

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
ADMINISTRATION OF THE SSJ'S ISSUE
TRUST

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Elizabeth A. Brown
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CASE NO.: 81470

IN THE MATTER OF THE
ADMINISTRATION OF THE SAMUEL S.
JAKSICK, JR., FAMILY TRUST

**District Court Case No.:
PR17-00445/PR17-00446**

TODD B. JAKSICK, Individually, as Co-
Trustee of the Samuel S. Jaksick Jr. Family
Trust, and as Trustee of the SSJ's Issue Trust;
MICHAEL S. KIMMEL, Individually and as
Co-Trustee of the Samuel S. Jaksick Jr. Family
Trust; KEVIN RILEY, Individually, as Former
Trustee of the Samuel S. Jaksick Jr. Family
Trust, and as Trustee of the Wendy A. Jaksick
2012 BHC Family Trust; and STANLEY
JAKSICK, Individually and as Co-Trustee of
the Samuel S. Jaksick Jr. Family Trust,

Appellants/Cross-Respondents,

vs.

WENDY JAKSICK,

Respondent/Cross-Appellant.

APPELLANT/CROSS-RESPONDENT
TODD B. JAKSICK'S APPENDIX TO OPENING BRIEF

Volume 5 of 22

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Request for Submission of Motion for Order Awarding Costs and Attorneys' Fees	4.1.19	7	TJA001186-001189
Request for Submission of Wendy A. Jaksick's Motion for Leave to Join Indispensable Parties	12.18.18	5	TJA000934-000936

Respondent Wendy A. Jaksick's Answer to Petition for Approval of Accounting and Other Trust Administration Matters (Family Trust)	10.10.17	4	TJA000595-000601
Respondent Wendy A. Jaksick's Answer to Petition for Approval of Accounting and Other Trust Administration Matters (Issue Trust)	10.10.17	4	TJA000602-000606
Respondent Wendy A. Jaksick's Opposition and Objection to Petition for Confirmation of Trustees and Admission of Trust to the Jurisdiction of the Court, and for Approval of Accountings and Other Trust Administration Matters (Family Trust)	10.10.17	4	TJA000586-000594
Respondent Wendy A. Jaksick's Opposition and Objection to Petition for Confirmation of Trustees and Admission of Trust to the Jurisdiction of the Court, and for Approval of Accountings and Other Trust Administration Matters (Issue Trust)	10.10.17	4	TJA000607-000614

Stanley Jaksick's Written Closing Arguments	7.1.19	7	TJA001275-001281
Stanley Jaksick's Written Closing Reply Brief	7.31.19	11	TJA001758-001977
Stanley S. Jaksick's Answer to First Amended Counter-petition to Surcharge Trustees for Breach of Fiduciary Duties, For Removal of Trustees and Appointment of Independent Trustee(s), and for Declaratory Judgment and Other Relief	8.2.18	5	TJA000832-000844
Supplemental Brief by Stanley Jaksick, Co-Trustee of the Samuel S. Jaksick, Jr. Family Trust	2.18.20	12	TJA002078-002085
Supplemental Motion in Support of Award of Attorney's Fees to Wendy Jaksick's Attorneys	5.12.20	19	TJA003206-003324
Todd B. Jaksick's and Michael S. Kimmel's Answer to First Amended Counter-Petition to Surcharge Trustees for Breach of Fiduciary Duties, For Removal of Trustees and Appointment of Independent Trustees, and for Declaratory Judgment and Other	4.13.18	4	TJA000780-000795

Relief			
Todd B. Jaksick's Answer and Objections to First Amended Counter-Petition to Surcharge Trustees for Breach of Fiduciary Duties, For Removal of Trustees and Appointment of Independent Trustee(s) and For Declaratory Judgment and Other Relief	4.9.18	4	TJA000767-000779
Todd B. Jaksick's Closing Argument Brief	7.1.19	7	TJA001282-001362
Todd B. Jaksick's Closing Argument Brief	7.31.19	9	TJA001536-001623
Todd B. Jaksick's Opposition to Wendy Jaksick's Motion to Alter or Amend Judgment, or, Alternatively, Motion for a New Trial	5.8.20	18	TJA003152-003189
Todd B. Jaksick's Opposition to Wendy Jaksick's Supplemental Motion in Support of Award of Attorney's Fees	5.21.20	21	TJA003609-003617
Todd B. Jaksick's, Individually, Opposition to Wendy Jaksick's Motion for Leave to Join Indispensable Parties	12.6.18	5	TJA000856-000872

Todd Jaksick's Motion to Strike Wendy Jaksick's Verified Memorandum of Costs or, in the Alternative, Motion to Retax Costs	3.25.20	13	TJA002190-002194
Todd B. Jaksick's Motion to Amend Judgment	4.29.20	18	TJA003001-003043
Todd Jaksick's Supplemental Brief in Response to the Court's February 6, 2020 Order for Supplemental Briefing	2.18.20	12	TJA001980-002043
Trial Transcript	5.13.19	7	TJA001190-001202
Trustees' Supplemental Brief	2.18.20	12	TJA002044-002077
Verdicts	3.4.19	5	TJA000954-000957
Verified Memorandum of Costs	3.23.20	13	TJA002165-002189
Wendy Jaksick's Brief of Closing Arguments in the Equitable Claims Trial	7.31.19	10	TJA001662-001757
Wendy Jaksick's Brief of Opening Arguments in the Equitable Claims Trial	7.1.19	8	TJA001363-001470
Wendy Jaksick's Motion for Leave to Join Indispensable Parties	11.15.18	5	TJA000848-000855
Wendy Jaksick's Omnibus Reply in Support of Motion for Leave to	12.17.18	5	TJA000899-000933

Join Indispensable Parties			
Wendy Jaksick's Reply in Support of her Motion to Alter or Amend Judgment, or, Alternatively, Motion for New Trial	5.15.20	19	TJA003349-003357
Wendy Jaksick's Response to Todd Jaksick's Motion to Strike Wendy Jaksick's Verified Memorandum of Costs, or in the Alternative, Motion to Retax Costs	4.8.20	14	TJA002446-002450
Wendy Jaksick's Supplemental Brief in the Equitable Claims Trial	2.25.20	12	TJA002086-002093

Dated this 13th day of April, 2021.

ROBISON, SHARP, SULLIVAN & BRUST
A Professional Corporation
71 Washington Street
Reno, Nevada 89503

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KENT R. ROBISON (SBN #1167)
THERESE M. SHANKS (SBN #12890)
Attorneys for Appellant/Cross-Respondent
Todd B. Jaksick, in his individual capacity

CERTIFICATE OF SERVICE

I certify that on the 13th day of April, 2021, I served a copy of **APPELLANT/CROSS-RESPONDENT TODD B. JAKSICK'S APPENDIX TO OPENING BRIEF- VOL. 5**, upon all counsel of record:

☐ BY MAIL: I placed a true copy thereof enclosed in a sealed envelope addressed as follows:

☐ BY FACSIMILE: I transmitted a copy of the foregoing document this date via telecopier to the facsimile number shown below:

X BY ELECTRONIC SERVICE: by electronically filing and serving the foregoing document with the Nevada Supreme Court's electronic filing system:

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DATED this 13th day of April, 2021.

Christine O'Brien
Employee of Robison, Sharp, Sullivan
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Attorneys for Petitioners

8
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10
11 IN AND FOR THE COUNTY OF WASHOE

12 In the Matter of the:
13 SSJ's ISSUE TRUST.

Case No.: PR17-0445
Dept. No.: 15

14 In the Matter of the Administration of
15 THE SAMUEL S. JAKSICK, JR., FAMILY
TRUST.

Consolidated

Case No.: PR17-0446
Dept. No.: 15

16
17 WENDY JAKSICK,

18 Respondence and Counter-Petitioner,

19 v.

20 TODD B. JAKSICK, Individually, as Co-Trustee of
21 the Samuel S. Jaksick, Jr. Family Trust, and as
22 Trustee of the SSJ's Issue Trust; MICHAEL S.
23 KIMMEL, Individually and as Co-Trustees of The
24 Samuel S. Jaksick, Jr. Family Trust; and STANLEY
25 S. JAKSICK, Individually and as Co-Trustee of The
26 Samuel S. Jaksick, Jr. Family Trust; KEVIN
RILEY, Individually and as Former Trustee of the
Samuel S. Jaksick, Jr. Family Trust and Trustee of
the Wendy A. Jaksick 2012 BHC Family Trust,

**KEVIN RILEY'S ANSWER TO FIRST
AMENDED COUNTER-PETITION TO
SURCHARGE TRUSTEES FOR
BREACH OF FIDUCIARY DUTIES,
FOR REMOVAL OF TRUSTEES AND
APPOINTMENT OF INDEPENDENT
TRUSTEE(S), AND FOR
DECLARATORY JUDGMENT AND
OTHER RELIEF**

Petitioners and Counter-Respondents.

**KEVIN RILEY'S ANSWER TO FIRST AMENDED COUNTER-PETITION TO
SURCHARGE TRUSTEES FOR BREACH OF FIDUCIARY DUTIES, FOR REMOVAL
OF TRUSTEES AND APPOINTMENT OF INDEPENDENT TRUSTEE(S), AND FOR
DECLARATORY JUDGMENT AND OTHER RELIEF**

Kevin Riley (“Kevin”), individually, as former Trustee of the Samuel S. Jaksick, Jr. Family Trust and Trustee of the Wendy A. Jaksick 2012 BHC Family Trust, by and through his attorneys of record, the law firm of Maupin, Cox & LeGoy, responds to the First Amended Counter-Petition filed by Respondent and Counter-Petitioner, Wendy Jaksick (“Wendy”), as follows:

PARTIES

1. Answering paragraph 1, Kevin is without knowledge and information sufficient to form a belief as to the trust of the allegations contained therein and on that basis denies the same.
2. Answering paragraph 2, Kevin admits the allegations contained therein.
3. Answering paragraph 3, Kevin admits the allegations contained therein.
4. Answering paragraph 4, Kevin admits the allegations contained therein.
5. Answering paragraph 5, Kevin admits the allegations contained therein.
6. Answering paragraph 6, Kevin admits the allegations contained therein.
7. Answering paragraph 7, Kevin admits the allegations contained therein.
8. Answering paragraph 8, Kevin admits the allegations contained therein.
9. Answering paragraph 9, Kevin admits the allegations contained therein.
10. Answering paragraph 10, Kevin admits the allegations contained therein.
11. Answering paragraph 11, Kevin admits the allegations contained therein.
12. Answering paragraph 12, Kevin admits the allegations contained therein.
13. Answering paragraph 13, Kevin admits the allegations contained therein.

1 14. Answering paragraph 14, Kevin admits the allegations contained therein.

2 15. Answering paragraph 15, Kevin admits the allegations contained therein.

3 **INTEREST PARTIES-THE FAMILY TRUST**

4 16. Answering paragraph 16, Kevin is without knowledge and information sufficient
5 to form a belief as to the truth of the allegations contained therein and on that basis denies the
6 same.

7 **INTEREST PERSONS-THE ISSUE TRUST**

8 17. Answering paragraph 17, Kevin is without knowledge and information sufficient
9 to form a belief as to the truth of the allegations contained therein and on that basis denies the
10 same.
11

12 **THE FAMILY TRUST**

13 18. Answering paragraph 18, Kevin admits the allegations contained therein.

14 **THE PURPORTED SECOND AMENDMENT TO THE FAMILY TRUST**

15 19. Answering paragraph 19, Kevin admits that Sam executed the Second Amendment
16 to the Trust and it is a valid legal document. Kevin denies the remaining allegations contained
17 therein.
18

19 **THE ISSUE TRUST**

20 20. Answering paragraph 20, Kevin admits the allegations contained therein.

21 **GENERAL ALLEGATIONS**

22 21. Answering paragraph 21, Kevin denies the allegations contained therein and allege
23 that Trustees have at all times kept Wendy informed of Trust business and complied with all
24 fiduciary responsibilities.
25

26 22. Answering paragraph 22, Kevin admits the allegations contained therein.

1 23. Answering paragraph 23, Kevin admits the allegations contained therein.

2 24. Answering paragraph 24, Kevin admits that Sam loved his children and that the
3 various Trust documents and amendments speak for themselves. Kevin denies any remaining
4 allegations contained therein.

5 25. Answering paragraph 25, Kevin admits the allegations contained therein.

6 26. Answering paragraph 26, Kevin denies the allegations contained therein and allege
7 as follows: The Family Trust and the Second Amendment (both valid legal documents) speak for
8 themselves as to how Sam intended to dispose of his assets.

9
10 27. Answering paragraph 27, Kevin admits the allegations contained therein.

11 28. Answering paragraph 28, Kevin denies the allegations contained therein and allege
12 as follows: The Second Amendment is a valid legal amendment to the Family Trust and speaks for
13 itself (in conjunction with the Family Trust) as to how the assets are to be maintained and
14 distributed.

15
16 29. Answering paragraph 29, Kevin denies the allegations contained therein.

17 30. Answering paragraph 30, Kevin admits the allegations contained therein.

18 31. Answering paragraph 31, Kevin denies the allegations contained therein and allege
19 as follows: The Issue Trust is a valid legal Trust document and it speaks for itself as to the
20 maintaining and distributing of assets in the Issue Trust.

21
22 32. Answering paragraph 32, Kevin admits the allegations contained therein.

23 33. Answering paragraph 33, Kevin admits the allegations contained therein.

24 34. Answering paragraph 34, Kevin admits that Stan, Todd and Mike were appointed
25 as Co-Trustees. Kevin denies the remaining allegations contained therein.

26

1 35. Answering paragraph 35, Kevin denies the allegations contained therein and allege
2 as follows: The Co-Trustees have kept Wendy informed of all Trust business and have fulfilled all
3 fiduciary responsibilities.

4 36. Answering paragraph 36, Kevin admit Sam acquired the Lake Tahoe Residence.
5 Kevin denies the remaining allegations contained therein.
6

7 37. Answering paragraph 37, Kevin admits the Tahoe residence was transferred from
8 the Family Trust to the Issue Trust and then to Incline TSS, Ltd. Kevin denies the remaining
9 allegations contained therein.

10 38. Answering paragraph 38, Kevin denies the allegations contained therein.

11 39. Answering paragraph 39, Kevin denies the allegations contained therein.

12 40. Answering paragraph 40, Kevin denies the allegations contained therein.

13 41. Answering paragraph 41, Kevin denies the allegations contained therein.

14 42. Answering paragraph 42, Kevin denies the allegations contained therein.

15 43. Answering paragraph 43, Kevin admits that Indemnifications exist, and the
16 documents speak for themselves. Kevin denies the remaining allegations.
17

18 44. Answering paragraph 44, Kevin denies the allegations contained therein as they
19 relate to either the Family Trust, the Second Amendment to the Family Trust or Issue Trust.
20

21 45. Answering paragraph 45, Kevin denies the allegations contained therein as they
22 relate to either the Family Trust, the Second Amendment to the Family Trust or Issue Trust.

23 46. Answering paragraph 46, Kevin is without knowledge and information sufficient
24 to form a belief as the trust of the allegations contained therein and on that basis denies the same.

25 47. Answering paragraph 47, Kevin admits that Bright Holland, Co. sold Fly Ranch for
26 \$6.5 Million. Kevin denies the remaining allegations contained therein.

1 48. Answering paragraph 48, Kevin denies the allegations contained therein.

2 49. Answering paragraph 49, Kevin admits that Bronco Billy's Casino was sold with
3 Wendy's consent and knowledge. Kevin is without knowledge and information sufficient to form
4 a belief as the trust of the remaining allegations contained therein and on that basis denies the
5 same.
6

7 50. Answering paragraph 50, Kevin is without knowledge and information sufficient
8 to form a belief as the truth of the allegations contained therein and on that basis denies the same.

9 51. Answering paragraph 51, Kevin denies the allegations contained therein.

10 52. Answering paragraph 52, Kevin denies the allegations contained therein.

11 53. Answering paragraph 53, Kevin denies the allegations contained therein.

12 54. Answering paragraph 54, Kevin is without knowledge and information sufficient
13 to form a belief as the trust of the allegations contained therein and on that basis denies the same.
14

15 **CAUSES OF ACTION**

16 **Count 1: Breach of Fiduciary Duties.**

17 55. Answering paragraph 55, Kevin refers to and by such reference incorporated herein
18 each, every and all of his answers to the paragraphs above as if the same were fully set forth at this
19 point.
20

21 56. Answering paragraph 56, this allegation contains legal conclusions and therefor
22 Kevin denies the allegations contained therein.

23 57. Answering paragraph 57, this allegation contains legal conclusions and therefor
24 Kevin denies the allegations contained therein.

25 58. Answering paragraph 58, this allegation contains legal conclusions and therefor
26 Kevin denies the allegations contained therein.

1 59. Answering paragraph 59, this allegation contains legal conclusions and therefor
2 Kevin denies the allegations contained therein.

3 60. Answering paragraph 60, this allegation contains legal conclusions and therefor
4 Kevin denies the allegations contained therein.

5 61. Answering paragraph 61, this allegation contains legal conclusions and therefor
6 Kevin denies the allegations contained therein.

8 62. Answering paragraph 62, Kevin denies the allegations contained therein.

9 63. Answering paragraph 63, Kevin denies the allegations contained therein.

10 64. Answering paragraph 64, Kevin denies the allegations contained therein.

11 **Count 2: Failure to Disclose and Adequately Account to Compel Accounting.**

12 65. Answering paragraph 65, Kevin refers to and by such reference incorporated herein
13 each, every and all of his answers to the paragraphs above as if the same were fully set forth to this
14 point.

15 66. Answering paragraph 66, this allegation contains legal conclusions and therefor
16 Kevin denies the allegations contained therein.

17 67. Answering paragraph 67, this allegation contains legal conclusions and therefor
18 Kevin denies the allegations contained therein.

19 68. Answering paragraph 68, Kevin denies the allegations contained therein.

20 69. Answering paragraph 69, Kevin denies the allegations contained therein.

21 70. Answering paragraph 70, Kevin denies the allegations contained therein.

22

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1 **Count 3: Civil Conspiracy and Aiding and Abetting.**

2 71. Answering paragraph 71, Kevin refers to and by such reference incorporated herein
3 each, every and all of his answers to the paragraphs above as if they were fully set forth at this
4 point.

5 72. Answering paragraph 72, this allegation contains legal conclusions and therefor
6 Kevin denies the allegations contained therein.

7 73. Answering paragraph 73, Kevin denies the allegations contained therein.

8 74. Answering paragraph 74, Kevin denies the allegations contained therein.

9 75. Answering paragraph 75, Kevin denies the allegations contained therein.

10 **Count 4: Aiding and Abetting Breaches of Fiduciary Duty**

11 76. Answering paragraph 76, Kevin refers to and by such reference incorporated herein
12 each, every all of his answers to the paragraphs above as if they were fully set forth as this point.

13 77. Answering paragraph 77, Kevin admits the allegations contained therein.

14 78. Answering paragraph 78, Kevin admits the allegations contained therein.

15 79. Answering paragraph 79, Kevin denies the allegations contained therein.

16 80. Answering paragraph 80, Kevin denies the allegations contained therein.

17 81. Answering paragraph 81, Kevin denies the allegations contained therein.

18 82. Answering paragraph 82, Kevin denies the allegations contained therein.

19 **Count 5: Actual Fraud.**

20 83. Answering paragraph 83, Kevin refers to and by such reference incorporate herein
21 each, every and all of his answers to the paragraphs above as if the same were fully set forth at this
22 point.

1 84. Answering paragraph 84, this allegation contains legal conclusions and therefor
2 Kevin denies the allegations contained therein.

3 85. Answering paragraph 85, Kevin denies the allegations contained therein.

4 86. Answering paragraph 86, Kevin denies the allegations contained therein.

5 87. Answering paragraph 87, Kevin denies the allegations contained therein.

6
7 **Count 6: Removal of Trustees and Appointment of Independent Trustee(s).**

8 88. Answering paragraph 88, Kevin refers to and by such reference incorporate herein
9 each, every and all of his answers to the paragraphs above as if the same were fully set forth at this
10 point.

11 89. Answering paragraph 89, this allegation contains legal conclusions and therefor
12 Kevin denies the allegations contained therein.

13 90. Answering paragraph 90, Kevin denies the allegations contained therein.

14
15 **Count 7: Unjust Enrichment and Constructive Trust.**

16 91. Answering paragraph 91, Kevin refers to and by such reference incorporate herein
17 each, every and all of his answers to the paragraphs above as if the same were fully set forth at this
18 point.

19 92. Answering paragraph 92, this allegation contains legal conclusions and therefor
20 Kevin denies the allegations contained therein.

21 93. Answering paragraph 93, Kevin denies the allegations contained therein.

22
23 **Count 8: Trustees Should be Precluded from Using Assets of the Trust to Defend this Matter.**

24 94. Answering paragraph 94, Kevin refers to and by such reference incorporate herein
25 each, every and all of his answers to the paragraphs above as if the same were fully set forth at this
26 point.

1 95. Answering paragraph 95, Kevin denies the allegations contained therein.

2 96. Answering paragraph 96, Kevin denies the allegations contained therein.

3 97. Answering paragraph 97, Kevin denies the allegations contained therein.

4 98. Answering paragraph 98, Kevin denies the allegations contained therein.

5
6 **Count 9: Disgorgement of Trustee Fees.**

7 99. Answering paragraph 99, Kevin refers to and by such reference incorporate herein
8 each, every and all of his answers to the paragraphs above as if the same were fully set forth at this
9 point. The statute referenced therein speaks for itself.

10 100. Answering paragraph 100, Kevin denies the allegations contained therein.

11 101. Answering paragraph 101, Kevin denies the allegations contained therein.

12 102. Answering paragraph 102, Kevin denies the allegations contained therein.

13 103. Answering paragraph 103, Kevin denies the allegations contained therein.

14
15 **Count 10: Contest of Purported Consent Agreement.**

16 104. Answering paragraph 104, Kevin refers to and by such reference incorporate herein
17 each, every and all of his answers to the paragraphs above as if the same were fully set forth at this
18 point.

19 105. Answering paragraph 105, this allegation contains legal conclusions and therefor
20 Kevin denies the allegations contained therein.

21 106. Answering paragraph 106, Kevin denies the allegations contained therein.

22 107. Answering paragraph 107, Kevin denies the allegations contained therein.

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1 **Count 11: Contest of Purported Indemnity Agreement.**

2 108. Answering paragraph 108, Kevin refers to and by such reference incorporate herein
3 each, every and all of his answers to the paragraphs above as if the same were fully set forth at this
4 point.

5 109. Answering paragraph 109, this allegation contains legal conclusions and therefor
6 Kevin denies the allegations contained therein.
7

8 110. Answering paragraph 110, Kevin denies the allegations contained therein.

9 111. Answering paragraph 111, Kevin denies the allegations contained therein.

10 **Count 12: Wendy is Entitled to be Awarded Attorneys' Fees and Costs**

11 112. Answering paragraph 112, Kevin refers to and by such reference incorporate herein
12 each, every and all of his answers to the paragraphs above as if the same were fully set forth at this
13 point.
14

15 113. Answering paragraph 113, Kevin denies the allegations contained therein.

16 114. Answering paragraph 114, Kevin denies the allegations contained therein.

17 115. Answering paragraph 115, Kevin denies the allegations contained therein.

18 **Count 13: Declaratory Judgment- No Contest Provision**

19 116. Answering paragraph 116, Kevin refers to and by such reference incorporate herein
20 each, every and all of his answers to the paragraphs above as if the same were fully set forth at this
21 point.
22

23 117. Answering paragraph 117, this allegation contains legal conclusions and therefor
24 Kevin denies the allegations contained therein.

25 118. Answering paragraph 118, Kevin admits the allegations contained therein.

26 119. Answering paragraph 119, Kevin denies the allegations contained therein.

DAMAGES

1. Answering paragraph 1, Kevin denies the allegations contained therein.

AFFIRMATIVE DEFENSES

1. Wendy's claims are barred by their respective statutes of limitations.
2. Wendy's claims are barred by the doctrine of laches.
3. Wendy's Counter-Petition fails to state a claim upon which relief may be granted.
4. Wendy's claims are barred by the doctrine of unclean hands.
5. Wendy's claims are barred by the doctrine of estoppel.
6. Wendy's claims are barred by the doctrine of unjust enrichment.
7. Wendy consented to the conduct of which she now complains.
8. Wendy ratified and executed written consents regarding the conduct of which she now complains.
9. Wendy's claims are barred by the doctrine of waiver.
10. Wendy has released the claims asserted in her Counter-Petition.
11. Wendy has suffered no actual injury for which she is entitled to damages.
12. Wendy lacks standing to bring her Counter-Petition.
13. At all times, Counter-Respondents' conduct was done in good faith.
14. Attorney fees are not recoverable by Wendy.
15. Wendy's claims are barred as a matter of her Counter-Petition makes numerous blatantly false and unsubstantiated claims.
16. Wendy failed to join necessary parties.
17. Wendy should be barred from recovering because her acts are in violation of public policy.

- 1 18. Wendy's claim for damages much be reduced for setoffs.
- 2 19. Wendy failed to plead her fraud claims with specificity as required by NRCP.
- 3 20. Wendy has failed to mitigate her damages.
- 4 21. Wendy's damages, if any, were caused by a third party.
- 5 22. Wendy lacks reasonable grounds to attack the Trust and has violated the no
- 6 contest clause warranting a dismissal of her claims at trial.
- 7
- 8 23. Wendy is guilty of spoliation of evidence.
- 9 24. Wendy's negligence exceeds any negligence of Petitioners.
- 10 25. Wendy's breach of duties bars all claims.
- 11 26. Wendy has never justifiably relied on statements made by any person acting in the
- 12 capacity as a Trustee.
- 13
- 14 27. Wendy's fraudulent conduct bars all of her claims.
- 15 28. Agents of a trust cannot conspire where they act in their official capacities on
- 16 behalf of the trust.
- 17 29. The Trustee's actions, conduct and activities were all done based upon reasonable
- 18 reliance on reasonable advice of counsel.
- 19
- 20 30. Pursuant to the provisions of Rule 11 of the Nevada Rules of Civil Procedure, at
- 21 the time of the filing of this response, all possible affirmative defenses may not have been
- 22 alleged inasmuch as insufficient facts and other relevant information may not have been
- 23 available after reasonable inquiry and, therefore, Kevin reserves the right to amend this response
- 24 to allege additional affirmative defenses if subsequent investigation warrants same.
- 25
- 26

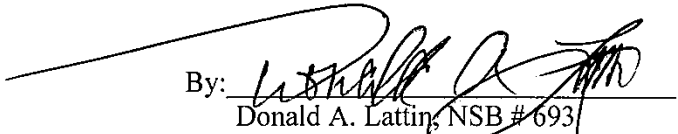
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NRS 239B.030 Affirmation

Pursuant to NRS 239B.030, the undersigned hereby affirms that this document does not contain the Social Security Number of any person.

Dated this 17th day of April, 2018.

MAUPIN, COX & LEGOY

By: 
Donald A. Lattin, NSB # 693
Brian C. McQuaid, Esq., NSB # 7090
Carolyn K. Renner, Esq., NSB #9164
4785 Caughlin Parkway
Reno, NV 89519
Attorneys for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of MAUPIN, COX & LeGOY, Attorneys at Law,
and in such capacity and on the date indicated below I served the foregoing document(s) as follows:

Via E-Flex Electronic filing System:

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R. Kevin Spencer, Esq. Zachary E. Johnson, Esq. Brendan P. Harvell, Esq. Spencer Law, P.C. 500 N. Akard Street Suite 2150 Dallas, TX 75201 <i>Attorneys for Wendy A. Jaksick</i>	

Via placing an original or true copy thereof in a sealed envelope with sufficient postage
affixed thereto, in the United States mail at Reno Nevada, addressed to:

Alexi Smith 11 Bahama Court Mansfield, Texas 76063	Luke Jaksick c/o Wendy A. Jaksick P.O. Box 2345 Allen, Texas 75013
Regan Jaksick Sydney Jaksick Sawyer Jaksick	

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c/o Lisa Jaksick 5235 Bellazza Ct. Reno, Nevada 89519	Benjamin Jaksick Amanda Jaksick c/o Dawn E. Jaksick 6220 Rouge Drive Reno, Nevada 89511
Kevin Riley, CPA Rossman MacDonald & Benetti, CPA's 3838 Watt Avenue, Suite E-500 Sacramento, CA 95821	

Dated this 17th day of April, 2018.

Nautilin Aumum
EMPLOYEE

1 DONALD A. LATTIN, ESQ.
Nevada Bar No. 693
2 BRIAN C. MCQUAID, ESQ.
Nevada Bar No. 7090
3 CAROLYN K. RENNER, ESQ.
Nevada Bar No. 9164
4 MAUPIN, COX & LeGOY
5 4785 Caughlin Parkway
Reno, Nevada 89519
6 Telephone: (775) 827-2000
7 Facsimile: (775) 827-2185
Attorneys for Petitioners

8
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10
11 IN AND FOR THE COUNTY OF WASHOE

12 In the Matter of the:
13 SSJ's ISSUE TRUST.

Case No.: PR17-0445
Dept. No.: 15

Consolidated

14 In the Matter of the Administration of
15 THE SAMUEL S. JAKSICK, JR., FAMILY
TRUST.

Case No.: PR17-0446
Dept. No.: 15

16
17 WENDY JAKSICK,

18 Respondence and Counter-Petitioner,

19 v.

20 TODD B. JAKSICK, Individually, as Co-Trustee of
21 the Samuel S. Jaksick, Jr. Family Trust, and as
22 Trustee of the SSJ's Issue Trust; MICHAEL S.
23 KIMMEL, Individually and as Co-Trustees of The
24 Samuel S. Jaksick, Jr. Family Trust; and STANLEY
25 S. JAKSICK, Individually and as Co-Trustee of The
26 Samuel S. Jaksick, Jr. Family Trust; KEVIN
RILEY, Individually and as Former Trustee of the
Samuel S. Jaksick, Jr. Family Trust and Trustee of
the Wendy A. Jaksick 2012 BHC Family Trust,

**ERRATA TO TODD B. JAKSICK AND
MICHAEL S. KIMMEL'S ANSWER
TO FIRST AMENDED COUNTER-
PETITION TO SURCHARGE
TRUSTEES FOR BREACH OF
FIDUCIARY DUTIES, FOR
REMOVAL OF TRUSTEES AND
APPOINTMENT OF INDEPENDENT
TRUSTEE(S), AND FOR
DECLARATORY JUDGMENT AND
OTHER RELIEF**

Petitioners and Counter-Respondents.

1 **ERRATA TO TODD B. JAKSICK AND MICHAEL S. KIMMEL'S ANSWER TO FIRST**
2 **AMENDED COUNTER-PETITION TO SURCHARGE TRUSTEES FOR BREACH OF**
3 **FIDUCIARY DUTIES, FOR REMOVAL OF TRUSTEES AND APPOINTMENT OF**
4 **INDEPENDENT TRUSTEE(S), AND FOR DECLARATORY JUDGMENT AND OTHER**
5 **RELIEF**

6 Todd B. Jaksick and Michael S. Kimmel, files this Errata to Todd B. Jaksick and Michael
7 S. Kimmel's Answer to First Amended Counter-Petition to Surcharge Trustees for Breach of
8 Fiduciary Duties, for Removal of Trustees and Appointment of Independent Trustee(s), and for
9 Declaratory Judgment and Other Relief to correct Paragraph 37. Paragraph 37 should read as
10 follows:

11 Answering paragraph 37, Todd and Mike admit the Tahoe residence was transferred by
12 Grant, Bargain and Sale Deed from the Family Trust to SSJ, LLC, a Nevada Limited Liability
13 Company and then to Incline TSS, Ltd., a Nevada Limited Liability Company. Todd and Mike
14 deny the remaining allegations contained therein.

15 **NRS 239B.030 Affirmation**

16 Pursuant to NRS 239B.030, the undersigned hereby affirms that this document does
17 not contain the Social Security Number of any person.

18 Dated this 19th day of April, 2018.

19
20 MAUPIN, COX & LEGOY

21
22 By: 

23 Donald A. Lattin, NSB # 693
24 Brian C. McQuaid, Esq., NSB # 7090
25 Carolyn K. Renner, Esq., NSB #9164
26 4785 Caughlin Parkway
Reno, NV 89519
Attorneys for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of MAUPIN, COX & LeGOY, Attorneys at Law,
and in such capacity and on the date indicated below I served the foregoing document(s) as follows:

Via E-Flex Electronic filing System:

Phil Kreitlein, Esq. Steve Moss, Esq. Kreitlein Law Group 470 E. Plumb Lane, #310 Reno, Nevada 89502 <i>Attorneys for Stan Jaksick</i>	Kent R. Robison, Esq. Therese M. Shanks, Esq. Robison, Sharpe, Sullivan & Brust 71 Washington Street Reno, Nevada 89503 <i>Attorneys for Todd B. Jaksick</i>
Mark Connot, Esq. Fox Rothschild LLP 1980 Festival Plaza Drive, #700 Las Vegas, NV 89135 <i>and Pro Hac Vice</i>	Adam Hosmer-Henner, Esq. McDonald Carano Wilson LLP 100 W. Liberty Street, 10th Floor Reno, NV 89501 <i>Attorneys for Stan Jaksick</i>
R. Kevin Spencer, Esq. Zachary E. Johnson, Esq. Brendan P. Harvell, Esq. Spencer Law, P.C. 500 N. Akard Street Suite 2150 Dallas, TX 75201 <i>Attorneys for Wendy A. Jaksick</i>	

Via placing an original or true copy thereof in a sealed envelope with sufficient postage
affixed thereto, in the United States mail at Reno Nevada, addressed to:

Alexi Smith 11 Bahama Court Mansfield, Texas 76063	Luke Jaksick c/o Wendy A. Jaksick P.O. Box 2345 Allen, Texas 75013
Regan Jaksick Sydney Jaksick Sawyer Jaksick	

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c/o Lisa Jaksick 5235 Bellazza Ct. Reno, Nevada 89519	Benjamin Jaksick Amanda Jaksick c/o Dawn E. Jaksick 6220 Rouge Drive Reno, Nevada 89511
Kevin Riley, CPA Rossman MacDonald & Benetti, CPA's 3838 Watt Avenue, Suite E-500 Sacramento, CA 95821	

Dated this 19th day of April, 2018.

Benjamin Jaksick
EMPLOYEE

1 DONALD A. LATTIN, ESQ.
Nevada Bar No. 693
2 BRIAN C. MCQUAID, ESQ.
Nevada Bar No. 7090
3 CAROLYN K. RENNER, ESQ.
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6 Telephone: (775) 827-2000
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Attorneys for Petitioners

8
9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10
11 IN AND FOR THE COUNTY OF WASHOE

12 In the Matter of the:
13 SSJ's ISSUE TRUST.

Case No.: PR17-0445
Dept. No.: 15

Consolidated

14 In the Matter of the Administration of
15 THE SAMUEL S. JAKSICK, JR., FAMILY
TRUST.

Case No.: PR17-0446
Dept. No.: 15

16
17 WENDY JAKSICK,

18 Respondence and Counter-Petitioner,

19 v.

20 TODD B. JAKSICK, Individually, as Co-Trustee of
21 the Samuel S. Jaksick, Jr. Family Trust, and as
22 Trustee of the SSJ's Issue Trust; MICHAEL S.
23 KIMMEL, Individually and as Co-Trustees of The
24 Samuel S. Jaksick, Jr. Family Trust; and STANLEY
25 S. JAKSICK, Individually and as Co-Trustee of The
26 Samuel S. Jaksick, Jr. Family Trust; KEVIN
RILEY, Individually and as Former Trustee of the
Samuel S. Jaksick, Jr. Family Trust and Trustee of
the Wendy A. Jaksick 2012 BHC Family Trust,

**ERRATA TO KEVIN RILEY'S
ANSWER TO FIRST AMENDED
COUNTER-PETITION TO
SURCHARGE TRUSTEES FOR
BREACH OF FIDUCIARY DUTIES,
FOR REMOVAL OF TRUSTEES AND
APPOINTMENT OF INDEPENDENT
TRUSTEE(S), AND FOR
DECLARATORY JUDGMENT AND
OTHER RELIEF**

Petitioners and Counter-Respondents.

1 **ERRATA TO KEVIN RILEY'S ANSWER TO FIRST AMENDED COUNTER-**
2 **PETITION TO SURCHARGE TRUSTEES FOR BREACH OF FIDUCIARY DUTIES,**
3 **FOR REMOVAL OF TRUSTEES AND APPOINTMENT OF INDEPENDENT**
4 **TRUSTEE(S), AND FOR DECLARATORY JUDGMENT AND OTHER RELIEF**

5 Kevin Riley, files this Errata to Kevin Riley's Answer to First Amended Counter-Petition
6 to Surcharge Trustees for Breach of Fiduciary Duties, for Removal of Trustees and Appointment
7 of Independent Trustee(s), and for Declaratory Judgment and Other Relief to correct Paragraph
8 37. Paragraph 37 should read as follows:

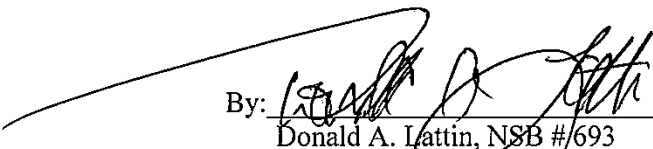
9 Answering paragraph 37, Kevin admits the Tahoe residence was transferred by Grant,
10 Bargain and Sale Deed from the Family Trust to SSJ, LLC, a Nevada Limited Liability Company
11 and then to Incline TSS, Ltd., A Nevada Limited Liability Company. Kevin denies the remaining
12 allegations contained therein.

13 **NRS 239B.030 Affirmation**

14 Pursuant to NRS 239B.030, the undersigned hereby affirms that this document does
15 not contain the Social Security Number of any person.

16 Dated this 19th day of April, 2018.

17 MAUPIN, COX & LEGOY

18
19
20 By: 
21 Donald A. Lattin, NSB #/693
22 Brian C. McQuaid, Esq., NSB # 7090
23 Carolyn K. Renner, Esq., NSB #9164
24 4785 Caughlin Parkway
25 Reno, NV 89519
26 Attorneys for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of MAUPIN, COX & LeGOY, Attorneys at Law,
and in such capacity and on the date indicated below I served the foregoing document(s) as follows:

Via E-Flex Electronic filing System:

<p>Phil Kreitlein, Esq. Steve Moss, Esq. Kreitlein Law Group 470 E. Plumb Lane, #310 Reno, Nevada 89502 <i>Attorneys for Stan Jaksick</i></p> <p>Mark Connot, Esq. Fox Rothschild LLP 1980 Festival Plaza Drive, #700 Las Vegas, NV 89135 <i>and Pro Hac Vice</i></p> <p>R. Kevin Spencer, Esq. Zachary E. Johnson, Esq. Brendan P. Harvell, Esq. Spencer Law, P.C. 500 N. Akard Street Suite 2150 Dallas, TX 75201 <i>Attorneys for Wendy A. Jaksick</i></p>	<p>Kent R. Robison, Esq. Therese M. Shanks, Esq. Robison, Sharpe, Sullivan & Brust 71 Washington Street Reno, Nevada 89503 <i>Attorneys for Todd B. Jaksick</i></p> <p>Adam Hosmer-Henner, Esq. McDonald Carano Wilson LLP 100 W. Liberty Street, 10th Floor Reno, NV 89501 <i>Attorneys for Stan Jaksick</i></p>
---	---

Via placing an original or true copy thereof in a sealed envelope with sufficient postage
affixed thereto, in the United States mail at Reno Nevada, addressed to:

<p>Alexi Smith 11 Bahama Court Mansfield, Texas 76063</p> <p>Regan Jaksick Sydney Jaksick Sawyer Jaksick</p>	<p>Luke Jaksick c/o Wendy A. Jaksick P.O. Box 2345 Allen, Texas 75013</p>
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c/o Lisa Jaksick 5235 Bellazza Ct. Reno, Nevada 89519	Benjamin Jaksick Amanda Jaksick c/o Dawn E. Jaksick 6220 Rouge Drive Reno, Nevada 89511
Kevin Riley, CPA Rossman MacDonald & Benetti, CPA's 3838 Watt Avenue, Suite E-500 Sacramento, CA 95821	

Dated this 19th day of April, 2018.

Nautilin Acculli
EMPLOYEE

1 **CODE: 2590**

Philip L. Kreitlein, Esq.
Nevada Bar No. 5394
Stephen C. Moss, Esq.
Nevada Bar No. 0631
KREITLEIN LEEDER MOSS, LTD.
1575 Delucchi Lane, Suite 101
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Telephone: (775) 786-2222
*Attorneys for Stanley S. Jaksick,
individually and as beneficiary of the
Samuel S. Jaksick, Jr. Family Trust
and SSJ Issue Trust*

8
9
10 IN THE SECOND JUDICIAL DISTRICT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

11 In the Matter of the Administration of the
12 SSJ'S ISSUE TRUST
13 _____/

Case No.: PR17-00445

Dept. No.: 15

14 In the Matter of the Administration of the
15 SAMUEL J. JAKSICK, JR. FAMILY TRUST
16 _____/

Case No.: PR17-00446

Dept. No.: PR

17 WENDY JAKSICK,

18 Respondent and Counter-Petitioner,

19 v.

20 TODD B. JAKSICK, INDIVIDUALLY, AS CO-
21 TRUSTEE OF THE SAMUEL S. JAKSICK, JR.
FAMILY TRUST, AND AS TRUSTEE OF THE
22 SSJ'S ISSUE TRUST, MICHAEL S. KIMMEL,
INDIVIDUALLY AND AS CO-TRUSTEE OF
23 THE SAMUEL S. JAKSICK, JR. FAMILY
TRUST; AND STANLEY S. JAKSICK,
24 INDIVIDUALLY AND AS CO-TRUSTEE OF
THE SAMUEL S. JAKSICK, JR. FAMILY
25 TRUST; KEVIN RILEY, INDIVIDUALLY AND
AS FORMER TRUSTEE OF THE SAMUEL S.
26 JAKSICK, JR. FAMILY TRUST AND TRUSTEE
OF THE WENDY A. JAKSICK 2012 BHC
27 FAMILY TRUST,

28 Petitioners and Counter-Respondents.

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Stanley S. Jaksick shall continue to be represented in his individual capacity and as beneficiary of the SAMUEL S. JAKSICK, JR., FAMILY TRUST and SSJ ISSUE TRUST by Adam Hosmer-Henner, Esq., of McDONALD CARANO.

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

KREITLEIN LEEDER MOSS, LTD.

Philip L. Kreitlein, Esq.
Stephen C. Moss, Esq.
1575 Delucchi Lane, Ste. 101
Reno, Nevada 89502
Telephone: (775) 786-2222
Attorneys for Stanley S. Jaksick

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Kreitlein Leeder Moss, Ltd. and that on the 4th day of June, 2018, I caused the foregoing document to be served on all parties to this action by:

X placing an original or true copy thereof in a sealed, postage prepaid, envelope in the United States mail at Reno, Nevada.

fully addressed as follows:

Alexi Smith
11 Bahama Court
Mansfield, TX 76063

Regan Jaksick, Sydney Jaksick, Sawyer Jaksick
c/o Lisa Jaksick
5235 Bellazza Court
Reno, NV 89519

Luke Jaksick
c/o Wendy A. Jaksick
PO Box 2345
Allen, TX 75013

Benjamin Jaksick, Amanada Jaksick
c/o Dawn E. Jaksick
6220 Rouge Drive
Reno, NV 89511

Kevin Riley, CPA
Rossman MacDonald & Benetti, CPA's
3838 Watt Avenue, Suite E-500
Sacramento, CA 95821

X Clerk of the Court by using the electronic filing system

fully addressed as follows:

Kent Robison, Esq.
Therese M. Shanks, Esq.
Robison, Sharpe, Sullivan & Brust
71 Washington Street
Reno, NV 89503

Mark J. Connot, Esq.
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1 R. Kevin Spencer, Esq.
2 Zachary E. Johnson, Esq.
3 Brendan P. Harvell, Esq.
4 Spencer Law, P.C.
5 500 N. Akard Street
6 Suite 2150
7 Dallas, TX 75201

/s/ Christina L. Wolf

Christina L. Wolf,
An Employee of Kreitlein Leeder Moss, Ltd.

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1 **CODE: 2520**

Philip L. Kreitlein, Esq.
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Telephone: (775) 786-2222
*Attorneys for Stanley S. Jaksick,
in his capacity as Co-Trustee of the
Samuel S. Jaksick, jr. Family Trust*

8
9
10 IN THE SECOND JUDICIAL DISTRICT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

11 In the Matter of the Administration of the
12 SSJ'S ISSUE TRUST
13 _____/

Case No.: PR17-00445

Dept. No.: 15

14 In the Matter of the Administration of the
15 SAMUEL J. JAKSICK, JR. FAMILY TRUST
16 _____/

Case No.: PR17-00446

Dept. No.: PR

17 WENDY JAKSICK,

18 Respondent and Counter-Petitioner,

19 v.

20 TODD B. JAKSICK, INDIVIDUALLY, AS CO-
21 TRUSTEE OF THE SAMUEL S. JAKSICK, JR.
22 FAMILY TRUST, AND AS TRUSTEE OF THE
23 SSJ'S ISSUE TRUST, MICHAEL S. KIMMEL,
24 INDIVIDUALLY AND AS CO-TRUSTEE OF
25 THE SAMUEL S. JAKSICK, JR. FAMILY
26 TRUST; AND STANLEY S. JAKSICK,
27 INDIVIDUALLY AND AS CO-TRUSTEE OF
28 THE SAMUEL S. JAKSICK, JR. FAMILY
TRUST; KEVIN RILEY, INDIVIDUALLY AND
AS FORMER TRUSTEE OF THE SAMUEL S.
JAKSICK, JR. FAMILY TRUST AND TRUSTEE
OF THE WENDY A. JAKSICK 2012 BHC
FAMILY TRUST,

Petitioners and Counter-Respondents.
_____/

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Philip L. Kreitlein, Esq.
Stephen C. Moss, Esq.
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DATED this 4th day of June, 2018.

/s/ Philip L. Kreitlein, Esq.

2

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of Kreitlein Leeder Moss, Ltd. and
3 that on the 4th day of June, 2018, I caused the foregoing document to be served on all parties to this
4 action by:

5 X placing an original or true copy thereof in a sealed, postage prepaid, envelope in the United
6 States mail at Reno, Nevada.

7 fully addressed as follows:

8 Alexi Smith
9 11 Bahama Court
10 Mansfield, TX 76063

Regan Jaksick
Sydney Jaksick
Sawyer Jaksick
c/o Lisa Jaksick
5235 Bellazza Court
Reno, NV 89519

11 Luke Jaksick
12 c/o Wendy A. Jaksick
13 PO Box 2345
Allen, TX 75013

Benjamin Jaksick
Amanada Jaksick
c/o Dawn E. Jaksick
6220 Rouge Drive
Reno, NV 89511

14 Kevin Riley, CPA
15 Rossman MacDonald & Benetti, CPA's
16 3838 Watt Avenue, Suite E-500
Sacramento, CA 95821

17 X Clerk of the Court by using the electronic filing system

18 fully addressed as follows:

19 Kent Robison, Esq.
20 Therese M. Shanks, Esq.
21 Robison, Sharpe, Sullivan & Brust
71 Washington Street
Reno, NV 89503

Mark J. Connot, Esq.
Rox Rothschild LLP
1980 Festival Plaza Drive, Suite 700
Las Vegas, NV 89135

22 Donald A. Lattin, Esq.
23 Brian C. McQuaid, Esq.
24 Carolyn K. Renner, Esq.
Maupin, Cox & LeGoy
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Reno, NV 89519

Adam Hosmer-Henner, Esq.
McDonald Carano Wilson LLP
100 W. Liberty Street, 10th Floor
Reno, NV 89501

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R. Kevin Spencer, Esq.
Zachary E. Johnson, Esq.
Brendan P. Harvell, Esq.
Spencer Law, P.C.
500 N. Akard Street
Suite 2150
Dallas, TX 75201

/s/ Christina L. Wolf

Christina L. Wolf,
An Employee of Kreitlein Leeder Moss, Ltd.

1 **CODE: 1130**

2 Philip L. Kreitlein, Esq.
3 Nevada Bar No. 5394
4 Stephen C. Moss, Esq.
5 Nevada Bar No. 0631
6 KREITLEIN LEEDER MOSS, LTD.
7 1575 Delucchi Lane, Suite 101
8 Reno, Nevada 89502
9 Telephone: (775) 786-2222
10 *Attorneys for Stanley S. Jaksick,*
11 *in his capacity as Co-Trustee of the*
12 *Samuel S. Jaksick, jr. Family Trust*

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IN THE SECOND JUDICIAL DISTRICT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

11 In the Matter of the Administration of the
12 SSJ'S ISSUE TRUST

Case No.: PR17-00445
Dept. No.: 15

14 In the Matter of the Administration of the
15 SAMUEL J. JAKSICK, JR. FAMILY TRUST

Case No.: PR17-00446
Dept. No.: PR

16
17 WENDY JAKSICK,
18 Respondent and Counter-Petitioner,
19 v.

20 TODD B. JAKSICK, INDIVIDUALLY, AS CO-
21 TRUSTEE OF THE SAMUEL S. JAKSICK, JR.
22 FAMILY TRUST, AND AS TRUSTEE OF THE
23 SSJ'S ISSUE TRUST, MICHAEL S. KIMMEL,
24 INDIVIDUALLY AND AS CO-TRUSTEE OF
25 THE SAMUEL S. JAKSICK, JR. FAMILY
26 TRUST; AND STANLEY S. JAKSICK,
27 INDIVIDUALLY AND AS CO-TRUSTEE OF
28 THE SAMUEL S. JAKSICK, JR. FAMILY
TRUST; KEVIN RILEY, INDIVIDUALLY AND
AS FORMER TRUSTEE OF THE SAMUEL S.
JAKSICK, JR. FAMILY TRUST AND TRUSTEE
OF THE WENDY A. JAKSICK 2012 BHC
FAMILY TRUST,

Petitioners and Counter-Respondents.

1 **STANLEY S. JAKSICK'S ANSWER TO FIRST AMENDED COUNTER-PETITION**
2 **TO SURCHARGE TRUSTEES FOR BREACH OF FIDUCIARY**
3 **DUTIES, FOR REMOVAL OF TRUSTEES AND APPOINTMENT OF INDEPENDENT**
4 **TRUSTEE(S), AND FOR DECLARATORY JUDGMENT AND OTHER RELIEF**

5 STANLEY S. JAKSICK ("Stan"), as Co-Trustee of the Samuel S. Jaksick, Jr. Family Trust, by
6 and through his attorneys of record, Kreitlein Leeder Moss, Ltd., answers and avers to the First Amended
7 Counter-Petition ("Counter-Petition") filed by Respondent and Counter-Petitioner, Wendy Jaksick
8 ("Wendy") as follows:

9 **PARTIES**

- 10 1. Stan admits the allegations contained in paragraph 1 of Wendy's Counter-Petition.
- 11 2. Stan admits the allegations contained in paragraph 2 of Wendy's Counter-Petition.
- 12 3. Stan admits the allegations contained in paragraph 3 of Wendy's Counter-Petition.
- 13 4. Stan admits the allegations contained in paragraph 4 of Wendy's Counter-Petition.
- 14 5. Stan admits the allegations contained in paragraph 5 of Wendy's Counter-Petition.
- 15 6. Stan admits the allegations contained in paragraph 6 of Wendy's Counter-Petition.
- 16 7. Stan admits the allegations contained in paragraph 7 of Wendy's Counter-Petition.
- 17 8. Stan admits the allegations contained in paragraph 8 of Wendy's Counter-Petition.
- 18 9. Stan admits the allegations contained in paragraph 9 of Wendy's Counter-Petition.
- 19 10. Stan admits the allegations contained in paragraph 10 of Wendy's Counter-Petition.
- 20 11. Stan admits the allegations contained in paragraph 11 of Wendy's Counter-Petition.
- 21 12. Paragraph 12 of Wendy's Counter-Petition contains no factual allegations relating to this
22 answering party and therefore no admission or denial is required thereto.
- 23 13. Paragraph 13 of Wendy's Counter-Petition contains no factual allegations relating to this
24 answering party and therefore no admission or denial is required thereto.
- 25 14. Paragraph 14 of Wendy's Counter-Petition contains no factual allegations relating to this
26 answering party and therefore no admission or denial is required thereto.
- 27 15. Stan admits the allegations contained in paragraph 15 of Wendy's Counter-Petition.
- 28 ...
 ...

1 **INTERESTED PERSONS - THE FAMILY TRUST**

2 16. Paragraph 16 of Wendy's Counter-Petition contain no factual allegations relating to this
3 answering party and therefore no admission or denial is required thereto.

4 **INTERESTED PERSONS - THE ISSUE TRUST**

5 17. Paragraph 17 of Wendy's Counter-Petition contains no factual allegations relating to this
6 answering party and therefore no admission or denial is required thereto.

7 **THE FAMILY TRUST**

8 18. Stan admits the allegations contained in paragraph 18 of Wendy's Counter-Petition.

9 **THE PURPORTED SECOND AMENDMENT TO THE FAMILY TRUST**

10 19. Paragraph 19 of Wendy's Counter-Petition contains no factual allegations relating to this
11 answering party and therefore no admission or denial is required thereto.

12 **THE ISSUE TRUST**

13 20. Stan admits the allegations contained in paragraph 20 of Wendy's Counter-Petition.

14 **GENERAL ALLEGATIONS**

15 21. Stan denies the allegations contained in paragraph 21 of Wendy's Counter-Petition as
16 such allegations relate solely and specifically to Stan.

17 22. Stan admits the allegations contained in paragraph 22 of Wendy's Counter-Petition.

18 23. Stan admits the allegations contained in paragraph 23 of Wendy's Counter-Petition.

19 24. Stan admits the allegations contained in paragraph 24 of Wendy's Counter-Petition.

20 25. Stan admits the allegations contained in paragraph 25 of Wendy's Counter-Petition.

21 26. Stan admits the allegations contained in paragraph 26 of Wendy's Counter-Petition.

22 27. Stan admits the allegations contained in paragraph 27 of Wendy's Counter-Petition.

23 28. Stan is without information and knowledge sufficient to form a belief as to the allegations
24 contained in paragraph 28 of Wendy's Counter-Petition and therefore denies same.

25 29. Stan is without information and knowledge sufficient to form a belief as to the allegations
26 contained in paragraph 29 of Wendy's Counter-Petition and therefore denies same.

27 30. Stan is without information and knowledge sufficient to form a belief as to the allegations
28 contained in paragraph 30 of Wendy's Counter-Petition and therefore denies same.

1 31. The allegations contained in paragraph 31 of Wendy's Counter-Petition amount to her
2 interpretation of the terms, provisions and application of the SSJ's Issue Trust Agreement and therefore
3 require to response by this answering party.

4 32. Stan admits the allegations contained in paragraph 32 of Wendy's Counter-Petition.

5 33. Stan admits the allegations contained in paragraph 33 of Wendy's Counter-Petition.

6 34. Stan is without information and knowledge sufficient to form a belief as to the allegations
7 contained in paragraph 34 of Wendy's Counter-Petition and therefore denies same.

8 35. Stan denies the allegations contained in paragraph 35 of Wendy's Counter-Petition as
9 such allegations relate solely and specifically to Stan.

10 36. Stan admits the allegations contained in paragraph 36 of Wendy's Counter-Petition.

11 37. Stan is without information and knowledge sufficient to form a belief as to the allegations
12 contained in paragraph 37 of Wendy's Counter-Petition and therefore denies same.

13 38. Stan is without information and knowledge sufficient to form a belief as to the allegations
14 contained in paragraph 38 of Wendy's Counter-Petition and therefore denies same.

15 39. Stan is without information and knowledge sufficient to form a belief as to the allegations
16 contained in paragraph 39 of Wendy's Counter-Petition and therefore denies same.

17 40. Stan is without information and knowledge sufficient to form a belief as to the allegations
18 contained in paragraph 40 of Wendy's Counter-Petition and therefore denies same.

19 41. Stan is without information and knowledge sufficient to form a belief as to the allegations
20 contained in paragraph 41 of Wendy's Counter-Petition and therefore denies same.

21 42. Stan is without information and knowledge sufficient to form a belief as to the allegations
22 contained in paragraph 42 of Wendy's Counter-Petition and therefore denies same.

23 43. Stan is without information and knowledge sufficient to form a belief as to the allegations
24 contained in paragraph 43 of Wendy's Counter-Petition and therefore denies same.

25 44. Stan is without information and knowledge sufficient to form a belief as to the allegations
26 contained in paragraph 44 of Wendy's Counter-Petition and therefore denies same.

27 45. Stan is without information and knowledge sufficient to form a belief as to the allegations
28 contained in paragraph 45 of Wendy's Counter-Petition and therefore denies same.

46. Stan denies the allegations contained in paragraph 46 of Wendy's Counter-Petition as such allegations relate solely and specifically to Stan.

47. Stan is without information and knowledge sufficient to form a belief as to the allegations contained in paragraph 47 of Wendy's Counter-Petition and therefore denies same.

48. Stan is without information and knowledge sufficient to form a belief as to the allegations contained in paragraph 48 of Wendy's Counter-Petition and therefore denies same.

49. Stan denies the allegations contained in paragraph 49 of Wendy's Counter-Petition as such allegations relate solely and specifically to Stan.

50. Paragraph 50 of Wendy's Counter-Petition contains legal conclusions and argument, without any factual allegations that require a response from this answering party.

51. Stan denies the allegations contained in paragraph 51 of Wendy's Counter-Petition as such allegations relate solely and specifically to Stan.

52. Stan denies the allegations contained in paragraph 52 of Wendy's Counter-Petition as such allegations relate solely and specifically to Stan.

53. Stan is without information and knowledge sufficient to form a belief as to the allegations contained in paragraph 53 of Wendy's Counter-Petition and therefore denies same.

54. Stan is without information and knowledge sufficient to form a belief as to the allegations contained in paragraph 54 of Wendy's Counter-Petition and therefore denies same.

CAUSES OF ACTION

Count 1: Breach of Fiduciary Duties.

55. Stan incorporates by reference the foregoing paragraphs 1 through 54 as if fully set forth herein.

56. Paragraph 56 of Wendy's Counter-Petition contains no factual allegations relating to this answering party and therefore no admission or denial is required thereto.

57. Paragraph 57 of Wendy's Counter-Petition contains no factual allegations relating to this answering party and therefore no admission or denial is required thereto.

58. Paragraph 58 of Wendy's Counter-Petition contains no factual allegations relating to this answering party and therefore no admission or denial is required thereto.

1 59. Paragraph 59 of Wendy's Counter-Petition contains no factual allegations relating to this
2 answering party and therefore no admission or denial is required thereto.

3 60. Paragraph 60 of Wendy's Counter-Petition contains no factual allegations relating to this
4 answering party and therefore no admission or denial is required thereto.

5 61. Paragraph 61 of Wendy's Counter-Petition contains no factual allegations relating to this
6 answering party and therefore no admission or denial is required thereto.

7 62. Stan denies the allegations contained in paragraph 62 of Wendy's Counter-Petition as
8 such allegations relate solely and specifically to Stan.

9 63. Stan denies the allegations contained in paragraph 63 of Wendy's Counter-Petition as
10 such allegations relate solely and specifically to Stan.

11 64. Stan denies the allegations contained in paragraph 64 of Wendy's Counter-Petition as
12 such allegations relate solely and specifically to Stan.

13 **Count 2: Failure to Disclose and Adequately Account to Compel Accounting.**

14 65. Stan incorporates by reference the foregoing paragraphs 1 through 64 as if fully set forth
15 herein.

16 66. Paragraph 66 of Wendy's Counter-Petition contains no factual allegations relating to this
17 answering party and therefore no admission or denial is required thereto.

18 67. Paragraph 67 of Wendy's Counter-Petition contains no factual allegations relating to this
19 answering party and therefore no admission or denial is required thereto.

20 68. Stan denies the allegations contained in paragraph 68 of Wendy's Counter-Petition as
21 such allegations relate solely and specifically to Stan.

22 69. Stan denies the allegations contained in paragraph 69 of Wendy's Counter-Petition as
23 such allegations relate solely and specifically to Stan.

24 70. Stan denies the allegations contained in paragraph 70 of Wendy's Counter-Petition.

25 **Count 3: Civil Conspiracy and Aiding and Abetting**

26 71. Stan incorporates by reference the foregoing paragraphs 1 through 70 as if fully set forth
27 herein.

1 72. Paragraph 72 of Wendy's Counter-Petition contains no factual allegations relating to this
2 answering party and therefore no admission or denial is required thereto.

3 73. Stan denies the allegations contained in paragraph 73 of Wendy's Counter-Petition as
4 such allegations relate solely and specifically to Stan.

5 74. Stan denies the allegations contained in paragraph 74 of Wendy's Counter-Petition as
6 such allegations relate solely and specifically to Stan.

7 75. Stan denies the allegations contained in paragraph 75 of Wendy's Counter-Petition as
8 such allegations relate solely and specifically to Stan.

9 **Count 4: Aiding and Abetting Breaches of Fiduciary Duty.**

10 76. Stan incorporates by reference the foregoing paragraphs 1 through 75 as if fully set forth
11 herein.

12 77. Stan admits the allegations contained in paragraph 77 of Wendy's Counter-Petition.

13 78. Stan admits the allegations contained in paragraph 78 of Wendy's Counter-Petition.

14 79. Stan denies the allegations contained in paragraph 79 of Wendy's Counter-Petition as
15 such allegations relate solely and specifically to Stan.

16 80. Stan denies the allegations contained in paragraph 80 of Wendy's Counter-Petition as
17 such allegations relate solely and specifically to Stan.

18 81. Stan denies the allegations contained in paragraph 81 of Wendy's Counter-Petition as
19 such allegations relate solely and specifically to Stan.

20 82. Stan denies the allegations contained in paragraph 82 of Wendy's Counter-Petition as
21 such allegations relate solely and specifically to Stan.

22 **Count 5: Actual Fraud**

23 83. Stan incorporates by reference the foregoing paragraphs 1 through 82 as if fully set forth
24 herein.

25 84. Paragraph 84 of Wendy's Counter-Petition contains no factual allegations relating to this
26 answering party and therefore no admission or denial is required thereto.

27 85. Paragraph 85 of Wendy's Counter-Petition contains no factual allegations relating to this
28 answering party and therefore no admission or denial is required thereto.

1 86. Stan is without information and knowledge sufficient to form a belief as to the allegations
2 contained in paragraph 86 of Wendy's Counter-Petition and therefore denies same.

3 87. Stan admits the allegations contained in paragraph 87 of Wendy's Counter-Petition.

4 **Count 6: Removal of Trustees and Appointment of Independent Trustee(s)**

5 88. Stan incorporates by reference the foregoing paragraphs 1 through 87 as if fully set forth
6 herein.

7 89. Paragraph 89 of Wendy's Counter-Petition contains no factual allegations relating to this
8 answering party and therefore no admission or denial is required thereto.

9 90. Stan denies the allegations contained in paragraph 90 of Wendy's Counter-Petition as
10 such allegations relate solely and specifically to Stan.

11 91. Stan incorporates by reference the foregoing paragraphs 1 through 75 as if fully set forth
12 herein.

13 92. Paragraph 92 of Wendy's Counter-Petition contains no factual allegations relating to this
14 answering party and therefore no admission or denial is required thereto.

15 93. Stan denies the allegations contained in paragraph 93 of Wendy's Counter-Petition as
16 such allegations relate solely and specifically to Stan.

17 94. Stan incorporates by reference the foregoing paragraphs 1 through 75 as if fully set forth
18 herein.

19 95. Stan denies the allegations contained in paragraph 95 of Wendy's Counter-Petition as
20 such allegations relate solely and specifically to Stan.

21 96. Stan denies the allegations contained in paragraph 96 of Wendy's Counter-Petition as
22 such allegations relate solely and specifically to Stan.

23 97. Stan denies the allegations contained in paragraph 97 of Wendy's Counter-Petition as
24 such allegations relate solely and specifically to Stan.

25 98. Stan denies the allegations contained in paragraph 98 of Wendy's Counter-Petition as
26 such allegations relate solely and specifically to Stan.

27 99. Paragraph 99 of Wendy's Counter-Petition contains no factual allegations relating to this
28 answering party and therefore no admission or denial is required thereto.

1 100. Paragraph 100 of Wendy's Counter-Petition contains no factual allegations relating to
2 this answering party and therefore no admission or denial is required thereto.

3 101. Stan denies the allegations contained in paragraph 101 of Wendy's Counter-Petition as
4 such allegations relate solely and specifically to Stan.

5 102. Stan denies the allegations contained in paragraph 102 of Wendy's Counter-Petition as
6 such allegations relate solely and specifically to Stan.

7 103. Stan denies the allegations contained in paragraph 103 of Wendy's Counter-Petition as
8 such allegations relate solely and specifically to Stan.

9 104. Stan incorporates by reference the foregoing paragraphs 1 through 75 as if fully set forth
10 herein.

11 105. Paragraph 105 of Wendy's Counter-Petition contains no factual allegations relating to
12 this answering party and therefore no admission or denial is required thereto.

13 106. Paragraph 106 of Wendy's Counter-Petition contains no factual allegations relating to
14 this answering party and therefore no admission or denial is required thereto.

15 107. Paragraph 107 of Wendy's Counter-Petition contains no factual allegations relating to
16 this answering party and therefore no admission or denial is required thereto.

17 **Count 11: Contest of Purported Indemnity Agreement.**

18 108. Stan incorporates by reference the foregoing paragraphs 1 through 75 as if fully set forth
19 herein.

20 109. Paragraph 109 of Wendy's Counter-Petition contains no factual allegations relating to
21 this answering party and therefore no admission or denial is required thereto.

22 110. Paragraph 110 of Wendy's Counter-Petition contains no factual allegations relating to
23 this answering party and therefore no admission or denial is required thereto.

24 111. Paragraph 111 of Wendy's Counter-Petition contains no factual allegations relating to
25 this answering party and therefore no admission or denial is required thereto.

26 **Count 12: Wendy is Entitled to be Awarded Attorney's Fees and Costs.**

27 112. Stan incorporates by reference the foregoing paragraphs 1 through 111 as if fully set forth
28 herein.

1 113. Stan denies the allegations contained in paragraph 113 of Wendy's Counter-Petition as
2 such allegations relate solely and specifically to Stan.

3 114. Stan denies the allegations contained in paragraph 114 of Wendy's Counter-Petition as
4 such allegations relate solely and specifically to Stan.

5 **DAMAGES**

6 1. Stan denies that Wendy to entitled to recover any damages whatsoever against him in his
7 capacity as Co-Trustee.

8 **AFFIRMATIVE DEFENSES**

- 9 1. Wendy's claims are barred by their respective statute of limitations.
10 2. Wendy's claims are barred by the doctrine of laches.
11 3. Wendy's Counter-Petition fails to state a claim upon which relief may be granted.
12 4. Wendy's claims are barred by the doctrine of unclean hands.
13 5. Wendy's claims are barred by the doctrine of estoppel.
14 6. Wendy's claims are barred by the doctrine of unjust enrichment.
15 7. Wendy consented to the conduct of which she now complains.
16 8. Wendy's claims against Stan are barred by an accord and satisfaction.
17 9. Wendy's claims against Stan are barred by the doctrine of waiver.
18 10. Wendy has released the claims against Stan asserted in her Counter-Petition.
19 11. Wendy has suffered no actual injury for which she is entitled to damages.
20 12. Wendy lacks standing to bring her Counter-Petition.
21 13. At all times, Stan's conduct was done in good faith.
22 14. Attorney fees are not recoverable by Wendy.
23 15. Wendy's claims are barred as a matter of her Counter-Petition makes numerous blatantly
24 false and unsubstantiated claims relating to Stan's conduct.
25 16. Wendy failed to join necessary parties.
26 17. Wendy should be barred from recovering because her acts are in violation of public
27 policy.
28 18. Wendy's claim for damages much be reduced for setoffs.

1 19. Wendy failed to plead her fraud claims with specificity as required by NRCP.
2 20. Wendy has failed to mitigate her damages.
3 21. Wendy's damages, if any, were caused by a third party.
4 22. Wendy's has waived any claims against Stan by way of a settlement agreement entered
5 into between them.
6 23. Wendy's negligence exceeds any negligence of Petitioners.
7 24. Wendy's breach of duties bars all claims.
8 25. It was not reasonable for Wendy to rely upon statements made by Stan while acting in
9 the capacity as a Trustee.
10 26. Stan's actions, conduct and activities were all done based upon reasonable reliance on
11 reasonable advice of counsel.
12 27. Pursuant to the provisions of Rule 11 of the Nevada Rules of Civil Procedure, at the time
13 of the filing of this response, all possible affirmative defenses may not have been alleged inasmuch as
14 insufficient facts and other relevant information may not have been available after reasonable inquiry
15 and, therefore, Stan reserves the right to amend this response to allege additional affirmative defenses
16 if subsequent investigation warrants same.

17 **AFFIRMATION PURSUANT TO NRS 239B.030**

18 The undersigned does hereby affirm that the preceding document does not contain the social
19 security number of any person.

20 DATED this 2th day of August, 2018.

21
22 KREITLEIN LEEDER MOSS, LTD.

23 /s/ Philip L. Kreitlein, Esq.

24
25 Philip L. Kreitlein, Esq.
26 Stephen C. Moss, Esq.
27 1575 Delucchi Lane, Ste. 101
28 Reno, Nevada 89502
Telephone: (775) 786-2222
*Attorneys for Stanley S. Jaksick,
in his capacity as Co-Trustee of the
Samuel S. Jaksick, jr. Family Trust*

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Kreitlein Leeder Moss, Ltd. and that on the 2nd day of August, 2018, I caused the foregoing document to be served on all parties to this action by:

X placing an original or true copy thereof in a sealed, postage prepaid, envelope in the United States mail at Reno, Nevada.

fully addressed as follows:

Alexi Smith
11 Bahama Court
Mansfield, TX 76063

Regan Jaksick
Sydney Jaksick
Sawyer Jaksick
c/o Lisa Jaksick
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Reno, NV 89519

Luke Jaksick
c/o Wendy A. Jaksick
PO Box 2345
Allen, TX 75013

Benjamin Jaksick
Amanada Jaksick
c/o Dawn E. Jaksick
6220 Rouge Drive
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Kevin Riley, CPA
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X Clerk of the Court by using the electronic filing system

fully addressed as follows:

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/s/ Christina L. Wolf

Christina L. Wolf,
An Employee of Kreitlein Leeder Moss, Ltd.

CODE: 1830

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*Attorneys for Stanley Jaksick, in his individual capacity
and as beneficiary of the Samuel S. Jaksick, Jr. Family Trust
and SSJ's Issue Trust*

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

* * * * *

In the Matter of the Administration of the
SSJ ISSUE TRUST,

CASE NO.: PR17-00445

DEPT. NO.: 15

In the Matter of the Administration of the
SAMUEL S. JAKSICK, JR. FAMILY TRUST,

WENDY JAKSICK,

Respondent and Counter Petitioner,

v.

TODD B. JAKSICK, Individually, as Co-Trustee
of the Samuel S. Jaksick, Jr. Family Trust, and as
Trustee of the SSJ's Issue Trust, MICHAEL S.
KIMMEL, Individually and as Co-Trustee of the
Samuel S. Jaksick, Jr. Family Trust, and
STANLEY S. JAKSICK, Individually and as Co-
Trustee of the Samuel S. Jaksick, Jr. Family
Trust, Kevin Riley, Individually and as former
Trustee of the Samuel S. Jaksick, Jr. Family Trust
and Trustee of the Wendy A. Jaksick 2012 BHC
Family Trust,

Petitioners and Counter-Respondents.

STANLEY JAKSICK,

Respondent and Counter-Petitioner,

v.

TODD B. JAKSICK, Individually and as Co-

Trustee of the Samuel S. Jaksick, Jr. Family Trust.

JOINDER TO STANLEY JAKSICK'S ANSWER TO FIRST AMENDED COUNTER-PETITION TO SURCHARGE TRUSTEES FOR BREACH OF FIDUCIARY DUTIES, FOR REMOVAL OF TRUSTEES AND APPOINTMENT OF INDEPENDENT TRUSTEE(S), AND FOR DECLARATORY JUDGMENT AND OTHER RELIEF

Respondent and Counter-Petitioner Stanley Jaksick ("Stan" or "Stanley Jaksick") in his individual capacity and as beneficiary of the Samuel S. Jaksick, Jr. Family Trust and SSJ's Issue Trust hereby joins the Answer to First Amended Counter-Petition to Surcharge Trustees for Breach of Fiduciary Duties, for Removal of Trustees and Appointment of Independent Trustee(s), and for Declaratory Judgment and Other Relief filed on August 2, 2018. To the extent that there are any claims in the First Amended Counter-Petition asserted against Stanley Jaksick in his individual capacity or as beneficiary of the Samuel S. Jaksick, Jr. Family Trust and SSJ's Issue Trust, Stanley Jaksick as his objection to the First Amended Counter-Petition, asserts all such responses and affirmative defenses to the First Amended Counter-Petition as if set forth herein.

Affirmation

The undersigned does hereby affirm that pursuant to NRS 239B.030, the preceding document does not contain the social security number of any person.

DATED: August 7, 2018

McDONALD CARANO

By /s/ Adam Hosmer-Henner

Adam Hosmer-Henner, Esq.
100 West. Liberty Street, 10th Floor
Reno, Nevada 89501

*Attorney for Stanley Jaksick, in his individual capacity
and as beneficiary of the Samuel S. Jaksick, Jr. Family
Trust and SSJ's Issue Trust*

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of McDONALD
3 CARANO and that on August 7, 2018, I served the foregoing Answer to First Amended
4 Counter-Petition to Surcharge Trustees for Breach of Fiduciary Duties, for Removal of Trustees
5 and Appointment of Independent Trustee(s), and for Declaratory Judgment and Other Relief on
6 the parties in said case by electronically filing via the Court's e-filing system. The participants in
7 this case are registered e-filing users and notice of filing will be served on all parties by
8 operation of the Court's CM/ECF system, and parties may access this filing through the Court's
9 CM/ECF system.

10 Donald Lattin, Esq.
11 Robert LeGoy, Esq.
12 Brian C. McQuaid, Esq.
13 Carolyn Renner, Esq.
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18 Zachary E. Johnson, Esq.
19 Brendan P. Harvell, Esq.
20 Spencer Law, P.C.
21 500 N. Akard St., Suite 2150
22 Dallas, TX 75201

20 I declare under penalty of perjury that the foregoing is true and correct.

21 DATED: August 7, 2018.

23 By /s/ Elizabeth Helms
24 Elizabeth Helms

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Wendy A. Jaksick

SECOND JUDICIAL DISTRICT COURT

WASHOE COUNTY, NEVADA

In the Matter of the Administration of the
SSJ'S ISSUE TRUST,

CASE NO.: PR17-00445
DEPT. NO. 15

In the Matter of the Administration of the
SAMUEL S. JAKSICK, JR. FAMILY TRUST,

CASE NO.: PR17-00446
DEPT. NO. 15

WENDY JAKSICK,

Respondent and Counter-Petitioner,

v.

TODD B. JAKSICK, INDIVIDUALLY, AS CO-
TRUSTEE OF THE SAMUEL S. JAKSICK, JR.
FAMILY TRUST, AND AS TRUSTEE OF THE
SSJ'S ISSUE TRUST; MICHAEL S. KIMMEL,
INDIVIDUALLY AND AS CO-TRUSTEE OF
THE SAMUEL S. JAKSICK, JR. FAMILY
TRUST; AND STANLEY S. JAKSICK,
INDIVIDUALLY AND AS CO-TRUSTEE OF
THE SAMUEL S. JAKSICK, JR. FAMILY
TRUST; KEVIN RILEY, INDIVIDUALLY AND
AS FORMER TRUSTEE OF THE SAMUEL S.
JAKSICK, JR. FAMILY TRUST AND TRUSTEE
OF THE WENDY A. JAKSICK 2012 BHC
FAMILY TRUST,

Petitioners and Counter-Respondents.

**WENDY JAKSICK'S MOTION FOR
LEAVE TO JOIN INDISPENSABLE
PARTIES**

1 Wendy A. Jaksick (“Wendy”), by and through her undersigned counsel, files this *Motion*
2 *to Join Indispensable Parties* (the “Motion”) to join real parties in interest as counter-
3 respondents as complete relief cannot be afforded to the parties of this action without their
4 joinder. This Motion is based upon the following memorandum, the papers and pleadings on
5 file in the above referenced case, and upon any oral argument presented at a hearing on this
6 matter.

7 INTRODUCTION

8 Cause exists to grant Wendy leave to join additional indispensable parties as counter-
9 respondents as she has only become aware of the extent of the entities who may have been used
10 as conduits by Todd Jaksick (“Todd”) to transfer assets out the Samuel S. Jaksick Jr. Family
11 Trust or the Issue Trust (collectively, the “Trusts”) or may be assets themselves that were
12 improperly transferred out of the Trusts.

13 There may be additional entities that Wendy is not aware of that hold an interest in the
14 Trusts property and until such time as Wendy obtains a full and complete picture of the
15 transactions leading up to and involving the Trusts, Wendy reserves her right to request leave to
16 join additional parties. At this time, Wendy seeks to add the following indispensable parties to
17 her counter petition:

- 18 1. Incline TSS, Ltd.;
- 19 2. TBJ Trust;
- 20 3. TBJ Family Trust;
- 21 4. SSJ, L.L.C.;
- 22 5. Sammy Supercub L.L.C Series A;
- 23 6. Samuel S. Jaksick Jr. I L.L.C.;
- 24 7. Samuel S. Jaksick Jr. II L.L.C.;
- 25 8. Samuel S. Jaksick Jr. IV L.L.C.;
- 26 9. Samuel S. Jaksick Jr. V L.L.C.;
- 27 10. Spring Mountain Nevada Development Co.;
- 28 11. Fly Ranch, L.L.C.;

- 1 12. Bent Arr! ' L.L.C.;
- 2 13. ALSB Ltd.;
- 3 14. (erlac&(reen) nergy L.L.C.;
- 4 15. BBB In#estements;
- 5 16. Juniper Trails \$ e#el! pment C! .;
- 6 17. *i! neer (r! up, Inc.;
- 7 18. *i! neer Ass! ciates Limited Liability C! mpany;
- 8 19. !ntreu+, nit - Ass! ciati! n;
- 9 20. Saddle&rn \$ e#el! pment, C! .;
- 10 21. Lakecrest Realty, Inc.;
- 11 22. Lake-Ridge Co.;
- 12 23. . &ite *ine Lumber C! .;
- 13 24. T! iyabe In#estment C! .;
- 14 25. Basecamp LLC, a Nevada limited-liability c! mpany;
- 15 26. !ntreu+ S! ut&/ 0 L.L.C.;
- 16 27. !ntreu+ \$ e#el! pment (r! up, Inc.;
- 17 28. !ntreu+ (!l12 C! unty Club, Inc.;
- 18 29. \$ uck Lake %anc& L.L.C.;
- 19 30. SJ Ranch, L.L.C.;
- 20 31. Bright-3 !lland C! .;
- 21 32. Lakeridge (!l1 C! urse, Ltd.;
- 22 33. Montreux Golf Club Ltd.
- 23 34. (reat . estern 3 elic! pters, Inc.;
- 24 35. Jaksick Family *artners&ip, Limited *artners&ip;
- 25 36. !ntreu+. est 45 L.L.C.;
- 26 37. SJ %anc&*r! perty 6 ' ners, Ass! ciati! n;
- 27 38. Southeast SJ Ranch Property Owners Ass! ciati! n;
- 28

39. Montreux-Slutsky, a Nevada limited liability company;
40. Jackrabbit Properties, L.L.C.;
41. BBB Investments, L.L.C., a Nevada limited-liability company;
42. Home Camp Land and Livestock Co, Inc.
43. Pronghorn, L.L.C.;
44. Buckhorn Land and Livestock, L.L.C.;
45. Washoe Winds, LLC, a Nevada limited-liability company;
46. Locnavar, L.L.C.;
47. SST Westridge, L.L.C.;
48. California Bighorn, L.L.C.;

(collectively, the “Trust Entities”)

STATEMENT OF FACTS

1. This action was commenced on August 2, 2017 when Todd Jaksick filed his *Petition for Confirmation of Trustees and Admission of Trust to the Jurisdiction of the Court and for Approval of Accounts and Other Trust Administration Matters* as Case No. PR17-00445 for the approval of the accountings and administration of the SSJ’s Issue Trust.

1. On August 2, 2017 Todd Jaksick and Michael Kimmel filed their *Petition for Confirmation of Trustees and Admission of Trust to the Jurisdiction of the Court and for Approval of Accountings and Other Trust Administrative Matters* as Case No. PR17-00446 for approval of the accountings and administration of Samuel S. Jaksick, Jr. Family Trust.

2. On October 10, 2017, Wendy filed her *Opposition and Objection to the Petition for Confirmation of Trustees and Admission of Trust to the Jurisdiction of the Court and for Approval of Accounts and Other Trust Administration Matters* as well as her *Answer to Petition for Approval of Accountings and Other Trust Administration Matters*.

3. On January 4, 2018, the Court held an initial Case Management Conference. At that time, Wendy had not yet filed her Counter-Petition, nor had Stanley Jaksick filed his Counter-Petition.

1 4. On January 5, 2018, the Court entered its order consolidating the cases.

2 5. On January 19, 2018, Wendy filed her *Counter-Petition to Surcharge Trustees for*
3 *Breach of Fiduciary Duties, for Removal of Trustees and Appointment of Independent Trustee(s)*
4 *and for Declaratory Judgment and Other Relief* which was subsequently amended on February 23,
5 2018 prior to any responsive pleading being filed and in order to correct minor clerical errors.

6 6. On February 1, 2018, the Court entered a stipulation and order setting the deadline
7 to file motions to amend pleadings or join parties on or before August 2, 2018 and setting other
8 discovery deadlines. The parties subsequently stipulated to extend other deadlines, but did not agree
9 to extend the deadline to amend the pleadings.

10 7. The parties have conducted extensive discovery resulting in numerous discovery
11 motions due in large part to the discovery abuses by Todd Jaksick.

12 **POINTS AND AUTHORITY**

13 **A. Cause exists to allow Wendy to amend her complaint to join necessary parties.**

14 After a responsive pleading is filed “a party may amend the party’s pleading only by
15 leave of court or by written consent of the adverse party; and *leave shall be freely given when*
16 *justice so requires.* See Nevada R. Civ. Proc. 15(a)(emphasis added).

17 The Nevada Rules of Civil Procedure require the joinder of a party if in the person’s
18 absence complete relief cannot be accorded among those already parties, or (2) the person claims
19 an interest relating to the subject of the action and is so situated that the disposition of the action
20 in the person’s absence may (i) as a practical matter impair or impede the person’s ability to
21 protect that interest or (ii) leave any of the persons already parties subject to a substantial risk of
22 incurring double, multiple, or otherwise inconsistent obligations by reason of the claimed
23 interest. If the person has not been so joined, the court shall order that the person be made a
24 party. If the person should join as a plaintiff but refuses to do so, the person may be made a
25 defendant, or, in a proper case, an involuntary plaintiff. See Nevada R. Civ. Proc. 19.

26 Concurrently with this Motion, Wendy has also filed a *Petition to Redress Breach of*
27 *Fiduciary Duty and Emergency Motion to Remove Todd B. Jaksick as Co-Trustee of the Samuel*
28

1 *S. Jaksick, Jr. Family Trust and as Trustee of the SSJ's Issue Trust* (the "Petition to Remove")
2 which is incorporated in this Motion by reference. As set forth in the Petition to Remove, Todd
3 has transferred substantial assets from the Trusts to entities and/or other trusts owned or
4 controlled by Todd solely for his and his family's benefit. Todd has improperly withheld
5 documents and refused to provide information and full disclosure to Wendy and other
6 beneficiaries about the Trusts and all of his bad-acts.

7 Wendy filed her counter-petition because she was not kept fully informed as to the
8 accountings and administration of the Trusts and to redress the multitude of breaches of fiduciary
9 duties by the co-Trustees of the Family trust and Todd as the trustee of the Issue Trust. At the
10 time her counter petition was filed, Wendy had no way of knowing the nature and extent of the
11 Todd's self-dealing and embezzlement of Trust assets for his own benefit. Only through the
12 limited discovery responses Wendy has received, has she been able to ascertain an outline of
13 Todd's scheme to deprive the beneficiaries of what they were entitled to under the Trust. It is
14 apparent that many of the Trusts' assets are (1) not being fully disclosed to the beneficiaries and
15 (2) have been funneled from the Trusts to entities owned and controlled by Todd solely for the
16 benefit of Todd and his family.

17 Thus, cause exists to grant Wendy leave to name the Trust Entities as counter-
18 respondents. Todd has used some or all of these entities to divert or redirect assets of the Trusts
19 to put them out of reach of Wendy and the other beneficiaries. In order to obtain return of all of
20 such assets and to restore and secure the inheritance of Wendy and the other beneficiaries from
21 the Trust, these entities must be added as Parties to this lawsuit. Wendy has not been dilatory in
22 her prosecution of her case, the original deadline to amend pleadings expired in August of 2018,
23 prior to Wendy being able to conduct and conclude Todd's deposition. There has been no
24 previous extension of this deadline. Additionally, there is no harm to the counter-respondents
25 because (1) the petition was only previously amended, before a responsive pleading was filed,
26 to correct minor clerical errors, and (2) the Court cannot grant relief to either Todd, Wendy, or
27
28

1 the other individuals involved in this action without making a determination involving the legal
2 rights of the Trust Entities.

3 Where an entity holds title to property in controversy, such entity is an indispensable
4 party in the action. See Schowb v. Hemsath, 646 P.2d 1212, 1212 (Nev. 1982). Each of the
5 Trust Entities has a legal or equitable interest in property rightfully owned by the Trusts and as
6 a result the Trust Entities must be joined as necessary parties in order for the Court to afford
7 complete relief to the parties.

8 **CONCLUSION**

9 For the reasons stated above, Wendy respectfully requests the Court grant her leave to
10 join the Trust Entities in her counter petition.

11 **AFFIRMATION STATEMENT**

12 Pursuant to NRS 239B.030

13 The undersigned does hereby affirm that this **WENDY JAKSICK'S MOTION FOR**
14 **LEAVE TO JOIN NECESSARY PARTIES** filed by Wendy A. Jaksick in the above-captioned
15 matter does not contain the social security number of any person.

16 DATED this 15th day of November, 2018.

17 **FOX ROTHSCHILD LLP**

18 /s/ Mark J. Connot

19 Mark J. Connot (10010)
20 1980 Festival Plaza Drive, Suite 700
21 Las Vegas, Nevada 89135

22 **SPENCER & JOHNSON, PLLC**

23 /s/ R. Kevin Spencer

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26 500 N. Akard Street, Suite 2150
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28 *Attorneys for Respondent/Counter-Petitioner*
Wendy A. Jaksick

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of FOX ROTHSCHILD LLP and that on this 15th day of November, 2018, I served a true and correct copy of **WENDY JAKSICK'S MOTION FOR LEAVE TO JOIN INDISPENSABLE PARTIES** by the Court's electronic file and serve system addressed to the following:

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

DATED this 15th day of November, 2018.

/s/ Doreen Loffredo
An Employee of Fox Rothschild LLP

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14 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

15 **IN AND FOR THE COUNTY OF WASHOE**

16 In the Matter of the:

CASE NO.: PR17-00445

17 SSSJ's ISSUE TRUST.

DEPT. NO.: 15

18 In the Matter of the:

CASE NO.: PR17-00446

19 SAMUEL S. JAKSICK, JR., FAMILY TRUST.

DEPT. NO.: 15

20 WENDY JAKSICK,

TODD B. JAKSICK'S , INDIVIDUALLY,
OPPOSITION TO WENDY JAKSICK'S
MOTION FOR LEAVE TO JOIN
INDISPENSABLE PARTIES

21 Respondent and Counter-Petitioner,
22 v.

23 TODD B. JAKSICK, Individually, as Co-
24 Trustee of the Samuel S. Jaksick Jr. Family
25 Trust, and as Trustee of the SSJ's Issue Trust;
26 MICHAEL S. KIMMEL, Individually and as
27 Co-Trustee of the Samuel S. Jaksick Jr. Family
28 Trust; STANLEY S. JAKSICK, Individually
and as Co-Trustee of the Samuel S. Jaksick Jr.
Family Trust; KEVIN RILEY, Individually, as
Former Trustee of the Samuel S. Jaksick Jr.
Family Trust, and as Trustee of the Wendy A.
Jaksick 2012 BHC Family Trust,

Petitioners and Counter-Respondents

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14
15 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

16 IN AND FOR THE COUNTY OF WASHOE

17 In the Matter of the:

CASE NO.: PR17-00445

18 SSJ's ISSUE TRUST.

DEPT. NO.: 15

19 In the Matter of the:

CASE NO.: PR17-00446

20 SAMUEL S. JAKSICK, JR., FAMILY TRUST.

DEPT. NO.: 15

21 WENDY JAKSICK,

22 Respondent and Counter-Petitioner,
23 v.

**TODD B. JAKSICK'S, INDIVIDUALLY,
OPPOSITION TO WENDY JAKSICK'S
MOTION FOR LEAVE TO JOIN
INDISPENSABLE PARTIES**

24 TODD B. JAKSICK, Individually, as Co-
25 Trustee of the Samuel S. Jaksick Jr. Family
26 Trust, and as Trustee of the SSJ's Issue Trust;
27 MICHAEL S. KIMMEL, Individually and as
28 Co-Trustee of the Samuel S. Jaksick Jr. Family
Trust; STANLEY S. JAKSICK, Individually
and as Co-Trustee of the Samuel S. Jaksick Jr.
Family Trust; KEVIN RILEY, Individually, as
Former Trustee of the Samuel S. Jaksick Jr.
Family Trust, and as Trustee of the Wendy A.
Jaksick 2012 BHC Family Trust,

Petitioners and Counter-Respondents

1 STANLEY JAKSICK,
2 Respondent and Counter-Petitioner,
3 v.
4 TODD B. JAKSICK, Individually and as Co-
Trustee of the Samuel S. Jaksick Jr. Family
5 Trust.
Petitioner and Counter-Respondent.

6 **TODD B. JAKSICK'S , INDIVIDUALLY, OPPOSITION TO WENDY JAKSICK'S**
7 **MOTION FOR LEAVE TO JOIN INDISPENSABLE PARTIES**

8 Todd B. Jaksick ("Todd"), by and through his counsel, opposes Wendy Jaksick's
9 ("Wendy's") Motion for Leave to Join Indispensable Parties as follows:

10 **I. OVERVIEW**

11 Wendy's desperate effort to continue the trial date now comes before the Court disguised
12 as a motion to join indispensable parties who are anything but indispensable. Indeed, the joinder
13 of an additional forty entities as parties would likely result in:

- 14 1. At least another year of additional discovery;
- 15 2. Involving participation of a multitude of unrelated individuals who have ownership
16 interests in some of the entities;
- 17 3. Additional attorneys for interested owners of the additional entities; and
- 18 4. Discovery disputes amplified in volume, breadth, and intensity.

19 This case is about Sam Jaksick's creative and remarkable business and development
20 acumen. He trusted his two sons, Stan and Todd, to administer his assets and manage the massive
21 debt he accumulated in his business and developmental endeavors. After his death in April 2013,
22 Stan and Todd managed the affairs of this large estate with the constant vigilance and guidance of
23 attorneys Bob LeGoy, Brian McQuaid, Don Lattin, Phil Kreitlein, and to an extent, Nik Palmer.
24 They also managed the estate with the guidance of Sam's accountant, Kevin Riley. Sam was
25 guided in his estate plans by Pierre Hascheff, now Justice of the Peace. Judge Hascheff has
26 testified that:

- 27 1. Todd has done a remarkable job serving as a Co-Trustee;

28 ///

1 2. Sam was very concerned that Wendy own no assets because of her erratic behavior
2 and dishonest conduct; and

3 3. Sam's estate was to be managed by the son he trusted most, Todd Jaksick.

4 If it is anything Sam Jaksick did not intend, it was to have Todd be sued by Wendy, that
5 Stan be sued by Wendy, that legal fees erode the substance and value of his estate and his various
6 companies and entities be sued by his daughter.

7 To join another forty parties to this lawsuit would be procedurally and financially
8 devastating.

9 Wendy seeks to join an additional forty entities as defendants on the eve of trial, based
10 upon her false and contrived allegation that she has "recently" discovered that Todd allegedly
11 transferred Family Trust assets to these entities. Wendy's motion is clearly a delay tactic, which
12 must be rejected.

13 Wendy provides this Court with NO proof or evidence that these entities currently
14 improperly hold any Trust assets. Furthermore, the majority of these forty entities have been
15 dissolved, and Wendy's claims against them are barred by the statutes of repose found in NRS
16 78.585 and NRS 86.505. Finally, on the few entities that Wendy does include within her claims
17 for relief in this matter, Wendy challenges transfers of assets *from* those entities *to* the Trust. For
18 her motion to be granted, it would need to be the opposite. These entities do not hold Trust assets.
19 Accordingly, Wendy's motion must be denied.

20 **II. THE ENTITIES LISTED IN WENDY'S PETITION ARE NOT INDISPENSABLE**
21 **PARTIES.**

22 **A. STANDARD FOR JOINDER.**

23 Wendy's motion must be denied because the named entities are not indispensable parties.
24 A party is only an "indispensable" party if "in the person's absence complete relief cannot be
25 accorded amount those already parties, or (2) the person claims an interest relating to the subject of
26 action." NRCP 19(a). The fact that an entity has a tangential interest in the subject matter of the
27 suit does not render them an indispensable party. *See Pro Indiviso, Inc. v. Mid-Mile Holding, Tr.*,
28 963 P.2d 1178, 1183 (1998) ("It is not necessary that all persons with an interest in the subject

1 matter of the suit be joined as parties, but only those who have an interest in the object of the
2 suit.”). Furthermore, when the party seeking joinder argues that an entity owned by a parent-
3 defendant is a “necessary party,” the moving party has the burden to prove that the subsidiary is a
4 primary participant in the harm alleged. *See, e.g., In re Toyota Motor Corp. Unintended*
5 *Acceleration Mktg., Sales Practices & Prod. Liab. Litig.*, 826 F. Supp. 2d 1180, 1195 (C.D. Cal.
6 2011) (holding that “where the parent is the principal actor, the subsidiary is not necessary and
7 indispensable” (internal quotations omitted)).

8 **B. WENDY PROVIDES NO EVIDENCE OR BASIS FOR THE JOINDER OF**
9 **THE MAJORITY OF THESE ENTITIES.**

10 In her motion, Wendy states that her basis for joining these multiple entities is set forth in
11 her concurrently filed Petition to Redress Breach of Fiduciary Duty and Emergency Motion to
12 Remove Todd B. Jaksick as Co-Trustee of the Samuel S. Jaksick, Jr. Family Trust and as Trustee
13 of the SSJ’s Issue Trust (Wendy’s “Petition to Remove”). *See* Motion to Join Indispensable
14 Parties (“Mot.”), p. 5. However, nowhere in Wendy’s 102-page Petition to Remove, or in the 200
15 pages of exhibits attached to it, does Wendy explain, mention, or identify any transfers made from
16 the Family Trust to (1) TBJ Trust; (2) TBJ Family Trust; (3) Samuel S. Jaksick Jr. I LLC; (4)
17 Samuel S. Jaksick Jr. II LLC; (5) Samuel S. Jaksick Jr. IV LLC; (6) Samuel S. Jaksick Jr. V LLC;
18 (7) Spring Mountain Nevada Development Co.; (8) Fly Ranch, LLC; (9) Bent Arrow, LLC; (10)
19 ALSB, Ltd.; (11) Gerlach Green Energy, LLC; (12) BBB Investments; (13) Juniper Trails
20 Development Co.; (14) Pioneer Associates Limited Liability Company; (15) Montreux Unit 3
21 Association; (16) Saddlehorn Development Co.; (17) Lakecrest Realty, Inc.; (18) Lake-Ridge Co.;
22 (19) Toiyabe Investment Co.; (20) Basecamp LLC; (21) Montreux South 51, LLC; (22) Montreux
23 Development Group, Inc.; (23) Montreux Golf and Country Club, Inc.; (24) S.J. Ranch, LLC; (25)
24 Lakeridge Golf Course, Ltd.; (26) Montreux Golf Club, Ltd.; (27) Great Western Helicopters, Inc.;
25 (28) Jaksick Family Partnership; (29) Montreux West 40, LLC; (30) SJ Ranch Property Owners;
26 (31) Southeast SJ Ranch Property Owners Association; (32) Montreux-South 80; (33) Jackrabbit
27 Properties; (34) BBB Investments, LLC; (35) Home Camp Land and Livestock; (36) Pronghorn,

1 LLC; (37) Buckhorn Land and Livestock, LLC; (38) Washoe Winds, LLC; (39) Lochnavar, LLC;
2 (40) SST Westridge, LLC; and (41) California Bighorn, LLC. *See Mot.; See Petition to Remove.*

3 Absent evidence of transfers to these entities that have either harmed Wendy or the Family
4 Trust or Issue Trust, these entities are not indispensable parties who must be joined. Complete
5 relief on Wendy's claims against Todd, both as Trustee and as an Individual, can be accorded in
6 these entities' absences. NRCP 19(a)(1). Because there are no claims pending regarding
7 transactions involving these entities, these entities have no interest in the subject matter of this
8 litigation. NRCP 19(a)(2). Accordingly, these entities are not indispensable parties.

9 **C. WENDY CANNOT BRING CLAIMS AGAINST DISSOLVED OR**
10 **DEFUNCT ENTITIES.**

11 Wendy's motion must also be denied because she is barred from asserting claims against
12 the dissolved entities by the applicable statutes of repose. Claims against dissolved corporations
13 and limited liability companies must be brought within three years from the date of dissolution.
14 NRS 78.585(1); NRS 86.505(1). The three-year period is a statute of repose, not limitation.

15 The following corporations and/or limited liability companies were dissolved more than
16 three years prior to Wendy's current motion to join these entities and assert claims against them:
17 (1) SSJ, LLC (July 2014); (2) Samuel S. Jaksick Jr. V LLC (July 2013); (3) Fly Ranch, LLC
18 (January 2014); (4) Juniper Trails Development Co. (January 2005); (5) Pioneer Associates, LLC
19 (February 1999); (6) Montreux Unit 3 (July 2001); (7) Saddlehorn Development Co. (November
20 2012); (8) Lakecrest Realty (July 2014); (9) Great Western Helicopters, Inc. (May 2011); (10)
21 Jaksick Family Partnership (Revoked 1992); (11) Montreux West 40, LLC (February 2008); (12)
22 Southeast SJ Ranch Property Owners Association (January 2011); (13) Pronghorn, LLC
23 (December 2008); (14) Washoe Winds, LLC (revoked 2010); and (15) California Bighorn, LLC
24 (October 2013). Accordingly, Wendy's claims against these entities are barred by the statute of
25 repose. *See Exhibit 1*, Declaration of Todd Jaksick, para. 2.

26 **D. ENTITIES TODD DOES NOT CONTROL.**

27 Wendy's basis for joining these entities is because Todd has not "fully disclosed to the
28 beneficiaries" that these corporate assets exist, and that Trust funds "have been funneled to entities

1 owned and controlled by Todd solely for the benefit of Todd and his Family.” Mot., p. 6.

2 However, many of these entities are actually owned and/or controlled by **Stan**.

3 First, Todd does not (or did not) solely control, manage or govern (1) Spring Mountain
4 Nevada Development Company; (2) Pioneer Group, Inc.; (3) Saddlehorn Development Co.; (4)
5 Montreux Golf & Country Club; (5) California Bighorn, LLC; (6) Basecamp, LLC; or (7) Jaksick
6 Family Partnership. *See* Exh. 1, para. 3. Some of these are controlled exclusively by third parties.

7 Second, **Stan**, not Todd, who is also a Co-Trustee of the Family Trust, wholly controls (or
8 did control) and/or owns (or did own) the following entities: (1) Bent Arrow, LLC; (2) Montreux
9 Unit 3, LLC; (3) Toiyabe Investment Co.; (4) Montreux Development Group; (5) Montreux West
10 40, LLC; (6) Lakeridge Golf Course, Ltd.; and (7) Montreux Golf Club, LLC. *See* Exh. 1, para. 4.

11 Finally, some of these entities are (or were) owned and/or managed by **both Stan and**
12 **Todd**: (1) ALSB, Ltd.; (2) Gerlach Green Energy, LLC; (3) Southeast SJ Ranch Property Owners
13 Association; (4) Jackrabbit Properties, LLC; (5) Pronghorn, LLC; (6) Buckhorn, LLC; (7)
14 Locnavar, LLC; and (8) SST Westridge, LLC. *See* Exh. 1, para. 5. Thus, Wendy’s justification
15 for joining these entities falls flat.

16 **E. ENTITIES MENTIONED IN PETITION.**

17 **1. Entities Who Do Not Hold Trust Assets.**

18 A handful of the entities Wendy seeks to join do not currently hold assets that ever
19 belonged to the Trust. Wendy argues to this Court that these entities are “indispensable parties”
20 because “Todd has used some or all of these entities to divert or redirect assets of the Trust to put
21 them out of reach of Wendy and the other beneficiaries.” Mot., p. 6. According to Wendy, the
22 entities must be joined “[i]n order to obtain return of all of such assets and to restore and secure
23 the inheritance of Wendy and the other beneficiaries from the Trust.” *Id.* However, the following
24 entities do not own Trust assets; therefore, their joinder will not result in any assets being returned
25 to the Trust.

26 First, Wendy has named SSJ, LLC because Sam transferred the Tahoe House to SSJ, LLC
27 in 2011. However, SSJ, LLC subsequently transferred the Tahoe House to Incline TSS, Ltd. SSJ,
28 LLC does not currently hold any other Trust assets because it was dissolved in July 2014.

1 Second, Wendy names Pioneer Group, Inc. because she is challenging the use of the
2 proceeds from the sale of the Bronco Billy's Casino. However, Wendy's claim is not based upon
3 assets transferred *to* Pioneer Group, Inc., but upon assets transferred *to* Todd, Stan and the Family
4 Trust. Specifically, Wendy challenges the transfer of Pioneer Group, Inc. stock to Todd and Stan.
5 This is not a transfer of assets *to* Pioneer Group, Inc. Wendy also challenges how the funds from a
6 sale of Pioneer Group, Inc. were used by the Family Trust. Again, this is not a transfer of Trust
7 assets *to* Pioneer Group, Inc., but a transfer of assets *to* the Family Trust.

8 Third, Wendy's argument regarding Bright Holland Co. is substantially the same. She is
9 not challenging any transfer of assets *to* Bright Holland Co. Instead, she is challenging how assets
10 have been distributed that were transferred *to* the Family Trust from Bright Holland Co.

11 Fourth, Wendy disputes a sale of cattle that were owned by White Pine Co. However,
12 Wendy specifically admits in her 102-page Petition that these cattle were *never owned* by the
13 Family Trust, and that the Family Trust's ownership was only a membership interest in White
14 Pine. *See* Pet., ¶ 163. Wendy does not (and cannot) allege that the value of White Pine has been
15 adversely affected by the sale of these cattle.

16 Finally, Wendy disputes transfers made to Duck Lake Ranch. However, as this Court can
17 see from Wendy's 102-page Petition, none of the disputed transfers were made from the Family
18 Trust. One involved cattle, which Wendy admits were owned by White Pine, and the other
19 involved the transfer of an airplane, which was owned by a separate LLC and not the Family Trust.
20 Accordingly, because none of these entities hold assets that were owned by the Family Trust, their
21 joinder is neither necessary nor appropriate.

22 **III. CONCLUSION.**

23 Wendy's litigation odyssey is telling. Without evidence to support claims that Sam's
24 Second Amendment was forged, she desperately seeks to dramatize. She has no evidence that her
25 rights have been violated. Her unsavory tactics surface. By overcomplication, duplication,
26 obstruction and a mindless waste of Trust assets, Wendy desires to be seen and recognized as one
27 who can create problems (e.g., over 2000 separate requests for production).

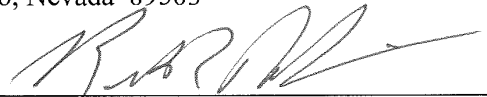
1 Wendy's tardy, unreasonable and counterproductive effort to join forty new parties in this
2 case is irresponsible. Her motion should be denied.

3
4 **AFFIRMATION**
Pursuant to NRS 239B.030

5 The undersigned does hereby affirm that this document does not contain the social security
6 number of any person.

7 DATED this 6th day of December, 2018.

8
9 ROBISON, SHARP, SULLIVAN & BRUST
A Professional Corporation
71 Washington Street
10 Reno, Nevada 89503

11 

12 KENT R. ROBISON
THERESE M. SHANKS
13 *Attorneys for Todd B. Jaksick, Individually, and as*
14 *Beneficiary, SSJ's Issue Trust and*
15 *Samuel S. Jaksick, Jr., Family Trust*

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of ROBISON, SHARP, SULLIVAN & BRUST, and that on this date I caused to be served a true copy of the **TODD B. JAKSICK'S, INDIVIDUALLY, OPPOSITION TO WENDY JAKSICK'S MOTION FOR LEAVE TO JOIN INDISPENSABLE PARTIES** on all parties to this action by the method(s) indicated below:

by placing an original or true copy thereof in a sealed envelope, with sufficient postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

X by using the Court's CM/ECF electronic service system courtesy copy addressed to:

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Attorneys for Respondent Wendy A. Jaksick

- 1 _____ by electronic email addressed to the above.
- 2 _____ by personal delivery/hand delivery addressed to:
- 3 _____ by facsimile (fax) addressed to:
- 4 _____ by Federal Express/UPS or other overnight delivery addressed to:

5 DATED: This 6th day of December, 2018.

6 
7 V. JAYNE FERRETTO
8 Employee of Robison, Sharp, Sullivan & Brust

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EXHIBIT LIST

<u>Exhibit No.</u>	<u>Description</u>	<u>Pages</u>
1	Declaration of Todd B. Jaksick	2

FILED
Electronically
PR17-00445
2018-12-06 04:06:41 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7012202 : yviloria

EXHIBIT 1

EXHIBIT 1

DECLARATION OF TODD B. JAKSICK
IN SUPPORT OF OPPOSITION TO WENDY JAKSICK'S MOTION FOR LEAVE TO
JOIN INDISPENSABLE PARTIES

Todd B. Jaksick hereby declares under penalty of perjury that the following assertions are true and correct:

1. I am a Petitioner and Counter-Respondent in these proceedings. To the best of my knowledge, I state the following concerning the composition, ownership and control of the entities Wendy Jaksick seeks to join as parties in these lawsuits.

2. Based on my review of records from the Nevada Secretary of State, the following corporations and/or limited liability companies were dissolved more than three years prior to Wendy Jaksick's current motion:

- (a) SSJ, LLC (July 2014);
- (b) Samuel S. Jaksick Jr. V LLC (July 2013);
- (c) Fly Ranch, LLC (January 2014);
- (d) Juniper Trails Development Co. (January 2005);
- (e) Pioneer Associates, LLC (February 1999);
- (f) Montreux Unit 3 (July 2001);
- (g) Saddlehorn Development Co. (November 2012);
- (h) Lakecrest Realty (July 2014);
- (i) Great Western Helicopters, Inc. (May 2011);
- (j) Jaksick Family Partnership (Revoked 1992);
- (k) Montreux West 40, LLC (February 2008);
- (l) Southeast SJ Ranch Property Owners Association (January 2011);
- (m) Pronghorn, LLC (December 2008);
- (n) Washoe Winds, LLC (revoked 2010); and
- (o) California Bighorn, LLC (October 2013).

3. I do not solely or exclusively control, manage or govern the following companies:

- (a) Spring Mountain Nevada Development Company;

- 1 (b) Pioneer Group, Inc.;
- 2 (c) Saddlehorn Development Co.;
- 3 (d) Montreux Golf & Country Club;
- 4 (e) California Bighorn, LLC;
- 5 (f) Basecamp, LLC; or
- 6 (g) Jaksick Family Partnership.

7 4. My brother, Stanley Jaksick, is the person who I believe wholly controls and/or

8 owns the following entities:

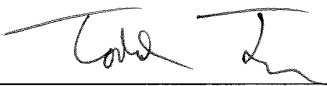
- 9 (a) Bent Arrow, LLC;
- 10 (b) Montreux Unit 3, LLC;
- 11 (c) Toiyabe Investment Co.;
- 12 (d) Montreux Development Group;
- 13 (e) Montreux West 40, LLC;
- 14 (f) Lakeridge Golf Course, Ltd.; and
- 15 (g) Montreux Golf Club, LLC.

16 5. The following entities are or were owned and/or managed by Stanley Jaksick and

17 me:

- 18 (a) ALSB, Ltd.;
- 19 (b) Gerlach Green Energy, LLC;
- 20 (c) Southeast SJ Ranch Property Owners Association;
- 21 (d) Jackrabbit Properties, LLC;
- 22 (e) Pronghorn, LLC;
- 23 (f) Buckhorn, LLC;
- 24 (g) Locnavar, LLC; and
- 25 (h) SST Westridge, LLC.

26 DATED this 6th day of December, 2018.

27 
TODD B. JAKSICK

28

Jayne Ferretto

From: eflex@washoecourts.us
Sent: Thursday, December 06, 2018 4:46 PM
To: Kent Robison
Cc: Jayne Ferretto
Subject: NEF: CONS: TRUST: SSJ'S ISSUE TRUST: Opposition to Mtn: PR17-00445

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

PROOF OF SERVICE OF ELECTRONIC FILING

A filing has been submitted to the court RE: PR17-00445

Judge: HONORABLE DAVID A. HARDY

Official File Stamp: 12-06-2018:16:06:41
Clerk Accepted: 12-06-2018:16:44:00
Court: Second Judicial District Court - State of Nevada
Civil
Case Title: CONS: TRUST: SSJ'S ISSUE TRUST
Document(s) Submitted: Opposition to Mtn
- **Continuation
Filed By: Kent R. Robison

You may review this filing by clicking on the following link to take you to your [cases](#).

This notice was automatically generated by the courts auto-notification system.

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

STEPHEN C. MOSS, ESQ. for STANLEY JAKSICK, SAMUEL S. JAKSICK, JR. FAMILY TRUST
CAROLYN K. RENNER, ESQ. for KEVIN RILEY, MICHAEL S. KIMMEL, TODD B. JAKSICK
SARAH FERGUSON, ESQ. for SSJ'S ISSUE TRUST, STANLEY JAKSICK, SAMUEL S. JAKSICK, JR. FAMILY TRUST
ADAM HOSMER-HENNER, ESQ. for STANLEY JAKSICK
THERESE M. SHANKS, ESQ. for TODD B. JAKSICK
PHILIP L. KREITLEIN, ESQ. for STANLEY JAKSICK, SAMUEL S. JAKSICK, JR. FAMILY TRUST
BRIAN C. MCQUAID, ESQ. for KEVIN RILEY, MICHAEL S. KIMMEL, TODD B. JAKSICK
KENT RICHARD ROBISON, ESQ. for TODD B. JAKSICK
DONALD ALBERT LATTIN, ESQ. for KEVIN RILEY, MICHAEL S. KIMMEL, TODD B. JAKSICK
MARK J. CONNOT, ESQ. for WENDY A. JAKSICK

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

R. KEVIN SPENCER, ESQ. for WENDY A. JAKSICK

L. ROBERT LEGOY, JR., ESQ. for MICHAEL S. KIMMEL, TODD B. JAKSICK

ZACHARY JOHNSON, ESQ. for WENDY A. JAKSICK

CODE: 2645

Adam Hosmer-Henner, Esq. (NSBN 12779)

Sarah Ferguson, Esq. (NSBN 14515)

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100 West Liberty Street, 10th Floor

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*Attorneys for Stanley Jaksick, in his individual capacity
and as beneficiary of the Samuel S. Jaksick, Jr. Family Trust
and SSJ's Issue Trust*

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

* * * * *

In the Matter of the Administration of the

SSJ ISSUE TRUST,

CASE NO.: PR17-00445

DEPT. NO.: 15

In the Matter of the Administration of the

SAMUEL S. JAKSICK, JR. FAMILY TRUST,

WENDY JAKSICK,

Respondent and Counter Petitioner,

v.

TODD B. JAKSICK, Individually, as Co-Trustee
of the Samuel S. Jaksick, Jr. Family Trust, and as
Trustee of the SSJ's Issue Trust, MICHAEL S.
KIMMEL, Individually and as Co-Trustee of the
Samuel S. Jaksick, Jr. Family Trust, and
STANLEY S. JAKSICK, Individually and as Co-
Trustee of the Samuel S. Jaksick, Jr. Family
Trust, Kevin Riley, Individually and as former
Trustee of the Samuel S. Jaksick, Jr. Family Trust
and Trustee of the Wendy A. Jaksick 2012 BHC
Family Trust,

Petitioners and Counter-Respondents.

STANLEY JAKSICK,

Respondent and Counter-Petitioner,

v.

TODD B. JAKSICK, Individually and as Co-

1 Trustee of the Samuel S. Jaksick, Jr. Family
2 Trust.

3 **OPPOSITION TO WENDY JAKSICK'S MOTION FOR LEAVE TO JOIN**
4 **INDISPENSABLE PARTIES**

5 Respondent and Counter-Petitioner Stanley Jaksick ("Stan" or "Stanley Jaksick") in his
6 individual capacity and as beneficiary of the Samuel S. Jaksick, Jr. Family Trust and SSJ's Issue
7 Trust hereby opposes Wendy Jaksick's Motion for Leave to Join Indispensable Parties. This
8 Opposition is based on the below memorandum of points and authorities, the pleadings and
9 papers on file with this Court, and any oral argument permitted by the Court.

10 **MEMORANDUM OF POINTS AND AUTHORITIES**

11 **I. INTRODUCTION**

12 The Motion for Leave to Join Indispensable Parties ("Motion") filed by Wendy Jaksick is
13 untimely and unpersuasive. While this action is extremely complex and involved significant
14 discovery, there have been no allegations made against entities related to Stanley Jaksick nor
15 evidence of wrongdoing by these entities uncovered. Accordingly, the Motion should be denied,
16 at least with respect to the following entities: Montreux Unit 3 Association, Saddlehorn
17 Development, Co., Lake-Ridge Co., ALSB, Ltd., Toiyabe Investment Co., Montreux South 51
18 LLC, Montreux Development Group, Inc., Montreux Golf & Country Club, Inc., Lakeridge Golf
19 Course, Ltd., Montreux Golf Course, Ltd., Jaksick Family Partnership, LP, Montreux West 40,
20 LLC, and Montreux-South 80 ("Stanley Entities"). Some of these entities never existed and some
21 have been dissolved, but all are outside of the scope of the current claims by Wendy.

22 **II. ARGUMENT**

23 Wendy Jaksick bears the burden of persuasion on her Motion with respect to each entity.
24 She failed to detail the reasons for including any of the Stanley Entities in this litigation or
25 provide a justification for why they are indispensable parties. The failure to do that in the initial
26 motion cannot be cured by improperly including new arguments in a reply.

27 Wendy Jaksick argues that "she has only become aware of the extent of the entities who
28 may have been used as conduits by Todd Jaksick ("Todd") to transfer assets out of the Samuel S.
Jaksick, Jr. Family Trust or the Issue Trust." Mot. 3. She also argues that "Todd has transferred

1 substantial assets from the Trust to entities and/or other trusts owned or controlled by Todd
2 solely for his and his family's benefit." Mot. 6. Regardless of the accuracy of this statement in
3 general, Wendy Jaksick has not and cannot demonstrate that Todd Jaksick has improperly
4 transferred assets to any of the Stanley Entities. The bare bones and cursory explication by
5 Wendy Jaksick does not suffice. Accordingly, there is no justification for including the Stanley
6 Entities in this litigation.

7 **III. CONCLUSION**

8 For all of the above reasons, the Court should deny Wendy Jaksick's Motion for Leave to
9 Join Indispensable Parties

10
11 **Affirmation**

12 The undersigned does hereby affirm that pursuant to NRS 239B.030, the preceding
13 document does not contain the social security number of any person.

14
15 DATED: December 6, 2018

16 McDONALD CARANO

17 By /s/ Adam Hosmer-Henner
18 Adam Hosmer-Henner, Esq.
19 100 West. Liberty Street, 10th Floor
20 Reno, Nevada 89501

21 *Attorney for Stanley Jaksick, in his individual capacity*
22 *and as beneficiary of the Samuel S. Jaksick, Jr. Family*
23 *Trust and SSJ's Issue Trust*
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Donald Lattin, Esq. Robert LeGoy, Esq. Brian C. McQuaid, Esq. Carolyn Renner, Esq. Maupin Cox & LeGoy 4785 Caughlin Parkway Reno, NV 895	Kent Robison, Esq. Therese M. Shanks, Esq. Robison, Sharp, Sullivan & Brust 71 Washington Street Reno, NV 89503
Mark J. Connot, Esq. Fox Rothschild, LLP 1980 Festival Plaza Drive, # 700 Las Vegas, NV 89135	Philip L. Kreitlein, Esq. Kreitlein Law Group, Ltd. 3470 E. Plumb Lane, Suite 310 Reno, NV 89502
	R. Kevin Spencer, Esq. Zachary E. Johnson, Esq. Brendan P. Harvell, Esq. Spencer Law, P.C. 500 N. Akard St., Suite 2150 Dallas, TX 75201

DATED: December 6, 2018.

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1 CODE: 2645
2 DONALD A. LATTIN, ESQ.
3 Nevada Bar No. 693
4 CAROLYN K. RENNER, ESQ.
5 Nevada Bar No. 9164
6 MAUPIN, COX & LeGOY
7 4785 Caughlin Parkway
8 Reno, Nevada 89519
9 Telephone: (775) 827-2000
10 Facsimile: (775) 827-2185
11 *Attorneys for Petitioners*

12 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

13 IN AND FOR THE COUNTY OF WASHOE

14 In the Matter of the:

Case No.: PR17-0445

Dept. No.: 15

15 SSJ's ISSUE TRUST.

Consolidated

16 In the Matter of the Administration of

Case No.: PR17-0446

Dept. No.: 15

17 THE SAMUEL S. JAKSICK, JR., FAMILY TRUST.

18 **PETITIONERS OPPOSITION TO WENDY JAKSICK'S MOTION FOR LEAVE TO**
19 **JOIN INDISPENSIBLE PARTIES**

20 Petitioners, TODD B. JAKSICK and MICHAEL S. KIMMEL, as Co-Trustees of The
21 Samuel S. Jaksick, Jr. Family Trust (hereafter the "Family Trust"), and TODD B. JAKSICK, as
22 Trustee of The SSJ's Issue Trust, by and through their undersigned counsel of record, hereby file
23 their Opposition to Wendy Jaksick's ("Wendy") Motion for Leave to Join Indispensable Parties
24 (hereafter "Motion").

25 ///

26 ///

///

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**
3 **INTRODUCTION**

4 Wendy's Motion seeks leave to join indispensable parties under NRCP 19, but instead of
5 merely filing a motion to join, she confusingly argues for both leave to amend under NRCP 15,
6 and for leave to join indispensable parties under NRCP 19. In either case, cause does not exist to
7 grant Wendy leave to amend her complaint or to join additional parties to this suit. Leave to amend
8 under NRCP 15(a) is improper as the time to amend pleadings has passed, we are on the eve of
9 trial, Wendy was dilatory in moving to amend, she brings her Motion in bad faith, and Petitioners
10 would be grossly prejudiced by the addition of forty-eight (48) new parties. Moreover, none of
11 the listed entities Wendy seeks to join in this matter are necessary. Wendy's own Motions indicate
12 as much as she discusses only eleven (11) of the forty-eight (48) entities she lists as "necessary."
13 Wendy also fails to recognize that complete relief can easily be granted without the addition of
14 these entities because Todd has been named as both an individual and a Trustee in this litigation.
15 Thus, should this Court find as much, it can order Todd to disgorge assets from any of the entities
16 he manages or owns. Accordingly, Wendy's Motion is meritless and should be denied in its
17 entirety.
18
19

20 **II.**
21 **ARGUMENT**

22 **A. Leave to Amend under NRCP 15 is Not Proper as the Deadline to Amend**
23 **Pleadings has Expired**

24 NRCP 15(a) provides, that after an initial responsive pleading has been served, "a party
25 may amend the party's pleading only by leave of court or by written consent of the adverse party."
26 "The Nevada Supreme Court has held that 'in the absence of any apparent or declared reason—

1 such as undue delay, bad faith or dilatory motive on the part of the movant—the leave sought
2 should be freely given.” *Nutton v. Sunset Station, Inc.*, 131 Nev., Adv. Op. 34, 357 P.3d 966, 970
3 (Nev. App. 2015) (quoting *Stephens v. S. Nev. Music Co.*, 89 Nev. 104, 105-06, 507 P.2d 138, 139
4 (1973). As such, under NRCP 15(a), leave to amend shall be granted, unless reasons exist not to
5 do so, “such as prejudice to the opponent or lack of good faith by the moving party.” *Id.* Whether
6 to grant or deny a NRCP 15(a) motion for leave to amend is within the “sound discretion of the
7 trial court, and its action in denying such a motion will not be held to be error in the absence of a
8 showing of abuse of discretion.” *Kantor v. Kantor*, 116 Nev. 886, 891, 8 P.3d 825, 828 (2000)
9 (quoting NRCP 15(a)).
10

11 First, the deadline to amend pleadings expired on August 2, 2018. However, Wendy filed
12 her Motion more than three (3) months late on November 15, 2018. When a party seeks leave to
13 amend pleading after the deadline for such amendments has expired, NRCP 16(b) requires a
14 showing of “good cause.” *Nutton*, 131 Nev., Adv. Op. 34, 357 P.3d at 968 (stating that NRCP
15 16(b) mandates that the deadlines imposed by the court under this rule, including deadlines to
16 amend pleadings, “shall not be modified” except “upon a showing of good cause”). Wendy’s
17 Motion never mentions NRCP 16(b), or good cause, and therefore should summarily be denied.
18

19 Second, Wendy’s Motion states no basis for why she should be granted leave to amend.
20 Instead, Wendy attempts to “incorporate by reference” her 102-page Petition to Redress Breach of
21 Fiduciary Duty and Emergency Motion to Remove Todd B. Jaksick as Co-Trustee of the Samuel
22 S. Jaksick, Jr. Family Trust and as Trustee of the SSJ’s Issue Trust (hereafter “Petition for
23 Removal”). However, the Petition for Removal similarly fails to state why Wendy is seeking leave
24 to amend. Thus, this Motion should be denied simply because Wendy has failed to provide a legal
25 basis for why leave of the court should be granted.
26

1 **a. Leave to amend should be denied because this Motion is brought in bad**
2 **faith and is prejudicial to Petitioners**

3 To the extent Wendy makes a legal argument, her Motion should be denied because it is
4 dilatory, is brought in bad faith, and is grossly prejudicial to Petitioners. In *Kantor v. Kantor*, 116
5 Nev. 886, 891-92, 8 P.3d 825, 828 (2000), the Nevada Supreme Court held that the district court
6 properly denied a motion to amend where the parties had relied extensively on the written
7 agreement, the motion was filed on the “eve” of trial, and the appellant was dilatory in requesting
8 leave. Similarly, here, we are less than two (2) months out from trial, the deadline to seek leave
9 to amend expire three (3) months ago, and Wendy seeks to add an outrageous forty-eight (48)
10 entities to this lawsuit. Furthermore, thirty-seven (37) of the forty-eight (48) entities Wendy seeks
11 to add to this lawsuit were disclosed in a spreadsheet at the onset of this case. *See Exhibit A.*
12 Thus, Wendy has known of these entities from the beginning of this case but delayed until two (2)
13 months before trial to seek their inclusion in this case. Wendy attempts to justify her delay by
14 stating that she did not know the “nature and extent of Todd’s self-dealing and embezzlement of
15 Trust assets” when she filed her Counter-Petition. Motion at 6. However, Wendy has provided
16 no evidence of additional information she has learned proving that Todd has engaged in self-
17 dealing or otherwise breached his fiduciary duties. In fact, the snippets of disposition testimony
18 that liter Wendy’s Petition for Removal do not evidence why leave to amend would be justified
19 but are merely a continuation of her attempts to fabricate wrongdoing and conclusory state that
20 she is somehow being jilted and wronged by her brothers and the other Trustees.
21

22 Because Wendy has not provided a basis for why her Motion should be granted, any
23 reasons for bringing such a Motion are done in bad faith. Not only are Petitioners now forced to
24 spend extensive time and money drafting a response to this Motion, but there is no rational basis
25

1 for this Motion because this court has jurisdiction over Todd as both a Trustee and as an individual.
2 As such, none of the forty-eight (48) listed entities (some of which are managed or owned by Todd)
3 are necessary parties because this court can order Todd to disgorge assets held by entities he
4 manages or owns should it so find. Wendy's attempt to conduct additional depositions and drag
5 out discovery is entirely unnecessary and resource consuming and the entirety of this Motion lacks
6 good faith. Finally, Petitioners would be prejudiced by Wendy's addition of these forty-eight (48)
7 entities as there is no time to take additional depositions before the February 4th trial date, and the
8 majority of discovery and primary depositions have already been completed. Accordingly, leave
9 to amend under NRCP 15 should be denied.
10

11 **B. Not One of the Forty-Eight Entities Wendy Seeks to Join in this Matter are**
12 **Indispensable Parties under NRCP 19**

13 Even assuming leave to amend was warranted in this case, not one of the forty-eight (48)
14 entities Wendy seeks to add to this lawsuit are necessary or indispensable parties. "NRCP 19(a)
15 provides that a person must be joined in an action if that person is necessary to the action."
16 *Humphries v. Eighth Jud. Dist. Ct.*, 129 Nev. 788, 792, 312 P.3d 484, 487 (2013). A person is
17 necessary to a lawsuit if:
18

19 (1) in the person's absence complete relief cannot be accorded among those already
20 parties, or (2) the person claims an interest relating to the subject of the action and
21 is so situated that the disposition of the action in the person's absence may (i) as a
22 practical matter impair or impede the person's ability to protect that interest or (ii)
23 leave any of the persons already parties subject to a substantial risk of incurring
24 double, multiple, or otherwise inconsistent obligations by reason of the claimed
25 interest.

26 NRCP 19(a). Wendy's Motion asserts that complete relief cannot be granted without the addition
of these entities. Motion at 6-7. Specifically, the Motion conclusory states that "Todd has used
some of all of these entities to divert or redirect assets of the Trusts to put them out of reach of

1 Wendy and other beneficiaries.” Motion at 6. Thus, Wendy asserts that in order to “return” and
2 “restore” these assets, the entities she lists must be parties to the lawsuit. *Id.*

3 However, Wendy fails to recognize that Todd has been named in this litigation as both an
4 individual and a Trustee. Thus, should this Court find that Todd improperly handled Trust funds
5 or assets, it has jurisdiction to force him to disgorge said assets. As such, the entities Wendy seeks
6 to add to this lawsuit are wholly unnecessary and this Court can grant full relief without making
7 these entities parties to the suit.
8

9 Moreover, Wendy’s Motion provides no basis for why any of the entities are necessary
10 parties to this case, but rather directs the Court to her 102-page Petition for Removal which she
11 “incorporate[s] by reference.” Motion at 6. Despite its excessive length, the Petition for Removal
12 mentions only eleven (11) of the forty-eight (48) entities Wendy seeks to join. It is therefore
13 unquestionable that the thirty-seven (37) entities not mentioned in the Petition are not necessary
14 as Wendy herself has failed to even mention them. Further, as to the eleven (11) entities mentioned
15 in the Petition for Removal, there is no legal analysis or record evidence provided as to why these
16 entities qualify as indispensable parties. Wendy continues to conclusory state that Todd has
17 improperly directed Trust assets away from Wendy but she provides no record evidence that
18 proves as much. Further, from a legal standpoint, the entire Motion cites a single case: *Schwob v.*
19 *Hemsath*, 98 Nev. 293, 646 P.2d 1212 (1982). In *Schwob*, the Nevada Supreme Court held that
20 where a corporation held title to property in conservatory, and where the district court ordered that
21 the property be conveyed to the respondent, the corporation was an indispensable party. However
22 here, there has been no court order awarding property or a single asset to Wendy. Moreover,
23 Wendy has provided no evidence that she is entitled to property being held by any of the named
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1 entities. Accordingly, none of the entities Wendy seeks to join are indispensable and her Motion
2 should be denied.

3 **C. NRCP 1 Mandates Denial of Wendy's Motion**

4 NRCP 1 states that the Nevada Rules of Civil Procedure "shall be construed and
5 administered to secure the just, speedy, and inexpensive determination of every action." Wendy's
6 attempt to join forty-eight (48) additional entities after the deadline to amend has expired and less
7 than two (2) months before trial hinders the very purpose of NRCP 1. Had there been some legal
8 or factual basis for adding a single one of these entities, Petitioners would not oppose Wendy's
9 Motion. However, here, Wendy attempts to add these entities to this lawsuit with a mere two (2)
10 months left before trial. Such action is improper, dilatory, and would be grossly expensive. As
11 such, Petitioners request that this Court deny Wendy's Motion.
12

13
14 **IV.
CONCLUSION**

15 Wendy's Motion seeking leave to amend her complaint and/or to join indispensable parties
16 should be denied. Leave to amend under NRCP 15(a) is improper as the time to amend pleadings
17 has passed and a showing of good cause, which was not argued here, is required for late brought
18 amendments. Further, this case is on the eve of trial, Wendy was dilatory in moving to amend, the
19 Motion is brought in bad faith, and Petitioners would be prejudiced by the addition of forty-eight
20 (48) new parties in this stage of the litigation. Additionally, none of the listed entities Wendy
21 seeks to join in this matter are necessary. Complete relief can easily be granted without the
22 addition of these entities because Todd has been named as both an individual and a Trustee in this
23 litigation. Thus, based on the aforementioned authorities, this Motion should be denied in its
24 entirety.
25
26

NRS 239B.030 Affirmation

Pursuant to NRS 239B.030, the undersigned hereby affirms that this document does not contain the Social Security Number of any person.

Dated this 6th day of December, 2018.

MAUPIN, COX & LEGOY

By: 

Donald A. Lattin, NSB #693

Brian C. McQuaid, Esq., NSB # 7090

Carolyn K. Renner, Esq., NSB #9164

4785 Caughlin Parkway

Reno, NV 89519

Attorneys for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of MAUPIN, COX & LeGOY, Attorneys at Law,
and in such capacity and on the date indicated below I served the foregoing document(s) as follows:

Via E-Flex Electronic filing System:

<p>Philip L. Kreitlein, Esq. Stephen C. Moss, Esq. Kreitlein Law Group 470 E. Plumb Lane, #310 Reno, Nevada 89502 philip@kreitleinlaw.com <i>Attorneys for Stan Jaksick as Co-Trustee of the Samuel S. Jaksick, Jr. Family Trust</i></p> <p>Mark Connot, Esq. Fox Rothschild LLP 1980 Festival Plaza Drive, #700 Las Vegas, NV 89135 MConnot@foxrothschild.com</p> <p><i>And</i></p> <p>R. Kevin Spencer, Esq. (Pro Hac Vice) Zachary E. Johnson, Esq. (Pro Hac Vice) Spencer & Johnson PLLC 500 N. Akard Street, Suite 2150 Dallas, TX 75201 kevin@dallasprobate.com zach@dallasprobate.com <i>Attorneys for Wendy A. Jaksick</i></p>	<p>Kent R. Robison, Esq. Therese M. Shanks, Esq. Robison, Sharpe, Sullivan & Brust 71 Washington Street Reno, Nevada 89503 krobison@rssblaw.com tshanks@rssblaw.com <i>Attorneys for Todd B. Jaksick, Individually, and as beneficiary, SSJ's Issue Trust and Samuel S. Jaksick, Jr., Family Trust</i></p> <p>Adam Hosmer-Henner, Esq. Sarah A. Ferguson, Esq. McDonald Carano Wilson LLP 100 W. Liberty Street, 10th Floor Reno, NV 89501 ahosmerhenner@mcdonaldcarano.com sferguson@mcdonaldcarano.com <i>Attorneys for Stan Jaksick, individually, and as beneficiary of the Samuel S. Jaksick, Jr. Family Trust and SSJ's Issue Trust</i></p>
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Via placing an original or true copy thereof in a sealed envelope with sufficient postage
affixed thereto, in the United States mail at Reno Nevada, addressed to:

<p>Alexi Smrt 3713 Wrexham St. Frisco, TX 75034</p>	<p>Luke Jaksick c/o Wendy A. Jaksick 6501 Meyer Way Apt. # 0705 McKinney Texas 75070</p>
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Regan Jaksick Sydney Jaksick Sawyer Jaksick c/o Lisa Jaksick 5235 Bellazza Ct. Reno, Nevada 89519	Benjamin Jaksick Amanda Jaksick c/o Dawn E. Jaksick 6220 Rouge Drive Reno, Nevada 89511
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Dated this 6th day of December, 2018.

Katie Allen
EMPLOYEE

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EXHIBIT A

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EXHIBIT A

JAKSICK ENTITIES

Revised 02/13/13

Tab	Entity	Tax ID No.	Ownership	Officers/Mgrs
	ALSB LTD (corp.)	26-4528546	Sam Jaksick 100%	Sam Jaksick. Pres./Sec./Treas.
	Aspen Streams, LLC 48651.029 Managed by: Managers	20-3012504	49% Todd J. Fam. Trust 51% TBJ Investment Trust	Manager Todd Jaksick, Tstee
	B & A Aqua, LLC 48651.016 Managed by: Managers	Need EIN	100% T. Jaksick Fam. Trust	Todd Tstee - Manager
	BBB Investments, LLC 48651.014 Managed by: Managers	74-3077713	51% Todd J. Fam. Trust 49% Sam J. Fam. Trust	Sam Tstee - Manager Todd Tstee - Manager
	Basecamp, LLC Managed by: Managers	88-0467643	18.75% Sam J. Fam. Trust 18.75% Todd Fam. Trust 37.5% Randy (indiv) 25% Rick Haygood (indiv)	Managers Rick Haygood Sam Jaksick R. Venturacci
	Beaver Springs LLC	27-5503467	Todd Jaksick 50% Tim Humes Trust 50%	Managers: Todd and Tim
	Bent Arrow LLC	45-0981662	Sam Jaksick Trust 100%	Manager - Sam Jaksick
	Benny's Outdoor Adventures	47-4715263	Todd Family Trust 100%	Manager - Todd Jaksick
	Benny Runs Wild LLC	45-5453975	Todd B. Jaksick Adventures 1 LLC 80% Chad Belding 20%	Executive Committee Todd Jaksick Chad Belding
	Bright-Holland Co., Inc. 48651.026	81-0295757	13% Wendy J. QSST 13% Stan J. QSST 49% Todd Family Trust 25% TBJ SC Trust	Sam -President/Treasurer Todd - Secretary
	Buckhorn Land and Livestock, LLC (formerly Winn. Ranch LLC) Managed by: Managers	72-1593241	40% Sam II LLC 7.5% Todd II LLC 7.5% TBJ Invest. Trst 20% Stan III LLC 25% Randy Venturacci	Managers: Sam - Manager Todd - Manager Stan - Manager Randy - Mnnager
	California Bighorn, LLC 48651.033 Managed by: Managers	26-3328810	100% Sam J. Fam. Trust	Sam Jaksick - Manager
	Duck Flat Ranch LLC 48651.034 Managed by: Managers	20-2909488	49% Sam J. Fam. Trust 51% Aspen Streams	Sam Jaksick, Manager Todd Jaksick, Manager of Aspen Streams

Ex 4 90

SJ001060

Tab	Entity	Tax ID No.	Ownership	Officers/Mgrs
	Duck Lake Ranch, LLC 48651.060 Managed by: Managers	88-0412803	95% Todd J. Fam. Trust 5% TBJ Invest. Trust	Managers: Sam Jaksick Todd Jaksick
	Fly Ranch LLC 48651.025 Managed by: Managers	20-8019411	44.5% Sam Trust 40% Todd Trust 11% TBJ Inves. Trst 4.5% Stan Jaksick (indiv)	Manager: Todd Jaksick
	Gerlach Green Energy LLC 48651.032 Managed by: Managers	20-2137944	45% Sam J. 45% Aspen Streams 10% Stan J.	Managers: Stan Jaksick Todd Jaksick Sam Jaksick
	Great Western Helicopters, Inc. Missing Bylaws	88-0217030	100% Sam Family Trust	President: Sam Secretary: B. Marshall Treasurer: Sam
	Home Camp Land and Livestock Co., Inc. 48651.027	88-0094937	49% TBJ Issue Trust 2% TBJ SC Trust 49% SSJ Issue Trust	Sam - President Todd - Secretary/Treasurer
	Incline TSS Ltd	27-3505890	Todd 51% Stan 49%	Exec. Committee Mgrs: Todd and Stan
	Jackrabbit Properties, LLC 48651.013 Managed by: Managers	72-1549198	29.242% Sam Jaksick I LLC 31.35% Todd J. I LLC 9.515% TBJ Inves. Trst 3.893% Stan Jaksick II LLC 13.5% SC Ranch 6.5% G. Brown Trust	Executive Committee Sam Jaksick Todd Jaksick William Douglass
	Jaksick Family LLC - managed by managers	20-5582624	34.33% Stan Jaksick Todd and Thelma Jaksick Trust fbo Todd 34.33% Thelma Jaksick Trust fbo Wendy Jaksick 31.33%	Sam S. Jaksick, Manager

Tab	Entity	Tax ID No.	Ownership	Officers/Mgrs
	LSC Development, Inc. 48651.043	20-8775748	34.5% Sam III LLC 41.0% Todd III LLC 4.5% Stan IV LLC 6.5% JohnJulia LLC 4.5% Silver Star LLC 3.0% Palmetto Moon Water LLC 3.0% Staci & Amy LLC 3.0% Bill D LLC	Todd - President Dan Douglass VP Sam - Secretary/Treasurer
	Lakecrest Realty, Inc.	88-0176565	100% Sam Trust 25,000 shares 1,000 shares issued	Sam Jaksick President/Treas. Todd Jaksick Secretary Sam Jaksick sole Director
	Lake-Ridge (corporation) Missing Articles & Bylaws signature page	88-0097892	100% Sam Family Trust	President: Sam Secretary: Sam Treasurer: Sam
	Lakeridge Golf Course Ltd managed by its managers Missing Operating Agr	88-0316355	Jaksick Family LLC 25% Sam Jaksick Family Trust 75%	Manager: Sam
	Locnavar, LLC 48651.038 Managed by: Managers	20-2833015	40% Sam II LLC 20% Stan 15% Todd II LLC 25% Randy V (indiv)	Managers Todd Jaksick Sam Jaksick R. Venturacci Stan Jaksick
	Markhor Investment Co. LLC	46-2026752	Stan Jaksick / Sam Jaksick Shakey & Jacmar stock	Managers: Sam and Stan
	Montreux Development Group LLC 48651.020 Managed by: Managers	88-0474136	81.75% Toiyabe Invest. 14% Nichols Dev. Co. 4.25% Stan Jaksick I LLC	Managers: Sam Jaksick Stan Jaksick
	Montreux Golf Club Ltd managed by its managers	88-0317892	3% Sam Jaksick Family Trust 96% Lakeridge Golf Course Ltd. 1% Jaksick Family LLC	Managers: Sam Stan
	Montreux Golf & Country Club, Inc., non profit corp.	88-0390138	Owned by Equity Club/Golf members	President: Sam Secretary: Stan Treasurer: Sam
	Montreux South 51 TIC	No EIN required	70 %Toiyabe Invest. Co. 10% Ken Huff LLC 5% Stan Jaksick LLC 15% Nichols Develop. Co.	Managing TIC: Sam Jaksick

Tab	Entity	Tax ID No.	Ownership	Officers/Mgrs
	Montreux South 80 TIC	No EIN required	81.75% Toiyabe Invest Co 4.25% Stan Jaksick LLC 14% Nichols Develop. Co.	Managing TIC: Sam Jaksick
	Nevada Pronghorn LLC (Series)	45-4715358	Home Camp L & L	Manager - Todd
	Nevada Pronghorn II LLC	45-5079135	Home Camp L & L	Manager - Todd
	Northern Washoe Ranching Management LLC Managed by: Managers	20-3173034	100% Todd J.	Todd Jaksick, Manager
	Northern Washoe Ranching Management Corp.	46-2028916	Todd Jaksick 100%	Todd Jaksick, Manager
	Pioneer Group, Inc. 48651.035	88-0269667 Missing Bylaws	35.5870% Sam 18.0864% Brown 12.1759% Oliver 8.0350% Murphy 4.7399% Kinney 3.5776% Chaput 2.8684% Passink 3.0264% Douglass, Dan 2.9553% Flint 2.9553% Ryczkowski 2.1513% Prezant 1.4776% Kinney 1.1821% Douglass, Ben <u>1.1821% Douglass, Jack</u> 100.0003%	Dan Douglass, Pres. Mike Chaput Treas. Marc Murphy Sec. Sam Jaksick Dir. Dan Douglass, Dir. George Brown, Dir.
	SJ Ranch LLC 48651.028 Managed by: Managers	88-0505084	100% Sam J. Fam. Trust owns 160 acres = \$140K	Managers: Sam Jaksick Todd Jaksick
	SST Westridge LLC 48651.031 Managed by: Managers	20-2832970	50% Stan (indiv) 25% Sam J. Fam. Trust 25% Aspen Streams LLC	Managing Members: Stan Jaksick Sam Jaksick Todd Jaksick
	S & T Investments LLC managed by its managers	20-1902810	50% Todd Fam. Trust 50% Stan Jaksick (owns Shakey stock)	Managers: Stan Todd
	Saddlehorn Development Co. Missing Bylaws	88-0242927	100% Sam Family Trust	Director: Rob Nichols President: Rob Nichols Secretary: James Smrt Treasurer: Sam Jaksick

Tab	Entlty	Tax ID No.	Ownership	Officers/Mgrs
	Sammy Supercub LLC Series A Sammy Supercub LLC Series B	27-4832839	100% Sam Family Trust Todd Family Trust 100%	Managers: Sam Jaksick Todd Jaksick
	Samuel S. Jaksick Jr I LLC May 2, 2008 (managed by managers)	26-3368413	100% Sam owns 35.242 units Jackrabbit	Sam Jaksick sole manager/member
	Samuel S. Jaksick Jr II LLC May 29, 2008 (managed by managers)	26-3368654	100% Sam owns 40% Buckhorn	Sam Jaksick sole manager/member
	Samuel S. Jaksick Jr III LLC May 19, 2008 (managed by managers)	26-3368837	100% Sam owns <u>34.5% LSC</u>	Sam Jaksick sole manager/member
	Sam S. Jaksick IV LLC (managed by managers)	26-3857459	owns 1.25% RBIZNET	Sam Jaksick manager
	Samuel S. Jaksick, Jr. V LLC	45-2790181	Sam Jaksick Trust	Sam Jaksick, Manager
	SSJ LLC (Lakeshore rental)	80-0768900	Sam Jaksick Trust	Managers Sam Todd
	Spring Mountain Development Company, Inc.	26-3980479	Sam Family Trust Todd Family Trust TBJ SC Trust Stan Jaksick Randy Venturacci	Sam - President Randy - VP Todd - Secretary/Treas.
	Stan Jaksick LLC December 24, 2007 (managed by managers)	26-2229879	100% Stan LLC owns: 5% Montreux So 51 TIC & 4.25% Montreux So. 80 TIC	Stan Jaksick sole manager
	Stanley S. Jaksick II LLC May 2, 2008 (managed by managers)	26-3376282	100% Stan owns 3.893% Jackrabbit	Stan Jaksick sole manager
	Stanley S. Jaksick III LLC June 2, 2008 (managed by managers)	26-3376359	100% Stan owns 20% Buckhorn	Stan Jaksick sole manager
	Stanley S. Jaksick IV LLC May 21, 2008 (managed by managers)	26-3376757	100% Stan owns 4.5% LSC	Stan Jaksick sole manager

Tab	Entity	Tax ID No.	Ownership	Officers/Mgrs
	Todd B. Jaksick LLC April 8, 2008 (managed by managers)	26-2438613	100% Todd owns 31.35 units Jackrabbit	Todd Jaksick sole manager/member
	Todd B. Jaksick II LLC May 2, 2008 (managed by managers)	26-3376419	100% Todd owns 7.5% Buckhorn	Todd Jaksick sole manager/member
	Todd B. Jaksick III LLC May 19, 2008 (managed by managers)	26-3376481	100% Todd owns 41% LSC	Todd Jaksick sole manager
	Todd B. Jaksick IV LLC (managed by managers)	26-3857474	owns 1.25% RBIZNET	Todd Jaksick sole manager
	Todd B. Jaksick V LLC (Outdoor Syndicate)	45-3969889	Todd Family Trust	Manager: Todd
	Todd B. Jaksick Adventures I LLC	45-5493460	Todd Family Trust	Manager - Todd
	Toiyabe Investment Co.	88-0264983	100% Sam Family Trust	President: Sam Secretary: Sam Treasurer: Sam
	WSR Land LLC	27-4683720	TBJ SC Trust Homecamp L & L	Managers: Todd Jaksick
	White Pine Lumber Co.	88-0121360	100% Sam J. Fam. Trust 195,000 o/s shares per merger agreement Thelma Jaksick was a 50% owner of White Pine owning 97,500 shares per merger in 1982 Sam inherited the first 97,500 shares from his father in 1966 and the remaining shares from his mother in 1991	Sam - President/Secretary Todd Jaksick - Treas. Sam - Director
	Youth Outdoor Adventures	45-4747929	100% Todd Family Trust	Todd - President/Secretary/Treasurer
	Castle Peak Cruises, LLC 48651.037 Managed by: Managers	20-2548389	Dissolved	Managers: Stanley Jaksick Todd Jaksick

Tab	Entity	Tax ID No.	Ownership	Officers/Mgrs
	Washoe Winds, LLC	sold to Chris/Bob		
	Pronghorn, LLC		Dissolved	
	Montreux West 40 LLC Managed by: Managers	Dissolved	73% Sam 21% Rob 6% Stan	Sam Jaksick, Manager Nichols Dev. Co. Stan Jaksick
	Montreux South 51 LLC Managed by: Managers	88-0376767 Dissolved	10% Ken Huff 70% Sam Trust 15% Rob 5% Stan Jaksick	Ken Huff LLC Mgr Mem Toiyabe Invest. Co. Manager Nichols Dev. Co. Mgr Mem Stan Jaksick LLC Mgr Mem
	Montreux South 80JV Montreux Joint Venture (dissolved and merged into MDG LLC 8/31/00)	Dissolved	82% Sam 14% Rob 4% Stan	Toiyabe Inves. Co. Nichols Dev. Co. Stan Jaksick LLC
	Pioneer Associates LLC		Dissolved April 1999	
	Montreux Unit 3 Association		Dissolved September 2001	
	Jaksick Family Partnership, Limited Partnership		Permanently Revoked 5/31/1993	
	SJ Ranch Property Owners Association		Revoked 2/28/2007	
	Liquid Waste Management LLC		Dissolved 10/31/2007	
	RDJ, LLC	27-1993601	Dissolved	Managers - Dan Douglass Randy Venturacci Todd and Sam Jaksick
	Southeast SJ Ranch Property Owners Association		Revoked 4/30/2005	
	Blue Spruce LLC managed by its members		Revoked 5/31/2004	Managing Member: James Sanford
	Juniper Trails Development Co.		Dissolved	Samuel S. Jaksick as trustee of the Samuel S. Jaksick, Jr. Family Trust



48651.000/Index Jaksick Entities

8

SJ001067

TJA 000896

Jayne Ferretto

From: eflex@washoecourts.us
Sent: Thursday, December 06, 2018 11:44 AM
To: Kent Robison
Cc: Jayne Ferretto
Subject: NEF: CONS: TRUST: SSJ'S ISSUE TRUST: Opposition to Mtn: PR17-00445

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

PROOF OF SERVICE OF ELECTRONIC FILING

A filing has been submitted to the court RE: PR17-00445

Judge: HONORABLE DAVID A. HARDY

Official File Stamp: 12-06-2018:11:23:02
Clerk Accepted: 12-06-2018:11:42:53
Court: Second Judicial District Court - State of Nevada
Civil
Case Title: CONS: TRUST: SSJ'S ISSUE TRUST
Document(s) Submitted: Opposition to Mtn
- **Continuation
Filed By: Donald A Lattin

You may review this filing by clicking on the following link to take you to your [cases](#).

This notice was automatically generated by the courts auto-notification system.

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

STEPHEN C. MOSS, ESQ. for STANLEY JAKSICK, SAMUEL S. JAKSICK, JR. FAMILY TRUST
CAROLYN K. RENNER, ESQ. for KEVIN RILEY, MICHAEL S. KIMMEL, TODD B. JAKSICK
SARAH FERGUSON, ESQ. for SSJ'S ISSUE TRUST, STANLEY JAKSICK, SAMUEL S. JAKSICK, JR. FAMILY TRUST
ADAM HOSMER-HENNER, ESQ. for STANLEY JAKSICK
THERESE M. SHANKS, ESQ. for TODD B. JAKSICK
PHILIP L. KREITLEIN, ESQ. for STANLEY JAKSICK, SAMUEL S. JAKSICK, JR. FAMILY TRUST
BRIAN C. MCQUAID, ESQ. for KEVIN RILEY, MICHAEL S. KIMMEL, TODD B. JAKSICK
KENT RICHARD ROBISON, ESQ. for TODD B. JAKSICK
DONALD ALBERT LATTIN, ESQ. for KEVIN RILEY, MICHAEL S. KIMMEL, TODD B. JAKSICK
MARK J. CONNOT, ESQ. for WENDY A. JAKSICK

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

R. KEVIN SPENCER, ESQ. for WENDY A. JAKSICK

L. ROBERT LEGOY, JR., ESQ. for MICHAEL S. KIMMEL, TODD B. JAKSICK

ZACHARY JOHNSON, ESQ. for WENDY A. JAKSICK

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11 Texas Bar Card No. 24063978
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14 Dallas, Texas 75201
15 kevin@dallasprobate.com
16 zach@dallasprobate.com
17 *Attorneys for Respondent/Counter-Petitioner*
18 *Wendy A. Jaksick*

11 **SECOND JUDICIAL DISTRICT COURT**

12 **WASHOE COUNTY, NEVADA**

13 In the Matter of the Administration of the
14 SSJ'S ISSUE TRUST,

CASE NO.: PR17-00445
DEPT. NO. 15

15 In the Matter of the Administration of the
16 SAMUEL S. JAKSICK, JR. FAMILY TRUST,

CASE NO.: PR17-00446
DEPT. NO. 15

16 WENDY JAKSICK,

17 Respondent and Counter-Petitioner,

18 v.

19 TODD B. JAKSICK, INDIVIDUALLY, AS CO-
20 TRUSTEE OF THE SAMUEL S. JAKSICK, JR.
21 FAMILY TRUST, AND AS TRUSTEE OF THE
22 SSJ'S ISSUE TRUST; MICHAEL S. KIMMEL,
23 INDIVIDUALLY AND AS CO-TRUSTEE OF
24 THE SAMUEL S. JAKSICK, JR. FAMILY
25 TRUST; AND STANLEY S. JAKSICK,
26 INDIVIDUALLY AND AS CO-TRUSTEE OF
27 THE SAMUEL S. JAKSICK, JR. FAMILY
28 TRUST; KEVIN RILEY, INDIVIDUALLY AND
AS FORMER TRUSTEE OF THE SAMUEL S.
JAKSICK, JR. FAMILY TRUST AND TRUSTEE
OF THE WENDY A. JAKSICK 2012 BHC
FAMILY TRUST,

Petitioners and Counter-Respondents.

WENDY JAKSICK'S OMNIBUS
REPLY IN SUPPORT OF MOTION
FOR LEAVE TO JOIN
INDISPENSABLE PARTIES

FOX ROTHSCHILD LLP
1980 Festival Plaza Drive, #700
Las Vegas, Nevada 89135

1 Wendy A. Jaksick (“Wendy”), by and through her undersigned counsel, files this *Omnibus*
2 *Reply in Support of the Motion to Join Indispensable Parties* (the “Reply”) in response to the
3 *Petitioners Opposition to Wendy Jaksick’s Motion for Leave to Join Indispensable Parties* (the
4 “Co-Trustee’s Opposition”), *Todd B. Jaksick’s, Individually, Opposition to Wendy Jaksick’s*
5 *Motion for Leave to Join Indispensable Parties* (“Todd’s Opposition”), and the *Opposition to*
6 *Wendy Jaksick’s Motion for Leave to Join Indispensable Parties* filed by Stanley Jaksick (
7 “Stan’s Opposition,” collectively with the Co-Trustee’s Opposition and Todd’s Opposition, the
8 “Oppositions”).

9 **REPLY**

10 Cause exists to grant leave for Wendy to amend her pleading to join the Trust Entities as
11 indispensable parties because complete relief cannot be afforded to the parties without the
12 addition of the Trust Entities. Pursuant to NRCP 19, the joinder of a party is required if the
13 parties cannot be afforded complete relief in that person’s absence or if that person claims an
14 interest relating to the subject of the action and is so situated that the disposition of the action in
15 the person’s absence may (i) as a practical matter impair or impede the person’s ability to protect
16 that interest or (ii) leave any of the persons already parties subject to a substantial risk of
17 incurring double, multiple, or otherwise inconsistent obligations by reason of the claimed
18 interest.

19 Todd has transferred assets from the Family Trust and/or the Issue Trust to the Trust
20 Entities solely for Todd and his family’s benefit. Wendy has alleged specific examples of Todd’s
21 pattern of using other entities to funnel assets away from the Family Trust in her *Petition to*
22 *Redress Breach of Fiduciary Duty and Emergency Motion to Remove Todd B. Jaksick as Co-*
23 *Trustee of the Samuel S. Jaksick, Jr., Family Trust and as Trustee of the SSJ’s Issue Trust*. These
24 include but are not limited to the following:

- 25 1. The transfer of the Tahoe Property from the Family Trust to SSJ, LLC, and then
26 to Incline TSS, Ltd. (an entity owned by the TBJ SC Trust and his Issue Trust);
- 27 2. Todd’s acquisition of property through the use of promissory notes, then selling
28 the assets to “third parties” such as the valuable water rights which were sold

1 from White Pine Lumber Co., (a company in which the Family Trust owned and
2 interest) to Duck Lake Ranch, LLC (a company solely owned and managed by
3 Todd);

4 3. Todd's use of the cattle owned by White Pine Ranch (an entity owned by the
5 Family Trust) to pay off some unknown and so far undescribed debt and
6 transferred remaining cattle to his own entity-Duck Lake Ranch, LLC;

7 4. The transfer of the Sammy Super Club airplane from the Family Trust to Duck
8 Lake Ranch to satisfy a purported debt owed to Todd, without any evidence that
9 the debt was valid;

10 There may be additional facts that Wendy does not have due to Todd's concealment of such
11 transactions and his refusal to respond to Wendy's discovery requests.¹ As such, the Trust
12 Entities are required to be joined because the Court cannot enter an order compelling the
13 reconveyance of either Family Trust or Issue Trust assets held by the Trust Entities without the
14 Trust Entities being a party to this litigation.

15 The Co-Trustee's state, without citing any legal authority, that the Court can afford relief
16 to the parties because the "court has jurisdiction over Todd as both a Trustee and as an individual.
17 As such, none of the forty-eight (48) listed entities (some of which are managed or owned by
18 Todd) are necessary parties because this court can order Todd to disgorge assets held by entities
19 he manages or owns should it so find." *See* Co-Trustee's Opposition page 5 lines 1-5. Trusts,
20 limited liabilities companies, and corporations are separate legal entities that hold their own
21 assets and liabilities. It would be clear error for the court to order Todd to disgorge assets that
22 he did not own. If the Trust Entities are not joined to this litigation, and Wendy successfully
23 shows that any of the Trust Entities hold assets of Sam's estate, the beneficiaries (or new
24 independent trustees) would have to pursue the Trust Entities in separate litigation dramatically
25 increasing the cost to the Estate.

26 Todd, as an individual, contradicts the Co-Trustee's position that the Court can afford
27 relief to the parties by ordering Todd to disgorge the assets. He states that adding the parties
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1 would “involve[e] participation of a multitude of unrelated individuals who have ownership
2 interests in some of the entities.” *See* Todd’s Opposition page 2 lines 15-16. Todd, individually,
3 admits that there are other entities/people outside of himself or a party to this litigation, who
4 would be affected if the Court finds that the Trust Entities hold assets properly belonging to
5 Sam’s Estate. Unless these entities are before the Court, the Court cannot order Todd to disgorge
6 assets owned by nonparties as it would deprive them of their due process rights.

7 The petitioners also argue that the Motion was brought in bad faith and as a means to
8 continue the trial. This argument is patently false. It is true that prior to filing her motion,
9 Wendy sought to continue the discovery deadlines and trial due to Todd’s discovery abuses.
10 However, although the Court indicated that it was not inclined to continue the trial in its order
11 dated October 24, 2018, the Court requested further argument on the matter to be heard on
12 November 16, 2018. Wendy filed the Motion prior to the court denying her motion extend the
13 trial. Additionally, Wendy did not seek continuance of the trial in the Motion.

14 Further, Wendy has served discovery requests related to the Trust Entities previously that
15 remain outstanding. For example, in her seventh request for production from Todd, Wendy
16 requested Todd to produce all corporate documents and all documents reflecting property owned
17 by many of the Trust Entities. *See* Wendy A. Jaksick’s Seventh Request for Production of
18 Documents to Todd B. Jaksick, as Trustee of the Samuel S. Jaksick Jr. Family Trust attached
19 hereto as Exhibit “1”. Todd and Stan have also conducted discovery regarding the Trust Entities.
20 Both of them sought to depose the person most knowledgeable of 17 of the Trust Entities. These
21 entities were: WSR Land LLC; Base Camp, LLC; Home Campland & Livestock, Co.; SSJ LLC;
22 TBJ SC Trust; Todd Jaksick Family Trust; Montreux Golf Club Ltd, Partnership; Jaksick Family
23 LLC; Montreux Golf Club Holding Corp; Lakeridge Golf Course Ltd; Toiyable Investment
24 Corp.; Montreux Development Group; Duck Lake Ranch, LLC; Duck Flat Ranch LLC; Bright-
25 Holland Company; Buckhorn Land & Livestock; and White Pine Lumber, Co. Wendy
26 respectfully requests that Court to take judicial notice of its docket in this case.

1 Pursuant to the notice of depositions filed by Todd, one of the topics Todd intended to
2 ask questions about was the “income, case, assets, contributions, investments and loans to and
3 by the Company for the period of January 1, 2013 to the present” among other information. *See*
4 Notice of Deposition of Montreux Development Group attached hereto as Exhibit “2”. As of
5 December 14, 2018, Todd informed the Court that he and Stan had agreed to rely upon
6 documents produced by Kevin Riley for the individual entities they intended to depose. *See*
7 Todd B. Jaksick’s Second December 14, 2018 Discovery Status Report. Clearly, information
8 related to the Trust Entities is still relevant to both Stan and Todd. Therefore, any argument
9 raised by either Stan or Todd that the entities are not indispensable should be disregarded.

10 Additionally, Todd has moved for turnover of estate funds from Stan arguing that Stan
11 was holding Family Trust assets in Lakeridge Golf Course. It is apparent that all of the parties
12 to this litigation believe that at least some of the Trust Entities have possession and control of
13 assets rightfully belonging to either the Family or Issue Trust.

14 Wendy concedes that the entities that are defunct should not be joined as necessary
15 parties unless and until they become active entities again. Wendy reserves all rights with respect
16 to the defunct entities and requests the Court to enter an order declaring that discovery related to
17 the defunct entities is relevant to this litigation as they may have been used to funnel Family or
18 Issue Trust assets prior to the entities expiration.

19 Further, the facts of this case are distinguishable from those in the Nevada Supreme Court
20 case *Kantor v. Kantor*, 11 Nev. 886 (Nev. 2006). There, in a divorce proceeding, the wife moved
21 to amend her answer seven weeks prior to trial to allege that the parties’ pre-marital agreement
22 was invalid. However, she had previously admitted in her amended answer that the pre-marital
23 agreement was valid. She did so after speaking with the defendant’s attorneys who were
24 concerned that they would not be able to continue representing him because they were the same
25 attorneys who drafted the pre-marital agreement. If Mrs. Kantor contested the validity of the
26 pre-marital agreement, Mr. Kantor’s attorneys would become witnesses to the dispute and
27 therefore could not represent Mr. Kantor pursuant to Nevada Supreme Court Rule 178. She
28

1 therefore amended her answer to admit the pre-marital agreement was valid. The district court
2 found that the parties relied on the validity of the pre-marital agreement throughout the litigation,
3 Mrs. Kantor received a \$100,000 distribution pursuant to the agreement and Mr. Kantor had
4 incurred significant attorney's fees. The court found that allowing Mrs. Kantor to amend her
5 answer would result in extensive delay.

6 Here, the Petitioners cannot allege that they have relied on an admission or statement
7 from Wendy like Mr. Kantor in *Kantor*. Todd and Stan have conducted their own discovery
8 related to some of the Trust Entities and Todd has moved for the Court to enter an order requiring
9 Stan to reconvey property of the Family Trust being held by in Lakeridge Golf Course. Thus the
10 Petitioners and Stan cannot argue that they will be harmed if the Court grants leave for Wendy
11 to amend her complaint to name the Trust Entities as parties as they have conducted discovery
12 regarding the entities and the Court cannot grant relief to the parties without making a
13 determination involving the legal rights of the Trust Entities.

14 **CONCLUSION**

15 Each of the Trust Entities has a legal or equitable interest in property rightfully owned
16 by the Trusts and as a result the Trust Entities must be joined as necessary parties in order for
17 the Court to afford complete relief to the parties.

18 //

19 //

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AFFIRMATION STATEMENT

Pursuant to NRS 239B.030

The undersigned does hereby affirm that this **WENDY JAKSICK'S OMNIBUS REPLY**
IN SUPPORT OF MOTION FOR LEAVE TO JOIN NECESSARY PARTIES filed by Wendy
A. Jaksick in the above-captioned matter does not contain the social security number of any
person.

DATED this 17th day of December, 2018.

FOX ROTHSCHILD LLP

/s/ Mark J. Connot

Mark J. Connot (10010)
1980 Festival Plaza Drive, Suite 700
Las Vegas, Nevada 89135

SPENCER & JOHNSON, PLLC

/s/ R. Kevin Spencer

R. Kevin Spencer (*Admitted PHV*)
Zachary E. Johnson (*Admitted PHV*)
500 N. Akard Street, Suite 2150
Dallas, Texas 75201
Attorneys for Respondent/Counter-Petitioner
Wendy A. Jaksick

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of FOX ROTHSCHILD LLP and that on this 17th day of December, 2018, I served a true and correct copy of **WENDY JAKSICK'S OMNIBUS REPLY IN SUPPORT OF MOTION FOR LEAVE TO JOIN INDISPENSABLE PARTIES** by the Court's electronic file and serve system addressed to the following:

Kent Robison, Esq.
Therese M. Shanks, Esq.
Robison, Sharp, Sullivan & Brust
71 Washington Street
Reno, NV 89503
*Attorneys for Todd B. Jaksick, Beneficiary
SSJ's Issue Trust and Samuel S. Jaksick, Jr.,
Family Trust*

Donald A. Lattin, Esq.
Carolyn K. Renner, Esq.
Maupin, Cox & LeGoy
4785 Caughlin Parkway
Reno, NV 89519
*Attorneys for Todd Jaksick and Michael
Kimmel, as Co-Trustees of the SSJ's Issue
Trust and SSJ, Jr. Family Trust*

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Attorneys for Stanley S. Jaksick

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100 West Liberty Street, 10th Fl.
P.O. Box 2670
Reno, NV 89505
Attorneys for Stanley S. Jaksick

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

DATED this 17th day of December, 2018.

/s/ Doreen Loffredo
An Employee of Fox Rothschild LLP

LIST OF EXHIBITS

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5		Trustee of the Samuel S. Jaksick Jr. Family Trust	
6	2	Notice of Taking Depositions of Montreux	8
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Jacqueline Bryant
Clerk of the Court
Transaction 17020372 w/v for

EXHIBIT 1

EXHIBIT 1

FOX ROTHSCHILD LLP
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Dallas, Texas 75201
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zach@dallasprobate.com
Attorneys for Respondent Wendy A. Jaksick

SECOND JUDICIAL DISTRICT COURT

WASHOE COUNTY, NEVADA

In the Matter of the Administration of the
SSJ'S ISSUE TRUST,

CASE NO.: PR17-00445
DEPT. NO. 15

In the Matter of the Administration of the
SAMUEL S. JAKSICK, JR. FAMILY TRUST,

CASE NO.: PR17-00446
DEPT. NO. 15

WENDY JAKSICK,

Respondent and Counter-Petitioner,
v.

TODD B. JAKSICK, INDIVIDUALLY, AS CO-
TRUSTEE OF THE SAMUEL S. JAKSICK, JR.
Family TRUST, AND AS TRUSTEE OF THE
SSJ'S ISSUE TRUST; MICHAEL S. KIMMEL,
INDIVIDUALLY AND AS CO-TRUSTEE OF
THE SAMUEL S. JAKSICK, JR. FAMILY
TRUST; AND STANLEY S. JAKSICK,
INDIVIDUALLY AND AS CO-TRUSTEE OF
THE SAMUEL S. JAKSICK, JR. FAMILY
TRUST; KEVIN RILEY, INDIVIDUALLY AND
AS FORMER TRUSTEE OF THE SAMUEL S.
JAKSICK, JR. FAMILY TRUST AND TRUSTEE
OF THE WENDY A. JAKSICK 2012 BHC
FAMILY TRUST,

Petitioners and Counter-Respondents.

**WENDY A. JAKSICK'S SEVENTH
REQUEST FOR PRODUCTION OF
DOCUMENTS TO TODD B.
JAKSICK, AS TRUSTEE OF THE
SAMUEL S. JAKSICK JR. FAMILY
TRUST**

1 **TO: TODD B. JAKSICK, AS TRUSTEE OF THE SAMUEL S. JAKSICK JR. FAMILY**
2 **TRUST**

3 **TO: HIS COUNSEL OF RECORD**

4 Respondent and Counter-Petitioner Wendy A. Jaksick ("Wendy" or "Respondent" or
5 "Counter-Petitioner"), by and through her counsel of record, the law firms of Fox Rothschild,
6 LLP and Spencer & Johnson, PLLC, pursuant to Rule 34 of the Nevada Rules of Civil Procedure,
7 hereby requests that Todd B. Jaksick, as Co-Trustee of the Samuel S. Jaksick, Jr. Family Trust
8 produce the documents listed on *Exhibit "A"* attached hereto and incorporated herein.

9 **DEFINITIONS AND INSTRUCTIONS**

10 The following definitions and instructions apply to these Requests for Production:

11 A. As used herein the terms "document" or "documents" include, but are not limited
12 to, all handwritten, typed, printed, photostated and microfilmed matter, drafts, duplicates, carbon
13 copies, photostatic copies, or other copies, including without limiting the generality of this
14 definition, all correspondence, memoranda, notice of meetings, records or recordings of
15 telephone calls and other conversations, either in writing or upon any mechanical, electrical, or
16 electronic recording device, records, deposit slips, account statements, ledgers, checks, drafts,
17 notes, signature cards, resolutions, books, work papers, reports, studies, or surveys, balance
18 sheets, profit and loss statements, statements of earnings, statements of net worth, statements of
19 operations, audit reports, financial statements, financial summaries, statements of lists of assets,
20 agreements, contracts, expenses records and records relating to investments which are in the
21 possession, custody or control of the person of entity to whom this Request are addressed. As
22 used herein, the terms "identify" or "identification", when used in reference to a document, mean
23 to state its date, its author or originator, the individual and/or entity to whom it pertains, the type
24 of document (e.g., letter, memorandum, telegram, etc., or some other means of identifying the
25 same), and its present location. If any such document was, but is no longer in your possession
26 or subject to your control, state what disposition was made of it. If any of the above information
27 is not available, state any other means of identifying such documents.

1 B. As used herein, the term “identify” when used in regard to a person, means to
2 state: (1) full name, last known residence address and all available telephone numbers; (2)
3 present business or employment affiliation.

4 C. As used herein, the term “person” shall include individuals, associations,
5 partnerships, corporations, and any other type of entity or institution whether formed for business
6 purposes or any other purposes.

7 D. As used herein, the terms “Jaksick Family Trust” and “Family Trust” shall mean
8 The Samuel S. Jaksick, Jr. Family Trust, which was established by Samuel S. Jaksick, Jr. on June
9 29, 2006.

10 E. As used herein, the terms “Purported Second Amendment to the Family Trust”
11 and “Purported Second Amendment” shall mean the purported Second Amendment to the
12 Family Trust, dated December 10, 2012.

13 F. As used herein, the terms “SSJ’s Issue Trust” and “Issue Trust” shall mean the
14 SSJ’s Issue Trust, which was established by Samuel S. Jaksick, Jr. on February 21, 2007.

15 G. As used herein, the term “Purported Todd Indemnification Agreement” shall
16 mean the purported Indemnification and Contribution Agreement benefiting Todd A. Jaksick,
17 dated January 1, 2008.

18 H. As used herein, the term “Purported Stan Indemnification Agreement” shall mean
19 the purported Indemnification and Contribution Agreement benefiting Stanley S. Jaksick.

20 I. As used herein, the terms “Tahoe Property” and “Tahoe Residence” shall mean
21 the lakefront property on Lake Tahoe located at 1011 Lakeshore Blvd., Incline Village, Nevada
22 89451.

23 J. As used herein, the term “Todd” shall mean Todd B. Jaksick, Individually, a
24 Petitioner and Counter-Respondent in the above styled and numbered cause.

25 K. As used herein, the term “Family Trust Co-Trustee Todd” shall mean Todd B.
26 Jaksick, in his capacity as Co-Trustee of the Samuel S. Jaksick, Jr. Family Trust, a Petitioner and
27 Counter-Respondent in the above styled and numbered cause.

1 L. As used herein, the term "Issue Trust Trustee" shall mean Todd B. Jaksick, in his
2 capacity as Trustee of the SSJ's Issue Trust, a Petitioner and Counter-Respondent in the above
3 styled and numbered cause.

4 M. As used herein, the term "Michael" shall mean Michael S. Kimmel, Individually,
5 a Petitioner and Counter-Respondent in the above styled and numbered cause.

6 N. As used herein, the term "Family Trust Co-Trustee Michael" shall mean Michael
7 S. Kimmel, in his capacity as Co-Trustee of the Samuel S. Jaksick, Jr. Family Trust, a Petitioner
8 and Counter-Respondent in the above styled and numbered cause.

9 O. As used herein, the terms "Stanley" and "Stan" shall mean Stanley S. Jaksick,
10 Individually, a Petitioner and Counter-Respondent in the above styled and numbered cause.

11 P. As used herein, the term "Family Trust Co-Trustee Stanley" shall mean Stanley
12 S. Jaksick, in his capacity as Co-Trustee of the Samuel S. Jaksick, Jr. Family Trust, a Petitioner
13 and Counter-Respondent in the above styled and numbered cause.

14 Q. As used herein, the term "Kevin" shall mean Kevin Riley, Individually, a
15 Respondent in the above styled and numbered cause.

16 R. As used herein, the term "BHC Trustee Kevin" shall mean Kevin Riley, in his
17 capacity as former Trustee of the Wendy A. Jaksick 2012 BHC Family Trust, a Respondent in
18 the above styled and numbered cause.

19 S. As used herein, the term "Wendy" shall mean Wendy A. Jaksick, Individually, a
20 Respondent and Counter-Petitioner in the above styled and numbered cause.

21 J. As used herein, the terms "Samuel", "Sam", and "Decedent" shall mean Samuel
22 S. Jaksick, Jr.

23 S. As used herein, the terms "you" and "your" or any derivation thereof shall mean
24 the person or persons to whom this discovery is directed above.

25 T. As used herein, the terms "date of death" shall mean April 21, 2013, the date of
26 death of Samuel S. Jaksick, Jr., Deceased.

1 U. As used herein, the term “testamentary instrument” shall mean any will, codicil
2 or any other document, which may fall under the legal definition of that term, pursuant to and
3 under the laws of the State of Texas.

4 V. As used herein, the term “dispositive instrument” or “dispositive action” shall
5 mean any deed, document or action of the Decedent evidencing any gift or intent to donate any
6 of her property, real or personal, to any person or any other document which may fall under the
7 legal definition of that term, pursuant to and under the laws of the State of Nevada.

8 W. As used herein, the term “non-probate asset” shall have its legal meaning
9 including, but not limited to, mean any asset of the Decedent which passes by contract or
10 beneficiary designation outside of probate.

11 X. As used herein, “and” means “and/or.”

12 Y. As used herein, “or” means “and/or.”

13 Z. As used herein, “any” and “all” are synonymous and shall be interpreted in the
14 contest of the request in which they are used to have the broadest meaning.

15 AA. As used herein, the term “relevant time period” shall mean June 1, 2006 through
16 the present, unless otherwise denoted.

EXHIBIT "A"

DOCUMENTS TO BE PRODUCED

1. All corporate records, including, but not limited to all corporate creation documents, all corporate resolutions, all stock certificates and any document that reflected or reflects ownership (historical and current) and ownership transfer documents for ALSB, LTD

2. All documents reflecting all property ever owned by ALSB, LTD over its history and property it owns currently.

3. All corporate records, including, but not limited to all corporate creation documents, all corporate resolutions, all stock certificates and any document that reflected or reflects ownership (historical and current) and ownership transfer documents for BBB Investments, LLC

4. All documents reflecting all property ever owned by BBB Investments, LLC over its history and property it owns currently.

5. All corporate records, including, but not limited to all corporate creation documents, all corporate resolutions, all stock certificates and any document that reflected or reflects ownership (historical and current) and ownership transfer documents for Basecamp, LLC.

6. All documents reflecting all property ever owned by Basecamp, LLC over its history and property it owns currently.

7. All corporate records, including, but not limited to all corporate creation documents, all corporate resolutions, all stock certificates and any document that reflected or reflects ownership (historical and current) and ownership transfer documents for Bent Arrow LLC

8. All documents reflecting all property ever owned by Bent Arrow LLC over its history and property it owns currently.

9. All corporate records, including, but not limited to all corporate creation documents, all corporate resolutions, all stock certificates and any document that reflected or reflects ownership (historical and current) and ownership transfer documents for Buckhorn Land and Livestock, LLC

10. All documents reflecting all property ever owned by Buckhorn Land and Livestock, LLC over its history and property it owns currently.

11. All corporate records, including, but not limited to all corporate creation documents, all corporate resolutions, all stock certificates and any document that reflected or

1 reflects ownership (historical and current) and ownership transfer documents for California
2 Bighorn, LLC

3 12. All documents reflecting all property ever owned by California Bighorn, LLC
4 over its history and property it owns currently.

5 13. All corporate records, including, but not limited to all corporate creation
6 documents, all corporate resolutions, all stock certificates and any document that reflected or
7 reflects ownership (historical and current) and ownership transfer documents for Duck Flat
8 Ranch LLC

9 14. All documents reflecting all property ever owned by Duck Flat Ranch LLC over
10 its history and property it owns currently.

11 15. All corporate records, including, but not limited to all corporate creation
12 documents, all corporate resolutions, all stock certificates and any document that reflected or
13 reflects ownership (historical and current) and ownership transfer documents for Fly Ranch LLC

14 16. All documents reflecting all property ever owned by Fly Ranch LLC over its
15 history and property it owns currently.

16 17. All corporate records, including, but not limited to all corporate creation
17 documents, all corporate resolutions, all stock certificates and any document that reflected or
18 reflects ownership (historical and current) and ownership transfer documents for Gerlach Green
19 Energy LLC

20 18. All documents reflecting all property ever owned by Gerlach Green Energy LLC
21 over its history and property it owns currently.

22 19. All corporate records, including, but not limited to all corporate creation
23 documents, all corporate resolutions, all stock certificates and any document that reflected or
24 reflects ownership (historical and current) and ownership transfer documents for Great Western
25 Helicopters, Inc.

26 20. All documents reflecting all property ever owned by Great Western Helicopters,
27 Inc. over its history and property it owns currently.

28 21. All corporate records, including, but not limited to all corporate creation
documents, all corporate resolutions, all stock certificates and any document that reflected or
reflects ownership (historical and current) and ownership transfer documents for Jackrabbit
Properties, LLC

22. All documents reflecting all property ever owned by Jackrabbit Properties, LLC
over its history and property it owns currently.

23. All corporate records, including, but not limited to all corporate creation
documents, all corporate resolutions, all stock certificates and any document that reflected or

1 reflects ownership (historical and current) and ownership transfer documents for LSC
2 Development, Inc.

3 24. All documents reflecting all property ever owned by LSC Development, Inc. over
4 its history and property it owns currently.

5 25. All corporate records, including, but not limited to all corporate creation
6 documents, all corporate resolutions, all stock certificates and any document that reflected or
7 reflects ownership (historical and current) and ownership transfer documents for Lakecrest
8 Realty, Inc.

9 26. All documents reflecting all property ever owned by Lakecrest Realty, Inc. over
10 its history and property it owns currently.

11 27. All corporate records, including, but not limited to all corporate creation
12 documents, all corporate resolutions, all stock certificates and any document that reflected or
13 reflects ownership (historical and current) and ownership transfer documents for Lake-Ridge
14 Corporation

15 28. All documents reflecting all property ever owned by Lake-Ridge Corporation
16 over its history and property it owns currently.

17 29. All corporate records, including, but not limited to all corporate creation
18 documents, all corporate resolutions, all stock certificates and any document that reflected or
19 reflects ownership (historical and current) and ownership transfer documents for Lakeridge Golf
20 Course LTD

21 30. All documents reflecting all property ever owned by Lakeridge Golf Course LTD
22 over its history and property it owns currently.

23 31. All corporate records, including, but not limited to all corporate creation
24 documents, all corporate resolutions, all stock certificates and any document that reflected or
25 reflects ownership (historical and current) and ownership transfer documents for Locnavar, LLC

26 32. All documents reflecting all property ever owned by Locnavar, LLC over its
27 history and property it owns currently.

28 33. All corporate records, including, but not limited to all corporate creation
documents, all corporate resolutions, all stock certificates and any document that reflected or
reflects ownership (historical and current) and ownership transfer documents for Markhor
Investment Co. LLC

34. All documents reflecting all property ever owned by Markhor Investment Co.
LLC over its history and property it owns currently.

35. All corporate records, including, but not limited to all corporate creation
documents, all corporate resolutions, all stock certificates and any document that reflected or

1 reflects ownership (historical and current) and ownership transfer documents for Montreux Golf
2 Club LTD

3 36. All documents reflecting all property ever owned by Montreux Golf Club LTD
4 over its history and property it owns currently.

5 37. All corporate records, including, but not limited to all corporate creation
6 documents, all corporate resolutions, all stock certificates and any document that reflected or
7 reflects ownership (historical and current) and ownership transfer documents for Pioneer Group,
8 Inc.

9 38. All documents reflecting all property ever owned by Pioneer Group, Inc. over its
10 history and property it owns currently.

11 39. All corporate records, including, but not limited to all corporate creation
12 documents, all corporate resolutions, all stock certificates and any document that reflected or
13 reflects ownership (historical and current) and ownership transfer documents for SJ Ranch, LLC

14 40. All documents reflecting all property ever owned by SJ Ranch, LLC over its
15 history and property it owns currently.

16 41. All corporate records, including, but not limited to all corporate creation
17 documents, all corporate resolutions, all stock certificates and any document that reflected or
18 reflects ownership (historical and current) and ownership transfer documents for SST Westridge
19 LLC

20 42. All documents reflecting all property ever owned by SST Westridge LLC over its
21 history and property it owns currently.

22 43. All corporate records, including, but not limited to all corporate creation
23 documents, all corporate resolutions, all stock certificates and any document that reflected or
24 reflects ownership (historical and current) and ownership transfer documents for Saddlehorn
Development Co.

25 44. All documents reflecting all property ever owned by Saddlehorn Development
26 Co. over its history and property it owns currently.

27 45. All corporate records, including, but not limited to all corporate creation
28 documents, all corporate resolutions, all stock certificates and any document that reflected or
reflects ownership (historical and current) and ownership transfer documents for Sammy
Supercub LLC Series A

46. All documents reflecting all property ever owned by Sammy Supercub LLC
Series A over its history and property it owns currently.

47. All corporate records, including, but not limited to all corporate creation
documents, all corporate resolutions, all stock certificates and any document that reflected or

1 reflects ownership (historical and current) and ownership transfer documents for Samuel S.
2 Jaksick Jr I LLC

3 48. All documents reflecting all property ever owned by Samuel S. Jaksick Jr I LLC
4 over its history and property it owns currently.

5 49. All corporate records, including, but not limited to all corporate creation
6 documents, all corporate resolutions, all stock certificates and any document that reflected or
7 reflects ownership (historical and current) and ownership transfer documents for Samuel S.
8 Jaksick Jr. II LLC

9 50. All documents reflecting all property ever owned by Samuel S. Jaksick Jr. II LLC
10 over its history and property it owns currently.

11 51. All corporate records, including, but not limited to all corporate creation
12 documents, all corporate resolutions, all stock certificates and any document that reflected or
13 reflects ownership (historical and current) and ownership transfer documents for Samuel S.
14 Jaksick Jr III LLC

15 52. All documents reflecting all property ever owned by Samuel S. Jaksick Jr. III
16 LLC over its history and property it owns currently.

17 53. All corporate records, including, but not limited to all corporate creation
18 documents, all corporate resolutions, all stock certificates and any document that reflected or
19 reflects ownership (historical and current) and ownership transfer documents for Samuel S.
20 Jaksick Jr. IV LLC

21 54. All documents reflecting all property ever owned by Samuel S. Jaksick Jr. IV
22 LLC over its history and property it owns currently.

23 55. All corporate records, including, but not limited to all corporate creation
24 documents, all corporate resolutions, all stock certificates and any document that reflected or
25 reflects ownership (historical and current) and ownership transfer documents for Samuel S.
26 Jaksick Jr. V LLC

27 56. All documents reflecting all property ever owned by Samuel S. Jaksick Jr. V LLC
28 over its history and property it owns currently.

57. All corporate records, including, but not limited to all corporate creation
documents, all corporate resolutions, all stock certificates and any document that reflected or
reflects ownership (historical and current) and ownership transfer documents for SSJ LLC

58. All documents reflecting all property ever owned by SSJ LLC over its history and
property it owns currently.

59. All corporate records, including, but not limited to all corporate creation
documents, all corporate resolutions, all stock certificates and any document that reflected or

1 reflects ownership (historical and current) and ownership transfer documents for Spring
2 Mountain Development Company, Inc.

3 60. All documents reflecting all property ever owned by Spring Mountain
4 Development Company, Inc. over its history and property it owns currently.

5 61. All corporate records, including, but not limited to all corporate creation
6 documents, all corporate resolutions, all stock certificates and any document that reflected or
7 reflects ownership (historical and current) and ownership transfer documents for Toiyabe
8 Investment Co.

9 62. All documents reflecting all property ever owned by Toiyabe Investment Co. over
10 its history and property it owns currently.

11 63. All corporate records, including, but not limited to all corporate creation
12 documents, all corporate resolutions, all stock certificates and any document that reflected or
13 reflects ownership (historical and current) and ownership transfer documents for White Pine
14 Lumber Co.

15 64. All documents reflecting all property ever owned by White Pine Lumber Co. over
16 its history and property it owns currently.

17 65. All corporate records, including, but not limited to all corporate creation
18 documents, all corporate resolutions, all stock certificates and any document that reflected or
19 reflects ownership (historical and current) and ownership transfer documents for Castle Peak
20 Cruises, LLC

21 66. All documents reflecting all property ever owned by Castle Peak Cruises, LLC
22 over its history and property it owns currently.

23 67. All corporate records, including, but not limited to all corporate creation
24 documents, all corporate resolutions, all stock certificates and any document that reflected or
25 reflects ownership (historical and current) and ownership transfer documents for Montreux
26 Development Group LLC

27 68. All documents reflecting all property ever owned by Montreux Development
28 Group LLC over its history and property it owns currently.

69. All corporate records, including, but not limited to all corporate creation
documents, all corporate resolutions, all stock certificates and any document that reflected or
reflects ownership (historical and current) and ownership transfer documents for Montreux West
40 LLC

70. All documents reflecting all property ever owned by Montreux West 40 LLC over
its history and property it owns currently.

71. All corporate records, including, but not limited to all corporate creation
documents, all corporate resolutions, all stock certificates and any document that reflected or

1 reflects ownership (historical and current) and ownership transfer documents for Montreux
2 South 51 LLC

3 72. All documents reflecting all property ever owned by Montreux South 51 LLC
4 over its history and property it owns currently.

5 73. All corporate records, including, but not limited to all corporate creation
6 documents, all corporate resolutions, all stock certificates and any document that reflected or
7 reflects ownership (historical and current) and ownership transfer documents for Montreux
8 South 80JV

9 74. All documents reflecting all property ever owned by Montreux South 80JV over
10 its history and property it owns currently.

11 75. All corporate records, including, but not limited to all corporate creation
12 documents, all corporate resolutions, all stock certificates and any document that reflected or
13 reflects ownership (historical and current) and ownership transfer documents for Montreux
14 South 51 TIC

15 76. All documents reflecting all property ever owned by Montreux South 51 TIC over
16 its history and property it owns currently.

17 77. All corporate records, including, but not limited to all corporate creation
18 documents, all corporate resolutions, all stock certificates and any document that reflected or
19 reflects ownership (historical and current) and ownership transfer documents for Montreux
20 South 80 TIC

21 78. All documents reflecting all property ever owned by Montreux South 80 TIC over
22 its history and property it owns currently.

FOX ROTHSCHILD LLP
1980 Festival Plaza Drive, #700
Las Vegas, Nevada 89135

AFFIRMATION STATEMENT

Pursuant to NRS 239B.030

The undersigned does hereby affirm that this document does not contain the social security number of any person.

DATED this 25th day of October, 2018.

FOX ROTHSCHILD LLP

/s/ Mark J. Connot

Mark J. Connot (10010)
1980 Festival Plaza Drive, #700
Las Vegas, NV 89135
mconnot@foxrothschild.com

SPENCER & JOHNSON PLLC

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Zachary E. Johnson (*Admitted PHV*)
500 N. Akard Street, Suite 2150
Dallas, Texas 75201
Attorneys for Respondent Wendy A. Jaksick

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of FOX ROTHSCHILD LLP and that on this 25th day of October, 2018, I served a true and correct copy of **WENDY A. JAKSICK'S SEVENTH REQUEST FOR PRODUCTION OF DOCUMENTS TO TODD B. JAKSICK, AS TRUSTEE OF THE SAMUEL S. JAKSICK JR. FAMILY TRUST** by electronic service through the Court's Efiling system, as follows:

Kent Robison, Esq.
Therese M. Shanks, Esq.
Robison, Sharp, Sullivan & Brust
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Reno, NV 89503
*Attorneys for Todd B. Jaksick, Beneficiary
SSJ's Issue Trust and Samuel S. Jaksick, Jr.,
Family Trust*

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Carolyn K. Renner, Esq.
Maupin, Cox & LeGoy
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Reno, NV 89519
*Attorneys for Todd Jaksick and Michael
Kimmel, as Co-Trustees of the SSJ's Issue
Trust and SSJ, Jr. Family Trust*

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McDonald Carano
100 West Liberty Street, 10th Fl.
P.O. Box 2670
Reno, NV 89505
Attorneys for Stanley S. Jaksick

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

DATED this 25th day of October, 2018.

/s/ Doreen Loffredo
An Employee of Fox Rothschild LLP

FILED
Electronically
PR17-00445
2018-12-17 05:21:58 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7028312 : yvitoria

EXHIBIT 2

EXHIBIT 2

1 2582

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8 71 Washington Street

9 Reno, Nevada 89503

10 Telephone: 775-329-3151

11 Facsimile: 775-329-7169

12 Attorneys for Todd B. Jaksick, Individually, and as Beneficiary

13 of the SSJ's Issue Trust and the Samuel S. Jaksick, Jr., Family Trust

14 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

15 IN AND FOR THE COUNTY OF WASHOE

16 In the Matter of the:

CASE NO.: PR17-00445

17 SSJ's ISSUE TRUST.

DEPT. NO.: 15

18 In the Matter of the:

CASE NO.: PR17-00446

19 SAMUEL S. JAKSICK, JR., FAMILY TRUST.

DEPT. NO.: 15

20 WENDY JAKSICK,

NOTICE OF TAKING DEPOSITIONS OF
MONTREUX DEVELOPMENT GROUP,
LLC'S PERSON MOST
KNOWLEDGEABLE PURSUANT TO
NRCP 30(b)(6)

21 Respondent and Counter-Petitioner,
22 v.

23 TODD B. JAKSICK, Individually, as Co-
24 Trustee of the Samuel S. Jaksick Jr. Family
25 Trust, and as Trustee of the SSJ's Issue Trust;
26 MICHAEL S. KIMMEL, Individually and as
27 Co-Trustee of the Samuel S. Jaksick Jr. Family
28 Trust; STANLEY S. JAKSICK, Individually
and as Co-Trustee of the Samuel S. Jaksick Jr.
Family Trust; KEVIN RILEY, Individually, as
Former Trustee of the Samuel S. Jaksick Jr.
Family Trust, and as Trustee of the Wendy A.
Jaksick 2012 BHC Family Trust,

Petitioners and Counter-Respondents

1 STANLEY JAKSICK,
2 Respondent and Counter-Petitioner,
3 v.
4 TODD B. JAKSICK, Individually and as Co-
Trustee of the Samuel S. Jaksick Jr. Family
5 Trust.
6 Petitioner and Counter-Respondent.

7 **NOTICE OF TAKING DEPOSITIONS OF MONTREUX DEVELOPMENT GROUP,**
8 **LLC'S PERSON MOST KNOWLEDGEABLE PURSUANT TO NRCP 30(b)(6)**

9 **TO: All Parties herein and to their respective attorneys of record:**

10 Todd B. Jaksick, Individually, and as Beneficiary of the SSJ's Issue Trust and the Samuel
11 S. Jaksick, Jr., Family Trust, does hereby give notice pursuant to and in accordance with Nevada
12 Rule of Civil Procedure 30(b)(6) that it will take the depositions of the Montreux Development
13 Group, LLC's Persons Most Knowledgeable as follows:

- 14 1. For Topic #1 in Exhibit 1, 1:30 p.m. on Wednesday, July 11, 2018;
- 15 2. For Topic #2 in Exhibit 1, 2:00 p.m. on Wednesday, July 11, 2018;
- 16 3. For Topic #3 in Exhibit 1, 2:30 p.m. on Wednesday, July 11, 2018;
- 17 4. For Topic #4 in Exhibit 1, 3:30 p.m. on Wednesday, July 11, 2018;
- 18 5. For Topic #5 in Exhibit 1, 4:00 p.m. on Wednesday, July 11, 2018; and
- 19 6. For Topic #6 in Exhibit 1, 4:45 p.m. on Wednesday, July 11, 2018.

20 The depositions will take place at the offices of Robison, Sharp, Sullivan & Brust, 71
21 Washington Street, Reno, Nevada. The depositions will be held upon oral examination, pursuant
22 to Rules 26 and 30 of the Nevada Rules of Civil Procedure, before a notary public or before some
23 other officer authorized by law to administer oaths and will be recorded by stenographic means
24 with a court reporter. Oral examination will continue from day to day until completed. You are
25 invited to attend and cross-examine.

26 Pursuant to NRCP 30(b)(6), Montreux Development Group, LLC is required to designate
27 one or more of its officers, directors, managing agents, or other persons to testify on its behalf who
28 is or are most knowledgeable about the subject matters and items set forth in the attached **Exhibit**

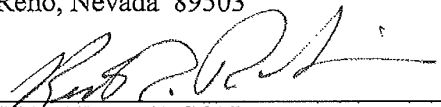
1 1, incorporated herein as though fully set forth herein. The deponents produced in response to this
2 Notice shall testify as to the matters known or reasonably available to the Montreux Development
3 Group, LLC.

4 **AFFIRMATION**
5 **Pursuant to NRS 239B.030**

6 The undersigned does hereby affirm that this document does not contain the social security
7 number of any person.

8 DATED this 8th day of May, 2018.

9 ROBISON, SHARP, SULLIVAN & BRUST
10 A Professional Corporation
11 71 Washington Street
12 Reno, Nevada 89503

13 
14 KENT R. ROBISON
15 THERESE M. SHANKS

16 *Attorneys for Todd B. Jaksick, Individually, and*
17 *as Beneficiary of the SSJ's Issue Trust and*
18 *the Samuel S. Jaksick, Jr., Family Trust*
19
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of ROBISON, SHARP,
3 SULLIVAN & BRUST, and that on this date I caused to be served a true copy of the **NOTICE**
4 **OF TAKING DEPOSITIONS OF MONTREUX DEVELOPMENT GROUP, LLC'S**
5 **PERSON MOST KNOWLEDGEABLE PURSUANT TO NRCP 30(b)(6)** on all parties to this
6 action by the method(s) indicated below:

7 by placing an original or true copy thereof in a sealed envelope, with sufficient
8 postage affixed thereto, in the United States mail at Reno, Nevada, addressed to:

9 by using the Court's CM/ECF electronic service system courtesy copy addressed to:

10 Donald A. Lattin, Esq.

11 L. Robert LeGoy, Jr., Esq.

12 Brian C. McQuaid, Esq.

13 Carolyn K. Renner, Esq.

14 Maupin, Cox & LeGoy

15 4785 Caughlin Parkway

16 Reno, Nevada 89519

17 Email: dlattin@mcllawfirm.com

18 blegoy@mcllawfirm.com

19 bmcquaid@mcllawfirm.com

20 crenner@mcllawfirm.com

21 *Attorneys for Petitioners/Co-Trustees*

22 *Todd B. Jaksick and Michael S. Kimmel of the*

23 *SSJ's Issue Trust and Samuel S. Jaksick, Jr., Family Trust and Kevin Riley*

24 Phil Kreitlein, Esq.

25 Stephen C. Moss, Esq.

26 Kreitlein Law Group

27 470 E. Plumb Lane, #310

28 Reno, Nevada 89502

Email: philip@kreitleinlaw.com

smoss@kreitleinlaw.com

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P.O. Box 2670

Reno, NV 89505

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Fox Rothschild LLP

1980 Festival Plaza Drive, Suite 700

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Email: mconnot@foxrothschild.com

Attorney for Respondent Wendy A. Jaksick

R. Kevin Spencer, Esq.

Zachary E. Johnson, Esq.

Spencer & Johnson PLLC

500 N. Akard Street, Suite 2150

Dallas, Texas 75201


Email kevin@spencerlawpc.com / zach@spencerlawpc.com

Attorneys for Respondent Wendy A. Jaksick

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_____ by electronic email addressed to the above.
_____ by personal delivery/hand delivery addressed to:
_____ by facsimile (fax) addressed to:
_____ by Federal Express/UPS or other overnight delivery addressed to:

DATED: This 31st day of May, 2018.



V. JAYNE FERRETTO
Employee of Robison, Sharp, Sullivan & Brust

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

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EXHIBIT LIST

<u>Exhibit No.</u>	<u>Description</u>	<u>Pages</u>
1	List of Subject Matters and Items for Persons Most Knowledgeable	1

Robison, Sharp,
Sullivan & Brust
71 Washington St.
Reno, NV 89503
(775) 329-3151

FILED
Electronically
PR17-00445
2018-05-08 11:34:00 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 6668320 : pmsewell

EXHIBIT 1

EXHIBIT 1

EXHIBIT 1

**TOPICS UPON WHICH MONTREUX DEVELOPMENT GROUP, LLC MUST
PRODUCE ITS DEPONENT(S)/WITNESS(ES) MOST KNOWLEDGEABLE TO
TESTIFY AS TO THE FOLLOWING MATTERS:**

TOPIC 1: The Person Most Knowledgeable about the Company's receipt of any income, cash, assets, contributions, investments and loans to and by the Company for the period of January 1, 2013, to the present.

TOPIC 2: The Person Most Knowledgeable about financial reports given or made available to the members of the Company and the contents of those reports and financial activities for the period from January 1, 2013, to the present.

TOPIC 3: The Person Most Knowledgeable about the records regarding the activities of the Company and its business and financial condition for the years 2013, 2014, 2015, 2016, 2017 and 2018.

TOPIC 4: The Person Most Knowledgeable about the financial statements, balance sheets, income and expense statements and tax returns of the Company for the period from January 1, 2013, to the present.

TOPIC 5: The Person Most Knowledgeable about the source of all funds deposited into bank accounts of the Company from January 1, 2013, to the present.

TOPIC 6: The Person Most Knowledgeable about payments, disbursements and/or loans made by the Company to Wendy Jaksick and/or to her children.

Jayne Ferretto

From: eflex@washoecourts.us
Sent: Tuesday, December 18, 2018 9:08 AM
To: Kent Robison
Cc: Jayne Ferretto
Subject: NEF: CONS: TRUST: SSJ'S ISSUE TRUST: Reply: PR17-00445

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

PROOF OF SERVICE OF ELECTRONIC FILING

A filing has been submitted to the court RE: PR17-00445

Judge: HONORABLE DAVID A. HARDY

Official File Stamp: 12-17-2018:17:21:58
Clerk Accepted: 12-18-2018:08:58:08
Court: Second Judicial District Court - State of Nevada
Civil
Case Title: CONS: TRUST: SSJ'S ISSUE TRUST
Document(s) Submitted: Reply
- **Continuation
- **Continuation
Filed By: Mark Connot

You may review this filing by clicking on the following link to take you to your [cases](#).

This notice was automatically generated by the courts auto-notification system.

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

BRIAN C. MCQUAID, ESQ. for KEVIN RILEY, MICHAEL S. KIMMEL, TODD B. JAKSICK
STEPHEN C. MOSS, ESQ. for STANLEY JAKSICK, SAMUEL S. JAKSICK, JR. FAMILY TRUST
THERESE M. SHANKS, ESQ. for TODD B. JAKSICK
DONALD ALBERT LATTIN, ESQ. for KEVIN RILEY, MICHAEL S. KIMMEL, TODD B. JAKSICK
MARK J. CONNOT, ESQ. for WENDY A. JAKSICK
KENT RICHARD ROBISON, ESQ. for TODD B. JAKSICK
SARAH FERGUSON, ESQ. for STANLEY JAKSICK, SAMUEL S. JAKSICK, JR. FAMILY TRUST, SSJ'S ISSUE TRUST
PHILIP L. KREITLEIN, ESQ. for STANLEY JAKSICK, SAMUEL S. JAKSICK, JR. FAMILY TRUST
CAROLYN K. RENNER, ESQ. for KEVIN RILEY, MICHAEL S. KIMMEL, TODD B. JAKSICK

ADAM HOSMER-HENNER, ESQ. for STANLEY JAKSICK

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

ZACHARY JOHNSON, ESQ. for WENDY A. JAKSICK

L. ROBERT LEGOY, JR., ESQ. for MICHAEL S. KIMMEL, TODD B. JAKSICK

R. KEVIN SPENCER, ESQ. for WENDY A. JAKSICK

FOX ROTHSCHILD LLP
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Las Vegas, Nevada 89135

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Attorneys for Respondent/Counter-Petitioner
Wendy A. Jaksick

SECOND JUDICIAL DISTRICT COURT

WASHOE COUNTY, NEVADA

In the Matter of the Administration of the
SSJ'S ISSUE TRUST,

CASE NO.: PR17-00445
DEPT. NO. 15

In the Matter of the Administration of the
SAMUEL S. JAKSICK, JR. FAMILY TRUST,

CASE NO.: PR17-00446
DEPT. NO. 15

WENDY JAKSICK,
Respondent and Counter-Petitioner,

REQUEST FOR SUBMISSION OF
WENDY A. JAKSICK'S MOTION
FOR LEAVE TO JOIN
INDISPENSABLE PARTIES

v.
TODD B. JAKSICK, INDIVIDUALLY, AS CO-
TRUSTEE OF THE SAMUEL S. JAKSICK, JR.
FAMILY TRUST, AND AS TRUSTEE OF THE
SSJ'S ISSUE TRUST; MICHAEL S. KIMMEL,
INDIVIDUALLY AND AS CO-TRUSTEE OF
THE SAMUEL S. JAKSICK, JR. FAMILY
TRUST; AND STANLEY S. JAKSICK,
INDIVIDUALLY AND AS CO-TRUSTEE OF
THE SAMUEL S. JAKSICK, JR. FAMILY
TRUST; KEVIN RILEY, INDIVIDUALLY AND
AS FORMER TRUSTEE OF THE SAMUEL S.
JAKSICK, JR. FAMILY TRUST AND TRUSTEE
OF THE WENDY A. JAKSICK 2012 BHC
FAMILY TRUST,
Petitioners and Counter-Respondents.

//

//

1 Respondent Wendy A. Jaksick ("Respondent"), by and through her undersigned counsel,
2 requests that *Wendy A. Jaksick's Motion for Leave to Join Indispensable Parties*, filed in the above-
3 entitled matter, be submitted to the Court for decision.

4 The undersigned certifies that a copy of this request has been electronically served to all
5 counsel of record.

6 **AFFIRMATION STATEMENT**

7 Pursuant to NRS 239B.030

8 The undersigned does hereby affirm that this **REQUEST FOR SUBMISSION OF**
9 **WENDY A. JAKSICK'S MOTION FOR LEAVE TO JOIN INDISPENSABLE PARTIES**
10 in the above-captioned matter does not contain the social security number of any person.

11 DATED this 18th day of December, 2018.

12
13 **FOX ROTHSCHILD LLP**

14
15 /s/ Mark J. Connot

16 Mark J. Connot (10010)
17 1980 Festival Plaza Drive, #700
18 Las Vegas, NV 89135
19 mconnot@foxrothschild.com

20 **SPENCER & JOHNSON, PLLC**

21 /s/ R. Kevin Spencer

22 R. Kevin Spencer (*Admitted PHV*)
23 Zachary E. Johnson (*Admitted PHV*)
24 500 N. Akard Street, Suite 2150
25 Dallas, Texas 75201
26 kevin@dallasprobate.com
27 zach@dallasprobate.com
28 *Attorneys for Respondent Counter-Petitioner*
Wendy A. Jaksick

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of FOX ROTHSCHILD LLP and that on this 18th day of December, 2018, I served a true and correct copy of the foregoing **REQUEST FOR SUBMISSION OF WENDY A. JAKSICK'S MOTION FOR LEAVE TO JOIN INDISPENSABLE PARTIES** via the Court's electronic file and serve system addressed to the following:

Kent Robison, Esq.
Therese M. Shanks, Esq.
Robison, Sharp, Sullivan & Brust
71 Washington Street
Reno, NV 89503
*Attorneys for Todd B. Jaksick, Beneficiary
SSJ's Issue Trust and Samuel S. Jaksick, Jr.,
Family Trust*

Donald A. Lattin, Esq.
Carolyn K. Renner, Esq.
Maupin, Cox & LeGoy
4785 Caughlin Parkway
Reno, NV 89519
*Attorneys for Todd Jaksick and Michael
Kimmel, as Co-Trustees of the SSJ's Issue
Trust and SSJ, Jr. Family Trust*

Philip L. Kreitlein
Kreitlein Leeder Moss, Ltd.
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Reno, NV 89502
Attorneys for Stanley S. Jaksick

Adam Hosmer-Henner, Esq.
McDonald Carano
100 West Liberty Street, 10th Fl.
P.O. Box 2670
Reno, NV 89505
Attorneys for Stanley S. Jaksick

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

DATED this 18th day of December, 2018.

/s/ Doreen Loffredo
An Employee of Fox Rothschild LLP

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the Administration of the
SSJ'S ISSUE TRUST.

Case No. PR17-00445

Dept. No. 15

CONSOLIDATED

Case No. PR17-00446

In the Matter of the Administration of the
SAMUEL S. JAKSICK, JR. FAMILY TRUST.

Dept. No. 15

**ORDER GRANTING IN PART AND DENYING IN PART MOTION FOR LEAVE TO
JOIN INDISPENSABLE PARTIES**

Before this Court is respondent/counter-petitioner Wendy Jaksick's opposed Motion for Leave to Join Indispensable Parties, dated November 15, 2018. This Court has reviewed all moving papers; it now finds and orders as follows:

I. Background and Procedural History¹

This consolidated action involves two trusts. The Samuel S. Jaksick, Jr. Family Trust (Family Trust) was established by Samuel Jaksick, Jr., on or about December 4, 2003. This trust became irrevocable in its entirety upon Samuel's death in 2013.² At that time, Todd Jaksick, Stanley Jaksick, and Kevin Riley became the successor trustees.

¹ These are not findings of fact; this section simply summarizes the relevant facts found in the pleadings and exhibits attached to the parties' filings.

² This Court typically adheres to formalities but elects to use first names to simplify these facts.

1 Subsequently, Mr. Riley resigned and Michael Kimmel was added as a co-trustee. The
2 beneficiaries of the Family Trust are Samuel's three children: Todd, Stanley, and Wendy.

3 Samuel also established the SSJ's Issue Trust (Issue Trust), an irrevocable trust, on
4 or about February 21, 2007. Todd has always been the trustee of the Issue Trust. The
5 beneficiaries are Samuel's three children and seven grandchildren.

6 On August 2, 2017, Todd, in his capacity as trustee of the Issue Trust, filed a
7 Petition for Confirmation of Trustee and Admission of Trust to the Jurisdiction of the
8 Court, and for Approval of Accountings and Other Trust Administration Matters. On the
9 same date, Todd and Mr. Kimmel, acting as co-trustees, filed an identically named petition
10 addressing the Family Trust. On January 5, 2018, this Court consolidated the two matters
11 as they involved the same parties and questions of fact.

12 On January 19, 2018, Wendy filed a Counterpetition to Surcharge Trustees for
13 Breach of Fiduciary Duties, for Removal of Trustees and Appointment of Individual
14 Trustees, and for Declaratory Judgment and Other Relief ("counterpetition"). In this
15 counterpetition, Wendy named the following parties as counter-respondents: Todd,
16 individually and as trustee of the Family and Issue Trusts; Mr. Kimmel, individually and
17 as co-trustee of the Family Trust; Stanley, individually and as co-trustee of the Family
18 trust; and Mr. Riley, individually, as former co-trustee of the Family Trust, and as trustee
19 of the Wendy A. Jaksick BHC Family Trust. Wendy filed an amended counterpetition on
20 February 23, 2018, but did not seek to join any additional parties.

21 In the present motion, Wendy seeks leave to join 48 additional real parties in
22 interest as counter-respondents.³ Wendy asserts each of the named parties may have been
23

24 ³ Wendy seeks to join the following entities: (1) Incline TSS, Ltd.; (2) TBJ Trust; (3) TBJ Family Trust; (4) SSJ,
25 LLC; (5) Sammy Supercub, LLC Series A; (6) Samuel S. Jaksick Jr. I, LLC; (7) Samuel S. Jaksick Jr. II, LLC;
26 (8) Samuel S. Jaksick Jr. IV, LLC; (9) Samuel S. Jaksick Jr. V, LLC; (10) Spring Mountain Nevada
27 Development, Co.; (11) Fly Ranch, LLC; (12) Bent Arrow, LLC; (13) ALSB, Ltd.; (14) Gerlach Green Energy,
28 LLC; (15) BBB Investments; (16) Juniper Trails Development Co.; (17) Pioneer Group, Inc.; (18) Pioneer
Associates, LLC; (19) Montreux Unit 3 Association; (20) Saddlehorn Development, Co.; (21) Lakecrest Realty,
Inc.; (22) Lake-Ridge Co.; (23) White Pine Lumber Co.; (24) Toiyobe Investment Co.; (25) Basecamp, LLC;
(26) Montreux South 51, LLC; (27) Montreux Development Group, Inc.; (28) Montreux Golf & Country Club,
Inc.; (29) Duck Lake Ranch, LLC; (30) SJ Ranch, LLC; (31) Bright Holland, Co.; (32) Lakeridge Golf Course,
Ltd.; (33) Montreux Golf Club, Ltd.; (34) Great Western Helicopters, Ltd.; (35) Jaksick Family Partnership,

1 used by Todd as a conduit to wrongfully transfer assets out of the Family and Issue Trusts.
2 As a result, she argues each party is necessary because complete relief cannot be afforded
3 without their joinder.

4 As part of her motion, Wendy incorporates the facts and arguments found in her
5 Petition to Redress Breach of Fiduciary Duty and Emergency Motion to Remove Todd as
6 Co-Trustee of the Family Trust and Issue Trust ("petition to redress"), dated
7 November 15, 2018. This petition describes an array of issues related to alleged breaches
8 of fiduciary duties by Todd.⁴ To the extent these issues implicate the parties Wendy seeks
9 to join, they are discussed in greater detail below.⁵

10 II. Law and Analysis

11 A. Leave to Join Parties

12 Pursuant to NRCP 19(a), there are three circumstances where an absent person shall
13 be joined as a party to an action. First, a person must be joined if failure to join would
14 prevent an existing party from obtaining complete relief. *Id.* Second, a person must be
15 joined if the person claims an interest in the subject matter of the action and disposition of
16 the action in their absence may "impair or impede the person's ability to protect that
17

18 Limited Partnership; (36) Montreux West 40, LLC; (37) SJ Ranch Property Owners Association; (38) Southeast
19 SJ Ranch Property Owners Association; (39) Montreux-South 80, a Nevada joint venture; (40) Jackrabbit
20 Properties, LLC; (41) BBB Investments, LLC; (42) Home Camp Land and Livestock Co., Inc.; (43) Pronghorn,
21 LLC; (44) Buckhorn Land and Livestock, LLC; (45) Washoe Winds, LLC; (46) Locnavar, LLC; SST Westridge,
22 LLC; and (48) California Bighorn, LLC.

21 ⁴Specifically, the petition raises the following alleged bases for redress and/or removal: (1) incompetence;
22 (2) failure to follow the terms of the Fifth Amendment to the Family Trust; (3) failure to properly account
23 and inaccurate accountings; (4) transfer of the Lake Tahoe Property; (5) validity of the 2008 Indemnification
24 Agreement; (6) sale of the Fly Ranch Property by Bright Holland, Co.; (7) sale of Bronco Billy's Casino;
25 (8) validity of an Agreement and Consent to Proposed Action (ACPA) to pay ranch debts to AG Credit and
26 Metlife; (9) validity of an ACPA granting Todd access to Family Trust accounts; (10) sale of cattle from White
27 Pine Ranch; (11) sale of a Super Cub airplane to settle Family Trust debt; (12) validity of an ACPA using
28 funds from cattle sale to pay Family Trust IRS debt; (13) loans from the Issue Trust to the Family Trust;
(14) discontinuation of trust distributions to Wendy; (15) prioritization of payment of Family Trust debts
over distributions; (16) suit of Stanley for embezzlement; (17) payment of Mr. Kimmel for attendance at
depositions; (18) Todd's ownership of water rights via the Duck Lake Property; and (19) Mr. Kimmel's
alleged conspiracy with Todd to accomplish these alleged breaches.

⁵ On December 5, 2018, Todd filed a Motion to Dismiss, or in the Alternative, Strike Wendy's Petition to
Redress, upon which this Court has not yet ruled. This Court will consider the Petition to Redress as
incorporated into Wendy's Motion for Leave to Join independent of any ruling regarding whether or not it
should be dismissed or stricken for its primary purpose of seeking additional relief.

1 interest." Id. Finally, a person must be joined if the person claims an interest in the
2 subject matter of the action and adjudication in their absence would subject an existing
3 party to "substantial risk of incurring double, multiple, or otherwise inconsistent
4 obligations." Id. A person who should be joined under NRCP 19(a) is referred to as a
5 "necessary party." See Blaine Equip. Co., Inc. v. State, 122 Nev. 860, 864 n. 6, 138 P.3d 820,
6 822 n. 6 (2006). If a person deemed to be necessary cannot be made a party, the court shall
7 determine whether in equity and good conscience the action should proceed among the
8 parties before it or should be dismissed because the absent person is indispensable.
9 NRCP 19(b).

10 When a party seeks to set aside a conveyance of property, the person who received
11 the property in the conveyance must be joined as a party. Home Savers, Inc. v. United Sec.
12 Co., 103 Nev. 357, 359, 741 P.2d 1355, 1357 (1987). Similarly, where the holder of title to the
13 property in controversy is a corporation or trust, that entity itself is a necessary party.
14 Schwob v. Hemsath, 98 Nev. 293, 294, 646 P.2d 1212, 1212 (1982); see also Gladys Baker
15 Olsen Family Tr. by & Through Olsen v. Dist. Ct., 110 Nev. 548, 554, 874 P.2d 778, 782
16 (1994). To enter an order of conveyance without joining the transferee would constitute
17 "the taking of property from one person and giving it to another without a hearing."
18 Johnson v. Johnson, 93 Nev. 655, 658, 572 P.2d 925, 926-27 (1977) (quoting Liuzza v. Bell, 40
19 Cal.App.2d 417, 104 P.2d 1095, 1101 (1963)). Further, "a non-joined transferee of property
20 which has been ordered reconveyed could validly force relitigation of the propriety of the
21 conveyance before coming under any legal duty to reconvey the property." Id. at 658, 572
22 P.2d at 927.

23 Where a party seeks a finding that a contract is invalid, all parties to the contract are
24 necessary parties to the action because "rescission of a contract, or declaration of its
25 invalidity, as to some parties, but not others, is not generally permitted." Blaine Equip.,
26 122 Nev. at 865, 138 P.3d at 823 (quoting Ward v. Deavers, 203 P.2d 72, 75 (D.C. Cir. 1953)).
27 Thus, in Blaine Equip., the Supreme Court of Nevada held that where plaintiff sought a
28 contract for sale of motor graders be rescinded, the seller of the graders was a necessary

1 party because the seller could refuse a request for reimbursement of the purchase price
2 absent additional litigation, meaning that the district court was incapable of providing
3 complete relief if the company was not made a party. Id. at 865, 138 P.3d at 823.

4 B. Entities Not Addressed in Motion or Petition

5 In her motion to join, Wendy asserts her petition to redress sets forth facts showing
6 "Todd has transferred substantial assets from the Trusts to entities and/or other trusts
7 owned or controlled by Todd solely for his and his family's benefit." Counterpet. Mot. 6.
8 For this reason, Wendy seeks to incorporate the petition for redress as part of the motion
9 to join. However, even taking into account the information included in the petition to
10 redress, Wendy has failed to provide even minimal factual support for her claim of
11 necessity with respect to 38 of the 48 parties.⁶ There is no mention in either the motion or
12 petition of what trust property, if any, has been transferred to these entities or in what
13 manner Todd allegedly used them to transfer assets. To the contrary, they are never
14 described by name or otherwise referenced again after they are initially listed as
15 purportedly necessary parties. Accordingly, Wendy's motion to join these entities as
16 parties is denied.

17 C. Necessity of Remaining Entities

18 Wendy argues each of the identified trust entities must be joined because the Court
19 cannot enter an order compelling reconveyance of Family and/or Issue Trust assets held
20

21 ⁶ Wendy has failed to provide any factual basis for seeking to join the following entities: (1) Samuel S.
22 Jaksick Jr. I, LLC; (2) Samuel S. Jaksick Jr. II, LLC; (3) Samuel S. Jaksick Jr. IV, LLC; (4) Samuel S. Jaksick Jr. V,
23 LLC; (5) Spring Mountain Nevada Development, Co.; (6) Fly Ranch, LLC; (7) Bent Arrow, LLC; (8) ALSB,
24 Ltd.; (9) Gerlach Green Energy, LLC; (10) BBB Investments; (11) Juniper Trails Development Co.; (12) Pioneer
25 Associates, LLC; (13) Montreux Unit 3 Association; (14) Saddlehorn Development, Co.; (15) Lakecrest Realty,
26 Inc.; (16) Lake-Ridge Co.; (17) White Pine Lumber Co.; (18) Basecamp, LLC; (19) Montreux South 51, LLC;
27 (20) Montreux Development Group, Inc.; (21) Montreux Golf & Country Club, Inc.; (22) Lakeridge Golf
28 Course, Ltd.; (23) Montreux Golf Club, Ltd.; (24) Great Western Helicopters, Ltd.; (25) Jaksick Family
Partnership, Limited Partnership; (26) Montreux West 40, LLC; (27) SJ Ranch Property Owners Association;
(28) Southeast SJ Ranch Property Owners Association; (29) Montreux-South 80, a Nevada joint venture;
(30) Jackrabbit Properties, LLC; (31) BBB Investments, LLC; (32) Home Camp Land and Livestock Co., Inc.;
(33) Pronghorn, LLC; (34) Buckhorn Land and Livestock, LLC; (35) Washoe Winds, LLC; (36) Locnavar, LLC;
(37) SST Westridge, LLC; and (38) California Bighorn, LLC.

1 by these entities without them being party to the action. Below, this Court will address
2 each entity Wendy raised with some factual support in her petition to redress.

3 *Transfer of Lake Tahoe Property.* At the time of his death, Samuel lived in a home
4 located in Incline Village, Nevada ("Lake Tahoe Property"). The 2006 Restated Family
5 Trust Agreement lists the Lake Tahoe Property as property owned by the trust. However,
6 on November 1, 2010, Samuel, as trustee of the Family Trust, entered into an option
7 agreement with Incline TSS, Ltd. concerning the Lake Tahoe Property. Incline TSS was
8 owned by the TBJ Trust and TBJ Family Trust and managed by Todd. However, on
9 December 5, 2011, the Family Trust transferred its interest in the Lake Tahoe Property to
10 SSJ, LLC. Subsequently, in December 2012, Incline TSS exercised its option and the Lake
11 Tahoe Property was transferred from SSJ, LLC to Incline TSS. Wendy alleges that shortly
12 following Samuel's death in early 2013, Todd convinced her and Stanley to sign an ACPA
13 evidencing their consent to use proceeds from Samuel's insurance policy, owned by the
14 Issue Trust, to pay debt on the Lake Tahoe Property, without informing them the property
15 was no longer wholly owned by the Family Trust. Wendy thus contests this consent
16 agreement and alleges Todd withheld information regarding his ownership interest in the
17 property. Wendy requests the following relief with respect to the Lake Tahoe Property:
18 (1) a finding that the ACPA allowing for use of life insurance proceeds to pay debt on the
19 Lake Tahoe Property invalid; (2) set aside of all transactions that moved title to the Lake
20 Tahoe Property out of the Family Trust; (3) a finding that Todd breached his fiduciary
21 duty; (4) removal of Todd as trustee of the Family and Issue Trusts; and (5) appointment of
22 a successor trustee for each trust; and (6) damages.

23 While SSJ, LLC, once held title to the Lake Tahoe Property, there has been no
24 evidence presented to suggest it now holds title to any property at issue in this action.
25 Further, as Todd notes in his opposition, SSJ, LLC has since been dissolved. For these
26 reasons, SSJ, LLC, cannot be a necessary party.

27 However, the interests of Incline TSS, Ltd. present a different set of facts. Wendy's
28 first request for relief with respect to the Lake Tahoe Property is that all transactions

1 resulting in its transfer outside of the Family Trust be set aside. Were a finder of fact to
2 determine such a remedy is warranted, it could require conveyance of title from the
3 present owner of the property, Incline TSS, back to the Family Trust. In addition, Wendy
4 requests the ACPA regarding payment of Lake Tahoe Property debt be invalidated. It is
5 possible a finder of fact could find the ACPA to be invalid, resulting in an order returning
6 the life insurance proceeds used to pay the Lake Tahoe Property debt to the Issue Trust. In
7 such a case, it would again be Incline TSS who would be required to relinquish its assets
8 for the benefit of the Trusts. If Incline TSS refused in either situation, which it would be
9 entitled to do if not afforded the opportunity to participate and be heard on these issues,
10 relitigation would be necessary. As such, complete relief cannot be afforded without
11 joinder of Incline TSS as a party in this matter. Though Todd may be manager of Incline
12 TSS, the two are separate legal entities. Incline TSS, not Todd, holds title to the Lake Tahoe
13 Property and it is Incline TSS from whom property would potentially be taken. Thus the
14 fact that Todd has been sued in his individual capacity opening his personal assets to
15 liability is immaterial.

16 While this Court finds Incline TSS is a necessary party, the same cannot be said for
17 the TBJ and TBJ Family Trusts. Even if these trusts have partial ownership interests in
18 Incline TSS, they need not be included to accomplish any possible return of real property
19 or life insurance proceeds. Accordingly, Wendy's motion to join is granted with respect to
20 Incline TSS, Ltd., and denied with respect to SSJ, LLC; TBJ Trust; and TBJ Family Trust.

21 *Proceeds of sale of Bronco Billy's Casino.* At the time of its execution, the Family Trust
22 owned stock in Pioneer Group, Inc., which owned a casino in Colorado known as "Bronco
23 Billy's Casino." In April 2013, Samuel gifted 6% of the issued and outstanding stock in
24 Pioneer Group each to Todd and Stanley. Samuel did not gift any Pioneer Group stock to
25 Wendy. The Second Amendment to the Family Trust provided that the remaining stock in
26 Pioneer Group be distributed equally between Todd, Stanley, and Wendy. However, on
27 July 16, 2013, Todd, Stanley, Wendy, and Mr. Riley signed an ACPA, agreeing to alter the
28 Family Trust's distributions. As a result, the remaining Pioneer Group stock was

1 distributed to two equal sutrusts for the benefit of Todd and Stanley only, with the
2 expectation that that the two trusts would sell equalizing amounts of stock to a trust for
3 Wendy's benefit when and if she obtained a Colorado gaming license. In May 2016,
4 Pioneer Group sold Bronco Billy's Casino. The proceeds of the sale were distributed into
5 Todd and Stanley's subtrusts. Wendy alleges both that the distribution of the Pioneer
6 Group stock to Todd and Stanley was improper and the co-trustees breached their
7 fiduciary duties by failing to provide full disclosure to her regarding the Bronco Billy's
8 Casino sale. Wendy requests the following relief with respect to the sale of Bronco Billy's
9 Casino: (1) damages; (2) invalidation of the ACPA redistributing Pioneer Group Stock to
10 Todd and Stanley; (3) a finding that Todd breached his fiduciary duty; (4) removal of Todd
11 as trustee of the Family Trust; and (5) appointment of a successor trustee.

12 It is possible a finder of fact could conclude the ACPA regarding Pioneer Group
13 stock was accomplished as a result of a breach of fiduciary duty by Todd, Stanley,
14 Mr. Riley, or a combination thereof, resulting in its invalidation. If the ACPA were
15 invalidated, this action could necessitate reallocation of both Pioneer Group stock and
16 proceeds from the sale of Bronco Billy's Casino arising from ownership of that stock.
17 However, both the stock and the proceeds are held within the Family Trust. Pioneer
18 Group does not hold title to the stock and could not relitigate if interest in the stock were
19 transferred from one beneficiary of the Family Trust to another. Because complete relief
20 on this issue can be achieved without joining Pioneer Group, it is not a necessary party.
21 Accordingly, Wendy's motion for leave to join Pioneer Group, Inc. is denied.

22 *Proceeds of sale of Fly Ranch.* Bright Holland, Co. is a Nevada corporation in which
23 the Family Trust holds an ownership interest. On June 10, 2016, Bright Holland sold a
24 parcel of real property known as "Fly Ranch" to the Burning Man Project. Proceeds of the
25 sale were paid to the Family Trust. Wendy asserts it was Todd who negotiated and
26 executed this sale, but did not inform her the sale had occurred. Wendy further alleges
27 that receipt and disbursement of the proceeds from the sale was not accounted for, but she
28 believes the money was deposited into subtrusts for Todd and Stanley only. Wendy

1 requests the following relief with respect to the sale of Fly Ranch: (1) damages; (2)
2 removal of Todd as co-trustee of the Family Trust; and (3) appointment of a successor
3 trustee.

4 Although Fly Ranch was owned by Bright Holland, Co., this property was sold in
5 2016. All available evidence indicates the proceeds from the sale of Fly Ranch were placed
6 into the Family Trust, where Wendy alleges they were improperly split between Stanley
7 and Todd. Should a finder of fact conclude that the proceeds of the sale were improperly
8 apportioned, complete relief would not implicate Bright Holland in any way.
9 Accordingly, Wendy's motion with respect to Bright Holland, Co. is denied.

10 *Sale of White Pine Ranch cattle.* During Samuel's lifetime, he operated a cattle
11 business known as White Pine Ranch, LLC, in which the Family Trust had an interest. On
12 August 26, 2013, Todd, Stanley, Wendy, and Mr. Riley signed an ACPA consenting to sell
13 all but 100 of the best cattle from White Pine Ranch and to use the proceeds of the sale to
14 pay White Pine Ranch debt and past due expenses, while reserving funds for income taxes
15 resulting from the sale. In addition, the remaining 100 cattle were moved to another
16 Jaksick property, SJ Ranch, to continue the cattle business. It is not clear what specific
17 debts were paid with the proceeds of this sale. However, Wendy alleges Todd sold at least
18 some of the cattle to Duck Lake Ranch, LLC, an entity owned and managed by Todd.
19 Wendy requests the following relief with respect to the sale of White Pine Ranch cattle:
20 (1) damages; (2) invalidation of the ACPA agreeing to sale of the cattle; (3) a finding that
21 Todd breached his fiduciary duty; (4) removal Todd as trustee of the Family Trust; and
22 (5) appointment of a successor trustee.

23 While the ACPA in question evidences the trustees' and beneficiaries' consent to
24 sell White Pine Ranch cattle to pay its debt, it does not indicate to whom the cattle will be
25 sold or to what extent the sale of cattle implicated Family Trust interests. While this Court
26 is inclined to agree that the owner of any cattle purchased as a result of the ACPA would
27 be a necessary party, there has been nothing presented beyond bare assertion to show
28 what entity, if any, presently holds title to the White Pine Ranch cattle or even whether the

1 cattle was actually sold. However, because this Court finds Duck Lake Ranch, LLC, is an
2 otherwise necessary party, as described below, it need not reach this issue.

3 *Sale of Super Cub aircraft.* During Samuel's life, he possessed a 1976 Piper Super Cub
4 aircraft, which was property of Sammy Supercub, LLC Series A, a Nevada series limited
5 liability company of which the Family Trust was a member. On January 31, 2014, Todd,
6 Stanley, and Wendy signed an ACPA agreeing to surrender and transfer the Super Cub to
7 Duck Lake Ranch, LCC, in order to satisfy an \$85,000 debt of the Family Trust. Wendy
8 alleges Todd provided a low valuation of the airplane and did not disclose the details of
9 the Duck Lake Ranch debt to her. She requests the following relief with respect to the sale
10 of the Super Cub: (1) damages; (2) invalidation of the ACPA agreeing to transfer of the
11 Super Cub; (3) a finding Todd breached his fiduciary duty; (4) removal Todd as trustee of
12 the Family Trust; and (5) appointment of a successor trustee.

13 In his opposition, Todd raises the argument that the Super Cub was initially an
14 asset of Sammy Supercub, not the Family Trust, and thus it is not appropriate to address
15 the transfer in the present action. However, the Super Cub ACPA was an action taken to
16 benefit the Family Trust and involved property of an entity in which the Family Trust had
17 an ownership interest. Therefore, it is not outside the bounds of what this Court may
18 address. Further, were a finder of fact to ultimately determine the ACPA was invalid due
19 to undervaluation or lack of disclosure, the result would potentially be to unwind the sale
20 of the airplane. As the current title holder, Duck Ranch, LLC, is a necessary party because
21 such unwinding would amount to a taking without a hearing. Furthermore, it is also
22 necessary to join Sammy Supercub, as this would be the only means to accomplish a
23 potential reconveyance of the airplane and thus afford complete relief. Accordingly, this
24 Court grants Wendy's motion for leave to join with respect to Duck Ranch, LLC, and
25 Sammy Supercub, LLC Series A.

26 *Loans from Issue Trust to Family Trust.* On two occasions in 2014, Todd, Stanley, and
27 Wendy signed ACPAs authorizing a loan of funds from the Issue Trust to cover operating
28 expenses of the Family Trust. Further, the parties agreed to encumber stock in Toiyabe

1 Investments Co. held by the Family Trust to provide security for the loans. There is no
2 evidence to suggest the Family Trust defaulted on the loan or that there was any transfer
3 of Toiyabe stock between trusts. However, even if this were the case, Toiyabe's absence
4 would not prevent the parties from obtaining relief. Accordingly, Wendy's motion to join
5 Toiyabe Investments Co. is denied.

6 D. Impact on Discovery

7 In arriving at its decision regarding necessary parties, this Court was cognizant of
8 the need to balance the hardships of involving additional participants within a month of
9 trial or, alternately, choosing not to do so and subjecting the parties to the possibility of
10 additional relitigation, with attendant time and monetary costs, following a completed
11 trial. This Court added minimal necessary parties in the hopes it would lead to the fewest
12 costs to all. However, upon a review of this case in its entirety, a unifying theme is the
13 necessity of firm and reliable start date as the first step in bringing finality and closure
14 regarding the trusts at issue.

15 This Court observes the three entities found to be indispensable parties are each
16 primarily controlled and/or owned by Todd. The only other living owner or officer
17 associated with any of these entities is Stanley. All parties have had the opportunity to
18 seek extensive discovery from both Todd and Stanley. Further, the underlying
19 transactions have been known to the parties through much of the evolution of this
20 litigation. While this Court acknowledges joinder may result in minimal additional
21 discovery, this Court does not intend its order to reset the present discovery schedule
22 provided in its previous orders and does not intend, at this time, to grant any trial
23 continuances to accommodate any such additional discovery. At this time, this Court fully
24 anticipates trial will begin as scheduled on February 4, 2019.


25 **III. Conclusion**

26 Because (1) Incline TSS, Ltd; (2) Duck Lake Ranch, LLC; and (3) Sammy Supercub,
27 LLC, Series A held or currently hold assets implicated in contested trust transactions,
28 failure to join these parties could prevent existing parties from obtaining complete relief

1 should the associated ACPAs be invalidated. Accordingly, this Court finds they are
2 indispensable parties and grants Wendy's motion for leave to join these parties in this
3 action. Wendy's motion is denied with respect to all other named entities.

4 **IT IS SO ORDERED.**

5 Dated: January 16, 2019.

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7 David A. Hardy
8 District Court Judge
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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

In the Matter of the Administration of the
SSJ'S ISSUE TRUST.

Case No. PR17-00445

Dept. No. 15

CONSOLIDATED

In the Matter of the Administration of the
SAMUEL S. JAKSICK, JR. FAMILY TRUST.

Case No. PR17-00446

Dept. No. 15

PRE-TRIAL ORDER REGARDING TRIAL SCHEDULE

This matter is set for trial on February 4, 2019. Pursuant to this Court's order, dated November 26, 2018, the parties have submitted trial protocol statements addressing the propriety of bifurcation, listing all anticipated claims, including whether each should be submitted to the bench or to a jury, and providing a recommended approach to trial phasing. This Court has reviewed all trial protocol statements and now orders as follows:

Discovery Matters. Pursuant to this Court's order, the parties have been participating in ongoing discovery conferences with Discovery Commissioner Wes Ayres. The parties shall file with this Court a statement of all remaining unresolved discovery concerns, *if any*, and proposed remedies, no later than Wednesday, January 30, 2019, at 5:00 p.m. There shall be no oppositions filed to discovery statements. All remaining discovery matters shall be addressed in the first three days scheduled for trial, as described in further detail below.

1 **Pretrial Matters.** The parties have indicated an interest in pursuing continued
2 settlement discussions in this action. In addition, this Court anticipates the need to
3 address pending motions in limine and unresolved discovery matters prior to trial.
4 Accordingly, Monday, February 4, 2019, through Wednesday, February 6, 2019, shall be
5 reserved for settlement discussions and other pretrial matters, including any matters
6 addressed in the parties' discovery statements. This Court is scheduled to hear its criminal
7 calendar on the mornings of February 4 and 6, 2019, and will be unavailable until 1:00 p.m.
8 on both days. The parties shall be present and address settlement discussions outside of
9 this Court's presence during these time periods, or may choose to redesignate settlement
10 time to trial preparation as appropriate.

11 **Settlement Discussions.** This Court will not participate in any settlement
12 discussions as it will be a trier of fact should any equitable issues proceed to trial. Trial
13 will only be vacated if the parties reach a full, binding settlement containing all material
14 terms. Should the parties reach only a partial settlement, trial shall proceed as scheduled
15 on the remaining claims.

16 **Jury Selection.** Jury selection shall begin on Thursday, February 7, 2019, at
17 9:00 a.m. It shall be completed by close of business on Friday, February 8, 2019. The
18 parties shall read and be familiar with this Court's Pretrial Order Regarding Jury Selection
19 Voir Dire, entered January 22, 2019. Any requests for leave from this order must be filed
20 no later than Tuesday, February 5, 2019, at 5:00 p.m.

21 **Legal and Equitable Claims.** This Court has reviewed the trial protocol statements
22 submitted by the parties, including anticipated claims to be presented at trial and their
23 categorization as claims arising in either law or equity. All anticipated claims and their
24 designations are included in this order. The parties are encouraged to review this list and
25 ensure it is consistent with their understanding of the anticipated claims. The parties may
26 file corrections regarding any inadvertent errors including or describing the claims.
27 However, this Court does not intend to entertain additional argument regarding
28 designation of the claims as either legal or equitable in nature. Proposed corrections, *if*

1 any, must be filed with this Court no later than Wednesday, January 30, 2019, at 5:00 p.m.

2 **Trial Organization.** Trial in this matter will involve a mix of legal and equitable
3 claims. In Nevada, the constitutional right to a jury trial does not extend to equitable
4 matters. See Harmon v. Tanner Motor Tours, 79 Nev. 4, 20, 377 P.2d 622, 630 (1963);
5 Musgrave v. Casey, 68 Nev. 471, 474, 235 P.2d 729, 731 (1951) ("It is elemental that in a suit
6 in equity the judgment or decree must be based upon findings of the court rather than a
7 jury verdict"). Nevada district courts have discretion to bifurcate equitable and legal
8 issues raised in a single action and conduct a bench trial on the equitable issues prior to or
9 following submission of legal issues to the jury. Awada v. Shuffle Master, Inc., 123 Nev.
10 613, 624, 173 P.3d 707, 714 (2007). In the present matter, this Court anticipates significant
11 evidentiary overlap between equitable and legal claims. In the interest of judicial
12 economy, this Court intends to begin trial with jury selection and immediately enter into
13 presentation of evidence implicating legal claims to the jury. Simultaneously, this Court
14 will consider all evidence presented to the extent it is relevant to any equitable claim, and
15 will make findings of fact at the appropriate times. Evidence unique to equitable claims
16 shall be reserved. Following the jury's verdict on all legal claims, the parties will be given
17 the opportunity to present evidence specific to equitable claims.

18 **Trial Plan.** A detailed trial plan is included below:

19 1. Settlement discussions and other pretrial matters shall be addressed beginning
20 on February 4, 2019, and shall continue until no later than February 6, 2019. The parties
21 should anticipate going on the record for the first time at 1:00 p.m. on February 4, 2019,
22 following this Court's criminal calendar.

23 2. Voir dire of potential jurors shall begin on February 7, 2019, at 9:00 a.m. It shall
24 be completed no later than close of business on February 8, 2019.

25 3. Following jury selection, the parties shall present opening statements on the
26 following claims, which encompass all legal claims in this matter:

Legal Claims	
Claim	Petitioner
Breach of Fiduciary Duties (Issue and Family Trusts)	Wendy

Breach of Fiduciary Duties (Issue and Family Trusts)	Stanley
Breach of Duty of Impartiality (Issue and Family Trusts)	Stanley
Breach of Duty to Diversify (Issue Trust)	Stanley
Breach of Duty of Information (Issue and Family Trusts)	Stanley
Civil Conspiracy and Aiding and Abetting (Issue and Family Trusts)	Wendy
Aiding and Abetting Breaches of Fiduciary Duty (Issue and Family Trusts)	Wendy
Fraud (Issue and Family Trusts)	Wendy
Fraudulent Misrepresentation (Issue and Family Trusts)	Stanley
Fraud in the Inducement (Issue and Family Trusts)	Stanley
Negligent Misrepresentation (Issue and Family Trusts)	Stanley
Breach of Implied Covenant of Good Faith and Fair Dealing (Issue and Family Trusts)	Stanley

4. The parties shall present evidence relevant to all legal issues. To the extent this evidence is relevant to equitable issues, this Court shall simultaneously consider it for this purpose. Evidence unique to equitable issues shall be reserved.

5. The parties shall provide closing arguments and the jury shall deliberate on all legal issues. Following announcement of their verdict, the jury will be excused.

6. The parties shall present opening statements to the bench on any solely equitable issues not previously addressed, which include the following claims:

<i>Equitable Claims</i>	
Claim	Petitioner
Settlement and Approval of Trust Accountings (Issue Trust)	Todd
Settlement and Approval of Trust Accountings (Family Trust)	Todd and Mr. Kimmel
Failure to Disclose and Adequately Account to Compel Accounting (Issue and Family Trusts)	Wendy
Accounting (Issue Trust)	Stanley
Ratification and Approval of Agreements and Consents to Proposed Action (ACPAs) (Issue Trust)	Todd
Ratification and Approval of ACPAs (Family Trust)	Todd and Mr. Kimmel
Contest of Purported ACPAs (Issue and Family Trusts)	Wendy

Contest of Purported Indemnity Agreement (Issue and Family Trusts)	Wendy
Declaratory Judgment - No Contest Provision (Issue and Family Trusts)	Wendy
Unjust Enrichment and Constructive Trust (Issue and Family Trusts)	Wendy
Unjust Enrichment (Issue Trust)	Stanley
Confirmation of Todd as Trustee of the Issue Trust	Todd
Confirmation of Todd, Stanley, and Mr. Kimmel as Co-Trustees of the Family Trust	Todd and Mr. Kimmel
Removal of Trustees and Appointment of Independent Trustee(s) (Family and Issue Trusts)	Wendy
Removal of Trustee (Issue Trust)	Stanley
Removal of Co-Trustee (Family Trust)	Stanley
Disgorgement of Trustee Fees (Issue and Family Trusts)	Wendy
Surcharge (Issue Trust)	Stanley
Enjoin Trustees from Using Trust Assets to Defend in this Matter (Issue and Family Trusts)	Wendy
Restraint on Use of Trust Assets and Dissipation of Assets (Issue and Family Trusts)	Stanley
Award of Attorneys' Fees and Costs	Wendy

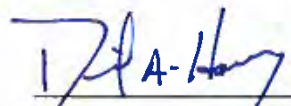
7. The parties shall offer any evidence not previously presented.

8. Following closing arguments, the Court shall deliberate and render a verdict as to all equitable issues.

Jury Instructions and Trial Statements. This Court's previous order regarding the deadlines for submission of proposed jury instructions and trial statements shall remain in effect.

IT IS SO ORDERED.

Dated: January 22, 2019.


 David A. Hardy
 District Court Judge

ORIGINAL

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

WENDY JAKSICK,

Petitioner,

CASE NO.: PR17-00445

v.

DEPT. NO.: 15

TODD B. JAKSICK, Individually, as Co-
Trustee of the Samuel S. Jaksick Jr.
Family Trust, and as Trustee of the
SSJ's Issue Trust; MICHAEL S. KIMMEL,
Individually and as Co-Trustee of the
Samuel S. Jaksick Jr. Family Trust;
STANLEY S. JAKSICK, Individually and as
Co-Trustee of the Samuel S. Jaksick Jr.
Family Trust; KEVIN RILEY,
Individually, as Former Trustee of the
Samuel S. Jaksick Jr. Family Trust, and
as Trustee of the Wendy A. Jaksick 2012
BHC Family Trust, INCLINE TSS, LTD.;
DUCK LAKE RANCH, LLC; SAMMY SUPERCUB
LLC, SERIES A,

CASE NO.: PR17-00446

DEPT. NO.: 15

VERDICT

Respondents.

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1 We, the jury, duly impaneled in the above-entitled action,
2 find that Petitioner, Wendy Jaksick, has proven her **breach of**
3 **fiduciary duty claim**, by a preponderance of evidence, against:

4 (Please circle only one for each line item)

5 KEVIN RILEY (as Co-Trustee of Family Trust)	YES	<input checked="" type="radio"/> NO
6 STAN JAKSICK (as Co-Trustee of Family Trust)	YES	<input checked="" type="radio"/> NO
7 TODD JAKSICK (as Co-Trustee of Family Trust)	<input checked="" type="radio"/> YES	NO
8 MICHAEL KIMMEL (as Co-Trustee of Family Trust)	YES	<input checked="" type="radio"/> NO
9 KEVIN RILEY (as Trustee of BHC Trust)	YES	<input checked="" type="radio"/> NO
10 TODD JAKSICK (as Trustee of Issue Trust)	<input checked="" type="radio"/> YES	NO

11 We, the jury, duly impaneled in the above-entitled action,
12 find that Petitioner, Wendy Jaksick, has proven her **civil**
13 **conspiracy and aiding and abetting claim**, by preponderance of
14 evidence, against:

15 (Please circle only one for each line item)

16 KEVIN RILEY (as Co-Trustee of Family Trust)	YES	<input checked="" type="radio"/> NO
17 KEVIN RILEY (individually)	YES	<input checked="" type="radio"/> NO
18 KEVIN RILEY (as Trustee of BHC Trust)	YES	<input checked="" type="radio"/> NO
19 STAN JAKSICK (as Co-Trustee of Family Trust)	YES	<input checked="" type="radio"/> NO
20 TODD JAKSICK (as Co-Trustee of Family Trust)	YES	<input checked="" type="radio"/> NO
21 TODD JAKSICK (individually)	YES	<input checked="" type="radio"/> NO
22 TODD JAKSICK (as Trustee of Issue Trust)	YES	<input checked="" type="radio"/> NO
23 MICHAEL KIMMEL (as Co-Trustee of Family Trust)	YES	<input checked="" type="radio"/> NO
24 MICHAEL KIMMEL (individually)	YES	<input checked="" type="radio"/> NO

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1 We, the jury, duly impaneled in the above-entitled action,
2 find that Petitioner, Wendy Jaksick, has proven her **aiding and**
3 **abetting breach of fiduciary duty claim**, by a preponderance of
4 evidence, against:

5 (Please circle only one for each line item)

6 KEVIN RILEY (as Co-Trustee of Family Trust)	YES	<input checked="" type="radio"/> NO
7 KEVIN RILEY (individually)	YES	<input checked="" type="radio"/> NO
8 KEVIN RILEY (as Trustee of BHC Trust)	YES	<input checked="" type="radio"/> NO
9 STAN JAKSICK (as Co-Trustee of Family Trust)	YES	<input checked="" type="radio"/> NO
10 TODD JAKSICK (as Co-Trustee of Family Trust)	YES	<input checked="" type="radio"/> NO
11 TODD JAKSICK (individually)	YES	<input checked="" type="radio"/> NO
12 TODD JAKSICK (as Trustee of Issue Trust)	YES	<input checked="" type="radio"/> NO
13 MICHAEL KIMMEL (as Co-Trustee of Family Trust)	YES	<input checked="" type="radio"/> NO
14 MICHAEL KIMMEL (individually)	YES	<input checked="" type="radio"/> NO

15 We, the jury, duly impaneled in the above-entitled action,
16 find that Petitioner, Wendy Jaksick, has proven her **fraud claim**
17 by clear and convincing evidence, against:

18 (Please circle only one for each line item)

19 TODD JAKSICK (as Co-Trustee of Family Trust)	YES	<input checked="" type="radio"/> NO
20 TODD JAKSICK (individually)	YES	<input checked="" type="radio"/> NO
21 TODD JAKSICK (as Trustee of Issue Trust)	YES	<input checked="" type="radio"/> NO

22
23 (If you circled "yes" to **ANY** of the above claim(s) correlating
24 to **ANY** respondent then proceed to and answer Questions 1 AND 2.
25 If you answered "no" to **ALL** of the above then skip Questions 1
26 AND 2 and sign and date verdict form.)

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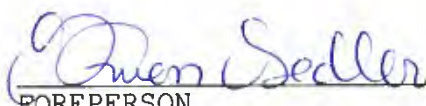
1. We, the jury, duly impaneled in the above-entitled action, having found in favor of Petitioner, Wendy Jaksick, on one or more of her claims against one or more of the Respondents, find that she has proven by a preponderance of evidence the amount of her damages, assess her damages to be \$ 15,000.⁰⁰

2. Has Wendy Jaksick established by clear and convincing evidence that any of the Respondents acted with fraud, oppression, or malice?

(Please circle only one for each line item)

KEVIN RILEY	YES	<input checked="" type="radio"/> NO
STAN JAKSICK	YES	<input checked="" type="radio"/> NO
TODD JAKSICK	YES	<input checked="" type="radio"/> NO
MICHAEL KIMMEL	YES	<input checked="" type="radio"/> NO

DATED this 4 day of March, 2019.


FOREPERSON