegens were not
13 “losing parties” in the Rosemere Litigation I, Rosemere Litigation II, or Rosemere Litigation III per
14 Section 25 of the Original CC&Rs; the Judgments issued in the Rosemere Litigation I, Rosemere
15 Litigation II, or Rosemere Litigation III (collectively the “Rosemere Judgments”) against the Association
16 in favor of the Lytle Trust are not against, and are not an obligation of, the September Trust, Zobrist
17 Trust, Sandoval Trust, or Gegens to the Lytle Trust; and the Rosemere Judgments against the Association
18 are not an obligation or debt owed by the September Trust, Zobrist Trust, Sandoval Trust, or Gegens to
19 the Lytle Trust.

20 9. The May 2018 Order, at page 10, lines 10-19, contained the following permanent
21 injunction:

22 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust
23 is permanently enjoined from recording and enforcing the Judgments obtained from the
24 Rosemere Litigation I, Rosemere Litigation II and Rosemere Litigation III, or any other
judgments obtained against the Association, against the September Property, Zobrist Property,
Sandoval Property or Gegen Property.

25 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust
26 is permanently enjoined from taking any action in the future directly against the Plaintiffs or
27 their properties based upon the Rosemere Litigation I, Rosemere Litigation II or Rosemere
28 Litigation III.

10. On June 19, 2018, the Lytle Trust appealed the May 2018 Order to the Nevada Supreme Court, Case No. 76198, *Trudi Lee Lytle v. September Trust, Dated March 23, 1972*. This appeal was consolidated with the Lytle Trust's subsequent appeal of an award of attorney's fees and costs in favor of the September Trust, Zobrist Trust, Sandoval Trust, and Gegens under NRS 18.010(2)(b), Case No. 77007. The Supreme Court entered its Order of Affirmance affirming the May 2018 Order and subsequent fees order on March 2, 2020 ("Second Order of Affirmance").

11. On June 8, 2018, the Lytle Trust filed a new action, Case No. A-18-775843-C, *Trudi Lee Lytle et al. v. Rosemere Estates Property Owners' Association* ("Receivership Action"), asserting claims against the Association for (a) Declaratory Judgment, and (b) Breach of Contract/Easement Agreement. The prayer for relief in the Receivership Action sought:

a. an Order declaring that the Association must continue to operate as required by the CC&Rs and Chapters 82 and 116 of the Nevada Revised Statutes, which includes, but is not limited to: 1) maintaining the landscaping in the exterior wall planters; 2) maintaining the exterior perimeter and frontage; 3) maintaining the entrance gate; 4) maintaining the private drive and sewer system; 5) ensuring that homeowners are paying their assessments; 6) seeking collection activity against any homeowners that have failed to pay their assessments; 7) paying known creditors of the Association; 8) specially assessing the homeowners to ensure that enough proceeds exist within the HOA funds to pay all known creditors assessing; and 9) any other activity required under Nevada law.

b. specific performance requiring the Association to comply with the CC&Rs, as well as other Nevada law, with respect to the Association's maintenance and day-to-day activities;

c. injunctive relief preventing the Association from violating the terms of the CC&RS, as well as other Nevada law, moving forward;

d. appointment of a receiver to handle the maintenance obligations and day-to-day activities, including the financial activities regarding assessments and creditors, until a duly constituted board may be instituted and power transitioned thereto; and

1 e. reasonable attorneys' fees, costs of suit and litigation, and such other and further
2 relief as the Court deems just and proper

3 12. The Complaint in the Receivership Action alleges that the Association is not functioning,
4 that the common elements of the community are not being maintained, and that "the Association has not
5 paid known creditors of the Association, which includes, but is not limited to, the annual dues to the
6 Nevada Secretary of State or the Nevada Department of Real Estate or the Lytles, which hold multiple
7 judgments against the Association." Complaint at ¶ 21.

8 13. In a Renewed Application for Appointment of Receiver filed by the Lytle Trust on October
9 24, 2019 ("Application") in the Receivership Action, the Lytle Trust asserts that one reason for a Receiver
10 over the Association was due to the Association's refusal to pay the Rosemere Judgments, including its
11 refusal to assess Association members, including the Plaintiffs, so the Association could pay the
12 Rosemere Judgments. Application at 3:2-4, 5:17-18 ("Additional grounds exist because the Association
13 is refusing to pay and refusing to assess Association members related to various monetary judgments
14 awarded to the Lytles against the Association"), 13:19-28 ("A receiver may be appointed...[a]fter
15 judgment, to carry the judgment into effect" (quoting NRS 32.010(3))), 14:1-2, 16-28 ("the Lytle Trust
16 obtained judgments against the Association and a Receiver is needed to carry those judgments into
17 effect"), 15:20-25 ("the Association has a duty...to pay its debts, including the Judgments obtained by
18 the Lytle Trust"), 16:17-22 ("the Association is without any governing body to assess the homeowners
19 and pay the judgments").

20 14. The Lytle Trust disclosed to the judge in the Receivership Action (the "Receivership
21 Court") that the Amended CC&Rs had been judicially declared *void ab initio* and of no force or effect.
22 *Id.* at 8:11-12 (the District "Court determined that the Amended CC&Rs were not properly adopted or
23 recorded, that the Amended CC&Rs are invalid, and that the Amended CC&Rs have no force or effect");
24 8 at n.3 ("Note, Rosemere 2 Litigation commenced more than six years *before* the Court in Rosemere 1
25 Litigation ruled that the Amended CC&Rs were invalid.") (emphasis in original); 9:13-17 ("In granting
26 the Lytle Trust's Motion for Attorneys' Fees, the district court in the Rosemere 1 and Rosemere 2
27 Litigations . . . held that the Lytle Trust could recover attorneys' fees under the Amended CC&Rs because
28

1 that document, while declared *void ab initio* by the district court, was in effect and enforced by the
2 Association against the Lytle Trust at all times during the underlying litigation.”).

3 15. However, The Lytle Trust further argued in the Application that the Amended CC&Rs
4 provide authority for a receiver to make special assessments on the Plaintiffs’ and other owners’
5 properties to collect funds to pay the Rosemere Judgments. *Id.* at 11:4-28, 13:1-17, 17:1-9. The Lytle
6 Trust’s Application included a section heading in its Statement of Fact section titled “The Amended
7 CC&Rs Grant the Association Authority to Assess Each Unit for Payment of Judgments Against the
8 Association.” *Id.* at 11:4-5. The Lytle Trust also represented that “the District Court already ruled that
9 the Association is liable for attorneys’ fees, costs and damages pursuant to the Amended CC&Rs, which
10 provide the Association with the ability to specially assess each property (unit) for the costs of the
11 judgments. Amended CC&Rs ¶ 10.11, Exhibit 16.” *Id.* at 17:6-9.

12 16. The Lytle Trust did not inform the Receivership Court about this Case, the July 2017 Order,
13 May 2018 Order, or the Orders of Affirmance.³ The Lytle Trust did not inform the Receivership Court
14 that this Court had issued permanent injunctions against the Lytle Trust relating to enforcement of the
15 Rosemere Judgments against the Plaintiffs, the Boulden Trust, the Lamothe Trust, the Dismans, or their
16 properties.

17 17. On December 18, 2019, based on the Lytle Trust’s Application, the Receivership Court
18 entered an Order Appointing a Receiver of Defendant Rosemere Property Owners Association (“Order
19 Appointing Receiver”). The Order Appointing Receiver, drafted by the Lytle Trust, directs the Receiver
20 to “[i]ssue and collect a special assessment upon all owners within the Association to satisfy the Lytle
21 Trust’s judgments against the Association.” Order Appointing Receiver at 2:19-20. It further empowers
22 the Receiver with “the authority to assess all Association unit owners to pay for any operation costs or
23 to pay for judgments against the Association. If an Association member does not pay an assessment then
24 the Receiver may proceed to foreclose on said member’s ownership interest in the property.” *Id.* at 6:4-
25 7.

26
27 ³ The Court notes that the Second Order of Affirmance was issued after entry of the Order Appointing
28 Receiver and the Lytle Trust could not have informed the Receivership Court of it prior to entry of the
Order Appointing Receiver.

18. On or around January 22, 2020, the Plaintiffs and the Dismans⁴ each received a letter from Kevin Singer of Receivership Specialists regarding the appointment of Mr. Singer as the Receiver in the Receivership Action (“Receiver Letter”). In the Receiver Letter, Mr. Singer states that “[t]he appointment of the receivership is predicated on judgments against the HOA in the approximate amount of \$1,481,822 by the Lytle family (“the Plaintiff”).... These judgments need to be paid and the Court agreed with the Plaintiff by appointing a Receiver to facilitate the satisfying of the judgments.... We would like to meet with title holding members of the HOA...[to] share three ideas we have to pay these judgments.”

19. On January 29, 2020, counsel for Plaintiffs sent a letter to the Receiver, with a copy to counsel for the Lytle Trust, notifying the Receiver that the Orders and Permanent Injunctions issued in this Case prevent further effort to collect the Rosemere Judgments from the Plaintiffs or other property owners. The Plaintiffs expressed their belief this effort to assess the property owners to pay the Rosemere Judgments violated this Court’s Orders and demanded that the Receiver cease and desist.

20. On March 4, 2020, the Plaintiffs filed the instant Motion informing the Court about the Lytle Trust’s actions and seeking sanctions for violation of this Court’s May 2018 Order. The Boulden Trust and Lamothe Trust filed a Joinder to the Motion on March 5, 2020.⁵ The Dismans filed a Joinder to the Motion on March 6, 2020.

21. The Association has never been a party to this Case.

CONCLUSIONS OF LAW

1. This case has a history, such as the filing of the *lis pendens* against the Boulden Trust and Lamothe Trust properties after the Court had ordered the expungement of the Abstracts of Judgment and continued enforcement of the Abstracts of Judgment against the September Trust, Zobrist Trust, Sandoval Trust, and Gegens’ properties after entry of the July 2017 Order, that demonstrates that the Lytle Trust does not respect this Court’s Orders.

⁴ At the time, the Boulden Trust and Lamothe Trust no longer held title to any property within the Rosemere Subdivision, having sold their properties on August 4, 2017, and May 1, 2019, respectively.

⁵ After the hearing on the Motion but prior to entry of this Order, the Boulden Trust and the Lamothe Trust withdrew their Joinders pursuant to a settlement with the Lytle Trust. Therefore, the Boulden Trust and Lamothe Trust are no longer considered movants for purposes of the relief granted herein.

2. This Court has inherent power to enforce its decrees, orders and judgments. A party is required to adhere to court orders, even disagreeable or erroneous orders, until terminated or overturned.

3. The proper course of action if a party disagrees with a Court order is to appeal.

4. The May 2018 Order must be obeyed by the Lytle Trust.

5. Each paragraph, each finding of fact, and each conclusion of law in the May 2018 Order must be given its plain meaning, and each paragraph of that Order's permanent injunction must be obeyed by the Lytle Trust.

6. As a result of the Findings of Fact and Conclusions of Law in the May 2018 Order, there were specific orders which are not mutually exclusive. Each issue ordered by the Court should be given its meaning, and they are not in conflict.

7. The Court's factual determinations and conclusions of law culminated with the permanent injunction language starting at Page 10, Line 10 of the May 2018 Order, which stated:

IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust is permanently enjoined from recording and enforcing the Judgments obtained from the Rosemere Litigation I, Rosemere Litigation II and Rosemere Litigation III, or any other judgments obtained against the Association, against the September Property, Zobrist Property, Sandoval Property or Gegen Property.

IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust is permanently enjoined from taking any action in the future directly against the Plaintiffs or their properties based upon the Rosemere Litigation I, Rosemere Litigation II or Rosemere Litigation III.

8. These paragraphs are not mutually exclusive and each must be obeyed by the Lytle Trust.

9. The Findings of Fact, Conclusions of Law, and Orders contained in the May 2018 Order, including the permanent injunctions, are clear, specific and unambiguous as to what the parties could and could not do in this case. Further, the terms of the permanent injunction are specific and definite so that the Lytle Trust could readily know exactly what duties or obligations were imposed on it.

10. The May 2018 Order's permanent injunction clearly precluded the Lytle Trust from doing anything as it relates to enforcing and recording the Rosemere Judgments against the Plaintiffs and Dismans or their properties.

11. Indeed, the Lytle Trust has no judgment creditor rights to try to collect the Rosemere Judgments from the Plaintiffs or Dismans in any way, shape, or form.

12. The Plaintiffs have demonstrated by clear and convincing evidence that the Lytle Trust violated the clear and specific terms of the permanent injunction found in the May 2018 Order when it initiated an action against the Association that included a prayer for appointment of a receiver, applied for appointment of a receiver, and argued that the Association, through the Receiver, could make special assessments on the Plaintiffs' and other property owners for the purpose of paying the Rosemere Judgments, all while failing to inform the Receivership Court of this Case, this Court's Orders, or that the Lytle Trust had been enjoined from enforcing the Rosemere Judgments against the Plaintiffs, the Boulden Trust, the Lamothe Trust, and the Dismans, or their properties.

13. The Lytle Trust's actions, as stated in the Findings of Fact and set forth herein, directly and indirectly violated the May 2018 Order.

14. Any references to the power of assessment exercised by the Association, or the Receiver on behalf of the Association, against the individual homeowners for payment of the Rosemere Judgments in the Order Appointing Receiver, as advocated for and drafted by the Lytle Trust, directly and indirectly violates the May 2018 Order.

15. The Lytle Trust has failed to show why it was unable to comply with the May 2018 Order.

16. The Lytle Trust has failed to demonstrate how its actions did not violate the clear and specific terms of the May 2018 Order.

17. A party may be held in contempt of court for disobedience or resistance to any lawful order issued by the court. NRS 22.010(3)

18. "[I]f a person is found guilty of contempt, a fine may be imposed on the person not exceeding \$500 or the person may be imprisoned not exceeding 25 days, or both." NRS 22.100(2).

19. In addition, the court may award "reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt." NRS 22.100(3).

ORDER

Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing therefore,

1 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Plaintiffs' Motion for Order
2 to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders, as
3 well as the Joinders thereto filed by the Boulden Trust, the Lamothe Trust, and the Dismans, are
4 GRANTED.

5 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust
6 violated the May 2018 Order.

7 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust
8 is in contempt of the May 2018 Order.

9 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust
10 shall pay a \$500 penalty to each movant for violation of the May 2018 Order; specifically, \$500 payable
11 to the September Trust, \$500 payable to the Zobrist Trust, \$500 payable to the Sandoval Trust, \$500
12 payable to the Gegens, and \$500 payable to the Dismans.

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1 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the September
2 Trust, Zobrist Trust, Sandoval Trust, Gegens, and Dismans, may file applications for their reasonable
3 expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt.
4 The Court will consider such applications on the merits.

5 **IT IS SO ORDERED.**

6 Dated this 22 day of May, 2020.

7 
8 DISTRICT COURT JUDGE
9 CG

9 **Submitted by:**

10 **CHRISTENSEN JAMES & MARTIN**

11 /s/ Wesley J. Smith

12 Wesley J. Smith, Esq.
13 Nevada Bar No. 11871
14 Laura J. Wolff, Esq.
15 Nevada Bar No. 6869
16 7440 W. Sahara Ave.
17 Las Vegas, NV 89117
18 Attorneys for Plaintiffs September Trust,
19 Zobrist Trust, Sandoval Trust, and
20 Dennis & Julie Gegen

9 **Approved as to Form and Content by:**

10 **FIDELITY NATIONAL LAW GROUP**

11 /s/ Christina H. Wang

12 CHRISTINA H. WANG, ESQ.
13 Nevada Bar No. 9713
14 8363 W. Sunset Road, Suite 120
15 Las Vegas, Nevada 89113
16 Attorneys for Robert & Yvonne Disman

16 **Reviewed by Not Approved by:**

17 **LEWIS ROCA ROTHBERGER CHRISTIE**
18 **LLP**

19 Reviewed But Not Approved

20 DAN R. WAITE, ESQ.
21 Nevada Bar 4078
22 3993 Howard Hughes Parkway, Suite 600
23 Las Vegas, Nevada 89169
24 Attorneys for Lytle Trust

RE: Case No. A-16-747800-C - Boulden v. Lytle - ORDR - Proposed Order Granting Plaintiffs' Motion for Order to Show Cause

Wang, Christina <Christina.Wang@fnf.com>

Mon 5/18/2020 9:52 AM

To: Wesley Smith <wes@cjmlv.com>

Cc: Engelman, Lace <Lace.Engelman@fnf.com>

Approved – thanks.

Christina H. Wang

Litigation Counsel

Fidelity National Law Group

8363 W. Sunset Road, Suite 120

Las Vegas, Nevada 89113

702-667-3000 (Main)

702-667-3002 (Direct)

702-938-8721 (Fax)

christina.wang@fnf.com

PLEASE NOTE THAT OUR OFFICE HAS MOVED TO THE ABOVE ADDRESS.

The Law Division of Alamo Title Insurance, Chicago Title Insurance Co., Commonwealth Land Title Insurance Co., Fidelity National Title Insurance Co., and Fidelity National Title Group, Inc.

THIS ELECTRONIC MAIL MESSAGE AND ANY ATTACHMENTS ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEE(S) NAMED ABOVE AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT AN INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS E-MAIL TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU RECEIVED THIS E-MAIL MESSAGE IN ERROR, PLEASE IMMEDIATELY NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE OR BY TELEPHONE. THANK YOU.

From: Wesley Smith <wes@cjmlv.com>

Sent: Monday, May 18, 2020 9:45 AM

To: Wang, Christina <Christina.Wang@fnf.com>

Cc: Engelman, Lace <Lace.Engelman@fnf.com>

Subject: Re: Case No. A-16-747800-C - Boulden v. Lytle - ORDR - Proposed Order Granting Plaintiffs' Motion for Order to Show Cause

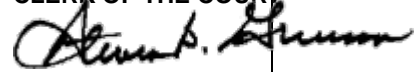
IMPORTANT NOTICE - This message sourced from an external mail server outside of the Company.

Christina,

Per our discussion, can you please approve this version which adds the date to footnote 2?

Wes Smith

Christensen James & Martin



NEOJ
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, ESQ.
Nevada Bar No. 175
WESLEY J. SMITH, ESQ.
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*Attorneys for September Trust, Zobrist Trust, Sandoval Trust,
and Dennis & Julie Gegen*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF
THE MARJORIE B. BOULDEN TRUST, *et al.*,

Plaintiffs,

vs.

TRUDI LEE LYTLE, *et al.*,

Defendants.

Case No.: A-16-747800-C
Dept. No.: XVI

**NOTICE OF ENTRY OF ORDER
GRANTING PLAINTIFFS'
MOTION FOR ORDER TO SHOW
CAUSE WHY THE LYTLE TRUST
SHOULD NOT BE HELD IN
CONTEMPT FOR VIOLATION OF
COURT ORDERS**

SEPTEMBER TRUST, DATED MARCH 23,
1972, *et al.*,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST, *et al.*,

Defendants.

Case No.: A-17-765372-C
Dept. No.: XVI

CONSOLIDATED

NOTICE IS HEREBY GIVEN, that an Order Granting Plaintiffs' Motion for Order to
Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders

1 was entered in the above-captioned matter on May 22, 2020. A copy of the Order is attached
2 hereto.

3 DATED this 22nd day of May 2020.

CHRISTENSEN JAMES & MARTIN

4
5 By: /s/ Wesley J. Smith
6 Wesley J. Smith, Esq.
7 Nevada Bar No. 11871
8 *Attorneys for September Trust, Zobrist*
9 *Trust, Sandoval Trust and Gegen*
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CERTIFICATE OF SERVICE

I am an employee of Christensen James & Martin. On May 22, 2020, I caused a true and correct copy of the foregoing Notice of Entry of Order Granting Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders, to be served in the following manner:

☒ **ELECTRONIC SERVICE**: electronic transmission (E-Service) through the Court's electronic filing system pursuant to Rule 8.05 of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada.

Liz Gould (liz@foleyoakes.com)
Daniel Foley (Dan@foleyoakes.com)
Maren Foley (maren@foleyoakes.com)
Jennifer Martinez (jennifer.martinez@fnf.com)
Christina Wang (christina.wang@fnf.com)
Mia Hurtado (mia.hurtado@fnf.com)
Richard E. Haskin, Esq. (rhaskin@gibbsgiden.com)
Robin Jackson (rjackson@gibbsgiden.com)
Shara Berry (sberry@gibbsgiden.com)
Daniel Hansen (dhansen@gibbsgiden.com)
Joel D. Henriod (JHenriod@LRRC.com)
Daniel F. Polsenberg (DPolsenberg@LRRC.com)
Dan R. Waite (DWaite@LRRC.com)

☐ **UNITED STATES MAIL**: depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ **FACSIMILE**: By sending the above-referenced document via facsimile as follows:

☐ **E-MAIL**: electronic transmission by email to the following address(es):

/s/ Natalie Saville
Natalie Saville

1 **ORDR**

2 **CHRISTENSEN JAMES & MARTIN**

3 KEVIN B. CHRISTENSEN, ESQ.

Nevada Bar No. 175

4 WESLEY J. SMITH, ESQ.

Nevada Bar No. 11871

5 LAURA J. WOLFF, ESQ.

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6 7440 W. Sahara Avenue

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7 Tel.: (702) 255-1718

Facsimile: (702) 255-0871

8 Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com

*Attorneys for September Trust, Zobrist Trust, Sandoval Trust
and Dennis & Julie Gegen*

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 MARJORIE B. BOULDEN, TRUSTEE OF
12 THE MARJORIE B. BOULDEN TRUST,
13 LINDA LAMOTHE AND JACQUES
14 LAMOTHE, TRUSTEES OF THE
15 JACQUES & LINDA LAMOTHE LIVING
16 TRUST,

17 Plaintiffs,

18 vs.

19 TRUDI LEE LYTLE, JOHN ALLEN
20 LYTLE, THE LYTLE TRUST, DOES I
21 through X, and ROE CORPORATIONS I
22 through X,

23 Defendants.

Case No.: A-16-747800-C

Dept. No.: XVI

**ORDER GRANTING PLAINTIFFS'
MOTION FOR ORDER TO SHOW
CAUSE WHY THE LYTLE TRUST
SHOULD NOT BE HELD IN
CONTEMPT FOR VIOLATION OF
COURT ORDERS**

Date: April 22, 2020

Time: 9:00 a.m.

24 SEPTEMBER TRUST, DATED MARCH 23,
25 1972; GERRY R. ZOBRIST AND JOLIN G.
26 ZOBRIST, AS TRUSTEES OF THE GERRY
27 R. ZOBRIST AND JOLIN G. ZOBRIST
28 FAMILY TRUST; RAYNALDO G.
SANDOVAL AND JULIE MARIE
SANDOVAL GEGEN, AS TRUSTEES OF
THE RAYNALDO G. AND EVELYN A.
SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C

Dept. No.: XVI

CONSOLIDATED

1 DEVOLUTION TRUST DATED MAY 27,
2 1992; and DENNIS A. GEGEN AND JULIE
3 S. GEGEN, HUSBAND AND WIFE, AS
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN
8 LYTLE, AS TRUSTEES OF THE LYTLE
9 TRUST; JOHN DOES I through V; and ROE
10 ENTITIES I through V, inclusive,

11 Defendants.

12 Presently before the Court is Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust
13 Should Not Be Held in Contempt for Violation of Court Orders ("Motion") filed by the September Trust,
14 dated March 23, 1972 ("September Trust"), Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the
15 Gerry R. Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust"), Raynaldo G. Sandoval and Julie
16 Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and
17 Devolution Trust dated May 27, 1992 ("Sandoval Trust"), and Dennis A. Gegen and Julie S. Gegen,
18 Husband and Wife, as Joint Tenants ("Dennis & Julie Gegen") (collectively the "Plaintiffs"), the Joinders
19 filed by Marjorie B. Boulden, Trustee of the Marjorie B. Boulden Trust, amended and restated dated July
20 17, 1996 ("Boulden Trust") and Linda Lamothe and Jacques Lamothe, Trustees of the Jacques and Linda
21 Lamothe Living Trust ("Lamothe Trust") and Robert Z. Disman and Yvonne A. Disman (the "Dismans"),
22 and the Opposition and Reply thereto, which came on for hearing on April 22, 2020 at 9:00 a.m. in
23 Department XVI of the Eighth Judicial District Court, Clark County, Nevada.

24 Wesley J. Smith, Esq. of Christensen James & Martin, Chtd. appeared on behalf of the Plaintiffs.
25 Daniel T. Foley, Esq. of Foley & Oakes, PC appeared on behalf of the Boulden Trust and Lamothe Trust.
26 Christina H. Wang, Esq. of Fidelity National Law Group appeared on behalf of the Dismans. Dan R.
27 Waite, Esq. of Lewis Roca Rothgerber Christie LLP and Richard Haskin, Esq. of Gibbs Giden Locher
28 Turner Senet & Wittbrodt LLP appeared on behalf of Trudi Lee Lytle and John Allen Lytle, as Trustees
of the Lytle Trust ("Lytle Trust"). Patricia Lee, Esq. of Hutchison & Steffen was present on behalf of
Kevin Singer, court appointed Receiver over the Rosemere Estates Property Owners Association

1 (“Association”), in Case No. A-18-775843-C, *Trudi Lee Lytle et al. v. Rosemere Estates Property*
2 *Owners’ Association* (“Receivership Action”).

3 The Court having considered the Motion, Joinders, Opposition, and Reply, together with the
4 Exhibits thereto, having heard the arguments of counsel, and with good cause appearing therefore, the
5 Court hereby grants the Motion and Joinders and enters the following Findings of Fact, Conclusions of
6 Law, and Order:

7 **FINDINGS OF FACT**

8 1. On April 26, 2017, this Court entered its Findings of Fact, Conclusions of Law, and Order
9 Granting the Boulden Trust and Lamothe Trust’s Motion for Partial Summary Judgment (“April 2017
10 Order”) against the Lytle Trust. On the Lytle Trust’s Motion for Reconsideration or, in the alternative,
11 Motion to Alter or Amend Judgment, on July 27, 2017, this Court entered its Order Granting Motion to
12 Alter or Amend Findings of Fact and Conclusions of Law (“July 2017 Order”) in favor of the Boulden
13 Trust and the Lamothe Trust on their Motion for Partial Summary Judgment.¹ The July 2017 Order is
14 hereby incorporated by reference.

15 2. In the July 2017 Order, the Court concluded, in part, that: the Association is a “limited
16 purpose association” as referenced in NRS 116.1201(2); as a limited purpose association, NRS 116.3117
17 is not applicable to the Association; as a result of the Rosemere Litigation I (referred to in the July 2017
18 Order as the Rosemere LPA Litigation) between the Lytle Trust and the Association, the Amended
19 CC&Rs at issue were judicially declared to have been improperly adopted and recorded, were invalid,
20 have no force and effect, and were declared *void ab initio*; the Boulden Trust and Lamothe Trust were
21 not parties to the Rosemere Litigation I; the Boulden Trust and Lamothe Trust were not “losing parties”
22 in the Rosemere Litigation I per Section 25 of the Original CC&Rs; the Final Judgment in the Rosemere
23 Litigation I against the Association in favor of the Lytle Trust is not against, and is not an obligation of,
24
25

26 ¹ The April 2017 Order included an order that the Lytle Trust had slandered title. The Court
27 subsequently determined that it had not made findings of fact or conclusions of law on this issue and
28 amended accordingly by entering the July 2017 Order without any order on the slander of title claim.
The slander of title claim was later dismissed by stipulation between the parties. *See* Notice of Entry of
Stipulation and Order to Dismiss All Remaining Claims Without Prejudice filed on January 14, 2019.

1 the Boulden Trust and Lamothe Trust; and the Final Judgment against the Association in the Rosemere
2 Litigation I is not an obligation or debt owed by the Boulden Trust and Lamothe Trust.

3 3. The July 2017 Order also included the following permanent injunction at page 7:

4 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Defendants
5 are permanently enjoined from recording and enforcing the Final Judgment from the Rosemere
6 LPA Litigation or any abstracts related thereto against the Boulden Property or the Lamothe
7 Property.

8 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Defendants
9 are permanently enjoined from taking any action in the future against the Plaintiffs or their
10 properties based upon the Rosemere LPA Litigation.

11 4. The Court ordered the Lytle Trust to expunge the Abstracts of Judgment that it had
12 recorded against properties owned by the Boulden Trust and Lamothe Trust. The Lytle Trust released
13 the Abstracts of Judgment, but immediately recorded two *lis pendens* against the Boulden Trust and
14 Lamothe Trust properties. Thereafter, the Lytle Trust refused to voluntarily expunge the *lis pendens* and
15 the Boulden Trust and Lamothe Trust were forced to file a Motion to Expunge *Lis Pendens*. This Court
16 summarily granted the Motion on June 23, 2017 and the *lis pendens* were ordered stricken, but the Lytle
17 Trust was not held in contempt.

18 5. The Lytle Trust appealed the July 2017 Order and the Nevada Supreme Court issued an
19 Order of Affirmance on December 4, 2018 in Case No. 73039, *Trudi Lee Lytle v. Marjorie B. Boulden*
20 (“First Order of Affirmance”).²

21 6. After entry of the July 2017 Order, the September Trust, Zobrist Trust, Sandoval Trust,
22 and Gegens, which also own property within the Rosemere Subdivision, approached the Lytle Trust and
23 requested that it release the Abstracts of Judgment recorded against their properties as well. After the
24 Lytle Trust refused to release the Abstracts of Judgment as to their properties, the September Trust,
25 Zobrist Trust, Sandoval Trust, and Gegens filed a Complaint against the Lytle Trust in Case No. A-17-
26 765372-C, which was consolidated with this Case (Case No. A-16-747900-C) on February 21, 2018.

27 ² The Boulden Trust sold its property to the Dismans on August 4, 2017. This Court subsequently held,
28 in an Order entered on or about December 26, 2018, that the July 2017 Order likewise applied to the
Rosemere Litigation II Judgment, which the Lytle Trust sought to enforce against the Lamothe Trust
and the Dismans’ and their properties after entry of the July 2017 Order.

1 7. On May 24, 2018, this Court entered its Order Granting Motion for Summary Judgment
2 or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary
3 Judgment (“May 2018 Order”) in favor of the September Trust, Zobrist Trust, Sandoval Trust, and
4 Gegens and against the Lytle Trust. The May 2018 Order is hereby incorporated by reference.

5 8. In the May 2018 Order, the Court concluded, in part, that: the Association is a “limited
6 purpose association” as referenced in NRS 116.1201(2); as a limited purpose association, NRS 116.3117,
7 the statute upon which the Lytle Trust relied to record the Abstracts of Judgment, is not applicable to the
8 Association; as a result of the Rosemere Litigation I between the Lytle Trust and the Association, the
9 Amended CC&Rs at issue were judicially declared to have been improperly adopted and recorded, were
10 invalid, have no force and effect, and were declared *void ab initio*; the September Trust, Zobrist Trust,
11 Sandoval Trust, and Gegens were not parties to the Rosemere Litigation I, Rosemere Litigation II, or
12 Rosemere Litigation III; the September Trust, Zobrist Trust, Sandoval Trust, and Gegens were not
13 “losing parties” in the Rosemere Litigation I, Rosemere Litigation II, or Rosemere Litigation III per
14 Section 25 of the Original CC&Rs; the Judgments issued in the Rosemere Litigation I, Rosemere
15 Litigation II, or Rosemere Litigation III (collectively the “Rosemere Judgments”) against the Association
16 in favor of the Lytle Trust are not against, and are not an obligation of, the September Trust, Zobrist
17 Trust, Sandoval Trust, or Gegens to the Lytle Trust; and the Rosemere Judgments against the Association
18 are not an obligation or debt owed by the September Trust, Zobrist Trust, Sandoval Trust, or Gegens to
19 the Lytle Trust.

20 9. The May 2018 Order, at page 10, lines 10-19, contained the following permanent
21 injunction:

22 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust
23 is permanently enjoined from recording and enforcing the Judgments obtained from the
24 Rosemere Litigation I, Rosemere Litigation II and Rosemere Litigation III, or any other
judgments obtained against the Association, against the September Property, Zobrist Property,
Sandoval Property or Gegen Property.

25 IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust
26 is permanently enjoined from taking any action in the future directly against the Plaintiffs or
27 their properties based upon the Rosemere Litigation I, Rosemere Litigation II or Rosemere
28 Litigation III.

10. On June 19, 2018, the Lytle Trust appealed the May 2018 Order to the Nevada Supreme Court, Case No. 76198, *Trudi Lee Lytle v. September Trust, Dated March 23, 1972*. This appeal was consolidated with the Lytle Trust's subsequent appeal of an award of attorney's fees and costs in favor of the September Trust, Zobrist Trust, Sandoval Trust, and Gegens under NRS 18.010(2)(b), Case No. 77007. The Supreme Court entered its Order of Affirmance affirming the May 2018 Order and subsequent fees order on March 2, 2020 ("Second Order of Affirmance").

11. On June 8, 2018, the Lytle Trust filed a new action, Case No. A-18-775843-C, *Trudi Lee Lytle et al. v. Rosemere Estates Property Owners' Association* ("Receivership Action"), asserting claims against the Association for (a) Declaratory Judgment, and (b) Breach of Contract/Easement Agreement. The prayer for relief in the Receivership Action sought:

a. an Order declaring that the Association must continue to operate as required by the CC&Rs and Chapters 82 and 116 of the Nevada Revised Statutes, which includes, but is not limited to: 1) maintaining the landscaping in the exterior wall planters; 2) maintaining the exterior perimeter and frontage; 3) maintaining the entrance gate; 4) maintaining the private drive and sewer system; 5) ensuring that homeowners are paying their assessments; 6) seeking collection activity against any homeowners that have failed to pay their assessments; 7) paying known creditors of the Association; 8) specially assessing the homeowners to ensure that enough proceeds exist within the HOA funds to pay all known creditors assessing; and 9) any other activity required under Nevada law.

b. specific performance requiring the Association to comply with the CC&Rs, as well as other Nevada law, with respect to the Association's maintenance and day-to-day activities;

c. injunctive relief preventing the Association from violating the terms of the CC&RS, as well as other Nevada law, moving forward;

d. appointment of a receiver to handle the maintenance obligations and day-to-day activities, including the financial activities regarding assessments and creditors, until a duly constituted board may be instituted and power transitioned thereto; and

1 e. reasonable attorneys' fees, costs of suit and litigation, and such other and further
2 relief as the Court deems just and proper

3 12. The Complaint in the Receivership Action alleges that the Association is not functioning,
4 that the common elements of the community are not being maintained, and that "the Association has not
5 paid known creditors of the Association, which includes, but is not limited to, the annual dues to the
6 Nevada Secretary of State or the Nevada Department of Real Estate or the Lytles, which hold multiple
7 judgments against the Association." Complaint at ¶ 21.

8 13. In a Renewed Application for Appointment of Receiver filed by the Lytle Trust on October
9 24, 2019 ("Application") in the Receivership Action, the Lytle Trust asserts that one reason for a Receiver
10 over the Association was due to the Association's refusal to pay the Rosemere Judgments, including its
11 refusal to assess Association members, including the Plaintiffs, so the Association could pay the
12 Rosemere Judgments. Application at 3:2-4, 5:17-18 ("Additional grounds exist because the Association
13 is refusing to pay and refusing to assess Association members related to various monetary judgments
14 awarded to the Lytles against the Association"), 13:19-28 ("A receiver may be appointed...[a]fter
15 judgment, to carry the judgment into effect" (quoting NRS 32.010(3))), 14:1-2, 16-28 ("the Lytle Trust
16 obtained judgments against the Association and a Receiver is needed to carry those judgments into
17 effect"), 15:20-25 ("the Association has a duty...to pay its debts, including the Judgments obtained by
18 the Lytle Trust"), 16:17-22 ("the Association is without any governing body to assess the homeowners
19 and pay the judgments").

20 14. The Lytle Trust disclosed to the judge in the Receivership Action (the "Receivership
21 Court") that the Amended CC&Rs had been judicially declared *void ab initio* and of no force or effect.
22 *Id.* at 8:11-12 (the District "Court determined that the Amended CC&Rs were not properly adopted or
23 recorded, that the Amended CC&Rs are invalid, and that the Amended CC&Rs have no force or effect");
24 8 at n.3 ("Note, Rosemere 2 Litigation commenced more than six years *before* the Court in Rosemere 1
25 Litigation ruled that the Amended CC&Rs were invalid.") (emphasis in original); 9:13-17 ("In granting
26 the Lytle Trust's Motion for Attorneys' Fees, the district court in the Rosemere 1 and Rosemere 2
27 Litigations . . . held that the Lytle Trust could recover attorneys' fees under the Amended CC&Rs because
28

1 that document, while declared *void ab initio* by the district court, was in effect and enforced by the
2 Association against the Lytle Trust at all times during the underlying litigation.”).

3 15. However, The Lytle Trust further argued in the Application that the Amended CC&Rs
4 provide authority for a receiver to make special assessments on the Plaintiffs’ and other owners’
5 properties to collect funds to pay the Rosemere Judgments. *Id.* at 11:4-28, 13:1-17, 17:1-9. The Lytle
6 Trust’s Application included a section heading in its Statement of Fact section titled “The Amended
7 CC&Rs Grant the Association Authority to Assess Each Unit for Payment of Judgments Against the
8 Association.” *Id.* at 11:4-5. The Lytle Trust also represented that “the District Court already ruled that
9 the Association is liable for attorneys’ fees, costs and damages pursuant to the Amended CC&Rs, which
10 provide the Association with the ability to specially assess each property (unit) for the costs of the
11 judgments. Amended CC&Rs ¶ 10.11, Exhibit 16.” *Id.* at 17:6-9.

12 16. The Lytle Trust did not inform the Receivership Court about this Case, the July 2017 Order,
13 May 2018 Order, or the Orders of Affirmance.³ The Lytle Trust did not inform the Receivership Court
14 that this Court had issued permanent injunctions against the Lytle Trust relating to enforcement of the
15 Rosemere Judgments against the Plaintiffs, the Boulden Trust, the Lamothe Trust, the Dismans, or their
16 properties.

17 17. On December 18, 2019, based on the Lytle Trust’s Application, the Receivership Court
18 entered an Order Appointing a Receiver of Defendant Rosemere Property Owners Association (“Order
19 Appointing Receiver”). The Order Appointing Receiver, drafted by the Lytle Trust, directs the Receiver
20 to “[i]ssue and collect a special assessment upon all owners within the Association to satisfy the Lytle
21 Trust’s judgments against the Association.” Order Appointing Receiver at 2:19-20. It further empowers
22 the Receiver with “the authority to assess all Association unit owners to pay for any operation costs or
23 to pay for judgments against the Association. If an Association member does not pay an assessment then
24 the Receiver may proceed to foreclose on said member’s ownership interest in the property.” *Id.* at 6:4-
25 7.

26
27 ³ The Court notes that the Second Order of Affirmance was issued after entry of the Order Appointing
28 Receiver and the Lytle Trust could not have informed the Receivership Court of it prior to entry of the
Order Appointing Receiver.

1 18. On or around January 22, 2020, the Plaintiffs and the Dismans⁴ each received a letter from
2 Kevin Singer of Receivership Specialists regarding the appointment of Mr. Singer as the Receiver in the
3 Receivership Action (“Receiver Letter”). In the Receiver Letter, Mr. Singer states that “[t]he appointment
4 of the receivership is predicated on judgments against the HOA in the approximate amount of \$1,481,822
5 by the Lytle family (“the Plaintiff”).... These judgments need to be paid and the Court agreed with the
6 Plaintiff by appointing a Receiver to facilitate the satisfying of the judgments.... We would like to meet
7 with title holding members of the HOA...[to] share three ideas we have to pay these judgments.”

8 19. On January 29, 2020, counsel for Plaintiffs sent a letter to the Receiver, with a copy to
9 counsel for the Lytle Trust, notifying the Receiver that the Orders and Permanent Injunctions issued in
10 this Case prevent further effort to collect the Rosemere Judgments from the Plaintiffs or other property
11 owners. The Plaintiffs expressed their belief this effort to assess the property owners to pay the Rosemere
12 Judgments violated this Court’s Orders and demanded that the Receiver cease and desist.

13 20. On March 4, 2020, the Plaintiffs filed the instant Motion informing the Court about the
14 Lytle Trust’s actions and seeking sanctions for violation of this Court’s May 2018 Order. The Boulden
15 Trust and Lamothe Trust filed a Joinder to the Motion on March 5, 2020.⁵ The Dismans filed a Joinder
16 to the Motion on March 6, 2020.

17 21. The Association has never been a party to this Case.

18 **CONCLUSIONS OF LAW**

19 1. This case has a history, such as the filing of the *lis pendens* against the Boulden Trust and
20 Lamothe Trust properties after the Court had ordered the expungement of the Abstracts of Judgment and
21 continued enforcement of the Abstracts of Judgment against the September Trust, Zobrist Trust,
22 Sandoval Trust, and Gegens’ properties after entry of the July 2017 Order, that demonstrates that the
23 Lytle Trust does not respect this Court’s Orders.

24
25
26 ⁴ At the time, the Boulden Trust and Lamothe Trust no longer held title to any property within the
Rosemere Subdivision, having sold their properties on August 4, 2017, and May 1, 2019, respectively.

27 ⁵ After the hearing on the Motion but prior to entry of this Order, the Boulden Trust and the Lamothe
28 Trust withdrew their Joinders pursuant to a settlement with the Lytle Trust. Therefore, the Boulden
Trust and Lamothe Trust are no longer considered movants for purposes of the relief granted herein.

2. This Court has inherent power to enforce its decrees, orders and judgments. A party is required to adhere to court orders, even disagreeable or erroneous orders, until terminated or overturned.

3. The proper course of action if a party disagrees with a Court order is to appeal.

4. The May 2018 Order must be obeyed by the Lytle Trust.

5. Each paragraph, each finding of fact, and each conclusion of law in the May 2018 Order must be given its plain meaning, and each paragraph of that Order's permanent injunction must be obeyed by the Lytle Trust.

6. As a result of the Findings of Fact and Conclusions of Law in the May 2018 Order, there were specific orders which are not mutually exclusive. Each issue ordered by the Court should be given its meaning, and they are not in conflict.

7. The Court's factual determinations and conclusions of law culminated with the permanent injunction language starting at Page 10, Line 10 of the May 2018 Order, which stated:

IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust is permanently enjoined from recording and enforcing the Judgments obtained from the Rosemere Litigation I, Rosemere Litigation II and Rosemere Litigation III, or any other judgments obtained against the Association, against the September Property, Zobrist Property, Sandoval Property or Gegen Property.

IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED that the Lytle Trust is permanently enjoined from taking any action in the future directly against the Plaintiffs or their properties based upon the Rosemere Litigation I, Rosemere Litigation II or Rosemere Litigation III.

8. These paragraphs are not mutually exclusive and each must be obeyed by the Lytle Trust.

9. The Findings of Fact, Conclusions of Law, and Orders contained in the May 2018 Order, including the permanent injunctions, are clear, specific and unambiguous as to what the parties could and could not do in this case. Further, the terms of the permanent injunction are specific and definite so that the Lytle Trust could readily know exactly what duties or obligations were imposed on it.

10. The May 2018 Order's permanent injunction clearly precluded the Lytle Trust from doing anything as it relates to enforcing and recording the Rosemere Judgments against the Plaintiffs and Dismans or their properties.

11. Indeed, the Lytle Trust has no judgment creditor rights to try to collect the Rosemere Judgments from the Plaintiffs or Dismans in any way, shape, or form.

12. The Plaintiffs have demonstrated by clear and convincing evidence that the Lytle Trust violated the clear and specific terms of the permanent injunction found in the May 2018 Order when it initiated an action against the Association that included a prayer for appointment of a receiver, applied for appointment of a receiver, and argued that the Association, through the Receiver, could make special assessments on the Plaintiffs' and other property owners for the purpose of paying the Rosemere Judgments, all while failing to inform the Receivership Court of this Case, this Court's Orders, or that the Lytle Trust had been enjoined from enforcing the Rosemere Judgments against the Plaintiffs, the Boulden Trust, the Lamothe Trust, and the Dismans, or their properties.

13. The Lytle Trust's actions, as stated in the Findings of Fact and set forth herein, directly and indirectly violated the May 2018 Order.

14. Any references to the power of assessment exercised by the Association, or the Receiver on behalf of the Association, against the individual homeowners for payment of the Rosemere Judgments in the Order Appointing Receiver, as advocated for and drafted by the Lytle Trust, directly and indirectly violates the May 2018 Order.

15. The Lytle Trust has failed to show why it was unable to comply with the May 2018 Order.

16. The Lytle Trust has failed to demonstrate how its actions did not violate the clear and specific terms of the May 2018 Order.

17. A party may be held in contempt of court for disobedience or resistance to any lawful order issued by the court. NRS 22.010(3)

18. "[I]f a person is found guilty of contempt, a fine may be imposed on the person not exceeding \$500 or the person may be imprisoned not exceeding 25 days, or both." NRS 22.100(2).

19. In addition, the court may award "reasonable expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt." NRS 22.100(3).

ORDER

Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing therefore,

1 **IT IS HEREBY ORDERED ADJUDGED AND DECREED** that Plaintiffs' Motion for Order
2 to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders, as
3 well as the Joinders thereto filed by the Boulden Trust, the Lamothe Trust, and the Dismans, are
4 GRANTED.

5 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust
6 violated the May 2018 Order.

7 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust
8 is in contempt of the May 2018 Order.

9 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the Lytle Trust
10 shall pay a \$500 penalty to each movant for violation of the May 2018 Order; specifically, \$500 payable
11 to the September Trust, \$500 payable to the Zobrist Trust, \$500 payable to the Sandoval Trust, \$500
12 payable to the Gegens, and \$500 payable to the Dismans.

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1 **IT IS HEREBY FURTHER ORDERED ADJUDGED AND DECREED** that the September
2 Trust, Zobrist Trust, Sandoval Trust, Gegens, and Dismans, may file applications for their reasonable
3 expenses, including, without limitation, attorney's fees, incurred by the party as a result of the contempt.
4 The Court will consider such applications on the merits.

5 **IT IS SO ORDERED.**

6 Dated this 22 day of May, 2020.

7 
8 DISTRICT COURT JUDGE
9 CG

9 **Submitted by:**

10 **CHRISTENSEN JAMES & MARTIN**

11 /s/ Wesley J. Smith

12 Wesley J. Smith, Esq.
13 Nevada Bar No. 11871
14 Laura J. Wolff, Esq.
15 Nevada Bar No. 6869
16 7440 W. Sahara Ave.
17 Las Vegas, NV 89117
18 *Attorneys for Plaintiffs September Trust,*
19 *Zobrist Trust, Sandoval Trust, and*
20 *Dennis & Julie Gegen*

9 **Approved as to Form and Content by:**

10 **FIDELITY NATIONAL LAW GROUP**

11 /s/ Christina H. Wang

12 CHRISTINA H. WANG, ESQ.
13 Nevada Bar No. 9713
14 8363 W. Sunset Road, Suite 120
15 Las Vegas, Nevada 89113
16 *Attorneys for Robert & Yvonne Disman*

16 **Reviewed by Not Approved by:**

17 **LEWIS ROCA ROTHBERGER CHRISTIE**
18 **LLP**

19 Reviewed But Not Approved

20 DAN R. WAITE, ESQ.
21 Nevada Bar 4078
22 3993 Howard Hughes Parkway, Suite 600
23 Las Vegas, Nevada 89169
24 *Attorneys for Lytle Trust*

RE: Case No. A-16-747800-C - Boulden v. Lytle - ORDR - Proposed Order Granting Plaintiffs' Motion for Order to Show Cause

Wang, Christina <Christina.Wang@fnf.com>

Mon 5/18/2020 9:52 AM

To: Wesley Smith <wes@cjmlv.com>

Cc: Engelman, Lace <Lace.Engelman@fnf.com>

Approved – thanks.

Christina H. Wang

Litigation Counsel

Fidelity National Law Group

8363 W. Sunset Road, Suite 120

Las Vegas, Nevada 89113

702-667-3000 (Main)

702-667-3002 (Direct)

702-938-8721 (Fax)

christina.wang@fnf.com

PLEASE NOTE THAT OUR OFFICE HAS MOVED TO THE ABOVE ADDRESS.

The Law Division of Alamo Title Insurance, Chicago Title Insurance Co., Commonwealth Land Title Insurance Co., Fidelity National Title Insurance Co., and Fidelity National Title Group, Inc.

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From: Wesley Smith <wes@cjmlv.com>

Sent: Monday, May 18, 2020 9:45 AM

To: Wang, Christina <Christina.Wang@fnf.com>

Cc: Engelman, Lace <Lace.Engelman@fnf.com>

Subject: Re: Case No. A-16-747800-C - Boulden v. Lytle - ORDR - Proposed Order Granting Plaintiffs' Motion for Order to Show Cause

IMPORTANT NOTICE - This message sourced from an external mail server outside of the Company.

Christina,

Per our discussion, can you please approve this version which adds the date to footnote 2?

Wes Smith

Christensen James & Martin

January 19, 2017

Minutes Date: January 19, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

April 13, 2017

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

April 13, 2017

9:00 AM

All Pending Motions

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney
 Haskin Esq, Richard Edward Attorney

JOURNAL ENTRIES

- MOTION FOR PARTIAL SUMMARY JUDGMENT
PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND
COUNTER-MOTION TO CONTINUE TRIAL AND EXTEND DISCOVERY DEADLINES

Following extensive arguments by counsel based on the briefs, COURT ORDERED, Motion for
Summary Judgment GRANTED; Deft.'s Countermotion DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

May 30, 2017

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

May 30, 2017

9:00 AM

**Motion for Attorney Fees
and Costs**

**Motion for Attorney's
Fees and Costs**

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Tena Jolley

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney
 Haskin Esq, Richard Edward Attorney

JOURNAL ENTRIES

- Following arguments of counsel, Court stated that from a practical standpoint this motion will be decided without additional argument following the Motion for Reconsideration currently set for June 29, 2017. Accordingly, COURT ORDERED, matter CONTINUED.

CONTINUED TO: 6/29/17 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property**COURT MINUTES****June 01, 2017**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

June 01, 2017	9:00 AM	Motion to Cancel Lis Pendens	Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time
----------------------	----------------	---	--

HEARD BY: Williams, Timothy C.**COURTROOM:** RJC Courtroom 12D**COURT CLERK:** Sharon Chun**RECORDER:****REPORTER:****PARTIES**

PRESENT: Foley, Daniel Thomas, ESQ Attorney
 Haskin Esq, Richard Edward Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time

Mr. Foley noted that Mr. Haskin only contested this matter yesterday. A copy of the opposition was handed to the Court and matter was trailed to enable Mr. Foley and the Court to review it.

When matter was recalled later in the calendar, Mr. Haskin stated that under 14.015 the opposition was untimely. COURT ORDERED, matter CONTINUED to Tuesday, 6/6/17 upon Mr. Foley's agreement to that date.

CONTINUED TO: 6/6/17 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

June 06, 2017

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

June 06, 2017

9:00 AM

**Motion to Cancel Lis
Pendens**

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Marwanda Knight

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:

JOURNAL ENTRIES

- Daniel Foley, Esq., appeared on behalf of Pltfs
Richard Haskin, Esq., appeared on behalf of Defts

The Court and counsel noted the matter was fully briefed and counsel invited questions from the Court. Mr. Haskin began to argue the contempt issue; however, the Court stated it would not hold Defts in contempt and entered into colloquy with Mr. Haskin regarding the lis pendens. After hearing argument from both sides, COURT STATED ITS FINDINGS, and ORDERED, Motion GRANTED cancelling the two lis pendens and reiterated that the Court would not hold Defts in contempt; however, no more lis pendens.

Further, Mr. Foley addressed his request for fees and the Court advised it would consider the matter as currently set on June 29, 2017.

Court directed Mr. Foley to submit the proposed order.

June 29, 2017

Minutes Date: January 19, 2017

Complaint, and would withdraw the Motion for Attorney's Fees and Costs. COURT ORDERED the Motion for Reconsideration was hereby DENIED; however, the Alternative Motion to Alter or Amend Judgment was GRANTED as to the Slander of Title Findings. Pursuant to Mr. Foley's representations, COURT ORDERED the Motion for Attorney's Fees and Costs was VACATED. Mr. Haskin to amend the Judgment, and forward it to opposing counsel for approval as to form and content.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

January 16, 2018

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

**January 16, 2018 9:00 AM Motion to Extend
Discovery**

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 03H

COURT CLERK: Elizabeth Vargas

RECORDER:

REPORTER:

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney
 Haskin Esq, Richard Edward Attorney
 Wang, Christina H. Attorney

JOURNAL ENTRIES

- Court represented to the parties that a new law clerk will be starting in Dept. 16 on January 22, 2018 and that she is the daughter of Plaintiff's counsel. Although the court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11 (C) of the Nevada Code of Judicial Conduct in order to avoid the appearance of impartiality or implied bias. Thus, the Court RECUSES itself from the matter and request that it be randomly reassigned in accordance with appropriate procedures.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

February 07, 2018

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

February 07, 2018 9:00 AM Motion to Consolidate Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C

HEARD BY: Bailus, Mark B **COURTROOM:** Phoenix Building 11th Floor
110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Elson, Tim Attorney
Foley, Daniel Thomas, ESQ Attorney
Smith, Wesley J., ESQ Attorney
Wang, Christina H. Attorney

JOURNAL ENTRIES

- Court notes opposition not received by Court or opposing counsel. COURT ORDERED, CONTINUED for Plaintiff's response to opposition filed.

CONTINUED TO:
02/21/18 9:00 a.m.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

February 21, 2018

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

February 21, 2018 9:00 AM Motion to Consolidate

HEARD BY: Bailus, Mark B **COURTROOM:** Phoenix Building 11th Floor
110

COURT CLERK: Phyllis Irby

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Elson, Tim	Attorney
	Foley, Daniel Thomas, ESQ	Attorney
	Smith, Wesley J., ESQ	Attorney
	Wang, Christina H.	Attorney

JOURNAL ENTRIES

- The Court noted no opposition filed. COURT ORDERED, MOTION GRANTED, will not grant fees and costs.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

March 21, 2018

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

March 21, 2018 9:00 AM All Pending Motions

HEARD BY: Bailus, Mark B **COURTROOM:** Phoenix Building 11th Floor
110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney
Haskin Esq, Richard Edward Attorney
Smith, Wesley J., ESQ Attorney
Wang, Christina H. Attorney

JOURNAL ENTRIES

- Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings ... Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment

Arguments by counsel. COURT ORDERED, CONTINUED for Decision.

04/04/18 9:00 a.m. Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings /// Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

April 04, 2018

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

April 04, 2018

9:00 AM

All Pending Motions

HEARD BY: Bailus, Mark B

COURTROOM: Phoenix Building 11th Floor
110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney

JOURNAL ENTRIES

- Decision:
Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings

Decision:
Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment

HEARING CONTINUED TO 4/11/18 @ 9:00 FOR ORAL DECISION

CLERK'S NOTE: All parties advised of date and appearance requested. ac/04/04/18.

May 02, 2018

Minutes Date: January 19, 2017

the ruling in this matter be consistent with Judge Williams' order; that being the law of the case.

Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment

COURT ORDERED, MOTION DENIED.

Mr. Smith to prepare the order within 10 days and have parties review as to form and content and distribute a filed copy to all parties involved in this matter.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

July 26, 2018

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

July 26, 2018

9:00 AM

All Pending Motions

HEARD BY: Bailus, Mark B

COURTROOM: Phoenix Building Courtroom -
11th Floor

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Haskin Esq, Richard Edward Attorney
Oakes, John M. Attorney
Smith, Wesley J., ESQ Attorney
Wang, Christina H. Attorney

JOURNAL ENTRIES

- Defendants' Motion to retax and Settle Memorandum of Costs ... Plaintiffs' Motion for Attorney's Fees and Costs

Court notes clarification on some of the factual issues with these motions. Arguments by counsel. Based on the arguments by counsel, Court is going to go back and review the legal argument and the exhibits. Further, Court notes he wants this case to mirror the case before Judge Williams since much of the decisions on issues in this case were decided by rulings in the other case before this Court ever got this case.

08/09/18 9:00 a.m. Decision - Defendants' Motion to retax and Settle Memorandum of Costs ///
Decision: Plaintiffs' Motion for Attorney's Fees and Costs

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

August 09, 2018

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

August 09, 2018

9:00 AM

All Pending Motions

HEARD BY: Bailus, Mark B

COURTROOM: Phoenix Building 11th Floor
110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney
Haskin Esq, Richard Edward Attorney
Smith, Wesley J., ESQ Attorney
Wang, Christina H. Attorney

JOURNAL ENTRIES

- Decision - Plaintiff's Motion for Attorney's Fees

COURT having considered the matter and applied Brunzell factors and Pursuant to NRS 18.020(1); NRS 18.050; and, 18.010(2)(b) and ORDERED, Plaintiff's Motion for Attorney's Fees is GRANTED.

Decision - Defendants' Motion to Retax and Settle Memorandum of Costs

In review of the fees and costs submitted and for good cause shown, COURT ORDERS, Defendants' Motion to Retax is GRANTED.

COURT ORDERED, attorney's fees and costs GRANTED AS FOLLOWS:

As to September Trust:

\$13,513.26 Attorney fees GRANTED

\$250.87 Costs GRANTED

As to Zobrist Trust:

\$13,331.26 Attorney fees GRANTED

\$250.87 Costs GRANTED

As to Sandoval Trust:

\$12,616.26 Attorney fees GRANTED

\$250.87 Costs GRANTED

As to Dennis & Julie Gegan:

\$12,590.26 Attorney fees GRANTED

\$250.87 Costs GRANTED

For a Total of \$52,051.04 Attorney's fees; and, \$1,003.48 Costs GRANTED. Mr. Smith to prepare the order within 10 days and distribute a filed copy to all parties involved in this matter. The order must include last known addresses and all future scheduled court dates. Both the Plaintiff and Defendant are required to be present at the next court date.

Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings

Arguments by counsel. Court continued matter to chambers for further review and decision will be rendered by way of Minute Order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property**COURT MINUTES****August 17, 2018**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

August 17, 2018**3:00 AM****Decision**

**Decision - Robert Z
Disman and Yvonne
A Disman's Motion
for Summary
Judgment or in the
Alternative Motion
for Judgment on the
Pleadings**

HEARD BY: Bailus, Mark B**COURTROOM:** Phoenix Building Courtroom -
11th Floor**COURT CLERK:** Alan Castle**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- This Court having hear argument, reviewed the pleadings and papers on file, and good cause appearing therefrom ORDERS, Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or, in the Alternative, Judgment on the Pleadings is DENIED Without Prejudice.

Mr. Haskin is to prepare the order consistent with the opposition, submit to opposing counsel for approval as to content and form and submit to Chambers for consideration.

CLERK'S NOTE: The above minute order has been distributed to: Christina Wang, Esq.; and, Richard Haskin, Esq.

PRINT DATE:

06/23/2020

Page 19 of 34

Minutes Date:

January 19, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property**COURT MINUTES****October 23, 2018**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

October 23, 2018	9:00 AM	Motion to Stay	Defendant John Allen Lytle and Trudi Lyttles' Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond on Order Shortening Time
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HEARD BY: Bailus, Mark B**COURTROOM:** Phoenix Building 11th Floor
110**COURT CLERK:** Alan Castle**RECORDER:** Robin Page**REPORTER:****PARTIES**

PRESENT:	Haskin Esq, Richard Edward	Attorney
	Smith, Wesley J., ESQ	Attorney
	Wang, Christina H.	Attorney

JOURNAL ENTRIES

- Matter submitted. Court Finds cash Bond issue addressed in past and amount posted sufficient to indemnify Defendants if they prevail. COURT ORDERS, Defendant John Allen Lytle and Trudi Lyttles' Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond is GRANTED. Mr. Haskin to prepare the order within 10 days and have opposing counsel review as to form and content and distribute a filed copy to all parties involved in

this matter.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

November 27, 2018

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

November 27, 2018 9:00 AM

All Pending Motions

HEARD BY: Bailus, Mark B

COURTROOM: Phoenix Building 11th Floor
110

COURT CLERK: Alan Castle

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT:	Haskin Esq, Richard Edward	Attorney
	Smith, Wesley J., ESQ	Attorney
	Wang, Christina H.	Attorney

JOURNAL ENTRIES

- Request of Court - Clarification of Order: In RE: Competing Orders ... Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees

Court advised regarding review of competing orders received. Court does not find that either order complies with this Court's ruling from the hearing. Colloquy regarding the law of the case based on prior ruling in this matter by Judge Williams. Court notes this Court was not aware these proceedings were before the Nevada Supreme Court (NVSC) on the order this Court based its ruling upon, otherwise the Court would have deferred ruling the matter until NVSC had ruled, however, since there is no order on file from the hearing on the motion for summary judgment, COURT VACATES PRIOR RULING and Defers Judgment on Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings pending ruling by NVSC, which may resolve this issue in its entirety. Ms. Wang to prepare the order consistent with this Court's findings within 10 days and have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

January 08, 2019

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

January 08, 2019

8:30 AM

Pre Trial Conference

HEARD BY: Barker, David

COURTROOM: Phoenix Building 11th Floor
110

COURT CLERK: Athena Trujillo

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney
Haskin Esq, Richard Edward Attorney
Smith, Wesley J., ESQ Attorney

JOURNAL ENTRIES

- Mr. Foley advised the case has resolved and they will submit a stipulation and order. COURT ORDERED, trial date VACATED and matter OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

February 20, 2019

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

**February 20, 2019 3:00 AM Motion for Attorney Fees
and Costs**

HEARD BY: Barker, David

COURTROOM: No Location

COURT CLERK: Athena Trujillo

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- No parties present.

COURT ORDERED, matter CONTINUED to this Court's hearing calendar.

CONTINUED TO: 4/3/19 8:30 AM

CLERK S NOTE: Minute order electronically served through the Eighth Judicial District Court s EFT System. -amt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

February 27, 2019

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

February 27, 2019

3:00 AM

All Pending Motions

HEARD BY: Thompson, Charles

COURTROOM: No Location

COURT CLERK: Athena Trujillo

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- DEFENDANT'S MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS ... ROBERT Z. DISMAN AND YVONNE DISMAN'S MOTION FOR ATTORNEY'S FEES

COURT ORDERED, matter CONTINUED to be heard by Judge Barker.

CONTINUED TO: 4/3/19 8:30 AM

CLERK S NOTE: Minute order electronically served through the Eighth Judicial District Court s EFT System. -amt 2/27/19

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

April 10, 2019

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

April 10, 2019

8:30 AM

All Pending Motions

HEARD BY: Barker, David

COURTROOM: Phoenix Building 11th Floor
110

COURT CLERK: Athena Trujillo

RECORDER: Robin Page

REPORTER:

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney
Haskin Esq, Richard Edward Attorney
Smith, Wesley J., ESQ Attorney
Wang, Christina H. Attorney

JOURNAL ENTRIES

- MOTION FOR ATTORNEY FEES AND COSTS ... ROBERT Z. DISMAN AND YVONNE DISMAN'S
MOTION FOR ATTORNEY'S FEES ... DEFENDANTS' MOTION TO RETAX AND SETTLE
MEMORANDUM OF COSTS

Upon Court's inquiry, Mr. Foley advised they believe the motions should be heard by Judge Williams, noting Judge Williams recused because his daughter was hired as Judge William's law clerk, however; that position is now over. Mr. Haskin concurred, however, requested the matter be trailed so he can speak to his client. Court noted it will only transfer the case if all parties are in agreement, noting the Court will reach out to Judge Williams to see if he is willing to take the case back. Matter TRAILED.

Matter RECALLED. Mr. Haskin advised his client is amenable to returning to Judge Williams.
COURT ORDERED, matter SET for Status Check.

CONTINUED TO: 5/1/19 9:00 AM (DEPT. 16)

CLERK'S NOTE: Subsequent to Court, COURT ORDERED, Motions CONTINUED to Dept. 16's calendar to be heard by Judge Williams. COURT FURTHER ORDERED, matter TRANSFERRED to Department 16. -amt 4/10/19

CLERK'S NOTE: Subsequent to previous rulings, Court noted it will contact Judge Weise and have the case transferred to Department 16 as opposed to having the Clerk's Office reassign the case via this minute order. -amt 4/11/19

April 11, 2019

PRINT DATE: 06/23/2020 Page 28 of 34 Minutes Date: January 19, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

May 16, 2019

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

May 16, 2019

9:00 AM

All Pending Motions

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Foley, Daniel Thomas, ESQ Attorney
 Haskin Esq, Richard Edward Attorney
 Smith, Wesley J., ESQ Attorney
 Wang, Christina H. Attorney

JOURNAL ENTRIES

- MOTION FOR ATTORNEY'S FEES AND COSTS...ROBERT Z. DISMAN AND YVONNE DISMAN'S MOTION FOR ATTORNEY'S FEES...DEFENDANTS' MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS

Arguments by Mr. Foley, Mr. Haskin, and Ms. Wang. COURT ORDERED, fees and costs awarded. Court stated will take review of attorney fee amounts. FURTHER ORDERED, as to Motion to Retax, costs given. Prevailing party to submit respective orders.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property**COURT MINUTES****May 17, 2019**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

May 17, 2019**2:51 PM****Minute Order****HEARD BY:** Williams, Timothy C.**COURTROOM:** Chambers**COURT CLERK:** Christopher Darling**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows:

The Court has ruled that the CC&R s control the award of attorney s fees in this matter. Pursuant to paragraph 25 of the CC&R s regarding attorney s fees, the losing party or parties shall pay in such amount as may be fixed the court. Applying the language of the CC&R s the Court determined that the Boulden and Lamothe Plaintiffs and Disman Counter Defendants are the winning parties, the Lytle Defendants are the losing party and the language is mandatory regarding the assessment of attorney fees against the losing party. In addition, after considering the Brunzell factors, the Court awards the Boulden and Lamothe Plaintiffs attorney s fees in the requested amount of \$75,733.80 and the Disman Counter Defendants attorney s fees in the requested amount of \$35, 676.00.

Lastly, the Court declines to make the determination that the Defendants actions lacked reasonable grounds except for the filing of Lis Pendens, which was clearly unreasonable in light of the procedural history of the case.

Counsel for the Boulden and Lamothe Plaintiffs and Disman Counter Defendants shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute

Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature

CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property**COURT MINUTES****April 06, 2020**

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

April 06, 2020**8:00 AM****Minute Order****HEARD BY:** Williams, Timothy C.**COURTROOM:** Chambers**COURT CLERK:** Christopher Darling**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically

Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court offers two methods of appearance: telephonic conference through BlueJeans or CourtCall. As CourtCall involves a cost, the use of BlueJeans is strongly favored given the number of people the system can accommodate.

If you prefer to use BlueJeans, please call in prior to your hearing to appear. The call-in number is:

Dial the following number: 1-888-748-9073

Meeting ID: 702 671 440 6

To connect, dial the telephone number then enter the meeting ID followed by #.

PLEASE NOTE the following protocol each participant will be required to follow:

Place your telephone on mute while waiting for your matter to be called.

Do not place the conference on hold as it may play wait/hold music to others.

Identify yourself before speaking each and every time as a record is being made.

Please be mindful of sounds of rustling of papers or coughing.

If you prefer to use CourtCall, please contact CourtCall to schedule your appearance. They can be reached toll-free at 1-888-882-6878 and/or on-line at www.courtcall.com.

CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.

PRINT DATE:

06/23/2020

Page 32 of 34

Minutes Date:

January 19, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

April 22, 2020

A-16-747800-C Marjorie B. Boulden Trust, Plaintiff(s)
vs.
Trudi Lytle, Defendant(s)

April 22, 2020

9:00 AM

All Pending Motions

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Dana J. Tavaglione

PARTIES

PRESENT:

Boulden, Marjorie B	Plaintiff
Foley, Daniel Thomas, ESQ	Attorney
Haskin Esq, Richard Edward	Attorney
Lamothe, Linda	Plaintiff
Lytle, John Allen	Defendant
Lytle, Trudi Lee	Defendant
Smith, Wesley J., ESQ	Attorney
Waite, Dan R	Attorney
Wang, Christina H.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Patricia Lee and Receiver, Kevin Singer, also present telephonically.

PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT ORDERS JOINER TO PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT ORDERS JOINER ON PLAINTIFFS September TRUST ET. AL S MOTION FOR AN ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT ORDERS

All parties present telephonically. Arguments by counsel. Court stated ITS FINDS and ORDERED, Motion for Order to Show Cause GRANTED; will be assessment of \$500.00 per Pltf. Court directed filing of application for fees and costs to be heard on the merits. Court directed Mr. Smith to prepare and circulate findings of fact and conclusions of law; if parties cannot agree on form and content, may submit competing orders.



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

JOEL D. HENROID, ESQ.
3993 HOWARD HUGHES PKWY., STE 600
LAS VEGAS, NV 89169

DATE: June 23, 2020
CASE: A-16-747800-c
c/w A-17-765372-C

RE CASE: MARJORIE B. BOULDEN, TRUSTEE OF THE MARJORIE B. BOULDEN TRUST; LINDA LAMOTHE AND JACQUES LAMOTHE TRUSTEES OF THE JACQUES & LINDA LAMOTHE LIVING TRUST vs. TRUDI LEE LYTLER AND JOHN ALLEN LYTLER, AS TRUSTEES OF THE LYTLER TRUST

NOTICE OF APPEAL FILED: June 22, 2020

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

****Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.**

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; AMENDED CERTIFICATE OF SERVICE; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT ORDERS; NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFFS' MOTION FOR ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT ORDERS; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

MARJORIE B. BOULDEN, TRUSTEE OF THE
MARJORIE B. BOULDEN TRUST; LINDA
LAMOTHE AND JACQUES LAMOTHE
TRUSTEES OF THE JACQUES & LINDA
LAMOTHE LIVING TRUST,

Plaintiff(s),

vs.

TRUDI LEE LYTLE AND JOHN ALLEN
LYTLE, AS TRUSTEES OF THE LYTLE
TRUST,

Defendant(s),

Case No: A-16-747800-C
Consolidated with A-17-765372-C
Dept No: XVIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 23 day of June 2020.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk