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*Guardian of Protected Person*

Electronically Filed  
Dec 28 2020 04:18 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

IN THE MATTER OF THE  
GUARDIANSHIP OF ESTATE OF:  
KATHLEEN JUNE JONES, A  
PROTECTED PERSON.

Case No.: 81414

RODNEY GERALD YEOMAN,

Appellant,

vs.

KIMBERLY JONES; AND  
KATHLEEN JUNE JONES, A  
PROTECTED PERSON,

Respondent.

Appeal from the Eighth Judicial District  
Court, The Honorable Linda Marquis  
Presiding.

**MOTION TO DISMISS APPEAL**

Pursuant to NRAP 27, Respondent, Kimberly Jones, by and through their counsel of record, Marquis Aurbach Coffing, hereby move this Court for an order granting the instant motion to dismiss appeal.

## **I. INTRODUCTION**

The instant Motion is a straightforward one relating to Guardianship Proceedings. Appellant Yeoman during his life was a defined “Interested Person” pursuant to NRS 159.0195. As an Interested Person, Yeoman sought to remove his wife’s court appointed Guardian, Kimberly Jones<sup>1</sup> and appoint himself as Guardian. The Guardianship Court denied the Petition and Yeoman filed this Appeal. Yeoman died on August 14, 2020.

As a result of Yeoman’s death, no justiciable issue exists on appeal as the only issues previously before this Court are moot and no substitute party has standing to prosecute this Appeal. Indeed, the authority conferred on Yeoman to petition the Guardianship Court for removal and appointment died with Yeoman. Yeoman’s rights as an “Interested Person” under NRS 159 do not extend to survivors and the entirety of this appeal is now moot. There is no relief that can be afforded in light of Yeoman’s death and nothing will change this undisputed issue of law. Yeoman is physically unable to serve as Guardian, because he is dead and

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<sup>1</sup> Kimberly Jones is the daughter of June Jones.

no Administrator of Yeoman's has standing to prosecute this Appeal. As such, dismissal is warranted.

## **II. STATEMENT OF FACTS**

1. On November 25, 2019, the Honorable Linda Marquis appointed Kimberly Jones ("Kimberly"), the daughter of June Jones as guardian of her person and estate.<sup>2</sup> This appointment came over objection and a counter-petition for appointment by June's then living husband, Rodney Gerald Yeoman ("Yeoman" or "Appellant").<sup>3</sup>

2. Since this Court's November 25, 2019 Order, Kimberly has served as Guardian of the Protected Person.<sup>4</sup>

3. Since serving as June's Guardian, Kimberly has obtained the Guardianship Court's permission to file suit on behalf of June against Yeoman, as a result of Yeoman, his daughter, and son-in-law divesting June of her real and personal property.

4. Yeoman, his daughter, and son-in-law remain adversaries in ongoing litigation in Eighth Judicial District Case No. A-19-807458-C.

5. On April 14, 2020, Yeoman filed a Petition for Removal of Guardian and for Return of Protected Person's Property (the "Petition"), wherein he asked the Court to remove Kimberly as Guardian and appoint him as June's Guardian.<sup>5</sup>

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<sup>2</sup> October 15, 2019 Order Appointing Guardian, attached as **Exhibit 1**.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

6. The petition was opposed by Kimberly<sup>6</sup> and June's court-appointed attorney joined thereto.<sup>7</sup>

7. On May 29, 2020, Judge Marquis denied Yeoman's Petition in its entirety.<sup>8</sup>

8. On June 26, 2020, Yeoman filed this Appeal challenging the denial of his Petition for Removal and Appointment.<sup>9</sup>

9. On August 14, 2020, Yeoman died.<sup>10</sup>

10. On December 22, 2020, Yeoman's counsel filed a Motion for Extension of Time Regarding Substitution of a Personal Representative with this Court, wherein additional time to file a Substitution was sought.

### **III. LEGAL ARGUMENT**

#### **A. YEOMAN'S CLAIMS ON APPEAL ARE MOOT AND A SPECIAL ADMINISTRATOR WOULD STANDING TO PROSECUTE A PETITION FOR REMOVAL OF GUARDIAN.**

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<sup>5</sup> Yeoman's Petition for Removal of Guardian and Return of Protected Person's Property, attached as **Exhibit 2**. (Exhibits omitted).

<sup>6</sup> Guardian's Opposition to Yeoman's Petition for Removal of Guardian and Return of Protected Person's Property, attached as **Exhibit 3**. (Exhibits omitted).

<sup>7</sup> Kathleen June Jones' Joinder to Guardian's Opposition to Yeoman's Petition for Removal of Guardian and Return of Protected Person's Property, attached as **Exhibit 4**.

<sup>8</sup> Order Denying Rodney Gerald Yeoman's Petition for Removal of Guardian and for Return of Protected Person's Property, attached as **Exhibit 5**.

<sup>9</sup> Notice of Appeal, on file.

<sup>10</sup> Suggestion of Death, attached as **Exhibit 6**.

No justiciable issue remains in these proceedings. Yeoman, during his life only, qualified as an Interested Person as defined in NRS 159.0195. This status conferred on him the authority to petition the Guardianship Court for removal of the Guardian of the Protected Person. Yeoman exercised that right and sought to remove the Guardian as well as seek appointment of himself as Guardian. Yeoman's Motion was denied and Yeoman filed this Appeal. As a matter of law, Yeoman's rights as an "Interested Person" do not extend to survivors and the entirety of this appeal is now moot. Yeoman can no longer serve as guardian, as sought in his underlying Petition and his estate has no standing to contest the Guardianship.

The question of mootness is one of justiciability. *Cashman Equip. Co. v. W. Edna Associates, Ltd.*, 132 Nev., Adv. Op. 69, 380 P.3d 844, 853 (2016). "Even though a case may present a live controversy at its beginning, subsequent events may render the case moot." *Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010). The instant appeal should have been voluntarily dismissed based on Appellant's death, as there is no longer any justiciable issue for this Court to review. Nonetheless, based on recent filings with this Court, it appears Appellant's position is that a special administrator can move forward this Appeal—which hinges entirely on the removal of the court-appointed guardian in

an adult guardianship proceeding and a concurrent request to appoint the now deceased Yeoman as guardian.<sup>11</sup>

Yeoman's entire appeal focuses on the denial of his motion for removal of the Court appointed Guardian—Kimberly Jones.<sup>12</sup> This was followed by Yeoman's request to be appointed as Guardian of the Protected Person.<sup>13</sup> As a result of Yeoman's death, there is nothing left to appeal and Yeoman's estate or special administrator has no standing to continue with an appeal. During his lifetime and his lifetime only, Yeoman was able to participate in the Guardianship proceedings because he qualified as an "Interested Party" under NRS 159.0195. This Interested Party status does not survive death and is vested only in a *living "person."* NRS 159.0195.

Reviewing the content of the underlying Motion on appeal and Appellant's Docketing Statement, Yeoman's right to appeal is contained within NRS 159.375(9), which allows an appeal on orders "[g]ranting or denying a petition for removal of a guardian of appointment of successor guardian." As the former husband of the protected person, Yeoman, during his life had standing to pursue

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<sup>11</sup> *See* Exhibit 2.

<sup>12</sup> *See* Docketing Statement, on file.

<sup>13</sup> *Id.*

the instant appeal, which was directed only at removing the current Guardian and appointing himself in her stead.

It is a legal impossibility for such an action to move forward. First, Yeoman is dead and is no longer an “Interested Person” capable of petitioning or advocating for removal of the Guardian. Second, Yeoman’s request to be appointed guardian is moot, as he can no longer serve as a guardian as a result of his death. No law within this jurisdiction creates a private right of action in Guardianship proceedings that is transferable at death. As a result, no justiciable issue exists for this Court to entertain and in the interest of judicial economy and to preserve costs for the Protected Person, dismissal is warranted. *See e.g., Morrow v. Morrow*, 62 Nev. 492, 497, 156 P.2d 827, 829 (1945) (dismissing appeal upon death of plaintiff, because the cause of action did not survive).

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#### IV. CONCLUSION

For the foregoing reasons, Kimberly Jones, Guardian of the Protected person, respectfully requests this Court dismiss the instant appeal. Not dismissing this Appeal will needlessly increase costs for the Protected Person and will result in wasted resources of this Court.

Dated this 28th day of December, 2020.

MARQUIS AURBACH COFFING

By                     /s/ James A. Beckstrom                    

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **MOTION TO DISMISS APPEAL** was filed electronically with the Nevada Supreme Court on the 28th day of December, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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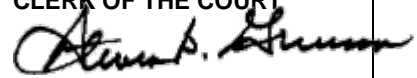
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*Attorney for Kathleen June Jones Protected Person*

/s/ Cheryl Becnel  
An employee of Marquis Aurbach Coffing

# Exhibit 1



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*Attorneys for Kimberly Jones*

**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.: B

**NOTICE OF ENTRY OF ORDER**

☐ **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

PLEASE TAKE NOTICE that an *Order from October 15, 2019 Hearing* was entered in the above-entitled matter on the 25<sup>th</sup> day of November, 2019, a true and correct copy of which is attached hereto.

DATED this 25<sup>th</sup> day of November, 2019.

SOLOMON DWIGGINS & FREER, LTD.

*Jeffrey P. Luszeck*

By: JEFFREY P. LUSZECK, ESQ. (#9619)  
ROSS E. EVANS, ESQ. (#11374)  
9060 West Cheyenne Avenue  
Las Vegas, Nevada 89129

*Attorneys for Kimberly Jones*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 25<sup>th</sup> day of November, 2019, pursuant to NRCP 5(b), I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER**, to be served to the following in the manner set forth below:

**Via:**

<input type="checkbox"/>	Hand Delivery
<input type="checkbox"/>	U.S. Mail, Postage Prepaid
<input type="checkbox"/>	Certified Mail, Receipt No.: _____
<input type="checkbox"/>	Return Receipt Request
<input checked="" type="checkbox"/>	E-Service through Wiznet

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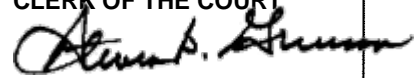
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/s/ *Gretta McCall*

\_\_\_\_\_  
An employee of SOLOMON DWIGGINS & FREER, LTD.



**ORDER**

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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.: B

**Date of Hearing: October 15, 2019**  
**Time of Hearing: 9:00 a.m.**

**ORDER FROM OCTOBER 15, 2019 HEARING**

☐ **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

This matter having come on for hearing before the above entitled Court on October 15, 2019. Present at the hearing were: Jeffrey P. Luszeck, Esq. of the law firm of Solomon Dwiggins & Freer, Ltd. on behalf of Kimberly Jones; Maria L. Parra-Sandoval, Esq. of Legal Aid Center of Southern Nevada, on behalf of Kathleen June Jones, Protected Person; Ty E. Kehoe, Esq. of the law firm Kehoe & Associates, and Matthew C. Piccolo, Esq. of the law firm Piccolo Law Offices, on behalf of Rodney Gerald Yeoman; and John P. Michaelson, Esq. of the law firm Michaelson & Associates, Ltd., on behalf of Robyn Friedman and Donna Simmons (collectively, the "Parties"). After considering the papers and pleadings on file herein and the argument of counsel

**RECEIVED**

NOV 01 2019

1 at the time of hearing and good cause appearing, the Court finds as follows:

2 1. That on December 27, 2005, Kathleen June Jones executed a Healthcare Power of  
3 Attorney naming her daughter, Kimberly Jones, as her Attorney-in-Fact for healthcare decisions.

4 2. That on October 24, 2012, Kathleen June Jones executed a Financial Power of  
5 Attorney naming her daughter, Kimberly Jones, as her Attorney-in-Fact for financial matters.

6 3. That on November 23, 2012, Kathleen June Jones executed a Last Will and  
7 Testament naming her daughter, Kimberly Jones, as her Personal Representative and chosen  
8 guardian over her person and estate, should the need for a guardian ever arise.

9 4. That on September 19, 2019, Robyn Friedman and Donna Simmons filed their *Ex*  
10 *Parte* Petition for Appointment of Temporary Guardian of the Person and Estate and Issuance of  
11 Letters of Temporary Guardianship, and Petition for Appointment of General Guardian of the  
12 Person and Estate and Issuance of Letters of General Guardianship (“*Ex Parte* Petition for  
13 Temporary Guardianship”).

14 5. That on September 19, 2019, the Clerk of the Court issued a Citation to Appear and  
15 Show Cause scheduling a hearing for October 15, 2019 to “show cause, if any, why Kathleen June  
16 Jones (“Protected Person”), should not be declared incapacitated or in need of a guardian to manage  
17 the Protected Person’s personal and financial affairs and to further show cause, if any, why Robyn  
18 Friedman and Donna Simmons, should not be appointed to act as Guardian of the protected person’s  
19 Person and Estate.”

20 6. That on September 23, 2019, this Court entered its Order Granting *Ex Parte Petition*  
21 for Temporary Guardianship wherein it appointed Robyn Friedman and Donna Simmons as  
22 Temporary Guardians. On October 3, 2019, this Court extended the temporary guardianship.

23 7. That on October 2, 2019, Rodney Gerald Yeoman, the husband of Kathleen June  
24 Jones, filed his Opposition to Appointment of Temporary Guardian and General Guardian and  
25 Counter-Petition for Appointment of Temporary Guardian of the Person and Estate and Issuance of  
26 Letters of Temporary Guardianship and Estate and Issuance of Letters of Temporary Guardianship  
27 and Counter-Petition for Appointment of General Guardian of the Person and Estate and Issuance  
28

1 of Letters of General Guardianship ("Rodney's Counter-Petition").

2 8. That on October 2, 2019, Kimberly Jones filed her Opposition to *Ex Parte* Petition  
3 for Appointment of Temporary and General Guardian of the Person and Estate; Alternatively,  
4 Counter-Petition for Appointment of Kimberly Jones as Temporary and General Guardian of the  
5 Person and Estate ("Kimberly's Counter-Petition").

6 9. That on October 15, 2019 at the Citation to Appear and Show Cause Hearing,  
7 Kathleen June Jones, by and through her Court appointed Counsel, Maria L. Parra-Sandoval,  
8 advised the Court that it was Kathleen June Jones' desire that Kimberly Jones be appointed as her  
9 client's guardian.

10 Good Cause Appearing Therefore,

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Kimberly Jones' Counter-  
12 Petition is hereby GRANTED.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones is  
14 hereby appointed as guardian of the Estate and Person of Kathleen June Jones and Letters of General  
15 Guardianship shall issue to Kimberly Jones.

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Rodney Gerald  
17 Yeoman's Counter-Petition is hereby DENIED in its entirety.

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Letters of Temporary  
19 Guardianship entered on September 23, 2019 are hereby revoked.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of the Court is  
21 hereby directed to issue Letters of Guardianship to Kimberly Jones upon subscribing to the  
22 appropriate oath of office, and bond be waived, since there are no liquid assets.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones shall  
24 investigate the facts and circumstances regarding the purported transfer of real property located at  
25 6277 Kraft Avenue, Las Vegas, Nevada 89130, APN 138-02-511-076, from June Jones to Richard  
26 & Kandi Powell on or around January 16, 2018, and pursue any potential claims and/or resolution  
27 relating to the same.

28

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones shall disseminate the medical records and/or information relating to Kathleen June Jones to Robyn Friedman, Donna Simmons and Rodney Gerald Yeoman.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Rodney Gerald Yeoman shall be allowed to participate in visits with Kathleen June Jones, however, because Rodney Gerald Yeoman was unwilling to provide any information regarding his health/medical conditions said visits must be supervised by Kimberly Jones and/or an agent of her choosing so as to ensure the safety of Kathleen June Jones.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court approve payment of attorneys' fees and costs from the guardianship estate to the law firm of Solomon Dwiggins & Freer, Ltd. at the conclusion of the guardianship proceeding, subject to Court confirmation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a return hearing on the Investigative Reports is hereby scheduled for January 14, 2020, and if necessary, an evidentiary hearing on the Investigative Reports is scheduled for February 20, 2020.


DATED this 25<sup>th</sup> day of November, 2019.




DISTRICT COURT JUDGE  
LINDA MARQUIS

Submitted by:  
SOLOMON DWIGGINS & FREER, LTD.

Approved as to Form and Content:  
MLPS

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Attorneys for Kimberly Jones



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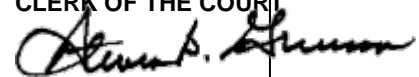
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# Exhibit 2



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*Attorneys for Rodney Gerald Yeoman*

**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.

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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  
19 counter-petitions to become June's guardian;
- 20 • Oct. 15, 2019: the Court appoints Kimberly to be the general guardian of June's  
21 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,  
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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<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 ///

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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                    **D.        The Court Should Appoint Gerry as June's Guardian of Person and a**  
16                    **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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6. That the Court suspend any general durable power of attorney or healthcare power of attorney documents previously executed by June during the duration of the guardianship;

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

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

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

GHANDI DEETER BLACKHAM

/s/ Laura A. Deeter

LAURA A. DEETER, ESQ.

Nevada Bar No. 10562

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

Las Vegas, NV 89101

(702) 878-1115

*Attorneys for Rodney Gerald Yeoman*

**VERIFICATION**

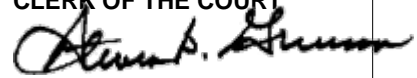
I, Rodney Gerald Yeoman, hereby declare I am the husband of Kathleen June Jones;  
that I have read the foregoing Petition for Removal of Guardian and for Return of Protected  
Person's Property and know the contents thereof; that the same are true and accurate according  
to my best knowledge.

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 3



**Marquis Aurbach Coffing**  
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 James A. Beckstrom, Esq.  
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**DISTRICT COURT****CLARK COUNTY, NEVADA**

In the Matter of the Guardianship of Estate of:

KATHLEEN JUNE JONES,

Protected Person.

Case No.: G-19-052263-A

Dept. No.: B

Date of Hearing: May 6, 2020

Time of Hearing: 10:00 a.m.

**REQUEST FOR TRANSFER TO  
CHAMBERS CALENDAR<sup>1</sup>****KIMBERLY JONES'S OPPOSITION TO RODNEY GERALD YEOMAN'S PETITION  
FOR REMOVAL OF GUARDIAN AND FOR RETURN OF  
PROTECTED PERSON'S PROPERTY****AND****COUNTERPETITION FOR ATTORNEY FEES AND COSTS PURSUANT TO NRS  
159.1583(4)****AND****COURT ORDERED SUPPLEMENTAL OPPOSITION CONCERNING DISCOVERY OF  
INTERESTED PARTIES PURSUANT TO NRS 159.047**

Plaintiff, Kimberly Jones, as Guardian of the Person and Estate of Kathleen June Jones,  
 through the law firm of Marquis Aurbach Coffing, hereby files an Opposition to Rodney Gerald

<sup>1</sup> Kimberly submits that this Petition is not worthy of hauling the parties to court for an oral hearing, or video-conference hearing and should be disposed of in chambers to preserve costs. This request is supported by Chief Judge Bell's Administrative Orders. Administrative Order 20-11 Subsection III.

Yeoman's ("Gerry") Petition for Removal of Guardian and for Return of Protected Person's Property, Counterpetition for Attorney Fees and Costs Pursuant to NRS 159.1583(4), and Court Ordered Supplemental Opposition Concerning Discovery of Interested Parties Pursuant to NRS 159.047. This Opposition, Countermotion, and Supplemental Brief is based on the following Points and Authorities, the pleadings and papers on file herein, and any oral argument by counsel permitted at the hearing on this matter.

Dated this 27th day of April, 2020.

MARQUIS AURBACH COFFING

By /s/ James A. Beckstrom  
Geraldine Tomich, Esq.  
Nevada Bar No. 8369  
James A. Beckstrom, Esq.  
Nevada Bar No. 14032  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
*Attorneys for Kimberly Jones*

## **MEMORANDUM OF POINTS OF AUTHORITIES**

### **I. INTRODUCTION**

Rodney Yeoman's ("Yeoman") Petition for Removal and Return of Property (the "Petition") is yet another example of Yeoman and his family attempting to advance a war of financial attrition against the protected person, June Jones ("June"). The Petition hurls false allegations that have already been addressed by this Court in a prior petition and intentionally misstate the forensic investigation report produced to this Court. In short, Yeoman's Petition is nothing new and entirely based on incorrect assumptions. This Court should act swiftly in favor of the protected person by summarily denying the Petition and sanctioning Yeoman or what is nothing more than a continued attempt to frustrate these guardianship proceedings.

Yeoman's Petition asks this Court to remove Kimberly Jones ("Kimberly") as guardian of the protected person and estate based on: (1) the baseless and wholly incorrect allegation \$6,836.82 of "unaccounted funds" were removed from June's checking account, which is belied by the forensic financial investigator's report in this case; (2) Kimberly "forcibly taking June from her husband before the guardianship proceedings occurred (a false claim that was already entertained

1 and denied by this Court in Yeoman's prior Petition); and (3) some vague assertion that Kimberly  
2 "does not communicate well with the family."<sup>2</sup>

3 As if these frivolous allegations were not enough, Yeoman has the audacity to ask this  
4 Court to appoint him as guardian of June, wholly ignoring the fact Yeoman (1) has all but  
5 abandoned his wife over the past four months; (2) is currently being sued by his wife for fraud, as  
6 a result of his participation in the transfer of June's personal residence to his daughter and son-in-  
7 law for no consideration; and (3) is 87 years old with a list of physical ailments rendering him  
8 wholly unfit to serve the extensive needs of June. Most importantly, Yeoman makes this request  
9 wholly ignoring June's express desire to reside and receive care from Kimberly—which June has  
10 made clear time and time again to her attorney. Thus, like Yeoman's request for removal, the  
11 request for appointment as Guardian must also be summarily denied.

12 As a result of Yeoman's request being nothing more than another attempt to needlessly  
13 extend these guardianship proceedings (like the prior proceedings regarding the return of June's  
14 dogs which were wrongfully withheld by Yeoman), further diminish June's estate, and in clear  
15 defiance of June's stated desires, Kimberly moves this Court pursuant to NRS 159.1583(4) to  
16 impose sanctions on Yeoman in an amount sufficient to reimburse June's estate. June as a  
17 protected person, is the sole focus of these guardianship proceedings. June looks to this Court for  
18 relief in not only defeating the baseless claims drummed up by Yeoman's attorneys in his recent  
19 Petition, but to ensure her minimal estate, a majority which has already been wrongfully  
20 transferred to Yeoman's daughter and son-in-law for no consideration, be preserved. The only  
21 way this Court can truly protect June is to ensure she is reimbursed for the fees and costs incurred  
22 in defeating Yeoman's most recent attempt to needlessly complicate and increase the costs of this  
23 litigation.

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27 <sup>2</sup> Petition at 2:11-22.  
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1 Separately, pursuant to this Court's Order, Kimberly provides points and authorities within  
2 Section IV to address Yeoman's contention that an "Interested Party" as defined in NRS 159 is  
3 not a "party" subject to discovery under NRCP 26.<sup>3</sup>

4 **II. PROCEDURAL HISTORY AND STATEMENT OF FACTS.**

5 This case is like a continuously looping episode of the Twilight Zone. The following facts  
6 are provided for the Court to fully illustrate the frivolousness of Yeoman's current Petition.

7 1. In 2002, June received that real property commonly referred to as 6277 Kraft  
8 Avenue, Las Vegas, Nevada 89130 (the "the Property") as the sole owner from her late husband.

9 2. In 2009, June married Rodney Gerald Yeoman ("Yeoman"). Since approximately  
10 2014, June's memory and cognition have been in decline. In 2017 June was diagnosed with a  
11 degenerative neurological disorder and has since been seeing specialists at the Cleveland Clinic's  
12 Luo Ruvo Center in Las Vegas for treatment.

13 3. In or around March 2019, Kimberly and her sisters discovered the Property had  
14 been "sold" on January 16, 2018 for \$100,000 less than fair market value to Richard and Candice  
15 Powell, the daughter and son-in-law of Yeoman.

16 4. This "sale" did not involve an attorney for June and sale documents were prepared  
17 and paid for by and at the direction of Powell. Despite Yeoman never having an interest in the  
18 Property, Yeoman materially participated in the "sale" by signing a spousal deed for the Property  
19 to effectuate the transfer.

20 5. June did not receive any cash for this "sale" and the reported value for this sale is  
21 simply based on the Declaration of Value form the Richard completed and recorded with Clark  
22 County Recorder's office.

23 6. June maintains no recollection of agreeing to or signing any transfer documents for  
24 the Property and adamantly states she never would have sold the Property.

25  
26  
27 <sup>3</sup> In previously granting Kimberly's Motion for Protective Order, this Court ordered supplemental  
28 briefing on the issue of what an "Interested Party" is for purposes of discovery in guardianship  
proceedings.

1           7.       After the sale of the Property was discovered, Kimberly and her sisters began  
2 reviewing her mother's other accounts with various financial institutions. In doing so it became  
3 clear that Yeoman and Powell (despite neither having signatory authority) consistently wrote  
4 various checks from June's account for various items and even removed June from her marital  
5 checking account at Chase Bank, depriving June of thousands of dollars.

6           8.       On September 9, 2019, Richard Powell and Kandi Powell, filed a lawsuit with the  
7 Las Vegas Justice Court to evict Kimberly from the Property.<sup>4</sup>

8           9.       On September 23, 2019, this Court entered its Order Granting Ex Parte Petition for  
9 Temporary Guardianship wherein it appointed Robyn Friedman and Donna Simmons as  
10 Temporary Guardians. On October 3, 2019, this Court extended the temporary guardianship.

11           10.      On October 2, 2019, Yeoman filed his Opposition to Appointment of Temporary  
12 Guardian and General Guardian and Counter-Petition for Appointment of Temporary Guardian of  
13 the Person and Estate and Issuance of Letters of Temporary Guardianship and Estate and Issuance  
14 of Letters of Temporary Guardianship and Counter-Petition for Appointment of General Guardian  
15 of the Person and Estate and Issuance of Letters of General Guardianship ("Yeoman's Counter-  
16 Petition").

17               a.       Within Yeoman's Counter-Petition, he sought appointment as guardian  
18 under the same arguments advanced in his most recent Petition.<sup>5</sup>

19               b.       Within Yeoman's Counter-Petition, he also attached the same police report  
20 and made the same complaints of June "being forcibly taken from him in Arizona" and made the  
21 same arguments that Kimberly was unfit to serve as Guardian.<sup>6</sup>

22           11.      On October 2, 2019, Kimberly Jones filed her Opposition to Ex Parte Petition for  
23 Appointment of Temporary and General Guardian of the Person and Estate; Alternatively,  
24

25 \_\_\_\_\_  
26 <sup>4</sup> See Case No. 19R000148 Case Detail, attached as **Exhibit 1**.

27 <sup>5</sup> See Yeoman's October 2, 2019 Counter Petition at 11, on file.

28 <sup>6</sup> *Id.* at Exhibit A.

1 Counter-Petition for Appointment of Kimberly Jones as Temporary and General Guardian of the  
2 Person and Estate ("Kimberly's Counter-Petition").

3 12. On October 15, 2019 at the Citation to Appear and Show Cause Hearing, Kathleen  
4 June Jones, by and through her Court appointed Counsel, Maria L. Parra-Sandoval, *advised the*  
5 *Court that it was Kathleen June Jones' desire that Kimberly Jones be appointed as her client's*  
6 *guardian.*

7 13. On November 25, 2019, the Court signed and an entry of order was made with the  
8 following by the Court:

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Kimberly Jones'  
10 Counter-Petition is hereby GRANTED.

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones  
12 is hereby appointed as guardian of the Estate and Person of Kathleen June Jones  
13 and Letters of General Guardianship shall issue to Kimberly Jones.

14 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that **Rodney Gerald**  
15 **Yeoman's Counter-Petition is hereby DENIED in its entirety.**

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Letters of  
17 Temporary Guardianship entered on September 23, 2019 are **hereby revoked.**

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of the  
19 Court is hereby directed to issue Letters of Guardianship to Kimberly Jones upon  
20 subscribing to the appropriate oath of office, and bond be waived, since there are  
21 no liquid assets.

22 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones  
23 shall investigate the facts and circumstances regarding the purported transfer of real  
24 property located at 6277 Kraft Avenue, Las Vegas, Nevada 89130, APN 138-02-  
25 511-076, from June Jones to Richard & Kandi Powell on or around January 16,  
26 2018, and pursue any potential claims and/or resolution relating to the same.

27 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones  
28 shall disseminate the medical records and/or information relating to Kathleen June  
Jones to Robyn Friedman, Donna Simmons and Rodney Gerald Yeoman.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Rodney Gerald  
Yeoman shall be allowed to participate in visits with Kathleen June Jones, however,  
because Rodney Gerald Yeoman was unwilling to provide any information  
regarding his health/medical conditions said visits must be supervised by Kimberly  
Jones and/or an agent of her choosing so as to ensure the safety of Kathleen June  
Jones.

...

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a return hearing  
on the Investigative Reports is hereby scheduled for January 14, 2020, **and if**

1        necessary, an evidentiary hearing on the Investigative reports is scheduled for  
2        February 20, 2020.

3        See Order From October 15, 2019 Hearing, on file. (Emphasis added).

4        14. On December 10, 2019, this Court heard oral argument on the Guardian's Petition  
5        for Return of Property of Protected Person and Petition for Confirmation to Bring Civil Actions of  
6        Behalf of Kathleen June Jones. The Court concluded this hearing by agreeing that the dogs—the  
7        real property at issue were the separate property of June Jones, but because Mr. Yeoman indicated  
8        he would file an appeal, an evidentiary hearing was set out of an abundance of caution. That  
9        hearing was set for February 20, 2020.

10       15. Mr. Yeoman refused to turnover the Dogs for weeks until Kimberly threatened Mr.  
11       Yeoman with sanctions and finally Mr. Yeoman stipulated to return the dogs.

12       16. Despite no pending petition before this Court, in January 2020, Yeoman issued  
13       three "Notices of Deposition" to Donna Simmons, Robyn Friedman, and Kimberly. Yeoman also  
14       propounded written discovery on the same parties.

15       17. Yeoman was informed repeatedly by counsel for Kimberly, Friedman, and  
16       Simmons that with no pending issue before the Court, discovery was improper. Despite this,  
17       Yeoman would not vacate the unilaterally set depositions or withdraw the written discovery and  
18       Kimberly was forced to move this Court for a protective order.

19       18. On March 20, 2020, the Guardianship Compliance Office Forensic Specialist Sonia  
20       Jones filed recommendations for this Court. The report stated in relevant part:

21                a.        *"This audit did not reveal any financial miss-appropriation [sic] of funds*  
22                *in the bank accounts during this Audit."*<sup>7</sup>

23                b.        *The Kraft Avenue Property was transferred to Richard Powell, but no*  
24                *consideration was paid into any account of June.*<sup>8</sup>

25  
26        \_\_\_\_\_  
27        <sup>7</sup> Recommendations of Sonia Jones, attached as **Exhibit 2**.

28        <sup>8</sup> *Id.*

1                   c.       Documentation was needed for two transaction—the withdraw of  
2       \$6,832.82.<sup>9</sup>

3           19.       On April 15, 2020, after Kimberly was forced to expend precious resources from  
4       the estate of the Protected Person to obtain this Court’s protection from Yeoman, this Court granted  
5       Kimberly’s Motion for Protective Order.

6           20.       On April 14, 2020, less than 24 hours prior to the hearing on the Motion for  
7       Protective Order, Yeoman filed the instant Petition for Removal and Appointment as Guardian.

8           21.       On April 20, 2020, Guardianship Compliance Office Forensic Specialist Sonia  
9       Jones filed a supplemental recommendation to this Court<sup>10</sup>, stating:

10           This is a supplement to the Financial Forensic Report filed on March 13, 2020. This  
11           serves to address two outstanding concerns in which Guardian Kimberly Jones,  
12           withdrew \$6,836.82 from the estate for unknown reasons. **Guardian Kimberly  
13           Jones provided documentation for the amounts withdrawn.**

14           There was concern that Kimberly Jones withdrew \$4,836.00, from a newly opened  
15           account of the Protected Person and Rodney Gerald Yeoman in August 2019, for  
16           unknown reasons. **Kimberly Jones provided a receipt that \$5,000.00 in funds were  
17           deposited back into the Protected Person’s account ending 7492 on April 2, 2020.**  
18           (See Exhibit A). There was concern that Kimberly Jones withdrew \$2,000.00 from  
19           account ending 7492 in July 2019, for unknown reasons. **Kimberly indicated that  
20           she spent these funds for legal assistance on behalf of the Protected Person. (See  
21           Exhibit B) Kimberly Jones provided a deposit receipt, along with a legal bill for  
22           legal services from Johnson & Johnson Law Offices located at 1160 N. Town  
23           Center Drive, Ste 390, Las Vegas, NV. The bill shows approximately \$6,382.25  
24           still currently due to be paid.**

25           22.       Thus, despite Yeoman’s incorrect and blatant misrepresentations to the Court, the  
26       only recommendation remaining from the Guardianship Compliance Office Forensic Specialist  
27       relates to June’s Kraft Avenue Property in which Yeoman, his daughter, and son-in-law worked  
28       together to transfer away from June and which continues to be wrongfully titled in Yeoman’s  
      daughter and son-in-law’s name.

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<sup>9</sup> *Id.*

<sup>10</sup> See Supplemental Recommendations of Sonia Jones and Exhibits Reflecting Proof of Funds from Kimberly Jones, attached as **Exhibit 3**.

### III. LEGAL ARGUMENT

#### A. **YEOMAN HAS FAILED TO SET FORTH A PRIMA FACIE CASE FOR REMOVAL AND NO GROUNDS FOR REMOVAL EXIST.**

Removal of an appointed guardian is governed by NRS 159.1853 and NRS 159.185. Yeoman's Petition is deficient under both statutes and must be summarily denied.

##### 1. **Yeoman's Petition Has Failed to Set Forth any Viable Basis for Removal.**

Yeoman has filed his Petition on nothing more than rampant speculation devoid of any factual basis along with complaints already dismissed by this Court. NRS 159.1853 governs petitions for removal and states:

##### **NRS 159.1853 Petition for removal.**

1. The following persons may petition the court to have a guardian removed:
  - (a) The protected person;
  - (b) The spouse of the protected person;
  - (c) Any relative who is within the second degree of consanguinity to the protected person;
  - (d) A public guardian; or
  - (e) Any other interested person.
2. ***The petition must:***
  - (a) ***State with particularity the reasons for removing the guardian; and***
  - (b) ***Show cause for the removal.***
3. If the court denies the petition for removal, the petitioner shall not file a subsequent petition unless a material change of circumstances warrants a subsequent petition.

(Emphasis added). Here, Yeoman has not stated any cognizable allegation of wrongdoing with any particularity and has failed to set forth any personal knowledge of this claimed "wrongdoing." Yeoman's complaints about the two financial transactions are speculative and wrong.<sup>11</sup> Yeoman's remaining complaints regarding granny napping and lack of "communication" have already been raised by Yeoman in his prior petition and denied by this Court. With no viable basis for removal, Yeoman's Petition is statutorily deficient and must be summarily denied.

##### 2. **No Conditions for Removal Exist.**

In addition to Yeoman's Petition lacking any particularity for removal, no conditions for removal exist. NRs 159.185 sets forth conditions for removing a guardian:

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<sup>11</sup> Yeoman's complaint about these two financial transactions are addressed infra, where they have been proven incorrect.

**NRS 159.185 Conditions for removal.**

1. The court may remove a guardian if the court determines that:

(a) The guardian has become mentally incapacitated, unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

(b) The guardian is no longer qualified to act as a guardian pursuant to NRS 159.0613;

(c) The guardian has filed for bankruptcy within the previous 5 years;

(d) The guardian of the estate has mismanaged the estate of the protected person;

(e) The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

(1) The negligence resulted in injury to the protected person or the estate of the protected person; or

(2) There was a substantial likelihood that the negligence would result in injury to the protected person or the estate of the protected person;

(f) The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

(g) The guardian has violated any right of the protected person that is set forth in this chapter;

(h) The guardian has violated a court order or committed an abuse of discretion in making a determination pursuant to paragraph (b) of subsection 1 or subsection 3 of NRS 159.332;

(i) The guardian has violated any provision of NRS 159.331 to 159.338, inclusive, or a court order issued pursuant to NRS 159.333;

(j) The best interests of the protected person will be served by the appointment of another person as guardian; or

(k) The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595 or 159A.0595.

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

While Yeoman cites this statute, his Petition lacks any meaningful analysis outside of vague, self-serving, and conclusory statements.<sup>12</sup> Yeoman provides no admissible evidence of wrongdoing, wholly misstates the financial report of Sonia Jones, and continually attempts to raise concerns already considered and rejected by this Court. Not surprising, Yeoman fails to set forth any fact in which he has first-hand knowledge. This is likely because Yeoman has not visited his wife in months. Regardless, petitions for removal are reserved for instances of verifiable concerns of wrongdoing that threaten or harm the protected person—not speculative and conclusory

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<sup>12</sup> Petition at 5:17-24.

1 allegations. As such, Kimberly asks this Court to disregard the unsupported opinions of Yeoman  
2 which lack any foundation and deny the Petition in its entirety.

3 **B. KIMBERLY HAS FAITHFULLY CARED FOR JUNE AND YEOMAN'S**  
4 **INTENTIONAL MISREPRESENTATIONS REGARDING FINANCES**  
5 **MUST BE SUMMARILY DENIED.**

6 Kimberly has always acted in the best interest of June. From the beginning of these  
7 proceedings and even before, Kimberly has dedicated her life to caring for her mother. This  
8 includes bathing and changing June, driving June to medical appointments, entertaining June, and  
9 taking all available steps to ensure June can see Yeoman and all of her family members.

10 Yeoman's allegation that Kimberly has "misappropriated funds" is false. First, the account  
11 in which Yeoman complains Kimberly "improperly transferred funds from" was an account in  
12 which Yeoman and his son-in-law Richard Powell opened and funded with money from June and  
13 Kimberly's joint checking account. This was done without permission of June or Kimberly. When  
14 Kimberly discovered this, well after the time Yeoman and Powell were aware that Kimberly was  
15 June's financial power of attorney and returned the funds to Kimberly and June's joint account.  
16 Thereafter, because Yeoman and Powell continued to illegally access the accounts and apparently  
17 had the ability to do so, Kimberly withdrew the funds with June and put them in a safe deposit  
18 box. Those funds have always remained untouched and proof of this was provided to the forensic  
19 investigator who found no wrongdoing or mismanagement within any of June's accounts.<sup>13</sup> As  
20 for Yeoman's claim that \$2,000 from June's checking account is unaccounted, that too is false.  
21 Kimberly used the \$2,000 from her and her mother's joint account to obtain legal representation  
22 at the inception of this case. Proof of such has been provided and confirmed by forensic  
23 investigator Sonia Jones.<sup>14</sup>

23 ///

24 ///

25 ///

26 \_\_\_\_\_  
27 <sup>13</sup> Forensic Report at Exhibit 2.

28 <sup>14</sup> *Id.*



1 Second, this Court has already entertained the unavailing and false allegation that  
2 “Kimberly forcibly removed June” from Yeoman or that Kimberly “doesn’t communicate well  
3 with family.”<sup>15</sup>

4 **1. Yeoman Has Intentionally Misrepresented the Forensic Financial**  
5 **Report and Has Made False and Unsupported Assumptions as to**  
6 **Kimberly.**

7 Because Yeoman has forced Kimberly to spend yet more of her mother’s money to once  
8 again clarify an issue Yeoman cannot grasp, the following is yet another explanation by Kimberly  
9 as to the two main contentions of “wrongdoing” claimed by Yeoman.

10 **a. Withdraw of \$4,836.00 From Account Ending in 6668.**

11 Yeoman incorrectly alleges Kimberly has not accounted for \$4,836.00 withdrawn from  
12 June’s checking account ending in 6668. First, *June has never had a checking account she*  
13 *opened that ended in the numbers 6668*. Rather, June has had one primary account in which she  
14 and Kimberly had jointly, a Bank of America account ending in 7492. *Yeoman has never been an*  
15 *owner of this account.*<sup>16</sup> Despite this, on August 8, 2019, Yeoman opened an account in he and  
16 June’s name and transferred \$5,000 from June and Kimberly’s 7492 account to the 6668 account.<sup>17</sup>  
17 At this time Yeoman knew Kimberly was the POA for June, that he was not an authorized signor  
18 on the 7492 account, and that June had cognitive impairment.

19 When Kimberly received an alert that \$5,000 was transferred from her and her mother’s  
20 account ending in 7492, Kimberly rightfully withdrew the \$5,000 with June.<sup>18</sup> The \$5,000 was  
21 deposited into a safe-deposit box at Bank of America to ensure Yeoman did not take the money  
22 without permission yet again.<sup>19</sup> Thereafter, when Forensic Investigator Sonia Jones asked for

23 <sup>15</sup> See October 15, 2019 Order Denying Yeoman’s Petition, on file.

24 <sup>16</sup> See Bank Statements for 7492 (sole joint signatories June and Kimberly), attached as **Exhibit**  
25 **4.**

26 <sup>17</sup> See Bank Statements Reflecting Transfer from Account 7492 (June and Kimberly) to 6668  
(Yeoman and June), attached as **Exhibit 5.**

27 <sup>18</sup> Declaration of Kimberly Jones, attached as **Exhibit 6.**

28 <sup>19</sup> See **Exhibits 2 and 3.**

clarification, Kimberly was entirely forthcoming and provided proof of redepositing the funds into the 7492 account.<sup>20</sup> Thus, factually, Yeoman is once again wrong. Rather, the complained of transaction is another example of Kimberly protecting June's money from Yeoman, who continues to wrongfully access accounts he is not a signatory on.

**b. Withdraw of \$2,000.00 From Account Ending in 7492.**

Yeoman also incorrectly alleges Kimberly has not accounted for \$2,000.00 withdrawn from Kimberly and June's joint checking account at Bank of America ending in 7492.<sup>21</sup> Once again, this is a joint account wherein Kimberly has always been a signatory. In September 2019, after Kimberly discovered Yeoman and Powell fraudulently conveyed the Kraft Avenue Property from June, Kimberly sought legal counsel from David Johnson, Esq.<sup>22</sup> To do so, Kimberly paid counsel \$2,000 in cash.<sup>23</sup> This has been confirmed through payment receipts, attorney fee invoices, and attestation by David Johnson, Esq.<sup>24</sup> It is undisputed Kimberly was a joint signatory of this account and this withdrawal was made before any petition for guardianship was filed.

This withdrawal was authorized, legal, and not subject to these guardianship proceedings. Kimberly was a signatory on the account ending in 7492 (and had been so for years), June was aware and agreed with retaining an attorney, and Kimberly was the financial power of attorney for June. Therefore, Yeoman's second allegation is also wrong.

**2. The Guardianship Compliance Office Specialist Expressly Found No Misappropriation in the Initial Report and Recommendations and the Supplemental Report and Recommendations.**

Despite Yeoman's attempt to point the finger at Kimberly, no compliance officer has found any "misappropriation" by Kimberly. Rather, Sonia Jones, the acting financial investigator

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<sup>20</sup> **Exhibit 3.**

<sup>21</sup> Petition at 6:7-10.

<sup>22</sup> Declaration of Kimberly Jones at **Exhibit 6.**

<sup>23</sup> Receipt of Funds and Invoice for Legal Services from David Johnson, Esq., attached as **Exhibit 7.**

<sup>24</sup> *Id.*

1 assigned to report to this Court found “[t]his audit did not reveal any financial miss-  
2 appropriation [sic] of funds in the bank during this Audit.”<sup>25</sup> Yeoman incorrectly assumes that  
3 Kimberly did not provide an explanation of these amounts. So Yeoman is clear, these amounts  
4 were explained to Ms. Jones the minute she asked for clarification of the charges. Mr. Yeoman  
5 should not confuse the fact that counsel for Kimberly didn’t bombard Ms. Jones with requests for  
6 personal interviews, letters of character, and numerous requests for meetings—which is not the  
7 purpose or the intent of the financial investigator in guardianship court.<sup>26</sup> Rather, counsel for  
8 Kimberly waited patiently for Ms. Jones to finish her review and responded when questions were  
9 presented to Kimberly. In doing so, Kimberly presented unequivocal evidence she has not  
10 misappropriated any of June’s funds.

11 The point being—Yeoman in an attempt to cling to some non-frivolous basis to file his  
12 petition for removal, misrepresented Ms. Jones Report and Recommendations in what can be  
13 described as nothing less than yet another attempt to needlessly expand these proceedings to the  
14 detriment of June. Taking these knowingly false allegations out of Yeoman’s Petition, he has  
15 presented the Court with the same petition that has already been denied by this Court.

16 **C. YEOMAN HAS BLATANTLY MISSTATED FACTS IN FILING HIS**  
17 **FRIVOLOUS PETITION AND MUST BE SANCTIONED TO PROTECT**  
18 **JUNE FROM CONTINUED FINANCIAL ABUSE.**

19 Absolutely nothing in this case has changed since this Court denied Yeoman’s last petition  
20 for guardianship on November 25, 2019.<sup>27</sup> Indeed, Yeoman’s petition is nearly identical to his last  
21 petition. While the guardianship court is a wonderful tool to protect those not capable of protecting  
22 themselves, this Court is well aware that too often the very person this Court seeks to protect is  
23 victimized indirectly through needless financial battles waged in the name of the protected person.

24  
25 <sup>25</sup> Exhibit 2 at pg. 4.

26 <sup>26</sup> Counsel for Kimberly points this out, as the guardianship investigation is filled with irrelevant  
27 pages of bank statements presented from Yeoman’s daughter and son-in-law, letters of character,  
28 and references to an “interview.” See Exhibits to Report of Sonia Jones, on file.

<sup>27</sup> See Order Denying Petition, on file.

1 Yeoman's conduct over the past four months, driven by his attorneys has been nothing short of  
2 destructive to the protected person.

3 First, Yeoman wrongfully retained the personal property of June (the dogs). The Court can  
4 recall that Kimberly was forced to file an exhaustive motion for the return of this property, appear  
5 and argue that motion, and then ultimately begin to prepare for an "evidentiary hearing" due to the  
6 threat of Yeoman's attorney filing an appeal.<sup>28</sup> Then, after setting an evidentiary hearing out of  
7 an abundance of caution, Yeoman ignored this Court's order to return the dogs to June until the  
8 hearing. When Yeoman was threatened by Kimberly's attorney with a forthcoming motion for  
9 sanctions, Yeoman finally agreed to return the dogs.

10 As if that was not enough, with no pending issues before this Court and after Kimberly  
11 waived the right to recover attorney fees from Yeoman for his wrongful retention of the dogs,  
12 Yeoman began acting like the proverbial bull in a china shop by unilaterally setting depositions  
13 and propounding written discovery to not only Kimberly, but non-parties to this case.<sup>29</sup> Once  
14 again, Yeoman was informed these tactics were improper, but refused to back down. This forced  
15 Kimberly to once again seek intervention from this Court, where a protective order was sought  
16 and granted.

17 However, the day before the hearing for the protective order, Yeoman curiously filed the  
18 instant petition, which is just the most recent link in a chain of indirect financial abuse against  
19 June. Yeoman, funded by his daughter and son-in-law continue to waste the resources of this Court,  
20 drain the protected person financially, and consume resources of those no longer part of this case.  
21 This conduct is exactly what NRS 159.1583(4) was enacted to prevent and deter.

22 NRS 159.1583(4) was the legislature's way of providing the Court with the power to deter  
23 the filing of petitions determined not to be filed in good faith or in the best interest of the protected  
24 person. NRS 159.1583(4) states in relevant part:

25  
26  
27 <sup>28</sup> See Hearing Minutes, on file.

28 <sup>29</sup> See Motion for Protective Order, on file.

1 If the court finds that the petitioner did not file a petition for removal in good faith  
2 or in furtherance of the best interests of the protected person, the court may:

3 (a) Disallow the petitioner from petitioning the court for attorney's fees from  
4 the estate of the protected person; and

5 ***(b) Impose sanctions on the petitioner in an amount sufficient to reimburse***  
6 ***the estate of the protected person for all or part of the expenses incurred by the***  
7 ***estate of the protected person in responding to the petition and for any other***  
8 ***pecuniary losses which are associated with the petition.***

9 NRS 159.1583(4) (emphasis added).

10 Here, the above chronology topped off by Yeoman's most recent Petition can be described  
11 as nothing short of a bad faith conduct against the best interests of June. June has stated her desire  
12 to remain with Kimberly and not Yeoman. Yeoman, not satisfied with this Court's original  
13 decision to appoint Kimberly as Guardian, has filed an identical petition rehashing the same  
14 arguments already dismissed by this Court. Likely, Yeoman's most recent addition to his legal  
15 team, a third attorney, likely discovered that Yeoman failed to timely file an appeal and now seeks  
16 to circumvent that shortcoming.

17 As a result, Kimberly on behalf of her mother asks this Court to recognize the bad faith  
18 conduct of Yeoman in his most recent Petition and sanction Yeoman in the amount of fees and  
19 costs incurred opposing this Petition. If this is not done, Yeoman's conduct to unnecessarily  
20 increase costs in these proceedings will not stop.

21 **D. YEOMAN IS PRECLUDED FROM RAISING THE SAME ARGUMENTS**  
22 **ALREADY DISMISSED BY THIS COURT IN HIS PRIOR PETITION.**

23 Setting aside Yeoman's incorrect assumption regarding the two transactions identified  
24 above, Yeoman is precluded from a second bite at the apple in arguing "suitability" of Kimberly  
25 as Guardian or the issue of "forcibly taking June" from him, because these exact issues (verbatim)  
26 were raised in Yeoman's prior Petition which was denied by this Court. Yeoman never filed an  
27 appeal within the 30 days as required by NRS 159.375.

28 What Yeoman is attempting to do now is relitigate the same issues already denied by this  
Court—something which is expressly not allowed in Nevada. *See Five Star Capital Corporation*  
*v. Ruby*, 124 Nev. 1048, 194 P.3d 709 (2008). Specifically, Yeoman focuses on "statements" of  
Kimberly's sisters regarding suitability which were raised *prior* to his initial Petition and before

1 this Court's Order denying his Petition.<sup>30</sup> Yeoman also attempts to do this with his argument  
2 concerning the alleged "forcible taking" of June, where he attaches the same police reports filed  
3 in his prior Petition.<sup>31</sup>

4 Yeoman does not get another bite at the apple to advance these meritless arguments devoid  
5 of any evidence. It is also patently unfair to require the protect person's estate to fund continued  
6 fights to starve off arguments already dismissed by this Court with no changed circumstances.

7 **E. YEOMAN IS NOT A SUITABLE GUARDIAN AND JUNE HAS**  
8 **REPEATEDLY EXPRESSED SHE DOES NOT WANT YEOMAN AS HER**  
9 **GUARDIAN.**

10 Yeoman spends a great deal of time focusing on how he, at 87 years old, is "fit" to serve  
11 as Guardian. While Yeoman's physical fitness to serve as guardian remains highly questionable,  
12 this issue need not even be considered, as June has repeatedly informed this Court that *she does*  
13 *not want Yeoman to serve as her guardian*.<sup>32</sup> In doing so, June has confirmed Kimberly is the  
14 only person she wants to serve as her guardian. This Court cannot discount this fact and pursuant  
15 to NRS 159.328(1)(h) June as a protected person maintains the right to participate in developing a  
16 plan of care and respect for her previously stated personal desires. June has made clear that she is  
17 happy with the status quo and is adamantly opposed to additional disputes over her guardianship.<sup>33</sup>  
18 Under NRS 159.328 (h), a protected person has the right to "[r]emain as independent as possible,  
19 including, without limitation, to have his or her preference honored regarding his or her residence  
20 and standard of living, either as expressed or demonstrated before a determination was made  
21 relating to capacity or as currently expressed, if the preference is reasonable under the  
22 circumstances." Because June has made her preferences clear to her court appointed attorney and

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23 <sup>30</sup> Petition at 8:10-9:7.

24 <sup>31</sup> Cf. April 14, 2020 Petition to October 2, 2019 Petition, on file.

25 <sup>32</sup> In addition, Yeoman resides with Dick Powell, who remains an adverse party to June in the  
26 related proceedings to this case pending in front of Judge Bluth. It would be wholly inappropriate  
27 for June in a diminished capacity to be under the control of the very person being sued for harming  
28 her financially.

<sup>33</sup> See Protected Person's Joinder to Guardian's Motion for Protective Order, on file.

1 no circumstances have changed since this Court's order of appointment, Yeoman's Petition must  
2 be summarily denied.

3 In addition, Yeoman fails to acknowledge or foolishly discounts the undisputed fact that  
4 he is an adversary of June in litigation pending before Judge Bluth. Yeoman likely recalls his  
5 efforts to remove himself from that litigation was *denied in its entirety*—with Judge Bluth finding  
6 that factual issues remained as to his involvement, intent, and knowledge surrounding the  
7 fraudulent transfer of the Kraft Avenue Property and theft of June's personal property.<sup>34</sup> This  
8 involvement includes Yeoman signing a "spousal deed" to the Kraft Avenue Property to effectuate  
9 the fraudulent transfer from June to Richard and Kandi Powell, despite Yeoman never having an  
10 interest in the Property.

11 Yeoman is also not fooling anyone with his attorney driven "physician declarations"  
12 attesting to his physical and mental fitness to serve as guardian over June. *Yeoman has not visited*  
13 *June in months*.<sup>35</sup> The only reason he has filed this most recent Petition is to harass June in the  
14 hopes he can starve off the litigation against him, his daughter, and son-in-law, who continue to  
15 be the only individuals alive who believe transferring June's Kraft Avenue Property was  
16 appropriate or legal. Yeoman's persistent inability to release his medical records continues to raise  
17 severe concerns of his physical and mental fitness. Kimberly does not address Yeoman's self-  
18 proclaimed physical and mental wellbeing, because no reasonable response can be fashioned with  
19 Yeoman continually refusing to disclose his medical records.

20 Lastly, while Yeoman has not yet been deemed to have commuted abuse, neglect, or  
21 exploitation—those exact allegations are pending against him in the companion civil case to these  
22 proceedings. These proceedings are advancing to discovery and there is no reasonable argument  
23 to suggest Yeoman would be a suitable guardian of June's person or estate.

24  
25  
26  
27 <sup>34</sup> See March 3, 2020 Minutes Case No. A-19-807458-C, attached as **Exhibit 8**. (Order pending).

28 <sup>35</sup> **Exhibit 6**.

1           **F.     KIMBERLY’S STATUS AS GUARDIAN IS NOT UNCERTAIN AND**  
2           **YEOMAN HAS FAILED TO SET FORTH ANY COGNIZABLE CLAIM**  
3           **FOR RETURN OF PROPERTY.**

4           Yeoman’s in yet another improper collateral attack on the prior order of this Court attempts  
5           to argue (again) that Kimberly does not have priority to serve as guardian based on “concerns”  
6           June never appointed Kimberly as her power of attorney (“POA”).<sup>36</sup> *This was raised in Yeoman’s*  
7           *prior Petition and denied.*<sup>37</sup>

8           Yeoman’s “concern” that June’s estate planning documents and POA, which have existed  
9           for years preceding this Guardianship, are meritless and based wholly on fanatical conspiracies.  
10          *Yeoman is documented in June’s medical records year prior as acknowledging the fact Kimberly*  
11          *was the Power of Attorney of June.*<sup>38</sup> Yeoman’s convenient attempt to question these documents  
12          in the middle of adversarial litigation is not only questionable—is it proof of his bad faith conduct.

13           **G.     YEOMAN’S REQUEST FOR “DISCOVERY” AND AN EVIDENTIARY**  
14           **HEARING IS A BASELESS ATTEMPT TO HARASS JUNE AND**  
15           **INCREASE LITIGATION COSTS.**

16          This Court is under no obligation to entertain, let alone order discovery or an evidentiary  
17          hearing. NRS 159.1583 governs petitions for removal and grants the Court discretion in ruling on  
18          petitions for removal. NRS 159.091 further provides this Court complete discretion as to whether  
19          a party should even be required to appear to address claims within a petition from an interested  
20          party. *See* NRS 195.091 (upon the filing of a petition the court may require the person to appear  
21          and answer under oath as to alleged wrongdoing). Without viable concerns of wrongdoing or a  
22          situation this Court deems is not in the best interest of June, there is no need for discovery or an  
23          evidentiary hearing. Vague and conclusory allegations of “wrongdoing” do not justify an  
24          evidentiary hearing and must be summarily dismissed.

25          <sup>36</sup> Petition at 11:3-14.

26          <sup>37</sup> *See* Yeoman’s October 2, 2019 Petition at 2:3-7; 2:26-8;3:10-4:16, on file.

27          <sup>38</sup> *See* February 16, 2016 UCI Medical Record, attached as **Exhibit 9**. (confirming Kimberly is  
28          POA as early as 2016, in the presence of Yeoman along with other detailed notes regarding  
advanced directives).



Yeoman continually states discovery and an evidentiary hearing “would be extremely helpful to determine who is currently the most qualified, suitable person to be June’s guardian.”<sup>39</sup> Again, this is Yeoman attempting to relitigate the appointment of Kimberly, which is improper. Yeoman has lost sight of the purpose of guardianship court—which is not to engage in unnecessary adversarial proceedings and discovery. Rather, the entire purpose of guardianship court is to provide oversight and protection for those unable to care for themselves. The Court is the final authority on determining whether good cause exists to remove a guardian, whether discovery is necessary, and whether the time and expense of an evidentiary hearing is justified. Here, everyone with the exception of Yeoman, his daughter, and son-in-law, are in agreement that June’s best interests are being served by Kimberly and no additional hearing or discovery is necessary. The Court should exercise its power and conclude the same to avoid yet another pointless and costly proceeding.

**IV. SUPPLEMENTAL COURT ORDERED BRIEFING CONCERNING “PARTIES” WITHIN GUARDIANSHIP PROCEEDINGS.**

Every interested party to this case, with the exception of Yeoman, is also in agreement that there is nothing left to “discover” at this point. Yeoman’s meritless Petition changes nothing. Without an actionable petition, there is no discovery necessary in these guardianship proceedings. Despite this, because Yeoman has also taken the absurd position in prior petitions that he can propound discovery on interested parties in these proceedings, points and authorities are provided to this Court in opposition to Yeoman’s position.

The Court aptly noted that Nevada has not decided whether an “interested party” as defined in the guardianship statutes can be subject to discovery under NRCP 26. This is likely because no one in the history of Nevada’s guardianship court has ever taken such an absurd position as Yeoman. Notwithstanding, there is no viable argument to suggest any “interested person” is subject to party discovery as stated in NRCP 26.

---

<sup>39</sup> Petition at 14:18-20.

1 NRS 159.0195 defines “Interested Person” as “a person who is entitled to notice of a  
2 guardianship proceeding pursuant to NRS 159.034.” NRS 159.034 provides that a litany of persons  
3 are entitled to notice when guardianship proceedings are initiated, this includes spouses, all known  
4 relatives, the Department of Veteran Affairs (if applicable), the Director of Health and Human  
5 Services (if applicable), and any person or care provider who is providing care for the protected  
6 person. *Id.* According to Yeoman, any Interested Person is subject to this Court’s jurisdiction and  
7 is required to participate and comply with the Nevada Rules of Civil Procedure and Chapter 159.  
8 According to Yeoman, any party who appears in a guardianship action at any time remains subject  
9 to the jurisdiction of this Court and any discovery therein. This of course is wrong and would defy  
10 logic.

11 An Interested Person is not a formal party to a guardianship proceeding. While an  
12 Interested Party can intervene with the filing of a petition for relief, absent a pending petition filed  
13 by the Interested Person, an Interested Person is nothing more than a party entitled to notice of  
14 certain actions taking place in this Court. *See e.g.* NRS 159.044. For illustrative purposes, this  
15 premise can be taken one step further with an example. The Director of the Department of Health  
16 and Human Services (“DHS”) is listed as an interested party by statute. NRS 159.047. While DHS  
17 is entitled to be apprised of guardianship proceedings, no statute, rule, or policy stands for the  
18 proposition that discovery under NRCP 26 (interrogatories, requests for production, or requests  
19 for admissions) are proper. The only way evidence can be elicited from an Interested Party such  
20 as DHS, would be through a duly issued subpoena authorized by this Court.<sup>40</sup>

21 The example of DHS is no different from any other interested party, or in this instance,  
22 Donna Simmons and Robyn Friedman. There is no dispute that while Simmons and Friedman were  
23 once temporary guardians, the Court revoked that power and they reverted to nothing more than  
24 Interested Parties—no different than any other person entitled to notice of certain proceedings.  
25 The fact that Simmons and Friedman have chosen to hire counsel to observe and participate in the  
26 guardianship court to keep them abreast of their mother’s proceedings does not change this.

---

27 <sup>40</sup> Additionally, this Court does not have personal jurisdiction of any Interested Party.  
28

1 Taking this one step further, the Nevada Rules of Civil Procedure provide additional  
2 guidance to the premise that only adversarial parties or parties with a live controversy are entitled  
3 to propound inter-party discovery—specifically interrogatories, requests for production, and  
4 requests for admission. NRCP 26 controls the overall scope of discovery states as follows:

5 **Rule 26. General Provisions Governing Discovery**

6 (a) Discovery Methods. *At any time after the filing of a joint case*  
7 *conference report, or not sooner than 14 days after a party has filed a separate*  
8 *case conference report, or upon order by the court or discovery commissioner,*  
9 *any party who has complied with Rule 16.1(a)(1), 16.2, or 16.205 may obtain*  
10 *discovery by any means permitted by these rules.*

11 (b) Discovery Scope and Limits.

12 (1) Scope. Unless otherwise limited by order of the court in accordance  
13 with these rules, the scope of discovery is as follows: Parties may obtain discovery  
14 regarding any nonprivileged matter that is relevant to any party's claims or  
15 defenses and proportional to the needs of the case, considering the importance of  
16 the issues at stake in the action, the amount in controversy, the parties' relative  
17 access to relevant information, the parties' resources, the importance of the  
18 discovery in resolving the issues, and whether the burden or expense of the  
19 proposed discovery outweighs its likely benefit. Information within this scope of  
20 discovery need not be admissible in evidence to be discoverable.

21 NRCP 26 (emphasis added).

22 Most important, NRCP 26 makes clear that discovery is allowed (and intended) only when  
23 a party seeks to advance a claim or defense. Thus, the prerequisite to any discovery by any person  
24 or entity is that person must be advancing (1) a claim in which relief is sought; or (2) defending a  
25 claim in which relief is sought. There is no escaping this basic premise.

26 Available tools for parties advancing a claim or defense as defined within NRCP 26 include  
27 NRCP 33 and 34, which allow parties litigating actual claims to propound discovery on one  
28 another. So Yeoman is clear, NRCP 33 and 34, the rules in which he claimed authorized him to  
propound discovery on Interested Parties Friedman and Simmons, expressly incorporate the  
limitations of NRCP 26 as follows:

29 **Rule 33. Interrogatories to Parties**

30 (a) In General.

31 (1) Number. Unless otherwise stipulated or ordered by the court, a party  
32 may serve on any other party no more than 40 written interrogatories

33 (2) Scope. An interrogatory may relate to any matter that may be  
34 inquired into under Rule 26(b).

1 And

2 **Rule 34. Producing Documents, Electronically Stored Information, and**  
3 **Tangible Things, or Entering Onto Land, for Inspection and Other Purposes**

4 (a) In General. *A party may serve on any other party a request within the*  
5 *scope of Rule 26(b):*

6 (Emphasis added). Because both NRCP 33 and 34 expressly limit this procedural device to claims  
7 and defenses within the scope of NRCP 26 and Yeoman has not and does not have any “claim or  
8 defense” in this proceeding, no discovery is allowed and under no circumstances is an Interested  
9 Person a “party” for purposes of discovery.

10 **V. CONCLUSION**

11 Based on the foregoing, Kimberly asks this Court to deny Yeoman’s Petition in its entirety  
12 and grant her Petition for Fees and Costs under 159.1583(4). Kimberly will file a Memorandum  
13 of Points and Authorities in support of all fees and costs incurred in addressing and responding to  
14 Yeoman’s bad faith petition.

15 Dated this 27th day of April, 2020.

MARQUIS AURBACH COFFING

16 By /s/ James A. Beckstrom  
17 Geraldine Tomich, Esq.  
18 Nevada Bar No. 8369  
19 James A. Beckstrom, Esq.  
20 Nevada Bar No. 14032  
21 10001 Park Run Drive  
22 Las Vegas, Nevada 89145  
23 *Attorneys for Kimberly Jones, as*  
24 *Guardian of the Person and*  
25 *Estate of Kathleen June Jones*

**CERTIFICATE OF SERVICE**

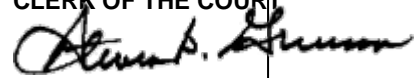
I hereby certify that the foregoing **PLAINTIFF'S OPPOSITION TO RODNEY GERALD YEOMAN'S PETITION FOR REMOVAL OF GUARDIAN AND FOR RETURN OF PROTECTED PERSON'S PROPERTY, COUNTERPETITION FOR ATTORNEY FEES AND COSTS PURSUANT TO NRS 159.1583(4), AND COURT ORDERED SUPPLEMENTAL OPPOSITION CONCERNING DISCOVERY OF INTERESTED PARTIES PURSUANT TO NRS 159.047** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 27th day of April, 2020. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:<sup>41</sup>

Ty E. Kehoe, Esq. KEHOE & ASSOCIATES 871 Coronado Center Drive, Ste. 200 Henderson, NV 89052	Matthew C. Piccolo, Esq. PICCOLO LAW OFFICES 2450 St. Rose Pkwy., Ste. 210 Henderson, NV 89074	Laura Deeter, Esq. Nedda Ghandi, Esq. 725 S. 8 <sup>th</sup> Street, Ste. 100 Las Vegas, NV 89101 <i>Attorneys for Rodney Gerald Yeoman</i>
Maria L. Parra-Sandoval, Esq. LEGAL AID OF SOUTHERN NEVADA 725 E. Charleston Blvd. Las Vegas, NV 89104 <i>Attorneys for Protected Person</i>	John P. Michaelson, Esq. MICHAELSON & ASSOCIATES, LTD. & Jeffrey R. Sylvester, Esq. SYLVESTER & POLEDNAK, LTD. <i>Attorneys for Robyn Friedman and Donna Simmons</i>	Sonia Jones, Guardianship Financial Forensic Specialist GUARDIANSHIP COMPLIANCE OFFICE SUPREME COURT OF NEVADA

/s/ Cheryl Becnel  
An employee of Marquis Aurbach Coffing

<sup>41</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).

# Exhibit 4



**JOIN**

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Nevada Bar No. 13736  
mparra@lacsns.org

**LEGAL AID CENTER OF  
SOUTHERN NEVADA, INC.**

725 E. Charleston Blvd.  
Las Vegas, NV 89104  
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Facsimile: (702) 386-1526

*Attorney for Kathleen June Jones, Adult Protected Person*

**EIGHTH JUDICIAL DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA**

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

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

KATHLEEN JUNE JONES,

Adult Protected Person.

**KATHLEEN JUNE JONES' JOINDER TO GUARDIAN'S OPPOSITION TO  
YEOMAN'S PETITION FOR REMOVAL OF GUARDIAN AND FOR RETURN OF  
PROTECTED PERSON'S PROPERTY**

Kathleen June Jones ("June"), the protected person herein, by and through her counsel, Maria L. Parra-Sandoval, Esq., hereby files this Joinder in support of Kimberly Jones' Opposition to Rodney Gerald Yeoman's Petition for Removal of Guardian and for Return of Protected Person's Property And Counter-Petition for Attorney Fees and Costs Pursuant to NRS 159.1583(4) And Court Ordered Supplemental Opposition Concerning Discovery of Interested Parties Pursuant to NRS 159.047 (the "Opposition"). June's Joinder is based upon and supported by the Memorandum of Points contained in Kimberly Jones' ("Guardian") Opposition, the pleadings and papers on file in this case, and the argument of counsel as allowed by the Court at the time of hearing, if a hearing is held.

June further alleges as follows:

1 Rodney Yeoman's ("Mr. Yeoman") Petition for Removal of Guardian and for Return of  
2 Protected Person's Property<sup>1</sup> has no merit and Mr. Yeoman should be required to pay for any  
3 fees or expenses the Guardian has incurred in responding to it. The Financial Forensic Report<sup>2</sup>  
4 filed on March 13, 2020, found no misappropriation on the Guardian's part, and any outstanding  
5 concerns have been addressed in the Supplemental Report<sup>3</sup> filed on April 20, 2020. This Court  
6 should not indulge this frivolous request by holding a hearing when there are *no statutory*  
7 *grounds* to remove Guardian and for which this Court can dispose summarily on the pleadings.  
8 Mr. Yeoman seeks to re-litigate all the *same* issues that have already been considered by this  
9 Court and on which it has decisively ruled. Mr. Yeoman failed to file a timely appeal of the  
10 Court's prior orders and should now be precluded from litigating the same issues.

11 Furthermore, not only is Mr. Yeoman's petition to remove the Guardian based on  
12 frivolous and false allegations, but Mr. Yeoman, an alleged bad actor who is already being sued  
13 for the possible fraudulent transfer of June's Kraft home, seeks to replace current Guardian with  
14 himself as guardian of the person and a neutral party as guardian of the estate. There is an  
15 *inherent* conflict of interest in allowing something like this to happen. Why should someone  
16 who is already being sued in a possible wrongdoing against the protected person be allowed to  
17 control the protected person's daily care? This is yet *another* attempt to waste the Court's time  
18 and June's financial resources. Allowing Mr. Yeoman to re-litigate the same issues will only  
19 subject June to additional financial abuse.

20 June is able to make her preferences known. Her desire to have Kimberly Jones as  
21 guardian of the person and estate has not changed. June requests to have her preference honored  
22 by this Court under both NRS 159.328(h) and (i). Under NRS 159.328 (h), a protected person  
23 has the right to "Remain as independent as possible, including, without limitation, to have his or  
24 her preference honored regarding his or her residence and standard of living, either as expressed  
25 or demonstrated before a determination was made relating to capacity or as currently expressed,  
26

27  
28 <sup>1</sup> See Petition for Removal of Guardian and Return of Protected Person's Property, filed April 14, 2020.

<sup>2</sup> See Financial Forensic Report, filed March 13, 2020.

<sup>3</sup> See Supplemental Report Update, filed April 20, 2020.



1 if the preference is reasonable under the circumstances.”<sup>4</sup> Subsequently, under NRS 159.328 (i),  
2 a protected person has the right to “Be granted the greatest degree of freedom possible, consistent  
3 with the reasons for a guardianship, and exercise control of all aspects of his or her life that are  
4 not delegated to a guardian specifically by a court order.”<sup>5</sup> As has been stated before: The  
5 purpose of these rights is to give the protected person the driver’s seat in his or her guardianship  
6 case.<sup>6</sup> The law is clear that it is June who gets to determine who she wants to manage her affairs  
7 as well as her daily care. The current Guardian, June’s preference, is qualified and suitable to  
8 continue serving as guardian of the person and estate.

### 9 **Supplemental Briefing**

10 This Court has requested to be briefed on who should be subject to discovery in a  
11 guardianship proceeding and in particular, whether “interested persons” are subject to discovery.  
12 Unfortunately, there is no case law to answer this question, but our current Nevada statutes and  
13 rational inferences can guide this Court. Additionally, discovery is not without limits and in  
14 guardianship proceedings allowing unlimited discovery can subject the protected person to  
15 significant financial abuse due to increased litigation costs.

16 It should be noted at the outset that, pursuant to NRS 159.0195, Mr. Yeoman is not an  
17 interested person. However, Mr. Yeoman has inserted himself in these proceedings and is  
18 therefore entitled to notice as a result. NRS 159.0195 defines an “Interested person” as “a person  
19 who is entitled to notice of a guardianship proceeding pursuant to NRS 159.034.”<sup>7</sup>

20 NRS 159.034(1) requires a petitioner in a guardianship proceeding to provide notice of  
21 any petition filed to:

22 “(a) The protected person and all other known relatives of the protected person who are within  
23 the second degree of consanguinity.

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27 <sup>4</sup> See NRS 159.328(h).

28 <sup>5</sup> See NRS 159.328(i).

<sup>6</sup> See Protected Person’s Joinder to Guardian’s Motion for Protective Order, filed March 3, 2020.

<sup>7</sup> See NRS 159.0195.

1 (b) Any other interested person or the person’s attorney who has filed a request for notice in the  
2 guardianship proceedings and has served a copy of the request upon the guardian...”<sup>8</sup>

3 Similarly, NRS 150.047 requires service of the citation to specific persons including the  
4 “(a) proposed protected person regardless of their capacity to understand its contents and under  
5 (b) [t]he spouse of the proposed protected person and all other known relatives of the proposed  
6 protected person who are (1) Fourteen years of age or older; and (2) Within the second degree  
7 of consanguinity.”<sup>9</sup>

8 By law, “Interested persons” must be served with guardianship pleadings. This gives  
9 “Interested persons” information on what is going on with their family member and an  
10 opportunity to object. But just because “Interested persons” must be served pleadings when they  
11 request such notice, this right to notice does not grant “Interested persons” the unfettered right  
12 to actively participate in all guardianship proceedings or to actively obstruct the administration  
13 of a guardianship. An interested person may become a party to a litigation upon making an  
14 objection or by asking the Court to take a certain action but there must be some limitation to an  
15 “Interested person’s” ability to drive litigation in a guardianship matter.

16 N.R.C.P. 26 (b) (1) states: “Unless otherwise limited by order of the court in accordance  
17 with these rules, the scope of discovery is as follows: Parties may obtain discovery regarding  
18 any nonprivileged matter that is **relevant to any party’s claims or defenses** and proportional to  
19 the needs of the case, considering the importance of the issues at stake in the action, the amount  
20 in controversy, the parties’ relative access to relevant information, **the parties’ resources**, the  
21 importance of the discovery in resolving the issues, **and whether the burden or expense of the**  
22 **proposed discovery outweighs its likely benefit**. Information within this scope of discovery  
23 need not be admissible in evidence to be discoverable” (emphasis added). <sup>10</sup>

24 N.R.C.P. 26 allows for a very broad interpretation of what can be discovered, but there  
25 are limits. At the most basic level, the rule itself establishes there must be a “claim or defenses”  
26

---

27  
28 <sup>8</sup> See NRS 159.034(1).

<sup>9</sup> See NRS 150.047.

<sup>10</sup> See N.R.C.P. 26 (b)(1).

1 to allow for discovery of relevant information. Therefore, there must be a pending petition or  
2 motion asking for the Court to take action. Discovery is not a tool to use to burden a protected  
3 person due to a “potential claim.” If an actual claim exists, it must be stated with particular details  
4 to allow the other side to answer.

5         The type of status a party holds, whether it is an “Interested person” or a “Temporary  
6 Guardian” or an active party to the litigation in a guardianship proceeding, should not control  
7 who is subject to discovery. Such a stance would create a plethora of even more litigation issues  
8 and not to mention, bad law. Instead, who should be subject to discovery should focus on the  
9 discovery rule itself; on whether it is appropriate given a pending petition requesting the Court  
10 to take action; and whether the claim articulated is not frivolous. It is the claim (or defenses) that  
11 determines what information or person is subject to discovery. In guardianship proceedings,  
12 discovery should be limited by the Court to protect the protected person from outrageous  
13 litigation costs resulting from unnecessary and frivolous discovery. The Court has discretionary  
14 powers in doing so and the Rules of Discovery provide guidance in this regard.

15         Herein, while there is a pending Petition for Removal of Guardian and for Return of  
16 Protected Person’s Property, the claims are based on frivolous allegations and no statutory  
17 grounds exist to remove current guardian. Mr. Yeoman missed his chance to file a proper appeal  
18 and is now barred from re-litigating the issues. There is absolutely no need for discovery by  
19 “interested persons” or any other party in this matter.

20  
21 ///

22  
23 ///

1 Furthermore, great weight must be given to June's stated preferences—guardianship law  
2 is meant to protect her and her wishes. There is no reason to subject June to more costly hearings  
3 when she has a suitable and qualified guardian.  
4

5 DATED this 7<sup>th</sup> day of May, 2020.  
6

7 **LEGAL AID CENTER OF**  
8 **SOUTHERN NEVADA, INC.**

9 /s/ Maria L. Parra-Sandoval, Esq. \_\_\_\_\_

10 Maria L. Parra-Sandoval, Esq.

11 Nevada Bar No. 13736

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18 [mparra@lacsnc.org](mailto:mparra@lacsnc.org)

19 *Attorney for Adult Protected Person Kathleen*  
20 *June Jones*  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 7<sup>th</sup> day of May 2020, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **PROTECTED PERSON'S JOINDER TO GUARDIAN'S MOTION FOR PROTECTIVE ORDER** in a sealed envelope, mailed regular U.S. mail, upon which first class postage was fully prepaid, addressed to the following:

Teri Butler  
586 N. Magdalena Street  
Dewey, AZ 86327

Tiffany O'Neal  
177 N. Singingwood Street, Unit 13  
Orange, CA 92869

Jen Adamo  
14 Edgewater Drive  
Magnolia, DE 19962

Courtney Simmons  
765 Kimbark Avenue  
San Bernardino, CA 92407

Scott Simmons  
1054 S. Verde Street  
Anaheim, CA 92805

Ampersand Man  
2824 High Sail Court  
Las Vegas, NV 89117

Division of Welfare and Supportive Services  
Medicaid Chief Eligibility and Payments  
1470 College Parkway  
Carson City, NV 89706

AND I FURTHER CERTIFY that on the same date I electronically served the same document to the following via ODYSSEY, the Court's electronic filing system, pursuant to EDCR 8.05:

James Beckstrom, Esq.  
[jbecstrom@maclaw.com](mailto:jbecstrom@maclaw.com)  
Attorney for Guardian

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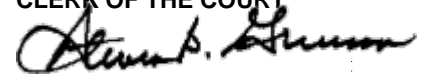
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/s/Alexa Reanos  
Employee of Legal Aid Center of Southern Nevada

# Exhibit 5



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**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

In the Matter of the Guardianship of Estate of:  
  
KATHLEEN JUNE JONES,  
  
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

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

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

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

Dated this 20 day of May, 2020.

**LINDA MARQUIS**

**MARQUIS AURBACH COFFING**

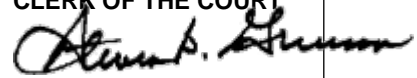
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1 Respectfully Submitted by:  
2 MARQUIS AURBACH COFFING

3 By: /s/ James A. Beckstrom

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11 *Guardian of the Person and*  
12 *Estate of Kathleen June Jones*  
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# Exhibit 6



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**EIGHTH JUDICIAL DISTRICT COURT**

**FAMILY DIVISION**

**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

**SUGGESTION OF DEATH UPON THE RECORD UNDER NRCP 25 (a)(2)**

Counsel for Petitioner suggest upon the record, pursuant to NRCP 25, the death of

1 RODNEY GERALD YEOMAN on August 14, 2020, during the pendency of this action.

2 DATED this 6<sup>th</sup> day of October, 2020.

3 GHANDI DEETER BLACKHAM

4 Laura A. Deeter

Laura A. Deeter (Oct 6, 2020 14:56 PDT)

5 Laura A. Deeter, Esq.

6 Nevada Bar No. 10562

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Las Vegas, NV 89101

Attorneys for Rodney Gerald Yeoman

8 **CERTIFICATE OF MAILING**

9 That on the 6th day of October, 2020, I deposited in the Post Office at Las Vegas,  
10 Nevada, a copy of the within SUGGESTION OF DEATH UPON THE RECORD UNDER NRCP  
11 25 (a)(2), enclosed in a sealed envelope, upon which postage was fully prepaid, and addressed as  
12 follows, and pursuant to EDCR 8.05(a) and 8.05(f) and Rule 9 of N.E.F.C.R, caused an electronic  
13 copy to be served via Odyssey to the email addresses noted below:

14 **Via Electronic Service**

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17 tykehoelaw@gmail.com

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/s/ Faydra Ross

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