

IN THE SUPREME COURT OF NEVADA

IN THE MATTER OF THE GUARDIANSHIP
OF THE PERSON AND ESTATE OF
KATHLEEN JUNE JONES, AN ADULT
PROTECTED PERSON.

KATHLEEN JUNE JONES,

Appellant,

vs.

ROBYN FREEDMAN; AND DONNA
SIMMONS,

Respondents.

Supreme Court No. 81799

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Elizabeth A. Brown
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APPEAL

from the Eighth Judicial District Court, Clark County
The Honorable Linda Marquis, District Judge
District Court Case No. G-19-052263-A

APPELLANT'S APPENDIX

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CHRONOLOGICAL INDEX

Document	Filing Date	Bates Number(s)
<i>Ex Parte</i> Petition for Appointment of Temporary Guardian of the Person and Estate and Issuance of Letters of Temporary Guardianship, and Petition for Appointment of General Guardian of the Person and Estate and Issuance of Letters of General Guardianship	September 19, 2019	AA 001-058
Opposition to <i>Ex Parte</i> Petition for Appointment of Temporary and General Guardian of the Person and Estate; Alternatively, Counter-Petition for Appointment of Kimberly Jones as Temporary and General Guardian of the Person and Estate	October 2, 2019	AA 059-119
Notice of Entry of Order from October 15, 2019 Hearing	November 25, 2019	AA 120-127
Petition for Approval of Attorneys Fees and Costs and Request to Enter a Judgment Against the Real Property of the Estate	February 13, 2020	AA 128-173
Kathleen June Jones' Objection to Petition for Approval of Attorneys Fees and Costs and Request to Enter a Judgment Against the Real Property of the Estate	March 4, 2020	AA 174-200
Response to (1) Kathleen	March 12, 2020	AA 201-259

June Jones' Objection to Petition for Approval of Attorneys' Fees and Costs and Request to Enter a Judgment Against the Real Property of the Estate; (2) Response to Kimberly Jones' Joinder to Objection to Friedman and Simmons' Petition for Approval of Attorneys' Fees and Costs and Request to Enter a Judgment Against the Real Property of the Estate; and (3) Response to Joinder to Opposition to Petition for Approval of Attorneys' Fees and Costs and Request to Enter a Judgment Against the Real Property of the Estate Filed by Rodney Gerald Yeoman		
Reporters Transcript Re: All Pending Motions, from the April 15, 2020 Hearing	May 14, 2020	AA 260-282
Notice of Entry of Order Granting Robyn Friedman's and Donna Simmons' Petition for Attorneys Fees in Part	August 17, 2020	AA 238-299
Disputed Billing Entries		AA 300-336

CERTIFICATE OF SERVICE

I certify that on February 18, 2021, I submitted the foregoing APPELLANTS' APPENDIX filing through the Court's electronic filing system. Electronic notification of service will be sent to the following:

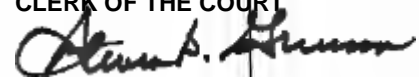
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CASE NO: G-19-052263-A
Department: To be determined

DISTRICT COURT

CLARK COUNTY, NEVADA

IN THE MATTER OF THE GUARDIANSHIP)
OF THE PERSON AND ESTATE OF:)
Kathleen June Jones,)
An Adult Protected Person.)

Case Number:
Department:

**EX-PARTE PETITION FOR APPOINTMENT OF TEMPORARY GUARDIAN
OF THE PERSON AND ESTATE AND ISSUANCE OF LETTERS OF TEMPORARY
GUARDIANSHIP, AND PETITION FOR APPOINTMENT OF GENERAL GUARDIAN
OF THE PERSON AND ESTATE AND ISSUANCE OF LETTERS OF GENERAL
GUARDIANSHIP**

☒ TEMPORARY GUARDIANSHIP
☐ Person
☐ Estate ☐ Summary Admin.
☒ Person and Estate

☒ GENERAL GUARDIANSHIP
☐ Person
☐ Estate ☐ Summary Admin.
☒ Person and Estate

☐ SPECIAL GUARDIANSHIP

☐ NOTICES / SAFEGUARDS

☐ Person
☐ Estate ☐ Summary Admin.
☐ Person and Estate

☐ Blocked Account
☐ Bond Posted
☐ Public Guardian Bond

COMES NOW Petitioners, Robyn Friedman and Donna Simmons (hereinafter
"Petitioners" or "proposed guardians" or "Robyn" or "Donna"), by and through the law firm,
Michaelson & Associates, Ltd., who respectfully submit to this Honorable Court this Ex-Parte

1 Petition for Appointment of Temporary Guardianship of the Person and Estate and Issuance of
2 Letters of Temporary Guardianship, and Petition for Appointment of General Guardianship of the
3 Person and Estate and Issuance of Letters of General Guardianship of Kathleen June Jones,
4 ("proposed protected person" or "Ms. Jones") in accordance with Chapter 159 of the Nevada
5 Revised Statutes ("NRS") and represent the following to this Honorable Court:

6 Summary

7 1. Petitioners' mother and proposed protected person, "Ms. Jones", is at this time
8 incapacitated; meaning she is not able to care for herself either medically or financially without
9 assistance. Upon information and belief, based upon two very recent evaluations, Ms. Jones lacks
10 even testamentary capacity. Ms. Jones has suffered from dementia for years and she has seen
11 doctors and taken medication for years to address this and other ailments. These facts are well
12 known to all parties involved in this matter.

13 2. A number of issues have arisen that are hotly contested between the parties, including, but
14 not limited to, who should care for Ms. Jones, what kind of care she should receive, where she
15 should live, whether, how and when various parties can visit with her, whether they can take her
16 out of state, accountability for expenditures of Ms. Jones' funds and the transfer of her home to
17 the daughter and son-in-law of her most recent husband for far less than market value without any
18 notice to or discussion with any of Ms. Jones children, nor her designated attorney-in-fact, who is
19 another daughter of Ms. Jones, not your Petitioners herein.

20 3. Petitioners have expended a great deal of time and money attempting to resolve disputes
21 between all parties involved in this matter without court intervention. Specifically, they have
22 expended a great deal of time negotiating and conferring with counsel for the proposed protected
23 person's husband and his family to try to get them to respect the powers of attorney executed by
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1 the proposed protected person. These conversations have been ultimately unfruitful, and upon
2 information and belief, all the parties are extremely frustrated.

3 4. A temporary guardianship is necessary because when the proposed protected person's
4 attorney-in-fact took her to visit her husband, the attorney-in-fact was without prior notice forcibly
5 prevented from bringing her mother home. Thereafter, the attorney-in-fact, the proposed protected
6 person's own daughter, was allowed to see her mother on one or two occasions but was then
7 excluded altogether by her mother's current spouse and/or her spouse's son-in-law, neither of
8 whom has a power of attorney or guardianship over the proposed protected person. Upon
9 information and belief, Ms. Jones' appointments with medical providers were summarily cancelled
10 by her husband and Ms. Jones' chosen healthcare and financial representative was excluded from
11 the property where Ms. Jones was being held. All of this was done even though the proposed
12 protected person's daughter and agent had quit her job in California and moved to Las Vegas to
13 take care of her mother.
14

15 5. A temporary guardianship is necessary because multiple parties have called the police on
16 the others, and upon information and belief, some stating that Ms. Jones has been kidnapped. After
17 observing differences of opinion and heated disagreements, Petitioners are concerned that these
18 differences of opinion and claims of isolation by one party or the other could easily spill into
19 physical altercations and/or someone in the family being arrested for alleged kidnapping.

20 6. A temporary guardianship is also necessary because upon information and belief Ms.
21 Jones' husband's son-in-law has initiated eviction proceedings to remove the proposed protected
22 person's chosen caregiver - her daughter and financial and healthcare POA agent - from the home
23 where the proposed protected person has been residing, leaving the proposed protected person with
24 no caregiver and leaving her living situation in limbo. This home is the same property that was
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1 formerly owned by Ms. Jones as her sole and separate property, but which was transferred to Ms.
2 Jones' current spouse's daughter and son-in-law for far less than market value.

3 7. Petitioners wish to advise this Honorable Court that Petitioner Donna Simmons has been a
4 paid professional caregiver for elderly persons in the state of California for over 10 years, and that
5 Petitioner Robyn Friedman owns a home in the Las Vegas valley with wheelchair access. She is
6 happy to have her mother live there but would greatly prefer for her mother to be able to remain
7 in the home that she owned for many years. Even after the transfer of the property, Ms. Jones
8 continued to reside there, along with her attorney-in-fact, but upon information and belief that is
9 now in question due to the eviction proceedings because she cannot stay there alone.

10 8. A temporary guardianship is necessary because all sides are very frustrated by what they
11 perceive to be a lack of clear communication and a framework to allow everyone to contact and
12 have face to face time with the proposed protected person.

13 9. A temporary guardianship is necessary because the proposed protected person's current
14 spouse and his family do not recognize the validity of the proposed protected person's financial
15 and healthcare powers of attorney. Thus, although powers of attorney in some situations can be
16 the "least restrictive means," they are not if the parties will not recognize or abide by them and are
17 going to report each other to local law enforcement and even the FBI for alleged trespassing,
18 kidnapping and other violations.

19 10. A temporary guardianship is necessary because while they respect that their sister was
20 appointed by their mother as attorney-in-fact and also as guardian if the appointment of a guardian
21 became necessary, Petitioners assert that their sister, the designated attorney-in-fact, has been
22 unwilling to set forth a written plan of care and visitation framework to protect their mother and
23 prevent confusion and antagonism about visitation and communication. Upon information and
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1 belief, the attorney-in-fact is unwilling to seek a guardianship even though the POA's are not being
2 honored, and despite the fact that that lack of respect for Ms. Jones' POA's fuels a great deal of
3 uncertainty about their mother's living situation and visitation, and will lead to continued
4 uprooting of their mother and further unrest and stress for all involved.

5 11. A temporary guardianship is necessary because these circumstances are very expensive to
6 the proposed protected person's estate – upon information and belief – money is missing from
7 accounts – and the emotional strain of the acrimony poses a substantial risk to the health and well-
8 being of Ms. Jones and her family, including her current husband.

9 12. Petitioners also plead for this court to appoint them eventually as general guardians of their
10 mother's person and estate, if after Court review and oversight of these matters, the Court feels
11 that continuing Court supervision will benefit all parties and provide transparency over the care
12 plan management and also financial matters. Petitioners have been unable to obtain any
13 accounting from their mother's attorney-in-fact – their sister – and despite her many good
14 intentions, their mother's home was transferred to her husband's daughter and son-in-law after the
15 proposed protected person had been diagnosed with dementia and despite the other parties'
16 knowledge of their sister being attorney-in-fact. Also, in spite of having the POA's, the attorney-
17 in-fact lost possession of their mother for several weeks due to the conduct of Ms. Jones' current
18 husband and his family and Ms. Jones was even taken out of state by them for an extended period
19 and isolated from the rest of the family. Ms. Jones' husband and his son-in-law have gone so far
20 as to file pleadings in the now defunct probate court action, challenging the validity of the POA's
21 without basis and after being aware of their existence for years. Thus, Petitioners are concerned
22 that without the backing of the court, their mother's wishes will continue to be disrespected and
23 their sister will continue to not be recognized in her capacity as their mother's agent.
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1 13. Petitioners have offered to pay expenses on behalf of their sister in her role as attorney-in-
2 fact and are still able and willing to do so but at this point they are not willing to do so without
3 Court supervision of all parties involved, at least for a temporary period to cool things down, clarify
4 expectations, and establish a workable and specific care plan.

5 14. Petitioners recognize that Powers of Attorney can be utilized successfully in many
6 situations, however in this case where there is a long history of acrimony, isolation, and disrespect
7 between family members, Petitioners implore the Court to grant a guardianship so that a plan for
8 Ms. Jones' care can finally be created and implemented and all family members can be assured
9 that Ms. Jones is safe and her best interests are being looked after. In the current situation,
10 Petitioners are in the untenable position of having no recourse when they are denied contact with
11 their mother and are refused communication with the other parties. There is no recourse when
12 Petitioners witness non-family members inserting themselves in Ms. Jones' financial affairs.
13 Petitioners would gladly support their sister's appointment as guardian for their mother if she were
14 willing to petition immediately and cooperate with the Court immediately.
15

16 **Information Concerning Proposed Protected Person**

17 15. Ms. Jones's date of birth is January 20, 1937; she is 82 years of age.

18 16. Ms. Jones is currently married to Rodney Gerald Yeoman ("Mr. Yeoman"). This marriage
19 took place in approximately 2009.

20 17. Ms. Jones's last-known address is 6277 Kraft Avenue, Las Vegas, Nevada, 89130.

21 18. Ms. Jones was evaluated by Dr. Gregory Brown on September 9, 2019. A Physician's
22 Certificate of Incapacity setting forth Ms. Jones' need for a guardian has been submitted
23 confidentially to this Court under separate cover. Prior to Dr. Brown's evaluation, Ms. Jones had
24 a neurological evaluation at the Lou Ruvo Center for Brain Health at the Cleveland Clinic on or
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1 about September 5, 2019. A letter signed by a physician after that evaluation and attesting to Ms.
2 Jones' need for a guardian has been submitted confidentially to this Court under separate cover.

3 19. On December 27, 2005, Ms. Jones executed a Healthcare Power of Attorney naming her
4 daughter Kimberly Jones ("Kimberly") as her Attorney-in-Fact for healthcare decisions. Upon
5 information and belief, this Healthcare Power of Attorney has not been superseded by any other
6 healthcare documents and remains in full force and effect. See Exhibit 1

7 20. On October 24, 2012, Ms. Jones executed a Financial Power of Attorney naming Kimberly
8 as her Attorney-in-Fact for financial matters. Petitioners point out that, although this Power of
9 Attorney was executed after Ms. Jones' marriage to Mr. Yeoman, Ms. Jones still chose Kimberly
10 as her attorney-in-fact for financial matters. See Exhibit 2

11 21. On November 23, 2012, Ms. Jones executed a Last Will and Testament which named
12 Kimberly as Ms. Jones' chosen Personal Representative and also named Kimberly as Ms. Jones'
13 chosen guardian over her person and estate, should the need for a guardian ever arise. Again,
14 Petitioners point out that, although this Will was executed after Ms. Jones' marriage to Mr.
15 Yeoman, Ms. Jones still chose her daughter as her guardian and personal representative. See
16 Exhibit 3

17 **Legal Basis and Argument for Temporary Guardianship**

18 22. NRS 159.0525 provides that the court may appoint a temporary guardian for an adult who
19 *is unable to respond to a substantial and immediate risk of financial loss*. A petitioner must provide
20 a certificate signed by a physician who is licensed to practice medicine in this State that shows:
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22 (1) that the proposed protected person is unable to respond to a substantial and
23 immediate risk of financial loss;

24 (2) whether the proposed protected person can live independently with or
25 without assistance or services; and

1 (3) whether the proposed protected person is or has been subject to abuse,
neglect or exploitation isolation or abandonment; and

2 also, a petitioner must demonstrate that he/she/it attempted "in good faith to notify persons
3 entitled to notice . . ."

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5 23. In addition, NRS 159.0523 provides that a petition may request the court appoint a
6 temporary guardian for a proposed protected person who is unable to respond to the substantial
7 immediate risk of physical harm or need for immediate medical attention. As with 159.0525
8 referenced above, the petitioner must provide documentation which shows that the proposed
9 protected person faces a substantial and immediate risk of physical harm and need for immediate
10 medical attention.

11 24. Ms. Jones needs a temporary guardian due to the conflict between her children and her
12 husband, which is resulting in a situation in which Ms. Jones is being moved between temporary
13 living accommodations under contentious circumstances and not being given the opportunity to
14 interact with her children. Petitioners, two of Ms. Jones' children, are extremely concerned that
15 their mother is caught between opposing factions of the blended family and that the dissent
16 between the blended family members is putting Ms. Jones in an unnecessarily unstable, stressful
17 and unsafe situation.

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19 25. The unrest between family members and Mr. Yeoman's son-in-law and daughter, Dick and
20 Kandi Powell ("Dick" and "Kandi") has become so extreme that Petitioners are concerned about
21 the potential for violence between some of the people close to Ms. Jones as they tussle over the
22 care and control of her person and estate. There have been multiple heated exchanges between
23 Ms. Jones' children and Dick and Kandi. Ms. Jones has been effectively snatched back and forth
24 between Kimberly and Dick and Kandi in attempts to keep Ms. Jones in their respective company.
25

1 Upon information and belief, Mr. Yeoman is terminally ill and has been recently taken by Dick
2 and Kandi to Arizona for medical treatment. Despite Ms. Jones' children offering to care for Ms.
3 Jones in Las Vegas while Mr. Yeoman was in the hospital in Arizona, Ms. Jones was abruptly
4 taken to Arizona with no notice to her children. During the time that Ms. Jones was in Arizona,
5 her children were not permitted to see her, nor were they allowed to speak with Ms. Jones on the
6 telephone. Her children were eventually informed that the stay in Arizona would be indefinite and
7 that they could not see their mother, except potentially under some undefined terms according to
8 Dick that were never clarified.

9 26. Upon information and belief, Ms. Jones is currently back in Las Vegas and in the care of
10 Kimberly. This is a result of Kimberly traveling to Arizona to pick Ms. Jones up and bring her
11 back to her home and back to the care of her children. These movements of Ms. Jones between
12 Kimberly and Dick and Kandi have not been peaceful; upon information and belief, when
13 Kimberly removed Ms. Jones from Dick and Kandi in Arizona, and returned Ms. Jones to Las
14 Vegas, Dick called both local law enforcement in Las Vegas and the Federal Bureau of
15 Investigation and caused both agencies to become involved in this matter, claiming that Kimberly,
16 who holds both healthcare and financial POA and is nominated as guardian of the person and estate
17 in Ms. Jones' last will and testament, had actually committed a crime and kidnapped Ms. Jones.
18 Oddly, law enforcement informed Petitioner Robyn Friedman that the POA's were not valid. That
19 is not a customary thing for law enforcement to say unless they were coached by Dick or Dick's
20 counsel. No Court has even come close to holding the POA's are not valid. Given Nevada's
21 presumption in favor of validity of powers of attorney, that insinuation to law enforcement is
22 totally and completely inappropriate. If Mr. Yeoman, Dick or their attorney felt that the POA's
23 were not valid, the appropriate course would have been for them to petition for guardianship since
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1 they lack POA themselves and to ask the court to find that the POA's are not valid. This was never
2 done.

3 27. The ongoing threat of law enforcement involvement is, understandably, a source of stress
4 to Ms. Jones. Petitioners point out that Dick is not related to Ms. Jones. Petitioners further point
5 out that Dick is well aware of the existence of the powers of attorney granting Kimberly the
6 authority to care for her mother, yet he continues to assert control over Ms. Jones and show
7 blatant disregard for the valid powers of attorney.

8 **The POA's are Not Being Respected**

9 28. Petitioners realize that utilizing existing and valid advanced directives, such as powers of
10 attorney, are often the least restrictive, and therefore preferred, means of caring for incapacitated
11 individuals in Nevada. However, Petitioners feel compelled to ask for this Court's involvement
12 in Ms. Jones' affairs because the powers of attorney are not serving the purpose for which they
13 were intended.

14 29. Petitioners point out that it is primarily Dick who is acting without regard for the authority
15 that Kimberly should have under the existing Powers of Attorney. Mr. Yeoman is not capable at
16 this time of caring for Ms. Jones and Petitioners question why Dick should have any input into the
17 care of Ms. Jones, as he is not related in any way to Ms. Jones.

18 (a) Dick has repeatedly asked where in either power of attorney it gives Kimberly any authority
19 over Ms. Jones' person. Petitioners assert that Dick is using this as justification to keep Ms. Jones
20 at his home and not allowing her to return to Kimberly's care after Kimberly brought Ms. Jones to
21 visit with her husband at Dick's house. Petitioners also assert that this is the justification used
22 when the Powell's took Ms. Jones to Arizona with them, against the wishes of Kimberly and
23 Petitioners. The purpose of the travel to Arizona was for Mr. Yeoman to receive medical treatment
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1 - so he was (and remains) in the hospital in Arizona and in no way available or able to care for Ms.
2 Jones. In Arizona, Ms. Jones was entirely under the care of non-family members. Once Dick and
3 Kandi took Ms. Jones with them to Arizona, they then had their counsel inform counsel for your
4 Petitioners herein that because Mr. Yeoman would need to remain in Arizona, Ms. Jones would
5 have to remain in Arizona as well - indefinitely. Subsequently, requests to visit Ms. Jones in
6 Arizona were denied.

7 (b) Both in Nevada and later in Arizona, upon information and belief, Dick and Kandi have
8 been hiring caregivers for Ms. Jones despite the fact that both Kimberly and your Petitioners herein
9 have expressed directly in meetings and through their counsel on repeated occasions that they are
10 more than willing and able to care for their mother and that they would like to do so. These pleas
11 and requests have been made repeatedly made to Dick and Kandi. Historically, Ms. Jones' children
12 have been the caregivers for their mother whenever Ms. Jones has been in the hospital. One of
13 Ms. Jones' daughters has been by her side every night that she spent in the hospital over the years.
14 This willingness to be caregivers as needed has not changed, and Dick and Kandi are aware of the
15 availability of Ms. Jones' children as caregivers.
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17 (c) Dick and Mr. Yeoman have been aware of the existing powers of attorney for years, yet
18 they continue to insert themselves into Ms. Jones' care decisions and financial transactions. See
19 **Exhibit 4**; *copies of text messages from Kandi's sister, the liaison between the families, dated May*
20 *6, 2017 and referencing the powers of attorney.*

21 (d) Interestingly, Mr. Yeoman and the Powell's respected the powers of attorney for nearly six
22 years and never questioned the validity of the documents until recently. The disrespect of the
23 powers of attorney seems to have suddenly occurred in response to Kimberly, who, in the course
24 of fulfilling the duties imposed upon her by her appointment under the power of attorney,
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1 challenged Dick and Kandi by looking into a transfer of real property from Ms. Jones' sole
2 ownership to Dick and Kandi's ownership for far less than market value, while Ms. Jones was
3 known to suffer from dementia, and while Dick and Kandi were well aware of Ms. Jones POA's
4 and without any notice or discussion whatsoever with Ms. Jones' selected agent or even any of her
5 family, with whom Dick and Kandi had fairly regular direct and indirect dealings.

6 (e) There is a presumption in Nevada in favor of POA's, in which a signature is presumed to
7 be genuine and the power of attorney valid if the principal acknowledges the signature before a
8 Notary Public.¹ Mr. Yeoman, Dick, and their counsel must bear the burden of showing that the
9 POA's should not be honored.² But, with their continual disregard for Kimberly's authority and
10 general disparaging of the POA's, they are attempting to shift the burden to Kimberly to prove that
11 she has a right to visit her mother and oversee her care. On at least three different occasions (the
12 2005 HPOA, the 2012 Financial POA, and the Last Will and Testament signed in 2012), Ms. Jones
13 chose Kimberly and not Mr. Yeoman as her agent for healthcare and financial matters.

14 (f) Further, upon information and belief as confirmed by the Cleveland Clinic - Lou Ruvo
15 Center for Brain Health in Las Vegas, Nevada as well as counsel for Mr. Yeoman, in complete
16 disregard of the healthcare power of attorney, Mr. Yeoman and/or Dick has also taken it upon
17 himself/themselves to cancel multiple healthcare appointments that had been scheduled by
18 Kimberly for Ms. Jones. The scheduling (and cancelling or rescheduling) of healthcare
19 appointments should be the responsibility of the Agent designated by Ms. Jones in her healthcare
20 power of attorney. Kimberly is the Agent named in Ms. Jones' healthcare power of attorney and
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24 ¹ Nevada Revised Statutes 162A.220(1) and 162A.230(1)

25 ² Nevada Revised Statutes 162A.370

1 Petitioners are concerned that Kimberly's authority is being usurped by Mr. Yeoman and Dick and
2 Kandi. Dick, Kandi, and Mr. Yeoman seem to be under the mistaken belief that they can direct
3 Ms. Jones' healthcare simply because Ms. Jones and Mr. Yeoman are married, but a marriage
4 relationship does not take precedence over the authority of an agent named in a power of attorney.
5 A husband does not own his wife and should not be allowed to assert that his wishes regarding her
6 care should be followed in contravention of the choices made by his wife at a time when she had
7 the capacity to choose her caregivers and decision makers.

8 **Ms. Jones' Caregiver Has Been Evicted From Ms. Jones' House**

9 30. Upon information and belief, Ms. Jones owned real property located at 6277 Kraft Avenue,
10 Las Vegas, Nevada, 89117, ("Kraft house") which she owned in joint tenancy with a former
11 fiancée from January 2002 until the fiancée's death in 2004, after which Ms. Jones owned the
12 property as her separate property from June 2004 until January 2018. On or about January 16,
13 2018, ownership of the property was transferred to Dick and Kandi. *See Parcel Ownership History*
14 *(Assessor Parcel Number Tree) as shown on the Clark County Recorder's website attached hereto*
15 *as Exhibit 5 and a copy of the deed transferring to the Powell's attached hereto as Exhibit 6. A*
16 *temporary guardianship is necessary to stop Dick and Kandi from having further access to Ms.*
17 *Jones' assets and finances. It is unclear whether Dick and Kandi are gifting the cost of any care*
18 *they have provided to or for Ms. Jones or if they are unilaterally spending her money on her behalf.*
19 *If the latter is the case, Petitioners assert this is totally inappropriate. Upon information and belief,*
20 *Kandi's sister, Geri Ann, has been paid to care for Ms. Jones. Petitioners assert that this may be*
21 *yet another instance of one of Mr. Yeoman's family members profiting unnecessarily from Ms.*
22 *Jones' assets. Dick and Kandi have absolutely no standing or basis to transact in Ms. Jones'*
23 *property or to expend her money or decide how to care for her or what should be done when they*
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1 are fully aware that Ms. Jones conscientiously and purposefully designated other individuals to
2 handle this for her.

3 31. Upon information and belief, Ms. Jones and Mr. Yeoman lived together in the Kraft house
4 until Mr. Yeoman became ill in April 2019; at which time Mr. Yeoman went to live temporarily
5 with Dick and Kandi. Mr. Yeoman's other daughter, Marci Pirolo, reached out by text message
6 on April 9, 2019 to Ms. Jones' children to inform them that Mr. Yeoman would be in the hospital
7 for weeks or more and the Ms. Jones would need a caregiver. See Exhibit 7.

8 32. Kimberly immediately quit her job in California after receiving the text message from
9 Marci, so that she could move to Las Vegas and care for her mother. Upon information and belief,
10 Kimberly arrived in Las Vegas within days of receiving the text. During the time that Kimberly
11 has been living in Las Vegas, Kimberly and Ms. Jones have been living together in the Kraft house
12 while Mr. Yeoman is living with Dick and Kandi.

13 33. Upon information and belief, in approximately August 2019 Kimberly took Ms. Jones to
14 visit Mr. Yeoman at the home of Dick and Kandi. When Kimberly arrived later the same day to
15 pick up Ms. Jones and return with her to the Kraft house, Mr. Yeoman and Dick and Kandi refused
16 to allow Ms. Jones to leave with Kimberly.

17 34. Upon information and belief, Ms. Jones was not allowed contact with Petitioners or her
18 other children during the time that Ms. Jones was being kept at Dick and Kandi's house. Despite
19 attempts by Ms. Jones' children to see or speak with their mother, Ms. Jones' was only permitted
20 to speak with Kimberly, but not any of her other children. Ms. Jones was not permitted to see any
21 of her children for approximately five weeks.

22 35. Upon information and belief, Dick did not allow Kimberly to stay in the Kraft house after
23 the refusal to let Ms. Jones return to her home. Because he had taken ownership of the property,
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1 Dick called police and attempted to have Kimberly removed from the house. Upon information
2 and belief, police advised that he needed to initiate eviction proceedings to remove Kimberly from
3 the house in which, until that day, she had been living and caring for Ms. Jones.

4 36. On September 9, 2019, Dick filed an eviction matter in Las Vegas Justice Court against
5 Kimberly and her boyfriend, Dean Loggins to remove them from the Kraft house. (Case No.
6 19R000148, Case Type AB386-Unauthorized Occupant). Based on the eviction proceedings
7 initiated by Dick to keep Kimberly out of the Kraft house, Ms. Jones will no longer be able to live
8 in her own home because she is not able to live alone and Dick has evicted or is in the process of
9 evicting her caregiver.

10 37. It is unclear where Ms. Jones will live if Kimberly does not have a place to stay with her
11 in Las Vegas. Dick, by transferring the house to his name and then evicting Kimberly, has created
12 a situation in which Ms. Jones cannot continue to live in the home in which she has lived for over
13 17 years. Further, by evicting Kimberly from the house, Dick has created a situation in which,
14 without Court intervention, Ms. Jones has no option but to live with and be under the control of
15 Dick, Kandi – who are not her relatives – and the very ill Mr. Yeoman, with her attorney-in-fact
16 and her other children excluded.

18 **Legal Basis and Argument for General Guardianship**

19 38. NRS 159.054(3) authorizes this court to appoint a general guardian of the protected person
20 if the court finds a general guardian is required.

21 39. In a proceeding to appoint a guardian for a proposed protected person under NRS
22 159.0613.1(b), the court shall give preference to a nominated person or relative *[iff the court*
23 *determines that the nominated person or relative is qualified and suitable to be appointed as*
24 *guardian for the proposed protected person.*

1 40. NRS 159.0613.2, states, in determining whether any nominated person or relative is
2 qualified and suitable to act as guardian under NRS 159.0613(4) the court shall consider the
3 following:

4 (a) The ability of the nominated person, relative . . . to provide for the
5 basic needs of the . . . proposed protected person, including, without limitation,
6 food shelter, clothing and medical care;

7 (b) Whether the nominated person has engaged in the habitual use of
8 alcohol or any controlled substance during the previous 6 months . . .;

9 (c) Whether the nominated person, relative or other person has been
10 judicially determined to have committed abuse, neglect, exploitation, isolation or
11 abandonment of a child, his or her spouse, his or her parent or any other adult . .

12 (d) Whether the nominated person, relative or other person is
13 incapacitated or has a disability; and

14 (e) Whether the nominated person, relative or other person has been
15 convicted in this State or any other jurisdiction of a felony, . . .

16 41. NRS 159.0613.3 states, *[I]f the court finds that two or more nominated persons are*
17 *qualified and suitable to be appointed as guardian for a protected person . . ., the court may*
18 *appoint two or more nominated persons as co-guardians or shall give preference among them in*
19 *the following order of preference:*

20 (a) A person whom the protected person nominated for the appointment
21 as guardian for the proposed protected person in a will, trust or other written
22 instrument that is part of the established estate plan of the protected person . . . and
23 was executed by the protected person . . . while he or she was not incapacitated.

24 42. In addition, NRS 159.0613.4 states the court shall appoint as guardian the qualified
25 person who is most suitable and is willing to serve. The court considers the factors outlined
under NRS 159.0613(2) above, in addition to the following:

(a) Any nomination or request for the appointment as guardian by the
protected person . . .

(b) The relationship by blood . . . of the proposed guardian to the protected person . . . The court may consider any relative in the following preference:

(1) A spouse or domestic partner;

(2) A child;

(4) Any relative with whom the . . . proposed protected person has resided for more than 6 months before the filing of the petition, or any relative who as a power of attorney executed by the . . . protected person while he or she was not incapacitated.

(5) Any relative currently acting as agent.

43. Absent other factors, pursuant to NRS 159.0613, Kimberly is the preferred person to be named as guardian of Ms. Jones because she was nominated for the appointment as guardian for Ms. Jones in her Will and the Will was executed by Ms. Jones while she was not incapacitated. However, Kimberly is not willing to pursue a guardianship matter at this time. Petitioners are concerned that (1) Kimberly's authority under her valid power of attorney is not being honored; (2) that Kimberly historically has not been communicative with the rest of the family, nor has she been transparent with the financial transactions she has done on behalf of Ms. Jones; and (3) that parties unrelated to Ms. Jones, namely Dick and Kandi, are inappropriately exercising control over her person and her assets and finances with absolutely no oversight or accountability.

44. Therefore, Petitioners feel compelled to bring this guardianship action in order to ensure that Ms. Jones receives the quality of care and stability of environment that are currently lacking in her situation. Petitioners find themselves cut off from communication not only with Ms. Jones but with Kimberly and Mr. Yeoman and Dick and Kandi who all are refusing to return Petitioners phone calls.

45. Guardianship is necessary in order to have Court oversight of Ms. Jones' living arrangements and her visitation schedule with her husband and her children. Kimberly, in her role

1 as attorney-in-fact, has demonstrated an inability or unwillingness to provide any care plans to Ms.
2 Jones' family; to date, Kimberly has not provided a financial plan, a visitation plan, nor a workable
3 plan regarding Ms. Jones' living arrangements – especially in light of the eviction proceeding.
4 Your Petitioners herein have been requesting a care plan since it became apparent several years
5 ago that Ms. Jones was unable to care for herself. Since that time, with no plan, Petitioners have
6 simply stepped up as needed in the role of caregivers. The result is a highly unstable and stressful
7 environment for Ms. Jones; one in which she does not even have a place to live for the long term
8 and where her assets are being depleted with no accountability or transparency.

9 46. Petitioners state that it is not their intention to isolate Ms. Jones from her husband or her
10 other children; it is their intention to care for Ms. Jones and facilitate Ms. Jones' interaction with
11 all of the people that care for Ms. Jones and desire to spend time with her, including her husband
12 if appropriate.

13 47. Petitioners ask this Court to grant guardianship so that Petitioners may be authorized to
14 assist with the situation by cooperatively developing a care plan which will adequately address the
15 issues of living arrangements, visitation with family members, and financial management. Such a
16 care plan will provide the stability that Ms. Jones desperately needs to have restored to her life.

17 48. Ms. Jones has been isolated from her children by both Diek and Kandi and then more
18 recently by Kimberly. Historically, Mr. Yeoman and Dick and Kandi have shown a pattern of
19 isolating Ms. Jones from her children whenever Ms. Jones is in their control. NRS 200.5092(4)(a)
20 defines Isolation as "preventing an older person or a vulnerable person from having contact with
21 another person by: (a) [i]ntentionally preventing the older person or vulnerable person from
22 receiving visitors, mail or telephone calls, ..." At various points, each of Ms. Jones' children has
23 attempted to arrange to spend time with Ms. Jones, only to be denied the visit by either Mr.
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1 Yeoman or Dick or their attorney. Attempts to speak with their mother on the phone have been
2 similarly thwarted by Mr. Yeoman or Dick or their attorney. Upon information and belief, Mr.
3 Yeoman and the Powell's are currently represented by counsel who has advised them that they
4 should not allow Ms. Jones to see her children or to speak with them on the phone.

5 49. Kimberly has made it difficult for Ms. Jones' children to interact with Ms. Jones as well.
6 Upon information and belief, Kimberly has blocked incoming calls and text messages from
7 Petitioners, resulting in a situation in which communication is difficult at best but nearly
8 impossible most of the time.

9 50. Guardianship is also necessary to address a history of financial mismanagement by the
10 current fiduciary. As an example, Ms. Jones owns a house in Anaheim, California, which has been
11 rented for approximately \$1,500 under market rental value for many years. Another example is
12 that in 2016 or 2017 when Ms. Jones underwent hip surgery and was out of her home, the attorney-
13 in-fact allowed a young person who was not vetted to live in Ms. Jones' home. The unvetted
14 caregiver/attendant stole a large amount of money and property from Ms. Jones that was only
15 partially recovered, and what was recovered was, upon information and belief, due to the efforts
16 of Mr. Yeoman. These and other lapses in financial judgment, awareness, know-how and/or
17 attentiveness, coupled with ongoing lack of transparency and communication issues and the
18 inability to achieve peace between the parties must be addressed in order to maximize the potential
19 income available for Ms. Jones' care.
20

21 51. On September 6, 2019, Ms. Jones was a party to a matter filed before Commissioner
22 Yamashita in District Court, Clark County Nevada. The matter (P-19-100166-E) was filed by Ms.
23 Jones' daughter Kimberly in an attempt to have the probate court confirm her as agent under the
24 existing power of attorney, pursuant to NRS 262A.330. The matter came before the Honorable
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Wesley Yamashita but due to a lack of proper notice and other procedural issues, the petition was not granted and as of the filing of the instant Petition, there is no further petition pending. Upon information and belief, Ms. Jones is not party to any other present or pending civil or criminal legal proceeding.

52. This guardianship is sought for the purpose of having this Honorable Court oversee the creation and implementation of a specific care plan for Ms. Jones including her living arrangements and visitation for all involved without the threat of having one side or the other exclude or isolate Ms. Jones, as well as for the purpose of recovering if possible Ms. Jones' property that was deceded to Dick and Kandi for far less than market value. Petitioners feel that it would be their fiduciary duty as guardians to investigate this transfer further and potentially pursue means to return the house to Ms. Jones' ownership.

53. Based on the foregoing, Petitioners request appointment as Ms. Jones' temporary and potentially general co-guardians in order to have authority from the Court to act as fiduciaries for Ms. Jones for both her financial and healthcare matters in this very difficult and complex situation. Petitioners are seeking court oversight and direction in resolving these disputes.

Family of Proposed Protected Person

54. Upon information and belief, Ms. Jones's family and relatives, within the second degree of consanguinity, are as follows:

Name	Relationship	Age or Status	Last-Known Address
Rodney Gerald Yeoman	Husband	Adult	2540 E. Harmon Ave. Las Vegas, NV 89102
Kimberly Jones	Daughter	Adult	PO Box 146 18543 Yorba Linda Blvd. Yorba Linda CA 92886
Robyn Friedman	Daughter/ Petitioner	Adult	2824 High Sail Ct. Las Vegas, NV 89117

Donna Simmons	Daughter/ Petitioner	Adult	1441 N. Redgum, Unit G Anaheim, CA 92806
Teri Butler	Daughter	Adult	586 N. Magdalena St. Dewey, AZ 86327
Scott Simmons	Son	Adult	1054 S. Verde St. Anaheim, CA 92805
Jen Adamo	Grandchild	Adult	14 Edgewater Dr. Magnolia, DE 19962
Jon Criss	Grandchild	Adult	804 Harksness Ln., Unit 3 Redondo Beach, CA 90278
Ryan O'Neal	Grandchild	Adult	112 Malvern Ave., Apt. E Fullerton, CA 92832
Tiffany O'Neal	Grandchild	Adult	177 N. Singingwood St., Unit 13 Orange, CA 92869
Samantha Simmons-Ihrig	Grandchild	Adult	Unknown
Cortney Simmons	Grandchild	Adult	765 Kimbark Ave. San Bernardino, CA 92407
Cameron Simmons	Grandchild	Adult	Unknown
Ampersand Man	Grandchild	Minor	C/O 2824 High Sail Ct. Las Vegas, NV 89117

55. As required under NRS 159.0523.1(b)(1), Petitioners have tried in good faith to notify family members of the filing of the petition for appointment of temporary guardianship as stated above.

Assets, Income & Expenses of Proposed Protected Person

56. Upon information and belief, Ms. Jones does not receive benefits from the Department of Veterans Affairs.

57. Upon information and belief, Ms. Jones receives social security income of approximately \$1,200.00 per month.

58. Upon information and belief, Ms. Jones owns Real Property in Anaheim, California which is rented to her son, Scott Simmons for approximately \$1,200.00 per month; an amount that is sufficient to pay the mortgage on the property.

1 59. Upon information and belief, Ms. Jones owned Real Property located at 6277 Kraft
2 Avenue, Las Vegas, Nevada, 89117, ("Kraft house") which she owned in Joint Tenancy with a
3 former fiancée from January 2002 until the fiancée's death in 2004, after which Ms. Jones owned
4 the property as her separate property from June 2004 until January 2018. On or about January 16,
5 2018, ownership of the property was transferred to the Powell's.

6 60. Upon information and belief, Ms. Jones has basic expenses for food, clothing,
7 entertainment, telephone and insurance in an amount to be determined.

8 61. Upon information and belief, Ms. Jones has bank accounts either in her own name or held
9 jointly with her husband, the balances of which are unknown.

10 **Proposed Care Plan and Budget for Proposed Protected Person**

11 62. The proposed care plan for Ms. Jones is to determine the safest and most stable living
12 arrangements for Ms. Jones. Petitioners will assist Ms. Jones with her finances, with managing
13 her medications, and with making medical appointments and other medical decisions as needed.
14 Ms. Jones' children are available and willing to provide care for Ms. Jones. Petitioners are also
15 planning to hire professional caregivers in the event it is decided that professional care is
16 warranted. Petitioner, Robyn Friedman, has a wheelchair accessible room and bathroom at her
17 home which would be available for Ms. Jones' use.
18

19 63. Proposed care plan for Ms. Jones will also include facilitating one-on-one visitation for
20 each member of Ms. Jones' family who desires to see her. The care plan is to continue social
21 contact between Ms. Jones and her husband, as well as between Ms. Jones and her children.

22 **Information Concerning the Petitioner- Robyn Friedman**

23 64. The Petitioner and proposed co-guardian's full legal name is Robyn Friedman.

24 65. Robyn Friedman is the daughter of Ms. Jones.
25

1 66. Robyn Friedman's mailing and physical address is 2824 High Sail Court, Las Vegas,
2 Nevada, 89117.

3 67. Robyn Friedman, the proposed co-guardian, is over 18 years of age and competent to serve
4 as a temporary and general guardian.

5 68. Robyn Friedman has never been convicted of a felony or judicially determined to have
6 committed abuse, neglect or exploitation of a child, spouse, parent or other person.

7 69. Robyn Friedman has not been suspended for misconduct or disbarred from the practice of
8 law, the practice of accounting or any other profession which involves the management or sale of
9 money, investments, securities or real property and requires licensure in the State of Nevada or
10 any other state.

11 70. Robyn Friedman has not been appointed as guardian over the proposed protected person in
12 a state other than Nevada.

13 71. Robyn Friedman is seeking a special guardianship of the person and estate of the proposed
14 protected person.

15 72. The proposed guardian, Robyn Friedman, is competent and capable of acting in the
16 capacity temporary and general guardian of the person and the estate of Kathleen June Jones, and
17 hereby consents to act in that capacity.

18 73. The proposed guardian, Robyn Friedman, has not filed for or received protection under
19 federal bankruptcy laws within the immediately preceding seven (7) years.

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21 **Information concerning the Petitioner- Donna Simmons**

22 74. Petitioner and proposed guardian's full legal name is Donna Simmons.

23 75. Donna Simmons is a daughter of Ms. Jones.
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1 76. Donna Simmons' mailing and physical address is 1441 N. Redgum St., Unit G, Anaheim,
2 California, 92806.

3 77. Donna Simmons, the proposed co-guardian, is over 18 years of age and competent to serve
4 as a special guardian.

5 78. Donna Simmons has never been convicted of a felony or judicially determined to have
6 committed abuse, neglect or exploitation of a child, spouse, parent or other person.

7 79. Donna Simmons has not been suspended for misconduct or disbarred from the practice of
8 law, the practice of accounting or any other profession which involves the management or sale of
9 money, investments, securities or real property and requires licensure in the State of Nevada or
10 any other state.

11 80. Donna Simmons has not been appointed as guardian over the proposed protected person in
12 a state other than Nevada.

13 81. Donna Simmons is seeking a temporary and general guardianship of the person and estate
14 of the proposed protected person.

15 82. The proposed guardian, Donna Simmons, is competent and capable of acting in the
16 capacity special guardian of the person and the estate of Kathleen June Jones, and hereby consents
17 to act in that capacity.

18 83. The proposed guardian, Donna Simmons, has not filed for or received protection under
19 federal bankruptcy laws within the immediately preceding seven (7) years.

20 84. Pursuant to NRS 159.044, further identifying information concerning the Petitioners will
21 be provided to the Court in a separate confidential document.

22 85. Petitioners are daughters of Ms. Jones and are suitable and willing to serve.

23 86. That upon filing of proof of blocked account, no bond is required of the guardian.
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1 87. Petitioners request that if liquid assets or income valued at less than \$10,000 are
2 discovered, that Petitioners be authorized to place such property in an unblocked guardianship
3 account to be established by Petitioners, as either the temporary or general guardians, at a financial
4 institution located in Nevada, and that Petitioners be authorized to utilize such property to pay for
5 Ms. Jones's care, maintenance and support.

6 88. Petitioners request that if the value of the proposed protected person's liquid assets reaches
7 or exceeds \$10,000, that any monies in excess of \$10,000 be placed in a blocked guardianship
8 account to be established by Petitioners as either the temporary or general guardians at a financial
9 institution located in Nevada and selected by Petitioners.

10 89. Pursuant to NRS 159.076, this Court may authorize summary administration of a
11 guardianship estate valued at less than \$10,000, whereby the requirement of filing an accounting
12 may be excused. In the event that property is discovered which is valued at \$10,000 or greater, an
13 accounting may be required.

14 90. Petitioners request that they be authorized and granted access to any and all historical
15 account information for any and all of Ms. Jones's assets for investigative purposes and to apply
16 for government benefits, including Medicaid, if necessary.

17 91. Petitioners are requesting authority to sign all documents required by the Division of
18 Welfare and Supportive Services, or any other third party, to obtain Medicaid or other appropriate
19 benefits for Ms. Jones, including executing and establishing a qualified income trust, if necessary.

20 92. Petitioners shall be Ms. Jones's personal representative for purposes of the Health
21 Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any applicable
22 regulations. That Petitioners be authorized to obtain and be permitted to receive any and all medical
23 records and information concerning the past and present condition and historical treatment of Ms.
24 Jones, including but not limited to, examination reports, medical charts, medical notes, which are
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1 or may be lodged with any persons, including without limitation family members, friends,
2 healthcare providers, physicians, hospitals, care facilities, other institutions, and/or third parties.

3 93. Petitioners request that they be authorized to obtain confidential financial information of
4 Ms. Jones, including, but not limited to statements, cancelled checks, withdrawal authorizations
5 and any other information from financial institutions, brokerage or mutual fund firms, the United
6 States Social Security Administration, and other persons and agencies which have engaged in
7 transactions concerning the financial affairs of Ms. Jones, whether said accounts or records reflect
8 the name of Ms. Jones individually, or with one or more other persons or trust, in order to apply
9 for government benefits, including Medicaid, if necessary.

10 94. Petitioners request that they be authorized to request and receive information from any
11 other person or agency, which is currently or has previously been obligated to pay money or other
12 benefits to Ms. Jones.

13 95. Petitioners request that they be authorized to obtain access to any and all testamentary
14 documents Ms. Jones, including wills or trusts, healthcare advance directives, and/or powers of
15 attorney that may be lodged with family members, friends, financial institutions, or any other
16 person and entity that may possess such documents, and if such documents are found that all such
17 documents be given to Petitioners for the duration of the temporary and general guardianship.

18 96. Petitioners hereby submit written notice of intent to seek payment of attorneys' fees and
19 costs from the guardianship estate. The law firm of Michaelson & Associates, Ltd. will seek
20 payment of fees and costs at the conclusion of the temporary or general guardianship proceeding.
21 Michaelson & Associates, Ltd. bills on an hourly basis for services rendered pertaining to
22 guardianship matters. The principal attorney, John Michaelson, Esq. bills at an hourly rate of
23 \$450.00. Senior and associate attorneys bill at hourly rates of \$350 and \$300, respectively, and
24 the senior paralegal bills at an hourly rate of \$200 per hour. The services provided by Michaelson
25 & Associates, Ltd. are necessary to assist the proposed protected person to assist and advise the

1 guardian in minimizing any risks to the proposed protected person. Petitioners hereby request this
2 court approve payment of legal fees and costs at the conclusion of the temporary or general
3 guardianship and subject to Court confirmation.

4 97. That the Court approve payment of guardianship guardian's fees to be paid for services as
5 rendered, pursuant to NRS 159.105 from the assets of the Estate and subject to Court confirmation.

6 98. That Petitioners believe that appointing them as the temporary and general guardians of the
7 person and estate, is in the best interests of Ms. Jones.

8 99. That upon Robyn Friedman and Donna Simmons taking the appropriate actions and efforts
9 outlined above, the guardianship should be terminated, and they should be discharged from all
10 liability for their term of service as temporary and general co-guardians.

11 **WHEREFORE**, Petitioner prays:

12 1. That the instant Petition be granted;

13 2. That this Court enter an order immediately appointing Robyn Friedman and Donna
14 Simmons as the temporary co-guardians of Ms. Jones' person and estate to prevent any further
15 harm and to reduce the risk of substantial harm of the parties continue to contend and fight over
16 her person and estate without court oversight, and Petitioners also request their eventual
17 appointment as general co-guardians of the person and estate of Kathleen June Jones if the Court
18 determines ongoing oversight is best for Ms. Jones and the parties involved to ensure a peaceful
19 co-existence;
20

21 3. The Clerk of the Court hereby be directed to issue Letters of Temporary Guardianship to
22 Petitioners, Robyn Friedman and Donna Simmons, upon subscribing to the appropriate oath of
23 office and bond be waived, since proof blocked account will be filed herein and liquid assets valued
24 in excess of \$10,000.00 will be blocked until further order of this Court, upon presentment of the
25 Order and without presentment of Letters to the financial institution;

1 4. Upon service of the Citation, pursuant to NRS 159, and hearing, that this Court enter an
2 order appointing Robyn Friedman and Donna Simmons as the general co-guardians of the person
3 and estate of Ms. Jones, and Letters of General Guardianship of the Person and Estate be issued to
4 Robyn Friedman and Donna Simmons, subscribing to the appropriate oath of office;

5 5. The Court direct that if any liquid assets or income valued at \$10,000 or less are discovered,
6 that those assets be placed into an unblocked guardianship account to be established by the
7 temporary or general guardian at a financial institution located in Nevada, and that the guardians
8 be authorized to utilize such income to pay for Ms. Jones's care, maintenance and support;

9 6. The Court direct that if the value of the proposed protected person's cumulative assets and
10 income exceeds \$10,000, that those assets be placed in a blocked guardianship account to be
11 established by the temporary or general guardians at a financial institution located in Nevada;

12 7. Pursuant to NRS 159.076, if appropriate, this Court authorize summary administration,
13 including dispensing with the requirement of an accounting if it is found that the value of the estate
14 in the state of Nevada is less than \$10,000. Should assets be discovered in the state of Nevada
15 valued in excess of this amount, the guardians will be required to file an accounting.

16 8. An order be entered authorizing Petitioners to create and implement a specific care plan
17 for Ms. Jones including her living arrangements and facilitating visitation for each member of Ms.
18 Jones' family, including her husband, who desires to see her.

19 9. An order be entered authorizing Petitioners access to any and all historical account
20 information and for any and all of Ms. Jones's assets for investigative purposes and to apply for
21 government benefits, including Medicaid, if necessary;

22 10. To carry out the function of temporary and general guardians of the person and estate of
23 Ms. Jones, the Court order that Robyn Friedman and Donna Simmons are vested with the powers
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1 as stated herein and, including to assist with Ms. Jones's medical decisions related to her care, to
2 ensure Ms. Jones's transport to or placement in an appropriate medical facility that can provide
3 appropriate level of care for Ms. Jones's health needs, to ensure Ms. Jones's finances are protected
4 and that Ms. Jones's financial needs are addressed, and to access financial information in order to
5 apply for government benefits, including Medicaid, if necessary;

6 11. An order be entered authorizing Petitioners as Ms. Jones's personal representatives for
7 purposes of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191,
8 and any applicable regulations. That Petitioners be authorized to obtain and be permitted to receive
9 any and all medical records and information concerning the past and present condition and
10 historical treatment of Ms. Jones, including but not limited to, examination reports, medical charts,
11 medical notes, which are or may be lodged with any persons, family members, friends, along with
12 any and all medical providers, physicians, hospitals, care facilities, institutions, and/or third
13 parties;

14 12. An order be entered authorizing Petitioners to obtain confidential financial information of
15 Ms. Jones, including, but not limited to statements, cancelled checks, withdrawal authorizations
16 and any other information from financial institutions, brokerage or mutual fund firms, the United
17 States Social Security Administration, and other persons and agencies which have engaged in
18 transactions concerning the financial affairs of Ms. Jones, whether said accounts or records reflect
19 the name of Ms. Jones individually, or with one or more other persons or trust, to apply for
20 government benefits, including Medicaid, if necessary;

21 13. An order be entered authorizing Petitioners to request and receive information from any
22 other person or agency, which is currently or has previously been obligated to pay money or other
23 benefits to Ms. Jones;
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1 14. An order be entered that any general durable power of attorney or healthcare power of
2 attorney documents previously executed by Ms. Jones are suspended and shall be given to the
3 Petitioners for the duration of the temporary and general guardianship;

4 15. The Court approve payment of attorneys' fees and costs from the guardianship estate to the
5 law firm of Michaelson & Associates, Ltd. at the conclusion of the guardianship proceeding,
6 subject to Court confirmation.

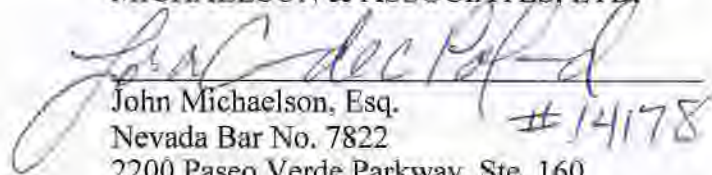
7 16. The Court approve payment of guardian's fees to be paid for services as rendered, pursuant
8 to NRS 159.105 from the assets of the Estate and subject to Court confirmation;

9 17. Upon taking appropriate actions and efforts outlined above, or the protected person dies,
10 the guardianship be terminated, and the guardians be discharged from all liability for their term of
11 service as temporary and general co-guardians; and
12

13 18. The Court order such other and further relief as it deems appropriate.

14 DATED: September 19, 2019.

15 MICHAELSON & ASSOCIATES, LTD.

16 
17 John Michaelson, Esq. #14178
18 Nevada Bar No. 7822
19 2200 Paseo Verde Parkway, Ste. 160
20 Henderson, Nevada 89052
21 Counsel for Petitioners
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VERIFICATION

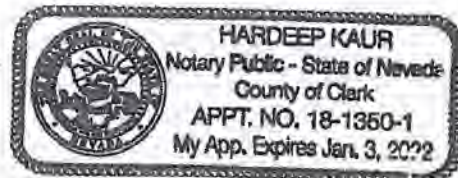
STATE OF NEVADA)
): ss.
COUNTY OF CLARK)

Robyn Friedman, being first duly sworn, hereby deposes and says: that she is a Petitioner in the above-referenced petition; that she has read the foregoing Ex Parte Petition for Appointment of Temporary and General Guardian of the Person and Estate and Issuance of Letters of Temporary and General Guardianship and knows the contents thereof; that the same are true of her own knowledge except as to those matters therein stated upon information and belief and as to those matters, she believes them to be true.

By: *R Friedman*
Robyn Friedman

SUBSCRIBED and AFFIRMED to before me this
18 day of September, 2019 by Robyn Friedman.

Hardeep
NOTARY PUBLIC in for said County and State



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VERIFICATION

STATE OF CALIFORNIA)
): ss.
COUNTY OF ORANGE COUNTY)

Donna Simmons, being first duly sworn, hereby deposes and says: that she is a Petitioner in the above-referenced petition; that she has read the foregoing Ex Parte Petition for Appointment of Temporary and General Guardian of the Person and Estate and Issuance of Letters of Temporary and General Guardianship and knows the contents thereof; that the same are true of her own knowledge except as to those matters therein stated upon information and belief and as to those matters, she believes them to be true.

By: Donna Simmons
Donna Simmons

SUBSCRIBED and AFFIRMED to before me this

18th day of September, 2019 by Donna Simmons

Martha J. Orange, CA
NOTARY PUBLIC in for said County and State

JURAT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Orange

Subscribed and sworn to (or affirmed) before me on
this 18th day of September, 2019,
by Donna Simmons

proved to me on the basis of satisfactory evidence to be the person~~s~~ who
appeared before me.

Signature



(Seal)



EXHIBIT “1”

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DURABLE POWER OF ATTORNEY
for Health Care Decisions pursuant to NRS 449.830
WARNING TO PERSONS EXECUTING THIS DOCUMENT

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR HEALTH CARE. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR ATTORNEY-IN-FACT THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU. THIS POWER IS SUBJECT TO ANY LIMITATIONS OF YOUR DESIRES THAT YOU INCLUDE IN THIS DOCUMENT. THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE CONSENT, REFUSAL OF CONSENT, OR WITHDRAWAL OF CONSENT TO ANY CARE, TREATMENT, SERVICE, OR PROCEDURE TO MAINTAIN, DIAGNOSE, OR TREAT A PHYSICAL OR MENTAL CONDITION. YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF TREATMENT OR PLACEMENTS THAT YOU DO NOT DESIRE.
2. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.
3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THE POWER OF THE PERSON YOU DESIGNATE TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE THE POWER TO CONSENT TO YOUR DOCTOR NOT GIVING TREATMENT OR STOPPING TREATMENT WHICH WOULD KEEP YOU ALIVE.
4. UNLESS YOU SPECIFY A SHORTER PERIOD IN THIS DOCUMENT, THIS POWER WILL EXIST INDEFINITELY FROM THE DATE YOU EXECUTE THIS DOCUMENT AND, IF YOU ARE UNABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF, THIS POWER WILL CONTINUE TO EXIST UNTIL THE TIME WHEN YOU BECOME ABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF.
5. NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE INFORMED CONSENT WITH RESPECT TO THE PARTICULAR DECISION. IN ADDITION, NO TREATMENT MAY BE GIVEN TO YOU OVER YOUR OBJECTION, AND HEALTH CARE NECESSARY TO KEEP YOU ALIVE MAY NOT BE STOPPED IF YOU OBJECT.
6. YOU HAVE THE RIGHT TO REVOKE THE APPOINTMENT OF THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THAT PERSON OF THE REVOCATION ORALLY OR IN WRITING.
7. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THE TREATING PHYSICIAN, HOSPITAL, OR OTHER PROVIDER OF HEALTH CARE ORALLY OR IN WRITING.
8. THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU HAS THE RIGHT TO EXAMINE YOUR MEDICAL RECORDS AND TO CONSENT TO THEIR DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN THIS DOCUMENT.
9. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE.
10. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD SEEK COMPETENT LEGAL COUNCIL.

1. DESIGNATION OF HEALTH CARE AGENT

I, JANE JONES, do hereby designate and appoint KIMBERLY JONES of 562 Harrison Ave. Auburn, Ca. 92802, phone number (714) 974-4701 as my attorney-in-fact to make health care decisions for me as authorized in this document.

2. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE

By this document I, intend to create a durable power of attorney by appointing the person designated above to make health care decisions for me. This power of attorney shall not be affected by my subsequent incapacity.

3. GENERAL STATEMENT OF AUTHORITY GRANTED

In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the attorney-in-fact named above full power and authority to make health care decisions for me before, or after my death, including: consent, refusal of consent, or withdrawal of consent to any care, treatment, service, or procedure to maintain, diagnose, or treat a physical or mental condition, subject only to the limitations and special provisions, if any, set forth in paragraph 4 or 5.

4. SPECIAL PROVISIONS AND LIMITATIONS

NOTE: (Your attorney-in-fact is not permitted to consent to any of the following: commitment to or placement in a mental health treatment facility, convulsive treatment, psychosurgery, sterilization, or abortion. If there are any other types of treatment or placement that you do not want your attorney-in-fact's authority to give consent for or other restrictions you wish to place on his or her attorney-in-fact's authority, you should list them in the space below. If you do not write any limitations, your attorney-in-fact will have the broad powers to make health care decisions on your behalf which are set forth in paragraph 3, except to the extent that there are limits provided by law.)

In exercising the authority under this durable power of attorney for health care, the authority of my attorney-in-fact is subject to the following special provisions and limitations:

5. DURATION

I understand that this power of attorney will exist indefinitely from the date I execute this document unless I establish a shorter time. If I am unable to make health decisions for myself when this power of attorney expires, the authority I have granted my attorney-in-fact will continue to exist until the time when I become able to make health care decisions for myself.

6. STATEMENT OF DESIRES

NOTE: (With respect to decisions to withhold or withdraw life-sustaining treatment, your attorney-in-fact must make health care decisions that are consistent with your known desires. You can, but are not required to, indicate your desires below. If your desires are unknown, your attorney-in-fact has the duty to act in your best interests; and, under some circumstances, a judicial proceeding may be necessary so that a court can determine the health care decision that is in your best interests. If you wish to indicate your desires, you may INITIAL the statement or statements that reflect your desires and/or write your own statements in the space below.)

(If the statement reflects your desires, initial the box next to the statement.)

- ☒ 1. I desire that my life be prolonged to the greatest extent possible, without regard to my condition, the chances I have for recovery or long-term survival, or the cost of the procedures.
- ☒ 2. If I am in a coma which my doctors have reasonably concluded is irreversible, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS [449.610 et seq.] 449.540 to 449.690, inclusive, and sections 2 to 12, inclusive, of this act if this subparagraph is initialed.)
- ☐ 3. If I have an incurable or terminal condition or illness and no reasonable hope of long-term recovery or survival, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS [449.610 et seq.] 449.540 to 449.690, inclusive, and sections 2 to 12, inclusive, of this act if this subparagraph is initialed.)
- ☒ 4. I direct my attending physician not to withhold or withdraw artificial nutrition and hydration by way of the gastrointestinal tract if such a withholding or withdrawal would result in my death by starvation or dehydration.
- ☐ 5. I do not desire treatment to be provided and/or continued if the burdens of the treatment outweigh the expected benefits. My attorney-in-fact is to consider the relief of suffering, and the quality as well as the extent of the possible extension of my life.

NOTE: (If you wish to change your answer, you may do so by drawing an "X" through the answer you do not want, and circling the answer you prefer.)

Other or Additional Statements of Desires:

Do NOT wish to DONATE ANY + ALL ORGANS, + OR TISSUE

7. DESIGNATION OF ALTERNATE ATTORNEY-IN-FACT.

NOTE: (You are not required to designate any alternative attorney-in-fact but you may do so. Any alternative attorney-in-fact you designate will be able to make the same health care decisions as the attorney-in-fact designated in paragraph 1, page 2, in the event that he or she is unable or unwilling to act as your attorney-in-fact. Also, if the attorney-in-fact designated in paragraph 1 is your spouse, his or her designation as your attorney-in-fact is automatically revoked by law if your marriage is dissolved.)

If the person designated in paragraph 1 as my attorney-in-fact is unable to make health care decisions for me, then I designate the following persons to serve as my attorney-in-fact to make health care decisions for me as authorized in this document, such persons to serve in the order listed below:

A. FIRST ALTERNATE ATTORNEY-IN-FACT:

First Alternate Name: _____, of _____, phone number _____

B. SECOND ALTERNATE ATTORNEY-IN-FACT:

Second Alternate Name: _____, of _____, phone number _____

8. PRIOR DESIGNATIONS REVOKED.

I revoke any prior durable power of attorney for health care.

YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY

I sign my name to this Durable Power of Attorney for Health care on this 27 day of Dec, 2005, in the City of Las Vegas, in the County of Clark, State of Nevada.

Jane Jones
Signature of Declarant

NOTE: THIS POWER OF ATTORNEY WILL NOT BE VALID FOR MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (a) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO ARE PERSONALLY KNOWN TO YOU AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (b) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

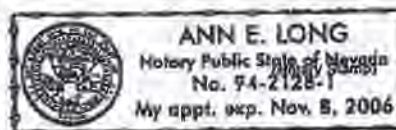
CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of Nevada)
County of Clark) ss.

On this 27 day of December, in the year 2005, before me, Ann E. Long, a Notary Public, personally appeared Jane Jones, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he executed it. I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud, or undue influence.

WITNESS my hand and Official Seal

Ann E. Long
Signature of Notary



STATEMENT OF WITNESSES

Note: You should carefully read and follow this witnessing procedure. This document will not be valid unless you comply with the witnessing procedure.

If you elect to use witnesses instead of having this document notarized you must use two qualified adult witnesses.

NONE OF THE FOLLOWING MAY BE USED AS WITNESSES:

- A person you designate as the Attorney-In-Fact
- A provider of health care
- An employee of a provider of health care
- The operator of a health care facility
- An employee of an operator of a health care facility

At least one witness **MUST** make the additional declaration set out following the place where the witnesses signed.

I DECLARE UNDER PENALTY OF PERJURY THAT THE PRINCIPAL IS PERSONALLY KNOWN TO ME, THAT THE PRINCIPAL SIGNED OR ACKNOWLEDGED THIS DURABLE POWER OF ATTORNEY IN MY PRESENCE, THAT THE PRINCIPAL APPEARS TO BE OF SOUND MIND AND UNDER NO DURESS, FRAUD OR UNDUE INFLUENCE, THAT I AM NOT THE PERSON APPOINTED AS ATTORNEY-IN-FACT BY THIS DOCUMENT, AND THAT I AM NOT A PROVIDER OF HEALTH CARE, AN EMPLOYEE OF A PROVIDER OF HEALTH CARE, THE OPERATOR OF A COMMUNITY CARE FACILITY, NOR AN EMPLOYEE OF AN OPERATOR OF A HEALTH CARE FACILITY.

Dated: _____

Signature: _____ Address: _____

Print Name: _____

Signature: _____ Address: _____

Print Name: _____

At least one of the above witnesses must also sign the following declaration

I DECLARE UNDER PENALTY OF PERJURY THAT I AM NOT RELATED TO THE PRINCIPAL BY BLOOD, MARRIAGE OR ADOPTION, AND TO THE BEST OF MY KNOWLEDGE I AM NOT ENTITLED TO ANY PART OF THE ESTATE OF THE PRINCIPAL UPON THE DEATH OF THE PRINCIPAL UNDER A WILL NOW EXISTING OR BY OPERATION OF LAW.

Signature: _____ Signature: _____

Print Name: _____ Print Name: _____

Copies: You should retain an executed copy of this document and give one to your attorney-in-fact. The Power of Attorney should be available so a copy may be given to your providers of health care.

EXHIBIT “2”

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STATUTORY FORM POWER OF ATTORNEY

PRINCIPAL: *Jane Jones*

1. **DESIGNATION OF AGENT:** I do hereby designate and appoint: *Kimberly S. Jones*

as my agent to make decisions for me and in my name, place and stead and for my use and benefit and to exercise the powers as authorized in this document.

2. DESIGNATION OF ALTERNATE AGENT.

(You are not required to designate any alternative agent but you may do so. Any alternative agent you designate will be able to make the same decisions as the agent designated above in the event that he or she is unable or unwilling to act as your agent. Also, if the agent designated in paragraph 1 is your spouse, his or her designation as your agent is automatically revoked by law if your marriage is dissolved.)

If my agent is unable or unwilling to act for me, then I designate the following person(s) to serve as my agent as authorized in this document, such person(s) to serve in the order listed below:

A. First Alternative Agent *Scott Simmons*

B. Second Alternative Agent

3. OTHER POWERS OF ATTORNEY.

This Power of Attorney is intended to, and does, revoke any prior Power of Attorney for financial matters I have previously executed.

4. NOMINATION OF GUARDIAN.

If, after execution of this Power of Attorney, incompetency proceedings are initiated either for my estate or my person, I hereby nominate as my guardian or conservator for consideration by the court my agent herein named, in the order named.

5. GRANT OF GENERAL AUTHORITY.

I grant my agent and any successor agent(s) general authority to act for me with respect to the following subjects:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

- ☐ Real Property
- ☐ Tangible Personal Property
- ☐ Stocks and Bonds
- ☐ Commodities and Options
- ☐ Banks and Other Financial Institutions
- ☐ Safe Deposit Boxes
- ☐ Operation of Entity or Business
- ☐ Insurance and Annuities
- ☐ Estates, Trusts and Other Beneficial Interests
- ☐ Legal Affairs, Claims and Litigation
- ☐ Personal Maintenance
- ☐ Benefits from Governmental Programs or Civil or Military Service
- ☐ Retirement Plans
- ☐ Taxes
- ☒ All Preceding Subjects

6. GRANT OF SPECIFIC AUTHORITY.

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

- ☐ Create, amend, revoke or terminate an inter vivos, family, living, irrevocable or revocable trust
- ☐ Make a gift, subject to the limitations of NRS and any special instructions in this Power of Attorney
- ☐ Create or change rights of survivorship
- ☐ Create or change a beneficiary designation
- ☐ Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- ☐ Exercise fiduciary powers that the principal has authority to delegate
- ☐ Disclaim or refuse an interest in property, including a power of appointment

7. LIMITATION ON AGENT'S AUTHORITY.

An agent that is not my spouse MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

8. SPECIAL INSTRUCTIONS OR OTHER OR ADDITIONAL AUTHORITY GRANTED TO AGENT:

9. DURABILITY AND EFFECTIVE DATE.

☒ DURABLE. This Power of Attorney shall not be affected by my subsequent disability or incapacity.

☐ SPRINGING POWER. I wish to have this Power of Attorney become effective on my incapacity. It is my intention and direction that my designated agent, and any person or entity that my designated agent may transact business with on my behalf, may rely on a written medical opinion issued by a licensed medical doctor stating that I am disabled or incapacitated, and incapable of managing my affairs,

and that said medical opinion shall establish whether or not I am under a disability for the purpose of establishing the authority of my designated agent to act in accordance with this Power of Attorney.

☒ NON SPRINGING POWER. I wish to have this Power of Attorney become effective immediately upon my execution of the document.

☐ TERMINATION: I wish to have this Power of Attorney end at my death.

10. THIRD PARTY PROTECTION.

Third parties may rely upon the validity of this Power of Attorney or a copy and the representations of my agent as to all matters relating to any power granted to my agent, and no person or agency who relies upon the representation of my agent, or the authority granted by my agent, shall incur any liability to me or my estate as a result of permitting my agent to exercise any power unless a third party knows or has reason to know this Power of Attorney has terminated or is invalid.

11. RELEASE OF INFORMATION.

I agree to, authorize and allow full release of information, by any government agency, business, creditor or third party who may have information pertaining to my assets or income, to my agent named herein.

12. SIGNATURE AND ACKNOWLEDGMENT. YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY. THIS POWER OF ATTORNEY WILL NOT BE VALID UNLESS IT IS ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

I sign my name to this Power of Attorney on _____ (date).

Jane Jones

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of NEVADA

}

} ss.

County of CLARK

}

On this 24th Day of OCT 2012 before me, a Notary Public, personally appeared JUNE JONES personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.



[Signature]
NOTARY PUBLIC

EXHIBIT “3”

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Holographic Will

I June Jones declare this
my will & hereby revoke
all prior wills.

I give all my estate to
my children if he/she survives
me or if not to the other
children who survives me
"Per Capitol"

I nominate Kimberly Jones
as executor of this will
and as the guardian of
my estate & person.

If he/she shall for any
reason fail or cease to act
I nominate Scott Saunders
as executor and as of
guardian of my estate & person
I request that no bond
be required of any fiduciary
under this will

Signed in Las Vegas Nevada
on 11-23-12

June Jones.

EXHIBIT “4”

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4:31



New iMessage

Cancel

To: Marci Pirola

May 6, 2017, 5:52 PM

Just waking up. Please
contact Kim. If she doesn't
respond or refuses to step up
I'm happy to fill in.

Ok. Donna just said she is at
Dads. So hopefully it works
out. Thank you so much for
last night robin. Seems like a
super difficult situation for the
family.

Thanks. I wish I was able to
help focus on getting Gerry
well. I really do love him and
he loves my mom so much.

I know. He is a good man. He
took care of my mom till the
very end. He always said he
would to. But...he was
younger haha

*see
pg 4*



Messages



4:31



New iMessage

Cancel

To: Marci Pirolo

younger haha

It's just something that HAS to be resolved so my mom and Gerry have the security they both deserve in knowing and having a reliable plan. He just wants her to be happy and taken care of but he needs support in doing that.

Yip. I tried once but it was very uncomfortable and it didn't turn out well at all. I will address it again with Kim soon if my sisters don't freak out first.

Please keep me updated with Gerry. The pain is so bad Perry was telling me how bad he felt for Gerry last night knowing what he was going through. I really liked Dr. Moon that came in this morning.

see pg 4



Message



4:31



New iMessage

Cancel

To: Marci Pirolo

You guys try to focus on Gerry. Gerry and my mom both know that Perry and I have a consultation with an attorney on Monday to see what we can do to compel her to be available and have a solid plan.

He took that pain well tho. Strong

For 84 years

Yes. So strong. Perry said he was quietly cursing last night but under his breathe and not when women were in the room. So sweet.

Or compel her to give up Power of Attorney to someone, any other sibling, doesn't even have to be me, that is willing to be responsible.

see pg 4



iMessage



4:31



New iMessage

Cancel

To: Marci Piolo

Or compel her to give up
Power of Attorney to
someone, any other sibling,
doesn't even have to be me,
that is willing to be
responsible.

In my mom's Will and Power of
Attorney paperwork, my
brother is the second choice.
So we'll see. I maybe able to
legally push them to act better
but I may not.

I'll know more Monday and will
let you know if I get news in
the consultation that seems
like it will get her ass in gear.



Ok thank you. Have a good
night.

Dec 14, 2017, 4:49 PM

Robin, have you heard from



Sent from my iPhone

EXHIBIT "5"

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Assessor Parcel Number Tree
Search for Parcel Chain History (Parent/Child)
Selected Parcel: 138-02-511-076

Parcel	Owner 1	Owner 2	Tax District	Acres	Doc Number	Deed Date	Comments
138-02-511-076	POWELL RICHARD & KANDI		200	0.18	20180116:01314	1/16/2018	
138-02-511-076	JONES JUNE		200	0.0000	20040623:03371	6/23/2004	C- 20180116:1313
138-02-511-076	TORMALA WALTER W	JONES JUNE	200	0.0000	20020130:01879	1/30/2002	L- 20040609:1988
138-02-511-076	TORMALA WALTER W		200	0.0000	19961224:00879	12/24/1996	
138-02-511-076	HORTON D R INC		200	0.0000	19950425:01520	4/25/1995	

1 Parent Parcel

Parent Count	Parcel	Child Count	Owner 1	Doc Number	Acres
1	138-02-502-001	83	HORTON D R INC	19941102:00292	18.32

0 Child Parcels

No child parcels were found.

EXHIBIT “6”

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Inst #: 20180116-0001314

Fees: \$40.00

RPTT: \$1083.75 Ex #:

01/16/2018 10:24:59 AM

Receipt #: 3297378

Requestor:

QC DEED, LLC (MAIN)

Recorded By: RYUD Pgs: 4

DEBBIE CONWAY

CLARK COUNTY RECORDER

Src: ERECORD

Ofc: ERECORD

APN NO.: 138-02-511-076

WHEN RECORDED MAIL TO:

DICK AND KANDI POWELL
2540 E. HARMON AVE.
LAS VEGAS, NV 89121

MAIL TAX STATEMENTS TO:

SAME AS ABOVE

Affix RPTT: \$1,083.75

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That,

JUNE JONES, A MARRIED WOMAN,
AS HER SOLE AND SEPARATE PROPERTY,
WHO ACQUIRED TITLE AS AN UNMARRIED WOMAN

Whose address is

6277 W. KRAFT AVE., LAS VEGAS, NV

FOR A VALUABLE CONSIDERATION, the receipt of which is hereby
acknowledged, do hereby Grant, Bargain, Sell and Convey to

RICHARD POWELL AND KANDI POWELL,
HUSBAND AND WIFE,
AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

Whose address is

2540 E. HARMON AVE., LAS VEGAS, NV

All that real property situated in the County of CLARK, State of Nevada,

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A
PART HEREOF, and commonly known as

6277 W. KRAFT AVE, LAS VEGAS, NV


SUBJECT TO: 1. Taxes for the fiscal year paid current.

2. Rights of way, reservations, restrictions, easements and conditions
of record.

Together with all and singular the tenements, hereditaments and appurtenances
thereunto belonging or in anywise appertaining.

SEE PAGE TWO (2) FOR SIGNATURES AND NOTARY ACKNOWLEDGEMENT

SIGNATURES AND NOTARY ACKNOWLEDGEMENT


JUNE JONES

STATE OF : NEVADA
COUNTY OF : CLARK

On this 12 day of JANUARY, 2018,

before me R. RITTER,

a Notary Public for the State of NEVADA

personally appeared JUNE JONES

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which person(s) acted, executed the instrument.



Signature Notary Public

My commission expires:

My commission number:

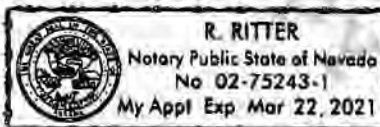


EXHIBIT "A"
LEGAL DESCRIPTION

APN No.: 138-02-511-076

LOT THIRTY-TWO (32), IN BLOCK "B", OF EAGLE TRACE, AS SHOWN BY MAP THEREOF
ON FILE IN BOOK 67 OF PLATS, PAGE 50, IN THE OFFICE OF THE COUNTY RECORDER
OF CLARK COUNTY, NEVADA.

ASSESSOR'S COPY

**STATE OF NEVADA
DECLARATION OF VALUE FORM**

1. Assessor Parcel Number(s)

- a. 138-02-511-076
b. _____
c. _____
d. _____

2. Type of Property:

- a. ☐ Vacant Land b. ☒ Single Fam. Res.
c. ☐ Condo/Twnhse d. ☐ 2-4 Plex
e. ☐ Apt. Bldg f. ☐ Comm'l/Ind'l
g. ☐ Agricultural h. ☐ Mobile Home
i. ☐ Other _____

FOR RECORDER'S OPTIONAL USE ONLY

Book: _____ Page: _____

Date of Recording: _____

Notes: _____

3. a. Total Value/Sales Price of Property
b. Deed in Lieu of Foreclosure Only (value of property)
c. Transfer Tax Value:
d. Real Property Transfer Tax Due

\$ 212,083.00

\$ 212,500.00
\$ 1,083.75

4. If Exemption Claimed:

- a. Transfer Tax Exemption per NRS 375.090, Section _____
b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred: 100 %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature: June Jones
JUNE JONES

Capacity: Grantor

Signature: Richard Powell
RICHARD POWELL

Capacity: Grantee

SELLER (GRANTOR) INFORMATION

BUYER (GRANTEE) INFORMATION

Print Name: JUNE JONES

Print Name: RICHARD POWELL AND KANDI POWELL

Address: 6277 W. KRAFT AVE.
City: LAS VEGAS
State: NV Zip: 89130

Address: 2540 E. HARMON AVE.
City: LAS VEGAS
State: NV Zip: 89121

COMPANY REQUESTING RECORDING

Print Name: QC Deed
Address: 7251 W. Lake Mead Blvd, Suite 300
City: Las Vegas

Escrow #: accommodation
18QC-0103-0003
State: NV Zip: 89128

As a public record this form may be recorded/microfilmed

EXHIBIT “7”

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4:33



New iMessage

Cancel

To: Marci Pirolo

Tue Apr 9, 4:51 PM

Good Evening to all of you, I wanted to let you all know that my dad is back in the hospital as of this morning and will most likely be in for a significant amount of time, weeks or longer. He passed out again this morning (luckily not while he was driving to get breakfast) he was very anemic and need a blood transfusion and then they can do the Angiogram and then either a stint put in or an actual heart valve surgery. They really don't think he will be getting out before then. June desperately needs a full time caregiver as Dad has been doing that for her but is no longer able to. Dad and June cannot afford it and Dick and my sister have been covering



Sent from my iPhone



OPPO

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Attorneys for Respondent Kimberly Jones

DISTRICT COURT

CLARK COUNTY, NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF THE PERSON AND
ESTATE OF:

KATHLEEN JUNE JONES

An Adult Protected Person.

Case No.: G-19-052263-A

Dept.: B

Date of Hearing: October 3, 2019

Time of Hearing: 9:00 a.m.

**OPPOSITION TO *EX PARTE* PETITION FOR APPOINTMENT OF TEMPORARY AND
GENERAL GUARDIAN OF THE PERSON AND ESTATE;**

**ALTERNATIVELY, COUNTER-PETITION FOR APPOINTMENT OF KIMBERLY
JONES AS TEMPORARY AND GENERAL GUARDIAN OF THE PERSON AND
ESTATE**

☒ **TEMPORARY GUARDIANSHIP**

☐ Person

☐ Estate

☒ Person and Estate

☐ **GENERAL GUARDIANSHIP**

☐ Person

☐ Estate ☐ Summary Admin.

☐ Person and Estate

☐ **SPECIAL GUARDIANSHIP**

☐ Person

☐ Estate ☐ Summary Admin.

☐ Person and Estate

☐ **NOTICES/SAFEGUARDS**

☐ Blocked Account Required

☐ Bond Required

Kimberly Jones, by and through her counsel of record, Jeffrey P. Luszeck, Esq., and Ross E. Evans, Esq., of the law firm Solomon Dwiggins & Freer, Ltd., hereby opposes the *Ex Parte* Petition for Appointment of Temporary Guardians and Petition for Appointment of General Guardians filed by Petitioners Robyn Friedman and Donna Simmons on September 19, 2019. In the alternative, should this Court determine that a Guardianship is necessary, Kimberly Jones ("Kim") hereby Petitions this Court to appoint her as the Temporary and General Guardian of the

Person and Estate of Kathleen June Jones ("June"), and requests that this Court revoke the letters of guardianship previously issued to Robyn Friedman and Donna Simmons. In support thereof, and pursuant to NRS 159, Kim submits the following Memorandum of Points and Authorities.

MEMORANDUM OF POINTS AND AUTHORITIES

A. INTRODUCTION.

Petitioners Robyn Friedman and Donna Simmons spin a confusing and sometimes false narrative in their *Ex Parte* Petition for an emergency and temporary guardianship based primarily on facts they discovered nearly 7 months ago. There was no basis for the *ex parte* and immediate appointment of temporary guardians in this case except for Petitioners unjustified fears that Kim was not capable of protecting their mother as her attorney-in-fact. This unilateral *ex parte* action by Petitioners has been disruptive to Kim's authority under June's power of attorney. Petitioners have put 24/7 caregivers in place, where there was no need, and despite the fact that Kim has been residing and caring for their mother for months, while Petitioners were absent and non-communicative. Now, Petitioners exalt Kim's caregiving of June, however, they still second-guess and decry the manner in which Kim has responded (or as they allege, Kim failed to respond) to elder abuse allegations by third-party bad-actors. There is no merit to Petitioner's claims that Kim has failed to respond. Rather, Petitioners are simply dissatisfied with Kim's autonomy as the attorney-in-fact, as they have demanded instantaneous access to all of June's financial information and on the spot decision-making by June.

In May of 2019, when June's needs for caregiving became clear, Kim resigned from her job so as to relocate to live with her mother to provide around-the-clock care for her. Kim is uniquely qualified and suited to be her mother's attorney-in-fact or guardian. Kim has a master's degree in Gerontology from Cal. State. Kim is a certified Nurse Assistant in the State of California, and prior to recently resigning, was employed by the State of California Department of Aging, Long-Term Care Ombudsm as a Residential Care for the Elderly Administrator. Kim has professional experience as being: (1) a Conflict Resolution Mediator with the Orange County Court System; (2) a Domestic Violence Counselor; (3) an Elder Mediator; (4) a Professional

1 Supervised Family Court Visitation Monitor, handling in excess of 450 cases; and (5) the
2 Director of Social Services for a skilled nursing facility in California.¹

3 Contrary to Petitioners' allegations, Kim has successfully been utilizing June's October
4 24, 2012 financial power of attorney to obtain banking records and evidence of financial elder
5 abuse and misconduct to pursue claims against the bad-actors. Kim has initiated a complaint with
6 Adult Protective Services and with the LVMPD elder abuse detail. Kim has assisted with the
7 criminal investigation by performing interviews and providing documents she obtained with the
8 power of attorney and by filling in factual details. Prior to the initiation of this Guardianship
9 proceeding, Kim had retained counsel to advise her, and to potentially initiate litigation for elder
10 abuse, exploitation and conversion against the bad-actors. Kim has initiated litigation and
11 successfully defended against a retaliatory and unlawful attempt to evict her from her mother's
12 house, which Petitioners allege has already occurred (it has not). Kim and her counsel have
13 engaged in discussions with the bad-actors, which discussions indicate that a settlement with full
14 reimbursement to June is realistic.

15 Likewise, Kim has fulfilled a caregiving role for June since her needs became readily
16 apparent in or about March of 2019. Kim has successfully used June's December 27, 2005
17 Healthcare power of attorney to facilitate June's access to the healthcare she needs. Kim is fully
18 capable of protecting her mother's best interests under the powers of attorney her mother
19 established, and doing so in the manner in which June entrusted her. The powers of attorney are
20 working, and Kim has been taking the appropriate actions. While there was a breakdown in
21 communications between Kim and her sisters *after* the temporary guardianship was put in place
22 by Petitioners on an *ex parte* basis, it now appears that Kim and the Petitioners are capable of
23 repairing their family dynamic. Kim is committed to caring for her mother long-term, and
24 pursuing civil remedies and criminal process against the third-party bad-actors.

25 Kim prefers dismissal of the Guardianship proceeding at this juncture in favor of the pre-
26 existing powers of attorney which were working and which were put in place by June to avoid

27
28 ¹ A copy of Kim's C.V. is attached hereto as **Exhibit 1**.

guardianship in the first place. Kim is committed to serving as her mother's chosen fiduciary, and it appears that the Petitioners are committed to accepting Kim's role as attorney-in-fact. Kim believes that the Guardianship is not necessary simply to work out their family's communication and trust issues, and that it is not in their mother's best interests at this juncture. To the extent Petitioners are willing, Kim is committed to implementing an informal family plan which is the proper way to address the family dynamic. This is the least restrictive means at this juncture. Accordingly, Kim requests that this Court dismiss the temporary guardianship and deny the Petition for General Guardianship, so that the family can address their issues privately in a manner that is in their mother's best interests. Alternatively, if the Court should determine that this proceeding continue, Kim requests that this Court revoke the Letters of Temporary Guardianship issued to Petitioners, that the Court appoint Kim as the Temporary Guardian, and that this proceeding only be maintained as long as necessarily required.

B. STATEMENT OF FACTS.

1. June was born on January 20, 1937 and is presently 82 years old.

2. Kimberly Jones ("Kim") is one of three daughters of June. Petitioners, Robyn Friedman and Donna Simmons are also June's daughters. June also has a son, Scott Simmons, who resides in June's rental property in Anaheim, CA.

3. June is a resident of Clark County, Nevada, residing at 6277 Kraft Avenue, Las Vegas, Nevada 89130 (the "Kraft Avenue" property).

4. In 2002, June was in a relationship with Walter Tormala ("Walter"). June and Walter resided together at the Kraft Avenue property. On January 30, 2002, Walter executed a quitclaim deed, transferring ownership of the Kraft Avenue property to himself and June as joint tenants with right of survivorship.² In 2004, Walter executed another quitclaim deed, transferring his interest in the Kraft Avenue property to June as the sole owner.³ Walter and June were

² A copy of the January 30, 2002, Quitclaim deed is attached hereto as **Exhibit 2**.

³ A copy of the 2004 Quitclaim deed is attached hereto as **Exhibit 3**.

1 engaged to be married, however, on June 6, 2007, Walter passed away.⁴ June continued to reside
2 in the Kraft Avenue property and has maintained all mortgage payments thereon.

3 5. June and Kim have always shared a close relationship. In or about 2003, June and
4 Kim opened a joint account at Bank of America in which June deposited her social security
5 income and from which her bills were paid. June additionally deposited rents she received from a
6 rental property she owns in Anaheim, CA, which she rents to her son, Scott. Kim has never
7 contributed any funds to their joint account. When the account was opened, June explained to
8 Kim that she wanted a joint account with Kim so that Kim could assist her with paying her bills
9 and managing her finances should the need ever arise in the future. The statements for the joint
10 account were always mailed to June at the Kraft Avenue property. The first time Kim looked at
11 the financial activity of that account was after Kim moved in May of 2019. After noticing
12 suspicious transactions, in July of 2019, Kim requested and received several years of statements,
13 which she has been going through and turning over to investigators.

14 6. On December 27, 2005, June executed a Durable Healthcare Power of Attorney,
15 in which she designated Kim as her attorney-in-fact.⁵

16 7. In 2009, June married Rodney Gerald Yeoman. June and Mr. Yeoman remain
17 happily married, though their relationship has been complicated by June's cognitive decline and
18 Mr. Yeoman's recent health complications.

19 8. After their marriage, June and Rodney opened joint accounts at Chase Bank,
20 however, June also maintained her joint account with Kim at Bank of America.

21 9. On October 24, 2012, June consulted an attorney and executed a Durable
22 Financial Power of Attorney, in which she again designated Kim as her attorney-in-fact
23 notwithstanding her marriage to Mr. Yeoman.⁶ Upon information and belief, Mr. Yeoman
24

25 ⁴ A copy of the probate court Petition related to the Estate of Walter Tormala is attached hereto as
26 **Exhibit 4.**

27 ⁵ A copy of the December 27, 2005, Healthcare Power of Attorney is attached hereto as **Exhibit**
28 **5.**

⁶ A copy of the October 24, 2012, Power of Attorney is attached hereto as **Exhibit 6.**

1 designated his son-in-law, Richard Powell, as his attorney-in-fact.

2 10. Upon information and belief, in or about 2016, June was first noted in her medical
3 records as experiencing lapses of memory. June's memory and cognition have been in decline
4 ever since. In 2017, June was diagnosed with a degenerative neurological disorder. June has been
5 seeing specialists at the Cleveland Clinic's Luo Ruvo Center in Las Vegas for treatment. On
6 September 5, 2019, June's physician at the Luo Ruvo Center, Dr. Marwan Sabbagh, certified that
7 "Mrs. Jones has a degenerative neurological disorder resulting in impairment of memory,
8 judgment and other cognitive functions. She is not capable of handling her own affairs, including
9 medical, financial, and legal decisions, and requires a guardian."⁷ In lieu of guardianship,
10 though, Kim prefers to continue to serve as June's primary caregiver and attorney-in-fact. In fact,
11 Kim has not experienced any problems with any medical provider or financial institution
12 recognizing her authority as the attorney-in-fact.

13 11. Since their marriage, June and Mr. Yeoman resided together at the Kraft Avenue
14 property. However, in or about March of 2019, Mr. Yeoman went out to pick up dinner and
15 fainted. Mr. Yeoman, who is presently 86 years old, had to relocate to the Mayo Clinic in
16 Phoenix, Arizona, for medical treatment where he underwent a heart valve replacement, and is
17 currently receiving chemotherapy. Mr. Yeoman continues to reside at the Mayo Clinic in
18 Phoenix.

19 12. As a result of Mr. Yeoman's incident and emergency relocation to Phoenix, Kim
20 has attended to her mother's care. Contemporaneously, in or about March of 2019, Kim's sister,
21 Robyn, informed Kim that she had discovered on Zillow.com that June's Kraft Avenue property
22 had been sold on January 16, 2018. The sale was alarming because it appeared to have been sold
23 to Mr. Yeoman's daughter and son-in-law, Kandi and Richard Powell, for approximately
24 \$100,000 under market value.⁸

26
27 ⁷ See, September 5, 2019 Physician's certificate, attached hereto as **Exhibit 7**.

28 ⁸ A copy of the Zillow.com listing for the Kraft Avenue property is attached hereto as **Exhibit 8**.

1 13. In late March 2019 or early April 2019, Kim questioned her mother about the sale
2 of her home to Mr. Yeoman's daughter and son-in-law, however, June could not remember any
3 details about the sale and expressed her disbelief that the house had been sold.

4 14. Kim subsequently called Richard Powell and questioned him about the sale.
5 Richard admitted purchasing the property from June, but stated that he did so at June's request to
6 relieve her of the burden of making monthly mortgage payments. Richard denied that the sale
7 was under market, but stated that he had offered to pay off the mortgage while allowing June and
8 Mr. Yeoman to stay in the property for the rest of their lives without a mortgage payment or
9 paying rent. Richard's responses did not make any sense to Kim, and she pressed him for details,
10 which Richard refused to provide or lied to her. For instance, Kim questioned what Richard did
11 with the equity in the home, as June had been paying the mortgage since approximately 2003.
12 Kim confronted Richard with the fact that the property was originally acquired by June's former
13 fiancé, Walter, in 1996 for only approximately \$145,000. Accordingly, Kim demanded that
14 Richard provide an accounting of the sales proceeds and pay-off of any mortgage. At first
15 Richard agreed to provide such an accounting to Kim, but has since back-tracked, retained
16 counsel, and taken actions to obstruct Kim's investigation.

17 15. Upon information and belief, Richard Powell knowing June's condition, took
18 advantage of June, and exploited and unduly influenced June to sell the house to Richard and
19 Kandi Powell. Accordingly, Kim made a complaint and initiated an elder abuse investigation
20 with Nevada Adult Protective Services ("APS") and with the Las Vegas Metro Police Dept.'s
21 ("LVMPD") elder abuse detail.

22 16. Since Kim became informed of the details surrounding the sale of June's property
23 to Richard and Kandi Powell, Kim has utilized the power of attorney to obtain historical banking
24 records for June. Kim discovered a number of irregularities in the bank statements. For instance,
25 since June's marriage with Mr. Yeoman, June consistently wrote checks from the joint account
26 she established with Kim at Bank of America to her marital account with Mr. Yeoman to cover
27 the mortgage payment and the couple's joint living expenses. Notwithstanding, Kim discovered
28

1 various checks written from the June and Kim account that were signed by Mr. Yeoman or even
2 by Richard Powell, despite that neither of them have signatory authority on the account. Kim has
3 turned these records over to LVMPD and APS.

4 17. As recently as September 4, 2019, Kim discovered that Richard had utilized an
5 ATM card in June's name to debit \$1,000 from June and Kim's Bank of America account. This
6 occurred at an ATM in Las Vegas, while Kim was with her mother in Phoenix visiting with Mr.
7 Yeoman. Kim sent a text message demanding that Richard immediately reimburse the \$1,000.⁹
8 Richard responded that the money was for June's house payment in California, that Mr. Yeoman
9 had requested that Richard make the payment, and if Kim would provide proof that the house
10 payment had already been made, he would reimburse the funds.¹⁰ In fact, Kim had already
11 established an auto-debit from her and June's accounts to make the house payments. However,
12 Richard had no authority to access or initiate withdrawals from June and Kim's account (neither
13 did Mr. Yeoman), and Richard's offer to reimburse such money only upon his terms was absurd.

14 18. Further, Kim discovered that in or about November of 2017, Mr. Yeoman and
15 Richard Powell removed June from Mr. Yeoman and June's marital accounts at Chase Bank, and
16 made Richard Powell a joint-owner on such accounts with Mr. Yeoman. At the time June was
17 removed from the marital accounts, there was an approximate balance of \$41,000.

18 19. Upon information and belief, Mr. Yeoman's son, Richard Powell utilized a power
19 of attorney he holds for his father to initiate changes to Mr. Yeoman and June's Chase Bank
20 accounts for his own benefit and without any authority to act for or remove June's interests in the
21 accounts. Upon information and belief, Richard Powell has likewise unduly influenced and
22 exploited his father, or committed these acts without his father's knowledge.

23 20. Kim has recently uncovered evidence that in 2017, the loan on June's rental
24 property in Anaheim, CA, was refinanced. Kim is in the process of obtaining all of the
25 documents associated with the refinancing to determine the propriety of the same and ensure that

26 _____
27 ⁹ A copy of the September 4, 2019 text message is attached hereto as **Exhibit 9**.

28 ¹⁰ See, **Exhibit 9**.

equity was not accessed to June's prejudice.

21. Contrary to Petitioner's allegations, Kim has taken actions consistently since March of 2019, when Petitioners first apprised Kim of their allegation that Richard Powell had benefitted from the sale of their mother's house, to provide for and protect June's health and financial interests. Paramount to Kim was securing her mother's person and healthcare and ensuring that she received the best care possible, before investigating allegations of financial misconduct by Mr. Yeoman's son-in-law, Richard Powell.

22. Kim moved in with her mother to provide care and support. Kim has attended visits with June's primary care provider and with specialists at the Luo Ruvo Center. Kim has facilitated travel with June to Phoenix so June could visit with Mr. Yeoman as he undergoes treatment. Kim has utilized her powers of attorney to discuss healthcare treatment options with June's physicians. Kim has used her power of attorney to obtain financial information to investigate and secure June's financial interests. Kim has retained counsel whom has sent correspondence to June's banks to demand that her accounts be restricted from unlawful access.¹¹ Kim's counsel has corresponded with Mr. Yeoman and Richard Powell, informing each of them that June is a vulnerable person as defined by NRS 41.1395, that their actions have interfered with June's caregiving from Kim, that they have unlawfully taken June's property for their own use and benefit and in disregard of June's interests, and to demand the immediate return of such property.¹² June's counsel has recently engaged in conferences with Richard Powell's counsel and has had productive settlement discussions. However, these settlement discussions have been hampered by this very Guardianship proceeding, as have Kim's options to immediately initiate an elder abuse lawsuit against Richard Powell should the settlement discussions sour.

23. Petitioners, however, spin a false narrative that Kim has been evicted or that she will be evicted by Richard Powell from June's residence, thus, leaving June without any

¹¹ See, August 1, 2019 letter from David Johnson, Esq., attached hereto as **Exhibit 10**.

¹² See, August 12, 2019 letter from Dara Goldsmith, Esq., attached hereto as **Exhibit 11**.

1 protection whatsoever and at Richard's complete mercy and whim. Petitioners drum up such
2 meritless allegations merely to portray Kim as powerless and ineffective. The reality is that
3 Petitioners second-guess all of Kim's actions to date in hindsight, and despite that Petitioners
4 were deliberately absent and non-communicative with Kim until only very recently.

5 24. In order to provide updates to her family, request assistance and that they try to
6 visit June, Kim sent emails to each of the Petitioners on July 26, 2019,¹³ August 16, 2019,¹⁴
7 September 5, 2019,¹⁵ and September 12, 2019,¹⁶ only the last of which was responded to by one
8 of the Petitioners.¹⁷

9
10 **C. ARGUMENT IN OPPOSITION TO THE CONTINUATION OF THE**
11 **TEMPORARY GUARDIANSHIP AND ESTABLISHMENT OF A GENERAL**
12 **GUARDIANSHIP.**

13 As set forth above, there is no basis to Petitioner's allegations that Kim's authority under
14 the power of attorney has been ineffective, or that June's interests are better protected by the
15 temporary appointment of Petitioners as Guardians. Moreover, Petitioners have not met their
16 burden of establishing the need for the extension of the appointment of temporary guardians of
17 the Person, as they do not demonstrate clear and convincing evidence "...that the proposed
18 protected person is unable to respond to a substantial and immediate risk of physical harm or to a
19 need for immediate medical attention." *See*, NRS 159.0523(5)(a) and (b). Other than June's
20 cognitive incapacity, Petitioners do not allege a single fact demonstrating clear and convincing
21 evidence of a substantial and immediate risk of physical harm or need for immediate medical
22 attention, nor do Petitioners demonstrate that June's healthcare needs are not being served. Here,
23 all of June's healthcare needs were being met and attended to by Kim as June's attorney-in-fact.

24 ¹³ *See*, email dated July 26, 2019, attached hereto as **Exhibit 12**.

25 ¹⁴ *See*, email dated August 16, 2019, attached hereto as **Exhibit 13**.

26 ¹⁵ *See*, email dated September 5, 2019, attached hereto as **Exhibit 14**.

27 ¹⁶ *See*, email dated September 12, 2019, attached hereto as **Exhibit 15**.

28 ¹⁷ *See*, **Exhibit 15**.



1 Petitioners do not dispute this.

2 Similarly, Petitioners have not met their burden of establishing the need for the extension
3 of the appointment of temporary guardians of the Estate, as they do not demonstrate clear and
4 convincing evidence "...that the proposed protected person is unable to respond to a substantial
5 and immediate risk of financial loss." *See*, NRS 159.0525(5)(a) and (b). Petitioners only
6 demonstrate that, at the time they filed their *ex parte* application, June had **already** suffered from
7 exploitation and elder abuse by Richard Powell. Petitioners, however, fail to demonstrate any
8 present risk of financial loss or exploitation. Rather, the evidence demonstrates that June is being
9 protected by Kim as the power of attorney and that Kim is investigating and responding to the
10 prior acts taken against June. Further, as June's attorney-in-fact, Kim has taken proactive action
11 to restrict unlawful access to June's accounts,¹⁸ and has further engaged directly with Richard
12 Powell and made demands that he return June's property forthwith. Moreover, June and Richard
13 *via* their counsel have already engaged in settlement discussions on this front which may
14 ultimately prove fruitful. If not, though, Kim has simultaneously been assisting with a criminal
15 elder abuse investigation, and is prepared to initiate litigation as June's attorney-in-fact against
16 Richard Powell for elder abuse.

17 Accordingly, there is currently no risk of harm or financial loss, and the prior acts are
18 being investigated and addressed. Therefore, this Court should decline to extend the temporary
19 guardianship. Rather, the only lingering issues concern the family dynamic between Kim and the
20 Petitioners. In this regard, Kim's counsel and the Petitioners' counsel have had recent good faith
21 discussions to implement a family plan of understanding outlining their commitments to each
22 other, and jointly developing a care plan for June to be implemented by Kim as the attorney-in-
23 fact. Kim believes it is a waste of this Court's resources and not within this Court's jurisdiction
24 to supervise such an informal agreement and understanding between the family members where
25 there are already functioning powers of attorney implemented by the Proposed Protected Person,
26 and where Kim has already accepted to act as fiduciary in such healthcare and financial roles.

27
28 ¹⁸ *See*, **Exhibits 9, 10, and 11.**

1 Accordingly, this Court should dismiss this proceeding outright.

2 **D. ALTERNATIVE COUNTER-PETITION TO APPOINT KIMBERLY JONES AS**
3 **TEMPORARY GUARDIAN.**

4 Alternatively, should the Court determine that the temporary guardianship should
5 continue, this Court should revoke the Letters of Temporary Guardianship issued to Petitioners,
6 and instead appoint Kim as the temporary guardian. June is entitled to preference that Kim
7 should serve as guardian if the need is demonstrated. Moreover, Kim is entitled to preference as
8 June's attorney-in-fact pursuant to NRS 159.0613, which provides, in relevant part, that:

9 1. Except as otherwise provided in subsection 3, in a proceeding
10 to appoint a guardian for a protected person or proposed protected
11 person, the court shall give preference to a nominated person or
12 relative, in that order of preference:

13 (a) Whether or not the nominated person or relative is a
14 resident of this State; and

15 (b) If the court determines that the nominated person or relative
16 is qualified and suitable to be appointed as guardian for the
17 protected person or proposed protected person.

18 2. In determining whether any nominated person, relative or other
19 person listed in subsection 4 is qualified and suitable to be
20 appointed as guardian for a protected person or proposed protected
21 person, the court shall consider, if applicable and without limitation:

22 (a) The ability of the nominated person, relative or other person
23 to provide for the basic needs of the protected person or proposed
24 protected person, including, without limitation, food, shelter,
25 clothing and medical care;

26 (b) Whether the nominated person, relative or other person has
27 engaged in the habitual use of alcohol or any controlled substance
28 during the previous 6 months, except the use of marijuana in
accordance with the provisions of chapter 453A of NRS;

(c) Whether the nominated person, relative or other person has
been judicially determined to have committed abuse, neglect,
exploitation, isolation or abandonment of a child, his or her spouse,
his or her parent or any other adult, unless the court finds that it is
in the best interests of the protected person or proposed protected
person to appoint the person as guardian for the protected person or
proposed protected person;

(d) Whether the nominated person, relative or other person is
incapacitated or has a disability; and

(e) Whether the nominated person, relative or other person has been convicted in this State or any other jurisdiction of a felony, unless the court determines that any such conviction should not disqualify the person from serving as guardian for the protected person or proposed protected person.

3. If the court finds that two or more nominated persons are qualified and suitable to be appointed as guardian for a protected person or proposed protected person, the court may appoint two or more nominated persons as co-guardians or shall give preference among them in the following order of preference:

(a) A person whom the protected person or proposed protected person nominated for the appointment as guardian for the protected person or proposed protected person in a will, trust or other written instrument that is part of the established estate plan of the protected person or proposed protected person and was executed by the protected person or proposed protected person while he or she was not incapacitated.

(b) A person whom the protected person or proposed protected person requested for the appointment as guardian for the protected person or proposed protected person in a request to nominate a guardian that is executed in accordance with NRS 159.0753.

4. Subject to the preferences set forth in subsections 1 and 3, the court shall appoint as guardian the qualified person who is most suitable and is willing to serve. In determining which qualified person is most suitable, the court shall, in addition to considering any applicable factors set forth in subsection 2, give consideration, among other factors, to:

(a) Any nomination or request for the appointment as guardian by the protected person or proposed protected person.

E. This Court should determine that Kim should be given preference to serve as temporary guardian as June is entitled to have her nominee serve as Guardian, and because June's power of attorney expresses that Kim should so serve as guardian.¹⁹

F. Kim requests that this Court authorize Kim to issue citations and notice of hearing of this Counter-Petition in the manner required by law to those entitled to notice, and that this Court set a date for a hearing of the foregoing Counter-Petition for appointment of Kim as temporary or general guardian of the Person and Estate.

G. The names and last known addresses of the Proposed Protected Person's relatives within the second degree of consanguinity and over the age of fourteen, so far as the Petitioner

¹⁹ See, Exhibits 5 and 6.

can determine, are as follows:

<u>Name</u>	<u>Address</u>
Kathleen June Jones	6277 Kraft Avenue, Las Vegas, Nevada 89130. c/o Maria L. Parra Sandoval, Esq., LEGAL AID CENTER OF SOUTHERN NEVADA, INC. 725 E. Charleston Blvd., Las Vegas, NV 89104
Robyn Friedman	c/o John P. Michaelson, Esq., MICHAELSON & ASSOCIATES, LTD. 2200 Paseo Verde Parkway, Suite 160 Henderson, NV 89052
Donna Simmons	c/o John P. Michaelson, Esq., MICHAELSON & ASSOCIATES, LTD. 2200 Paseo Verde Parkway, Suite 160 Henderson, NV 89052
Rodney Gerald Yeoman	2540 E. Harmon Ave. Las Vegas, NV 89102 Mayo Clinic Hospital 5777 E. Mayo Blvd. Phoenix, AZ 85054
Scott Simmons	1054 S. Verde Street Anaheim, CA 92805
Teri Butler	586 N. Magdalena Street Dewey, AZ 86327
Jen Adamo	14 Edgewater Dr. Magnolia, DE 19962
Jon Criss	804 Harksness Ln., Unit 3 Redondo Beach, CA 90278
Ryan O'Neal	112 Malvern Ave., Apt. E Fullerton, CA 92832
Tiffany O'Neal	177 N. Singingwood St., Unit 13 Orange, CA 92869
Samantha Simmons-Ihrig	Unknown

Cortney Simmons	765 Kimbark Ave. San Bernardino, CA 92407
Cameron Simmons	Unknown
Ampersand Man	c/o 2824 High Sail Ct. Las Vegas, NV 89117

WHEREFORE, Petitioner requests that this Court fix a day and time for a hearing on the foregoing Counter-Petition. Petitioner further requests that this Court enter an order as follows:

a. That this Court revoke the letters of temporary guardianship;

b. That this Court dismiss this Guardianship proceeding entirely;

c. Alternatively, that this Court appoint Kimberly Jones to serve as temporary guardian of the Person and Estate; and

d. For such other and further relief as the Court may deem just and proper.

DATED this 2nd day of October, 2019.

SOLOMON DWIGGINS & FREER, LTD.

By: 

JEFFREY P. LUSZECK, ESQ.
Nevada Bar No. 09619
ROSS E. EVANS, ESQ.
Nevada Bar No. 11374
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
Telephone No: (702) 853-5483
Facsimile No: (702) 853-5485


Attorneys for Kimberly Jones

VERIFICATION

I, KIM JONES, declare under penalties of perjury of the State of Nevada:

That I am the Petitioner who makes the foregoing OPPOSITION TO PETITION FOR APPOINTMENT OF TEMPORARY AND GENERAL GUARDIAN OF THE PERSON AND ESTATE; ALTERNATIVELY, COUNTER-PETITION FOR APPOINTMENT OF KIMBERLY JONES AS TEMPORARY AND GENDERAL GUARDIAN OF THE PERSON AND ESTATE, that I have read said Ex Parte Application and Petitions and know the contents thereof; and that the same is true of my own knowledge except as to those matters stated on information and belief and, as to such matters, I believe them to be true.

DATED this 2nd day of October, 2019.


KIMBERLY JONES

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TRUST AND ESTATE ATTORNEYS



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of October, 2019, pursuant to NRCP 5(b), I caused a true and correct copy of the foregoing **OPPOSITION TO PETITION FOR APPOINTMENT OF TEMPORARY AND GENERAL GUARDIAN OF THE PERSON AND ESTATE; ALTERNATIVELY, COUNTER-PETITION FOR APPOINTMENT OF KIMBERLY JONES AS TEMPORARY AND GENERAL GUARDIAN OF THE PERSON AND ESTATE**, to be served to the following in the manner set forth below:

Via:

<input type="checkbox"/>	Hand Delivery
<input type="checkbox"/>	U.S. Mail, Postage Prepaid
<input type="checkbox"/>	Certified Mail, Receipt No.: _____
<input type="checkbox"/>	Return Receipt Request
<input checked="" type="checkbox"/>	E-Service through Wiznet

John P. Michaelson, Esq.,
MICHAELSON & ASSOCIATES, LTD.
2200 Paseo Verde Parkway, Suite 160
Henderson, NV 89052
john@michaelsonlaw.com

Attorneys for Petitioners Robyn Friedman and Donna Simmons

Maria L. Parra Sandoval, Esq.
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.
725 E. Charleston Blvd.,
Las Vegas, NV 89104
mparra@lacsnsn.org

Attorney for Kathleen Jones, Adult Protected Person


An employee of SOLOMON DWIGGINS & FREER, LTD.

EXHIBIT “1”

EXHIBIT “1”

Fly On the Wall

Supervision – Education – Observation

Background/Experience:

Education

STATE UNIVERSITY, FULLERTON

Master of Science, Gerontology

Bachelor of Science, Human Services

License: State of California RCFE Administrator - License #5570687740

California Department of Aging, Long-Term Care Ombudsman

Certified Nurse Assistant, State of California – License #00667714

Elder Mediation Certification, Pepperdine University

Experience:

2016 - Current: **Conflict Resolution Mediator, Orange County Court System**

Handling of case conflicts through the Conflict Resolution Institution,
Orange County Courts

2015- Current: **State of California, Domestic Violence Counselor**

Interview and assist Domestic Violence victims through the Court process

2014 - Current: **Elder Mediation**

Assist attorneys with mediation between the family of elders and the
legal system

2014 - Current: **Professional Supervised Visitation Monitor**

Orange County Family Court Approved

24 hours Required Training

Handled 450 cases

May 2009-June 2012 **DIRECTOR OF SOCIAL SERVICE**, SNF, CA

Develop and administer policy and processes to maintain compliance with State
and Federal regulations of 300-bed SNF. Lead Interdisciplinary Team in the im-

plementation of measurable quality improvement initiatives. Accurately assess/coordinate admissions, ensure environment to attain and maintain the highest physical, mental, and psychosocial autonomy. Communicate mission, programs and services thru sustained public relations/marketing. Recruit, hire and educate employees to reflect effective production and budgetary strategies emphasizing maximum desired outcome of individualized plan of care. Establish service oriented relations with resident/family that champions continuity and consistency in delivery and quality of services that enhance dignity and respect.

By Kimberly Jones, Professional Monitor

EXHIBIT “2”

EXHIBIT “2”

20020130
01879

Type of Property	
a) <input type="checkbox"/>	Vacant Land
b) <input type="checkbox"/>	Single-Fam. Hous.
c) <input type="checkbox"/>	Condo/Townh.
d) <input type="checkbox"/>	2-4 Plex
e) <input type="checkbox"/>	Apt. Bldg.
f) <input type="checkbox"/>	Comm./Inst.
g) <input type="checkbox"/>	Agricultural
h) <input type="checkbox"/>	Mobile Home
i) <input type="checkbox"/>	Other

FOR RECORDERS OPTIONAL USE ONLY

Document/Instrument # _____

Box _____ Page _____

Date of Recording _____

Notes _____

Total Value/Sale Price of Property
Gross in Lieu of Foreclosure Only Value of Property,
Transfer Tax Value
Real Property Transfer Tax Due

$127,600 \times \frac{1}{4} = 31,900$
 $127,600 - 31,900 = 95,700$

a. Transfer Tax Exemption per NRS 125.090 Section 6
 b. Explain Reason for Exemption 1700
 5 Partial Interest Percentage being transferred _____

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110 that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature Walt Williams Capacity _____
Signature Walt Williams Capacity _____

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Print Name	Walter W. Fornatale	Print Name	June Jones
Address	4227 Knap Ave	Address	4227 Knap Ave
City	Los Angeles	City	Los Angeles
State	CA	State	CA
	Zip 90035		Zip 90035

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name **EQUITY TITLE LLC** Escrow # **01-22-6503**
Address **4100 West Flamingo Road Suite 1000**
City **Las Vegas, NV 89119** State **NV** Zip **89119**

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)

1875

Alfa R.P.T.T. 5 -0-

A.P.N. 138-02-511-076

2002/01/30
01228503

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH That _____

WALTER W. TORNALA, A SINGLE PERSON

FOR A VALUABLE CONSIDERATION, the receipt of which is hereby acknowledged, do hereby
Grant, Bargain, Sell and Convey to _____

WALTER W. TORNALA AND DEE/DORELL/REBECCA AND KAREE

AS PARTIERS/REARERS

WALTER W. TORNALA, A SINGLE PERSON & JUNE JONES, A SINGLE PERSON
AS JOINT TENANTS

all that real property situated in the _____ County of Clark, State of Nevada,
bounded and described as follows:

LOT THIRTY-TWO (32) IN BLOCK "B" OF EAGLE TRACE, AS SHOWN
BY MAP THEREOF ON FILE IN BOOK 67 OF PLATS, PAGE 50 IN
THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

SUBJECT TO: 1. Taxes for the fiscal year 2001 and 2002.
2. Covenants, Conditions, Reservations, Rights, Rights of Way and Easements now of record.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in
anywise appertaining.

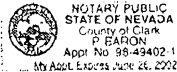
IN WITNESS WHEREOF, I we have hereunto set
January 2002

hand this 23rd day of

Walter W. Tornala
WALTER W. TORNALA

STATE OF NEVADA

COUNTY OF CLARK COUNTY



On January 23, 2002
personally appeared before me, a Notary Public,

WALTER W. TORNALA

who acknowledged that he executed the above
instrument.

Signature

(Notary Public)

(NOTARIAL SEAL)

ORDER NO. 01228503

Equity T. H. of Nevada
WHEN RECORDED MAIL TO:

MAIL TAX STATEMENTS TO:

WALTER W. TORNALA, ETAL
6277 KRAFT AVENUE
LAS VEGAS, NV 89130

CLARK COUNTY, NEVADA
JUDITH A. VANDEVER, RECORDER
RECORDED AT REQUEST OF

BOOK 67 OF PLATS

OFFICIAL RECORDS

BOOK 67 OF PLATS

FILE 138-02-511-076

EXHIBIT “3”

EXHIBIT “3”



20040623-0003371

Fee: \$16.00 RPTT: EX#004
06/23/2004 12:55:10 T20040044146
Req: NEVADA LEGAL FORMS & BOOKS INC
Frances Deane
Clark County Recorder Pgs: 3

APN: 138-02-511-076

Recording requested by and mail documents and
tax statements to:

Name: JUNE JONES

Address: 6277 KRAFT AVENUE

City/State/Zip: LAS VEGAS, NEVADA 89130

DED104

Nevada Legal Forms & Books, Inc. (702) 870-8977
www.legalformsrus.com

3

RPTT: 4

QUITCLAIM DEED

THIS INDENTURE WITNESS That the GRANTOR(S):

WALTER W. TORMALA, A SINGLE PERSON AND JUNE JONES, A SINGLE
PERSON AS JOINT TENANTS

for and in consideration of ONE DOLLAR Dollars (\$ 1.00)

do hereby QUITCLAIM the right, title and interest, if any, which GRANTOR may have in all that real
property, the receipt of which is hereby acknowledged, to the GRANTEE(S):

JUNE JONES, AN UNMARRIED WOMAN

all that real property situated in the City of LAS VEGAS County of CLARK
State of NEVADA bounded and described as follows: (Set forth legal description
and commonly known address)

COMMONLY KNOWN ADDRESS:

6277 KRAFT AVENUE, LAS VEGAS, NEVADA

WARNING: THE COUNTY RECORDER MAY CHARGE AN ADDITIONAL FEE IF YOU
WRITE WITHIN THE 1" MARGINS OF THIS DOCUMENT OR VIOLATE ANY OTHER
RECORDING REQUIREMENTS IMPOSED BY YOUR COUNTY RECORDER.

LEGAL DESCRIPTION:

LOT THIRTY-TWO (32) IN BLOCK "B" OF EAGLE TRACE, AS SHOWN BY
MAP THEREOF ON FILE IN BOOK 67 OF PLATS, PAGE 50 IN THE OFFICE
OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA

Together with all and singular hereditament and appurtenances thereunto belonging or in any way
appertaining to.

In Witness Whereof, I/We have hereunto set my hand/our hands on 22 day of JUNE,
20 04

Walter Tormala June Jones
Signature of Grantor Signature of Grantor
WALTER W. TORMALA JUNE JONES

Signature of Grantor

Signature of Grantor

STATE OF NEVADA)
COUNTY OF CLARK)

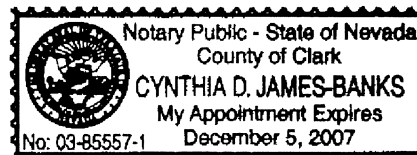
On this 21 day of JUNE, 2004, appeared before me, a Notary
Public, WALTER W. TORMALA AND JUNE JONES-----

personally known or proven to me to be the person(s) whose name(s) is/are subscribed to the above
instrument, who acknowledged that he/she/they executed the instrument for the purposes therein
contained.

Cynthia D. James-Banks
Notary Public

My commission expires: Dec 5, 2007

Consult an attorney if you doubt this forms fitness for your purpose.



**STATE OF NEVADA
DECLARATION OF VALUE FORM**

1. Assessor Parcel Number(s)

- a) 138-02-511-076
b) _____
c) _____
d) _____

2. Type of Property:

- a) ☐ Vacant Land b) ☒ Single Fam. Res.
c) ☐ Condo/Twnhse d) ☐ 2/4 Plex
e) ☐ Apt. Bldg f) ☐ Comm'l/Ind'l
g) ☐ Agricultural h) ☐ Mobile Home
i) ☐ Other _____

FOR RECORDER'S OPTIONAL USE ONLY

Book _____ Page _____

Date of Recording: _____

Notes: _____

3. Total Value/Sales Price of Property \$ 0.00
Deed in Lieu of Foreclosure Only (value of property) (0.00)
Transfer Tax Value: \$ 0.00
Real Property Transfer Tax Due \$ 0.00

4. IF EXEMPTION CLAIMED:

- a. Transfer Tax Exemption per NRS 375.090, Section 4
b. Explain Reason for Exemption:

TRANSFER TO REMOVE CO-OWNER

5. Partial Interest: Percentage being transferred: 100 %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature Walter W. Tormala Capacity GRANTOR

Signature June Jones Capacity GRANTEE

SELLER (GRANTOR) INFORMATION
(REQUIRED)

Print name: WALTER W. TORMALA
Address: 6277 KRAFT AVENUE
City: LAS VEGAS
State: NEVADA Zip: 89130

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Print name: JUNE JONES
Address: 6277 KRAFT AVENUE
City: LAS VEGAS
State: NEVADA Zip: 89130

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: NEVADA LEGAL FORMS & BOOKS, INC. Escrow # _____

Address: 3901 WEST CHARLESTON BOULEVARD

City: LAS VEGAS State: NEVADA Zip: 89102

**AN ADDITIONAL RECORDING FEE OF \$1.00 WILL APPLY FOR EACH DECLARATION
OF VALUE FORM PRESENTED TO CLARK COUNTY, EFFECTIVE JUNE 1, 2004.**

3371

AA 085

EXHIBIT “4”

EXHIBIT “4”

ORIGINAL

FILED

JUN 7 2 07 PM '07

CLERK OF THE COURT

PET

June Jones

Name

6277 Kraft Ave.

Address

Las Vegas, NV 89130

City, State, Zip Code

(702) 655-7919 / 612-8160

Telephone Number

IN PROPER PERSON

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of the Estate of

Walter Tormala

Deceased.

Case No.: No. P

60372

Probate Department

EX PARTE PETITION FOR ORDER FOR CREMATION

DATE: N/A

TIME: N/A

TO: DISTRICT COURT, CLARK COUNTY, NEVADA:

June Jones

Petitioner, appearing in Proper Person, respectfully alleges, and shows as follows:

1. Petitioner is the fiance of Decedent Walter Tormala and resides at 6277 Kraft Ave., Las Vegas, NV 89130.
2. Decedent died on 10.6.07 in Clark County; and, on the date of death, Decedent was a resident of Clark County, Nevada.
3. The names, ages, relationships and residence addresses of the devisees, legatees, heirs and next-of-kin of Decedent are:

none

JUN -7 2007
CLERK OF THE COURT

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Name

Age & Relationship

Address

none

4. Petitioner is Decedent's closest living relation and/or personal representative and has a right to control the disposition of the Decedent's human remains.

5. There are no objections to cremation of the Decedent's human remains.

WHEREFORE, Petitioner prays:

1. That the Court make and enter its order directing cremation of the human remains of Decedent, Walter Tormala; and

2. For such other and further relief as the Court deems just and proper.

DATED this 7 day of June 2007.

Submitted by:

Signature

Print Name

IN PROPER PERSON

VERIFICATION

STATE OF NEVADA)
COUNTY OF CLARK) ss,

June Jones, being first duly sworn, declares under penalty of perjury as follows:

I am the Petitioner in the above-entitled action. I have read the foregoing Ex Parte Petition For Order For Cremation, and know the contents thereof. The Petition is true of my own knowledge except as to those matters that are stated on information and belief, and as to those matters, I believe them to be true.

DATED this 7 day of June, 2007.

June Jones
(SIGNATURE)

Subscribed and sworn to before me
This ____ day of _____, 20__.

NOTARY PUBLIC

ACKNOWLEDGEMENT

On this ____ day of _____, 20__, before me, the undersigned Notary Public in and for said county and state, personally appeared _____ known to me or proved to be, the person described in and who acknowledged to me that ____ executed the foregoing instrument, and who acknowledges to me that ____ executed the same freely and voluntarily and for the uses and purposes mentioned therein.

NOTARY PUBLIC

EXHIBIT “5”

EXHIBIT “5”

DURABLE POWER OF ATTORNEY
for Health Care Decisions pursuant to NRS 449.830
WARNING TO PERSONS EXECUTING THIS DOCUMENT

THIS IS AN IMPORTANT LEGAL DOCUMENT. IT CREATES A DURABLE POWER OF ATTORNEY FOR HEALTH CARE. BEFORE EXECUTING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS:

1. THIS DOCUMENT GIVES THE PERSON YOU DESIGNATE AS YOUR ATTORNEY-IN-FACT THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU. THIS POWER IS SUBJECT TO ANY LIMITATIONS OF YOUR DESIRES THAT YOU INCLUDE IN THIS DOCUMENT. THE POWER TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE CONSENT, REFUSAL OF CONSENT, OR WITHDRAWAL OF CONSENT TO ANY CARE, TREATMENT, SERVICE, OR PROCEDURE TO MAINTAIN, DIAGNOSE, OR TREAT A PHYSICAL OR MENTAL CONDITION. YOU MAY STATE IN THIS DOCUMENT ANY TYPES OF TREATMENT OR PLACEMENTS THAT YOU DO NOT DESIRE.
2. THE PERSON YOU DESIGNATE IN THIS DOCUMENT HAS A DUTY TO ACT CONSISTENT WITH YOUR DESIRES AS STATED IN THIS DOCUMENT OR OTHERWISE MADE KNOWN OR, IF YOUR DESIRES ARE UNKNOWN, TO ACT IN YOUR BEST INTERESTS.
3. EXCEPT AS YOU OTHERWISE SPECIFY IN THIS DOCUMENT, THE POWER OF THE PERSON YOU DESIGNATE TO MAKE HEALTH CARE DECISIONS FOR YOU MAY INCLUDE THE POWER TO CONSENT TO YOUR DOCTOR NOT GIVING TREATMENT OR STOPPING TREATMENT WHICH WOULD KEEP YOU ALIVE.
4. UNLESS YOU SPECIFY A SHORTER PERIOD IN THIS DOCUMENT, THIS POWER WILL EXIST INDEFINITELY FROM THE DATE YOU EXECUTE THIS DOCUMENT AND, IF YOU ARE UNABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF, THIS POWER WILL CONTINUE TO EXIST UNTIL THE TIME WHEN YOU BECOME ABLE TO MAKE HEALTH CARE DECISIONS FOR YOURSELF.
5. NOTWITHSTANDING THIS DOCUMENT, YOU HAVE THE RIGHT TO MAKE MEDICAL AND OTHER HEALTH CARE DECISIONS FOR YOURSELF SO LONG AS YOU CAN GIVE INFORMED CONSENT WITH RESPECT TO THE PARTICULAR DECISION. IN ADDITION, NO TREATMENT MAY BE GIVEN TO YOU OVER YOUR OBJECTION, AND HEALTH CARE NECESSARY TO KEEP YOU ALIVE MAY NOT BE STOPPED IF YOU OBJECT.
6. YOU HAVE THE RIGHT TO REVOKE THE APPOINTMENT OF THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THAT PERSON OF THE REVOCATION ORALLY OR IN WRITING.
7. YOU HAVE THE RIGHT TO REVOKE THE AUTHORITY GRANTED TO THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU BY NOTIFYING THE TREATING PHYSICIAN, HOSPITAL, OR OTHER PROVIDER OF HEALTH CARE ORALLY OR IN WRITING.
8. THE PERSON DESIGNATED IN THIS DOCUMENT TO MAKE HEALTH CARE DECISIONS FOR YOU HAS THE RIGHT TO EXAMINE YOUR MEDICAL RECORDS AND TO CONSENT TO THEIR DISCLOSURE UNLESS YOU LIMIT THIS RIGHT IN THIS DOCUMENT.
9. THIS DOCUMENT REVOKES ANY PRIOR DURABLE POWER OF ATTORNEY FOR HEALTH CARE.
10. IF THERE IS ANYTHING IN THIS DOCUMENT THAT YOU DO NOT UNDERSTAND, YOU SHOULD SEEK COMPETENT LEGAL COUNCIL.

1. DESIGNATION OF HEALTH CARE AGENT

I, JUNE JONES, do hereby designate and appoint KIMBERLY JONES of 567 E. 10th St. Los Angeles, Ca. 92802, phone number (714) 974-4701 as my attorney-in-fact to make health care decisions for me as authorized in this document.

2. CREATION OF DURABLE POWER OF ATTORNEY FOR HEALTH CARE

By this document I, intend to create a durable power of attorney by appointing the person designated above to make health care decisions for me. This power of attorney shall not be affected by my subsequent incapacity.

3. GENERAL STATEMENT OF AUTHORITY GRANTED

In the event that I am incapable of giving informed consent with respect to health care decisions, I hereby grant to the attorney-in-fact named above full power and authority to make health care decisions for me before, or after my death, including: consent, refusal of consent, or withdrawal of consent to any care, treatment, service, or procedure to maintain, diagnose, or treat a physical or mental condition, subject only to the limitations and special provisions, if any, set forth in paragraph 4 or 6.

4. SPECIAL PROVISIONS AND LIMITATIONS

NOTE: (Your attorney-in-fact is not permitted to consent to any of the following: commitment to or placement in a mental health treatment facility, convulsive treatment, psychosurgery, sterilization, or abortion. If there are any other types of treatment or placement that you do not want your attorney-in-fact's authority to give consent for or other restrictions you wish to place on his or her attorney-in-fact's authority, you should list them in the space below. If you do not write any limitations, your attorney-in-fact will have the broad powers to make health care decisions on your behalf which are set forth in paragraph 3, except to the extent that there are limits provided by law.)

In exercising the authority under this durable power of attorney for health care, the authority of my attorney-in-fact is subject to the following special provisions and limitations: _____

5. DURATION

I understand that this power of attorney will exist indefinitely from the date I execute this document unless I establish a shorter time. If I am unable to make health decisions for myself when this power of attorney expires, the authority I have granted my attorney-in-fact will continue to exist until the time when I become able to make health care decisions for myself.

6. STATEMENT OF DESIRES

NOTE: (With respect to decisions to withhold or withdraw life-sustaining treatment, your attorney-in-fact must make health care decisions that are consistent with your known desires. You can, but are not required to, indicate your desires below. If your desires are unknown, your attorney-in-fact has the duty to act in your best interests; and, under some circumstances, a judicial proceeding may be necessary so that a court can determine the health care decision that is in your best interests. If you wish to indicate your desires, you may INITIAL the statement or statements that reflect your desires and/or write your own statements in the space below.)

(If the statement reflects your desires, initial the box next to the statement.)

- ☒ 1. I desire that my life be prolonged to the greatest extent possible, without regard to my condition, the chances I have for recovery or long-term survival, or the cost of the procedures.
- ☒ 2. If I am in a coma which my doctors have reasonable concluded is irreversible, I desire that life-sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS [449.610 et seq.] 449.540 to 449.690, inclusive, and sections 2 to 12, inclusive, of this act if this subparagraph is initialed.)
- ☐ 3. If I have an incurable or terminal condition or illness and no reasonable hope of long-term recovery or survival, I desire that life sustaining or prolonging treatments not be used. (Also should utilize provisions of NRS [449.610 et seq.] 449.540 to 449.690, inclusive, and sections 2 to 12, inclusive, of this act if this subparagraph is initialed.)
- ☒ 4. I direct my attending physician not to withhold or withdraw artificial nutrition and hydration by way of the gastrointestinal tract if such a withholding or withdrawal would result in my death by starvation or dehydration.
- ☐ 5. I do not desire treatment to be provided and/or continued if the burdens of the treatment outweigh the expected benefits. My attorney-in-fact is to consider the relief of suffering, and the quality as well as the extent of the possible extension of my life.

NOTE: (If you wish to change your answer, you may do so by drawing an "X" through the answer you do not want, and circling the answer you prefer.)

Other or Additional Statements of Desires:

DO NOT WISH TO DONATE ANY + ALL ORGANS, & OR TISSUE

7. DESIGNATION OF ALTERNATE ATTORNEY-IN-FACT.

NOTE: (You are not required to designate any alternative attorney-in-fact but you may do so. Any alternative attorney-in-fact you designate will be able to make the same health care decisions as the attorney-in-fact designated in paragraph 1, page 2, in the event that he or she is unable or unwilling to act as your attorney-in-fact. Also, if the attorney-in-fact designated in paragraph 1 is your spouse, his or her designation as your attorney-in-fact is automatically revoked by law if your marriage is dissolved.)

If the person designated in paragraph 1 as my attorney-in-fact is unable to make health care decisions for me, then I designate the following persons to serve as my attorney-in-fact to make health care decisions for me as authorized in this document, such persons to serve in the order listed below:

A. FIRST ALTERNATE ATTORNEY-IN-FACT:

First Alternate Name: _____, of _____, phone number _____.

B. SECOND ALTERNATE ATTORNEY-IN-FACT:

Second Alternate Name: _____, of _____, phone number _____.

8. PRIOR DESIGNATIONS REVOKED.

I revoke any prior durable power of attorney for health care.

YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY

I sign my name to this Durable Power of Attorney for Health care on this 27 day of Dec, 2005, in the City of Las Vegas, in the County of Clark, State of Nevada.

Frank Jones
Signature of Declarant

NOTE: THIS POWER OF ATTORNEY WILL NOT BE VALID FOR MAKING HEALTH CARE DECISIONS UNLESS IT IS EITHER (a) SIGNED BY AT LEAST TWO QUALIFIED WITNESSES WHO ARE PERSONALLY KNOWN TO YOU AND WHO ARE PRESENT WHEN YOU SIGN OR ACKNOWLEDGE YOUR SIGNATURE OR (b) ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

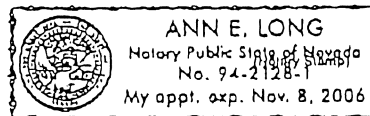
CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of Nevada)
County of Clark) ss.

On this 27 day of December, in the year 2005, before me, Ann E. Long, a Notary Public, personally appeared Frank Jones, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he executed it. I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud, or undue influence.

WITNESS my hand and Official Seal

Ann E. Long
Signature of Notary



STATEMENT OF WITNESSES

Note: You should carefully read and follow this witnessing procedure. This document will not be valid unless you comply with the witnessing procedure.

If you elect to use witnesses instead of having this document notarized you must use two qualified adult witnesses.

NONE OF THE FOLLOWING MAY BE USED AS WITNESSES:

- A person you designate as the Attorney-In-Fact
- A provider of health care
- An employee of a provider of health care
- The operator of a health care facility
- An employee of an operator of a health care facility

At least one witness MUST make the additional declaration set out following the place where the witnesses signed.

I DECLARE UNDER PENALTY OF PERJURY THAT THE PRINCIPAL IS PERSONALLY KNOWN TO ME, THAT THE PRINCIPAL SIGNED OR ACKNOWLEDGED THIS DURABLE POWER OF ATTORNEY IN MY PRESENCE, THAT THE PRINCIPAL APPEARS TO BE OF SOUND MIND AND UNDER NO DURESS, FRAUD OR UNDUE INFLUENCE, THAT I AM NOT THE PERSON APPOINTED AS ATTORNEY-IN-FACT BY THIS DOCUMENT, AND THAT I AM NOT A PROVIDER OF HEALTH CARE, AN EMPLOYEE OF A PROVIDER OF HEALTH CARE, THE OPERATOR OF A COMMUNITY CARE FACILITY, NOR AN EMPLOYEE OF AN OPERATOR OF A HEALTH CARE FACILITY.

Dated: _____

Signature: _____ Address: _____

Print Name: _____

Signature: _____ Address: _____

Print Name: _____

At least one of the above witnesses must also sign the following declaration

I DECLARE UNDER PENALTY OF PERJURY THAT I AM NOT RELATED TO THE PRINCIPAL BY BLOOD, MARRIAGE OR ADOPTION, AND TO THE BEST OF MY KNOWLEDGE I AM NOT ENTITLED TO ANY PART OF THE ESTATE OF THE PRINCIPAL UPON THE DEATH OF THE PRINCIPAL UNDER A WILL NOW EXISTING OR BY OPERATION OF LAW.

Signature: _____ Signature: _____

Print Name: _____ Print Name: _____

Copies: You should retain an executed copy of this document and give one to your attorney-in-fact. The Power of Attorney should be available so a copy may be given to your providers of health care.

POA130mk

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3901 West Charleston Boulevard
Las Vegas, Nevada 89102
www.legalforms.us

© 2003 Consult an attorney if you doubt this form's fitness for your purpose.

EXHIBIT “6”

EXHIBIT “6”

STATUTORY FORM POWER OF ATTORNEY

PRINCIPAL: *Lune Lerner*

1. DESIGNATION OF AGENT: I do hereby designate and appoint: *Kimberly S. Lerner*

as my agent to make decisions for me and in my name, place and stead and for my use and benefit and to exercise the powers as authorized in this document.

2. DESIGNATION OF ALTERNATE AGENT.

(You are not required to designate any alternative agent but you may do so. Any alternative agent you designate will be able to make the same decisions as the agent designated above in the event that he or she is unable or unwilling to act as your agent. Also, if the agent designated in paragraph 1 is your spouse, his or her designation as your agent is automatically revoked by law if your marriage is dissolved.)

If my agent is unable or unwilling to act for me, then I designate the following person(s) to serve as my agent as authorized in this document, such person(s) to serve in the order listed below:

A. First Alternative Agent *Scott Simmons*

B. Second Alternative Agent

3. OTHER POWERS OF ATTORNEY.

This Power of Attorney is intended to, and does, revoke any prior Power of Attorney for financial matters I have previously executed.

4. NOMINATION OF GUARDIAN.

If, after execution of this Power of Attorney, incompetency proceedings are initiated either for my estate or my person, I hereby nominate as my guardian or conservator for consideration by the court my agent herein named, in the order named.

5. GRANT OF GENERAL AUTHORITY.

I grant my agent and any successor agent(s) general authority to act for me with respect to the following subjects:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects you may initial "All Preceding Subjects" instead of initialing each subject.)

- ☐ Real Property
- ☐ Tangible Personal Property
- ☐ Stocks and Bonds
- ☐ Commodities and Options
- ☐ Banks and Other Financial Institutions
- ☐ Safe Deposit Boxes
- ☐ Operation of Entity or Business
- ☐ Insurance and Annuities
- ☐ Estates, Trusts and Other Beneficial Interests
- ☐ Legal Affairs, Claims and Litigation
- ☐ Personal Maintenance
- ☐ Benefits from Governmental Programs or Civil or Military Service
- ☐ Retirement Plans
- ☐ Taxes
- ☒ All Preceding Subjects

6. GRANT OF SPECIFIC AUTHORITY.

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent.)

- ☐ Create, amend, revoke or terminate an inter vivos, family, living, irrevocable or revocable trust
- ☐ Make a gift, subject to the limitations of NRS and any special instructions in this Power of Attorney
- ☐ Create or change rights of survivorship
- ☐ Create or change a beneficiary designation
- ☐ Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan
- ☐ Exercise fiduciary powers that the principal has authority to delegate
- ☐ Disclaim or refuse an interest in property, including a power of appointment

7. LIMITATION ON AGENT'S AUTHORITY.

An agent that is not my spouse MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

8. SPECIAL INSTRUCTIONS OR OTHER OR ADDITIONAL AUTHORITY GRANTED TO AGENT:

9. DURABILITY AND EFFECTIVE DATE.

☒ DURABLE. This Power of Attorney shall not be affected by my subsequent disability or incapacity.

☐ SPRINGING POWER. I wish to have this Power of Attorney become effective on my incapacity. It is my intention and direction that my designated agent, and any person or entity that my designated agent may transact business with on my behalf, may rely on a written medical opinion issued by a licensed medical doctor stating that I am disabled or incapacitated, and incapable of managing my affairs,

and that said medical opinion shall establish whether or not I am under a disability for the purpose of establishing the authority of my designated agent to act in accordance with this Power of Attorney.

☒ NON SPRINGING POWER. I wish to have this Power of Attorney become effective immediately upon my execution of the document.

☐ TERMINATION: I wish to have this Power of Attorney end at my death.

10. THIRD PARTY PROTECTION.

Third parties may rely upon the validity of this Power of Attorney or a copy and the representations of my agent as to all matters relating to any power granted to my agent, and no person or agency who relies upon the representation of my agent, or the authority granted by my agent, shall incur any liability to me or my estate as a result of permitting my agent to exercise any power unless a third party knows or has reason to know this Power of Attorney has terminated or is invalid.

11. RELEASE OF INFORMATION.

I agree to, authorize and allow full release of information, by any government agency, business, creditor or third party who may have information pertaining to my assets or income, to my agent named herein.

12. SIGNATURE AND ACKNOWLEDGMENT. YOU MUST DATE AND SIGN THIS POWER OF ATTORNEY. THIS POWER OF ATTORNEY WILL NOT BE VALID UNLESS IT IS ACKNOWLEDGED BEFORE A NOTARY PUBLIC.

I sign my name to this Power of Attorney on _____ (date).

Jane Jones

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State of NEVADA

}
} ss.
}

County of CLARK

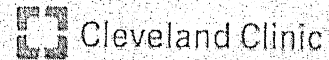
On this 24th Day of Oct 2012 before me, a Notary Public, personally appeared JUNE JONES personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. I declare under penalty of perjury that the person whose name is ascribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.



[Signature]
NOTARY PUBLIC

EXHIBIT “7”

EXHIBIT “7”



Lou Ruvo Center for Brain Health
888 West Bonneville Avenue
Las Vegas, NV 89106
Phone: (702) 483-6000
Fax: (702) 483-6039

September 5, 2019

Re: June Jones

To whom it may concern:

June Jones has been seen for neurological evaluation at the Lou Ruvo Center for Brain Health. Mrs. Jones has a degenerative neurological disorder resulting in impairment of memory, judgment and other cognitive functions. She is not capable of handling her own affairs, including medical, financial, and legal decisions, and requires a guardian.

Sincerely,

A handwritten signature in black ink, appearing to be 'MS' with a large, sweeping flourish underneath.

Marwan Sabbagh, MD

EXHIBIT “8”

EXHIBIT “8”



Cooling: Central

Saved

Homes

See More Facts and Features ▾

Home Value

Zestimate[®]

\$314,066

Zillow Offer

Get your Zillow Offer



ZESTIMATE RANGE[?]
\$298,000
-
\$330,000



LAST 30 DAY CHANGE
-\$1,757
(-0.6%)

Zestimate history & details ▾

Price / Tax History ^

Price History Tax History

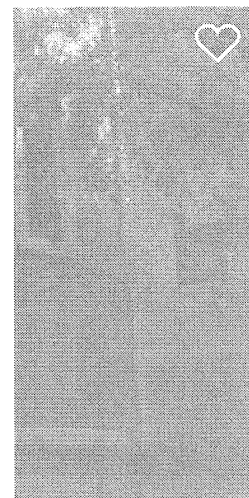
DATE	EVENT	PRICE		\$/SQFT	SOURCE
1/16/2018	Sold	\$212,083	+46.3%	\$106	Public Record
12/24/1996	Sold	\$145,000		\$72	Public Record

Report issue with price history

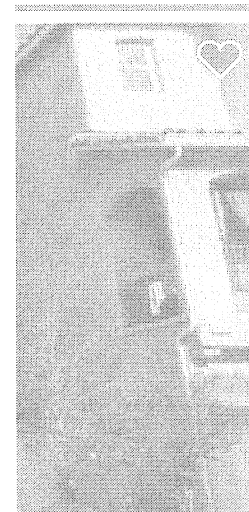
Neighborhood: No... ▾

Home Expenses ▾

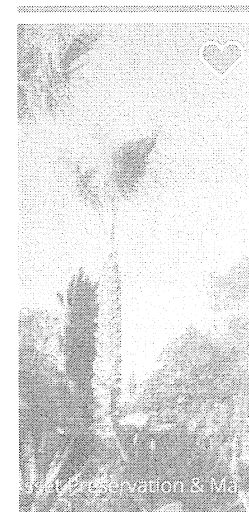
Nearby Schools in ... ▾



bds 4 ba 1,686 sqft



ds 3.5 ba 1,686 sqft



AA 102

EXHIBIT “9”

EXHIBIT “9”

3:09

LTE



Dick Powell >

Wed, Sep 4, 3:09 PM

Dick, I want to know why you took \$1,000 out of mine and my mother's bank account today at a ATM at Airport Center. My mother is in Arizona. If you don't return it within the hour I am going to Metro Police again and open another case against you. Haven't you stolen enough for god sake??

The money was for June's house pmt in California if you can show me you already pd





Dick Powell

show me you already pd
that I will put it back

Gerry ask me to take
care of it

It already has been paid
and frankly it's none of
your business.
Secondly, you better
stay out of my account
you have no right
withdrawing from it
you're not an authorized
signer on the account
and you're breaking the
law. I'm not gonna tell
you again, you are not
authorized to use that
account for any reason.
If don't put it back



3:09

LTE



Dick Powell

If don't put it back
within the hour I'm
going to metro to open
another case against
you. Have you lost your
mind?????

If you show me proof
you made the payment I
will put it back your
mother and Gerry ask
me to do this so it was
not stolen
So do what you have to
do

Sat, Sep 14, 8:10 PM

What did you do with
the \$1,000 you
withdrew from mine and



Messages



EXHIBIT “10”

EXHIBIT “10”



LAW OFFICES
JOHNSON & JOHNSON

1160 NORTH TOWN CENTER DRIVE, SUITE 390
LAS VEGAS, NEVADA 89144
PHONE: (702) 384-2830
FAX: (702) 385-3059

CHARLES WILLIAM JOHNSON*
DAVID CHARLES JOHNSON**
RYAN DAVID JOHNSON

WEBSITE: WWW.JOHNSONLEGAL.COM
EMAIL: DCJ@JOHNSONLEGAL.COM
EMAIL: RDJ@JOHNSONLEGAL.COM

1931-2011*
ALSO LICENSED IN CALIFORNIA**

August 1, 2019

Chase Bank
9350 Sun City Boulevard
Las Vegas, Nevada 89134

Via Certified Mail; Email: lindi.j.behnke@chase.com and regular US Mail

Re: June Jones
Account No. 000000130618959

To Whom It May Concern:

Please be advised that our firm represents Kimberly Jones, Attorney-in-Fact under that certain Statutory Power of Attorney executed by June Jones (as Principal) on October 24, 2012, as copy of which is attached hereto.

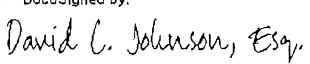
On information and belief, June Jones was an owner of the above-referenced account until October 2017 when her name was removed in your branch. It is the contention of my client that June Jones was seriously incapacitated at the time she visited the bank and was legally incapable of removing her name.

Notice is hereby given, pursuant to NRS 111.813(2) that Kimberly Jones, Agent for June Jones has a claim to the above-referenced accounts. Therefore, no distributions should be made to anyone except to Kimberly Jones, in her capacity as Attorney-in-Fact, or as directed in a proper Court Order.

Any such distributions may subject your financial institution to liability and indemnification of the Trust for legal fees, damages, and other monetary costs relating to this matter.

If you have any questions regarding the contents of this letter, please contact me.

Sincerely,
JOHNSON & JOHNSON

DocuSigned by:

F9ACFF47CD90478...
DAVID C. JOHNSON, ESQ.

DCJ/vgk
Enclosure
cc: Kimberly Jones, Atty in Fact (via email)

EXHIBIT “11”

EXHIBIT “11”

GOLDSMITH & GUYMON

A Professional Law Corporation

Dara J. Goldsmith, Esq. ★
Marjorie A. Guymon, Esq. ★★
Laura Johns-Bolhouse, Esq. ★★★
John F. Schneringer, Esq.

Also admitted in Arizona, California & Hawaii ★
Also admitted in Utah ★★
Also admitted in Idaho ★★★

August 12, 2019

Rodney Gerald Yeoman
c/o Dick and Kandi Powell
2540 E. Harmon Ave.,
Las Vegas, NV 89121

Re: June Jones
Our Matter No. 4840-1

Dear Mr. Yeoman,

Kimberly Jones has retained this office to attempt to come to a resolution regarding the care of her mother, June Jones. As you will recall, due to your infirmity, you were unable to care for June who has a diagnosis of Dementia and requires full-time care. Kimberly came out here some four months ago and was, up until recently, acting as June's full-time care provider while you moved in with your children so they could assist you with your needs. During this time, Kimberly had been in regular communication with you and your children and brought June over to visit you whenever desired. Unfortunately, after the last time she brought June over to you, you and your children refused to allow June to return to her home with Kimberly. We will not belabor what transpired at this time as you are aware of the fact that June is still being kept from returning to her home and the care of her daughter.

June is a vulnerable person as defined by NRS 41.1395 and is entitled to certain protections. She is a Patient at the Cleveland Clinic and requires frequent medical intervention; a fact of which you were aware when you acknowledged you were unable to provide for her needs. Since you are unable to do so yourself, the best thing to do is to return June to Kimberly so she may continue to look after her. Kimberly will come to an agreement with you regarding regular visitation with you at your current residence on a schedule to be mutually agreed upon between you.

June executed a Power of Attorney for Financial Decisions naming Kimberly as her agent. This Power of Attorney went into affect immediately. This document also nominated Kimberly to serve as June's guardian should any proceedings be commenced. Thus, Kimberly is prepared to take that step if necessary in order to ensure her mother is being properly cared for and that she is not being taken advantage of.

In addition, Kimberly is a joint owner of an account with her mother; an account to which you have unlawfully gained access and drained. We must immediately demand the return of all

2055 Village Center Circle, Las Vegas, Nevada 89134 • Phone (702) 873-9500 • Fax (702) 873-9600

www.goldguylaw.com • www.goldguytrusts.com

Rodney Yeoman
August 12, 2019
Page 2

funds taken from this account as well as any other money or property belonging to June which you or your family members have taken for your own use. This type of behavior is tantamount to financial abuse of elderly person pursuant to NRS 41.1395, a violation which is punishable with an award of damages at two times the amount of actual damages incurred.

Again, Kimberly does not desire to bring this matter before a Court but is prepared to do so unless you immediately allow her to pick up her mother and take her back to her home so she can care for her. If we do not hear from you within five days of your receipt of this letter, we will begin the process of moving forward with Court intervention.

Sincerely,

GOLDSMITH & GUYMON, P.C.

Laura Johns-Bolhouse, Esq.

LJB:ms

W:\MAG\Client Matters\Guardianship\Jones 4840-1\Letter.wpd

EXHIBIT “12”

EXHIBIT “12”

From: Kimberly Jones <flyonthewall2you@gmail.com>

Date: July 26, 2019 at 5:19:02 PM PDT

To: terijbutler@gmail.com, Jack Cell <jacknteributler@gmail.com>, Scott Simmons <Scottrottjustice@aol.com>, vgsfun@hotmail.com, Donna Cell <donnamsimmons@hotmail.com>

Subject: Mom

I want to inform all of you of Mom's condition at the present time. Most of you know that I've been in Las Vegas with Mom for most of the last 3 months, besides when she spent 2 week at Teri's and Jack's in Arizona and a week at Scott's house with him and Donna.

Over the past few years mom's health both physically and mentally has fluctuated. In addition to normal aging issues Mom has a diagnosis of dementia and is being treated at the Cleveland Clinic Lou Ruvo Center for Brain Health in Las Vegas. At her last appointment which was on Tuesday, the doctor ordered a PET scan and she did the scan yesterday. Her next doctors appointment is on August 26th at 10:00am. In the future I will send you an email as to any significant changes.

Due to Mom's condition I've had to give my clients in Orange County to a coworker and I don't see that changing in the future especially due to Gerri's current condition. To the best of my knowledge his condition is terminal but even at that his daughters have made it clear he is no longer going to be with mom on a full time basis upon starting chemotherapy and he was her primary caregiver.

Mom needs all of the support she can get right now and her needs will continue to increase. In the near future I'd like to propose that each of us participate in taking mom for some time so that it is not too big of a load on any one person. As everyone knows mom had expresses many times that she does not ever want to be in a facility and I feel that as a family we can carry out her wishes. Sure it may be a bumpy ride but mom is a trooper and really enjoyed the time she spent at Teri's and Jack's in Arizona and in Anaheim with Scott and Donna. In the best interest of mom I think that between the 5 of us we can put any issues we have aside and do the best we can collectively for her.

In regards to the house in Las Vegas, we have determined that it was not done in mom's best interest. We have hired an attorney and he is securing the property as we speak.

The attorney has more or less assured me that we will be able to obtain the property back or they will be force to pay the full market value of the home. The attorney feels quite confident in this and sees no issues, it was mom's property prior to the marriage and will be hers after. There is a whole host of issues involved more than can be shared in this letter. I wanted to assure you that it is being addressed and ask that you don't share this information with anyone because we don't want to revel our hand before the attorney thinks it time. He is currently in the research process of determining exactly how the house was sold and where the proceeds went.

If anyone has any suggestions or input they would like to pass along I'm more than willing to listen. In addition mom continues to not be a very chatty person on the telephone however when she does talk to someone on the phone she talks about it for the rest of the day. If she doesn't answer her cell call mine. Mom is at her house in Las Vegas and everyone is free to come and go ass they please.

-Kimberly

EXHIBIT “13”

EXHIBIT “13”

From: Kimberly Jones <flyonthewall2you@gmail.com>

Date: August 16, 2019 at 2:30:34 PM PDT

To: Scott Simmons <Scott@technocoatings.com>, Donna Cell <donnamsimmons@hotmail.com>, Roby Friedman <vgfun@hotmail.com>, terijbutler@gmail.com, Jack Cell <jacknteributler@gmail.com>

Subject: Mom #2

Hello,

Mom's physical condition hasn't changed since the last email, she is continuing with physical therapy at the Cleveland clinic. To update you about the house, we are on track to get it back, the lawyers are working on it and they don't anticipate any problems. Soon will have the paperwork needed to file a restraining order restraining Geri and his family from seeing mom.

In the meantime the other matter that needs to be resolved is that \$3800 is owed to the attorney which all of us should be equally but since I've been here for four months now unable to work I think it's fair that you for pick up the cost of the attorneys fees which is equivalent to \$950 each. You could mail the check directly to David C Johnson attorney-at-law 1160 N. Town Center Dr., Suite 390 Las Vegas, NV 89144. Be sure to note in the memo section June Jones. I would like to get this paid next week so please send it as soon as possible. So all of you understand the attorney feels confident that we will have mom's house back with clear title and deed we will be able to visit mom as we wish without the undue influence of Jerry or his family.

I hope you understand I have been working on this full-time and putting in 10 hour days doing so but we are getting close, if you have any questions please call me. please notify me when you've mailed the check so I can deduct it from the bill. Just to let you know we are seeking attorneys fees when we are successful you will be reimbursed for whatever you put out.

Thank you,
Kimberly

EXHIBIT “14”

EXHIBIT “14”

From: Kimberly Jones <flyonthewall2you@gmail.com>

Date: September 5, 2019 at 12:43:59 PM PDT

To: Donna Cell <donnamsimmons@hotmail.com>, Scott Simmons <Scott@technocoatings.com>, Roby Friedman <vgfun@hotmail.com>, Jack Cell <jacknteributler@gmail.com>

Subject: Mom #3

I want everyone to know what my intentions are with mom as they have not changed. I am pursuing the situation with the house with attorney Johnson and we should have a better hold on it after Friday. My next intention is to peruse guardianship over mom, the case Friday has a direct bearing on it. As you all know in mom's 2012 POA mom nominated me to be her guardian if so necessary. Fridays case has a direct bearing in the sense that the court may determine the 2012 POA to be not standing due to not having the original. If that happens my next immediate step is to peruse guardianship.

Provided I receive guardianship my intentions are to move mom back into the Kraft house or the Anaheim house with me and I will continue to care for her as I have for the past 5 months. At this point everyone is encouraged to spend time with mom as they please.

Regarding Gerry, as I understand he is in failing health and not expected to live much longer. Regardless of what we all think of Gerry, mom loves him and chooses to be with him against our better judgement. I know some of you have said if mom continues to want to be by Gerrys side at the end of his life you will wash your hands of it, that is your choice. However I will not do that. Provided I receive the courts support, I hope to gain more control over mom's estate and her. This will enable me to protect her financially as well as supervise her physical well being.

I hope to have all of your support going forward it would be best for mom as she really truly needs all of us.

-Kimberly

EXHIBIT “15”

EXHIBIT “15”

Begin forwarded message:

From: Robyn Friedman <vgsfun@hotmail.com>

Date: September 12, 2019 at 6:40:39 PM PDT

To: Kimberly Jones <flyonthewall2you@gmail.com>, Donna Cell <donnamsimmons@hotmail.com>, Scott Simmons <Scott@technocoatings.com>, "terijbutler@gmail.com" <terijbutler@gmail.com>, Jack Cell <jacknteributler@gmail.com>, David C Johnson Attorney <dcj@johnsonlegal.com>

Cc: John Michaelson <john@Michaelsonlaw.com>, "Lora L. Caindec-Poland" <Lora@Michaelsonlaw.com>

Subject: Re: Mom #4

May I pick up mom tomorrow morning to go get her nails done and eat? 10am? If she doesn't want to leave the house, will you and Dean leave the house between noon and 2pm tomorrow so I can bring lunch to the house and have a private visit? If not tomorrow at 10am, what time? If not tomorrow, what day/time right away may I have access for an independent visit to see mom? I believe Donna would also like the same information but she, of course, needs more notice.

What are valid text and phone numbers for Kim that will receive texts from all of the siblings to make sure there's easy, inexpensive, clear communication?

Thanks,

Robyn

From: Kimberly Jones <flyonthewall2you@gmail.com>

Sent: Thursday, September 12, 2019 1:03:36 PM

To: Donna Cell <donnamsimmons@hotmail.com>; Scott Simmons <Scott@technocoatings.com>; terijbutler@gmail.com <terijbutler@gmail.com>; Roby Friedman <vgsfun@hotmail.com>; Jack Cell <jacknteributler@gmail.com>; David C Johnson Attorney <dcj@johnsonlegal.com>

Subject: Mom #4

Hello,

I'm urging you all to be patient and let the process of the courts take place. Besides being against moms wishes, we feel at this point guardianship is only going to cloud the fields. As in the last email (#3), my plan remains the same. If the court does not recognize the POA I will seek guardianship.

In reference to Robyn and Donnas concern for moms safety, mom has not been approached by anyone nor has anybody tried to take her. She has resumed her normal daily activity. She makes it to doctors appointments, she goes to physical therapy, she goes to aqua therapy and she has her dogs back. All of you are welcome to see her at any time, there is a room for you to stay in and the support would be good for her.

As stated in the last e-mail if at any point we feel that guardianship is necessary I will move in that direction. We are in a better position now with our documentation from Cleveland Clinic than we have ever been. So, I'm asking that you be patient and let the court process take place. If you choose to go to guardian court I will opposed it vigorously. Please give it time.

Thank you,
Kimberly



NEOJ
JEFFREY P. LUSZECK, ESQ., Bar No. 09619
jluszeck@sdfnvlaw.com
ROSS E. EVANS, ESQ., Bar No. 11374
revans@sdfnvlaw.com
SOLOMON DWIGGINS & FREER, LTD.
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
Telephone: (702) 853-5483
Facsimile: (702) 853-5485

Attorneys for Kimberly Jones

DISTRICT COURT
CLARK COUNTY, NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF THE PERSON AND
ESTATE OF:

KATHLEEN JUNE JONES

An Adult Protected Person.

Case No.: G-19-052263-A
Dept.: B

NOTICE OF ENTRY OF ORDER

☐ **TEMPORARY GUARDIANSHIP**

- ☐ Person
☐ Estate
☐ Person and Estate

☐ **SPECIAL GUARDIANSHIP**

- ☐ Person
☐ Estate ☐ Summary Admin.
☐ Person and Estate

☒ **GENERAL GUARDIANSHIP**

- ☐ Person
☐ Estate ☐ Summary Admin.
☒ Person and Estate

☐ **NOTICES/SAFEGUARDS**

- ☐ Blocked Account Required
☐ Bond Required

PLEASE TAKE NOTICE that an *Order from October 15, 2019 Hearing* was entered in the above-entitled matter on the 25th day of November, 2019, a true and correct copy of which is attached hereto.

DATED this 25th day of November, 2019.

SOLOMON DWIGGINS & FREER, LTD.

Jeffrey P. Luszeck

By: JEFFREY P. LUSZECK, ESQ. (#9619)
ROSS E. EVANS, ESQ. (#11374)
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129

Attorneys for Kimberly Jones

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of November, 2019, pursuant to NRCP 5(b), I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER**, to be served to the following in the manner set forth below:

Via:

☐ Hand Delivery
☐ U.S. Mail, Postage Prepaid
☐ Certified Mail, Receipt No.: _____
☐ Return Receipt Request
☒ E-Service through Wiznet

Robyn Friedman and Donna Simmons:
John P. Michaelson, Esq.
MICHAELSON & ASSOCIATES, LTD.
john@michaelsonlaw.com

Kathleen Jones, Adult Protected Person:
Maria L. Parra Sandoval, Esq.
LEGAL AID CENTER OF SOUTHERN NEVADA, INC.
mparra@lacs.org

Rodney Gerald Yeoman:
Ty E. Kehoe, Esq.
KEHOE & ASSOCIATES
TyKehoe@gmail.com

Matthew C. Piccolo
PICCOLO LAW OFFICES
matt@piccololawoffices.com

Kimberly Jones
Geraldine Tomich, Esq.
James A. Beckstrom, Esq.
MARQUIS AURBACH & COFFING
gtomich@maclaw.com
jbeckstrom@maclaw.com

/s/ Gretta McCall

An employee of SOLOMON DWIGGINS & FREER, LTD.



ORDER

JEFFREY P. LUSZECK, ESQ., Bar No. 09619
jluszeck@sdfnlaw.com
ROSS E. EVANS, ESQ., Bar No. 11374
revans@sdfnlaw.com
SOLOMON DWIGGINS & FREER, LTD.
9060 West Cheyenne Avenue
Las Vegas, Nevada 89129
Telephone: (702) 853-5483
Facsimile: (702) 853-5485

Attorneys for Respondent Kimberly Jones

DISTRICT COURT

CLARK COUNTY, NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF THE PERSON AND
ESTATE OF:

KATHLEEN JUNE JONES

An Adult Protected Person.

Case No.: G-19-052263-A
Dept.: B

Date of Hearing: October 15, 2019
Time of Hearing: 9:00 a.m.

ORDER FROM OCTOBER 15, 2019 HEARING

☐ **TEMPORARY GUARDIANSHIP**

- ☐ Person
☐ Estate
☐ Person and Estate

☒ **GENERAL GUARDIANSHIP**

- ☐ Person
☐ Estate ☐ Summary Admin.
☒ Person and Estate

☐ **SPECIAL GUARDIANSHIP**

- ☐ Person
☐ Estate ☐ Summary Admin.
☐ Person and Estate

☐ **NOTICES/SAFEGUARDS**

- ☐ Blocked Account Required
☐ Bond Required

This matter having come on for hearing before the above entitled Court on October 15, 2019. Present at the hearing were: Jeffrey P. Luszeck, Esq. of the law firm of Solomon Dwiggins & Freer, Ltd. on behalf of Kimberly Jones; Maria L. Parra-Sandoval, Esq. of Legal Aid Center of Southern Nevada, on behalf of Kathleen June Jones, Protected Person; Ty E. Kehoe, Esq. of the law firm Kehoe & Associates, and Matthew C. Piccolo, Esq. of the law firm Piccolo Law Offices, on behalf of Rodney Gerald Yeoman; and John P. Michaelson, Esq. of the law firm Michaelson & Associates, Ltd., on behalf of Robyn Friedman and Donna Simmons (collectively, the "Parties"). After considering the papers and pleadings on file herein and the argument of counsel

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1 at the time of hearing and good cause appearing, the Court finds as follows:

2 1. That on December 27, 2005, Kathleen June Jones executed a Healthcare Power of
3 Attorney naming her daughter, Kimberly Jones, as her Attorney-in-Fact for healthcare decisions.

4 2. That on October 24, 2012, Kathleen June Jones executed a Financial Power of
5 Attorney naming her daughter, Kimberly Jones, as her Attorney-in-Fact for financial matters.

6 3. That on November 23, 2012, Kathleen June Jones executed a Last Will and
7 Testament naming her daughter, Kimberly Jones, as her Personal Representative and chosen
8 guardian over her person and estate, should the need for a guardian ever arise.

9 4. That on September 19, 2019, Robyn Friedman and Donna Simmons filed their *Ex*
10 *Parte* Petition for Appointment of Temporary Guardian of the Person and Estate and Issuance of
11 Letters of Temporary Guardianship, and Petition for Appointment of General Guardian of the
12 Person and Estate and Issuance of Letters of General Guardianship (“*Ex Parte* Petition for
13 Temporary Guardianship”).

14 5. That on September 19, 2019, the Clerk of the Court issued a Citation to Appear and
15 Show Cause scheduling a hearing for October 15, 2019 to “show cause, if any, why Kathleen June
16 Jones (“Protected Person”), should not be declared incapacitated or in need of a guardian to manage
17 the Protected Person’s personal and financial affairs and to further show cause, if any, why Robyn
18 Friedman and Donna Simmons, should not be appointed to act as Guardian of the protected person’s
19 Person and Estate.”

20 6. That on September 23, 2019, this Court entered its Order Granting *Ex Parte Petition*
21 for Temporary Guardianship wherein it appointed Robyn Friedman and Donna Simmons as
22 Temporary Guardians. On October 3, 2019, this Court extended the temporary guardianship.

23 7. That on October 2, 2019, Rodney Gerald Yeoman, the husband of Kathleen June
24 Jones, filed his Opposition to Appointment of Temporary Guardian and General Guardian and
25 Counter-Petition for Appointment of Temporary Guardian of the Person and Estate and Issuance of
26 Letters of Temporary Guardianship and Estate and Issuance of Letters of Temporary Guardianship
27 and Counter-Petition for Appointment of General Guardian of the Person and Estate and Issuance
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1 of Letters of General Guardianship ("Rodney's Counter-Petition").

2 8. That on October 2, 2019, Kimberly Jones filed her Opposition to *Ex Parte* Petition
3 for Appointment of Temporary and General Guardian of the Person and Estate; Alternatively,
4 Counter-Petition for Appointment of Kimberly Jones as Temporary and General Guardian of the
5 Person and Estate ("Kimberly's Counter-Petition").

6 9. That on October 15, 2019 at the Citation to Appear and Show Cause Hearing,
7 Kathleen June Jones, by and through her Court appointed Counsel, Maria L. Parra-Sandoval,
8 advised the Court that it was Kathleen June Jones' desire that Kimberly Jones be appointed as her
9 client's guardian.

10 Good Cause Appearing Therefore,

11 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Kimberly Jones' Counter-
12 Petition is hereby GRANTED.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones is
14 hereby appointed as guardian of the Estate and Person of Kathleen June Jones and Letters of General
15 Guardianship shall issue to Kimberly Jones.

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Rodney Gerald
17 Yeoman's Counter-Petition is hereby DENIED in its entirety.

18 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Letters of Temporary
19 Guardianship entered on September 23, 2019 are hereby revoked.

20 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of the Court is
21 hereby directed to issue Letters of Guardianship to Kimberly Jones upon subscribing to the
22 appropriate oath of office, and bond be waived, since there are no liquid assets.

23 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones shall
24 investigate the facts and circumstances regarding the purported transfer of real property located at
25 6277 Kraft Avenue, Las Vegas, Nevada 89130, APN 138-02-511-076, from June Jones to Richard
26 & Kandi Powell on or around January 16, 2018, and pursue any potential claims and/or resolution
27 relating to the same.

28

1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Kimberly Jones shall
2 disseminate the medical records and/or information relating to Kathleen June Jones to Robyn
3 Friedman, Donna Simmons and Rodney Gerald Yeoman.

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Rodney Gerald Yeoman
5 shall be allowed to participate in visits with Kathleen June Jones, however, because Rodney Gerald
6 Yeoman was unwilling to provide any information regarding his health/medical conditions said
7 visits must be supervised by Kimberly Jones and/or an agent of her choosing so as to ensure the
8 safety of Kathleen June Jones.

9 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court approve
10 payment of attorneys' fees and costs from the guardianship estate to the law firm of Solomon
11 Dwiggins & Freer, Ltd. at the conclusion of the guardianship proceeding, subject to Court
12 confirmation.

13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a return hearing on the
14 Investigative Reports is hereby scheduled for January 14, 2020, and if necessary, an evidentiary
15 hearing on the Investigative Reports is scheduled for February 20, 2020.

16 DATED this 25th day of November, 2019.


17 
18 _____
19 DISTRICT COURT JUDGE
LINDA MARQUIS *sa*


20 Submitted by:

Approved as to Form and Content: *MLPS*

21 SOLOMON DWIGGINS & FREER, LTD.

LEGAL AID CENTER OF SOUTHERN
NEVADA

22 By: 
23 JEFFREY P. LUSZECK, ESQ.
24 Nevada Bar No. 09619
25 ROSS E. EVANS, ESQ.
26 Nevada Bar No. 11374
27 9060 West Cheyenne Avenue
28 Las Vegas, Nevada 89129

By: 
MARIA L. PARRA SANDOVAL, ESQ.
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725 E. Charleston Blvd.
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Attorney for Kathleen Jones, Protected Person

Attorneys for Kimberly Jones

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~~Approved as to Form and Content:~~

KEHOE & ASSOCIATES

DISAPPROVED

By: *3 Kehoe 10-31-19*

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Nevada Bar No. 6011

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PET

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Attorneys for Petitioners

DISTRICT COURT

CLARK COUNTY, NEVADA

IN THE MATTER OF THE GUARDIANSHIP
OF THE PERSON AND ESTATE OF:

Kathleen June Jones,

An Adult Protected Person.

Case Number: G-19-052263-A

Department: B

Hearing Requested

**PETITION FOR APPROVAL OF ATTORNEYS FEES AND COSTS AND REQUEST
TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE**

☐ TEMPORARY GUARDIANSHIP

☐ Person

☐ Estate ☐ Summary Admin.

☐ Person and Estate

☒ GENERAL GUARDIANSHIP

☐ Person

☐ Estate ☐ Summary Admin.

☒ Person and Estate

☐ SPECIAL GUARDIANSHIP

☐ Person

☐ Estate ☐ Summary Admin.

☐ Person and Estate

☐ NOTICES / SAFEGUARDS

☐ Blocked Account

☐ Bond Posted

☐ Public Guardian Bond

COME NOW Petitioners, Robyn Friedman and Donna Simmons, by and through the law firm of Michaelson & Associates, Ltd., who respectfully petition this Court for approval of attorney's fees and costs, and request to enter a judgment against the real property of the above-captioned guardianship estate, and in so doing represent as follows:

Summary

Kathleen June Jones (hereinafter "Ms. Jones") is 82 years of age. Ms. Jones has been married to Rodney Gerald Yeoman ("Mr. Yeoman") for approximately eleven years.

Both prior to and after the marriage, Ms. Jones executed Power of Attorney documents always naming her daughter Kimberly Jones ("Kimberly") as Ms. Jones' preferred and chosen agent for both healthcare decisions and financial transactions. Mr. Yeoman was aware of the existence of the Healthcare and Financial Powers of Attorney and that Kimberly was the designated agent.

For the first ten years of the marriage, Ms. Jones and Mr. Yeoman lived together in Las Vegas in a house located at 6277 Kraft Avenue, Las Vegas, which was acquired by Ms. Jones long before their marriage as her sole and separate property ("Kraft house"). Ms. Jones had owned the Kraft house since 2002, seven years prior to her marriage to Mr. Yeoman.

In or about 2015, Ms. Jones began showing signs of cognitive impairment and was examined and treated for her cognitive decline at the University of California, Irvine, Medical Center in late 2015 and early 2016.

In January 2018, despite being aware of the existence of the Power of Attorney whereby Ms. Jones named her daughter Kimberly as financial agent for Ms. Jones, and also despite being well aware of the diagnosed cognitive impairment which had been progressing for over two years, Mr. Yeoman allowed his own daughter and son-in-law, Kandi and Richard Powell, ("Kandi" and "Dick") to transfer the Kraft house away from his wife and to themselves for significantly less than fair market value. A Quitclaim Deed signed by Ms. Jones was used to transfer the property. No purchase and sale agreement, nor any other documentation whatsoever,

1 was prepared to memorialize any agreement between Mr. Yeoman and/or his family and Ms.
2 Jones. Ms. Jones was not represented by counsel.

3 Payment for the preparation of this deed was provided by Gerry's son-in-law Dick, who
4 took the property. Notwithstanding the fact that Ms. Jones did not have the requisite level of
5 capacity to enter into any type of agreement with regard to her real property, Mr. Yeoman and
6 his family knowingly proceeded with and paid for the self-dealing transaction without giving any
7 notice to Kimberly, whom they knew Ms. Jones had appointed as her financial agent, nor any
8 other members of Ms. Jones' family.

9 When Ms. Jones' children became aware of the transfer of the Kraft house in early 2019,
10 they stepped in to investigate the transaction and to protect Ms. Jones from further financial
11 exploitation. Robyn immediately contacted Elder Protective Services to report the transfer.
12 Elder Protective Services attempted to investigate, however their access to Ms. Jones was limited
13 by Mr. Yeoman and they were unable to perform a complete investigation.

14 About this time, Mr. Yeoman was undergoing cancer treatments and became unable to
15 care for Ms. Jones while he was either hospitalized or visiting specialized facilities for treatment.
16 In April 2019, Mr. Yeoman's family requested that Kimberly travel to Las Vegas to provide care
17 for her mother because Mr. Yeoman was unable to provide the necessary care. Kimberly
18 immediately came to Las Vegas from her home in California to care for Ms. Jones and has
19 remained in Las Vegas in her caregiving role ever since. The discovery of the transfer of the
20 Kraft house along with other concerns about what had been going on with Ms. Jones finances, as
21 well as having Kimberly here to oversee Ms. Jones' financial and healthcare needs, has given
22 rise to much contention between all parties involved. The procedural history below outlines the
23 events that have taken place since the guardianship proceedings were commenced in September
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25

1 2019, however the hostilities between the families were in evidence well before the initial filing
2 in guardianship court.

3 Ms. Jones was caught in the middle of the disagreements between Kimberly and her
4 husband and his family. In August 2019, Ms. Jones was moved out of her Kraft house to a house
5 owned by Mr. Yeoman's son-in-law, Dick; a house that was right next door to Dick's own
6 residence. Ms. Jones was kept there and isolated from her children with only limited phone
7 contact with Kimberly and no contact at all with any of her other four children, despite her
8 children's attempts to communicate. During this time, police were called on approximately six
9 different occasions in attempts to allow Kim's access to Ms. Jones. Also, during this time, Mr.
10 Yeoman's children began suggesting that Ms. Jones should be moved to a senior care facility
11 despite the availability and willingness of Ms. Jones' children to care for her.

12 Shortly thereafter, Mr. Yeoman had to travel to Arizona for cancer treatment. He wasn't
13 able to care for Ms. Jones while undergoing treatment but, instead of asking any one of her
14 children, all of whom had been willing and able to care for her in the past, Mr. Yeoman took Ms.
15 Jones to Arizona and left her in the care of his family and outside caregivers while they were
16 staying in a hotel near the hospital. Ms. Jones was taken to Arizona despite the fact that counsel
17 for Robyn and Donna had been in regular communication with counsel for Mr. Yeoman and
18 Dick wherein Robyn and Donna's counsel repeatedly stated Robyn and Donna's willingness to
19 care for Ms. Jones while Mr. Yeoman was receiving treatment in Arizona.

20
21 Thereafter, Kimberly travelled to Arizona on September 7, 2019, to pick her mother up
22 and bring her back home to the Kraft house in Las Vegas. Dick filed a police report with both
23 the Phoenix Police Department and the FBI regarding this incident. Around the same time
24 [September 2019] Dick also filed an eviction action to have Kimberly removed from the Kraft
25

1 house where she had been living with Ms. Jones and providing the constant care that Ms. Jones
2 required.

3 With tensions escalating and no evidence of cooperation between the parties, and with
4 Dick and Gerry through their counsel continuing to deny the efficacy of the POA's, Petitioners
5 saw no other recourse than to involve the guardianship court in order to ensure the safety and
6 continuity of care that Ms. Jones desperately needed. As the guardianship proceedings unfolded,
7 a clear need for guardianship was recognized by this Court.

8 Robyn and Donna now bring this Petition for approval of attorney's fees incurred to help
9 bring about the stability their mother so desperately needed. Petitioners do not propose to take
10 the fees from Ms. Jones' estate while she is living and while the funds could potentially be
11 needed for her ongoing care and medical treatment; instead they are asking for approval of their
12 fees with the understanding that such fees will be treated as a lien against Ms. Jones' estate while
13 Ms. Jones is alive.
14

15 **Procedural History**

16 1. Ms. Jones is 82 years of age.

17 2. On December 27, 2005, Ms. Jones executed a Healthcare Power of Attorney naming her
18 daughter Kimberly as her Attorney-in-Fact for healthcare decisions and a General Power of
19 Attorney naming Kimberly as her Attorney-in-Fact for financial matters.

20 3. On or about January 2009, Ms. Jones married Mr. Yeoman.

21 4. On October 24, 2012, Ms. Jones executed a new Financial Power of Attorney naming
22 Kimberly as her Attorney-in-Fact for financial matters.
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1 5. On November 23, 2012, Ms. Jones executed a Last Will and Testament which named
2 Kimberly as Ms. Jones' chosen Personal Representative and as chosen guardian over her person
3 and estate.

4 6. In 2019, Ms. Jones had a neurological evaluation at the Lou Ruvo Center for Brain
5 Health at the Cleveland Clinic. Dr. Marwan Sabbagh indicated in his letter of September 5, 2019,
6 that Ms. Jones suffered a *degenerative neurological disorder resulting in impairment of memory,*
7 *judgment and other cognitive functions* and recommended Ms. Jones be appointed a guardian.
8 See Confidential Physician's Certificate of Incapacity and Medical Records (hereinafter
9 "Confidential Medical Records") filed with this Court on September 19, 2019.

10 7. On September 9, 2019, Ms. Jones was evaluated by Dr. Gregory Brown who indicated
11 that Ms. Jones suffered from "Dementia [Neurocognitive Disorder]" and that Ms. Jones "would
12 fulfill the requirements for a guardianship of both person and estate as defined by Nevada
13 Revised Statute." See Confidential Medical Records.

14 8. On September 19, 2019, Petitioners filed an Ex Parte Petition for Appointment of
15 Temporary Guardian of the Person and Estate and Petition for Appointment of General
16 Guardianship (hereinafter "Petition").

17 9. As set forth in the Petition, there was great concern regarding who should care for Ms.
18 Jones, what kind of care she should receive, where she should live, *i.e.*, visitation by family
19 members, accountability for expenditures of Ms. Jones' funds, and the sale of her home to the
20 daughter and son-in-law of her most recent husband for far less than market value without any
21 notice to or discussion with any of Ms. Jones children, nor Kimberly, her designated attorney-in-
22 fact, even though Mr. Yeoman and his family knew full-well about Kimberly being Ms. Jones'
23 attorney-in-fact.
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1 10. As their mother's ability to care for herself had declined over the years, Petitioners had
2 asked Kimberly and Mr. Yeoman on multiple occasions to provide a care plan for Ms. Jones.
3 Petitioners felt strongly that plans needed to be made in advance for the inevitable day that Mr.
4 Yeoman would be unable to provide the necessary care for Ms. Jones. Kimberly, despite her
5 training and professional experience in handling these types of matters for others, failed to enact
6 such a plan for her mother.

7 11. On September 23, 2019, an Order Granting the Ex Parte Petition for Appointment of
8 Temporary Guardians of the Person and Estate was entered with this Court appointing
9 Petitioners as Temporary Guardians. Letters of Temporary Guardianship were subsequently
10 granted.

11 12. On September 25, 2019, Maria L. Parra-Sandoval, Esq. of the Legal Aid Center of
12 Southern Nevada was appointed as counsel for Ms. Jones.

13 13. On October 1, 2019, Ty E. Kehoe, Esq., counsel for Mr. Yeoman filed a Notice of
14 Appearance and Request for Notice.

15 14. On October 2, 2019, Ty E. Kehoe, Esq. and Co-Counsel, Matthew C. Piccolo, Esq. filed
16 an: (1) Opposition to the Appointment of Temporary and General Guardian; (2) Counter Petition
17 for Appointment of Temporary Guardian; and (3) Counter Petition for Appointment of General
18 Guardian on the basis that there were no grounds for an emergency guardianship or a general
19 guardianship and if there were sufficient grounds for appointment of a guardianship, Mr.
20 Yeoman, as Ms. Jones' husband, should be appointed guardian.

21 15. On October 2, 2019, Jeffrey P. Luszeck, Esq. as counsel for Kimberly also filed an
22 Opposition to the Ex Parte Petition for Appointment of Temporary and General Guardian and
23 Counter-Petition For Appointment of Kimberly as Ms. Jones Temporary and General Guardian
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1 of the Person and Estate on the grounds that there was no need for an immediate temporary
2 guardian because Kimberly was doing just fine protecting their mother.

3 16. On October 3, 2019, after a hearing on the matter, an Order was entered extending the
4 temporary guardianship and Robyn and Donna's appointment as temporary guardians. During
5 this hearing, Kimberly never once acknowledged that there was a need for guardianship and she,
6 through her counsel, maintained that the Powers of Attorney were sufficient and that there was
7 no need for guardianship because of the existing Powers of Attorney.

8 17. On October 11, 2019, Ty E. Kehoe, Esq. and Co-Counsel, Matthew C. Piccolo, Esq. filed
9 a Supplement to: (1) Opposition to the Appointment of Temporary and General Guardian; (2)
10 Counter Petition for Appointment of Temporary Guardian; and (3) Counter Petition for
11 Appointment of General Guardian to clarify facts of the case and request that Ms. Jones has a
12 constitutional right to remain together as husband and wife which is supported by a Declaration
13 of Rodney Yeoman.

14 18. On October 11, 2019, Petitioners filed a Notice of Intent to Move the Protected Person
15 indicating that Ms. Jones was being moved to the home of Robyn Friedman located at 2824 High
16 Sail Court, Las Vegas, Nevada 89117. This move did not take place, but was contemplated as an
17 option in the event that Kimberly was not willing or able to stay in the Kraft house in the role of
18 caregiver for Ms. Jones. With the eviction proceeding filed to remove Kimberly from the Kraft
19 house, Kimberly's ability to provide stable care for Ms. Jones in the Kraft house was in question.
20 For a time, Robyn paid approximately \$10,000.00 per week for caregivers. In light of the
21 exorbitant fees for an outside caregiver if Kimberly was unable to provide the needed care to Ms.
22 Jones in the Kraft house, Petitioners felt that moving Ms. Jones to Robyn Friedman's house
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1 would be the most fiscally responsible alternative. This was also the Petitioners' conclusion
2 because Kimberly was unable or unwilling to propose another alternative.

3 19. On October 14, 2019, Petitioners filed a Reply to Mr. Yeoman's Opposition and Counter
4 Petition For Appointment of Temporary and General Guardian and to Kimberly's Opposition
5 and Counter Petition For Appointment of Temporary and General Guardian, reiterating the need
6 to intervene with regard to their mother's care as Kimberly was unable as both healthcare and
7 financial agent for Ms. Jones to protect her from losing her house, her bank accounts and from
8 having her doctors' appointments cancelled or to ensure her whereabouts or even visitation and
9 communication with her children, including Kimberly. Mr. Yeoman's interference with and lack
10 of respect for Ms. Jones' choices as set forth in her powers of attorney and as expressed to her
11 children, as well as the almost complete lack of cooperation on the part of both Kimberly and
12 Mr. Yeoman in supporting the efforts of the Temporary Guardians also underscored the need to
13 move forward with an appointment of a general guardian to ensure that Ms. Jones would not be
14 subjected to abuse in many forms and have stable and reliable care and that her finances would
15 be protected.
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17 20. On October 15, 2019, this Court heard oral argument on the appointment of Petitioners as
18 General Guardians for Ms. Jones. In short, counsel for Petitioners informed the Court that a
19 General Guardianship was needed in order to file a civil action to recover Ms. Jones' real
20 property in Las Vegas, Nevada, which had been sold to Mr. Yeoman's daughter and son-in-law
21 for below fair market value; counsel for Ms. Jones informed this Court that Ms. Jones wished to
22 have Kimberly act as her guardian and that she did not remember selling her house; counsel for
23 Mr. Yeoman indicated that Mr. Yeoman's son was willing to return the property, requested that
24 Mr. Yeoman be appointed as guardian, but would not provide his medical information as needed
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1 to demonstrate that he would be able to care for Ms. Jones in light of his medical condition and,
2 should Kimberly be appointed as guardian that he be allowed to reside with his wife without
3 Kimberly residing in the home; counsel for Kimberly argued that based upon the power of
4 attorney, she should be appointed as guardian over her mother; the parties discussed Kimberly's
5 suitability to serve as guardian.

6 21. Kimberly maintained throughout this hearing that she would prefer to rely on the existing
7 Powers of Attorney and that a guardianship was not necessary. Kimberly only acquiesced to her
8 appointment as general guardian after this Court made it clear that the Powers of Attorney had
9 not been sufficient to protect Ms. Jones and that a general guardianship was, in fact, necessary.

10 22. At the October 15, 2019 hearing the Court ordered that Kimberly be appointed as General
11 Guardian of the Person and Estate, that Kimberly file an Inventory within 60 days, that Mr.
12 Yeoman have supervised visits with Ms. Jones, and that Kimberly inform Mr. Yeoman regarding
13 Ms. Jones care. The court requested that counsel for Kimberly prepare and submit the Order to
14 the court. This court further set an evidentiary hearing for February 20, 2020 to consider the state
15 investigators' reports and any petitions or motions that might have been filed.

16 23. After lengthy and multiple discussions among counsel for all parties, counsel for
17 Kimberly thereafter submitted an order in accordance with this Court's direction at the October
18 15, 2019, hearing.

19 24. On or about November 6, 2019, counsel for Mr. Yeoman contacted the court and
20 indicated there was a disagreement among counsel concerning the language in the proposed
21 order. This Court granted Mr. Kehoe an opportunity to submit a competing order and requested
22 Mr. Kehoe serve his order on all parties.
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1 25. This Court set the matter on the Court Chamber Calendar for November 25, 2019, to
2 review the competing orders and make a determination. This Court further informed the parties
3 that no appearance was required.

4 26. Due to Gerry and Dick's inappropriate behind-the-scenes tactics dealing the order, not
5 until November 25, 2019, did this Court enter an Order from the October 15, 2019, hearing
6 confirming Kimberly as general guardian of the person and estate. The Court entered the Order
7 submitted by Kimberly's counsel.

8 **ARGUMENTS**

9 **Fees Will Not Be Taken From Ms. Jones' Liquid Estate**

10 27. Petitioners are requesting that the Court approve their attorney's fees in this matter
11 because they have been the driving force in moving these the stabilization of Ms. Jones' living
12 situation forward via this Honorable Court's protection. But for the efforts of the Petitioners and
13 their counsel in petitioning this Court, Ms. Jones would still be in the same precarious position
14 that she was in before she was protected by a guardian, a court-appointed attorney, and the
15 oversight of this Court, being whipsawed about and denied access to stable living conditions,
16 medicine, a plan of care, her family and her dogs.

17 28. Petitioners were apparently the only members of Ms. Jones' family that recognized the
18 need for a guardian to be appointed for Ms. Jones under the circumstances; a need which this
19 Court repeatedly affirmed. *See, e.g., video transcript of October 3, 2019 hearing at 15:08.* In
20 spite of police being called numerous times and the police failing to recognize or enforce
21 Kimberly's authority under the Power of Attorney, and in spite of all sides acknowledging Ms.
22 Jones' property had been taken for far less than market value and despite all sides claiming
23 granny snatching, etc. and in spite of Ms. Jones being at risk of a complete disruption of her
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1 medical care, and despite her inability or unwillingness to provide an accounting or plan of care,
2 or a contingency plan in the event she were evicted from the Kraft property, Kimberly repeatedly
3 asked this Court to allow her to rely on her appointment as Ms. Jones' attorney-in-fact rather
4 than appoint a guardian for Ms. Jones. In fact, during the entirety of the hearing on October 3,
5 2019, Kimberly never once acknowledged that there was a need for guardianship and she,
6 through her counsel maintained that the Powers of Attorney were sufficient and that there was no
7 need for guardianship because of the Powers of Attorney. *Id at 2:41*. At the hearing on October
8 15, 2019, Kimberly again repeated her desire to rely on the Powers of Attorney rather than a
9 guardianship. *See video transcript of October 15, 2019 hearing at 34:03 and 35:00*. She only
10 reluctantly consented to her appointment as guardian because the Court found that appointment
11 of a guardian was necessary in this matter.

12
13 29. Petitioners Robyn and Donna always maintained that a guardianship was necessary to
14 protect Ms. Jones from the chaos and instability created by the opposing factions in the family
15 and they took all of the necessary steps to get a guardian appointed for the benefit of Ms. Jones,
16 to oversee her care and protect her from further financial exploitation.

17 30. Petitioners are asking that the award of attorney's fees be reduced to judgment because
18 Petitioners do not intend to collect any fees awarded until after Ms. Jones has passed away.
19 Petitioners recognize that preserving Ms. Jones' estate for her care while she is alive is of utmost
20 importance and will not jeopardize Ms. Jones' estate's ability to fund her care while she is alive.

21 31. Petitioners may take steps to record the judgment or Order awarding fees against Ms.
22 Jones' real property in California, which is currently generating income as a rental property.
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Legal Basis and Justification for Approval of Attorney's Fees

32. Pursuant to NRS 159.344(1), any person who retains an attorney to represent a party in a guardianship proceeding is personally liable for any attorney's fees and costs incurred as a result of such representation.

33. Pursuant to NRS 159.344(2), notwithstanding the provisions of NRS 159.344(1), Petitioners may petition this Court for an order authorizing attorney's fees and costs incurred in this case to be paid from the estate of the protected person. Any such attorney's fees and costs must not be paid from the guardianship estate of Ms. Jones unless and until this Court authorizes the payment pursuant to NRS 159.344. Petitioners are requesting an order for attorney's fees and costs in the total amount of \$62,029.66; of which \$61,755.00 is attorney's fees and \$274.66 is costs.

34. Petitioners have not accrued any compensation or incurred any expenses or attorney's fees as a result of a petition to have Petitioners removed as guardian, nor have Petitioners been removed as guardian. Thus, NRS 159.183(5) does not apply herein.

35. Under NRS 159.344(3), Petitioners filed written notice of its intent to seek payment of attorney's fees and costs from the guardianship estate when it filed its Ex Parte Petition for Appointment of Temporary Guardian of the Person and Estate on September 19, 2019. Said Petition also complied with NRS 159.344(e) in that it acknowledges its request for attorney's fees is subject to Court confirmation.

36. Pursuant to NRS 159.344(4)(a-d), attached hereto as **Exhibit 1** are itemized, detailed statements as to the nature and extent of the legal services performed. Some non-reimbursable entries have been redacted and subtracted from the amount being requested for reimbursement.

1 A spreadsheet with amounts and explanations of the redacted entries, as well as a breakdown of
2 total costs, is attached hereto as **Exhibit 2**.

3 37. Under NRS 159.344(5)(a), the adequacy of the written notice provided pursuant to NRS
4 159.344(3) is described above.

5 38. Under NRS 159.344(5)(b), the services provided have conferred an actual benefit upon
6 Ms. Jones and have advanced her best interest.

7 39. The services provided have properly provided a temporary and general guardian for Ms.
8 Jones' person and estate. Having a guardian advances Ms. Jones' best interest and benefits her
9 by ensuring she has adequate shelter, food, clothing and medical care and ensuring her finances
10 and assets are safeguarded and managed well, as explained in detail above in the section
11 describing the services Petitioners have provided.

12 40. In deciding the reasonableness of attorney's fees, the Nevada Supreme Court looks to
13 four factors outlined in *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349-350, 455 P.2d 31,
14 33-34 (1969) as follows: "(1) the qualities of the advocate: his ability, his training, education,
15 experience, professional standing and skill; (2) the character of work to be done: its difficulty, its
16 intricacy, its importance, time, and skill required, the responsibility imposed and the prominence
17 and character of the parties where they affect the importance of litigation; (3) the work actually
18 performed by the lawyer: the skill, time and attention given to the work; and (4) the result:
19 whether the attorney was successful and what benefits were derived."
20

21 41. Pursuant to NRS 159.344(5)(c) Michaelson & Associates, Ltd. is a reputable firm
22 practicing in the area of guardianship and elder law. Michaelson & Associates, Ltd. was founded
23 in Nevada in 1992 with an emphasis on business and estate planning. The firm's attorneys also
24 provide representation to seniors in the areas of Veterans Administration benefits and Medicaid.
25

1 John P. Michaelson has personally acted as lead attorney on hundreds of guardianships matters
2 in Clark County and has remained heavily involved in the community of guardianship and elder
3 law in Nevada. Mr. Michaelson has chaired the Elder Law Section of the Nevada State Bar,
4 served for over three years as president of the Nevada Wealth Counsel Forum and is an active
5 member of the National Academy of Elder Law Attorneys as well as Veterans Action Group, a
6 Nevada non-profit. Mr. Michaelson currently serves as a member of the Guardianship
7 Commission and is co-chair of the guardianship rules subcommittee.

8 42. Under NRS 159.344(5)(d), the character of the work completed in this matter was
9 reasonable and necessary to establish a Temporary and General Guardianship due to Ms. Jones'
10 need for guardianship services to take care of her person and to manage her estate.

11 43. Under NRS 159.344(5)(e), the work actually performed is documented in **Exhibit 1**,
12 which also shows the time and attention given to the legal services provided in relation to
13 seeking appointment of Petitioners as guardians of her person and estate.

14 44. Under NRS 159.344(5)(f), counsel succeeded in establishing guardianships for Ms. Jones
15 and the benefits to Ms. Jones are described above in the description of benefits under NRS
16 159.344(5)(b) and NRS 159.344(5)(e).

17 45. Under NRS 159.344(5)(g), Mr. Michaelson charges an hourly rate of \$450.00 per hour.
18 His senior and associate attorneys charge a rate of \$350.00 and \$300.00 per hour, respectively,
19 and his paralegals charge a rate of \$150.00 per hour. Further all fees charged are itemized in
20 **Exhibit 1**.

21 46. Under NRS 159.344(5)(h), the apportionment of time among multiple clients, if any, is
22 documented in **Exhibit 1**.
23
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1 47. Under NRS 159.344(5)(i), services were provided in a reasonable, efficient and cost-
2 effective manner. Much work was performed by a paralegal or secretary and prior work product
3 was emulated as much as possible to reduce the total time spent working on this case.

4 48. Under NRS 159.344(5)(j), as shown by the Inventory on file, the nature, extent and
5 liquidity of Ms. Jones estate are not sufficient to pay the requested attorney's fees outright. Ms.
6 Jones' foreseeable expenses that could take precedence over the requested attorney's fees include
7 costs for her facility, medications and day-to-day needs. Said expenses are documented in the
8 Budget on file herein. Although the funds in Ms. Jones' accounts are not sufficient to pay the
9 fees requested while continuing to pay for Ms. Jones' care, maintenance and support, Ms. Jones
10 has real property in California, the value of which will be sufficient to pay the fees requested
11 upon its sale. Petitioners intend to simply file a judgment or order for fees as a lien against Ms.
12 Jones' real property in California as stated hereinabove to allow her continued use of her assets
13 during her lifetime.

14 49. Under NRS 159.344(5)(k), Petitioners and counsel have been diligent in their efforts to
15 work efficiently in this case and in caring for Ms. Jones. This helped to reduce and minimize
16 current issues and prevent any additional issues from arising.

17 50. This matter has been contentious and has involved a number of efforts to reach
18 agreements to streamline the resolution of various issues.

19 51. In an effort to resolve the issue and minimize attorney's fees and costs, counsel for
20 Petitioner attempted on numerous occasions to meet and confer with counsel for Mr. Yeoman
21 and various counsel retained by Kimberly, to work effectively towards a solution and ensure that
22 the protected person's interests were being safeguarded. Counsel has also generally refrained
23 from filing unneeded pleadings or responses to the various unneeded pleadings that Mr. Yeoman
24
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1 filed herein. Counsel has, however, made numerous phone calls and written numerous emails in
2 support of the protected person throughout the negotiations. He has also responded to many,
3 many phone calls and emails from counsel for other parties in an effort to resolve concerns and
4 assist in a speedier resolution of contested matters.

5 52. Under NRS 159.344(5)(l), neither Petitioners nor counsel acted in a way that
6 unnecessarily expanded issues or delayed or hindered the efficient administration of the
7 guardianship estate of Ms. Jones.

8 53. Under NRS 159.344(5)(m), neither Petitioners nor counsel took any action for the
9 purpose of advancing or protecting their own interests rather than the interest of Ms. Jones.

10 54. Under NRS 159.344(5)(n), additional factors are not relevant to determine whether
11 attorney's fees are just, reasonable or necessary. As shown above, Petitioners and counsel were
12 acting to advance Ms. Jones' best interest and succeeded in doing so.

13 55. Under NRS 159.344(6)(a-b), undersigned counsel is not requesting compensation for
14 time spent on internal business activities, clerical or secretarial support or time reported as a
15 block of time spent on multiple tasks. **Exhibit 1** shows that the time spent is itemized by task.

16 56. Under NRS 159.344(7), no third party is applicable to the fees requested herein.

17 57. Under NRS 159.344(8), payment of ordinary costs and expenses incurred in the scope of
18 counsel's representation is being requested, as shown in **Exhibit 1**.

19 58. Pursuant to NRS 159.344(9), "if two or more parties in a guardianship proceeding file
20 competing petitions for the appointment of a guardian or otherwise litigate any contested issue in
21 the guardianship proceeding, only the prevailing party may petition the court for payment of
22 attorney's fees and costs from the guardianship estate pursuant to this section." Here, three
23 competing petitions were filed for the appointment of a guardian; the original petition for
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1 temporary guardianship filed by Robyn Friedman and Donna Simmons, your Petitioners herein,
2 and then Oppositions and Counter-Petitions for Guardianship filed by both Kimberly and Mr.
3 Yeoman. Petitioners' ex parte petition was granted on September 23, 2019, and petitioners were
4 appointed temporary guardians. The temporary guardianship was extended on October 3, 2019,
5 and Petitioners remained in their roles as temporary guardians. While Kimberly was ultimately
6 appointed as general guardian pursuant to Ms. Jones' wishes as set forth in her estate planning
7 documents, petitioners Robyn Friedman and Donna Simmons were the prevailing party on the
8 initial petition for temporary guardianship and were the driving force in getting the protective
9 temporary guardianship framework in place and then working to ensure that the protections
10 would remain in place by way of a general guardianship appointment. But for the efforts of
11 Petitioners, Ms. Jones might still be living in uncertain conditions, moving between locations and
12 having police involvement in her custody, all with no written plan of care. Immediately after
13 their appointment as temporary guardians, however, your Petitioners herein paid for and
14 provided such a care plan. Ms. Jones might still be financially vulnerable with Powers of
15 Attorney that were not being respected and financial transactions being done without knowledge
16 of Ms. Jones or her family. Instead, Ms. Jones is currently living in the Kraft house, which she
17 believes to be her home despite the questioned sale, with Kimberly acting as her caregiver and as
18 her guardian authorized to make both healthcare and financial decisions.
19

20 59. NRS. 159.344(10) does not apply to Petitioners or undersigned counsel. Neither is court-
21 appointed counsel in this matter.

22 ///

23 ///

24 ///

VERIFICATION

I, Robyn Friedman, state under penalty of perjury: That I am the Petitioner in the above referenced action; that I have read the PETITION FOR APPROVAL OF ATTORNEYS FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE; and know the contents thereof; that the same is true of my knowledge except as to those matters therein stated upon information and belief and as to those matters, I believe them to be true.



Robyn Friedman

VERIFICATION

I, Donna Simmons, state under penalty of perjury: That I am the Petitioner in the above referenced action; that I have read the PETITION FOR APPROVAL OF ATTORNEYS FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE; and know the contents thereof; that the same is true of my knowledge except as to those matters therein stated upon information and belief and as to those matters, I believe them to be true.


Donna Simmons

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EXHIBIT 1



**MICHAELSON
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INVOICE


Invoice # 12460
Date: 08/30/2019

2200 Paseo Verde Parkway, Suite 160
Henderson, Nevada 89052
United States
Phone: 702.731.2333

Robyn Friedman
2824 High Sail Ct.
Las Vegas, NV 89117

Guardianship 59: Friedman, Robyn and Simmons, Donna (June Jones)-2019-08-01582

Date	Type	Attorney	Notes	Quantity	Rate	Total
08/21/2019	Service	JPM	Consultation (1.5). Dictation [NO CHARGE], staff direction (.40), file setup [NO CHARGE].	1.90	\$450.00	\$855.00
08/21/2019	Service	HAR	[REDACTED]			
08/22/2019	Service	LM	Telephone call and leave message for Robert Johnson regarding possible guardianship of Kathleen Jones (.1); telephone call with Robert Johnson and set up telephone conference with John Michaelson this afternoon (.3); email JPM regarding same and calendar (.2); telephone call and leave message with Robyn regarding John's telephone call with David Johnson and request to provide information for family members (.1).	0.70	\$200.00	\$140.00
08/22/2019	Service	HAR	Review questionnaire; emails to/from Perry Friedman for further information.	0.40	\$200.00	\$80.00
08/23/2019	Service	LM	Numerous telephone calls with Robyn Friedman regarding contact information for Scott and Teri and whereabouts of holographic will.	0.90	\$200.00	\$180.00
08/23/2019	Service	LM	[REDACTED]			

08/23/2019	Service	JPM	Phone conference with Kimberly and her attorney re factual background (.3). Dictation and staff direction re next steps (.3).	0.60	\$450.00	\$270.00
08/23/2019	Service	JPM	Conference with team re arguments, next steps and options including options to guardianship.	0.40	\$450.00	\$180.00
08/23/2019	Service	JPM	Conference call with opposing counsel Ty Kehoe (1.0). Dictation and staff direction (.2).	1.20	\$450.00	\$540.00
08/26/2019	Service	LM	Telephone call with David Johnson to request a copy of June Jones healthcare power of attorney.	0.30	\$200.00	\$60.00
08/26/2019	Service	JPM	Phone conference with clients(.6). Efforts to obtain HCPOA (.4). direct team (.2).	1.20	\$450.00	\$540.00
08/27/2019	Service	LM	Receipt and review of email and Health Care Power of Attorney for June Jones received from Johnson & Johnson (.3); telephone call and leave message with Monica Gillins, Mr. Johnson's paralegal regarding providing a copy of the health care power of attorney to Ty Kehoe (.3).	0.60	\$200.00	\$120.00
08/28/2019	Service	LM	Receipt of email from Ty Kehoe regarding telephone conference with JPM this afternoon; receipt of email from Monica at Mr. Johnson's office regarding approval to forward the health care power of attorney to Ty Kehoe.	0.40	\$200.00	\$80.00
08/28/2019	Service	JPM	Prepare for tc w/ opposing counsel. Phone conference with client.	0.40	\$450.00	\$180.00
08/28/2019	Service	JPM	Teleconference with opposing counsel. Dictation.	0.70	\$450.00	\$315.00
08/28/2019	Service	LM				
08/28/2019	Service	LM	Telephone with Robyn regarding points that refute the allegation that they were absent from their mother's life.	0.30	\$200.00	\$60.00
08/29/2019	Service	JPM	Review email and facts provided by Robyn.	0.30	\$450.00	\$135.00
08/29/2019	Service	LM	Telephone call with David Johnson to schedule a conference call with Mr. Michaelson.	0.20	\$200.00	\$40.00
08/29/2019	Service	JPM	Prepare for and conduct conference call with attorney David Johnson.	0.50	\$450.00	\$225.00
08/29/2019	Service	JPM	Email client and prepare for settling matters	0.90	\$450.00	\$405.00

			(.3); conduct tc w/ attorney Ty Kehoe to settle various matters (.6); Dictation [NO CHARGE].			
08/30/2019	Service	JPM	Review client communications - several emails - and prepare email to clients based upon my conversation with opposing counsel and answering their questions.	0.90	\$450.00	\$405.00
08/30/2019	Service	JPM	Email communications with attorney David Johnson.	0.20	\$450.00	\$90.00
					Total	\$5,200.00
					Payment (08/30/2019)	-\$5,000.00
					Payment (09/05/2019)	-\$200.00
					Balance Owing	\$0.00

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2200 Paseo Verde Parkway, Suite 160
Henderson, Nevada 89052
United States
Phone: 702.731.2333

Robyn Friedman
2824 High Sail Ct.
Las Vegas, NV 89117

Guardianship 59: Friedman, Robyn and Simmons, Donna (June Jones)-2019-08-01582

Date	Type	Attorney	Notes	Quantity	Rate	Total
08/30/2019	Service	JPM	Prepare for and conduct tc with Robyn and Donna about numerous issues and firming up factual background.	1.30	\$450.00	\$585.00
08/30/2019	Service	JPM	Direct associate attorney on research re next week's POA hearing and also commencement of guardianship petition.	0.40	\$450.00	\$180.00
08/30/2019	Service	JPM	Email opposing counsel Ty Kehoe re visitation.	0.10	\$450.00	\$45.00
09/03/2019	Service	LCP	Review notes in preparation to begin drafting Petition	0.50	\$300.00	\$150.00
09/04/2019	Service	LCP	Email response to T. Kehoe	0.40	\$300.00	\$120.00
09/04/2019	Service	JPM	Review opposing counsel email.	0.20	\$450.00	\$90.00
09/04/2019	Service	JPM	Review opposition filed in probate matter (.5). Begin drafting guardianship petition and arguments (1.3).	1.80	\$450.00	\$810.00
09/04/2019	Service	LCP	Strategy with JPM (1.2); receive and review opposition to Petition (.5); email to opposing counsel (.3); email to clients responding to questions (.2)	2.20	\$300.00	\$660.00
09/04/2019	Service	JPM	Phone conference with opposing counsel trying to resolve outstanding issues.	1.20	\$450.00	\$540.00
09/04/2019	Service	JPM	Client communication.	0.20	\$450.00	\$90.00

09/05/2019	Service	LM	Telephone call with Robyn Friedman regarding medical documentation to support a guardianship (.3); draft notice of appearance(.4); arranged for mailing (.3).	1.00	\$200.00	\$200.00
09/05/2019	Service	LCP	Call to Donna Simmons; left VM at 9:50am	0.10	\$300.00	\$30.00
09/05/2019	Service	LCP	TC with Donna Simmons (.2); email to JMP [NO CHARGE]; email to D. Simmons to provide my contact information (.2)	0.40	\$300.00	\$120.00
09/05/2019	Service	LCP	Review medical records received from attorney D. Johnson	0.40	\$300.00	\$120.00
09/05/2019	Service	SJ	[REDACTED]			
09/05/2019	Expense	SJ	Reimbursable expenses: Efile - Notice of Appearance	1.00	\$3.50	\$3.50
09/05/2019	Service	SJ	[REDACTED]			
09/05/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - Notice of Appearance	5.00	\$0.50	\$2.50
09/05/2019	Service	SJ	[REDACTED]			
09/05/2019	Service	LCP	Research Nevada Statute regarding POA validity (.5); draft memo on findings (.4)	0.90	\$300.00	\$270.00
09/05/2019	Service	JPM	Various communications re guardianship petition facts, tomorrow's hearing to enforce POA in order to avoid guardianship (1.2) Review of pleadings (.6).	1.80	\$450.00	\$810.00
09/06/2019	Service	LCP	Communication with JPM re: research	0.20	\$300.00	\$60.00
09/06/2019	Service	LM	[REDACTED]			
09/06/2019	Service	JMP	[REDACTED]			
09/06/2019	Service	LCP	[REDACTED]			
09/06/2019	Service	JPM	Prepare for and participate in hearing to enforce POA's as least restrictive means rather than guardianship (2.5). Also participate in direct negotiations with all parties(1.5).	4.00	\$450.00	\$1,800.00
09/07/2019	Service	JPM	Multiple communications to/from opposing counsel Ty Kehoe now that Kimberly has picked up her mother in AZ. Also communications with client.	1.80	\$450.00	\$810.00
09/08/2019	Service	AEF	Telephone conference with John Michaelson and Lora Caindec-Poland	0.40	\$350.00	\$140.00

Date	Type	Client	Description	Hours	Rate	Fees
09/08/2019	Service	LCP	TC with JPM and AEF re: current events and strategy re: same	0.40	\$300.00	\$120.00
09/08/2019	Service	JPM	Communication with Dr. Brown to see if he can meet Kimberly and evaluate June Jones on a very expedited basis to gauge capacity.	0.50	\$450.00	\$225.00
09/08/2019	Service	JPM	Update team and discussion options going forth. Client communications.	0.70	\$450.00	\$315.00
09/09/2019	Service	LCP	[REDACTED]	0.40	\$300.00	\$120.00
09/09/2019	Service	LCP	[REDACTED]	0.40	\$300.00	\$120.00
09/09/2019	Service	LCP	Begin drafting Petition for Guardianship	3.50	\$300.00	\$1,050.00
09/09/2019	Service	JPM	Coordinate with Kimberly's counsel, Dr. Brown's office to facilitate evaluation.	0.70	\$450.00	\$315.00
09/09/2019	Service	JPM	Work on petition for temp and special guardianship. Direct team. Client communications.	1.20	\$450.00	\$540.00
09/09/2019	Service	AEF	[REDACTED]	0.40	\$450.00	\$180.00

Total \$10,840.50

Payment (09/12/2019)	-\$10,840.50
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Balance Owing	\$0.00
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United States
Phone: 702.731.2333


Robyn Friedman
2824 High Sail Ct.
Las Vegas, NV 89117

Guardianship 59: Friedman, Robyn and Simmons, Donna (June Jones)-2019-08-01582

Date	Type	Attorney	Notes	Quantity	Rate	Total
09/10/2019	Service	HAR	[REDACTED]	1.00	\$200.00	\$200.00
09/10/2019	Service	LCP	Draft Guardianship Petition	3.40	\$300.00	\$1,020.00
09/10/2019	Service	JPM	Phone conference with attorney David Johnson re pros and cons of guardianship petition in this matter.	0.40	\$450.00	\$180.00
09/10/2019	Service	JPM	Various communications including getting Dr. Brown paid. Draft/edit/revise petition for guardianship.	1.00	\$450.00	\$450.00
09/11/2019	Service	LCP	Draft Petition for Guardianship	1.80	\$300.00	\$540.00
09/11/2019	Service	JPM	Coordinate with Dr. Brown, including review his report. Client communications.	0.70	\$450.00	\$315.00
09/12/2019	Service	LCP	[REDACTED] [REDACTED] Conversation with R. Friedman for information	0.30	\$300.00	\$90.00
09/12/2019	Service	LCP	TC with R. Friedman	0.30	\$300.00	\$90.00
09/12/2019	Service	JPM	Review preemptively void transfer statute relating to caregivers and vulnerable persons (.3). Meeting with clients to review same and plan next steps/ arguments and assess situation (1.4).	1.70	\$450.00	\$765.00
09/13/2019	Service	LCP	Call from R. Friedman (.2); revisions to Petition	2.80	\$300.00	\$840.00

			for Guardianship to reflect clients as Petitioners (2.6)			
09/13/2019	Service	LCP	Petition for Guardianship; forward draft to JPM for review	1.00	\$300.00	\$300.00
09/13/2019	Service	LCP	TC with JPM; email to clients re: info needed for Petition	0.40	\$300.00	\$120.00
09/13/2019	Service	JPM				
09/16/2019	Service	LCP	Further revisions to Petition for Guardianship	2.30	\$300.00	\$690.00
09/16/2019	Service	LM	Begin preparing ancillary documents for appointment of temporary guardianship	0.30	\$200.00	\$60.00
09/16/2019	Service	LCP	Research Temporary vs. Special Guardianship and discuss with JPM review of draft of Petition	1.00	\$300.00	\$300.00
09/16/2019	Service	JPM	Review draft petition. Edit and revise. Direct team.	1.60	\$450.00	\$720.00
09/16/2019	Service	JPM	Phone conference with Kimberly's attorney re petition for guardianship.	0.60	\$450.00	\$270.00
09/16/2019	Service	JPM	Review email from attorney for Gerry and Dick.	0.20	\$450.00	\$90.00
09/17/2019	Service	LM	Continue to Draft all ancillary temporary guardianship documents; draft guardians' acknowledgment of duties; draft citation to appear and show cause for general (1.2); draft certificate of service for appointment of general guardian (.2)	1.40	\$200.00	\$280.00
09/17/2019	Service	LCP	Further draft Petition for Temporary and General Guardianship	1.50	\$300.00	\$450.00
09/17/2019	Service	LCP	Further draft Petition for guardianship	1.00	\$300.00	\$300.00
09/17/2019	Service	LCP	Revisions to Petition; email to clients for review	3.60	\$300.00	\$1,080.00
09/17/2019	Service	JPM	Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for general guardianship.	3.00	\$450.00	\$1,350.00
09/18/2019	Service	LM	Compile exhibits to be attached to ex parte petition for appointment of temporary guardian.	0.40	\$200.00	\$80.00
09/18/2019	Service	LCP	Revisions to Petition per clients comments on draft	1.60	\$300.00	\$480.00

09/18/2019	Service	LM	Email Robyn and Donna regarding signatures on verifications to ex parte petition and on oath for the Letters of Temporary Guardianship (.3); review requirements for notifying family members before filing of a temporary guardianship (.3). Telephone call and leave message with Teri and Scott regarding our filing for appointment of temporary guardianship (.3); telephone call with Teri regarding her opposing the petition for appointment of temporary guardian (.4).	1.30	\$200.00	\$260.00
09/18/2019	Service	LCP	Further revisions to Petition; email draft to clients	2.40	\$300.00	\$720.00
09/18/2019	Service	JPM	Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for general guardianship.	5.00	\$450.00	\$2,250.00
09/18/2019	Service	LCP	Various tasks associated with finalizing Petition (.9); discuss with JPM re: strategy, timing (.2); TC with R. Friedman re: revisions needed (.3); revisions made per client request (.6)	2.00	\$300.00	\$600.00
09/19/2019	Service	LCP	TC with JPM (.1); receive signed Verification pages from R. Friedman (.1); TC from D. Simmons re: Verification pages (.3); revisions to Petition (.5)	1.00	\$300.00	\$300.00
09/19/2019	Service	LM	Efiled petition for appointment of temporary guardian (.2); drafted order granting temporary guardianship (1.0); efiled citation to appear and show cause (.2); prepared amended citation (.3).	1.70	\$200.00	\$340.00
09/19/2019	Service	LCP	[REDACTED]			
09/19/2019	Service	LCP	Email to clients re: status of filing and next steps; sign Citation; review and sign Order	0.50	\$300.00	\$150.00
09/19/2019	Service	JPM	Various calls and communications with staff and attorneys for other parties in attempts to meet and confer to resolve claims and also prepare our petition for guardianship - draft/edit/and revising same.	1.70	\$450.00	\$765.00
09/19/2019	Expense	LM	Court Filing Fee - Petition and Citation to Appear and Show Cause.	1.00	\$3.50	\$3.50
09/20/2019	Service	LM	[REDACTED]			
09/20/2019	Service	LM	Receipt of email from client with location of her mother (.2); email Dave at Servlaw to attempt personal service at the Kraft house	0.40	\$200.00	\$80.00

			address (.2).			
09/20/2019	Expense	LT	Mail: Certified USPS Mail Amended citation to appear and show cause and Ex Parte petition for appt. to all on Cert of Service	14.00	\$6.40	\$89.60
09/20/2019	Expense	LT	Filing Fee: E-Filed Amended citation to appear and show cause and Ex Parte petition	1.00	\$3.50	\$3.50
09/20/2019	Service	LCP	Emails to/from R. Friedman (.4); TC with JPM re: emails from opposing counsel (.1)	0.50	\$300.00	\$150.00
09/20/2019	Service	LCP	TC with JPM re: providing advance copy of pleading to opposing counsel (.2); email to clients re: same (.2)	0.40	\$300.00	\$120.00
09/20/2019	Service	JPM	Various communications re obtaining guardianship and noticing other parties, as well as logistics b/w the parties re June's care and including responding to Ty Kehoe's ex parte contact with probate court re POA's that are not being honored, as well as emails from attorneys for other parties.	1.30	\$450.00	\$585.00
09/23/2019	Service	LM	Telephone call with Chryste in Dept. B, regarding approval of order granting temporary guardianship (.2); calendar return date for appointment of temporary guardian (.1); telephone call with Dave at Servlaw regarding status of service of amended citation and petition upon June Jones(.2); follow-up email from Dave at Servlaw to also serve the order granting the temporary guardianship (.1); second telephone call with Chryste regarding faxing over a copy of the order (.2); emailed a copy of the order granting the temporary guardianship to the clients (.2); efiled the notice of entry of order granting temporary guardianship and arranged for mailing of same (.2); emailed Dave to also serve the Order Granting the Temporary Guardianship (.1).	1.30	\$200.00	\$260.00
09/23/2019	Service	LCP	Call from JPM re: obtaining Order from Judge's Clerk (.1); arrange with L. Murnane re: same [NO CHARGE]; call from D. Johnson (.2); communication with JPM re: status of Order and message from D. Johnson (.1)	0.40	\$300.00	\$120.00
09/23/2019	Service	SJ				
09/23/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - NEO Granting Ex Parte	13.00	\$0.50	\$6.50
09/23/2019	Service	LCP	Call from R. Friedman re: events of the	0.20	\$300.00	\$60.00

			afternoon; email to JPM re: same			
09/23/2019	Service	JPM	Various communications and direction to team re guardianship.	0.40	\$450.00	\$180.00
09/23/2019	Service	JPM	Various communications with client, counsel for Kimberly, counsel for Dick and Gerry. On phone while Robyn visits Kraft house and informs Kimberly of guardianship, to answer any questions. Later conversations and emails with clients.	2.20	\$450.00	\$990.00
09/23/2019	Expense	LM	Court filing fee - Notice of Entry of Order granting temporary guardianship.	1.00	\$3.50	\$3.50
09/23/2019	Expense	LM	Service fee - Personal Service fee.	1.00	\$50.00	\$50.00
09/24/2019	Service	LCP	Call from R. Friedman re: service of Citation on J. Jones	0.10	\$300.00	\$30.00
09/24/2019	Service	LM	Emailed a copy of the Letters of Temporary Guardianship to the clients (.2) arrange to obtain certified copies of both the order and letters (.2); emailed a copy of the Letters of Temporary Guardianship to Ty Kehoe and David Johnson (.1).	0.50	\$200.00	\$100.00
09/24/2019	Service	JPM	phone conference with Robyn.	0.20	\$450.00	\$90.00
09/24/2019	Service	LCP	Draft demand letters to be sent to T. Kehoe and D. Johnson.	1.50	\$300.00	\$450.00
09/24/2019	Service	JPM	Draft/edit/revise letters to attorneys for other parties re various demands and logistical coordination. Review client communications.	0.70	\$450.00	\$315.00

Total	\$20,444.60
Payment (09/30/2019)	-\$20,444.60
Balance Owing	\$0.00

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& ASSOCIATES, LTD.**
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INVOICE

Invoice # 12720
Date: 10/10/2019

2200 Paseo Verde Parkway, Suite 160
Henderson, Nevada 89052
United States
Phone: 702.731.2333



Robyn Friedman
2824 High Sail Ct.
Las Vegas, NV 89117

Guardianship 59: Friedman, Robyn and Simmons, Donna (June Jones)-2019-08-01582

Date	Type	Attorney	Notes	Quantity	Rate	Total
09/25/2019	Service	LM	Receipt of email from Robyn Friedman regarding obtaining certified copies(.1); respond to same (.2); prepare receipt of documents (.1); email Robyn that certified copies are ready for pickup (.1); telephone call and leave message with Donna to confirm her personal appearance at the hearing; efiled affidavit of personal appearance.(.1)	0.60	\$200.00	\$120.00
09/25/2019	Service	LCP	Review multiple emails from client; lengthy response email re: duties of guardian	1.10	\$300.00	\$330.00
09/25/2019	Service	AR	Received call from Robyn Friedman, Emailed information to attorney, and notated file.	0.20	\$0.00	\$0.00
09/25/2019	Service	JPM	Review some communications. Phone conference with Robyn. Direct team.	0.60	\$450.00	\$270.00
09/25/2019	Service	LCP	Redraft of demand letters to T. Kehoe and D. Johnson per request of R. Friedman	0.70	\$300.00	\$210.00
09/25/2019	Service	JPM	Review of correspondence from Robyn. Direct team re letters to attorneys for other parties. Draft/edit/revise those letters. Send email to client with letter attached.	0.70	\$450.00	\$315.00
09/26/2019	Service	LCP	Revisions to demand letters to T. Kehoe and D. Johnson per client request	0.90	\$300.00	\$270.00
09/26/2019	Expense	LCP	Reimbursable expenses: Court Filing Fee -	1.00	\$3.50	\$3.50

			Petition.			
09/26/2019	Expense	SJ	Reimbursable expenses: Certification of Copy	1.00	\$20.00	\$20.00
09/26/2019	Service	AR	Revise and finalize invoice and email to client.	0.50	\$0.00	\$0.00
09/26/2019	Service	LCP	Send demand letters to opposing counsel	0.30	\$300.00	\$90.00
09/26/2019	Service	JPM	Draft/edit/revise letters to attorneys for other parties, read and forward email from attorney Kehoe. Direct team on sending letters.	0.40	\$450.00	\$180.00
09/27/2019	Service	AEF	Review email from opposing counsel regarding requested items, temporary guardianship and visitation, then review and revise draft response email to opposing counsel regarding same (0.4).	0.40	\$350.00	\$140.00
09/27/2019	Service	LM	Telephone call with Robyn Friedman regarding email to her sister.	0.20	\$200.00	\$40.00
09/27/2019	Service	JPM	Numerous communications and emails to/from clients, David Johnson, Ty Kehoe trying to obtain June's identification and other property and resolve visitation issues.	2.00	\$450.00	\$900.00
09/27/2019	Service	JPM	Later phone call with Ty Kehoe. Call with client.	0.50	\$450.00	\$225.00
09/27/2019	Service	JPM	Still later call with Ty Kehoe who represents Gerry and Dick trying to resolve visitation and other issues.	0.30	\$450.00	\$135.00
09/28/2019	Service	JPM	Review of combative Ty Kehoe communication and response thereto. Multiple communications with clients, counsel for Kimberly and Mr. Kehoe.	0.80	\$450.00	\$360.00
09/29/2019	Service	JPM	Communications with all parties. Setup and participate in phone conference with Kimberly and her attorney.	0.60	\$450.00	\$270.00
09/30/2019	Service	LCP	Discuss with J. Pairman re: contact information for Geriatric Care Manager [NO CHARGE]; TC with R. Friedman to give her contact information and to discuss medical records (.2); email to R. Friedman with requested information (.1).	0.30	\$300.00	\$90.00
09/30/2019	Service	LCP	2x calls from R. Friedman	0.20	\$300.00	\$60.00
09/30/2019	Service	LCP	TC with Legal Aid attorney, M. Parra-Sandoval	0.30	\$300.00	\$90.00

10/01/2019	Service	JPM	Communication with attorney David Johnson.	0.20	\$450.00	\$90.00
10/01/2019	Service	JPM	Phone conference with Kimberly's new attorney Jeff Luszeck. Dictation and staff direction.	0.50	\$450.00	\$225.00
10/01/2019	Service	LM	Review court file for oppositions to petition for appointment of guardianship.	0.30	\$200.00	\$60.00
10/01/2019	Service	LCP	Prepare for Hearing	1.60	\$300.00	\$480.00
10/01/2019	Service	LCP	Draft Notice of Intent to Move Protected Person	0.50	\$300.00	\$150.00
10/01/2019	Service	JPM	Communication with attorney Ty Kehoe re visitation, plan of care, etc.	0.10	\$450.00	\$45.00
10/01/2019	Service	JPM	Further communications with Kimberly's attorney's outlining issues.	0.10	\$450.00	\$45.00
10/02/2019	Service	LCP	[REDACTED]			
10/02/2019	Service	LM	Receipt and review of Ty Kehoe's opposition to petition for appointment of temporary guardian and counter petition for appointment of temporary and general guardian.	1.40	\$200.00	\$280.00
10/02/2019	Service	LCP	TC with R. Friedman (.2); TC with D. Simmons (.2); receive and review Opposition filed by T. Kehoe (.5); email same to clients (.1)	1.00	\$300.00	\$300.00
10/02/2019	Service	LCP	[REDACTED]			
10/02/2019	Service	JPM	Communications all day with clients, opposing counsel re hearing prep and efforts to settle issues. Review opposition briefs and supplements thereto.	4.50	\$450.00	\$2,025.00
10/02/2019	Service	JPM	Visit with clients and protected person. Prior phone call to attorney for protected person.	0.20	\$450.00	\$90.00
10/03/2019	Service	LM	[REDACTED]			
10/03/2019	Service	LCP	Attend hearing [NO CHARGE]	3.00	\$0.00	\$0.00
10/03/2019	Service	SJ	[REDACTED]			

10/03/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - Proposed Care Plan	9.00	\$0.50	\$4.50
10/03/2019	Service	SJ				
10/03/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - NEO Extending Temp	10.00	\$0.50	\$5.00
10/03/2019	Service	JPM	Review numerous materials and prepare arguments for hearing.	2.50	\$450.00	\$1,125.00
10/03/2019	Service	JPM	Settlement negotiations at court; client conferences at court; participate in hearing and follow up conversations with clients and opposing attorneys.	3.20	\$450.00	\$1,440.00
10/03/2019	Service	LCP	Generate list of items needed from Kim and Gerry (.5); email same to R. Friedman and D. Simmons (.2)	0.70	\$300.00	\$210.00
10/04/2019	Service	LCP	Call from R. Friedman (.2); email to SDF attorneys to follow up information reported by R. Friedman (.1)	0.30	\$300.00	\$90.00
10/04/2019	Service	LCP	TC x2 with D. Simmons (.2); email to D. Simmons attaching Oppositions per her request (.1)	0.30	\$300.00	\$90.00
10/04/2019	Service	LCP	Call from R. Friedman (.4); discussion of payments to caregivers (.3); email to R. Evans re: same(.2); email to JPM re: same (.1)	1.00	\$300.00	\$300.00
10/04/2019	Service	LM	Receipt of email from Donna to confirm her address and to send future mail to her certified mail (.2); email to Donna and Robyn letting them know certified copies of the Order Extending the Temporary Guardianship are ready for pickup (.3).	0.50	\$200.00	\$100.00
10/04/2019	Expense	LT	Mail: Fed Ex Overnight Envelope to Donna Simmons Priority only option because it's being delivered on Saturday.	1.00	\$60.06	\$60.06
10/04/2019	Service	LCP	Discuss with JPM re: caregiver compensation (.4); Call from R. Friedman re: same (.2)	0.60	\$300.00	\$180.00
10/04/2019	Service	LCP	Incorporate R. Friedman's requests for items into the existing list of demanded items	0.50	\$300.00	\$150.00
10/04/2019	Service	JPM	Communications re compensation for Kimberly as caregiver.	0.30	\$450.00	\$135.00
10/07/2019	Service	LM				

			involved.			
10/07/2019	Service	LCP	[REDACTED]	0.30	\$450.00	\$135.00
10/07/2019	Service	JPM	[REDACTED] [REDACTED] [REDACTED]	0.40	\$450.00	\$180.00
10/07/2019	Service	JPM	Phone conference with Kimberly's attorney Ross Evans.	0.30	\$450.00	\$135.00
10/07/2019	Expense	SJ	Reimbursable expenses: Certification of Copy	1.00	\$10.00	\$10.00
10/07/2019	Service	LM	Review of email from Geraldine Tomich requesting a copy of the petition for guardianship (.2); emailed a copy to Ms. Tomich (.2).	0.40	\$200.00	\$80.00
10/07/2019	Service	JPM	Contact Kate McCloskey with guardianship compliance office re coordinating sharing of information in support of financial investigation.	0.10	\$450.00	\$45.00
10/07/2019	Service	JPM	Contact clients' real estate attorney re claims against Dick re recovery of home.	0.10	\$450.00	\$45.00
10/07/2019	Service	JPM	Draft/edit/revise letters to opposing parties re demands for various items.	0.40	\$450.00	\$180.00
10/08/2019	Service	LCP	[REDACTED]	0.30	\$450.00	\$135.00
10/08/2019	Service	LM	Attempt to call Cindy Sauchak of the Las Vegas Metropolitan Police Department (.1); email Ms. Sauchak regarding setting up a telephonic conference with JPM (.1); telephone call with Metro's abuse and neglect (.1)	0.30	\$200.00	\$60.00
10/08/2019	Service	JPM	[REDACTED] [REDACTED] [REDACTED]	0.30	\$450.00	\$135.00
10/08/2019	Service	JPM	Communications with clients and Kimberly's counsel discussing issues and trying to arrange face to face settlement meeting.	0.30	\$450.00	\$135.00
10/08/2019	Service	JPM	Communications with state guardianship compliance office re status of their investigation.	0.20	\$450.00	\$90.00
10/09/2019	Service	LM	Telephone call with Detective Ludwig at Metro's abuse and neglect unit regarding setting up conference call.	0.70	\$200.00	\$140.00
10/09/2019	Service	LCP	[REDACTED]	0.50	\$450.00	\$225.00
10/09/2019	Service	JPM	phone conference with clients re possible settlement conference today.	0.50	\$450.00	\$225.00

10/09/2019	Service	JPM	Communication with Kimberly's attorneys re settlement conference.	0.30	\$450.00	\$135.00
10/09/2019	Service	JPM	Prepare for hearing and settlement conference. possible arguments, solutions, possible responses to oppositions filed.	1.10	\$450.00	\$495.00
10/09/2019	Service	LCP	Travel to and attend meeting at SDF law firm.	2.00	\$300.00	\$600.00
10/09/2019	Service	JPM	Continue preparing for settlement conference. travel to and participate in settlement conference at Kimberly's attorney's office.	2.80	\$450.00	\$1,260.00

Total	\$18,117.06
Payment (10/14/2019)	-\$18,117.06
Balance Owing	\$0.00

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Henderson, Nevada 89052
United States
Phone: 702.731.2333


INVOICE

Invoice # 12748
Date: 10/18/2019

Robyn Friedman
2824 High Sail Ct.
Las Vegas, NV 89117

Guardianship 59: Friedman, Robyn and Simmons, Donna (June Jones)-2019-08-01582

Date	Type	Attorney	Notes	Quantity	Rate	Total
10/10/2019	Service	LM	Drafted notice of intent for Scott Simmons to appear by telephone at the hearing on October 15th (.5); telephone call and leave message for Scott to confirm the telephone number we can reach him at next week (.1).	0.60	\$200.00	\$120.00
10/10/2019	Service	LCP	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	0.10	\$500.00	\$50.00
10/10/2019	Service	JPM	Work on reply to opposition.	0.20	\$450.00	\$90.00
10/10/2019	Service	SJ	[REDACTED]	0.10	\$450.00	\$45.00
10/10/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - Notice of Intent	6.00	\$0.50	\$3.00
10/10/2019	Service	JPM	further work on reply to opposition.	0.20	\$450.00	\$90.00
10/10/2019	Service	JPM	Respond to attorney Ty Kehoe by calling him.	0.10	\$450.00	\$45.00
10/11/2019	Service	JPM	Draft/edit/revise reply to oppositions. Formulate arguments.	1.80	\$450.00	\$810.00
10/11/2019	Service	LM	Review of emails received from client to compel opposing party to provide information and documentation on finances and personal information such as passport and medical records (.20); review guardianship	0.50	\$200.00	\$100.00

			statutes regarding petition for instruction (.3).			
10/11/2019	Service	LCP	Draft Reply to Opposition	4.20	\$300.00	\$1,260.00
10/11/2019	Service	LCP	Draft Reply to Opposition	0.50	\$300.00	\$150.00
10/11/2019	Service	LM	Prepare response to counter petition for guardianship (.8); filing response before Tuesday's hearing and preparing a notice of move (.2); prepared a notice of move; efiled and eserved same with the court (.4).	1.40	\$200.00	\$280.00
10/11/2019	Service	LCP	Work on Reply to Opposition	1.70	\$300.00	\$510.00
10/11/2019	Service	JPM	Phone conference with attorney Ty Kehoe trying to resolve issues.	1.60	\$450.00	\$720.00
10/11/2019	Service	JPM	Later phone conferences with clients.	0.50	\$450.00	\$225.00
10/12/2019	Service	JPM	Review numerous pleadings and communications and draft/edit/revise response pleading. Communications with client and team re the same.	3.50	\$450.00	\$1,575.00
10/13/2019	Service	LCP	Work on Reply to Opposition	2.60	\$300.00	\$780.00
10/13/2019	Service	JPM	Review some emails and direct team on draft of response.	0.20	\$450.00	\$90.00
10/14/2019	Service	LCP	Work on Reply to Oppositions	1.50	\$300.00	\$450.00
10/14/2019	Service	LCP	Gather and assemble documents that will be attached as exhibits to Reply	0.90	\$300.00	\$270.00
10/14/2019	Service	LCP	Review and accept JPM's revisions to Reply to Opposition	0.50	\$300.00	\$150.00
10/14/2019	Service	LM	Telephone call with Robyn Friedman and Donna to sign the respective verification pages to reply (.3); draft order granting petition for appointment of general guardian. (1.7)	2.00	\$200.00	\$400.00
10/14/2019	Service	LCP	Email from R. Friedman requesting revisions to Reply (.1); revisions made per her request (.5)	0.60	\$300.00	\$180.00
10/14/2019	Service	SJ				
10/14/2019	Expense	SJ	Reimbursable expenses: Regular US Mail – Notice of Intent	6.00	\$0.50	\$3.00
10/14/2019	Service	JPM	Draft/edit/revise supplement and prepare arguments for hearing tomorrow.	2.50	\$450.00	\$1,125.00
10/15/2019	Service	LM	Receipt of email from Geri Tomich regarding scheduling a 2:00 p.m. meeting with JPM (.2); respond to same and calendar (.2).	0.40	\$200.00	\$80.00

10/15/2019	Service	LM	Telephone call with Sharon Coates regarding latest version of the care plan approved by the Nevada Legislature (.2); receipt and review of Rule 6 the initial guardianship care plan rule (.2).	0.40	\$200.00	\$80.00
10/15/2019	Service	LCP	[REDACTED]	1.00	\$200.00	\$200.00
10/15/2019	Service	LM	Prepared supplement to reply to oppositions to include executed verification of clients (.4); efiled and mailed same (.2).	0.60	\$200.00	\$120.00
10/15/2019	Service	JPM	Prepare for hearing. Participate in hearing including client conferences and negotiations.	5.20	\$450.00	\$2,340.00
10/15/2019	Service	JPM	Phone conference with real estate attorney Geri Tomich re next steps.	0.20	\$450.00	\$90.00
10/15/2019	Service	JPM	email counsel for Kimberly re order.	0.10	\$450.00	\$45.00
10/16/2019	Service	SJ	Regular US Mail - Supplement To Reply to Opposition	6.00	\$0.50	\$3.00
10/16/2019	Expense	SJ	Reimbursable expenses: Regular US Mail - Supplement To Reply To Oppositions	6.00	\$0.50	\$3.00
10/16/2019	Service	JPM	Confer with counsel for Kimberly re guardianship order and outcome of hearing.	0.20	\$450.00	\$90.00
10/18/2019	Service	LM	Review court file for order regarding hearing; calendared evidentiary hearing and return hearing on investigator's report.	0.20	\$200.00	\$40.00

Total	\$13,422.00
Payment (10/20/2019)	-\$13,422.00
Balance Owning	\$0.00

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EXHIBIT 2

	invoice total	redacted amount	date	reason	reimbursable amount
#12460	\$ 5,200.00				
		\$ 60.00	8/21/2019	admin	
		\$ 80.00	8/23/2019	office conference	
		\$ 160.00	8/28/2019	office conference	
		total redacted \$ 300.00			\$ 4,900.00
#12560	10840.5				
		\$ 4.00	9/5/2019	admin	
		\$ 4.00	9/5/2019	admin	
		\$ 4.00	9/5/2019	admin	
		\$ 260.00	9/6/2019	research	
		\$ 22.50	9/6/2019	research	
		\$ 150.00	9/6/2019	office conference	
		\$ 30.00	9/9/2019	admin	
		\$ 60.00	9/9/2019	office conference	
		\$ 105.00	9/9/2019	office conference	
		total redacted \$ 639.50			\$ 10,201.00
#12595	20444.6				
		\$ 20.00	9/10/2019	admin	
		\$ 120.00	9/12/2019	office conference	
		\$ 225.00	9/13/2019	office conference	
		\$ 150.00	9/19/2019	admin	
		\$ 80.00	9/20/2019	admin	
		\$ 8.00	9/23/2019	admin	
		total redacted \$ 603.00			\$ 19,841.60

#12720

18117.06

\$ 60.00	10/1/2019	office conference
\$ 210.00	10/2/2019	office conference
\$ 990.00	10/2/2019	admin/attorney support
\$ 140.00	10/3/2019	admin
\$ 12.00	10/3/2019	admin
\$ 12.00	10/3/2019	admin
\$ 60.00	10/7/2019	office conference
\$ 60.00	10/7/2019	office conference
\$ 180.00	10/7/2019	office conference
\$ 210.00	10/8/2019	research
\$ 360.00	10/8/2019	office conference
\$ 300.00	10/9/2019	office conference
\$ 750.00	10/9/2019	attorney support

total redacted

\$ 3,344.00

\$ 14,773.06

#12748

13422

\$ 30.00	10/10/2019	admin
\$ 8.00	10/10/2019	admin
\$ 12.00	10/14/2019	admin
\$ 1,050.00	10/15/2019	attorney support
\$ 8.00	10/16/2019	admin

total redacted

\$ 1,108.00

\$ 12,314.00

total fees and costs requested for reimbursement

\$ 62,029.66

costs requested for reimbursement

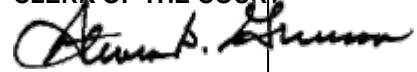
\$ 3.50	9/5/2019
\$ 2.50	9/5/2019
\$ 3.50	9/19/2019
\$ 89.60	9/20/2019
\$ 3.50	9/20/2019
\$ 6.50	9/23/2019
\$ 3.50	9/23/2019
\$ 50.00	9/23/2019
\$ 3.50	9/26/2019
\$ 20.00	9/26/2019
\$ 4.50	10/3/2019
\$ 5.00	10/3/2019
\$ 60.06	10/4/2019
\$ 10.00	10/7/2019
\$ 3.00	10/10/2019
\$ 3.00	10/14/2019
\$ 3.00	10/16/2019

total costs

\$ 274.66

total fees [invoice total minus costs]

\$ 61,755.00



1 **OBJ**

2 Maria L. Parra-Sandoval, Esq.

3 Nevada Bar No. 13736

4 mparra@lacsns.org

5 **LEGAL AID CENTER OF**

6 **SOUTHERN NEVADA, INC.**

7 725 E. Charleston Blvd.

8 Las Vegas, NV 89104

9 Telephone: (702) 386-1526

10 Facsimile: (702) 386-1526

11 *Attorney for Kathleen June Jones, Adult Protected Person*

12 **EIGHTH JUDICIAL DISTRICT COURT**
13 **FAMILY DIVISION**
14 **CLARK COUNTY, NEVADA**

15 In the Matter of the Guardianship of the Person
16 and Estate of:

17 KATHLEEN JUNE JONES,

18 Adult Protected Person.

19 **Case No.: G-19-052263-A**
20 **Dept. No.: B**

21 **KATHLEEN JUNE JONES' OBJECTION TO PETITION FOR APPROVAL OF**
22 **ATTORNEYS FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT**
23 **AGAINST THE REAL PROPERTY OF THE ESTATE**

24 Kathleen June Jones ("June"), the protected person herein, by and through her counsel,
25 Maria L. Parra-Sandoval, Esq., hereby objects to the Petition for Approval of Attorneys Fees and
26 Costs and Request to Enter a Judgment Against the Real Property of the Estate, filed by Robyn
27 Friedman and Donna Simmons, ("Petitioners"), the prior temporary guardians. June's objection
28 is based upon and supported by the following Memorandum of Points and Authorities, the
pleadings and papers on file in this case, and the argument of counsel as allowed by the Court at
the time of hearing.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **A. The Nevada Revised Statutes generally provide that attorney’s fees incurred by**
3 **a guardian must be borne by a guardian. However, in only limited**
4 **circumstances may an attorney’s fee request be shifted from a guardian to a**
5 **protected person’s estate, but this shift is discretionary and the attorney’s**
6 **services must have conferred actual benefit to the protected person.**

7 Under Nevada law, a guardian is responsible for the payment of all attorney’s
8 fees and costs the guardian incurs absent an order from the Court allowing payment from the
9 protected person’s estate. *See* NRS 159.344(1)-(2). The court may order the payment of fees
10 from the protected person’s estate only if those fees are *just, reasonable, and necessary*. *See*
11 NRS 159.344(5). In determining whether fees are just, reasonable, and necessary, the court is to
12 consider, among other things, whether the services conferred any actual benefit on the protected
13 person or advanced the protected person’s best interest, *see* NRS 159.344(5)(b); the extent to
14 which the services were provided in a reasonable, efficient, and cost-effective manner, *see* NRS
15 159.344(5)(i); efforts made by the party or attorney to reduce and minimize issues, *see* NRS
16 159.344(5)(k); actions by the party or attorney that unnecessarily expanded issues or delayed or
17 hindered the efficient administration of the estate, *see* NRS 159.344(5)(l); and “[a]ny other factor
18 that is relevant in determining whether attorney’s fees are just, reasonable and necessary,
19 including, without limitation, any other factor that is relevant in determining whether the person
20 was acting in good faith and was actually pursuing the best interests of the protected person,”
21 NRS 159.344(5)(n).

22 There is no Nevada case law that addresses when the Court should decline to shift
23 attorney’s fees. However, the Arizona Supreme Court has addressed this issue and held that
24 when a court considers a request for fees and costs in a guardianship case, the court should
25 consider, among other things, whether or not the guardian actually pursued the ward’s best
26 interests or conferred any benefit upon the ward.¹ The Court further explained that as a matter
27 of policy, parties to a guardianship case cannot be permitted to assume that their fees and
28

¹ *In re Guardianship of Sleeth*, 244 P.3d 1169, 226 Ariz.171 (2010).
Page 2 of 27

1 expenses will be automatically paid out of the guardianship estate. Instead, they must face the
2 possibility that they will be liable for some of these costs. Otherwise, they have no financial
3 incentive to avoid poor decisions if the entirety of any financial risk is borne on the protected
4 person:

5 “When a guardian or conservator has no personal obligation for attorney’s fees and no
6 concern over whether his expenditures will be fully approved, he may lack incentive to avoid
7 financial improvidence. In a case in which the protected person’s estate suffers significant and
8 harmful losses, the superior court must exercise its independent judgment to determine what
9 portion of the attorney’s fees were reasonably incurred.”²

11 Here, Robyn Friedman and Donna Simmons, submit their request for reimbursement of
12 \$62,029.66 in attorney’s fees and costs.³ Petitioners seek to place a lien for this amount on the
13 protected person’s largest asset, her real property, located in California. Although Petitioners
14 only served as temporary guardians **for less than a one month period**, from September 23,
15 2019⁴ to October 15, 2019,⁵ Petitioners seek reimbursement of, what can only be characterized
16 as, an absurd amount of attorneys’ fees—including fees that stem from an earlier matter.
17 Petitioners submit attorneys’ fees requests that stem from a *previous* contentious probate matter
18 that did not benefit the protected person and was simply unproductive litigation. Similarly to the
19 guardian’s request in *Sleeth*, the present attorney’s fee request is a primary example of temporary
20 guardians lacking a financial incentive to avoid costly fees after substantial efforts to advance
21 their own interests, through both the present matter and the previous probate matter.
22
23
24
25

26 ² *Id.*, 244 P.3d 1175, 266 Ariz. 177.

27 ³ See Petition for Approval of Attorneys Fees and Costs and Request to Enter a Judgment Against the Real
Property of the Estate, filed February 13, 2020.

28 ⁴ See Order Granting Ex Parte Petition for Appointment of Temporary Guardian of the Person and Estate and
Issuance of Letters of Temporary Guardianship, filed September 23, 2019.

⁵ See Court Minutes, October 15, 2019.

1 Petitioners argue that they have been the “driving force in moving the stabilization of
2 [June’s] living situation forward via this Honorable Court’s protection,” to assert they are
3 somehow entitled to payment of all their fees, from both this matter and the previous probate
4 matter, from June’s estate. They are wrong. An effort to stabilize June’s living situation was
5 not necessary or appropriate in this matter, especially as the current general guardian of the
6 person and estate was June’s named agent under a power of attorney, and preferred guardian
7 under a nomination of guardian, and capable of managing June’s affairs as per June’s express
8 wishes, as outlined in her substantial estate planning documentation. Current guardian has been
9 willing to serve as guardian from the beginning of this matter,⁶ and was rightfully the *prevailing*
10 party.
11

12 Consequently, this Court should deny Petitioners’ request for all fees incurred in the
13 prior probate matter and deny all fees incurred by the temporary guardians, both before and after
14 their appointment as temporary guardians. Petitioners are not automatically entitled to
15 reimbursement for attorneys’ fees and costs as a matter of right.
16

17 **B. Even if this Court allows for reimbursement of attorney fees and costs from the**
18 **guardianship estate, Petitioners filed their notice of intent to seek attorney’s fees**
19 **from the guardianship estate on September 19, 2019, and are therefore *only***
20 **arguably entitled to attorney’s fees and costs from the estate for *guardianship-***
21 ***related work while serving as Temporary Guardians*, and subject to all other NRS**
22 **159.344 provisions.**

23 Here, Petitioners have submitted their request for *reimbursement of \$62,029.66* in
24 attorneys’ fees and costs.⁷ A significant portion of these fees, as detailed in Mr. Michaelson’s
25 Invoices 12460 and 12560, are almost all entirely related to the probate matter—not *this*
26

27 ⁶ See Opposition to Ex Parte Petition for Appointment of Temporary and General Guardian of the Person and
28 Estate; Alternatively, Counter-Petition for Appointment of Kimberly Jones as Temporary and General Guardian
of the Person and Estate, p. 12, filed October 2, 2019.

⁷ See Petition for Approval of Attorneys Fees and Costs and Request to Enter a Judgment Against the Real
Property of the Estate, filed February 13, 2020.

guardianship matter, and consequently, the majority can be easily disallowed. The total to be disallowed as related to the prior probate matter is **\$14,051.00**.⁸ The protected person should not need to reimburse the Petitioners for any attorney's fees incurred prior to the present guardianship case. An exception is the preparation of the guardianship pleadings, which can easily be derived from the invoices, beginning with date 9/09/2019: LCP "Begin drafting Petition for Guardianship." This is the first billing entry that should have been submitted to the Court to consider.⁹ And this is the only billing entry from Invoice 12560 that may even arguably be considered for possible reimbursement by June's estate. Any fee request for work prepared on another matter is a *complete disregard* for the protected person's interests. Pre-guardianship work, including engaging in unproductive litigation, should not be considered by this Court pursuant to NRS 159.344(5)(k)-(n).

Finally, if this Court allows for a reimbursement of attorney's fees and costs, June requests that fees be significantly reduced based on noncompliance with NRS 159.344. In addition to the **\$14,051.00** that should be disallowed from Invoices 12460 and 12560; **\$34,070.00**¹⁰ should be disallowed from Invoices: 12595, 12720 and 12748, for a **total reduction of \$48,121.00** to be disallowed. See relevant objections next to each problematic billing entry:

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⁸ This number was calculated by adding the total reimbursable amounts requested from Invoice 12460 (\$4,900) plus Invoice 12560 (\$10,201.00) = \$15,101. From the latter amount, counsel subtracted \$1,050 that should likely be allowed for entry dated 9/9/2019 Begin Drafting Petition for Guardianship (Attorney LCP 3.5 hrs x \$350).

⁹ There is a 9/08/2019 billing entry that could be the first billing entry; however, the fact that JPM did not delegate this duty to a paralegal to communicate with Dr. Brown, is problematic. Under NRS 159.344(5)(i), this task should have been delegated to a paralegal.

¹⁰ An additional \$14,395 from Invoice no. 12595; \$9,960 from Invoice no. 12720; and \$9,715 from Invoice no. 12748.

Invoice No. 12595

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction (\$)
9/10/2019	JPM	450	0.4	\$ 180.00	Phone conference with attorney David Johnson re pros and cons of guardianship petition in this matter.	Under NRS 159.344 (6)(a)(no compensation for internal business activity)-Attorney Johnson is not a party to this matter (he was on the probate matter)	\$ 180.00
9/10/2019	JPM	450	1	\$ 450.00	Various communications including getting Dr. Brown paid. Draft/edit/revise petition for guardianship.	Under NRS 159.344(5)(i), this task should have been delegated to a paralegal & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 450.00
9/11/2019	JPM	450	0.7	\$ 315.00	Coordinate with Dr. Brown, including review his report. Client communications.	Under NRS 159.344(5)(i), the first task should have been delegated to a paralegal & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 315.00
9/13/2019	LCP	300	2.6	\$ 780.00	Revisions to Petition for Guardianship to reflect clients as Petitioners	Under NRS 159.344(5)(i), time for task is excessive and unreasonable. By this date, LCP had already spent 8.7 hours drafting the Petition for Guardianship.	\$ 600.00
9/13/2019	LCP	300	1	\$ 300.00	Petition for Guardianship; forward draft to JPM for review	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; and description of task is vague. If LCP meant more revisions, time for task is excessive and unreasonable; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 300.00
9/13/2019	LCP	300	0.4	\$ 120.00	TC with JPM; email to clients re: info needed for Petition	NRS 159.344(5)(b) & Under NRS 159.344 (6)(a)(no compensation for internal business activity) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 120.00
9/16/2019	LCP	300	2.3	\$ 690.00	Further revisions to Petition for Guardianship	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale for the revisions (in contrast, in other entries, revisions are made "per client	\$ 690.00

						request," which makes sense).	
9/16/2019	LM	200	0.3	\$ 60.00	Begin preparing ancillary documents for appointment of temporary guardianship	NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services	\$ 60.00
9/16/2019	LCP	300	1	\$ 300.00	Research Temporary vs. Special Guardianship and discuss with JPM review of draft of Petition	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable.	\$ 300.00
9/16/2019	JPM	450	1.6	\$ 720.00	Review draft petition. Edit and revise. Direct team.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity). By this date LCP has already worked on the petition for 13.6 hours.	\$ 720.00
9/17/2019	LM	200	1.2	\$ 240.00	Continue to Draft all ancillary temporary guardianship documents; draft guardian's acknowledgment of duties; draft citation to appear and show cause for general	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed. And fyi, a form is readily available for guardian's acknowledgment of duties, so that paralegal does not have to draft it or reinvent the wheel.	\$ 240.00

1	9/17/2019	LM	200	0.2	\$ 40.00	draft certificate of service for appointment of general guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 40.00
2								
3								
4								
5	9/17/2019	LCP	300	1.5	\$ 450.00	Further draft Petition for Temporary and General Guardianship	NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale listed. With this entry, LCP has worked a total of 15.1 hours drafting and revising the same petition.	\$ 450.00
6								
7								
8								
9	9/17/2019	LCP	300	1	\$ 300.00	Further draft Petition for guardianship	NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale listed. With this entry, LCP has worked a total of 16.1 hours drafting and revising the same petition.	\$ 300.00
10								
11								
12								
13								
14	9/17/2019	LCP	300	3.6	\$ 1,080.00	Revisions to Petition; email to clients for review	NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale listed for further revisions (in contrast, in other entries, revisions are made "per client request," which makes sense) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed. With this entry, LCP has worked a total of 19.7 hours drafting and revising the same petition!	\$ 1,080.00
15								
16								
17								
18								
19								
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21								
22	9/17/2019	JPM	450	3	\$ 1,350.00	Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for general guardianship.	Under NRS 159.344(5)(i), the first task should have been delegated to a lower biller; Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(6)(a)(no compensation for internal business activity).	\$ 1,350.00
23								
24								
25								
26								
27								
28								

1	9/18/2019	LM	200	0.4	\$ 80.00	Compile exhibits to be attached to ex parte petition for appointment of temporary guardian.	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 80.00
2	9/18/2019	LM	200	0.3	\$ 60.00	Email Robyn and Donna regarding signatures on verifications to ex parte petition and on oath for the Letters of Temporary Guardianship	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1.	\$ 45.00
3	9/18/2019	LM	200	0.3	\$ 60.00	Telephone call and leave message with Teri and Scott regarding our filing for appointment of temporary guardianship	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; each call should be .1. x \$150.	\$ 30.00
4	9/18/2019	LM	200	0.4	\$ 80.00	telephone call with Teri regarding her opposing the petition for appointment of temporary guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150.	\$ 20.00
5	9/18/2019	LCP	300	2.4	\$ 720.00	Further revisions to Petition; email draft to clients	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is <i>no rationale</i> listed for further revisions (in contrast, in other entries revisions are made "per client request," which makes sense; and I did not object to those) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed. Important to note: with this entry, LCP has spent 23.7 hours drafting and revising this petition.	\$ 720.00
6	9/18/2019	JPM	450	5	\$ 2,250.00	Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for general guardianship.	Under NRS 159.344(5)(i), the first task should have been delegated to a lower biller; Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 2,250.00

1						Under NRS 159.344(6)(b), no award is to be made for time that is block-billed; "various tasks" is too vague as well.	
2					Various tasks associated with finalizing Petition		
3	9/18/2019	LCP	300	0.9	\$ 270.00		\$ 270.00
4						Under NRS 159.344 (6)(a)(no compensation for internal business activity).	
5	9/19/2019	LCP	300	0.1	\$ 30.00	TC with JPM	\$ 30.00
6						Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is <i>no rationale</i> listed for further revisions (in contrast, in other entries revisions are made "per client request," which makes sense). By this billing entry, 18.2 solid hours have already been billed just to <i>revising</i> the Petition for Guardianship. There's more time that can't be deciphered from block-billing entries. And there's more time billed for "drafting" the petition. The final document is 30 pages, plus exhibits.	
7							
8							
9							
10							
11							
12							
13							
14	9/19/2019	LCP	300	0.5	\$ 150.00	revisions to Petition	\$ 150.00
15						Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	
16							
17							
18					Efiled petition for appointment of temporary guardian		
19	9/19/2019	LM	200	0.2	\$ 40.00		\$ 40.00
20						Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; the law firm would likely have a template already available for this task that can be recycled.	
21							
22							
23							
24	9/19/2019	LM	200	1	\$ 200.00	drafted order granting temporary guardianship	\$ 100.00
25						Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	
26							
27							
28	9/19/2019	LM	200	0.2	\$ 40.00	efiled citation to appear and show cause	\$ 40.00

1							Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	
2	9/19/2019	LM	200	0.3	\$ 60.00	prepared amended citation		\$ 60.00
3	9/19/2019	LCP	300	0.5	\$ 150.00	Email to clients re status of filing and next steps; sign Citation; review and sign Order	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 150.00
4	9/19/2019	JPM	450	1.7	\$ 765.00	Various calls and communications with staff and attorneys for other parties in attempts to meet and confer to resolve claims and also prepare our petition for guardianship-draft/edit/ and revising same.	NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed	\$ 765.00
5	9/20/2019	LM	200	0.2	\$ 40.00	Receipt of email from client with location of her mother	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1.	\$ 25.00
6	9/20/2019	LM	200	0.2	\$ 40.00	email Dave at Servlaw to attempt personal service at the Kraft house address	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services (this is not a legally substantive task).	\$ 40.00
7	9/20/2019	LCP	300	0.2	\$ 60.00	TC with JPM re providing advance copy of pleading to opposing counsel	Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 150.00
8	9/20/2019	JPM	450	1.3	\$ 585.00	Various communications re obtaining guardianship and noticing other parties, as well as logistics b/w the parties re June's care and including responding to Ty Kehoe's ex parte contact with probate court re POA's that are	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(5)(b), for "ex parte contact with probate court." How does that benefit the protected person?	\$ 585.00

9/23/2019	LCP	300	0.4	\$ 120.00	Call from JPM re obtaining Order from Judge's Clerk (.1); call from D. Johnson (.2); communication with JPM re status of Order and message from D. Johnson (.1)	Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 120.00
9/23/2019	JPM	450	0.4	\$ 180.00	Various communications and direction to team re guardianship.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 180.00
9/23/2019	JPM	450	2.2	\$ 990.00	Various communications with client, counsel for Kimberly, counsel for Dick and Gerry. On phone while Robyn visits Kraft house and informs Kimberly of guardianship, to answer questions. Later conversations and emails with clients.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 990.00
9/24/2019	LM	200	0.5	\$ 100.00	Emailed a copy of the Letters...(2); arrange to obtain certified copies ...(2); emailed a copy of the Letters...to Ty Kehoe and David Johnson (.1).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 100.00

Total proposed reduction for invoice no. 12595 \$ 14,395.00

Invoice No. 12720

Date	Tmkr	Rate	Time	Amount	Description	Objection	Proposed Reduction (\$)
9/25/2019	LM	200	0.6	\$ 120.00	Receipt of email...regarding obtaining certified copies (.1); Respond to same (.2); prepare receipt of documents (.1); email Robyn that certified copies are ready for pickup (.1); telephone call and leave message with Donna...; efiled	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services. These are <i>all</i> secretarial tasks--tasks that are not legally substantive.	\$ 120.00

1						Review email from opposing counsel regarding requested items, temporary guardianship and visitation, then review and revise draft response email to opposing counsel regarding same.	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(5)(b), How did it benefit the protected person?	
2	9/27/2019	AEF	350	0.4	\$ 140.00			\$ 140.00
3						Telephone call with Robyn Friedman regarding email to her sister.	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4), no compensation for time spent performing secretarial or clerical services (tasks that are not legally substantive).	
4	9/27/2019	LM	200	0.2	\$ 40.00			\$ 40.00
5						Numerous communications and emails to/from clients, David Johnson, Ty Kehoe trying to obtain June's identification and other property and resolve visitation issues.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity)-attorney David Johnson is a party in the probate matter, not this guardianship matter.	
6	9/27/2019	JPM	450	2	\$ 900.00			\$ 900.00
7						Later phone call with Ty Kehoe. Call with client.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	
8	9/27/2019	JPM	450	0.5	\$ 225.00			\$ 225.00
9						Review of combative Ty Kehoe communication and response thereto. Multiple communications with clients, counsel for Kimberly and Mr. Kehoe.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	
10	9/28/2019	JPM	450	0.8	\$ 360.00			\$ 360.00
11						Communications with all parties. Setup and participate in phone conference with Kimberly and her attorney.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	
12	9/29/2019	JPM	450	0.6	\$ 270.00			\$ 270.00
13						TC with Legal Aid attorney, M. Parra- Sandoval	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; this was a short conversation, and Parra-Sandoval recorded a .1 on this date.	
14	9/30/2019	LCP	300	0.3	\$ 90.00			\$ 60.00

1							Under NRS 159.344 (6)(a)(no compensation for internal business activity)-attorney David Johnson was a party in the probate matter/POA action, not the guardianship matter; and has never appeared on the guardianship matter; & Under NRS 159.344(5)(b). How did this task benefit the protected person?	
2	10/1/2019	JPM	450	0.2	\$	90.00	Communication with attorney David Johnson.	\$ 90.00
3								
4								
5								
6	10/1/2019	JPM	450	0.5	\$	225.00	Phone conference with Kimberly's new attorney Jeff Luszeck. Dictation and staff direction.	\$ 225.00
7								
8								
9	10/1/2019	JPM	450	0.5	\$	225.00	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 225.00
10								
11	10/1/2019	LM	200	0.3	\$	60.00	Review court file for oppositions to petition for appointment of guardianship.	\$ 15.00
12								
13								
14								
15								
16								
17								
18								
19								
20	10/1/2019	LCP	300	0.5	\$	150.00	Draft Notice of Intent to Move Protected Person	\$ 150.00
21								
22								
23								
24								
25								
26								
27								
28	10/2/2019	LM	200	1.4	\$	280.00	Receipt and review of Ty Kehoe's opposition to petition for appointment of temporary guardian and counter petition for appointment of temporary and general guardian.	\$ 280.00

						LCP is the one that has been drafting and revising documents.	
10/2/2019	JPM	450	4.5	\$ 2,025.00	Communications all day with clients, opposing counsel re hearing prep and efforts to settle issues. Review opposition briefs and supplements thereto.	Under NRS 159.344(6)(b), <i>no award</i> is to be made for time that is block-billed (each task must be itemized with a time).	\$ 2,025.00
10/3/2019	JPM	450	3.2	\$ 1,440.00	Settlement negotiations at court; client conferences at court; participate in hearing and follow up conversations with clients and opposing attorneys.	Under NRS 159.344(6)(b), <i>no award</i> is to be made for time that is block-billed (each task must be itemized with a time).	\$ 1,440.00
10/4/2019	LM	200	0.5	\$ 100.00	Receipt of email from Donna to confirm her address and to send future mail to her certified mail (.2); email to Donna and Robyn letting them know certified copies of the Order Extending the Temporary Guardianship are ready for pickup (.3).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these are not legally substantive tasks.	\$ 100.00
10/4/2019	LCP	300	0.4	\$ 120.00	Discuss with JPM re: caregiver compensation	Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 120.00
10/4/2019	LCP	300	0.5	\$ 150.00	Incorporate R. Friedman's requests for items into the existing list of demanded items	Under NRS 159.344(5)(i), time for task is excessive and unreasonable, and could have been delegated to a lower biller (paralegal \$150 x .3).	\$ 105.00
10/4/2019	JPM	450	0.3	\$ 135.00	Communications re compensation for Kimberly as caregiver.	Under NRS 159.344(6)(b), <i>no award</i> is to be made for time that is block-billed (each task must be itemized with a time).	\$ 135.00

10/7/2019	LM	200	0.4	\$ 80.00	Review of email from Geraldine Tomich requesting copy of the petition for guardianship (.2); emailed a copy to Ms. Tomich (.2).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	\$ 80.00
10/8/2019	LM	200	0.3	\$ 60.00	Attempt to cal Cindy Sauchak of the Las Vegas Metropolitan Police Department (.1); email Ms. Sauchak regarding setting up a telephone conference with JPM (.1); telephone call with Metro's abuse and neglect (.1)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	\$ 60.00
10/8/2019	JPM	450	0.3	\$ 135.00	Communications with clients and Kimberly's counsel discussing issues and trying to arrange face to face settlement meeting.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time).	\$ 135.00
10/8/2019	LM	200	0.7	\$ 140.00	Telephone call with Detective Ludwig at Metro's abuse and neglect unit regarding setting up conference call.	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; Under NRS 159.344(5)(i), time for task is excessive and unreasonable; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--this task is not a legally substantive task.	\$ 140.00
10/9/2019	JPM	450	2.8	\$ 1,260.00	Continue preparing for settlement conference. Travel to and participate in settlement conference at Kimberly's attorney's office.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time).	\$ 1,260.00

Total proposed reduction for invoice no. 12720 \$ 9,960.00

Invoice No. 12748

Date	Tmkr	Rate	Time	Amount	Description	Objection	Proposed Reduction (\$)
10/10/2019	LM	200	0.6	\$ 120.00	Drafted notice of intent for Scott Simmons to appear by telephone at the hearing on October 15th (.5); telephone call and leave message for Scott to confirm the telephone number we can reach him at next week (.1)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; Under NRS 159.344(5)(i), time for task is excessive and unreasonable--the notice of intent to appear by telephone is a standard document/form is available; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not a legally substantive tasks.	\$ 120.00
10/11/2019	LM	200	0.5	\$ 100.00	Review of emails received from client to compel opposing party to provide information and documentation on finances and personal information such as passport and medical records (.2); review guardianship statutes regarding petition for instruction (.3).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150.	\$ 25.00
10/11/2019	LCP	300	4.2	\$ 1,260.00	Draft Reply to Opposition	Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	\$ 1,260.00

						Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	
10/11/2019	LCP	300	0.5	\$	150.00	Draft Reply to Opposition	\$ 150.00
10/11/2019	LM	200	0.8	\$	160.00	Prepare response to counter petition for guardianship	\$ 160.00
10/11/2019	LM	200	0.6	\$	120.00	filing response before Tuesday's hearing and preparing a notice of move (.2); prepared a notice of move; efiled and eserved same with the court (.4).	\$ 120.00

						Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	
10/11/2019	LCP	300	1.7	\$	510.00	Work on Reply to Opposition	\$ 510.00
10/12/2019	JPM	450	3.5	\$	1,575.00	Review numerous pleadings and communications and draft/edit/revise response pleading. Communications with client and team re the same.	\$ 1,575.00
10/13/2019	LCP	300	2.6	\$	780.00	Work on Reply to Opposition	\$ 780.00

1							Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time); & Under NRS 159.344(6)(a)(no compensation for internal business activity)	
2								
3								
4	10/13/2019	JPM	450	0.2	\$ 90.00	Review some emails and direct team on draft of response.		\$ 90.00
5							Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	
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16	10/14/2019	LCP	300	1.5	\$ 450.00	Work on Reply to Opposition		\$ 450.00
17							Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services (regardless of who the biller is)--tasks that are not legally substantive.	
18								
19								
20	10/14/2019	LCP	300	0.9	\$ 270.00	Gather and assemble documents that will be attached as exhibits to Reply.		\$ 270.00
21							Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	
22								
23								
24								
25	10/14/2019	LM	200	0.3	\$ 60.00	Telephone call with Robyn Friedman and Donna to sign the respective verification pages to reply		\$ 60.00
26								
27								
28								

10/14/2019	LM	200	1.7	\$ 340.00	draft order granting petition for appointment of general guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(i), time for task is excessive and unreasonable, and not cost-efficient. This is work done prematurely. A general guardianship was never granted to these parties and thus this order could never have been filed.	\$ 340.00
10/14/2019	JPM	450	2.5	\$ 1,125.00	Draft/edit/revise supplement and prepare arguments for hearing tomorrow.	Under NRS 159.344(5)(i), first task related to the supplement (which was really just a verification page and certificate of service) should have been delegated to a lower biller/paralegal; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time).	\$ 1,125.00
10/15/2019	LM	200	0.4	\$ 80.00	Receipt of email from Geri Tomich regarding scheduling at 2:00 p.m. meeting with JPM (.2); respond to same and calendar (.2).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	\$ 80.00
10/15/2019	LM	200	0.4	\$ 80.00	Telephone call with Sharon Coates regarding latest version of the care plan ... (.2); receipt and review of Rule 6 the initial guardianship care plan rule (.2)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--the telephone call is not a legally substantive task.	\$ 50.00

10/15/2019	LM	200	0.4	\$ 80.00	Telephone call with Sharon Coates regarding latest version of the care plan ... (.2); receipt and review of Rule 6 the initial guardianship care plan rule (.2)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--the telephone call is not a legally substantive task.	\$ 50.00
10/15/2019	LM	200	0.6	\$ 120.00	Prepared supplement to reply to oppositions to include executed verification of clients (.4); efiled and mailed same (.2).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks-preparing documents to file, efile, and mailing are not a legally substantive tasks.	\$ 120.00
10/15/2019	JPM	450	5.2	\$ 2,340.00	Prepare for hearing. Participate in hearing including client conferences and negotiations.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized separately, with a time).	\$ 2,340.00
10/18/2019	LM	200	0.2	\$ 40.00	Review court file for order regarding hearing; calendared evidentiary hearing and return hearing on investigator's report.	Under NRS 159.344(5)(g)(2), paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these are not legally substantive tasks.	\$ 40.00

Total proposed reduction for invoice no. 12748 \$ 9,715.00

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1 **C. Conclusion**

2 Based upon the foregoing, June asks the Court to employ its discretionary powers to deny
3 Petitioners' attorney's fee request in its entirety. In the alternative, if the Court finds that the
4 former temporary guardians are entitled to reimbursement from the protected person's estate,
5 then the reimbursement should be limited to only attorney's fees request for work completed by
6 the temporary guardian *during and for their service* as temporary guardians, reducing the request
7 for reimbursement from \$62,029.66 by \$48,121.00, for a total amount to be allowed from June's
8 estate totaling \$13,908.66. Any other amount is unjust, unreasonable, and unnecessary.
9

10 DATED this 4th day of March 2020.

11
12 **LEGAL AID CENTER OF**
13 **SOUTHERN NEVADA, INC.**

14 /s/ Maria L. Parra-Sandoval, Esq.
15 Maria L. Parra-Sandoval, Esq.
16 Nevada Bar No. 13736
17 **LEGAL AID CENTER OF**
18 **SOUTHERN NEVADA, INC.**
19 725 E. Charleston Blvd
20 Las Vegas, NV 89104
21 Telephone: (702) 386-1526
22 Facsimile: (702) 386-1526
23 mparra@lacs.nv.gov
24 Attorney for Adult Protected Person Kathleen
25 June Jones
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of March 2020, I deposited in the United States Mail at Las Vegas, Nevada, a copy of the foregoing document entitled **KATHLEEN JUNE JONES' OBJECTION TO PETITION FOR APPROVAL OF ATTORNEYS FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE** in a sealed envelope, mailed regular U.S. mail, upon which first class postage was fully prepaid, addressed to the following:

Teri Butler
586 N. Magdalena Street
Dewey, AZ 86327

Tiffany O'Neal
177 N. Singingwood Street, Unit 13
Orange, CA 92869

Jen Adamo
14 Edgewater Drive
Magnolia, DE 19962

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

Scott Simmons
1054 S. Verde Street
Anaheim, CA 92805

Ampersand Man
2824 High Sail Court
Las Vegas, NV 89117

Kimberly Jones
6277 Kraft Avenue
Las Vegas, NV 89130

AND I FURTHER CERTIFY that on the same date I electronically served the same document to the following via ODYSSEY, the Court's electronic filing system, pursuant to EDCR 8.05:

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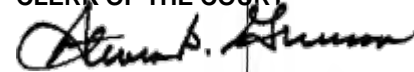
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12 /s/Alexa Reanos
13 Employee of Legal Aid Center of Southern Nevada
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RESP

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Attorneys for Robyn Friedman and Donna Simmons

DISTRICT COURT

CLARK COUNTY, NEVADA

IN THE MATTER OF THE GUARDIANSHIP)
OF THE PERSON AND ESTATE OF:)
Kathleen June Jones,)
An Adult Protected Person.)

Case Number: G-19-052263-A
Department: B
Date of Hearing: 03/17/2020
Time of Hearing: 9:30 a.m.

RESPONSE TO (1) KATHLEEN JUNE JONES' OBJECTION TO PETITION FOR APPROVAL OF ATTORNEYS' FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE;
(2) RESPONSE TO KIMBERLY JONES' JOINDER TO OBJECTION TO FRIEDMAN AND SIMMONS' PETITION FOR APPROVAL OF ATTORNEYS' FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT AGAINST THE REAL PROPERTY OF THE ESTATE; AND (3)

**RESPONSE TO JOINDER TO OPPOSITION TO PETITION FOR APPROVAL OF
ATTORNEY'S FEES AND COSTS AND REQUEST TO ENTER A JUDGMENT
AGAINST THE REAL PROPERTY OF THE ESTATE FILED
BY RODNEY GERALD YEOMAN**

☐ TEMPORARY GUARDIANSHIP

☐ Person

☐ Estate ☐ Summary Admin.

☐ Person and Estate

☒ GENERAL GUARDIANSHIP

☐ Person

☐ Estate ☐ Summary Admin.

☒ Person and Estate

☐ SPECIAL GUARDIANSHIP

☐ Person

☐ Estate ☐ Summary Admin.

☐ Person and Estate

☒ NOTICES / SAFEGUARDS

☐ Blocked Account

☐ Bond Posted

☒ Public Guardian Bond

COMES NOW, Robyn Friedman and Donna Simmons (hereinafter "Petitioners") by and through John P. Michaelson, Esq. of Michaelson & Associates, Ltd. and Jeffrey R. Sylvester, Esq. of Sylvester & Polednak, Ltd., who respectfully submit to this Honorable Court their Response to Kathleen Jones Jones' (hereinafter "Ms. Jones") Objection to Petition for Approval of Attorneys' Fees and Costs and Request to Enter a Judgment Against the Real Property ("Kathleen Jones' Objection to Petition for Attorneys' Fees"), Opposition filed by Kimberly Jones ("Kimberly") To Petition for Approval of Attorney's Fees and Costs ("Kimberly's Objection to Attorneys' Fees"); and Joinder In Oppositions to Petition for Approval of Attorney's Fees and Costs and Request to Enter a Judgment Against the Real Property of the Estate filed by Rodney Gerald Yeoman ("Gerry's Opposition to Petition For Approval of Attorney's Fees") and represents the following to this Honorable Court:

LEGAL ARUGMENT

I. Petitioners' Attorney's Fees Incurred Conferred An Actual Benefit Upon The Protected Person and Advanced The Best Interest of the Protected Person.

1. Counsel for June Jones in their Objection concede that under NRS 159.344(1)-(2) that although a guardian is responsible for the payment of all attorney fees and costs, the court may order payment of attorney's fees and costs from the protected person's estate if the fees are *just, reasonable and necessary* pursuant to NRS 159.344(5).

2. Counsel for June Jones, in determining whether the fees are *just, reasonable and necessary* directs this Court to consider the following pursuant to NRS 159.344(5):

(b) Whether the services conferred any actual benefit upon the protected person or attempted to advance the best interests of the protected person;

...

(i) The extent to which the services were provided in a reasonable, efficient and cost-effective manner, including, without limitation, whether there was appropriate and prudent delegation of services to others;

...

(k) The efforts made by the person and attorney to reduce and minimize any issues;

(l) Any actions by the person or attorney that unnecessarily expanded issues or delayed or hindered the efficient administration of the estate; and

(m) Any other factor that is relevant in determining whether attorney's fees are just, reasonable and necessary, including,

without limitation, any other factor that is relevant in determining whether the person was acting in good faith and was actually pursuing the best interests of the protected person.

3. In addition, counsel for June Jones further argues that the attorney's fees incurred did not further the best interest of Ms. Jones or confer a benefit upon Ms. Jones as set forth *In the Guardianship of Sleeth*, 244 P.3d. 1169, 226 Ariz. 171 (2010). Contrary to the assumption asserted by Counsel for June Jones, Petitioners take full responsibility for their attorney's fees incurred in this case and disagree with the implication that they *may lack incentive to avoid financial improvidence* as set forth in *Sleeth*.

4. As stated in paragraph 33, page 13 of Petitioners' Petition for Approval of Attorney's Fees and Costs and Request to Enter a Judgment Against the Real Property of the Estate ("Petition for Attorneys' Fees"), Petitioners acknowledge that they are personally liable for payment of attorney's fees and costs incurred in retaining an attorney to represent them in a guardianship proceeding. Although counsel for Ms. Jones and counsel for Kimberly Jones allege that the services performed did not confer an actual benefit to the protected person or advanced the protected person's best interest, the opposite is true. In addition, counsel for Gerry in its Opposition to Petition for Attorney's Fees join counsel for Kimberly by arguing *there was no emergency need for the temporary guardianship* and that *[n]either Robyn nor Donna have ever proven any emergency need*. See Gerry's Joinder in Opposition for Attorney's Fees at lines 3-4 on page 3 of 4. Again, the opposite to this allegation is true, as was clearly confirmed by this Court's

1 appointment of Petitioners as temporary guardians and then by the subsequent appointment of
2 Kimberly as the general guardian. In particular, in granting the temporary guardianship, the court
3 was very concerned about a lack of access to medication, allegations of “granny snatching”,
4 potential for violence between the parties, the emotional toll all of this had had on Ms. Jones, the
5 lack of transparency or information about accounts, the fact that so many assets had been
6 admittedly lost during Kimberly’s tenure as POA agent, Richard Powell’s intransigence, Gerry’s
7 unwillingness to provide medical information, the eviction proceedings against Ms. Jones’
8 caregivers, false reports to Metro and the FBI that the POA agent, Kimberly Jones, had kidnapped
9 her mother, the fact that Dick Powell and group took Ms. Jones out of state over the objection of
10 the POA agent Kimberly, and despite being in close contact with Mr. Michaelson about the issue,
11 the fact that Mr. Kehoe continued to misrepresent Commissioner Yamashita's statements about the
12 validity of the POA (Commissioner Yamashita specifically said he was not opining on the validity
13 of the POA’s, but Mr. Kehoe continued to tell people the Commissioner had “concerns” about the
14 POA’s), Mr. Kehoe openly expressing to the Court and others without basis that he doesn’t respect
15 the POA’s, Ms. Jones not having access to her clothing, no plan of care in place, no accounting or
16 inventory filed or otherwise provided by Kimberly Jones despite repeated requests for
17 transparency and clarification. This issue has been repeatedly raised in pleadings and fully
18 litigated at length in the hearings and the Court has continued to reject the specious claim that there
19 was no basis for either the temporary or general guardianship.
20

1 5. As counsel for Ms. Jones, counsel for Kimberly, and counsel for Gerry are fully aware, a
2 court does not grant a temporary guardianship, absent a finding that a proposed protected person
3 is unable to respond to a substantial and immediate risk of financial loss, is or has been subject to
4 abuse, neglect or **exploitation, isolation** or abandonment, and is **in need of** medical attention or
5 **medication**, as was the case here. At the return hearing on the appointment of temporary guardian,
6 this Court expressed great concerns over the level of Ms. Jones' healthcare and the possibility of
7 financial exploitation as Ms. Jones was not being provided her medication, and the transfer of real
8 property to Gerry's daughter and son-in-law for far less than market value.

9 6. For counsel for Ms. Jones to request that Petitioners' fees incurred *by the temporary*
10 *guardians both before and after their appointment as temporary guardians* be denied is
11 hypocritical, at best, as counsel for Ms. Jones at the return hearing on the appointment of temporary
12 guardianship, requested the temporary guardianship stay in place. See Ms. Jones Objection to
13 Petition for Attorney's Fees at lines 12-14 on page 4 of 27.

14 7. Ms. Jones was in need of a temporary guardian as a result of many factors previously
15 articulated in Petitioners' Petition For Attorney's Fees, i.e. Gerry's continued efforts to deny the
16 efficacy of the POAs, due to the conflicts between Ms. Jones' children and her husband, Gerry,
17 regarding the safety and continuity of Ms. Jones' care due in part to Gerry's inability to care for
18 his wife based on his own medical issues, due to the inability for Ms. Jones to interact with her
19 children again as a result of Gerry seeking medical attention out of state, and due to the transfer or
20

1 her sole and separate property to Gerry's family way below fair market value. A clear need for a
2 temporary guardianship was recognized by this Court.

3 **II. Petitioners' Attempts to Reduce and Minimize Issues.**

4 8. Counsel for Ms. Jones and counsel for Kimberly Jones in their respective Oppositions,
5 request that this Court disallow the attorney's fees incurred regarding Petitioners' involvement in
6 the probate matter as Petitioners failed to file a notice of intent to seek fees until their filing of the
7 Petition for Appointment of Temporary Guardian on September 19, 2019.¹ While it is true that
8 significant time was spent by Petitioners in the probate matter, Petitioners, in an effort to avoid a
9 costly guardianship and in an effort to provide a least restrictive means for Ms. Jones, made
10 attempts to meet and confer with not only Kimberly's attorney, David Johnson, Esq., but also
11 Gerry's attorney, Ty Kehoe, Esq., to settle the matter which, unfortunately, resulted in a
12 contentious matter among all parties.

13
14 9. Counsel for Kimberly falsely alleges in his Opposition that counsel for Petitioners *failed*
15 *to give either Kimberly or the Protected Person advanced notice they would be seeking a*
16 *temporary guardianship.* See Kimberly's Opposition to Petition for Attorney's Fees at lines 6-7,
17 page 4 of 7.

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20
21 ¹ Eighth Judicial District Court Case P-19-100166-E regarding the Petition for Confirmation of
22 Agent under Power of Attorney Pursuant to NRS 162A.330 filed by David C. Johnson, Esq.,
counsel at the time for Kimberly Jones.

10. It is unclear how counsel for Kimberly Jones can allege this when David C. Johnson, Esq. was counsel for Kimberly at or around the time Petitioners filed their Ex Parte Petition for Appointment of Temporary Guardian ("Petition for Appointment of Temporary Guardian"). Petitioners filed their Petition for Appointment of Temporary Guardian on September 19, 2019. On September 12, 2019 at 10:57 a.m., counsel for Petitioner sent an email to David Johnson, Esq. expressing a desire to file a joint petition for temporary guardianship with Kimberly Jones, but in the event that was not possible, informing counsel for Petitioner at the time, David Johnson, Esq., that Petitioners would immediately be filing a petition for guardianship. Mr. Michaelson discussed the filing of a temporary guardianship and potentially general guardianship petition with Mr. Johnson on several occasions.

11. Also, on September 19, 2019, at 10:04 a.m., counsel for Petitioners emailed counsel for Gerry that due to his client's inability to acknowledge the power of attorneys granted to Kimberly, and in an effort to develop a visitation schedule and for financial transparency, counsel for Petitioners would be filing a petition for appointment of temporary guardian to ensure court oversight due to the lack of cooperation of the parties.

III. Any actions by the person or attorney that unnecessarily expanded issues or delayed or hindered the efficient administration of the estate;

12. Counsel for Kimberly and Counsel for Gerry find it appalling that Petitioners are requesting fees and costs over \$60,000 for *a few weeks of a temporary guardianship* but fail to look at their client's respective part in the mounting legal fees. Petitioners expended a great deal of time and

1 money attempting to resolve disputes between all parties involved in this matter without court
2 intervention. Specifically, they have expended a great deal of time negotiating and conferring with
3 counsel for the proposed protected person's husband and his family to try to get them to respect
4 the powers of attorney executed by the proposed protected person. Petitioners then attempted to
5 work with Kimberly, the designated power of attorney to come up with a care plan for their mother
6 and establish a visitation schedule to protect their mother and prevent further confusion and
7 antagonism about visitation and communication with their mother.

8 IV. Petitioners' attorney's fees are just, reasonable and necessary, and
9 Petitioners were acting in good faith and were actually pursuing the best
10 interests of the protected person, Ms. Jones.

11 13. When Petitioners intervened to seek a temporary guardianship, the proposed protected
12 person, Ms. Jones, was in a bad situation due to the actions and inactions of other members of the
13 family. Despite the fact that Kimberly Jones had a power of attorney ("POA"), she had somehow
14 allowed Gerry's son-in-law and daughter to obtain ownership of Ms. Jones' residence at 6277
15 Kraft Avenue, Las Vegas, Nevada 89130 ("the Kraft property"). The situation required Petitioners
16 to intervene before there was more loss to Ms. Jones' estate, and to make an attempt to recover the
17 Kraft property for Ms. Jones. Furthermore, Kimberly was the subject of aggressive eviction
18 proceedings. She is Ms. Jones' (her mother's) caregiver, so this housing uncertainty was a
19 substantial and immediate situation. Not to mention the threats of police intervention. Gerry's
20 attorney kept telling the police and FBI that the POA's were dubious, which he had no grounds
21 for.

1 14. During this process, Petitioners were not only fighting off Gerry, but also Kimberly, who
2 contested Petitioner's attempt to obtain a temporary guardianship on the basis that a guardianship
3 over Ms. Jones wasn't necessary because her POA provided Ms. Jones with adequate legal
4 protection. In hindsight, Gerry and Kimberly claim that Petitioner's claim for attorney's fees and
5 costs were excessive, but it was their actions and inactions that aggravated the situation and made
6 the expenditures necessary. And, not only were the expenditures necessary, they were just and
7 reasonable as well because it was Petitioners' efforts that brought Ms. Jones' plight to the attention
8 of this Court. Throughout this process, Petitioners have acted in good faith to protect their mother
9 and her estate from the predations of Gerry's family and Kimberly's inability to defend Ms. Jones'
10 interests, as reflected in the Court's rulings.

11 15. Petitioners have been more than reasonable in their responses to Ms. Jones' attorneys'
12 objections to the individual billing charges. For example, even though Ms. Jones' attorneys state
13 no statute or case to support their contention that \$200 per hour is an excessive billing rate for a
14 paralegal, Petitioners have conceded this point and agreed to a paralegal rate of \$150 per hour. On
15 the other hand, Ms. Jones' attorneys' demand that the entirety of each objected to charge be written
16 off completely, is not reasonable. Where block billing and excessive time have been alleged,
17 Petitioners have adjusted some of those amounts. This result is fair to all involved, and consistent
18 with the notion that Petitioners should not be required to bear the entire burden of their efforts to
19 protect Ms. Jones from other members of the family.
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1 16. In the light of recent changes occurring in the law of guardianship, this case might set a
2 precedent should it be appealed by opposing counsel. If the objecting attorneys' argument that all
3 contested charges be completely eliminated prevails, we could end up with a situation in Nevada
4 where only the wealthy can afford to protect their loved ones through the guardianship process
5 because guardians would be forced to pay out of pocket. Also, the Court should bear in mind that
6 Petitioners are not seeking compensation from Ms. Jones' liquid assets, but only a lien against her
7 real property so that they can be compensated after her death.

8 17. Petitioners concede, but disagree, that interoffice discussion between attorneys should not
9 be chargeable to a protected person. Often, such discussions save time as attorneys coordinate and
10 share information rather than seek answers through independent research. Also, it is necessary for
11 senior attorneys to supervise junior attorneys and paralegals to accomplish complicated tasks.

12 18. The objecting parties quite often describe attorney tasks as something that could be handled
13 by a paralegal, and paralegal tasks as something that is secretarial or clerical in nature. With all
14 due respect, attorneys should be granted some leeway in determining who in a law firm is most
15 qualified to accomplish a task. It is easy, with 20/20 hindsight, to criticize how each task was
16 accomplished and by whom, but attorneys need to make these decisions every day, and if they are
17 acting in good faith, as is the case here, these decisions should be given due deference by this
18 Court. Accordingly, Petitioners do not concede concerning any of the charges where the objecting
19 parties criticized what level of employee performed the legal task.
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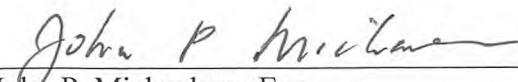
19. Attached hereto as *Exhibit 1* is responses to Ms. Jones' attorney's objections to
Petitioner's invoices.

CONCLUSION

20. In their conclusion, Ms. Jones' attorneys request that \$13,908.66 of Petitioners' billing be allowed. Gerry and Kimberly Jones' attorneys request Petitioners not be allowed any of their fees. Petitioners have recalculated paralegal fees at \$150 per hour. Otherwise, in cases where Ms. Jones' attorneys have alleged so-called "block billing" and/or "excess billing," Petitioners suggest that they be allowed to recover the amounts indicated by the adjustments suggested by Petitioners in Exhibit 1 which are just, reasonable and necessary attorney's fees and costs, as indicated line by line in the exhibit to this Response, in the amount of \$ 57,742.¹⁶.

DATED: March 12, 2020.

MICHAELSON & ASSOCIATES, LTD.


John P. Michaelson, Esq.
Nevada Bar No. 7822
2200 Paseo Verde Parkway, Ste. 160
Henderson, Nevada 89052

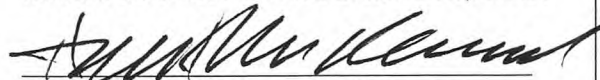
CERTIFICATE OF SERVICE

Pursuant to NRCP 5 and NEFCR 9, the undersigned hereby certifies that on March 12, 2020, a copy of the foregoing Response to Kathleen Jones Jones' Objection to Petition for Approval of Attorneys' Fees and Costs and Request to Enter a Judgment Against the Real Property; Opposition filed by Kimberly Jones To Petition for Approval of Attorney's Fees and Costs; and Joinder In Oppositions to Petition for Approval of Attorney's Fees and Costs and Request to Enter a Judgment Against the Real Property of the Estate filed by Rodney Gerald Yeoman was e-served or mailed by USPS regular mail, postage prepaid, in a sealed envelope in Henderson, Nevada to the following individuals and entities at the following addresses:

Kathleen June Jones 6277 Kraft Avenue Las Vegas, Nevada 89130	Maria L. Parra-Sandoval, Esq. mparra@lacsns.org Alexa Reanos areanos@lacsns.org
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Jeffrey P. Luszeck, Esq. Ross E. Evans, Esq. jluszeck@sdfnvlaw.com revans@sdfnvlaw.com	Teri Butler 586 N. Magdalena Street Dewey, AZ 86327
Jen Adamo 14 Edgewater Drive Magnolia, DE 19962	Scott Simmons 1054 S. Verde Street Anaheim, CA 92805
Tiffany O'Neal 177 N. Singingwood Street, Unit 13	Courtney Simmons 765 Kimbark Avenue

Orange, CA 92869	San Bernardino, CA 92407
Ampersand Man 2824 High Sail Court Las Vegas, Nevada 89117	Division of Welfare and Supportive Services Medicaid Chief Eligibility and Payments 1470 College Parkway Carson City, Nevada 89706
James Beckstrom jbeckstrom@maclaw.com	LaChasity Carroll lcarrroll@nvcourts.nv.gov
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Employee of Michaelson & Associates

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EXHIBIT 1

Invoice No. 12595

AA 216

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/10/2019	JPM	450	0.4	\$ 180.00	Phone conference with attorney David Johnson re pros and cons of guardianship petition in this matter.	Under NRS 159.344 (6)(a)(no compensation for internal business activity)-Attorney Johnson is not a party to this matter (he was on the probate matter)	\$ 180.00	This objection is ludicrous. This was a good faith effort to avoid guardianship, advocate for June Jones' safety and meet and confer before filing a petition if that proved necessary.	\$ 0.00
9/10/2019	JPM	450	1	\$ 450.00	Various communications including getting Dr. Brown paid. Draft/edit/revise petition for guardianship.	Under NRS 159.344(5)(i), this task should have been delegated to a paralegal & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 450.00	No. Dr. Brown dropped everything to do this evaluation on an emergency basis. JPM acted prudently to coordinate the doctor's availability on very short notice and ensure he would get paid promptly. This was not appropriate to delegate.	\$ 0.00
9/11/2019	JPM	450	0.7	\$ 315.00	Coordinate with Dr. Brown, including review his report. Client communications.	Under NRS 159.344(5)(i), the first task should have been delegated to a paralegal & Under NRS 159.344(6)(b), no award is to be made for time	\$ 315.00	No. These are all part of one task. The evaluation is pivotal to the entire case. This coordination and review would NEVER be delegated to a	\$0.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
						that is block-billed.		paralegal.	
9/13/2019	LCP	300	2.6	\$ 780.00	Revisions to Petition for Guardianship to reflect clients as Petitioners	Under NRS 159.344(5)(i), time for task is excessive and unreasonable. By this date, LCP had already spent 8.7 hours drafting the Petition for Guardianship.	\$ 600.00	This time was well spent reviewing petition but description is admittedly sparse and likely incomplete. So good work was done but opposing counsel would like to have it go unpaid. Courtesy reduction.	\$200.00
9/13/2019	LCP	300	1	\$ 300.00	Petition for Guardianship; forward draft to JPM for review	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; and description of task is vague. If LCP meant more revisions, time for task is excessive and unreasonable; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 300.00	The time spent was just, reasonable and necessary. Courtesy reduction.	\$50.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/13/2019	LCP	300	0.4	\$ 120.00	TC with JPM; email to clients re: info needed for Petition	NRS 159.344(5)(b) & Under NRS 159.344 (6)(a)(no compensation for internal business activity) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 120.00	How does objector conclude this is internal business activities? Attorneys are not required to disclose work product to justify fees. This was time spent analyzing case and preparing pleadings.	\$ 0.00
9/16/2019	LCP	300	2.3	\$ 690.00	Further revisions to Petition for Guardianship	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale for the revisions (in contrast, in other entries, revisions are made "per client request," which makes sense). NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services	\$ 690.00	Not required to document every reason for every change. Objection is purely speculation. LCP is a quality writer and work is just and reasonable. Courtesy reduction.	\$ 600.00
9/16/2019	LM	200	0.3	\$ 60.00	Begin preparing ancillary documents for appointment of temporary guardianship	This is not a secretarial or clerical task. Billing is just, reasonable, and necessary. Suggest billing be reduced to \$45.	\$ 60.00		\$ 15.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/16/2019	LCP	300	1	\$ 300.00	Research Temporary vs. Special Guardianship and discuss with JPM review of draft of Petition	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable.	\$ 300.00	This is not block billed. These are obviously not separate items or tasks but one and the same. No internal business activity other than the practice of law. Quality lawyers communicate. It is not always clear at earlier stages which type of guardianship should be sought. In some cases special may be in order. Lawyers research this.	\$ 0.00
9/16/2019	JPM	450	1.6	\$ 720.00	Review draft petition. Edit and revise. Direct team.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity). By this date LCP has already worked on the petition for 13.6 hours.	\$ 720.00	How is block billing assumed here? When lawyer makes changes, frequently he/she directs staff to update handwritten or track change drafts. This case involved many twists and turns from multiple opposing parties and several attorneys.	\$ 0.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/17/2019	LM	200	1.2	\$ 240.00	Continue to Draft all ancillary temporary guardianship documents; draft guardian's acknowledgment of duties; draft citation to appear and show cause for general	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed. And fyi, a form is readily available for guardian's acknowledgment of duties, so that paralegal does not have to draft it or reinvent the wheel.	\$ 240.00	Partially conceded. Suggest that billing be reduced to \$90.	\$ 90.00
9/17/2019	LM	200	0.2	\$ 40.00	draft certificate of service for appointment of general guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or	\$ 40.00	Rate reduced as courtesy though no authority cited. This is paralegal work because ensuring proper service is extremely important and can be complex.	\$ 10.00

Date	Timkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
						clerical services.			
						NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale listed. With this entry, LCP has worked a total of 15.1 hours drafting and revising the same petition.		Two petitions here are involved. Constantly changing facts in this matter. Courtesy reduction.	
9/17/2019	LCP	300	1.5	\$ 450.00	Further draft Petition for Temporary and General Guardianship	NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale listed. With this entry, LCP has worked a total of 16.1 hours drafting and revising the same petition.	\$ 450.00	Two petitions here are involved. Constantly changing facts in this matter. Courtesy reduction.	\$300
9/17/2019	LCP	300	1	\$ 300.00	Further draft Petition for guardianship		\$ 300.00		\$100.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/17/2019	LCP	300	3.6	\$ 1,080.00	Revisions to Petition; email to clients for review	NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale listed for further revisions (in contrast, in other entries, revisions are made "per client request," which makes sense) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed. With this entry, LCP has worked a total of 19.7 hours drafting and revising the same petition!	\$ 1,080.00	Not required to list rationale or internal thinking for every entry. Courtesy reduction.	\$ 500.00
9/17/2019	JPM	450	3	\$ 1,350.00	Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for general guardianship.	Under NRS 159.344(5)(i), the first task should have been delegated to a lower biller; Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(6)(a)(no compensation for internal business activity).	\$ 1,350.00	No. as reflected by JPM's lesser total hours on virtually all projects, many items are delegated. However, to do a proper job, lead attorney will do some fact gather himself/herself, requires judgment, familiarizes with case. Not to be delegated. This is not block billing but	\$0.00

Date	Timkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
								relates all to same item.	
9/18/2019	LM	200	0.4	\$ 80.00	Compile exhibits to be attached to ex parte petition for appointment of temporary guardian.	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 80.00	Not secretarial work.	\$ 0.00
9/18/2019	LM	200	0.3	\$ 60.00	Email Robyn and Donna regarding signatures on verifications to ex parte petition and on oath for the Letters of Temporary Guardianship	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1.	\$ 45.00	Completely disagree. Courtesy reduction for rate.	\$15.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/18/2019	LM	200	0.3	\$ 60.00	Telephone call and leave message with Teri and Scott regarding our filing for appointment of temporary guardianship	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; each call should be .1. x \$150.	\$ 30.00	Completely disagree. Reduction only for rate as courtesy.	\$15.00
9/18/2019	LM	200	0.4	\$ 80.00	telephone call with Teri regarding her opposing the petition for appointment of temporary guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150.	\$ 20.00	Completely disagree. Reduction only for rate as courtesy.	\$ 20.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/18/2019	LCP	300	2.4	\$ 720.00	Further revisions to Petition; email draft to clients	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is <i>no rationale</i> listed for further revisions (in contrast, in other entries revisions are made "per client request," which makes sense; and I did not object to those) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed. Important to note: with this entry, LCP has spent 23.7 hours drafting and revising this petition.	\$ 720.00	Not required to list attorney rationale. This work and many other entries concern two related petitions – temp and general.	\$ 0.00
9/18/2019	JPM	450	5	\$ 2,250.00	Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for general guardianship.	Under NRS 159.344(5)(i), the first task should have been delegated to a lower biller; Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 2,250.00	No. as reflected by JPM's lesser total hours on virtually all projects, many items are delegated. However, to do a proper job, lead attorney will do some fact gather himself/herself, requires judgment, familiarizes with case. not to be delegated. This is	\$ 225.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
								not block billing but relates all to same item. Courtesy reduction.	
9/18/2019	LCP	300	0.9	\$ 270.00	Various tasks associated with finalizing Petition	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed; "various tasks" is too vague as well.	\$ 270.00	This is not block billed. One item – finalizing petition. Not required to show attorney's thinking.	\$ 0.00
9/19/2019	LCP	300	0.1	\$ 30.00	TC with JPM	Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 30.00	This related to matters at hand, could have been more specific.	\$ 30.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/19/2019	LCP	300	0.5	\$ 150.00	revisions to Petition	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is <i>no rationale</i> listed for further revisions (in contrast, in other entries revisions are made "per client request," which makes sense). By this billing entry, 18.2 solid hours have already been billed just to <i>revising</i> the Petition for Guardianship. There's more time that can't be deciphered from block-billing entries. And there's more time billed for "drafting" the petition. The final document is 30 pages, plus exhibits.	\$ 150.00	There were two petitions, temp and general. Allocate 1/2 to each if necessary. Lots of moving parts and adverse parties in this litigation.	\$ 0.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/19/2019	LM	200	0.2	\$ 40.00	Filed petition for appointment of temporary guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 40.00	This is not a secretarial or clerical task. Courtesy reduction to \$30.	\$ 10.00
9/19/2019	LM	200	1	\$ 200.00	drafted order granting temporary guardianship	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; the law firm would likely have a template already available for this task that can be recycled.	\$ 100.00	We reduce rate as courtesy. We have templates but every order has to be carefully crafted and reviewed.	\$50.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/19/2019	LM	200	0.2	\$ 40.00	efiled citation to appear and show cause	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 40.00	This is not a secretarial or clerical task.	\$ 10.00
9/19/2019	LM	200	0.3	\$ 60.00	prepared amended citation	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 60.00	This is not a secretarial or clerical task.	\$ 15.00
9/19/2019	LCP	300	0.5	\$ 150.00	Email to clients re status of filing and next steps; sign Citation; review and sign Order	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 150.00	Statute does not preclude curing alleged block billing. Assign .1 to each task.	\$ 60.00

Date	Timkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/19/2019	JPM	450	1.7	\$ 765.00	Various calls and communications with staff and attorneys for other parties in attempts to meet and confer to resolve claims and also prepare our petition for guardianship-draft/edit/ and revising same.	NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed	\$ 765.00	Statute does not preclude curing alleged block billing. Assign .1 to each task. Bill as follows: Various calls and communications with staff and attorneys for other parties in attempts to meet and confer to resolve claims (.8) and also prepare our petition for guardianship-draft/edit/ and revising same. (.7)	\$ 0.00
9/20/2019	LM	200	0.2	\$ 40.00	Receipt of email from client with location of her mother	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1.	\$ 25.00	Partially conceded. Suggest reduction to \$15.	\$ 25.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/20/2019	LM	200	0.2	\$ 40.00	email Dave at Servlaw to attempt personal service at the Kraft house address	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services (this is not a legally substantive task).	\$ 40.00	Adjust only for rate as a courtesy.	\$10.00
9/20/2019	LCP	300	0.2	\$ 60.00	TC with JPM re providing advance copy of pleading to opposing counsel	Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 150.00	Counsel for Legal Aid erroneously deducted \$150 instead of the stated amount of \$60. This is conferring on strategy. Not internal business activity.	\$0.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/20/2019	JPM	450	1.3	\$ 585.00	Various communications re obtaining guardianship and noticing other parties, as well as logistics b/w the parties re June's care and including responding to Ty Kehoe's ex parte contact with probate court re POA's that are not being honored, etc...	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(5)(b), for "ex parte contact with probate court." How does that benefit the protected person?	\$ 585.00	Statute does not preclude curing alleged block billing. Assign .1 to each task. Bill as follows: Various communications re obtaining guardianship and noticing other parties .3, as well as logistics b/w the parties re June's care .2 and including responding to Ty Kehoe's ex parte contact with probate court re POA's that are not being honored, etc....2	\$270.00
9/23/2019	LM	200	0.2	\$ 40.00	Telephone call with Chryste in Dept. B regarding approval of order granting temporary guardianship	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services	\$ 40.00	Paralegal needs to handle this type of call as paralegal is familiar with case. adjust for rate only.	\$ 10.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
						(this is not a legally substantive task).			
9/23/2019	LM	200	0.1	\$ 20.00	calendar return date for appointment of temporary guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 20.00	This is paralegal work, not secretarial. Calendar calculations are extremely important. We want this done by paralegal. Dates and calendaring in litigated cases are essential. Statute does not define this as secretarial work.	\$ 5.00
9/23/2019	LM	200	0.3	\$ 60.00	telephone call with Dave at Servlaw regarding status of service of amended citation and petition upon June Jones (.2); follow-up email from Dave at Servlaw to also serve the order granting the temporary guardianship (.1);	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 60.00	Adjust for rate only. These are extremely important activities, not secretarial.	\$ 15.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/23/2019	LM	200	0.4	\$ 80.00	second telephone call with Chryste regarding faxing over a copy of the order (.2); emailed a copy of the order granting the temporary guardianship to the clients (.2);	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 80.00	Not secretarial. Adjust for rate only.	\$ 20.00
9/23/2019	LM	200	0.3	\$ 60.00	efiled the notice of entry of order granting temporary guardianship and arranged for mailing of same (.2); emailed Dave to also serve the Order Granting the Temporary Guardianship (.1)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 60.00	Coordinating these items is not secretarial work.	\$ 45.00
9/23/2019	LCP	300	0.4	\$ 120.00	Call from JPM re obtaining Order from Judge's Clerk (.1); call from D. Johnson (.2); communication with JPM re status of Order and message from D. Johnson (.1)	Under NRS 159.344(6)(a)(no compensation for internal business activity).	\$ 120.00	This is not internal business but legal work by an attorney coordinating with various sides to get important work done.	\$0.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
9/23/2019	JPM	450	0.4	\$ 180.00	Various communications and direction to team re guardianship.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 180.00	Not block billed. Not required to enumerate every aspect of what we do. This case was fast paced. JPM frequently communicated with various parties within minutes of each other about the same issue, then with clients.	\$0.00
9/23/2019	JPM	450	2.2	\$ 990.00	Various communications with client, counsel for Kimberly, counsel for Dick and Gerry. On phone while Robyn visits Kraft house and informs Kimberly of guardianship, to answer questions. Later conversations and emails with clients.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 990.00	This matter was one running item. Trying to resolve issues and get cooperation of all sides who were resisting guardian. NOT block bill.	\$0.00
9/24/2019	LM	200	0.5	\$ 100.00	Emailed a copy of the Letters...(2); arrange to obtain certified copies...(2); emailed a copy of the Letters...to Ty Kehoe and David Johnson (.1).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing	\$ 100.00	Not secretarial. Adjust for rate only as courtesy.	\$25.00

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction	Petitioner's Response	Petitioner's fee reduction proposal
						secretarial or clerical services.			

Total proposed reduction for invoice no. 12595	\$ 14,395.00	Total petitioner's proposed amount to be paid	\$2,740.00
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Invoice No. 12720

AA 237

Date	Tmkr	Rate	Time	Amount	Description	Objection	Proposed Reduction (\$)	Petitioner's Response	Petitioner's fee reduction proposal
9/25/2019	LM	200	0.6	\$120.00	Receipt of email...regarding obtaining certified copies (.1); Respond to same (.2); prepare receipt of documents (.1); email Robyn that certified copies are ready for pickup (.1); telephone call and leave message with Donna...; efiled affidavit of personal appearance (.1)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services. These are <i>all</i> secretarial tasks--tasks that are not legally substantive.	\$ 120.00	No, no and no. Secretary not familiar with day to day activities of case. Most appropriate person to coordinate with client is paralegal working the case. ridiculous arm-chair quarterbacking by legal aid. Courtesy adjust for rate only.	\$ 30.00
9/25/2019	LCP	300	1.1	\$ 330.00	Review multiple emails from client; lengthy response email re: duties of guardian	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; maybe a call would have lasted less? & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 330.00	How does legal aid unilaterally conclude this is block billing? Its not. All relate to one item.	\$0.00

9/25/2019	JPM	450	0.6	\$	270.00	Review some communications. Phone conference with Robyn. Direct team.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$	270.00	How does legal aid unilaterally conclude this is block billing? Its not. All relate to one item.	\$0.00
9/25/2019	LCP	300	0.7	\$	210.00	Redraft of demand letters to T. Kehoe and D. Johnson per request of R. Friedman.	NRS 159.344(5)(b). How did this task benefit the protected person?	\$	210.00	This task protected the overall interest of the protected person. This is invalid objection and legal aid should pay fees for having to answer many of these speculative and ridiculous objections. Not required to explain benefit in every entry. See body of response to objections. Lots of harm to protected person, not being adequately addressed by clients of either attorney.	\$ 0.00

9/25/2019	JPM	450	0.7	\$	315.00	Review of correspondence from Robyn. Direct team re letters to attorneys for other parties. Draft/edit/revise those letters. Send email to client with letter attached.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity) & Under NRS 159.344(5)(b), How did this task benefit the protected person?	\$	315.00	No block billing. All one item. No internal business activity. Re question: This task protected the overall interest of the protected person. This is invalid objection and legal aid should pay fees for having to answer many of these speculative and ridiculous objections. Not required to explain benefit in every	\$ 0.00
9/26/2019	LCP	300	0.9	\$	270.00	Revisions to demand letters to T. Kehoe and D. Johnson per client request.	NRS 159.344(5)(b). How did this task benefit the protected person?	\$	270.00	This task protected the overall interest of the protected person. This is invalid objection and legal aid should pay fees for having to answer many of these speculative and ridiculous objections. Not required to explain benefit in every	\$ 0.00

						entry. See body of response to objections. Lots of harm to protected person, not being adequately addressed by clients of either attorney.			
9/26/2019	LCP	300	0.3	\$ 90.00	Send demand letters to opposing counsel	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services, regardless of who the biller is. These are all secretarial tasks--tasks that are not legally substantive (transmitting a letter).	\$ 90.00	This task protected the overall interest of the protected person. This is invalid objection and legal aid should pay fees for having to answer many of these speculative and ridiculous objections. Not required to explain	\$0.00
9/27/2019	AEF	350	0.4	\$ 140.00	Review email from opposing counsel regarding requested items, temporary guardianship and visitation, then review and revise draft response email to opposing counsel regarding same.	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(5)(b), How did it benefit the protected	\$ 140.00		\$0.00

						person?		benefit in every entry. See body of response to objections. Lots of harm to protected person, not being adequately addressed by clients of either attorney.		
9/27/2019	LM	200	0.2	\$	40.00	Under NRS 159.344(5)(g)(2)) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4), no compensation for time spent performing secretarial or clerical services (tasks that are not legally substantive).	\$ 40.00	How could legal aid in sincerity conclude this is secretarial? This is bad faith! The paralegal is working this case, is very familiar with the client who frequently calls with questions, this is not secretarial. Rate adjustment is courtesy. Not required to explain legal significance in every entry.	\$ 10.00	
9/27/2019	JPM	450	2	\$	900.00	Numerous communications and emails to/from clients, David Johnson, Ty Kehoe trying to obtain June's identification and other property and resolve visitation issues.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity)-attorney David Johnson is a party in the probate matter, not this	\$ 900.00	Legal aid is incorrect. Not block bill, all one item, part of same conversation about personal property and visitation. These were two issues frequently addressed in the same conversation. David Johnson heavily involved in	\$ 0.00

						guardianship matter.	and after probate matter including guardianship, had knowledge of some facts and whereabouts of items.		
9/27/2019	JPM	450	0.5	\$ 225.00	Later phone call with Ty Kehoe. Call with client.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 225.00	No block billing. Call with Ty, report to client. Legal aid knows this and shows insincerity of legal aid objections.	\$ 0.00
9/28/2019	JPM	450	0.8	\$ 360.00	Review of combative Ty Kehoe communication and response thereto. Multiple communications with clients, counsel for Kimberly and Mr. Kehoe.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 360.00	No block billing. All portions of these sentences relate to same issues and form a continuum of action.	\$0.00
9/29/2019	JPM	450	0.6	\$ 270.00	Communications with all parties. Setup and participate in phone conference with Kimberly and her attorney.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 270.00	No block billing. All portions of these sentences relate to same issues and form a continuum of action.	\$ 0.00
9/30/2019	LCP	300	0.3	\$ 90.00	TC with Legal Aid attorney, M. Parra-Sandoval	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; this was a short conversation, and Parra-Sandoval	\$ 60.00	LCP recorded .3. time not excessive. May have involved some preparation prior to call or afterward. Statute does not require	\$0.00

						recorded a .1 on this date.		recording of literally every separate subpart of an activity.	
10/1/2019	JPM	450	0.2	\$ 90.00	Communication with attorney David Johnson.	Under NRS 159.344 (6)(a)(no compensation for internal business activity)-attorney David Johnson was a party in the probate matter/POA action, not the guardianship matter; and has never appeared on the guardianship matter; & Under NRS 159.344(5)(b). How did this task benefit the protected person?	\$ 90.00	David Johnson involved in early stages of guardianship action. Knowledge of many matters relating to the guardianship. Not required to list in every entry an express statement of benefit to protected person. David knew Kimberly who was supposed to serve as guardian but refused, understood her intentions and communicated with her.	\$ 0.00
10/1/2019	JPM	450	0.5	\$ 225.00	Phone conference with Kimberly's new attorney Jeff Luszeck. Dictation and staff direction.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 225.00	No block billing. Each phrase is sub-part of one item.	\$0.00

10/1/2019	LM	200	0.3	\$	60.00	Review court file for oppositions to petition for appointment of guardianship.	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150.	\$	15.00	Courtesy adjust for rate.	\$15.00
10/1/2019	LCP	300	0.5	\$	150.00	Draft Notice of Intent to Move Protected Person	Under NRS 159.344(5)(i), time for task is excessive and unreasonable--actual body includes three sentences plus a certificate of service; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services, regardless of who the biller is. This Notice is equivalent to drafting a Notice of Entry of Order, which is a clerical task. There is also a form available.	\$	150.00	Not excessive, no prohibition of attorney doing this work that is part of larger efforts to protect Ms. Jones.	\$ 0.00

					<p>Receipt and review of Ty Kehoe's opposition to petition for appointment of temporary guardian and counter petition for appointment of temporary and general guardian.</p>	<p>Under NRS 159.344(5)(g)(2)) paralegal rate is excessive--the most should be \$150; & Under NRS 159.344(5)(i) this is not efficient or cost-effective--instead it is duplicative work (LCP charged .5 at the \$300 rate for reviewing this same document on the same date); & Under NRS 159.344(5)(b) How did this task benefit the protected person? LM did not draft anything from this. LCP is the one that has been drafting and revising documents.</p>			<p>Courtesy adjustment for rate. Ridiculous question in objection from legal aid. This paralegal was very involved in this case. She read to familiarize and contribute her thoughts to attorneys.</p>	
10/2/2019	LM	200	1.4	\$	280.00		\$	280.00		\$70.00
10/2/2019	JPM	450	4.5	\$	2,025.00	<p>Communications all day with clients, opposing counsel re hearing prep and efforts to settle issues. Review opposition briefs and supplements thereto.</p>	<p>Under NRS 159.344(6)(b), <i>no award</i> is to be made for time that is block-billed (each task must be itemized with a time).</p>	<p>No block billing. Each phrase relates to the same item -- the hearing. Hearings virtually always entail efforts to settle outstanding matters.</p>		\$0.00

10/3/2019	JPM	450	3.2	\$ 1,440.00	Settlement negotiations at court; client conferences at court; participate in hearing and follow up conversations with clients and opposing attorneys.	Under NRS 159.344(6)(b), <i>no award</i> is to be made for time that is block-billed (each task must be itemized with a time).	\$ 1,440.00	No block billing. Each phrase relates to the same item – the hearing. Hearings virtually always entail efforts to settle outstanding matters.	\$0.00
10/4/2019	LM	200	0.5	\$ 100.00	Receipt of email from Donna to confirm her address and to send future mail to her certified mail (.2); email to Donna and Robyn letting them know certified copies of the Order Extending the Temporary Guardianship are ready for pickup (.3).	Under NRS 159.344(5)(g)(2)) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these are not legally substantive tasks.	\$ 100.00	Adjustment for rate. This is paralegal work coordinating with clients. Many clients express frustration with getting pawned off by other firms on secretarial staff who's lack of familiarity and sophistication frustrates clients and actually slows the matter down, despite a lower billing rate.	\$0.00
10/4/2019	LCP	300	0.4	\$ 120.00	Discuss with JPM re: caregiver compensation	Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 120.00	Legal matter in case, planning for potential next steps. Unsure how legal aid saw a basis for claiming internal business activity.	\$0.00
10/4/2019	LCP	300	0.5	\$ 150.00	Incorporate R. Friedman's requests for items into the existing list of demanded items	Under NRS 159.344(5)(i), time for task is excessive and unreasonable, and could have been delegated to a lower	\$ 105.00	This is attorney work.	\$ 0.00

						biller (paralegal \$150 x .3).			
10/4/2019	JPM	450	0.3	\$	135.00	Communications re compensation for Kimberly as caregiver.	Under NRS 159.344(6)(b), no award is to be made for time that is block- billed (each task must be itemized with a time).	Not block billed, one item.	\$0.00
10/7/2019	LM	200	0.4	\$	80.00	Review of email from Geraldine Tomich requesting copy of the petition for guardianship (.2); emailed a copy to Ms. Tomich (.2).	Under NRS 159.344(5)(g)(2)) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	Not secretarial work. Adjust for rate only as courtesy.	\$20.00

10/8/2019	LM	200	0.3	\$	60.00	Attempt to call Cindy Sauchak of the Las Vegas Metropolitan Police Department (.1); email Ms. Sauchak regarding setting up a telephone conference with JPM (.1); telephone call with Metro's abuse and neglect (.1)	Under NRS 159.344(5)(g)(2)) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	Detective was with elder abuse team. Asked paralegal to explain situation and try to expedite phone conference. Obvious work for a paralegal familiar with the case, not a secretary with no case/issue familiarity or sophistication. Adjust for rate only as courtesy.	\$ 15.00
10/8/2019	JPM	450	0.3	\$	135.00	Communications with clients and Kimberly's counsel discussing issues and trying to arrange face to face settlement meeting.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time).	Obviously not block billing.	\$0.00
10/8/2019	LM	200	0.7	\$	140.00	Telephone call with Detective Ludwig at Metro's abuse and neglect unit regarding setting up conference call.	Under NRS 159.344(5)(g)(2)) paralegal rate is excessive-the most should be \$150; Under NRS 159.344(5)(i), time for task is excessive and unreasonable; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--this task is	Adjust for rate only. Paralegal work because she knows case and issues. Directed her to bring detective up to speed as much as possible and arrange meeting.	\$ 35.00

						not a legally substantive task.			
10/9/2019	JPM	450	2.8	\$ 1,260.00	Continue preparing for settlement conference. Travel to and participate in settlement conference at Kimberly's attorney's office.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time).	\$ 1,260.00	Time is all related and not block billed. Billing is reasonable, just and necessary.	\$ 0.00
Total proposed reduction for invoice no. 12720							\$ 9,960.00	Total Petitioner's proposed amount to be paid	\$195.00

Invoice No. 12748

Date	Tmkr	Rate	Time	Amount	Description	Objection	Proposed Reduction (\$)	Petitioner's Response	Petitioner's fee proposal
10/10/2019	LM	200	0.6	\$120.00	Drafted notice of intent for Scott Simmons to appear by telephone at the hearing on October 15th (.5); telephone call and leave message for Scott to confirm the telephone number we can reach him at next week (.1)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; Under NRS 159.344(5)(i), time for task is excessive and unreasonable--the notice of intent to appear by telephone is a standard document/form is available; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not a legally substantive tasks.	\$120.00	Not block billed, not unreasonable, not excessive and not secretarial. Scott has been key player. Need someone familiar with case/issues to coordinate with him should he answer to get his feedback. Adjust for rate only as courtesy.	\$30.00
10/11/2019	LM	200	0.5	\$100.00	Review of emails received from client to compel opposing party to provide information and documentation on finances and personal information such as passport and medical records (.2); review guardianship statutes regarding petition for instruction (.3).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150.	\$25.00	Adjust for rate only as courtesy.	\$25.00

10/1/2019	LCP	300	4.2	\$1,260.00	Draft Reply to Opposition	Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	\$ 1,260.00	Not excessive given opposition and difficulty from at times three opposing parties. Courtesy discount.	\$260.00
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					Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19- 2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).		Not excessive given opposition and difficulty from at times three opposing parties.	
10/11/2019	LCP	300	0.5	\$ 150.00	Draft Reply to Opposition	\$ 150.00	Courtesy rate adjustment. Paralegal reviewed, important pleading. Not same as LCP's work/pleading.	\$ 0.00
10/11/2019	LM	200	0.8	\$ 160.00	Prepare response to counter petition for guardianship	\$ 160.00		\$40.00

10/11/2019	LM	200	0.6	\$	120.00	filing response before Tuesday's hearing and preparing a notice of move (.2); prepared a notice of move; efiled and eserved same with the court (.4).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed-latter entry.	\$	120.00	Paralegal involvement is important. Higher skill level ensures accuracy. Adjust for rate only as courtesy.	\$30.00
10/11/2019	LCP	300	1.7	\$	510.00	Work on Reply to Opposition	Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	\$	510.00	Not excessive given complexity of this case due to intransigence of other parties.	\$0.00

10/12/2019	JPM	450	3.5	\$ 1,575.00	Review numerous pleadings and communications and draft/edit/revise response pleading. Communications with client and team re the same.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time); & Under NRS 159.344 (6)(a)(no compensation for internal business activity)	\$ 1,575.00	Tasks relate to same pleading. Courtesy adjustment reduction to \$787.50.	\$787.50
10/13/2019	LCP	300	2.6	\$ 780.00	Work on Reply to Opposition	Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	\$ 780.00	Not excessive given complexity of this case due to intransigence of other parties.	\$ 0.00

10/13/2019	JPM	450	0.2	\$	90.00	Review some emails and direct team on draft of response.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time); & Under NRS 159.344 (6)(a)(no compensation for internal business activity)	\$	90.00	Not block billed. Frequently had multiple emails re same item. Not required to disclose thoughts. Items relate to case not internal firm business.	\$0.00
10/14/2019	LCP	300	1.5	\$	450.00	Work on Reply to Opposition	Under NRS 159.344(5)(i) time for task is excessive and unreasonable--LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19- 2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	\$	450.00	Not excessive given complexity of this case due to intransigence of other parties.	\$0.00

10/14/2019	LCP	300	0.9	\$	270.00	Gather and assemble documents that will be attached as exhibits to Reply.	Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services (regardless of who the biller is)--tasks that are not legally substantive.	\$	270.00	This is not secretarial or clerical task. Billing is reasonable, just and necessary. Requires lawyer reasoning to consider which facts and docs to include.	\$ 0.00
10/14/2019	LM	200	0.3	\$	60.00	Telephone call with Robyn Friedman and Donna to sign the respective verification pages to reply	Under NRS 159.344(5)(g)(2) paralegal rate is excessive--the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	\$	60.00	This is not a secretarial or clerical task. Billing is reasonable, just and necessary. Paralegal can best answer client questions. Adjust for rate only as courtesy.	\$15.00
10/14/2019	LM	200	1.7	\$	340.00	draft order granting petition for appointment of general guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive--the most should be \$150; & Under NRS 159.344(5)(i), time for task is excessive and unreasonable, and not cost-efficient. This is work done prematurely. A general guardianship was never granted to these parties and thus this order could never have been filed.	\$	340.00	Adjust rate. Being prepared with order is not premature. But for Kimberly's reluctant and forced cooperation, general in favor of Robyn and Donna would have been granted. This was being prepared.	\$85.00

					Draft/edit/revise supplement and prepare arguments for hearing tomorrow.	Under NRS 159.344(5)(i), first task related to the supplement (which was really just a verification page and certificate of service) should have been delegated to a lower biller/paralegal; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time).	\$ 1,125.00	Supplemental arguments relate to the hearing and preparation therefore. These are not disparate block billed items but part of the same item – presentation of arguments at the hearing.	\$0.00
10/14/2019	JPM	450	2.5	\$ 1,125.00					
10/15/2019	LM	200	0.4	\$ 80.00	Receipt of email from Geri Tonich regarding scheduling at 2:00 p.m. meeting with JPM (.2); respond to same and calendar (.2).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	\$ 80.00	Courtesy adjustment to rate. Would take more time to redirect these items to secretary. Better use of time and better result working these items through paralegal familiar with case. This benefits June Jones.	\$20.00

10/15/2019	LM	200	0.4	\$	80.00	Telephone call with Sharon Coates regarding latest version of the care plan ... (.2); receipt and review of Rule 6 the initial guardianship care plan rule (.2)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--the telephone call is not a legally substantive task.	\$	50.00	This is completely legally substantive. Incorporating latest rules and thinking from guardianship commission. Adjust rate as courtesy.	\$ 20.00
10/15/2019	LM	200	0.6	\$	120.00	Prepared supplement to reply to oppositions to include executed verification of clients (.4); efiled and mailed same (.2).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks-preparing documents to file, efilng, and mailing are not a legally substantive tasks.	\$	120.00	Legitimate paralegal work to ensure continuity and accuracy. Adjust rate as courtesy.	\$ 30.00
10/15/2019	JPM	450	5.2	\$	2,340.00	Prepare for hearing. Participate in hearing including client conferences and negotiations.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized separately, with a time).	\$	2,340.00	These are not disparate items but part of the same item -- the hearing. The focus is negotiating and getting the result. Not stopping to scribble notes throughout the	\$ 0.00

							morning to document moment by moment the actual time spent walking in and out of the courtroom, writing down an argument. These tasks are contiguous and part of the same item that day.	
					Under NRS 159.344(5)(g)(2), paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these are not legally substantive tasks.	\$ 40.00	Legitimate paralegal work to ensure continuity and accuracy. Adjust rate as courtesy.	
10/18/2019	LM	200	0.2	\$ 40.00	Review court file for order regarding hearing; calendared evidentiary hearing and return investigator's report.			\$ 10.00
					Total proposed reduction for invoice no. 12748	\$9,715.00	Total Petitioner's proposed amount to be paid	\$1,352.50

1 TRANS

ORIGINAL

FILED

MAY 14 2020

Alana L. Johnson
CLERK OF COURT

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4
5 EIGHTH JUDICIAL DISTRICT COURT
6 FAMILY DIVISION
7 CLARK COUNTY, NEVADA
8

9 IN THE MATTER OF THE)
10 GUARDIANSHIP OF:) CASE NO. G-19-052263-A
11 KATHLEEN JONES;) DEPT. B
12 PROTECTED PERSON.)
13

14 BEFORE THE HONORABLE LINDA MARQUIS
15 DISTRICT COURT JUDGE

16 TRANSCRIPT RE: ALL PENDING MOTIONS

17 WEDNESDAY, APRIL 15, 2020
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23
24

1 APPEARANCES:
2 The Petitioners: ROBYN FRIEDMAN
3 DONNA SIMMONS
4 For the Petitioner: JOHN P. MICHAELSON, ESQ.
5 2200 Paseo Verde Pkwy. #160
6 Henderson, Nevada 89052
7 (702) 731-2337
8 JEFFREY R. SYLVESTER, ESQ.
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11 (702) 952-5200
12 The Co-Petitioner: KATHLEEN JUNE JONES
13 For the Co-Petitioner: MARIA PARRA-SANDOVAL, ESQ.
14 725 E. Charleston Blvd.
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16 (704) 386-1070
17 The Guardian: KIMBERLY JONES
18 For the Guardian: JAMES BECKSTROM, ESQ.
19 10001 Park Run Drive
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22 ROSS E. EVANS, ESQ.
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16 Also Present: RODNEY GERALD YEOMAN
17 TY E. KEHOE, ESQ.
18 871 Coronado Center Dr.
19 #200
 Henderson, Nevada 89052
 (702) 837-1908
20 LAURA DEETER, ESQ.
21 725 S. 8th Street, #100
22 Las Vegas, Nevada 89101
 (702) 878-1115
23 MATTHEW C. PICCOLO, ESQ.
24 8565 S. Eastern Ave. #150
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1 LAS VEGAS, NEVADA

WEDNESDAY, APRIL 15, 2020

2

P R O C E E D I N G S

3

(THE PROCEEDINGS BEGAN AT 11:14:11)

4

5 THE COURT: This is the matter of the guardianship
6 of Kathleen Jones, G-19-052263-A. We have -- I'm Judge Linda
7 Marquis in the courtroom. Nobody's with me in the courtroom.
8 We do have a mix of people appearing in three different ways.
9 I am going to confirm as I name you off, and then I'm going to
10 ask you, Counsel, for your appearances.

11 I see Ms. Parra-Sandoval is appearing via Blue
12 Jeans. Ms. Parra-Sandoval, your appearance for the record?

13 MS. PARRA-SANDOVAL: Good morning. For the record
14 (indiscernible). Yes. Maria Parra-Sandoval, 13736, from
15 Legal Aid (indiscernible) Katherine Jones.

16 THE COURT: Mr. Michaelson, I think you have to -- I
17 see you on the big screen, so I think you just have to
18 disconnect your phone. There's Mr. Michaelson. All right.
19 And then, Ms. Deeter, appearing via Blue Jeans.

20 MS. DEETER: Good morning, Your Honor. Laura
21 Deeter, 10562, on behalf of Gerry Yeoman.

22 THE COURT: Mr. Kehoe, your appearance via Blue
23 Jeans?

24 MR. MICHAELSON: I hung up because I was trying not

1 to --

2 THE COURT: Mr. Kehoe?

3 MR. KEHOE: Yes, Your Honor. Yes, Your Honor. Ty

4 Kehoe for Gerry Yeoman, who is also present through Blue

5 Jeans.

6 MR. MICHAELSON: I -- I thought it --

7 THE COURT: Mr. Michaelson, your appearance for the

8 record?

9 MR. MICHAELSON: But I got no sound.

10 THE COURT: Mr. Michaelson, can you hear us? I can

11 see Mr. Michaelson, but I -- I guess he can't hear me. I'm

12 going to ask my secretary to email Mr. Michaelson and let him

13 know that I can see him, and I think he can see me, I don't

14 know, but that I can't -- I don't think he can hear me. Also,

15 on audio --

16 MR. MICHAELSON: I probably shouldn't have hung up.

17 I thought that's what was causing the distortion.

18 THE COURT: Mr. Kehoe, your client is -- is present

19 via audio; is that correct?

20 MR. KEHOE: Yes.

21 THE COURT: Mr. Beckstrom --

22 MR. KEHOE: Yes, Your Honor.

23 THE COURT: Mr. Beckstrom, you're present, as well,

24 via audio?

1 MR. BECKSTROM: Correct, Your Honor. Present with
2 Kimberly Jones.

3 THE COURT: Mr. Sylvester, you're appearing at --
4 via audio --

5 MR. MICHAELSON: If you can hear me, I hung up the
6 phone to stop some distortion, but I can't hear anything.

7 THE COURT: Okay. All right. Who else am I
8 missing? Ms. Simmons, Ms. Friedman, you're appearing via
9 telephone; is that correct?

10 MS. SIMMONS: We are here.

11 THE COURT: Mr. Evans, you're appearing via
12 telephone; is that correct?

13 MR. EVANS: Yes, that's correct.

14 THE COURT: All right. I'm going to try to --

15 MR. PICCOLO: Your Honor?

16 THE COURT: Yes?

17 MR. PICCOLO: Matthew Piccolo, also on behalf of
18 Mr. Yeoman. Thank you.

19 THE COURT: Thank you, Mr. Piccolo. Anyone else
20 that I missed? I'm going to try to --

21 MR. MICHAELSON: I can hear now.

22 THE COURT: Mr. Michaelson, can you hear me now?

23 MR. MICHAELSON: Yes, I can hear you now.

24 THE COURT: Oh, okay. Very good. It sounds like

1 every -- and Mr. Michaelson's present via audio/visual, as
2 well. Thank you so much. I appreciate you all being here.

3 I want to kind of lead you through today's hearing.
4 We have a lot of people on the telephone. There's a lot of
5 documents filed. Procedurally, I see that documents were
6 filed to remove the guardian and new citation was issued last
7 night at 11:59. There are two dates, for whatever reason,
8 that the Clerk's office gave in reference to those. The
9 Clerk's office gave May 6th for the petition of removal of
10 guardian and return of protected person's property, but they
11 set the citation for that May 20th.

12 I am -- that was done in error. I do not think that
13 May 6th date gives sufficient time under the rules for people
14 to file oppositions and/or objections, and for there to be
15 sufficient time for a reply. So I'm going to vacate the
16 hearing that was given by the Clerk's office for May 6th at
17 10:00 a.m., and consolidate it with the citation hearing that
18 was scheduled for May 20th at 9:00 a.m.

19 Again, I'm not going to address the issues that were
20 raised in that petition because it was filed last night at
21 11:59 p.m. So we will address that on May 20th at 9:00 a.m.
22 There are several things on calendar today. I'm prepared to
23 rule on all of those items. I would ask first from
24 Ms. Parra-Sandoval, has anything changed since the filing of

1 any of these document, Ms. Parra-Sandoval, that you need to
2 update the Court on?

3 MS. PARRA-SANDOVAL: So, no, Your Honor. My
4 pleadings state all my argument -- all my arguments. I'm
5 sorry. I don't know if you are -- are you asking me to reply
6 on any of those arg -- on -- on any of those pleadings?

7 THE COURT: No, Counsel. I was just concerned that
8 if anything has factually changed, or there's been any big
9 events that have changed for the protected person since much
10 of these documents have been filed?

11 MS. PARRA-SANDOVAL: No. They're the same.

12 THE COURT: All right. Counsel, I'm going to -- and
13 I'm going to ask you specifically, I -- again, I'm prepared to
14 rule based on the pleadings, based on our -- it's difficult
15 appearance, I understand, and it doesn't lend itself well to
16 argument. But I'm going to give you that opportunity.
17 Mr. Michaelson, is there anything you want to add to your
18 pleadings, or any argument you want to make today?

19 MR. MICHAELSON: I -- I think that the pleadings are
20 fine. I mean, I -- I was prepared to raise a number of
21 issues. I think the Court is aware of that, mostly just
22 the -- I think it's not good in some ways that we keep --
23 there's no -- been no appeal or anything, and yet we keep
24 going back and acting like none of this was ever necessary.

1 So if it would help the Court, I was prepared to go
2 back through some of the situation and what it was like in
3 those early days and weeks, and why a guardianship was the
4 best fit, and why it was necessary. A POA can be revoked at
5 any time, even orally, under Nevada law, and that's something
6 we talked about. And so it was a very tenuous basis.

7 We were trying our very best to use least
8 restrictive means, alternative methods, and it, you know, it
9 was a -- it was an arduous process, as I think the Court has
10 witnessed every step of the way in this case. It's multi
11 parties, everyone objecting to everything, going back on
12 things, back and forth. It's been a -- it's a -- it is a
13 costly case. It's -- it's tough.

14 THE COURT: Mr. Beckstrom, is there anything you
15 want to add?

16 MR. BECKSTROM: No, Your Honor. I'm -- I'm prepared
17 to submit on the pleadings. I'll just note that the
18 protective order is -- was unnecessary, and the costs in this
19 case are getting insane. So I'd ask the Court to entertain
20 the motion for fees based on the fact that there was no
21 outstanding petition, and the hearing as to what I'm here for
22 should never have even had to occur.

23 THE COURT: Mr. Evans, anything you want to add
24 today?

1 MR. EVANS: Only with respect to the Michaelson firm
2 fee petition. Your Honor, the firm is asking for over
3 32,000 -- right around \$32,000 in attorney's fees incurred
4 before the ex parte petition for appointment of temporary
5 guardian was even filed or served, Your Honor, the next day.
6 So -- and I -- I understand from this Court's prior ruling
7 that, you know, nobody is required under 159-344, and I don't
8 know how you can have notice of an attempt to seek fees when
9 you incur all these fees over -- at least half of the fees
10 they're asking for today were incurred before they even filed
11 for guardianship. It's inequitable, and it doesn't fall in
12 line with our statutes.

13 And then with respect to the Solomon Dwiggins Freer
14 fee petition, we're just asking for fees incurred, and we gave
15 notice on January 15. And we are asking for our expenses,
16 Your Honor, of our costs in filing, and then I just reference
17 the Court's November 25th, 2019, order, which states that the
18 Court approved payment of the guardian's attorney's fees and
19 costs, subject to Court, you know, review and confirmation.

20 And then we are also asking to withdraw today from
21 representation of Kimberly Jones going forward, but she does
22 have co-counsel, and counsel in this case that can competently
23 represent her going forward.

24 THE COURT: Mr. Sylvester?

1 MR. SYLVESTER: Yes, Your Honor. Very briefly. And
2 we -- we, as you know, joined Mr. Beckstrom's motion for a
3 protective order; I, on behalf of my clients, Robin Freedman
4 and Donna Simmons. I just wanted to add a couple of points,
5 because I think it's going to become germane as it relates to
6 the upcoming petition, and that is, we're asking for a -- a --
7 guidance from this court or other clarification that my
8 clients are not parties for the purposes of discovery.

9 Certainly, as it relates to the pending motion for
10 protective order, and forecasting -- or foreshadowing in
11 advance what I think is going to be another attempt to conduct
12 discovery. Just very briefly, as it relates to the protective
13 order, Your Honor, the -- the evidentiary hearing that was set
14 was for two primary purposes.

15 One was to -- the issue with respect to the custody
16 and visitation of the -- of the dogs. That matter was
17 resolved in advance of the hearing. And the second ostensible
18 basis for the evidentiary hearing was awaiting the results
19 from the financial forensic specialist investigation. That
20 wasn't completed before the scheduled evidentiary hearing of
21 February 20th, but we now know it has been issued.

22 And -- and to that point, if you look at the
23 recommendations, which you will in connection with the
24 upcoming motion, none of the recommendations -- in fact,

1 the -- the report itself is devoid of any reference to the
2 conduct of my clients, either pre or post order appointing a
3 guardian. And it focuses on, if you review it, the ownership
4 issue that's to be resolved, and to make sure that the
5 protected person's going to benefit from the difference in
6 the -- a fair market value in the sale price. Those issues
7 are squarely in the A case, for which discovery is open and
8 ripe, but it -- not in this case.

9 And so all -- for all of the reasons set -- set
10 forth in Mr. Beckstrom's motion, and in our joinder, and in
11 our reply, coupled with the recommendations from the
12 investigator, we -- we would ask that the Court not only
13 protect from the prior discovery, but prohibit future
14 discovery of my clients with respect to those issues.

15 THE COURT: Mr. Piccolo, Ms. Deeter, Mr. Kehoe, did
16 all three of you want to speak, or is that -- just one of you?
17 Let's start with Ms. Deeter --

18 MR. KEHOE: Laura's going to give the most --

19 MS. DEETER: Your Honor, I'll take --

20 MR. KEHOE: -- speaking, Your Honor. However, I
21 just wanted to point out that we don't have Sonya (ph) Jones
22 on the telephone. I -- she has entered a notice of intent to
23 appear at all of the prior continued versions of this hearing,
24 and I thought the intent was to have her report on her report

1 today. So for whatever Your Honor wants to do with that.

2 THE COURT: All right. Well, in reference to that,
3 I have her written report, which is detailed and very
4 specific. I don't need her to, I guess, summarize that report
5 that you all have had access to, and I have access to today.
6 Certainly, in the future, if her presence is warranted,
7 we'll -- we'll make sure that she appears. But I -- I don't
8 need her today on the telephone. Ms. Deeter?

9 MS. DEETER: Thank you, Your Honor. I don't
10 disagree with Mr. Sylvester as to the party issue, and that
11 the Court likely needs to weigh in and clarify that. Our
12 position has been, as to the temporary guardians, that as
13 temporary guardians, that does make them a party to this
14 action. Certainly, they're requesting relief today. They're
15 requesting that fees be awarded to them, and they haven't been
16 discharged or had an order of final discharge as temporary
17 guardians.

18 And so I believe that does make them a party to this
19 issue, and they can't try to seek relief from the Court, and
20 then also evade any potential discovery, then arguing that
21 they're not actually a party to this case. And I do believe
22 that's ripe for the Court to rule on.

23 As far as the protection order issues, this was
24 addressed in the pleadings, but very briefly summarizing,

1 it's -- really, there's two prongs. There's technical issues
2 as far as compliance, no affidavit of counsel, no meet and
3 confer. There were no efforts to really resolve this before
4 the motion was filed, and that's -- those are detailed in the
5 pleadings.

6 The other issue has been raised as to what the issue
7 for -- of the evidentiary hearing was. Certainly, one of
8 those issues was the dogs, which did end up being resolved.
9 But the initial evidentiary hearing was set back on October
10 15th, and the Court had reiterated many times that, yes, it
11 was partially due to the investigator's report. But that was
12 long before the dog issues were ever raised.

13 When the Court appointed Kimberly on the 15th, as
14 well, the Court also discussed sua sponte removal according to
15 SB 20, and continued the investigation. So no, there wouldn't
16 really be a reason to file an appeal, because the Court has
17 already discussed sua sponte removing her based on the
18 investigation.

19 Then in December, the -- that was when the dog issue
20 was raised, the Court noted that there was already an
21 evidentiary hearing, so the issues were combined. And in
22 January, the Court advised that discovery's open. So I
23 believe that there are credible issues, and certainly even
24 confusion between all the parties as to what the issues were.

1 And I also think, you know, as far as good faith,
2 bad faith, and the basis for awarding fees, we weren't the
3 only parties that propounded discovery. Our discovery was
4 issued on January 18th, but Kimberly also issued subpoenas on
5 January 22nd. So as far as -- that's now being stated that
6 that was due to the order appointing Kimberly, and her
7 obligation to investigate the transaction on the Craft (ph)
8 house. But this is also a week following the hearing where
9 the Court says, no, discovery is open; discover away.

10 So I believe that there's no basis depending --
11 whatever way. You can order fees and sanctions to
12 (indiscernible) conduct, but I think under the scope of the
13 rules, under 37, the Court has discretion as to fees. And I
14 don't believe that -- that there's a reasonable basis to award
15 fees shortly after a hearing where the Court says, do
16 discovery, and then the parties, multiple sides, do discovery.

17 THE COURT: Mr. Piccolo?

18 MR. PICCOLO: Yes, Your Honor.

19 THE COURT: Is there -- is there anything that you
20 would like to add?

21 MR. PICCOLO: No. Thank you for asking, though.

22 THE COURT: All right. And, Mr. Kehoe, was that all
23 that you wanted to say, or would you like to add anything?

24 MR. KEHOE: That's fine, Your Honor. I'll let it go

1 with that.

2 THE COURT: All right. Have I missed anyone that
3 would like to weigh in?

4 MR. MICHAELSON: Your Honor, I -- a couple of people
5 commented on our fees, and I wondered if I could say a couple
6 items to that if it's helpful.

7 THE COURT: Go ahead.

8 MR. MICHAELSON: You know, oftentimes, I'm trying to
9 seek clarification in different cases on, for example,
10 temporary guardianship, and I am often told by Legal Aid and
11 other people that I -- I need a legislative remedy that I --
12 if I want something different than the statute says, I've got
13 to go out and get it legislatively. And in this case, Legal
14 Aid and some of the other parties are trying to bootstrap
15 things onto the statute that are not there.

16 All the statute says is that when you enter a case,
17 kind of like when we all go on a conference call, you have to
18 announce your presence. You have to say, I intend to seek
19 fees from the guardianship estate if there is one created.
20 There's nothing in the statute that precludes going back prior
21 to that when you're attempting to meet and confer, you're
22 attempting to use least restrictive means. I didn't find a
23 Nevada case on this, but in California, they've actually
24 addressed this in their statute. They talk about -- their --

1 their guardianship statute goes -- they call it
2 conservatorship goes into pre petition fees.

3 But in one case, it says, unlike the circumstances
4 which -- this is Brown versus Brown 45 Cal. App. 4th 117. It
5 says, unlike the circumstances which give rise to the need for
6 establishment of a decedent's estate, establishing the
7 circumstances which support imposition of a conservatorship
8 may involve a great deal of pre petition effort by a
9 perspective conservator and his or her counsel. Thus the
10 utility of permitting the conservator and his or her counsel
11 to recover fees incurred before the appointment of a
12 conservator is self evident.

13 So other courts have looked at that. I mean, I
14 would daresay that most of the Courts in Nevada have awarded
15 fees. It's not like the fee just begins the very day the --
16 the first pleading is there. So it -- there -- there is a
17 work up, there's an effort to look at other means. And so
18 I -- I think our fees are in line with what other firms,
19 Solomon Dwiggins fees, for that same time frame.

20 MS. PARRA-SANDOVAL: Your Honor, I would like to
21 reply to that. Since I don't have that case in front of me,
22 Brown v. Brown, I can't differentiate it. I -- I don't
23 have -- I didn't have a chance to look at that, so I don't
24 think that should be considered, at this time.

1 THE COURT: All right. Thank you, all. And I'm
2 going to ask for the -- each of the prevailing parties on --
3 on these motions to prepare orders, to get those to me in -- a
4 lot -- electronic form, to our electronic drop box in a
5 modifiable form so that I can include additional findings, and
6 I can include the exact amount of fees. As to the motion for
7 a protective order, it's granted in part. At this junction,
8 and I know that this is procedurally a difficult and
9 confusing, complicated guardianship, but not a complicated
10 case.

11 The Court set an evidentiary hearing date, as I do
12 in many cases, as a placeholder so that there is a date on, so
13 that we have an evidentiary hearing and a date to prepare for
14 in anticipation of a report. However, if a report comes
15 and -- and shows us no real issues, perhaps the evidentiary
16 hearing doesn't need to go forward. And so the protective
17 order is granted in part, as there is no issue pending, once
18 the pet issue was resolved, I -- adopting the procedural facts
19 as outlined in the petition, and in reply.

20 As to the fees and costs, those are also granted in
21 part, and I explained how I would like the order submitted to
22 me. And I will address each of the issues raised in the
23 objections in that order in detail. I expect for these
24 attorney's fees issues to live on; in our Nevada court

1 systems, because I think that they are a bit complicated,
2 based on the statute. In addition, the payment of the
3 guardians' fees and costs and the petition to withdraw; the
4 petition to withdraw is granted.

5 As to the fees and costs, it's granted in part.
6 Again, I'll need the additional documents. I know that we
7 have a date coming up. Counsel has asked me to address who
8 are parties and are who are not parties. Although this -- for
9 the benefit of everyone going forward, although this was not
10 on calendar, I will weigh in. The guardianship statute talks
11 about interested parties, and those parties are -- have
12 statutory definitions.

13 For example, it includes all parties with all family
14 members within two degrees of consanguinity. But it can also
15 include other people, and they are defined as interested
16 parties. But they may not be defined as parties to the
17 litigation for purposes of discovery. I think there's a
18 distinction. I understand Ms. Deeter's concern that a
19 temporary guardian who has not been discharged of their duties
20 might still be considered parties to the litigation.

21 However, at whatever time they are discharged from
22 their duties, are they no longer parties? Is it just like a
23 civil case where a party settles or dismisses their claim?
24 They are no longer parties. We certainly wouldn't say that

1 we're going to treat every interested party that receives
2 service of our initial petition; a sibling, or a parent, or a
3 child who never objects in writing, and never makes an
4 appearance in writing in a case, we wouldn't treat them as a
5 party for purposes of discovery. So I think there is a
6 distinction between the two.

7 However, that being said, I am not sure that there
8 is a bright line, and I don't think that this issue has been
9 raised and dealt with by our supreme court or our court of
10 appeals. I'd be interested to see what other states do, and I
11 can't give you -- as -- as much as I'd like to help you with
12 this, I can't give you a definite answer, because I think that
13 additional briefing has to be done about who's a party for
14 purposes of discovery. I think that it's certainly not all
15 interested parties that require service.

16 But exactly who it is and when they're no longer a
17 party, I -- I think that needs a -- a definition from me that
18 I can't give you today because that's not on calendar. But
19 I -- I do need to give that to you quickly. And so if anybody
20 wants additional time to brief that, and you want me to rule
21 on that before May 20th, I'm happy to do that. Should I set a
22 date for that now? Ms. Deeter?

23 MS. DEETER: Yes, Your Honor. I think that may be
24 helpful, and I apologize. I lost internet connection through

1 part of that, so --

2 THE COURT: Oh, I'm sorry. I --

3 MS. DEETER: So -- no, you're fine. But yes. If --
4 I guess set a deadline for briefing, and then we can deal with
5 it from there.

6 THE COURT: Mr. Michaelson, do you -- and
7 Mr. Beckstrom, do you agree that this is an issue that
8 requires the Court to identify who's an actual party for
9 purposes of discovery?

10 MR. BECKSTROM: Your Honor, this is Mr. Beckstrom.
11 I agree that -- that it should be decided by the Court.
12 However, I think it's a little premature because, you know, a
13 petition for removal was filed late last night. I would like
14 to address it in the objection in there. I think that'd be
15 the -- the easiest way to do it, because there shouldn't be
16 any discovery until Your Honor decides any discovery would be
17 necessary for that pending petition, because the Court's
18 already ruled that there is no pending matter as of this
19 point.

20 THE COURT: Mr. Michaelson?

21 MR. MICHAELSON: I agree.

22 THE COURT: Ms. Parra-Sandoval?

23 MS. PARRA-SANDOVAL: I agree, Your Honor. It -- I
24 think Mr. Beckstrom can address that in the objection.

1 THE COURT: All right. And, Ms. Parra-Sandoval,
2 even if you -- I would like you to file something in response,
3 an actual document in response to the petition that was filed
4 late last night so that -- and include in your response your
5 position on whom is a party for purposes of discovery. And
6 the same for Mr. Kehoe, Mr. Piccolo, Ms. Deeter. Address that
7 in your reply or response to their objections, because I -- I
8 read some of the petition this morning, but not all of it.
9 I -- I don't recall whether or not you addressed that fully in
10 the petition.

11 MR. SYLVESTER: Your Honor, this is Jeff Sylvester.
12 May I be heard for just a moment on that issue?

13 THE COURT: I'm sorry, Mr. Sylvester. Can you state
14 that again? I --

15 MR. SYLVESTER: Yes. Can I be heard -- may I be
16 heard very briefly on the briefing issue as it relates to
17 whether --

18 THE COURT: Yes, go ahead.

19 MR. SYLVESTER: -- somebody is or is not a party.

20 THE COURT: Please go ahead.

21 MR. SYLVESTER: I -- I -- I think more to the point,
22 and perhaps to Mr. Beckstrom's point, is that the definition
23 of whom a party is is going to be defined or informed by the
24 relief being sought. And so unless and until you know what

1 the target is, if you will, of the contested matter, or what
2 the scope of that contested matter is, you can't make that
3 determination. Which is why discovery's inappropriate in the
4 context of the absence of a contested matter.

5 So unless and until we know, and I've seen the
6 petition for the removal, that doesn't relate to pre-
7 guardianship activity, or conduct of the parties, and it
8 shouldn't. It's whether or not the present guardian has the
9 capacity to continue to serve. So until we know what the
10 scope of that proceeding is, I don't think you can fairly
11 define who parties to that are for purposes of discovery.

12 THE COURT: Does anyone else want to weigh in on
13 that issue? Thank you, Mr. Sylvester. So I -- I'll expect to
14 see additional briefing on that issue of the parties as -- for
15 purposes of discovery, in those pleadings. We'll see those,
16 and I'll see you back on May 20th at 9:00 a.m.

17 I am hopeful that I will be able by that time to see
18 you all in person. However, from discussions internally here
19 in court administration, I doubt that that will be the case.
20 And so we -- my office will send again another link for Blue
21 Jeans appearance in the week before the May 20th appearance.
22 Thank you, everyone.

23 MR. SYLVESTER: Thank you, Your Honor.

24 MR. MICHAELSON: Your Honor?

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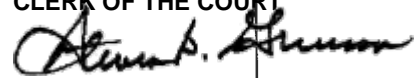
(PROCEEDINGS CONCLUDED AT 11:42:51)

* * * * *

ATTEST: I do hereby certify that I have truly and
correctly transcribed the digital proceedings in the
above-entitled case to the best of my ability.

/s/ Nita Painter

Nita Painter



NEO
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DISTRICT COURT

CLARK COUNTY, NEVADA

IN THE MATTER OF THE GUARDIANSHIP)
OF THE PERSON AND ESTATE OF:)
)
Kathleen June Jones,)
)
An Adult Protected Person.)

Case Number: G-19-052263-A
Department: B

NOTICE OF ENTRY OF ORDER

To: Whom It May Concern:

Notice is hereby given that on August 12, 2020, an Order Granting Robyn Friedman's and Donna Simmons' Petition for Attorneys Fees In Part was entered in the above-titled matter, a copy of said Order is attached hereto.

DATED: August 17, 2020.

MICHAELSON & ASSOCIATES, LTD.



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Patrick C. McDonnell, Esq.
Nevada Bar No. 13188
2200 Paseo Verde Parkway, Ste. 160
Henderson, Nevada 89052
Counsel for Petitioners

CERTIFICATE OF SERVICE

Pursuant to Nevada Rule of Civil Procedure 5(b), the undersigned hereby certifies that on August 17, 2020, a copy of the Notice of Entry of Order Granting Robyn Friedman's and Donna Simmons' Petition for Attorneys Fees In Part and said Order was mailed by regular US first class mail, postage prepaid, in a sealed envelope in Henderson, Nevada to the following individuals and/or entities at the following addresses:

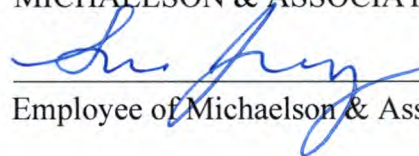
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Geraldine Tomich, Esq. gtomich@maclaw.com James Beckstrom, Esq. jbeckstrom@maclaw.com Cheryl Becnel cbecnel@maclaw.com	Ty E. Kehoe, Esq. KEHOE & ASSOCIATES TyKehoeLaw@gmail.com Faydra Ross fr@ghandilaw.com Attorney for Rodney Gerald Yeoman Laura A. Deeter, Esq. GHANDI DEETER BLACKHAM laura@ghandilaw.com Matthew C. Piccolo, Esq. PICCOLO LAW OFFICES matt@piccololawoffices.com Co-Counsel for Rodney Gerald Yeoman
LaChasity Carroll lcarroll@nvcourts.nv.gov Sonja Jones sjones@nvcourts.nv.gov Kate McCloskey NVGCO@nvcourts.nv.gov	

1
2 Tiffany O'Neal
3 177 N. Singingwood Street, Unit 13
4 Orange, CA 92869

Courtney Simmons
765 Kimbark Avenue
San Bernardino, CA 92407

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6
7
8 Division of Welfare and Supportive Services
9 Medicaid Chief Eligibility and Payments
10 1470 College Parkway
11 Carson City, Nevada 89706
12
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ORDG

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Donna Simmons

DISTRICT COURT

CLARK COUNTY, NEVADA

IN THE MATTER OF THE GUARDIANSHIP) Case Number: G-19-052263-A
OF THE PERSON AND ESTATE OF:) Department: B
)
Kathleen June Jones,) Date of Hearing: 4/15/2020
) Time of Hearing: 11:00 a.m.
An Adult Protected Person.)

**ORDER GRANTING ROBYN FRIEDMAN'S AND DONNA SIMMONS'
PETITION FOR ATTORNEYS FEES IN PART**

☐ TEMPORARY GUARDIANSHIP
☐ Person
☐ Estate
☐ Person and Estate

☒ GENERAL GUARDIANSHIP
☐ Person
☐ Estate
☒ Person and Estate

☐ SPECIAL GUARDIANSHIP

☒ NOTICES / SAFEGUARDS

☐ Person
☐ Estate ☐ Summary Admin.
☐ Person and Estate

☒ Blocked Account
☐ Bond Posted
☐ Public Guardian Bond

THIS MATTER having come before this Court on Robyn Friedman and
Donna Simmons, Petition for Approval of Attorneys Fees and Costs and Request
To Enter a Judgment Against the Real Property ("Petition"), John P. Michaelson,
Esq., of Michaelson & Associates, Ltd., and Jeffrey R. Sylvester, Esq., of

1 Sylvester & Polednak, Ltd. appearing via audio visual communications on behalf
2 of Robyn Friedman and Donna Simmons, Robyn Friedman and Donna Simmons,
3 appearing telephonically; Maria L. Parra-Sandoval, Esq. having also appeared via
4 audiovisual communications on behalf of the protected person, Kathleen June
5 Jones; Ty E. Kehoe, Esq. of Kehoe & Associates, Matthew C. Piccolo, Esq. of
6 Piccolo Law Offices and Laura A. Deeter, Esq. of Ghandi, Deeter, Blackham also
7 appearing via audio visual communications and/or telephonically, on behalf of
8 Rodney Gerald Yeoman; and Ross E. Evans, Esq. of Solomon Dwiggin &
9 Freer, Ltd., appearing on behalf of Kimberly Jones, and this Court having
10 examined the Petition and the oppositions filed thereto, having considered oral
11 arguments and being fully informed of the matter, the Court finds and orders the
12 following:
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15

16 **THE COURT FINDS** that there was a need for a Temporary Guardian
17 and the Protected Person benefitted from the Temporary Guardianship
18 proceeding.
19

20 **THE COURT FURTHER FINDS** that the Court had many grave
21 concerns regarding the safety and well-being of the Protected Person at the
22 Temporary Guardianship Citation Hearing, despite the existence of a Power of
23 Attorney. At a minimum, the Court was concerned about: the eviction
24 proceeding against POA and caretaker by the Protected Person's husband's
25

1 family; the transfer of the Protected Person's real property to her husband's
2 family for an amount well under market value, while the POA was in effect;
3 allegations of kidnapping of the Protected Person; unwillingness to provide
4 medical information; the POA's inability to control the tumultuous situation
5 which was taking an emotional and physical toll on the Protected Person.
6

7 **THE COURT FURTHER FINDS** those at the time of the Temporary
8 Guardianship Hearing, the Protected Person and the POA were unable to respond
9 to the substantial and immediate risk of financial loss.
10

11 **THE COURT FURTHER FINDS** that at the time of the Temporary
12 Guardianship Hearing, the Protected Person and the POA was unable to respond
13 to the exploitation and isolation of the Protected Person. Further, the Protected
14 Person and the POA were unable to establish that they were able to obtain
15 appropriate medical care and medication for the Protected Person.
16

17 **THE COURT FURTHER FINDS** that the absence of a Petition by the
18 POA was also concerning. It was clear that the Power of Attorney was being
19 ignored, violated or was insufficient to protect the Protected Person. Later, the
20 current Guardian, former POA, requested that the Temporary Guardianship
21 remain in place.
22

23 **THE COURT FURTHER FINDS** that the Petitioners, Temporary
24 Guardians, stepped in to protect their mother and offer legal support to the POA,
25

1 who was not acting. The Petitioners acknowledged that Protected Person
2 nominated the POA to be Guardian and did not contest the legal
3 preference. However, the Petitioners were left with no alternative, but to
4 intervene and instigate guardianship litigation in order safeguard the protected
5 person.
6

7 **THE COURT FURTHER FINDS** that the POA's failure to act required
8 intervention. The Petitioners could have challenged the POA's suitability,
9 despite nomination, under the cloud of these allegations. They did not; in direct
10 benefit to the protected person and to minimize the cost of litigation.
11

12 **THE COURT FURTHER FINDS** that the Petitioners' have not acted in a
13 way to expand the current litigation, only to preserve and safeguard the Protected
14 Person.
15

16 **THE COURT FURTHER FINDS** that the request that fees not be taken
17 from the Protected Person's liquid estate, as allowed by statute, but through a lien
18 on real property so that it would be collected only after the Protected Person's
19 death further show their interest in preserving the Protected Person's estate for
20 the Protected Person's benefit.
21

22 **THE COURT FURTHER FINDS** that pursuant to NRS 159.344(1), any
23 person who retains an attorney to represent a party in a guardianship proceeding
24
25

1 is personally liable for any attorney's fees and costs incurred as a result of such
2 representation.

3 **THE COURT FURTHER FINDS** that pursuant to NRS 159.344(2),
4 notwithstanding the provisions of NRS 159.344(1), Petitioners may petition this
5 Court for an order authorizing attorney's fees and costs incurred in this case to be
6 paid from the estate of the protected person. Petitioners have not accrued any
7 compensation or incurred any expenses of attorney's fees as a result of a petition
8 to have Petitioners removed as guardian, nor have Petitioners been removed as
9 guardian. Thus, NRS 159.183(5) does not apply herein.
10

11
12 **THE COURT FURTHER FINDS** that under NRS 159.344(3), Petitioners
13 filed written notice of their intent to seek payment of attorney's fees and costs
14 from the guardianship estate when it filed its Ex Parte Petition for Appointment
15 of Temporary Guardian of the Person and Estate on September 19, 2019. Said
16 Petition also complied with NRS 159.344(e) in that it acknowledges its request
17 for attorney's fees is subject to Court confirmation.
18

19
20 **THE COURT FURTHER FINDS** that pursuant to NRS 159.344(4)(a-d),
21 itemized, detailed statements as to the nature and extent of the legal services
22 performed were provided.
23
24
25

1 **THE COURT FURTHER FINDS** that under NRS 159.344(5)(b), the
2 services provided have conferred an actual benefit upon Ms. Jones and have
3 advanced her best interest.

4 **THE COURT FURTHER FINDS** the services provided have properly
5 provided a temporary and general guardian for Ms. Jones' person and estate.
6 Having a guardian advances Ms. Jones' best interest and benefits her by ensuring
7 she has adequate shelter, food, clothing and medical care and ensuring her finances
8 and assets are safeguarded and managed well, as explained in detail above in the
9 section describing the services Petitioners have provided.
10

11 **THE COURT FURTHER FINDS** in deciding the reasonableness of
12 attorney's fees, the court must consider four factors outlined in *Brunzell v. Golden*
13 *Gate Nat 'l Bank*, 85 Nev. 345, 349-350, 455 P.2d 31.33-34 (1969) as follows: "(1)
14 the qualities of the advocate: his ability, his training, education experience,
15 professional standing and skill; (2) the character of work to be done: its difficulty,
16 its intricacy, its importance, time, and skill required, the responsibility imposed
17 and the prominence and character of the parties where they affect the importance
18 of litigation ; (3) the work actually performed by the lawyer: the skill, time and
19 attention given to the work; and (4) the result whether the attorney was successful
20 and what benefits were derived."
21
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25

1 **THE COURT FURTHER FINDS** pursuant to NRS 159.344(5)(c),
2 Michaelson & Associates, Ltd. is a reputable firm practicing in the area of
3 guardianship and elder law. Michaelson & Associates, Ltd. was founded in Nevada
4 in 1992 with an emphasis on business and estate planning. The firm's attorneys
5 also provide representation to seniors in the areas of Veterans Administration
6 benefits and Medicaid. John P. Michaelson has personally acted as lead attorney on
7 hundreds of guardianships matter in Clark County and has remained heavily
8 involved in the community of guardianship and elder law in Nevada. Mr.
9 Michaelson has chaired the Elder Law Section of the Nevada State Bar served for
10 over three years as president of the Nevada Wealth Counsel Forum and is an active
11 member of the National Academy of Elder Law Attorneys as well as Veterans
12 Action Group, a Nevada non-profit. Mr. Michaelson currently serves as a member
13 of the Guardianship Commission and is co-chair of the guardianship rules
14 subcommittee.
15
16
17

18 **THE COURT FURTHER FINDS** under NRS 159.344(5)(d), the character
19 of the work completed in this matter was reasonable and necessary to establish
20 a Temporary and General Guardianship due to Ms. Jones' need for guardianship
21 services to take care of her person and to manage her estate.
22
23

24 **THE COURT FURTHER FINDS** under NRS 159.344(5)(e), the work
25 actually performed is documented which also shows the time and attention given

1 to the legal services provided in relation to seeking appointment of Petitioners as
2 guardians of her person and estate.

3 **THE COURT FURTHER FINDS** under NRS 159.344(5)(f), counsel
4 succeeded in establishing guardianships for Ms. Jones and the benefits to Ms.
5 Jones are described above in the description of benefits under NRS 159.344(5)(b)
6 and NRS 159.344(5)(e).
7

8 **THE COURT FURTHER FINDS** under NRS 159.344(5)(g), Mr.
9 Michaelson charges an hourly rate of \$450.00 per hour. His senior and associate
10 attorneys charge a rate of \$350.00 and \$300.00 per hour, respectively and his
11 paralegals charge a rate of \$150.00 per hour.
12

13 **THE COURT FURTHER FINDS** under NRS 159.344(5)(i), services were
14 provided in a reasonable, efficient and cost effective manner. Much work was
15 performed by a paralegal or secretary and prior work product was emulated as
16 much as possible to reduce the total time spent working on this case.
17

18 **THE COURT FURTHER FINDS** under NRS 159.344(5)(j), as shown by
19 the Inventory on file, the nature, extent and liquidity of Ms. Jones estate are not
20 sufficient to pay the requested attorney's fees outright. Ms. Jones' foreseeable
21 expenses that could take precedence over the requested attorney's fees include
22 costs for her facility, medications and day-to-day needs. Said expenses are
23 documented in the Budget on file herein. Although the funds in Ms. Jones'
24
25

1 accounts are not sufficient to pay the fees requested while continuing to pay for
2 Ms. Jones' care, maintenance and support, Ms. Jones has real property in
3 California, the value of which will be sufficient to pay the fees requested upon its
4 sale. Petitioners intend to simply file a judgment or order for fees as a lien against
5 Ms. Jones' real property in California as stated hereinabove to allow her continued
6 use of her asset during her lifetime.
7

8 **THE COURT FURTHER FINDS** under NRS 159.344(5)(k), Petitioners
9 and counsel have been diligent in their efforts to work efficiently in this case and in
10 caring for Ms. Jones. This helped to reduce and minimize current issues and
11 prevent any additional issues from arising. This matter has been contentious and
12 has involved a number of efforts to reach agreements to streamline the
13 resolution of various issues. In an effort to resolve the issue and minimize
14 attorney's fees and costs, counsel for Petitioner attempted on numerous occasions
15 to meet and confer with counsel for Mr. Yeomen and various counsel retained by
16 Kimberly, to work effectively towards a solution and ensure that the protected
17 person's interests were being safeguarded. Counsel has also generally refrained
18 from filing unneeded pleadings or responses to the various unneeded pleadings that
19 Mr. Yeomen filed herein. Counsel has, however, made numerous phone calls and
20 written numerous emails in support of the protected person throughout the
21 negotiations. He has also responded to many, many phone calls and emails from
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1 counsel for other parties in an effort to resolve concerns and assist in a speedier
2 resolution of contested matters.

3 **THE COURT FURTHER FINDS** under NRS 159.344(5)(1), neither
4 Petitioners nor counsel acted in a way that unnecessarily expanded
5 issues or delayed or hindered the efficient administration of the
6 guardianship estate of Ms. Jones.
7

8 **THE COURT FURTHER FINDS** under NRS 159.344(5)(m), neither
9 Petitioners nor counsel took any action for purpose of advancing or protecting
10 their own interests rather than the interest of Ms. Jones.
11

12 **THE COURT FURTHER FINDS** under NRS 159.344(5)(n), additional
13 factors are not relevant to determine whether attorney 's fees are just,
14 reasonable or necessary. As shown above, Petitioners and counsel were acting to
15 advance Ms. Jones' best interest and succeeded in doing so.
16

17 **THE COURT FURTHER FINDS** under NRS 159.344(6)(a-b),
18 undersigned counsel is not requesting compensation for time spent on internal
19 business activities, clerical or secretarial support or time reported as block of time
20 spent on multiple tasks
21

22 **THE COURT FURTHER FINDS** under NRS 159.344(7), no third party is
23 applicable to the fees requested herein.
24
25

1 **THE COURT FURTHER FINDS** under NRS 159.344(8), payment of
2 ordinary costs and expenses incurred in the scope of counsel's representation is
3 being requested.

4 **THE COURT FURTHER FINDS** pursuant to NRS 159.344(9), "if two or
5 more parties in a guardianship proceeding file competing petitions for the
6 appointment of a guardian or otherwise litigate any contested issue in the
7 guardianship proceeding, only the prevailing party may petition the court for
8 payment of attorney's fees and costs from the guardianship estate pursuant to this
9 section."
10

11
12 Here, three competing petitions were filed for the appointment of a guardian;
13 the original petition for temporary guardianship filed by Robyn Friedman and
14 Donna Simmons, and then Oppositions and Counter-Petitions for Guardianship
15 filed by both Kimberly Jones and Mr. Yeoman. Robyn Friedman and Donna
16 Simmons' ex parte petition was granted on September 23, 2019, and Robyn
17 Friedman and Donna Simmons were appointed temporary guardians. The
18 temporary guardianship was extended on October 3, 2019 and Robyn Friedman
19 and Donna Simmons remained in their roles as temporary guardians. While
20 Kimberly was ultimately appointed as general guardian pursuant to Ms. Jones'
21 wishes as set forth in her estate planning documents, petitioners Robyn Friedman
22 and Donna Simmons were the prevailing party on the initial petition for temporary
23
24
25

1 guardianship and were the driving force in getting the protective temporary
2 guardianship framework in place and then working to ensure that the protection
3 would remain in place by way of a general guardianship appointment.

4 **THE COURT FURTHER FINDS** but for the efforts of Petitioners, Ms.
5 Jones might still be living in uncertain conditions, moving between locations and
6 having police involvement in her custody, all with no written plan of care.
7 Immediately after their appointment as temporary guardians, however, Petitioners
8 paid for and provided such a care plan. Ms. Jones might still be financially
9 vulnerable with Powers of Attorney that were not being respected and financial
10 transactions being done without knowledge of Ms. Jones or her family. Instead,
11 Ms. Jones is currently living in the Kraft house, which she believes to be her home
12 despite the questioned sale, with Kimberly acting as her caregiver and as her
13 guardian authorized to make both healthcare and financial decisions.
14

15 **THE COURT FURTHER FINDS** that courts in other states have
16 considered the pre-petition effort by a prospective guardian when awarding fees.
17 The Court considers the California Court of Appeal's ruling in *Conservatorship of*
18 *Bryant*, which states,
19

20 [U]nlike the circumstances which give rise to the need for
21 establishment of a decedent's estate, establishing the circumstances
22 which support imposition of a conservatorship may involve a great
23 deal of pre-petition effort by a prospective conservator and his
24 counsel; thus the utility of permitting the conservator and his counsel
25

1 to recover fees incurred before appointment of a conservator is self-
2 evident.

3 *Conservatorship of Bryant.*, 45 Cal. App. 4th 117, 124, 52 Cal. Rptr. 2d 755, 759
4 (1996).

5 THE COURT FURTHER FINDS that in this specific instance, pre-petition
6 fees were reasonably incurred for the sole-purpose of resolving all issues regarding
7 the guardianship prior to filing. Many family members were involved and the
8 attempt to get all of the family members involved and the issues resolved prior to
9 filing a guardianship petition was in the protected person's best interest.

10 THE COURT FURTHER FINDS that the pre-petition efforts at resolution
11 were reasonable, efficient, and advanced the protected person's best interest.

12 THE COURT FURTHER FINDS that public policy is advanced when
13 litigants attempt to resolve matters prior to litigation. Nevada Courts favor
14 alternative resolution. The Court should not incentivize litigation, without any
15 attempts at resolution.

16 **NOWHEREFORE, IT IS HEREBY ORDERED, ADJUGED AND**
17 **DECREED** that Robyn Friedman and Donna Simmons are awarded attorneys'
18 fees to be paid from the guardianship estate in the amount of \$57,742.16, which
19 represents the Petitioners' adjustments and explanations for each billing entry in
20 response to Legal Aid's specific objection, contained in Exhibit 1 to Response to
21

1 Kathleen June Jones' Objection to Petition for Approval of Attorneys' Fees filed
2 on March 12, 2020;

3 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the
4 attorneys fees in the amount of \$57,742.16 is hereby reduced to a judgment that
5 may be domesticated by Robyn Friedman and Donna Simmons against the
6 protected person's real property located at 1054 S. Verde Street, Anaheim,
7 California 92805, APN 234-056-10.
8

9 DATED: _____, 2020.

10 Dated this 12th day of August, 2020

11 
12

13 DISTRICT COURT JUDGE

14 E29 67A 9195 9067
15 Linda Marquis
16 District Court Judge
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**Invoice No.
12595¹**

Date	Tmkr	Rate	Time	Amount (\$)	Description	Objection	Proposed Reduction (\$)
9/10/2019	JPM	450	0.4	\$ 180.00	Phone conference with attorney David Johnson re pros and cons of guardianship petition in this matter.	Under NRS 159.344 (6)(a)(no compensation for internal business activity)- Attorney Johnson is not a party to this matter (he was on the probate matter)	\$ 180.00
9/10/2019	JPM	450	1	\$ 450.00	Various communications including getting Dr. Brown paid. Draft/edit/revise petition for guardianship.	Under NRS 159.344(5)(i), this task should have been delegated to a paralegal & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 450.00
9/11/2019	JPM	450	0.7	\$ 315.00	Coordinate with Dr. Brown, including review his report. Client communications.	Under NRS 159.344(5)(i), the first task should have been delegated to a paralegal & Under NRS 159.344(6)(b), no award is to be made for time	\$ 315.00

¹ Respondents' conceded the billing rate for paralegal work should have been no more than \$150 during the hearing on the Petition. Appellant has modified this table to reflect a paralegal hourly rate of \$150 for "LM," and adjusted all corresponding amounts accordingly.

						that is block-billed.	
9/13/2019	LCP	300	2.6	\$ 780.00	Revisions to Petition for Guardianship to reflect clients as Petitioners	Under NRS 159.344(5)(i), time for task is excessive and unreasonable. By this date, LCP had already spent 8.7 hours drafting the Petition for Guardianship.	\$ 600.00
9/13/2019	LCP	300	1	\$ 300.00	Petition for Guardianship; forward draft to JPM for review	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; and description of task is vague. If LCP meant more revisions, time for task is excessive and unreasonable; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 300.00
9/13/2019	LCP	300	0.4	\$ 120.00	TC with JPM; email to clients re: info needed for Petition	NRS 159.344(5)(b) & Under NRS 159.344 (6)(a)(no compensation for internal business activity) & Under NRS 159.344(6)(b), no award is to be made for time	\$ 120.00

						that is block-billed.	
9/16/2019	LCP	300	2.3	\$ 690.00	Further revisions to Petition for Guardianship	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale for the revisions (in contrast, in other entries, revisions are made "per client request," which makes sense).	\$ 690.00
9/16/2019	LM	150	0.3	\$ 45.00	Begin preparing ancillary documents for appointment of temporary guardianship	NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services	\$ 45.00
9/16/2019	LCP	300	1	\$ 300.00	Research Temporary vs. Special Guardianship and discuss with JPM review of draft of Petition	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity) & Under NRS 159.344(5)(i),	\$ 300.00

						time for task is excessive and unreasonable.	
9/16/2019	JPM	450	1.6	\$ 720.00	Review draft petition. Edit and revise. Direct team.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity). By this date LCP has already worked on the petition for 13.6 hours.	\$ 720.00
9/17/2019	LM	150	1.2	\$ 180.00	Continue to Draft all ancillary temporary guardianship documents; draft guardian's acknowledgment of duties; draft citation to appear and show cause for general	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed. And fyi, a form is readily available for guardian's acknowledgment	\$ 180.00

						of duties, so that paralegal does not have to draft it or reinvent the wheel.	
9/17/2019	LM	150	0.2	\$ 30.00	draft certificate of service for appointment of general guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 30.00
9/17/2019	LCP	300	1.5	\$ 450.00	Further draft Petition for Temporary and General Guardianship	NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale listed. With this entry, LCP has worked a total of 15.1 hours drafting and revising the same petition.	\$ 450.00
9/17/2019	LCP	300	1	\$ 300.00	Further draft Petition for guardianship	NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time for task is excessive and	\$ 300.00

						unreasonable; there is no rationale listed. With this entry, LCP has worked a total of 16.1 hours drafting and revising the same petition.	
9/17/2019	LCP	300	3.6	\$ 1,080.00	Revisions to Petition; email to clients for review	NRS 159.344(5)(b) & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is no rationale listed for further revisions (in contrast, in other entries, revisions are made "per client request," which makes sense) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed. With this entry, LCP has worked a total of 19.7 hours drafting and revising the same petition!	\$ 1,080.00
9/17/2019	JPM	450	3	\$ 1,350.00	Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for	Under NRS 159.344(5)(i), the first task should have been delegated to a lower biller; Under NRS 159.344(6)(b),	\$ 1,350.00

					general guardianship.	no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	
9/18/2019	LM	150	0.4	\$ 60.00	Compile exhibits to be attached to ex parte petition for appointment of temporary guardian.	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 60.00
9/18/2019	LM	150	0.3	\$ 45.00	Email Robyn and Donna regarding signatures on verifications to ex parte petition and on oath for the Letters of Temporary Guardianship	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1.	\$ 30.00
9/18/2019	LM	150	0.3	\$ 45.00	Telephone call and leave message with Teri and Scott regarding our filing for appointment of temporary guardianship	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and	\$ 30.00

						unreasonable; each call should be .1. x \$150.	
9/18/2019	LCP	300	2.4	\$ 720.00	Further revisions to Petition; email draft to clients	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is <i>no</i> <i>rationale</i> listed for further revisions (in contrast, in other entries revisions are made "per client request," which makes sense; and I did not object to those) & Under NRS 159.344(6)(b), no award is to be made for time that is block- billed. Important to note: with this entry, LCP has spent 23.7 hours drafting and revising this petition.	\$ 720.00
9/18/2019	JPM	450	5	\$ 2,250.00	Gather facts, research arguments, direct team and draft/edit/revise petition for temp and petition for general guardianship.	Under NRS 159.344(5)(i), the first task should have been delegated to a lower biller; Under NRS 159.344(6)(b), no award is to be made for time that is block- billed & Under	\$ 2,250.00

						NRS 159.344 (6)(a)(no compensation for internal business activity).	
9/18/2019	LCP	300	0.9	\$ 270.00	Various tasks associated with finalizing Petition	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed; "various tasks" is too vague as well.	\$ 270.00
9/19/2019	LCP	300	0.1	\$ 30.00	TC with JPM	Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 30.00
9/19/2019	LCP	300	0.5	\$ 150.00	revisions to Petition	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; there is <i>no rationale</i> listed for further revisions (in contrast, in other entries revisions are made "per client request," which makes sense). By this billing entry, 18.2 solid hours have already been billed just to <i>revising</i> the Petition for Guardianship. There's more time that can't be	\$ 150.00

						deciphered from block-billing entries. And there's more time billed for "drafting" the petition. The final document is 30 pages, plus exhibits.	
9/19/2019	LM	150	0.2	\$ 30.00	Efiled petition for appointment of temporary guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 30.00
9/19/2019	LM	150	1	\$ 150.00	drafted order granting temporary guardianship	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; the law firm would likely have a template already available for this task that can be recycled.	\$ 50.00

9/19/2019	LM	150	0.2	\$ 30.00	efiled citation to appear and show cause	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 30.00
9/19/2019	LM	150	0.3	\$ 45.00	prepared amended citation	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 45.00
9/19/2019	LCP	300	0.5	\$ 150.00	Email to clients re status of filing and next steps; sign Citation; review and sign Order	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 150.00
9/19/2019	JPM	450	1.7	\$ 765.00	Various calls and communications with staff and attorneys for other parties in attempts to meet and confer to resolve claims and also prepare our petition for guardianship-draft/edit/ and revising same.	NRS 159.344(5)(b) & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed	\$ 765.00

9/20/2019	LM	150	0.2	\$ 30.00	Receipt of email from client with location of her mother	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1.	\$ 15.00
9/20/2019	LM	150	0.2	\$ 30.00	email Dave at Servlaw to attempt personal service at the Kraft house address	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; an email should be .1 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services (this is not a legally substantive task).	\$ 30.00
9/20/2019	LCP	300	0.2	\$ 60.00	TC with JPM re providing advance copy of pleading to	Under NRS 159.344 (6)(a)(no compensation	\$ 60.00 ²

² Appellant's Opposition to the Petition for Fees incorrectly identified this billing entry as \$150. As Respondents noted in their Reply in Support of the Petition, the billing entry should have been for \$60. Appellant has corrected that clerical error in this table and adjusted the total accordingly.

					opposing counsel	for internal business activity).	
9/20/2019	JPM	450	1.3	\$ 585.00	Various communications re obtaining guardianship and noticing other parties, as well as logistics b/w the parties re June's care and including responding to Ty Kehoe's ex parte contact with probate court re POA's that are not being honored, etc...	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(5)(b), for "ex parte contact with probate court." How does that benefit the protected person?	\$ 585.00
9/23/2019	LM	150	0.2	\$ 30.00	Telephone call with Chryste in Dept. B regarding approval of order granting temporary guardianship	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services (this is not a legally substantive task).	\$ 30.00
9/23/2019	LM	150	0.1	\$ 15.00	calendar return date for appointment of temporary guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation	\$ 15.00

						for time spent performing secretarial or clerical services.	
9/23/2019	LM	150	0.3	\$ 45.00	telephone call with Dave at Servlaw regarding status of service of amended citation and petition upon June Jones (.2); follow-up email from Dave at Servlaw to also serve the order granting the temporary guardianship (.1);	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 45.00
9/23/2019	LM	150	0.4	\$ 60.00	second telephone call with Chryste regarding faxing over a copy of the order (.2); emailed a copy of the order granting the temporary guardianship to the clients (.2);	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 60.00
9/23/2019	LM	150	0.3	\$ 45.00	efiled the notice of entry of order granting temporary guardianship and arranged for mailing of same (.2); emailed Dave to also serve the Order Granting the	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing	\$ 45.00

					Temporary Guardianship (.1)	secretarial or clerical services.	
9/23/2019	LCP	300	0.4	\$ 120.00	Call from JPM re obtaining Order from Judge's Clerk (.1); call from D. Johnson (.2); communication with JPM re status of Order and message from D. Johnson (.1)	Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 120.00
9/23/2019	JPM	450	0.4	\$ 180.00	Various communications and direction to team re guardianship.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 180.00
9/23/2019	JPM	450	2.2	\$ 990.00	Various communications with client, counsel for Kimberly, counsel for Dick and Gerry. On phone while Robyn visits Kraft house and informs Kimberly of guardianship, to answer questions. Later conversations	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 990.00

					and emails with clients.		
9/24/2019	LM	150	0.5	\$ 75.00	Emailed a copy of the Letters...(2); arrange to obtain certified copies ...(2); emailed a copy of the Letters...to Ty Kehoe and David Johnson (.1).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 75.00

Total proposed reduction for invoice no.

12595

\$ 13,970.00

AA at 179-186.

**Invoice No.
12720**

Date	Tmkr	Rate	Time	Amount	Description	Objection	Proposed Reduction (\$)
9/25/2019	LM	150	0.6	\$ 90.00	Receipt of email...regarding obtaining certified copies (.1); Respond to same (.2); prepare receipt of documents (.1); email Robyn that certified copies are ready for pickup (.1); telephone call	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services.	\$ 90.00

					and leave message with Donna...; efiled affidavit of personal appearance (.1)	These are <i>all</i> secretarial tasks- tasks that are not legally substantive.	
9/25/2019	LCP	300	1.1	\$ 330.00	Review multiple emails from client; lengthy response email re: duties of guardian	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; maybe a call would have lasted less? & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed.	\$ 330.00
9/25/2019	JPM	450	0.6	\$ 270.00	Review some communications. Phone conference with Robyn. Direct team.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 270.00
9/25/2019	LCP	300	0.7	\$ 210.00	Redraft of demand letters to T. Kehoe and D. Johnson per request of R. Friedman.	NRS 159.344(5)(b). How did this task benefit the protected person?	\$ 210.00
9/25/2019	JPM	450	0.7	\$ 315.00	Review of correspondence from Robyn. Direct team re letters to attorneys for other parties.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344	\$ 315.00

					Draft/edit/revise those letters. Send email to client with letter attached.	(6)(a)(no compensation for internal business activity) & Under NRS 159.344(5)(b), How did this task benefit the protected person?	
9/26/2019	LCP	300	0.9	\$ 270.00	Revisions to demand letters to T. Kehoe and D. Johnson per client request.	NRS 159.344(5)(b). How did this task benefit the protected person?	\$ 270.00
9/26/2019	LCP	300	0.3	\$ 90.00	Send demand letters to opposing counsel	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services, regardless of who the biller is. These are all secretarial tasks- tasks that are not legally substantive (transmitting a letter).	\$ 90.00

9/27/2019	AEF	350	0.4	\$ 140.00	Review email from opposing counsel regarding requested items, temporary guardianship and visitation, then review and revise draft response email to opposing counsel regarding same.	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344(5)(b), How did it benefit the protected person?	\$ 140.00
9/27/2019	LM	150	0.2	\$ 30.00	Telephone call with Robyn Friedman regarding email to her sister.	Under NRS 159.344(5)(g)(2) paralegal rate is excessive; the most should be \$150 & Under NRS 159.344(5)(g)(4), no compensation for time spent performing secretarial or clerical services (tasks that are not legally substantive).	\$ 30.00
9/27/2019	JPM	450	2	\$ 900.00	Numerous communications and emails to/from clients, David Johnson, Ty Kehoe trying to obtain June's identification and other property and resolve visitation issues.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity)-attorney David Johnson is a party in the	\$ 900.00

						probate matter, not this guardianship matter.	
9/27/2019	JPM	450	0.5	\$ 225.00	Later phone call with Ty Kehoe. Call with client.	Under NRS 159.344(6)(b), no award is to be made for time that is block- billed.	\$ 225.00
9/28/2019	JPM	450	0.8	\$ 360.00	Review of combative Ty Kehoe communication and response thereto. Multiple communications with clients, counsel for Kimberly and Mr. Kehoe.	Under NRS 159.344(6)(b), no award is to be made for time that is block- billed.	\$ 360.00
9/29/2019	JPM	450	0.6	\$ 270.00	Communications with all parties. Setup and participate in phone conference with Kimberly and her attorney.	Under NRS 159.344(6)(b), no award is to be made for time that is block- billed.	\$ 270.00
9/30/2019	LCP	300	0.3	\$ 90.00	TC with Legal Aid attorney, M. Parra-Sandoval	Under NRS 159.344(5)(i), time for task is excessive and unreasonable; this was a short conversation, and Parra- Sandoval recorded a .1 on this date.	\$ 60.00

10/1/2019	JPM	450	0.2	\$ 90.00	Communication with attorney David Johnson.	Under NRS 159.344 (6)(a)(no compensation for internal business activity)-attorney David Johnson was a party in the probate matter/POA action, not the guardianship matter; and has never appeared on the guardianship matter; & Under NRS 159.344(5)(b). How did this task benefit the protected person?	\$ 90.00
10/1/2019	JPM	450	0.5	\$ 225.00	Phone conference with Kimberly's new attorney Jeff Luszeck. Dictation and staff direction.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed & Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 225.00
10/1/2019	LCP	300	0.5	\$ 150.00	Draft Notice of Intent to Move Protected Person	Under NRS 159.344(5)(i), time for task is excessive and unreasonable--actual body includes three sentences plus a certificate of service; & Under NRS 159.344(5)(g)(4)	\$ 150.00

						no compensation for time spent performing secretarial or clerical services, regardless of who the biller is. This Notice is equivalent to drafting a Notice of Entry of Order, which is a clerical task. There is also a form available.	
10/2/2019	LM	150	1.4	\$ 210.00	Receipt and review of Ty Kehoe's opposition to petition for appointment of temporary guardian and counter petition for appointment of temporary and general guardian.	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(i) this is not efficient or cost-effective--instead it is duplicative work (LCP charged .5 at the \$300 rate for reviewing this same document on the same date); & Under NRS 159.344(5)(b) How did this task benefit the protected person? LM did not draft anything from this. LCP is the one that has been drafting and	\$ 210.00

						revising documents.	
10/2/2019	JPM	450	4.5	\$ 2,025.00	Communications all day with clients, opposing counsel re hearing prep and efforts to settle issues. Review opposition briefs and supplements thereto.	Under NRS 159.344(6)(b), <i>no award</i> is to be made for time that is block-billed (each task must be itemized with a time).	\$ 2,025.00
10/3/2019	JPM	450	3.2	\$ 1,440.00	Settlement negotiations at court; client conferences at court; participate in hearing and follow up conversations with clients and opposing attorneys.	Under NRS 159.344(6)(b), <i>no award</i> is to be made for time that is block-billed (each task must be itemized with a time).	\$ 1,440.00
10/4/2019	LM	150	0.5	\$ 75.00	Receipt of email from Donna to confirm her address and to send future mail to her certified mail (.2); email to Donna and Robyn letting them know certified copies of the Order	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or	\$ 75.00

					Extending the Temporary Guardianship are ready for pickup (.3).	clerical services- -these are not legally substantive tasks.	
10/4/2019	LCP	300	0.4	\$ 120.00	Discuss with JPM re: caregiver compensation	Under NRS 159.344 (6)(a)(no compensation for internal business activity).	\$ 120.00
10/4/2019	LCP	300	0.5	\$ 150.00	Incorporate R. Friedman's requests for items into the existing list of demanded items	Under NRS 159.344(5)(i), time for task is excessive and unreasonable, and could have been delegated to a lower biller (paralegal \$150 x .3).	\$ 105.00
10/4/2019	JPM	450	0.3	\$ 135.00	Communications re compensation for Kimberly as caregiver.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time).	\$ 135.00
10/7/2019	LM	150	0.4	\$ 60.00	Review of email from Geraldine Tomich requesting copy of the petition for guardianship (.2); emailed a copy to Ms. Tomich (.2).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services- -these tasks are	\$ 60.00

						not legally substantive tasks.	
10/8/2019	LM	150	0.3	\$ 45.00	Attempt to call Cindy Sauchak of the Las Vegas Metropolitan Police Department (.1); email Ms. Sauchak regarding setting up a telephone conference with JPM (.1); telephone call with Metro's abuse and neglect (.1)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	\$ 45.00
10/8/2019	JPM	450	0.3	\$ 135.00	Communications with clients and Kimberly's counsel discussing issues and trying to arrange face to face settlement meeting.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time).	\$ 135.00
10/8/2019	LM	150	0.7	\$ 105.00	Telephone call with Detective Ludwig at Metro's abuse and neglect unit regarding setting up conference call.	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; Under NRS 159.344(5)(i), time for task is excessive and unreasonable; & Under NRS 159.344(5)(g)(4)	\$ 105.00

						no compensation for time spent performing secretarial or clerical services- -this task is not a legally substantive task.	
10/9/2019	JPM	450	2.8	\$ 1,260.00	Continue preparing for settlement conference. Travel to and participate in settlement conference at Kimberly's attorney's office.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time).	\$ 1,260.00

Total proposed reduction for invoice no.

12720

\$ 9,740.00

AA at 186-191.

Invoice No. 12748

Date	Tmkr	Rate	Time	Amount	Description	Objection	Proposed Reduction (\$)
10/10/2019	LM	150	0.6	\$ 60.00	Drafted notice of intent for Scott Simmons to appear by telephone at the hearing on October 15th (.5); telephone call and leave message for Scott to confirm the telephone number we can reach him at next week (.1)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; Under NRS 159.344(5)(i), time for task is excessive and unreasonable--the notice of intent to appear by telephone is a standard	\$ 60.00

						document/form is available; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not a legally substantive tasks.	
10/11/2019	LCP	300	4.2	\$ 1,260.00	Draft Reply to Opposition	Under NRS 159.344(5)(i) time for task is excessive and unreasonable-- LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for	\$ 1,260.00

						JPM (I did not include those entries as problematic).	
10/11/2019	LCP	300	0.5	\$ 150.00	Draft Reply to Opposition	Under NRS 159.344(5)(i) time for task is excessive and unreasonable-- LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it	\$ 150.00

						should only be the 2.2 hours for JPM (I did not include those entries as problematic).	
10/11/2019	LM	150	0.8	\$ 120.00	Prepare response to counter petition for guardianship	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(i) this is not efficient or cost-effective--instead it is duplicative work, since LCP is the main staff member drafting the Reply to Opposition (in fact, LCP billed 12 hours on this task).	\$ 120.00
10/11/2019	LM	150	0.6	\$ 90.00	filing response before Tuesday's hearing and preparing a notice of move (.2); prepared a notice of move; efiled and eserved same with the court (.4).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or	\$ 90.00

						clerical services--these tasks are not legally substantive tasks; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed-latter entry.	
10/11/2019	LCP	300	1.7	\$ 510.00	Work on Reply to Opposition	Under NRS 159.344(5)(i) time for task is excessive and unreasonable-- LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for	\$ 510.00

						JPM (I did not include those entries as problematic).	
10/12/2019	JPM	450	3.5	\$ 1,575.00	Review numerous pleadings and communications and draft/edit/revise response pleading. Communications with client and team re the same.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time); & Under NRS 159.344 (6)(a)(no compensation for internal business activity)	\$ 1,575.00
10/13/2019	LCP	300	2.6	\$ 780.00	Work on Reply to Opposition	Under NRS 159.344(5)(i) time for task is excessive and unreasonable-- LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages.	\$ 780.00

						A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	
10/13/2019	JPM	450	0.2	\$ 90.00	Review some emails and direct team on draft of response.	Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time); & Under NRS 159.344 (6)(a)(no compensation for internal business activity)	\$ 90.00

10/14/2019	LCP	300	1.5	\$ 450.00	Work on Reply to Opposition	Under NRS 159.344(5)(i) time for task is excessive and unreasonable-- LCP spent a total of 12.4 hours working on this Reply, and JPM spent an additional 2.2 on the same pleading. The filed pleading is 18 pages of writing plus exhibits, for a total of 56 pages. A chunk of the reply includes repetitive arguments from the Ex Parte Petition filed on 9-19-2019. The Reply should not have taken an excessive amount of time. If this Court will consider allowing this, it should only be the 2.2 hours for JPM (I did not include those entries as problematic).	\$ 450.00
10/14/2019	LCP	300	0.9	\$ 270.00	Gather and assemble documents that will be attached as exhibits to Reply.	Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services (regardless of	\$ 270.00

						who the biller is)--tasks that are not legally substantive.	
10/14/2019	LM	150	0.3	\$ 45.00	Telephone call with Robyn Friedman and Donna to sign the respective verification pages to reply	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services--these tasks are not legally substantive tasks.	\$ 45.00
10/14/2019	LM	150	1.7	\$ 255.00	draft order granting petition for appointment of general guardian	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(i), time for task is excessive and unreasonable, and not cost-efficient. This is work done prematurely. A general guardianship was never granted to these parties and thus this order could never have been filed.	\$ 255.00

10/14/2019	JPM	450	2.5	\$ 1,125.00	Draft/edit/revise supplement and prepare arguments for hearing tomorrow.	Under NRS 159.344(5)(i), first task related to the supplement (which was really just a verification page and certificate of service) should have been delegated to a lower biller/paralegal; & Under NRS 159.344(6)(b), no award is to be made for time that is block-billed (each task must be itemized with a time).	\$ 1,125.00
10/15/2019	LM	150	0.4	\$ 60.00	Receipt of email from Geri Tomich regarding scheduling at 2:00 p.m. meeting with JPM (.2); respond to same and calendar (.2).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(i), time for task is excessive and unreasonable; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services-these tasks are not legally substantive tasks.	\$ 60.00

10/15/2019	LM	150	0.4	\$ 60.00	Telephone call with Sharon Coates regarding latest version of the care plan ... (.2); receipt and review of Rule 6 the initial guardianship care plan rule (.2)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services-the telephone call is not a legally substantive task.	\$ 30.00
10/15/2019	LM	150	0.4	\$ 60.00	Telephone call with Sharon Coates regarding latest version of the care plan ... (.2); receipt and review of Rule 6 the initial guardianship care plan rule (.2)	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services-the telephone call is not a legally substantive task.	\$ 30.00
10/15/2019	LM	150	0.6	\$ 90.00	Prepared supplement to reply to oppositions to include executed verification of clients (.4); efiled and mailed same (.2).	Under NRS 159.344(5)(g)(2) paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or	\$ 90.00

						clerical services- -these tasks- preparing documents to file, efilng, and mailing are not a legally substantive tasks.	
10/15/2019	JPM	450	5.2	\$ 2,340.00	Prepare for hearing. Participate in hearing including client conferences and negotiations.	Under NRS 159.344(6)(b), no award is to be made for time that is block- billed (each task must be itemized separately, with a time).	\$ 2,340.00
10/18/2019	LM	150	0.2	\$ 30.00	Review court file for order regarding hearing; calendared evidentiary hearing and return hearing on investigator's report.	Under NRS 159.344(5)(g)(2), paralegal rate is excessive-the most should be \$150; & Under NRS 159.344(5)(g)(4) no compensation for time spent performing secretarial or clerical services- -these are not legally substantive tasks.	\$ 30.00

**Total proposed
reduction for
invoice no.
12748**

\$ 9,360.00