

IN THE SUPREME COURT OF THE STATE 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 FRIEDMAN; AND DONNA
SIMMONS,

Respondents.

Case No. 81799

Electronically Filed
May 05 2021 05:47 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

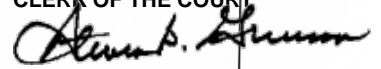
Appeal from the Eighth Judicial
District Court, the Honorable Linda
Marquis Presiding

RESPONDENTS' APPENDIX, VOLUME 4
(Nos. 425–487)

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Attorneys for Respondents, Robyn Friedman and Donna Simmons



SUPP

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Counsel 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: 10/15/19

Time of Hearing: 10:00 a.m.

SUPPLEMENT TO REPLY TO OPPOSITIONS FILED

☒ 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 Robyn Friedman and Donna Simmons hereby supplements its Reply to

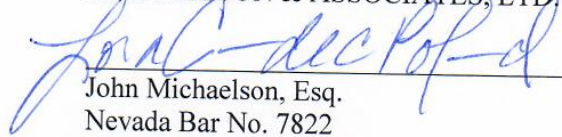
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1
2 Oppositions Filed to include the executed Verifications of Robyn Freidman and Donna Simmons
3 which are attached hereto.

4 DATED: October 15, 2019.

5 MICHAELSON & ASSOCIATES, LTD.

6 A handwritten signature in blue ink, appearing to read "John Michaelson", is written over a horizontal line.

7 John Michaelson, Esq.

8 Nevada Bar No. 7822

9 Lora Caindec-Poland, Esq.

10 Nevada Bar No. 14178

11 2200 Paseo Verde Parkway, Ste. 160

12 Henderson, Nevada 89052

13 Counsel for Petitioners
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CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, the undersigned hereby certifies a copy of the Supplement to Reply to Oppositions Filed was served on the following individual on October 14, 2019. In addition, pursuant to Nevada Rule of Civil Procedure 5(b), the undersigned hereby certifies that on October 15, 2019 a copy of the Supplement Reply to Oppositions Filed 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:

Kathleen June Jones 6277 Kraft Avenue Las Vegas, Nevada 89130	Maria L. Parra-Sandoval, Esq. Legal Aid Center of Southern Nevada mparra@lacsns.org Alexa Reanos areanos@lacsns.org
Matthew C. Piccolo, Esq. PICCOLO LAW OFFICES matt@piccololawoffices.com Co-Counsel for Rodney Gerald Yeoman	Ty E. Kehoe, Esq. KEHOE & ASSOCIATES TyKehoeLaw@gmail.com Attorney for Rodney Gerald Yeoman
Jeffrey P. Luszeck, Esq. Ross E. Evans, Esq. SOLOMON DWIGGINS & FREER, LTD. jluszeck@sdfnvlaw.com revans@sdfnvlaw.com Attorney for Kimberly Jones	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
Jon Criss 804 Harksness Lane, Unit 3 Redondo Beach, CA 90278	Ryan O'Neal 112 Malvern Avenue, Apt. E Fullerton, CA 92832
Kate McCloskey NVGCO@nvcourts.nv.gov	

1 LaChasity Carroll
2 lcarrol@nvcourts.nv.gov

3 MICHAELSON & ASSOCIATES, LTD.

4 
5 Employee of Michaelson & Associates
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1
2 **VERIFICATION**

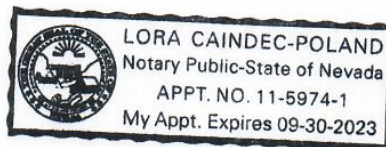
3 STATE OF NEVADA)
4) : ss.
5 COUNTY OF CLARK

6 Robyn Friedman, being first duly sworn under penalty of perjury, hereby deposes and says:
7 that she is a Petitioner in the above-referenced petition; that she has read the foregoing Reply to
8 Oppositions Filed and knows the contents thereof; that the same are true of her own knowledge
9 except as to those matters therein stated upon information and belief and as to those matters, she
10 believes them to be true.

11 
12 ROBYN FRIEDMAN

13 SUBSCRIBED and AFFIRMED to before me this
14 15 day of October, 2019 by Robyn Friedman

15 
16 NOTARY PUBLIC in for said County and State



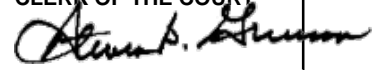
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Donna Simmons, being first duly sworn under penalty of perjury, hereby deposes and says: that she is a Petitioner in the above-referenced Reply; that she has read the foregoing Reply to Oppositions Filed and knows the contents thereof; that the same 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.

SUBSCRIBED and AFFIRMED to before me this
15 day of October, 2019 by Donna Simmons

NOTARY PUBLIC in for said County and State





1 NEO

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4 ***

5 In the Matter of the Guardianship of:
6 Kathleen Jones, Protected Person(s)

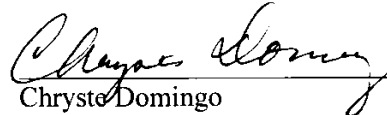
Case No.: G-19-052263-A
Department B

7 **NOTICE OF ENTRY OF ORDER**

8 TO ALL INTERESTED PARTIES:

9 PLEASE TAKE NOTICE that an Order was entered in the above-entitled matter
10 on October 16, 2019, a true and correct copy of which is attached hereto.

11 Dated this 16th day of October, 2019.



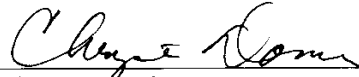
13 Chryste Domingo
14 Judicial Executive Assistant to the
15 HONORABLE LINDA MARQUIS

16
17
18
19 **CERTIFICATE OF SERVICE**

20 I hereby certify that on the above file stamped date:

21 ☒ E-Served pursuant to NEFCR 9 on October 16, 2019, or placed in the folder(s) located in
22 the Clerk's Office of, the following attorneys:

23 John P. Michaelson, Esquire
24 Maria L. Parra-Sandoval, Esquire
25 Ty E. Kehoe, Esquire
26 Jeffrey P. Luszeck, Esquire

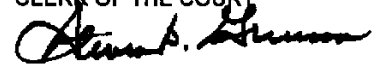


27 Chryste Domingo
28 Judicial Executive Assistant to the
HONORABLE LINDA MARQUIS

1 **ORDR**

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

Electronically Filed
10/15/2019 5:00 PM
Steven D. Grierson
CLERK OF THE COURT



4
5 In the Matter of the Guardianship of:

Case No.: G-19-052263-A

6 Kathleen Jones

Department: B

7 _____
8 Protected Person(s)

9 **ORDER TO APPOINT INVESTIGATOR**

10 This matter has been reviewed by the Court on October 15, 2019. The Court, having
11 jurisdiction of the subject matter, finds an expanded investigation is required in this matter.

12 **IT IS HEREBY ORDERED:**

- 13 1. The Court appoints the following as investigator in this matter:

14 Kate McCloskey, State Guardianship Compliance Officer, or designee
201 S. Carson Street, Suite 250
Carson City, NV 89701-4702
15 Phone: 775-684-1783
16 Fax: 775-684-1723

- 17 2. The State Guardianship Compliance Officer shall conduct an investigation into the
18 Protected Person's personal circumstances including, but not limited to, the Protected
19 Person's medical and psychiatric/psychological condition, care and maintenance,
20 educational status, placement, and financial status.

- 21 3. Specifically, the State Guardianship Compliance Officer shall also conduct an
22 investigation into: the entire Adult Protective Services records of the Protected Person
23 and medical records of the Protected Person.

- 24 4. Upon presentation of this Order to any hospital, medical care facility, health care
25 provider, educational institution, human service agency, financial institution, or other
26 agency or individual providing placement, care, treatment, services, or benefits to the
27 Protected Person, including records of protected health information under the provision
28 of the Federal Health Insurance Portability and Accountability Act of 1996, the State
Guardianship Compliance Officer shall be authorized to access, review, and/or copy any
record relating to the Protected Person, within the scope of this investigation.

1
2 5. The State Guardianship Compliance Officer shall file a written report with the Court,
3 documenting the results of this investigation, within 90 days of appointment as
4 investigator. The investigative report shall be sent to the parties in this matter, by the
5 State Guardianship Compliance Officer.
6

7
8 **IT IS SO ORDERED.**

9 Dated this 15th day of October, 2019.

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12 _____
13 DISTRICT COURT JUDGE *es*
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1 **ORDR**

2 **DISTRICT COURT**
3 **CLARK COUNTY, NEVADA**

4 In the Matter of the Guardianship of:

5 Kathleen Jones

Case No.: G-19-052263-A

Department: B

6 _____
7 Protected Person(s).
8

9 **ORDER TO APPOINT FINANCIAL FORENSIC SPECIALIST**

10 This matter has been reviewed by the Court on October 15, 2019. The Court, having
11 jurisdiction of the subject matter, and the Protected Person's person and estate, finds a review of the
12 Protected Person's estate, is necessary.

- 13 1. Good cause appearing, the Court appoints the following as financial forensic specialist in
14 this matter:

15 Kate McCloskey, State Guardianship Compliance Officer, or designee
16 201 S. Carson Street, Suite 250
17 Carson City, NV 89701-4702
18 Phone: 775-684-1783
19 Fax: 775-684-1723

- 20 2. The state Guardianship Compliance Officer or designee shall conduct an audit into
21 the Protected Person's personal financial circumstances and the Protected Person's
22 financial records. The state Guardianship Compliance officer will also obtain and
23 review financial records of Rodney Gerald Yeoman and Richard Powell regarding
24 the sale and transfer of the Protected Person's residence to Richard Powell.
25 3. Upon presentation of this Order to any hospital, medical care facility, health care
26 provider, educational institution, human service agency, financial institution, or other
27 agency or individual providing placement, care, treatment, services, or benefits to the
28 Protected Minor, including records of protected health information under the
provision of the Federal Health Insurance Portability and Accountability Act of
1996, the State Guardianship Compliance Officer shall be authorized to access,

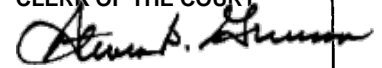
1 review, and/or copy any record relating to the Protected Minor, within the scope of
2 this investigation.

- 3 4. The State Guardianship Compliance Officer or designee is authorized to access,
4 review, and/or copy any and all papers, financial statements, receipts, public benefits
5 records and/or computer files containing information regarding any real and/or
6 personal property or assets of the Protected Person.
- 7 5. Upon presentation of the Order to any bank, brokerage, credit union or other
8 financial institution, public agency or another agency or individual providing
9 financial services and/or benefits to the Protected Person's estate and any interest in
10 any assets belonging to the Protected Person however held and wherever located.
- 11 6. The State Guardianship Compliance Officer shall file a written report with the Court,
12 documenting the results of this investigation, within 90 days of appointment as
13 forensic financial specialist. The report shall be sent to the parties in this matter, by
14 the State Guardianship Compliance Officer.

15 **IT IS SO ORDERED.**

16 Dated this 15th day of October 2019.

17 
18 _____
19 DISTRICT COURT JUDGE 



1 KEHOE & ASSOCIATES
2 TY E. KEHOE, ESQ.
3 Nevada Bar No. 006011
4 871 Coronado Center Drive, Suite 200
5 Henderson, Nevada 89052
6 Telephone: (702) 837-1908
7 Facsimile: (702) 837-1932
8 TyKehoeLaw@gmail.com

6 Matthew C. Piccolo, Esq.
7 Nevada Bar No. 14331
8 PICCOLO LAW OFFICES
9 2450 St. Rose Pkwy. Ste 210
10 Henderson, NV 89074
11 Tel: (702) 749-3699
12 Fax: (702) 944-6630
13 matt@piccololawoffices.com

11 Attorneys for Rodney Gerald Yeoman

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 In the Matter of the Guardianship of the
15 Person and Estate of

16 KATHLEEN JUNE JONES,

17 Proposed Protected Person.

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

Date: October 15, 2019
Time: 10:00 a.m.

18 **ORDER**

19 This matter having come before the Court on October 15, 2019 regarding the verbal Motion
20 of Rodney Gerald Yeoman, husband of the Proposed Protected Person Kathleen June Jones, to
21 have access to the Physician's Certificate filed in this matter on September 19, 2019, with Ty E.
22 Kehoe, Esq. and Matthew C. Piccolo, Esq. appearing on behalf of Gerry Yeoman; Maria L. Parra-
23 Sandova, Esq. appearing on behalf of June Jones; Jeffrey P. Luszeck, Esq. appearing on behalf of
24 Kimberly Jones; and John P. Michaelson, Esq. appearing on behalf of Donna Simmons and Robyn
25 Friedman; the Court having heard and considered Mr. Yeoman's request and having considered any
26 pleadings and oral arguments related to this hearing, with no objections made by the other parties,
27
28

RECEIVED
OCT 23 2019
DISTRICT COURT

Page 1 of 2

1 and good cause appearing, the Court hereby enters the following order:

2 The Court finds that Rodney Gerald Yeoman, husband of Kathleen June Jones, the protected
3 person, is an interested party in this matter who should have access to the Physician's Certificate
4 filed in this matter on September 19, 2019.

5 IT IS HEREBY ORDERED that the Clerk provide Mr. Yeoman, or his counsel of record,
6 a copy of the Confidential Physician's Certificate of Incapacity and Medical Records filed in this
7 matter on September 19, 2019.

8 IT IS FURTHER ORDERED that this Order shall be effective immediately upon entry.

9 IT IS FURTHER ORDERED that Mr. Yeoman and his counsel keep the Physician's
10 Certificate confidential.

11 **IT IS SO ORDERED.**

12 DATED this 29th day of October, 2019.

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15
16 DISTRICT COURT JUDGE

17 LINDA MARQUIS *LM*

18 Submitted By:

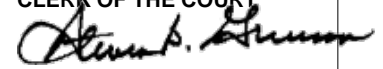
19 *Ty E. Kehoe 10-21-19*

20 Ty E. Kehoe, Esq.

21 KEHOE & ASSOCIATES

22 Matthew C. Piccolo, Esq.

23 PICCOLO LAW OFFICES
24
25
26
27
28



Marquis Aurbach Coffing
Geraldine Tomich, Esq.
Nevada Bar No. 8369
James A. Beckstrom, Esq.
Nevada Bar No. 14032
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
gtomich@maclaw.com
jbeckstrom@maclaw.com
*Attorneys for Kimberly Jones,
Guardian of Kathleen June 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. No.: B

NOTICE OF ASSOCIATION OF COUNSEL

To: All Parties; and

To: Attorneys of record.

Please take notice that Geraldine Tomich, Esq. and James A. Beckstrom, Esq., of the law firm of Marquis Aurbach Coffing hereby appears and associates in with current counsel for Kimberly Jones, as Guardian of the Person and Estate of Kathleen June Jones; as co-counsel with Jeffrey P. Luszeck, Esq., of the law firm Solomon Dwiggin & Freer, Ltd.

Dated this 22nd day of November, 2019.

MARQUIS AURBACH COFFING

By /s/ James A. Beckstrom
Geraldine Tomich, Esq.
Nevada Bar No. 8369
James A. Beckstrom, Esq.
Nevada Bar No. 14032
10001 Park Run Drive
Las Vegas, Nevada 89145
*Attorneys for Kimberly Jones,
Guardian of Kathleen June Jones*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF ASSOCIATION OF COUNSEL** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 22nd day of November, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

Ty E. Kehoe, Esq.
KEHOE & ASSOCIATES
871 Coronado Center Drive, Ste. 200
Henderson, NV 89052
Email: tykehoelaw@gmail.com

Matthew C. Piccolo, Esq.
PICCOLO LAW OFFICES
2450 St. Rose Pkwy., Ste. 210
Henderson, NV 89074
Email: matt@piccololawoffices.com

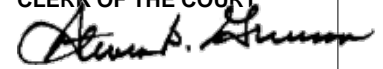
Jeffrey P. Luszeck, Esq.
SOLOMON DWIGGINS & FREER
9060 West Cheyenne Avenue
Las Vegas, NV 89129
Email: jluszeck@sdfnlaw.com

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A

/s/ Cheryl Becnel
An employee of Marquis Aurbach Coffing

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).



Marquis Aurbach Coffing
Geraldine Tomich, Esq.
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gtomich@maclaw.com
jbeckstrom@maclaw.com
*Attorneys for Kimberly Jones,
Guardian of Kathleen June 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. No.: B

**ORDER SHORTENING TIME
REQUESTED**

PETITION FOR RETURN OF PROPERTY OF PROTECTED PERSON

☐ **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

Kimberly Jones, by and through her counsel of record, James A. Beckstrom, Esq. of the law firm of Marquis Aurbach Coffing, hereby petitions this Petition for Return of Property of Protected Person.

///

1 Dated this 22nd day of November, 2019.

2
3 MARQUIS AURBACH COFFING

4
5 By /s/ James A. Beckstrom
6 Geraldine Tomich, Esq.
7 Nevada Bar No. 8369
8 James A. Beckstrom, Esq.
9 Nevada Bar No. 14032
10 10001 Park Run Drive
11 Las Vegas, Nevada 89145
12 *Attorneys for Kimberly Jones, Guardian
13 of Kathleen June Jones*

14
15 **DECLARATION OF JAMES A. BECKSTROM, ESQ. IN SUPPORT OF ORDER**
16 **SHORTENING TIME**

17 James A. Beckstrom, Esq. declare as follows:

18 1. I am over the age of 18 years and have personal knowledge of the facts stated
19 herein, except for those stated upon information and belief, and as to those, I believe them to be
20 true. I am competent to testify as to the facts stated herein in a court of law and will so testify if
21 called upon.

22 2. I am an attorney with the law firm of Marquis Aurbach Coffing and represent
23 Kimberly Jones, guardian of protected person Kathleen June Jones ("June").

24 3. During the October 15, 2019 hearing concerning the guardianship of June, this
25 Court stated that should the guardian of June feel it necessary to file a civil action and need
26 permission to do so, an order shortening time would be accommodated.

27 4. Kimberly along with the support of her siblings after an investigation has
28 determined that a civil lawsuit must immediately be filed in order to protect June's financial
interests.

Accordingly, Kimberly as guardian of the protected person has filed a concurrent
request on shortened time to file a separate civil lawsuit and in the interest of judicial efficiency
the instant motion is sought on shortened time.

6. Additionally, an order on shortened time is necessary based on the best interest of the protected person, who continues to experience emotional distress as a result of having her companion animals wrongfully withheld from her.

7. With the companion motion filed on shortened time, judicial efficiency would be furthered by hearing the instant motion at the same date and time as the Motion for Confirmation.

8. This motion is not brought for purposes of delay.

Pursuant to NRS § 53.045, I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this 22nd day of November 2019.

/s/ James A. Beckstrom
James A. Beckstrom, Esq.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The instant Petition seeks the return of Kathleen June Jones (“June”) beloved dogs, Nikki and Charlie, who have and continue to be wrongfully being withheld from her by Richard Powell and Candice Powell (collectively “Powell”), and Rodney Gerald Yeoman (“Gerald”). June was gifted these dogs by her children as birthday presents and has always cared for these dogs. June’s affinity for these dogs is easily understood, as June has increasingly relied on the companionship of these animals as her cognitive abilities have continually declined.

Unfortunately, in early October, Kimberly drove June and the dogs over to visit Gerald (who lives with Powell). After the visit ended, Gerald refused to allow the dogs to return with Kimberly and stated he would not return the dogs to June’s residence. This Petition seeks an order for return of June’s personal property—a very straightforward request.

///

///

1 **II. STATEMENT OF FACTS**

2 **A. JUNE IS GIFTED NIKKI AND CHARLIE IN 2014.**

3 June was gifted Nikki, a Shih Tzu in 2010 as a collective birthday gift from her children.¹
4 In or around 2014, Nikki was mated to June's son's dog which produced Charlie.² Both Nikki
5 and Charlie have always lived at June's Kraft Avenue house.³ June has continuously cared for
6 both Nikki and Charlie since her ownership of the dogs and both dogs lived with June up until
7 approximately October 2019.⁴

8 **B. NIKKI AND CHARLIE ARE WRONGFULLY REMOVED FROM JUNE'S**
9 **POSSESSION.**

10 In or around October 2019, Kimberly took June, Nikki, and Charlie to visit her husband
11 Gerald.⁵ When it was time to leave, Gerald made clear he was not going to give the dogs back to
12 June.⁶ Currently, both Nikki and Charlie are being kept away from June at Gerald's home,
13 which is owned by Powell (2540 E. Harmon Las Vegas, NV 89121).⁷ Gerald has ignored all
14 requests to return the dogs to June's home.⁸ June, nor Kimberly have authorized Gerald to take
15 control of Nikki or Charlie.⁹

16 **III. LEGAL ARGUMENT**

17 Kimberly as guardian of June is statutorily required to act in the best interest of June.
18 Here, as this Court is aware, a concurrent petition for permission to file a civil lawsuit on behalf

19 ¹ Declarations of Kimberly Jones, Guardian of June Jones and Robyn Friedman, collectively attached as
20 **Exhibit 1.**

21 ² *Id.*

22 ³ *Id.*

23 ⁴ *Id.*

24 ⁵ *Id.*

25 ⁶ *Id.*

26 ⁷ *Id.*

27 ⁸ *Id.*

28 ⁹ *Id.*

1 of June for financial exploitation is pending before the Court. While the forthcoming legal
2 action is expected to resolve much of June's financial exploitation, it will not appropriately (or
3 timely) address June's legal interest in securing possession of her two dogs, which she remains
4 the lawful owner of. Without immediate judicial intervention, June will continue to be deprived
5 of her dogs for an extended period of time. June has expressed increasing concern for the return
6 of her dogs and has consistently asked her guardian and appointed attorney to assist her in
7 bringing her dogs back to her home.¹⁰

8 As such, Kimberly as guardian of June and with the approval of June's appointed
9 counsel, hereby petitions this Court for an order compelling the return of Nikki and Charlie to
10 the care and custody of Kimberly (and June). This Court is empowered with the authority to
11 order the return of such personal property and the requested order is necessary to advance the
12 best interest of June without any further delay.

13 **A. KIMBERLY IS AUTHORIZED TO PETITION THE COURT FOR**
14 **RETURN OF PROPERTY OF THE PROTECTED PERSON.**

15 A guardian of a protected person has an obligation to act in the best interest of the
16 protected person. This is not subject to dispute. As part of acting in the best interest of the
17 protected person, a guardian is required to take all action necessary to protect the financial
18 interests of the protected person and take all efforts to effectuate the return of wrongfully
19 withheld property (real or personal). *See* NRS; 159.305; NRS 159.095; NRS 159.093.

20 In Nevada, a guardian "[s]hall demand all debts and other choses in action due to the
21 protected person." NRS 159.093. There is no discretion, but rather such action is mandatory. *Id.*
22 As it applies to the conversion of real or personal property, NRS 159.305 provides the guardian
23 of the protected person the statutory right to seek relief from this Court when "*a person has or is*
24 *suspected to have concealed, converted to his or her own use, conveyed away or otherwise*
25 *disposed of any money, good, chattel or effect of the protected person.*" (Emphasis added.).

26
27
28

¹⁰ *Id.*

1 This right is supported by the Courts ability to “order the person to return the asset or the value
2 of the asset to the guardian of the estate.” NRS 159.315(1).¹¹

3 Here, unlike any other piece of personal property, June’s dogs are a protectable personal
4 property which belongs solely to June. These dogs were gifted to June and are therefore separate
5 property.¹² NRS 123.130. As such, NRS 159.315 therefore authorizes this Court to enter an
6 order delivering the dogs to Kimberly, as guardian of June. *Id.*

7 **B. JUNE HAS AND CONTINUES TO BE THE LAWFUL OWNER OF THE**
8 **DOGS.**

9 June is the lawful owner of Nikki and Charlie. June was gifted Nikki, a Shih Tzu in 2010
10 as a collective birthday gift from her children.¹³ In or around 2014, Nikki was mated with June’s
11 son’s dog which produced Charlie.¹⁴ Both Nikki and Charlie have always lived at June’s Kraft
12 Avenue house.¹⁵ June has cared for these dogs over the years and since her cognitive decline has
13 increasingly relied on the companionship of Nikki and Charlie. June has continuously cared for
14 both Nikki and Charlie since her ownership of the dogs and both dogs lived with June up until
15 approximately October 2019, when Gerald made clear he was not going to give the dogs back to
16 June after seeing them during a visit with June.¹⁶

17 **C. NIKKI AND CHARLIE MUST BE RETURNED.**

18 NRS 159.315 therefore authorizes this Court to enter an order delivering the dogs to
19 Kimberly, as guardian of June. There is no viable dispute that Nikki and Charlie were gifts to
20 June, have always resided with June, and have been wrongfully withheld from June by Gerald
21 and Powell. NRS 123.130 (“All property of a spouse owned by him or her before marriage, and

22 ¹¹ To the extent Powell and/or Gerald feel this is not true, Kimberly will urge this Court to make factual
23 findings and reserves the right to seek double damages and attorneys’ fees as authorized by statute.

24 ¹² *Id.*

25 ¹³ *Id.*

26 ¹⁴ *Id.*

27 ¹⁵ *Id.*

28 ¹⁶ *Id.*

1 that was acquired by him or her afterwards by gift, bequest, devise, descent . . . with the rents,
2 issues and profits thereof, is his or her separate property.”). Therefore, an order returning the
3 dogs must be entered.

4 **IV. CONCLUSION**

5 Accordingly, this Court should enter an order returning Nikki and Charlie to the care and
6 custody of Kimberly on behalf of June. No just reason exists to delay the return of these animals
7 and not ordering the return of these animals will only exacerbate the already difficult cognitive
8 issues June is dealing with.

9
10 Dated this 22nd day of November, 2019.

11 MARQUIS AURBACH COFFING

12
13 By /s/ James A. Beckstrom
14 Geraldine Tomich, Esq.
15 Nevada Bar No. 8369
16 James A. Beckstrom, Esq.
17 Nevada Bar No. 14032
18 10001 Park Run Drive
19 Las Vegas, Nevada 89145
20 *Attorneys for Kimberly Jones, Guardian*
21 *of Kathleen June Jones*
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **PETITION FOR RETURN OF PROPERTY OF PROTECTED PERSON** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 22nd day of November, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹⁷

Ty E. Kehoe, Esq.
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Matthew C. Piccolo, Esq.
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Henderson, NV 89074
Email: matt@piccololawoffices.com

Jeffrey P. Luszeck, Esq.
SOLOMON DWIGGINS & FREER, LTD
9060 West Cheyenne Avenue
Las Vegas, NV 89129
jluszeck@sdfnlaw.com

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A

/s/ Cheryl Becnel
An employee of Marquis Aurbach Coffing

¹⁷ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

Exhibit 1

DECLARATION OF ROBYN FRIEDMAN

Robyn Friedman, declares as follows:

1. I am over the age of 18 years and have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

2. I have reviewed the declaration of Kimberly Jones in support of the Order Shortening time and join with each factual averment therein.

3. Nikki and Charlie have always lived exclusively at my mother's home on Kraft Avenue.

4. Nikki was a birthday gift to my mother from all her children and Charlie was a gift that spawned from Nikki and my brother's dog.

Pursuant to NRS § 53.045, I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this 29th day of October, 2019.



Robyn Friedman

**DECLARATION OF KIMBERLY JONES IN SUPPORT OF
ORDERS SHORTENING TIME**

Kimberly Jones, declares as follows:

1. I am over the age of 18 years and have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

2. I am the guardian of the person and estate of Kathleen June Jones ("June").

3. As guardian of June I have made a diligent review of the financial records available to me in determining whether a civil lawsuit on behalf of June is necessary to protect her economic interests and believe such a lawsuit is necessary against Richard Powell and Candice Powell (collectively "Powell"), and Gerald Yeoman ("Gerald").

4. My initial review of my mother's financial records indicates a number of independent instances of financial exploitation, including and not limited to: (1) the transfer of my mother's primary residence for \$100,000 less than fair market value while she lacked mental capacity; (2) unauthorized financial withdrawals from my mother's checking accounts; and (3) an unauthorized refinance of my mother's rental property in California.

5. To date, demand has been made upon Powell for the return of my mother's residence and a full accounting of the money withdrawn from my mother's accounts, but such attempts have been futile.

6. I have filed police reports with LVMPD concerning the above stated instances of elder abuse and/or financial exploitation.

7. Pursuant to NRS 159.305 I affirm under penalty of perjury that Gerald and/or Powell have and continue to wrongfully be in possession of my mother's personal property, which includes her two dogs, Nikki and Charlie.

8. In early October, I brought my mother along with Nikki and Charlie to visit Gerald at the residence of Powell.

1 9. When it was time for my mother to leave to return home, Gerald with the
2 assistance and support of Powell refused to turn over Nikki and Charlie to my mother.

3 10. I have demanded the return of Nikki and Charlie to no avail.

4 11. My mother asks where Nikki and Charlie are multiple times a day and has
5 suffered increased bouts of sadness without her dogs.

6 12. Nikki and Charlie have always lived exclusively at my mother's home on Kraft
7 Avenue.


8 13. Nikki was a birthday gift to my mother from all her children and Charlie was a
9 gift that spawned from Nikki and my brother's dog.

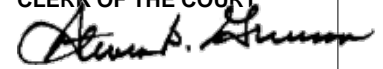
10 14. I have personal knowledge that Nikki and Charlie remain at the residence of
11 Powell.

12 15. I have not provided Powell nor Gerald permission to retain possession of Nikki or
13 Charlie.

14 Pursuant to NRS § 53.045, I declare under penalty of perjury under the laws of the State
15 of Nevada that the foregoing is true and correct.

16 Dated this 12th day of November, 2019.

17
18 
19 _____
20 Kimberly Jones
21
22
23
24
25
26
27
28



Marquis Aurbach Coffing
Geraldine Tomich, Esq.
Nevada Bar No. 8369
James A. Beckstrom, Esq.
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*Attorneys for Kimberly Jones,
Guardian of Kathleen June 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. No.: B

**ORDER SHORTENING TIME
REQUESTED**

**PETITION FOR CONFIRMATION TO BRING CIVIL ACTIONS
ON BEHALF OF KATHLEEN JUNE JONES**

☐ **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, Geraldine Tomich, Esq. and James A. Beckstrom, Esq. of the law firm of Marquis Aurbach Coffing, hereby petitions this Court for Confirmation to Bring Civil Actions on Behalf of Kathleen June Jones against Richard Powell, Candice Powell, and Rodney Gerald Yeoman.

Page 1 of 10

MAC:15820-001 11/22/2019 11:17 AM

1 Dated this 22nd day of November, 2019.

2 MARQUIS AURBACH COFFING

3
4 By /s/ James A. Beckstrom
5 Geraldine Tomich, Esq.
6 Nevada Bar No. 8369
7 James A. Beckstrom, Esq.
8 Nevada Bar No. 14032
9 10001 Park Run Drive
10 Las Vegas, Nevada 89145
11 *Attorneys for Kimberly Jones, Guardian
12 of Kathleen June Jones*

13 **DECLARATION OF JAMES A. BECKSTROM, ESQ. IN SUPPORT OF ORDER**
14 **SHORTENING TIME**

15 James A. Beckstrom, Esq. declare as follows:

16 1. I am over the age of 18 years and have personal knowledge of the facts stated
17 herein, except for those stated upon information and belief, and as to those, I believe them to be
18 true. I am competent to testify as to the facts stated herein in a court of law and will so testify if
19 called upon.

20 2. During the October 15, 2019 hearing, this Court stated that should the guardian of
21 June feel it necessary to file a civil action and need permission to do so, an order shortening time
22 would be accommodated.

23 3. Kimberly along with the support of her siblings after an investigation have
24 determined that a civil lawsuit must immediately be filed in order to protect June's financial
25 interests. *See* Declaration of Kimberly Jones, attached as **Exhibit 1**.

26 4. Time is of the essence in filing this lawsuit, as June's personal residence has and
27 continues to be held by a third party and June is in immediate need of assets she has lost due to
28 financial exploitation.

Moreover, pursuant to a prior court order, the current *lis pendens* on June's real
property has been ordered expunged and a new *lis pendens* must be filed immediately to protect

1 the property from being transferred to a potential bona fide purchaser for value. A *lis pendens*
2 cannot be filed without the initiation of a lawsuit over that property.

3 6. Kimberly believes the requested civil lawsuit is necessary to preserve her
4 mother's estate.

5 7. This motion is not brought for purposes of delay.

6 Pursuant to NRS § 53.045, I declare under penalty of perjury under the laws of the State
7 of Nevada that the foregoing is true and correct.

8 Dated this 22nd day of November 2019.

9
10 /s/ James A. Beckstrom
11 James A. Beckstrom, Esq.

12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 **I. INTRODUCTION**

14 This is a very straightforward request. Kimberly Jones ("Kimberly") was appointed as
15 guardian of Kathleen June Jones ("June"). Kimberly and her sisters, in recent months, have
16 discovered that Richard Powell, Candice Powell, and Rodney Gerald Yeoman have exploited
17 June financially. This exploitation includes one of June's largest financial assets (her home in
18 Las Vegas, Nevada) being transferred to Richard and Candice Powell for \$100,000 under fair
19 market value, when June lacked the requisite mental capacity to approve any such transfer, a
20 number of unauthorized withdrawals from June's bank accounts, and removing June from her
21 marital checking accounts.

22 Now, as previously brought to this Court's attention, Kimberly as guardian along with the
23 full support of her siblings, seek confirmation under NRS 159.093 to bring a civil lawsuit against
24 Richard Powell ("Richard"), Candice Powell ("Candice"), and Rodney Gerald Yeoman
25 ("Gerald") in order to prosecute her mother's financial exploitation and obtain the financial relief
26 available to June under the law. A proposed draft complaint is enclosed as **Exhibit 2**.

27 ///

28 ///

1 **II. STATEMENT OF FACTS**

2 **A. FACTS UNDERLYING THE GUARDIANSHIP PROCEEDINGS.**

3 June was born on January 20, 1937 and is presently 82 years old.¹ Kimberly is one of
4 three daughters of June.² Robyn Friedman and Donna Simmons are also June's daughters. June
5 also has a son, Scott Simmons, who resides in June's rental property in Anaheim, CA. June is a
6 resident of Clark County, Nevada, residing at 6277 Kraft Avenue, Las Vegas, Nevada 89130 (the
7 "Property").³

8 In 2002, June obtained the Property as the sole owner from her late husband.⁴ In 2009,
9 June married Rodney Gerald Yeoman ("Yeoman"). Since approximately 2014, June's memory
10 and cognition have been in decline.⁵ In 2017 June was diagnosed with a degenerative
11 neurological disorder and has since been seeing specialists at the Cleveland Clinic's Luo Ruvo
12 Center in Las Vegas for treatment.⁶

13 In or around March 2019, Kimberly and her sisters discovered the Property had been
14 "sold" on January 16, 2018 for \$100,000 less than fair market value to Richard and Candice
15 Powell.⁷ This "sale" did not involve an attorney for June and was prepared by Richard. June did
16 not receive any cash for this "sale" and the reported value for this sale is simply based on the
17 Declaration of Value form the Richard completed and recorded with Clark County Recorder's
18 office. Kimberly further discovered that her mother, lacking any legal competence, apparently
19 "signed" a deed transferring the Property. However, June maintains no recollection of agreeing

20
21 ¹ See Opposition to Ex Parte Petition for Appointment of Temporary and General Guardian of the Person
22 and Estate and Counter-Petition for Appointment of Kimberly Jones as Temporary and General Guardian
of the Person and Estate, filed October 2, 2019.

23 ² *Id.*

24 ³ *Id.*

25 ⁴ *Id.*

26 ⁵ *Id.*

27 ⁶ *Id.*

28 ⁷ See Declaration of Kimberly Jones, attached as **Exhibit 1**.

1 to or signing such a document and adamantly states she never would have sold the Property.⁸
2 When Kimberly confronted Richard about the sale of the Property, Richard promised
3 accountings and an explanation, but since has failed to provide any viable explanation or
4 accounting.⁹

5 After the sale of the Property was discovered, Kimberly and her sisters began reviewing
6 her mother's other accounts with various financial institutions. In doing so it became clear that
7 Gerald and Richard (despite neither having signatory authority) consistently wrote various
8 checks from June's account for various items and even removed June from her marital checking
9 account at Chase Bank (depriving June of her share of at least \$40,000).¹⁰ As recent as
10 September 4, 2019, Kimberly discovered that Richard had utilized June's account to extract up to
11 \$1,000 in cash from an ATM machine. Kim has also discovered that tens of thousands of dollars
12 in gift cards which were provided to her mother by her sister Robyn have been taken from June
13 by Gerald and Richard.

14 Kimberly has initiated a complaint with Adult Protective Services and with the LVMPD
15 elder abuse detail.¹¹ Kim has assisted with the criminal investigation by performing interviews
16 and providing documents she obtained with the power of attorney and by filling in factual
17 details.¹² Based on the above stated revelations, June's daughters became rightfully worried
18 about their mother's financial interest and took what they believed was the most appropriate
19 legal action— guardianship proceedings.

20 **B. THE GUARDIANSHIP PROCEEDINGS.**

21 This Court is well aware of what went on within the guardianship proceedings. Within
22 those proceedings, Robyn Friedman and Donna Simmons retained counsel and sought to obtain

23 ⁸ *Id.*

24 ⁹ *Id.*

25 ¹⁰ *Id.*

26 ¹¹ *Id.*

27 ¹² *Id.*

1 guardianship over their mother. Concurrently, Kimberly through her own counsel opposed the
2 guardianship and counter-petitioned for guardianship. The result of these proceedings were the
3 Court spending in excess of an hour on this issue which resulted in Kimberly being granted
4 guardianship of June.¹³

5 The Court also delivered a brutally honest and appropriate message to Kimberly, Robyn,
6 and Donna—get along and work together in the best interest of June. Since the October 15, 2019
7 hearing, Kimberly, Robyn, and Donna have worked together in good faith to embrace and
8 support June. In doing so, *Kimberly, Robyn, and Donna are focused solely on prosecuting the*
9 *above stated wrongdoers for the financial exploitation explained above.* Now, Kimberly, with
10 the full support of her siblings seeks permission to file suit against Richard, Candice, and Gerald.

11 **III. LEGAL ARGUMENT**

12 Kimberly as guardian of June is statutorily required to act in the best interest of June. Part
13 of serving in the best interest of June requires Kimberly to advance any necessary civil action to
14 protect the past and future financial interests of June. Here, as this Court is well aware, June
15 maintains colorable civil claims against Richard Powell, Candice Powell, and Rodney Gerald
16 Yeoman for financial exploitation, conversion, fraud, and breach of fiduciary duty. Each of these
17 claims relates to recently discovered financial exploitation wherein June's personal residence
18 was fraudulently transferred to Richard and Candice Powell for \$100,000 below market value
19 with no cash changing hands, improperly withdrew thousands of dollars from June's bank
20 account, and removed June from her marital accounts— further depriving June of tens of
21 thousands of dollars.

22 In short, June has been exploited financially through activity that is nothing less than
23 fraud, oppression, and self-dealing. The time has passed for attempts to amicably resolve these
24 claims, as Kimberly and her sisters have worked tirelessly to obtain financial relief for June from
25 the above stated individuals. Consequently, Kimberly now seeks the approval of this Court to
26

27
28 ¹³ See JAVS recording of hearing dated October 15, 2019, on file.

1 file a civil lawsuit against Richard Powell, Candice Powell, and Rodney Gerald Yeoman in the
2 Eighth Judicial District.

3 **A. KIMBERLY AS GUARDIAN OF JUNE IS STATUTORILY REQUIRED**
4 **TO ADVANCE A CIVIL LAWSUIT TO PROTECT THE FINANCIAL**
5 **INTERESTS OF JUNE.**

6 A guardian of a protected person has an obligation to act in the best interest of the
7 protected person. This is not subject to dispute. As part of acting in the best interest of the
8 protected person, a guardian is required to take all action necessary to protect the financial
9 interests of the protected person. This includes, among other things advancing all necessary
10 legal action to protect the financial well being of the protected person and advance necessary
11 litigation to remedy any civil harm perpetrated against the protected person. NRS 159.095; NRS
12 159.093.

13 In Nevada, a guardian “[s]hall demand all debts and other choses in action due to the
14 protected person.” NRS 159.093. There is no discretion, but rather such action is mandatory. *Id.*
15 Procedurally, a guardian of a protected person is authorized to file a civil lawsuit on behalf of a
16 protected person, subject to court approval. *Id.* (“With prior approval of the court, [the guardian]
17 may sue for and receive all debts and other choses in action due to the protected person.”) NRS
18 159.093 states in full as follows:

19 **NRS 159.093 Collecting obligations due protected person.**

20 1. A guardian of the estate:

21 (a) Shall demand all debts and other choses in action due to the protected
22 person; and

23 (b) With prior approval of the court, may sue for and receive all debts and
24 other choses in action due to the protected person.

25 Additionally, during the guardianship hearing, this Court was made aware that Kimberly
26 and her sisters believed it was in the best interest of June to bring a lawsuit against Richard
27 Powell, Candice Powell, and Rodney Gerald Yeoman in order to obtain relief for June. The
28 Court responded to such a request as follows:

If the guardian makes a review and believes she needs to pursue litigation . . . she
can ask me to pursue litigation . . . this is not a surprise to any counsel in this

1 room that she may want to pursue some sort of litigation. . . she will make that
2 determination.”

3 October 15, 2019 Hearing at 1:30, on file.

4 As a result, the instant request is nothing unexpected. Serious allegations of financial
5 exploitation have been raised (and are corroborated by documents this Court has received).
6 Consequently, this Court should confirm Kimberly’s right to file the requested civil lawsuit.

7 **B. A CIVIL ACTION IS NECESSARY TO PROTECT THE INTERESTS OF**
8 **JUNE.**

9 Little argument needs to be advanced to demonstrate that a civil action to prosecute the
10 above-stated financial exploitation of June is necessary. The Court entertained over an hour of
11 argument and reviewed extended briefing on the alleged financial abuses inflicted against June.
12 June’s court-appointed attorney, Maria L. Parra Sandoval, Esq. expressed concerns about the
13 below market transfer of the Property at issue and confirmed that June has no recollection of
14 transferring the Property, the largest asset of her estate. *See* October 15, 2019 Hearing at 7:46, on
15 file.

16 The Court further highlighted the highly questionable transfer of the Property and stated:

17 “I’m concerned about the transfer of the Property. . . and worried no one is
18 looking out for her [June]. . . It’s her dang house. . . I’m real real worried about
19 that. . .”

20 *Id.* at 10:01.

21 The Court also rightfully discussed the fact the Property was purchased for “well under
22 market value (\$100,000.00).” *Id.* at 11:26. This was further propounded by the undisputed fact
23 that Richard Powell, Candice Powell, and Rodney Gerald Yeoman have still refused to turn over
24 the Property and have failed to provide any transparency concerning the transfer of the
25 Property¹⁴ or the other above referenced acts of financial exploitation.

26 Therefore, Kimberly seeks approval from this Court to file the enclosed action to
27 prosecute and protect her mother’s interest.¹⁵ This includes an action for (1) financial

28 ¹⁴ As a matter of law, the transfer of the Property is presumed void under NRS 155.097.

¹⁵ *See* proposed civil complaint, attached as **Exhibit 2**.

1 exploitation of a protected person (elder abuse); (2) conversion; (3) breach of fiduciary duty; (4)
2 fraud; (5) Quiet Title; and other related claims.¹⁶ Each of these claims stems from the taking of
3 the real and personal property from June when June clearly lacked the requisite mental capacity
4 to enter into a contract.

5 **IV. CONCLUSION**

6 There is no just reason to not confirm Kimberly's right to bring a separate civil lawsuit
7 against the above stated tortfeasors. June's financial interests have been violated and Kimberly as
8 guardian is statutorily required to file suit to protect her mother's past and future financial
9 interests.

10 Dated this 22nd day of November, 2019.

11
12 MARQUIS AURBACH COFFING

13
14 By /s/ James A. Beckstrom
15 Geraldine Tomich, Esq.
16 Nevada Bar No. 8369
17 James A. Beckstrom, Esq.
18 Nevada Bar No. 14032
19 10001 Park Run Drive
20 Las Vegas, Nevada 89145
21 *Attorneys for Kimberly Jones, Guardian*
22 *of Kathleen June Jones*

23
24
25
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27 _____
28 ¹⁶ Kimberly reserves the right to amend or add causes of action as additional facts are obtained.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **PETITION FOR CONFIRMATION TO BRING CIVIL ACTIONS ON BEHALF OF KATHLEEN JUNE JONES** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 22nd day of November, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹⁷

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Jeffrey P. Luszeck, Esq.
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9060 West Cheyenne Avenue
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jluszeck@sdfnlaw.com

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A

/s/ Cheryl Becnel
An employee of Marquis Aurbach Coffing

¹⁷ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

Exhibit 1

**DECLARATION OF KIMBERLY JONES IN SUPPORT OF
ORDERS SHORTENING TIME**

Kimberly Jones, declares as follows:

1. I am over the age of 18 years and have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

2. I am the guardian of the person and estate of Kathleen June Jones ("June").

3. As guardian of June I have made a diligent review of the financial records available to me in determining whether a civil lawsuit on behalf of June is necessary to protect her economic interests and believe such a lawsuit is necessary against Richard Powell and Candice Powell (collectively "Powell"), and Gerald Yeoman ("Gerald").

4. My initial review of my mother's financial records indicates a number of independent instances of financial exploitation, including and not limited to: (1) the transfer of my mother's primary residence for \$100,000 less than fair market value while she lacked mental capacity; (2) unauthorized financial withdrawals from my mother's checking accounts; and (3) an unauthorized refinance of my mother's rental property in California.

5. To date, demand has been made upon Powell for the return of my mother's residence and a full accounting of the money withdrawn from my mother's accounts, but such attempts have been futile.

6. I have filed police reports with LVMPD concerning the above stated instances of elder abuse and/or financial exploitation.

7. Pursuant to NRS 159.305 I affirm under penalty of perjury that Gerald and/or Powell have and continue to wrongfully be in possession of my mother's personal property, which includes her two dogs, Nikki and Charlie.

8. In early October, I brought my mother along with Nikki and Charlie to visit Gerald at the residence of Powell.

1 9. When it was time for my mother to leave to return home, Gerald with the
2 assistance and support of Powell refused to turn over Nikki and Charlie to my mother.

3 10. I have demanded the return of Nikki and Charlie to no avail.

4 11. My mother asks where Nikki and Charlie are multiple times a day and has
5 suffered increased bouts of sadness without her dogs.

6 12. Nikki and Charlie have always lived exclusively at my mother's home on Kraft
7 Avenue.

8 13. Nikki was a birthday gift to my mother from all her children and Charlie was a
9 gift that spawned from Nikki and my brother's dog.

10 14. I have personal knowledge that Nikki and Charlie remain at the residence of
11 Powell.

12 15. I have not provided Powell nor Gerald permission to retain possession of Nikki or
13 Charlie.

14 Pursuant to NRS § 53.045, I declare under penalty of perjury under the laws of the State
15 of Nevada that the foregoing is true and correct.

16 Dated this __ day of November, 2019.


17
18 
19 _____
20 Kimberly Jones
21
22
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Exhibit 2

Marquis Aurbach Coffing

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jbeckstrom@maclaw.com
*Attorneys for Kimberly Jones,
Guardian of Kathleen June Jones*

DISTRICT COURT**CLARK COUNTY, NEVADA**

KIMBERLY JONES, AS GUARDIAN OF THE
PERSON AND ESTATE OF KATHLEEN
JUNE JONES, a protected person,

Plaintiffs,

v.

RICHARD POWELL, an individual; CANDICE
POWELL, an individual; RODNEY GERALD
YEOMAN, an individual; DOES I-X, inclusive;
and ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No.:
Dept. No.:

COMPLAINT**Exempt from Arbitration: NAR 3(A)**

- 1. Amount in Controversy in Excess of \$50,000.00**
- 2. Concerns Title to Real Property**
- 3. Declaratory Relief Requested**

Kimberly Jones, as Guardian of the Person and Estate of Kathleen June Jones by and through her counsel of record, Geraldine Tomich, Esq. and James A. Beckstrom, Esq. of the law firm of Marquis Aurbach Coffing, hereby complains as follows.

PARTIES

1. Kathleen June Jones ("June") is a protected person residing in Clark County, Nevada, represented by the guardian of her estate and person, Kimberly Jones ("Kimberly").
2. Kimberly is an individual currently residing in Clark County, Nevada.
3. June resides with Kimberly at 277 Kraft Avenue, Las Vegas, Nevada 89130 (the "Kraft Avenue Property").

///

7. Candice Powell (“Candice”) is an individual residing in Clark County, Nevada and is the daughter of Gerald.

8. Venue is proper in the Eighth Judicial District Court in Clark County, Nevada, pursuant to NRS 13.040 because (1) one or more of the Defendants reside in Clark County, Nevada; and (2) the obligations, acts, abuses, and tortious conduct complained of herein were incurred and committed, in whole or in part, within Clark County, Nevada.

9. This Court has personal jurisdiction over Defendants, pursuant to NRS 14.065 because (1) Defendants' activities and contacts in Nevada have been and continue to be so substantial, continuous, and systematic that Defendants are deemed present in the forum; (2) the obligations, acts, omissions, and tortious actions complained of herein were incurred and committed, in whole or in part, in Clark County, Nevada, and thus, Defendants have had sufficient minimum contacts with this forum such that the exercise of personal jurisdiction over them will not offend traditional notions of fair play and substantial justice.

KATHLEEN JUNE JONES

12. In 2002, June was engaged to Walter Tormala (“Walter”) where they resided together at 6277 Kraft Avenue, Las Vegas, NV (the “Kraft Avenue” property).

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1 13. Walter had purchased the Kraft Avenue property for approximately \$145,000.00
2 in 1996.

3 14. In 2004, Walter executed a quitclaim deed, transferring his interest in the Kraft
4 Avenue property to June as the sole owner.

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

7 16. On June 6, 2007, Walter passed away and June was left to reside in the Kraft
8 Avenue property where she continued to maintain all mortgage payments thereon.

9 17. In 2009, June married Gerald.

10 18. On October 24, 2012, June consulted an attorney and executed a Durable
11 Financial Power of Attorney, in which she again designated Kimberly as her attorney-in-fact.

12 19. Since approximately 2014-2015, June's mobility, memory and cognition have
13 been in steady decline.

14 20. Following hip surgeries in or around 2014-2015, June's cognitive function was
15 reduced to the extent June stopped writing checks, managing her finances, grocery shopping, or
16 performing other routine daily tasks.

17 21. June has not driven a car since 2013.

18 22. From 2014 to present, June's children have witnessed June's inability to perform
19 basic household tasks and severe cognitive impairment.

20 23. During this time period June was diagnosed was treated with medications to treat
21 cognitive decline, including but not limited to declines associated with advanced dementia.

22 24. In 2017 June was diagnosed with a degenerative neurological disorder and has
23 since been seeing specialists at the Cleveland Clinic's Luo Ruvo Center in Las Vegas for
24 treatment in recent months.

25 25. Since her marriage to Gerald, June and Gerald resided together at the Kraft
26 Avenue property.

1 26. In or about March of 2019, Gerald began having serious medical complications
2 which required him to be hospitalized and prohibited Gerald from being able to properly care for
3 June.

4 27. On September 5, 2019, June's physician at the Luo Ruvo Center, Dr. Marwan
5 Sabbagh, certified that June suffers from degenerative neurological disorder resulting in
6 impairment of memory, judgment and other cognitive functions.

7 28. Dr. Marwan further found that June is not capable of handling her own affairs,
8 including medical, financial, and legal decisions, and requires a guardian.

9 29. Pursuant to NRS 159.019, since mid 2016, June has been incompetent as a
10 "...person who, by reason of mental illness, mental deficiency, advanced age, disease, weakness
11 of mind or any other cause, is unable, without assistance, properly to manage and take care of
12 herself or her property."

13 30. Pursuant to NRS 41.1395, June being over 60 years of age during the relevant
14 time period covering each allegation stated herein is a protected person.

15 31. Pursuant to NRS 41.1395, June was a vulnerable person based on her lack of
16 mental competency, which was known to each named Defendant.

17 **KIMBERLY AND HER SIBLINGS DISCOVER JUNE IS BEING FINANCIALLY**
18 **EXPLOITED**

19 32. In or around March 2019, Kimberly and her siblings discovered the Kraft Avenue
20 Property had been "sold" on January 16, 2018 for \$100,000 less than fair market value to
21 Richard and Candice.

22 33. June did not receive cash for this "sale" and this \$100,000 deficiency in value is
23 reflected on the Declaration of Value form that Richard prepared and recorded with the Clark
24 County Recorder's Office along with the purported deed.

25 34. Kimberly and her siblings further discovered that June, lacking any legal
26 competence, apparently "signed" a deed transferring the Kraft Avenue property to Richard
27 (which Richard prepared), but June maintained no recollection of agreeing to or signing such a
28 document.

1 35. June continues to deny she signed a deed for the Kraft Avenue property and does
2 not recall any events surrounding the alleged transfer.

3 36. In or about March 2019 or April 2019, Kimberly asked June if she transferred the
4 Kraft Avenue property and June was in utter disbelief that her home was transferred.

5 37. During the time in which the Kraft Avenue property was allegedly transferred,
6 June lacked any competency to enter into a contract, make informed decisions, or understand the
7 nature of her bounty.

8 38. During the time in which the Kraft Avenue property was sold and for the time
9 preceding the transfer, June was renting empty rooms in the Property for supplemental income.

10 39. Since obtaining title to the Property, Richard has caused June's supplemental
11 rental income to seize.

12 40. During the time in which the Kraft Avenue property was transferred to Richard,
13 Richard was a "Related Person" as defined within NRS 155.0945.

14 41. During the time in which the Kraft Avenue property was transferred to Richard,
15 June was a "Dependent Adult" as defined within NRS 155.0937.

16 42. June was not provided an "independent attorney" at or around the time in which
17 the Kraft Avenue property was transferred to Richard as defined in NRS 155.0937.

18 43. Upon information and belief, Richard materially participated in the material
19 provisions of the transfer instrument (the deed) or arranged for such an instrument to be created
20 by an agent acting under his authority.

21 44. When Kimberly confronted Richard Powell about the sale of the Property,
22 Richard promised accountings and an explanation, but since has failed to provide any viable
23 explanation or accounting.

24 45. Richard knowing June's condition, took advantage of June, and exploited and
25 unduly influenced June to sell the house to Richard and/or his wife Candice.

26 46. Accordingly, Kimberly made a complaint and initiated an elder abuse
27 investigation with Nevada Adult Protective Services ("APS") and with the Las Vegas
28 Metropolitan Police Department ("LVMPD") elder abuse detail.

1 47. Since illegally obtaining ownership to the Kraft Avenue property, Richard has
2 attempted to evict Kimberly (and June) from the Property.

3 **JUNE'S FINANCIAL ACCOUNTS ARE RAIDED.**

4 48. After the sale of the Kraft Avenue property was discovered, Kimberly began
5 reviewing June's bank accounts with various financial institutions.

6 49. Gerald and Richard (despite neither having signatory authority) consistently wrote
7 checks from June's separate checking account for various items and even removed June from her
8 marital checking accounts at Chase Bank (depriving June of her share of at least \$40,000).

9 50. On or around September 4, 2019, Richard utilized June's account to extract up to
10 \$1,000 in cash from an ATM machine without authority.

11 51. In or about 2003, June and Kimberly opened a joint account at Bank of America
12 in which June deposited her social security income and from which her bills were paid. June
13 additionally deposited rents she received from the Anaheim Property.

14 52. Kimberly has discovered that a number of checks were written by Gerald and/or
15 Richard from June and Kimberly's joint Bank of America Account, despite the fact that neither
16 Gerald, nor Richard has signatory authority on the account.

17 53. On or about September 4, 2019, Kimberly discovered that Richard had utilized an
18 ATM card in June's name to withdraw \$1,000 from June and Kimberly's Bank of America
19 account.

20 54. On or about November 2017, Gerald and Richard removed June from her marital
21 accounts she shared with Gerald at Chase Bank, and concurrently made Richard a joint-owner on
22 such accounts.

23 55. Upon information and belief, Gerald and Richard have also withheld and/or
24 utilized tens of thousands of dollars in gift cards provided to June by her daughter Robyn for
25 their own personal benefit.

26 56. At the time June was removed from the marital accounts, there was an
27 approximate balance of \$41,000, of which June maintained a community property interest.
28

1 57. Upon information and belief, Richard utilized a power of attorney he holds for his
2 Gerald to initiate these changes to Gerald and June's Chase Bank accounts for his own benefit
3 and without any authority to act for or remove June's interests in the accounts.

4 58. Upon information and belief, Richard has likewise unduly influenced and
5 exploited his father-in-law, committed these acts without his father-in-law's knowledge, or
6 conspired with his father-in-law to accomplish this act.

7 59. Richard's actions when combined with Gerald's physical and mental capacity or
8 lack thereof, presents actionable legal claims between Gerald and Richard, which are non-
9 waivable conflicts of interest.

10 **FIRST CAUSE OF ACTION**
11 **CONVERSION**

12 **(Against all Defendants)**

13 60. Kimberly realleges and incorporates by reference each allegation contained
14 above, as if they were fully set forth herein.

15 61. Defendants wrongfully obtained, gained, and utilized June's assets (money within
16 bank accounts, real property, and personal property) in a manner unknown, improper and
17 unauthorized manner.

18 62. Defendants intentionally exercised dominion and control over June's personal
19 property by transferring and utilizing June's funds and gift cards for their own personal expense
20 and benefit.

21 63. Defendants continue to wrongfully withhold June's two dogs and gift cards,
22 which are her sole and separate personal property.

23 64. Defendants have refused to return June's dogs or the gift cards.

24 65. Defendants knew and/or should have known that June lacked the cognitive
25 function and capacity to understand the nature of her bounty, to enter into a contract, or make
26 informed decisions during the time period of the above stated acts.

1 66. Defendants knew June was a protected person pursuant to NRS 41.1395, as she is
2 over 60 years of age and was similarly a vulnerable person based on her lack of mental
3 competency.

4 67. Specifically, Defendants without authority withdrew money from June's financial
5 institutions and fraudulently induced June, who lacked capacity, to sign over title to her primary
6 residence (the Kraft Property).

7 68. Defendants' abuse and control of the above stated real and personal property have
8 deprived June of the financial benefit and enjoyment from all the above stated property.

9 69. As a direct and proximate result of Defendants' conversion of June's property,
10 June has been damaged in excess of \$15,000 plus interest thereon, in an amount to be determined
11 at trial.

12 70. Defendants above stated actions were done with a conscious disregard for June's
13 rights and with malice, intended to harm June financially, thus warranting the imposition of
14 punitive damages.

15 71. It has become necessary for Kimberly to retain the services of Marquis Aurbach
16 Coffing to prosecute this action, and Kimberly on behalf of June is entitled to an award of
17 attorney's fees, costs and interest, pursuant to Nevada law.

18 72. As a result of Defendants reckless, fraudulent, oppressive, and malicious conduct,
19 June is entitled to statutory attorney fees, costs, and double damages pursuant to NRS 41.1395.

20 **SECOND CAUSE OF ACTION**
21 **RETURN OF PROPERTY OF PROTECTED PERSON PURSUANT TO NRS 159.305**

22 **(Against all Defendants)**

23 73. Kimberly realleges and incorporates by reference each allegation contained
24 above, as if they were fully set forth herein.

25 74. To the extent NRS 159.305 and/or NRS 159.315 is a remedy rather than a cause
26 of action, Plaintiff pleads as such.

27 75. June is a protected person under NRS 159.305.
28

1 76. NRS 159.305 empowers a guardian of a protected person to petition the court that
2 “(a) That a person has or is suspected to have concealed, converted to his or her own use,
3 conveyed away or otherwise disposed of any money, good, chattel or effect of the protected
4 person; or (b) That the person has in his or her possession or knowledge any deed, conveyance,
5 bond, contract or other writing which contains evidence of, or tends to disclose the right, title or
6 interest of the protected person or proposed protected person in or to, any real or personal
7 property, or any claim or demand, the judge may cause the person to be cited to appear before
8 the district court to answer, upon oath, upon the matter of the petition.”

9 77. Pursuant to NRS 159.315 if the court finds, after examination of a person cited
10 pursuant to NRS 159.305, that the person has committed an act within NRS 159.305, “the court
11 may order the person to return the asset or the value of the asset to the guardian of the estate; or
12 the court may order the person to return the asset or provide information concerning the location
13 of the asset to the guardian of the estate.”

14 78. Pursuant to NRS 159.315(3) an order of the court pursuant to NRS 159.315(1) is
15 prima facie evidence of the right of the proposed protected person or the estate of the protected
16 person to the asset described and any judgment recovered therein must be double the value of the
17 asset, and damages in addition thereof equal to the value of such property.

18 79. Richard, Candice, and/or Gerald have wrongfully retained personal property
19 belonging to June, including but not limited to money, gift cards, June’s two dogs, the Kraft
20 Avenue Property, and other personal property expected to be discovered upon a further financial
21 audit of June’s finances.

22 80. It has become necessary for Kimberly to retain the services of Marquis Aurbach
23 Coffing to prosecute this action, and Kimberly on behalf of June is entitled to an award of
24 attorney's fees, costs and interest, pursuant to Nevada law.

25 **THIRD CAUSE OF ACTION**
26 **INTENTIONAL MISREPRESENTATION / FRAUDULENT INDUCEMENT**

27 **(Against all Defendants)**

1 81. Kimberly realleges and incorporates by reference each allegation contained
2 above, as if they were fully set forth herein.

3 82. Upon information and belief, Richard, Candice, and/or Gerald conspired with one
4 another to make knowingly false representations to June during a time in which they knew or
5 should have known June lacked the requisite mental capacity to enter into a contract (transfer the
6 Kraft Avenue property).

7 83. Upon information and belief, these aforementioned false representations were
8 presented to June as a superior financial option to induce June to sign over the Kraft Avenue
9 Property to Richard and Candice.

10 84. Upon information and belief, June was falsely assured that the transfer of her
11 Property was for fair market value, when Richard, Candice, and/or Gerald knew it was not.

12 85. Upon information and belief, June was not informed as to the contents of the
13 document she was signing (the deed), and was told the document related to something other than
14 the transfer of the Kraft Avenue property.

15 86. Had June maintained the requisite mental capacity of had been presented with the
16 true value of the Kraft Avenue property, the pitfalls of transferring the property, or that the
17 Property would no longer owned by her, June would not have entered into any agreement to
18 transfer the Property.

19 87. Richard, Candice, and/or Gerald falsely represented to June that she was being
20 fairly compensated for the transfer of the Kraft Avenue property, when Richard, Candice, and
21 Gerald knew the transfer of the Kraft Avenue Property was \$100,000 or more below fair market
22 value.

23 88. Richard, Candice, and/or Gerald intended to induce June to transfer the Kraft
24 Avenue property to Richard to benefit them financially.

25 89. Richard, Candice, and/or Gerald knew Kimberly was June's financial power of
26 attorney, but intentionally refused to notify Kimberly, or effectuate the transfer of the Kraft
27 Avenue property with Kimberly.

28

1 90. Upon information and belief, Richard, Candice, and/or Gerald working with one
2 another, falsely presented themselves to June's above described financial institutions (Bank of
3 America and Chase Bank) and without authority withdrew substantial funds from June's
4 accounts.

5 91. June, nor Kimberly authorized the withdraw of any funds from these accounts and
6 to the extent Richard, Candice, or Gerald contend otherwise, such authority was procured
7 through knowingly false representations, including but not limited to false statements that the
8 money was necessary to pay June's expenses and false statements that the money was need to
9 pay for June's rental property in California.

10 92. June, as an incapacitated person relied on Richard, Candice, and/or Gerald in
11 signing the deed to the Kraft Avenue property to Richard and providing any authority to
12 withdraw funds from her bank accounts.

13 93. The misrepresentations by Richard, Candice, and/or Gerald were knowingly false,
14 not in the best interest of June, and designed to extract money from June for their own benefit.

15 94. Upon information and belief, Richard, Candice, and/or Gerald made false
16 representations to financial institutions on behalf of June in order to remove June from her
17 account at Chase Bank.

18 95. June has suffered extensive damages as a result of the above stated fraud, as she
19 has been deprived of the equity in the Kraft Avenue property, the continued increase in value of
20 the Kraft Avenue property, her ability to obtain a mortgage on the Kraft Avenue property, and
21 deprived of funds from her financial accounts which she requires for the support of her health
22 and maintenance.

23 96. For each of the above stated instances of fraud, Richard, Candice, and/or Gerald
24 falsely represented to June that each of the described actions were to advance June's financial
25 benefit—a false statement.

26 97. Upon information and belief, Richard, Candice, and/or Gerald knowingly
27 provided June with false information regarding her finances with the intent of inducing June (in a
28 diminished capacity) to rely on those representations.

1 98. But for the misrepresentations stated above, June would have never have provided
2 the transfer of the Kraft Avenue property or access to her bank accounts.

3 99. As a direct and proximate result of Defendants' intentional misrepresentation and
4 fraudulent inducement, June has been damaged in excess of \$15,000 plus interest thereon, in an
5 amount to be determined at trial.

6 100. Defendants above stated actions were done with a conscious disregard for June's
7 rights and with malice, intended to harm June financially, thus warranting the imposition of
8 punitive damages.

9 101. It has become necessary for Kimberly to retain the services of Marquis Aurbach
10 Coffing to prosecute this action, and Kimberly on behalf of June is entitled to an award of
11 attorney's fees, costs and interest, pursuant to Nevada law.

12 102. As a result of Defendants reckless, fraudulent, oppressive, and malicious conduct,
13 June is entitled to statutory attorney fees, costs, and double damages pursuant to NRS 41.1395.

14 **FOURTH CAUSE OF ACTION**
15 **CIVIL CONSPIRACY**

16 **(Against all Defendants)**

17 103. Kimberly realleges and incorporates by reference each allegation contained
18 above, as if they were fully set forth herein.

19 104. Richard, Candice, and/or Gerald, by acting in concert, intended to accomplish the
20 unlawful objective of depriving June of her personal property, retirement monies, bank accounts,
21 the Kraft Avenue property and other assets in Defendants' custody and care.

22 105. For each of the stated instances of fraud, conversion, and breach of fiduciary duty
23 plead herein, Plaintiff asserts that Richard, Candice, and/or Gerald acted in concert with one
24 another to accomplish each stated unlawful objective.

25 106. As a direct and proximate result of Defendants' concerted tortious actions
26 described herein, June has been damaged in excess of \$15,000 plus interest thereon, in an
27 amount to be determined at trial.

28

107. Defendants above stated actions were done with a conscious disregard for June's rights and with malice, intended to harm June financially, thus warranting the imposition of punitive damages.

108. It has become necessary for Kimberly to retain the services of Marquis Aurbach Coffing to prosecute this action, and Kimberly on behalf of June is entitled to an award of attorney's fees, costs and interest, pursuant to Nevada law.

109. As a result of Defendants reckless, fraudulent, oppressive, and malicious conduct, June is entitled to statutory attorney fees, costs, and double damages pursuant to NRS 41.1395.

FIFTH CAUSE OF ACTION
ELDER ABUSE PURSUANT TO NRS 41.1395.

(Against all Defendants)

110. Kimberly realleges and incorporates by reference each allegation contained above, as if they were fully set forth herein.

111. To the extent NRS 41.1395 is a remedy or enhancement of penalty, Plaintiff pleads as such.

112. June is an "older person" pursuant to NRS 41.1395, as she is over 60 years of age.

113. Prior to 2016, June has been incompetent as a "...person who, by reason of mental illness, mental deficiency, advanced age, disease, weakness of mind or any other cause, is unable, without assistance, properly to manage and take care of herself or her property."

114. Pursuant to NRS 41.1395, June being over 60 years of age during the relevant time period covering each allegation stated herein is a protected person.

115. Pursuant to NRS 41.1395, June was a vulnerable person based on her lack of mental competency, which was known to each named Defendant.

116. June has suffered a loss of money and property as result of financial exploitation as further detailed above.

117. Richard, Candice, and Gerald were all in a position of trust and confidence with June, as they were her close family members who represented they were acting in the best interest of June.

1 118. June relied on the representations of Richard, Candice, and Gerald that they were
2 acting in her best interest and trusted confidants.

3 119. As more fully described in the preceding paragraphs, Defendants have converted
4 June's money, assets, and property (real and personal) to June's detriment.

5 120. The above stated conduct constitutes financial exploitation of an older person
6 pursuant to NRS 41.1395.

7 121. As a result of Defendants financial exploitation of June, June has suffered severe
8 mental anguish and distress.

9 122. Pursuant to NRS 41.1395, June is entitled to two times the actual damages
10 incurred.

11 123. As a result of Defendants reckless, fraudulent, oppressive, and malicious conduct,
12 June is entitled to statutory attorney fees, costs, and double damages pursuant to NRS 41.1395.

13 **SIXTH CAUSE OF ACTION**
14 **DECLARATORY RELIEF**

15 **(Against all Defendants)**

16 124. Kimberly realleges and incorporates by reference each allegation contained
17 above, as if they were fully set forth herein.

18 125. NRS 30.040 authorizes this Court to obtain a declaration of rights to any written
19 contract or deed in which a dispute exists.

20 126. A dispute over the deed transferring the Kraft Avenue property from June to
21 Richard exists, wherein June, through her Guardian Kimberly, disputes the validity of the deed
22 and asserts the deed was obtained by way of undue influence, fraud, or lack of competency.

23 127. A dispute further exists as to the authority of Richard, Candice, and/or Gerald had
24 to remove June from her marital accounts at Chase Bank and to withdraw money from June's
25 Bank of America account.

26 128. June therefore seeks a declaration from this Court as follows:

27 a. Declaring June as the sole owner of the Kraft Avenue property;
28

1 b. Declaring a rebuttable presumption that the Kraft Avenue property was
2 transferred by way of undue influence (NRS 155.097);

3 c. Declare Richard lacks any legal right or title to the Kraft Avenue property;

4 d. Declare June's dogs as her sole and separate property pursuant to NRS
5 123.130;

6 e. Declare the removal of June from the Chase Bank account invalid; and

7 f. Declare that Richard, Candice, and Gerald had no right or authority to
8 access June's Bank of America account.

9 129. Such declarations will resolve the disputes of the aforementioned parties.

10 130. Plaintiff respectfully request that this Honorable Court resolve and declare the
11 rights of the parties herein.

12 131. As a direct and proximate result of the actions described herein which forced this
13 declaratory action, June has been damaged in excess of \$15,000 plus interest thereon, in an
14 amount to be determined at trial.

15 132. It has become necessary for Kimberly to retain the services of Marquis Aurbach
16 Coffing to prosecute this action, and Kimberly on behalf of June is entitled to an award of
17 attorney's fees, costs and interest, pursuant to Nevada law.

18 **SEVENTH CAUSE OF ACTION**
19 **BREACH OF FIDUCIARY DUTY AND AIDING AND**
20 **ABETTING BREACH OF FIDUCIARY DUTY**

21 **(Against all Defendants)**

22 133. Kimberly realleges and incorporates by reference each allegation contained
23 above, as if they were fully set forth herein.

24 134. Gerald as the husband of June has and continues to owe June a fiduciary duty to
25 act in a just, equitable, and transparent fashion.

26 135. As a fiduciary, Gerald was required to make a full disclosure of all material facts
27 within his knowledge in anything related to marital affairs, including the finances of the
28 marriage.

1 136. Gerald, through the assistance of his conspirators, Richard and Candice took
2 affirmative action to breach each of these above stated fiduciary duties by (1) removing June
3 from her marital accounts without permission, notice, or discussion; (2) removing June's interest
4 in the Kraft Avenue Property or facilitating the removal through encouragement, deceit, and
5 misrepresentation; and (3) usurping funds of June (including gift cards) without her permission
6 or knowledge.

7 137. As trusted a trusted confidant and caretaker of June, Gerald owed June a fiduciary
8 duty not to pilfer, control, and/or take from June's accounts, property, assets, and money.

9 138. Defendants through their conspiracy breached that fiduciary duty by wrongfully
10 gaining access and obtaining assets, monies, property, and real property of June.

11 139. Richard and Candice aided and abetted the above described breaches of fiduciary
12 duties to June by knowingly inducing or rendering substantial assistance to Gerald in committing
13 the acts described herein.

14 140. As a direct and proximate result of Defendants' concerted tortious actions
15 described herein, June has been damaged in excess of \$15,000 plus interest thereon, in an
16 amount to be determined at trial.

17 141. It has become necessary for Kimberly to retain the services of Marquis Aurbach
18 Coffing to prosecute this action, and Kimberly on behalf of June is entitled to an award of
19 attorney's fees, costs and interest, pursuant to Nevada law.

20 **EIGHTH CAUSE OF ACTION**
21 **RECISSION OF INSTRUMENT / QUIET TITLE**

22 **(Against Richard and Candice)**

23 142. Kimberly realleges and incorporates by reference each allegation contained
24 above, as if they were fully set forth herein.

25 143. Pursuant Nev. Rev. Stat. § 40.010, this Court is empowered to declare the rights
26 and legal relations of the parties in this matter.

- 1 144. A justiciable controversy exists between the Parties as both June and Richard
2 have made conflicting claims to title of the Property, wherein Richard contends he is the lawful
3 owner of the Property and June, through her guardian contends to the contrary.
- 4 145. June is the legal and equitable owner of the Property, having received the
5 Property from her prior husband as her sole and separate property.
- 6 146. Richard's deed from June for the Kraft Avenue property as a matter of law must
7 be rescinded based on the above stated fraud, undue influence, and June's lack of capacity.
- 8 147. Pursuant to NRS 155.097, the transfer of the Kraft Avenue property from June to
9 Richard was the product of fraud, duress, and/or undue influence and is therefore void.
- 10 148. Pursuant to NRS 155.097 the transfer of the Kraft Avenue property from June to
11 Richard is presumed void as a matter of law.
- 12 149. Pursuant to NRS 155.097, Richard "shall bear the costs of the proceedings,
13 including, without limitation, reasonable attorney's fees."
- 14 150. During the time in which the Kraft Avenue property was allegedly transferred,
15 June lacked any competency to enter into a contract, make informed decisions, or understand the
16 nature of her bounty.
- 17 151. During the time in which the Kraft Avenue property was transferred to Richard,
18 Richard was a "Related Person" as defined within NRS 155.0945.
- 19 152. During the time in which the Kraft Avenue property was transferred to Richard,
20 June was a "Dependent Adult" as defined within NRS 155.0937.
- 21 153. June was not provided an "independent attorney" at or around the time in which
22 the Kraft Avenue property was transferred to Richard as defined in NRS 155.0937.
- 23 154. Upon information and belief, Richard materially participated in the drafting of
24 material provisions of the transfer instrument (the deed) or arranged for such an instrument to be
25 created by an agent acting under his authority.
- 26 155. As a direct and proximate result of Defendants' concerted tortious actions
27 described herein, June has been damaged in excess of \$15,000 plus interest thereon, in an
28 amount to be determined at trial.

NINTH CAUSE OF ACTION
TORTIOUS BREACH OF THE IMPLIED COVENANT OF
GOOD FAITH AND FAIR DEALING

157. Kimberly realleges and incorporates by reference each allegation contained above, as if they were fully set forth herein.

158. Defendants' fraudulently misrepresented their intentions, designs and activities to wrongfully obtain the property, money, and accounts of June.

159. As a direct and proximate result of Defendants' concerted tortious actions described herein, June has been damaged in excess of \$15,000 plus interest thereon, in an amount to be determined at trial.

160. Defendants above stated actions were done with a conscious disregard for June's rights and with malice, intended to harm June financially, thus warranting the imposition of punitive damages.

161. It has become necessary for Kimberly to retain the services of Marquis Aurbach Coffing to prosecute this action, and Kimberly on behalf of June is entitled to an award of attorney's fees, costs and interest, pursuant to Nevada law.

WHEREFORE, Kimberly on behalf of the protected person, in addition to the relief stated herein prays for the following relief:

1. For an award of damages in excess of \$15,000.00;
2. For statutory attorneys' fees and costs, including post-judgment fees and costs;
3. For an award of attorney fees as special damages, subject to supplementation;
4. Pre and post judgment interest;
5. For rescission of the deed transferring the Kraft Avenue Property;
6. For declaratory judgment as stated above and an order quieting title;
7. Punitive damages against Defendants;

MARQUIS AURBACH COFFING

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8. Enhanced damages pursuant to NRS 41.1395 and NRS 159.315;
9. Interest on each attorney fee and cost invoice paid from the date of payment through the date of collection; and
10. For any further relief as the Court deems to be just and proper.

Dated this 14th day of November, 2019.

MARQUIS AURBACH COFFING

By /s/ James A. Beckstrom
Geraldine Tomich, Esq.
Nevada Bar No. 8369
James A. Beckstrom, Esq.
Nevada Bar No. 14032
10001 Park Run Drive
Las Vegas, Nevada 89145

VERIFICATION AND AFFIDAVIT

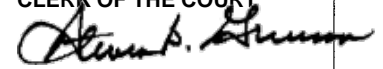
Under penalties of perjury, the undersigned declares that she is the guardian of Kathleen June Jones named in the foregoing complaint, and knows the contents thereof, that the pleading is true of his or her own knowledge, except as to those matters stated on information and belief, and that as to such matters she believes it to be true.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED this 14th day of November, 2019



Kimberly Jones
Guardian of Kathleen June Jones



1 **Marquis Aurbach Coffing**
2 Geraldine Tomich, Esq.
3 Nevada Bar No. 8369
4 James A. Beckstrom, Esq.
5 Nevada Bar No. 14032
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12 *Attorneys for Kimberly Jones,*
13 *Guardian of Kathleen June Jones*

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

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

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

12 KATHLEEN JUNE JONES

13 An Adult Protected Person.
14

15 **NOTICE OF LIS PENDENS**

16 PLEASE TAKE NOTICE that an action was commenced and is pending in the above-
17 titled Court by KIMBERLY JONES, AS GUARDIAN OF THE PERSON AND ESTATE OF
18 KATHLEEN JUNE JONES against RICHARD POWELL AND KANDI POWELL, HUSBAND
19 AND WIFE AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP.

20 The action listed above affects title to a specific parcel of real property. The real property
21 location is 6277 W. KRAFT AVENUE, LAS VEGAS, NV, and whose legal description is as
22 follows:

23 Clark County Assessor Parcel No, 138-02-511-076 legally described as follows: LOT
24 THIRTY-TWO (2), IN BLOCK "B", OF EAGLE TRACE, AS SHOWN BY MAP THEREOF
25 ON FILE IN BOOK 67 OF PLATS, PAGE 50, IN THE OFFICE OF THE COUNTY
26 RECORDER OF CLARK COUNTY, NEVADA.

27 ///

28 ///

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 This action affects the title to and/or possession of that certain real property located in
2 Clark County, Nevada. Therefore, Plaintiff hereby files and records a Lis Pendens against the
3 same in the Official Records of Clark County, Nevada.

4 Dated this 22nd day of November, 2019.

5
6 MARQUIS AURBACH COFFING

7
8 By 

James A. Beckstrom, Esq.
Nevada Bar No. 14032

10001 Park Run Drive
Las Vegas, Nevada 89145

*Attorney for Jones, as Guardian of the
Person and Estate of Kathleen June
Jones*