

**No. 81689**

Electronically Filed  
Jan 15 2021 04:58 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

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

vs.

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,  
Respondents.

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On Appeal from an Order of the Eighth Judicial District Court, Clark  
County, Nevada; The Honorable Timothy C. Williams, District Court Judge;  
District Court Case No. A-17-765372-C

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**SUPPLEMENTAL EXHIBIT IN SUPPORT OF  
APPELLANTS' MOTION FOR REMAND PURSUANT TO NRAP 12A**

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Wesley J. Smith, Esq. (Nevada Bar No. 11871)  
Laura J. Wolff, Esq. (Nevada Bar No. 6869)  
CHRISTENSEN JAMES & MARTIN  
7440 W. Sahara Avenue, Las Vegas, Nevada 89117  
T: (702) 255-1718 / F: (702) 255-0871  
*Attorneys for Respondents*

September Trust, dated March 23, 1972 (“September Trust”), Gerry R. Zobrist and Jolin G. Zobrist, as Trustees of the Gerry R. Zobrist and Jolin G. Zobrist Family Trust (“Zobrist 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 (“Sandoval Trust”), and Dennis A. Gegen and Julie S. Gegen, Husband and Wife, as Joint Tenants (“Gegen”) (hereafter September Trust, Zobrist Trust, Sandoval Trust and Gegen may be collectively referred to as “Respondents”), by and through their attorneys, Christensen James & Martin, hereby submit Exhibit 3 in support of their Motion to Remand Pursuant to NRAP 12A (“Motion”), which is a Notice of Entry of Order Certifying to the Supreme Court Pursuant to NRAP 12(A) and NRCP 62.1 that the District Court Would Grant Plaintiffs’ Motion to Amend Order Granting in Part and Denying in Part Plaintiffs’ Motion for Attorney’s Fees and Costs Pursuant to NRCP 52(B), which was signed by Judge Williams on January 14, 2021 (“Order”).

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The Order is the district court's formal order or certification of its intention pursuant to NRCP 62.1 and NRAP 12A to amend the subject order of this Appeal.

DATED this 15th day of January 2021.

Respectfully submitted,

CHRISTENSEN JAMES & MARTIN

By: /s/ Wesley J. Smith, Esq.

Wesley J. Smith, Esq.  
Nevada Bar No. 11871  
Laura J. Wolff, Esq.  
Nevada Bar No. 6869  
7440 W. Sahara Avenue  
Las Vegas, NV 89117  
Tel.: (702) 255-1718  
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*Attorneys for Respondents*

## **CERTIFICATE OF SERVICE**

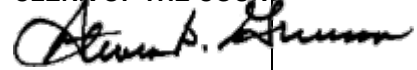
I hereby certify that on this date, the 15th day of January 2021, I submitted the foregoing Supplemental Exhibit in Support of Appellants' Motion for Remand Pursuant to NRAP 12A for filing and service through the Court's eFlex electronic filing service. According to the system, electronic notification will automatically be sent to the following:

JOEL D. HENRIOD  
DANIEL F. POLSENBERG  
DAN R. WAITE  
LEWIS ROCA ROTHGERBER CHRISTIE LLP  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169

Christina H. Wang  
FIDELITY NATIONAL LAW GROUP  
1701 Village Center Circle, Suite 110  
Las Vegas, Nevada 89134

/s/ Wesley J. Smith  
Wesley J. Smith, Esq.

## EXHIBIT 3



NEOJ  
CHRISTENSEN JAMES & MARTIN  
KEVIN B. CHRISTENSEN, ESQ.  
Nevada Bar No. 175  
WESLEY J. SMITH, ESQ.  
Nevada Bar No. 11871  
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Email: kbc@cjmlv.com; wes@cjmlv.com; ljw@cjmlv.com  
*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,  
LINDA LAMOTHE AND JACQUES  
LAMOTHE, TRUSTEES OF THE  
JACQUES & LINDA LAMOTHE LIVING  
TRUST,

Plaintiffs,

vs.

TRUDI LEE LYTLE, JOHN ALLEN  
LYTLE, THE LYTLE TRUST, DOES I  
through X, and ROE CORPORATIONS I  
through X,

Defendants.

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

**NOTICE OF ENTRY OF ORDER  
CERTIFYING TO THE  
SUPREME COURT PURSUANT TO  
NRAP 12(A) AND NRCP 62.1 THAT  
THE DISTRICT COURT WOULD  
GRANT PLAINTIFFS' MOTION TO  
AMEND ORDER GRANTING IN  
PART AND DENYING IN PART  
PLAINTIFFS' MOTION FOR  
ATTORNEY'S FEES AND COSTS  
PURSUANT TO NRCP 52(B)**

Date: October 13, 2020  
Time: 9:00 a.m.

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

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 PLEASE TAKE NOTICE that on January 14, 2021, an Order Certifying to the Supreme  
13 Court Pursuant to NRAP 12(A) and NRCPC 62.1 That the District Court Would Grant Plaintiffs'  
14 Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's  
15 Fees and Costs Pursuant to NRCPC 52(B) was entered by the Court, a copy of which is attached  
16 hereto.

17 DATED this 15<sup>th</sup> day of January, 2021.

18 **CHRISTENSEN JAMES & MARTIN**

19 By: /s/ Wesley J. Smith, Esq.

20 Wesley J. Smith, Esq.

21 Nevada Bar No. 11871

22 Laura J. Wolff, Esq.

23 Nevada Bar No. 6869

24 7440 W. Sahara Ave.

25 Las Vegas, NV 89117

26 *Attorneys for Plaintiffs September Trust,*

27 *Zobrist Trust, Sandoval Trust, and*

28 *Dennis & Julie Gegen*

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**CERTIFICATE OF SERVICE**

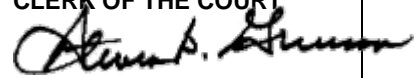
I am an employee of Christensen James & Martin. On January 15, 2021, I caused a true and correct copy of the foregoing Notice of Entry of Order Certifying to the Supreme Court Pursuant to NRAP 12(A) and NRCP 62.1 That the District Court Would Grant Plaintiffs' Motion to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B), 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.

Joel Henriod (JHenriod@LRRC.com)  
Daniel Polsenberg (DPolsenberg@LRRC.com)  
Dan Waite (DWaite@LRRC.com)  
Luz Horvath (lhorvath@lrrc.com)  
Lisa Noltie (lnoltie@lrrc.com)  
Christina Wang (christina.wang@fnf.com)  
FNLG Court Filings (FNLG-Court-Filings-NV@fnf.com)

/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

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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 CERTIFYING TO THE  
SUPREME COURT PURSUANT TO  
NRAP 12(A) AND NRCP 62.1 THAT  
THE DISTRICT COURT WOULD  
GRANT PLAINTIFFS' MOTION TO  
AMEND ORDER GRANTING IN  
PART AND DENYING IN PART  
PLAINTIFFS' MOTION FOR  
ATTORNEY'S FEES AND COSTS  
PURSUANT TO NRCP 52(B)**

Date: October 13, 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 to Amend Order Granting in  
13 Part Plaintiffs' Motion for Attorney's Fees and Costs Pursuant to NRCP 52(B) ("Motion to Amend"),  
14 Defendant's Opposition, and Plaintiffs' Reply, which came on for hearing on October 13, 2020 at 9:00  
15 a.m. in 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 acknowledges that it does not currently have jurisdiction to grant the Motion to  
27 Amend because the underlying Order has been appealed. *See* NRAP 12A; NRCP 62.1; *Foster v.*  
28 *Dingwall*, 126 Nev. 49, 52-53, 228 P.3d 453, 455 (2010). The Court finds that good cause exists and  
would grant the Motion to Amend to award attorney's fees stemming from appeals under paragraph 25  
of the CC&Rs. Therefore, the Court hereby enters its Order as follows:

ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this Court certifies that it intends to grant the Motion to Amend if the Nevada Supreme Court remands the pending appeal for the purpose of doing so pursuant to NRAP 12A and NRCP 62.1.

IT IS SO ORDERED.

Dated this 14 day of January, 2021.

  
DISTRICT COURT JUDGE ZJ

Submitted by:

CHRISTENSEN JAMES & MARTIN

/s/ Wesley J. Smith

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

Approved by:

LEWIS ROCA ROTHBERGER CHRISTIE  
LLP

/s/ Joel D. Henriod

Joel D. Henriod, Esq.  
Nevada Bar 8492  
3993 Howard Hughes Parkway, Suite 600  
Las Vegas, Nevada 89169  
*Attorneys for Lytle Trust*

**RE: Case No. A-16-747800-C - September v. Lytle - ORDR - Proposed Order Certifying to the Supreme Court Pursuant to NRAP 12(A) and NRCP 62.1**

Waite, Dan R. <DWaite@lrrc.com>

Thu 1/7/2021 5:38 AM

To: Wesley Smith <wes@cjmlv.com>; Henriod, Joel D. <JHenriod@lrrc.com>

Cc: Laura Wolff <ljwt@cjmlv.com>

Good morning Wes,

The proposed Order and cover letter are acceptable. You are authorized to include Joel or my e-signature on the proposed Order and submit the documents to the Court. Thanks,

Dan

**Dan R. Waite**

Partner

702.474.2638 office

702.949.8398 fax

[dwaite@lrrc.com](mailto:dwaite@lrrc.com)

---

**Lewis Roca**  
ROTHGERBER CHRISTIE

Lewis Roca Rothgerber Christie LLP

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169

[lrrc.com](http://lrrc.com)

---

**From:** Wesley Smith <wes@cjmlv.com>

**Sent:** Wednesday, December 30, 2020 9:29 AM

**To:** Henriod, Joel D. <JHenriod@lrrc.com>

**Cc:** Waite, Dan R. <DWaite@lrrc.com>; Laura Wolff <ljwt@cjmlv.com>

**Subject:** Case No. A-16-747800-C - September v. Lytle - ORDR - Proposed Order Certifying to the Supreme Court Pursuant to NRAP 12(A) and NRCP 62.1

[EXTERNAL]

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Joel,

Per our discussion yesterday, attached is a proposed Order titled ORDER CERTIFYING TO THE SUPREME COURT PURSUANT TO NRAP 12(A) AND NRCP 62.1 THAT THE DISTRICT COURT WOULD GRANT PLAINTIFFS' MOTION TO AMEND ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ATTORNEY'S FEES AND COSTS PURSUANT TO NRCP 52(B). I've also attached a cover letter that I intend to submit with the proposed order. Please indicate whether you approve of the proposed Order and if I have your permission to use your e-signature.

Wes Smith

Christensen James & Martin  
7440 W. Sahara Ave.  
Las Vegas, NV 89117  
Tel. (702) 255-1718  
Fax (702) 255-0871  
[wes@cjmlv.com](mailto:wes@cjmlv.com)

*\* Licensed in Nevada, Washington & Utah*

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