
In the Supreme Court of Nevada

TRUDI LEE LYTLE; and JOHN ALLEN LYTLE, as
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;
DENNIS A. GEGEN AND JULIE S. GEGEN,
Husband and wife, as joint tenants,

Respondents.

Electronically Filed
May 04 2022 10:24 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPEAL

from the Eighth Judicial District Court, Clark County
The Honorable TIMOTHY C. WILLIAMS, District Judge
District Court Case Nos. A-16-747800-C and A-17-765372-C

APPELLANTS' APPENDIX

VOLUME 7

PAGES 1501–1531

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CERTIFICATE OF SERVICE

I certify that on May 4, 2022, I submitted the foregoing
“Appellants’ Appendix” for filing *via* the Court’s eFlex electronic filing
system. Electronic notification will be sent to the following:

Kevin B. Christensen
Wesley J. Smith
CHRISTENSEN JAMES & MARTIN
7740 W. Sahara Avenue
Las Vegas, Nevada 89117

*Attorneys for Respondents 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*

/s/ Jessie M. Helm
An Employee of Lewis Roca Rothgerber Christie LLP

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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CHRISTENSEN JAMES & MARTIN
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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

ORDR
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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

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.

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 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
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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 10th day of August, 2020.

9 
 10 DISTRICT COURT JUDGE Cg

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.

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21 *Zobrist Trust, Sandoval Trust, and*

22 *Dennis & Julie Gegen*

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EXHIBIT B

001511

EXHIBIT B

NEOJ
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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 4th 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*

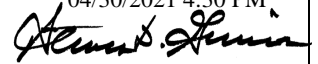
CERTIFICATE OF SERVICE

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.

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/s/ Natalie Saville
Natalie Saville


CLERK OF THE COURT

1 **ORDR**

2 **CHRISTENSEN JAMES & MARTIN**

3 KEVIN B. CHRISTENSEN, ESQ.

Nevada Bar No. 175

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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 Part and Denying 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

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

14. The Attorney's Fees Motion requested 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 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).

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

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

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

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

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

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

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

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

¹ This Order is denoted as the "Second" Order to avoid confusion with the previous Fees Order entered 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.

CHRISTENSEN JAMES & MARTIN
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001522

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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 ///

26 ///

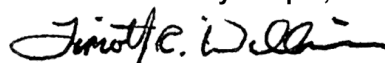
27 ///

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

9
10 Submitted by:

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.

Las Vegas, NV 89117

Attorneys for Plaintiffs September Trust,

Zobrist Trust, Sandoval Trust, and

Dennis & Julie Gegen

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

CHRISTENSEN JAMES & MARTIN
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1 **CSERV**

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

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

CASE NO: A-16-747800-C

8 vs.

DEPT. NO. Department 16

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
14 recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 4/30/2021

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30

30


1 ANOA**2 JOEL D. HENRIOD****3 Nevada Bar No. 8492****4 DANIEL F. POLSENBERG****5 Nevada Bar No. 2376****6 DAN R. WAITE****7 Nevada Bar No. 4078****8 LEWIS ROCA ROTHGERBER CHRISTIE LLP****9 3993 Howard Hughes Parkway, Suite 600****10 Las Vegas, Nevada 89169****11 (702) 949-8200****12 JHenriod@LewisRoca.com****13 DPolsenberg@LewisRoca.com****14 DWaite@LewisRoca.com**

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

AMENDED 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,

v.

Consolidated with:

Case No. A-17-765372-C

Dep't No. 16

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

Defendants.

1. Name of appellants filing this case appeal statement:

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

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

The Honorable Timothy C. Williams

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

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

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

*Attorneys for Respondents 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*

KEVIN B. CHRISTENSEN
WESLEY J. SMITH
CHRISTENSEN JAMES & MARTIN
7440 W. Sahara Avenue
Las Vegas, Nevada 89117
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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 court for an additional

award of fees incurred post-judgment. The district court granted the majority of fees requested on August 11, 2020. Defendants timely appealed.

Defendants now formally amend the scope of that appeal to include the subsequent "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)," filed April 30, 2021, notice of entry of which was served electronically on May 4, 2021.

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

Lytle v. September Trust, Dated March 23, 1972, Case No. 81390

Lytle v. September Trust, Dated March 23, 1972, Case No. 81689

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 3rd day of June, 2021.

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/Joel D. Henriod

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

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of June, 2021, I served the foregoing “Amended Case Appeal Statement” on counsel by the Court’s electronic filing system to the persons and addresses listed below:

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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*

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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*

/s/ Emily D. Kapolnai
An Employee of LEWIS ROCA ROTHGERBER CHRISTIE LLP