

**No. 81689**

Electronically Filed  
May 11 2021 10:04 a.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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**NOTICE TO COURT CLERK OF ENTRY OF ORDER 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*

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”), by and through their attorneys, Christensen James & Martin, pursuant to NRAP 12A and the Order of Limited Remand dated April 12, 2021, hereby provide Notice to the Court Clerk that on May 4, 2021, the district court decided the motion on remand and entered the attached Notice of Entry of Order Granting 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) (“Order”). *See Exhibit 1.*

DATED this 11th day of May 2021.

Respectfully submitted,

CHRISTENSEN JAMES & MARTIN

By: /s/ Wesley J. Smith, Esq.  
Wesley J. Smith, Esq. (11871)  
Laura J. Wolff, Esq. (6869)  
7440 W. Sahara Avenue  
Las Vegas, NV 89117  
Tel.: (702) 255-1718  
*Attorneys for Respondents*

## **CERTIFICATE OF SERVICE**

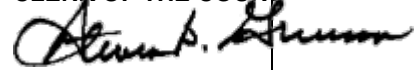
I hereby certify that on this date, the 11th day of May 2021, I submitted the foregoing NOTICE TO COURT CLERK OF ENTRY OF ORDER PURSUANT TO NRAP 12A, for filing and service through the Court's eFlex electronic filing service. According to the system, electronic notification will automatically be sent 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 1



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,  
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  
GRANTING 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 April 30, 2021, an Order Granting Plaintiffs' Motion  
13 to Amend Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and  
14 Costs Pursuant to NRCP 52(b) was filed with the Court, a copy of which is attached hereto.

15 DATED this 4<sup>th</sup> day of May, 2021.

16 **CHRISTENSEN JAMES & MARTIN**

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

18 Wesley J. Smith, Esq.

19 Nevada Bar No. 11871

20 Laura J. Wolff, Esq.

21 Nevada Bar No. 6869

22 7440 W. Sahara Ave.

23 Las Vegas, NV 89117

24 *Attorneys for Plaintiffs September Trust,*

25 *Zobrist Trust, Sandoval Trust, and*

26 *Dennis & Julie Gegen*

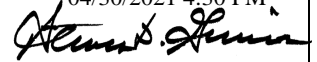
**CERTIFICATE OF SERVICE**

I am an employee of Christensen James & Martin. On May 4, 2021, I caused a true and correct copy of the foregoing Notice of Entry of Order Granting 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)  
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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

  
CLERK OF THE COURT

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

26 The Court having considered the Motion to Amend and filings related thereto, having heard the  
27 arguments of counsel, and with good cause appearing therefore, the Court hereby grants the Motion to  
28 Amend. This Order shall amend and replace the Second Fees Order, defined below, and the Court hereby  
enters the following Findings of Fact, Conclusions of Law, and Order:

**FINDINGS OF FACT**

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

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

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

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

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

24 6. On October 24, 2019, the Lytle Trust filed its Renewed Application for Appointment of  
25 Receiver in *Trudi Lee Lytle and John Allen Lytle, as trustees of the Lytle Trust v. Rosemere Estates*  
26 *Property Owners’ Association*, Case No. A-18-775843-C, Eighth Judicial District Court, Clark County,  
27 Nevada, which case was assigned to Judge J. Kishner (the “Receivership Action”).  
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 Plaintiffs  
7 incurred additional attorney’s fees and costs both in this consolidated case and in the Receivership Action,  
8 including filing a Motion for Order to Show Cause Why the Lytle Trust Should Not Be Held in Contempt  
9 for Violation of Court Orders (“Contempt Motion”) on March 4, 2020 in this Case. The Lytle Trust  
10 opposed the Contempt Motion and the Plaintiffs incurred additional fees and costs to respond to the Lytle  
11 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 Order  
15 is hereby incorporated by reference.

16           10.      In the Contempt Order, the Court relevantly ruled that a party may be held in contempt for  
17 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 may  
21 file applications for their reasonable expenses, including, without limitation, attorney’s fees, incurred as a  
22 result of the contempt.

23           11.      On May 26, 2020, Plaintiffs filed their Motion for Attorney’s Fees and Costs (“Attorney’s  
24 Fees Motion”). The Motion was opposed by the Lytle Trust on June 9, 2020 and Plaintiffs filed a Reply  
25 in support on June 29, 2020.

26           12.      In the Attorney’s Fees Motion, Plaintiffs requested an award of their reasonable expenses,  
27 including reasonable attorney’s fees and costs, incurred as a result of obtaining the Contempt Order.  
28

1           13.     Plaintiffs also sought additional attorney's fees and costs related to the Lytle Trust's  
2 appeals of the May 2018 Order and First Fees Order, which were affirmed by the Nevada Supreme Court,  
3 as well as attorney's fees and costs related to the Receivership Action.

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

7           15.     Plaintiffs attached billing statements and a Declaration from their counsel to the Attorney's  
8 Fees Motion to support the request.

9           16.     On August 11, 2020, this Court entered its Order Granting in Part and Denying in Part  
10 Plaintiffs' Motion for Attorney's Fees and Costs ("Second Fees Order").<sup>1</sup>

11           17.     Consistent with the Court's express conclusion in the Court Minutes entered on July 7,  
12 2020, the Second Fees Order contained the following Conclusion of Law: "The Court also denies any  
13 charges related to the appeal..." See Second Fees Order at 6, ¶ 14.

14           18.     On August 21, 2020, the Lytle Trust filed its Notice of Appeal of the Second Fees Order  
15 with the Supreme Court of Nevada, Case No. 81689 ("Appeal").

16           19.     On September 8, 2020, the Plaintiffs filed their Motion to Amend, requesting that the Court  
17 grant instead of deny fees and costs incurred on appeal or, in the alternative, to provide findings of fact  
18 and conclusions of law to support the denial of the appeal fees.

19           20.     The Motion to Amend was filed within 28 days of service of Notice of Entry of the Second  
20 Fees Order. NRCP 52(b).

21           21.     The Court found that good cause existed and would grant the Motion to Amend to award  
22 attorney's fees stemming from appeals under paragraph 25 of the CC&Rs.

23           22.     The Court acknowledged that it did not have jurisdiction to grant the Motion to Amend  
24 because the underlying Order had been appealed. See NRAP 12A; NRCP 62.1; *Foster v. Dingwall*, 126  
25 Nev. 49, 52-53, 228 P.3d 453, 455 (2010).

26  
27 <sup>1</sup> This Order is denoted as the "Second" Order to avoid confusion with the previous Fees Order entered  
28 in favor of Plaintiffs on September 11, 2018.

23. On January 14, 2021, the Court entered its Order Certifying to the Supreme Court Pursuant to NRAP 12(A) and NRCPP 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 NRCPP 52(B) ("Certification Order"). The Certification Order is hereby incorporated by reference.

24. On April 12, 2021, the Supreme Court entered its Order of Limited Remand ("Remand Order") remanding the Appeal "to the district court for the limited purpose of resolving respondents' motion to amend the August 11, 2020, attorney fees and costs award." Remand Order at 1-2. The Remand Order is hereby incorporated by reference.

### **CONCLUSIONS OF LAW**

1. Plaintiffs' Motion to Amend was timely filed pursuant to NRCPP 52(b).

2. Following entry of the Remand Order, the Court now has jurisdiction to grant the Motion to Amend, and consistent with its Certification Order hereby amends the Second Fees Order.

3. 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."

4. 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.

5. Nevada allows parties to freely provide for attorney's fees "by express contractual provisions." *Davis v. Beling*, 128 Nev. 301, 321, 278 P.3d 501, 515 (2012); *Musso v. Binick*, 104 Nev. 613, 614, 764 P.2d 477(1988) (per curiam). If the attorney fee provision in a contract "is clear and unambiguous [then it] will be enforced as written." *Davis*, 128 Nev. at 321, 278 P.3d at 515. Section 25 of the CC&Rs is such an express contractual provision that the Court has previously found it to be clear in awarding fees and costs to the other property owners, including fees and costs incurred on appeal.

6. 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.

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

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

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

12          10.       NRS 22.100(3) provides a basis for awarding fees associated with the contempt  
13 proceedings in this case.

14          11.       Section 25 of the CC&Rs provides a basis for awarding fees to Plaintiffs, including fees  
15 and costs incurred for appeals.

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

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

25          14.       However, the Court finds that certain time and amounts billed are not compensable in this  
26 matter and will reduce the award accordingly.

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

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

18. The Court will not award fees for work described in the briefing as clerical work, which the Court has determined total \$23,374.00.

19. 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.

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

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

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

**ORDER**

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

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that 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) is GRANTED.

1           **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that this Order shall amend and  
2 replace the Order Granting in Part and Denying in Part Plaintiffs' Motion for Attorney's Fees and Costs  
3 entered on August 11, 2020.

4           **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Findings of Fact shall  
5 be treated as Conclusions of Law and the Conclusions of Law shall be treated as Findings of Fact to any  
6 extent necessary to effectuate the intent of this Order.

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

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

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

23 ///

24 ///

25 ///

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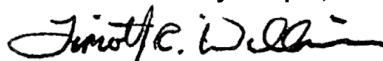


1           **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Lytle Trust is ordered  
2 to pay the attorney's fees and costs as ordered herein by certified check made payable to Christensen  
3 James & Martin Special Client Trust Account in the amount of \$80,449.75 and delivered to Christensen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

6           **IT IS SO ORDERED.**

7           Dated this \_\_\_\_ day of \_\_\_\_\_, 2021.

Dated this 30th day of April, 2021



DISTRICT COURT JUDGE

ZJ

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10       **Submitted by:**

**C9B 99D 318B E6BC**  
**Timothy C. Williams**  
**District Court Judge**

11       **CHRISTENSEN JAMES & MARTIN**

/s/ Wesley J. Smith

12       Wesley J. Smith, Esq.

13       Nevada Bar No. 11871

14       Laura J. Wolff, Esq.

15       Nevada Bar No. 6869

16       7440 W. Sahara Ave.

17       Las Vegas, NV 89117

18       Attorneys for Plaintiffs September Trust,

19       Zobrist Trust, Sandoval Trust, and

20       Dennis & Julie Gegen

1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

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5  
6 Marjorie B. Boulden Trust,  
Plaintiff(s)

CASE NO: A-16-747800-C

7 vs.

DEPT. NO. Department 16

8  
9 Trudi Lytle, Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District  
13 Court. The foregoing Order was served via the court's electronic eFile system to all  
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 4/30/2021

15 "Daniel T. Foley, Esq." .	dan@foleyoakes.com
16 Maren Foley .	maren@foleyoakes.com
17 Liz Gould	liz@foleyoakes.com
18 Daniel Foley	Dan@foleyoakes.com
19 Natalie Saville	nat@cjmlv.com
20 Wesley Smith	wes@cjmlv.com
21 Laura Wolff	ljw@cjmlv.com
22 Joel Henriod	JHenriod@LRRC.com
23 Daniel Polsenberg	DPolsenberg@LRRC.com
24 Dan Waite	DWaite@LRRC.com
25 Luz Horvath	lhorvath@lrrc.com

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Christina Wang	<a href="mailto:christina.wang@fnf.com">christina.wang@fnf.com</a>
FNLG Court Filings	<a href="mailto:FNLG-Court-Filings-NV@fnf.com">FNLG-Court-Filings-NV@fnf.com</a>
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Cynthia Kelley	<a href="mailto:ckelley@lewisroca.com">ckelley@lewisroca.com</a>