

Electronically Filed  
Aug 26 2020 11:45 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

1 **NOAS**  
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4 DANIEL F. POLSENBERG  
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15 *Attorneys for Defendants Trudi Lee Lytle and*  
16 *John Allen Lytle, as Trustees of the Lytle Trust*

17 DISTRICT COURT  
18 CLARK COUNTY, NEVADA

19 MARJORIE B. BOULDEN, trustee of the  
20 Marjorie B. Boulden Trust; LINDA  
21 LAMOTHE; and JACQUES LAMOTHE,  
22 Trustees of the Jacques & Linda  
23 Lamothe Living Trust,

24 Plaintiffs,

25 v.

26 TRUDI LEE LYTLE; and JOHN ALLEN  
27 LYTLE, as trustees of the Lytle Trust,  
28 DOES I through X, inclusive, and ROE  
CORPORATIONS I through X,

Defendants.

Case No. A-16-747800-C

Dep't No. 16

**NOTICE OF APPEAL**

SEPTEMBER TRUST, DATED MARCH 23,  
1972; GERRY R. ZOBRIST and JOLIN G.  
ZOBRIST, as Trustees of the Gerry R.  
Zobrist and Jolin G. Zobrist Family  
Trust; RAYNALDO G. SANDOVAL and  
JULIE MARIE SANDOVAL GEGEN, As  
Trustees of the Raynaldo G. and  
Evelyn A. Sandoval Joint Living and  
Devolution Trust Dated May 27, 1992;  
and DENNIS A. GEGEN and JULIE S.  
GEGEN, husband and wife, as joint  
tenants,

Plaintiffs,

v.

TRUDI LEE LYTLE; and JOHN ALLEN

Consolidated with:

Case No. A-17-765372-C

Dep't No. 16

1 LYTLE, as trustees of the Lytle Trust,  
2 JOHN DOES I through V, inclusive, and  
3 ROE ENTITIES I through V, inclusive,  
4 Defendants.

5 Please take notice that defendants Trudi Lee Lytle and John Allen Lytle,  
6 as Trustees of the Lytle Trust hereby appeal to the Supreme Court of Nevada  
7 from:

8 1. "Order Granting in Part and Denying in Part Plaintiffs' Motion for  
9 Attorney's Fees and Costs," filed August 11, 2020, notice of entry of which was  
10 served electronically on August 11, 2020 (Exhibit A); and

11 2. All judgments, rulings and interlocutory orders made appealable by  
12 the foregoing.

13 Dated this 21st day of August, 2020.

14 LEWIS ROCA ROTHGERBER CHRISTIE LLP

15  
16 By: /s/Joel D. Henriod

17 JOEL D. HENRIOD (SBN 8492)  
18 DANIEL F. POLSENBERG (SBN 2376)  
19 DAN R. WAITE (SBN 4078)  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169  
(702) 949-8200

20 *Attorneys for Defendants Trudi Lee Lytle and*  
21 *John Allen Lytle, as Trustees of the Lytle*  
22 *Trust*  
23  
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25  
26  
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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 21st day of August, 2020, I served the  
3 foregoing "Notice of Appeal" on counsel by the Court's electronic filing system  
4 to the persons and addresses listed below:

5 KEVIN B. CHRISTENSEN  
6 WESLEY J. SMITH  
7 CHRISTENSEN JAMES & MARTIN  
8 7440 W. Sahara Avenue  
9 Las Vegas, Nevada 89117  
10 [KBC@CJMLV.com](mailto:KBC@CJMLV.com)  
11 [Wes@CJMLV.com](mailto:Wes@CJMLV.com)

12 *Attorneys for September Trust,*  
13 *dated March 23, 1972, Gerry R.*  
14 *Zobrist and Jolin G. Zobrist, as*  
15 *trustees of the Gerry R. Zobrist and*  
16 *Jolin G. Zobrist Family Trust,*  
17 *Raynaldo G. Sandoval and Julie*  
18 *Marie Sandoval Gegen, as trustees*  
19 *of the Raynaldo G. and Evelyn A.*  
20 *Sandoval Joint Living and*  
21 *Devolution Trust dated May 27,*  
22 *1992, and Dennis A. Gegen and*  
23 *Julie S. Gegen, husband and wife,*  
24 *as joint tenants*

Christina H. Wang  
FIDELITY NATIONAL LAW GROUP  
8363 W. Sunset Road, Suite 120  
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*Yvonne A. Disman*

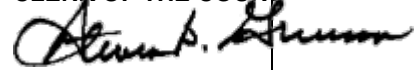
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*Attorneys for Marjorie B. Boulden, trustee*  
*of the Marjorie B. Boulden Trust, and*  
*Linda Lamothe and Jacques Lamothe,*  
*trustees of the Jacques & Linda Lamothe*  
*Living Trust*

25 /s/ Lisa M. Noltie  
26 An Employee of LEWIS ROCA ROTHGERBER CHRISTIE LLP  
27  
28

**EXHIBIT A**

**EXHIBIT A**



NEOJ  
CHRISTENSEN JAMES & MARTIN  
KEVIN B. CHRISTENSEN, ESQ.  
Nevada Bar No. 175  
WESLEY J. SMITH, ESQ.  
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*Attorneys for September Trust, Zobrist Trust, Sandoval Trust,  
and Dennis & Julie Gegen*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF  
THE MARJORIE B. BOULDEN TRUST, *et*  
*al.*,

Plaintiffs,

vs.

TRUDI LEE LYTLE, *et al.*,

Defendants.

Case No.: A-16-747800-C  
Dept. No.: XVI

**NOTICE OF ENTRY OF ORDER  
GRANTING IN PART AND  
DENYING IN PART PLAINTIFFS'  
MOTION FOR ATTORNEY'S  
FEES AND COSTS**

SEPTEMBER TRUST, DATED MARCH 23,  
1972, *et al.*,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN  
LYTLE, AS TRUSTEES OF THE LYTLE  
TRUST, *et al.*,

Defendants.

Case No.: A-17-765372-C  
Dept. No.: XVI

CONSOLIDATED

NOTICE IS HEREBY GIVEN, that an Order Granting in Part and Denying in Part  
Plaintiffs' Motion for Attorney's Fees and Costs was entered in the above-captioned matter on  
August 11, 2020. A copy of the Order is attached hereto.

1 DATED this 11th day of August 2020.

CHRISTENSEN JAMES & MARTIN

2  
3 By: /s/ Wesley J. Smith  
4 Wesley J. Smith, Esq.  
5 Nevada Bar No. 11871  
6 *Attorneys for September Trust, Zobrist*  
7 *Trust, Sandoval Trust and Gegen*  
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**CERTIFICATE OF SERVICE**

I am an employee of Christensen James & Martin. On August 11, 2020, I caused a true and correct copy of the foregoing Notice of Entry of Stipulation and Order to Release Cash Supersedeas Bond, to be served in the following manner:

☒ **ELECTRONIC SERVICE:** electronic transmission (E-Service) through the Court's electronic filing system pursuant to Rule 8.05 of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada.

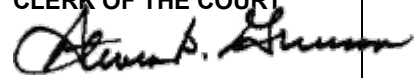
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☐ **UNITED STATES MAIL:** depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ **FACSIMILE:** By sending the above-referenced document via facsimile as follows:

☐ **E-MAIL:** electronic transmission by email to the following address(es):

/s/ Natalie Saville  
Natalie Saville



1 **ORDR**

2 **CHRISTENSEN JAMES & MARTIN**

3 KEVIN B. CHRISTENSEN, ESQ.

Nevada Bar No. 175

4 WESLEY J. SMITH, ESQ.

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*Attorneys for September Trust, Zobrist Trust, Sandoval Trust*

*and Dennis & Julie Gegen*

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 MARJORIE B. BOULDEN, TRUSTEE OF  
12 THE MARJORIE B. BOULDEN TRUST,  
13 LINDA LAMOTHE AND JACQUES  
14 LAMOTHE, TRUSTEES OF THE  
15 JACQUES & LINDA LAMOTHE LIVING  
16 TRUST,

17 Plaintiffs,

18 vs.

19 TRUDI LEE LYTLE, JOHN ALLEN  
20 LYTLE, THE LYTLE TRUST, DOES I  
21 through X, and ROE CORPORATIONS I  
22 through X,

23 Defendants.

Case No.: A-16-747800-C

Dept. No.: XVI

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFFS'  
MOTION FOR ATTORNEY'S FEES  
AND COSTS**

Date: July 7, 2020

Time: 9:00 a.m.

24 SEPTEMBER TRUST, DATED MARCH 23,  
25 1972; GERRY R. ZOBRIST AND JOLIN G.  
26 ZOBRIST, AS TRUSTEES OF THE GERRY  
27 R. ZOBRIST AND JOLIN G. ZOBRIST  
28 FAMILY TRUST; RAYNALDO G.  
SANDOVAL AND JULIE MARIE  
SANDOVAL GEGEN, AS TRUSTEES OF  
THE RAYNALDO G. AND EVELYN A.  
SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C

Dept. No.: XVI

CONSOLIDATED



1 DEVOLUTION TRUST DATED MAY 27,  
2 1992; and DENNIS A. GEGEN AND JULIE  
3 S. GEGEN, HUSBAND AND WIFE, AS  
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN  
8 LYTLE, AS TRUSTEES OF THE LYTLE  
9 TRUST; JOHN DOES I through V; and ROE  
10 ENTITIES I through V, inclusive,

11 Defendants.

12 Presently before the Court is Plaintiffs' Motion for Attorney's Fees and Costs ("Motion"),  
13 Defendant's Opposition, and Plaintiffs' Reply, as well as the Plaintiffs' Memorandum of Costs and  
14 Disbursements ("Memorandum"), which came on for hearing on July 7, 2020 at 9:00 a.m. in  
15 Department XVI of the Eighth Judicial District Court, Clark County, Nevada.

16 Wesley J. Smith, Esq. of Christensen James & Martin appeared on behalf of September Trust,  
17 dated March 23, 1972 ("September Trust"), Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the  
18 Gerry R. Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust"), Raynaldo G. Sandoval and Julie  
19 Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and  
20 Devolution Trust dated May 27, 1992 ("Sandoval Trust"), and Dennis A. Gegen and Julie S. Gegen,  
21 Husband and Wife, as Joint Tenants ("Gegens") (September Trust, Zobrist Trust, Sandoval Trust and  
22 Gegens, collectively, the "Plaintiffs"). Christina H. Wang, Esq. of Fidelity National Law Group  
23 appeared on behalf of Robert Z. Disman and Yvonne A. Disman ("Dismans"). Dan R. Waite, Esq. of  
24 Lewis Roca Rothgerber Christie LLP appeared on behalf of Trudi Lee Lytle and John Allen Lytle, as  
25 Trustees of the Lytle Trust ("Lytle Trust").

26 The Court having considered the Motion and filings related thereto, having heard the arguments  
27 of counsel, and with good cause appearing therefore, the Court hereby grants the Motion in part and  
28 denies the Motion in part and enters the following Findings of Fact, Conclusions of Law, and Order:

**FINDINGS OF FACT**

1  
2 1. On May 24, 2018, this Court entered its Order Granting Motion for Summary Judgment  
3 or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary  
4 Judgment ("May 2018 Order") in favor of the September Trust, Zobrist Trust, Sandoval Trust, and  
5 Gogens and against the Lytle Trust. The May 2018 Order is hereby incorporated by reference.

6 2. On September 11, 2018, this Court signed an Order in favor of the Plaintiffs and against  
7 the Lytle Trust for attorney's fees, litigation costs and expenses incurred through May 22, 2018 pursuant  
8 to NRS 18.010(2) ("First Fees Order").

9 3. The Original CC&Rs provide a basis for attorney fee recovery. More specifically,  
10 section 25 of the Original CC&Rs provides: "In any legal or equitable proceeding for the enforcement of  
11 or to restrain the violation of the [CC&Rs] or any provision thereof, the losing party or parties shall pay  
12 in such amount as may be fixed by the court in such proceeding."

13 4. The Court has also awarded attorney's fees and costs to other parties in these  
14 consolidated Cases, including the Findings of Fact, Conclusions of Law and Order Granting Robert Z.  
15 Disman and Yvonne A Disman's Motion for Attorney's Fees entered on September 6, 2019 ("Disman  
16 Fees Order") in favor of the Dismans and the Order Granting Plaintiffs' Motion for Attorneys' Fees and  
17 Costs and order Denying Defendants' Motion to Retax and Settle Costs entered on September 20, 2019  
18 ("Boulden Lamothe Fees Order") in favor of Boulden and Lamothe. There, this Court awarded  
19 attorney's fees and costs to the other parties under Section 25 of the Original CC&Rs.

20 5. Since May 23, 2018, the Plaintiffs have incurred additional attorney's fees and costs in  
21 this action, including briefing and argument on the Lytle Trust's Motion to Stay and Motion for  
22 Reconsideration, status hearings, and motions related to the other parties to the consolidated case.

23 6. On October 24, 2019, the Lytle Trust filed its Renewed Application for Appointment of  
24 Receiver in *Trudi Lee Lytle and John Allen Lytle, as trustees of the Lytle Trust v. Rosemere Estates*  
25 *Property Owners' Association*, Case No. A-18-775843-C, Eighth Judicial District Court, Clark County,  
26 Nevada, which case was assigned to Judge J. Kishner (the "Receivership Action").  
27  
28

1           7.       On December 18, 2019, Judge Kishner entered her Order Appointing a Receiver of  
2 Defendant Rosemere Property Owners Association (the “Order Appointing Receiver”). Among other  
3 rights, powers, and duties, the Order Appointing Receiver instructed the receiver to “[i]ssue and collect a  
4 special assessment upon all owners within the Association to satisfy the Lytle Trust’s judgments against  
5 the Association.” (Order Appointing Receiver at 2:19-20).

6           8.       Upon learning of the Lytle Trust’s actions related to the Receivership Action, the  
7 Plaintiffs incurred additional attorney’s fees and costs both in this consolidated case and in the  
8 Receivership Action, including filing a Motion for Order to Show Cause Why the Lytle Trust Should  
9 Not Be Held in Contempt for Violation of Court Orders (“Contempt Motion”) on March 4, 2020 in this  
10 Case. The Lytle Trust opposed the Contempt Motion and the Plaintiffs incurred additional fees and costs  
11 to respond to the Lytle Trust’s arguments, present oral argument, and prepare proposed orders.

12           9.       On May 22, 2020, this Court entered its Findings of Fact, Conclusions of Law, and Order  
13 Granting Plaintiffs’ Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in  
14 Contempt for Violation of Court Orders (“Contempt Order”) against the Lytle Trust. The Contempt  
15 Order is hereby incorporated by reference.

16           10.      In the Contempt Order, the Court relevantly ruled that a party may be held in contempt  
17 for violating its orders, and that the Court may impose fines and award “reasonable expenses, including,  
18 without limitation, attorney’s fees, incurred by the party as a result of the contempt.” Contempt Order at  
19 11:9-23 (quoting NRS 22.100(3)). The Court Ordered that the Lytle Trust violated the May 2018 Order,  
20 is in contempt of the May 2018 Order, shall pay a fine of \$500 to each movant, and that the Plaintiffs  
21 may file applications for their reasonable expenses, including, without limitation, attorney’s fees,  
22 incurred as a result of the contempt. The Court now finds that Plaintiffs are entitled to an award of their  
23 reasonable expenses, including reasonable attorney’s fees and costs, incurred as a result of obtaining the  
24 Contempt Order.

25           11.      Plaintiffs also seek additional attorney’s fees and costs related to the Lytle Trust’s  
26 appeals of the May 2018 Order and First Fees Order, which were affirmed by the Nevada Supreme  
27 Court, as well as attorney’s fees and costs related to the Receivership Action.  
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12. The Plaintiffs filed the instant Motion requesting an award of all attorney's fees in the total amount of \$149,403.20 and costs in the total amount of \$4,145.08 that they have incurred from May 23, 2018 to the present date pursuant to the Original CC&Rs, NRS 18.020, 18.050 and 18.010(2)(b) and NRAP 39(e).

13. Plaintiffs have attached billing statements and a Declaration from their counsel to the Motion to support the request.

### **CONCLUSIONS OF LAW**

1. NRS 18.010(1) provides that, "[t]he compensation of an attorney and counselor for his services is governed by agreement, express or implied, which is not restrained by law."

2. Section 25 of the CC&Rs is a mandatory provision regarding the award of attorney's fees and costs being paid by the losing party in any legal equitable proceeding for the enforcement of or to restrain the violation of the CC&Rs or any provision thereof.

3. The legal disputes in this case were based on the parties' rights under the Original CC&Rs and whether the CC&Rs created a Limited Purpose Association which excluded most of NRS 116, especially NRS 116.3117, from having any application to the Rosemere Subdivision.

4. Throughout this litigation, the Plaintiffs sought to restrain the Lytle Trust from recording abstracts of judgment against their properties and collecting judgments by alternative means because the Lytle Trust had no right pursuant to the CC&Rs to do so

5. Applying the language of the CC&Rs, the Court concludes that the Plaintiffs are the winning or prevailing parties in this litigation, the Lytle Trust was the losing party in this litigation, and the assessment of attorney's fees against the losing party is mandatory under Section 25.

6. NRS 18.010(2)(b) provides that, "the court may make an allowance of attorney's fees to a prevailing party: . . . (b) Without regard to the recovery sought, when the court finds that the claim . . . or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party." This Court based the First Fees Award on NRS 18.010(2) and does so again now as a basis for awarding additional fees.

1           7.       NRS 22.100(3) provides a basis for awarding fees associated with the contempt  
2 proceedings in this case.

3           8.       The Court analyzed the Plaintiffs' attorney's fees utilizing the factors identified in  
4 *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), including the qualities of  
5 the advocate, the character of the work to be done, the work actually performed by the lawyer, and the  
6 result obtained.

7           9.       The Plaintiffs have satisfied the *Brunzell* factors. More specifically, based on the record  
8 and the Declaration of the Plaintiffs' counsel in support of the Motion, the Court finds that the qualities  
9 of counsel, character of the work to be done and its difficulty, the work actually performed by Plaintiffs'  
10 counsel, and the result obtained establish the reasonableness of the Plaintiffs' attorney's fees to the  
11 extent awarded in this Order.

12          10.       However, the Court finds that certain time and amounts billed are not compensable in this  
13 matter and will reduce the award accordingly.

14          11.       The Court has reviewed the Plaintiffs' submitted billing statements, which the fees  
15 charged total \$149,403.20.

16          12.       The Plaintiffs' fee statements include entries that are commonly defined as block billing  
17 that make it difficult for the Court to determine the exact amount billed for each individual task and the  
18 reasonableness of the request.

19          13.       The Court denies an award of fees incurred in the Receivership Action before Judge  
20 Kishner. Plaintiffs' counsel represented this amount was \$36,259.00, which the Court accepts. The  
21 denial of fees incurred in the Receivership Action is without prejudice to either party's right to seek an  
22 award of fees from Judge Kishner in the Receivership Action.

23          14.       The Court also denies any charges related to the appeal and will not award fees for work  
24 described in the briefing as clerical work, which the Court has determined total \$23,374.00.

25          15.       In light of the findings above, the \$149,403.20 is reduced by \$36,259.00 and \$23,374.00,  
26 which leaves a difference of \$89,770.20.

1 16. Further, as suggested by the Defendant, the Court will apply a 15% discount to the  
2 \$89,770.20 to further account for the block billing in the fee statements. The difference after the  
3 discount is \$76,304.67.

4 17. Consequently, the Court grants Plaintiffs' Motion for Attorney's Fees and Costs, but with  
5 modifications, resulting in a total fee award of \$76,304.67.

6 18. Additionally, the Court grants costs in the sum of \$4,145.08.

7 **ORDER**

8 Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing  
9 therefore,

10 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Findings of Fact shall be  
11 treated as Conclusions of Law and the Conclusions of Law shall be treated as Findings of Fact to any  
12 extent necessary to effectuate the intent of this Order.

13 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiffs' Motion for  
14 Attorney's Fees and Costs is GRANTED IN PART AND DENIED IN PART.

15 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that attorney's fees are  
16 awarded in favor of Plaintiffs September Trust, dated March 23, 1972 , Gerry R. Zobrist and Jolin G.  
17 Zobrist, as Trustees of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust, Raynaldo G. Sandoval  
18 and Julie Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living  
19 and Devolution Trust dated May 27, 1992, and Dennis A. Gegen and Julie S. Gegen, Husband and Wife,  
20 as Joint Tenants, in the total aggregate amount of \$76,304.67 against Trudi Lee Lytle and John Allen  
21 Lytle, as Trustees of the Lytle Trust;

22 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that costs are awarded in favor  
23 of Plaintiffs September Trust, dated March 23, 1972 , Gerry R. Zobrist and Jolin G. Zobrist, as Trustees  
24 of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust, Raynaldo G. Sandoval and Julie Marie  
25 Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and Devolution  
26 Trust dated May 27, 1992, and Dennis A. Gegen and Julie S. Gegen, Husband and Wife, as Joint  
27  
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1 Tenants, in the total aggregate amount of \$4,145.08 against Trudi Lee Lytle and John Allen Lytle, as  
2 Trustees of the Lytle Trust.

3 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Lytle Trust is ordered  
4 to pay the attorney's fees and costs as ordered herein by certified check made payable to Christensen  
5 James & Martin Special Client Trust Account in the amount of \$80,449.75 and delivered to Christensen  
6 James & Martin within ten (10) days of the Notice of Entry of this Order.

7 **IT IS SO ORDERED.**

8 Dated this 10<sup>th</sup> day of August, 2020.

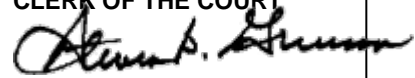
9   
DISTRICT COURT JUDGE Cg

10  
11 **Submitted by:**

12 **CHRISTENSEN JAMES & MARTIN**

/s/ Wesley J. Smith

13 Wesley J. Smith, Esq.  
14 Nevada Bar No. 11871  
15 Laura J. Wolff, Esq.  
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17 7440 W. Sahara Ave.  
18 Las Vegas, NV 89117  
19 *Attorneys for Plaintiffs September Trust,*  
20 *Zobrist Trust, Sandoval Trust, and*  
21 *Dennis & Julie Gegen*  
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ASTA  
JOEL D. HENRIOD  
Nevada Bar No. 8492  
DANIEL F. POLSENBERG  
Nevada Bar No. 2376  
DAN R. WAITE  
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[DWaite@LRRC.com](mailto:DWaite@LRRC.com)

*Attorneys for Defendants Trudi Lee Lytle and  
John Allen Lytle, as Trustees of the Lytle Trust*

DISTRICT COURT  
CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, trustee of the  
Marjorie B. Boulden Trust; LINDA  
LAMOTHE; and JACQUES LAMOTHE,  
Trustees of the Jacques & Linda  
Lamothe Living Trust,

Plaintiffs,

v.

TRUDI LEE LYTLE; and JOHN ALLEN  
LYTLE, as trustees of the Lytle Trust,  
DOES I through X, inclusive, and ROE  
CORPORATIONS I through X,

Defendants.

Case No. A-16-747800-C

Dep't No. 16

**CASE APPEAL STATEMENT**

SEPTEMBER TRUST, DATED MARCH 23,  
1972; GERRY R. ZOBRIST and JOLIN G.  
ZOBRIST, as Trustees of the Gerry R.  
Zobrist and Jolin G. Zobrist Family  
Trust; RAYNALDO G. SANDOVAL and  
JULIE MARIE SANDOVAL GEGEN, As  
Trustees of the Raynaldo G. and  
Evelyn A. Sandoval Joint Living and  
Devolution Trust Dated May 27, 1992;  
and DENNIS A. GEGEN and JULIE S.  
GEGEN, husband and wife, as joint  
tenants,

Plaintiffs,

Consolidated with:

Case No. A-17-765372-C

Dep't No. 16



1 v.

2 TRUDI LEE LYTLE; and JOHN ALLEN  
3 LYTLE, as trustees of the Lytle Trust,  
4 JOHN DOES I through V, inclusive, and  
ROE ENTITIES I through V, inclusive,

5 Defendants.

6 1. Name of appellants filing this case appeal statement:

7 Defendants Trudi Lee Lytle and John Allen Lytle, as trustees  
8 of the Lytle Trust

9 2. Identify the judge issuing the decision, judgment, or order appealed from:

10 The Honorable Timothy C. Williams

11 3. Identify each appellant and the name and address of counsel for each  
appellant:

12 *Attorneys for Appellants Trudi Lee Lytle and*  
13 *John Allen Lytle, as Trustees of the Lytle Trust*

14 JOEL D. HENRIOD  
15 DANIEL F. POLSENBERG  
16 DAN R. WAITE  
17 LEWIS ROCA ROTHGERBER CHRISTIE LLP  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169  
(702) 949-8200

18 4. Identify each respondent and the name and address of appellate counsel,  
19 if known, for each respondent (if the name of a respondent's appellate  
20 counsel is unknown, indicate as much and provide the name and address  
of that respondent's trial counsel):

21 *Attorneys for Respondents September Trust, dated March 23, 1972,*  
22 *Gerry R. Zobrist and Jolin G. Zobrist, as trustees of the Gerry R.*  
23 *Zobrist and Jolin G. Zobrist Family Trust, Raynaldo G. Sandoval*  
24 *and Julie Marie Sandoval Gegen, as trustees of the Raynaldo G. and*  
25 *Evelyn A. Sandoval Joint Living and Devolution Trust dated May*  
26 *27, 1992, and Dennis A. Gegen and Julie S. Gegen, husband and*  
27 *wife, as joint tenants*

28 KEVIN B. CHRISTENSEN  
WESLEY J. SMITH  
CHRISTENSEN JAMES & MARTIN  
7440 W. Sahara Avenue  
Las Vegas, Nevada 89117  
(702) 255-1718

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

N/A

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Retained counsel

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Retained counsel

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

N/A

9. Indicate the date the proceedings commenced in the district court, *e.g.*, date complaint, indictment, information, or petition was filed:

"Complaint," filed December 8, 2016 in case no. A-16-7476800-C.

"Complaint," filed November 30, 2017 in case no. A-17-765372-C.

Case no. A-17-765372-C was consolidated with case no. A-16-7476800-C on February 28, 2018.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

In other lawsuits, the defendant Lytle Trust obtained three judgments (totaling approx. \$1.8 million) against the Rosemere Estate Property Owners Association ("Association"). The Lytle Trust is a member of the Association. This action stems from a dispute over the validity and legal effect of abstracts of judgments the Lytle Trust recorded against certain residential property owned by other Association members. The district court (Judge T. Williams) granted summary judgment in favor of plaintiffs and entered a permanent injunction against the Lytle Trust precluding action to enforce their judgments directly against the other Association members (the "May 2018 order"). The Dismans were added as parties to the litigation when they purchased the Boulden property. The district court awarded fees and costs to plaintiffs on September 20, 2019.

Following affirmance of the May 2018 order by this Court on July 15, 2020, Plaintiffs moved the district for an additional award

of fees incurred post-judgment. The district court granted the majority of fees requested. Defendants now appeal from that order granting fees.

11. Indicate whether the case has previously been the subject of an appeal or an original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding.

*Lytle v. Boulden*, Case No. 73039

*Lytle v. September Trust*, Dated March 23, 1972, Case No. 76198

*Lytle v. September Trust*, Dated March 23, 1972, Case No. 77007

*Lytle v. Disman*, Case No. 79753

*Lytle v. Boulden*, Case No. 79776

12. Indicate whether this appeal involves child custody or visitation:

This case does not involve child custody or visitation.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

No. The related appeal already has been removed from the Court's settlement program.

Dated this 21st day of August, 2020.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/Joel D. Henriod

JOEL D. HENRIOD (SBN 8492)

DANIEL F. POLSENBERG (SBN 2376)

DAN R. WAITE (SBN 4078)

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169

(702) 949-8200

*Attorneys for Defendants Trudi Lee Lytle and  
John Allen Lytle, as Trustees of the Lytle  
Trust*

1 CERTIFICATE OF SERVICE

2 I hereby certify that on the 21st day of August, 2020, I served the  
3 foregoing "Case Appeal Statement" on counsel by the Court's electronic filing  
4 system to the persons and addresses listed below:

5 KEVIN B. CHRISTENSEN  
6 WESLEY J. SMITH  
7 CHRISTENSEN JAMES & MARTIN  
8 7440 W. Sahara Avenue  
9 Las Vegas, Nevada 89117  
10 [KBC@CJMLV.com](mailto:KBC@CJMLV.com)  
11 [Wes@CJMLV.com](mailto:Wes@CJMLV.com)

12 *Attorneys for September Trust,*  
13 *dated March 23, 1972, Gerry R.*  
14 *Zobrist and Jolin G. Zobrist, as*  
15 *trustees of the Gerry R. Zobrist and*  
16 *Jolin G. Zobrist Family Trust,*  
17 *Raynaldo G. Sandoval and Julie*  
18 *Marie Sandoval Gegen, as trustees*  
19 *of the Raynaldo G. and Evelyn A.*  
20 *Sandoval Joint Living and*  
21 *Devolution Trust dated May 27,*  
22 *1992, and Dennis A. Gegen and*  
23 *Julie S. Gegen, husband and wife,*  
24 *as joint tenants*

Christina H. Wang  
FIDELITY NATIONAL LAW GROUP  
8363 W. Sunset Road, Suite 120  
Las Vegas, Nevada 89113  
[Christina.Wang@FNF.com](mailto:Christina.Wang@FNF.com)

*Attorneys for Robert Z. Disman and*  
*Yvonne A. Disman*

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FOLEY & OAKES, PC  
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Suite 208  
Las Vegas, Nevada 89102  
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*Attorneys for Marjorie B. Boulden, trustee*  
*of the Marjorie B. Boulden Trust, and*  
*Linda Lamothe and Jacques Lamothe,*  
*trustees of the Jacques & Linda Lamothe*  
*Living Trust*

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/s/ Lisa M. Noltie  
An Employee of LEWIS ROCA ROTHGERBER CHRISTIE LLP

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-16-747800-C**

**Marjorie B. Boulden Trust, Plaintiff(s)**  
**vs.**  
**Trudi Lytle, Defendant(s)**

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Location: **Department 16**  
 Judicial Officer: **Williams, Timothy C.**  
 Filed on: **12/08/2016**  
 Case Number History:  
 Cross-Reference Case Number: **A747800**  
 Supreme Court No.: **73039**  
**76198**  
**77007**  
**79753**  
**79776**  
**81390**

**CASE INFORMATION**

**Related Cases**

A-17-765372-C (Consolidated)

Case Type: **Other Title to Property**

**Statistical Closures**

01/14/2019 Stipulated Dismissal

Case Status: **01/14/2019 Dismissed**

**DATE**

**CASE ASSIGNMENT**

**Current Case Assignment**

Case Number A-16-747800-C  
 Court Department 16  
 Date Assigned 04/11/2019  
 Judicial Officer Williams, Timothy C.

**PARTY INFORMATION**

		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>Boulden, Marjorie B</b>	<b>Foley, Daniel Thomas, ESQ</b> <i>Retained</i> 702-384-2070(W)
	<b>Jacques &amp; Linda Lamothe Living Trust</b>	<b>Foley, Daniel Thomas, ESQ</b> <i>Retained</i> 702-384-2070(W)
	<b>Lamothe, Jacques</b>	<b>Foley, Daniel Thomas, ESQ</b> <i>Retained</i> 702-384-2070(W)
	<b>Lamothe, Linda</b>	<b>Foley, Daniel Thomas, ESQ</b> <i>Retained</i> 702-384-2070(W)
	<b>Marjorie B. Boulden Trust</b>	<b>Foley, Daniel Thomas, ESQ</b> <i>Retained</i> 702-384-2070(W)
<b>Defendant</b>	<b>Lytle Trust</b>	<b>Waite, Dan R</b> <i>Retained</i> 702-949-8200(W)
	<b>Lytle, John Allen</b>	<b>Waite, Dan R</b> <i>Retained</i> 702-949-8200(W)
	<b>Lytle, Trudi Lee</b>	

# CASE SUMMARY

CASE NO. A-16-747800-C

**Waite, Dan R**

*Retained*

702-949-8200(W)

**Waite, Dan R**

*Retained*

702-949-8200(W)

**Waite, Dan R**

*Retained*

702-949-8200(W)

**Waite, Dan R**

*Retained*

702-949-8200(W)

**Counter Claimant**

**Lytle Trust**

Removed: 01/14/2019

Dismissed

**Lytle, John Allen**

Removed: 01/14/2019

Dismissed

**Lytle, Trudi Lee**

Removed: 01/14/2019

Dismissed

**Counter Defendant**

**Disman, Robert Z**

Removed: 01/14/2019

Dismissed

**Wang, Christina H.**

*Retained*

702-667-3000(W)

**Disman, Yvonne A**

Removed: 01/14/2019

Dismissed

**Wang, Christina H.**

*Retained*

702-667-3000(W)

**Jacques & Linda Lamothe Living Trust**

Removed: 01/14/2019

Dismissed

**Foley, Daniel Thomas, ESQ**

*Retained*

702-384-2070(W)

**Lamothe, Jacques**

Removed: 01/14/2019

Dismissed

**Foley, Daniel Thomas, ESQ**

*Retained*

702-384-2070(W)

**Lamothe, Linda**

Removed: 01/14/2019

Dismissed

**Foley, Daniel Thomas, ESQ**

*Retained*

702-384-2070(W)

**Cross Claimant**

**Disman, Robert Z**

Removed: 01/14/2019

Dismissed

**Wang, Christina H.**

*Retained*

702-667-3000(W)

**Disman, Yvonne A**

Removed: 01/14/2019

Dismissed

**Wang, Christina H.**

*Retained*

702-667-3000(W)

**Cross Defendant**

**Boulden, Marjorie B**

Removed: 01/14/2019

Dismissed

**Foley, Daniel Thomas, ESQ**

*Retained*

702-384-2070(W)

**Other Plaintiff**

**Gegen, Dennis A**

**Smith, Wesley J., ESQ**

*Retained*

702-255-1718(W)

**Gegen, Julie S**

**Smith, Wesley J., ESQ**

*Retained*

702-255-1718(W)

**Gerry R. Zobrist and Jolin G. Zobrist Family Trust**

**Smith, Wesley J., ESQ**

*Retained*

702-255-1718(W)

**Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated**

**Smith, Wesley J., ESQ**

*Retained*

702-255-1718(W)

**September Trust Dated March 23, 1972**

**Smith, Wesley J., ESQ**

*Retained*

702-255-1718(W)

**Trustee**

**Boulden, Marjorie B**

**Foley, Daniel Thomas, ESQ**

# CASE SUMMARY

CASE NO. A-16-747800-C

Removed: 01/14/2019  
Dismissed

*Retained*  
702-384-2070(W)

**Lamothe, Jacques**

Removed: 01/14/2019  
Dismissed

**Foley, Daniel Thomas, ESQ**

*Retained*  
702-384-2070(W)

**Lamothe, Linda**

Removed: 01/14/2019  
Dismissed

**Foley, Daniel Thomas, ESQ**

*Retained*  
702-384-2070(W)

**Lytle, John Allen**

Removed: 01/14/2019  
Dismissed

**Waite, Dan R**









*Retained*  
702-949-8200(W)

**Lytle, Trudi Lee**

Removed: 01/14/2019  
Dismissed














**Waite, Dan R**

*Retained*  
702-949-8200(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<b><u>EVENTS</u></b>	
12/08/2016	 Complaint Filed By: Plaintiff Marjorie B. Boulden Trust <i>Complaint</i>	
01/11/2017	 Motion for Temporary Restraining Order Filed By: Plaintiff Marjorie B. Boulden Trust <i>Motion for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time</i>	
01/12/2017	 Response Filed by: Plaintiff Marjorie B. Boulden Trust <i>Response to Ex-Parte Motion to Continue Hearing</i>	
01/17/2017	 Acceptance of Service Filed By: Plaintiff Marjorie B. Boulden Trust <i>Acceptance of Service of Summons and Complaint</i>	
01/17/2017	 Receipt of Copy Filed by: Plaintiff Marjorie B. Boulden Trust <i>Receipt of Copy</i>	
01/17/2017	 Ex Parte Motion Filed By: Defendant Lytle, Trudi Lee <i>Ex Parte Emergency Motion on Order Shortening Time by Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust to Continue Hearing Set for January 17, 2017</i>	
01/18/2017	 Opposition to Motion Filed By: Defendant Lytle, Trudi Lee <i>Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Temporary Restraining Order</i>	
01/18/2017	 Declaration Filed By: Defendant Lytle, Trudi Lee <i>Declaration of Richard E. Haskin in Support of Opposition to Motion for Temporary Restraining Order</i>	
01/18/2017		

# CASE SUMMARY

CASE NO. A-16-747800-C

	 Request for Judicial Notice Filed By: Defendant Lytle, Trudi Lee <i>Request for Judicial Notice in Support of Opposition to Motion for Temporary Restraining Order</i>
01/18/2017	 Receipt of Copy Filed by: Defendant Lytle, Trudi Lee <i>Receipt of Copy</i>
02/08/2017	 Answer to Complaint Filed by: Defendant Lytle, Trudi Lee <i>Defendants Trudi Lee Lytle and John Allen Lytle, Trustees of The Lytle Trust's Answer to Plaintiffs' Complaint</i>
02/08/2017	 Motion to Dismiss Filed By: Defendant Lytle, Trudi Lee <i>Trudi Lee Lytle and John Allen Lytle's Motion to Dismiss Plaintiffs' Complaint</i>
02/09/2017	 Initial Appearance Fee Disclosure Filed By: Defendant Lytle, Trudi Lee <i>Initial Appearance Fee Disclosure</i>
02/24/2017	 Motion for Partial Summary Judgment Filed By: Plaintiff Marjorie B. Boulden Trust <i>Motion for Partial Summary Judgment</i>
02/28/2017	 Opposition to Motion to Dismiss Filed By: Plaintiff Marjorie B. Boulden Trust <i>Opposition to Motion to Dismiss</i>
03/10/2017	 Amended Complaint Filed By: Plaintiff Marjorie B. Boulden Trust <i>Amended Complaint</i>
03/10/2017	 Stipulation and Order Filed by: Plaintiff Marjorie B. Boulden Trust <i>Stipulation and Order for Leave for Plaintiffs to File Amended Complaint</i>
03/23/2017	 Stipulation and Order Filed by: Defendant Lytle, Trudi Lee <i>Stipulation and Order to Continue Hearing Date Re Motion for Partial Summary Judgment</i>
03/24/2017	 Request for Judicial Notice Filed By: Defendant Lytle, Trudi Lee <i>Request for Judicial Notice in Support of Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i>
03/24/2017	 Declaration Filed By: Defendant Lytle, Trudi Lee <i>Declaration of Richard E. Haskin in Support of Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i>
03/27/2017	 Countermotion For Summary Judgment



# CASE SUMMARY

CASE NO. A-16-747800-C

	<p>Filed By: Defendant Lytle, Trudi Lee  <i>Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i></p>
03/27/2017	<p> Notice of Entry of Stipulation and Order            Filed By: Defendant Lytle, Trudi Lee  <i>Notice of Entry of Stipulation and Order to Continue Hearing Date Re Motion for Partial Summary Judgment</i></p>
03/30/2017	<p> Commissioners Decision on Request for Exemption - Granted  <i>Commissioner's Decision on Request for Exemption - Granted</i></p>
04/05/2017	<p> Reply to Opposition            Filed by: Plaintiff Marjorie B. Boulden Trust  <i>Reply to the Opposition to Motion for Partial Summary Judgment and Opposition to Countermotion for Summary Judgment</i></p>
04/26/2017	<p> Findings of Fact, Conclusions of Law and Order            Filed By: Plaintiff Marjorie B. Boulden Trust  <i>Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Partial Summary Judgment</i></p>
04/27/2017	<p> Notice of Entry of Findings of Fact, Conclusions of Law            Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques &amp; Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda  <i>Notice of Entry of Findings of Fact, Conclusions of Law, and Order Granting Plaintiffs' Motion for Partial Summary Judgment</i></p>
04/28/2017	<p> Motion for Attorney Fees and Costs            Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques &amp; Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda  <i>Motion for Attorney's Fees and Costs</i></p>
05/09/2017	<p> Notice of Lis Pendens            Filed by: Defendant Lytle, Trudi Lee  <i>Notice of Lis Pendens</i></p>
05/09/2017	<p> Notice of Lis Pendens            Filed by: Defendant Lytle, Trudi Lee  <i>Notice of Lis Pendens</i></p>
05/09/2017	<p> Notice of Appeal            Filed By: Defendant Lytle, Trudi Lee  <i>Notice of Appeal</i></p>
05/09/2017	<p> Notice            Filed By: Defendant Lytle, Trudi Lee  <i>Notice of Depositing Security for Costs on Appeal</i></p>
05/09/2017	<p> Case Appeal Statement            Filed By: Defendant Lytle, Trudi Lee  <i>Case Appeal Statement</i></p>
05/15/2017	<p> Motion to Reconsider            Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust</p>

# CASE SUMMARY

CASE NO. A-16-747800-C

*Defendants Trudi Lee Lytle, John Allen Lytle, and The Lytle Trust's Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment*

05/15/2017



Opposition to Motion

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Defendants Trudi Lee Lytle, John Allen Lytle, and The Lytle Trust's Opposition to Plaintiffs' Motion for Attorneys' Fees and Costs*

05/16/2017



Errata

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Notice of Errata Re: Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust's Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment*

05/22/2017



Motion to Cancel Lis Pendens

Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda  
*Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time*

05/25/2017



Stipulation and Order

Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Stipulation and Order to Continue Hearing Date Re Motion for Reconsideration*

05/26/2017



Notice of Entry of Stipulation and Order

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Notice of Entry of Stipulation and Order to Continue Hearing Date Re Motion for Reconsideration*

05/31/2017



Opposition to Motion

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust's Opposition to Plaintiff's Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Counsel in Contempt of Court*

06/01/2017



Opposition to Motion

Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda  
*Opposition to Motion for Reconsideration*

06/02/2017



Reply to Opposition

Filed by: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda  
*Reply to Defendants' Opposition to Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court*

06/23/2017



Order Granting Motion

Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda  
*Order Granting Plaintiffs' Motion to Cancel Lis Pendens and Order Denying Motion to Hold Defendants and/or Their Counsel in Contempt of Court*

06/23/2017



Reply to Opposition

Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust's Reply to Opposition to Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment*

06/27/2017

# CASE SUMMARY

CASE NO. A-16-747800-C

	 Notice of Entry of Order Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Notice of Entry of Order</i>
06/29/2017	 Notice of Release of Lis Pendens Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Release of Lis Pendens</i>
06/29/2017	 Notice of Release of Lis Pendens Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Release of Lis Pendens</i>
06/30/2017	 Motion for Leave to File Party: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Plaintiffs' Motion for Leave to File Second Amended Complaint</i>
07/25/2017	 Order Granting Motion Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Order Granting Motion to Alter or Amend Findings of Fact and Conclusions of Law</i>
07/25/2017	 Stipulation and Order Filed by: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Stipulation and Order for Leave for Plaintiffs to File Second Amended Complaint</i>
07/25/2017	 Second Amended Complaint Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Second Amended Complaint</i>
07/25/2017	 Notice of Entry of Order Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Entry of Order Granting Motion to Alter or Amend Findings of Fact and Conclusions of Law</i>
07/25/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Notice of Entry of Stipulation and Order</i>
08/02/2017	 Joint Case Conference Report Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Joint Case Conference Report</i>
08/11/2017	 Answer and Counterclaim Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants Trudi Lee Lytle and John Allen Lytle, Trustees of The Lytle Trust's Answer to Plaintiff's Second Amended Complaint and Counterclaim</i>
08/15/2017	 Summons Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Summons</i>

# CASE SUMMARY

CASE NO. A-16-747800-C

08/15/2017	 Summons Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Summons</i>
08/23/2017	 Affidavit of Service Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Affidavit of Service</i>
08/23/2017	 Affidavit of Service Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Affidavit of Service</i>
09/05/2017	 Answer to Counterclaim Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust; Plaintiff Boulden, Marjorie B; Plaintiff Lamothe, Jacques; Plaintiff Lamothe, Linda <i>Plaintiffs' Answer to Counter Complaint</i>
09/13/2017	 Scheduling Order <i>Scheduling Order</i>
09/21/2017	 Order Setting Civil Non-Jury Trial <i>Order Setting Civil Non-Jury Trial, Pre-Trial/Calendar Call</i>
09/26/2017	 Answer Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Counter-Defendants and Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Answer and Counterclaim</i>
09/26/2017	 Initial Appearance Fee Disclosure Filed By: Cross Claimant Disman, Yvonne A <i>Initial Appearance Fee Disclosure</i>
10/13/2017	 Answer Filed By: Plaintiff Marjorie B. Boulden Trust <i>Plaintiff's Answer to Cross-Complaint</i>
12/08/2017	 Motion Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Counter-Defendants/Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Motion to Extend Discovery Deadlines and Trial Setting</i>
12/14/2017	 Order Shortening Time Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Order Shortening Time RE: Counter-Defendants/Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Motion to Extend Discovery Deadlines and Trial Setting</i>
12/15/2017	 Notice of Entry of Order Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Notice of Entry of Order Shortening Time RE: Counter-Defendants/Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Motion to Extend Discovery Deadlines and Trial Setting</i>
12/26/2017	 Opposition Filed By: Plaintiff Marjorie B. Boulden Trust

# CASE SUMMARY

CASE NO. A-16-747800-C

*Opposition to Motion to Extend Discovery Deadlines and Trial Setting*

01/02/2018



## Opposition

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Defendants Trudi Lee Lytle, John Allen Lytle, and the Lytle Trust s Opposition to Motion to Extend Discovery Deadlines*

01/09/2018



## Reply in Support

Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A  
*Counter-Defendants/Cross-Claimants Robert Z. Disman and Yvonne A. Disman's Reply in Support of Motion to Extend Discovery Deadlines and Trial Setting*

01/16/2018



## Motion to Consolidate

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C*

01/18/2018



## Notice of Department Reassignment

*Notice of Department Reassignment*

01/23/2018



## Order

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Plaintiffs' Ex Parte Motion for Order Shortening Time and Order Shortening*

01/23/2018



## Reporters Transcript

*Court Reporters transcript of Proceedings June 6, 2017*

01/24/2018



## Peremptory Challenge

Filed by: Plaintiff Marjorie B. Boulden Trust  
*Peremptory Challenge of Judge*

01/25/2018



## Notice of Department Reassignment

*Notice of Department Reassignment*

01/29/2018



## Notice of Change of Hearing

Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Notice of Change of Hearing*

02/01/2018



## Ex Parte Order

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Amended Order Granting Order Shortening Time*

02/05/2018













## Notice of Entry of Order

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A

# CASE SUMMARY

CASE NO. A-16-747800-C

	Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Notice of Entry of Amended Order Granting Order Shortening Time</i>
02/06/2018	 Amended Order Setting Civil Non-Jury Trial <i>Amended Order Setting Civil Bench Trial</i>
02/07/2018	 Notice of Change of Address Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Notice of Change of Firm Address</i>
02/13/2018	 Stipulation and Order Filed by: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Stipulation and Order to Extend Discovery Deadlines and Trial Setting (First Requested Extension)</i>
02/13/2018	 Notice of Entry of Stipulation and Order Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Notice of Entry of Stipulation and Order to Extend Discovery Deadlines and Trial Setting (First Requested Extension)</i>
02/22/2018	 Notice of Early Case Conference Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Early Case Conference</i>
02/28/2018	 Order Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Order Granting Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C</i>
03/01/2018	 Request Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Request to Set Hearing Date on Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings</i>
03/01/2018	 Motion for Summary Judgment <i>Plaintiffs' Motion for Summary Judgment (Filed 11/30/17 in Subordinate Case A-17-765372-C)</i>
03/01/2018	 Opposition and Countermotion Filed By: Defendant Lytle Trust <i>Defendant Trudi Lee Lytle, John Allen Lytle, The Lytle Trust (1) Opposition to Motion for Summary Judgment, or, in the Alternative, Motion for Judgment on the Pleadings; and (2) Counter Motion for Summary Judgment (Filed 02/09/18 in subordinate case A-17-795372-C)</i>
03/01/2018	Reply to Opposition <i>Plaintiffs' Reply to Defendants' Opposition to the Motion for Summary Judgment, or, in the Alternative, Motion for Judgment on the Pleadings and Opposition to Plaintiffs' Countermotion for Summary Judgment (Filed 2/21/18 in subordinate case A-17-765372-C)</i>
03/05/2018	 Notice

# CASE SUMMARY

CASE NO. A-16-747800-C

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Notice of Entry of Order Granting Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C*

05/24/2018



## Order

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*(A765372) Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment*

05/25/2018



## Notice of Entry of Order

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Notice of Entry of Order Granting Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary Judgment*

06/04/2018



## Motion for Attorney Fees and Costs

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Plaintiffs' Motion for Attorney's Fees and Costs*

06/04/2018



## Memorandum

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Memorandum of Costs and Disbursements*

06/04/2018



## Declaration

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Declaration of Counsel in Support of Plaintiffs' Motion for Attorney's Fees and Costs*

06/06/2018



## Notice

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Notice of Hearing on Plaintiffs' Motion for Attorney's Fees and Costs*

06/08/2018



## Motion to Retax

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Defendants' Motion to Retax and Settle Memorandum of Costs*

06/13/2018












## Release

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Release of Abstract of Judgment*



# CASE SUMMARY

CASE NO. A-16-747800-C

06/13/2018	 Release Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Release of Abstract of Judgment</i>
06/13/2018	 Release Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Release of Abstract of Judgment</i>
06/13/2018	 Release Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Release of Abstract of Judgment</i>
06/15/2018	 Opposition Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Plaintiffs' Opposition to Defendants' Motion to Retax and Settle Memorandum of Costs</i>
06/15/2018	 Declaration Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Declaration of Counsel in Support of Plaintiffs' Opposition to Defendants' Motion to Retax and Settle Memorandum of Costs</i>
06/19/2018	 Notice of Appeal Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Appeal</i>
06/19/2018	 Case Appeal Statement Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Case Appeal Statement</i>
06/22/2018	 Opposition to Motion Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs</i>
06/28/2018	 Motion for Summary Judgment Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Robert Z. Disman and Yvonne A. Disman's Motion to Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings</i>
07/05/2018	 Reply to Opposition Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Reply to Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs</i>
07/05/2018	 Declaration Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A



# CASE SUMMARY

CASE NO. A-16-747800-C

*Declaration of Counsel in Support of Reply to Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs*

07/06/2018



Notice of Change of Hearing

*Notice of Change of Hearing*

07/26/2018



Opposition to Motion For Summary Judgment

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment, or, in the Alternative, Motion for Judgment on the Pleadings*

08/01/2018



Reply in Support

Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A

08/27/2018



Recorders Transcript of Hearing

*Recorder's Transcript of Hearing Re: Defendants' Motion to Retax and Settle Memorandum of Costs; Plaintiffs' Motion for Attorney's Fees and Costs 6/26/18*

08/27/2018



Recorders Transcript of Hearing

*Recorder's Transcript of Hearing Re: Decision - Defendants' Motion to Retax and Settle Memorandum of Costs; Decision - Plaintiffs' Motion for Attorney's Fees; Robert Z. Disman and Yvonne A. Dismans' Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings 8/9/18*

09/12/2018



Order

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Order Regarding Plaintiffs' Motion for Attorney's Fees and Costs and Memorandum of Costs and Disbursements and Defendants' Motion to Retax and Settle Memorandum of Costs*

09/13/2018



Notice

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Notice of Entry of Order Regarding Plaintiffs' Motion for Attorney's Fees and Costs and Memorandum of Costs and Disbursements and Defendants' Motion to Retax and Settle Memorandum of Costs*

09/14/2018



Notice of Appeal

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Notice of Appeal*

09/28/2018



Motion to Stay

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Defendant John Allen Lytle and Trudi Lee Lytles' Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond on Order Shortening Time*

10/01/2018



Response

Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Plaintiffs' Response to Defendants' Motion to Stay Proceedings to Enforce Judgment and*

# CASE SUMMARY

CASE NO. A-16-747800-C

*Request to Post Cash Deposit in Lieu of Supersedeas Bond*

10/01/2018	 Case Appeal Statement Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Case Appeal Statement</i>
10/02/2018	 Reply Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendant John Allen Lytle and Trudi Lytles' Reply to Plaintiffs' Response to Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond</i>
10/05/2018	 Stipulation and Order Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Stipulation and Order to Continue Hearing on Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond</i>
10/08/2018	 Notice of Entry of Stipulation and Order Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Entry of Stipulation and Order to Continue Hearing on Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond</i>
10/09/2018	 Change of Address Filed By: Plaintiff Boulden, Marjorie B <i>Change of Address</i>
11/16/2018	 Motion to Reconsider Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees</i>
11/16/2018	 Order Shortening Time Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Order Shortening Time</i>
11/21/2018	 Opposition Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Opposition to Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees</i>
12/03/2018	 Recorders Transcript of Hearing <i>Recorder's Transcript of Hearing Re: Request of Court - Clarification of Order: In Re: Competing Orders; Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorneys' Fees. Heard on November 27, 2018.</i>
12/12/2018	 Amended Order Setting Civil Non-Jury Trial <i>Amended Order Setting Civil Non-Jury Trial</i>
12/27/2018	 Order Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Order Denying Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings</i>
01/03/2019	

# CASE SUMMARY

CASE NO. A-16-747800-C

	 Notice of Entry of Order Filed By: Cross Claimant Disman, Robert Z; Cross Claimant Disman, Yvonne A <i>Notice of Entry of Order Denying Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings</i>
01/05/2019	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
01/07/2019	Case Reassigned to Department 9 <i>Judicial Reassignment - From Judge Bailus to Vacant, DC9</i>
01/08/2019	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>
01/14/2019	 Stipulation and Order Filed by: Plaintiff Boulden, Marjorie B <i>Stipulation and Order to Dismiss Remaining Claims without Prejudice</i>
01/14/2019	 Notice of Entry Filed By: Plaintiff Boulden, Marjorie B <i>Notice Of Entry Of Stipulation And Order To Dismiss All Remaining Claims Without Prejudice</i>
01/16/2019	 Memorandum of Costs and Disbursements Filed By: Plaintiff Boulden, Marjorie B <i>Plaintiffs' Memorandum of Costs and Disbursements</i>
01/16/2019	 Motion Filed By: Plaintiff Boulden, Marjorie B <i>Motion to Attorney's Fees and Costs</i>
01/18/2019	 Motion to Retax Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants' Motion to Retax and Settle Memorandum of Costs</i>
01/23/2019	 Motion for Attorney Fees Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A. <i>Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees</i>
01/29/2019	 Opposition to Motion Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants' Opposition to Plaintiffs' Motion for Attorney's Fees and Costs</i>
02/04/2019	 Opposition Filed By: Plaintiff Boulden, Marjorie B <i>Plaintiffs' Opposition to Motion to Retax Costs</i>
02/07/2019	 Reply Filed by: Plaintiff Boulden, Marjorie B <i>Reply To Defendants Opposition To Motion For Attorneys Fees And Costs</i>
02/12/2019	 Opposition to Motion Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants' Opposition to Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees and Costs</i>

# CASE SUMMARY

CASE NO. A-16-747800-C

02/15/2019	 Reply to Opposition Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Defendants' Reply to Opposition to Motion to Retax and Settle Memorandum of Costs</i>
02/20/2019	 Reply Filed by: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A. <i>Robert Z. Disman and Yvonne A. Disman's Reply in Support of Motion for Attorney's Fees</i>
04/10/2019	 Notice of Hearing <i>Notice of Hearing</i>
04/11/2019	 Notice of Department Reassignment <i>Notice of Department Reassignment</i>
04/22/2019	 Stipulation and Order Filed by: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A. <i>Stipulation and Order to Continue Hearing Date on Pending Motions</i>
04/25/2019	 Notice of Entry Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A. <i>Notice of Entry of Stipulation and Order to Continue Hearing Date on Pending Motions</i>
05/07/2019	 Request Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Request to Set Hearing on Order Certifying Supreme Court Intent to Reconsider Motion for Attorneys' Fees and Costs</i>
05/24/2019	 Notice of Change of Address Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A. <i>Notice of Change of Firm Address</i>
06/10/2019	 Reporters Transcript <i>Court Reporters transcript of Proceedings (Civil) 5-16-19</i>
09/06/2019	 Findings of Fact, Conclusions of Law and Order Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A. <i>Findings of Fact, Conclusions of Law and Order Granting Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees</i>
09/06/2019	 Notice of Entry of Order Filed By: Counter Defendant Disman, Robert Z.; Counter Defendant Disman, Yvonne A. <i>Notice of Entry of Findings of Fact, Conclusions of Law and Order Granting Robert Z. Disman and Yvonne A. Disman Motion for Attorney's Fees</i>
09/20/2019	 Order Filed By: Plaintiff Boulden, Marjorie B <i>Order Granting Plaintiffs; Motion for Attorneys' Fees and Costs and Order Denying Defendants' Motion to Retax and Settle Costs</i>
09/20/2019	 Notice of Entry Filed By: Plaintiff Boulden, Marjorie B <i>Notice Of Entry Of Order Granting Plaintiffs Motion For Attorneys Fees And Costs And Order Denying Defendants Motion To Retax And Settle Costs</i>

# CASE SUMMARY

CASE NO. A-16-747800-C

09/30/2019	 Notice of Appeal Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Appeal</i>
09/30/2019	 Case Appeal Statement Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Case Appeal Statement</i>
10/04/2019	 Notice of Appeal Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Appeal</i>
10/04/2019	 Case Appeal Statement Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Case Appeal Statement</i>
10/22/2019	 Stipulation and Order Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond</i>
10/24/2019	 Notice of Entry of Stipulation and Order Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Entry of Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond</i>
10/28/2019	 Stipulation and Order Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond</i>
10/28/2019	 Notice of Entry of Stipulation and Order Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Entry of Stipulation and Order to Stay Enforcement of Judgment Upon Posting of Supersedeas Bond</i>
11/26/2019	 Notice of Appearance Party: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Appearance</i>
11/26/2019	 Request Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Request for Transcripts</i>
12/05/2019	 Recorders Transcript of Hearing <i>Transcript of Proceedings Re: All Pending Motions. March 21, 2018</i>
12/05/2019	 Recorders Transcript of Hearing <i>Transcript of Proceedings Re: Decision May 2, 2018</i>
03/04/2020	 Motion for Order to Show Cause Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A

# CASE SUMMARY

CASE NO. A-16-747800-C

*Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders (Hearing Requested)*

03/05/2020



Clerk's Notice of Hearing

*Notice of Hearing*

03/05/2020



Joinder To Motion

Filed By: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust  
*(5/14/20 Withdrawn) Joinder On Plaintiffs September Trust Et. Al s Motion For An Order To Show Cause Why The Lytle Trust Should Not Be Held In Contempt For Violation Of Court Orders*

03/06/2020



Notice of Appearance

Party: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A.  
*Notice of Appearance*

03/06/2020



Joinder To Motion

Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A.  
*Joinder to Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should not be Held in Contempt for Violation of Court Orders*

03/11/2020



Association of Counsel

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen  
*Association of counsel*

03/19/2020



Opposition to Motion

Filed By: Defendant Lytle Trust  
*Opposition to Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not be Held in Contempt for Violation of Court Orders*

03/31/2020



Notice of Rescheduling

*Notice of Rescheduling*

04/13/2020



Notice

Filed By: Defendant Lytle Trust  
*CourtCall Appearance*

04/13/2020



Notice to Appear

Filed By: Defendant Lytle, Trudi Lee  
*Courtcall Appearance*

04/13/2020



Notice

Filed By: Defendant Lytle Trust  
*Correction to Opposition to Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not be Held in Contempt for Violation of Court Orders*

04/14/2020



Reply to Opposition

Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Reply to Opposition to Plaintiffs Motion for an Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders*

04/14/2020

# CASE SUMMARY

CASE NO. A-16-747800-C

	 Joinder Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A. <i>Joinder to Reply to Opposition to Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not be Held in Contempt for Violation of Court Orders</i>
04/21/2020	 Exhibits Filed By: Defendant Lytle Trust <i>Defendant Lytle Trust's Hearing Exhibits</i>
05/07/2020	 Stipulation and Order Filed by: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Stipulation and Order to Disburse Cash Supersedeas Bond</i>
05/07/2020	 Notice of Entry of Stipulation and Order Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Entry of Stipulation and Order to Disburse Cash Supersedeas Bond</i>
05/14/2020	 Withdrawal Filed by: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust <i>Withdrawal of Joinder On Plaintiffs September Trust Et. al. s Motion For An Order To Show Cause Why The Lytle Trust Should Not Be Held In Contempt For Violation Of Court Orders</i>
05/14/2020	 Satisfaction of Judgment Filed by: Plaintiff Marjorie B. Boulden Trust; Plaintiff Jacques & Linda Lamothe Living Trust <i>Satisfaction of Judgment</i>
05/15/2020	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>
05/18/2020	 Motion Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Plaintiffs' Motion to Release Cash Supersedeas Bond and Request for Interst Thereon</i>
05/19/2020	 Objection Filed By: Defendant Lytle Trust <i>Defendant's (1) Objection to Plaintiffs' Proposed Order, and (2) Competing Order</i>
05/19/2020	 Motion for Clarification Filed By: Defendant Lytle Trust <i>Defendant Lytle Trust's Motion for Clarification and Ex Parte Request for Order Shortening Time</i>
05/19/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
05/20/2020	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
05/22/2020	 Order Granting Motion Filed By: Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A



# CASE SUMMARY

CASE NO. A-16-747800-C

*ORDER GRANTING PLAINTIFFS MOTION FOR ORDER TO SHOW CAUSE WHY THE  
LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT  
ORDERS*

05/22/2020



Notice of Entry of Order

Filed By: Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Notice of Entry of Order Granting Plaintiffs' Motion for Order to Show Cause Why the Lytle  
Trust Should not be Held in Contempt for Violation of Court Orders*

05/22/2020



Stipulation and Order

Filed by: Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*STIPULATION AND ORDER TO DISBURSE CASH SUPERSEDEAS BOND AND PAY  
INTEREST THEREON*

05/22/2020



Notice of Entry of Stipulation and Order

Filed By: Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Notice of Entry of Stipulation and Order to Release Cash Supersedeas Bond*

05/26/2020



Motion for Attorney Fees and Costs

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R.  
Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A  
Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other  
Plaintiff Gegen, Dennis A  
*Plaintiffs' Motion for Attorney's Fees and Costs*

05/26/2020



Declaration

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R.  
Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A  
Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other  
Plaintiff Gegen, Dennis A  
*Declaration of Counsel in Support of Plaintiffs' Motion for Attorney's Fees and Costs*

05/26/2020



Memorandum of Costs and Disbursements

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R.  
Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A  
Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other  
Plaintiff Gegen, Dennis A  
*Memorandum of Costs and Disbursements*

05/26/2020



Clerk's Notice of Hearing

*Notice of Hearing*

05/29/2020



Opposition to Motion

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R.  
Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A  
Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other  
Plaintiff Gegen, Dennis A  
*Opposition to Defendant Lytle Trust's Motion for Clarification*

06/09/2020



Opposition to Motion

Filed By: Defendant Lytle Trust  
*Defendant Lytle Trust's Opposition To Plaintiffs' Motion For Attorney Fees and Costs*

06/10/2020





Stipulation and Order

Filed by: Attorney Haskin Esq, Richard Edward; Defendant Lytle, Trudi Lee; Defendant  
Lytle, John Allen; Defendant Lytle Trust  
*STIPULATION AND ORDER TO DISBURSE CASH SUPERSEDEAS BOND*



# CASE SUMMARY

CASE NO. A-16-747800-C

06/10/2020	 Notice of Entry of Stipulation and Order Filed By: Defendant Lytle Trust <i>Notice of Entry of Stipulation and Order to Disburse Cash Supersedeas Bond</i>
06/11/2020	 Motion for Attorney Fees Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A. <i>(7/6/20 Withdrawn) Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees</i>
06/11/2020	 Appendix Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A. <i>Appendix of Exhibits for Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees</i>
06/12/2020	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
06/17/2020	 Reply in Support Filed By: Defendant Lytle Trust <i>Defendant Lytle Trust's Reply in Support of Motion for Clarification</i>
06/22/2020	 Notice of Appeal Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Notice of Appeal</i>
06/22/2020	 Case Appeal Statement Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust <i>Case Appeal Statement</i>
06/22/2020	 Amended Certificate of Service Party: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen <i>Amended Certificate of Service</i>
06/29/2020	 Reply to Opposition Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A <i>Reply to Defendant Lytle Trust's Opposition to Plaintiffs' Motion for Attorney's Fees and Costs</i>
07/02/2020	 Notice Filed By: Defendant Lytle Trust <i>Notice of Disassociation of Counsel</i>
07/06/2020	 Notice of Withdrawal of Motion Filed By: Other Defendant Disman, Robert Z.; Other Defendant Disman, Yvonne A. <i>Notice of Withdrawal of Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees</i>
07/15/2020	 Order Denying Motion Filed By: Other Plaintiff September Trust Dated March 23, 1972 <i>ORDER DENYING DEFENDANT LYTLE TRUST'S MOTION FOR CLARIFICATION AND EX PARTE REQUEST FOR ORDER SHORTENING TIME</i>
07/15/2020	 Notice of Entry of Order Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R.

# CASE SUMMARY

CASE NO. A-16-747800-C

Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Notice of Entry of Order Denying Defendant Lytle Trust s Motion for Clarification and ex Parte Request for Order Shortening Time*

07/31/2020



Amended Notice of Appeal

Party: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Amended Notice of Appeal*

07/31/2020



Amended Case Appeal Statement

Party: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Amended Case Appeal Statement*

08/04/2020



Errata

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen  
*Errata to Amended Notice of Appeal*

08/04/2020



Errata

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Errata to Amended Case Appeal Statement*

08/11/2020



Order

(A765372) ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS MOTION FOR ATTORNEY S FEES AND COSTS

08/11/2020



Notice of Entry of Order

Filed By: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Notice of Entry of Order Granting in Part and Denying in Part Plaintiffs Motion for Attorney s Fees and Costs*

08/21/2020



Notice of Appeal

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Notice of Appeal*

08/21/2020



Case Appeal Statement

Filed By: Defendant Lytle, Trudi Lee; Defendant Lytle, John Allen; Defendant Lytle Trust  
*Case Appeal Statement*

## DISPOSITIONS

04/26/2017

**Partial Summary Judgment** (Judicial Officer: Williams, Timothy C.)

Debtors: Lytle Trust (Defendant)

Creditors: Marjorie B. Boulden Trust (Plaintiff), Marjorie B Boulden (Trustee), Linda Lamothe (Trustee)

Judgment: 04/26/2017, Docketed: 05/03/2017

07/25/2017

**Partial Summary Judgment** (Judicial Officer: Williams, Timothy C.)

Debtors: Trudi Lee Lytle (Defendant), John Allen Lytle (Defendant)

Creditors: Marjorie B. Boulden Trust (Plaintiff), Jacques & Linda Lamothe Living Trust (Plaintiff)

Judgment: 07/25/2017, Docketed: 07/25/2017

01/08/2019

**Clerk's Certificate** (Judicial Officer: Vacant, DC 9)

Debtors: Trudi Lee Lytle (Defendant), John Allen Lytle (Defendant), Lytle Trust (Defendant)


Creditors: Marjorie B. Boulden Trust (Plaintiff), Jacques & Linda Lamothe Living Trust

# CASE SUMMARY

CASE NO. A-16-747800-C

	<p>(Plaintiff), Marjorie B Boulden (Plaintiff), Jacques Lamothe (Plaintiff), Linda Lamothe (Plaintiff)  Judgment: 01/08/2019, Docketed: 01/14/2019  Comment: Supreme Court No.73039 APPEAL AFFIRMED</p>
01/14/2019	<p><b>Order of Dismissal Without Prejudice</b> (Judicial Officer: Vacant, DC 9)  Debtors: Trudi Lee Lytle (Defendant, Trustee), John Allen Lytle (Defendant, Trustee), Lytle Trust (Defendant)  Creditors: Marjorie B. Boulden Trust (Plaintiff), Jacques &amp; Linda Lamothe Living Trust (Plaintiff), Marjorie B Boulden (Plaintiff, Trustee), Jacques Lamothe (Plaintiff, Trustee), Linda Lamothe (Plaintiff, Trustee)  Judgment: 01/14/2019, Docketed: 01/14/2019  Comment: Certain Causes  Debtors: Trudi Lee Lytle (Counter Claimant), John Allen Lytle (Counter Claimant), Lytle Trust (Counter Claimant)  Creditors: Jacques &amp; Linda Lamothe Living Trust (Counter Defendant), Jacques Lamothe (Counter Defendant), Linda Lamothe (Counter Defendant), Robert Z Dismen (Counter Defendant), Yvonne A Dismen (Counter Defendant)  Judgment: 01/14/2019, Docketed: 01/14/2019  Debtors: Robert Z Dismen (Cross Claimant), Yvonne A Dismen (Cross Claimant)  Creditors: Marjorie B Boulden (Cross Defendant)  Judgment: 01/14/2019, Docketed: 01/14/2019</p>
09/06/2019	<p><b>Order</b> (Judicial Officer: Williams, Timothy C.)  Debtors: Trudi Lee Lytle (Counter Claimant), John Allen Lytle (Counter Claimant), Lytle Trust (Counter Claimant)  Creditors: Robert Z. Dismen (Counter Defendant), Yvonne A. Dismen (Counter Defendant)  Judgment: 09/06/2019, Docketed: 09/06/2019  Total Judgment: 35,676.00</p>
09/20/2019	<p><b>Order</b> (Judicial Officer: Williams, Timothy C.)  Debtors: Trudi Lee Lytle (Defendant), John Allen Lytle (Defendant), Lytle Trust (Defendant)  Creditors: Marjorie B. Boulden Trust (Plaintiff), Jacques &amp; Linda Lamothe Living Trust (Plaintiff), Marjorie B Boulden (Plaintiff), Jacques Lamothe (Plaintiff), Linda Lamothe (Plaintiff)  Judgment: 09/20/2019, Docketed: 09/23/2019  Total Judgment: 77,146.80  Satisfaction:</p>
05/15/2020	<p><b>Clerk's Certificate</b> (Judicial Officer: Williams, Timothy C.)  Debtors: Marjorie B. Boulden Trust (Plaintiff), Jacques &amp; Linda Lamothe Living Trust (Plaintiff), Marjorie B Boulden (Plaintiff), Jacques Lamothe (Plaintiff), Linda Lamothe (Plaintiff)  Creditors: Trudi Lee Lytle (Defendant), John Allen Lytle (Defendant), Lytle Trust (Defendant)  Judgment: 05/15/2020, Docketed: 05/22/2020  Comment: Supreme Court No.76198/77007 " Appeal Affirmed"</p>




## HEARINGS

01/19/2017	<p> <b>Motion for Temporary Restraining Order</b> (9:00 AM) (Judicial Officer: Williams, Timothy C.)  <i>Plaintiffs Motion for Temporary Restraining Order and Preliminary Injunction on Order Shortening Time</i>  Withdrawn;  Journal Entry Details:  <i>Mr. Foley stated this was regarding a judgment obtained against a third-party that was recorded against his clients, that his clients were not a party in the case, and that the Deft.'s just listed his client's parcel numbers on their judgment. Mr. Foley stated his clients home was set to close escrow tomorrow; however this \$361,000 judgment prevented the title company from issuing a title policy. Mr. Foley stated he did not want a Temporary Restraining Order and then be forced to get a bond when the title company could still say they can't issue the title policy. Mr. Foley noted he thought if everything was consolidated he could try this case in one day. Mr. Haskin agreed with Mr. Foley's statements and further stated there were equitable issues; however those were questions of law and that he wanted to reserve the right to dispute. Court stated this case had a history and inquired regarding the effect of the judgment. Following further colloquy by counsel regarding the preliminary injunction and a trial on the</i></p>
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# CASE SUMMARY

CASE NO. A-16-747800-C

*merits, Mr. Foley WITHDREW his motion and stated he would proceed from here and no status check was necessary at this time.;*

03/14/2017	<b>CANCELED Motion to Dismiss</b> (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated - per Stipulation and Order</i> <i>Trudi Lee Lytle and John Allen Lytle's Motion to Dismiss Plaintiffs' Complaint</i>
04/13/2017	<b>Motion for Partial Summary Judgment</b> (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Motion for Partial Summary Judgment</i> Granted;
04/13/2017	<b>Opposition and Countermotion</b> (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust Opposition to Motion for Summary Judgment and Countermotion for Summary Judgment</i> Denied;
04/13/2017	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Williams, Timothy C.) Matter Heard; Journal Entry Details: <i>MOTION FOR PARTIAL SUMMARY JUDGMENT PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND COUNTER-MOTION TO CONTINUE TRIAL AND EXTEND DISCOVERY DEADLINES Following extensive arguments by counsel based on the briefs, COURT ORDERED, Motion for Summary Judgment GRANTED; Deft.'s Countermotion DENIED.;</i>
05/30/2017	 <b>Motion for Attorney Fees and Costs</b> (9:00 AM) (Judicial Officer: Williams, Timothy C.) <b>05/30/2017, 06/29/2017</b> <i>Deft's Motion for Attorney's Fees and Costs</i> Matter Continued; Motion for Attorney's Fees and Costs Vacate; Matter Continued; Motion for Attorney's Fees and Costs Vacate; Journal Entry Details: <i>Following arguments of counsel, Court stated that from a practical standpoint this motion will be decided without additional argument following the Motion for Reconsideration currently set for June 29, 2017. Accordingly, COURT ORDERED, matter CONTINUED. CONTINUED TO: 6/29/17 9:00 AM;</i>
06/01/2017	 <b>Motion to Cancel Lis Pendens</b> (9:00 AM) (Judicial Officer: Williams, Timothy C.) <b>06/01/2017, 06/06/2017</b> <i>Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time</i> Matter Continued; Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time Granted; Journal Entry Details: <i>Daniel Foley, Esq., appeared on behalf of Pltfs Richard Haskin, Esq., appeared on behalf of Defts The Court and counsel noted the matter was fully briefed and counsel invited questions from the Court. Mr. Haskin began to argue the contempt issue; however, the Court stated it would not hold Defts in contempt and entered into colloquy with Mr. Haskin regarding the lis pendens. After hearing argument from both sides, COURT STATED ITS FINDINGS, and ORDERED, Motion GRANTED cancelling the two lis pendens and reiterated that the Court would not hold Defts in contempt; however, no more lis pendens. Further, Mr. Foley addressed his request for fees and the Court advised it would consider the matter as currently set on June 29, 2017. Court directed Mr. Foley to submit the proposed order.;</i> Matter Continued; Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time Granted; Journal Entry Details: <i>Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time Mr. Foley noted that Mr. Haskin only contested this matter yesterday. A copy of the opposition was handed to the Court and</i>

# CASE SUMMARY

CASE NO. A-16-747800-C

matter was trailed to enable Mr. Foley and the Court to review it. When matter was recalled later in the calendar, Mr. Haskin stated that under 14.015 the opposition was untimely. COURT ORDERED, matter CONTINUED to Tuesday, 6/6/17 upon Mr. Foley's agreement to that date. CONTINUED TO: 6/6/17 9:00 AM;

06/29/2017

**Motion For Reconsideration** (9:00 AM) (Judicial Officer: Williams, Timothy C.)

*Defendants Trudi Lee Lytle, John Allen Lytle, and The Lytle Trust's Motion for Reconsideration or, in the Alternative, Motion to Alter or Amend Judgment*  
Motion Granted;

06/29/2017



**All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Matter Heard;

Journal Entry Details:

*DEFENDANTS TRUDI LEE LYTLE, JOHN ALLEN LYTLE, AND THE LYTLE TRUST'S MOTION FOR RECONSIDERATION OR, IN THE ALTERNATIVE, MOTION TO ALTER OR AMEND JUDGMENT...DEFT'S MOTION FOR ATTORNEY'S FEES AND COSTS* Mr. Haskin argued in support of the Motion for Reconsideration, stating that an Order was entered granting Summary Judgment in favor of the Plaintiff, wherein there was a Finding against Defendant Lytle Trust as to slander of title; however, there was no evidence presented during arguments regarding slander of title. Upon Court's inquiry, Mr. Foley stated that the causes of action appropriately dealt with through the Court's ruling on the Summary Judgment were as follows: Quiet Title, Declaratory Relief, and Slander of Title. Mr. Foley argued in opposition to the Motion for Reconsideration, stating that the Lytles recorded abstracts of judgment on Plaintiffs' parcel numbers, in order to attach the to the properties, which was slander of title and a knowing malicious effort. Additionally, Mr. Foley stated that the case had developed as follows: Mr. Haskin had submitted another judgment obtained on behalf of the Lytle's against the HOA, which must be disclosed; therefore, the Complaint must be amended, and declaratory relief would be needed, to ensure that the findings from the judgment would not waive the claim for slander of title damages for loss of sale. Pursuant to those representations, Mr. Foley stated that he would seek leave to amend the Complaint, and would withdraw the Motion for Attorney's Fees and Costs. COURT ORDERED the Motion for Reconsideration was hereby DENIED; however, the Alternative Motion to Alter or Amend Judgment was GRANTED as to the Slander of Title Findings. Pursuant to Mr. Foley's representations, COURT ORDERED the Motion for Attorney's Fees and Costs was VACATED. Mr. Haskin to amend the Judgment, and forward it to opposing counsel for approval as to form and content.;

08/01/2017

**CANCELED Motion to Amend Complaint** (9:00 AM) (Judicial Officer: Williams, Timothy C.)

*Vacated - per Stipulation and Order*  
*Plaintiffs' Motion for Leave to File a Second Amended Complaint*

01/16/2018



**Motion to Extend Discovery** (9:00 AM) (Judicial Officer: Williams, Timothy C.)

*Counter Defendants/Cross Claimants Robert Z. Disman and Yvonne A. Disman's Motion to Extend Discovery Deadlines and Trial Setting (First Requested Extension )*

Recused;

Stip & Order to Extend Discovery submitted & signed by Judge - Mtn to Extend not necessary

Journal Entry Details:

*Court represented to the parties that a new law clerk will be starting in Dept. 16 on January 22, 2018 and that she is the daughter of Plaintiff's counsel. Although the court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11 (C) of the Nevada Code of Judicial Conduct in order to avoid the appearance of impartiality or implied bias. Thus, the Court RECUSES itself from the matter and request that it be randomly reassigned in accordance with appropriate procedures.;*

02/07/2018



**Motion to Consolidate** (9:00 AM) (Judicial Officer: Bailus, Mark B)

*Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C*

## MINUTES

Stip & Order to Extend Discovery submitted, signed by Judge - motion not necessary  
Reset; Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C

Journal Entry Details:

*Court notes opposition not received by Court or opposing counsel. COURT ORDERED,*

# CASE SUMMARY

CASE NO. A-16-747800-C

CONTINUED for Plaintiff's response to opposition filed. CONTINUED TO: 02/21/18 9:00 a.m.;

## SCHEDULED HEARINGS



**Motion to Consolidate** (02/21/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)  
*Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C*

02/21/2018



**Motion to Consolidate** (9:00 AM) (Judicial Officer: Bailus, Mark B)  
*Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C*  
Granted;  
Journal Entry Details:  
*The Court noted no opposition filed. COURT ORDERED, MOTION GRANTED, will not grant fees and costs.;*

03/21/2018

**Motion for Summary Judgment** (9:00 AM) (Judicial Officer: Bailus, Mark B)  
Events: 03/01/2018 Request  
*Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings*

## MINUTES



**Request**  
Filed by: Other Plaintiff September Trust Dated March 23, 1972; Other Plaintiff Gerry R. Zobrist and Jolin G. Zobrist Family Trust; Other Plaintiff Raynaldo G and Evelyn A Sandoval Joint Living and Devolution Trust Dated; Other Plaintiff Gegen, Julie S; Other Plaintiff Gegen, Dennis A  
*Request to Set Hearing Date on Motion for Summary Judgment or, in the Alternative, Motion for Judgment on the Pleadings*  
Continued for Chambers Decision; Plaintiff's Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings

## SCHEDULED HEARINGS



**Decision** (05/02/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)  
*Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment*



**All Pending Motions** (03/21/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)

03/21/2018

**Opposition and Countermotion** (9:00 AM) (Judicial Officer: Bailus, Mark B)  
*Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust (1) Opposition to Motion for Summary Judgment, or in the Alternative, Motion for Judgment on the Pleadings; and (2) Countermotion for Summary Judgment*  
Continued for Chambers Decision; Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust (1) Opposition to Motion for Summary Judgment, or in the Alternative, Motion for Judgment on the Pleadings; and (2) Countermotion for Summary Judgment

03/21/2018



**All Pending Motions** (9:00 AM) (Judicial Officer: Bailus, Mark B)  
Matter Heard;  
Journal Entry Details:  
*Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings ... Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment Arguments by counsel. COURT ORDERED, CONTINUED for Decision. 04/04/18 9:00 a.m. Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings /// Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment;*

04/04/2018



**All Pending Motions** (9:00 AM) (Judicial Officer: Bailus, Mark B)  
*Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment*  
Hearing Date;



# CASE SUMMARY

CASE NO. A-16-747800-C

**Journal Entry Details:**

*Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment HEARING CONTINUED TO 4/11/18 @ 9:00 FOR ORAL DECISION CLERK'S NOTE: All parties advised of date and appearance requested. ac/04/04/18.;*

05/02/2018



**Decision (9:00 AM) (Judicial Officer: Bailus, Mark B)**

*Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment*

**Decision Made;**

**Journal Entry Details:**

*Decision: As to Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings, COURT FINDS after review of Judge Williams' previous order in this case, that order addressed a majority of the issues raised in this matter, and this Court hereby adopts the Findings of Fact, Conclusions of Law from Judge Williams' order as they may pertain to the issues in this matter. Court notes Judge Williams' order addresses additional facts and he did not take any findings that the Defendants Lytle Trust was entitled to the property and that issue was left to the trier of fact. Additionally, that order is the law of the case; based on relevant issues it is applicable in this case. The order in this matter, COURT ORDERED, MOTION GRANTED expunging and striking the abstract(s) of judgment recorded against the Plaintiffs' properties, restraining, enjoining Lytles' from selling or attempting to sell the Plaintiffs' properties; and, from taking any action in the future against the Plaintiffs or their properties based upon any litigation the Lytles have commenced against the association. In addition to the Findings of Fact Conclusions of Laws in this matter, Court Finds that the ruling in this matter be consistent with Judge Williams' order; that being the law of the case. Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment COURT ORDERED, MOTION DENIED. Mr. Smith to prepare the order within 10 days and have parties review as to form and content and distribute a filed copy to all parties involved in this matter.;*

07/26/2018

**Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Bailus, Mark B)**

*Plaintiffs' Motion for Attorney's Fees and Costs*

**MINUTES**

Continued for Chambers Decision; Plaintiffs' Motion for Attorney's Fees and Costs

**SCHEDULED HEARINGS**



**All Pending Motions (07/26/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)**

07/26/2018

**Motion to Retax (9:00 AM) (Judicial Officer: Bailus, Mark B)**

*Defendants' Motion to Retax and Settle Memorandum of Costs*

**MINUTES**

Continued for Chambers Decision;

**SCHEDULED HEARINGS**

**Decision (08/09/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)**

*Decision - Defendants' Motion to Retax and Settle Memorandum of Costs Decision - Plaintiff's Motion for Attorney's Fees*

07/26/2018



**All Pending Motions (9:00 AM) (Judicial Officer: Bailus, Mark B)**

Matter Heard;

**Journal Entry Details:**

*Defendants' Motion to retax and Settle Memorandum of Costs ... Plaintiffs' Motion for Attorney's Fees and Costs Court notes clarification on some of the factual issues with these motions. Arguments by counsel. Based on the arguments by counsel, Court is going to go back and review the legal argument and the exhibits. Further, Court notes he wants this case to mirror the case before Judge Williams since much of the decisions on issues in this case were decided by rulings in the other case before this Court ever got this case. 08/09/18 9:00 a.m. Decision - Defendants' Motion to retax and Settle Memorandum of Costs /// Decision: Plaintiffs' Motion for Attorney's Fees and Costs;*

# CASE SUMMARY

CASE NO. A-16-747800-C

08/09/2018

**Motion for Summary Judgment** (9:00 AM) (Judicial Officer: Bailus, Mark B)

*Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the ALternative Motion for Judgment on the Pleadings*

## MINUTES

Continued for Chambers Decision; Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings

## SCHEDULED HEARINGS



**Decision** (08/17/2018 at 3:00 AM) (Judicial Officer: Bailus, Mark B)

*Decision - Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings*

08/09/2018

**Decision** (9:00 AM) (Judicial Officer: Bailus, Mark B)

*Decision - Defendants' Motion to Retax and Settle Memorandum of Costs Decision - Plaintiff's Motion for Attorney's Fees*

## MINUTES

Decision Made; Decision - Defendants' Motion to Retax and Settle Memorandum of Costs

## SCHEDULED HEARINGS



**All Pending Motions** (08/09/2018 at 9:00 AM) (Judicial Officer: Bailus, Mark B)

08/09/2018



**All Pending Motions** (9:00 AM) (Judicial Officer: Bailus, Mark B)

Matter Heard;

Journal Entry Details:

*Decision - Plaintiff's Motion for Attorney's Fees COURT having considered the matter and applied Brunzell factors and Pursuant to NRS 18.020(1); NRS 18.050; and, 18.010(2)(b) and ORDERED, Plaintiff's Motion for Attorney's Fees is GRANTED. Decision - Defendants' Motion to Retax and Settle Memorandum of Costs In review of the fees and costs submitted and for good cause shown, COURT ORDERS, Defendants' Motion to Retax is GRANTED. COURT ORDERED, attorney's fees and costs GRANTED AS FOLLOWS: As to September Trust: \$13,513.26 Attorney fees GRANTED \$250.87 Costs GRANTED As to Zobrist Trust: \$13,331.26 Attorney fees GRANTED \$250.87 Costs GRANTED As to Sandoval Trust: \$12,616.26 Attorney fees GRANTED \$250.87 Costs GRANTED As to Dennis & Julie Gegan: \$12,590.26 Attorney fees GRANTED \$250.87 Costs GRANTED For a Total of \$52,051.04 Attorney's fees; and, \$1,003.48 Costs GRANTED. Mr. Smith to prepare the order within 10 days and distribute a filed copy to all parties involved in this matter. The order must include last known addresses and all future scheduled court dates. Both the Plaintiff and Defendant are required to be present at the next court date. Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings Arguments by counsel. Court continued matter to chambers for further review and decision will be rendered by way of Minute Order.;*

08/17/2018



**Decision** (3:00 AM) (Judicial Officer: Bailus, Mark B)

*Decision - Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings*

Decision Made; Decision - Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings

Journal Entry Details:

*This Court having hear argument, reviewed the pleadings and papers on file, and good cause appearing therefrom ORDERS, Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or, in the Alternative, Judgment on the Pleadings is DENIED Without Prejudice. Mr. Haskin is to prepare the order consistent with the opposition, submit to opposing counsel for approval as to content and form and submit to Chambers for consideration. CLERK'S NOTE: The above minute order has been distributed to: Christina Wang, Esq.; and, Richard Haskin, Esq.;*

10/23/2018







**Motion to Stay** (9:00 AM) (Judicial Officer: Bailus, Mark B)

*Defendant John Allen Lytle and Trudi Lytles' Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond on Order Shortening Time*





# CASE SUMMARY

CASE NO. A-16-747800-C

	<p>Granted; Defendant John Allen Lytle and Trudi Lytles' Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond on Order Shortening Time</p> <p>Journal Entry Details:</p> <p><i>Matter submitted. Court Finds cash Bond issue addressed in past and amount posted sufficient to indemnify Defendants if they prevail. COURT ORDERS, Defendant John Allen Lytle and Trudi Lytles' Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond is GRANTED. Mr. Haskin to prepare the order within 10 days and have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.;</i></p>
11/27/2018	<p><b>Request of Court (9:00 AM)</b> (Judicial Officer: Bailus, Mark B)</p> <p><i>Request of Court - Clarification of Order: In RE: Competing Orders</i></p> <p><b>MINUTES</b></p> <p>Matter Heard; Request of Court - Clarification of Order: In RE: Competing Orders</p> <p><b>SCHEDULED HEARINGS</b></p> <p> <b>All Pending Motions (11/27/2018 at 9:00 AM)</b> (Judicial Officer: Bailus, Mark B)</p>
11/27/2018	<p><b>Motion For Reconsideration (9:00 AM)</b> (Judicial Officer: Bailus, Mark B)</p> <p><i>Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees</i></p> <p>Decision Made; Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees</p>
11/27/2018	<p> <b>All Pending Motions (9:00 AM)</b> (Judicial Officer: Bailus, Mark B)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Request of Court - Clarification of Order: In RE: Competing Orders ... Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees Court advised regarding review of competing orders received. Court does not find that either order complies with this Court's ruling form the hearing. Colloquy regarding the law of the case based on prior ruling in this matter by Judge Williams. Court notes this Court was not aware these proceedings were before the Nevada Supreme Court (NVSC) on the order this Court based its ruling upon, otherwise the Court would have deferred ruling the matter until NVSC had ruled, however, since there is no order on file from the hearing on the motion for summary judgment, COURT VACATES PRIOR RULING and Defers Judgment on Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings pending ruling by NVSC, which may resolve this issue in its entirety. Ms. Wang to prepare the order consistent with this Court's findings within 10 days and have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.;</i></p>
01/08/2019	<p> <b>Pre Trial Conference (8:30 AM)</b> (Judicial Officer: Barker, David)</p> <p>Off Calendar;</p> <p>Journal Entry Details:</p> <p><i>Mr. Foley advised the case has resolved and they will submit a stipulation and order. COURT ORDERED, trial date VACATED and matter OFF CALENDAR. ;</i></p>
02/05/2019	<p><b>CANCELED Calendar Call (9:00 AM)</b> (Judicial Officer: Holthus, Mary Kay)</p> <p><i>Vacated - per Judge</i></p>
02/19/2019	<p><b>CANCELED Bench Trial (10:00 AM)</b> (Judicial Officer: Williams, Timothy C.)</p> <p><i>Vacated - per Judge</i></p>
02/20/2019	<p> <b>Motion for Attorney Fees and Costs (3:00 AM)</b> (Judicial Officer: Williams, Timothy C.)</p> <p><b>02/20/2019, 04/10/2019, 05/16/2019</b></p> <p><i>Plaintiff's Motion for Attorney's Fees and Costs</i></p> <p>Continued;</p> <p>Continued;</p> <p>Motion Granted;</p> <p>Continued;</p>

# CASE SUMMARY

CASE NO. A-16-747800-C

	Continued; Motion Granted; Continued; Continued; Motion Granted; Journal Entry Details: <i>No parties present. COURT ORDERED, matter CONTINUED to this Court's hearing calendar. CONTINUED TO: 4/3/19 8:30 AM CLERK S NOTE: Minute order electronically served through the Eighth Judicial District Court s EFT System. -amt;</i>
02/27/2019	<b>Motion to Retax (3:00 AM) (Judicial Officer: Williams, Timothy C.)</b> <b>02/27/2019, 04/10/2019, 05/16/2019</b> <i>Defendants' Motion to Retax and Settle Memorandum of Costs</i> Continued; Continued; Motion Denied; Continued; Continued; Motion Denied; Continued; Continued; Motion Denied;
02/27/2019	<b>Motion for Attorney Fees and Costs (3:00 AM) (Judicial Officer: Williams, Timothy C.)</b> <b>02/27/2019, 04/10/2019, 05/16/2019</b> <i>Robert Z. Disman and Yvonne Disman's Motion for Attorney's Fees</i> Continued; Continued; Motion Granted; Continued; Continued; Motion Granted; Continued; Continued; Motion Granted;
02/27/2019	 <b>All Pending Motions (3:00 AM) (Judicial Officer: Thompson, Charles)</b> Matter Heard; Journal Entry Details: <i>DEFENDANT'S MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS ... ROBERT Z. DISMAN AND YVONNE DISMAN'S MOTION FOR ATTORNEY'S FEES COURT ORDERED, matter CONTINUED to be heard by Judge Barker. CONTINUED TO: 4/3/19 8:30 AM CLERK S NOTE: Minute order electronically served through the Eighth Judicial District Court s EFT System. -amt 2/27/19;</i>
04/10/2019	 <b>All Pending Motions (8:30 AM) (Judicial Officer: Barker, David)</b> Matter Heard; Journal Entry Details: <i>MOTION FOR ATTORNEY FEES AND COSTS ... ROBERT Z. DISMAN AND YVONNE DISMAN'S MOTION FOR ATTORNEY'S FEES ... DEFENDANTS' MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS Upon Court's inquiry, Mr. Foley advised they believe the motions should be heard by Judge Williams, noting Judge Williams recused because his daughter was hired as Judge William's law clerk, however; that position is now over. Mr. Haskin concurred, however, requested the matter be trailed so he can speak to his client. Court noted it will only transfer the case if all parties are in agreement, noting the Court will reach out to Judge Williams to see if he is willing to take the case back. Matter TRAILED. Matter RECALLED. Mr. Haskin advised his client is amenable to returning to Judge Williams. COURT ORDERED, matter SET for Status Check. CONTINUED TO: 5/1/19 9:00 AM (DEPT. 16) CLERK'S NOTE: Subsequent to Court, COURT ORDERED, Motions CONTINUED to Dept. 16's calendar to be heard by Judge Williams. COURT FURTHER ORDERED, matter TRANSFERRED to Department 16. -amt 4/10/19 CLERK'S NOTE: Subsequent to previous</i>

# CASE SUMMARY

CASE NO. A-16-747800-C

rulings, Court noted it will contact Judge Weise and have the case transferred to Department 16 as opposed to having the Clerk's Office reassign the case via this minute order. -amt 4/11/19 ;

04/11/2019



**Minute Order** (2:00 PM) (Judicial Officer: Wiese, Jerry A.)

Minute Order - No Hearing Held;

Journal Entry Details:

*The above-referenced matter was previously handled by Judge Timothy Williams. Motions for Summary Judgment were apparently granted, resulting in an Appeal and affirmance. Judge Williams previously recused from the case, due to the fact that his law clerk was related to one of attorneys for one of the parties. Following remand from the Supreme Court, various motions have been filed including a Motion to Retax, and Motion for Attorney's Fees. These matters are currently in Department 9. Judge David Barker, is sitting in Department 9, and recently had a hearing with the attorneys, who indicated that they believed Judge Williams was much more familiar with the facts and circumstances of the case, and would be in a better position to rule on the pending motions. It is noted that the law clerk which previously resulted in Judge Williams recusal is no longer Judge Williams law clerk, so no conflict currently exists. Judge Williams has indicated his willingness to handle this matter. Pursuant to EDCR 1.31, and good cause appearing, the Presiding Civil Judge hereby ORDERS that the Clerk's Office Reassign Case No. A747800 from Department IX to Department XVI (Judge Williams), as Judge Williams (as the prior handling Judge) has more information with regard to the pending case, and such transfer will promote judicial economy. ;*

05/16/2019



**All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Matter Heard;

Journal Entry Details:

*MOTION FOR ATTORNEY'S FEES AND COSTS...ROBERT Z. DISMAN AND YVONNE DISMAN'S MOTION FOR ATTORNEY'S FEES...DEFENDANTS' MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS Arguments by Mr. Foley, Mr. Haskin, and Ms. Wang. COURT ORDERED, fees and costs awarded. Court stated will take review of attorney fee amounts. FURTHER ORDERED, as to Motion to Retax, costs given. Prevailing party to submit respective orders.;*

05/17/2019



**Minute Order** (2:51 PM) (Judicial Officer: Williams, Timothy C.)

re: *Motions for Attorneys' Fees*

Matter Heard;

Journal Entry Details:

*After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows: The Court has ruled that the CC&R s control the award of attorney s fees in this matter. Pursuant to paragraph 25 of the CC&R s regarding attorney s fees, the losing party or parties shall pay in such amount as may be fixed the court. Applying the language of the CC&R s the Court determined that the Boulden and Lamothe Plaintiffs and Disman Counter Defendants are the winning parties, the Lytle Defendants are the losing party and the language is mandatory regarding the assessment of attorney fees against the losing party. In addition, after considering the Brunzell factors, the Court awards the Boulden and Lamothe Plaintiffs attorney s fees in the requested amount of \$75,733.80 and the Disman Counter Defendants attorney s fees in the requested amount of \$35, 676.00. Lastly, the Court declines to make the determination that the Defendants actions lacked reasonable grounds except for the filing of Lis Pendens, which was clearly unreasonable in light of the procedural history of the case. Counsel for the Boulden and Lamothe Plaintiffs and Disman Counter Defendants shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile. ;*

04/06/2020



**Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)

re: *4/22/20 Hearing*

Minute Order - No Hearing Held;

Journal Entry Details:

*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard*

# CASE SUMMARY

CASE NO. A-16-747800-C

via telephonic appearance. The court offers two methods of appearance: telephonic conference through BlueJeans or CourtCall. As CourtCall involves a cost, the use of BlueJeans is strongly favored given the number of people the system can accommodate. If you prefer to use BlueJeans, please call in prior to your hearing to appear. The call-in number is: Dial the following number: 1-888-748-9073 Meeting ID: 702 671 440 6 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. If you prefer to use CourtCall, please contact CourtCall to schedule your appearance. They can be reached toll-free at 1-888-882-6878 and/or on-line at [www.courtcall.com](http://www.courtcall.com). CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.;

04/22/2020	<p><b>Motion for Order to Show Cause</b> (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt for Violation of Court Orders</i></p> <p>Motion Granted;</p>
04/22/2020	<p><b>Joinder</b> (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Joinder On Plaintiffs September Trust Et. Al s Motion For An Order To Show Cause Why The Lytle Trust Should Not Be Held In Contempt For Violation Of Court Orders</i></p> <p>Motion Granted;</p>
04/22/2020	<p><b>Joinder</b> (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Joinder to Plaintiffs' Motion for an Order to Show Cause Why the Lytle Trust Should not be Held in Contempt for Violation of Court Orders</i></p> <p>Motion Granted;</p>
04/22/2020	<p> <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p>APPEARANCES CONTINUED: Patricia Lee and Receiver, Kevin Singer, also present telephonically. PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT ORDERS JOINDER TO PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT ORDERS JOINDER ON PLAINTIFFS September TRUST ET. AL S MOTION FOR AN ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT ORDERS All parties present telephonically. Arguments by counsel. Court stated ITS FINDS and ORDERED, Motion for Order to Show Cause GRANTED; will be assessment of \$500.00 per Pltf. Court directed filing of application for fees and costs to be heard on the merits. Court directed Mr. Smith to prepare and circulate findings of fact and conclusions of law; if parties cannot agree on form and content, may submit competing orders. ;</p>
06/25/2020	<p> <b>Minute Order</b> (3:43 PM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Minute Order re: Hearing on 7/2/20 at 9:00 a.m.</i></p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p>Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 979 480 011 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.;</p>
06/29/2020	

# CASE SUMMARY

CASE NO. A-16-747800-C



**Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)

*Minute Order re: Hearing on 7/7/20 at 9:00 a.m.*

Minute Order - No Hearing Held;

Journal Entry Details:

*Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 979 480 011 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.;*

07/02/2020



**Motion for Clarification** (9:00 AM) (Judicial Officer: Williams, Timothy C.)

*Defendant Lytle Trust's Motion for Clarification and Ex Parte Request for Order Shortening Time*

Motion Denied;

Journal Entry Details:

*APPEARANCES CONTINUED: Court Reporter, Michael Bouley, present. All counsel present telephonically. Arguments by counsel. Mr. Waite advised he intends to file supersedeas cash bond relating to recent contempt order. Mr. Smith advised no objection. Court directed Mr. Waite to file appropriate motion in that regard. As to Motion for Clarification, Court stated ITS FINDINGS and ORDERED, Motion DENIED. Court directed Mr. Smith or Ms. Wang to prepare the order and circulate; if parties cannot agree on form and content, may submit competing orders. Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.;*

07/07/2020



**Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)

*Minute Order re: Plaintiffs' Motion for Attorney's Fees and Costs*

Minute Order - No Hearing Held;

Journal Entry Details:

*After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows: As noted at the July 7, 2020 hearing, the Court finds the CC&Rs provide a basis for attorney fee recovery. Further, Plaintiff has satisfied the Brunzell factors. Additionally, Court restates that fees sought regarding those matters before Judge Kishner are denied \$36,259.00. The Court also denies any charges related to the appeal. Moreover, under this case's circumstances, the Court will not award fees for clerical work \$23,374.00. The Court has reviewed the Plaintiff's submitted billing statements, which the fees charged total \$149,403.20. In light of the findings above, the \$149,403.20 is reduced by \$36,259.00 and \$23,374.00, which leaves a difference of \$89,770.20. Further, as suggested by the Defendant, the Court will apply a 15% discount to the \$89,770.20. The difference after the discount is \$76,304.67. Consequently, THE COURT GRANTS PLAINTIFF'S MOTION FOR ATTORNEY'S FEES AND COSTS BUT WITH MODIFICATIONS. Also, the Court grants costs in the sum of \$4,145.08. Plaintiff shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature. CLERK S NOTE: This Minute Order has been served to counsel electronically through Odyssey eFile.;*

07/07/2020



**Motion for Attorney Fees and Costs** (9:00 AM) (Judicial Officer: Williams, Timothy C.)

*Plaintiffs' Motion for Attorney's Fees and Costs*

Granted in Part; See 7/7/20 Minute Order

Journal Entry Details:

*Counsel present telephonically. Arguments by Mr. Smith and Mr. Waite. Court stated ITS FINDINGS and ORDERED, Motion for Attorney's Fees and Costs GRANTED IN PART and DENIED IN PART; no consideration given in this case to Judge Kishner's sole decision in other action. Court stated will review matter for determination of reasonable fees and matter of the appeal. Decision forthcoming.;*

## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. A-16-747800-C**

07/16/2020

**CANCELED Motion for Attorney Fees (9:00 AM)** (Judicial Officer: Williams, Timothy C.)  
*Vacated*  
*Robert Z. Disman and Yvonne A. Disman's Motion for Attorney's Fees*

**DATE****FINANCIAL INFORMATION****Cross Claimant** Disman, Robert Z

Total Charges 200.00

Total Payments and Credits 200.00

**Balance Due as of 8/24/2020 0.00****Cross Claimant** Disman, Yvonne A

Total Charges 253.00

Total Payments and Credits 253.00

**Balance Due as of 8/24/2020 0.00****Defendant** Lytle Trust

Total Charges 72.00

Total Payments and Credits 72.00

**Balance Due as of 8/24/2020 0.00****Defendant** Lytle, John Allen

Total Charges 30.00

Total Payments and Credits 30.00

**Balance Due as of 8/24/2020 0.00****Defendant** Lytle, Trudi Lee

Total Charges 838.50

Total Payments and Credits 838.50

**Balance Due as of 8/24/2020 0.00****Plaintiff** Jacques & Linda Lamothe Living Trust

Total Charges 30.00

Total Payments and Credits 30.00

**Balance Due as of 8/24/2020 0.00****Plaintiff** Marjorie B. Boulden Trust

Total Charges 931.50

Total Payments and Credits 931.50

**Balance Due as of 8/24/2020 0.00****Defendant** Lytle, Trudi LeeAppeal Bond Balance as of 8/24/2020 **500.00****Defendant** Lytle, Trudi LeeAppeal Bond Balance as of 8/24/2020 **1,000.00****Defendant** Lytle, Trudi LeeSupersedeas Bond Balance as of 8/24/2020 **0.00**



## DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No.

(Assigned by Clerk's Office)

**I. Party Information** (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Marjorie Boulden, 1960 Rosemere Ct., Las Vegas, NV 89117

Jacques Lamothe, 1830 Rosemere Ct., Las Vegas, NV 89117

Linda Lamothe, 1830 Rosemere Ct., Las Vegas, NV 89117

Defendant(s) (name/address/phone):

Trudi Lee Lytle

John Allen Lytle

Attorney (name/address/phone):

Daniel T. Foley

626 So. 8th Street, Las Vegas, NV 89101

702-384-2070

Attorney (name/address/phone):

**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

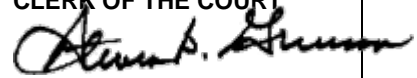
<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input checked="" type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate</b> (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

12/7/16  
Date

Signature of initiating party or representative

See other side for family-related case filings.



1 **ORDR**

2 **CHRISTENSEN JAMES & MARTIN**

3 KEVIN B. CHRISTENSEN, ESQ.

Nevada Bar No. 175

4 WESLEY J. SMITH, ESQ.

Nevada Bar No. 11871

5 LAURA J. WOLFF, ESQ.

Nevada Bar No. 6869

6 7440 W. Sahara Avenue

Las Vegas, Nevada 89117

7 Tel.: (702) 255-1718

Facsimile: (702) 255-0871

8 Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com

*Attorneys for September Trust, Zobrist Trust, Sandoval Trust*

*and Dennis & Julie Gegen*

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 MARJORIE B. BOULDEN, TRUSTEE OF  
12 THE MARJORIE B. BOULDEN TRUST,  
13 LINDA LAMOTHE AND JACQUES  
14 LAMOTHE, TRUSTEES OF THE  
15 JACQUES & LINDA LAMOTHE LIVING  
16 TRUST,

17 Plaintiffs,

18 vs.

19 TRUDI LEE LYTLE, JOHN ALLEN  
20 LYTLE, THE LYTLE TRUST, DOES I  
21 through X, and ROE CORPORATIONS I  
22 through X,

23 Defendants.

Case No.: A-16-747800-C

Dept. No.: XVI

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFFS'  
MOTION FOR ATTORNEY'S FEES  
AND COSTS**

Date: July 7, 2020

Time: 9:00 a.m.

24 SEPTEMBER TRUST, DATED MARCH 23,  
25 1972; GERRY R. ZOBRIST AND JOLIN G.  
26 ZOBRIST, AS TRUSTEES OF THE GERRY  
27 R. ZOBRIST AND JOLIN G. ZOBRIST  
28 FAMILY TRUST; RAYNALDO G.  
SANDOVAL AND JULIE MARIE  
SANDOVAL GEGEN, AS TRUSTEES OF  
THE RAYNALDO G. AND EVELYN A.  
SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C

Dept. No.: XVI

CONSOLIDATED



1 DEVOLUTION TRUST DATED MAY 27,  
2 1992; and DENNIS A. GEGEN AND JULIE  
3 S. GEGEN, HUSBAND AND WIFE, AS  
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN  
8 LYTLE, AS TRUSTEES OF THE LYTLE  
9 TRUST; JOHN DOES I through V; and ROE  
10 ENTITIES I through V, inclusive,

11 Defendants.

12 Presently before the Court is Plaintiffs' Motion for Attorney's Fees and Costs ("Motion"),  
13 Defendant's Opposition, and Plaintiffs' Reply, as well as the Plaintiffs' Memorandum of Costs and  
14 Disbursements ("Memorandum"), which came on for hearing on July 7, 2020 at 9:00 a.m. in  
15 Department XVI of the Eighth Judicial District Court, Clark County, Nevada.

16 Wesley J. Smith, Esq. of Christensen James & Martin appeared on behalf of September Trust,  
17 dated March 23, 1972 ("September Trust"), Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the  
18 Gerry R. Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust"), Raynaldo G. Sandoval and Julie  
19 Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and  
20 Devolution Trust dated May 27, 1992 ("Sandoval Trust"), and Dennis A. Gegen and Julie S. Gegen,  
21 Husband and Wife, as Joint Tenants ("Gegens") (September Trust, Zobrist Trust, Sandoval Trust and  
22 Gegens, collectively, the "Plaintiffs"). Christina H. Wang, Esq. of Fidelity National Law Group  
23 appeared on behalf of Robert Z. Disman and Yvonne A. Disman ("Dismans"). Dan R. Waite, Esq. of  
24 Lewis Roca Rothgerber Christie LLP appeared on behalf of Trudi Lee Lytle and John Allen Lytle, as  
25 Trustees of the Lytle Trust ("Lytle Trust").

26 The Court having considered the Motion and filings related thereto, having heard the arguments  
27 of counsel, and with good cause appearing therefore, the Court hereby grants the Motion in part and  
28 denies the Motion in part and enters the following Findings of Fact, Conclusions of Law, and Order:

**FINDINGS OF FACT**

1  
2 1. On May 24, 2018, this Court entered its Order Granting Motion for Summary Judgment  
3 or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary  
4 Judgment (“May 2018 Order”) in favor of the September Trust, Zobrist Trust, Sandoval Trust, and  
5 Gegens and against the Lytle Trust. The May 2018 Order is hereby incorporated by reference.

6 2. On September 11, 2018, this Court signed an Order in favor of the Plaintiffs and against  
7 the Lytle Trust for attorney’s fees, litigation costs and expenses incurred through May 22, 2018 pursuant  
8 to NRS 18.010(2) (“First Fees Order”).

9 3. The Original CC&Rs provide a basis for attorney fee recovery. More specifically,  
10 section 25 of the Original CC&Rs provides: “In any legal or equitable proceeding for the enforcement of  
11 or to restrain the violation of the [CC&Rs] or any provision thereof, the losing party or parties shall pay  
12 in such amount as may be fixed by the court in such proceeding.”

13 4. The Court has also awarded attorney’s fees and costs to other parties in these  
14 consolidated Cases, including the Findings of Fact, Conclusions of Law and Order Granting Robert Z.  
15 Disman and Yvonne A Disman’s Motion for Attorney’s Fees entered on September 6, 2019 (“Disman  
16 Fees Order”) in favor of the Dismans and the Order Granting Plaintiffs’ Motion for Attorneys’ Fees and  
17 Costs and order Denying Defendants’ Motion to Retax and Settle Costs entered on September 20, 2019  
18 (“Boulden Lamothe Fees Order”) in favor of Boulden and Lamothe. There, this Court awarded  
19 attorney’s fees and costs to the other parties under Section 25 of the Original CC&Rs.

20 5. Since May 23, 2018, the Plaintiffs have incurred additional attorney’s fees and costs in  
21 this action, including briefing and argument on the Lytle Trust’s Motion to Stay and Motion for  
22 Reconsideration, status hearings, and motions related to the other parties to the consolidated case.

23 6. On October 24, 2019, the Lytle Trust filed its Renewed Application for Appointment of  
24 Receiver in *Trudi Lee Lytle and John Allen Lytle, as trustees of the Lytle Trust v. Rosemere Estates*  
25 *Property Owners’ Association*, Case No. A-18-775843-C, Eighth Judicial District Court, Clark County,  
26 Nevada, which case was assigned to Judge J. Kishner (the “Receivership Action”).  
27  
28

1           7.       On December 18, 2019, Judge Kishner entered her Order Appointing a Receiver of  
2 Defendant Rosemere Property Owners Association (the “Order Appointing Receiver”). Among other  
3 rights, powers, and duties, the Order Appointing Receiver instructed the receiver to “[i]ssue and collect a  
4 special assessment upon all owners within the Association to satisfy the Lytle Trust’s judgments against  
5 the Association.” (Order Appointing Receiver at 2:19-20).

6           8.       Upon learning of the Lytle Trust’s actions related to the Receivership Action, the  
7 Plaintiffs incurred additional attorney’s fees and costs both in this consolidated case and in the  
8 Receivership Action, including filing a Motion for Order to Show Cause Why the Lytle Trust Should  
9 Not Be Held in Contempt for Violation of Court Orders (“Contempt Motion”) on March 4, 2020 in this  
10 Case. The Lytle Trust opposed the Contempt Motion and the Plaintiffs incurred additional fees and costs  
11 to respond to the Lytle Trust’s arguments, present oral argument, and prepare proposed orders.

12           9.       On May 22, 2020, this Court entered its Findings of Fact, Conclusions of Law, and Order  
13 Granting Plaintiffs’ Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in  
14 Contempt for Violation of Court Orders (“Contempt Order”) against the Lytle Trust. The Contempt  
15 Order is hereby incorporated by reference.

16           10.      In the Contempt Order, the Court relevantly ruled that a party may be held in contempt  
17 for violating its orders, and that the Court may impose fines and award “reasonable expenses, including,  
18 without limitation, attorney’s fees, incurred by the party as a result of the contempt.” Contempt Order at  
19 11:9-23 (quoting NRS 22.100(3)). The Court Ordered that the Lytle Trust violated the May 2018 Order,  
20 is in contempt of the May 2018 Order, shall pay a fine of \$500 to each movant, and that the Plaintiffs  
21 may file applications for their reasonable expenses, including, without limitation, attorney’s fees,  
22 incurred as a result of the contempt. The Court now finds that Plaintiffs are entitled to an award of their  
23 reasonable expenses, including reasonable attorney’s fees and costs, incurred as a result of obtaining the  
24 Contempt Order.

25           11.      Plaintiffs also seek additional attorney’s fees and costs related to the Lytle Trust’s  
26 appeals of the May 2018 Order and First Fees Order, which were affirmed by the Nevada Supreme  
27 Court, as well as attorney’s fees and costs related to the Receivership Action.  
28

12. The Plaintiffs filed the instant Motion requesting an award of all attorney's fees in the total amount of \$149,403.20 and costs in the total amount of \$4,145.08 that they have incurred from May 23, 2018 to the present date pursuant to the Original CC&Rs, NRS 18.020, 18.050 and 18.010(2)(b) and NRAP 39(e).

13. Plaintiffs have attached billing statements and a Declaration from their counsel to the Motion to support the request.

### **CONCLUSIONS OF LAW**

1. NRS 18.010(1) provides that, "[t]he compensation of an attorney and counselor for his services is governed by agreement, express or implied, which is not restrained by law."

2. Section 25 of the CC&Rs is a mandatory provision regarding the award of attorney's fees and costs being paid by the losing party in any legal equitable proceeding for the enforcement of or to restrain the violation of the CC&Rs or any provision thereof.

3. The legal disputes in this case were based on the parties' rights under the Original CC&Rs and whether the CC&Rs created a Limited Purpose Association which excluded most of NRS 116, especially NRS 116.3117, from having any application to the Rosemere Subdivision.

4. Throughout this litigation, the Plaintiffs sought to restrain the Lytle Trust from recording abstracts of judgment against their properties and collecting judgments by alternative means because the Lytle Trust had no right pursuant to the CC&Rs to do so

5. Applying the language of the CC&Rs, the Court concludes that the Plaintiffs are the winning or prevailing parties in this litigation, the Lytle Trust was the losing party in this litigation, and the assessment of attorney's fees against the losing party is mandatory under Section 25.

6. NRS 18.010(2)(b) provides that, "the court may make an allowance of attorney's fees to a prevailing party: . . . (b) Without regard to the recovery sought, when the court finds that the claim . . . or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party." This Court based the First Fees Award on NRS 18.010(2) and does so again now as a basis for awarding additional fees.

1           7.       NRS 22.100(3) provides a basis for awarding fees associated with the contempt  
2 proceedings in this case.

3           8.       The Court analyzed the Plaintiffs' attorney's fees utilizing the factors identified in  
4 *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), including the qualities of  
5 the advocate, the character of the work to be done, the work actually performed by the lawyer, and the  
6 result obtained.

7           9.       The Plaintiffs have satisfied the *Brunzell* factors. More specifically, based on the record  
8 and the Declaration of the Plaintiffs' counsel in support of the Motion, the Court finds that the qualities  
9 of counsel, character of the work to be done and its difficulty, the work actually performed by Plaintiffs'  
10 counsel, and the result obtained establish the reasonableness of the Plaintiffs' attorney's fees to the  
11 extent awarded in this Order.

12          10.       However, the Court finds that certain time and amounts billed are not compensable in this  
13 matter and will reduce the award accordingly.

14          11.       The Court has reviewed the Plaintiffs' submitted billing statements, which the fees  
15 charged total \$149,403.20.

16          12.       The Plaintiffs' fee statements include entries that are commonly defined as block billing  
17 that make it difficult for the Court to determine the exact amount billed for each individual task and the  
18 reasonableness of the request.

19          13.       The Court denies an award of fees incurred in the Receivership Action before Judge  
20 Kishner. Plaintiffs' counsel represented this amount was \$36,259.00, which the Court accepts. The  
21 denial of fees incurred in the Receivership Action is without prejudice to either party's right to seek an  
22 award of fees from Judge Kishner in the Receivership Action.

23          14.       The Court also denies any charges related to the appeal and will not award fees for work  
24 described in the briefing as clerical work, which the Court has determined total \$23,374.00.

25          15.       In light of the findings above, the \$149,403.20 is reduced by \$36,259.00 and \$23,374.00,  
26 which leaves a difference of \$89,770.20.

1 16. Further, as suggested by the Defendant, the Court will apply a 15% discount to the  
2 \$89,770.20 to further account for the block billing in the fee statements. The difference after the  
3 discount is \$76,304.67.

4 17. Consequently, the Court grants Plaintiffs' Motion for Attorney's Fees and Costs, but with  
5 modifications, resulting in a total fee award of \$76,304.67.

6 18. Additionally, the Court grants costs in the sum of \$4,145.08.

7 **ORDER**

8 Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing  
9 therefore,

10 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Findings of Fact shall be  
11 treated as Conclusions of Law and the Conclusions of Law shall be treated as Findings of Fact to any  
12 extent necessary to effectuate the intent of this Order.

13 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiffs' Motion for  
14 Attorney's Fees and Costs is GRANTED IN PART AND DENIED IN PART.

15 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that attorney's fees are  
16 awarded in favor of Plaintiffs September Trust, dated March 23, 1972 , Gerry R. Zobrist and Jolin G.  
17 Zobrist, as Trustees of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust, Raynaldo G. Sandoval  
18 and Julie Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living  
19 and Devolution Trust dated May 27, 1992, and Dennis A. Gegen and Julie S. Gegen, Husband and Wife,  
20 as Joint Tenants, in the total aggregate amount of \$76,304.67 against Trudi Lee Lytle and John Allen  
21 Lytle, as Trustees of the Lytle Trust;

22 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that costs are awarded in favor  
23 of Plaintiffs September Trust, dated March 23, 1972 , Gerry R. Zobrist and Jolin G. Zobrist, as Trustees  
24 of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust, Raynaldo G. Sandoval and Julie Marie  
25 Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and Devolution  
26 Trust dated May 27, 1992, and Dennis A. Gegen and Julie S. Gegen, Husband and Wife, as Joint  
27  
28

1 Tenants, in the total aggregate amount of \$4,145.08 against Trudi Lee Lytle and John Allen Lytle, as  
2 Trustees of the Lytle Trust.

3 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Lytle Trust is ordered  
4 to pay the attorney's fees and costs as ordered herein by certified check made payable to Christensen  
5 James & Martin Special Client Trust Account in the amount of \$80,449.75 and delivered to Christensen  
6 James & Martin within ten (10) days of the Notice of Entry of this Order.

7 **IT IS SO ORDERED.**

8 Dated this 10<sup>th</sup> day of August, 2020.

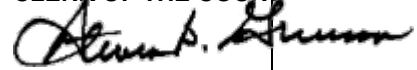
9   
DISTRICT COURT JUDGE Cg

10  
11 **Submitted by:**

12 **CHRISTENSEN JAMES & MARTIN**

13 /s/ Wesley J. Smith

14 Wesley J. Smith, Esq.  
15 Nevada Bar No. 11871  
16 Laura J. Wolff, Esq.  
17 Nevada Bar No. 6869  
7440 W. Sahara Ave.  
Las Vegas, NV 89117  
*Attorneys for Plaintiffs September Trust,  
Zobrist Trust, Sandoval Trust, and  
Dennis & Julie Gegen*



NEOJ  
CHRISTENSEN JAMES & MARTIN  
KEVIN B. CHRISTENSEN, ESQ.  
Nevada Bar No. 175  
WESLEY J. SMITH, ESQ.  
Nevada Bar No. 11871  
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Nevada Bar No. 6869  
7440 W. Sahara Avenue  
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*Attorneys for September Trust, Zobrist Trust, Sandoval Trust,  
and Dennis & Julie Gegen*

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

MARJORIE B. BOULDEN, TRUSTEE OF  
THE MARJORIE B. BOULDEN TRUST, *et*  
*al.*,

Plaintiffs,

vs.

TRUDI LEE LYTLE, *et al.*,

Defendants.

Case No.: A-16-747800-C  
Dept. No.: XVI

**NOTICE OF ENTRY OF ORDER  
GRANTING IN PART AND  
DENYING IN PART PLAINTIFFS'  
MOTION FOR ATTORNEY'S  
FEES AND COSTS**

SEPTEMBER TRUST, DATED MARCH 23,  
1972, *et al.*,

Plaintiffs,

vs.

TRUDI LEE LYTLE AND JOHN ALLEN  
LYTLE, AS TRUSTEES OF THE LYTLE  
TRUST, *et al.*,

Defendants.

Case No.: A-17-765372-C  
Dept. No.: XVI

CONSOLIDATED

NOTICE IS HEREBY GIVEN, that an Order Granting in Part and Denying in Part  
Plaintiffs' Motion for Attorney's Fees and Costs was entered in the above-captioned matter on  
August 11, 2020. A copy of the Order is attached hereto.



1 DATED this 11th day of August 2020.

CHRISTENSEN JAMES & MARTIN

2  
3 By: /s/ Wesley J. Smith  
4 Wesley J. Smith, Esq.  
5 Nevada Bar No. 11871  
6 *Attorneys for September Trust, Zobrist*  
7 *Trust, Sandoval Trust and Gegen*  
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**CERTIFICATE OF SERVICE**

I am an employee of Christensen James & Martin. On August 11, 2020, I caused a true and correct copy of the foregoing Notice of Entry of Stipulation and Order to Release Cash Supersedeas Bond, to be served in the following manner:

☒ **ELECTRONIC SERVICE:** electronic transmission (E-Service) through the Court's electronic filing system pursuant to Rule 8.05 of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada.

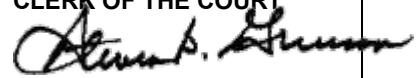
Liz Gould (liz@foleyoakes.com)  
Daniel Foley (Dan@foleyoakes.com)  
Maren Foley (maren@foleyoakes.com)  
Jennifer Martinez (jennifer.martinez@fnf.com)  
Christina Wang (christina.wang@fnf.com)  
Mia Hurtado (mia.hurtado@fnf.com)  
Richard E. Haskin, Esq. (rhaskin@gibbsgiden.com)  
Robin Jackson (rjackson@gibbsgiden.com)  
Shara Berry (sberry@gibbsgiden.com)  
Daniel Hansen (dhansen@gibbsgiden.com)  
Joel D. Henriod (JHenriod@LRRC.com)  
Daniel F. Polsenberg (DPolsenberg@LRRC.com)  
Dan R. Waite (DWaite@LRRC.com)

☐ **UNITED STATES MAIL:** depositing a true and correct copy of the above-referenced document into the United States Mail with prepaid first-class postage, addressed to the parties at their last-known mailing address(es):

☐ **FACSIMILE:** By sending the above-referenced document via facsimile as follows:

☐ **E-MAIL:** electronic transmission by email to the following address(es):

/s/ Natalie Saville  
Natalie Saville



1 **ORDR**

2 **CHRISTENSEN JAMES & MARTIN**

3 KEVIN B. CHRISTENSEN, ESQ.

Nevada Bar No. 175

4 WESLEY J. SMITH, ESQ.

Nevada Bar No. 11871

5 LAURA J. WOLFF, ESQ.

Nevada Bar No. 6869

6 7440 W. Sahara Avenue

Las Vegas, Nevada 89117

7 Tel.: (702) 255-1718

Facsimile: (702) 255-0871

8 Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com

*Attorneys for September Trust, Zobrist Trust, Sandoval Trust*

*and Dennis & Julie Gegen*

9 **EIGHTH JUDICIAL DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 MARJORIE B. BOULDEN, TRUSTEE OF  
12 THE MARJORIE B. BOULDEN TRUST,  
13 LINDA LAMOTHE AND JACQUES  
14 LAMOTHE, TRUSTEES OF THE  
15 JACQUES & LINDA LAMOTHE LIVING  
16 TRUST,

17 Plaintiffs,

18 vs.

19 TRUDI LEE LYTLE, JOHN ALLEN  
20 LYTLE, THE LYTLE TRUST, DOES I  
21 through X, and ROE CORPORATIONS I  
22 through X,

23 Defendants.

Case No.: A-16-747800-C

Dept. No.: XVI

**ORDER GRANTING IN PART AND  
DENYING IN PART PLAINTIFFS'  
MOTION FOR ATTORNEY'S FEES  
AND COSTS**

Date: July 7, 2020

Time: 9:00 a.m.

24 SEPTEMBER TRUST, DATED MARCH 23,  
25 1972; GERRY R. ZOBRIST AND JOLIN G.  
26 ZOBRIST, AS TRUSTEES OF THE GERRY  
27 R. ZOBRIST AND JOLIN G. ZOBRIST  
28 FAMILY TRUST; RAYNALDO G.  
SANDOVAL AND JULIE MARIE  
SANDOVAL GEGEN, AS TRUSTEES OF  
THE RAYNALDO G. AND EVELYN A.  
SANDOVAL JOINT LIVING AND

Case No.: A-17-765372-C

Dept. No.: XVI

CONSOLIDATED

1 DEVOLUTION TRUST DATED MAY 27,  
2 1992; and DENNIS A. GEGEN AND JULIE  
3 S. GEGEN, HUSBAND AND WIFE, AS  
4 JOINT TENANTS,

5 Plaintiffs,

6 vs.

7 TRUDI LEE LYTLE AND JOHN ALLEN  
8 LYTLE, AS TRUSTEES OF THE LYTLE  
9 TRUST; JOHN DOES I through V; and ROE  
10 ENTITIES I through V, inclusive,

11 Defendants.

12 Presently before the Court is Plaintiffs' Motion for Attorney's Fees and Costs ("Motion"),  
13 Defendant's Opposition, and Plaintiffs' Reply, as well as the Plaintiffs' Memorandum of Costs and  
14 Disbursements ("Memorandum"), which came on for hearing on July 7, 2020 at 9:00 a.m. in  
15 Department XVI of the Eighth Judicial District Court, Clark County, Nevada.

16 Wesley J. Smith, Esq. of Christensen James & Martin appeared on behalf of September Trust,  
17 dated March 23, 1972 ("September Trust"), Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the  
18 Gerry R. Zobrist and Jolin G. Zobrist Family Trust ("Zobrist Trust"), Raynaldo G. Sandoval and Julie  
19 Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and  
20 Devolution Trust dated May 27, 1992 ("Sandoval Trust"), and Dennis A. Gegen and Julie S. Gegen,  
21 Husband and Wife, as Joint Tenants ("Gegens") (September Trust, Zobrist Trust, Sandoval Trust and  
22 Gegens, collectively, the "Plaintiffs"). Christina H. Wang, Esq. of Fidelity National Law Group  
23 appeared on behalf of Robert Z. Disman and Yvonne A. Disman ("Dismans"). Dan R. Waite, Esq. of  
24 Lewis Roca Rothgerber Christie LLP appeared on behalf of Trudi Lee Lytle and John Allen Lytle, as  
25 Trustees of the Lytle Trust ("Lytle Trust").

26 The Court having considered the Motion and filings related thereto, having heard the arguments  
27 of counsel, and with good cause appearing therefore, the Court hereby grants the Motion in part and  
28 denies the Motion in part and enters the following Findings of Fact, Conclusions of Law, and Order:

**FINDINGS OF FACT**

1  
2 1. On May 24, 2018, this Court entered its Order Granting Motion for Summary Judgment  
3 or, in the Alternative, Motion for Judgment on the Pleadings and Denying Countermotion for Summary  
4 Judgment ("May 2018 Order") in favor of the September Trust, Zobrist Trust, Sandoval Trust, and  
5 Gogens and against the Lytle Trust. The May 2018 Order is hereby incorporated by reference.

6 2. On September 11, 2018, this Court signed an Order in favor of the Plaintiffs and against  
7 the Lytle Trust for attorney's fees, litigation costs and expenses incurred through May 22, 2018 pursuant  
8 to NRS 18.010(2) ("First Fees Order").

9 3. The Original CC&Rs provide a basis for attorney fee recovery. More specifically,  
10 section 25 of the Original CC&Rs provides: "In any legal or equitable proceeding for the enforcement of  
11 or to restrain the violation of the [CC&Rs] or any provision thereof, the losing party or parties shall pay  
12 in such amount as may be fixed by the court in such proceeding."

13 4. The Court has also awarded attorney's fees and costs to other parties in these  
14 consolidated Cases, including the Findings of Fact, Conclusions of Law and Order Granting Robert Z.  
15 Disman and Yvonne A Disman's Motion for Attorney's Fees entered on September 6, 2019 ("Disman  
16 Fees Order") in favor of the Dismans and the Order Granting Plaintiffs' Motion for Attorneys' Fees and  
17 Costs and order Denying Defendants' Motion to Retax and Settle Costs entered on September 20, 2019  
18 ("Boulden Lamothe Fees Order") in favor of Boulden and Lamothe. There, this Court awarded  
19 attorney's fees and costs to the other parties under Section 25 of the Original CC&Rs.

20 5. Since May 23, 2018, the Plaintiffs have incurred additional attorney's fees and costs in  
21 this action, including briefing and argument on the Lytle Trust's Motion to Stay and Motion for  
22 Reconsideration, status hearings, and motions related to the other parties to the consolidated case.

23 6. On October 24, 2019, the Lytle Trust filed its Renewed Application for Appointment of  
24 Receiver in *Trudi Lee Lytle and John Allen Lytle, as trustees of the Lytle Trust v. Rosemere Estates*  
25 *Property Owners' Association*, Case No. A-18-775843-C, Eighth Judicial District Court, Clark County,  
26 Nevada, which case was assigned to Judge J. Kishner (the "Receivership Action").  
27  
28

1           7.       On December 18, 2019, Judge Kishner entered her Order Appointing a Receiver of  
2 Defendant Rosemere Property Owners Association (the “Order Appointing Receiver”). Among other  
3 rights, powers, and duties, the Order Appointing Receiver instructed the receiver to “[i]ssue and collect a  
4 special assessment upon all owners within the Association to satisfy the Lytle Trust’s judgments against  
5 the Association.” (Order Appointing Receiver at 2:19-20).

6           8.       Upon learning of the Lytle Trust’s actions related to the Receivership Action, the  
7 Plaintiffs incurred additional attorney’s fees and costs both in this consolidated case and in the  
8 Receivership Action, including filing a Motion for Order to Show Cause Why the Lytle Trust Should  
9 Not Be Held in Contempt for Violation of Court Orders (“Contempt Motion”) on March 4, 2020 in this  
10 Case. The Lytle Trust opposed the Contempt Motion and the Plaintiffs incurred additional fees and costs  
11 to respond to the Lytle Trust’s arguments, present oral argument, and prepare proposed orders.

12           9.       On May 22, 2020, this Court entered its Findings of Fact, Conclusions of Law, and Order  
13 Granting Plaintiffs’ Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in  
14 Contempt for Violation of Court Orders (“Contempt Order”) against the Lytle Trust. The Contempt  
15 Order is hereby incorporated by reference.

16           10.      In the Contempt Order, the Court relevantly ruled that a party may be held in contempt  
17 for violating its orders, and that the Court may impose fines and award “reasonable expenses, including,  
18 without limitation, attorney’s fees, incurred by the party as a result of the contempt.” Contempt Order at  
19 11:9-23 (quoting NRS 22.100(3)). The Court Ordered that the Lytle Trust violated the May 2018 Order,  
20 is in contempt of the May 2018 Order, shall pay a fine of \$500 to each movant, and that the Plaintiffs  
21 may file applications for their reasonable expenses, including, without limitation, attorney’s fees,  
22 incurred as a result of the contempt. The Court now finds that Plaintiffs are entitled to an award of their  
23 reasonable expenses, including reasonable attorney’s fees and costs, incurred as a result of obtaining the  
24 Contempt Order.

25           11.      Plaintiffs also seek additional attorney’s fees and costs related to the Lytle Trust’s  
26 appeals of the May 2018 Order and First Fees Order, which were affirmed by the Nevada Supreme  
27 Court, as well as attorney’s fees and costs related to the Receivership Action.  
28

12. The Plaintiffs filed the instant Motion requesting an award of all attorney's fees in the total amount of \$149,403.20 and costs in the total amount of \$4,145.08 that they have incurred from May 23, 2018 to the present date pursuant to the Original CC&Rs, NRS 18.020, 18.050 and 18.010(2)(b) and NRAP 39(e).

13. Plaintiffs have attached billing statements and a Declaration from their counsel to the Motion to support the request.

### **CONCLUSIONS OF LAW**

1. NRS 18.010(1) provides that, "[t]he compensation of an attorney and counselor for his services is governed by agreement, express or implied, which is not restrained by law."

2. Section 25 of the CC&Rs is a mandatory provision regarding the award of attorney's fees and costs being paid by the losing party in any legal equitable proceeding for the enforcement of or to restrain the violation of the CC&Rs or any provision thereof.

3. The legal disputes in this case were based on the parties' rights under the Original CC&Rs and whether the CC&Rs created a Limited Purpose Association which excluded most of NRS 116, especially NRS 116.3117, from having any application to the Rosemere Subdivision.

4. Throughout this litigation, the Plaintiffs sought to restrain the Lytle Trust from recording abstracts of judgment against their properties and collecting judgments by alternative means because the Lytle Trust had no right pursuant to the CC&Rs to do so

5. Applying the language of the CC&Rs, the Court concludes that the Plaintiffs are the winning or prevailing parties in this litigation, the Lytle Trust was the losing party in this litigation, and the assessment of attorney's fees against the losing party is mandatory under Section 25.

6. NRS 18.010(2)(b) provides that, "the court may make an allowance of attorney's fees to a prevailing party: . . . (b) Without regard to the recovery sought, when the court finds that the claim . . . or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party." This Court based the First Fees Award on NRS 18.010(2) and does so again now as a basis for awarding additional fees.

1           7.       NRS 22.100(3) provides a basis for awarding fees associated with the contempt  
2 proceedings in this case.

3           8.       The Court analyzed the Plaintiffs' attorney's fees utilizing the factors identified in  
4 *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), including the qualities of  
5 the advocate, the character of the work to be done, the work actually performed by the lawyer, and the  
6 result obtained.

7           9.       The Plaintiffs have satisfied the *Brunzell* factors. More specifically, based on the record  
8 and the Declaration of the Plaintiffs' counsel in support of the Motion, the Court finds that the qualities  
9 of counsel, character of the work to be done and its difficulty, the work actually performed by Plaintiffs'  
10 counsel, and the result obtained establish the reasonableness of the Plaintiffs' attorney's fees to the  
11 extent awarded in this Order.

12          10.       However, the Court finds that certain time and amounts billed are not compensable in this  
13 matter and will reduce the award accordingly.

14          11.       The Court has reviewed the Plaintiffs' submitted billing statements, which the fees  
15 charged total \$149,403.20.

16          12.       The Plaintiffs' fee statements include entries that are commonly defined as block billing  
17 that make it difficult for the Court to determine the exact amount billed for each individual task and the  
18 reasonableness of the request.

19          13.       The Court denies an award of fees incurred in the Receivership Action before Judge  
20 Kishner. Plaintiffs' counsel represented this amount was \$36,259.00, which the Court accepts. The  
21 denial of fees incurred in the Receivership Action is without prejudice to either party's right to seek an  
22 award of fees from Judge Kishner in the Receivership Action.

23          14.       The Court also denies any charges related to the appeal and will not award fees for work  
24 described in the briefing as clerical work, which the Court has determined total \$23,374.00.

25          15.       In light of the findings above, the \$149,403.20 is reduced by \$36,259.00 and \$23,374.00,  
26 which leaves a difference of \$89,770.20.



1 16. Further, as suggested by the Defendant, the Court will apply a 15% discount to the  
2 \$89,770.20 to further account for the block billing in the fee statements. The difference after the  
3 discount is \$76,304.67.

4 17. Consequently, the Court grants Plaintiffs' Motion for Attorney's Fees and Costs, but with  
5 modifications, resulting in a total fee award of \$76,304.67.

6 18. Additionally, the Court grants costs in the sum of \$4,145.08.

7 **ORDER**

8 Based upon the Findings of Fact and Conclusions of Law above, and good cause appearing  
9 therefore,

10 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Findings of Fact shall be  
11 treated as Conclusions of Law and the Conclusions of Law shall be treated as Findings of Fact to any  
12 extent necessary to effectuate the intent of this Order.

13 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiffs' Motion for  
14 Attorney's Fees and Costs is GRANTED IN PART AND DENIED IN PART.

15 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that attorney's fees are  
16 awarded in favor of Plaintiffs September Trust, dated March 23, 1972 , Gerry R. Zobrist and Jolin G.  
17 Zobrist, as Trustees of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust, Raynaldo G. Sandoval  
18 and Julie Marie Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living  
19 and Devolution Trust dated May 27, 1992, and Dennis A. Gegen and Julie S. Gegen, Husband and Wife,  
20 as Joint Tenants, in the total aggregate amount of \$76,304.67 against Trudi Lee Lytle and John Allen  
21 Lytle, as Trustees of the Lytle Trust;

22 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that costs are awarded in favor  
23 of Plaintiffs September Trust, dated March 23, 1972 , Gerry R. Zobrist and Jolin G. Zobrist, as Trustees  
24 of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust, Raynaldo G. Sandoval and Julie Marie  
25 Sandoval Gegen, as Trustees of the Raynaldo G. and Evelyn A. Sandoval Joint Living and Devolution  
26 Trust dated May 27, 1992, and Dennis A. Gegen and Julie S. Gegen, Husband and Wife, as Joint  
27  
28

1 Tenants, in the total aggregate amount of \$4,145.08 against Trudi Lee Lytle and John Allen Lytle, as  
2 Trustees of the Lytle Trust.

3 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Lytle Trust is ordered  
4 to pay the attorney's fees and costs as ordered herein by certified check made payable to Christensen  
5 James & Martin Special Client Trust Account in the amount of \$80,449.75 and delivered to Christensen  
6 James & Martin within ten (10) days of the Notice of Entry of this Order.

7 **IT IS SO ORDERED.**

8 Dated this 10<sup>th</sup> day of August, 2020.

9   
DISTRICT COURT JUDGE Cg

10  
11 **Submitted by:**

12 **CHRISTENSEN JAMES & MARTIN**

/s/ Wesley J. Smith

13 Wesley J. Smith, Esq.  
14 Nevada Bar No. 11871  
15 Laura J. Wolff, Esq.  
16 Nevada Bar No. 6869  
17 7440 W. Sahara Ave.  
18 Las Vegas, NV 89117  
19 *Attorneys for Plaintiffs September Trust,*  
20 *Zobrist Trust, Sandoval Trust, and*  
21 *Dennis & Julie Gegen*  
22  
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property****COURT MINUTES****January 19, 2017**

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
                                  vs.  
                                  Trudi Lytle, Defendant(s)

**January 19, 2017      9:00 AM      Motion for Temporary  
                                  Restraining Order**

**HEARD BY:** Williams, Timothy C.**COURTROOM:** RJC Courtroom 12D**COURT CLERK:** Lorna Shell**RECORDER:****REPORTER:** Peggy Isom**PARTIES**

<b>PRESENT:</b>	Boulden, Marjorie B	Plaintiff
	Foley, Daniel Thomas, ESQ	Attorney
	Haskin Esq, Richard Edward	Attorney
	Lamothe, Linda	Plaintiff
	Lytle, John Allen	Defendant
	Lytle, Trudi Lee	Defendant

**JOURNAL ENTRIES**

- Mr. Foley stated this was regarding a judgment obtained against a third-party that was recorded against his clients, that his clients were not a party in the case, and that the Deft.'s just listed his client's parcel numbers on their judgment. Mr. Foley stated his clients home was set to close escrow tomorrow; however this \$361,000 judgment prevented the title company from issuing a title policy. Mr. Foley stated he did not want a Temporary Restraining Order and then be forced to get a bond when the title company could still say they can't issue the title policy. Mr. Foley noted he thought if everything was consolidated he could try this case in one day. Mr. Haskin agreed with Mr. Foley's statements and further stated there were equitable issues; however those were questions of law and that he wanted to reserve the right to dispute. Court stated this case had a history and inquired regarding the effect of the judgment. Following further colloquy by counsel regarding the preliminary injunction and a trial on the merits, Mr. Foley WITHDREW his motion and stated he would proceed from here and no status check was necessary at this time.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**April 13, 2017**

---

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

---

**April 13, 2017**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Williams, Timothy C.

**COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Lorna Shell

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES**

**PRESENT:**      Foley, Daniel Thomas, ESQ      Attorney  
                  Haskin Esq, Richard Edward      Attorney

**JOURNAL ENTRIES**

- MOTION FOR PARTIAL SUMMARY JUDGMENT  
PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND  
COUNTER-MOTION TO CONTINUE TRIAL AND EXTEND DISCOVERY DEADLINES

Following extensive arguments by counsel based on the briefs, COURT ORDERED, Motion for  
Summary Judgment GRANTED; Deft.'s Countermotion DENIED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**May 30, 2017**

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A-16-747800-C	Marjorie B. Boulden Trust, Plaintiff(s) vs. Trudi Lytle, Defendant(s)
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**May 30, 2017**

**9:00 AM**

**Motion for Attorney Fees  
and Costs**

**Motion for Attorney's  
Fees and Costs**

**HEARD BY:** Williams, Timothy C.

**COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Tena Jolley

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES**

**PRESENT:**      Foley, Daniel Thomas, ESQ                      Attorney  
                     Haskin Esq, Richard Edward                      Attorney

**JOURNAL ENTRIES**

- Following arguments of counsel, Court stated that from a practical standpoint this motion will be decided without additional argument following the Motion for Reconsideration currently set for June 29, 2017. Accordingly, COURT ORDERED, matter CONTINUED.

CONTINUED TO: 6/29/17 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Title to Property

# COURT MINUTES

**June 01, 2017**

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

June 01, 2017	9:00 AM	Motion to Cancel Lis Pendens	Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time
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**HEARD BY:** Williams, Timothy C.

**COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Sharon Chun

**RECORDER:**

**REPORTER:**

## PARTIES

**PRESENT:**      Foley, Daniel Thomas, ESQ                      Attorney  
                         Haskin Esq, Richard Edward                      Attorney

## JOURNAL ENTRIES

- Plaintiffs' Motion to Cancel Two Lis Pendens and Motion to Hold Defendants and/or Their Counsel in Contempt of Court on Order Shortening Time

Mr. Foley noted that Mr. Haskin only contested this matter yesterday. A copy of the opposition was handed to the Court and matter was trailed to enable Mr. Foley and the Court to review it.

When matter was recalled later in the calendar, Mr. Haskin stated that under 14.015 the opposition was untimely. COURT ORDERED, matter CONTINUED to Tuesday, 6/6/17 upon Mr. Foley's agreement to that date.

CONTINUED TO: 6/6/17 9:00 AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**June 06, 2017**

---

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

---

**June 06, 2017**

**9:00 AM**

**Motion to Cancel Lis  
Pendens**

**HEARD BY:** Williams, Timothy C.

**COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Marwanda Knight

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Daniel Foley, Esq., appeared on behalf of Pltfs  
Richard Haskin, Esq., appeared on behalf of Defts

The Court and counsel noted the matter was fully briefed and counsel invited questions from the Court. Mr. Haskin began to argue the contempt issue; however, the Court stated it would not hold Defts in contempt and entered into colloquy with Mr. Haskin regarding the lis pendens. After hearing argument from both sides, COURT STATED ITS FINDINGS, and ORDERED, Motion GRANTED cancelling the two lis pendens and reiterated that the Court would not hold Defts in contempt; however, no more lis pendens.

Further, Mr. Foley addressed his request for fees and the Court advised it would consider the matter as currently set on June 29, 2017.

Court directed Mr. Foley to submit the proposed order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Title to Property

# COURT MINUTES

**June 29, 2017**

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

**June 29, 2017                      9:00 AM                      All Pending Motions**

**HEARD BY:** Williams, Timothy C.

**COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Kristin Duncan

**RECORDER:**

**REPORTER:** Peggy Isom

## PARTIES

**PRESENT:**      Foley, Daniel Thomas, ESQ                      Attorney  
                         Haskin Esq, Richard Edward                      Attorney

## JOURNAL ENTRIES

- DEFENDANTS TRUDI LEE LYTLE, JOHN ALLEN LYTLE, AND THE LYTLE TRUST'S MOTION  
FOR RECONSIDERATION OR, IN THE ALTERNATIVE, MOTION TO ALTER OR AMEND  
JUDGMENT...DEFT'S MOTION FOR ATTORNEY'S FEES AND COSTS

Mr. Haskin argued in support of the Motion for Reconsideration, stating that an Order was entered granting Summary Judgment in favor of the Plaintiff, wherein there was a Finding against Defendant Lytle Trust as to slander of title; however, there was no evidence presented during arguments regarding slander of title. Upon Court's inquiry, Mr. Foley stated that the causes of action appropriately dealt with through the Court's ruling on the Summary Judgment were as follows: Quiet Title, Declaratory Relief, and Slander of Title. Mr. Foley argued in opposition to the Motion for Reconsideration, stating that the Lytles recorded abstracts of judgment on Plaintiffs' parcel numbers, in order to attach them to the properties, which was slander of title and a knowing malicious effort. Additionally, Mr. Foley stated that the case had developed as follows: Mr. Haskin had submitted another judgment obtained on behalf of the Lytle's against the HOA, which must be disclosed; therefore, the Complaint must be amended, and declaratory relief would be needed, to ensure that the findings from the judgment would not waive the claim for slander of title damages for loss of sale. Pursuant to those representations, Mr. Foley stated that he would seek leave to amend the

Complaint, and would withdraw the Motion for Attorney's Fees and Costs. COURT ORDERED the Motion for Reconsideration was hereby DENIED; however, the Alternative Motion to Alter or Amend Judgment was GRANTED as to the Slander of Title Findings. Pursuant to Mr. Foley's representations, COURT ORDERED the Motion for Attorney's Fees and Costs was VACATED. Mr. Haskin to amend the Judgment, and forward it to opposing counsel for approval as to form and content.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**January 16, 2018**

---

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

---

**January 16, 2018      9:00 AM      Motion to Extend  
Discovery**

**HEARD BY:** Williams, Timothy C.

**COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Elizabeth Vargas

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**      Foley, Daniel Thomas, ESQ      Attorney  
Haskin Esq, Richard Edward      Attorney  
Wang, Christina H.      Attorney

**JOURNAL ENTRIES**

- Court represented to the parties that a new law clerk will be starting in Dept. 16 on January 22, 2018 and that she is the daughter of Plaintiff's counsel. Although the court could and would rule fairly and without bias, recusal is appropriate in the present case in accordance with Canon 2.11 (C) of the Nevada Code of Judicial Conduct in order to avoid the appearance of impartiality or implied bias. Thus, the Court RECUSES itself from the matter and request that it be randomly reassigned in accordance with appropriate procedures.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**February 07, 2018**

---

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

---

**February 07, 2018      9:00 AM      Motion to Consolidate      Plaintiffs' Motion to Consolidate Case No. A-16-747800-C with Case No. A-17-765372-C**

**HEARD BY:** Bailus, Mark B

**COURTROOM:** Phoenix Building Courtroom - 11th Floor

**COURT CLERK:** Alan Castle

**RECORDER:** Robin Page

**REPORTER:**

**PARTIES**

**PRESENT:**      Elson, Tim      Attorney  
Foley, Daniel Thomas, ESQ      Attorney  
Smith, Wesley J., ESQ      Attorney  
Wang, Christina H.      Attorney

**JOURNAL ENTRIES**

- Court notes opposition not received by Court or opposing counsel. COURT ORDERED, CONTINUED for Plaintiff's response to opposition filed.

CONTINUED TO:  
02/21/18 9:00 a.m.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**February 21, 2018**

---

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

---

**February 21, 2018      9:00 AM      Motion to Consolidate**

**HEARD BY:** Bailus, Mark B      **COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Phyllis Irby

**RECORDER:** Robin Page

**REPORTER:**

**PARTIES**

**PRESENT:**      Elson, Tim      Attorney  
Foley, Daniel Thomas, ESQ      Attorney  
Smith, Wesley J., ESQ      Attorney  
Wang, Christina H.      Attorney

**JOURNAL ENTRIES**

- The Court noted no opposition filed. COURT ORDERED, MOTION GRANTED, will not grant fees and costs.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**March 21, 2018**

---

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

---

**March 21, 2018**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Bailus, Mark B

**COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Alan Castle

**RECORDER:** Robin Page

**REPORTER:**

**PARTIES**

**PRESENT:**      Foley, Daniel Thomas, ESQ      Attorney  
Haskin Esq, Richard Edward      Attorney  
Smith, Wesley J., ESQ      Attorney  
Wang, Christina H.      Attorney

**JOURNAL ENTRIES**

- Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings ... Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment

Arguments by counsel. COURT ORDERED, CONTINUED for Decision.

04/04/18 9:00 a.m. Decision: Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings /// Decision: Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**April 04, 2018**

---

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

---

**April 04, 2018**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Bailus, Mark B

**COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Alan Castle

**RECORDER:** Robin Page

**REPORTER:**

**PARTIES**

**PRESENT:**      Foley, Daniel Thomas, ESQ      Attorney

**JOURNAL ENTRIES**

- Decision:  
Plaintiffs' Motion for Summary Judgment or, in the alternative, Motion for Judgment on the Pleadings

Decision:  
Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment

HEARING CONTINUED TO 4/11/18 @ 9:00 FOR ORAL DECISION

CLERK'S NOTE: All parties advised of date and appearance requested. ac/04/04/18.





the ruling in this matter be consistent with Judge Williams' order; that being the law of the case.

Defendants Trudi Lee Lytle, John Allen Lytle, The Lytle Trust's Countermotion for Summary Judgment

COURT ORDERED, MOTION DENIED.

Mr. Smith to prepare the order within 10 days and have parties review as to form and content and distribute a filed copy to all parties involved in this matter.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**July 26, 2018**

---

A-16-747800-C	Marjorie B. Boulden Trust, Plaintiff(s)
	vs.
	Trudi Lytle, Defendant(s)

---

**July 26, 2018**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Bailus, Mark B

**COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Alan Castle

**RECORDER:** Robin Page

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Haskin Esq, Richard Edward	Attorney
	Oakes, John M.	Attorney
	Smith, Wesley J., ESQ	Attorney
	Wang, Christina H.	Attorney

**JOURNAL ENTRIES**

- Defendants' Motion to retax and Settle Memorandum of Costs ... Plaintiffs' Motion for Attorney's Fees and Costs

Court notes clarification on some of the factual issues with these motions. Arguments by counsel. Based on the arguments by counsel, Court is going to go back and review the legal argument and the exhibits. Further, Court notes he wants this case to mirror the case before Judge Williams since much of the decisions on issues in this case were decided by rulings in the other case before this Court ever got this case.

08/09/18 9:00 a.m. Decision - Defendants' Motion to retax and Settle Memorandum of Costs ///  
Decision: Plaintiffs' Motion for Attorney's Fees and Costs

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**August 09, 2018**

---

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

---

**August 09, 2018**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Bailus, Mark B

**COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Alan Castle

**RECORDER:** Robin Page

**REPORTER:**

**PARTIES**

**PRESENT:**      Foley, Daniel Thomas, ESQ      Attorney  
Haskin Esq, Richard Edward      Attorney  
Smith, Wesley J., ESQ      Attorney  
Wang, Christina H.      Attorney

**JOURNAL ENTRIES**

- Decision - Plaintiff's Motion for Attorney's Fees

COURT having considered the matter and applied Brunzell factors and Pursuant to NRS 18.020(1); NRS 18.050; and, 18.010(2)(b) and ORDERED, Plaintiff's Motion for Attorney's Fees is GRANTED.

Decision - Defendants' Motion to Retax and Settle Memorandum of Costs

In review of the fees and costs submitted and for good cause shown, COURT ORDERS, Defendants' Motion to Retax is GRANTED.

COURT ORDERED, attorney's fees and costs GRANTED AS FOLLOWS:

As to September Trust:

\$13,513.26 Attorney fees GRANTED

\$250.87 Costs GRANTED

As to Zobrist Trust:  
\$13,331.26 Attorney fees GRANTED  
\$250.87 Costs GRANTED

As to Sandoval Trust:  
\$12,616.26 Attorney fees GRANTED  
\$250.87 Costs GRANTED

As to Dennis & Julie Gegan:  
\$12,590.26 Attorney fees GRANTED  
\$250.87 Costs GRANTED

For a Total of \$52,051.04 Attorney's fees; and, \$1,003.48 Costs GRANTED. Mr. Smith to prepare the order within 10 days and distribute a filed copy to all parties involved in this matter. The order must include last known addresses and all future scheduled court dates. Both the Plaintiff and Defendant are required to be present at the next court date.

Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings

Arguments by counsel. Court continued matter to chambers for further review and decision will be rendered by way of Minute Order.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**August 17, 2018**

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

**August 17, 2018**

**3:00 AM**

**Decision**

**Decision - Robert Z  
Disman and Yvonne  
A Disman's Motion  
for Summary  
Judgment or in the  
Alternative Motion  
for Judgment on the  
Pleadings**

**HEARD BY:** Bailus, Mark B

**COURTROOM:** Phoenix Building Courtroom -  
11th Floor

**COURT CLERK:** Alan Castle

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- This Court having hear argument, reviewed the pleadings and papers on file, and good cause appearing therefrom ORDERS, Robert Z. Disman and Yvonne A. Disman's Motion for Summary Judgment or, in the Alternative, Judgment on the Pleadings is DENIED Without Prejudice.

Mr. Haskin is to prepare the order consistent with the opposition, submit to opposing counsel for approval as to content and form and submit to Chambers for consideration.

CLERK'S NOTE: The above minute order has been distributed to: Christina Wang, Esq.; and, Richard Haskin, Esq.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Title to Property

# COURT MINUTES

October 23, 2018

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

October 23, 2018	9:00 AM	Motion to Stay	Defendant John Allen Lytle and Trudi Lytles' Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond on Order Shortening Time
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**HEARD BY:** Bailus, Mark B

**COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Alan Castle

**RECORDER:** Robin Page

**REPORTER:**

## PARTIES

**PRESENT:** Haskin Esq, Richard Edward Attorney  
Smith, Wesley J., ESQ Attorney  
Wang, Christina H. Attorney

## JOURNAL ENTRIES

- Matter submitted. Court Finds cash Bond issue addressed in past and amount posted sufficient to indemnify Defendants if they prevail. COURT ORDERS, Defendant John Allen Lytle and Trudi Lyles' Motion to Stay Proceedings to Enforce Judgment and Request to Post Cash Deposit in Lieu of a Supersedeas Bond is GRANTED. Mr. Haskin to prepare the order within 10 days and have opposing counsel review as to form and content and distribute a filed copy to all parties involved in

PRINT DATE: 08/24/2020

Page 22 of 44

Minutes Date: January 19, 2017



this matter.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**November 27, 2018**

---

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

---

**November 27, 2018      9:00 AM**

**All Pending Motions**

**HEARD BY:** Bailus, Mark B

**COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Alan Castle

**RECORDER:** Robin Page

**REPORTER:**

**PARTIES**

**PRESENT:**      Haskin Esq, Richard Edward      Attorney  
                 Smith, Wesley J., ESQ      Attorney  
                 Wang, Christina H.      Attorney

**JOURNAL ENTRIES**

- Request of Court - Clarification of Order: In RE: Competing Orders ... Defendants' Motion to Reconsider Court's Ruling Granting Plaintiffs' Attorney's Fees

Court advised regarding review of competing orders received. Court does not find that either order complies with this Court's ruling from the hearing. Colloquy regarding the law of the case based on prior ruling in this matter by Judge Williams. Court notes this Court was not aware these proceedings were before the Nevada Supreme Court (NVSC) on the order this Court based its ruling upon, otherwise the Court would have deferred ruling the matter until NVSC had ruled, however, since there is no order on file from the hearing on the motion for summary judgment, COURT VACATES PRIOR RULING and Defers Judgment on Robert Z Disman and Yvonne A Disman's Motion for Summary Judgment or in the Alternative Motion for Judgment on the Pleadings pending ruling by NVSC, which may resolve this issue in its entirety. Ms. Wang to prepare the order consistent with this Court's findings within 10 days and have opposing counsel review as to form and content and distribute a filed copy to all parties involved in this matter.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**January 08, 2019**

---

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

---

**January 08, 2019**

**8:30 AM**

**Pre Trial Conference**

**HEARD BY:** Barker, David

**COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Athena Trujillo

**RECORDER:** Robin Page

**REPORTER:**

**PARTIES**

**PRESENT:**      Foley, Daniel Thomas, ESQ      Attorney  
                     Haskin Esq, Richard Edward      Attorney  
                     Smith, Wesley J., ESQ      Attorney

**JOURNAL ENTRIES**

- Mr. Foley advised the case has resolved and they will submit a stipulation and order. COURT ORDERED, trial date VACATED and matter OFF CALENDAR.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**February 20, 2019**

---

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

---

**February 20, 2019      3:00 AM      Motion for Attorney Fees  
and Costs**

**HEARD BY:** Barker, David

**COURTROOM:** No Location

**COURT CLERK:** Athena Trujillo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- No parties present.

COURT ORDERED, matter CONTINUED to this Court's hearing calendar.

CONTINUED TO: 4/3/19 8:30 AM

CLERK S NOTE: Minute order electronically served through the Eighth Judicial District Court s EFT System. -amt

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**February 27, 2019**

---

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

---

**February 27, 2019**

**3:00 AM**

**All Pending Motions**

**HEARD BY:** Thompson, Charles

**COURTROOM:** No Location

**COURT CLERK:** Athena Trujillo

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS ... ROBERT Z. DISMAN AND YVONNE DISMAN'S MOTION FOR ATTORNEY'S FEES

COURT ORDERED, matter CONTINUED to be heard by Judge Barker.

CONTINUED TO: 4/3/19 8:30 AM

CLERK S NOTE: Minute order electronically served through the Eighth Judicial District Court s EFT System. -amt 2/27/19

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**April 10, 2019**

---

A-16-747800-C	Marjorie B. Boulden Trust, Plaintiff(s)
	vs.
	Trudi Lytle, Defendant(s)

---

**April 10, 2019**

**8:30 AM**

**All Pending Motions**

**HEARD BY:** Barker, David

**COURTROOM:** Phoenix Building 11th Floor  
110

**COURT CLERK:** Athena Trujillo

**RECORDER:** Robin Page

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Foley, Daniel Thomas, ESQ	Attorney
	Haskin Esq, Richard Edward	Attorney
	Smith, Wesley J., ESQ	Attorney
	Wang, Christina H.	Attorney

**JOURNAL ENTRIES**

- MOTION FOR ATTORNEY FEES AND COSTS ... ROBERT Z. DISMAN AND YVONNE DISMAN'S  
MOTION FOR ATTORNEY'S FEES ... DEFENDANTS' MOTION TO RETAX AND SETTLE  
MEMORANDUM OF COSTS

Upon Court's inquiry, Mr. Foley advised they believe the motions should be heard by Judge Williams, noting Judge Williams recused because his daughter was hired as Judge William's law clerk, however; that position is now over. Mr. Haskin concurred, however, requested the matter be trailed so he can speak to his client. Court noted it will only transfer the case if all parties are in agreement, noting the Court will reach out to Judge Williams to see if he is willing to take the case back. Matter TRAILED.

Matter RECALLED. Mr. Haskin advised his client is amenable to returning to Judge Williams. COURT ORDERED, matter SET for Status Check.

CONTINUED TO: 5/1/19 9:00 AM (DEPT. 16)

CLERK'S NOTE: Subsequent to Court, COURT ORDERED, Motions CONTINUED to Dept. 16's calendar to be heard by Judge Williams. COURT FURTHER ORDERED, matter TRANSFERRED to Department 16. -amt 4/10/19

CLERK'S NOTE: Subsequent to previous rulings, Court noted it will contact Judge Weise and have the case transferred to Department 16 as opposed to having the Clerk's Office reassign the case via this minute order. -amt 4/11/19



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Title to Property

# COURT MINUTES

**April 11, 2019**

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

**April 11, 2019**                      **2:00 PM**                      **Minute Order**

**HEARD BY:** Wiese, Jerry A. **COURTROOM:** No Location

**COURT CLERK:** Vanessa Medina

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

## JOURNAL ENTRIES

- The above-referenced matter was previously handled by Judge Timothy Williams. Motions for Summary Judgment were apparently granted, resulting in an Appeal and affirmance. Judge Williams previously recused from the case, due to the fact that his law clerk was related to one of attorneys for one of the parties. Following remand from the Supreme Court, various motions have been filed including a Motion to Retax, and Motion for Attorney's Fees. These matters are currently in Department 9. Judge David Barker, is sitting in Department 9, and recently had a hearing with the attorneys, who indicated that they believed Judge Williams was much more familiar with the facts and circumstances of the case, and would be in a better position to rule on the pending motions. It is noted that the law clerk which previously resulted in Judge Williams recusal is no longer Judge Williams law clerk, so no conflict currently exists. Judge Williams has indicated his willingness to handle this matter.

Pursuant to EDCR 1.31, and good cause appearing, the Presiding Civil Judge hereby ORDERS that the Clerk's Office Reassign Case No. A747800 from Department IX to Department XVI (Judge Williams), as Judge Williams (as the prior handling Judge) has more information with regard to the pending case, and such transfer will promote judicial economy.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**May 16, 2019**

---

A-16-747800-C	Marjorie B. Boulden Trust, Plaintiff(s)
	vs.
	Trudi Lytle, Defendant(s)

---

**May 16, 2019**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Williams, Timothy C.

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Peggy Isom

**PARTIES**

<b>PRESENT:</b>	Foley, Daniel Thomas, ESQ	Attorney
	Haskin Esq, Richard Edward	Attorney
	Smith, Wesley J., ESQ	Attorney
	Wang, Christina H.	Attorney

**JOURNAL ENTRIES**

- MOTION FOR ATTORNEY'S FEES AND COSTS...ROBERT Z. DISMAN AND YVONNE DISMAN'S MOTION FOR ATTORNEY'S FEES...DEFENDANTS' MOTION TO RETAX AND SETTLE MEMORANDUM OF COSTS

Arguments by Mr. Foley, Mr. Haskin, and Ms. Wang. COURT ORDERED, fees and costs awarded. Court stated will take review of attorney fee amounts. FURTHER ORDERED, as to Motion to Retax, costs given. Prevailing party to submit respective orders.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**May 17, 2019**

---

A-16-747800-C	Marjorie B. Boulden Trust, Plaintiff(s)
	vs.
	Trudi Lytle, Defendant(s)

---

**May 17, 2019**

**2:51 PM**

**Minute Order**

**HEARD BY:** Williams, Timothy C.

**COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows:

The Court has ruled that the CC&R s control the award of attorney s fees in this matter. Pursuant to paragraph 25 of the CC&R s regarding attorney s fees, the losing party or parties shall pay in such amount as may be fixed the court. Applying the language of the CC&R s the Court determined that the Boulden and Lamothe Plaintiffs and Dismen Counter Defendants are the winning parties, the Lytle Defendants are the losing party and the language is mandatory regarding the assessment of attorney fees against the losing party. In addition, after considering the Brunzell factors, the Court awards the Boulden and Lamothe Plaintiffs attorney s fees in the requested amount of \$75,733.80 and the Dismen Counter Defendants attorney s fees in the requested amount of \$35, 676.00.

Lastly, the Court declines to make the determination that the Defendants actions lacked reasonable grounds except for the filing of Lis Pendens, which was clearly unreasonable in light of the procedural history of the case.

Counsel for the Boulden and Lamothe Plaintiffs and Dismen Counter Defendants shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute

Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature

CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property****COURT MINUTES****April 06, 2020**

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
    vs.  
    Trudi Lytle, Defendant(s)

**April 06, 2020      8:00 AM      Minute Order**

**HEARD BY:** Williams, Timothy C.      **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Department 16 Formal Request to Appear Telephonically

Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court offers two methods of appearance: telephonic conference through BlueJeans or CourtCall. As CourtCall involves a cost, the use of BlueJeans is strongly favored given the number of people the system can accommodate.

If you prefer to use BlueJeans, please call in prior to your hearing to appear. The call-in number is:

Dial the following number: 1-888-748-9073

Meeting ID: 702 671 440 6

To connect, dial the telephone number then enter the meeting ID followed by #.

PLEASE NOTE the following protocol each participant will be required to follow:

Place your telephone on mute while waiting for your matter to be called.

Do not place the conference on hold as it may play wait/hold music to others.

Identify yourself before speaking each and every time as a record is being made.

Please be mindful of sounds of rustling of papers or coughing.

If you prefer to use CourtCall, please contact CourtCall to schedule your appearance. They can be reached toll-free at 1-888-882-6878 and/or on-line at [www.courtcall.com](http://www.courtcall.com).

CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**April 22, 2020**

---

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

---

**April 22, 2020**

**9:00 AM**

**All Pending Motions**

**HEARD BY:** Williams, Timothy C.

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:** Dana J. Tavaglione

**PARTIES**

**PRESENT:**

Boulden, Marjorie B	Plaintiff
Foley, Daniel Thomas, ESQ	Attorney
Haskin Esq, Richard Edward	Attorney
Lamothe, Linda	Plaintiff
Lytle, John Allen	Defendant
Lytle, Trudi Lee	Defendant
Smith, Wesley J., ESQ	Attorney
Waite, Dan R	Attorney
Wang, Christina H.	Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Patricia Lee and Receiver, Kevin Singer, also present telephonically.

PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT ORDERS JOINER TO PLAINTIFFS' MOTION FOR AN ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT ORDERS JOINER ON PLAINTIFFS September TRUST ET. AL S MOTION FOR AN ORDER TO SHOW CAUSE WHY THE LYTLE TRUST SHOULD NOT BE HELD IN CONTEMPT FOR VIOLATION OF COURT ORDERS

All parties present telephonically. Arguments by counsel. Court stated ITS FINDS and ORDERED, Motion for Order to Show Cause GRANTED; will be assessment of \$500.00 per Pltf. Court directed filing of application for fees and costs to be heard on the merits. Court directed Mr. Smith to prepare and circulate findings of fact and conclusions of law; if parties cannot agree on form and content, may submit competing orders.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**June 25, 2020**

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A-16-747800-C	Marjorie B. Boulden Trust, Plaintiff(s)
	vs.
	Trudi Lytle, Defendant(s)

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**June 25, 2020**

**3:43 PM**

**Minute Order**

**HEARD BY:** Williams, Timothy C.

**COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Department 16 Formal Request to Appear Telephonically

Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:

Dial the following number: 1-408-419-1715

Meeting ID: 979 480 011

To connect, dial the telephone number then enter the meeting ID followed by #.

PLEASE NOTE the following protocol each participant will be required to follow:

Place your telephone on mute while waiting for your matter to be called.

Do not place the conference on hold as it may play wait/hold music to others.

Identify yourself before speaking each and every time as a record is being made.

Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**June 29, 2020**

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A-16-747800-C	Marjorie B. Boulden Trust, Plaintiff(s) vs. Trudi Lytle, Defendant(s)
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**June 29, 2020**

**8:00 AM**

**Minute Order**

**HEARD BY:** Williams, Timothy C.

**COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Department 16 Formal Request to Appear Telephonically

Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:

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Do not place the conference on hold as it may play wait/hold music to others.

Identify yourself before speaking each and every time as a record is being made.

Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: This Minute Order has been electronically served to counsel through Odyssey eFile.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property**

**COURT MINUTES**

**July 02, 2020**

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A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

---

**July 02, 2020**

**9:00 AM**

**Motion for Clarification**

**HEARD BY:** Williams, Timothy C.

**COURTROOM:** RJC Courtroom 03H

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**      Smith, Wesley J., ESQ      Attorney  
                    Waite, Dan R      Attorney  
                    Wang, Christina H.      Attorney

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Court Reporter, Michael Bouley, present.

All counsel present telephonically. Arguments by counsel. Mr. Waite advised he intends to file supersedeas cash bond relating to recent contempt order. Mr. Smith advised no objection. Court directed Mr. Waite to file appropriate motion in that regard. As to Motion for Clarification, Court stated ITS FINDINGS and ORDERED, Motion DENIED. Court directed Mr. Smith or Ms. Wang to prepare the order and circulate; if parties cannot agree on form and content, may submit competing orders. Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Other Title to Property

# COURT MINUTES

**July 07, 2020**

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
vs.  
Trudi Lytle, Defendant(s)

**July 07, 2020**                      **8:00 AM**                      **Minute Order**

**HEARD BY:** Williams, Timothy C.                      **COURTROOM:** Chambers

**COURT CLERK:** Christopher Darling

**RECORDER:**

**REPORTER:**

## PARTIES

**PRESENT:**

## JOURNAL ENTRIES

- After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows:

As noted at the July 7, 2020 hearing, the Court finds the CC&Rs provide a basis for attorney fee recovery. Further, Plaintiff has satisfied the Brunzell factors. Additionally, Court restates that fees sought regarding those matters before Judge Kishner are denied \$36,259.00. The Court also denies any charges related to the appeal. Moreover, under this case's circumstances, the Court will not award fees for clerical work \$23,374.00.

The Court has reviewed the Plaintiff's submitted billing statements, which the fees charged total \$149,403.20. In light of the findings above, the \$149,403.20 is reduced by \$36,259.00 and \$23,374.00, which leaves a difference of \$89,770.20. Further, as suggested by the Defendant, the Court will apply a 15% discount to the \$89,770.20. The difference after the discount is \$76,304.67.

Consequently, THE COURT GRANTS PLAINTIFF S MOTION FOR ATTORNEY S FEES AND COSTS BUT WITH MODIFICATIONS. Also, the Court grants costs in the sum of \$4,145.08.

Plaintiff shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

CLERK S NOTE: This Minute Order has been served to counsel electronically through Odyssey eFile.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Other Title to Property****COURT MINUTES****July 07, 2020**

A-16-747800-C      Marjorie B. Boulden Trust, Plaintiff(s)  
    vs.  
    Trudi Lytle, Defendant(s)

**July 07, 2020****9:00 AM****Motion for Attorney Fees  
and Costs****See 7/7/20 Minute  
Order****HEARD BY:** Williams, Timothy C.**COURTROOM:** RJC Courtroom 03H**COURT CLERK:** Christopher Darling**RECORDER:****REPORTER:** Peggy Isom**PARTIES**

<b>PRESENT:</b>	Smith, Wesley J., ESQ	Attorney
	Waite, Dan R	Attorney
	Wang, Christina H.	Attorney

**JOURNAL ENTRIES**

- Counsel present telephonically. Arguments by Mr. Smith and Mr. Waite. Court stated ITS FINDINGS and ORDERED, Motion for Attorney's Fees and Costs GRANTED IN PART and DENIED IN PART; no consideration given in this case to Judge Kishner's sole decision in other action. Court stated will review matter for determination of reasonable fees and matter of the appeal. Decision forthcoming.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

JOEL D. HENRIOD  
3993 HOWARD HUGHES PKWY., SUITE 600  
LAS VEGAS, NV 89169

DATE: August 24, 2020  
CASE: A-16-747800-C  
C/W A-17-765372-C

**RE CASE:** MARJORIE B. BOULDEN, TRUSTEE OF THE MARJORIE B. BOULDEN TRUST; LINDA LAMOTHE AND JACQUES LAMOTHE TRUSTEES OF THE JACQUES & LINDA LAMOTHE LIVING TRUST vs. TRUDI LEE LYTLE AND JOHN ALLEN LYTLE, AS TRUSTEES OF THE LYTLE TRUST

NOTICE OF APPEAL FILED: August 21, 2020

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the court.*
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

*Please refer to Rule 3 for an explanation of any possible deficiencies.*

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*\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS; NOTICE OF ENTRY OF ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

MARJORIE B. BOULDEN, TRUSTEE OF THE  
MARJORIE B. BOULDEN TRUST; LINDA  
LAMOTHE AND JACQUES LAMOTHE  
TRUSTEES OF THE JACQUES & LINDA  
LAMOTHE LIVING TRUST,

Plaintiff(s),

vs.

TRUDI LEE LYTLE AND JOHN ALLEN  
LYTLE, AS TRUSTEES OF THE LYTLE  
TRUST,

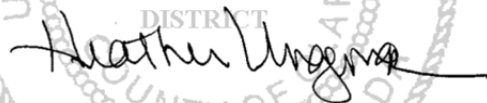
Defendant(s),

Case No: A-16-747800-C  
*Consolidated with A-17-765372-C*  
Dept No: XVIII

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 24 day of August 2020.

OF THE  
Steven D. Grierson, Clerk of the Court

JUDICIAL  
DISTRICT  


Heather Ungermann, Deputy Clerk