

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
Jun 22 2022 11:27 a.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 8

PAGES 1532-1542

JOEL D. HENRIOD (SBN 8492)
DANIEL F. POLSENBERG (SBN 2376)
DAN R. WAITE (SBN 4078)
LEWIS ROCA ROTHGERBER CHRISTIE LLP
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Attorneys for Appellants

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CERTIFICATE OF SERVICE

I certify that on June 22, 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:

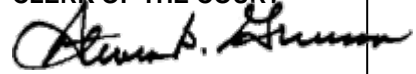
Kevin B. Christensen
Wesley J. Smith
CHRISTENSEN JAMES & MARTIN
7740 W. Sahara Avenue
Las Vegas, Nevada 89117

*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

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NTSO
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Attorneys for Defendants

DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiff,

v.

TRUDI LEE LYTLE, et al.,

Defendants,

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

Plaintiffs,

v.

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

Defendants.

Defendants.

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

Consolidated:

Case No.: A-17-765372-C
Dept. No.: 16

**NOTICE OF ENTRY OF STIPULATION
AND ORDER TO PARTIALLY
RELEASE AND DISTRIBUTE CASH
BOND**

PLEASE TAKE NOTICE that a Stipulation and Order to Partially Release and
Distribute Case Bond was entered in the above-captioned matter on June 8, 2022. A copy of said
Stipulation and Order is attached hereto.

1 Dated this 8th day of June, 2022.

2 **LEWIS ROCA ROTHGERBER CHRISTIE LLP**

3
4 By: /s/ Dan R. Waite

5 Dan R. Waite (SBN 4078)
6 Joel D. Henriod (SBN 8492)
7 3993 Howard Hughes Parkway, Suite 600
8 Las Vegas, Nevada 89169
9 (702) 949-8200

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

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3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169

LEWIS  **ROCA**

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that on this day, I caused a true and correct copy of the following ***“NOTICE OF ENTRY OF STIPULATION AND ORDER TO PARTIALLY RELEASE AND DISTRIBUTE CASH BOND”*** to be e-filed and served via the Court’s E-Filing System.

Wesley J. Smith
 Laura J. Wolff
CHRISTENSEN JAMES & MARTIN
 7440 W. Sahara Ave.
 Las Vegas, NV 89117
*Attorneys for Intervenors September Trust,
 Zobrist Trust, Sandoval Trust and Dennis & Julie Gegen*

Daniel T. Foley
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 1210 S. Valley View Blvd., #208
 Las Vegas, NV 89102
 dan@foleyoakes.com
*Attorneys for Marjorie Boulden Trust and Linda
 and Jacques Lamothe Trust*

Dated this 8th day of June, 2022

/s/ Luz Horvath
 An Employee of Lewis Roca Rothgerber Christie LLP

Heather S. Smith
CLERK OF THE COURT

1 **SAO**
2 DAN R. WAITE, ESQ.
3 Nevada Bar No. 4078
4 DWaite@lewisroca.com
5 **LEWIS ROCA ROTHGERBER CHRISTIE LLP**
6 3993 Howard Hughes Parkway, Suite 600
7 Las Vegas, Nevada 89169
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9 Facsimile: 702-949-8398
10 *Attorneys for Defendants*

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DISTRICT COURT

CLARK COUNTY, NEVADA

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

Plaintiff,

v.

TRUDI LEE LYTLE, et al.,

Defendants,

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

Plaintiffs,

v.

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

Defendants.

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

Consolidated:

Case No.: A-17-765372-C
Dept. No.: 16

**STIPULATION AND ORDER TO
PARTIALLY RELEASE AND
DISTRIBUTE CASH BOND**

Plaintiffs 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 (“Gegens”) (September Trust, Zobrist Trust, Sandoval Trust and Gegens, collectively, the “Plaintiffs”), by and through their undersigned counsel, and Defendants Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust (the “Lytle Trust”), by and through their undersigned counsel, stipulate and request an order as follows:

STIPULATION

1. On or about May 22, 2020, this Court entered its “Order Granting Plaintiffs’ Motion for Order to Show Cause Why the Lytle Trust Should Not be Held in Contempt for Violation of Court Orders” (the “Contempt Order”).

2. On or about June 22, 2020, the Lytle Trust filed its Notice of Appeal from the Contempt Order.

3. On or about August 11, 2020, this Court entered its “Order Granting in Part and Denying in Part Plaintiffs’ Motion for Attorney’s Fees and Costs” (the “August 2020 Fee Order”).

4. On or about August 21, 2020, the Lytle Trust filed its Notice of Appeal from the August 2020 Fee Order.

5. On or about April 30, 2021, this Court entered its “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)” (the “April 2021 Amended Fee Order”). Pursuant to the April 2021 Amended Fee Order, the Lytle Trust (a) was ordered to pay Plaintiffs a total of \$80,449.75 in fees and costs, but (b) could deposit the \$80,449.75 with the Clerk of the Court pending the appeal from the August 2020 Fee Order. The April 2021 Amended Fee Order awarded fees and costs to the Plaintiffs in three general areas: (a) Plaintiffs’ fees and costs incurred obtaining the Contempt Order (“Contempt Proceeding Fees”), (b) Plaintiffs’ fees and costs incurred since May 23, 2018 whereby the Plaintiffs successfully defended prior appeals brought by the Lytle Trust (“Appeal Fees”), and (c) Plaintiffs’ fees and costs related to miscellaneous matters (“Miscellaneous Fees”).

6. On or about May 14, 2021, the Lytle Trust posted a cash bond with the Clerk of the Court in the amount of \$80,449.75 (“Cash Bond”) to secure payment of the Contempt

1 Proceeding Fees, the Appeal Fees, and the Miscellaneous Fees, as set forth in the April 2021
2 Amended Fee Order.

3 7. On or about June 3, 2021, the Lytle Trust filed its Amended Notice of Appeal
4 from the August 2020 Fee Order and the April 2021 Amended Fee Order.

5 8. Plaintiffs and the Lytle Trust have partially resolved some of the issues on appeal
6 (namely, the Appeal Fees and the Miscellaneous Fees, but not the Contempt Proceeding Fees)
7 and have accordingly agreed to a partial release and distribution of the Cash Bond.

8 9. Accordingly, Plaintiffs and the Lytle Trust stipulate and respectfully request the
9 Court to enter an order directing the Clerk of the Court, Court Administrator, or the Director of
10 Finance for the Eighth Judicial District Court (whichever the case may be) to partially release the
11 Cash Bond by issuing checks as follows:

12 a. In the amount of \$39,715.95 made payable to “Christensen James &
13 Martin Special Client Trust Account” and delivered to the attention of Wesley J. Smith, Esq.,
14 Christensen James & Martin, 7440 W. Sahara Avenue, Las Vegas, NV 89117.

15 b. In the amount of \$19,805.45 made payable to “John Allen Lytle or Trudi
16 Lee Lytle” and delivered to the attention of Dan R. Waite, Esq., Lewis Roca Rothgerber Christie
17 LLP, 3993 Howard Hughes Parkway, Suite 600, Las Vegas, NV 89169.

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c. The balance of the Cash Bond—i.e., \$20,928.36—will remain on deposit with the Clerk of the Court as the cash bond to secure the Contempt Proceeding Fees, pending resolution of the appeal/writ petition from the Contempt Order and the April 2021 Amended Fee Order.

Dated this 2nd day of June, 2022.

Dated this 2nd day of June, 2022.

<p>CHRISTENSEN JAMES & MARTIN</p> <p>By: <u>/s/ Wesley J. Smith</u> Wesley J. Smith, Nevada Bar No. 11871 7440 W. Sahara Ave. Las Vegas, NV 89117 (702) 255-1718</p> <p><i>Attorneys for Plaintiffs September Trust, Zobrist Trust, Sandoval Trust and Dennis & Julie Gegen</i></p>	<p>LEWIS ROCA ROTHGERBER CHRISTIE LLP</p> <p>By: <u>/s/ Dan R. Waite</u> Dan R. Waite (SBN 4078) 3993 Howard Hughes Parkway, Suite 600 Las Vegas, Nevada 89169 (702) 949-8200</p> <p><i>Attorneys for Defendants, Trudi Lee Lytle and John Allen Lytle, as Trustees of the Lytle Trust</i></p>
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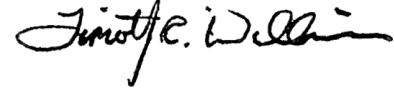
ORDER

Based upon the foregoing Stipulation and good cause shown, it is hereby
ORDERED, ADJUDGED AND DECREED that the Clerk of the Court, Court
Administrator, or the Director of Finance for the Eighth Judicial District Court (whichever the
case may be) is directed to partially release the Cash Bond as follows:

1. The amount of \$39,715.95 made payable to “Christensen James & Martin Special Client Trust Account” and delivered to the attention of Wesley J. Smith, Esq., Christensen James & Martin, 7440 W. Sahara Avenue, Las Vegas, NV 89117.
2. The amount of \$19,805.45 made payable to “John Allen Lytle or Trudi Lee Lytle” and delivered to the attention of Dan R. Waite, Esq., Lewis Roca Rothgerber Christie LLP, 3993 Howard Hughes Parkway, Suite 600, Las Vegas, NV 89169.
3. The balance of the Cash Bond—i.e., \$20,928.36—will remain on deposit with the

Clerk of the Court as the cash bond to secure the Contempt Proceeding Fees,
 pending resolution of the appeal/writ petition from the Contempt Order and the
 April 2021 Amended Fee Order.

Dated this 8th day of June, 2022



78B CAE 21B2 294A
 Timothy C. Williams
 District Court Judge

MH

Submitted by:

LEWIS ROCA ROTHGERBER CHRISTIE LLP

By: /s/ Dan R. Waite

Dan R. Waite (SBN 4078)
 3993 Howard Hughes Parkway, Suite 600
 Las Vegas, Nevada 89169
 (702) 949-8200

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



Thu 6/2/2022 6:33 AM

Wesley Smith <wes@cjmlv.com>

Re: Case No. A-16-747800-C: Stip and Order to Partially Release and Distribute Cash Bond

To Waite, Dan R.

Cc Henriod, Joel D.; Horvath, Luz

Retention Policy LRRRC All Mail Items (365) (1 year)

Expires 6/2/2023

[Bing Maps](#)[Action Items](#)[+ Get more a](#)**[EXTERNAL]**

Dan, this looks good. You have my permission to file.

Joel, could you let me know about the stip for the appeal? I have tomorrow calendared as the deadline for the response brief.

I am boarding a plane to Seattle and will have meetings today, but may be able to find a moment if you want to discuss.

Wes Smith
Christensen James & Martin

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From: Waite, Dan R. <DWaite@lewisroca.com>

Sent: Thursday, June 2, 2022 6:06:41 AM

To: Wesley Smith <wes@cjmlv.com>

Cc: Henriod, Joel D. <JHenriod@lewisroca.com>; Horvath, Luz <LHorvath@lewisroca.com>

Subject: Case No. A-16-747800-C: Stip and Order to Partially Release and Distribute Cash Bond

Good morning Wes,

Thank you for your redline changes. I accepted them all, as reflected on the attached finalized Stip and Order. Please advise if we are authorized to affix your e-signature and submit to the Court. Thanks,

Dan

Dan R. Waite
Partner

dwaite@lewisroca.com
D. 702.474.2638

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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 Stipulation and Order was served via the court's electronic eFile system
14 to all recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 6/8/2022

16 "Daniel T. Foley, Esq." .	dan@foleyoakes.com
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18 Natalie Saville	nat@cjmlv.com
19 Wesley Smith	wes@cjmlv.com
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23 Daniel Polsenberg	DPolsenberg@LRRC.com
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Emily Kapolnai	ekapolnai@lewisroca.com
Jennifer Martinez	jennifer.martinez@fnf.com
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