

## IN THE SUPREME COURT OF THE STATE OF NEVADA

### INDICATE FULL CAPTION:

Guardianship of KATHLEEN JUNE JONES,  
Adult Protected Person.  
RODNEY GERALD YEOMAN,  
Appellant, vs.  
KIMBERLY JONES AND KATHLEEN  
JONES,  
Respondents.

No. 81414

Electronically Filed  
Aug 06 2020 04:42 p.m.

DOCKETING Elizabeth A. Brown  
CIVIL APPEALS Clerk of Supreme Court

### GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

### WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District 8th Department B

County Clark Judge Linda Marquis

District Ct. Case No. G-19-052263-A

**2. Attorney filing this docketing statement:**

Attorney Ty E Kehoe Telephone 702-837-1908

Firm Kehoe & Associates

Address 871 Coronado Center Drive, Suite 200, Henderson, NV 89052

Client(s) Rodney Gerald Yeoman

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney(s) representing respondents(s):**

Attorney James A. Beckstrom, Esq. Telephone 702-382-0711

Firm Marquis Aurbach Coffing

Address 10001 Park Run Drive, Las Vegas, NV 89145

Client(s) Kimberly Jones

Attorney Maria L. Parra-Sandoval, Esq. Telephone 702-386-1526

Firm Legal Aid Center of Southern Nevada, Inc.

Address 725 E. Charleston Blvd. Las Vegas, NV 89104

Client(s) Kathleen June Jones

(List additional counsel on separate sheet if necessary)

**4. Nature of disposition below (check all that apply):**

- |   |  |
|---|--|
| <input type="checkbox"/> Judgment after bench trial         | <input checked="" type="checkbox"/> Dismissal:                                       |
| <input type="checkbox"/> Judgment after jury verdict        | <input type="checkbox"/> Lack of jurisdiction  |
| <input type="checkbox"/> Summary judgment                   | <input type="checkbox"/> Failure to state a claim                                    |
| <input type="checkbox"/> Default judgment                   | <input type="checkbox"/> Failure to prosecute  |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief  | <input checked="" type="checkbox"/> Other (specify): <u>Petition remove guardian</u> |
| <input type="checkbox"/> Grant/Denial of injunction         | <input type="checkbox"/> Divorce Decree:   |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification              |
| <input type="checkbox"/> Review of agency determination     | <input type="checkbox"/> Other disposition (specify): _____                          |

**5. Does this appeal raise issues concerning any of the following?**

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

**6. Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

None.

**7. Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

None.

**8. Nature of the action.** Briefly describe the nature of the action and the result below:

The district court held a hearing on May 20, 2020 to consider Mr. Yeoman's petition to remove Kimberly Jones as the protected person's guardian and to require Jones to return the protected person's property. Yeoman argued that Jones should be removed for several reasons, including because the guardianship compliance investigator's report identified property Jones had taken from the protected person and had not returned or explained. Yeoman asked to be the guardian of June Jones, his wife, or for the district court to make specific findings as to why it would not honor the preference granted to a spouse in the guardianship statute. However, during the hearing, the Court summarily denied the petition in its entirety, without making any findings of fact or conclusions of law and without allowing the parties to discover or present any evidence. On May 29, 2020, the Court entered a written order denying the petition in its entirety. Yeoman is appealing the order entered on May 29, 2020.

**9. Issues on appeal.** State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

1. Whether the district court erred by summarily denying the Petition to Remove without making appropriate findings of fact and conclusions of law and without authorizing discovery or holding an evidentiary hearing or requiring Kimberly Jones to account for the money she removed from the protected person's bank account.
2. Whether the district court erred by not removing Kimberly Jones as guardian when evidence provided by a neutral court-appointed investigator shows that Kimberly Jones took about \$5,000 from the protected person's bank account and failed to account for it and has committed other misconduct, such as kidnapping the protected person before she was guardian and preventing the protected person from seeing her husband of 10 years.
3. Whether the district court erred by summarily determining that Kimberly Jones has preference as guardian over Mr. Yeoman based on unspecified factors presumably including Kimberly's alleged powers of attorney without authorizing discovery or holding an evidentiary hearing.

**10. Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

Case No. 80300, G-19-0515707-A, In the Matter of the Guardianship of the Person and Estate of Ida Rubin, an Adult Protected Person. This case also arises from an order by Judge Linda Marquis and addresses issues involving whether the court made summary determinations without authorizing discovery or holding an evidentiary hearing, despite many disputes of fact.

**11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

**12. Other issues.** Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☒ A substantial issue of first impression

☐ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain: As far as can be determined, the law in Nevada is underdeveloped as to the proper procedures, standards, and factors which are to be considered and determined by a court presiding over a highly contested guardianship matter, including whether and when discovery and an evidentiary hearing are necessary. Specifically, may a judge determine who should be a guardian without discovery or an evidentiary hearing when multiple parties seek to be a person's guardian and numerous obvious disputes of fact exist?

**13. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This matter is presumptively assigned to the Court of Appeals pursuant to NRAP 17(b)(10), as it involves family law matters other than termination of parental rights or NRS chapter 432B proceedings. However, this appeal presents a matter of first impression and the importance of guardianship matters has recently been highlighted by this Court, the Nevada Legislature, and the media. Unquestionably, the public could use guidance on a full range of issues arising under NRS 159. This Appeal seeks clarification as to the standards and factors of a highly contested guardianship matter, particularly with respect to the evidence and showing of cause necessary to establish a case to obtain discovery and an evidentiary hearing. The Supreme Court should accept jurisdiction under NRAP 17(a)(11)-(12) -- Matters of first impression and matters raising a question of statewide public importance.

**14. Trial.** If this action proceeded to trial, how many days did the trial last? \_\_\_\_\_

Was it a bench or jury trial? N/A

**15. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?  
No

## TIMELINESS OF NOTICE OF APPEAL

**16. Date of entry of written judgment or order appealed from** May 28, 2020

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

**17. Date written notice of entry of judgment or order was served** May 29, 2020

Was service by:

☐ Delivery

☒ Mail/electronic/fax

**18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)**

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b)      Date of filing \_\_\_\_\_

☐ NRCP 52(b)      Date of filing \_\_\_\_\_

☐ NRCP 59          Date of filing \_\_\_\_\_

**NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. \_\_\_\_, 245 P.3d 1190 (2010).**

(b) Date of entry of written order resolving tolling motion \_\_\_\_\_

(c) Date written notice of entry of order resolving tolling motion was served \_\_\_\_\_

Was service by:

☐ Delivery

☐ Mail

**19. Date notice of appeal filed** Jun 26, 2020

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If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

**20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other**

NRAP 4(a)(1) & NRS 159.375 (8) & (9)

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**SUBSTANTIVE APPEALABILITY**

**21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:**

(a)

- |  |                                       |
|--|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1)                                    | <input type="checkbox"/> NRS 38.205   |
| <input type="checkbox"/> NRAP 3A(b)(2)   | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3)   | <input type="checkbox"/> NRS 703.376  |
| <input checked="" type="checkbox"/> Other (specify) <u>NRS 159.375 (8) &amp; (9)</u> |                                       |
- 

(b) Explain how each authority provides a basis for appeal from the judgment or order: The District Court entered a final order regarding Mr. Yeoman's petition to remove the guardian. If this order stands, he has no other recourse for removing the guardian based on the existing facts and circumstances.

Also, NRS 159.375 (8) & (9) explicitly allows an appeal from an order denying a petition for removal of a guardian.



**22. List all parties involved in the action or consolidated actions in the district court:**

(a) Parties:

Appellant, Respondents, Robyn Friedman, Donna Simmons.

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

Robyn Friedman and Donna Simmons are June Jone's daughters and acted for a time as temporary guardians. They were eventually removed as temporary guardians. Judge Marquis ruled (over the objection of Appellant) that upon removal as temporary guardians, Robyn and Donna were no longer parties, even though they continued to be active participants in the guardianship proceedings.

**23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.**

Mr. Yeoman filed a petition to remove Kimberly Jones as guardian and to return the protected person's property.

The other parties did not file any claims. Kimberly Jones filed an opposition to the petition and Kathleen June Jones, Robyn Friedman, and Donna Simmons filed joinders to Kimberly's opposition.

**24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?**

☐ Yes

☒ No

**25. If you answered "No" to question 24, complete the following:**

(a) Specify the claims remaining pending below:

The Court's order addressed only the petition to remove while many other issues in the guardianship continue to be addressed with other motions and orders.

(b) Specify the parties remaining below:

Appellant, Respondents, Robyn Friedman, Donna Simmons.

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☒ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☒ No

**26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):**

The May 29, 2020 order is independently appealable to the Supreme Court pursuant to NRS 159.375(9), as a final determination in a guardianship matter denying a petition for removal of the guardian.

**27. Attach file-stamped copies of the following documents:**

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

## VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Rodney Gerald Yeoman  
Name of appellant

Ty E. Kehoe  
Name of counsel of record

August 6, 2020  
Date

/s/ Ty E Kehoe  
Signature of counsel of record

Clark, NV  
State and county where signed

## CERTIFICATE OF SERVICE

I certify that on the 6 day of August, 2020, I served a copy of this completed docketing statement upon all counsel of record:

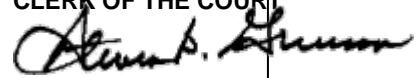
- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

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Dated this 6 day of August, 2020

/s/ Ty E Kehoe  
Signature



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**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

In the matter of the Guardianship of the Person  
and Estate of:

KATHLEEN JUNE JONES,

Adult Protected Person.

**Case No.:** G-19-052263-A

**Dept. No:** B

**(Hearing Requested)**

**PETITION FOR REMOVAL OF GUARDIAN AND FOR RETURN OF PROTECTED  
PERSON'S PROPERTY**

Rodney Gerald Yeoman ("Gerry"), husband of the Protected Person Kathleen June Jones  
("June"), by and through his counsel of record, submits this Petition for Removal of Guardian

1 pursuant to NRS 159.185 and 159.1853<sup>1</sup> and for Return of Protected Person's Property pursuant  
2 to NRS 159.305.

3 Kimberly Jones has mismanaged June's estate and is not suitable to be June's guardian.  
4 The forensic investigator recently found that Kimberly has withdrawn money from June's bank  
5 accounts without accounting for it and that she has likely misused it. Many other serious  
6 questions regarding Kimberly's conduct in regard to June continue to persist. Gerry, June's  
7 husband of ten years, is qualified, suitable, and willing to serve as the guardian of June's person.  
8 The Court should appoint him to that role and replace Kimberly with a neutral guardian of June's  
9 estate.

## 10 INTRODUCTION

11 Recent evidence shows that Kimberly Jones is not qualified to be June's guardian. The  
12 compliance investigator's report reveals that Kimberly has withdrawn a total of \$6,836.82 from  
13 June's accounts "for personal and unknown reasons." Kimberly has had several months to  
14 explain to the investigator why she withdrew the funds and what she has done with them, but  
15 she has failed to do so. It also appears that Kimberly used some of June's funds to pay attorney's  
16 fees for which Kimberly is personally liable, without court authorization.

17 Kimberly is not qualified or suitable for many other reasons. First, she forcibly took June  
18 from her husband Gerry before these guardianship proceedings began, without any legal  
19 authority to do so. Second, from the beginning of these proceedings, Kimberly's sisters, Robyn  
20 Freidman and Donna Simmons, have expressed serious concerns about Kimberly's suitability.  
21 For instance, they have stated she does not communicate well with the family, is not transparent  
22 with June's finances, has mismanaged June's finances, and has isolated June from her family.

---

23  
24 <sup>1</sup> Alternatively, Gerry petitions the Court to modify the guardianship pursuant to NRS  
159.1905 based on the same facts provided in this Petition.

1 They withdrew their objections upon Kimberly being appointed as Guardian, but then raised  
2 more issues when Kimberly requested that her attorney's fees be paid from the Guardianship  
3 Estate. Kimberly continues to isolate June from Gerry by making visitation extremely difficult  
4 and stressful, despite the Court's orders. It would be in June's best interests to remove Kimberly  
5 as her guardian.

6 Given the investigator's findings, the Court should require Kimberly to account for the  
7 funds she withdrew under oath and, if necessary, require her to return the property to June.

8 Even if the Court believes Kimberly is suitable to be June's guardian, her status as the  
9 preferred person to serve as guardian continues to be in doubt because the Parties and the Court  
10 have not had an opportunity to determine whether the powers of attorney that June allegedly  
11 signed are valid. If they are not valid, then Gerry statutorily takes priority over Kimberly and  
12 anyone else.

13 The Court should appoint Gerry to replace Kimberly as the guardian of June's person  
14 because is he qualified, suitable, and willing to serve as such. Two of his medical providers have  
15 stated he is physically and mentally able to care for June, and his track record of nine years also  
16 shows he is capable of doing so, or, if necessary, obtain assistance. While the Court did  
17 previously state that Gerry should provide 100% of his medical records if he wants unsupervised  
18 visits with June, this is extremely invasive to Gerry's HIPAA rights, and while the Court is  
19 required to determine what is in June's best interest, the right of an 87 year old man to spend  
20 time with his wife has been completely disregarded.

21 The Court should also replace Kimberly with a neutral guardian of her estate. Appointing  
22 a neutral guardian would be in the best interest of June by helping address concerns about June's  
23 finances, reducing the infighting between family regarding management of her estate and  
24

1 payment of their respective fees and costs, and also possibly lead to a resolution of the dispute  
2 arising from the sale of the Kraft House.

3 Gerry believes the evidence available is sufficient grounds for removing Kimberly, but  
4 if the Court does not believe the evidence is sufficient, then Gerry asks the Court to allow the  
5 Parties to continue the discovery process already started to help untangle all the disputed facts  
6 that have arisen from the beginning of this matter. Discovery and an evidentiary hearing would  
7 be extremely helpful, if not vital, to determining what has actually occurred and who is currently  
8 the most qualified, suitable person to be June's guardian.

### 9 **BACKGROUND**

10 The following timeline may be helpful to the Court as a reminder of events applicable  
11 to this Petition:

- 12 • Sep.6, 2019: Probate Court hearing by Kimberly, Robyn and Donna to determine  
13 whether the Powers of Attorney are valid and enforceable. No ruling was made by  
the Probate Commissioner.
- 14 • Sep. 7, 2019: Kimberly and her sisters forcibly remove June from the care of her  
15 husband without legal authority;
- 16 • Sep. 19, 2019: Robyn Friedman and Donna Simmons file an ex-parte petition to  
become June's temporary guardians;
- 17 • Sep. 23, 2019: the Court grants the ex-parte petition for temporary guardianship;
- 18 • Oct. 2, 2019: Gerry and Kimberly file oppositions to the ex-parte petition and  
counter-petitions to become June's guardian;
- 19 • Oct. 15, 2019: the Court appoints Kimberly to be the general guardian of June's  
20 person and estate and appoints an investigator to review June's finances; the Court  
also sets an evidentiary hearing to hear the investigator's report and, if necessary,  
21 consider changes to June's guardian based on the report;
- 22 • Jan. 14, 2020: the Court confirms "discovery is open, discover away";
- 23 • Jan. 20, 2020: Gerry serves discovery requests;
- 24 • Jan. 22, 2020: Kimberly serves discovery requests;

- Feb. 7, 2020: the Court vacated the evidentiary hearing, despite Gerry’s objection that many evidentiary issues persist in this matter;
- Mar. 13, 2020: Sonia Jones, compliance investigator, filed her financial forensic audit of June’s estate.

In addition to this Petition, the Court currently has before it several petitions for fees (attorney’s and guardian’s) as well as a motion for protective order related to Gerry’s served discovery.

## ARGUMENT

### **A. Kimberly Jones Has Mismanaged June’s Estate and Is Not Otherwise Qualified or Suitable to Be Her Guardian.**

The compliance investigator’s recent report, along with Kimberly’s misconduct, make it clear that Kimberly is not qualified or suitable to be June’s guardian, or, at a minimum, that these issues raise real concerns that the Court and Parties need to address. As a result, pursuant to NRS 159.185 and 159.1853, the Court should remove Kimberly as June’s guardian, or, in the alternative, allow the Parties to engage in discovery regarding these concerns and others, and present their findings at an evidentiary hearing to help the Court determine who is currently the most suitable person to be June’s guardian.

NRS 159.1853 allows the spouse of the protected person to file a petition for removal, and NRS 159.185 authorizes the Court to remove a guardian for the following reasons, among others:

- “(a) The guardian has become . . . unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law; . . .
- (d) The guardian of the estate has mismanaged the estate of the protected person; . . .
- (j) The best interests of the protected person will be served by the appointment of another person as guardian.”



1 When a person petitions for the removal of guardian, “the court shall issue and serve a  
2 citation on the guardian and on all other interested persons,” and “[t]he citation must require the  
3 guardian to appear and show cause why the court should not remove the guardian.” NRS  
4 159.1855(1)-(2). Once a guardian is removed, the Court may appoint another guardian “upon a  
5 petition filed by any interested person.” NRS 159.187(1).

6 In her recent report, Sonia Jones, the compliance investigator, expressed a concern that  
7 “Kimberly Jones withdrew a total of \$6,836.82 from the Protected Person and Rodney Yeoman’s  
8 funds, for personal and unknown reasons.” (Ex. A, filed separately under seal, Investigator  
9 Report, Mar. 13, 2020, p. 10). This amount includes a withdrawal of \$2,000.00 in July 2019,  
10 which Kimberly said she spent on “funds for legal assistance on behalf of the Protected Person,”  
11 and a withdrawal of \$4,836.00 from June’s and Gerry’s account in August 2019, which Kimberly  
12 said she allegedly placed in a safe deposit box. (*Id.*). Kimberly has not provided any specific  
13 explanation of why she withdrew these funds, why withdrawing them was necessary, or any  
14 actual evidence of what she did with the funds.

15 The investigator stated that Kimberly will provide documentation to show what she did  
16 with these funds, but to this day she has not provided the Parties or the Court any such  
17 documentation. She also did not list these assets on the Inventory she filed for June’s estate on  
18 December 13, 2019. Specifically, Kimberly failed to list on the inventory the approximately  
19 \$5,000 in June’s cash Kimberly claims to have been storing in a safe deposit box, and Kimberly  
20 failed to list the actual safe deposit box on the inventory (even though the inventory form  
21 specifically asks about safe deposit boxes). Note that the Court ordered the investigation on  
22 October 15, 2019, and Sonia Jones began her investigation by at least December 2019; thus,  
23 Kimberly has had at least three months to explain to the investigator why she withdrew these  
24 funds, and to provide evidence of what she did with the funds, but she has failed to do so.

1 Kimberly has not stated whether she used June's money to pay attorney's fees for these  
2 proceedings or some other legal matter, but taking the money for these proceedings without the  
3 Court's authorization would be a misuse of June's assets and a violation of law. NRS 159.344(1)  
4 states plainly that "a guardian or proposed guardian . . . who retains an attorney for the purposes  
5 of representing a party in a guardianship proceeding is personally liable for any attorney's fees  
6 and costs incurred as a result of such representation." Such a person may petition the Court for  
7 payment of those fees and costs, but may not take them from the protected person's estate "unless  
8 and until the court authorizes the payment" after proper procedures are followed. 159.344(1)-  
9 (6). This Court has already ruled that Kimberly is not entitled to be reimbursed for attorney fees  
10 prior to January 15, 2020. Kimberly has taken this money from June's account without any  
11 explanation or evidence, and the Court should require her to account for and return it, pursuant  
12 to NRS 159.305, as discussed below.

13 Kimberly is also not qualified or suitable to be June's guardian because she forcibly took  
14 June from her husband Gerry before these guardianship proceedings began. On September 7,  
15 2019, Kimberly and her sisters Robyn Friedman and Donna Simmons coordinated the forcible  
16 taking of June from a hotel restaurant in Phoenix where she was staying with Gerry during his  
17 medical treatment at the Mayo Clinic. During this incident, Kimberly insisted that June go with  
18 her and her brother-in-law "to have a bagel." (*See* Ex. B, Police Report and Statement of  
19 Professional Caregiver). June said twice, "I don't want to go," (*id.*), and June's daughter Donna  
20 has stated that "I know my mom would want to be by Gerry's side while he is in the hospital,"  
21 (Ex. C, Text Message, Mar. 28, 2019, 11:19:05 AM). Kimberly took June against her will while  
22 her brother-in-law prevented June's caregiver from intervening.

23 This kidnapping occurred before any petition for guardianship had been filed. Although  
24 Kimberly alleges that June signed documents naming her as June's power of attorney, those

1 powers, even if valid, did not give her any right to forcibly take June from her husband and  
2 caregiver. At no point in all of the pleadings filed herein has anyone explained how a power of  
3 attorney would give such rights to Kimberly. Additionally, Kimberly’s counsel and Robyn and  
4 Donna’s counsel assured Gerry’s counsel at the courthouse on September 6, 2019 that they  
5 would not permit their clients to withhold June from Gerry; and yet, less than 24 hours later that  
6 is exactly what occurred. Although the Court is likely aware of the kidnapping incident from  
7 past pleadings, it is one the Court should explore in depth because it shows Kimberly has and  
8 will exceed legal and societal boundaries while failing to respect the rights of June and her loved  
9 ones, and that June’s best interest is not her primary concern.

10 Lastly, Kimberly’s sisters expressed many concerns about her suitability, which the  
11 Court has not yet addressed. In their initial Ex Parte Petition for Guardianship, Robyn Friedman  
12 and Donna Simmons made the following statements about Kimberly:

- 13 • “Kimberly historically has not been communicative with the rest of the family,  
14 nor has she been transparent with the financial transactions she has done on behalf  
15 of Ms. Jones” (Ex-Parte Petition, Sep. 19, 2019, ¶ 43);
- 16 • “Kimberly, in her role as attorney-in-fact, has demonstrated an inability or  
17 unwillingness to provide any care plans<sup>2</sup> to Ms. Jones’ family,” which has  
18 resulted in “a highly unstable and stressful environment for Ms. Jones . . . where  
19 her assets are being depleted with no accountability or transparency” (*id.* ¶ 45);
- 20 • “Kimberly has made it difficult for Ms. Jones’ children to interact with Ms. Jones  
21 . . . Kimberly has blocked incoming calls and text messages from Petitioners,  
22 resulting in a situation in which communication is difficult at best but nearly  
23 impossible most of the time” (*id.* ¶ 49);
- 24 • “Guardianship is also necessary to address a history of financial mismanagement  
by the current fiduciary [Kimberly]. As an example, Ms. Jones owns a house in  
Anaheim, California, which has been rented for approximately \$1,500 under  
market rental value for many years. Another example is that in 2016 or 2017 when  
Ms. Jones underwent hip surgery and was out of her home, the attorney-in-fact  
allowed a young person who was not vetted to live in Ms. Jones’ home. The

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24 <sup>2</sup> Although temporary guardians Robyn and Donna filed a care plan on October 2, 2019,  
Kimberly has not filed a care plan.

1 unvetted caregiver-attendant stole a large amount of money and property from  
2 Ms. Jones that was only partially recovered, and what was recovered was, upon  
3 information and belief, *due to the efforts of Mr. Yeoman*. These and other lapses  
4 in financial judgment, awareness, know-how and/or attentiveness, coupled with  
ongoing lack of transparency and communication issues and the inability to  
achieve peace between the parties must be addressed in order to maximize the  
potential income available for Ms. Jones' care" (*id.* ¶ 50 (emphasis added)).

5 Robyn and Donna also stated during earlier hearings that Kimberly was hiding June's medicine  
6 in the trunk of her car, and the Court expressed great concern about her actions. (Transcript  
7 October 3, 2019 22:23).

8 Despite all of these expressed concerns, the Court chose to make Kimberly the guardian;  
9 however, the Court noted at the time that it could remove a guardian sua sponte pursuant to SB  
10 20<sup>3</sup>. Since that time, the evidence has shown the ongoing concerns about Kimberly to be true.  
11 As stated, she has taken June's money without explanation, and she continues to isolate June  
12 from her husband, even though the Court has ordered Kimberly to co-operate with Gerry  
13 regarding visitation and allow him to be with June from 8:00 a.m. to 5:00 p.m. The supervised  
14 visits make Gerry so uncomfortable that he has nearly given up hope of ever being able to spend  
15 time with his wife again. Surprisingly, the Parties have not yet had an opportunity to conduct  
16 discovery regarding these issues and present their findings at an evidentiary hearing.

17 At a minimum, this evidence, and the allegations associated with them, make it clear that  
18 serious questions exist regarding Kimberly's suitability to be June's guardian, and whether it is  
19 in June's best interest to have Kimberly continue to be her guardian. Gerry believes he is more  
20 suitable than Kimberly to be June's guardian.

21 ///

22 ///

---

23  
24 <sup>3</sup> See October 15, 2019 hearing transcript, p.74:8-14.

1           **B.     The Court Should Further Investigate Kimberly’s Conduct and, if**  
2           **Necessary, Order Her to Return June’s Property.**

3           Given the investigator’s findings, Gerry petitions the Court under NRS 159.305 to  
4           investigate what Kimberly did with the \$6,836.82 she withdrew from June’s and Gerry’s bank  
5           accounts. NRS 159.305(1) allows an interested person to petition the court upon oath alleging  
6           “[t]hat a person has or is suspected to have concealed, converted to his or her own use, conveyed  
7           away or otherwise disposed of any money, good, chattel or effect of the protected person,” and  
8           authorizes the court to “cause the person to be cited to appear before the district court to answer,  
9           upon oath, upon the matter of the petition.” After examination, the Court may then require the  
10          person to return the asset. NRS 159.315(1)(a).

11          Based on the investigator’s report, Gerry suspects that Kimberly has concealed,  
12          converted to her own use, conveyed away or otherwise disposed of June’s money, as described  
13          above. The Court should cite Kimberly to appear before the Court to answer, upon oath,  
14          questions about the property. If the Court finds that Kimberly has improperly concealed,  
15          converted, conveyed away, or otherwise disposed of June’s property, then the Court should order  
16          Kimberly to return the property to them, along with double the value of the assets and any other  
17          damages, pursuant to NRS 159.315(3).

18           **C.     Kimberly’s Status as the Preferred Guardian Is Still Uncertain.**

19          Under NRS 159.0613, a person has preference as guardian if the protected person  
20          nominated the person as part of an estate plan “while he or she was not incapacitated.”  
21          159.0613(3)(a). If such a nominated person does not exist, then the spouse of the protected  
22          person has preference over a child. *See* 159.0613(4)(c). Thus, if for any reason the powers of  
23          attorney June allegedly signed are invalid, then Gerry has preference as June’s guardian over  
24          Kimberly and her other children. In addition, the statute states that a person must be nominated  
while she is not incapacitated; thus, if the Powers of Attorney are invalid, June’s stated

1 preference expressed through her court-appointed attorney during this guardianship should not  
2 carry as much weight as the order of preference set forth in the statute.

3 Since before these proceedings, Gerry has expressed concerns about the validity of the  
4 estate planning documents allegedly signed. Gerry recognizes it is possible June actually signed  
5 them, but he has reasons to question whether or not she did, and for what purpose. The originals  
6 have never been provided and are alleged to have been destroyed, and aside from the signature,  
7 the handwriting on the financial Power of Attorney is not June's. Even June's own children and  
8 their attorneys acknowledge concerns with the powers of attorney. To that end, June's daughters  
9 filed a probate action to confirm the powers of attorney, and Gerry filed an objection expressing  
10 his concerns. The probate court did not end up addressing those concerns because June's  
11 daughters did not give proper notice to June, and the Parties in these proceedings have not had  
12 an opportunity to conduct discovery regarding the validity of the powers of attorney. If it turns  
13 out they are invalid, then the Court must give statutory preference to Gerry to serve as June's  
14 guardian.

15  
16 **D. The Court Should Appoint Gerry as June's Guardian of Person and a  
Neutral Guardian as Her Guardian of Estate.**

17 Gerry Yeoman, June's husband, is qualified, suitable, and willing to serve as the guardian  
18 of June's person. To begin, Gerry is not incapacitated and does not have a disability—he is  
19 physically able to care for June and able to make decisions about her health and other  
20 circumstances. Two of Gerry's medical providers have stated the following: "I believe Gerry is  
21 physically and mentally able to care for his wife" and "It is my opinion that Mr. Yeoman is  
22 capable of caring for himself and his spouse when needed." (Ex. D, filed separately under seal,  
23 Decl. Heidi A Baker, FNP-BC, Nov. 27, 2019; Letter from Kelley Rone, NP, C-NP, Jan. 23,  
24

2020). Ms. Baker made her conclusion after administering various mental and physical tests to Gerry, and Ms. Rone has been treating Gerry at the Mayo Clinic since before these proceedings.

Before June's daughters took her from Gerry, he was providing good in-house, personal care for June, including obtaining assistance with meals, shelter, clothing, medical care, bathing, sanitation, entertainment, and more. He and June lived together for nine years without any issues. As Kimberly has acknowledged, Gerry and his family loved and cared for June for years before these proceedings. (*See* Ex. C, Text Message, Apr. 10, 2019, 10:32:50 AM). Not even the guardianship pleadings provide any evidence of concerns about care for June by Gerry, and may not even make such allegations. Moreover, even if Gerry becomes personally incapable of providing all of June's care, he has sufficient financial resources available to obtain the assistance of a professional caregiver, and history evidences his willingness to do so when necessary.

Gerry is also qualified, suitable, and willing to serve for the following reasons:

- He is a resident of the State of Nevada;
- He is over 18 years of age and is competent to serve;
- He is related to June by marriage, as defined by NRS 159.0613(9)(d);
- He has not been judicially determined to have committed abuse, neglect, exploitation, isolation, or abandonment of a child, his spouse, his parent, or any other adult;
- He has not been convicted in Nevada or any other jurisdiction of a felony;
- He has not been suspended for misconduct or disbarred from the practice of law, the practice of accounting, or any other profession which involves the management or sale of money, investments, securities, or real property and requires licensure in the State of Nevada or any other state;
- He has not been appointed as guardian over the protected person in a state other than Nevada;

- He has not filed for or received protection under federal bankruptcy laws within the immediately preceding 7 years.<sup>4</sup>

Pursuant to NRS 159.1905, Gerry also provides the following information:

- Gerry's address is 2632 E. Harmon Ave. Las Vegas, NV 89121;
- June is 81 years old;
- June resides at 6277 W. Kraft Ave. Las Vegas, NV 89130;
- June's current guardian is Kimberly Jones who resides at 6277 W. Kraft Ave. Las Vegas, NV 89130;
- Kimberly has filed herein on December 13, 2019 an inventory of June's property, plus June has an interest in the A-Case filed in connection with this guardianship, plus June apparently has an interest in a safe deposit box and approximately \$5,000 cash which is not accounted for in the inventory. It is anticipated that the property will be used for the benefit of June during the guardianship proceedings.

Gerry's petition is not sought for the purpose of initiating litigation, and, unlike June's daughters, he is not seeking payment of guardian's fees or attorney's fees from June's estate if he is appointed guardian.

Gerry is petitioning the Court to replace Kimberly as the guardian of June's person, and he is asking the Court to replace Kimberly with a neutral guardian of June's estate. Although Gerry adamantly denies he did anything improper in regard to the sale of the Kraft House and will continue to defend himself vigorously in the civil case, he recognizes the existing concern about the sale and believes for the time being it would be appropriate to have a neutral guardian of June's estate. The public guardian could also be an alternative, but Gerry is concerned that

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<sup>4</sup> Gerry also incorporates by reference the other statements and facts provided in support of his original petition to be guardian filed on October 2, 2019.



1 would lead to June being placed in an assisted living facility, which to the best of his knowledge,  
2 is not necessary at this point, or desired.

3 The Court should note that there is no evidence of problems with Gerry's care of June.  
4 There have been no complaints by June's family during their nine years of marriage, and no  
5 evidence exists now. The only concerns June's family has raised is in regard to the Kraft House  
6 transfer, but that should not be relevant to Gerry acting as guardian of the person.

7 Also, it appears that Kimberly, Robyn and Donna are litigating for personal reasons,  
8 possibly related to their future inheritance. They do not appear to have June's best interests in  
9 mind, at least in regard to her estate, because any equity recovered from the Kraft House has  
10 already been spent on attorney fees, which fees have been requested to be paid by June.

11 **E. The Court Should Allow the Parties to Continue Discovery and Hold an**  
12 **Evidentiary Hearing.**

13 Gerry believes that the evidence presented is sufficient cause to remove Kimberly as  
14 guardian and appoint him as guardian; however, if the Court does not believe the evidence is  
15 sufficient, then Gerry urges the Court to allow the Parties to continue the discovery process to  
16 help untangle the many disputed facts that have arisen from the beginning of this matter. Indeed,  
17 on October 15, 2019, the Court set an evidentiary hearing for February 20, 2020 to review the  
18 status of the guardianship based on the investigator's report. Now that we have the investigator's  
19 findings, which raise many concerns, discovery and an evidentiary hearing would be extremely  
20 helpful, if not vital, to help determine precisely what has happened and who is currently the most  
21 qualified, suitable person to be June's guardian and act in her best interests. Finally, as the Court  
22 knows, this case has been highly contentious with many allegations of inappropriate conduct. In  
23 such cases, discovery and an evidentiary hearing are typically undertaken as a matter of course,  
24 and should occur here.

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1           6.       That the Court suspend any general durable power of attorney or healthcare power  
2 of attorney documents previously executed by June during the duration of the guardianship;

3           7.       That the Court require Kimberly to return any of June's property that it deems to  
4 have been taken inappropriately from her estate;

5           8.       That the Court order any other relief it deems appropriate.

6       Dated this 14<sup>th</sup> day of April, 2020.

7                               GHANDI DEETER BLACKHAM

8                               /s/ Laura A. Deeter

9                               \_\_\_\_\_  
10                              LAURA A. DEETER, ESQ.

11                             Nevada Bar No. 10562

12                             725 S. 8<sup>th</sup> Street, Suite 100

13                             Las Vegas, NV 89101

14                             (702) 878-1115

15                             Attorneys for Rodney Gerald Yeoman

**VERIFICATION**

I, Rodney Gerald Yeoman, hereby declare I am the husband of Kathleen June Jones; that I have read the foregoing Petition for Removal of Guardian and for Return of Protected Person's Property and know the contents thereof; that the same are true and accurate according to my best knowledge.

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

Dated this 14 day of April, 2020.

By: Rodney G. Yeoman  
Rodney Gerald Yeoman

# EXHIBIT A

Filed Separately Under Seal

# EXHIBIT B

4805639900

RESIDENCE INN DESERT VIEW

09:16:52 p.m.

09-09-2019

1 / 9



## PHOENIX POLICE DEPARTMENT (0723)

## Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 1 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

Arrested Suspects	Additional Suspects	Unknown Suspects	Victims	Other Persons 5	Vehicles	Items	Evidence Count	Leaka Count	Related Report #
<input type="checkbox"/> Arson Related Arson Code					Damage Value		<input type="checkbox"/> Bias Crime <input type="checkbox"/> Gang Involved <input type="checkbox"/> Domestic Violence		
Incident Details									
Squad 63B	Clearance Disposition			Cleared by Exception			Exceptional Clearance Date		
Situation Found					Status				
Location Given By Dispatcher E MAYO BLVD					Cargo Theft NO				
Incident Address									
Street Address E MAYO BLVD									
City PHOENIX		State ARIZONA			Zip 85054		Country Code UNITED STATES OF AMERICA (USA)		
Administrative Info									
Reporting Officer TULEY, MICHELLE		Serial # 08682							

OFFENSE			
<input checked="" type="checkbox"/> Primary Offense			
Offense Description FI, 600			
Offense/Statute Code FI-600 010	Severity	Attempted/Completed COMPLETED	Premise Type HOTEL / MOTEL
Circumstances	Bias NONE	Bias 2	
Bias 3	Bias 4	Bias 5	
Criminal Activity 1	Criminal Activity 2	Criminal Activity 3	
Offender Using 1	Offender Using 2	Offender Using 3	
# Premise Entered	Home Invasion	Domestic Violence	Gang Activity
Primary Gang Type	Primary Gang Name		
Secondary Gang Type	Secondary Gang Name		
Drug Related	Drug Type	Drug Origin	Drug Precursors
MO Panel	Entry Area		
Entry Type	Entry Method		
Entry Point 1	Entry Point 2	Exit Point 1	
Exit Point 2	Target Area	Property Target 1	
Property Target 2	Property Target 3	Victim Target	
Time of Day	Victim Activity	Action 1 to Premises	
Action 2 to Premises	Action 3 to Premises	Action 1 on Victim	
Action 2 on Victim	Action 3 on Victim	Other Action 1	
Other Action 2	Other Action 3	Solicited Offered 1	
Solicited Offered 2	Solicited Offered 3	Weapon 1	
Weapon 1 Auto	Weapon 2	Weapon 2 Auto	
Weapon 3	Weapon 3 Auto	Arson	
Precipitating Circumstance	Instrument Used		
Comments			

PUBLIC RECORDS

 Released pursuant to  
 A.R.S. 39-121, Et. Seq.  
 To:

4805639900

RESIDENCE INN DESERT VIEW

09:17:10 p.m.

09-09-2019

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## PHOENIX POLICE DEPARTMENT (0723)

## Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 2 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

OTHER PERSON	Person Type REPORTING PERSON								
Name (Last, First Middle) POWELL, RICHARD								Suffix	
Primary Language	Nickname	Race WHITE	Sex MALE	SSN [REDACTED]	Date of Birth [REDACTED]	Age 77	Age Range to		
Height 5'10"	Weight 200	Driver's License # [REDACTED]	DL State NEVADA	Can Identify Suspect?					
Place of Birth	Citizenship		Ethnicity NON-HISPANIC		Marital Status MARRIED				
ICE Contact Date	ICE Phone #	ICE Response							
Home Phone	Cell Phone	Email Address	Additional Email or Social Media Handle		Social Media Types				



4805639900

RESIDENCE INN DESERT VIEW

09:17:30 p.m.

09-09-2019

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## PHOENIX POLICE DEPARTMENT (0723)

## Incident Report

Incident Number 201900001550990	CFS Incident # 201901550990
Report Type Incident Report	Page 3 of 7
Date / Time Occurred 09/07/2019 08:00 to	Date / Time Reported 09/07/2019 08:19

Primary Language	Nickname	Race WHITE	Sex FEMALE	SSN [REDACTED]	Date of Birth [REDACTED]	Age 64	Age Range to
Height 5'01"	Weight 180	Driver's License # [REDACTED]	DL State ARIZONA	Can Identify Suspect?			
Place of Birth	Citizenship		Ethnicity HISPANIC		Marital Status		
ICE Contact Date	ICE Phone #	ICE Response					
Home Phone	Cell Phone	Email Address	Additional Email or Social Media Handle			Social Media Types	
Other Person Home Address							
Street Address [REDACTED]							
City PHOENIX	State ARIZONA		Zip 85041	Country Code			
Employment Information							
<input type="checkbox"/> Student	<input type="checkbox"/> Homeless	Employer / School BRIGHTSTAR	Occupation CARE GIVER				
Street Address							
City	State		Zip	Country Code			
Details							
Work Phone	Hours of Employment	Hair Color BLACK		Hair Length SHOULDER		<input type="checkbox"/> Glasses	
Eye Color BROWN	Build AVERAGE	Facial Hair	Voice	Complexion MEDIUM			
Resident U.S. RESIDENT	Teeth						
Gang Information							
<input type="checkbox"/> Primary Gang	Primary Gang Name		Primary Gang Membership Info				
Primary Gang Location Info		Rival Gang Name					
Colors/Logos							
<input type="checkbox"/> Secondary Gang	Secondary Gang Name		Secondary Gang Membership Info				
Secondary Gang Location		Rival Gang Name					
Colors/Logos							
<input type="checkbox"/> Clothing or Colors	<input type="checkbox"/> Gang Tattoos	<input type="checkbox"/> Paraphernalia or Photographs	<input type="checkbox"/> Self Proclamation	<input type="checkbox"/> Witness Testimony/Statement	<input type="checkbox"/> Written/Electronic Correspondence		
Other							
Guardian Information							
<input type="checkbox"/> Guardian Notified	Guardian Notified By		Notified Method		Guardian Notified On		
Guardian Of		Guardian Relationship					

OTHER PERSON	Person Type NEXT OF KIN						
Name (Last, First Middle) JONES, KIMBERLY							Suffix
Primary Language	Nickname	Race WHITE	Sex FEMALE	SSN	Date of Birth	Age 45	Age Range to 50
Height 5'02"	Weight 120	Driver's License #	DL State	Can Identify Suspect?			
Place of Birth	Citizenship		Ethnicity NON-HISPANIC		Marital Status		
ICE Contact Date	ICE Phone #	ICE Response					

4805639900

RESIDENCE INN DESERT VIEW

09:17:48 p.m.

09-09-2019

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## PHOENIX POLICE DEPARTMENT (0723)

## Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 4 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

Home Phone	Cell Phone	Email Address	Additional Email or Social Media Handle		Social Media Types
Other Person Home Address					
Street Address					
City LAS VEGAS	State NEVADA	Zip	Country Code		
Employment Information					
<input type="checkbox"/> Student	<input type="checkbox"/> Homeless	Employer / School	Occupation		
Street Address					
City	State	Zip	Country Code		
Details					
Work Phone	Hours of Employment	Hair Color BLOND OR STRAWBERRY	Hair Length LONG	<input type="checkbox"/> Glasses	
Eye Color	Build THIN	Facial Hair	Voice	Complexion	
Resident U.S. RESIDENT	Teeth				
Gang Information					
<input type="checkbox"/> Primary Gang	Primary Gang Name		Primary Gang Membership Info		
Primary Gang Location Info		Rival Gang Name			
Colors/Logos					
<input type="checkbox"/> Secondary Gang	Secondary Gang Name		Secondary Gang Membership Info		
Secondary Gang Location		Rival Gang Name			
Colors/Logos					
<input type="checkbox"/> Clothing or Colors	<input type="checkbox"/> Gang Tattoos	<input type="checkbox"/> Paraphernalia or Photographs	<input type="checkbox"/> Self Proclamation	<input type="checkbox"/> Witness Testimony/Statement	<input type="checkbox"/> Written/Electronic Correspondence
Other					
Guardian Information					
<input type="checkbox"/> Guardian Notified	Guardian Notified By		Notified Method		Guardian Notified On
Guardian Of		Guardian Relationship			

OTHER PERSON	Person Type INVESTIGATIVE LEAD				
Name (Last, First Middle) BUTLER, JACK					Suffix
Primary Language	Nickname	Race WHITE	Sex MALE	SSN	Date of Birth
Age	Age Range 65 to 70				
Height 6'00"	Weight 200	Driver's License #	DL State	Can Identify Suspect?	
Place of Birth	Citizenship		Ethnicity NON-HISPANIC	Marital Status	
ICE Contact Date	ICE Phone #	ICE Response			
Home Phone	Cell Phone	Email Address	Additional Email or Social Media Handle		Social Media Types
Other Person Home Address					
Street Address					
DEWEY	ARIZONA		Zip	Country Code	

4805639900

RESIDENCE INN DESERT VIEW

09:18:06 p.m.

09-09-2019

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## PHOENIX POLICE DEPARTMENT (0723)

## Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 5 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

Employment Information					
<input type="checkbox"/> Student	<input type="checkbox"/> Homeless	Employer / School	Occupation		
Street Address					
City	State	Zip	Country Code		
Details					
Work Phone	Hours of Employment	Hair Color GRAY OR PARTIALLY GRAY	Hair Length SHORT	<input type="checkbox"/> Glasses	
Eye Color	Build	Facial Hair GOATEE	Voice	Complexion	
Resident	Teeth				
U.S. RESIDENT					
Gang Information					
<input type="checkbox"/> Primary Gang	Primary Gang Name		Primary Gang Membership Info		
Primary Gang Location Info		Rival Gang Name			
Colors/Logos					
<input type="checkbox"/> Secondary Gang	Secondary Gang Name		Secondary Gang Membership Info		
Secondary Gang Location		Rival Gang Name			
Colors/Logos					
<input type="checkbox"/> Clothing or Colors	<input type="checkbox"/> Gang Tattoos	<input type="checkbox"/> Paraphernalia or Photographs	<input type="checkbox"/> Self Proclamation	<input type="checkbox"/> Witness Testimony/Statement	<input type="checkbox"/> Written/Electronic Correspondance
Other					
Guardian Information					
<input type="checkbox"/> Guardian Notified	Guardian Notified By		Notified Method	Guardian Notified On	
Guardian Of		Guardian Relationship			

OTHER PERSON		Person Type					
		INVESTIGATIVE LEAD					
Name (Last, First Middle)		Suffix					
JONES, JUNE							
Primary Language	Nickname	Race WHITE	Sex FEMALE	SSN	Date of Birth	Age 82	Age Range to
Height 5'03"	Weight 140	Driver's License #	DL State	Can Identify Suspect?			
Place of Birth	Citizenship		Ethnicity NON-HISPANIC	Marital Status MARRIED			
ICE Contact Date	ICE Phone #	ICE Response					
Home Phone	Cell Phone	Email Address	Additional Email or Social Media Handle		Social Media Types		
Street Address							
City	State	Zip	Country Code				
Employment Information							
<input type="checkbox"/> Student	<input type="checkbox"/> Homeless	Employer / School	Occupation				
Street Address							
City	State	Zip	Country Code				
Details							

4805639900

RESIDENCE INN DESERT VIEW

09:18:25 p.m. 09-09-2019

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## PHOENIX POLICE DEPARTMENT (0723)

## Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 6 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

Work Phone	Hours of Employment	Hair Color BLOND OR STRAWBERRY	Hair Length OVER EARS	<input type="checkbox"/> Glasses
Eye Color BROWN	Build AVERAGE	Facial Hair	Voice	Complexion LIGHT
Resident U.S. RESIDENT	Teeth			
Gang Information				
<input type="checkbox"/> Primary Gang	Primary Gang Name	Primary Gang Membership Info		
Primary Gang Location Info		Rival Gang Name		
Colors/Logos				
<input type="checkbox"/> Secondary Gang	Secondary Gang Name	Secondary Gang Membership Info		
Secondary Gang Location		Rival Gang Name		
Colors/Logos				
<input type="checkbox"/> Clothing or Colors	<input type="checkbox"/> Gang Tattoos	<input type="checkbox"/> Paraphernalia or Photographs	<input type="checkbox"/> Self Proclamation	<input type="checkbox"/> Witness Testimony/Statement
<input type="checkbox"/> Written/Electronic Correspondance				
Other				
Guardian Information				
<input type="checkbox"/> Guardian Notified	Guardian Notified By	Notified Method	Guardian Notified On	
Guardian Of		Guardian Relationship		

## Narrative Information

ON 090719 AT 0828 HOURS, I WAS DISPATCHED TO 5665 EAST MAYO BOULEVARD, RESIDENCE INN HOTEL, REFERENCE A CHECK WELFARE. DETAILS ON THE CALL STATED THE COMPLAINANT'S MOTHER-IN-LAW WAS TAKEN BY HER DAUGHTER TO AN UNKNOWN LOCATION AGAINST HER WILL.

UPON MY ARRIVAL, I CONTACTED RICHARD POWELL WHO TOLD ME THE FOLLOWING:

HIS FATHER-IN-LAW, JERRY YEOMAN, IS IN THE MAYO HOSPITAL AND HIS WIFE, JUNE JONES, WAS STAYING AT THE RESIDENCE INN HOTEL NEXT DOOR WHILE HE WAS GETTING TREATMENT FOR THE LAST SIX DAYS. RICHARD AND HIS WIFE FLEW IN FROM LAS VEGAS LAST NIGHT, AND HE SAID HE GOT A CAREGIVER FOR JUNE WHILE THEY ARE IN TOWN SINCE JUNE HAD HIP SURGERY AND NEEDS ASSISTANCE AT TIMES MOVING AROUND.

TODAY, RICHARD WAS NOTIFIED BY THE CAREGIVER THAT JUNE'S DAUGHTER, KIMBERLY JONES, AND SON-IN-LAW, JACK BUTLER, CAME TO THE RESIDENCE INN HOTEL AND TOOK JUNE AGAINST HER WILL TO AN UNKNOWN LOCATION. RICHARD SAID YESTERDAY, 090619, KIMBERLY AND HER OTHER TWO SISTERS WERE TRYING TO GET POWER OF ATTORNEY OVER JUNE, BUT THE JUDGE DENIED IT. HE BELIEVED KIMBERLY CAME TO PHOENIX TO TAKE JUNE AWAY TO LIVE WITH EITHER KIMBERLY IN CALIFORNIA, OR JACK IN DEWEY, ARIZONA. I ASKED IF HE BELIEVED JUNE WAS IN ANY IMMEDIATE DANGER, AND HE SAID NO. HE WAS NOT AWARE OF ANY PAST VIOLENCE OR THREATS TO HARM JUNE.

I THEN SPOKE TO THE CAREGIVER, LAURA ROCHA, WHO SAID SHE WAS AT BREAKFAST WITH JUNE IN THE LOBBY OF THE HOTEL WHEN A WHITE FEMALE WHO IDENTIFIED HERSELF AS KIMBERLY AND A WHITE MALE WHO IDENTIFIED HIMSELF AS JACK WALKED UP TO THE TABLE. JACK STOOD BY LAURA'S CHAIR SO SHE COULD NOT MOVE, AND KIMBERLY SAID TO JUNE, "HI MOM IT'S KIMBERLY. WE'RE GONNA GO HAVE A BAGEL THEN GO SEE JERRY." LAURA SAID JUNE TOLD THEM AT LEAST THREE TIMES SHE DID NOT WANT TO GO WITH THEM, AT WHICH TIME KIMBERLY SAID, "WELL YOU'RE GOING." SHE TOOK AHOLD OF JUNE'S WHEELCHAIR AND LEFT THROUGH THE HOTEL LOBBY ENTRANCE/EXIT. LAURA SAID SHE DID NOT FOLLOW THEM SO SHE DID NOT SEE THEM ENTER A

4805639900

RESIDENCE INN DESERT VIEW

09:18:48 p.m.

09-09-2019

7 / 9



## PHOENIX POLICE DEPARTMENT (0723)

## Incident Report

Incident Number 201900001550990		CFS Incident # 201901550990
Report Type Incident Report		Page 7 of 7
Date / Time Occurred 09/07/2019 08:00 to		Date / Time Reported 09/07/2019 08:19

## VEHICLE.

I ASKED LAURA WHAT THEY LOOKED LIKE, AND SHE DESCRIBED JACK AS A WHITE MALE AGE 65-70 WEARING A T-SHIRT WITH GRAY HAIR AND A GOATEE. SHE DESCRIBED KIMBERLY AS A WHITE FEMALE AGE 45-50, THIN BUILD, WEARING BLACK YOGA PANTS AND SUNGLASSES, AND BELIEVED SHE WAS WEARING A LONG ASH BLONDE WIG. AFTER SPEAKING WITH RICHARD, HE DESCRIBED KIMBERLY AS NATURALLY HAVING LONG, STRAIGHT, DIRTY BLONDE HAIR.

SERGEANT MICSUNESCU WAS ON SCENE AND I ALSO ADVISED SERGEANT MALDONADO OF THE INCIDENT. IT WAS DETERMINED THAT THIS INCIDENT DID NOT MEET THE CRITERIA FOR A KIDNAPPING OR MISSING PERSON REPORT.

OFFICER JOHNSON #9306 WAS ALSO ON SCENE AND ABLE TO GET AHOLD OF JUNE'S OTHER DAUGHTER, ROBIN FRIEDMAN (702-234-6304). SHE ADVISED THAT JUNE SUFFERS FROM DEMENTIA AND KIMBERLY HAS HAD POWER OF ATTORNEY SINCE 2012, AND HAD DOCUMENTS SHOWING THAT. SHE EMAILED THE DOCUMENTS TO ME, WHICH I INCLUDED IN THIS REPORT.

SHE ALSO SAID THAT JUNE HAS LIVED WITH KIMBERLY FOR THE LAST FIVE MONTHS IN LAS VEGAS, NOT CALIFORNIA, AND HAS BEEN TAKING CARE OF HER. SHE SAID THE JUDGE IN THE COURT HEARING YESTERDAY, 090619, DID NOT DECIDE ANYTHING, AND THE POA PAPERWORK WAS STILL VALID.

THIS FI WAS GENERATED TO DOCUMENT THE INCIDENT.

NOTHING FURTHER.

Public Narrative

at approx. 7:45A I took Ms Jones for Breakfast  
in Lobby Area. A Lady with long Hair Wig (ASH)  
Sun glasses approached Ms. Jones to greet her  
with a tall man. They introduced them  
selves as Daughter Kimberly & Son in Law Jack.  
They told Ms. Jones that they taking  
her for a Bagel Ms. Jones said, "No I don't  
want to go. So she then said yes we will  
go for a Bagel & go visit Jerry. Ms Jones  
said, "I don't want to go" anywhere. So  
Kimberly in firm voice said Well your  
going to have a Bagel & pulled wheel chair  
spun it around & left toward <sup>entrance</sup> Exit doors.  
Jack stood blocking my chair holding  
conversation with me. When he turned  
& toward door saw they were outside  
He grab hard boiled Egg placed on  
Napkin & left.

Jan Koch

I declare under penalties of Perjury in  
the State of Nevada that the above is true  
& Correct.

## ARIZONA NOTARY ACKNOWLEDGEMENT (JURAT)

State of Arizona )  
County of MARICOPA )

Subscribed and sworn (or affirmed) before me this 9<sup>th</sup> day of September, 2019,  
by ROCHA LAURA LUPE B (name of signer).

Judith Blumenthal  
Notary Public Signature

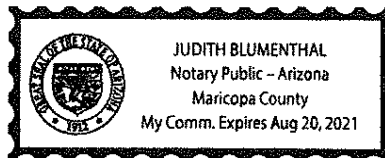
NOTARY  
Title or Rank

Serial Number, if any

My Commission Expires: Aug 20, 2021

DECLARATION OF TRUTH. 1 PAGE.

(Seal)



# EXHIBIT C



**Conversation with Donna Jines Daughter**

iMessage Message received from Donna Jines Daughter 3/28/2019 10:07:01 AM

DD

Hi Marci. I heard your dad was having some medical issues. I hope He's feeling better soon. If you need help with my mom, please contact Kim. Robyn is out of town. In case you didn't know. Your sister and Dick recently bought my mom's house from her (knowing she's had dementia for years now) for \$100,000 less than market value was - without telling anyone from our family for over a year until we found out online. We believe this was elder financial abuse based on her inability to make rational financial decisions at the time. They or Gerry (her caregiver) should now certainly have cash and plans to provide for her care in these situations. If they are unable or unwilling to, and she needs a guardian to be assigned legally as they believe she can't be left alone due to her dementia, please let us know if you'd like us to begin that process through the state of Nevada we are willing to take on that responsibility and provide for her privately, in home, not in a care facility.

iMessage Message sent 3/28/2019 10:22:40 AM - Delivered

Donna, I try to just stay out of all that mess. There's too much drama between everyone and there is really nothing I can do about any of it. My main concern right now is being able to have someone sit with June today so that I can go see my dad. June ate this morning and I have been cleaning the house a little (pretty clean already) and June is sad and a little terry eyed worried about her husband. She just laid down and is napping.

iMessage Message received from Donna Jines Daughter 3/28/2019 11:19:05 AM

DD

I'm sorry your stuck in this situation but you need to contact Kim and find out when she can be there to relieve you. Like I said, ROBYN and PERRY are out of town and not able to help out. I am a care taker for an 82 year old man that is not able to be left alone either and his family members are also out of town, so I am not able to help out this time. I'm sure my mom is very worried about her husband. I know my mom would want to be by Gerry's side while he is in the hospital and would probably love to go with you for a visit, too. I know if that was my husband, I would certainly want to be at the hospital with him.

iMessage Message sent 3/28/2019 11:21:36 AM - Delivered

Believe me when I say I would like nothing more than for all of us to set differences aside and come together for my mom.

iMessage Message sent 4/10/2019 10:25:24 AM - Delivered

No one has even asked where their mom is, who is with her or if she is even sad that her husband is pretty ill. I cannot imagine why

iMessage Message received from Kim (June's Daughter) 4/10/2019 10:29:02 AM

KD

Scott, Teri and I are aware of what's going on. I've spoke with my mom, Dick and Peggy multiple times over the last few days.

iMessage Message sent 4/10/2019 10:29:50 AM - Delivered

I know you have Kim. That's what I meant 1 out of 5. I feel frustrated I guess

iMessage Message sent 4/10/2019 10:30:15 AM - Delivered

Not with you

iMessage Message received from Kim (June's Daughter) 4/10/2019 10:32:50 AM

KD

I know you do and it's understandable. I'm so thankful and appreciative of the manor in which your family and especially your dad has loved and cared for my mom in recent years.

iMessage Message sent 4/10/2019 10:33:20 AM - Delivered

I know Kim. I see that in you.

iMessage Message sent 4/10/2019 10:34:06 AM - Delivered

I thought maybe there was some hope somewhere with a couple of the others. Lol

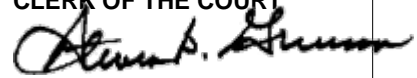
iMessage Message received from Kim (June's Daughter) 4/10/2019 10:35:25 AM

KD

I'm still holding out hope as well but in the mean time a plan needs to be made and she needs to know she will be taken care of. It's heartbreaking.

# EXHIBIT D

Filed Separately Under Seal



**Marquis Aurbach Coffing**  
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**DISTRICT COURT****CLARK COUNTY, NEVADA**

IN THE MATTER OF THE GUARDIANSHIP  
OF THE PERSON AND ESTATE OF:

KATHLEEN JUNE JONES

An Adult Protected Person.

Case No.: G-19-052263-A  
Dept. No.: B

**NOTICE OF ENTRY OF ORDER**

Please take notice that an Order Denying Rodney Gerald Yeoman's Petition for Removal of Guardian and for Return of Protected Person's Property and Denying Kimberly Jones's Counter-Petition for Attorney Fees and Costs Pursuant to NRS 159.1853(4) was filed on the 28th day of May, 2020, a copy of which is attached hereto.

Dated this 29th day of May, 2020.

MARQUIS AURBACH COFFING

By /s/ James A. Beckstrom  
Geraldine Tomich, Esq.  
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*Attorneys for Kimberly Jones,  
Guardian of Kathleen June Jones*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **NOTICE OF ENTRY OF ORDER** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 29<sup>th</sup> day of May, 2020. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>1</sup>

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/s/ Cheryl Becnel  
An employee of Marquis Aurbach Coffing

<sup>1</sup> Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).



*Steven D. Grierson*

1 **Marquis Aurbach Coffing**  
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12 Attorneys for Kimberly Jones

DISTRICT COURT  
CLARK COUNTY, NEVADA

10 In the Matter of the Guardianship of Estate of:  
11 KATHLEEN JUNE JONES,  
12 Protected Person.

Case No.: G-19-052263-A  
Dept. No.: B

Hearing Date: May 20, 2020  
Hearing Time: 9:00 a.m.

**ORDER DENYING RODNEY GERALD YEOMAN'S PETITION FOR REMOVAL OF  
GUARDIAN AND FOR RETURN OF PROTECTED PERSON'S PROPERTY AND  
DENYING KIMBERLY JONES'S COUNTER-PETITION FOR ATTORNEY FEES AND  
COSTS PURSUANT TO NRS 159.1853(4)**

☐ TEMPORARY GUARDIANSHIP

- ☐ Person  
☐ Estate  
☐ Person and Estate

☒ GENERAL GUARDIANSHIP

- ☐ Person  
☐ Estate ☐ Summary Admin.  
☒ Person and Estate

☐ SPECIAL GUARDIANSHIP

- ☐ Person  
☐ Estate ☐ Summary Admin.  
☐ Person and Estate

☐ NOTICES/SAFEGUARDS

- ☐ Blocked Account Required  
☐ Bond Required

23 This matter having come before this Court before the Honorable Linda Marquis for a  
24 hearing on Rodney Gerald Yeoman's Petition for Removal of Guardian and for Return of  
25 Protected Person's Property ("Petition for Removal") and Kimberly Jones's Counter-Petition for  
26 Attorney Fees and Costs Pursuant to NRS 159.1853(4) ("Counter-Petition") on the 20th day of  
27 May, 2020, at 9:00 a.m. James A. Beckstrom, Esq. of the law firm of Marquis Aurbach Coffing,

<b>Settled / Withdrawn:</b>	
<input type="checkbox"/> Without Judicial Conf/Hrg	<input type="checkbox"/> Death
<input type="checkbox"/> With Judicial Conf/Hrg	<input type="checkbox"/> Age of Majority
<input type="checkbox"/> Alternative Dispute Resolution	<input type="checkbox"/> Restoration of Competency
<input type="checkbox"/> Other Manner of Disposition	<input type="checkbox"/> Order Terminating Guard or Final Accounting
<input type="checkbox"/> Dismissed - Want of Prosecution	<b>Bench (Non-jury) Trials:</b>
<input type="checkbox"/> Involuntary (Statutory) Dismissal	<input type="checkbox"/> Disposed After Trial Start
<input type="checkbox"/> Default Judgment	<input type="checkbox"/> Judgment Reached
<input type="checkbox"/> Transferred	
<input type="checkbox"/> Close Case?	

1 appearing on behalf of Kimberly Jones ("Kimberly"), as Guardian of the Person and Estate of  
2 Kathleen June Jones, Ty Kehoe, Esq., Matthew Piccolo, Esq., and Laura A. Deeter, Esq.  
3 appearing on behalf of Rodney Gerald Yeoman ("Defendants"), Maria Parra-Sandoval, Esq.  
4 appearing on behalf of the Protected Person June Jones ("June"), John P. Michaelson, Esq. and  
5 Jeffrey R. Sylvester, Esq. appearing on behalf of Robyn Friedman and Donna Simmons. The  
6 Court having reviewed the papers and pleadings on file and heard oral arguments regarding the  
7 Petition, hereby **DENIES** the Petition for Removal and Counter-Petition as follows:

8 **PROCEDURAL HISTORY AND FACTS**

9 1. On October 2, 2019, Yeoman filed a Counter-Petition for Appointment of  
10 Temporary Guardian of the Person and Estate and Issuance of Letters of Temporary  
11 Guardianship and Estate and Issuance of Letters of Temporary Guardianship and Counter-  
12 Petition for Appointment of General Guardian of the Person and Estate and Issuance of Letters  
13 of General Guardianship, whereby Yeoman objected to the appointment of Kimberly Jones as  
14 Guardian of the protected person ("Yeoman's October 2019 Counter-Petition").

15 2. On October 2, 2019, Kimberly filed her Opposition to Ex Parte Petition for  
16 Appointment of Temporary and General Guardian of the Person and Estate; Alternatively,  
17 Counter-Petition for Appointment of Kimberly as Temporary and General Guardian of the  
18 Person and Estate ("Kimberly's Counter-Petition").

19 3. On October 15, 2019 at the Citation to Appear and Show Cause Hearing, the  
20 Protected Person, by and through her Court appointed Counsel, Maria L. Parra-Sandoval, Esq.,  
21 advised the Court that it was the Protected Person's desire that Kimberly be appointed as the  
22 Protected Person's guardian.

23 4. On November 25, 2019, this Court having entertained oral argument and  
24 reviewed the pending Petitions, granted Kimberly's Counter-Petition, thereby appointing  
25 Kimberly as Guardian of the Estate and Person of the Protected Person and approving Letters of  
26 General Guardianship to issue to Kimberly. Concurrently, the Court having reviewed all  
27 arguments presented in Yeoman's October 2019 Counter-Petition, the Court denied Yeoman's  
28 October 2019 Counter-Petition in its entirety.

14. The COURT FURTHER FINDS that Yeoman's April 2020 Petition fails to set forth any facts to warrant further inquiry and expense of the parties as it pertains to removal of Kimberly as Guardian or the person or estate of the Protected Person, return of any property of the Protected Person, or revisit appointment of a new guardian.



1           15.     The COURT FURTHER FINDS the Protected Person's desire is to continue to  
2 have Kimberly as the guardian of her person and estate and does not want Yeoman to serve as  
3 her guardian of her person or estate. The Court finds the representations of the Protected  
4 Person's attorney, Maria Parra-Sandoval, Esq. credible on this issue.

5           16.     The COURT FURTHER FINDS that Yeoman's allegations of financial  
6 wrongdoing and isolation of the Protected Person by Kimberly as alleged within his April 2020  
7 Petition are unsupported and Yeoman's remaining arguments in support of removal of Kimberly  
8 have already been considered and denied by this Court on November 25, 2019.

9           17.     The COURT FURTHER FINDS that following a review of the Guardianship  
10 Compliance Office Forensic Specialist's Report filed with this Court, nothing indicates  
11 misappropriation of funds by Kimberly concerning the Protected Person's property, including the  
12 transfers raised by Yeoman within his April 2020 Petition.

13           18.     The COURT FURTHER FINDS that Kimberly is the preferred guardian of the  
14 Protected Person and Yeoman has set forth no facts to suggest his appointment as guardian  
15 would be in the best interest of the Protected Person and that Yeoman is not an appropriate  
16 Guardian at this time, based on the Protected Person's pending adversarial civil lawsuit against  
17 him and the Protected Person's desire for Kimberly to serve as her Guardian.

18                               **ORDER**

19           IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Yeoman's April 2020  
20 Petition is DENIED in its entirety.

21           IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly's Counter-  
22 Petition for Attorney Fees and Costs is DENIED in its entirety.

23           IT IS SO ORDERED.

24           Dated this 28<sup>th</sup> day of May, 2020.

25                                 
26                               DISTRICT COURT JUDGE  
27                               LINDA MARQUIS 

**MARQUIS AURBACH COFFING**

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Las Vegas, Nevada 89145  
(702) 382-0711 FAX: (702) 382-5816

1 Respectfully Submitted by:  
2 MARQUIS AURBACH COFFING

3 By: /s/ James A. Beckstrom

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10 *Attorneys for Kimberly Jones, as*  
11 *Guardian of the Person and*  
12 *Estate of Kathleen June Jones*  
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