

Electronically Filed
Aug 05 2020 02:31 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 **ANOA**
2 JOEL D. HENRIOD
3 Nevada Bar No. 8492
4 DANIEL F. POLSENBERG
5 Nevada Bar No. 2376
6 DAN R. WAITE
7 Nevada Bar No. 4078
8 LEWIS ROCA ROTHGERBER CHRISTIE LLP
9 3993 Howard Hughes Parkway, Suite 600
10 Las Vegas, Nevada 89169
11 (702) 949-8200
12 JHenriod@LRRC.com
13 DPolsenberg@LRRC.com
14 DWaite@LRRC.com

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

17 DISTRICT COURT
18 CLARK COUNTY, NEVADA

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

24 Plaintiffs,

25 v.

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

Defendants.

Case No. A-16-747800-C

Dep't No. 16

AMENDED NOTICE OF APPEAL

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

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 Defendants.

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

12 2. "Order Denying Defendant Lytle Trust's Motion for Clarification
13 and Ex Parte Request for Order Shortening Time," filed July 15, 2020, notice of
14 entry of which was served electronically on July 15, 2020 (Exhibit B); and

15 3. All judgments, rulings and interlocutory orders made appealable by
16 the foregoing.

17 Dated this 31st day of July, 2020.

18 LEWIS ROCA ROTHGERBER CHRISTIE LLP

19
20 By: /s/Joel D. Henriod

21 JOEL D. HENRIOD (SBN 8492)
22 DANIEL F. POLSENBERG (SBN 2376)
23 DAN R. WAITE (SBN 4078)
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
(702) 949-8200

24 *Attorneys for Defendants Trudi Lee Lytle and*
25 *John Allen Lytle, as Trustees of the Lytle*
26 *Trust*
27
28

1 CERTIFICATE OF SERVICE

2 I hereby certify that on the 31st day of July, 2020, I served the foregoing
3 "Amended Notice of Appeal" on counsel by the Court's electronic filing system
4 to the persons and addresses listed below:

5 KEVIN B. CHRISTENSEN
6 WESLEY J. SMITH
7 CHRISTENSEN JAMES & MARTIN
8 7440 W. Sahara Avenue
9 Las Vegas, Nevada 89117
10 KBC@CJMLV.com
11 Wes@CJMLV.com

12 *Attorneys for September Trust,*
13 *dated March 23, 1972, Gerry R.*
14 *Zobrist and Jolin G. Zobrist, as*
15 *trustees of the Gerry R. Zobrist and*
16 *Jolin G. Zobrist Family Trust,*
17 *Raynaldo G. Sandoval and Julie*
18 *Marie Sandoval Gegen, as trustees*
19 *of the Raynaldo G. and Evelyn A.*
20 *Sandoval Joint Living and*
21 *Devolution Trust dated May 27,*
22 *1992, and Dennis A. Gegen and*
23 *Julie S. Gegen, husband and wife,*
24 *as joint tenants*

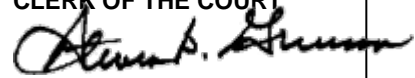
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Yvonne A. Disman

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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

25 /s/ Lisa M. Noltie
26 An Employee of LEWIS ROCA ROTHGERBER CHRISTIE LLP
27
28



1 **ACAS**
2 JOEL D. HENRIOD
3 Nevada Bar No. 8492
4 DANIEL F. POLSENBERG
5 Nevada Bar No. 2376
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7 Nevada Bar No. 4078
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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

AMENDED 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

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 27, 1992, and Dennis A. Gegen and Julie S. Gegen, husband and
2 wife, as joint tenants

3 KEVIN B. CHRISTENSEN
4 WESLEY J. SMITH
5 CHRISTENSEN JAMES & MARTIN
6 7440 W. Sahara Avenue
7 Las Vegas, Nevada 89117
8 (702) 255-1718

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

10 CHRISTINA H. WANG
11 FIDELITY NATIONAL LAW GROUP
12 8363 W. Sunset Road, Suite 120
13 Las Vegas, Nevada 89113
14 (702) 667-3000

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

19 N/A

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

22 Retained counsel

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

25 Retained counsel

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

 N/A

9. Indicate the date the proceedings commenced in the district court, e.g.,
 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.

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

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

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

15 The Lytle Trust appealed from the post-judgment order
16 holding it in contempt for purportedly violating the May 2018 order
by seeking the appointment of a receiver, and awarding penalties
17 and expenses to the September Trust, the Zobrist Trust, the
Sandoval Trust, the Gegens, and the Dismans on June 22, 2020.
18 The Lytle Trust now amends its notice of appeal to include the
order denying its motion for clarification.

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

21 *Lytle v. Boulden*, Case No. 73039

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

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

24 *Lytle v. Disman*, Case No. 79753

Lytle v. Boulden, Case No. 79776

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

26 This case does not involve child custody or visitation.

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

3 Not applicable, as this appeal already has been removed from
4 the Court's settlement program.

5 Dated this 31st day of July, 2020.

6 LEWIS ROCA ROTHGERBER CHRISTIE LLP

7 By: /s/Joel D. Henriod

8 JOEL D. HENRIOD (SBN 8492)
9 DANIEL F. POLSENBERG (SBN 2376)
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13 (702) 949-8200

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

1 CERTIFICATE OF SERVICE

2 I hereby certify that on the 31st day of July, 2020, I served the foregoing
3 "Case Appeal Statement" on counsel by the Court's electronic filing system to
4 the persons and addresses listed below:

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6 WESLEY J. SMITH
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12 *Attorneys for September Trust,*
13 *dated March 23, 1972, Gerry R.*
14 *Zobrist and Jolin G. Zobrist, as*
15 *trustees of the Gerry R. Zobrist and*
16 *Jolin G. Zobrist Family Trust,*
17 *Raynaldo G. Sandoval and Julie*
18 *Marie Sandoval Gegen, as trustees*
19 *of the Raynaldo G. and Evelyn A.*
20 *Sandoval Joint Living and*
21 *Devolution Trust dated May 27,*
22 *1992, and Dennis A. Gegen and*
23 *Julie S. Gegen, husband and wife,*
24 *as joint tenants*

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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

25 /s/ Lisa M. Noltie
26 An Employee of LEWIS ROCA ROTHGERBER CHRISTIE LLP
27
28

EIGHTH JUDICIAL DISTRICT COURT

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
81390

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	Waite, Dan R <i>Retained</i> 702-949-8200(W)
	Lytle, John Allen	Waite, Dan R <i>Retained</i> 702-949-8200(W)
	Lytle, Trudi Lee	

CASE SUMMARY

CASE NO. A-16-747800-C

Waite, Dan R

Retained

702-949-8200(W)

Waite, Dan R

Retained

702-949-8200(W)

Waite, Dan R

Retained

702-949-8200(W)

Waite, Dan R

Retained

702-949-8200(W)

Counter Claimant

Lytle Trust

Removed: 01/14/2019

Dismissed

Lytle, John Allen

Removed: 01/14/2019

Dismissed

Lytle, Trudi Lee

Removed: 01/14/2019

Dismissed

Counter Defendant

Disman, Robert Z

Removed: 01/14/2019

Dismissed

Disman, Yvonne A

Removed: 01/14/2019

Dismissed

Jacques & Linda Lamothe Living Trust

Removed: 01/14/2019

Dismissed

Lamothe, Jacques

Removed: 01/14/2019

Dismissed

Lamothe, Linda

Removed: 01/14/2019

Dismissed

Cross Claimant

Disman, Robert Z

Removed: 01/14/2019

Dismissed

Disman, Yvonne A

Removed: 01/14/2019

Dismissed

Cross Defendant

Boulden, Marjorie B

Removed: 01/14/2019

Dismissed

Other Plaintiff

Gegen, Dennis A

Gegen, Julie S

Gerry R. Zobrist and Jolin G. Zobrist Family Trust

Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated

September Trust Dated March 23, 1972

Trustee

Boulden, Marjorie B

Wang, Christina H.

Retained

702-667-3000(W)

Wang, Christina H.

Retained

702-667-3000(W)

Foley, Daniel Thomas, ESQ

Retained

702-384-2070(W)

Foley, Daniel Thomas, ESQ

Retained

702-384-2070(W)

Foley, Daniel Thomas, ESQ

Retained

702-384-2070(W)

Wang, Christina H.

Retained

702-667-3000(W)

Wang, Christina H.

Retained

702-667-3000(W)

Foley, Daniel Thomas, ESQ

Retained

702-384-2070(W)

Smith, Wesley J., ESQ

Retained

702-255-1718(W)

Smith, Wesley J., ESQ

Retained

702-255-1718(W)

Smith, Wesley J., ESQ

Retained

702-255-1718(W)

Smith, Wesley J., ESQ

Retained

702-255-1718(W)

Smith, Wesley J., ESQ

Retained

702-255-1718(W)

Foley, Daniel Thomas, ESQ

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

Removed: 01/14/2019
Dismissed

Retained
702-384-2070(W)

Lamothe, Jacques

Removed: 01/14/2019
Dismissed

Foley, Daniel Thomas, ESQ

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

Waite, Dan R









Retained
702-949-8200(W)

Lytle, Trudi Lee

Removed: 01/14/2019
Dismissed














Waite, Dan R

Retained
702-949-8200(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		

CASE SUMMARY

CASE NO. A-16-747800-C

	 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>
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

CASE SUMMARY

CASE NO. A-16-747800-C

	<p>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></p>
03/27/2017	<p> 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></p>
03/30/2017	<p> Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - Granted</i></p>
04/05/2017	<p> 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></p>
04/26/2017	<p> 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></p>
04/27/2017	<p> 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></p>
04/28/2017	<p> 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></p>
05/09/2017	<p> Notice of Lis Pendens Filed by: Defendant Lytle, Trudi Lee <i>Notice of Lis Pendens</i></p>
05/09/2017	<p> Notice of Lis Pendens Filed by: Defendant Lytle, Trudi Lee <i>Notice of Lis Pendens</i></p>
05/09/2017	<p> Notice of Appeal Filed By: Defendant Lytle, Trudi Lee <i>Notice of Appeal</i></p>
05/09/2017	<p> Notice Filed By: Defendant Lytle, Trudi Lee <i>Notice of Depositing Security for Costs on Appeal</i></p>
05/09/2017	<p> Case Appeal Statement Filed By: Defendant Lytle, Trudi Lee <i>Case Appeal Statement</i></p>
05/15/2017	<p> Motion to Reconsider Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust</p>

CASE SUMMARY

CASE NO. A-16-747800-C

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

05/15/2017



Opposition to Motion

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Defendants Trudi Lee Lytle, John Allen Lytle, and The Lytle Trust's Opposition to Plaintiffs' Motion for Attorneys' Fees and Costs

05/16/2017



Errata

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

05/22/2017



Motion to Cancel Lis Pendens

Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time

05/25/2017



Stipulation and Order

Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Stipulation and Order to Continue Hearing Date Re Motion for Reconsideration

05/26/2017



Notice of Entry of Stipulation and Order

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Notice of Entry of Stipulation and Order to Continue Hearing Date Re Motion for Reconsideration

05/31/2017



Opposition to Motion

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

06/01/2017



Opposition to Motion

Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
Opposition to Motion for Reconsideration

06/02/2017



Reply to Opposition

Filed by: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
Reply to Defendants' Opposition to Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court

06/23/2017



Order Granting Motion

Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda
Order Granting Plaintiffs' Motion to Cancel Lis Pendens and Order Denying Motion to Hold Defendants and/or Their Counsel in Contempt of Court

06/23/2017



Reply to Opposition

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

06/27/2017

CASE SUMMARY

CASE NO. A-16-747800-C

	 Notice of Entry of 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 Order</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>
06/29/2017	 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>

CASE SUMMARY

CASE NO. A-16-747800-C

08/15/2017	 Summons Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Summons</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>
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

CASE SUMMARY

CASE NO. A-16-747800-C

Opposition to Motion to Extend Discovery Deadlines and Trial Setting

01/02/2018



Opposition

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust s Opposition to Motion to Extend Discovery Deadlines

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

CASE SUMMARY

CASE NO. A-16-747800-C

	<p>Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A</p> <p><i>Notice of Entry of Amended Order Granting Order Shortening Time</i></p>
02/06/2018	<p> Amended Order Setting Civil Non-Jury Trial</p> <p><i>Amended Order Setting Civil Bench Trial</i></p>
02/07/2018	<p> Notice of Change of Address</p> <p>Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A</p> <p><i>Notice of Change of Firm Address</i></p>
02/13/2018	<p> Stipulation and Order</p> <p>Filed by: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A</p> <p><i>Stipulation and Order to Extend Discovery Deadlines and Trial Setting (First Requested Extension)</i></p>
02/13/2018	<p> Notice of Entry of Stipulation and Order</p> <p>Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A</p> <p><i>Notice of Entry of Stipulation and Order to Extend Discovery Deadlines and Trial Setting (First Requested Extension)</i></p>
02/22/2018	<p> Notice of Early Case Conference</p> <p>Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust</p> <p><i>Notice of Early Case Conference</i></p>
02/28/2018	<p> Order</p> <p>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</p> <p><i>Order Granting Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C</i></p>
03/01/2018	<p> Request</p> <p>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</p> <p><i>Request to Set Hearing Date on Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings</i></p>
03/01/2018	<p> Motion for Summary Judgment</p> <p><i>Plaintiffs' Motion for Summary Judgment (Filed 11/30/17 in Subordinate Case A-17-765372-C)</i></p>
03/01/2018	<p> Opposition and Countermotion</p> <p>Filed By: Defendant Lytle Trust</p> <p><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></p>
03/01/2018	<p>Reply to Opposition</p> <p><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></p>
03/05/2018	<p> Notice</p>

CASE SUMMARY

CASE NO. A-16-747800-C

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 Order Granting Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-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
(A765372) Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment

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
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

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
Plaintiffs' Motion for Attorney's Fees and Costs

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
Memorandum of Costs and Disbursements

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
Declaration of Counsel in Support of Plaintiffs' Motion for Attorney's Fees and Costs

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
Notice of Hearing on Plaintiffs' Motion for Attorney's Fees and Costs

06/08/2018



Motion to Retax

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Defendants' Motion to Retax and Settle Memorandum of Costs

06/13/2018














Release

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Release of Abstract of Judgment

CASE SUMMARY

CASE NO. A-16-747800-C

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 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

CASE SUMMARY

CASE NO. A-16-747800-C

Declaration of Counsel in Support of Reply to Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs

07/06/2018



Notice of Change of Hearing

Notice of Change of Hearing

07/26/2018



Opposition to Motion For Summary Judgment

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

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

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

08/27/2018



Recorders Transcript of Hearing

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

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
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

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
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

09/14/2018



Notice of Appeal

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

09/28/2018



Motion to Stay

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Defendant John Allen Lytle and Trudi Lee Lytle's Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond on Order Shortening Time

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
Plaintiffs' Response to Defendants' Motion to Stay Proceedings to Enforce Judgment and

CASE SUMMARY

CASE NO. A-16-747800-C

Request to Post Cash Deposit in Lieu of Supersedeas Bond

10/01/2018	 Case Appeal Statement Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Case Appeal Statement</i>
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 Boulden, 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	

CASE SUMMARY

CASE NO. A-16-747800-C

	 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>
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>

CASE SUMMARY

CASE NO. A-16-747800-C

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. <i>Robert Z. Disman and Yvonne A. Disman's Reply in Support of Motion for Attorney's Fees</i>
04/10/2019	 Notice of Hearing <i>Notice of Hearing</i>
04/11/2019	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
04/22/2019	 Stipulation and Order Filed by: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A. <i>Stipulation and Order to Continue Hearing Date on Pending Motions</i>
04/25/2019	 Notice of Entry Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A. <i>Notice of Entry of Stipulation and Order to Continue Hearing Date on Pending Motions</i>
05/07/2019	 Request Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>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</i>
05/24/2019	 Notice of Change of Address Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A. <i>Notice of Change of Firm Address</i>
06/10/2019	 Reporters Transcript <i>Court Reporters transcript of Proceedings (Civil) 5-16-19</i>
09/06/2019	 Findings of Fact, Conclusions of Law and Order Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A. <i>Findings of Fact, Conclusions of Law and Order Granting Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees</i>
09/06/2019	 Notice of Entry of Order Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A. <i>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</i>
09/20/2019	 Order Filed By: Plaintiff Boulden, Marjorie B <i>Order Granting Plaintiffs; Motion for Attorneys' Fees and Costs and Order Denying Defendants' Motion to Retax and Settle Costs</i>
09/20/2019	 Notice of Entry Filed By: Plaintiff Boulden, Marjorie B <i>Notice Of Entry Of Order Granting Plaintiffs Motion For Attorneys Fees And Costs And Order Denying Defendants Motion To Retax And Settle Costs</i>

CASE SUMMARY

CASE NO. A-16-747800-C

09/30/2019	 Notice of Appeal Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Appeal</i>
09/30/2019	 Case Appeal Statement Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Case Appeal Statement</i>
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	 Recorders Transcript of Hearing <i>Transcript of Proceedings Re: All Pending Motions. March 21, 2018</i>
12/05/2019	 Recorders 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

CASE SUMMARY

CASE NO. A-16-747800-C

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)

03/05/2020



Clerk's Notice of Hearing

Notice of Hearing

03/05/2020



Joinder To Motion

Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust
(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

03/06/2020



Notice of Appearance

Party: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A.
Notice of Appearance

03/06/2020



Joinder To Motion

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

03/11/2020



Association of Counsel

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen
Association of counsel

03/19/2020



Opposition to Motion

Filed By: Defendant Lytle Trust
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

03/31/2020



Notice of Rescheduling

Notice of Rescheduling

04/13/2020



Notice

Filed By: Defendant Lytle Trust
CourtCall Appearance

04/13/2020



Notice to Appear

Filed By: Defendant Lytle, Trudi Lee
Courtcall Appearance

04/13/2020



Notice

Filed By: Defendant Lytle Trust
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

04/14/2020



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
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

04/14/2020

CASE SUMMARY

CASE NO. A-16-747800-C

	 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>
04/21/2020	 Exhibits Filed By: Defendant Lytle Trust <i>Defendant Lytle Trust's Hearing Exhibits</i>
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

CASE SUMMARY

CASE NO. A-16-747800-C

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

05/22/2020



Notice of Entry of Order

Filed By: Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A
*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*

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

CASE SUMMARY

CASE NO. A-16-747800-C

06/10/2020	 Notice of Entry of Stipulation and Order Filed By: Defendant Lytle Trust <i>Notice of Entry of Stipulation and Order to Disburse Cash Supersedeas Bond</i>
06/11/2020	 Motion for Attorney Fees Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A. <i>(7/6/20 Withdrawn) Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees</i>
06/11/2020	 Appendix Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A. <i>Appendix of Exhibits for Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees</i>
06/12/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
06/17/2020	 Reply in Support Filed By: Defendant Lytle Trust <i>Defendant Lytle Trust's Reply in Support of Motion for Clarification</i>
06/22/2020	 Notice of Appeal Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Appeal</i>
06/22/2020	 Case Appeal Statement Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Case Appeal Statement</i>
06/22/2020	 Amended Certificate of Service Party: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen <i>Amended Certificate of Service</i>
06/29/2020	 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 Defendant Lytle Trust's Opposition to Plaintiffs' Motion for Attorney's Fees and Costs</i>
07/02/2020	 Notice Filed By: Defendant Lytle Trust <i>Notice of Disassociation of Counsel</i>
07/06/2020	 Notice of Withdrawal of Motion Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A. <i>Notice of Withdrawal of Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees</i>
07/15/2020	 Order Denying Motion Filed By: Other Plaintiff September Trust Dated March 23, 1972 <i>ORDER DENYING DEFENDANT LYTLE TRUST'S MOTION FOR CLARIFICATION AND EX PARTE REQUEST FOR ORDER SHORTENING TIME</i>
07/15/2020	 Notice of Entry of Order Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R.

CASE SUMMARY

CASE NO. A-16-747800-C

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 Order Denying Defendant Lytle Trust s Motion for Clarification and ex Parte Request for Order Shortening Time

07/31/2020



Amended Notice of Appeal

Party: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Amended Notice of Appeal

07/31/2020



Amended Case Appeal Statement

Party: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust
Amended Case Appeal Statement

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

Debtors: Trudi Lee Lytle (Counter Claimant), John Allen Lytle (Counter Claimant), Lytle Trust (Counter Claimant)

Creditors: Jacques & Linda Lamothe Living Trust (Counter Defendant), Jacques Lamothe (Counter Defendant), Linda Lamothe (Counter Defendant), Robert Z Dismar (Counter Defendant), Yvonne A Dismar (Counter Defendant)

Judgment: 01/14/2019, Docketed: 01/14/2019

Debtors: Robert Z Dismar (Cross Claimant), Yvonne A Dismar (Cross Claimant)

Creditors: Marjorie B Boulden (Cross Defendant)

Judgment: 01/14/2019, Docketed: 01/14/2019

09/06/2019

Order (Judicial Officer: Williams, Timothy C.)

Debtors: Trudi Lee Lytle (Counter Claimant), John Allen Lytle (Counter Claimant), Lytle Trust (Counter Claimant)

Creditors: Robert Z. Dismar (Counter Defendant), Yvonne A. Dismar (Counter Defendant)

Judgment: 09/06/2019, Docketed: 09/06/2019

Total Judgment: 35,676.00

09/20/2019

Order (Judicial Officer: Williams, Timothy C.)

Debtors: Trudi Lee Lytle (Defendant), John Allen Lytle (Defendant), Lytle Trust (Defendant)

CASE SUMMARY

CASE NO. A-16-747800-C


Creditors: Marjorie B. Boulden Trust (Plaintiff), Jacques & Linda Lamothe Living Trust (Plaintiff), Marjorie B Boulden (Plaintiff), Jacques Lamothe (Plaintiff), Linda Lamothe (Plaintiff)
Judgment: 09/20/2019, Docketed: 09/23/2019
Total Judgment: 77,146.80
Satisfaction:

05/15/2020

Clerk's Certificate (Judicial Officer: Williams, Timothy C.)
Debtors: Marjorie B. Boulden Trust (Plaintiff), Jacques & Linda Lamothe Living Trust (Plaintiff), Marjorie B Boulden (Plaintiff), Jacques Lamothe (Plaintiff), Linda Lamothe (Plaintiff)
Creditors: Trudi Lee Lytle (Defendant), John Allen Lytle (Defendant), Lytle Trust (Defendant)
Judgment: 05/15/2020, Docketed: 05/22/2020
Comment: Supreme Court No.76198/77007 " Appeal Affirmed"

HEARINGS

01/19/2017

 **Motion for Temporary Restraining Order** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Plaintiffs Motion for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time
Withdrawn;
Journal Entry Details:
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.;

03/14/2017

CANCELED Motion to Dismiss (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Vacated - per Stipulation and Order
Trudi Lee Lytle and John Allen Lytle's Motion to Dismiss Plaintiffs' Complaint


04/13/2017

Motion for Partial Summary Judgment (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Motion for Partial Summary Judgment
Granted;


04/13/2017

Opposition and Countermotion (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment
Denied;

04/13/2017

 **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.;

05/30/2017

 **Motion for Attorney Fees and Costs** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
05/30/2017, 06/29/2017
Def't's Motion for Attorney's Fees and Costs
Matter Continued; Motion for Attorney's Fees and Costs
Vacate;

CASE SUMMARY

CASE NO. A-16-747800-C

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;

06/01/2017



Motion to Cancel Lis Pendens (9:00 AM) (Judicial Officer: Williams, Timothy C.)

06/01/2017, 06/06/2017

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

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:

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;

06/29/2017

Motion For Reconsideration (9:00 AM) (Judicial Officer: Williams, Timothy C.)

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

Motion Granted;

06/29/2017



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


CASE SUMMARY

CASE NO. A-16-747800-C

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:
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

CASE SUMMARY

CASE NO. A-16-747800-C



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;

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.;

CASE SUMMARY

CASE NO. A-16-747800-C

07/26/2018	<p>Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Bailus, Mark B) <i>Plaintiffs' Motion for Attorney's Fees and Costs</i></p> <p>MINUTES Continued for Chambers Decision; Plaintiffs' Motion for Attorney's Fees and Costs</p> <p>SCHEDULED HEARINGS  All Pending Motions (07/26/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)</p>
07/26/2018	<p>Motion to Retax (9:00 AM) (Judicial Officer: Bailus, Mark B) <i>Defendants' Motion to Retax and Settle Memorandum of Costs</i></p> <p>MINUTES Continued for Chambers Decision;</p> <p>SCHEDULED HEARINGS Decision (08/09/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B) <i>Decision - Defendants' Motion to Retax and Settle Memorandum of Costs Decision - Plaintiff's Motion for Attorney's Fees</i></p>
07/26/2018	<p> All Pending Motions (9:00 AM) (Judicial Officer: Bailus, Mark B) Matter Heard; Journal Entry Details: <i>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;</i></p>
08/09/2018	<p>Motion for Summary Judgment (9:00 AM) (Judicial Officer: Bailus, Mark B) <i>Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the ALternative Motion for Judgment on the Pleadings</i></p> <p>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</p> <p>SCHEDULED HEARINGS  Decision (08/17/2018 at 3:00 AM) (Judicial Officer: Bailus, Mark B) <i>Decision - Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings</i></p>
08/09/2018	<p>Decision (9:00 AM) (Judicial Officer: Bailus, Mark B) <i>Decision - Defendants' Motion to Retax and Settle Memorandum of Costs Decision - Plaintiff's Motion for Attorney's Fees</i></p> <p>MINUTES Decision Made; Decision - Defendants' Motion to Retax and Settle Memorandum of Costs</p> <p>SCHEDULED HEARINGS  All Pending Motions (08/09/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)</p>
08/09/2018	<p> All Pending Motions (9:00 AM) (Judicial Officer: Bailus, Mark B) Matter Heard; Journal Entry Details: <i>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</i></p>

CASE SUMMARY

CASE NO. A-16-747800-C

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

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

CASE SUMMARY

CASE NO. A-16-747800-C

	<p><i>ruling form 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.;</i></p>
01/08/2019	<p> Pre Trial Conference (8:30 AM) (Judicial Officer: Barker, David)</p> <p>Off Calendar; Journal Entry Details: <i>Mr. Foley advised the case has resolved and they will submit a stipulation and order. COURT ORDERED, trial date VACATED and matter OFF CALENDAR. ;</i></p>
02/05/2019	<p>CANCELED Calendar Call (9:00 AM) (Judicial Officer: Holthus, Mary Kay) <i>Vacated - per Judge</i></p>
02/19/2019	<p>CANCELED Bench Trial (10:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated - per Judge</i></p>
02/20/2019	<p> Motion for Attorney Fees and Costs (3:00 AM) (Judicial Officer: Williams, Timothy C.) 02/20/2019, 04/10/2019, 05/16/2019 <i>Plaintiff's Motion for Attorney's Fees and Costs</i> Continued; Continued; Motion Granted; Continued; Continued; Motion Granted; Continued; Continued; Motion Granted; Journal Entry Details: <i>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;</i></p>
02/27/2019	<p>Motion to Retax (3:00 AM) (Judicial Officer: Williams, Timothy C.) 02/27/2019, 04/10/2019, 05/16/2019 <i>Defendants' Motion to Retax and Settle Memorandum of Costs</i> Continued; Continued; Motion Denied; Continued; Continued; Motion Denied; Continued; Continued; 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 <i>Robert Z. Disman and Yvonne Disman's Motion for Attorney's Fees</i> Continued; Continued; Motion Granted; Continued;</p>

CASE SUMMARY

CASE NO. A-16-747800-C

Continued;
Motion Granted;
Continued;
Continued;
Motion Granted;

02/27/2019



All Pending Motions (3:00 AM) (Judicial Officer: Thompson, Charles)

Matter Heard;

Journal Entry Details:

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;

04/10/2019



All Pending Motions (8:30 AM) (Judicial Officer: Barker, David)

Matter Heard;

Journal Entry Details:

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 ;

04/11/2019



Minute Order (2:00 PM) (Judicial Officer: Wiese, Jerry A.)

Minute Order - No Hearing Held;

Journal Entry Details:

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 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

CASE SUMMARY

CASE NO. A-16-747800-C

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.;

04/22/2020

Motion for Order to Show Cause (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders

Motion Granted;

04/22/2020

Joinder (9:00 AM) (Judicial Officer: Williams, Timothy C.)

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

Motion Granted;

04/22/2020

Joinder (9:00 AM) (Judicial Officer: Williams, Timothy C.)

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

Motion Granted;

04/22/2020



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

CASE SUMMARY

CASE NO. A-16-747800-C

Matter Heard;

Journal Entry Details:

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. ;

06/25/2020



Minute Order (3:43 PM) (Judicial Officer: Williams, Timothy C.)

Minute Order re: Hearing on 7/2/20 at 9:00 a.m.

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 is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 979 480 011 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. CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.;

06/29/2020



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

Minute Order re: Hearing on 7/7/20 at 9:00 a.m.

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 is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 979 480 011 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. CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.;

07/02/2020



Motion for Clarification (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Defendant Lytle Trust's Motion for Clarification and Ex Parte Request for Order Shortening Time

Motion Denied;

Journal Entry Details:

APPEARANCES CONTINUED: Court Reporter, Michael Bouley, present. All counsel present telephonically. Arguments by counsel. Mr. Waite advised he intends to file supersedeas cash bond relating to recent contempt order. Mr. Smith advised no objection. Court directed Mr. Waite to file appropriate motion in that regard. As to Motion for Clarification, Court stated ITS FINDINGS and ORDERED, Motion DENIED. Court directed Mr. Smith or Ms. Wang to prepare the order and circulate; if parties cannot agree on form and content, may submit competing orders. Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.;

07/07/2020



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

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-16-747800-C

Minute Order re: Plaintiffs' Motion for Attorney's Fees and Costs

Minute Order - No Hearing Held;

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: As noted at the July 7, 2020 hearing, the Court finds the CC&Rs provide a basis for attorney fee recovery. Further, Plaintiff has satisfied the Brunzell factors. Additionally, Court restates that fees sought regarding those matters before Judge Kushner are denied \$36,259.00. The Court also denies any charges related to the appeal. Moreover, under this case's circumstances, the Court will not award fees for clerical work \$23,374.00. The Court has reviewed the Plaintiff's submitted billing statements, which the fees charged total \$149,403.20. In light of the findings above, the \$149,403.20 is reduced by \$36,259.00 and \$23,374.00, which leaves a difference of \$89,770.20. Further, as suggested by the Defendant, the Court will apply a 15% discount to the \$89,770.20. The difference after the discount is \$76,304.67. Consequently, THE COURT GRANTS PLAINTIFF'S MOTION FOR ATTORNEY'S FEES AND COSTS BUT WITH MODIFICATIONS. Also, the Court grants costs in the sum of \$4,145.08. Plaintiff 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 served to counsel electronically through Odyssey eFile.;

07/07/2020



Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Plaintiffs' Motion for Attorney's Fees and Costs

Granted in Part; See 7/7/20 Minute Order

Journal Entry Details:

Counsel present telephonically. Arguments by Mr. Smith and Mr. Waite. Court stated ITS FINDINGS and ORDERED, Motion for Attorney's Fees and Costs GRANTED IN PART and DENIED IN PART; no consideration given in this case to Judge Kushner's sole decision in other action. Court stated will review matter for determination of reasonable fees and matter of the appeal. Decision forthcoming.;

07/16/2020

CANCELED Motion for Attorney Fees (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

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

DATE

FINANCIAL INFORMATION

Cross Claimant Disman, Robert Z

Total Charges 200.00

Total Payments and Credits 200.00

Balance Due as of 8/3/2020 0.00

Cross Claimant Disman, Yvonne A

Total Charges 253.00

Total Payments and Credits 253.00

Balance Due as of 8/3/2020 0.00

Defendant Lytle Trust

Total Charges 68.50

Total Payments and Credits 68.50

Balance Due as of 8/3/2020 0.00

Defendant Lytle, John Allen

Total Charges 30.00

Total Payments and Credits 30.00

Balance Due as of 8/3/2020 0.00

Defendant Lytle, Trudi Lee

Total Charges 814.50

Total Payments and Credits 814.50

Balance Due as of 8/3/2020 0.00

Plaintiff Jacques & Linda Lamothe Living Trust

Total Charges 30.00

CASE SUMMARY

CASE NO. A-16-747800-C

Total Payments and Credits	30.00
Balance Due as of 8/3/2020	0.00
Plaintiff Marjorie B. Boulden Trust	
Total Charges	931.50
Total Payments and Credits	931.50
Balance Due as of 8/3/2020	0.00
Defendant Lytle, Trudi Lee	
Appeal Bond Balance as of 8/3/2020	500.00
Defendant Lytle, Trudi Lee	
Appeal Bond Balance as of 8/3/2020	1,000.00
Defendant Lytle, Trudi Lee	
Supersedeas Bond Balance as of 8/3/2020	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**

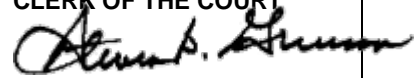
Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input checked="" type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent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

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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.

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.
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16 7440 W. Sahara Ave.
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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

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16 **Reviewed by Not Approved by:**

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18 **LLP**

19 Reviewed But Not Approved

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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

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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

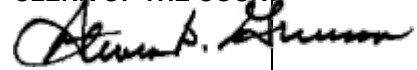
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Christina,

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

Wes Smith

Christensen James & Martin



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.

Liz Gould (liz@foleyoakes.com)
Daniel Foley (Dan@foleyoakes.com)
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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
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.

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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

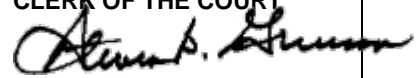
IMPORTANT NOTICE - This message sourced from an external mail server outside of the Company.

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

4 WESLEY J. SMITH, ESQ.

Nevada Bar No. 11871

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7 Tel.: (702) 255-1718

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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 DENYING DEFENDANT
LYTLE TRUST'S MOTION FOR
CLARIFICATION AND EX PARTE
REQUEST FOR ORDER
SHORTENING TIME**

Date: July 2, 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

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

Plaintiffs,

vs.

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

Defendants.

Presently before the Court is Defendant Lytle Trust's Motion for Clarification and Ex Parte Request for Order Shortening Time ("Motion for Clarification") and the Opposition filed by the Plaintiffs, and the Reply, which came on for hearing on July 2, 2020 at 9:00 a.m. in Department XVI of the Eighth Judicial District Court, Clark County, Nevada.

Wesley J. Smith, Esq. of Christensen James & Martin, Chtd. appeared on behalf of 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 (collectively the "Plaintiffs"). Christina H. Wang, Esq. of Fidelity National Law Group appeared on behalf of Robert Z. Disman and Yvonne A. Disman (the "Dismans"). Dan R. Waite, Esq. of Lewis Roca Rothgerber Christie LLP appeared on behalf of Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust ("Lytle Trust").

The Court having considered the Motion, Opposition, and Reply, having heard the arguments of counsel, and with good cause appearing therefore, the Court hereby denies the Motion and enters the following Findings of Fact, Conclusions of Law, and Order:

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FINDINGS OF FACT

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

6 2. On October 24, 2019, the Lytle Trust filed its Renewed Application for Appointment of
7 Receiver in *Trudi Lee Lytle and John Allen Lytle, as trustees of the Lytle Trust v. Rosemere Estates*
8 *Property Owners’ Association*, Case No. A-18-775843-C, Eighth Judicial District Court, Clark County,
9 Nevada, which case was assigned to Judge J. Kishner (the “Receivership Action”).

10 3. On December 18, 2019, Judge Kishner entered her Order Appointing a Receiver of
11 Defendant Rosemere Property Owners Association (the “Order Appointing Receiver”). Among other
12 rights, powers, and duties, the Order Appointing Receiver instructed the receiver to “[i]ssue and collect a
13 special assessment upon all owners within the Association to satisfy the Lytle Trust’s judgments against
14 the Association.” (Order Appointing Receiver at 2:19-20).

15 4. On March 4, 2020, Plaintiffs filed a Motion for Order to Show Cause Why the Lytle
16 Trust Should Not Be Held in Contempt for Violation of Court Orders (“Contempt Motion”), which
17 alleged the Lytle Trust violated the May 2018 Order by seeking the appointment of a receiver over the
18 Rosemere Estates Property Owners’ Association (the “Association”) in the Receivership Action for the
19 purpose of collecting its Judgments through special assessments on the Plaintiffs and other property
20 owners. The Lytle Trust opposed the Contempt Motion.

21 5. The Contempt Motion came on for hearing on April 22, 2020.

22 6. During the hearing held on April 22, 2020, with regard to the scope of the May 2018
23 Order, the following exchange occurred:

24 MR WAITE: And I’ll ask it again, and I’ll ask it maybe not as a rhetorical question.

25 Pending the answer, quite honestly, I may have nothing else to say. I may have
26 nothing that I know of to say. But *did you intend by your Permanent Injunction*

1 *here to strip the Lytle Trust of all of its judgment creditor rights against the*
2 *judgment debtor association?*

3 THE COURT: Well, the association wasn't a party, but the bottom line is this: **I**
4 **stripped the Lytle Trust of their ability and right to enforce those judgments vis-**
5 **a-vis the homeowners in this case.**

6 April 22, 2020 Transcript at 38:25-39:12 (emphasis added).

7 7. At the end of the hearing, the Court entered an oral ruling granting the Contempt Motion.

8 8. On May 18, 2020, the Plaintiffs submitted a proposed order with explanation of the
9 wording that the Parties could not agree on.

10 9. On May 19, 2020, the Lytle Trust submitted a competing proposed order and filed the
11 Motion for Clarification seeking to clarify, *inter alia*, what judgment creditor rights the Lytle Trust
12 could or could not exercise without violating the May 2018 Order.

13 10. On May 22, 2020, this Court entered its Findings of Fact, Conclusions of Law, and Order
14 Granting Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in
15 Contempt for Violation of Court Orders ("Contempt Order") against the Lytle Trust. The May 2020
16 Order is hereby incorporated by reference.

17 11. The Contempt Order entered on May 22, 2020 was the Order proposed by the Plaintiffs.

18 12. The Contempt Order, with regard to the May 2018 Order, stated the following
19 Conclusions of Law:

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

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

25 Contempt Order at 10:23-28 (emphasis added).

26 13. The Defendant's proposed order did not have the language emphasized above and this
27 difference between the competing orders was highlighted by the parties in their proposals.
28

14. All of the Court's decisions in this case, including the May 2018 Order and the Contempt Order, are based upon the history of this case, and more specifically, the Findings of Fact, Conclusions of Law, and Order Granting the Boulden Trust and Lamothe Trust's Motion for Partial Summary Judgment entered by the Court on April 26, 2017 ("April 2017 Order") against the Lytle Trust.¹ The April 2017 Order is hereby incorporated by reference.

15. The April 2017 Order has been the ruling of this Court for over three years, was subject to review by the Nevada Supreme Court, and withstood appellate scrutiny.

16. The May 2018 Order referenced the April 2017 Order and borrowed its Findings of Fact and Conclusions of Law.

17. The April 2017 Order states clearly what actions can and cannot be taken by the Lytle Trust, as follows:

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

19. April 2017 Order, 7:1-3; July 2017 Order 7:1-3.

20. The April 2017 Order also contains the following:

3. As a result of the Rosemere LPA Litigation, the Amended CC&Rs were judicially declared to have been improperly adopted and recorded, the Amended CC&Rs are invalid and have no force and effect and were declared void ab initio.

4. The Plaintiffs were not parties to the Rosemere LPA Litigation.

5. The Plaintiffs were not "losing parties" in the Rosemere LPA Litigation as per Section 25 of the Original CC&Rs.

6. The Final Judgment in favor of the Defendants is not against, and is not an obligation of, the Plaintiffs.

¹ As noted in the Contempt Order at 3:8-14 and n.1, the April 2017 Order was modified on July 27, 2017 by removing any order on the slander of title claim, which is not at issue in the present Motion and did not impact the language of the April 2017 Order quoted herein.

7. The Final Judgment against the Association is not an obligation or debt owed by the Plaintiffs.

April 2017 Order at 4:23-5:7; July 2017 Order at 4:14-23.

CONCLUSIONS OF LAW

1. The Court made its intentions clear at the April 22, 2020 hearing when it stated “I stripped the Lytle Trust of their ability and right to enforce those judgments vis-a-vis the homeowners in this case.” April 22, 2020 Transcript at 38:25-39:12.

2. Any doubt as to the Court’s intent regarding the May 2018 Order was resolved by entry of the written May 2020 Order after consideration of the competing orders submitted by the Plaintiffs and Defendant, specifically when the Court entered the following Conclusions of Law:

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.

Contempt Order at 10:23-28 (emphasis added).

3. The Court conclusively answered the Lytle Trust’s question by entering the Order prepared by the Plaintiffs that included the emphasized language.

4. The Court did not hold the Lytle Trust in contempt for violating the April 2017 Order and does not expand its Contempt Order to include the April 2017 Order by entering this Order.

5. The thrust and focus of all the Court’s decisions in this matter are based upon the history of this case, including the April 2017 Order entered 3 years ago.

6. The April 2017 Order stating Defendants are permanently enjoined from taking “any action” in the future against the Plaintiffs or their properties based upon the Rosemere LPA Litigation was also clear.

7. The broad and the plain meaning of the term “any action” means any action, whether direct or indirect.

1 8. The April 2017 Order must be looked at in its entirety to determine its thrust, scope and
2 impact with respect to what kind of action can be taken by the Lytle Trust with regard to collecting on
3 its Judgments against the Association.

4 9. The April 2017 Order made clear that the Rosemere Judgments are not against the
5 Plaintiffs or an obligation or debt owed by the Plaintiffs.

6 10. The April 2017 Order also made clear that the Lytle Trust cannot take any action against
7 the Plaintiffs to attempt to collect its Judgments against the Association.

8 11. The May 2018 Order contains nearly identical Findings of Fact, Conclusions of Law, and
9 Orders.

10 12. Therefore, any action by the Lytle Trust to collect its Judgments against the Association
11 that results in payment of the Judgments by the Plaintiffs is a violation of the May 2018 Order.

12 13. This Court cannot make decisions based upon hypothetical situations presented by the
13 Lytle Trust. A case has to be ripe for adjudication and any decision based upon the facts of this case.

14 14. Because the language of the Orders discussed herein is clear, there is no clarification
15 needed or that the Court can provide.

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ORDER

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

IT IS HEREBY ORDERED ADJUDGED AND DECREED that Defendant's Lytle Trust Motion for Clarification and Ex Parte Request for Order Shortening Time is DENIED.

IT IS SO ORDERED.

Dated this 15th day of July, 2020.


DISTRICT COURT JUDGE
CG

Submitted by:

CHRISTENSEN JAMES & MARTIN

/s/ Wesley J. Smith
Wesley J. Smith, Esq.
Nevada Bar No. 11871
Laura J. Wolff, Esq.
Nevada Bar No. 6869
7440 W. Sahara Ave.
Las Vegas, NV 89117
*Attorneys for Plaintiffs September Trust,
Zobrist Trust, Sandoval Trust, and
Dennis & Julie Gegen*

**Approved as to Form and Content —
Reserving All Appeal Rights – by:**

**LEWIS ROCA ROTHBERGER CHRISTIE
LLP**

/s/ Dan R. Waite
DAN R. WAITE, ESQ.
Nevada Bar 4078
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
Attorneys for Lytle Trust

RE: Dept 16 - A-16-747800-C - Boulden v. Lytle - Proposed Order Denying Motion for Clarification

Waite, Dan R. <DWaite@lrrc.com>

Tue 7/14/2020 9:15 AM

To: Wesley Smith <wes@cjmlv.com>

Thank you, Wes. You have my authorization to include my /s/ electronic signature and to submit the Order to the Court. All the best,

Dan

Dan R. Waite

Partner

702.474.2638 office

702.949.8398 fax

dwaite@lrrc.com

Lewis Roca
ROTHGERBER CHRISTIE

Lewis Roca Rothgerber Christie LLP

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169

lrrc.com

From: Wesley Smith <wes@cjmlv.com>

Sent: Tuesday, July 14, 2020 9:10 AM

To: Waite, Dan R. <DWaite@lrrc.com>

Subject: Dept 16 - A-16-747800-C - Boulden v. Lytle - Proposed Order Denying Motion for Clarification

[EXTERNAL]

Dan,

Attached please find the final version of the Proposed Order Denying Motion for Clarification in the above referenced matter. Please review and if it meets your approval, please respond confirming that I have your permission to affix your /s/ electronic signature and submit the Order to the Court.

Thanks,

Wes Smith

Christensen James & Martin

7440 W. Sahara Ave.

Las Vegas, NV 89117

Tel. (702) 255-1718

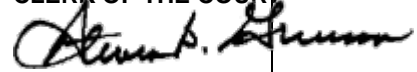
Fax (702) 255-0871

wes@cjmlv.com

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NEOJ
CHRISTENSEN JAMES & MARTIN
KEVIN B. CHRISTENSEN, 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,
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

**NOTICE OF ENTRY OF ORDER
DENYING DEFENDANT LYTLE
TRUST'S MOTION FOR
CLARIFICATION AND EX PARTE
REQUEST FOR ORDER
SHORTENING TIME**

Date: July 2, 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 PLEASE TAKE NOTICE that on July 15, 2020, an Order Denying Defendant Lytle
13 Trust's Motion for Clarification and Ex Parte Request for Order Shortening Time was filed with
14 the Court, a copy of which is attached hereto.

15 DATED this 15th day of July, 2020.

16 **CHRISTENSEN JAMES & MARTIN**

17 By: /s/ Wesley J. Smith, Esq.

18 Wesley J. Smith, Esq.

19 Nevada Bar No. 11871

20 Laura J. Wolff, Esq.

21 Nevada Bar No. 6869

22 7440 W. Sahara Ave.

23 Las Vegas, NV 89117

24 *Attorneys for Plaintiffs September Trust,*

25 *Zobrist Trust, Sandoval Trust, and*

26 *Dennis & Julie Gegen*

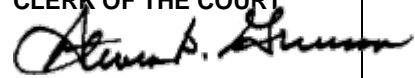
CERTIFICATE OF SERVICE

I am an employee of Christensen James & Martin. On July 15, 2020, I caused a true and correct copy of the foregoing NOTICE OF ENTRY OF ORDER DENYING DEFENDANT LYTTLE TRUST'S MOTION FOR CLARIFICATION AND EX PARTE REQUEST FOR ORDER SHORTENING TIME, 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)
Joel Henriod (JHenriod@LRRC.com)
Daniel Polsenberg (DPolsenberg@LRRC.com)
Dan Waite (DWaite@LRRC.com)
Luz Horvath (lhorvath@lrrc.com)
Lisa Noltie (lnoltie@lrrc.com)
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/s/ Natalie Saville
Natalie Saville



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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 DENYING DEFENDANT
LYTLE TRUST'S MOTION FOR
CLARIFICATION AND EX PARTE
REQUEST FOR ORDER
SHORTENING TIME**

Date: July 2, 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

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

Plaintiffs,

vs.

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

Defendants.

Presently before the Court is Defendant Lytle Trust's Motion for Clarification and Ex Parte Request for Order Shortening Time ("Motion for Clarification") and the Opposition filed by the Plaintiffs, and the Reply, which came on for hearing on July 2, 2020 at 9:00 a.m. in Department XVI of the Eighth Judicial District Court, Clark County, Nevada.

Wesley J. Smith, Esq. of Christensen James & Martin, Chtd. appeared on behalf of 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 (collectively the "Plaintiffs"). Christina H. Wang, Esq. of Fidelity National Law Group appeared on behalf of Robert Z. Disman and Yvonne A. Disman (the "Dismans"). Dan R. Waite, Esq. of Lewis Roca Rothgerber Christie LLP appeared on behalf of Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust ("Lytle Trust").

The Court having considered the Motion, Opposition, and Reply, having heard the arguments of counsel, and with good cause appearing therefore, the Court hereby denies the Motion and enters the following Findings of Fact, Conclusions of Law, and Order:

///

///

///

FINDINGS OF FACT

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

6 2. On October 24, 2019, the Lytle Trust filed its Renewed Application for Appointment of
7 Receiver in *Trudi Lee Lytle and John Allen Lytle, as trustees of the Lytle Trust v. Rosemere Estates*
8 *Property Owners’ Association*, Case No. A-18-775843-C, Eighth Judicial District Court, Clark County,
9 Nevada, which case was assigned to Judge J. Kishner (the “Receivership Action”).

10 3. On December 18, 2019, Judge Kishner entered her Order Appointing a Receiver of
11 Defendant Rosemere Property Owners Association (the “Order Appointing Receiver”). Among other
12 rights, powers, and duties, the Order Appointing Receiver instructed the receiver to “[i]ssue and collect a
13 special assessment upon all owners within the Association to satisfy the Lytle Trust’s judgments against
14 the Association.” (Order Appointing Receiver at 2:19-20).

15 4. On March 4, 2020, Plaintiffs filed a Motion for Order to Show Cause Why the Lytle
16 Trust Should Not Be Held in Contempt for Violation of Court Orders (“Contempt Motion”), which
17 alleged the Lytle Trust violated the May 2018 Order by seeking the appointment of a receiver over the
18 Rosemere Estates Property Owners’ Association (the “Association”) in the Receivership Action for the
19 purpose of collecting its Judgments through special assessments on the Plaintiffs and other property
20 owners. The Lytle Trust opposed the Contempt Motion.

21 5. The Contempt Motion came on for hearing on April 22, 2020.

22 6. During the hearing held on April 22, 2020, with regard to the scope of the May 2018
23 Order, the following exchange occurred:

24 MR WAITE: And I’ll ask it again, and I’ll ask it maybe not as a rhetorical question.

25 Pending the answer, quite honestly, I may have nothing else to say. I may have
26 nothing that I know of to say. But *did you intend by your Permanent Injunction*

1 *here to strip the Lytle Trust of all of its judgment creditor rights against the*
2 *judgment debtor association?*

3 THE COURT: Well, the association wasn't a party, but the bottom line is this: **I**
4 **stripped the Lytle Trust of their ability and right to enforce those judgments vis-**
5 **a-vis the homeowners in this case.**

6 April 22, 2020 Transcript at 38:25-39:12 (emphasis added).

7 7. At the end of the hearing, the Court entered an oral ruling granting the Contempt Motion.

8 8. On May 18, 2020, the Plaintiffs submitted a proposed order with explanation of the
9 wording that the Parties could not agree on.

10 9. On May 19, 2020, the Lytle Trust submitted a competing proposed order and filed the
11 Motion for Clarification seeking to clarify, *inter alia*, what judgment creditor rights the Lytle Trust
12 could or could not exercise without violating the May 2018 Order.

13 10. On May 22, 2020, this Court entered its Findings of Fact, Conclusions of Law, and Order
14 Granting Plaintiffs' Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in
15 Contempt for Violation of Court Orders ("Contempt Order") against the Lytle Trust. The May 2020
16 Order is hereby incorporated by reference.

17 11. The Contempt Order entered on May 22, 2020 was the Order proposed by the Plaintiffs.

18 12. The Contempt Order, with regard to the May 2018 Order, stated the following
19 Conclusions of Law:

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

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

25 Contempt Order at 10:23-28 (emphasis added).

26 13. The Defendant's proposed order did not have the language emphasized above and this
27 difference between the competing orders was highlighted by the parties in their proposals.
28

14. All of the Court's decisions in this case, including the May 2018 Order and the Contempt Order, are based upon the history of this case, and more specifically, the Findings of Fact, Conclusions of Law, and Order Granting the Boulden Trust and Lamothe Trust's Motion for Partial Summary Judgment entered by the Court on April 26, 2017 ("April 2017 Order") against the Lytle Trust.¹ The April 2017 Order is hereby incorporated by reference.

15. The April 2017 Order has been the ruling of this Court for over three years, was subject to review by the Nevada Supreme Court, and withstood appellate scrutiny.

16. The May 2018 Order referenced the April 2017 Order and borrowed its Findings of Fact and Conclusions of Law.

17. The April 2017 Order states clearly what actions can and cannot be taken by the Lytle Trust, as follows:

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

19. April 2017 Order, 7:1-3; July 2017 Order 7:1-3.

20. The April 2017 Order also contains the following:

3. As a result of the Rosemere LPA Litigation, the Amended CC&Rs were judicially declared to have been improperly adopted and recorded, the Amended CC&Rs are invalid and have no force and effect and were declared void ab initio.

4. The Plaintiffs were not parties to the Rosemere LPA Litigation.

5. The Plaintiffs were not "losing parties" in the Rosemere LPA Litigation as per Section 25 of the Original CC&Rs.

6. The Final Judgment in favor of the Defendants is not against, and is not an obligation of, the Plaintiffs.

¹ As noted in the Contempt Order at 3:8-14 and n.1, the April 2017 Order was modified on July 27, 2017 by removing any order on the slander of title claim, which is not at issue in the present Motion and did not impact the language of the April 2017 Order quoted herein.

7. The Final Judgment against the Association is not an obligation or debt owed by the Plaintiffs.

April 2017 Order at 4:23-5:7; July 2017 Order at 4:14-23.

CONCLUSIONS OF LAW

1. The Court made its intentions clear at the April 22, 2020 hearing when it stated “I stripped the Lytle Trust of their ability and right to enforce those judgments vis-a-vis the homeowners in this case.” April 22, 2020 Transcript at 38:25-39:12.

2. Any doubt as to the Court’s intent regarding the May 2018 Order was resolved by entry of the written May 2020 Order after consideration of the competing orders submitted by the Plaintiffs and Defendant, specifically when the Court entered the following Conclusions of Law:

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.

Contempt Order at 10:23-28 (emphasis added).

3. The Court conclusively answered the Lytle Trust’s question by entering the Order prepared by the Plaintiffs that included the emphasized language.

4. The Court did not hold the Lytle Trust in contempt for violating the April 2017 Order and does not expand its Contempt Order to include the April 2017 Order by entering this Order.

5. The thrust and focus of all the Court’s decisions in this matter are based upon the history of this case, including the April 2017 Order entered 3 years ago.

6. The April 2017 Order stating Defendants are permanently enjoined from taking “any action” in the future against the Plaintiffs or their properties based upon the Rosemere LPA Litigation was also clear.

7. The broad and the plain meaning of the term “any action” means any action, whether direct or indirect.

1 8. The April 2017 Order must be looked at in its entirety to determine its thrust, scope and
2 impact with respect to what kind of action can be taken by the Lytle Trust with regard to collecting on
3 its Judgments against the Association.

4 9. The April 2017 Order made clear that the Rosemere Judgments are not against the
5 Plaintiffs or an obligation or debt owed by the Plaintiffs.

6 10. The April 2017 Order also made clear that the Lytle Trust cannot take any action against
7 the Plaintiffs to attempt to collect its Judgments against the Association.

8 11. The May 2018 Order contains nearly identical Findings of Fact, Conclusions of Law, and
9 Orders.

10 12. Therefore, any action by the Lytle Trust to collect its Judgments against the Association
11 that results in payment of the Judgments by the Plaintiffs is a violation of the May 2018 Order.

12 13. This Court cannot make decisions based upon hypothetical situations presented by the
13 Lytle Trust. A case has to be ripe for adjudication and any decision based upon the facts of this case.

14 14. Because the language of the Orders discussed herein is clear, there is no clarification
15 needed or that the Court can provide.

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ORDER

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

IT IS HEREBY ORDERED ADJUDGED AND DECREED that Defendant's Lytle Trust Motion for Clarification and Ex Parte Request for Order Shortening Time is DENIED.

IT IS SO ORDERED.

Dated this 15th day of July, 2020.


DISTRICT COURT JUDGE
CG

Submitted by:

CHRISTENSEN JAMES & MARTIN

/s/ Wesley J. Smith
Wesley J. Smith, Esq.
Nevada Bar No. 11871
Laura J. Wolff, Esq.
Nevada Bar No. 6869
7440 W. Sahara Ave.
Las Vegas, NV 89117
*Attorneys for Plaintiffs September Trust,
Zobrist Trust, Sandoval Trust, and
Dennis & Julie Gegen*

**Approved as to Form and Content —
Reserving All Appeal Rights – by:**

**LEWIS ROCA ROTHBERGER CHRISTIE
LLP**

/s/ Dan R. Waite
DAN R. WAITE, ESQ.
Nevada Bar 4078
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
Attorneys for Lytle Trust

RE: Dept 16 - A-16-747800-C - Boulden v. Lytle - Proposed Order Denying Motion for Clarification

Waite, Dan R. <DWaite@lrrc.com>

Tue 7/14/2020 9:15 AM

To: Wesley Smith <wes@cjmlv.com>

Thank you, Wes. You have my authorization to include my /s/ electronic signature and to submit the Order to the Court. All the best,

Dan

Dan R. Waite

Partner

702.474.2638 office

702.949.8398 fax

dwaite@lrrc.com

Lewis Roca
ROTHGERBER CHRISTIE

Lewis Roca Rothgerber Christie LLP

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169

lrrc.com

From: Wesley Smith <wes@cjmlv.com>

Sent: Tuesday, July 14, 2020 9:10 AM

To: Waite, Dan R. <DWaite@lrrc.com>

Subject: Dept 16 - A-16-747800-C - Boulden v. Lytle - Proposed Order Denying Motion for Clarification

[EXTERNAL]

Dan,

Attached please find the final version of the Proposed Order Denying Motion for Clarification in the above referenced matter. Please review and if it meets your approval, please respond confirming that I have your permission to affix your /s/ electronic signature and submit the Order to the Court.

Thanks,

Wes Smith

Christensen James & Martin

7440 W. Sahara Ave.

Las Vegas, NV 89117

Tel. (702) 255-1718

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** Licensed in Nevada, Washington & Utah*

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property**COURT MINUTES****January 19, 2017**

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

**January 19, 2017 9:00 AM Motion for Temporary
 Restraining Order**

HEARD BY: Williams, Timothy C.**COURTROOM:** RJC Courtroom 12D**COURT CLERK:** Lorna Shell**RECORDER:****REPORTER:** Peggy Isom**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

JOURNAL ENTRIES

- 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.

**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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

June 29, 2017

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

June 29, 2017 9:00 AM All Pending Motions

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 12D

COURT CLERK: Kristin Duncan

RECORDER:

REPORTER: Peggy Isom

PARTIES

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

JOURNAL ENTRIES

- 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 them 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.

**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 12D

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 Courtroom - 11th Floor

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 Courtroom -
11th Floor

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 Courtroom -
11th Floor

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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

May 02, 2018

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

May 02, 2018

9:00 AM

Decision

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:

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.

**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)
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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.

**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 Lytles' 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 Lyles' 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

PRINT DATE: 08/03/2020

Page 22 of 44

Minutes Date: January 19, 2017

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

April 11, 2019

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

April 11, 2019 2:00 PM Minute Order

HEARD BY: Wiese, Jerry A.

COURTROOM: No Location

COURT CLERK: Vanessa Medina

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- 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 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.

**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 Dismen 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 Dismen 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 Dismen 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

RECORDED:

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.

**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.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

June 25, 2020

A-16-747800-C	Marjorie B. Boulden Trust, Plaintiff(s) vs. Trudi Lytle, Defendant(s)
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June 25, 2020

3:43 PM

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 is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:

Dial the following number: 1-408-419-1715

Meeting ID: 979 480 011

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.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

June 29, 2020

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

June 29, 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 is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:

Dial the following number: 1-408-419-1715

Meeting ID: 979 480 011

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.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

July 02, 2020

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

July 02, 2020

9:00 AM

Motion for Clarification

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:	Smith, Wesley J., ESQ	Attorney
	Waite, Dan R	Attorney
	Wang, Christina H.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Court Reporter, Michael Bouley, present.

All counsel present telephonically. Arguments by counsel. Mr. Waite advised he intends to file supersedeas cash bond relating to recent contempt order. Mr. Smith advised no objection. Court directed Mr. Waite to file appropriate motion in that regard. As to Motion for Clarification, Court stated ITS FINDINGS and ORDERED, Motion DENIED. Court directed Mr. Smith or Ms. Wang to prepare the order and circulate; if parties cannot agree on form and content, may submit competing orders. Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property

COURT MINUTES

July 07, 2020

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

July 07, 2020 **8:00 AM** **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:

As noted at the July 7, 2020 hearing, the Court finds the CC&Rs provide a basis for attorney fee recovery. Further, Plaintiff has satisfied the Brunzell factors. Additionally, Court restates that fees sought regarding those matters before Judge Kishner are denied \$36,259.00. The Court also denies any charges related to the appeal. Moreover, under this case's circumstances, the Court will not award fees for clerical work \$23,374.00.

The Court has reviewed the Plaintiff's submitted billing statements, which the fees charged total \$149,403.20. In light of the findings above, the \$149,403.20 is reduced by \$36,259.00 and \$23,374.00, which leaves a difference of \$89,770.20. Further, as suggested by the Defendant, the Court will apply a 15% discount to the \$89,770.20. The difference after the discount is \$76,304.67.

Consequently, THE COURT GRANTS PLAINTIFF S MOTION FOR ATTORNEY S FEES AND COSTS BUT WITH MODIFICATIONS. Also, the Court grants costs in the sum of \$4,145.08.

Plaintiff 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 served to counsel electronically through Odyssey eFile.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Other Title to Property**COURT MINUTES****July 07, 2020**

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

July 07, 2020**9:00 AM****Motion for Attorney Fees
and Costs****See 7/7/20 Minute
Order****HEARD BY:** Williams, Timothy C.**COURTROOM:** RJC Courtroom 03H**COURT CLERK:** Christopher Darling**RECORDER:****REPORTER:** Peggy Isom**PARTIES**

PRESENT:	Smith, Wesley J., ESQ	Attorney
	Waite, Dan R	Attorney
	Wang, Christina H.	Attorney

JOURNAL ENTRIES

- Counsel present telephonically. Arguments by Mr. Smith and Mr. Waite. Court stated ITS FINDINGS and ORDERED, Motion for Attorney's Fees and Costs GRANTED IN PART and DENIED IN PART; no consideration given in this case to Judge Kishner's sole decision in other action. Court stated will review matter for determination of reasonable fees and matter of the appeal. Decision forthcoming.

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):

AMENDED NOTICE OF APPEAL; AMENDED CASE APPEAL STATEMENT; 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; ORDER DENYING DEFENDANT LYTLE TRUST'S MOTION FOR CLARIFICATION AND EX PARTE REQUEST FOR ORDER SHORTENING TIME; NOTICE OF ENTRY OF ORDER DENYING DEFENDANT LYTLE TRUST'S MOTION FOR CLARIFICATION AND EX PARTE REQUEST FOR ORDER SHORTENING TIME; DISTRICT COURT MINUTES

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,

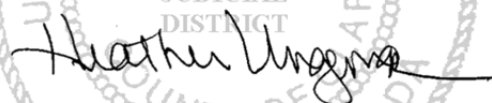
Defendant(s),

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 3 day of August 2020.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk