

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

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

TODD B. JAKSICK, INDIVIDUALLY AND 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 AND AS A 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.

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Case No.: 81470

Appeal from the Second
Judicial District Court,
the Honorable David
Hardy Presiding

**RESPONDENT/CROSS-APPELLANT WENDY JAKSICK'S
APPENDIX, VOLUME 13**

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Dated this 14th day of June, 2021.

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **RESPONDENT/CROSS-APPELLANT WENDY JAKSICK'S APPENDIX, VOLUME 13** was filed electronically with the Nevada Supreme Court on the 14th day of June, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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1 out the game plan was Stan got his gift into Montreux.
2 He was gonna sell some lots and buy back into Tahoe,
3 which is the reason why we have ACPA Number 10
4 structured the way that we do. It just took us a little
5 bit longer to get all the documentation and get that so
6 that was part of the money that was gonna come in, as
7 well as in December, of 2012, my dad is still alive.
8 Some of the options that we're looking at as we got a
9 purchase of the Bright Holland land, the Burning Man was
10 interested that we felt was gonna close before the year
11 2020. Duck lake was getting some funds from some
12 conservation easement. Bright Holland was getting some
13 funds from some conservation easement. And the game
14 plan was to do basically the same thing that we did with
15 the issue trust where the issue trust bought 54 percent,
16 we would have sold fractional interests to these other
17 -- some of these other entities to buy in to further
18 reduce that debt, and our goal was to get it down to
19 about three million dollars and/or more manageable
20 arrangement, annually, and that's how we would have done
21 it and could have done it.

22 Q And so you would have gone out and sold
23 property, gotten a conservation easement or gotten
24 property from other entities to pay off Incline's debt.

1 **Correct?**

2 A We were already doing that.

3 **Q Which automatically waters down and dilutes**
4 **the issue trust's interest. Correct?**

5 A No, I think your example was is that the
6 issue trust wasn't involved in the purchase. You were
7 wondering how we would have made the purchase if we
8 didn't use the life insurance proceeds. So I was -- the
9 issue trust wasn't in there, wouldn't have diluted them
10 at that point in time --

11 **Q You're right, I apologize.**

12 A It would I just continued to dilute me by
13 having other entities come in, Stan come in, Bright
14 Holland, Duck Lake. I could have funneled some fund
15 money back into my family trust, bought in more, paid
16 down more, Stan could have done the same. We had plenty
17 of avenues to be able to do all this and all the
18 transactions that I referenced were actually
19 transactions that were in the works at the time.

20 **Q And some or all of those entities were**
21 **entities that the family trust owned an interest in.**
22 **Right?**

23 A A few of them -- yes, a few of them would
24 have had some ownership in some of those, yes.

1 Q Some entities that you were in control of.

2 Right?

3 A Not necessarily, no.

4 Q Well --

5 A A few of them, but not all of them.

6 Q All right. And so, again, your -- as manager
7 of Incline TSS you're dealing with these other entities
8 that you control entering into deals with yourself to
9 make sure money gets put over into Incline to pay down
10 this debt. Right?

11 A Well, we didn't do any of that, but that was
12 the game plan that dad laid out while he was still alive
13 is this would be an approach to move forward with.

14 Q And your dad went from having the obligation
15 on the Bank of America mortgage to having that
16 obligation and having now this lease obligation to pay
17 back the Incline TSS doubling his obligations. Right?

18 A No.

19 Q Why not?

20 A Because dad was still on the 6.3 million
21 dollars in debt --

22 Q Yes.

23 A -- but Incline TSS, once we received the
24 rental payment, then Incline TSS was turning around and

1 paying the Bank of America directly, so if -- in 2012 if
2 dad was out of pocket \$22,000 a month for a payment, in
3 the going forward into 2013 he was still out of pocket,
4 it's the same amount, it did not double his monthly
5 amount.

6 **Q It would have if Incline had decided to use**
7 **the money elsewhere. Right? Because he would have**
8 **obligation on both the lease and the mortgage.**

9 A I'd have to review the Bank of America
10 documents. It's my understanding that what I recall is
11 that Incline TSS guaranteed the Bank of America that
12 Incline would making these payments, that it was
13 Incline's obligation, but I don't recall that exactly
14 right now.

15 **Q And you would not have been able to afford**
16 **the annual payments if you had not replaced page 2 of**
17 **the signed option agreement which is Exhibit 542 A.**
18 **Correct?**

19 A I didn't replace that. That was what was
20 agreed to early on, so that we could fund that, but the
21 discussions earlier on were if it was six percent of six
22 million, 6.3 million, that the interest-only payments
23 would have been 360-plus thousand dollars, versus what
24 they were at 159, and we knew right then unless that

1 debt was paid down that you couldn't -- that would have
2 been a much more difficult stretch to make that kind of
3 an interest-only payment. Not saying it was impossible,
4 but it was much more difficult.

5 Q And your annual payment under that loan, the
6 note, unsecured note was less than your dad's annual
7 payments on the lease. Right?

8 A The 159,000?

9 Q Yes, sir.

10 A That sounds accurate.

11 Q 22,000 times twelve is more than 159,000.
12 Right?

13 A Yes.

14 MR. SPENCER: I'm going to offer Exhibit 52,
15 your Honor. Stipulated.

16 THE COURT: 52 is admitted, Ms. Clerk.

17 MR. SPENCER: Let me make sure. Yes, it's
18 stipulated.

19 THE COURT: Okay. 52 is in.

20 (Exhibit 52 is admitted into evidence.)

21 BY MR. SPENCER:

22 Q This was a memo that you received from Pierre
23 Hascheff June 1 of 2012. It references that the
24 interest payments at Bank of America on the 6.3 million

1 dollar mortgage would convert to principal and interest
2 payments and substantially increase Sam's payments to
3 the bank and reduce his available cash flow. Do you
4 know when that was gonna happen?

5 A I believe that it was sometime in the latter
6 part of 2013, maybe early 2014, I don't -- can't tell
7 you the exact date. But it was definitely something
8 that was on everybody's radar screen to get this thing
9 refinanced as quickly as possible before that happened.

10 Q And Mr. Hascheff is providing tax liability
11 advice in this first paragraph, isn't he?

12 A Independent of where you have highlighted or
13 also?

14 Q I'm sorry, right under there where it says
15 "State tax liability going forward and also avoid the
16 500,000 dollar excise tax, to be applied in 2013 if the
17 sale occurs in 2013."

18 A Yes. These were -- I can't say whether he is
19 giving tax advice or whether he's summarizing what Kevin
20 Riley would have said in our discussions.

21 Q And then in the second paragraph what you
22 were alluding to earlier about these new affiliates
23 buying in would likely to be Toiyabe, generating cash
24 for Montreux, BHC from fly ranch, DLR, that's Duck Lake

1 **Ranch, in 2013 with conservation easements.**

2 A Yeah.

3 Q **See that?**

4 A I do, yeah. I didn't know we had that in
5 there, but yes.

6 Q **And so that was a communication between you,**
7 **Mr. Hascheff sent it to you and Mr. Riley. Correct?**

8 A Yes. Then Stan would have been involved in
9 those discussions regarding the Montreux lots at some
10 point in time.

11 Q **But this is -- it says at the top right**
12 **corner, scroll down, Keith.**

13 **"Attorney/client privileged communication" so**
14 **Stan was not included in this one, was he?**

15 A Must not have been in that email. I don't
16 see his name over there, no.

17 Q **And you also said that the trust was**
18 **consulting an attorney about bankruptcy. Right?**

19 A What time frame are you talking about?

20 Q **After your dad's death.**

21 A Before dad passed away and after dad passed
22 away, that is correct.

23 Q **And you understand as cotrustee if the family**
24 **trust pays all of its obligations, that -- including**

1 those under your indemnity agreement, that that would
2 wipe out the assets of the family trust. Would that be
3 true or not?

4 A I'm not sure. Could you explain that maybe a
5 little differently or ask it differently?

6 Q Is it your understanding that the liabilities
7 of the family trust outnumber the assets of the family
8 trust?

9 A At what time frame?

10 Q Well, in relation to the creditors' claims
11 against the family trust. You testified that the family
12 trust was not insolvent, didn't you?

13 A Yeah, I would say that we felt that at a
14 point in time when we were able to refinance or keep the
15 banks at bay in the first part of 2013 or so, that we
16 did feel that there was value in the estate at or around
17 the time that the creditor claims, I believe that to be
18 the case.

19 Q Including you indemnity agreement. Correct?

20 A I would file that as part of the creditor
21 claims, correct.

22 Q You certainly would have to determine the
23 scope and the breath of your indemnity agreement and
24 what it covered before you could make that assessment.

1 **Right?**

2 A Well, we knew what it covered because it
3 covered everything on Exhibit A.

4 **Q But that continued to morph over time as**
5 **things occurred. Right?**

6 A Well, for example, let's just take one of the
7 loans on Exhibit A, Buckhorn Land & Livestock. It was a
8 loan that was on the indemnification agreement for -- to
9 be indemnified for. But we sold the conservation
10 easement out at Buckhorn Land & Livestock which
11 generated enough cash to pay off those debt obligations
12 so, therefore, I didn't have to ask for any funds
13 associated with that Buckhorn Land & Livestock, per that
14 Exhibit A.

15 So I was just kind of giving you an example
16 that's why we were saying it was just unknown because we
17 were actively doing everything we could do to sell
18 lands, easements, generate cash flow in any way we could
19 to pay off those obligations so that we didn't have to
20 request funds to any huge degree from the family trust.

21 **Q And there was an outstanding balance in**
22 **relation to the Bronco Billy's investments, you**
23 **mentioned earlier the bank was thinking about making a**
24 **call on the loan because your dad died. Right?**

1 A Yes, they were.

2 Q That was six million dollars. Correct?

3 A I think it started out at ten and could have
4 been down to around six.

5 Q All right. And that was paid off once Bronco
6 Billy's sold. Right?

7 A Yes. The six was -- the six was paid off
8 from the sales proceeds of Bronco Billy's, that is
9 correct.

10 Q Yeah. And so the amount received was net of
11 the amount that was owed.

12 A Yes.

13 Q For the investment.

14 A Yes.

15 Q All right. And then six million dollars came
16 in from the life insurance proceeds on your father.
17 Right?

18 A Yes.

19 Q And then 6. --

20 MR. ROBISON: Let me object as to which life
21 insurance policy counsel's referring to. The insurance
22 policy or the issue policy?

23 MR. SPENCER: Yeah.

24 THE COURT: You have to clarify that, please,

1 Mr. Spencer.

2 MR. SPENCER: Sure.

3 BY MR. SPENCER:

4 Q And I'm talking about the six million dollars
5 that the issue trust received that were then used later
6 to buy Incline and pay off the note. Right?

7 A Yes.

8 Q And then there was 6.2 or 3 million dollars
9 that was received based on the Fly Geyser sale by Bright
10 Holland. Right?

11 A There was about 4.5.

12 Q That was the net; is that right?

13 A Yes.

14 Q Because there was a loan there as well that
15 you just mentioned. Correct?

16 A There was a lot of loans there, yes.

17 Q And then you testified there was 19 million
18 dollars in conservation easement money that was
19 received?

20 A Not necessarily received. It was -- a
21 portion of that was actually received and a portion of
22 it the federal government went to each property, they
23 haven't even completed it all yet to tell you the truth,
24 but they were going to do improvements on the land that

1 would increase the value of the property for stream
2 rehava -- rehabilitation, et cetera, so we didn't get
3 that 19 million that you're talking about.

4 Q Yeah. How much was received that was able to
5 be used to pay down debt?

6 A I'd say approximately 12.

7 Q Twelve? All right. And so part of that 33
8 million dollars that we've seen in this graphic which is
9 a demonstrative included that debt that was paid off in
10 relation to Bronco Billy's. Right?

11 A I believe so.

12 Q Okay. And six million from -- that was paid
13 Bronco Billy's -- you paid off the six million and
14 received how much? 6.3?

15 A That sounds about right, 6.3, and then we had
16 -- a couple million of that had to go to pay taxes.

17 Q And so you have 6.3 million from Bronco
18 Billy. Six million in life insurance proceeds in the
19 issue trust. You had 6.3 million from the Fly Geyser
20 sale that netted 4.5. And then 12 million in cash that
21 came in from the conservation easements. Correct?

22 A I'm not totally sure, but it sounds about
23 right.

24 Q That's 29, according to my calculation, 29.2

1 million dollars that came in after your father died.

2 A Okay.

3 Q Okay. And so -- and those were things that
4 were done either as a matter of course in the
5 transactions or to generate income from property that
6 was owned by the Jaksick family interests. Right?

7 A Yes, we were doing anything we could to be
8 able to generate cash flow, that's correct.

9 Q Generating cash flow, but as opposed to going
10 out and earning or generating some sort of income from
11 an investment or some great deal that you worked that
12 brought in a whole bunch of new money. Right?

13 A No, these were very difficult transactions
14 and took a tremendous amount of time that were new deals
15 that we were putting together those conservation
16 easements, land, some land sales, um, I mean, we were
17 working on this thing nonstop. And those numbers that
18 you're talking about don't take into consideration debt
19 that's paid on each individual transaction or interest
20 carry annually on each loan, I mean, there's a
21 tremendous amount of factors.

22 Q Well, and so all this debt that's been paid
23 down, you know, patting yourself on the back when you
24 paid it down came from money that -- and property that

1 was already owned by the Jaksicks. Correct? And their
2 entities.

3 A A lot of it, yes, that's -- uh-hum.

4 Q And you did a 1031 exchange with Mr. Jamison,
5 that was a swap. Correct? That got rid of that debt.

6 A Yes, we did do a 1031 debt.

7 Q And that credit was used to buy properties
8 that are still owned and it has been paid down with some
9 of that money. Right?

10 A Yes, a lot -- yeah, there's been quite a bit
11 of it's been sold for sure.

12 Q Met Life has been used to pay down debts as
13 well. I'm sorry, the Jaksick family value and entities
14 have paid down some of the Met Life debt as well.
15 Right?

16 A We have largely through conservation
17 easements, as well as selling some of the interest to
18 partners.

19 Q And you mentioned in relation to Jack Rabbit
20 that Mr. Satre invested two million dollars. Correct?

21 A Yes.

22 Q And that paid down the debt, didn't it?

23 A Yes, it did.

24 Q And --

1 A Or -- yes, it did.

2 Q And the Billson Durham debt has been paid
3 down as well. You paid off, I mean, as a settlement.

4 A I don't recall it being a settlement. I just
5 recall it being -- paying them the full amount due of
6 approximately two million.

7 Q And you had personal interests in many of
8 those entities where that debt was paid off, and you and
9 your trust got the benefit of that. Right?

10 A We all got the benefit of it, all our
11 interests were in line if we sold an easement within
12 other entity and we reduced the debt, everybody
13 benefits.

14 Q Sir, you certainly understand that many of
15 these entities you own you or your trust own 51 percent
16 every. Right?

17 A Some of the ones that you just brought up,
18 no, that's not the case.

19 Q Are you saying you don't have 51 percent of
20 Jaksick entities?

21 A Some of them I do, but not very -- not as
22 many as I think you're alluding to.

23 Q Right. And the family trust is paying down
24 the debt and you're getting 51 percent of the benefit,

1 **aren't you?**

2 A You'd have to be more specific. All I can
3 think of is the one loan that has to do with Loan 101
4 for Home Camp.

5 Q **I credit that's the big loan facility that's**
6 **cross-collateralized.**

7 A All of those debts are paid off except for
8 one loan.

9 Q **And Home Camp is a good example, that one is**
10 **51 percent, 49 percent. Right?**

11 A Yes.

12 Q **And Mr. Hascheff, was he involved with that?**

13 A I'm not sure. I think there was others
14 involved to start out with because I think the purchase,
15 original home camp purchase was in about 2003 or 4 and
16 I'm not sure when Pierre came on.

17 Q **But you ultimately ended up with 51 percent**
18 **of it that was then owned by Nevada Pronghorn 2. Right?**

19 A Ultimately, yes.

20 Q **And how much was that -- what were the**
21 **ownership percentages of that one?**

22 A All those entities rears there home camp,
23 Nevada Pronghorn, Nevada Pronghorn 2, all those entities
24 have the same ownership.

1 Q You and your trusts own a 51 percent versus
2 Sam, your dad, having 49.

3 A Correct.

4 Q With no investment from you other than being
5 put on a personal guarantee. Right?

6 A No. There was a significant investment. We
7 -- we borrowed money.

8 Q Right.

9 A From the bank.

10 Q Right.

11 A So we could utilize those funds. And then
12 we went out and sold land within those -- that
13 particular entity to be able to pay down some of our
14 annual needs, as well as some of the bank loans. For
15 example, one of the loans was a sale of -- for example,
16 one of the sales we had was a sales to the BLM way back
17 when of approximately 4.5 million dollars that generated
18 cash flow to help us fund that entity and to be able to
19 pay down some debt, but at the time dad wanted to keep
20 most of the cash.

21 Q My point is that at the time that you were
22 getting 51 percent of these entities you were not
23 investing any of your own money in them, you were
24 agreeing to personally guarantee the loans. Right?

1 A No, we were investing money. It depends, I
2 mean there's --

3 Q **I'm talking about you.**

4 A Yes. If you could be more specific. There's
5 many different entities and you're kind of lumping them
6 all together and there's different circumstances for
7 each entity.

8 MR. SPENCER: Your Honor, I offer Exhibit 90?

9 MR. ROBISON: No objection, your Honor.

10 MR. SPENCER: Stipulated.

11 THE COURT: 90 is admitted, Ms. Clerk

12 COURT CLERK: Thank you.

13 (Exhibit 90 is admitted into evidence.)

14 BY MR. SPENCER:

15 Q **It's a list of the top revised February 13th,**
16 **2013, of Jaksick entities. Do you see that?**

17 A Yes, I do.

18 Q **There's one there BBB Investments, 51/49.**
19 **Down at the bottom Duck Flat Ranch, 51/49. Do you see**
20 **that?**

21 A I do, yes.

22 Q **Duck Flat -- I mean I'm sorry. Aspen Streams**
23 **up above, it's owned a hundred percent by your two**
24 **trusts.**

1 A Okay.

2 Q And Home Camp is on the next page, 49 percent
3 SSJ Issue Trust, 51 percent your two trusts. Incline
4 TSS, this one, I guess, was February 13th when Sam
5 wasn't in, you owned a hundred percent of Incline.
6 Right? February, '13?

7 A Yes. I think some of these aren't accurate
8 but yes, I do see that one.

9 Q All right. And so there were a number of
10 entities that were owned 51 percent by you and 49 by Sam
11 or the family trust or the issue trust and the trusts
12 were paying off the debt. Right?

13 A No. Like I said, the sales that we were
14 generating income from were helping pay down those
15 debts. I mentioned to you, if you want to be more
16 specific like with Home Camp, for example, we sold
17 parcels to the BLM that generated about four and a half
18 million which was helping make those payments. And we
19 took about six or eight parcels of land that were kind
20 of scattered 40's, 80's, 80 acres, 160-acre parcels, and
21 we were generating cash flow from selling some of those
22 as well to help service our debt.

23 Q The land that was acquired by the debt that
24 was on the -- that had a lien against it.

1 A Yes. That's what typically would happen is
2 we would get a loan, purchase a piece of property, and
3 then once we purchased the piece of property, then we
4 would be out working on selling those parcels to
5 generate income to help pay down our debt, as well as
6 service our debt.

7 Q And then you used the indemnity agreement to
8 pay your portion of those debt obligations, didn't you?

9 A I started using the indemnification on that
10 particular loan on Home Camp starting after dad had
11 passed away.

12 Q And so with the indemnity agreement the trust
13 is paying -- family trust is paying all of the debt and
14 you're getting 51 percent of the benefit. Right?

15 A No, they haven't paid all of the debt. Every
16 time that they have made a payment, which I think
17 there's, like, four or so of those, we have carried it
18 on the books as a note that I owe those funds back to
19 the family trust. And then we're going to let -- based
20 off of Pierre Hascheff's testimony, going to let this
21 court, Judge Hardy, analyze the indemnification
22 agreement and make a decision on it, but as of now we're
23 carrying notes on the books so that I owe that money
24 back that they paid.

1 Q Claims that -- but you've made claims against
2 the trust to pay those payments, it's not paid off but
3 payments.

4 A Yes, there was some payments, yes.

5 Q Uh-hum.

6 A Uh-hum.

7 Q And you're the trustee who's supposed to
8 determine whether the indemnify agreement covers that or
9 not. Correct? You and your team?

10 A Yeah, I would say that the trustees, all the
11 trustees would make that determination, yes.

12 Q Yeah. And you testified earlier that
13 Kimmel's done nothing wrong. Right?

14 A Not that I'm aware of.

15 Q Yeah. And he's part of the team, isn't he?

16 A He's a cotrustee of the family trust.

17 Q And he votes with you every time, doesn't he?

18 A No, sir, he does not.

19 Q Certainly voted with you against Stan, hasn't
20 he?

21 A I can't recall an instance, but that is
22 certainly not the case that he always votes with me.

23 Q But he has.

24 A I'm sure that he has voted with me. I

1 remember -- um, yeah, I think there probably was a time
2 or two where he has voted with me.

3 Q And he's sworn to the accountings, verified
4 that they're true and correct, hasn't he, Mr. Kimmel?

5 A I believe it's the same situation where we
6 have verified that Mr. Riley prepared the accountings
7 that we were submitting to the Court.

8 Q And you think this super smart guy that you
9 testified about earlier that's a lawyer didn't
10 understand that statement he made in relation to the
11 accountings?

12 A I'm not sure. You'd have to ask him.

13 Q Well, assuming that he understood it and he
14 agrees with it and you don't, that creates a problem,
15 doesn't it? Talking about the verification of the
16 information in the accountings. Mr. Kimmel agrees that
17 it's true and correct and you don't know or you can't,
18 that creates an issue, doesn't it?

19 A I don't believe so, no, because I believe we
20 both attest to the fact that Kevin Riley prepared the
21 accountings and that we trusted in what he was doing and
22 that we agreed with his analysis of the accountings.

23 Q Do you recall verifying that the information
24 contained in the financial statements was true and

1 correct?

2 A I -- probably so, yeah.

3 Q All right. And you also recall Mr. Hascheff
4 being asked by your attorney whether Mr. Riley was
5 instrumental in implementing the decisions of the
6 cotrustees. You remember that?

7 A No.

8 Q Okay. He is instrumental or has been
9 instrumental in that, hasn't he? Mr. Riley.

10 A I guess I'm not sure if I'm able to answer
11 your question properly, but he certainly provides us his
12 accounting knowledge and his expertise as being the
13 family accountant that helps us make decisions.

14 Q Part of the team that makes the decision.
15 Right?

16 A I don't know if he's part of the team that
17 makes the decision, but he is part of the team that
18 helps us make the decisions.

19 Q Mr. Kimmel's part of the team that's as well.
20 Right?

21 A Yeah, Mr. -- Mr. Kimmel, Stan and myself are
22 the trustees, and Kevin Riley is the accountant that we
23 have hired to be able to analyze all of the accounting
24 work for us.

1 Q And you understand the aiding and abetting of
2 breach of fiduciary duty that you were asked about
3 earlier regarding Mr. Riley encompasses the time period
4 before and after he was a trustee. Right?

5 MR. ROBISON: Objection. This court has
6 ordered otherwise in the motion to dismiss.

7 THE COURT: I believe that question harkened
8 to a question that Mr. Robison asked; is that correct?

9 MR. SPENCER: That's correct, your Honor.

10 THE COURT: Overruled.

11 THE WITNESS: Could you ask the question
12 again, please?

13 BY MR. SPENCER:

14 Q That it's not just the period of time when
15 Mr. Riley was serving as cotrustee, but it was before
16 and after that as far as the breach of -- aiding and
17 abetting breach of fiduciary duty?

18 A I'm not sure.

19 Q Okay. And then when the team has a meeting,
20 obviously at some point in that meeting there is a
21 decision that's made and there's a meeting of the minds
22 in that regard. Correct?

23 A Not necessarily. I mean, there could be
24 times where not everybody totally agrees.

1 Q Well, the group as a whole agrees before the
2 cotrustees proceed. Right?

3 A I can't really say that. We make a decision,
4 it's really the cotrustees making the decision, I can't
5 -- I think what you're basically saying is if Stand and
6 Mike and I agree to something then all of a sudden that
7 means that Kevin, Bob, Mike or Don Lattin or whoever are
8 all agreeing and I just don't necessarily know that's
9 the case.

10 Q Participated in the meeting where the
11 decision was made. Correct?

12 A For the most part, yes, we have been. It
13 depends what meeting --

14 Q Sure.

15 A -- you're talking about. I mean, there's a
16 thousand different circumstances, but there is meetings
17 when everybody participates. There's meetings when
18 there's not everybody that participates.

19 Q And you testified earlier that it was
20 stressful for your father to pay for Wendy's expenses.

21 A Because they would have continual arguments
22 over that, yes.

23 Q The only time you ever saw your dad's face
24 turn red was when -- was over Wendy and having to deal

1 **with those expenses.**

2 A At the office that's when I would see dad's
3 face getting red when he was coming out of meetings
4 dealing with budgets with Wendy, yes.

5 Q **Did his face turn red when you attacked him**
6 **in front of Stan?**

7 A I never attacked him in front of Stan.

8 Q **Do you recall Stan testifying to that?**

9 A I recall Stan saying that I was in a meeting
10 with dad where I was swearing at dad, and I do not ever
11 recall that meeting.

12 There was a meeting where dad had gotten in
13 trouble down in Arizona for a case that he had going on
14 down there, and I recall saying words that I couldn't
15 believe us having a discussion about one of the guys
16 that was involved in the case with dad down in Arizona.
17 And I do not recall any such thing different than that.

18 Q **You standing over your dad berating him and**
19 **threatening him, you don't recall that?**

20 A Absolutely not.

21 Q **Okay. And you know that it's up to you to**
22 **show what it was that was disclosed in relation to the**
23 **ACPAs. Right?**

24 MR. ROBISON: Objection, calls for a legal

1 disclosure on burden.

2 THE COURT: Overruled.

3 THE WITNESS: Could you be a little more
4 specific, please?

5 BY MR. SPENCER:

6 Q Yes. I'm asking you as trustee understanding
7 your obligation of full disclosure you understanding
8 that it's your obligation to show and prove what it was
9 that was disclosed to the beneficiaries in relation to
10 the ACPAs. Right?

11 A I'm not sure. I'm not sure.

12 Q You don't know that?

13 A Yeah, I don't know what is exactly required
14 to be disclosed along side with the ACPAs. I just know
15 that we had ACPAs and if there was other documents that
16 were associated with the ACPAs, they were separate
17 documents.

18 Q Well, you just testified Mr. Robison showed
19 you that paragraph, he kept showing you this is binding
20 and everything's waived and all of that, and you don't
21 know what was required in order to make that binding
22 paragraph binding; is that right?

23 A I think the document itself, the wording
24 within the document was my understanding exactly what we

1 were agreeing to.

2 Q You rely upon that but you don't have to rely
3 upon the disclosure that you were required to make; is
4 that correct?

5 A I'm not sure. This is just the way the
6 counsel prepared these documents.

7 Q Is you made a comment about the orphan
8 signature pages on how it references in Exhibit 14.

9 You want to pull that up, Keith?

10 How it referenced in Exhibit 14 the various
11 parties. Right?

12 MR. ROBISON: 14.

13 MR. SPENCER: Exhibit 14.

14 MR. ROBISON: Thank you.

15 BY MR. SPENCER.

16 Q Did I hear you say earlier that where it says
17 "Todd B. Jaksick, Member," that's supposed to mean your
18 family trust?

19 A Todd B. Jaksick and my family trust, yes.

20 Q No, it doesn't say and my family trust, it
21 says Todd B. Jaksick, individually.

22 A Okay.

23 Q You said earlier that that indicates Todd B.
24 Jaksick's family trust, and that's just not a fact, is

1 **it?**

2 A I'm not sure, you -- Brian McQuaid would have
3 to answer that.

4 **Q How did you testify earlier that was the case**
5 **if you're not sure?**

6 A All I can say is that Brian McQuaid knew who
7 the members were, and I don't know whether it's
8 appropriate to put Todd B. Jaksick or Todd B. Jaksick
9 Family Trust, I'm not sure, but either way it's Todd
10 Jaksick.

11 **Q Well, you testified earlier that that entry**
12 **there, Todd B. Jaksick, meant your family trust.**

13 A That's what I was alluding to, yes, I
14 understand that.

15 **Q That's just flat-out deceptive to the**
16 **beneficiaries that are signing this document, isn't it?**

17 A I don't believe so, but.

18 **Q You've testified earlier that you understand**
19 **the difference in the various capacities that you hold.**
20 **Right?**

21 A Yes.

22 **Q And you individually is different than you as**
23 **trustee of your family trust. Right?**

24 A Um, I think it's me both ways. I think my

1 family trust -- it could be. I'm not sure.

2 Q Okay. And then you also testified that
3 wasn't until this Exhibit 16, the ACPA dated July 24th,
4 2013 or '17 where you realized that one of your
5 beneficiaries was an adult. Is that true?

6 A Necessarily wasn't note that she was an
7 adult, it was the fact that the primary beneficiaries
8 were originally thought to be the first lineal
9 descendants of dad which was Stan, Wendy and Todd, and
10 Lexi is the daughter of Wendy. And so I think Brian
11 McQuaid originally took the position that the primary
12 beneficiaries were the direct kids of dad.

13 Q And you understand that the point of the
14 orphan signature page is not that it references
15 something in the document, but that if it's an orphan
16 signature page the previous documents can be changed
17 out, manipulated, typed, new stuff typed in or whatever,
18 you understand that that's the point. Right?

19 A No, sir, I do not.

20 Q Why is that not the case? If you've got an
21 orphan signature page that has no indication that it's
22 attached to anything else, why would it not be possible
23 to change out pages or to change terms or to manipulate
24 margins or to do those kinds of things?

1 A 'Cause I don't do those kinds of things.

2 Q I didn't ask you that. I asked you if it was
3 possible.

4 A I think anything's possible.

5 Q Well, yeah. And that's why if we look at
6 Exhibit 14, the signature page, and I'll limit this,
7 your Honor.

8 THE COURT: I didn't hear you. You said
9 something but you were partially turning toward me.

10 MR. SPENCER: If you look at -- and I'm going
11 to run through these just real quick.

12 THE COURT: Run through these, but speak
13 slowly, though. That's for our reporter.

14 MR. SPENCER: Yes, sir.

15 BY MR. SPENCER.

16 Q If we look at Exhibit 14 signature page.
17 Blow it up some, Keith, so we can see the whole page.

18 There you go. Orphan signature page, nothing
19 indicating it's connected to anything. It references
20 some parties that may be in the document, but nothing
21 there. Exhibit 15 signature page, orphan signature
22 page. Right? Nothing connecting it to anything, other
23 than the primary beneficiaries there. Right?

24 A Yeah, I'm not sure what the footer means but,

1 I mean, this is just the way counsel prepares documents,
2 both of them, both counsels.

3 Q 16, Exhibit 16, signature page, orphan
4 signature page.

5 MR. ROBISON: Objection. That's not the full
6 signature page. The signature starts in the previous
7 page which shows a content of the document, and that's
8 misleading.

9 MR. SPENCER: Sure. All right. Show the
10 previous page.

11 THE COURT: So it is misleading unless you
12 take the time to show it sequentially. This is
13 important enough to go through, please go through it
14 slowly.

15 MR. SPENCER: Okay.

16 BY MR. SPENCER:

17 Q Page 2, well, that one's not an orphan
18 signature page, you can clearly see that it's connected
19 to the document. Right?

20 A It's the same -- it's the same document. I
21 don't know why Brian McQuaid decided to put part of the
22 signatures on page 2. I guess he could have put all
23 those on page 3 if he wanted to. I mean, probably you
24 just have to ask him why he prepares the documents that

1 way.

2 Q But then when the beneficiaries sign on page
3 3 of Exhibit 16, that's an orphan signature page.
4 Right?

5 MR. ROBISON: Objection. Mr. Jaksick, Stan
6 Jaksick is a beneficiary and he signed on page 2.

7 THE COURT: So I need an evidentiary
8 objection. I believe you're saying it's misleading.

9 MR. ROBISON: And misstates.

10 THE COURT: And misstates. Overruled.

11 BY MR. SPENCER:

12 Q Mr. Stan Jaksick signed on the second page as
13 a cotrustee, not as a beneficiary. Right?

14 A I'd have to look at that.

15 Q Blow that up, Keith.
16 Cotrustee, Stan signed that.

17 A Okay.

18 Q I asked you about the beneficiaries. And
19 that beneficiary page is not connected to anything, is
20 it?

21 A Like I said, you -- I think Brian McQuaid's
22 going to be deposed, you can ask him why he prepared
23 them that way. I don't know.

24 Q Exhibit 17, page 2, up one. There you go.

1 **Trustees sign on that page? And then we have**
2 **an orphan signature page where the beneficiaries sign,**
3 **don't we?**

4 A And a footer at the bottom.

5 Q Yeah, we'll look at that tomorrow. Exhibit
6 18? Through this so we can end.

7 **Page 2, trustees sign. And then next page,**
8 **beneficiaries sign, that's an orphan signature page.**
9 **Exhibit 19?**

10 MR. ROBISON: Ask a question he can answer,
11 your Honor.

12 BY MR. SPENCER:

13 Q **Can you answer? Is that right?**

14 THE COURT: Sustained.

15 THE WITNESS: I don't know how else to answer
16 them except for I don't know why Brian McQuaid prepared
17 them that way.

18 BY MR. SPENCER:

19 Q **All right. Then and two more, Exhibit 19,**
20 **page 2, trustee sees sign?**

21 MR. ROBISON: Page 2. The jury's being shown
22 page 3. Thank you.

23 BY MR. SPENCER:

24 Q **It's page 2.**

1 MR. ROBISON: It is now.

2 MR. SPENCER: It was. And so --

3 THE COURT: All right, counsel, at that point
4 in the transcript it marks the first sanction against
5 both of you.

6 MR. SPENCER: Okay.

7 THE COURT: Carry on, please.

8 BY MR. SPENCER:

9 Q And then page 3, orphan signature page, is
10 that an orphan signature page there?

11 A I just -- I'd have to say the same thing. I
12 don't know why Brian McQuaid prepared it that way but it
13 shows the footer right there so I don't know if that
14 ties it back to the main part of the document, I'm not
15 sure.

16 Q And then last, Exhibit 20, page 2, cotrust --
17 you as a cotrustee signed there. But then on the next
18 page 3, again, notwithstanding the trustee, cotrustee
19 Stan signed at the top the beneficiaries. This is an
20 organ signature page. Right?

21 A Yeah. Same comment on my behalf.

22 MR. SPENCER: Thank you, your Honor.

23 BY MR. SPENCER:

24 Q And then just for the record, Exhibits 21, 2

1 and 3, the other ACPAs are not like that. Are you aware
2 of that?

3 A I'm not sure.

4 MR. SPENCER: Okay, your Honor. Thank you.
5 Stop for the day.

6 THE COURT: You're done?

7 MR. SPENCER: I just got a few more questions
8 tomorrow. We'll go until five?

9 THE COURT: You can go until about 4:40, about
10 five more minutes.

11 Stand for just a moment, ladies and gentlemen.
12 Unless you think you're going to take more than that
13 time which is fine, but I just want to know how --

14 MR. SPENCER: I'll try. And I'll try and wrap
15 up, your Honor, in just a few minutes.

16 THE COURT: Okay. Be seated, please.

17 MR. SPENCER: Your Honor, after all that I'll
18 pass the witness.

19 THE COURT: All right. Ladies and gentlemen
20 during this --

21 MR. ROBISON: We get to go?

22 THE COURT: Would you like to begin for a few
23 minutes or shall I just send the jury home?

24 MR. ROBISON: He's their witness.

1 THE COURT: Excuse me. Direct, cross,
2 redirect, recross.

3 MR. ROBISON: Thank you.

4 THE COURT: Waived. At the moment.

5 MR. ROBISON: No, not just -- I was asking the
6 court whether we got recross.

7 THE COURT: Yes.

8 MR. ROBISON: Okay. Thank you.

9 THE COURT: Please.

10 MR. ROBISON: Then we pursue that.

11 THE COURT: Would you like to begin? You have
12 about five minutes, or we can reconvene tomorrow
13 morning.

14 MR. ROBISON: Well, I'll use five minutes.
15 Let's get some more done.

16 THE COURT: Go ahead.

17 RECROSS EXAMINATION

18 BY MR. ROBISON:

19 Q Mr. Jaksick.

20 A Yes, sir.

21 Q With respect to the ACPAs and the signature
22 configurations, those pages that counsel refers to as
23 orphans, they were signed in a group setting most of the
24 time, weren't they?

1 A They were signed with a document, yes.

2 Q And did you ever hear a question from Wendy
3 about these pages that she signed, all ten times, all
4 ten ACPAs?

5 A Not until more recently when she said they
6 were all forged.

7 Q All right. Did she not hold out on a
8 signature on one?

9 A Yes.

10 Q And did she ask for some remuneration in
11 exchange for signing a ACPA that reflected the truth?

12 A I'm not sure what remuneration means.

13 Q That's money.

14 A Okay.

15 Q That's a lawyer word for money.

16 A Okay. She did.

17 Q Well, did you cave? Did you pay her the
18 money for her signature?

19 A No, we did not.

20 Q Did you get the signature?

21 A Yes, she did provide the signature to Stan.

22 Q And how did Stan get it?

23 A Wendy emailed it to Stan.

24 Q From her email address?

1 A Yes.

2 Q Any reason to dispute the authenticity of
3 that signature Wendy put on that ACPA?

4 A No, she said she signed it.

5 Q In what? In the email?

6 A I'm not sure it was the email, but later on
7 she did say she signed it.

8 Q You ever heard Wendy use the phrase orphan
9 page, orphan signature page?

10 A No.

11 Q When's the first time you heard that?

12 A As part of this case.

13 Q From counsel?

14 A Yes.

15 Q Has Stan ever referred to any of these as an
16 orphan page that he did not sign?

17 A Not that I recall right now.

18 Q Wendy has claimed that her signature was
19 forged on a couple of these. Correct?

20 A Correct.

21 Q And we hired a handwriting expert to opine on
22 her signatures?

23 A Correct.

24 Q You know what that opinion is, don't you?

1 A I do.

2 Q **She signed every one of them, didn't she?**

3 MR. SPENCER: Objection, your Honor, leading
4 and hearsay.

5 THE COURT: Sustained.

6 BY MR. ROBISON:

7 Q **Do you know what Exhibit 220 finds? 220 is**
8 **in evidence? That's the expert report of Jim Green.**

9 A Yes. The signature expert says that Wendy's
10 signature was on all of these ACPAs.

11 MR. ROBISON: Thank you. Can I continue
12 tomorrow, your Honor?

13 THE COURT: Yes. Ladies and gentlemen, during
14 this evening recess --

15 Ladies and gentlemen, you are admonished not
16 to converse amongst yourselves or with anyone else on
17 any subject connected with this trial.

18 You will not read, watch or listen to any
19 report of or commentary on the trial by any person
20 connected with this case, or by any medium of
21 information including without limitation the newspaper,
22 television, internet or radio.

23 You're further admonished not to form or
24 express any opinion on any subject connected with this

1 trial until the case is finally submitted to you.

2 Please remember that includes any form of
3 electric research and experimentation.

4 Our trial day tomorrow for the attorneys will
5 start at nine a.m., but I don't want you to be here
6 while we work and so I will have you return into the
7 jury deliberation for entry into the courtroom at 11:00
8 a.m.

9 Now, here's our trial schedule for tomorrow.
10 Please eat before you arrive at 11 because we'll go from
11 11 to 12:30, taking a 15-minute break, 12:45 to 2:15,
12 taking a 30-minute break, 2:45 to 4:00, a 15-minute
13 break, and then 4:15 to about 4:45.

14 We will see you tomorrow at 11:00. Ladies and
15 gentlemen, the delay is caused by this Court's calendar
16 and other obligations, not counsel, not any of the trial
17 participants. It's possible I won't call you in until
18 11:10ish or so, I think it will be 11:00. Please be
19 patient. And if not, hold it against me and not any of
20 the trial participants. We'll stand for our jury.

21 (Jury leaves courtroom for the day.)

22 THE COURT: I'll just have you write, Ms.
23 Reporter, that I'm going to keep counsel and we're talk
24 about instructions for awhile, but I don't want our

1 conversation to be written.

2 REPORTER: Thank you.

3 (Proceedings recessed until February 26, 2019,
4 at 11:00 a.m.)

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1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3 I, JULIE ANN KERNAN, official reporter of
4 the Second Judicial District Court of the State of
5 Nevada, in and for the County of Washoe, do hereby
6 certify:

7 That as such reporter I was present in
8 Department No. 15 of the above court on Monday,
9 February 25, 2019, at the hour of 8:40 a.m. of said day,
10 and I then and there took verbatim stenotype notes of
11 the proceedings had and testimony given therein upon the
12 Jury Trial of the case of In the Matter of the
13 Administration of the SSJ'S ISSUE TRUST & SAMUEL S.
14 JAKSICK, JR. FAMILY TRUST, Case Nos. PR17-00445 &
15 PR17-00446.

16 That the foregoing transcript, consisting of
17 pages numbered 1 through 273, both inclusive, is a full,
18 true and correct transcript of my said stenotype notes,
19 so taken as aforesaid, and is a full, true and correct
20 statement of the proceedings of the above-entitled
21 action to the best of my knowledge, skill and ability.

22 DATED: At Reno, Nevada, this 11th day of May, 2019.
23 /s/ Julie Ann Kernan

24 JULIE ANN KERNAN, CCR #427

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Code No. 4185
SUNSHINE LITIGATION SERVICES
151 Country Estates Circle
Reno, Nevada 89511

SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

HONORABLE DAVID A. HARDY, DISTRICT JUDGE

In the Matter of the
Administration of the:

Case No. PR17-00445

SSJ's ISSUE TRUST.
_____ /

Department No. 15

In the Matter of the
Administration of the:

Case No. PR17-00446

SAMUEL S. JAKSICK, JR.,
FAMILY TRUST.
_____ /

Department No. 15

AND OTHER RELATED MATTERS.

TRANSCRIPT OF PROCEEDINGS

CIVIL JURY TRIAL

FEBRUARY 26, 2019

DAY 8

Reno, Nevada

REPORTED BY: DEBORA L. CECERE, NV CCR #324, RPR

JOB # 530644

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A P P E A R A N C E S

(CONTINUED)

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1 FEBRUARY 26, 2019, TUESDAY, 11:00 A.M., RENO, NEVADA

2 -oOo-

3
4 (Whereupon the following proceedings were had
5 in the presence of the jury.)

6 THE COURT: Good morning. Please be seated
7 everyone.

8 And, Counsel, you may continue your examination.

9
10 TODD JAKSICK,

11
12 called as a witness in said case,
13 having been first previously sworn, was
14 examined and testified as follows:

15
16 RE-CROSS EXAMINATION

17 (Resumed)

18
19 BY MR. ROBISON:

20 Q Good morning, Todd.

21 A Good morning.

22 Q I'm going to show you and the jury Exhibit 151.
23 This is Mr. Lattin's letter that was referred to in prior
24 testimony. The final \$5,000 payment.

1 Do you remember this incident, sir?

2 A Yes, I do.

3 Q After July 27, 2017, did Wendy continue to
4 receive payments to help her with her maintenance and
5 support?

6 A She did. She received approximately an
7 additional \$75,000.

8 Q Okay. Now did you apply or ask to be the sole
9 trustee of your father's Issue Trust?

10 A No.

11 Q Did you ever suggest to your father that you
12 wanted to be in that position of responsibility?

13 A No.

14 Q How did that come about?

15 A Just through all of the discussions that,
16 working together all of the years and with our relationship
17 he asked me if, if I would do that.

18 Q And what did you say?

19 A Of course.

20 Q Why did you say of course?

21 A Because I was willing to help out and do
22 anything he wanted me to do.

23 Q Did you ask for the indemnification that was
24 discussed with Mr. Hascheff?

1 A No.

2 Q Did you and your father talk about the
3 indemnification agreement that was finalized?

4 A After it was prepared.

5 Q Did you suggest to your father in any way that
6 you needed that or that you wanted that?

7 A No.

8 Q Is that something that he did for you without
9 your urging?

10 A Yes. Stan and I.

11 Q And with respect to the option agreement as it
12 relates to Incline TSS, did you ask to be the sole owner of
13 the Incline TSS?

14 A No.

15 Q How did that come about?

16 A Because Stan was going through a divorce, and
17 dad had Stan removed until his divorce was complete.

18 Q Who suggested that the two trusts be for the
19 time being the sole owners of Incline TSS?

20 A It was a discussion with dad.

21 Q Did you ask for that?

22 A No. It was a suggestion of who had funds and
23 who could make it work.

24 Q Did you ask for the option to be given from the

1 family trust first and then later SSJ, LLC, did you ask for
2 that?

3 A No.

4 Q Where did that idea come from?

5 A From dad.

6 Q Did you urge him to do that for you or your
7 trust?

8 A No.

9 Q Why did you do it?

10 A Because that's what dad wanted.

11 Q Did you ask for the second amendment that was
12 executed on December 10th, 2012?

13 A No.

14 Q Did you have anything to do with urging its
15 contents?

16 A No.

17 Q All right. Where did that come from?

18 A That was all part of dad and Pierre's planning.

19 Q Did you ask to be a co-trustee of the family
20 trust?

21 A No.

22 Q How did that come about?

23 A Dad asked that Stan and I do that.

24 Q Why did you do it?

1 A Because he wanted us, he wanted us to do that
2 for him.

3 Q And when there was a decision for Incline TSS to
4 exercise the option to acquire the Tahoe house, was that
5 done at your insistence or your urging?

6 A No. Dad was calling the shots, and he was the
7 one who said I want the option exercised before the end of
8 the year in 2012.

9 Q Did you encourage that or suggest that that be
10 done to benefit yourself or your trust?

11 A No, sir.

12 Q Why did you do it?

13 A Because that's what my dad wanted.

14 Q Prior to your father's passing on April 21st,
15 2013, who was calling the shots on the Samuel Jaksick
16 Estate Plan?

17 A Dad, of course.

18 Q Did you?

19 A No.

20 Q Thank you.

21 MR. ROBISON: I pass. That concludes my
22 examination.

23 THE COURT: Thank you. Mr. Lattin?

24 MR. LATTIN: No questions.

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THE COURT: All right. Thank you.

You're free to step down.

(Whereupon the witness stepped down.)

THE COURT: Counsel, your next witness.

MR. SPENCER: I call Wendy Jaksick.

THE COURT: Ms. Jaksick, please follow the
deputy's instructions.

WENDY JAKSICK,

called as a witness in said case,
having been first duly sworn, was
examined and testified as follows:

DIRECT EXAMINATION

BY MR. SPENCER:

Q Good morning.

A Good morning.

Q All right. State your name, please.

A Wendy Jaksick.

Q Are you the child of Sam Jaksick?

A I am.

Q You're his only daughter?

1 A I am his only daughter.

2 Q And Stan and Todd are your brothers?

3 A Yes.

4 Q And where did you grow up?

5 A I grew up in Reno. I was born here and went to

6 high school -- I lived with my dad up at the Tahoe house.

7 Went to Incline High. Then I went to Colorado to prep

8 school, and I graduated there. And both my children were

9 born in Reno as well.

10 Q When did you graduate from high school?

11 A 1983.

12 Q Where did you go after that?

13 A I went directly to Arizona State University.

14 Q And how long were you down in Phoenix?

15 A I was there for about, a little over, about two,

16 two and a half years.

17 Q And did you meet your husband?

18 A I did.

19 Q And what is his name?

20 A Jim Smrt. He's my ex-husband now.

21 Q Ex-husband now --

22 A Yes.

23 Q -- but at the time he was your --

24 A Was my husband.

1 Q -- future husband, right?

2 A That's correct.

3 Q Okay. And with Mr. Smrt where did you go from
4 there, from Phoenix or Arizona State?

5 A We moved back home here and got married. And
6 then my dad had a company in Hong Kong that he was doing.
7 It was called International Novelty Company, and he was
8 doing manufacturing, they were like fake slot machines,
9 kind of toy kind of slot machines.

10 So Jim and I left and we lived in Hong Kong
11 putting together, like getting the laborers and so forth
12 together to build slot machines for about a year.

13 Then I got pregnant, and I didn't want to have
14 the baby in Hong Kong, so I came home. And Jim stayed
15 there. I had Lexi in 1988.

16 Q When did you and Jim marry?

17 A Let's see. '86. 1986.

18 Q All right. And you said you had Lexi.

19 What is her full name?

20 A Her name is Alexi, middle name is Jaksick, and
21 her last name is Fields. She's married now.

22 Q Okay. Where does she live now?

23 A She lives in Dallas, Texas.

24 Q Does she have children of her own?

1 A Yes, my grandchildren. Jalyn, who is 6, and
2 Brandon, Jr., who is 3.

3 Q And what does her husband do?

4 A He's a basketball player. He was a really good
5 basketball player at University of Nevada Reno, Brandon
6 Fields. And she was a cheerleader there. They met there.
7 And he's continued with his basketball career ever since.

8 Q In the minor league basketball?

9 A Yes.

10 Q Okay. He never has made it to the professional
11 level?

12 A No, he was overseas for about most, most of the
13 time until just recently. Now he's back in Los Angeles D
14 league.

15 Q Okay.

16 A G league I think it is. I don't know. Whatever
17 it is.

18 Q And what does, what does Lexi do?

19 A Lexi is a school teacher. She's a high school
20 teacher for -- I can't think of the --

21 Q For Byron Nelson High School?

22 A Thank you. Byron Nelson High School in Dallas,
23 Texas. And she teaches English for seventh and eighth
24 graders.

1 Q Did she recently get a reward there?

2 A She got a teacher of the year her first year as
3 a teacher. I'm proud.

4 Q And then you get to see her and your
5 grandchildren often?

6 A Oh, yes. I watch the grandchildren probably 50
7 percent of the time because she has to drive an hour to
8 school and back and so forth. So I have them a lot.

9 Q And then you have a son that we've heard about,
10 Luke, right?

11 A I do.

12 Q And how old is Luke?

13 A He just turned 18.

14 Q And he's still in high school?

15 A He's still in high school. He's in his senior
16 year at Allen High School.

17 Q Okay. Allen, Texas?

18 A Yes.

19 Q And he'll graduate in May?

20 A He will, yes.

21 Q And he did particularly well on his SAT, didn't
22 he?

23 A Extremely well.

24 Q What did he score?

1 A He scored -- well, he took it twice. He scored
2 a 1200 and then a 13 something on it. So he did, he did
3 really well.

4 Q So does he have college prospects?

5 A Yes, he does.

6 Q And is he an athlete?

7 A A very good athlete, yes.

8 Q Plays football?

9 A He does.

10 Q And describe the Allen High School football
11 program just briefly.

12 A Allen High School is the largest, one of the
13 largest, if not the largest, high school in Texas, 6A,
14 Division 1. And they are -- Kyler Murray was the Heisman
15 trophy this year, he went there. It's known for football.
16 That's what it is known for, is football. There's 6500
17 kids in the high school, and it's only three grades, 10,
18 11, and 12.

19 Q And you moved down there around his tenth grade
20 year, is that right?

21 A Yes.

22 Q And by his junior year he was starting on the
23 football team, the --

24 A Yes.

1 Q -- varsity team?

2 A I'm sorry to interrupt you, yes. He was
3 starting on varsity.

4 Q He played varsity football at Allen High School
5 junior and senior year?

6 A That's correct.

7 Q And because of his SAT score he's been receiving
8 college offers and football offers?

9 A Yes.

10 Q Is he a good kid?

11 A Yes, he's a good kid.

12 Q And what was his relationship like with your dad
13 Samuel?

14 A My dad adored Luke. My dad, I think as we got
15 older, the three of us kids -- my dad, it made him feel
16 young again to kind of have a child again. He basically
17 raised Luke as him being the father. They spent so much
18 time together.

19 Q And I'm going to call your dad Sam because
20 there's a lot of Mr. Jaksicks here.

21 So Sam, did he go to the athletic and sporting
22 events of Luke?

23 A I don't remember him actually ever missing one,
24 even his practices he would go to.

1 Q Then did Sam and Luke spend time together
2 outside of those events?

3 A Yes, they did. They went to the ranch. They
4 traveled. They were very close. Very close.

5 Q Did your dad teach Luke how to hunt?

6 A He did.

7 Q And then as Luke continued with his football,
8 there was a period of time when y'all moved to Las Vegas?

9 A That was after my dad's death, yes.

10 Q How old was Luke when your dad died?

11 A He was 12.

12 Q Okay. And so this was in high school when you
13 moved to Las Vegas; Luke was in high school?

14 A Correct.

15 Q And he went to Bishop Gorman, is that correct?

16 A He went to Bishop Gorman his freshman year in
17 high school in Las Vegas, yes.

18 Q That's also a football power, is that correct?

19 A Big time, yeah.

20 Q All right. And so down in -- you're going up
21 here because you want to talk about your relationship with
22 your father.

23 Where did you -- you mentioned you lived at the
24 Tahoe house growing up?

1 A I did.

2 Q And did your -- did any of your siblings live
3 there at the time you were living in the Tahoe house?

4 A Stan did. Todd never lived there. Just Stan
5 and I.

6 Q Okay. Where did Todd grow up?
7 What house did he live in growing up?

8 A He lived with my mother.

9 Q All right. And how did your relationship with
10 your dad, what was your relationship with your dad growing
11 up?

12 A Well, as many of you have children, obviously we
13 were extremely close, and I think dads and daughters have a
14 special connection, just like I think sons and mothers do.
15 And I was extremely close to my dad. I always wanted to
16 make him happy. I'd go hunting with him at 4:30 a.m. in
17 the morning, when I didn't want to, but I would do it to
18 make him happy. I loved him very much.

19 Q Were y'all close back then?

20 A Very close.

21 Q Did you perceive your dad's relation with Stan
22 to be close growing up?

23 A Very close.

24 Q And, and then in relation to -- after you became

1 an adult and went off to college, did you continue to stay
2 in touch with your father?

3 A Absolutely.

4 Q And you saw him, how often would you see your
5 father after he came back to Reno?

6 A Pretty much daily.

7 Q All right. And did, was there a time when you
8 lived either at Tahoe or near, you always lived nearby him,
9 didn't you?

10 A Oh, yes. And unless -- except for when I was in
11 Hong Kong. But other than that, we lived three miles
12 apart. Because he had a condominium down in Reno. So, and
13 he could stay there during the week, because our office was
14 right next door. So if not, he was in Tahoe on the
15 weekends, so that was obviously a 40-minute drive, but we
16 were very nearby.

17 Q Growing up, did your dad drive you down to
18 school from the Lake Tahoe house?

19 A Every morning I went to Pine Middle School, and
20 I was the student body president, and I couldn't be late
21 for announcements. So my dad would be, every morning
22 through the rain, through the snow, whatever, he would
23 drive me down and make sure that I was, that I was there on
24 time to make my morning announcements.

1 Q So you spent a lot of time with him?

2 A I did.

3 Q And then after, after you came back, did you,
4 did you go to school to get any sort of license?

5 A Yes, I got my real estate license actually one
6 summer when I came home from Arizona State.

7 Q How did you use that license?

8 A My dad was a broker, and I hung it with him.

9 Q And what did you do with your real estate
10 license for a, for a living when you came back to Reno?

11 A I didn't use it that much really. I mean, it
12 was more so that I would learn about real estate.

13 But I hung it with my dad. And if there was a
14 partial or something that was in our subdivision at the
15 time, which was Lakeridge Golf Course, I would be the one
16 that would make the sale through his office. But I never
17 went out and used it really.

18 Q Did you office with your dad?

19 A Yes, I did.

20 Q And so when you would office with your father
21 you would see him every day?

22 A Every day.

23 Q And then would the family have events that you
24 would attend, holiday events, Thanksgiving, Christmas, that

1 kind of thing?

2 A Yes.

3 Q And did your dad have everyone over to his house
4 to, as a family?

5 A Yes.

6 Q Okay. And do you believe that your dad loved
7 his children?

8 A Absolutely did.

9 Q And all three of you and Todd and Stan?

10 A Absolutely.

11 Q And his grandchildren, each of your children?

12 A Absolutely.

13 Q And you believe that your father loved all of
14 you unconditionally?

15 A Absolutely.

16 Q Okay. Rain or shine, whatever happened, your
17 dad's love never faded?

18 A Never.

19 Q And you went through a little bit of a tough
20 period back in the late eighties -- late nineties, I mean,
21 is that right?

22 A I did.

23 Q And, and so describe a little bit some of the
24 things that happened that caused you issues back in the

1 late nineties; do you recall?

2 A Well, it started with the divorce. I got
3 divorced from my husband Jim. And I had -- we were living
4 in a place that I, I wanted to live in forever and with
5 Lexi. And I had a --

6 MR. SPENCER: Hold on one second.

7 Your Honor, this is a matter of limine. It was
8 one of ours, and we would waive the limine motion related
9 to Mr. Kreske.

10 THE COURT: Okay. Thank you.

11 And I shall remain the -- I appreciate that. So
12 I'm not pushing back, but I'm restating that I'm the
13 gatekeeper of evidence and should at any time there be
14 evidentiary objections based upon 1035 I would --

15 MR. SPENCER: Okay. Now, I would ask for leave
16 to go into that. Yes?

17 THE COURT: Yes.

18 BY MR. SPENCER:

19 Q Go ahead. You were about to say?

20 A I, I had a guy that was living with us. We had
21 a house that had a guest house attached to it. And we were
22 very close. And he shot himself and killed himself in our
23 home.

24 Q And was that at a time when you and your

1 daughter Lexi were out of town?

2 A Yes.

3 Q And you came home to find his body?

4 A I did. Lexi did first.

5 Q Lexi saw him first?

6 A Yes.

7 Q And what effect did that -- you had your, your
8 divorce with Mr. Smrt, right?

9 A Correct.

10 Q And then what effect did this have on your life?

11 A It just changed everything. It changed the way
12 that I felt about my house. I couldn't -- I got sick every
13 time I would drive in the driveway. I couldn't even get
14 out of the house -- I mean, get out of the car without
15 feeling sick. And I had just spiraled down after that. I
16 had a really, really tough time getting through that.

17 Q And did it make you depressed?

18 A Yes. Depressed and anxious.

19 Q Okay. And for a period of time you were, it
20 affected you, really everything that you did, right?

21 A Everything.

22 Q And what did it cause to happen in your life in
23 relation to where you were before you were divorced from
24 Mr. Kreske and then afterwards?

1 A Lexi left and lived with her dad, because she
2 couldn't come into the house anymore either. And so that
3 was devastating.

4 I still saw her a lot, but she moved out. And I
5 couldn't focus.

6 I couldn't sleep well. I started drinking. I
7 started going to the doctor and taking every prescription,
8 which was plenty of them, that they gave me. And didn't
9 care. I just didn't care about things.

10 Q So it caused you to not think about your job and
11 real estate and all of that, but caused you to spiral
12 downhill?

13 A Definitely, yes.

14 Q And did you get in trouble with the law a little
15 bit?

16 A Yes.

17 Q And did you address those issues that you had
18 with the law?

19 A I did.

20 Q What were they?

21 A I had, I had tickets that I didn't pay. And
22 when I was pulled over for speeding I had a warrant out for
23 my arrest so I had to go to jail.

24 And in my car there was some prescription drugs.

1 And they were not -- they were in a pill box instead of the
2 label. So I went to jail for -- I got another charge while
3 I was in there for that. And it was time. It was time for
4 me to fix my issues. And so --

5 Q Did it cause you to decide to go to rehab?

6 A Yes, it was time.

7 Q Okay. Where did you go for rehab?

8 Was that for depression?

9 A It was for depression and anxiety, yes.

10 Q Where did you go?

11 A Arizona.

12 Q Okay. And how long were you there?

13 A 30 or 40 days.

14 Q Okay. And did it help?

15 A It did.

16 Q And you came back to Reno after that?

17 A I came back to Reno after that. It wasn't easy
18 at first, because then you start to look at all of the
19 things that you have completely just ignored and neglected.
20 And it was embarrassing. It was humiliating. So it took
21 me a while.

22 But I really wouldn't take it back because it
23 made me who I am today.

24 Q And did you decide to try to invest in your own

1 real estate ventures after that?

2 A I did.

3 Q And did your dad involve you in the Saddlehorn
4 Development Company?

5 A Yes.

6 Q What was that company?

7 A Saddlehorn is a development that is south off
8 town on the mouth of the Mount Rose Highway. I came into
9 that with my ex-husband who, we still worked together for
10 many, many years and learned from my dad how to develop
11 real estate and sell lots and so forth.

12 Q And that was, that was way back in -- that was
13 in the nineties prior to the divorce and everything, wasn't
14 it?

15 A That's when it started, yes.

16 Q And then you also were involved with Galena
17 Canyon Development?

18 A Yes, that was outside of my family.

19 Q And what was that development?

20 A That was a horse development. I put together
21 with some partners, we developed a horse development down
22 below Montreux at the end of Callahan Ranch.

23 And I was one of the partners in that, putting
24 it together. And from beginning -- I didn't really finish

1 it. My partners did because that's when I spiraled down.

2 Q And, but some of the debt that came out of
3 Galena, the Galena development became an issue?

4 A Yes.

5 Q All right. And so there were some judgments
6 taken against you in relation to that?

7 A Yes, there was two.

8 Q And what was the first one?

9 A The first one was my partners that were in the
10 subdivision, one of them was a doctor. And I owed him
11 \$158,000. And because of my spiraling down it was not paid
12 on time. And he knew that I had gone to rehab and was
13 having all of these issues and so forth, so he wanted to
14 make sure that he was paid so he filed the judgment, and he
15 was paid in full.

16 Q He was paid in full by whom?

17 A By me.

18 Q Okay. And then there was another judgment for
19 \$400,000?

20 A That is correct. There was one for \$400,000 who
21 was some lenders that I borrowed 400 and -- I think it was
22 440 or 400,000. It was, it was the same situation. I paid
23 them late. I did not follow through with the contract on
24 when I was supposed to pay them, so they filed a judgment

1 against me, and I paid it in fall.

2 THE COURT: Excuse me. Could you slow your
3 cadence down just a little bit, please.

4 THE WITNESS: I'm bad with that. I apologize.

5 THE COURT: That's okay. Just slow down a
6 little bit.

7 THE WITNESS: All right. I apologize.

8 BY MR. SPENCER:

9 Q And so you said you paid that one off also?

10 A I did.

11 Q And that's \$558,000 dollars' worth of judgments
12 that you paid off.

13 How did you do that?

14 A Through the lot sales at Galena Canyon, my
15 percentage that I owned.

16 Q So as the Galena Canyon Development developed
17 and the lots were sold, then you received income that you
18 used to pay the judgments?

19 A That's correct.

20 Q And you also worked at -- with, with your dad at
21 Lakeridge for a time?

22 A Yes, for several years. Lakeridge Golf Course.

23 Q How long were you there, do you remember?

24 A Not really. Probably five or six years or

1 something like that.

2 Q Okay. And so that was a -- describe how
3 Lakeridge came about. That's a golf development, right?

4 A Yes, my dad inherited the land, which was, I
5 don't know if it was Wheeler family, where Lakeridge Golf
6 Course is, he inherited it from his father. And when I was
7 very little he developed it into a golf course and then a
8 subdivision around it.

9 Q And you had inherited this from your
10 grandmother's estate that you had invested in Galena,
11 correct?

12 A That is correct.

13 Q What year was Luke born?

14 A In 2000.

15 Q All right. As he was a little boy, and he was
16 entering elementary school, did your dad have a certain
17 picture or plan on how he would take care of Luke?

18 A Yes. Luke, Luke's father gave Luke up
19 completely. He signed off his rights to Luke. And so Luke
20 did not have a father.

21 And that bothered my father a lot. And so my
22 dad wanted to make sure that Luke had someone at home when
23 he got out of school, once he started school, which is, I
24 think he was almost 6 because his birthday is in November.

1 So he said to me at that time that he wanted me
2 to be home with him, and that my dad would take care of us.
3 And he didn't want Luke to be growing up going to people's
4 houses and staying other places. He wanted him to be home.

5 Q Okay. And in that regard what did your dad want
6 to happen as far as you being there for Luke?

7 A He wanted me to work and get into the horse
8 thing because that's been my passion. He wanted me to try
9 to get some employment that way, and then I could revolve
10 my schedule around Luke's needs and Luke being at school.

11 Q Okay. And so he wanted to make sure that you
12 were there for Luke whenever he got out of school?

13 A Yes. To pick him up to take him to his sports,
14 to be home.

15 Q Okay. And then I want to stop there for a
16 second and go back.

17 There was some other judgments that we didn't go
18 over that were much smaller, is that right?

19 A That's correct.

20 Q One was in the \$1200 range and another in the
21 \$3,000 range, right?

22 A Right. Yes.

23 Q And were those paid also?

24 A Well, I didn't know about those until this --

1 well, I did know about one, the dog bite. But, but I
2 didn't know about the other ones until counsel brought them
3 up to me.

4 Q Okay. But then there was one with Mr. Freeman,
5 it was for \$60,000, right?

6 A Yes.

7 Q And that was an attorney you had?

8 A Yes. I went on a houseboat trip with my mom and
9 my kids, and unfortunately my mother was an alcoholic. And
10 sometimes she'd be great, but other times she had a real
11 hard time with it.

12 And my daughter -- well, actually not my kids.
13 Lexi only. Luke was not born. And I asked my mom to leave
14 the houseboat because of her actions. And she did. And
15 then I kept it on her credit card. Because she was going
16 to originally pay for the trip.

17 Q And so what happened in relation to that? Did
18 she sue you?

19 A She sued me.

20 Q And who did you hire to represent you?

21 A I hired Scott Freeman. And we had to go to --
22 it was in Shasta where the houseboat was, so we had to go
23 to Shasta County to be in front of the court there.

24 And by the time this happened, my mother had

1 passed away, and Todd was the trustee of my mom's estate.
2 And he had -- my mother actually gave us our money
3 outright; it wasn't through trust. So Todd had told me
4 that he was going to pay Scott Freeman, and they had many
5 dialogues back and forth together about paying the bill.
6 And Todd refused.

7 Q And so Mr. Freeman ended up being paid
8 eventually?

9 A He did. My brother Stan did a, an exchange with
10 him for a Montreux golf course membership, which I'm an
11 owner -- my grandmother, through my grandmother I owned a
12 third of those memberships. So Stan did an exchange with
13 him, and he was paid.

14 Q Okay. And those judgments that we mentioned,
15 all of those were prior to 2005, weren't they?

16 A Yes.

17 Q Some of them were even back in the early part of
18 the 2000s?

19 A Or before, yes.

20 Q Okay. And prior to the 2006 Trust that your dad
21 did?

22 A Correct.

23 Q Okay. And would you have borrowed some money
24 from your dad, too, on occasion?

1 A Borrowed money, yes.

2 Q Okay. And would that be something that your
3 brothers might do as well?

4 A Definitely.

5 Q All right. And through all of that what was
6 your relationship like with your dad afterwards?

7 A I felt a disappointment. He would never say
8 that to me, of course. But I felt, just from conversations
9 that we'd have, that he was disappointed in the fact that I
10 had gone through that. But he was extremely happy that I
11 got my act together and changed my ways back to who I was
12 prior to.

13 Q And how do you feel about all of that turmoil
14 and rehab that you had to go through?

15 A Like I said, I wouldn't change it. I wouldn't
16 change it, because it made me who I am today.

17 Q And could you sense your dad's unconditional
18 love for you after you went through that?

19 A Absolutely.

20 Q Do you, did you feel like he held a grudge
21 against you after all of that?

22 A Never.

23 Q Is, is that something that your dad would do,
24 hold a grudge against somebody?

1 A Definitely not. Not as children.

2 Q And you heard Todd testify your dad was a nice
3 guy, right?

4 A He was a great man.

5 Q You agree with that, he was a nice man?

6 A Very good man.

7 Q Okay. Not a man that would punish his children,
8 is he?

9 A No.

10 Q Okay. That doesn't make sense, does it?

11 A That wasn't my dad.

12 Q All right. And following all of that you
13 continue to have a relationship with your father?

14 A Yes.

15 Q That was during the time that Luke was growing
16 up, right?

17 A Oh, yes.

18 Q And those times where he would, Sam, would come
19 to the sporting events and take Luke hunting and all of
20 those things?

21 A Yes, and then he came -- Luke and I jumped
22 horses together for quite a few years, and my dad came to
23 most of our horse shows in southern California as well.

24 MR. SPENCER: I'm going to offer Exhibit 554.

1 MR. ROBISON: This has not been produced.

2 THE COURT: At the moment it is not admitted,
3 and you can take it up out of the jury's presence.

4 MR. SPENCER: All right.

5 BY MR. SPENCER:

6 Q And then you understand that your father created
7 these trusts, the Family Trust and the Issue Trust?

8 A Yes.

9 Q And did you find out more about each of those
10 trusts as far as what they were and what they did along the
11 way?

12 A Are you talking about after dad's death?

13 Q Yes.

14 A Yes.

15 Q Did you know about them before his death?

16 A We talked about them, but I did not know -- no,
17 not much.

18 Q Okay. But after his death you found out more
19 about them how?

20 A I found out about them through Stan and Todd.

21 Q Okay. And what did you understand Todd and
22 Stan's role to be?

23 A Well, they told me that they were co-trustees,
24 and after reading the documents, I, I read that they were

1 co-trustees.

2 Q Okay.

3 A Or, I'm sorry, sorry. With the Family Trust;
4 Todd by himself with the Issue Trust.

5 Q And I want to go back a minute.

6 Did, were you around when Todd was in high
7 school, at least some of the time?

8 A Yes.

9 Q And did Todd have issues when he was in high
10 school as well?

11 A A lot.

12 Q And how did that affect your father?

13 A My dad was worried about the fact that Todd
14 crashed cars all the time, and he was drinking heavily,
15 being a teen-ager.

16 But my dad was concerned about the fact that if
17 he ran, hit a car, or hurt somebody, or something like
18 that, that my dad would be in big trouble.

19 So my dad actually paid Jim Smrt and I 40 or \$50
20 a night to keep Todd and put all of Todd's cars and things
21 in high school in my name so that there wouldn't be such a
22 possibility that dad would get in trouble.

23 Q Did Todd go to rehab?

24 A He did.

1 Q And so Todd lived with you and Mr. Smrt?

2 A He did.

3 Q And for a period of time then you all left for
4 Hong Kong?

5 A Correct.

6 Q And then when you came back?

7 A He moved in with us again.

8 Q So your dad did not want Todd living with him
9 during his high school years?

10 A Correct.

11 Q And so how did you treat Todd during that period
12 when he was living with you?

13 A I loved him. I treated him like my child.

14 Q Were you there before and during his rehab?

15 A Every day that I could be there I was there.

16 Q And so, and then at some point he went off to
17 school himself, right?

18 A Yes.

19 Q Okay. And so, but during the time that he was
20 in high school and going through all that, he was living
21 with you and Mr. Smrt?

22 A That's correct.

23 Q Even though after that your dad still loved
24 Todd, right?

1 A Absolutely.

2 MR. ROBISON: Your Honor, I know part of this is
3 foundational, but this is a continuous stream of leading
4 questions, and we object.

5 THE COURT: Sustained.

6 BY MR. SPENCER:

7 Q How did your dad feel about Todd after those --
8 that time period during high school?

9 A He was disappointed in him, but he never stopped
10 loving him.

11 Q Okay. And then later, fast forward back to
12 where we were, after your dad's death you learned that Todd
13 was one of the trustees?

14 A I did.

15 Q Okay. And did you find out what each of, the
16 purpose of each of the trusts, the Family Trust first?

17 A It took me a while. I mean at that point I
18 didn't know the difference between what, Issue Trust trust,
19 executor, trustee, I mean, it took me a while.

20 Q Okay. But eventually did you find out what the
21 Family Trust was for versus what the Issue Trust was for?

22 A I did.

23 Q And what did you understand about the Family
24 Trust?

1 A That the Family Trust would hold all of the
2 entities that dad had, the Jaksick family entities. And
3 that they would be distributed as per the 2006 Trust.

4 Q And then what did you find out about the Issue
5 Trust?

6 And I'm talking about the -- Sam's, your dad's
7 Issue Trust?

8 A My dad had talked to me about the Issue Trust
9 prior to his death, because my dad and I had a love for
10 ranching, and the cattle ranches were up in Eagleville, and
11 several times when we were there he said I have put
12 together this trust that is very complicated, and what it
13 does is it retains these properties and these ranches that
14 we purchased in 1972, and they can never be sold, and it's
15 going to be for -- they will be in trust for 365 years,
16 something like that. And for all of future generations,
17 Lexi's kids, Luke's kids, their grandkids. So forth. Far
18 beyond when we're gone. They won't be able to sell it.
19 They'll be able to come up here and enjoy the ranching life
20 that we all had.

21 Q And did you understand -- what did you
22 understand about, from your dad about the Issue Trust
23 owning the property, the ranches?

24 Did it own it?

1 A My dad told me that the Issue Trust would own
2 that property, and it could not be sold.

3 Q Okay.

4 A For that period of time, which was 365 years.

5 Q And, and then did your dad talk to you about
6 water rights?

7 A Yes, quite a bit.

8 Q What did your dad say about the water rights
9 that the Jaksick family entities owned?

10 A He told me that, that water had changed our
11 financial portfolio, if you want to call it, drastically,
12 that the water was worth more than anything that we owned.
13 And at that time he had told me it was somewhere around a
14 hundred to 200 million.

15 Q Okay. And did he indicate how many acre feet --
16 and that's a measurement for water -- how many acre feet
17 was owned?

18 A No. He just said a lot. He said a lot of water
19 on the different, throughout the different companies.

20 Q Um-hum. And, okay. And then did you learn
21 anything more about the water rights yourself?

22 A I did.

23 Q What did you find out about the number of acre
24 feet that the Jaksick entities owned?

1 A Well, I didn't understand enough about it. I
2 had done a little bit of water work, when I developed
3 Galena Canyon, but not to a huge extent. So I went down to
4 the state engineer's office. The water engineer in Carson
5 City and I researched it.

6 Q What did you find out about the number of acre
7 feet?

8 A That we owned somewhere, the Jaksick entities
9 owned somewhere around 140,000 acre feet of water.

10 Q Okay. And, and did you also come to understand
11 a range of what an acre foot of water would go for in this
12 area?

13 MR. ROBISON: Objection, foundation. Timing.

14 THE COURT: Well, I need you to lay a
15 foundation, please.

16 MR. SPENCER: Thank you, your Honor.

17 BY MR. SPENCER:

18 Q You did some research on your own, is that
19 right?

20 A That's correct.

21 Q And you, you made the effort to go find out more
22 about the Jaksick family water rights?

23 A I did because --

24 Q And so was that something that was freely

1 conveyed to you by your trustees?

2 A No, I wouldn't have had to go and research it
3 myself.

4 Q So you went and did that yourself?

5 A I did.

6 Q And were you able to determine or find out where
7 you come to understand a range of value for an acre foot of
8 water in this area?

9 MR. ROBISON: Objection, foundation.

10 THE COURT: Let me hear the next couple of
11 questions. At the moment I would sustain it, but at some
12 point she's going to have to identify the source of her
13 information.

14 MR. SPENCER: Okay.

15 BY MR. SPENCER:

16 Q I'm talking about at this time your
17 understanding about the value an acre foot of water is,
18 came from, what source?

19 A It came from the Nevada, the water, the state
20 engineer's office.

21 Q And so what was your -- what is it that you
22 learned about the value of an acre foot of water today?

23 MR. ROBISON: Your Honor, same objection.

24 We don't know when this time period is. Water

1 prices fluctuate.

2 THE COURT: I understand. Lay a foundation as
3 to timing, please.

4 It's, it's in evidence and subject to
5 cross-examination. So I'm inclined to let it in, but I
6 just want to make sure that we can drill down to as much
7 information as she has about her information.

8 BY MR. SPENCER:

9 Q First of all, you found out an average value for
10 an acre foot of water from your trustee, right?

11 A Yes.

12 MR. ROBISON: Objection, leading. You can't
13 spoon feed a witness, your Honor.

14 MR. SPENCER: He did that --

15 THE COURT: Oh, wait a second. Wait a second.
16 It is overruled.

17 Be mindful of your leading questions. But I'm
18 trying to get this trial done.

19 And I will sustain the objections in the future.
20 But just, please, carry on.

21 BY MR. SPENCER:

22 Q And what did you find out from Todd, your
23 trustee, regarding the average price of an acre foot of
24 water?

1 A Well, I found out during Todd's deposition when
2 we were asking him. And he said that the average acre foot
3 of water on an average would be \$7,000.

4 Q All right. And then from the Nevada, what was
5 it called?

6 A State engineer.

7 Q State engineer. From the Nevada State
8 engineer's office, you recently looked, went to look that
9 up, is that correct?

10 A I did. I went within the last two months.

11 Q Okay. And that was -- describe the effort that
12 you made to go find out about the value of water?

13 A Well, I was confused, because the water is --
14 every time I've asked about water, the only company that
15 I've ever, that has ever been associated with water through
16 the co-trustees is Jackrabbit.

17 And Todd has testified that Jackrabbit owns a
18 lot of water. And I knew that there was more water out
19 there.

20 So I went down there and researched it by
21 putting in the different LLCs, and they will pull up the
22 water rights, whether they're certificated, vested,
23 supplemental, surface, and so forth. So you can get the
24 certification number, and then it will pull up a map. It

1 will show you exactly which property that it's associated
2 with. And, yes, that's what I did.

3 Q All right. And so this is an example,
4 Exhibit 216.

5 MR. SPENCER: Hold on a second. I want to make
6 sure it's admitted.

7 Your Honor, I offer Exhibits 216 through 229,
8 and they are stipulated.

9 THE COURT: 216 through 229 are admitted,
10 Ms. Clerk.

11 MR. SPENCER: Hold on a second. Let me break it
12 up. It's not that whole list.

13 Exhibits -- I offer Exhibits 216 through 219.
14 Stipulated.

15 THE COURT: Those will be admitted, Ms. Clerk.

16 THE CLERK: Thank you.

17 (Exhibit Number 216 was
18 admitted into evidence.)

19 (Exhibit Number 217 was
20 admitted into evidence.)

21 (Exhibit Number 218 was
22 admitted into evidence.)

23 (Exhibit Number 219 was
24 admitted into evidence.)

1 MR. SPENCER: Okay. The other ones that I
2 mentioned, 223 through 229, are already in, so I won't
3 offer those again.

4 THE COURT: And you are not offering 222?

5 MR. SPENCER: The 220 through 222 -- 220 and 221
6 are already in. 222 I'm not offering.

7 THE COURT: Thank you.

8 MR. ROBISON: Your Honor, I'm sorry. Can we
9 have that again, please?

10 MR. SPENCER: Yes, sir. So I've offered
11 Exhibits 216 through 219.

12 THE COURT: Okay.

13 MR. SPENCER: Stipulated.

14 THE COURT: Those are admitted.

15 MR. SPENCER: And then 223 through 229 were
16 already admitted.

17 THE COURT: Thank you.

18 MR. SPENCER: Thanks.

19 BY MR. SPENCER:

20 Q And so can we pull up Exhibit 216.

21 So did you, do you know the source of this
22 document?

23 A That, the source of that document is from the
24 state water resource. That's what I researched.

1 Q All right. Did you get this document?

2 A Yes, I did.

3 Q All right. And so the right-hand column lists
4 the owner?

5 A Correct. That's one of our LLCs, Buckhorn.

6 Q And then the -- describe what you found, at
7 least in relation to the annual duty.

8 Do you know what that means?

9 A The, the annual duty is the acre feet.

10 Q Okay. And so in the, it would be the sixth
11 column over from the left, just that first, those first few
12 lines down there. Top of that sixth column is hard to
13 read, but it says status.

14 And do you know the CDR there, what that would
15 mean?

16 A That means certificated right.

17 Q Do you know what that means?

18 A That means that they have -- as Todd explained
19 yesterday, you have a certain amount of acre feet. And you
20 have a certain amount of time that you have to prove them
21 up. And there has to be a specific place of use for them.
22 And if you don't do that, then the state could come back
23 and actually take your water rights from you. I think it's
24 five years.

1 So when they've been certificated, that means
2 that they've been proven up and that they have a place of
3 use.

4 Q All right. And then on the next page.

5 In that same column, the sixth column from the
6 left, the bottom three rows. Those indicate VST.

7 A Those are vested rights.

8 Q And do you know what vested rights are?

9 A Vested rights are rights that you had from
10 before the state had the water. I don't really know what
11 the word is, but before the states had this -- certificated
12 rights. I guess I should say that's what it is. So vested
13 rights are extremely good. They can't be taken from you.

14 Q Okay. And so --

15 MR. ROBISON: Objection, your Honor. That is a
16 statement of law. I move to strike.

17 THE COURT: Sustained.

18 BY MR. SPENCER:

19 Q And so as you mentioned you've learned there are
20 different kinds of water rights?

21 A Yes. There's different kinds of water rights.
22 There's vested, there is certificated, and --

23 THE COURT: Counsel, I don't think that she's
24 designated as a water rights expert. So we need to be very

1 careful that she remains within her percipient witness
2 role. I don't want to give her a treatise on Nevada water
3 law.

4 MR. SPENCER: Okay.

5 THE COURT: So whatever her understanding is,
6 briefly, and then we'll move on.

7 MR. SPENCER: Thank you.

8 BY MR. SPENCER:

9 Q By type, I meant do you know surface rights
10 versus other rights?

11 A Yes, there's underground rights, and there's
12 surface rights. And there's supplemental rights.

13 Q Okay. And you're not an expert on water rights?

14 A By no means.

15 Q Okay. But this was information, these exhibits
16 were information that you gathered from the state
17 engineer's office?

18 A That's correct.

19 Q All right. And based upon that, were you able
20 to determine, from information that you gathered, the range
21 of what water rights would sell for, or the value of them
22 right now in this area?

23 A I did research.

24 MR. ROBISON: Objection, calls for an expert

1 opinion.

2 THE COURT: I'm going to overrule it and allow
3 her to give her opinion as to what those values are.

4 THE WITNESS: I did research with TMWA,
5 actually, which is Truckee Meadows Water Association. And
6 the rights have been anywhere from the lowest at 2,000 or
7 right around 2,000 an acre foot, up to a time when they
8 were \$51,000 an acre foot.

9 Q Okay. And what did you learn, or do you have an
10 understanding about what affects that range that you just
11 mentioned?

12 A The economy. And whether or not the water
13 rights are, where they're located. And whether or not they
14 can be piped down to where they could be used in -- for
15 development in Reno or California or other places like
16 that. It depends.

17 Q Okay. And when you went down to Texas -- switch
18 topics now.

19 I want to go back to after going to Bishop
20 Gorman, and then you moved to Texas when Luke was in tenth
21 grade, right?

22 A Correct.

23 Q And was there a time when you and Luke had to
24 live in your vehicle?

1 A Yes.

2 Q And for how long was that?

3 A It was close to a month.

4 Q Okay. And did you -- how did you take showers
5 and do the basic necessities that you all had?

6 A Well, I had my car, and I have two dogs, which
7 are my children as well. So the dogs and Luke and I lived
8 in my car at the park, at the park near the school.

9 Then to shower, Luke's friend's mother, who had
10 six children, so she didn't have a place for us to stay,
11 although she did offer for us to stay in the house on the
12 couch or whatever, but she let us come in and shower, and
13 so forth. But Luke had football as well, so Luke would
14 shower at the school.

15 Q And that changed later, didn't it?

16 A It did.

17 Q And what happened after or -- after that short
18 period, 30-day period or so, where did you all go?

19 A We got an apartment. Well, actually, right
20 after that we went back into the same house that we were
21 renting when there was no more, the rent was not being paid
22 anymore.

23 The guy really liked us, and he said that he was
24 renting it, and that's the reason that he had to move me

1 out. But I didn't have money to go in the apartment and do
2 the whole thing again. So his rental fell through, and so
3 he let us go back in there until he rented it.

4 Q Where do you all live currently, you and Luke?

5 A We live in an apartment in Allen, Texas.

6 Q And Lexi lives how far from there?

7 A Lexi lives about 13 miles from us in Frisco,
8 Texas.

9 Q Okay. Was there a time back when, after your
10 father's death when Janene was living in the Lake Tahoe
11 house?

12 A Yes.

13 Q That you also moved in there?

14 A Yes.

15 Q And why did you move back in the Lake Tahoe
16 house?

17 A I was living in Damonte Ranch, in a home there.
18 And Janene, my dad's wife, was living in the Lake Tahoe
19 house, and the boys wanted to kind of monitor Janene for a
20 period of time. And they also wanted to get her -- she
21 lived there for 23 years, so they want to get her packed up
22 and ready to move.

23 So they sat down with me, and they said we have
24 an idea, we think it would be great for you -- you and

1 Janene are great friends, to go up to Tahoe, to stay in the
2 house during that time, and help her get packed up, box up
3 things and so forth.

4 THE COURT: With that, ladies and gentlemen of
5 the jury, we'll stand for just a minute.

6 Be seated.

7 Our first break will be at 12:30.

8 BY MR. SPENCER:

9 Q When that occurred, how long did you live in
10 Lake Tahoe?

11 A I lived in Lake Tahoe, let's see, October,
12 November, December, January, February. Five months.

13 Q Okay. And then did Janene eventually move out?

14 A She did.

15 Q And what happened after that as far as you
16 remaining there?

17 A I moved out within a week after Janene. They
18 had the office redone into a home, and so I moved into the
19 office.

20 Q And so that Tahoe could be rented?

21 A Actually, they had to do the construction on it
22 first while we were redoing it, and then rent it, yes.

23 Q And then when you moved into the office, which
24 house was that?

1 A That's the 4005 Quail Rock in Reno.

2 Q How long did you live there?

3 A A little over a year.

4 Q And were there documents there that, in that
5 house that ended up with you?

6 A Yes, there was -- they had that office, my dad
7 had that office for, I think over ten years. And, I don't
8 know what they're called but like the bookkeeper boxes that
9 you put files in and so forth, the entire garage, there was
10 no cars in the garage, and the entire garage was filled
11 with those boxes.

12 Q And did you end up with a box or
13 two or -- strike that.

14 How many boxes did you end up with?

15 A One or two of them.

16 Q How did you end up with those?

17 A Luke and I decided we would move to Las Vegas.
18 So we had to put our stuff in storage. So Stan, Todd, and
19 some guys that worked at the golf course, came over and put
20 a Dumpster at the house, and we started clearing out
21 everything in the garage so that I could move the furniture
22 through the garage to get to the U-Haul.

23 Q What did Todd tell you about those boxes of
24 documents?

1 A Todd came on two different occasions. One time
2 with Jessica Clayton and the other time by himself with his
3 truck, and they moved a lot of boxes out of the office into
4 his car.

5 And, and then he said, We've looked at
6 everything in here, while you guys are going through and
7 cleaning this out, throw them in the Dumpster.

8 Q Okay. And was that the source of the two boxes
9 you had?

10 A Yes.

11 Q The Dumpster boxes?

12 A The Dumpster boxes, yes.

13 Q All right. And now you've heard some testimony
14 here about you accusing or saying Todd might have caused
15 his father's death?

16 A Yes.

17 Q And that Todd was not Sam's son?

18 A Correct.

19 Q Where did you get those ideas from?

20 A My dad's best friend, Jake Jamison, who was the
21 last person to ever talk to my dad alive, started looking
22 at different, I don't know scenarios or whatever and would
23 contact me, take Stan and I to lunch, and put the idea in
24 my head.

1 Q Do you have any evidence of that?

2 A No, I do not.

3 Q Any of that?

4 A No.

5 Q So Mr. Jamison was the source?

6 A Yes, and then as far as him not being my
7 brother, he told me that he was very close to my mother,
8 and that my mother had an affair --

9 MR. ROBISON: Objection, your Honor.

10 THE COURT: Sustained.

11 THE WITNESS: Sorry.

12 BY MR. SPENCER:

13 Q Okay. And so have you accused Todd of doing
14 that, causing your father's death?

15 A I've questioned it.

16 Q Okay.

17 A I've not accused him, no.

18 Q Because you don't have evidence of it?

19 A No, absolutely do not.

20 Q All right. And then, now, in relation to these
21 trusts, do you understand that the trusts were created for
22 you, for your lifetime?

23 A Yes.

24 Q And this latest second amendment splits your

1 share 80/20 with you and Luke?

2 MR. LATTIN: Objection, leading.

3 THE COURT: I'm going to overrule it.

4 THE WITNESS: Yes, it does.

5 BY MR. SPENCER:

6 Q Okay. And do you have any problem with that?

7 A Absolutely not.

8 Q And what about the issue of the, having the
9 trust, do you have any issues with that?

10 A No, I don't. My dad did that for a reason to
11 protect me. I definitely don't have a good picker when it
12 comes to men.

13 And I spent a lot of money taking care of men
14 over the years, and my dad was afraid of that. And he said
15 I want you to have money for a lifetime.

16 Q And what do you want in relation to your
17 father's desires in that regard?

18 A From the very beginning all I've wanted is what
19 my dad intended for me to have.

20 Q Okay. And do you feel like you have received
21 full disclosure from your trustees?

22 A No.

23 Q What about the ACPAs that you've seen, do you
24 remember those?

1 A I remember them, yes.

2 Q And how did you feel in relation to whether you
3 received full disclosure prior to signing any of those?

4 A I didn't receive full disclosure at all.
5 Sometimes I would have to, in order to get my monthly
6 check, I would have to sign a document, and other times I
7 would ask over and over, I don't understand this, I don't,
8 you know, understand it. And there's a couple I did
9 understand, but a lot of them I didn't.

10 Q Did you know who the owners of Incline TSS were
11 at the time you signed, or at the time of the Exhibit 14
12 ACPA, which is the Incline or the Issue Trust investment?

13 A Absolutely not. Todd came to Stan and I, or
14 talked to Stan and I the day of my dad's death and said we
15 need to meet at the office in the morning. Stan and I were
16 dumfounded, you know, we couldn't function.

17 Q What happened at the office?

18 A We went into the office, and Todd had papers
19 that were opened up to a signature page. And I didn't
20 think twice about it. I trusted Todd. He said he needed
21 our signature, and Stan and I both signed the document.

22 Q And what did you believe in relation to
23 ownership of the Tahoe property then?

24 A That day Todd was telling us what we were

1 signing. He said that we were signing that we need to save
2 the Tahoe house -- we as the three of us. And the way to
3 do that is that dad had a \$6 million life insurance policy,
4 and that there was a \$6.3 million mortgage on the house,
5 and that we couldn't make those payments. So that we
6 needed to -- by signing that document, we would pay down
7 the note, and we would all own the house, so that it would
8 benefit all three of us; we would pay down the note, and we
9 would all three receive Tahoe. So of course I thought that
10 was a good idea.

11 Q Okay. And did you ever talk to your dad about
12 what he wanted in relation to the division of his assets?

13 A Yes.

14 Q And what, what was your understanding of that?

15 A My dad had told me that Todd had ownership in
16 some of the companies. And he worked hard for what he was
17 to receive. And that my dad had -- Todd had some
18 percentages of the various companies. And that Stan worked
19 very hard at Montreux Golf Course, and he wanted to make
20 sure that he had more of Montreux Golf Course than Todd or
21 I, that everything beyond that was to be split a third, a
22 third, a third.

23 Q Okay. Okay. And do you feel like your dad
24 treated his children equally?

1 A He did.

2 Q Okay. And then in relation to the Bronco
3 Billy's ACPA, do you feel like you received full disclosure
4 prior to signing it?

5 A The Bronco Billy's ACPA, I was never told
6 anything about.

7 Q Let me be more clear. And it's Exhibit 15. Go
8 ahead.

9 A Yes. And I never, I never discussed the Bronco
10 Billy's ACPA.

11 Q Did you understand how that transaction was
12 going to work?

13 A I was told that if I didn't get a Colorado
14 gaming license -- which I couldn't afford to get -- Todd
15 told me I'd have to pay for it by myself, and it was
16 \$10,000. Plus I had other issues, as we have heard, so
17 there was no reason for me to get \$10,000 to try and get
18 the license when they told me, or Todd told me, actually,
19 that I would be getting an equal -- they would equalize me,
20 is what his words were, they would equalize me with some
21 other asset.

22 Q Did you ever receive an equalization?

23 A None.

24 Q All right. And in relation to the financial

1 statements that are the accountings, did you have any
2 issues relating to interpreting those or understanding what
3 you, your interest was in that?

4 MR. LATTIN: Objection, lack of foundation.

5 THE COURT: Overruled.

6 THE WITNESS: The first time I saw the financial
7 statements was when Kevin Riley came up, and we sat down in
8 the meeting, and that was in October of 2015. So prior to
9 that I had not seen any financial statements.

10 BY MR. SPENCER:

11 Q You wouldn't have had any that would have
12 postdated that, would have been after that either?

13 A No.

14 Q When did you receive the ones after that,
15 October 2015?

16 A The next time that I got a financial statement
17 that was for, like, 2015 and after, was, it would have been
18 a year after.

19 Kevin, it was -- I remember October/November
20 being the time of year when Kevin would -- Todd would tell
21 us that he had a financial statement after I asked for one.

22 Q As far as the content were you able to interpret
23 it?

24 A No.

1 Q And, and how did you feel about the disclosure
2 of information in those accountings?

3 A Well, the day that Kevin came up, and that was
4 the first time I'd ever met Kevin was October of -- he's
5 the accountant -- was October of 2015. We went over the
6 Family Trust financials, and he was explaining to me the
7 different entities because I, I had not been told anything.
8 And he was helping me understand them. And there was these
9 areas that for monetary value would say unknown.

10 And I asked him about them, and he said that he
11 had just found out that Todd had an indemnification
12 agreement with my father, and that greatly affected the
13 value of the Family Trust. Greatly affected. And that he
14 did not know the amount of money that would be put in that
15 column. So therefore it was impossible for him to give me
16 more information about it.

17 Q And did you start asking questions?

18 A I did.

19 Q And did you ever get answers?

20 A No.

21 Q And you ended up hiring Ms. Dwiggins out of Las
22 Vegas?

23 A Yes, I did. That was in 2016. So the meeting
24 with Kevin was October of 2015, and then because I didn't

1 have any answers, in, I think it was July of 2016, right
2 before I left Las Vegas, I hired an attorney.

3 Q And did that help as far as finding out
4 information?

5 A It did. She was -- I was still so confused. I
6 mean, as you guys can imagine, there's a lot of
7 information. And I --

8 MR. ROBISON: Your Honor, could she answer the
9 question and not address the jury. That is improper.

10 THE COURT: Yes, it is sustained. The reference
11 to "you guys" and speaking to the jury is impermissible.

12 THE WITNESS: I'm sorry.

13 THE COURT: That's okay.

14 THE WITNESS: Okay. It was very difficult for
15 me to talk to --

16 BY MR. SPENCER:

17 Q A lot of information to process?

18 A Yes.

19 Q And I'll show you Exhibit 151.

20 And you received this letter from Mr. Lattin
21 July 27, 2017, and sends a \$5,000 check and says, This is
22 the last one. And the last sentence says:

23 Until all trust matters have been
24 resolved.

1 A Correct.

2 Q Do you see that?

3 A I do.

4 Q And \$5,000 stopped after that, right?

5 A It did.

6 Q Where did you get supplemental income from?

7 A Well, I was working. But that -- I didn't make
8 enough to support Luke and I. And so I asked my brother
9 Stan to help me.

10 Q And did he?

11 A He did.

12 Q And did he loan money to you?

13 A He agreed to loan me money, and I would pay him
14 back when I could.

15 Q Okay.

16 Until all trust matters have been
17 resolved.

18 Do you know what that meant?

19 A They wanted me to make a settlement, a
20 settlement.

21 Q Did you have sufficient information in your mind
22 to enter into any sort of settlement in July of 2017?

23 MR. ROBISON: Objection, move to strike.
24 Violates an order of this Court.

1 THE COURT: It is sustained.

2 MR. ROBISON: Can we have a contrary
3 instruction, your Honor, on the strike?

4 THE COURT: No, not yet. We'll talk about it on
5 the break.

6 MR. ROBISON: Thank you.

7 BY MR. SPENCER:

8 Q Had you first been presented with any offers
9 that would have resolved all issues at that time?

10 A No.

11 Q Okay. And then after that time, July 27th,
12 2017, you ended up a few months later filing this action?

13 A Yes, what happened is I got this letter, and I
14 was obviously concerned. And I, actually, I had talked
15 with Ms. Diggins, and she had told me that --

16 MR. ROBISON: Object to hearsay.

17 THE COURT: Sustained.

18 THE WITNESS: Okay. Sorry.

19 BY MR. SPENCER:

20 Q I just asked you if you ended up having to file
21 a lawsuit.

22 A Yes.

23 Q Okay. And so Exhibit 168.

24 This was an email of July 25th, 2016, from Kevin

1 Riley.

2 Do you see that?

3 A Yes. I remember this.

4 Q Okay. And on the next page, TJ 1865, this was a
5 year before that July 27th, 2017, letter with the check,
6 right?

7 A That's correct.

8 Q And in the very last paragraph there, you're
9 told by Mr. Riley:

10 It appears increasingly likely that
11 your trust will not be funded with
12 cash.

13 A Yes.

14 Q And:

15 But rather some interest in some
16 ranch entities. Per your request,
17 Todd and Stan are open to the
18 possibility of a cash settlement with
19 your trust. However, no dollar
20 amounts have been discussed.

21 A Correct.

22 Q So, so earlier Mr. Riley indicated that Todd and
23 Stan were open to a cash settlement, but you had no idea
24 how much?

1 A That's correct.

2 MR. ROBISON: Objection.

3 THE COURT: There are two types of settlements
4 at issue. The previous letter from Mr. Lattin referred to
5 resolution. So there is some wider margin as to what
6 resolution means.

7 If you're talking about an allocation or
8 shifting of trust corpus to satisfy each beneficiary's
9 rights, that word settlement could apply. But the word
10 settlement could also apply to the resolution of legal
11 conflict, which is per se inadmissible in this trial.

12 So I need you to be very careful, the way that
13 you ask the questions that you -- refer to trust
14 administration allocations and so forth and not any
15 settlement of a dispute between the parties to litigation.
16 BY MR. SPENCER:

17 Q All right. So your trust would not be funded
18 with cash or with ranch entities, allocation of property
19 between the, the three of you, is that your understanding?

20 A Well, this is what -- this was when I, after
21 this email, this was the key email to me that made me
22 decide it was time to get an attorney because I didn't
23 understand what they were talking about, and, and he was
24 telling me that the grandchildren's trust had not been

1 funded. That was -- I had read that -- that was the main
2 thing that my dad said in his trust was that no one gets a
3 distribution until the grandchildren's trusts were funded.
4 I asked him that question. He responded that they had not
5 been.

6 Q And that's the response, right?

7 A Correct.

8 Q Did you -- and so the, back to Exhibit 151,
9 please. As far as the statement here:

10 All trust matters, until all trust matters have
11 been resolved, I wanted to ask you if you had heard
12 anything else from your trustees regarding that issue after
13 this date?

14 A No.

15 Q Okay. And, and so in order to continue to pay
16 your bills and make it, you had to take out loans from
17 Stan?

18 A That's correct.

19 Q Okay. And does this scenario that all of this
20 depicts comport with your dad's intentions?

21 A Absolutely not.

22 MR. SPENCER: Pass the witness, your Honor.

23 THE COURT: All right.

24 Counsel, you may begin. You have seven minutes

1 before our break.

2 MR. ROBISON: Thank you very much, your Honor.

3
4 CROSS-EXAMINATION

5
6 BY MR. ROBISON:

7 Q Ms. Jaksick, we've been through the discovery
8 process in this case and sat through this trial, correct,
9 ma'am?

10 A I have.

11 Q And we've shown the jury several emails and
12 several texts; you're aware of that?

13 A Yes.

14 Q And you claim some of those are altered, do you
15 not?

16 A I do.

17 Q And how is it that texts sent to you get altered
18 in content?

19 A Stan actually told me that Todd's wife Dawn had
20 showed him how to alter texts. So that was how I first
21 heard about it. And then I went to AT&T and asked.

22 Q Let's start with Exhibit 13P, please.

23 THE COURT: Ms. Clerk, is that admitted into
24 evidence?

1 THE CLERK: It is not.

2 THE WITNESS: Can I see it?

3 THE COURT: Just a second, please.

4 MR. ROBISON: Your Honor, if I may lay a
5 foundation?

6 THE COURT: Yes.

7 MR. ROBISON: May I approach?

8 THE COURT: Yes, please.

9 BY MR. ROBISON:

10 Q Exhibit 13P is in this binder, ma'am.

11 A Okay. Okay.

12 Q Do you recognize that as a text?

13 A I do. Can I read it really quick?

14 Q Yes, ma'am. Please.

15 A Okay.

16 Q This is one of the texts that you contend is
17 fabricated or altered, correct, ma'am?

18 A Some of it looks like my text.

19 Q And other parts of it you contend are
20 fabricated?

21 A I don't think so.

22 Q You think they're altered?

23 A No, I don't --

24 Q May I please have depicted to the Court and jury

1 page 291 of Ms. Jaksick's testimony, please?

2 THE COURT: Has this previously been opened?

3 You're seeking to open and publish?

4 MR. ROBISON: This is impeachment on a
5 deposition, your Honor.

6 THE COURT: I understand. So you're referring
7 to her deposition testimony, Counsel?

8 MR. ROBISON: Yes, sir.

9 THE COURT: All right.

10 MR. SPENCER: Per our prior stipulation, that's
11 acceptable, and I do not object to 13P then.

12 MR. ROBISON: I move it into evidence.

13 THE COURT: 13P is admitted into evidence.

14 (Exhibit Number 13P was
15 admitted into evidence.)

16 BY MR. ROBISON:

17 Q If you refer to line 6, you can see, ma'am, that
18 at your deposition we were discussing Exhibit 13P, which is
19 now before you. That would be on line 6.

20 Could you pull that out?

21 Do you see the reference to that particular
22 exhibit?

23 A Yes, 13P.

24 Q And that's the one in front of you, ma'am?

1 A Yes.

2 Q And then if you go down to line 19 and 20 I
3 asked you if you thought these were phoned up.

4 And you indicated under oath that you thought
5 they were altered, correct?

6 A Yes.

7 Q By whom?

8 A I don't know.

9 Q Well, this particular text is talking about that
10 area where Todd is informing you that your father removed
11 the \$1.5 million deduction from your inheritance, correct?

12 A Yes. If you look down on here Todd is saying
13 it's a \$2 million deduction.

14 Q Yes, that was in the 2003 Trust Agreement,
15 correct?

16 A I have no idea.

17 Q Did your father tell you, ma'am, that he had a
18 trust agreement that was dated 2003?

19 A No.

20 Q Did you and your father ever discuss the 2003
21 Trust Agreement?

22 A I don't recall.

23 Q The one that was prepared by Mr. Sanford?

24 A I don't recall that.

1 Q And are you aware that that document deducts
2 from your inheritance \$2 million at 6 percent interest from
3 the date of the 2003 Trust?

4 A I don't recall the document.

5 Q Okay. But I'm asking about discussions that you
6 had with your father about these estate plans.

7 A Yeah, I don't recall the 2 million. I'm sorry.
8 I don't recall it.

9 Q Plus interest on top of that?

10 A I don't recall that.

11 Q And by 2003 you had been in, in various
12 skirmishes with the law and had judgments against you, is
13 that correct?

14 A I did.

15 Q Now what evidence do you have that 13P is
16 altered?

17 A I don't have evidence.

18 Q But you did just say to this jury that that's an
19 altered document, correct?

20 A I'm saying it could be.

21 Q Well, I asked you so you think these are phonied
22 up, and you said I think they're altered.

23 What did you mean by that?

24 A I meant all of the texts.

1 Q All of the texts?

2 A Yes.

3 Q All of the texts that Todd sent you may be
4 altered or fabricated in some sense?

5 A May be.

6 Q And why do you say that, because they're harmful
7 to your case?

8 A No.

9 MR. SPENCER: Objection, your Honor.

10 THE COURT: Overruled.

11 BY MR. ROBISON:

12 Q Those texts that you contend are fabricated are
13 texts where Todd is giving you information about the
14 administration of the trust, correct?

15 A If he was giving me information through a text,
16 I would have had questions because I didn't understand
17 anything at all.

18 Q Well, did you respond to his comment that the
19 first 2003 Trust reduced your inheritance by \$2 million?

20 A Did I what?

21 Q Did you respond to that?

22 A I don't know.

23 Q Do you recall what you said with respect to
24 that?

1 A In conversation?

2 Q Yes.

3 A Yes.

4 Q Well, did you confirm that in text or email?

5 A There would be no reason to.

6 Q And in this case, Ms. Jaksick, you also
7 contended various emails are fabricated, ones you received
8 from Todd, correct?

9 A Right. You'd have to show me.

10 Q Well, have you seen any emails exchanged in
11 discovery in this case that you contend are fabricated or
12 altered?

13 A I have questions.

14 THE COURT: And with that, ladies and gentlemen,
15 please do not form or express any opinion about this matter
16 until it is submitted to you.

17 Please do not discuss this case amongst
18 yourselves.

19 We'll be in recess for 20 minutes.

20 We'll stand for our jury.

21 (Whereupon the jury was excused.)

22 THE COURT: I have some housekeeping matters
23 we'll take up in 15 minutes. Thank you.

24 (Whereupon a recess was taken.)

1 (Whereupon the following proceedings
2 were had outside the presence of the jury.)

3 THE COURT: Any issues out of the jury's
4 presence?

5 MR. SPENCER: One was Exhibit 151 asking about
6 what she -- what information she had to make a decision
7 about settlement.

8 And he said it violated the Court's order. And
9 I didn't know exactly what order that was.

10 And so --

11 THE COURT: Well, I tried to describe on the
12 record what I perceived the problem to be. And that's --
13 resolution of trust affairs was fair, based upon
14 Mr. Lattin's letter, but settlement of a legal dispute is
15 beyond what we would introduce to the jury.

16 MR. SPENCER: I, I wasn't going to ask her what
17 negotiations did you have, and what did y'all talk about.
18 I was going to ask what information she has as far as
19 disclosure that would have allowed her to make that
20 decision at that time. That's pretty important.

21 THE COURT: You can revisit that on redirect.

22 MR. SPENCER: Okay. And the other is, is
23 Exhibit 554, which is just a series of pictures that we
24 offered, and the objection was it wasn't produced and

1 that's true.

2 But there's been a whole lot of stuff in this
3 case that hasn't been produced timely, including us getting
4 some information, you know, that Friday before we started.

5 He put up pictures, and all we were trying to do
6 demonstrably is show that she has pictures with her dad
7 also. That's all that is. I don't see how there's
8 prejudice to allow the pictures.

9 MR. ROBISON: There's an order in limine saying
10 you don't get to use that which you don't produce.

11 We produced our photographs. We identified them
12 as exhibits. Everything that we marked we produced.

13 This is like the 7th, 8th day of trial, and we
14 get new exhibits put under our nose. They haven't been
15 produced.

16 We're just asking that the order that the Court
17 entered be followed.

18 THE COURT: I'm going to enforce the normalcy of
19 trial, even though I agree, it doesn't seem to be -- it
20 doesn't seem to be Mt. Everest, but I do wish to try and
21 maintain some sanity, and if it was not produced in advance
22 of trial, then it will not be broadcast to the jury.

23 I have a note from the clerk about Wendy's
24 deposition. It has now been presented to the jury. My

1 clerk doesn't have a copy.

2 Tell me --

3 MR. ROBISON: We should have opened and
4 published the original. And the originals went to counsel.

5 THE COURT: So before this trial is over, we
6 need to make sure that Ms. Wendy's deposition is possessed
7 by the court clerk.

8 Anything else, Counsel?

9 MR. ROBISON: No, sir.

10 MR. SPENCER: Yes, your Honor. Back to
11 Mr. Wallace from yesterday.

12 THE COURT: Oh, right. I did research.

13 MR. ROBISON: Uh-oh.

14 THE COURT: Isn't that dangerous? And I left it
15 in my office.

16 I reviewed 50.145 -- excuse me, 50.155, which
17 allows the Court to enter an order excluding and
18 sequestering witnesses.

19 I've also looked at the expert rule on opinions,
20 NRS 50.285. I've looked at the decisional authority from
21 Nevada, which I must admit is not helpful because it's not
22 on all four.

23 I am going to allow Mr. Wallace to observe. So
24 he may be invited back in.

1 MR. JOHNSON: I have two volumes of her
2 deposition, if I may.

3 THE COURT: Yes. The jury, please.

4 (Whereupon the following proceedings were
5 had in the presence of the jury.)

6 THE COURT: If everyone would be seated, please.
7 Counsel, you may continue.

8 BY MR. ROBISON:

9 Q Before the recess, ma'am, we were discussing
10 some emails and texts that you believe were either altered
11 or modified.

12 Would you please take a look at Exhibit 15F and
13 let me know if that book is not in front of you, please?

14 A This goes to 13.

15 Q Thank you.

16 THE COURT: Ma'am, the microphone is pointing
17 straight up. Thank you.

18 THE WITNESS: Is that better?

19 THE COURT: Yes.

20 BY MR. ROBISON:

21 Q Do you recall, ma'am, that we had a discussion
22 at your deposition?

23 A I'm sorry. 15, what was it?

24 Q F.

1 A Okay.

2 Q Do you recall that you also claimed that this,
3 this -- would you please show 15F. 15F?

4 THE COURT: It is in evidence, Ms. Clerk?

5 THE CLERK: It is in evidence.

6 THE COURT: Yes.

7 BY MR. ROBISON:

8 Q Do you recall that you and I had a dialogue
9 about this particular exhibit at your deposition, and you
10 claimed that this was a falsified series of communications?

11 A I'm not sure. Part of it looks like some of my
12 texts.

13 Q You now believe this is a truthful and accurate
14 communication exchanged with you?

15 A I'm not, I don't recall. But I don't know about
16 part of it. It doesn't make sense, the part about the use
17 tax. I don't know why I'd be discussing that.

18 Q Right. What use tax is involved in this case,
19 if any, that you know of?

20 A I don't know.

21 Q All right. But do you recall in your deposition
22 that you told me that this was a fabricated document?

23 A I had questions on it.

24 Q In fact, you told me flat out at your deposition

1 that this was a fake?

2 Do you recall that?

3 A I may have.

4 Q And what was the basis for you calling your
5 texts a fake?

6 A That I didn't recall talking about this, and, I
7 don't know, there would be no reason for me to talk about
8 the tax person.

9 Q Well, you did talk to a tax person, though,
10 didn't you?

11 A Regarding my taxes?

12 Q Yes.

13 A This says use tax.

14 Q I know, but you did talk to a tax person about
15 your situation with not filing tax returns?

16 A Yes. I had talked to a CPA.

17 Q And that was in connection with Todd's advice to
18 you to go ahead and apply for a license?

19 A That's not true.

20 Q Did Todd advise you to go ahead and apply for a
21 license?

22 A No.

23 Q Did you apply for a license?

24 A I did not.

1 Q Why?

2 A Because I didn't -- the main reason is I didn't
3 have \$10,000 to pay the Colorado attorney, and Todd told me
4 that that's what it could cost me, and it would be a
5 holdup, and to not even try.

6 Q And is that why you did not apply for a license,
7 because of the \$10,000 cost?

8 A That, and then I had issues with my taxes.

9 Q Is that you did not file tax returns?

10 A I had a couple of years that I didn't file,
11 that's correct.

12 Q And was there also dialogue about some of the
13 judgments that had been returned against you as an
14 impairment to you getting licensed?

15 A Possibly so, yes.

16 Q Did that dissuade you from applying for a
17 license to acquire the primary group stock?

18 A I don't recall.

19 Q If we return our attention now to 15C, please,
20 in evidence.

21 Do you recall this affidavit?

22 A No.

23 Q And if you look at the second page, it's your
24 contention in this case that that's a forgery, correct?

1 A I'm not saying it's a forgery. It looks like my
2 signature, but I am not familiar with this whatsoever.

3 Q Did you or did you not sign it, ma'am?

4 A Sign what?

5 Q The affidavit.

6 A No.

7 Q Did somebody else sign your name to that
8 document?

9 A I don't -- it looks like my signature. But I, I
10 do not recall ever reading anything about this affidavit.

11 Q Do you recall discussing the need for this
12 affidavit?

13 A No, as a matter of fact, reading the affidavit,
14 the first time I even heard anything about the -- they had
15 to have an extra percentage, or what it was out of the
16 entire stock versus my dad's stock, was recently. Never
17 heard that before.

18 Q So are you telling the jury that you did not
19 sign that document as it appears on the screen right now?

20 A I am saying I did not sign an affidavit with the
21 guts of what is on the previous page.

22 Q Did you sign that particular page that's
23 depicted to the jury?

24 A I don't recall, no.

1 Q Do you recall discussions about the 6 percent?

2 A We had discussions about the 6 percent. We did
3 not have discussions about the fact that they needed the
4 6 percent to come from the overall company versus just
5 dad's percentage. But I never had a discussion with any of
6 the co-trustees.

7 Q Is it your testimony before this jury that your
8 signature is on that document now being displayed?

9 A It looks like my signature.

10 Q All right. And you have contested, have you
11 not, the validity of documents contesting -- suggesting
12 that you did not sign some of these documents, correct?

13 A I have -- we have to discuss which documents.

14 Q The receipts for the money that you were paid
15 from the office, the signed receipts for receiving that
16 money?

17 A Right, there are some that are not my signature.

18 Q And you are claiming that your signature has
19 been forged on those, correct?

20 A Well, I didn't sign them. That's not my
21 signature on a few of them.

22 Q Now with regard to the ACVA, I want to direct
23 your attention to Exhibit 14.

24 Do you have that book in front of you?

1 A I do not.

2 Q All right.

3 A Oh, wait. Yes, I do. I'm sorry. I do.

4 Q Now you told us on direct examination, ma'am,
5 that this was stuck under your nose the day after your
6 father died?

7 A I don't know if this was stuck under my nose. I
8 know that what was discussed in here was verbally
9 communicated to me the day after my dad died, and there was
10 documents, there was a signature page opened up. I never
11 looked at what was on the front.

12 Q All right. So your father passed on April 21st,
13 2013, correct?

14 A That's correct.

15 Q Are you telling the jury the next day this
16 document was signed by you?

17 A I'm not sure about this document.

18 Q What was signed by you?

19 A There was a signature page open for Stan and I
20 to sign. I do not -- and it was discussed that it was
21 regarding the \$2 million to put into the Tahoe house so
22 that we wouldn't lose it. I have no idea what was in front
23 of it.

24 Q If you look at the second page on this document,

1 Exhibit 14, ma'am, do you admit that your signature appears
2 on this document signed by you?

3 A Yes. That appears to be my signature.

4 Q All right. And did you read any of the ACPAs
5 that you signed?

6 A Did I read them?

7 Q Yes, ma'am.

8 A Right. This one here?

9 Q Any of them.

10 A I'm sure I did.

11 Q And did you see in every one that you read that
12 you agreed to release Todd from liability with regard to
13 the particular transaction addressed by the ACPAs?

14 A On the, there's some that I read that on. Not
15 this one at all.

16 Q Well, perhaps we should go to page 2 then.

17 A Okay.

18 Q And it's paragraph 3, binding effect.

19 MR. ROBISON: Would you please put that up,
20 Mark, and blow it up? And if you'd highlight the fourth
21 line.

22 BY MR. ROBISON:

23 Q Do you see that, ma'am?

24 A I see that.

1 Q This document does contain that language?

2 A I never signed this document.

3 Q That's not your signature?

4 A It is my signature. But I never, but it was
5 never attached to the first pages.

6 Q Did you discuss the prospect of using your
7 father's insurance money to invest in the Lake Tahoe for
8 the Issue Trust?

9 A Yes, we did. The day after my father died.

10 Q All right. Did you see that this document in
11 paragraph 4 was prepared by the law firm of Maupin Cox
12 LeGoy?

13 A This document here?

14 Q Yes, ma'am.

15 A Yes, I see that.

16 Q Do you think they prepared this document the
17 night of your father's death?

18 A I wouldn't think so because he died on a
19 Saturday, or he died on a Saturday so it would have had to
20 have been Sunday when we met.

21 Q All right. But you're not suggesting that this
22 document was prepared the day after your father died and
23 was put under, put before you to sign, you're not saying
24 that, are you?

1 A I don't think it's possible.

2 Q Thank you for that.

3 And with regard to the other ACPAs that you
4 signed, did you realize that release language was in each
5 and every ACPA that you signed?

6 A I trusted my brother Todd.

7 Q That's a different question.

8 A Oh, I'm sorry. Okay.

9 Q Did you realize that paragraph in which you
10 promised to release Todd was in each and every ACPA that
11 you signed?

12 A No.

13 Q You didn't read them?

14 A I didn't understand it.

15 Q Well, you have considerable business experience,
16 do you not, ma'am?

17 A Yes.

18 Q And so let's -- you know what a limited
19 liability company is?

20 A Correct.

21 Q And you have been the manager in your history of
22 limited liability companies?

23 A I have.

24 Q And the function of a manager of a limited

1 liability company is what, please?

2 A I'm sorry. Can you --

3 Q The function of a manager of a limited liability
4 company, a position that you have held, is what?

5 A Is to be the managing member, and to --

6 Q Manage?

7 A Yeah. Manage.

8 Q That member is typically the owner of the
9 company, correct?

10 A I'm not sure.

11 Q All right. So you've been involved in the
12 limited liability company that was part of the Galena --
13 what is it?

14 A Galena Canyon?

15 Q Yes.

16 A Yes.

17 Q And you were a manager of that limited liability
18 company?

19 A Yes, I was.

20 Q And the name of that limited liability company,
21 please?

22 A There was Galena Canyon, LLC and Bermuda -- or
23 not Bermuda, that was another one -- Snow Pack, that was
24 the water part of it.

1 Q So you had two limited liabilities companies
2 with respect to the Galena development?

3 A I did.

4 Q And you were the developer of that project, were
5 you not, ma'am?

6 A I had partners; there was several of us.

7 Q Well, the RGJ wrote an article up on you about
8 being a female developer and how successful you were in
9 that regard, do you recall that?

10 A I do.

11 Q And that was what limited liability company that
12 that article addressed?

13 A Galena Canyon.

14 Q All right.

15 A Yes.

16 Q And then you backed out of that project?

17 A No, I stayed in it. But I was not managing it
18 after my spiral.

19 Q All right. So I'm sorry, is it Remuda, LLC?

20 A Remuda.

21 Q What's the composition, ownership composition of
22 Remuda?

23 A That was me and another lady that did horse
24 training and horse lessons with me.

1 Q You two were co-managers?

2 A Yes.

3 Q And then the name of the other limited liability
4 company that you had involved in the Galena project was
5 what?

6 A Snow Pack.

7 Q And what -- who managed Snow Pack?

8 A There was the same people that had Galena
9 Canyon.

10 Q Were you a member in both of those companies?

11 A I was.

12 Q Part owner?

13 A Yes.

14 Q And you also had one with Mr. Wheland, Wayland,
15 what's his name? (Phonetic spellings.)

16 A I had a what?

17 Q A limited liability company with him?

18 A No, I did not.

19 Q Have you been involved in any other limited
20 liability companies?

21 A I think Saddlehorn was -- I can't remember if
22 Saddlehorn was an LLC.

23 Q And you helped do the books and records for
24 these companies that you were involved with, correct,

1 ma'am?

2 A No.

3 Q Who did the books and records for that?

4 A We, we had a bookkeeper or a, a hired bookkeeper
5 or a CPA.

6 Q All right. So what, what we might have missed
7 on your direct examination is a chronology of these issues.

8 Does it start with the rehab in Wickenburg,
9 Arizona, wasn't that 1999?

10 A It was right around there.

11 Q And were you married to Mr. Smrt at that time?

12 A No.

13 Q When did you and he marry?

14 A We got married in 1986.

15 Q And got divorced in 2005?

16 A Yes. And then we got back together.

17 Q So the divorce decree was entered in this
18 courthouse -- no, I'm sorry.

19 Was it this courthouse, or was it Douglas
20 County?

21 A No, it was, it was Washoe County.

22 Q 2005?

23 A That sounds right.

24 Q All right. So is that part of the tail spin?

1 A No, we got back together after that for a few
2 years.

3 Q All right.

4 A And then the tail spin started toward -- yeah,
5 toward the end of our relationship and then with Ron
6 Kreske's death.

7 Q When was that unfortunate event, Mr. Kreske's
8 suicide?

9 A '98 or '99.

10 Q All right. So just so we have a timeline right,
11 you had the unfortunate incident with the suicide in 1998
12 or 1999 period?

13 A Yes.

14 Q And then the rehab stint was when?

15 A '99 or 2000.

16 Q In about the same time?

17 A Yeah. Correct.

18 Q And then the divorce, however -- let me see if I
19 understand this.

20 After you have came out off the facility, you
21 believe that that kind of turned your life around and you
22 did better?

23 A It took me a while.

24 Q But most of the trouble that you got into was

1 after Wickenburg, correct?

2 A Well, it stemmed from the companies that I was
3 involved in before Wickenburg.

4 Q Okay. Well, you started off with the Mildred
5 Short.

6 Do you remember that situation, you got kind of
7 sideways with Ms. Short and wound up getting a judgment
8 against you for 27,000?

9 A Yeah. I, that -- I was the, one of the
10 executors to her will. She was my great aunt.

11 Q And then that criminal problem that counsel
12 eluded to, that was in 1999, correct?

13 A Which one are you talking about?

14 Q That's the one in which Mr. Freeman represented
15 you?

16 A Yes.

17 Q And you were referred to a drug diversion
18 program, that's after Wickenburg?

19 A No.

20 Q Can you please take a look at Exhibit 27B to see
21 if that refreshes your recollection.

22 A Sure.

23 Q Oh, I'm sorry.

24 A I have a 27, but it's an email from Jesse

1 Clayton.

2 Q Yeah, I think that we have that up here, ma'am.

3 MR. ROBISON: May I approach, your Honor?

4 THE COURT: Yes.

5 BY MR. ROBISON:

6 Q Did you find the exhibit, ma'am?

7 A Yes, I have it here.

8 Q I'm looking at the bottom paragraph of the first
9 page of Exhibit 27B.

10 Does that not suggest that you were diverted to
11 a drug diversion program?

12 A Yes.

13 Q And that was after Wickenburg, correct?

14 A It must not have been.

15 Q I don't understand.

16 A Well, it says -- it says January of 2000.

17 Q Correct.

18 A So it's all around that general area. My dates
19 are not perfect, of course. I don't remember the date I
20 went.

21 Q Okay. But the point is, I'm trying to address
22 the fact that you didn't get in any trouble after you came
23 out of the Wickenburg rehabilitation program.

24 That's not exactly consistent with the

1 chronology, is it, ma'am?

2 A You'd have to explain.

3 Q Well, from 2000 to 2005 is when you got these
4 judgments against you, correct?

5 A Correct. The judgments, they don't come
6 immediately. I'm sure that they were waiting to file them
7 and so forth, so yes, when I, I got back, I definitely had
8 issues to deal with.

9 Q When you got back from Arizona?

10 A Yes.

11 Q All right. And then you recall discussing these
12 problems with your father with respect to the 2003 Trust
13 Agreement?

14 A No.

15 Q Did you and your father discuss these issues
16 regarding his estate plan?

17 A No, we -- I don't recall if we discussed -- it
18 wasn't involving his estate plan. We discussed my problems
19 and how I was dealing with them and getting help and so
20 forth like that. But we didn't discuss it with his estate
21 planning.

22 Q So did he discuss with you the fact that he
23 reduced your inheritance by \$2 million plus interest in the
24 2003 Trust Agreement?

1 A I don't recall that.

2 Q In the 2006 Trust Agreement he reduced your
3 inheritance by \$1.5 million.

4 Did you and he discuss that?

5 A We did.

6 Q In the 2012 Second Amendment, in 2012 were you
7 discussing this with your father?

8 A The deduction?

9 Q The elimination of the deduction.

10 A The elimination of it; he had mentioned it to
11 me.

12 Q What did he say?

13 A He said when we purchased my house, which was
14 two thousand -- I don't remember the year that we did the
15 house, that he was going to put a reduction in his -- he
16 told me that he was going to reduce what I was going to
17 inherit by \$1.5 million because he had purchased the house
18 in Galena Canyon for me and Luke.

19 Q And then my question was more directed to 2012.

20 Did you and he discuss the elimination of that
21 deduction or reduction?

22 A We did.

23 Q And did he explain to you why he was going to
24 give 20 percent of your share to your son Luke?

1 A He did.

2 Q What did he say, please?

3 A He actually did not say 20 percent, but he said
4 to me that he wanted to make sure that Luke was taken care
5 of.

6 Q All right. So in the, in the end of 2012 --
7 you've seen the second amendment, correct?

8 A I have now.

9 Q And that was put in your binder that you
10 received on June 5th, 2013?

11 A I don't recall that.

12 Q In fact, Todd gave you a binder with the trust
13 documents in it, didn't he?

14 A He did.

15 Q And that was in June of 2013?

16 A I'm not sure.

17 Q Okay. Did you thereafter allow an attorney to
18 have that binder to review?

19 A After June of 2013?

20 Q Yes, ma'am.

21 A Yes. Not right after that. It was quite some
22 time after, correct.

23 Q But that attorney refused to return the binder
24 to you unless you paid his fee, correct?

1 A Yes.

2 Q And did you ever get that binder back?

3 A No, because I couldn't afford his bill.

4 Q Well, the money that was being sent to you as a
5 paydown of the insurance note, could not you have used that
6 money?

7 A He wanted a \$20,000 retainer.

8 Q And he kept your three-ring binder?

9 A No, he said I could get it.

10 Q Did you get it?

11 A No.

12 Q Why?

13 A Because Stan was making me copies of his during
14 that time.

15 Q So you did have a full copy?

16 A I had a copy of whatever I was given, yes.

17 Q And you were given the 2006 Trust Agreement?

18 A I was.

19 Q The second amendment, correct?

20 A I don't remember the second amendment.

21 Q And you, you realized that your brothers were
22 co-trustees of the second amended trust agreement?

23 A Can you repeat that?

24 Q Yeah. Did you know that your brothers were

1 co-trustees administering the second amendment?

2 A I did not. I was not -- I didn't understand
3 what the second amendment was.

4 Q But you have a document in a binder as early as
5 June of 2013, correct, ma'am?

6 A I don't recall having that document in the
7 binder.

8 Q What was in the binder?

9 A There was the 2006 Restated Trust of the Family
10 Trust, all of those documents, which were substantial.

11 And then the Issue Trust, the same documents
12 that were for the Issue Trust.

13 Q You knew that Luke was getting 20 percent,
14 though?

15 A Well, I did not know 20 percent. My dad said
16 that he was going to make sure that Luke was taken care of.
17 And I was happy.

18 Q So, ma'am, after your father passed, when was it
19 that you first learned that your interest was reduced by 20
20 percent and went to Luke?

21 A Todd told me.

22 Q Okay. And did you say well, Todd, show me the
23 documents?

24 A I, I figured it was probably in the stack of the

1 stuff that he handed to me, he walked in and said I have
2 good news, dad took out the \$1.5 million reduction of your
3 inheritance, your trust.

4 Q Right. And did you read then the provisions in
5 that second amendment that pertain to Lexi's sub-trust?

6 A At that time, no.

7 Q Did you read the provisions that allowed your
8 son to get 20 percent of your share?

9 A At that time, no. Later on, yes.

10 Q Well, from the time your father died in April of
11 2013 until when did you finally get around to reading the
12 documents?

13 A I didn't know what the second amended was. So I
14 don't remember when it was that I read it.

15 I was being told information of the second
16 amendment.

17 Q My question is a little bit different.

18 A I'm sorry.

19 Q It was a question about you reading it to see
20 what your father actually provided for his heirs.

21 The first time that you read that document, to
22 the best of your recollection, is when, ma'am?

23 A Around 2015, I would say.

24 Q Approximately three years after your father

1 passed away, you had not read the second amendment?

2 A I can't recall. But that's a guess because
3 that's when I started really, after the meeting with Kevin,
4 is when I started to really read things.

5 Q Did Stan disclose to you that there was a second
6 amendment?

7 A No.

8 Q Did -- you have no idea there was a second
9 amendment from 2013 to 2015?

10 A I have heard that there was a second amendment,
11 but I didn't understand what the amendment -- how, I didn't
12 understand what that meant, I guess I should say.

13 Q Well, ma'am, you've got this business
14 background.

15 Why didn't you simply ask for the document so
16 that you the could familiarize yourself with it?

17 A I'm sure that I asked for -- I asked for lots of
18 things, obviously. But in my mind I thought this second
19 amendment was part of the 2006 Trust. I didn't understand
20 that there was amendments here and there and so forth. I
21 just didn't understand that.

22 Q Well, meanwhile, these ACPAs are being presented
23 to you, correct?

24 A Right. Some of them were, yes.

1 Q And did you want to know what the second
2 amendment said in light of what was going on with the
3 ACPAs?

4 A Not early on. I trusted Todd, and I believed
5 whatever he told me.

6 Q Without looking into anything?

7 A I trusted him.

8 Q And meanwhile they are paying you money to
9 sustain your livelihood -- not livelihood, but existence?

10 A They were.

11 Q And over the years they've paid you close to
12 \$600,000, correct?

13 A I'm not sure of the number. I would have to see
14 documentation. I'm not really sure.

15 Q But you've asked that they support you before
16 there be distributions under the Family Trust document,
17 correct, ma'am?

18 A Could you rephrase that?

19 Q You've asked that Todd and Stan support you
20 before there is actual distributions under the Family
21 Trust, correct?

22 A No, I was asking -- we -- there's the insurance
23 trust, that there was a creditor's claim that Todd did for
24 me and filed it, so that was outside of the Family Trust.

1 And that was -- I don't remember the exact
2 amount, I think it was 275,000 or something, so they had
3 told me on different occasions that the money that I was
4 getting was coming out of that creditor's claim that I was
5 to receive.

6 Q Right.

7 A And they told me that the -- that those are the
8 only ways that they could, before the taxes were paid, that
9 they could release me money, would be on the creditor's
10 claim that I was owed.

11 Q And you got money periodically as a result of
12 that arrangement?

13 A I did.

14 Q Do you deny that you received over \$600,000
15 since your father died from that arrangement?

16 A I don't believe that that's the right number.
17 But I have received money definitely.

18 Q Have you kept an accounting?

19 A I kept an accounting somewhere.

20 Q And --

21 A My budget.

22 Q Do you consider that an offset against what your
23 father intended you to receive?

24 A Well, what I was told --

1 Q Let me rephrase that. I'm sorry for
2 interrupting you.

3 A I'm sorry.

4 Q I respectfully ask that you answer the question.

5 A Okay.

6 Q Are you expecting that whatever sum it is,
7 600,591, to be an offset against what your father intended
8 you to receive under the Family Trust?

9 A That doesn't make sense to me. So I can't say
10 yes or no. Some of it definitely, yes.

11 Q How much?

12 A Well, there's the insurance note that was to be,
13 to pay me, I believe, I can't remember off the top of my
14 head, \$275,000 plus interest. I think it was up to 325,
15 possibly, that was the interest note. So that is separate
16 than the Family Trust.

17 And then my dad had mentioned to me before he
18 died that there is a stipulation in the 2006 Trust, which I
19 did read, and it says that Wendy is to be paid her monthly
20 maintenance support, education, and Luke is to be paid for
21 any education or sports or training. And so I thought that
22 when they were paying me the money, that it was coming out
23 of that.

24 Q But the second amendment changed that?

1 A I didn't understand the second amendment nor had
2 I seen it.

3 Q I'm sorry?

4 A I did not understand the second amendment until
5 I had actually physically seen it.

6 Q Okay. Now I'll ask you some final questions,
7 ma'am.

8 Do you have any idea what happened to the Vidler
9 Water Project out of Fish Springs?

10 A Just from reading.

11 Q It failed, right?

12 A No, not what I read.

13 Q Okay. So other than what you've read, you don't
14 really know about the transportation of water from one
15 basin to the other?

16 A Do you want me to tell you what I've read?

17 Q No, I want you to answer my question, please.

18 A Can you repeat it? I'm sorry.

19 Q Outside of what you read about the Fish Springs
20 transport, do you have any idea of whether or not the state
21 engineer approves intra-basin transfers of water?

22 A They do.

23 Q And in what respect do you know that?

24 A It's every situation is looked at differently.

1 Q So you understand that TMWA has prices for
2 water?

3 A They do.

4 Q And what is TMWA?

5 A It is the Truckee Meadows Water Association.

6 Q And that's local to the Reno/Sparks community,
7 correct?

8 A Truckee Meadows, I believe so.

9 Q And the ranches in which the Jaksicks have an
10 interest on are a hundred miles north of where TMWA is,
11 correct?

12 A No.

13 Q Is there any way for you to know whether there's
14 a buyer for water rights separate from the land?

15 You don't know anything about that, do you?

16 A I do.

17 Q And have you seen that every time there is a
18 water transfer there are protests and litigation, primarily
19 by the Pyramid Lake Indian tribe?

20 A Not always.

21 Q And what projects have been approved that hasn't
22 been contested by the tribe?

23 A You mean just the water that is right around
24 Pyramid Lake?

1 Q No, I mean transfers from Fish Springs, Vidler,
2 Lemmon Valley, any transfers in our northern Nevada
3 community.

4 A Okay. What was your question?

5 Q They're contested, aren't they?

6 A Lots of times, yes. But not every time.

7 Q You know, do you not, ma'am, that the state
8 engineer's office does not publish prices for water?

9 A They do not.

10 Q Okay. So the only information you had about
11 water is what you heard from Todd?

12 A And I did some research at TMWA, with the
13 TMWA -- they do give you prices.

14 Q Okay. You don't profess to be an expert in
15 that, do you, ma'am?

16 A Definitely no.

17 MR. ROBISON: Thank you. I'll pass the witness,
18 your Honor.

19 THE COURT: Mr. Lattin.

20

21 CROSS-EXAMINATION

22

23 BY MR. LATTIN:

24 Q I just have a few questions for you.

1 A Okay.

2 Q Did I understand you to testify that you did not
3 fill out a gaming application?

4 A Did I file one or fill out?

5 Q Either one.

6 A I have filled one out.

7 Q You filled one out.

8 So Todd did tell you about that, and Todd told
9 you to go ahead and fill out one so you can submit it to
10 the Colorado Gaming Board, is that correct?

11 A No.

12 Q Let's bring up Exhibit 15B.

13 THE COURT: 5-0 or 1-5?

14 MR. LATTIN: 1-5.

15 THE WITNESS: I have 1-5.

16 MR. ROBISON: 1-5.

17 MR. LATTIN: I believe it's admitted.

18 May I approach the witness, your Honor.

19 THE COURT: Yes.

20 MR. LATTIN: I believe this is the book that
21 will have that in it.

22 THE WITNESS: Thank you.

23 MR. LATTIN: Take your time.

24 THE WITNESS: Thank you. We're talking 15?

1 MR. LATTIN: 15B.

2 THE WITNESS: Okay.

3 MR. LATTIN: It should be right behind 15A.

4 BY MR. LATTIN:

5 Q Do you have that in front of you?

6 A I do. I'm reading it.

7 Q Okay. Take your time.

8 A Okay. I've read it.

9 Q Okay. Now do you use the email
10 Jaksickhomelive.com?

11 A I don't anymore, but I did for a certain period
12 of time.

13 Q And with regard to 15B, this is an email from
14 Todd to you, is that correct?

15 A That's what it appears to be.

16 Q And do you dispute that?

17 A Pardon?

18 Q Do you dispute that?

19 A I don't remember seeing it.

20 Q Okay. And it says: To Wendy and to Todd, and
21 Stan.

22 Do you see that?

23 A I do see that.

24 Q Do you see the first line where it says:

1 Wendy, little recap of part of our
2 meeting today.

3 Do you see that?

4 A Yes, I see it.

5 Q Do you see the first line there that says:

6 Fill out the complete gaming
7 application.

8 A I do.

9 Q Do you recall Todd giving you the gaming
10 application?

11 A He did give me the application to apply for,
12 yes.

13 Q And then it goes on to say:
14 Pull all backup detailed document,
15 CDOG, request in the app, use the
16 binder and tabs I gave you to
17 properly organize the application.

18 A He never gave me any binders and tabs.

19 Q So it's your testimony that this recap of the
20 meeting that Todd sent to, to you is not accurate?

21 A I'm saying that I don't recall it.

22 Q Okay. So it's your testimony that he never gave
23 you an application?

24 A He did give me an application but not binders

1 and tabs.

2 Q Okay. So you had the application?

3 A Yes.

4 Q Okay. And did you fill that out?

5 A I think I possibly did start the fill-out
6 process, yes.

7 Q Do you recall if you did?

8 A I think I did.

9 Q Okay. And then it says, going in on 15B --

10 A Okay.

11 Q -- it says:

12 Get your fingerprints and send in for
13 background per our discussion.

14 Do you recall having that discussion regarding
15 the gaming application, that you would need to be
16 fingerprinted?

17 A Yes.

18 Q Did you do that?

19 A I was going to go and do that.

20 Q Okay. Did you do that?

21 A No.

22 Q Why not?

23 A Because we had a discussion after this that if I
24 wanted to do this application and actually file it that I

1 would have a \$10,000 fee.

2 Q Do you recall when that was?

3 A I do not.

4 Q Okay. Was it shortly after this meeting that
5 took place on July 24th, 2015?

6 A I don't recall.

7 Q Okay. So are you disputing that there was a
8 meeting held in which you were given the application to
9 fill out by Todd?

10 A No, I'm not.

11 Q Okay. So you agree that you were given the
12 application?

13 A I was.

14 Q Okay.

15 MR. LATTIN: Could you bring up, or could you
16 look at 15D, and, Mark, if, if you could bring that up,
17 please.

18 THE WITNESS: Can I look at this?

19 BY MR. LATTIN:

20 Q Sure. Take your time.

21 A Okay.

22 Q You've had a chance to read it?

23 A I have.

24 Q Okay. Looking at the top, it's an email from

1 Jessica Clayton to herself. And then it, it's another
2 update from Todd Jaksick to you, is that correct?

3 A Well, I see that it's, it's -- Todd Jaksick
4 wrote, but on the previous one it lists the people that it
5 was sent to, and it doesn't say I have my email address on
6 there.

7 Q Okay. And then down below there's an email from
8 Wendy Jaksick to Todd Jaksick dated March 11th, 2014.

9 MR. LATTIN: Can you bring that up please, Mark?

10 BY MR. LATTIN:

11 Q Do you see that?

12 A I do.

13 Q Is that an email from you to Todd?

14 A Let me look at it.

15 Q Sure.

16 A Okay.

17 Okay.

18 Q So that's an email from you to Todd?

19 A It appears to be.

20 Q And do you dispute that?

21 A No.

22 Q Okay. It's dated March 11th, 2014.

23 A Yes, it is.

24 Q And you say:

1 Okay, that sounds good.

2 Do you see that?

3 A I do.

4 Q And then it says:

5 F for the LIC.

6 Is that license?

7 A No, that's the LLC.

8 Q Okay.

9 Can you guys make me the managing

10 member.

11 So you're talking about an LLC?

12 A Yes.

13 Q And then the next line says:

14 Yes, I have the application with me

15 filled out.

16 A Yes.

17 Q So you filled out the gaming application?

18 A I believe I did.

19 Q And then you go on to say:

20 There's nothing that I can't get

21 licensed about.

22 Do you see that?

23 A Correct.

24 Q And then it says:

1 I've never been convicted of theft or
2 anything like that.

3 Do you see that?

4 A Yes.

5 Q Okay. And then it goes on:

6 There were charges with mom.

7 What were you referring to there?

8 A I'm talking about the houseboat incident I spoke
9 of earlier.

10 Q And that's where you charged on your mother's
11 credit card, and then she sued you and that eventually was
12 dropped, right?

13 A Yes.

14 Q Okay. And it says:

15 But she was dead, and they were
16 dropped.

17 That's what you're referring to, those charges?

18 A I believe so, yes.

19 Q And it says:

20 I've never been a felon. I was
21 arrested for a bounced check and a
22 judgment, but they were paid off the
23 next day so, no charges.

24 A Right.

1 Q You were telling that to Todd?

2 A That sounds like something I would have talked
3 to Todd about, yes.

4 Q Okay. And then going down the bottom part of
5 that paragraph, there's a sentence that says:

6 I'm going to do a background search
7 on me today.

8 Do you see that?

9 A Yes.

10 Q Was that something that you were going to do on
11 yourself?

12 A What do you mean?

13 Q What do you mean when you say I'm going to do a
14 background search on me today to see if anything comes up?

15 A I mean I was going to do it like online,
16 whatever, to put in the background check to see if there
17 was something that came up.

18 Q Okay. And in the top line it says:

19 There's nothing that I can't get
20 licensed about.

21 Do you see that?

22 A I do.

23 Q Why were you then going to do a background
24 check?

1 A To see if something came up. Like we talked
2 about, you know, my hard times, so I wanted to make sure
3 that there was nothing I didn't know about.

4 Q Okay. And did you do that?

5 A I can't remember.

6 Q Okay. And then it says:

7 There are three judgments that I have
8 been paid in full and are older.

9 Do you see that?

10 A I do.

11 Q And you're referring to monetary judgments that
12 you had against you at some point in time?

13 A Yes.

14 Q And then it goes on to say: Freeman.

15 Is that Mr. Freeman who was the lawyer?

16 A It is.

17 Q It says:

18 Never renewed the judgment. So that
19 is gone.

20 So what did you mean by that?

21 A Well, that, when I looked at the judgments from
22 the recorder's office, I think it was, I can't remember,
23 but it was not on there. I didn't -- I had not been told
24 that Stan had paid him through a Montreux membership.

1 Q Okay. So that was paid on your behalf? You
2 didn't pay it?

3 A Well, it was paid out of the family
4 membership -- the LLC that I'm the third owner, or third
5 percentage from my grandmother.

6 Q So then after you tell Todd that you filled out
7 the application, and you do the background search, did you
8 submit the application?

9 A I did not.

10 Q Why not?

11 A Because Todd told me -- well, if you want to
12 continue with this license, or if you want to get a
13 license, you have to hire the attorney -- I can't remember
14 his name, and he's going to cost \$10,000, and we're not
15 going to wait for that. Or you're going to pay for it
16 yourself as well. I couldn't afford it.

17 Q Okay. But you can't tell the jury when that
18 was?

19 A It was, I assume, right around the same time as
20 this.

21 Q Okay. Do you have any documentation to verify
22 what you just told us?

23 A I don't know. We might have an email that says
24 I can't afford the \$10,000. But I don't know.

1 Q Okay. Now over the years, you've had
2 discussions with Todd where you say you better keep me
3 happy or you're going to pay for that, haven't you?

4 A I don't recall that. You'd have to be more
5 specific.

6 Q You don't recall anything like that?

7 A Well, I think there was a couple of emails that
8 I sent Todd that, when we were doing our arguing and so
9 forth like that, and I said you guys want me to sign these
10 documents, so why don't you give me a hundred thousand
11 dollars, or I said something like that.

12 Q Okay. So in your anger when you're talking to
13 Todd you would say, Hey, if you want me to sign something
14 you're going to have to pay me?

15 A No, that was not a normal thing. It happened a
16 couple of times, yes, it did.

17 Q So whether it's normal or not, that's something
18 that you concede happened?

19 A I did, I did send a couple of emails about that,
20 yes.

21 Q Do you recall ever saying you better keep me
22 happy or you're going to regret it, or you're going to pay
23 for it?

24 A No.

1 MR. LATTIN: Can we pull up Exhibit 23.45,
2 please?

3 THE WITNESS: 23 point?

4 BY MR. LATTIN:

5 Q 45.

6 A Okay. Oh, I see.

7 Q Do you have the right binder?

8 A Yes, I do.

9 Q Okay. Why don't you just take a moment and you
10 can please go over it and read it.

11 A Okay.

12 MR. LATTIN: And, Mark, would you pull up
13 paragraph 2 of Exhibit 23.45. Or, actually, it's 3, 3 and
14 4.

15 THE WITNESS: Let's see.

16 Are we talking about the email here?

17 BY MR. LATTIN:

18 Q Yeah, I'll ask you some questions.

19 A I'm almost done.

20 Q Okay. Take your time.

21 A Okay.

22 Q So you've had a chance to look at it?

23 A Yes.

24 Q Well, first of all, that's an email from Wendy

1 Jaksick --

2 A Correct.

3 Q -- to Lexi, Stan, and Todd.

4 Do you see that?

5 A I do.

6 Q And it's dated December 1st, 2017, correct?

7 A That's correct.

8 Q Now I want to focus your attention to the

9 paragraph that is enlarged there, which is paragraph 3.

10 A Okay.

11 Q Could you read the first line of that, please?

12 A (Reading.)

13 I am not sure who is advising you,

14 Todd, and please don't take this as a

15 threat, because I don't intend for it

16 to be.

17 Q Okay. And that's what you're writing, correct?

18 A Yes.

19 Q And then going down about midway through that

20 paragraph it says -- do you see where it says:

21 Let me tell you where you screwed up.

22 A Let me see.

23 Yes.

24 Q Could you read that to the jury, please?

1 A Yes. It says:

2 Let me tell you where I screwed up.

3 Q It says where "you" screwed up.

4 A I'm sorry. Where you screwed up.

5 Q When you say "you screwed up," you're referring
6 to Todd, correct?

7 A I assume so.

8 Q Can you please go on and finish that.

9 A (Reading.)

10 First and foremost, if you were
11 smart, you would have kept me happy.

12 Q Okay. You're telling Todd that if he was a
13 smart person he would keep you happy?

14 A I was saying -- yes.

15 Q Okay. And looking at the next paragraph.

16 A Okay.

17 Q There's also, that is also enlarged. Would you
18 read the first line?

19 A (Reading.)

20 Your defense is that I'm crazy.

21 Q And you're again speaking to Todd?

22 A Right.

23 Q Saying that his defense is that you're crazy?

24 A Correct.

1 Q Could you read the next line?

2 A (Reading.)

3 You will see what crazy is when you
4 can no longer be near your gun.

5 Q And what did you mean by that?

6 A Because he had taken my access to the ranch
7 away, and I couldn't be with my horses anymore, and that's
8 my passion.

9 And he -- his passion is hunting. So I was
10 trying to insinuate when you can't hunt anymore, then
11 you're going to see how I feel.

12 Q Okay. And you say that he's taken away access
13 to the ranch?

14 A He did for a period of time. I had to ask him
15 yes or no if I could go.

16 Q Okay.

17 MR. LATTIN: Mark, could you enlarge the second
18 photograph of Exhibit 23.45, please.

19 BY MR. LATTIN:

20 Q Why don't you read the second paragraph?

21 A The second paragraph.

22 I reached out to Lexi and Stan, and
23 they are fine with us being up there
24 during that time.

1 Q And up there means the ranch, correct?

2 A This was, this was Tahoe. The first sentence
3 was Tahoe.

4 Q Okay. All right. Keep reading.

5 A Okay.

6 We are flying 1200 miles, and don't
7 have many chances to spend at our
8 property.

9 Q And keep reading.

10 A (Reading.)

11 Once again, please let me know where
12 Jim can get the keys and the code.
13 This is for Tahoe.

14 Q Okay. Go on. Next paragraph.

15 A (Reading.)

16 As for the ranch, I may stay longer.
17 I am not sure. So I will just
18 arrange for us to be there the entire
19 week of January. Again, please drop
20 off Luke's (indiscernible) --

21 THE COURT: Hold on. Slow down, please.

22 THE WITNESS: I'm sorry.

23 THE COURT: That's all right. When you read you
24 go fast. Slow down.

1 THE WITNESS: I'm sorry. Where do you want me
2 to go back to?

3 BY MR. LATTIN:

4 Q Okay. There's a sentence that says:

5 As for the ranch.

6 A Yes.

7 Q You're referencing the ranch there, and you're
8 telling Todd that you may stay longer?

9 A Yes.

10 Q So he's allowing you to go to the ranch and
11 stay?

12 A I wanted to be in Tahoe, but he was saying I
13 couldn't go to Tahoe so instead he'd let me go to the
14 ranch.

15 Q Okay. So he was letting you go to the ranch?

16 A Yeah.

17 Q Okay. Now if you would, go back to the bottom
18 paragraph.

19 MR. LATTIN: It's the first page, Mark, please.

20 BY MR. LATTIN:

21 Q Okay. This is where you were reading where you
22 say:

23 Your defense is that I'm crazy and
24 you will see what crazy is when you