

IN THE SUPREME COURT OF THE STATE OF NEVADA

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<p>IN THE MATTER OF THE ADMINISTRATION OF THE SSJ'S ISSUE TRUST,</p>	<p>Case No.: 81470 District Court Case No.: PR17-00445 PR17-00446</p>
<p>IN THE MATTER OF THE ADMINISTRATION OF THE SAMUEL S. JAKSICK, JR. FAMILY TRUST.</p>	
<p>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.</p>	<p>Electronically Filed Oct 06 2021 11:50 p.m. Elizabeth A. Brown Clerk of Supreme Court</p>

**SUPPLEMENTAL APPENDIX
VOLUME I**

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***Affirmation:** Pursuant to NRS 239B.030, the undersigned does hereby affirm that the preceding document does not contain the social security number of any person.*

DATED: October 6, 2021.

McDONALD CARANO LLP

By /s/ Adam Hosmer-Henner
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CERTIFICATE OF SERVICE

Pursuant to NRCp 5(b), I hereby certify that I am an employee of McDONALD CARANO LLP and that on October 6, 2021, I served the foregoing document on the parties in said case by electronically filing via the Court's e-filing system, as follows:

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DATED: October 6, 2021.

By /s/ Adam Hosmer-Henner
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SECOND JUDICIAL DISTRICT COURT

WASHOE COUNTY, NEVADA

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

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

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

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

WENDY JAKSICK,
Respondent and Counter-Petitioner,
v.

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

Petitioners and Counter-Respondents.

**WENDY A. JAKSICK'S STATEMENT
OF OUTSTANDING DISCOVERY**

Respondent and Counter-Petitioner Wendy Jaksick (“Wendy”), by and through her undersigned counsel, files this *Wendy A. Jaksick’s Statement of Outstanding Discovery* and represents that the following discovery is still outstanding and discovery issues related to same have not been resolved:

1. Todd B. Jaksick, In His Various Capacities. On October 12, 2018, Wendy filed *Wendy Jaksick’s Motion to Compel Production From Todd Jaksick, Individually, as Co-Trustee of the Family Trust and as Trustee of the Issue Trust* (“Motion to Compel Production from Todd”). The issue was fully briefed and submitted for ruling on November 14, 2018. On January 23, 2019, Commissioner Ayers issued the *Recommendation for Order* ruling on approximately 80 of the 522 requests and corresponding objections and ordering Todd to produce the documents within his possession, custody, or control that fall within the categories “as soon as reasonably possible, regardless of whether other responsive documents are still being obtained and reviewed; that is, he is not permitted to delay his production of some responsive documents until all responsive documents are retrieved, reviewed, and organized.” To date, no additional documents have been produced by Todd.
2. Family Trust Subtrust Accountings. On January 18, 2019, Wendy filed the *Emergency Motion to Compel Production of Subtrust Accountings from Todd B. Jaksick and Stanley S. Jaksick, as Co-Trustees of the Samuel S. Jaksick, Jr. Family Trust and Subtrusts, and Request for Reduction of Co-Trustees’ Compensation and Reimbursement of Costs* (the “Motion to Compel”). The Motion to Compel seeks to compel the production of accountings for the Family Trust Subtrusts established for Todd, Stan and Wendy, which the Co-Trustees have failed to deliver as required by the terms of the Subtrusts, NRS 165.1214(1) and NRS 165.141. This issue was raised at the final weekly discovery conference but was not resolved. The subject accountings have not been produced.
3. Discovery Related to Indispensable Parties. On January 15, 2019, the *Order Granting In Part and Denying In Part Motion for Leave to Join Indispensable Parties* (the “Order”)

1 was entered granting leave for Wendy to join Incline TSS, Ltd., Duck Lake Ranch, LLC
2 and Sammy Supercub, LLC. In relation to discovery concerning these entities, the *Order*
3 states “The Court observes the three entities to be indispensable parties are each primarily
4 controlled ad/or owned by Todd.” The *Order* further states “the joinder may result in
5 minimal additional discovery.” In her January 17, 2019, Discovery Dispute Conference
6 Statement, Wendy addressed this issue and requested Todd produce the documents
7 previously sought by Wendy in her requests for production related to these entities, which
8 included but were not limited to: Wendy’s Request for Production to Todd Number 4,
9 Request Nos. 16,-30, 62, 162, 163, 164, 165 and 166. To date, Wendy is not aware she
10 has received the production of any additional documents from Todd related to the
11 indispensable parties.

- 12 4. L. Robert Legoy, Jr. and Maupin Cox LeGoy. On August 6, 2018, Wendy served a
13 *Subpoena Duces Tecum* (the “Subpoena”) on Mr. LeGoy and Maupin Cox LeGoy
14 (“MCL”). MCL’s production of documents bates labeled through MCL 3510, the first
15 1,000 of which were produced after December 13, 2018 and approximately 1,500 of
16 which were produced after January 18, 2019 (the Friday before Mr. LeGoy’s deposition).
17 This is totally deficient considering MCL’s involvement in the representation of Sam, his
18 Estate and his Trusts over the course of many years. Although the final page of MCL’s
19 production is bates labeled MCL 3078, the privilege log shows that the bates number for
20 MCL’s production ends at 3510. MCL produced a privilege log and withheld
21 approximately 1,545 of pages of the bates labeled documents based on assertions of
22 privilege. A review of the privilege log confirms that many of the documents withheld
23 on the basis of privilege are not actually protected by any privilege. Wendy has filed a
24 *Motion to Compel Production from L. Robert Legoy, Jr. and the Custodian of Records*
25 *of Maupin, Cox & LeGoy*, which has been fully briefed and submission has been
26 requested.

- 1 5. Kevin Riley, In His Various Capacities. On August 1, 2018, Wendy served her *First*
2 *Requests for Production of Documents to Kevin Riley, Individually, as Former Co-Trustee*
3 *of the Samuel S. Jaksick, Jr. Family Trust and as Trustee of the Wendy A. Jaksick 2012 BHC*
4 *Family Trust* on Mr. Riley (the “First RFPs”). Kevin Riley served as the accountant for
5 Sam and the Trusts for many years and also served as Co-Trustee of the Family Trust after
6 Sam’s death. Mr. Riley is and has been responsible for preparing the financials and filing
7 the taxes for the Family Trust and the Issue Trust since before Sam’s death in 2014 and has
8 had substantial involvement in the administration of the Trusts since Sam’s death. As of
9 December 7, 2018, Mr. Riley had produced a total of 161 documents. Mr. Riley’s failure
10 to adequately respond to the *First RFPs* was addressed during several of the weekly
11 discovery conferences. During one of the weekly discovery conferences, Commissioner
12 Ayers directed Mr. Riley to immediately produce the backup to the trust accountings that
13 certain of the Trustees initiated this lawsuit to have approved. On January 4, 2019,
14 Commissioner Ayers issued the *Recommendation for Order* ruling on each of Mr. Riley’s
15 objections to the *First RFPs* and ordering Mr. Riley to produce the documents within his
16 possession, custody, or control that fall within the categories on or before January 18,
17 2019. Mr. Riley produced approximately 4,460 pages of records after December 16,
18 2018. 1,753 of these records were produced after Mr. Riley’s deposition, including
19 Sam’s 2012 and 2013 Income Tax Returns, which were requested in May 2018.
20 Additionally, some of the records produced by Mr. Riley are redacted on the basis of
21 privilege but no privilege log has been provided. Based on Mr. Riley’s last-minute
22 production of records and the Discovery Commissioner’s order compelling Mr. Riley to
23 produce additional documents, Wendy’s counsel recessed Mr. Riley’s deposition subject
24 to recalling Mr. Riley for a day following the production of his records. This issue has
25 not been resolved.
- 26 6. Nicholas Palmer. On December 13, 2018, Wendy served a *Subpoena Duces Tecum* (the
27 “Subpoena”) on Nicholas Palmer (“Palmer”). Mr. Palmer served a Response and
28

Objections on December 31, 2018 alleging various objections and not producing any records. Wendy's counsel conducted several met and confers with Mr. Palmer concerning his objections and failure to produce records but still has not received a single page of production. Additionally, Wendy's counsel has been working with Mr. Palmer to schedule his deposition after his deposition was continued from its original setting on January 14, 2019. At this time, it appears Mr. Palmer's deposition will proceed on Friday, February 1, 2019, but Mr. Palmer is only available for a half day deposition.

7. Bank of America Records. Wendy received an incomplete response from Bank of America to her subpoena for records. To date, Bank of America has supplemented its production at least one time, but it is clear from other records produced in this case that Bank of America has not fully responded to the Subpoena and is still in possession of responsive records. Wendy's counsel has been and is continuing to work with Bank of America to obtain a full production of its records.

AFFIRMATION

Pursuant to NRS 239B.030

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

DATED this 30th day of January, 2019.

FOX ROTHSCHILD LLC

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of FOX ROTHSCHILD LLP and that on this 30th day of January, 2019, I served a true and correct copy of **WENDY A. JAKSICK'S STATEMENT OF OUTSTANDING DISCOVERY** by the Court's electronic file and serve system addressed to the following:

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

DATED this 30th day of January, 2019.

/s/ Doreen Loffredo
An Employee of Fox Rothschild LLP